



Laurel Heights Improvement Association of San Francisco, Inc.

BY HAND

October 7, 2019

San Francisco Board of Supervisors
c/o Clerk of the Board of Supervisors
City and County of San Francisco
City Hall, Room 244
San Francisco, CA 94102

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Re: 3333 California Street, San Francisco, CA
Record Number: 2015-014028ENV
Appeal of Planning Commission's Certification of EIR/CEQA Findings

As President of Laurel Heights Improvement Association of San Francisco, Inc. (LHIA), I am authorized to file this Notice of Appeal and the accompanying appeal from the certification of the Final Environmental Report (EIR) for the 3333 California Street project by the San Francisco Planning Commission on September 5, 2019, along with the related approval of California Environmental Quality Act (CEQA) findings and statement of overriding considerations under CEQA, which related CEQA approvals are also appealed, Case No. 2015-014028CUA. I am authorized to act as agent of LHIA for all purposes of this appeal. A copy of the Planning Commission's decision is attached.

Appellant LHIA and its officers submitted comments to the Planning Commission and the Environmental Review Officer during the EIR comment period both in writing during the public review period and orally and in writing at the public hearings on the EIR and related CEQA findings. Face pages of some of those written comments are attached as Exhibit A to the accompanying letter of LHIA in support of this appeal.

Members of LHIA reside in properties that are within 300 feet of the 3333 California Street site on Laurel Street and Euclid Avenue as shown in the approximate annotations I have made on the map attached as Exhibit A to LHIA's accompanying letter of appeal, and other LHIA members reside in properties nearby the 3333 California Street site. Members of LHIA will be affected by the construction and operational noise, traffic, air emissions, impairment of the historical resource, excavation, destruction of trees and other impacts caused by the proposed project.

Laurel Heights Improvement Association of SF, Inc.



By: Kathryn Devincenzi, President



SAN FRANCISCO
PLANNING DEPARTMENT

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2019 OCT -7 PM 3:11

Planning Commission Motion No. 20512

HEARING DATE: September 5, 2019

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Case No.: 2015-014028ENV
Project Title: 3333 California Street Mixed-Use Project
Zoning: RM-1 (Residential, Mixed, Low Density District)
40-X Height and Bulk District
Block/Lot: Assessor's Block 1032/Lot 003
Lot Size: 446,490 square feet (10.25 acres)
Project Sponsor: Laurel Heights Partners
Don Bragg - (415) 857-9324
dbragg@pradogroup.com
Staff Contact: Kei Zushi - (415) 575-9038
CPC.3333CaliforniaEIR@sfgov.org

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED-USE PROJECT AND PROJECT VARIANT AT 3333 CALIFORNIA STREET. BOTH THE PROJECT AND PROJECT VARIANT WOULD DEMOLISH THE EXISTING ANNEX BUILDING, SURFACE PARKING LOTS, AND CIRCULAR GARAGE RAMPS; PARTIALLY DEMOLISH THE EXISTING FOUR-STORY OFFICE BUILDING AND DIVIDE IT INTO TWO SEPARATE BUILDINGS, VERTICALLY EXPAND THE EXISTING BUILDING TO ADD TWO TO THREE LEVELS; AND CONSTRUCT THIRTEEN NEW BUILDINGS. IN TOTAL, THE PROJECT WOULD INCLUDE 824,691 SQUARE FEET OF RESIDENTIAL USES (CONTAINING A TOTAL OF 558 UNITS), 54,117 SQUARE FEET OF RETAIL USE, 49,999 SQUARE FEET OF OFFICE USE, AND 14,690 SQUARE FEET OF CHILD CARE USE. THE PROJECT VARIANT WOULD INCLUDE 978,611 SQUARE FEET OF RESIDENTIAL USES (CONTAINING A TOTAL OF 744 UNITS), 48,593 SQUARE FEET OF RETAIL USE, AND 14,650 SQUARE FEET OF CHILD CARE USE. BOTH THE PROJECT AND PROJECT VARIANT WOULD ALSO INCLUDE VEHICULAR PARKING, BICYCLE PARKING, LOADING FACILITIES, AND STREETScape IMPROVEMENTS.

MOVED, that the San Francisco Planning Commission (hereinafter "commission") hereby CERTIFIES the final environmental impact report identified as case no. 2015-014028ENV, the "3333 California Street Mixed-Use Project" (hereinafter "project and variant"), based upon the following findings:

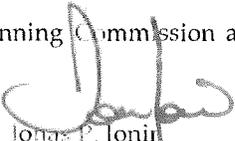
1. The City and County of San Francisco, acting through the planning department (hereinafter "department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code. Regs. Title 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 September 20, 2017.

- B. The department held a public scoping meeting on October 16, 2017 in order to solicit public comment on the scope of the project's environmental review.
 - C. On April 25, 2018, the department published an initial study and provided public notice in a newspaper of general circulation of the availability of the initial study for public review and comment; this notice was mailed to the department's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on April 25, 2018.
 - D. On November 7, 2018, the department published the draft EIR (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 commission public hearing on the DEIR; this notice was mailed to the department's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on November 7, 2018.
 - E. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site on November 7, 2018.
 - F. On November 7, 2018, 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, and to government agencies, the latter both directly and through the State Clearinghouse.
 - G. A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on November 7, 2018.
2. The historic preservation commission held a duly advertised hearing on said DEIR on December 5, 2018 at which historic preservation commission formulated its comments on the DEIR.
 3. The planning commission held a duly advertised public hearing on said DEIR on December 13, 2018 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 January 8, 2019.
 4. The department prepared responses to comments on environmental issues received at the public hearing and in writing during the 62-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, and corrected errors in the DEIR. This material was presented in a response to comments document, published on August 22, 2019, distributed to the commission and all parties who commented on the DEIR, and made available to others upon request at the department.
 5. A final EIR (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 responses to comments document, all as required by law.
 6. 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. The project files are also available on the internet at the following address: <https://www.ab900record.com/3333cal>.

7. On September 5, 2019, the commission reviewed and considered the information contained in 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.
8. The commission hereby does find that the FEIR concerning file no. 2015-014028ENV reflects the independent judgement and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the responses to comments document contains no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
9. The commission, in certifying the completion of said FEIR, hereby does find that the project or project variant described in the EIR as well as the revised project and revised variant would have the following significant unavoidable environmental impacts, which cannot be mitigated to a level of insignificance:
 - A. The proposed project or project variant would have a significant, project-specific impact on historic architectural resources;
 - B. The proposed project or project variant would have a significant, project-specific transit capacity utilization impact related to transportation and circulation; and
 - C. The proposed project or project variant would have a significant, project-specific construction noise impact.
10. The commission reviewed and considered the information contained in the FEIR prior to approving the proposed project.

I hereby certify that the foregoing motion was ADOPTED by the Planning Commission at its regular meeting of September 5, 2019.


Jonas P. Ionis
Commission Secretary

AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore, Richards
NOES: None
ABSENT: None
ADOPTED: September 5, 2019



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20513

HEARING DATE: SEPTEMBER 5, 2019

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Record No.: 2015-014028ENV
Project Address: 3333 California Street (aka 3333 California Street Mixed-Use Project)
Existing Zoning: Residential – Mixed, Low Density [RM-1] Zoning District
 40-X Height and Bulk District
Proposed Zoning: Residential – Mixed, Low Density [RM-1] Zoning District;
 3333 California Street Special Use District
 40-X, 45-X, 67-X, 80-X and 92-X Height and Bulk Districts
Block/Lot: 1032/003
Block/Lot: 1032 / 003
Project Sponsor: Laurel Heights Partners, LLC
 c/o: PSKS
 150 Post Street, Suite 320
 San Francisco, CA 94108
Staff Contact: Nicholas Foster, AICP, LEED GA – (415) 575-9167
nicholas.foster@sfgov.org

ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING FINDINGS OF FACT, FINDINGS REGARDING IMPACTS FOUND NOT TO BE SIGNIFICANT THAT DO NOT REQUIRE MITIGATION, POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE REDUCED TO LESS-THAN-SIGNIFICANT LEVELS THROUGH MITIGATION, SIGNIFICANT IMPACTS THAT CANNOT BE REDUCED TO LESS-THAN-SIGNIFICANT LEVELS WITH MITIGATION, , EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND A STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO APPROVALS FOR THE 3333 CALIFORNIA STREET MIXED-USE PROJECT (“PROJECT”), LOCATED ON LOT 003 OF ASSESSOR’S BLOCK 1032.

PREAMBLE

The 3333 California Street Mixed-Use Project (“Project”) comprises a project site of approximately 10.25-acres (or approximately 447,361 square feet) on the block bounded by California Street to the north, Presidio Avenue to the east, Masonic Avenue to southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the west.

The Project would redevelop the subject property with a mix of residential, retail, child care, open space, and parking uses. The existing 14,000 gross-square-foot (gsf) annex building, surface parking lots and ramp structures would be demolished, and the existing 455,000 gsf office building (“Center Office Building”), would be partially demolished and adaptively reused for residential uses (as two separate

buildings, "Center Building A" and "Center Building B") with up to three stories added to each. The Project would also construct thirteen new buildings, ranging from 4-story duplex townhouses to 6-story apartment buildings, as residential-only buildings ("Masonic"; "Euclid"; "Mayfair"; and the seven "Laurel Duplex" buildings), and mixed-use buildings ("Plaza A"; "Plaza B"; and "Walnut") containing non-residential uses on the ground and second floors. Overall, the Project includes a total of approximately 1,428,000 gsf of new and rehabilitated floor area, comprising: approximately 978,000 gsf of residential floor area (include 744 dwelling units); approximately 35,000 gsf of retail floor area; an approximately 15,000 gsf childcare facility (accommodating approximately 175 children); approximately 400,000 gsf devoted to off-street parking with 857 parking spaces (including approximately 10 car share spaces); and 839 bicycle spaces.

A total of 25% of the Project's dwelling units will be deed-restricted, on-site affordable units designated for low-income senior households. These affordable units will be located in the proposed Walnut Building on California Street and consist of 185 studio and 1-bedroom units for seniors plus 1 on-site manager's unit.

The Project would provide 52 percent of the overall lot area (approximately 233,000 square feet) as grade-level open area, some of which would be public open space and some of which would be private open space exclusively for residents. The Project would include a total of approximately 125,000 square feet (or roughly 2.88 acres) of publicly-accessible landscaped open space with multi-purpose plazas, lawns, and pathways. New public pedestrian walkways would cross the property in a north-south direction between California Street and the intersection of Masonic and Euclid avenues approximately along the line of Walnut Street and in an east-west direction between Laurel Street and Presidio Avenue along the line of Mayfair Drive. The Project would also include streetscape improvements to enhance the safety of, and strengthen the network of, existing sidewalks and street crossings that abut the Site. These physical improvements to the Site are in service of meeting the goals and objectives of the Better Streets Plan. Specifically, the Project would include the following streetscape and pedestrian improvements: a new at-grade street crossing; sidewalk expansion; enhanced paving; installation of new street trees and street lighting on various public rights-of-way. Some of these improvements require a major encroachment permit from the Department of Public Works and are subject to Board of Supervisors approval.

The proposed scope of work before the Commission was analyzed in the EIR as the "Project Variant" (or just "Variant"). The primary difference between the base project and the Variant is that the Variant includes 185 senior affordable dwelling units plus 1 on-site manager's unit instead of office use within the Walnut Building. Under the Variant, the Walnut Building would also contain four additional floors (22 feet taller) to accommodate the residential uses. On August 19, 2019, the Project Sponsor submitted a letter to the Department requesting Conditional Use Authorization of the Variant. The Project is more particularly described in Attachment A (See Below).

The Project Sponsor filed an Environmental Evaluation Application for the Project with the San Francisco Planning Department ("Department") on March 29, 2016.

Pursuant to and in accordance with the requirements of Section 21094 of CEQA and Sections 15063 and 15082 of the CEQA Guidelines, the Department, as lead agency, published and circulated a Notice of Preparation ("NOP") on September 20, 2017, which solicited comments regarding the scope of the environmental impact report ("EIR") for the proposed project. The NOP and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential impacts of the proposed project. The Department held a public scoping meeting on October 16, 2017, at the Jewish Community Center of San Francisco at 3200 California Street.

During the approximately 30-day public scoping period that ended on October 20, 2017, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in preparation of the Draft EIR.

The Department prepared the Draft EIR, which describes the Project and the environmental setting, analyzes potential impacts, identifies mitigation measures for impacts found to be significant or potentially significant, and evaluates alternatives to the Project. The Draft EIR assesses the potential construction and operational impacts of the Project on the environment, and the potential cumulative impacts associated with the Project in combination with other past, present, and future actions with potential for impacts on the same resources. The analysis of potential environmental impacts in the Draft EIR utilizes significance criteria that are based on the San Francisco Planning Department Environmental Planning Division guidance regarding the environmental effects to be considered significant. The Environmental Planning Division's guidance is, in turn, based on CEQA Guidelines Appendix G, with some modifications.

The Department published a Draft EIR for the project on November 7, 2018, and circulated the Draft EIR to local, state, and federal agencies and to interested organizations and individuals for public review. On November 7, 2018, the Department also distributed notices of availability of the Draft EIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the project area. The Planning Commission held a public hearing on December 13, 2018, to solicit testimony on the Draft EIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the Draft EIR, which were sent through mail, hand delivery, or email. The public comment period on the Draft EIR ended on January 8, 2019. In addition, the Department has continued to receive comments on the EIR, which do not raise issues not already addressed.

The Department then prepared the Responses to Comments on Draft EIR document ("RTC"). The RTC document was published on August 22, 2019, and includes copies of all of the comments received on the Draft EIR and written responses to each comment.

In addition to describing and analyzing the physical, environmental impacts of the revisions to the Project, the RTC document provided additional, updated information, clarification and modifications on

issues raised by commenters, as well as Planning Department staff-initiated text changes to the Draft EIR. The Final Environmental Impact Report (Final EIR), which includes the Draft EIR, the RTC document, the Appendices to the Draft EIR and Attachments to the RTC document, and all of the supporting information, has been reviewed and considered. The RTC document and its attachments and all supporting information do not add significant new information to the Draft EIR that would individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or CEQA Guidelines Section 15088.5 so as to require recirculation of the Final EIR (or any portion thereof) under CEQA. The RTC document and attachments and all supporting information contain no information revealing (1) any new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the project sponsor, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The Commission reviewed and considered the Final EIR for the Project and found the contents of said report and the procedures through which the Final EIR was prepared, publicized and reviewed complied with the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*) ("CEQA"), the CEQA Guidelines (14 Cal. Code Reg. section 15000 *et seq.*), and Chapter 31 of the San Francisco Administrative Code.

The Commission found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines, and Chapter 31 by its Motion No. 20512.

The Commission, in certifying the Final EIR, found that the Project described in the Final EIR will have the following significant and unavoidable environmental impacts:

- Cause a substantial adverse change in the significance of a historical resource, as defined in section 15064.5 of the CEQA Guidelines, located at 3333 California Street.
- Result in an adverse transit capacity utilization impact for Muni route 43 Masonic during the weekday a.m. peak hour under baseline conditions.
- Expose people to or generate noise levels in excess of applicable standards or cause a substantial temporary or periodic increase in ambient noise levels.

The Planning Commission Secretary is the Custodian of Records for the Planning Department materials, located in the File for Case No. 2015-014028ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California.

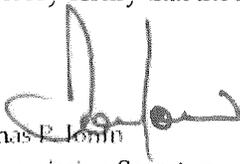
On September 5, 2019, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2015-014028ENV to consider the approval of the Project. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written

materials and oral testimony presented on behalf of the Project, the Planning Department staff, expert consultants and other interested parties.

This Commission has reviewed the entire record of this proceeding, the Environmental Findings, attached to this Motion as Attachment A and incorporated fully by this reference, regarding the alternatives, mitigation measures, improvement measures, environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, and the proposed MMRP attached as Exhibit C and incorporated fully by this reference, which includes both mitigation measures and improvement measures. The entire record, including Attachment A and Exhibit C was made available to the public.

MOVED, that the Planning Commission hereby adopts these findings under the California Environmental Quality Act, including rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations, as further set forth in Attachment A hereto, and adopts the MMRP attached as Exhibit C, based on substantial evidence in the entire record of this proceeding.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on September 5, 2019.


Jonas P. Linn
Commission Secretary

AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore

NAYS: Richards

ABSENT: None

ADOPTED: September 5, 2019

ATTACHMENT A

3333 CALIFORNIA STREET MIXED-USE PROJECT

California Environmental Quality Act findings:

FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

SAN FRANCISCO PLANNING COMMISSION

September 5, 2019

In determining to approve the 3333 California Street Mixed-Use Project ("Project"), as described in Section I.A. Project Description, below, the following findings of fact and decisions regarding mitigation measures and alternatives are made and adopted, and the statement of overriding considerations is made and adopted, based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act, California Public Resources Code Sections 21000-21189.3 ("CEQA"), particularly Sections 21081 and 21081.5, the Guidelines for implementation of CEQA, California Code of Regulations, Title 14, sections 15000-15387 ("CEQA Guidelines"), particularly sections 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

This document is organized as follows:

Section I provides a description of the project proposed for adoption, project objectives, the environmental review process for the project, the approval actions to be taken and the location of records;

Section II identifies the impacts found not to be significant that do not require mitigation;

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures;

Section IV identifies significant impacts that cannot be avoided or reduced to less-than-significant levels and describes any applicable mitigation measures as well as the disposition of the mitigation measures;

Section V identifies mitigation measures considered but rejected as infeasible for economic, legal, social, technological, or other considerations;

Section VI evaluates the different project alternatives and the economic, legal, social, technological, and other considerations that support approval of the project and the rejection as infeasible of alternatives, or elements thereof, analyzed; and

Section VII presents a statement of overriding considerations setting forth specific reasons in support of the actions for the project and the rejection as infeasible of the alternatives not incorporated into the project.

The Mitigation Monitoring and Reporting Program ("MMRP") for the mitigation measures that have been proposed for adoption is attached with these findings as Exhibit 1 to Attachment A to Motion No. 20513. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. The MMRP provides a table setting forth each mitigation measure listed in the Final Environmental Impact Report for the Project ("Final EIR") that is required to reduce or avoid a significant adverse impact. The MMRP also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in the MMRP.

These findings are based upon substantial evidence in the entire record before the San Francisco Planning Commission (the "Commission"). The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report ("Draft EIR" or "DEIR") or the Responses to Comments document ("RTC") in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

I. PROJECT DESCRIPTION, OBJECTIVES, ENVIRONMENTAL REVIEW PROCESS, APPROVAL ACTIONS, AND RECORDS

The Project would redevelop the subject property with a mix of residential, retail, commercial, child care, open space, and parking uses. The Project would include the adaptive reuse of the existing office building at the center of the site, which would be separated into two buildings for residential uses, and the construction of thirteen new residential and mixed-use buildings along the California Street, Masonic Avenue, Euclid Avenue, and Laurel Street frontages.

Overall, the Project is proposed to include 744 dwelling units within 977,437 gross square feet (gsf) of residential/commercial floor area; 34,496 gsf of retail floor area; a 14,665 gsf childcare facility; 401,234 gsf devoted to off-street parking with 847 parking spaces; 125,226 square feet of privately owned, publicly accessible open space and 86,570 square feet of other open space, including private open space for residents.

The Project is more particularly described below in Section I.A.

A. Project Description.

1. Project Location and Site Characteristics.

The Project site ("Project Site") is a 446,490-square-foot, or 10.25-acre, single parcel located on Lot 003 of Assessor's Block 1032. The irregularly shaped parcel is bounded by California Street to the north, Presidio Avenue to the east, Masonic Avenue to southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the west.

The Project Site is located within the Laurel Heights area of San Francisco's Presidio Heights neighborhood. It is adjacent to the Pacific Heights and Western Addition neighborhoods (to the east) and just north of the Anza Vista area of the Inner Richmond neighborhood. The parcel is located within an RM-1 Zoning District and a 40-X Height and Bulk District. Low- to mid-rise residential uses surround the Project Site to the north, east, south, and west across California

Street, Presidio Avenue, Euclid Avenue, and Laurel Street. Other land uses near the site include the SF Fire Credit Union, at the southwest corner of California Street and Presidio Avenue, adjacent to the Project Site; the Jewish Community Center of San Francisco (JCCSF), at the northwest corner of California Street and Presidio Avenue, across the street from the Project Site; San Francisco Fire Station No. 10, across Masonic Avenue southeast of the Project Site; the San Francisco Municipal Railway's (Muni) Presidio Division and Yard at 875 Presidio Avenue (a bus storage, maintenance depot, and administration building, across Euclid and Masonic avenues south of the Project Site); and the Laurel Village Shopping Center along California Street, across Laurel Street west of the Project Site.

The Project Site, which currently serves as the University of California, San Francisco ("UCSF") Laurel Heights Campus, is developed with a four-story, 455,000 gsf office building (including a 93,000 gsf, three-level, 212-space, partially below-grade parking garage) at the center of the site; a one-story, 14,000 gsf annex building at the corner of California and Laurel streets; three surface parking lots with a total of 331 spaces, and a three-level, partially below-grade parking garage with a total of 212 spaces; and landscaping or landscaped open space. Current uses on the campus are office, research, laboratory, child care, and parking. UCSF is in the process of shifting its uses to other campus locations in the city.

The surface parking lots and the parking garage are connected by an internal roadway system and the circular garage ramp structures north of the existing office building's east wing. The main entrance on California Street is accessed through an existing 28-foot-wide curb cut with one inbound lane and one outbound lane. The Mayfair Drive (22-foot-wide curb cut) and Laurel Street (22-foot-wide curb cut) access driveways have one inbound lane and one outbound lane. Access to the existing parking garage is also available from the Presidio Avenue driveway (28-foot-wide curb cut). Pedestrian access to the campus is provided at California Street, Laurel Street, and Euclid Avenue, and an internal sidewalk system leads to the existing office building's entrances along its north and west façades. The Project Site is well-served by Muni transit service with bus routes on California Street, Presidio Avenue, and Walnut Street.

2. Project Characteristics.

The Project would redevelop the 10.25-acre Project Site with a mix of residential, retail, commercial, child care, open space, and parking uses. The existing 14,000 gsf annex building and the two circular garage ramp structures would be demolished, and the existing 455,000 gsf office building and partially below-grade parking garage would be partially demolished. The Project would include the adaptive reuse of the existing office building at the center of the site for residential uses (as two separate buildings, "Center Building A" and "Center Building B") and the construction of thirteen new residential and mixed-use buildings along the California Street, Masonic Avenue, Euclid Avenue, and Laurel Street frontages: "Plaza A"; "Plaza B"; "Walnut"; "Masonic"; "Euclid"; "Mayfair"; and "Laurel Duplexes."

Overall, the Project is proposed to include 744 dwelling units (including market-rate units and affordable units, consisting of approximately 185 deed-restricted, onsite affordable units designated for low-income senior households in the proposed Walnut Building on California Street, with an additional manager's unit) within 977,437 gsf of residential floor area; 34,496 gsf of

retail/commercial floor area (in the proposed Plaza A, Plaza B, and Walnut buildings); a 14,665 gsf child care facility (in the proposed Walnut building); 401,234 gsf devoted to off-street parking with 847 parking spaces; 125,226 square feet of privately owned, publicly accessible open space, and 86,570 square feet of other open space, including private open space for residents. The residential unit breakdown for the 744 units would consist of approximately 419 studio and one-bedroom units (56.3 percent), 195 two-bedroom units (26.2 percent), 103 three-bedroom units (13.8 percent), and 27 four-bedroom units (3.6 percent).

a. Proposed Buildings.

The Project includes the adaptive reuse of the existing office building as two separate buildings, which would be adapted for residential use and strengthened to accommodate vertical additions and the construction of thirteen new residential and mixed-use buildings, each as described below. The descriptions are presented beginning with the renovated buildings at the center of the Project Site, then the new buildings by street location in a clockwise fashion from California Street.

i. Center Building A

The adaptively reused Center Building A would be an 89,735-gross-square-foot building (including common areas and amenity space for residents) for 51 dwelling units. Two stories would be added to Center Building A. Residential uses would be provided on renovated Levels 1 through 4 and the two new levels (Levels 5 and 6). Level 1 would have a residential lobby (entrance from the proposed Walnut Walk) and building common areas. Levels 5 and 6 would be set back from the perimeter of the lower floors of Center Building A. The depth of the proposed setbacks would range from approximately 12 to 43 feet with private terraces proposed for the setback areas on Level 5. The overall height of Center Building A would be approximately 80 feet.

ii. Center Building B

Center Building B would be a 254,398 gsf building with 231,667 gsf of residential floor area (including common areas and amenity space for residents) for 139 dwelling units; and 22,731 gsf of space for parking. Two and three stories would be added to the east and west portions of Center Building B, respectively, for an overall height of 80 feet at the east portion and 92 feet at the west portion. The building would have residential uses on the east portions of Basement Levels B1 and B2 (which is possible because the site's south-to-north and west-to-east downward-trending slope means that these levels are not completely subsurface at these "basement" levels). Basement Level B2 would include a new residential lobby on Masonic Avenue with pedestrian access via Masonic Plaza. The basement levels would also include building common areas, elevator lobbies, mechanical rooms, and a class 1 bicycle storage room, with vehicle parking spaces that would serve Center Buildings A and B. Residential and common area uses would also be provided on Center Building B's renovated Levels 1

through 4, the reconstructed level and three new levels on its central portion (Levels 5 to 7), and the reconstructed level and two new levels on its eastern portion (Levels 5 and 6). Level 1 would have a residential lobby (with an entrance from the proposed Walnut Walk) and building common areas.

The existing basement levels in Center Building B would be renovated for residential uses, and portions of two levels (Basement Levels B1 and B3) would serve as the Center B Building Garage for residents of Center Buildings A and B. These residents could also park in the proposed California Street and Masonic garages. Access to the Center B Building, California Street, and Masonic garages would be provided from curb cuts and driveways on Presidio Avenue, Walnut Street, and Masonic Avenue.

iii. Plaza A Building

The Plaza A Building at the corner of Laurel and California streets would be a four-story, 45-foot-tall, 150,900-gross-square-foot building with 66,755 gsf of residential floor area (including common areas and amenity space for residents) for 67 dwelling units, 14,816 gross square feet of ground-floor retail/commercial space, and 69,329 gsf of space for parking, circulation, and storage and mechanical rooms on two parking levels. The proposed building would frame a trapezoidal-shaped interior courtyard and would be set back approximately 18 feet from the north (California Street) property line at Level 1 only. An approximately 4,290-square-foot plaza would be developed within this setback area (California Plaza). The proposed building would be constructed to the west (Laurel Street) property line except at its southwest corner (near Laurel Street and Mayfair Drive) where it would be set back from Laurel Street by approximately 13 feet and from Mayfair Drive by approximately 38 feet. The proposed setback from Mayfair Drive would increase to approximately 48 feet starting at Level 2. The primary residential entrance would be on Laurel Street, with secondary entrances on the proposed Mayfair Walk. Retail/commercial spaces would be accessed from California Street.

Parking for the residents of the Plaza A Building would be provided in the California Street Garage on Basement Level B1 (under the Plaza A Building) and Basement Level B2 (under the Plaza B Building) and would be accessed from the proposed driveway and garage ramp on Laurel Street. The proposed driveway and garage ramp on Laurel Street would be restricted to right-turn in and right-turn out movements. Parking for retail/commercial uses would be provided on Basement Level B2 (under the Plaza A Building) and would be accessed from the proposed driveway and garage ramp on the Walnut Street extension. Basement Level B1 would have a class 1 bicycle parking storage room (67 spaces) for residents.

iv. Plaza B Building

The Plaza B Building between the proposed Plaza A Building and the Walnut Street extension would be a four-story, 45-foot-tall, 152,544-gross-square-foot building with 72,035 gsf of residential floor area (including common areas and amenity space for residents) for 61 dwelling units, 11,180 gross square feet of retail/commercial space, and 69,329 gross square feet of space for parking, circulation, and storage and mechanical rooms on two parking levels. The inverted L-shaped building would frame the proposed Cypress Square on two sides and would be constructed to the California Street property line. The primary residential entrance would be on California Street, with secondary entrances on the Walnut Street extension and the proposed Cypress Square. Retail/commercial spaces would be accessed from California Street.

The Plaza B Building would have a partially below grade basement level due to the site's south-to-north and west-to-east downward-trending slope (toward California Street and Presidio Avenue). Basement Level B1 would have retail/commercial space and a residential lobby on California Street, a class 1 bicycle parking storage room for the retail/commercial uses, shower and locker facilities for the retail/commercial uses, residential parking for Center Building A and Center Building B, and a ramp from the Walnut Street extension to the retail/commercial parking on Basement Level B2 (under the Plaza A Building). An at-grade class 1 bicycle parking storage room would contain 61 spaces for residents.

Parking for residents of the Plaza B Building would be provided in the California Street Garage on Basement Level B2 and would be accessed from the proposed driveway and garage ramp on Laurel Street. The proposed driveway and garage ramp on Laurel Street would be restricted to right-turn in and right-turn out movements. Parking for the retail/commercial uses would be provided on Basement Level B2 under the Plaza A Building and would be accessed from the proposed driveway and garage ramp off the Walnut Street extension.

v. The Walnut Building

The proposed Walnut Building, east of the Walnut Street extension, would have a total of 336,700 gsf, with 147,590 gsf of residential uses (185 studios and 1-bedroom for seniors, and a managers unit), 8,500 gsf of retail/commercial uses, a 14,665-gross-square-foot childcare use, and an 165,945-gross-square-foot below-grade parking garage with 233 parking spaces. The overall height of the proposed Walnut Building would be approximately 67 feet and 5 levels over Basement Level B1.

The proposed structure would be rectangular in shape with two interior courtyards. The proposed Walnut Building would be constructed to the California Street property line at the northwest corner. The southwest corner of the proposed building would be set back approximately 35 feet from the Walnut Street sidewalk and approximately 72 feet from the proposed Mayfair Walk. The

southeast corner of the proposed building would be set back approximately 25 feet from the Presidio Avenue sidewalk with Basement Levels B1 and B2 and topped by the eastern end of Mayfair Walk and the Presidio Overlook. The northeast corner of the building is set back 9 feet from the California Street property line. Entrances to the retail/commercial and child care center parking spaces would be from California Street. The portion of the proposed California Street Garage under the Walnut Building would be accessed from the proposed driveway and garage ramp off the Walnut Street extension and from the proposed driveway off Presidio Avenue.

Due to the south-to-north and west-to-east downward-trending slope, the Walnut Building would have one below-grade and two partially below-grade basement levels. Basement Level B3 would be accessed from the Presidio Avenue entry driveway and garage ramp with egress from the Masonic Avenue exit-only driveway. An internal garage ramp would provide access to Basement Level B2. The north portion of Basement Level B2 (along California Street) would be developed with an at-grade, centrally located retail/commercial space and an elevator lobby for the proposed child care center space. Basement Level B2 would also include class 1 bicycle parking storage room for the child care use (10 spaces) at the northeast corner and space for circulation with ramp access to Basement Level B3 and the Presidio Avenue entry driveway and Masonic Avenue exit-only driveway. At-grade retail/commercial and child care space elevator lobbies fronting California Street would be developed on the northwest portion of Basement Level B1, and an L-shaped child care center would be developed on its east portion, facing California Street and Presidio Avenue, with access to a triangular-shaped outdoor terrace overlooking the adjacent SF Fire Credit Union. The remainder of Basement Level B1 would be devoted to parking for residents of Center Building A and Center Building B, a class 1 bicycle parking storage room for the retail/commercial uses, and space for circulation with access from the proposed driveway and garage ramp off the Walnut Street extension. Levels 1 through 5 would have exclusively residential uses.

vi. The Masonic Building

The triangular-shaped Masonic Building would be bounded by the proposed Walnut Walk on the west, the private terraces and landscaped area between the building and Center Building B on the north, and Masonic Avenue on the southeast. It would be a four- to six-story, 40-foot-tall, 97,725-gross-square-foot building with 83,505 gsf of residential floor area (including residential amenity space) for 57 dwelling units and 14,220 gsf of space for parking, circulation, and storage and mechanical rooms on a single parking level. The proposed building would be set back approximately 10 feet from the southeast (Masonic Avenue) property line. The proposed Masonic Plaza would be developed in the space between Center Building B and the Masonic Building. The residential entrances would be on Masonic Avenue and on the proposed Walnut Walk.

Due to the site's southwest-to-northeast downward-trending slope, the Masonic Building's first level (Basement Level B1) would be a partially below-grade parking garage (the Masonic Garage), with a residential lobby at the northeast corner of the floor adjacent to the proposed garage entry and driveway. The footprint for the proposed Masonic Garage would extend under the proposed Walnut Walk and Euclid Building. Basement Level B1 would be accessed from the proposed driveway off Masonic Avenue adjacent to the residential lobby at the northeast corner of the proposed building. The residential uses along Masonic Avenue and southwest of the proposed garage entry and driveway would have separate entrances via stoops, while those along the north portion would have separate private terraces (facing the landscaped area between Center Building B and the Masonic Building). Two separate residential common areas and a class 1 bicycle parking storage room for residents would be provided at the center of this floor, and a residential common area at the northwest corner.

A portion of the parking for the residential uses would be provided in mechanical stackers on the single-level parking garage (the Masonic Garage) accessed from Masonic Avenue. The mechanical stacker system would be a multicar, independently accessed system that residents would use to retrieve and return their own vehicles (i.e., they would be able to operate the system without assistance from a valet).

vii. The Euclid Building

The Euclid Building would be a roughly square building surrounding an internal courtyard. The proposed building would be bounded by the private terraces and landscaped area between it and Center Building A on the north, the proposed Walnut Walk on the east, Euclid Avenue on the south, and the proposed private terraces on the west between it and the Laurel Duplexes. The Euclid Building would be a four- to six-story, 40-foot-tall, 226,530-gross-square-foot building with 184,170 gsf of residential floor area (including common areas) for 139 dwelling units and 42,360 gsf of space for parking and circulation in the single-level parking garage (the Masonic Garage) accessed from Masonic Avenue. The proposed building would be set back approximately 67 feet from the south (Euclid Avenue) property line. The proposed Euclid Green would be developed within this setback and would extend west to Laurel Street. The eastern portion of this space would be private open space (Euclid Terrace) associated with the Euclid Building amenity spaces.

Due to the site's southwest-to-northeast downward-trending slope, the Euclid Building would have a partially below-grade floor. Level 1 would have at-grade residential uses arrayed around the internal courtyard along the north side, the northern portion of the east side, and the west side. The building would have separate at-grade entrances to the residential lobby, a residential common area, and an amenity space near the proposed Walnut Walk at the center of the east side. Separate partially below-grade common area spaces and a class 1 bicycle

parking storage room would be developed along the south (Euclid Avenue) side of this floor. Level 2 would have residential uses arrayed around the internal courtyard. The residential common areas and lobby along the south portion of the floor would be connected to the residential common areas, lobby, and interior courtyard below. The next three floors (Level 3 – Level 5) would have residential uses along each side, surrounding the internal courtyard. The top floor (Level 6) would also have residential uses but only along the north, east, and west sides. At Level 6, the proposed building would be set back from the lower floors along its south elevation (Euclid Avenue). The Euclid Building's proposed below-grade basement level would be part of the proposed Masonic Garage and would be accessed from Masonic Avenue.

viii. The Laurel Duplexes

Seven detached duplexes would be developed along Laurel Street between Euclid Avenue and the proposed Mayfair Building. Construction of the seven duplexes would result in the development of 60,260 gsf of total floor area with 55,300 gsf of residential floor area and 4,960 gsf of parking and storage space. Each duplex would include four floors, would range in height from 37 to 40 feet, and would have a centralized building core for the elevators and stairs. Six of the seven duplexes would be set back approximately 25 feet from Laurel Street. The fourth duplex in the row would be set back approximately 60 feet from Laurel Street to retain two existing Coast Live Oak trees.

Each of the Laurel Duplexes would have individual two-car parking garages located at the rear of the duplexes. Driveway access would be provided through a separate entry/exit driveway just south of the Mayfair Building that would be shared to provide access to the Laurel Duplexes and Mayfair Garage.

ix. Mayfair Building

The rectangular Mayfair Building would be bounded by the proposed Mayfair Walk on the north, the proposed landscaped area to the east between it and Center Building A, the proposed Laurel Duplexes on the south, and Laurel Street on the west. The Mayfair Building would be a four-story, 40-foot-tall, 59,040-gross-square-foot building with 46,680 gsf of residential floor area (including common areas) for 30 dwelling units, and 12,360 gsf of space for parking, circulation, and storage and mechanical rooms on a single parking level. The proposed building would be set back approximately 6 to 23 feet (average 15 feet) from the west (Laurel Street) property line.

Due to the site's south-to-north and west-to-east downward-trending slope, the Mayfair Building would have a below-grade parking level with access from Laurel Street. The basement level would provide space for residential parking (most of which would have mechanical lifts), circulation (including connections to the proposed California Street and Masonic garages), a mechanical room, and

a class 1 bicycle parking storage room (30 spaces). Residents would be able to retrieve and return their own vehicles from the mechanical stacker (i.e., they would be able to operate the mechanical stacker system without assistance from a valet). The ground floor would be developed with a residential lobby (at the northwest corner) with stepped access from the proposed Mayfair Walk. The ground floor would also include residential uses with private terraces along the north and south sides. The top three floors would be developed with residential uses, with private balconies at the top floor along the west side.

b. Streetscape Changes

Circulation changes would include the introduction, elimination, or relocation of existing curb cuts on Presidio, Masonic, and Euclid avenues; on Laurel Street; and on Mayfair Drive as follows:

- The existing 28-foot-wide curb cut at the California Street entrance would be reduced to 22 feet with the development of curb bulb-outs at the extension of Walnut Street into the project site, which would terminate with a roundabout. The Walnut Street extension would provide access to two of the California Street Garage entrances.
- The existing 29-foot-wide curb cut on Presidio Avenue would remain, but would be adjusted slightly to follow the proposed modification to the alignment of the west curb on Presidio Avenue, to be parallel to the existing east curb. The driveway would provide in and out access for the off-street freight loading area and separate in-only access to the California Street Garage for retail/commercial, child care, and residential parking uses.
- A new 16-foot-wide curb cut would be provided for vehicles exiting to Masonic Avenue from the California Street Garage and Basement Level B3 of Center Building B.
- A new 20-foot-wide curb cut on Masonic Avenue would provide in and out access to the proposed Masonic Garage.
- The existing 27-foot-wide curb cut on Laurel Street (between Mayfair Drive and Euclid Avenue) would be removed.
- The Laurel Duplexes would have independent access to their respective garages (14 independent parking spaces in total) via an entry/exit driveway from Laurel Street, shared with Mayfair Garage.
- The existing 22-foot-wide curb cut on Mayfair Drive would be relocated to immediately south of the proposed Mayfair Building and modified to be an 18-foot-wide curb cut and driveway to provide in and out access to the proposed Mayfair Building's below-grade parking garage.

- A new 20-foot-wide curb cut on Laurel Street would provide right-turn in access to and right-turn out egress from the proposed California Street Garage.

The Project Site would be integrated with the existing street grid. Pedestrian promenades would be developed to align with Walnut Street and connect to Masonic and Euclid avenues (north/south direction), and to align with Mayfair Drive and connect to Presidio and Masonic avenues and Pine Street (east/west direction). The north-south running Walnut Walk and the east-west running Mayfair Walk would be closed to vehicular traffic. The northern portion of Walnut Walk would be the extension of Walnut Street into the Project Site, which would provide vehicular access to the California Street Garage and terminate at a roundabout. Pedestrians would be able to walk through the project site from Laurel, California, and Walnut streets to Presidio Avenue, Masonic Avenue, Pine Street, and Euclid Avenue. In addition, a pedestrian walkway between the Plaza A and Plaza B buildings (Cypress Stairs) would provide access from the California Street sidewalk (at the midblock between Laurel and Walnut streets) to Cypress Square, one of the proposed onsite plazas that would be open to the public. Pedestrian access would also be provided at Walnut Street, at Presidio Avenue near the corner of Pine Street at the eastern terminus of Mayfair Walk (the proposed Pine Street Steps and Plaza), at the intersection of Masonic and Euclid Avenues at the southern terminus of Walnut Walk (the proposed Corner Plaza), and at the western terminus of Mayfair Walk. In addition, access to the proposed Euclid Green would be developed at the corner of Laurel Street and Euclid Avenue. These spaces would be designed to be compliant with the Americans with Disabilities Act.

The Project would include an encroachment at the eastern property boundary along Presidio Avenue, immediately north of the intersection with Pine Street and Masonic Avenue, to accommodate streetscape improvements. The Project would reconfigure the curb line in this area to regularize the property's frontage on Presidio Avenue. These proposed modifications to the eastern edge of the property would be combined with the reconfiguration of the triangular-shaped pedestrian island and the right-most travel lane for southbound traffic on Presidio Avenue merging onto Masonic Avenue, the construction of a corner bulb-out on the west side of the Masonic Avenue/Presidio Avenue/Pine Street intersection, the installation of a continental crosswalk crossing Presidio Avenue (to Pine Street), and the widening of the Presidio Avenue sidewalk (from 10 to 15 feet). These streetscape changes would result in an approximately 2,170-square-foot space that would be integrated with the proposed Pine Street Steps and Plaza.

The Project would also reconfigure the west curb line on Masonic Avenue at its intersection with Euclid Avenue. The Project would reconfigure the triangular-shaped pedestrian island and right-most travel lane for southbound traffic on Masonic Avenue merging onto Euclid. The existing triangular-shaped pedestrian island would be incorporated into an approximately 4,000-square-foot open space (the proposed Corner Plaza) that would be integrated with the southern end of the proposed Walnut Walk.

The Project would add a corner bulb-out at the northeast corner of Laurel Street/Mayfair Drive, which would be an approximately 650-square-foot space that would highlight the primary east-west pedestrian access to the site, the proposed Mayfair Walk.

Streetscape changes would also include proposed sidewalk widening along Masonic Avenue (from 10 to 15 feet), along Euclid Avenue (from 10.5 to 12 feet), and along Laurel Street (from 10 to 12 feet); and proposed corner bulb-outs at the southwest and southeast corners of the California Street/Walnut Street intersection, and at the northeast corner of the Laurel Street/Euclid Avenue intersection.

c. Transportation Demand Management Plan

The Project includes a Transportation Demand Management ("TDM") Plan, in compliance with Section 169 of the Planning Code. The Project would implement TDM Measures from the following categories of measures in the TDM Program Standards: active transportation; car-share; delivery; family-oriented; information and communications; and parking management. The TDM Ordinance requires, prior to issuance of a certificate of occupancy, that a property owner facilitate a site inspection by the Planning Department and document implementation of applicable aspects of the TDM Plan, and maintain a TDM Coordinator, allow for Department inspections, and submit periodic compliance reports throughout the life of the Project.

d. Open Space

The Project would retain approximately 52 percent of the overall lot area (approximately 232,846 square feet, excluding green roofs) as open area with portions to be developed with a combination of privately-owned, publicly accessible open space and private open space for residents. The Project would include new landscaped open space throughout the Project Site, including:

- California Plaza (approximately 4,290 square feet) Cypress Square (12,052 square feet) and Cypress Stairs (1,255 square feet)
- Mayfair Walk (30,605 square feet)
- Presidio Overlook (10,450 square feet)
- Lower Walnut Walk (23,730 square feet) Walnut Drive (6,904 square feet) and Walnut Court (10,921 square feet)
- Euclid Green (approximately 18,004 square feet), and
- Pine Street Steps (7,015 square feet)

There would also be approximately 86,570 square feet of other open space, including private open space for residents, including rooftop decks, ground-level terraces, interior

courtyards and private internal walkways. In addition to the privately-owned publicly accessible open space and open space only for residents, the proposed improvements at the Presidio Avenue/Pine Street/Masonic Avenue intersection (the proposed Pine Street Steps and Plaza) and the Masonic Avenue and Euclid Avenue intersection (the proposed Corner Plaza) would be partially within the public right-of-way and would total approximately 12,000 square feet of open area.

e. Construction Activities

The proposed new buildings would be supported on continuous and/or individual foundations bearing on native stiff to very stiff clay, medium dense sand, or bedrock. The perimeter walls of new buildings adjacent to the existing parking garage may need to be supported on drilled piers that gain support in the bedrock below the elevation of the bottom of the existing parking garage. Foundation work would not be required to support the proposed addition of up to a maximum of two residential floors to the adaptively reused Center Buildings A and B; however, where shear walls terminate at the foundation level, new or expanded footings would be required for the improved seismic systems for Center Buildings A and B.

Approximately 274,000 square feet of the 446,479-square-foot Project Site would be modified as a result of the Project. Approximately 47,000 cubic yards of demolition debris would be generated by the Project. The depths of excavation would range from 7 to 40 feet below the existing grade (including the elevators and automobile stacker pits) with a total of approximately 241,000 net cubic yards of excavated soils generated during the approximately seven-year construction period. Thus, approximately 288,000 cubic yards of demolition debris and excavated soils would be removed from the project site.

f. Construction Schedule

The Project would be constructed in four overlapping development phases, with full build-out expected to occur approximately seven to fifteen years after project entitlements. Under an up-to-15-year construction timeframe, the same development program would be implemented; however, periods of dormancy would be introduced between construction phases, and some construction activities currently assumed as concurrent would occur separately over a longer timeframe. The project sponsor may also choose to develop the Project in a different order than the preliminary four-phase construction program described below.

The four development phases are preliminarily identified as Phase 1 (Masonic and Euclid buildings), Phase 2 (Center Buildings A and B), Phase 3 (Plaza A, Plaza B, and Walnut buildings), and Phase 4 (Mayfair Building and Laurel Duplexes). Construction would not commence until all existing uses at the UCSF Laurel Heights Campus, including the existing child care center, have vacated. The preliminary construction schedule assumes spring 2020 as the start of construction and spring 2027 as the end of construction.

Phase 1 construction activities associated with the development of the Masonic and Euclid buildings would last approximately 30 months. Construction staging, including concrete truck staging, would occur onsite on the surface parking lots on the west side of the site closest to Laurel and California streets. Phase 1 would include the demolition of the existing annex building and the southern portion of the existing office building (including the auditorium); excavation for the parking garage and building foundations; construction of a sewer line extension under Masonic Avenue; construction of a gas line extension under Euclid, Masonic and Presidio avenues; and the construction of the Masonic and Euclid buildings. Open space improvements would include the development of Masonic Plaza between Center Building B and the Masonic Building, the southern portion of the proposed Walnut Walk, a portion of the proposed Euclid Green, and the proposed Euclid Terrace private open space (adjacent to the eastern end of the proposed Euclid Green), as well as adjacent public right-of-way improvements along portions of Masonic and Euclid avenues. Initial occupancy may occur prior to the overall construction completion of the phase (anticipated to be the final quarter of 2022).

The rehabilitation and adaptive reuse of the existing office building at the center of the site under Phase 2 (Center Buildings A and B) would last 24 months, with demolition activities anticipated to commence in month 20 of Phase 1, during the exterior work on the Masonic and Euclid Buildings. Construction staging would occur onsite on the surface parking lot at the northeast portion of the site closest to California Street and on the surface parking lot closest to Laurel Street. Concrete truck staging would occur onsite on the internal roadway on the northwest portion of the site, on the west end of the proposed Mayfair Walk, and on the surface parking lot closest to Laurel Street. Phase 2 would include the demolition of the northern portion of the existing office building and the circular garage ramp structures; the partial demolition of the existing office building (to be separated into two structures); limited excavation; and interior renovations and seismic upgrades to adaptively reuse the existing office building as two separate residential buildings. Initial occupancy may occur prior to the overall construction completion of the phase (anticipated to be the final quarter of 2023). Logistically, portions of the Phase 3 garage construction necessary to commission Phase 2 may occur during this phase.

Under Phase 3, construction of the Plaza A, Plaza B, and Walnut buildings along California Street would last approximately 36 months with demolition activities anticipated to commence on month 15 of Phase 2, during the exterior work on the Center A and B Buildings. Construction staging would occur onsite on the surface parking lot closest to Laurel Street. The parking lanes along the south side of California Street and the east side of Laurel Street would be used for staging through the duration of Phase 3. Concrete truck staging would occur onsite from the extension of Walnut Street and near the western terminus of the proposed Mayfair Walk. Concrete truck staging would also occur in the parking lane on the west side of Masonic Avenue (for dispatch) and the parking lane on the east side of Laurel Street. Phase 3 would include the demolition of the existing surface parking lots along California Street, and excavation for the parking garage and building foundations. Open space improvements would include the

development of the northern portion of Walnut Walk, Mayfair Walk, Presidio Overlook, and Pine Plaza as well as adjacent public right-of-way improvements along California Street and Presidio Avenue. Initial occupancy may occur prior to the overall construction completion of the phase (anticipated to be the first quarter of 2026).

Phase 4 construction activities associated with the development of the Mayfair Building and Laurel Duplexes would last approximately 20 months, with demolition activities anticipated to commence on month 30 of Phase 3, during the interior work on the Plaza A, Plaza B, and Walnut Buildings. Construction staging would occur within the parking lane along the east side of Laurel Street and on a portion of the parking lane on the north side of Euclid Avenue (near Laurel Street), which would be used for staging through the duration of Phase 4. Concrete truck staging would occur in the parking lane on the west side of Masonic Avenue (for dispatch) and the parking lane on the east side of Laurel Street. Phase 4 would include a limited amount of demolition; and limited excavation for the parking garage and building foundations. Open space improvements would include the development of the western end of the proposed Euclid Green as well as adjacent public right-of-way improvements along Euclid Avenue and Laurel Street. Initial occupancy may occur prior to the overall construction completion of the phase (anticipated to be the second quarter of 2027)

B. Project Objectives.

The Project Sponsor, Laurel Heights Partners LLC seeks to achieve the following objectives by undertaking the project:

1. Redevelop a large underutilized commercial site into a new high quality walkable mixed-use community with a mix of compatible uses including residences, neighborhood-serving ground floor retail, onsite child care, potential office/commercial uses, and substantial open space.
2. Create a mixed-use project that encourages walkability and convenience by providing residential uses, neighborhood-serving retail, onsite child care, and potential office/commercial uses on site
3. Address the City's housing goals by building new residential dwelling units on the site, including onsite affordable units, in an economically feasible project consistent with the City's General Plan Housing Element and ABAG's Regional Housing Needs Allocation for the City and County of San Francisco.
4. Open and connect the site to the surrounding community by extending the neighborhood urban pattern and surrounding street grid into the site through a series of pedestrian and bicycle pathways and open spaces, including a north-south connection from California Street to Euclid Avenue that aligns with Walnut Street and an east-west connection from Laurel Street to Presidio Avenue.

5. Create complementary designs and uses that are compatible with the surrounding neighborhoods by continuing active ground floor retail uses along California Street east from the Laurel Village Shopping Center, adding to the mix of uses and businesses in the area, and providing activated, neighborhood-friendly spaces along the Presidio, Masonic and Euclid avenue edges compatible with the existing multi-family development to the south and east.
6. Provide a high quality and varied architectural and landscape design that is compatible with its diverse surrounding context, and utilizes the site's topography and other unique characteristics.
7. Provide substantial open space for project residents and surrounding community members by creating a green, welcoming, walkable environment that will encourage the use of the outdoors and community interaction.
8. Incorporate open space in an amount equal to or greater than that required under the current zoning, in multiple, varied types designed to maximize pedestrian accessibility and ease of use.
9. Include sufficient off-street parking for residential and commercial uses in below-grade parking garages to meet the project's needs.
10. Work to retain and integrate the existing office building into the development to promote sustainability and eco-friendly infill redevelopment.

C. Environmental Review.

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. Code. Regs. Title 14, section 15000 et seq., (hereinafter "CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

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 September 20, 2017. The department held a public scoping meeting on October 16, 2017 in order to solicit public comment on the scope of the project's environmental review.

On April 25, 2018, the department published an initial study and provided public notice in a newspaper of general circulation of the availability of the initial study for public review and comment; this notice was mailed to the department's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on April 25, 2018.

On November 7, 2018, the department published the draft EIR (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 commission public hearing on the DEIR; this notice was mailed to the department's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site. Also, on November 7, 2018, 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, and to government agencies, the latter both directly and through the State Clearinghouse.

A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on November 7, 2018.

The historic preservation commission held a duly advertised hearing on said DEIR on December 5, 2018 at which historic preservation commission formulated its comments on the DEIR. The planning commission held a duly advertised public hearing on said DEIR on December 13, 2018 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 January 8, 2019.

The department prepared responses to comments on environmental issues received at the public hearing and in writing during the 62-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, and corrected errors in the DEIR. This material was presented in a response to comments document, published on August 22, 2019, distributed to the commission and all parties who commented on the DEIR, and made available to others upon request at the department.

A final EIR (hereinafter "FEIR") was 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 responses to comments document, all as required by law.

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. The project files are also available on the internet at the following address: <https://www.ab900record.com/3333cal>.

On September 5, 2019, the commission reviewed and considered the information contained in the FEIR and found 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, and found that the FEIR reflected the independent judgement and analysis of the City and County of San Francisco, was adequate, accurate and objective, and that the responses to comments document contained no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and certified the FEIR as complete, and in compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code

D. Approval Actions.

The Project requires the following approvals:

1. Actions by the City Planning Commission

- Certification of Environmental Impact Report (EIR) and adoption of findings under CEQA.
- Adoption of Findings of Consistency with the general plan and priority policies of Planning Code section 101.1.
- Recommendation to the Board of Supervisors of an amendment to the Height and Bulk Map to increase height limits along California Street from 40 to 45 feet to accommodate higher ceilings for ground-floor retail uses, at the center of the site (from 40 feet to 80 and 92 feet) for the renovated buildings resulting from the adaptive reuse of the existing office building, and along California Street at the location of the Walnut Building (from 40 to 67 feet).
- Recommendation to the Board of Supervisors of an amendment to the Special Use District Map to designate the boundaries of the Special Use District.
- Recommendation to the Board of Supervisors of a Special Use District to reflect other planning code compliance issues, including to allow office and retail uses at the project site and to modify or waive the requirements of Resolution 4109.
- Conditional Use/Planned Unit Development authorization to permit development of buildings with height in excess of 40 feet and provide for minor deviations from the provisions for measurement of height, to provide for additional dwelling unit density, and to provide other exceptions to the planning code requirements applicable to the project site.
- Recommendation to the Board of Supervisors to approve a Development Agreement with respect to, among other community benefits, the project sponsor's commitment to the amount of affordable housing developed as part of the project and to develop and maintain privately-owned, publicly accessible open space and vesting the project's entitlements for a 15-year period.
- Approval of a Transportation Demand Management Plan (Planning Code section 169).

2. Actions by the San Francisco Board of Supervisors

- Adoption of findings under CEQA.
- Adoption of Findings of Consistency with the General Plan and priority policies of Planning Code section 101.1.
- Approval of planning code and zoning map amendments, including Special Use District to reflect other planning code compliance issues, including to allow office

and retail uses at the project site and to modify or waive the requirements of Resolution 4109, and an amendment to the Height and Bulk Map.

- Approval of Development Agreement.
- Adoption of an ordinance approving a major encroachment permit that would include sidewalk improvements, sidewalk expansion, and removal and replacement of street and significant trees.

3. San Francisco Public Works

- Approval of Subdivision Map.
- Public hearing on removal and replacement of street trees and significant trees, streetscape improvements in the public right-of-way, including new curb cuts on Masonic Avenue (two) and Laurel Street (eight), of encroachment permit for the proposed development of the Corner Plaza at Masonic and Euclid avenues, the Pine Street Steps and Plaza at the Masonic/Pine/Presidio intersection, curb bulb-outs and associated streetscape improvements on the west side of Presidio Avenue at the intersection with Pine Street and Masonic Avenue, on the west side of Masonic Avenue at the intersection with Euclid Avenue, and on the east side of Laurel Street at the intersection with Mayfair Drive, and for sidewalk widening
- Approval of a street space permit from the Bureau of Street Use and Mapping if sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s).
- Recommendation to Board of Supervisors to approve legislation for sidewalk widening.

4. San Francisco Municipal Transportation Agency

- Approval of request for on-street commercial truck (yellow) and passenger (white) loading zones on Laurel Street, California Street, Masonic Avenue, and Euclid Avenue.
- Approval of a special traffic permit from the Sustainable Streets Division if sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s).
- Approval of construction within the public right-of-way (e.g., bulbouts and sidewalk extensions) to ensure consistency with the Better Streets Plan.
- Approval of the placement of bicycle racks on the perimeter sidewalks and within the project site

5. San Francisco Department of Building Inspection
 - Review and approval of demolition, excavation, and site/building permits.
 - Review and approval of construction permit for non-potable water system.
 - Approval of a permit for nighttime construction if any night construction work is proposed that would result in noise greater than five dBA above ambient noise levels, as applicable.
 - Review and approval of plumbing plans for non-potable water reuse system per the Non-potable Water Ordinance.

6. San Francisco Public Utilities Commission
 - Review and approval of Erosion and Sediment Control Plan, in accordance with article 4.1 of the public works code.
 - Review and approval of any changes to sewer laterals (connections to the City sewer system).
 - Review and approval of any changes to existing publicly-owned fire hydrants, water service laterals, water meters, and/or water mains.
 - Review and approval of the size and location of new fire, standard, and/or irrigation water service laterals.
 - Review and approval of post-construction stormwater design guidelines including a Stormwater Control Plan, in accordance with City's 2016 Stormwater Management Requirements and Design Guidelines.
 - Review and approval of a Landscape Plan per the Water Efficient Irrigation Ordinance.
 - Approval of the use of dewatering wells per article 12B of the health code (joint approval by the San Francisco Department of Public Health).
 - Review and approval of documentation for non-potable water reuse system per the Non-potable Water Ordinance.

7. San Francisco Department of Public Health
 - Review and approval of a Site Mitigation Plan, in accordance with San Francisco Health Code article 22A (Maher Ordinance).
 - Review and approval of a Construction Dust Control Plan, in accordance with San Francisco Health Code article 22B (Construction Dust Control Ordinance).

- Approval of the use of dewatering wells per article 12B of the health code (joint approval by the San Francisco Public Utilities Commission).
 - Review and approval of design and engineering plans for non-potable water reuse system and testing prior to issuance of a Permit to Operate.
8. Actions by Other Government Agencies
- Bay Area Air Quality Management District
 - Approval of any necessary air quality permits for installation, operation, and testing (e.g., Authority to Construct/Permit to Operate) for individual air pollution sources, such as boilers and emergency standby diesel generator.
 - Approval of Asbestos Dust Mitigation Plan for construction and grading operations.
- E. Findings About Significant Environmental Impacts and Mitigation Measures.

The following Sections II, III and IV set forth the findings about the determinations of the Final EIR regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide written analysis and conclusions regarding the environmental impacts of the Project and the mitigation measures included as part of the Final EIR and adopted as part of the Project.

In making these findings, the opinions of the Planning Department and other City staff and experts, other agencies and members of the public have been considered. These findings recognize that the determination of significance thresholds is a judgment within the discretion of the City and County of San Francisco; the significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and City staff; and the significance thresholds used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

These findings do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, a full explanation of these environmental findings and conclusions can be found in the Final EIR (which includes the Initial Study, Draft EIR, and Response to Comments document) and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the determination regarding the Project impacts and mitigation measures designed to address those impacts. For ease of reference only, the page of the Initial Study (IS), Draft EIR (DEIR) or Response to Comments document (RTC) is noted after the impact number where the primary discussion and analysis of that impact can be found. In making these findings, the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures are hereby ratified, adopted and incorporated in these findings, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

As set forth below, the mitigation measures set forth in the Final EIR and the attached MMRP are hereby adopted and incorporated, to substantially lessen or avoid the potentially significant impacts of the Project. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure is nevertheless hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the numbers contained in the Final EIR.

In Sections II, III and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding to address each and every significant effect and mitigation measure, the initial finding obviates the need for such repetition because in no instance are the conclusions of the Final EIR, or the mitigation measures recommended in the Final EIR for the Project, being rejected.

F. Location and Custodian of Records.

The public hearing transcripts and audio files, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Jonas P. Ionin, is the Custodian of Records for the Planning Department and the Planning Commission.

II. IMPACTS FOUND NOT TO BE SIGNIFICANT AND THUS DO NOT REQUIRE MITIGATION

Under CEQA, no mitigation measures are required for impacts that are less than significant (Pub. Res. Code § 21002; CEQA Guidelines §§ 15126.4, subd. (a)(3), 15091). As more fully described in the Final EIR and the Initial Study, and based on the evidence in the whole record of this proceeding, it is hereby found that implementation of the Project would not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation:

Land Use

- Impact LU-1 (IS 110): The proposed Project would not physically divide an existing community.
- Impact LU-2 (IS 110): The proposed Project would not conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect, such that a significant environmental impact would result.
- Impact C-LU-1 (IS 111): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative land use impacts.

- Population and Housing
- Impact PH-1 (IS 112): The proposed Project would not directly or indirectly induce substantial population growth in an area.
- Impact PH-2 (IS 120): The proposed Project would not displace substantial numbers of existing housing units or people necessitating the construction of replacement housing.
- Impact C-PH-1 (IS 120): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to significant cumulative population and housing impacts.

Cultural Resources

- Impact CR-2 (DEIR 4.B.47): The Project would not materially alter, in an adverse manner, the physical characteristics of any offsite historical resources that justify their inclusion in the California Register of Historical Resources.
- Impact C-CR-1 (DEIR 4.B.48): The impacts of the proposed Project, in combination with other past, present, and reasonably foreseeable future projects, would not materially alter, in an adverse manner, the physical characteristics of historical resources that justify their eligibility for inclusion in the California Register of Historical Resources, resulting in a cumulative impact.

Transportation and Circulation

- Impact TR-1 (DEIR 4.C.68): Construction of the proposed Project would not result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas thereby resulting in potentially hazardous conditions.
- Impact TR-3 (DEIR 4.C.81): The proposed Project would not cause major traffic hazards.
- Impact TR-5 (DEIR 4.C.88): The proposed project would not result in an adverse impact related to a substantial increase in transit delays.
- Impact TR-6 (DEIR 4.C.88): The proposed Project would not cause significant impacts on regional transit.
- Impact TR-7 (DEIR 4.C.92): The proposed Project would not result in substantial overcrowding on public sidewalks, create potentially hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the site and adjoining areas.
- Impact TR-8 (DEIR 4.C.94): The proposed project would not create potentially hazardous conditions for bicyclists and would not interfere with bicycle accessibility to the project site or adjoining areas.

- Impact TR-9 (DEIR 4.C.96): The proposed Project's freight loading demand would be met during the peak loading hour.
- Impact TR-10 (DEIR 4.C.98): The proposed Project's passenger loading demand would be met during the peak loading hour and would not create hazardous conditions or significant delays for transit, bicycles or pedestrians.
- Impact TR-11 (DEIR 4.C.99): The proposed Project would not result in significant impacts on emergency access to the project site or adjacent locations.
- Impact C-TR-1 (DEIR 4.C.101): Construction of the proposed Project, in combination with reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative construction-related transportation impacts.
- Impact C-TR-3 (DEIR 4.C.104): The proposed Project would not contribute considerably to a major traffic hazard.
- Impact C-TR-4 (DEIR 4.C.105): The proposed Project would not contribute considerably to significant cumulative transit capacity impacts on Muni screenlines.
- Impact C-TR-5 (DEIR 4.C.108): The proposed Project would not contribute considerably to significant cumulative transit delay impacts.
- Impact C-TR-6 (DEIR 4.C.108): The proposed Project would not contribute considerably to significant cumulative transit capacity impacts on regional transit routes.
- Impact C-TR-7 (DEIR 4.C.112): The proposed Project would not contribute considerably to significant cumulative pedestrian impacts.
- Impact C-TR-8 (DEIR 4.C.112): The proposed Project would not contribute considerably to a significant cumulative bicycle impact.
- Impact C-TR-9 (DEIR 4.C.113): The proposed Project would not contribute considerably to a significant cumulative freight loading impact.
- Impact C-TR-10 (DEIR 4.C.114): The proposed Project would not contribute considerably to a significant cumulative passenger loading impact.
- Impact C-TR-11 (DEIR 4.C.114): The proposed Project would not contribute considerably to a significant cumulative impact on emergency vehicle access.

Noise

- Impact NO-4 (DEIR 4D.62): Operation of the proposed project would not cause substantial permanent increases in ambient noise levels along roadway segments in the project site vicinity.

- Impact NO-5 (DEIR 4.D.64): The proposed Project's occupants would not be substantially affected by future noise levels on the site.
- Impact NO-6 (DEIR 4.D.67): Operation of the proposed Project would not expose people and structures to or generate excessive groundborne vibration or noise levels.
- Impact C-NO-1 (DEIR 4.D.68): Construction noise as a result of the proposed Project, combined with construction noise from reasonably foreseeable projects in the project area, would not cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity during construction.
- Impact C-NO-2 (DEIR 4.D.71): Operation of the proposed Project, in combination with other development, would not cause a substantial permanent increase in ambient noise levels in the project vicinity.

Air Quality

- Impact AQ-1 (DEIR 4.E.38): During construction, the proposed Project would generate fugitive dust and criteria air pollutants which would not violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.
- Impact AQ-2 (DEIR 4.E.49): At project build-out, the operation of the proposed Project would not result in emissions of criteria air pollutants at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.
- Impact AQ-3 (DEIR 4.E.52): Construction and operation of the proposed Project would not generate toxic air contaminants, including DPM, at levels which would expose sensitive receptors to substantial pollutant concentrations.
- Impact AQ-4 (IS 145): The proposed project or project variant would not generate emissions that create objectionable odors affecting a substantial number of people.
- Impact AQ-4 (DEIR 4.E.60): The proposed Project would not conflict with implementation of the 2017 Bay Area Clean Air Plan.
- Impact C-AQ-1 (DEIR 4.E.66): The proposed Project, in combination with past, present, and reasonably foreseeable future development in the project area, would not contribute to cumulative regional air quality impacts.
- Impact C-AQ-2 (DEIR 4.E.66): The proposed Project, in combination with past, present, and reasonably foreseeable future development in the project area, would not contribute to cumulative health risk impacts on sensitive receptors.

Greenhouse Gas Emissions

- Impact C-GG-1 (IS 148): The proposed Project would generate greenhouse gas emissions, but not at levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions.

Wind and Shadow

- Impact WS-1 (IS 151): The proposed Project would not alter wind in a manner that substantially affects public areas.
- Impact WS-2 (IS 156): The proposed Project would not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas.
- Impact C-WS-1 (IS 156): The proposed Project, in combination with past, present, and reasonably foreseeable future projects in the project site vicinity, would not result in a cumulatively considerable contribution to cumulative wind impacts.
- Impact C-WS-2 (IS 162): The proposed Project, in combination with past, present, and reasonably foreseeable future projects in the project site vicinity, would not result in a cumulatively considerable contribution to cumulative shadow impacts.

Recreation

- Impact RE-1 (IS 166): The proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated, or such that the construction of new facilities would be required.
- Impact RE-2 (IS 170): Construction of open space as part of the proposed Project would not result in substantial adverse physical environmental impacts beyond those analyzed and disclosed in the initial study.
- Impact C-RE-1 (IS 171): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts on recreational facilities or resources.

Utilities and Service Systems

- Impact UT-1 (RTC 6.21): Sufficient water supplies are available to serve the Project in normal, dry, and multiple dry years unless the Bay-Delta Plan Amendment is implemented; in that event, the SFPUC may develop new or expanded water supply facilities to address shortfalls in single and multiple dry years but this would occur with or without implementation of the proposed project or its variant. Impacts related to new or expanded water supply facilities cannot be identified at this time or implemented in

the near term; instead, the SFPUC would address supply shortfalls through increased rationing, which could result in significant cumulative effects, but the Project would not make a considerable contribution to impacts from increased rationing.

- Impact UT-2 (IS 180): The SFPUC has sufficient water supply available to serve the project site from existing entitlements and resources and would not require new or expanded water supply resources or entitlements.
- Impact UT-3 (IS 182): The proposed project or project variant would be served by a landfill with sufficient permitted capacity.
- Impact UT-4 (IS 185): Construction and operation of the proposed Project would comply with all applicable statutes and regulations related to solid waste.
- Impact C-UT-1 (IS 185): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts on utilities and service systems.

Public Services

- Impact PS-1 (IS 189): The proposed Project would increase demand for fire protection and police protection, schools, and other public services, but not to the extent that would require new or physically altered fire or police, schools, or other public facilities, the construction of which could result in significant environmental impacts.
- Impact C-PS-1 (IS 196): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts on public services.

Biological Resources

- Impact BI-2 (IS 202): The proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Geology and Soils

- Impact GE-1 (IS 208): The proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault and strong seismic ground shaking.
- Impact GE-2 (IS 210): The proposed Project would not result in substantial soil erosion or the loss of topsoil.
- Impact GE-3 (IS 211): The proposed Project is not located on a geologic unit or soil that is unstable (or could become unstable as a result of the project), potentially resulting in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse.

- Impact GE-4 (IS 212): The proposed Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property.
- Impact C-GE-1 (IS 215): The proposed Project, in combination with past, present, and reasonably foreseeable future projects in the project site vicinity, would not result in a cumulatively considerable contribution to cumulative impacts related to geology and soils.

Hydrology and Water Quality

- Impact HY-1 (IS 217): The proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.
- Impact HY-2 (IS 221): The proposed Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.
- Impact HY-3 (IS 222): The proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion, siltation, or flooding on or off site.
- Impact HY-4 (IS 223): The proposed Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Impact C-HY-1 (IS 224): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts related to hydrology and water quality.

Hazards and Hazardous Materials

- Impact HZ-1 (IS 231): The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Impact HZ-2 (IS 232): The proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Impact HZ-3 (IS 237): The proposed Project would not result in hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste, but

would involve the usage of minor amounts of routine hazardous materials within one-quarter mile of an existing or proposed school.

- Impact HZ-4 (IS 238): The project site is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 but would not create a significant hazard to the public or the environment.
- Impact HZ-5 (IS 239): The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and would not expose people or structures to a significant risk of loss, injury, or death involving fires.
- Impact C-HZ-1 (IS 240): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts related to hazards and hazardous materials.

Mineral and Energy Resources

- Impact ME-1 (IS 240): The proposed Project would not result in the loss of availability of a known mineral resource or locally important mineral resource recovery site.
- Impact ME-2 (IS 242): The proposed Project would not encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner.
- Impact C-ME-1 (IS 245): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts on mineral and energy resources.

Agriculture and Forest Resources (IS 246)

- The Project site and vicinity are located within an urbanized area of San Francisco. No land in San Francisco has been designated as agricultural land or forest land, and therefore there would be no impacts to agricultural or forest resources.

III. FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH THE IMPOSITION OF MITIGATION MEASURES

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible (unless mitigation to such levels is achieved through adoption of a project alternative). The findings in this Section III and in Section IV concern mitigation measures set forth in the Final EIR. These findings discuss mitigation measures as identified in the Final EIR for the Project. The full text of the mitigation measures is contained in the Final EIR and in Exhibit 1, the Mitigation Monitoring and Reporting Program. The impacts identified in this Section III would be reduced to a less-than-significant level through implementation of the mitigation measures contained in the Final EIR, included in the Project, or

imposed as conditions of approval and set forth in Exhibit 1. Impacts identified in Section IV would remain significant and unavoidable even with implementation of the mitigation measures contained in the Final EIR, included in the Project, or imposed as conditions of approval and set forth in Exhibit 1.

The Commission recognizes that some of the mitigation measures are partially within the jurisdiction of other agencies. The Commission urges these agencies to assist in implementing these mitigation measures, and finds that these agencies can and should participate in implementing these mitigation measures.

Cultural Resources

Impact CR-2 (IS 125): Construction activities of the proposed Project could cause a substantial adverse change in the significance of an archaeological resource.

The project area was part of the Lone Mountain, and later Laurel Hill, Cemetery from the mid-1850s to the 1940s. As a result, the project has a high historic archaeological sensitivity based on the possible presence of historic burials or other features associated with the cemetery. The project has the potential to adversely impact significant prehistoric and historical archaeological resources, if such resources are present within the project site.

Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reportings

Mitigation Measure M-CR-2b: Interpretation

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measures M-CR-2a and M-CR-2b would reduce impact CR-2 to a less-than-significant level.

Impact CR-3 (IS 133): Construction activities of the proposed Project could disturb human remains, if such remains are present within the project site.

There are gaps in the current understanding of prehistoric land use history. Given this lack of understanding, although unlikely, it is possible Native American human remains may be encountered during project construction. Further, there is a high potential for the project to encounter human remains associated with the historic-era Laurel Hill Cemetery. In the event that construction activities disturb unknown human remains within the project area, any inadvertent damage to human remains would be considered a significant impact.

Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reportings

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-CR-2a would reduce impact CR-3 to a less-than-significant level.

Impact CR-4 (IS 134): Construction activities of the proposed Project could disturb tribal cultural resources, if such resources are present within the project site.

CEQA Section 21074.2 requires the lead agency to consider the effects of a project on tribal cultural resources. As defined in Section 21074, tribal cultural resources are sites, features, places, cultural

landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed, or determined to be eligible for listing, on the national, state, or local register of historical resources. Pursuant to State law under Assembly Bill 52 (Public Resources Code section 21080.3.1), on September 21, 2017, the Planning Department requested consultation with Native American tribes regarding possible significant effects that the project may have on tribal cultural resources. The Planning Department received no response concerning the project.

Based on the background research there are no known tribal cultural resources in the project area; however, based on the archeological sensitivity assessment, the project site is an archeologically sensitive area with a moderate potential for prehistoric archeological resources. Prehistoric archeological resources may also be considered tribal cultural resources. In the event that construction activities disturb unknown archeological sites that are considered tribal cultural resources, any inadvertent damage would be considered a significant impact.

Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reportings

Mitigation Measure M-CR-2b: Interpretation

Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measures M-CR-2a, M-CR-2b, and M-CR-4 would reduce impact CR-4 to a less-than-significant level.

Impact C-CR-1 (IS 136): The proposed Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would result in a cumulatively considerable contribution to significant cumulative impacts on as-yet unknown archeological resources, human remains, or tribal cultural resources.

Archeological resources, tribal cultural resources, and human remains are non-renewable resources of a finite class. All adverse effects to archeological resources erode a dwindling cultural/scientific resource base. Federal and state laws protect archeological resources in most cases, either through project redesign or by requiring that the scientific data present within an archeological resource be archeologically recovered. As discussed above, the project could have a significant impact related to archeological resources, tribal cultural resources, and disturbance of human remains. The project's impact, in combination with other projects in the area that would also involve ground disturbance and that could also encounter previously recorded or unrecorded archeological resources, tribal cultural resources, or human remains, could result in a significant cumulative impact.

Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reportings

Mitigation Measure M-CR-2b: Interpretation

Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measures M-CR-2a, M-CR-2b, and M-CR-4 would reduce impact C-CR-1 to a less-than-significant level.

Transportation and Circulation

Impact TR-2 (DEIR 4.C.74): The proposed Project would cause substantial additional Vehicle Miles Travelled (VMT) and/or substantially induce automobile travel.

More off-street vehicular parking is linked to more driving and VMT. If the project provided parking at a substantially higher rate than the existing neighborhood average rate for retail uses, it could result in VMT that would exceed the threshold of 15 percent below the regional average for retail uses, the significance threshold for the nonresidential use, a potentially significant impact.

Mitigation Measure M-TR-2: Reduce Retail Parking Supply

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-TR-2 would reduce impact TR-2 to a less-than-significant level.

Impact C-TR-2 (DEIR 4.C.102): The proposed Project's incremental effects on regional VMT would be significant, when viewed in combination with past, present, and reasonably foreseeable future projects.

More off-street vehicular parking is linked to more driving and VMT. If the project provided parking at a substantially higher rate than the existing neighborhood average rate for retail uses, it could result in VMT that would exceed the threshold of 15 percent below the regional average for retail uses, the significance threshold for the nonresidential use, a potentially significant impact.

Mitigation Measure M-TR-2: Reduce Retail Parking Supply

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-TR-2 would reduce impact C-TR-2 to a less-than-significant level.

Noise and Vibration

Impact NO-2 (DEIR 4.D.51): Construction of the proposed Project would expose structures to, or generate excessive groundborne vibration levels but not excessive groundborne noise.

Groundborne vibrations from certain aspects of Project construction have the potential to affect the existing offsite structures nearest to the project site. Most offsite structures, including historic buildings and some older buildings along Presidio Avenue and Masonic Avenue, and older residential structures along Euclid Avenue and Laurel Street, and newer residential and commercial structures along California Street, would be too distant from the proposed construction activities on the project site to be susceptible to structural damage. However, excavators used during excavation work along certain portions of California Street have the potential to cause structural damage at the nearest offsite structure, the SF Fire Credit Union building, when operating within 8 feet of this building. This would be a significant impact.

Mitigation Measure M-NO-2: Vibration Monitoring Program for SF Fire Credit Union Building

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-NO-2 would reduce impact NO-2 to a less-than-significant level.

Impact NO-3 (DEIR 4.D.58): Operation of the proposed Project would not result in a substantial permanent increase in ambient noise levels in the immediate project vicinity, or permanently expose persons to noise levels in excess of standards in the San Francisco General Plan and the San Francisco Noise Ordinance.

Stationary equipment associated with project includes HVAC systems, cooling towers, an emergency generator, ventilation systems, and trash compactors, but the design and selection of this equipment is not complete. It is possible that HVAC and cooling equipment at the project buildings could result in excessive noise. A mitigation measure is identified to ensure that project equipment noise levels would comply with Police Code section 2909 requirements with respect to both existing offsite and future onsite land uses.

Mitigation Measure M-NO-3: Stationary Equipment Noise Controls

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-NO-3 would reduce impact NO-3 to a less-than-significant level.

Biological Resources

Impact BI-1 (IS 198): The proposed Project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; and the proposed Project would interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Tree removal and construction-related activities associated with the project could adversely affect bird breeding and nest behaviors at the project site and in the immediate vicinity. Construction activities that may cause visual disturbance or alter the ambient noise environment include vegetation removal, demolition of existing buildings, and construction of foundations and new buildings. Although adult birds can escape the project site to avoid direct harm during construction, eggs or chicks associated with active nests could still be permanently affected (i.e. abandoned or killed) by project construction activities. The project may result in the displacement of nesting migratory birds and/or the abandonment of active nests should construction and vegetation removal occur during the typical nesting season (January 15 through August 15). A mitigation measure is identified to ensure that project activities do not result in the take of an active nest.

The project would increase the number of new buildings at the project site and the heights of existing buildings, which could create potential obstacles for resident or migratory birds. This could result in an increase in bird injury or mortality in the event of a collision. The project would comply with Planning Code section 139's feature-related standards.

Mitigation Measure M-BI-1: Preconstruction Nesting Bird Surveys and Buffer Areas

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-BI-1 would reduce impact BI-1 to a less-than-significant level.

Impact C-BI-1 (IS 204): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would result in a cumulatively considerable contribution to cumulative impacts related to biological resources.

Cumulative development within the vicinity of the project site would occur within a dense urban environment that lacks suitable habitat for candidate, sensitive, or special-status species. Future projects such as 3700 California Street and 2670 Geary Boulevard, may result in an increase in population density, taller buildings, and tree removal. Such development could have an impact on nesting and migratory birds that would be reduced to less-than-significant levels with implementation of mitigation measures associated with meeting the requirements of the Migratory Bird Treaty Act and California Fish and Game Code. Additionally, these future projects would also be subject to, and comply with, the requirements of Planning Code section 139, incorporation of bird-safe glazing treatment on 100 percent of any feature-related hazards (e.g., balconies, free-standing glass walls, or skywalks).

Mitigation Measure M-BI-1: Preconstruction Nesting Bird Surveys and Buffer Areas

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-BI-1 would reduce impact C-BI-1 to a less-than-significant level.

Geology and Soils

Impact GE-5 (IS 212): The proposed Project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The project would entail excavation to a depth of up to 40 feet to accommodate the below-grade basement levels, foundations, and site terracing, extending into the Colma Formation at certain locations. For paleontologically sensitive areas, the objective of implementing mitigation measures is to reduce adverse impacts on paleontological resources by recovering fossils and associated contextual data prior to and during ground-disturbing activities. Ground-disturbing activities as a result of the project could expose and cause impacts on unknown paleontological resources, which would be a potentially significant impact.

Mitigation Measure M-GE-5: Inadvertent Discovery of Paleontological Resources

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-GE-5 would reduce impact GE-5 to a less-than-significant level.

IV. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that, where feasible, changes or alterations have been required, or incorporated into, the Project to reduce the significant environmental impacts as identified in the Final EIR. The Commission finds that the mitigation measures in the Final EIR and described below are appropriate, and that changes have been required in, or incorporated into, the Project, pursuant to Public Resources Code section 21002 and CEQA Guidelines Section 15091, that may lessen, but do not avoid (i.e., reduce to less-than-significant levels),

the potentially significant environmental effects associated with implementation of the Project that are described below. Although all of the mitigation measures set forth in the MMRP, attached as Exhibit 1, are hereby adopted, for some of the impacts listed below, despite the implementation of feasible mitigation measures, the effects remain significant and unavoidable.

The Commission further finds based on the analysis contained within the Final EIR, other considerations in the record, and the significance criteria identified in the Final EIR, that feasible mitigation measures are not available to reduce some of the significant Project impacts to less-than-significant levels, and thus those impacts remain significant and unavoidable. The Commission also finds that, although mitigation measures are identified in the Final EIR that would reduce some significant impacts, certain measures, as described in this Section IV below, are uncertain or infeasible for reasons set forth below, and therefore those impacts remain significant and unavoidable or potentially significant and unavoidable.

Thus, the following significant impacts on the environment, as reflected in the Final EIR, are unavoidable. But, as more fully explained in Section VII, below, under Public Resources Code section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, it is found and determined that legal, environmental, economic, social, technological and other benefits of the Project override any remaining significant adverse impacts of the Project for each of the significant and unavoidable impacts described below. This finding is supported by substantial evidence in the record of this proceeding.

Cultural Resources

Impact CR-1 (DEIR 4B.41): The proposed Project would cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5 of the CEQA Guidelines.

The Midcentury Modern-designed corporate campus at 3333 California Street, built between 1956 and 1966, is eligible for listing in the California Register of Historical Resources as an individual property under Criterion 1 for its association with the broad pattern of development in San Francisco as a unique urban adaptation of a typically suburban property type (corporate campus) and under Criterion 3 for its uniform Midcentury Modern architectural qualities, and for its association with master landscape design firm Eckbo, Royston & Williams and master engineering firm of John J. Gould & H. J. Degenkolb & Associates. As such, the property is considered a "historical resource" for the purposes of the CEQA.

The Historic Resources Evaluation Response prepared for the Project by the Planning Department evaluated the Project's proposed treatment of the property for consistency with the Secretary's Standards, and concluded that the Project would not comply with Standards 1, 2, 5, 6, 9, or 10 for several reasons, including the removal of elements that convey the project site's history as a corporate campus, the construction of new buildings on formerly open and/or landscaped space at the project site, and the changes to the massing and materiality of the office building. Moreover, the project would materially alter the physical characteristics of 3333 California Street that convey its historic significance and that justify its inclusion in the California Register.

The project would materially impair the historical significance of 3333 California Street. Accordingly, the project would result in a substantial adverse change to 3333 California Street, a significant impact under CEQA.

Mitigation Measure M-CR-1a: Documentation of Historical Resource

Mitigation Measure M-CR-1b: Interpretation of the Historical Resource

Although implementation of these mitigation measures could reduce the severity of the impact to 3333 California Street that would result from implementation of the project, the impact would be significant and unavoidable.

Transportation and Circulation

Impact TR-4 (DEIR 4.C.83): The proposed Project would result in an adverse transit capacity utilization impact for Muni route 43 Masonic during the weekday a.m. peak hour under baseline conditions.

The project would result in an adverse impact on the 43 Masonic Muni route by increasing ridership to exceed the 85 percent capacity utilization and contributing more than 5 percent on this route during the weekday a.m. peak hour under baseline conditions. This increase in transit demand could not be accommodated by adjacent transit capacity, given the 43 Masonic is the only transit line within one half of a mile that serves the northbound destinations for the assumed distribution of project trips. Therefore, the project would have a significant impact on an individual Muni line.

Mitigation Measure M-TR-4: Monitor and Provide Fair-Share Contribution to Improve 43 Masonic Capacity

Although implementation of this mitigation measure would result in transit route improvements expected to allow Muni to maintain transit headways, reducing the project's impact to a less-than-significant level, the options for providing additional service and SFMTA's ability to implement improvements is uncertain. Accordingly, the project's impact would be considered significant and unavoidable.

Noise and Vibration

Impact NO-1 (DEIR 4.D.36): Construction of the proposed Project would expose people to or generate noise levels in excess of applicable standards or cause a substantial temporary or periodic increase in ambient noise levels.

The nearest noise-sensitive receptors are located between 60 and 240 feet from the nearest portion of the site. These uses would experience temporary and intermittent noise associated with excavation and construction activities. The temporary daytime construction noise increases at sensitive residential land uses on the south side of Euclid Avenue, the west side of Laurel Street, and the north side of California Street would be as high as 16 dBA, 17 dBA, and 10 dBA above ambient levels, respectively, during some phases of the construction program, which would be considered a substantial increase. Although construction-related impacts are considered temporary, they would be persistent over certain phases of construction during the seven-year construction period and would represent a 10-dBA increase over ambient noise levels, creating a significant impact.

Onsite noise-sensitive receptors would include residential dwellings (in all-new and renovated buildings) and both a child care center and residential dwellings in the proposed Walnut Building. Future onsite sound levels are not yet known and will be based on a number of factors, including levels of traffic noise received at onsite receptors within the project site, the noise shielding effect of intervening buildings, and noises generated by use of the project buildings including traffic, commercial activities, and residential activities. Regardless of future ambient sound levels, it can be reasonably assumed based on the estimated sound levels for offsite receptors, that during construction of subsequent phases of the four-phase construction program, there would be periodic increases over ambient daytime noise levels of 10 dBA or more at onsite receptor locations, which would be a significant impact.

A mitigation measure is intended to reduce the potential for construction noise impacts at offsite receptors and future onsite receptors.

Mitigation Measure M NO-1: Construction Noise Control Measures

Implementation of construction-related noise control measures in Mitigation Measure M-NO-1 would reduce the project's temporary or periodic increases in ambient noise levels to the maximum extent feasible. However, these construction-related measures would not necessarily reduce noise increases at the sensitive residential land uses on the south side of Euclid Avenue, the west side of Laurel Street, the north side of California Street, and future onsite receptors to below the +10 dBA standard over ambient conditions during construction activities that would generate high levels of noise (i.e., general excavation of all phases and certain building construction activities). Because the certainty of the construction noise reductions from implementation of Mitigation Measure M-NO-1 are not assured, the impact is considered significant and unavoidable.

V. MITIGATION MEASURES REJECTED AS INFEASIBLE

No mitigation measures identified in the Final EIR are rejected as infeasible.

VI. EVALUATION OF PROJECT ALTERNATIVES

This Section describes the reasons for approving the Project and the reasons for rejecting the alternatives as infeasible. CEQA requires that an EIR evaluate a reasonable range of alternatives to the proposed project or the project location that substantially reduce or avoid significant impacts of the proposed project. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide the decision maker with a basis of comparison to the proposed Project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the proposed Project.

Alternatives Considered, Rejected and Reasons for Rejection

The Planning Commission rejects the Alternatives set forth in the Final EIR and listed below based upon substantial evidence in the record, including evidence of economic, legal, social, technological, and other considerations described in this Section, in addition to those described in Section VII below, which are hereby incorporated by reference, that make these alternatives infeasible. In making these determinations, the Commission is aware that CEQA defines "feasibility" to mean "capable of being

accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines § 15364.) Under CEQA case law, the concept of “feasibility” encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project; and (ii) the question of whether an alternative is “desirable” from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

A. No Project Alternative

Under the No Project Alternative, the Project site would generally remain in its existing condition and would not be redeveloped with a mix of residential, retail, child care, and open space uses. This alternative would reduce or avoid impacts associated with construction activities, and effects associated with the operation of more intense uses on the site. All structures on the site would be retained, and the existing site would continue to function as an office use, at the city’s standard office occupancy rate of 276 gross square feet of space per employee, a slight increase in the number of onsite employees compared to existing conditions). The existing 543 parking spaces would remain.

The existing glazing has been modified from the original system and, based on current condition of the office building’s glass curtain wall system, would likely require in-kind replacement. No other modifications, repairs, or restoration activities would be conducted on the exterior. In addition, the interior of the existing office building could be altered as part of tenant leasing agreements. Any such alterations would not result in a change to the amount of currently leasable office space.

The existing land use controls on the project site would continue to govern site development and would not be changed.

The No Project Alternative would reduce the impacts of the project because no new development would occur. None of the significant and unavoidable impacts associated with the project would occur. The No Project Alternative would have less-than-significant impacts or no impacts on topics determined in the Final EIR or initial study to be either less than significant or less than significant with mitigation under the project, and would not require mitigation measures.

The No Project Alternative is hereby rejected as infeasible because, although it would eliminate the significant and unavoidable historic architectural resources, transportation and circulation, and noise and vibration impacts of the Project, it would fail to meet all of the basic objectives of the Project. In particular, this alternative would fail to achieve objectives regarding the development of a walkable mixed-use community with a mix of compatible uses including residences, neighborhood-serving ground floor retail, onsite child care, potential office/commercial uses, and substantial open space; it would fail to address the City’s housing goals because it would not create any new residential dwelling units on the site; and it would fail to extend the neighborhood urban pattern and surrounding street grid into the site, a key urban design principle consistent with the Planning Department’s early input on the Project, which has been incorporated into the Project’s design.

For these reasons, it is hereby found that the No Project Alternative is rejected because it would not meet the basic objectives of the Project and, therefore, is not a feasible alternative.

B. Full Preservation – Office Alternative

Under the Full Preservation – Office Alternative, the existing four-story office building would be retained in its entirety and would continue as office use. A one-level vertical addition would be constructed on the roof to expand the usable space for office uses, replacing the existing mechanical penthouse. New construction on the project site would be limited to the northern portion of the site adjacent to California Street. Two new multi-family residential buildings (the Plaza B and Walnut buildings) and the California Street Garage would be developed in the areas occupied by the surface parking lots on that portion of the site. The annex building, the perimeter brick wall that borders the north and west (partial) boundaries of the project site, and a portion of the surface parking lot on the western portion of the site, south of Mayfair Drive, would be retained. Existing conditions on the southern and eastern portions of the project site would be maintained. The most prominent views of the project site, from the east on Pine Street (looking west) and from the south on Masonic Avenue (looking north), would be retained with minimal change as would views from Laurel Street (looking east).

The footprint of the office building would remain the same as under existing conditions. One floor of additional usable office space would be added, increasing the height of the office building from 55 feet 6 inches to 66 feet 8 inches. The addition would be set back 15 feet from the east, west, and south sides of the existing office building; would have a contemporary design with steel and glazing, and would be visually subordinate in relation to the overall size of the existing building. With the vertical addition to the existing office building and the retention of the annex building, there would be a total of 406,459 gross square feet of office uses under the Full Preservation – Office Alternative (406,459 more gross square feet than under the project, which would not contain office uses).

The Plaza B and Walnut buildings would have different land uses, building footprints, and building heights compared to the project. These new residential buildings would have no ground-floor retail along California Street or child care uses as they would with the project. The Plaza B and Walnut buildings along California Street would provide a total of 167 residential units (577 fewer residential units than the project).

One new below-grade parking garage (the California Street Garage) would be constructed. The California Street Garage would have two levels of below-grade parking rather than the three levels in the project. The parking garage under the existing office building would be retained. The parking program for this alternative would retain 102 of the 331 existing surface parking spaces on the project site; the remaining 229 surface parking spaces would be replaced by spaces in the new California Street Garage. The 212 parking spaces in the existing garage would be retained. Overall, there would be 765 off-street parking spaces: 167 spaces for residential uses, 585 spaces for office uses, and 13 car-share spaces. Thus, the Full Preservation – Office Alternative would provide 82 fewer spaces than the project's 847 off-street parking spaces. Except for spaces in the retained surface parking lots, off-street parking (663 spaces) would be in the California Street Garage and the retained parking garage.

The Full Preservation – Office Alternative would be constructed in approximately two years, with excavation and site preparation for construction of the Plaza B and Walnut buildings and the California Street Garage and alterations to the existing office building occurring as part of a single phase (5 to 13 years less than the proposed Project).

The Full Preservation – Office Alternative would not cause a substantial adverse impact on the historic resource at 3333 California Street, as the project site would continue to convey its historic and architectural significance as a Midcentury Modern-designed corporate campus. Mitigation Measure M-CR-1a: Documentation of Historical Resource and Mitigation Measure M-CR-1b: Interpretation of the Historical Resource would not be required.

Like the project, the Full Preservation – Office Alternative would result in adverse impacts on the 43 Masonic by increasing ridership to exceed the 85 percent capacity utilization during the weekday a.m. peak period under baseline conditions, although to a lesser degree. Therefore, similar to the project, this alternative would have a significant impact on an individual Muni line and mitigation would be required. Implementation of Mitigation Measure M-TR-4: Monitor and Provide Fair Share Contribution to Improve 43 Masonic Capacity would reduce the impact, but the impact would remain significant and unavoidable after mitigation.

With a construction program limited to the northern portion of the site and a shorter, single-phase construction schedule, the number of temporary construction-related noise events that could affect offsite sensitive receptor locations would be reduced from those under the project. However, the type of construction equipment and use characteristics would not change because demolition, excavation, and construction activities, even though more limited, would still occur. Thus, the potential to generate substantial temporary noise increases of at least 10 dBA over ambient levels at various offsite locations along surrounding streets would remain significant and unavoidable, as discussed in greater detail in the Final EIR. Construction noise impacts under this alternative (although more limited in terms of the number of noise events) would be significant and implementation of Mitigation Measure M-NO-1: Construction Noise Control Measures would be required, which would reduce but not eliminate construction noise impacts. As with the project, construction noise impacts under the Full Preservation – Office Alternative would remain significant and unavoidable with implementation of Mitigation Measure M-NO-1.

The Full Preservation – Office Alternative is rejected as infeasible because, although it would eliminate the significant and unavoidable historic architectural resources impact identified for the Project, and would reduce the significant and unavoidable transportation and circulation and noise impacts, it would fail to meet some of the project objectives, and would meet many of the other project objectives to a lesser extent than the project. The Full Preservation – Office Alternative would fail to open and connect the site to the surrounding community because it would not construct the Walnut and Mayfair walks. Accordingly, it would fail to extend the neighborhood urban pattern and surrounding street grid into the site, a key urban design principle consistent with the Planning Department's early input on the Project, which has been incorporated into the Project's design. It would also fail to provide active ground floor retail uses or activated neighborhood-friendly spaces along the adjacent streets. The alternative would increase the City's housing supply compared to current conditions, but to a substantially lesser extent than would the Project, with only 167 units, 577 fewer residential units and a

corresponding reduction in the number of affordable senior housing units. The alternative would be consistent with the City's goals and policies in the General Plan Housing Element and the City's progress toward meeting its ABAG Regional Housing Needs Allocation number but to a lesser extent than the project. Although this alternative would redevelop a large underutilized commercial site, it would do so to a lesser degree and with a limited mix of uses, reducing walkability and convenience because no onsite child care and retail uses would be provided. In addition, the open space in this alternative would not be as varied or designed to maximize pedestrian accessibility.

In addition, the City has numerous Plans and policies, including in the General Plan (Housing and Transportation Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly described in the materials considered by the Commission at the September 5, 2019 hearing regarding the Final EIR certification and project approvals, which are incorporated by reference as though fully set forth herein. The Full Preservation – Office Alternative does not promote these Plans and policies to the same extent as the project, particularly due to the lower number of units provided in the Alternative (167) as compared to the Project. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently affordable housing); Policy 1.10 (support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips); Objective 4 (foster a housing stock that meets the needs of all residents across life cycles); Policy 4.1 (develop new housing for families with children); Policy 4.4 (encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible); Policy 4.5 (ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities).

For these reasons, it is hereby found that the Full Preservation – Office Alternative is rejected because, although it would eliminate the significant and unavoidable historic architectural resources impact and would reduce the identified significant and unavoidable transportation and circulation and noise impacts identified for the project, it would fail to meet some project objectives, as well as several City Plans and policies related to the production of housing, including affordable housing, particularly housing and jobs near transit, and urban design, to the same extent as the project. It is, therefore, not a feasible alternative.

C. Full Preservation – Residential Alternative

Under the Full Preservation – Residential Alternative, the existing office building would be mostly retained and converted to residential use. A one-level vertical addition would be constructed to add more space for the residential use. New construction would be restricted to the northern and western portions of the site adjacent to California Street and Laurel Street/Mayfair Drive. As under the project, three new mixed-use multi-family residential buildings with ground-floor retail (the Plaza A, Plaza B, and Walnut buildings), one new multi-family residential building (the Mayfair Building), and two garages (the California Street and Mayfair garages) would be constructed. The annex building, perimeter brick wall, and surface parking lots on the northern portion of the site would be demolished to make way for the new construction. On the western portion of the site along Laurel Street and south of Mayfair Drive, the concrete pergola, terraced formal landscaping, and surface parking would be mostly retained, and development would not be as extensive as it would under the project because the Laurel Duplexes would not be constructed. Existing conditions on the southern and eastern portions of the project site would be maintained. The view through the project site to the existing building from Laurel Street (looking west) would be altered with development of the Mayfair Building. The most prominent views of the project site, from the east on Pine Street (looking west) and from the south on Masonic Avenue (looking north), would be retained with minimal change.

The footprint of the office building would be altered slightly from that under existing conditions, and would be retained as one building instead of being divided into two. Building demolition would be limited to the north-facing entry, the northerly extension of the east wing, and the exposed concrete piers over the garage along with the circular garage ramp structures. Only one floor of residential use would be added, instead of three floors. Similar to the project, this alternative would adaptively reuse the existing office building for residential use and would replace the glass curtain window wall system. Under this alternative the new window wall system would be designed to be compatible with the character of the historic resource. The vertical addition would increase the height of the existing building from 55 feet 6 inches to 66 feet 8 inches. Its design and setbacks would be similar to those described for the Full Preservation – Office Alternative. With the addition of one floor to the existing building, there would be a total 369,818 gross square feet of residential space for 190 residential units in the building.

The land use program, footprints, and heights for the Plaza A, Plaza B, Walnut, and Mayfair buildings would be substantially the same as under the project. Development of the four new buildings along California and Laurel streets would total 335,361 gross square feet of residential use with 344 residential units, 14,650 gross square feet of child care use, and 44,306 gross square feet of retail use. The Plaza A and Plaza B buildings would be 45 feet tall, with ground floor retail. The Walnut Building would be 67 feet tall and would include ground floor retail and child care space. The Mayfair Building would be a four-story residential building with a proposed height of 40 feet. Overall, under Alternative the Full Preservation – Residential Alternative, there would be 224,277 fewer gross square feet than under the project.

The Full Preservation – Residential Alternative would provide two new below-grade parking garages (the California Street and Mayfair garages, one fewer than the project); and partly retain the parking garage under the existing office building. The parking program would replace and

expand the existing 543 surface and subsurface parking spaces on the project site. Unlike the project, 80 of the 331 surface parking spaces on the project site would be retained. Overall, there would be a total of 746 off-street parking spaces under this alternative: 534 spaces for residential uses, 115 spaces for retail uses, 29 spaces for the child care use, 60 commercial parking spaces, and 8 car-share spaces. Thus, the Full Preservation – Residential Alternative would provide 203 more off-street parking spaces than there are currently and 101 fewer spaces than the project's 847 off-street parking spaces.

The Full Preservation – Residential Alternative would be constructed in approximately five and a half years and two phases. Construction activities included in the phases are discussed below; and as with the construction program for the proposed project the phases could be developed in a different order. First phase: Demolition of the circular garage ramp structures and the northerly extension of the east wing of the existing office building and alterations to the existing office building. Second phase: Demolition of the existing annex building and the surface parking lots on the north and west portions of the site, excavation and site preparation for construction of the California Street buildings and the Mayfair Building and associated garages.

The Full Preservation – Residential Alternative would not cause a substantial adverse impact on the historic resource at 3333 California Street, as the project site would continue to convey its historic and architectural significance as a Midcentury Modern-designed corporate campus. Mitigation Measure M-CR-1a: Documentation of Historical Resource and Mitigation Measure M-CR-1b: Interpretation of the Historical Resource would not be required.

Like the project, the Full Preservation – Residential Alternative would result in adverse impacts on the 43 Masonic by increasing ridership to exceed the 85 percent capacity utilization during the weekday a.m. peak period under baseline conditions, although to a lesser degree. Therefore, similar to the project, this alternative would have a significant impact on an individual Muni line and mitigation would be required. Implementation of Mitigation Measure M-TR-4: Monitor and Provide Fair Share Contribution to Improve 43 Masonic Capacity would be required. Similar to the project, the SFMTA's ability to provide additional capacity or improve transit headways is uncertain; thus, the impact would remain significant and unavoidable after mitigation.

Under this alternative, the construction program would be shorter than that for the project and would be completed in two phases rather than four. However, the type of construction equipment and use characteristics would not change because demolition, excavation, and construction activities, even though more limited, would still occur. Thus, the potential to generate substantial temporary noise increases of at least 10 dBA over ambient levels at various offsite locations along surrounding streets, and, during the second phase of construction, at certain onsite locations that could be occupied after completion of the first phase, would remain significant and unavoidable, as discussed in greater detail in the Final EIR. Construction noise impacts under this alternative (although more limited in terms of the number of noise events) would be significant and implementation of Mitigation Measure M-NO-1: Construction Noise Control Measures would be required, which would reduce but not eliminate construction noise impacts. As with the project, construction noise impacts under the Full Preservation – Residential Alternative would remain significant and unavoidable with implementation of Mitigation Measure M-NO-1.

The Full Preservation – Residential Alternative is rejected as infeasible because, although it would eliminate the significant and unavoidable historic architectural resources impact identified for the Project, and would reduce the significant and unavoidable transportation and circulation and noise impacts, it would fail to meet several of the project objectives to the same extent as the project. This alternative would not open and connect the site to the surrounding community to the same extent as the project, as only Mayfair Walk, and not Walnut Walk, would be developed to extend through the entire site. Accordingly, it would not, to the same extent as the project, extend the neighborhood urban pattern and surrounding street grid into the site, a key urban design principle consistent with the Planning Department's early input on the Project, which has been incorporated into the Project's design. The alternative would increase the City's housing supply compared to current conditions, but to a lesser extent than would the Project, with 210 fewer residential units and a corresponding reduction in the number of affordable senior housing units. This would be less consistent with the City's goals and policies in the General Plan Housing Element and the City's progress toward meeting its ABAG Regional Housing Needs Allocation number. This alternative would redevelop a large underutilized commercial site, although to a lesser degree and with less density than the project, and it would provide fewer activated neighborhood-friendly spaces along the adjacent streets than would the project. In addition, the open space in this alternative would not be as varied and is not designed to maximize pedestrian accessibility.

In addition, the City has numerous Plans and policies, including in the General Plan (Housing and Transportation Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly described in the materials considered by the Commission at the September 5, 2019 hearing regarding the Final EIR certification and project approvals, which are incorporated by reference as though fully set forth herein. The Full Preservation – Residential Alternative does not promote these Plans and policies to the same extent as the project. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently affordable housing); Policy 1.10 (support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips); Objective 4 (foster a housing stock that meets the needs of all residents across life cycles); Policy 4.1 (develop new housing for families with children); Policy 4.4 (encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible); Policy 4.5 (ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities).

For these reasons, it is hereby found that the Full Preservation – Residential Alternative is rejected because, although it would eliminate the significant and unavoidable historic architectural resources impact and would reduce the identified significant and unavoidable transportation and circulation and noise impacts identified for the project, it would fail to meet several of the project objectives and City Plans and policies related to the production of jobs and housing, including affordable housing, particularly near transit, and urban design, to the same extent as the project. It is, therefore, not a feasible alternative.

D. Partial Preservation – Office Alternative

Under the Partial Preservation – Office Alternative, the existing office building would be mostly retained for continued office use and altered with minor demolition. A two-story addition would be added to the roof to expand the office use. New construction on the project site would be limited to the northern and western portions of the site. As under the project, three new mixed-use multi-family residential buildings with ground-floor retail (the Plaza A, Plaza B, and Walnut buildings), one new multifamily residential building (the Mayfair Building), and two garages (the California Street and Mayfair garages) would be constructed. The annex building, circular garage ramp structures, surface parking lots, and open and landscaped areas on the northern portion of the site along California and Laurel streets would be demolished to make way for the new construction. On the western portion of the site along Laurel Street and south of Mayfair Drive, the concrete pergola, terraced formal landscaping, brick retaining wall, and surface parking would be removed; however, development would not be as extensive as it would under the project because one fewer Laurel Duplex would be constructed and footprints would be slightly different. Existing conditions on the southern and eastern portions of the project site would be maintained. The view through the project site to the existing building from Laurel Street (looking west) would be altered with development of the Mayfair Building and Laurel Duplexes. The most prominent views of the project site, from the east on Pine Street (looking west) and from the south on Masonic Avenue (looking north), would be retained with minimal change.

Under this alternative, the existing office building's north-facing entry, the northerly extension of the east wing, and the exposed concrete piers over the garage would be demolished, and the continuous full-height, slightly recessed curtain wall glazing and the glass curtain wall system would be replaced in kind for office use, rather than altered for residential use. The existing office building's auditorium space would be retained. This alternative's stepped, two-story, 24-foot-tall vertical addition would increase the height of the existing office building from 55 feet 6 inches up to 80 feet. The first story of the vertical addition would be set back 15 feet from the east, west, and south sides of the existing office building. The second story would be set back an additional 45 feet and 120 feet, respectively, from the east and west sides of the new floor addition immediately below. The addition would be designed with modern materials, such as steel and glazing, and would be visually subordinate to the existing structure, matching its stepped approach. With the addition of two floors to the existing office building and the enclosure of the northeastern portion of the existing office building (where the northerly extension of the east wing, exposed concrete piers over the garage, and circular garage ramp structures would be demolished), there would be a total 402,404 gross square feet of office space under this alternative (26,404 more gross square feet than under existing conditions [with demolition of the existing 14,000-gross-square-foot

annex building)) and 402,404 more gross square feet than under the project, which would not contain office uses).

The footprints of the Plaza A, Plaza B, and Walnut buildings on California Street and the Mayfair Building on Laurel Street (including the California Street and Mayfair garages) would not change compared to the project. The Plaza A and Plaza B buildings would be 65 feet tall, with ground floor retail (20 feet taller than the project). As with the project, the Walnut Building would be 67 feet tall and would include ground floor retail and child care space. The Mayfair Building would be a four-story residential building with a proposed height of 40 feet. Six Laurel Duplexes (not seven as with the project) would be constructed along Laurel Street. Five would be set back 25 feet from Laurel Street, a similar setback as that for the project. The fourth duplex in the row would be set back 60 feet from Laurel Street to retain two existing Coast Live Oak trees, as with the project. The footprints would disturb slightly less surface area than under the project because there would be one less building, and the last duplex on the south end would have a slightly smaller footprint in order to retain the south wing of the existing office building and a portion of the green lawn at the northeast corner of Euclid Avenue and Laurel Street. Each duplex would be four stories tall and building heights would range from 37 to 40 feet, as with the project.

This alternative would provide two new below-grade parking garages and five individual two-car parking garages, and would partially retain the three-level, partially below-grade parking garage, as with the project. The parking program for the Partial Preservation – Office Alternative would replace and expand the existing 543 surface and subsurface parking spaces on the project site. Overall, there would be a total of 1,132 off-street parking spaces: 456 spaces for residential uses, 69 spaces for retail uses, 570 spaces for office uses, 21 spaces for the child care use, and 16 carshare spaces. Thus, this alternative would provide 285 more parking spaces than the project's 847 off-street parking spaces. There would be 30 off-street residential parking spaces for the Mayfair Building; 10 spaces for the Laurel Duplexes would be in private, two-car parking garages. Off-street parking spaces for the remaining residential use (416 spaces) would be provided in the California Street Garage. All 69 off-street parking spaces for the retail use and all 21 spaces associated with the child care use would also be located in the California Street Garage along with 16 car-share spaces. The 570 off-street parking spaces for the office use would be located in the California Street Garage (506 spaces) and the retained parking garage under the existing office building (64 spaces).

This alternative would be constructed in approximately five and a half years in three phases. Construction activities included in the phases are discussed below; and, as with the project, the construction phases could be developed in a different order. First phase: Demolition of the circular garage ramp structures and the northerly extension of the east wing of the existing office building and alterations to the existing office building. Second construction phase: Demolition of the existing annex building and the surface parking lots on the north portion of the site and excavation and site preparation for construction of the California Street buildings and associated California Street Garage. Third phase: Demolition of the surface parking lot and associated landscaping on the west portion of the site near Laurel Street and excavation and site preparation for construction of the Mayfair Building (and associated Mayfair Garage) and the Laurel Duplexes.

New construction and changes to the existing office building would result in moderate changes to the distinctive materials, features, spaces and spatial relationships on the northern and western portions of the property. Although the retention, rehabilitation, and reuse of the existing office building under this alternative would avoid the physical loss of the office building, the removal of many of the character-defining site and landscape features in combination with the construction of ten new buildings along California and Laurel streets would be substantial enough to hinder the site's ability to convey its historically open feel such that the property could no longer convey its historic and architectural significance as a Midcentury Modern-designed corporate campus. Although this alternative would reduce the impact on the historic architectural resource, the extent of the alterations to the character-defining building, site, and landscape features would, on balance, materially alter the physical characteristics of the property at 3333 California Street that convey its historic and architectural significance and that justify its inclusion in the California Register. As such, the Partial Preservation – Office Alternative would reduce the magnitude of the impact compared to the project, but not to a less-than-significant level, and the substantial adverse impact on the historic resource at 3333 California Street would remain. For this reason, as with the project, implementation of Mitigation Measure M-CR-1a: Documentation of Historical Resource and Mitigation Measure M-CR-1b: Interpretation of the Historical Resource would be required for this alternative. Implementation of these mitigation measures would reduce the significant impact, but not to a less-than-significant level.

Like the project, the Partial Preservation – Office Alternative would result in adverse impacts on the 43 Masonic by increasing ridership to exceed the 85 percent capacity utilization during the weekday a.m. peak period under baseline conditions, and would increase ridership more than the project would, resulting in a slightly greater significant impact. Therefore, this alternative would have a significant impact on an individual Muni line and mitigation would be required. Implementation of Mitigation Measure M-TR-4: Monitor and Provide Fair Share Contribution to Improve 43 Masonic Capacity would be required. Similar to the project, the SFMTA's ability to provide additional capacity or improve transit headways is uncertain; thus, the impact would remain significant and unavoidable after mitigation.

The construction program for this alternative would be shorter than the project, and would require three phases rather than four. However, the type of construction equipment and use characteristics would not change because demolition, excavation, and construction activities, even though more limited, would still occur. Thus, the potential to generate substantial temporary noise increases of at least 10 dBA over ambient levels at various offsite locations along surrounding streets, and, during the subsequent phases of construction, at certain onsite locations that could be occupied after completion of the earlier phases, as discussed in greater detail in the Final EIR. Construction noise impacts under this alternative would be significant and implementation of Mitigation Measure M-NO-1: Construction Noise Control Measures would be required, which would reduce but not eliminate construction noise impacts. As with the project, construction noise impacts under the Partial Preservation – Office Alternative would remain significant and unavoidable with implementation of Mitigation Measure M-NO-1.

The Partial Preservation – Office Alternative is rejected as infeasible because, although it would reduce the significant and unavoidable historic architectural resources and noise impacts

identified for the project, it would not eliminate them, and it would result in a slightly greater significant and unavoidable transportation and circulation impact, and it would fail to meet several of the project objectives to the same extent as the project. This alternative would not open and connect the site to the surrounding community to the same extent as the project, as only Mayfair Walk, and not Walnut Walk, would be developed to extend through the entire site. Accordingly, it would not, to the same extent as the project, extend the neighborhood urban pattern and surrounding street grid into the site, a key urban design principle consistent with the Planning Department's early input on the Project, which has been incorporated into the Project's design. The alternative would increase the City's housing supply compared to current conditions, but to a lesser extent than would the Project, with 288 fewer residential units and a corresponding reduction in the number of affordable senior housing units. This would be less consistent with the City's goals and policies in the General Plan Housing Element and the City's progress toward meeting its ABAG Regional Housing Needs Allocation number. This alternative would redevelop a large underutilized commercial site, although to a lesser degree and with less density than the project, and it would provide fewer activated neighborhood-friendly spaces along the adjacent streets than would the project. In addition, the open space provided in this alternative would not be as varied and would have less pedestrian accessibility and ease of use.

In addition, the City has numerous Plans and policies, including in the General Plan (Housing and Transportation Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly described in the materials considered by the Commission at the September 5, 2019 hearing regarding the Final EIR certification and project approvals, which are incorporated by reference as though fully set forth herein. The Partial Preservation – Office Alternative does not promote these Plans and policies to the same extent as the project particularly due to the lower number of units provided in the Alternative (456) as compared to the Project. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently affordable housing); Policy 1.10 (support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips); Objective 4 (foster a housing stock that meets the needs of all residents across life cycles); Policy 4.1 (develop new housing for families with children); Policy 4.4 (encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible); Policy 4.5 (ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities).

For these reasons, it is hereby found that the Partial Preservation – Office Alternative is rejected because, although it would reduce the significant and unavoidable historic architectural resources and noise impacts identified for the project, it would not eliminate them, and it would result in a slightly greater significant and unavoidable transportation and circulation impact, and it would fail to meet several of the project objectives and City Plans and policies related to the production of housing, including affordable housing, particularly near transit, and urban design, to the same extent as the project. It is, therefore, not a feasible alternative.

E. Partial Preservation – Residential Alternative

Under the Partial Preservation – Residential Alternative, the existing office building would be partially retained as a single building and adapted for residential use, with a two-story addition on the roof. This addition would be shorter and less noticeable than the addition for the project and the setbacks, on all sides except the north side, would make the addition more visually subordinate to the existing building. While, like the project, the south wing and associated landscape and the northerly extension of the east wing would be demolished, the center of the remaining existing building would not be removed to create two separate buildings connected by a bridge. The glass curtain wall system would be replaced with a compatible design that reflects the new residential use. A portion of the three-level, partially below-grade parking garage would also be retained; however, the circular garage ramp structures and the annex building and perimeter brick wall that borders the north and west (partial) boundaries of the project site would be demolished. With the addition of two floors and the enclosure of the northeastern and southwestern portions of the existing building (i.e., where the northerly extension of the east wing and the whole south wing would be demolished), there would be a total of 330,282 gross square feet of residential uses (or 162 residential units) in the adaptively reused residential building.

The land use program, footprints, and heights for the Plaza A, Plaza B, Walnut, and Mayfair buildings and the Laurel Duplexes would be substantially similar to the project. New construction under this alternative would be more limited than under the project but expanded from that under the full preservation alternatives and the Partial Preservation – Office Alternative to add development along Euclid Avenue on the southern portion of the site. There would be no new construction along Masonic Avenue southeast of Euclid Avenue, as the Masonic Building would not be built. The footprint of the Euclid Building would be reduced compared to the project to retain the existing private courtyard to the east, and the building would be four stories tall instead of six.

The Euclid Building would be bounded by the private terraces and landscaped area between it and the adaptively reused residential building on the north, the adaptively reused residential building's courtyard on the east, Euclid Avenue on the south, and by the private terraces and landscaped area between it and the Laurel Duplexes on the west. It would be set back approximately 100 feet from the south (Euclid Avenue) property line, instead of 67 feet as under the project. As with the project, the Euclid Building would not include a retail use.

The Partial Preservation – Residential Alternative would provide three new below-grade parking garages: the California Street, Mayfair, and Euclid garages; and would partly retain the parking

garage under the existing building. The Masonic Garage would not be built. Each of the Laurel Duplexes (except the fourth duplex at the Laurel Street midblock) would have private, two-car parking garages. The Euclid Garage would have a smaller footprint than the Masonic Garage planned for the project. As with the project, the parking program would replace and expand the existing 543 surface and subsurface parking spaces on the project site. Overall, there would be a total of 800 off-street parking spaces: 588 spaces for residential uses, 115 spaces for retail uses, 29 spaces for the child care use, 60 commercial parking spaces, and 8 car-share spaces. This alternative would provide 47 fewer parking spaces than the project. The Mayfair and Euclid garages would provide 166 off-street residential parking spaces for the adaptively reused residential building (66 spaces), Euclid Building (68 spaces), Mayfair Building (30 spaces), and the Laurel Duplexes (2 spaces). The other 12 off-street residential parking spaces for the Laurel Duplexes would be provided within the private, two-car parking garages for all but one of the Laurel Duplexes. All other off-street parking associated with the residential use (410 spaces) would be in the California Street Garage and the retained parking garage under the adaptively reused residential building. All off-street parking associated with retail (115 spaces) and child care (29 spaces) uses and the commercial parking spaces (60) and car-share spaces (8) would be located in the California Street Garage.

The Partial Preservation – Residential Alternative would be constructed in approximately six and a half years in four phases. Construction activities included in each of the phases are discussed below; and, as with the project, the order of the construction phases may change. First phase: Demolition of the existing annex building, circular garage ramp structures, the northerly extension of the east wing of the existing office building, and the south wing of the existing office building; and excavation and site preparation for construction of the Euclid Building (and associated Euclid Garage). Second phase: Rehabilitation and adaptive reuse of the existing office building. Third phase: Demolition of the surface parking lots on the north portion of the site and excavation and site preparation for construction of the California Street buildings and associated California Street Garage. Fourth phase: Demolition of the surface parking lot and associated landscaping on the west portion of the site near Laurel Street for construction of the Mayfair Building (and associated Mayfair Garage) and the Laurel Duplexes.

New construction and changes to the existing office building would result in substantial changes to the distinctive materials, features, spaces and spatial relationships on the northern, western, and southern portions of the property. Although the retention and adaptive reuse of a portion of the existing office building under this alternative would avoid the physical loss of the office building, the removal of character-defining site and landscape features, in combination with the construction of 12 new buildings along California Street, Laurel Street, and Euclid Avenue, would be substantial enough to hinder the site's ability to convey its historically open feel such that the property could no longer convey its historic and architectural significance as a Midcentury Modern-designed corporate campus. Although this alternative would reduce the impact on the historic architectural resource, the extent of the alterations to the character-defining building, site, and landscape features would, on balance, materially alter the physical characteristics of the property at 3333 California Street that convey its historic and architectural significance and that justify its inclusion in the California Register. As such, the Partial Preservation – Residential Alternative would reduce the magnitude of the impact compared to

the project, but not to a less-than-significant level, and the substantial adverse impact on the historic resource at 3333 California Street would remain. For this reason, as with the project, implementation of Mitigation Measure M-CR-1a: Documentation of Historical Resource and Mitigation Measure M-CR-1b: Interpretation of the Historical Resource would be required for this alternative. Implementation of these mitigation measures would reduce the significant impact, but not to a less-than-significant level.

Like the project, the Partial Preservation – Residential Alternative would result in adverse impacts on the 43 Masonic by increasing ridership to exceed the 85 percent capacity utilization during the weekday a.m. peak period under baseline conditions, although to a lesser degree. Therefore, similar to the project, this alternative would have a significant impact on an individual Muni line and mitigation would be required. Implementation of Mitigation Measure M-TR-4: Monitor and Provide Fair Share Contribution to Improve 43 Masonic Capacity would be required. Similar to the project, the SFMTA's ability to provide additional capacity or improve transit headways is uncertain; thus, the impact would remain significant and unavoidable after mitigation.

The construction program would be slightly shorter than that for the project and would be completed in the same number of phases. The type of construction equipment and use characteristics would not change because although durations would be slightly more limited, the same types of demolition, excavation, and construction activities would still occur, generating noise increases of 10 dBA or more over ambient levels at offsite locations along surrounding streets, and, during the subsequent phases of construction, at certain onsite locations that could be occupied after completion of the earlier phases, as discussed in greater detail in the Final EIR. Therefore, construction noise impacts from these activities would remain significant and unavoidable. For these reasons, implementation of Mitigation Measure M-NO-1: Construction Noise Control Measures would be required. Implementation of this mitigation measure would reduce but not eliminate the significant impact.

The Partial Preservation – Residential Alternative is rejected as infeasible because, although it would reduce the significant and unavoidable historic architectural resources and transportation and circulation impacts identified for the project, it would not eliminate them, it would not reduce or eliminate the significant and unavoidable noise impact, and it would fail to meet several of the project objectives to the same extent as the project. This alternative would not open and connect the site to the surrounding community to the same extent as the project, as only Mayfair Walk, and not Walnut Walk, would be developed to extend through the entire site. Accordingly, it would not, to the same extent as the project, extend the neighborhood urban pattern and surrounding street grid into the site, a key urban design principle consistent with the Planning Department's early input on the Project, which has been incorporated into the Project's design. The alternative would increase the City's housing supply compared to current conditions, but to a lesser extent than would the Project, with 156 fewer residential units and a corresponding reduction in the number of affordable senior housing units. This would be less consistent with the City's goals and policies in the General Plan Housing Element and the City's progress toward meeting its ABAG Regional Housing Needs Allocation number. This alternative would provide fewer activated neighborhood-friendly spaces along the adjacent streets than

would the project. In addition, the open space provided in this alternative would not be as varied and would have less pedestrian accessibility and ease of use.

In addition, the City has numerous Plans and policies, including in the General Plan (Housing and Transportation Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly described in the materials considered by the Commission at the September 5, 2019 hearing regarding the Final EIR certification and project approvals, which are incorporated by reference as though fully set forth herein. The Partial Preservation – Residential Alternative does not promote these Plans and policies to the same extent as the project. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently affordable housing); Policy 1.10 (support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips); Objective 4 (foster a housing stock that meets the needs of all residents across life cycles); Policy 4.1 (develop new housing for families with children); Policy 4.4 (encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible); Policy 4.5 (ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities).

For these reasons, it is hereby found that the Partial Preservation – Residential Alternative is rejected because, although it would reduce the significant and unavoidable historic architectural resources and transportation and circulation impacts identified for the project, it would not eliminate them, it would not reduce or eliminate the significant and unavoidable noise impact, and it would fail to meet several of the project objectives and City Plans and policies related to the production of housing, including affordable housing, particularly near transit, and urban design, to the same extent as the project. It is, therefore, not a feasible alternative.

F. Code-Conforming Alternative

Under the Code-Conforming Alternative, 26 new buildings would be constructed (13 more than under the project) and the existing office building would be adaptively reused for residential use without being separated into two different structures, for a total of 27 buildings. This alternative would provide 629 residential units, no office uses or child care uses, and a limited retail program of approximately 14,995 square feet.

The term "code conforming" is not defined in the planning code or CEQA. Referring to this alternative as "code-conforming" indicates that the alternative could be approved without the

need to amend the current planning code or zoning map; such an alternative need not be limited to a project that is “principally permitted” or could be constructed “as-of-right.” This alternative is considered “code conforming” because it could be developed with a conditional use authorization or a planned unit development authorization under Planning Code sections 303 and 304, and with modification of stipulations that are applicable under the provisions of Planning Code section 174(b). For example, amendments to the Height and Bulk Map are not included in the code-conforming alternative

Under this alternative, project site changes would be greater than those under the project. The existing conditions on the northern portion of the site would be altered with development of three new buildings. However, the California Street buildings would all be 40 feet tall, shorter than under the project. Demolition of the south wing of the existing office building and the auditorium under the east wing of the existing office building (along its south edge near Masonic Avenue) would allow for the development of the Masonic and Euclid buildings and the associated Masonic Garage on the southern and eastern portions of the project site. The footprint of the Euclid Building would be smaller than with project to allow for development on the grass lawn along the edge of Euclid Avenue. Existing conditions on the southern and western portions of the project site along Euclid Avenue east of Laurel Street, and along Laurel Street south of Mayfair Drive, would be altered more substantially with development of 21 separate, two-unit, four-story townhomes. There would be 10 townhomes along Euclid Avenue instead of the Euclid Green (publicly-accessible open space under the Project) and the Euclid Terrace (private open space under the Project). Along Laurel Street 11 new townhomes would be developed instead of the multi-family Mayfair Building and seven Laurel Duplexes.

Under the Code-Conforming Alternative, the existing building’s northerly extension of the east wing, a portion of the existing parking garage, the auditorium under the east wing, and the whole south wing would be demolished. The retained building would be adaptively reused as a residential building and the glass curtain and painted aluminum window wall system would be replaced with a compatible design that reflects the change in use from office to residential. With partial demolition, the footprint of the retained building would be altered from that under existing conditions and the project. There would be a total of 259,157 gross square feet of residential uses (135 residential units) in the adaptively reused residential building.

This alternative would provide two new below-grade parking garages: the California Street Garage, which would be constructed under the Plaza A, Plaza B, and Walnut buildings and the Masonic Garage, which would be developed under the Masonic and Euclid buildings. The parking garage under the existing office building would be partly retained. In addition, each of the duplexes along Euclid Avenue and Laurel Street would have private, two-car parking garages. Unlike the project, the Mayfair Garage would not be constructed because the Mayfair Building would not be part of this alternative.

Overall, there would be a total of 740 off-street parking spaces under this alternative: 629 spaces for residential uses, 45 spaces for retail uses, 60 commercial parking spaces, and 6 car-share spaces. Thus, the Code-Conforming Alternative would provide 107 fewer spaces than the project. A total of 287 off-street residential parking spaces for the adaptively reused residential building (82 spaces), the Euclid Building (102 spaces), the Masonic Building (61 spaces), and the

duplexes along Euclid Avenue and Laurel Street (42 spaces) would be provided within the Masonic Garage and within the private, two-car parking garages for the Euclid and Laurel duplexes. All other off-street parking associated with the residential use (342 spaces) would be provided in the California Street Garage and the retained parking garage under the adaptively reused residential building. All off-street parking associated with retail uses (45 spaces) would also be located in the California Street Garage along with the commercial parking spaces (60 spaces) and car-share spaces (6 spaces).

As with the project, the Code-Conforming Alternative would be constructed in four phases, over a similar 7-year construction timeframe. Construction activities included in the representative phases are discussed below, and as with the project, the construction phases could be implemented in a different order. First phase: Demolition of the circular garage ramp structures, the northerly extension of the east wing of the existing office building, the auditorium under the east wing of the existing office building, and the south wing of the existing office building; excavation on the southern and eastern portions of the site and site preparation and construction of the Masonic and Euclid buildings (and associated Masonic Garage) as well as the duplexes along Euclid Avenue. Second phase: Alterations to the existing office building for its adaptive reuse as a residential building. Third phase: Demolition of the existing annex building and the surface parking lots on the north portion of the site and excavation and site preparation for construction of the California Street buildings and associated California Street Garage. Fourth phase: Demolition of the surface parking lot and associated landscaping on the west portion of the site near Laurel Street and excavation and site preparation for construction of the duplexes along Laurel Street.

Changes to the character-defining features of the building, site, and landscape, in tandem with the construction of 26 new buildings, would result in a material change to the property's distinctive materials, features and spatial relationships that convey its historic and architectural significance as an urban adaptation of a suburban corporate campus model. New construction and changes to the existing office building would result in substantial adverse changes to the distinctive materials, features, spaces, and spatial relationships on the property. Although the retention, rehabilitation, and reuse of the existing office building under the Code-Conforming Alternative would, like the project, avoid the physical loss of the office building, and would make less substantial changes to the existing office building than would the project, the removal of character-defining site and landscape features, in combination with the construction of 26 new buildings along California Street, Laurel Street, Masonic Avenue, and Euclid Avenue, would be more substantial than that under the proposed Project, as more of the historic site and landscape would be removed. On balance, the historic resource impacts of this alternative would be comparable in degree to those of the project. The extent of the alterations to the character-defining building, site and landscape features would materially alter the physical characteristics of 3333 California Street that convey its historic and architectural significance as a Midcentury Modern-designed corporate campus and that justify its inclusion in the California Register. As such, the Code-Conforming Alternative would cause a substantial adverse impact on 3333 California Street. For this reason, as with the project, implementation of Mitigation Measure M-CR-1a: Documentation of Historical Resource and Mitigation Measure M-CR-1b: Interpretation of

the Historical Resource would be required. Implementation of these mitigation measures would reduce the significant impact of this alternative, but not to a less-than-significant level.

Like the project, the Code-Conforming Alternative would result in adverse impacts on the 43 Masonic by increasing ridership to exceed the 85 percent capacity utilization during the weekday a.m. peak period under baseline conditions, although to a lesser degree. Therefore, similar to the project, this alternative would have a significant impact on an individual Muni line and mitigation would be required. Implementation of Mitigation Measure M-TR-4: Monitor and Provide Fair Share Contribution to Improve 43 Masonic Capacity would be required. Similar to the project, the SFMTA's ability to provide additional capacity or improve transit headways is uncertain; thus, the impact would remain significant and unavoidable after mitigation.

The construction program under this alternative would be the same as the project. The type of construction equipment and use characteristics would not change because demolition, excavation, and construction activities would still occur and would be similar to those of the project. These activities would generate noise increases of 10 dBA or more over ambient levels at offsite locations along surrounding streets, and, during the subsequent phases of construction, at certain onsite locations that could be occupied after completion of the earlier phases, as discussed in greater detail in the Final EIR. Therefore, construction noise impacts from these activities would remain significant and unavoidable. For these reasons, implementation of Mitigation Measure M-NO-1: Construction Noise Control Measures would be required. Implementation of this mitigation measure would reduce but not eliminate the significant impact.

The Code-Conforming Alternative is rejected as infeasible because, although it would reduce the significant and unavoidable transportation and circulation impact, it would not eliminate it, and it would not reduce or eliminate the significant and unavoidable historic architectural resources or noise impacts, and it would fail to meet several of the project objectives to the same extent as the project. This alternative would not open and connect the site to the surrounding community to the same extent as the project, as only Mayfair Walk, and not Walnut Walk, would be developed to extend through the entire site. Accordingly, it would not, to the same extent as the project, extend the neighborhood urban pattern and surrounding street grid into the site, a key urban design principle consistent with the Planning Department's early input on the Project, which has been incorporated into the Project's design. The alternative would increase the City's housing supply compared to current conditions, but to a lesser extent than would the Project, with 115 fewer residential units and a corresponding reduction in the number of affordable senior housing units. This would be less consistent with the City's goals and policies in the General Plan Housing Element and the City's progress toward meeting its ABAG Regional Housing Needs Allocation number. This alternative would provide a significantly reduced level of active ground floor retail uses, and fewer activated neighborhood-friendly spaces along the adjacent streets, than would the project. In addition, this alternative would not construct as much open space for project residents and community members, and would not retain Euclid Green; those new open spaces would be in less varied types with less pedestrian accessibility and ease of use. Although this alternative would redevelop a large underutilized commercial site at a similar development intensity compared to the project, it would have a more limited mix of uses, reducing walkability and convenience.

In addition, the City has numerous Plans and policies, including in the General Plan (Housing and Transportation Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly described in the materials considered by the Commission at the September 5, 2019 hearing regarding the Final EIR certification and project approvals, which are incorporated by reference as though fully set forth herein. The Code-Conforming Alternative does not promote these Plans and policies to the same extent as the project. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently affordable housing); Policy 1.10 (support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips); Objective 4 (foster a housing stock that meets the needs of all residents across life cycles); Policy 4.1 (develop new housing for families with children); Policy 4.4 (encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible); Policy 4.5 (ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities).

For these reasons, it is hereby found that the Code-Conforming Alternative is rejected because, although it would reduce the significant and unavoidable transportation and circulation impact, it would not eliminate it, and it would not reduce or eliminate the significant and unavoidable historic architectural resources or noise impacts. Moreover, the Code-Conforming Alternative would fail to meet several of the project objectives and City Plans and policies related to the production of housing, including affordable housing, particularly near transit, and urban design, to the same extent as the project. It is, therefore, not a feasible alternative.

G. Alternatives Proposed By Members of the Public

During the public comment period, the Laurel Heights Improvement Association of San Francisco, Inc. ("LHIA") presented a conceptual site plan and narrative of an alternative (and variant) to the project that purported to include the same number of residential units as the proposed project and the project variant analyzed in the Final EIR (558 units and 744 units, respectively), 460 parking spaces, and one-level of underground parking, underground freight loading, and a three-year construction schedule ("LHIA Alternative"). The LHIA Alternative is described and analyzed in the Final EIR in Section 5.H. Alternatives in the Responses to Comments document. The Commission finds that, as noted in the Final EIR, assuming that the LHIA Alternative could be constructed as described, the LHIA Alternative is not considerably different than Alternative C – the Full Preservation – Residential Alternative, because it would

convert the existing office use to residential use while conforming to the Secretary of the Interior Standards for Rehabilitation, and would have similar building footprints as Alternative C for the new residential buildings, such that a similar amount of the historic landscape design would be preserved. Thus, the EIR did not need to be recirculated to include the LHIA Alternative.

In addition, the Commission finds that, based on substantial evidence in the record, in particular, the August 15, 2019 letter from Public Works to planning department staff and the April 2nd and 4th, 2019 letters from the project sponsor to planning department staff, the LHIA Alternative is not a feasible alternative because the LHIA Alternative could not, in fact, be constructed as described in the comment letter. As determined by the project sponsor, and verified by experts at Public Works, the LHIA Alternative and variant would include fewer units than the project or the project variant, approximately 48% of the units would be studios or have nested bedrooms, and would not meet the planning code's dwelling unit mix requirements. In addition, the LHIA Alternative could not include 460 parking spaces or underground freight loading without additional excavation than purported, due to the height of the existing garage opening on Presidio Avenue, the floor to floor height of the existing garage levels, and demolition of the ramps leading to the existing garage levels. The Commission finds that the LHIA Alternative would fail to meet several of the project objectives and City policies related to urban design, similar to the reasons set forth above Alternative C – the Full Preservation - Residential Alternative, and incorporated herein. In addition, the LHIA Alternative would not meet the City's goals and policies related to family-sized housing, including but not limited to, Housing Element Policy 4.1 which encourages the development of new housing for families with children due to the number of units that would be studios or have nested bedrooms.

For these reasons, the Commission finds that neither the LHIA Alternative, nor its variant, are considerably different from alternatives already contained in the FEIR and are not feasible alternatives, and thus were not required to be included in the Final EIR. Nevertheless, they are hereby rejected as they are not feasible alternatives for the reasons set forth above.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Section 21081 and CEQA Guidelines Section 15093, the Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs the significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, this determination is that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the Final EIR and the preceding findings, which are incorporated by reference into this Section, and in the documents found in the administrative record, as described in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Commission specifically finds that there are significant benefits of the Project in spite of the unavoidable significant impacts. The Commission further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been

eliminated or substantially lessened where feasible. Any remaining significant effects on the environment found to be unavoidable are found to be acceptable due to the following specific overriding economic, technical, legal, social and other considerations:

- The Project would redevelop a large underutilized commercial site into a new high quality walkable mixed-use community with a mix of compatible uses including residences, including 185 residences for low-income seniors, neighborhood-serving ground floor retail, onsite child care, potential commercial uses, and substantial open space.
- The Project would create a mixed-use community that encourages walkability and convenience by providing residential uses, neighborhood-serving retail, onsite child care, and potential commercial uses on the same site.
- The Project would address the City's housing goals by building 744 new residential dwelling units on the site, including 185 onsite affordable housing units for seniors, and a substantial percentage of units with two or more bedrooms, consistent with the City's General Plan Housing Element and ABAG's Regional Housing Needs Allocation for the City.
- The Project would open and connect the site to the surrounding community by extending the neighborhood urban pattern and surrounding street grid into the site through a series of pedestrian and bicycle pathways and open spaces. The Project would include a north-south connection from California Street to Euclid Avenue that aligns with Walnut Street (Walnut Walk), and an east-west connection from Laurel Street to Presidio Avenue (Mayfair Walk).
- The Project would complement and be compatible with the surrounding neighborhoods by continuing active ground floor retail uses along California Street east from the Laurel Village Shopping Center. New retail space would add to the mix of uses and businesses in the area. The Project would provide active neighborhood-friendly spaces along the Presidio, Masonic and Euclid avenue edges, in a manner that is compatible with the existing multi-family development to the south and east.
- The Project would provide substantial open space for project residents and surrounding community members, including 125,226 square feet of privately-owned, publicly accessible space and 86,570 square feet of open space for residents, in a green, welcoming, walkable environment that will encourage the use of the outdoors and community interaction. The privately-owned, publicly accessible open space is designed to maximize pedestrian accessibility, including disabled access.
- The Project would include sufficient off-street parking for residential and commercial uses in below-grade parking garages, allowing the at-grade space to be oriented towards pedestrians.

- The Project would redevelop the existing office building into residential uses in a sustainable and eco-friendly infill development.
- Under the terms of the Development Agreement, the Project Sponsor would provide a host of additional assurances and benefits that would accrue to the public and the City, including, but not limited to: increased affordable housing units exceeding amounts otherwise required by the City's Planning Code, with approximately 25% of all Project dwelling units consisting of deed-restricted, onsite affordable units designated for low-income senior households in the proposed Walnut Building on California Street; construction and maintenance of 125,226 square feet of privately-owned, publicly accessible open space; transportation demand management measures exceeding the level otherwise required; provision of approximately 14,000 gross square feet of rentable area for an onsite child care facility with adjacent open space for child care use; workforce obligations; streetscape improvements, and a contribution to the City's AWSS system expansion.
- The Project would be constructed at no cost to the City, and would provide substantial direct and indirect economic benefits to the City, including at least \$10 million in property tax revenue on a previously tax-exempt parcel, and would provide 430-600 jobs on-site during construction.
- The Project is consistent with the City's General Plan, in particular the Housing Element, the Urban Design Element, the Commerce and Industry Element, and the Transportation Element, as more particularly described in the materials considered by the Commission at the September 5, 2019 hearing regarding the Final EIR certification and project approvals, which are incorporated by reference as though fully set forth herein.

Having considered the above, the Planning Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects identified in the Final EIR, and that those adverse environmental effects are therefore acceptable.



Laurel Heights Improvement Association of San Francisco, Inc.

2019 OCT -7 PM 3:11

BY _____

BY HAND

October 7, 2019

San Francisco Board of Supervisors
c/o Clerk of the Board of Supervisors
City and County of San Francisco
City Hall, Room 244
San Francisco, CA 94102

Re: 3333 California Street, San Francisco, CA
Record Number: 2015-014028CUA/PCA/MAP/DUA
Appeal of Certification of Final Environmental Impact Report

Laurel Heights Improvement Association of San Francisco, Inc. (LHIA) hereby appeals from the certification of the Final Environmental Report (EIR) for the 3333 California Street project by the San Francisco Planning Commission on September 5, 2019, along with the related approval of California Environmental Quality Act (CEQA) findings and statement of overriding considerations under CEQA, which related CEQA approvals are also appealed.

Appellant LHIA and its officers submitted comments to the Planning Commission and the Environmental Review Officer during the EIR comment period both in writing during the public review period and orally and in writing at the public hearings on the EIR and related CEQA findings. Face pages of some of those written comments are attached hereto as Exhibit A along with excerpts of pertinent minutes of the September 5, 2019 meeting of the Planning Commission. (Ex. A) I am authorized to file this appeal on behalf of the Appellant LHIA.

Members of LHIA reside in properties that are within 300 feet of the 3333 California Street site on Laurel Street and Euclid Avenue as shown in the approximate annotations I have made on the map attached as Exhibit B, and other LHIA members reside in properties nearby the 3333 California Street site. Members of LHIA will be affected by the construction and operational noise, traffic, air emissions, impairment of the historical resource, excavation, destruction of trees and other impacts caused by the proposed project.

1. The EIR is Inadequate Under CEQA Because It Failed to Identify and Describe Feasible Mitigation Measures that Would Reduce or Avoid the Proposed Project's Significant Adverse Impact on the Historical Resource.

The EIR is defective because it failed to identify and describe modifications to the proposed project site plan that would reduce or avoid the proposed project's significant adverse impact on the historical resource. The EIR inexcusably ignored use of the Secretary of the

San Francisco Board of Supervisors
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Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer (Secretary's Standards) even though CEQA specifically identifies the Secretary's Standards as means for mitigating an impact upon a historic resource.

The 10.25-acre 3333 California Street site of the Fireman' Fund Insurance Company Home Office is a historical resource listed on the California Register of Historical Places. (Ex. C, confirmation of listing) The California Register identifies what resources deserve to be protected. Public Resources Code section 5024.6.

The main building, designed in the International Style, and surrounding landscaping constitute an integrated resource in which the window-walls contributed to the "seamlessness between the interior and exterior space." (approved Nomination, Ex.D, section 8, p. 23) The resource is also significant as a work of acclaimed landscape architects (Eckbo, Royston & Williams), the structural engineers (John J. Gould & H.J. Degenkolb), architect (Edward B. Page), and for its association with the San Francisco insurance industry, an important industry in the history of the City from the Gold Rush to the present. Fireman's Fund was the only major insurance company headquartered in San Francisco and was a leader among all insurance companies in its embrace of new ideas. (*Ibid.*)

The FEIR admits that the proposed project "would cause a substantial adverse change in the significance of a historical resource." FEIR 4.B.41. CEQA contains a specific provision equating a substantial adverse change in the significance of an historic resource with a significant effect on the environment. Public Resources Code section 21084.1.

Public Resources Code § 21001(b) confirms the legislative admonition to protect historic resources:

The Legislature further finds and declares that it is the policy of the state to:

...(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

An EIR must propose and describe any feasible measures that can be implemented to reduce or avoid each potentially significant environmental effect of the project. Public Resources Code sections 21002.1(a), 21100(b)(3); 14 Cal.Code Regs. section 15126.4(a)(1); *Practice Under the California Environmental Quality Act* (CEB) section 14.2. A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely. 14 Cal. Code Regs. section 15370(b), including measures which minimize impacts by limiting the degree or magnitude of the action and its implementation; see also Pub. Resources Code sections

21002.1(a), 21081(a)(1). Mitigation measures may consist of measures included in the project as proposed, such as changing the project to reduce adverse impacts, and measures that could reduce adverse impacts if imposed as conditions of project approval. 14 Cal.Code Regs. section 15126.4(a)(1)(A).

With respect to historical resources, the CEQA Guidelines specify that modifications that conform with the Secretary's Standards generally mitigate an impact to below a level of significance:

(1) Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

(2) In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur. 14 Cal.Code Regs. section 15126.4(b)(1) and (2).

The EIR considered only insufficient mitigation for the project's significant impact on historical resources consisting of documentation of the historical resource that the Proposed Project would alter (M-CR-1a) and development of an interpretative program focused on the history of the project site (M-CR-1b). DEIR pp. 4.B.45-46. Neither of these measures would substantially reduce or avoid the significant physical impact upon the listed historical resource. Thus, the EIR failed to identify and describe any mitigation measure that would reduce the significant physical impact which the Proposed Project would have upon the historic resource.

Evidence in the record shows that design changes to the Proposed Project that would conform with the Secretary's Standards would reduce impacts of the Proposed Project on the historic resource. Architectural historian Nancy Goldenberg provided expert opinion stating that the design changes identified in the Community Full Preservation Alternative (558 residential units) and the Community Full Preservation Variant (744 residential units) would comply with the Secretary's Standards for mitigation of impacts upon a historic resource. (Ex. 1 to LHIA's January 8, 2019 comments on Draft EIR - January 7, 2019 analysis by TreanorHL) Some of the design changes illustrated in this analysis could have been feasibly used to mitigate some of the impacts of the Proposed Project upon the historic resource even if the entire alternative was not adopted to avoid more of the impacts.

Similarly, the design changes set forth in the Community Preservation Lookalike Variant (744 units) are feasible as mitigation because that variant makes modifications that use the developer's site plan as a beginning point and was presented to the Planning Commission as feasible mitigation. (Ex. E hereto with modification to include senior affordable housing instead of other affordable housing and other clarifications, and Ex. A to LHIA's August 28, 2019 submittal to Planning Commission) This 744-unit variant would preserve the Eckbo Terrace and avoid new construction on the historically significant green spaces along Laurel Street and Euclid Avenue, add a one-story set back addition to the main building consistent with the Secretary's Standards, have approximately 20,000 gross square feet more of residential use than the developer's July 3, 2019 proposed 744-unit Variant, and involve much less excavation.

Design aspects of the Community Full Preservation Alternative Variant 2 could also be employed as feasible mitigation for the Project's impacts upon the historic resource. The concepts in this alternative were presented to the Planning Commission as feasible mitigation. (Ex. F hereto; Ex E hereto, with modifications in statement of Frisbie, and Ex. C to LHIA's August 28, 2019 submittal to Planning Commission). As a 744-unit alternative, this proposal would comply with the Secretary's Standards by preserving virtually all of the character-defining features of the main building and its integrated landscaping and adding a one-level addition to the main building; it would achieve more residential square footage than the developer's 744-unit variant.

The Board of Supervisors should revoke the Planning Commission's certification of the EIR because it failed to comply with CEQA requirements as to identification and description of mitigation measures. An EIR must identify and describe mitigation measures to minimize the significant environmental effects identified in the EIR. Public Resources Code sections 21002.1(a), 21100(b)(3); 14 Cal. Code Regs. section 15126.4. The requirement that EIRs identify mitigation measures implements CEQA's policy that agencies adopt feasible measures when approving a project to reduce or avoid its significant environmental effects. Public Resources Code sections 21002, 21081(a).

Mitigation measures must be designed to minimize significant environmental impacts, not necessarily to eliminate them. Public Resources Code section 21100(b)(3); 14 Cal. Code Regs. section 15126(a)(1). Any action that is designed to minimize, reduce, or avoid a significant environmental impact or to rectify or compensate for the impact qualifies as a mitigation measure. 14 Cal. Code Regs. Sections 15126(a)(1), 15370. The following specific requirements for mitigation measures are set forth in 14 Cal. Code Regs. section 15126.4:

Mitigation measures should be identified for each significant effect described in the EIR.

If several measures are available to mitigate a significant adverse impact, the EIR should discuss each measure and identify the reason for selecting a particular

measure.

The description must distinguish between mitigation measures that are included in the project as proposed and other measures that the lead agency determines could reasonably be expected to reduce significant effects if required as conditions of project approval.

Mitigation measures must either be incorporated into the design of the project or be fully enforceable through conditions, agreements, or other means. CEB, *Practice Under the California Environmental Quality Act*, p. 14-4.

An EIR should focus on mitigation measures that are feasible, practical, and effective. *Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 365.

A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely. 14 Cal.Code Regs. section 15370(b); see also Public Resources Code sections 21002.1(a), 21081(a)(1). *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 239. The CEQA Guidelines provide a broad definition of mitigation. Under 14 Cal.Code Regs. Section 15370, mitigation” includes the following:

Avoiding an impact altogether by not taking a certain action or part of an action;

Minimizing an impact by limiting the magnitude of a proposed action and its implementation;

Rectifying an impact by repairing, rehabilitating, or restoring the affected environmental resource. CEB, *Practice Under the California Environmental Quality Act*, p. 14-7.

An EIR’s discussion of mitigation measures should distinguish between measures proposed by the project proponent and measures that the lead agency determines could reduce significant adverse impacts if imposed as conditions of project approval. 14 Cal.Code Regs. Section 15126.4(a)(1)(A).

Some mitigation measures make a change in the proposed project, such as not taking a certain action or not building a certain part of the project, to avoid the identified significant impact entirely. 14 Cal.Code Regs. Section 15370(a). Examples include:

Changing a project to avoid a wetland area on the project site;

Restricting demolition or alteration of significant historic structures or cultural sites; and

Prohibiting activities that produce significant noise impacts. CEB, *Practice Under the*

California Environmental Quality Act, p. 14-8.

Some mitigation measures do not avoid an impact entirely but limit the scope or magnitude of a proposed activity or development. 14 Cal.Code Regs. Section 15370(b). Examples include:

Changing a project plan to reduce the amount of wetland fill;

Avoiding the most important habitat of a wildlife species;

Establishing a buffer zone on a project site to reduce adverse effects on adjacent areas;

Preserving areas of native vegetation.

Shielding activities, or restricting the hours during which activities are conducted, to reduce noise impacts. CEB, *Practice Under the California Environmental Quality Act*, p. 14-8 to 14-9.

The EIR's failure to identify and describe design mitigation measures that would conform with the Secretary's Standards was prejudicial because it omitted information that would have been important to the decisionmaker as to measures which could reduce the significant impact of the proposed project on the historic resource. As previously stated in LHIA's August 28, 2019 submission to the Planning Commission, the City failed to apply the Secretary's Standards to the design of the project, even though City of San Francisco Preservation Bulletin No. 21 states that:

For both Article 10-designated historic resources and CEQA-identified historical resources, the *Standards* will be applied to any work involving new construction, exterior alteration (including removal or demolition of a structure), or any work involving a sign, awning, marquee, canopy or other appendage for which a City permit is required. (Ex. U to LHIA's August 28, 2019 submittal to Planning Commission, excerpt)

The City's failure to apply the Secretary's Standards to the design of the project was prejudicial, as application of the standards should have resulted in a project that did not cause a significant adverse impact on a historical resource. The project sponsor was warned that the project had not been designed according to the historic preservation standards, but the project sponsor expressed disregard for the "rules." (Ex. Y to LHIA August 28, 2019 submittal to Planning Commission) It appears that the City's Urban Design Advisory Team (UDAT) reviewed the project for compliance with the Urban Design Guidelines. (See Ex. GG to LHIA September 5, 2019 submittal to Planning Commission, UDAT Notes)

Thus, the Board should revoke the Planning Commission's certification of the Final EIR because it failed to identify and describe feasible measures to mitigate the Proposed Project's

impacts on the historical resource by use of the Secretary's Standards.

2. The EIR is Inadequate Because It Fails to Adequately Analyze Alternatives to the Proposed Project.

As stated above, LHIA presented four alternatives to the decisionmaker for consideration which would substantially reduce impacts upon the historic resource. Expert architectural historian Nancy Goldenberg prepared an analysis confirming that the Community Full Preservation Alternative, the Community Variant alternative, and Preservation Alternative C from the Draft EIR would comply with the Secretary's Standards. (Ex. 1 to January 8, 2019 LHIA comment on Draft EIR)

However, the EIR failed to analyze any alternative that had 744 residential units or a number of residential units similar to those in the 744-unit Project Variant that became the Proposed Project shortly before the Planning Commission hearing. The alternatives discussed in the EIR had 167, 534, 456, 588 and 629 residential units, the Proposed Project had 558 residential units and the Project Variant had 744 residential units. DEIR S.49.

However, as LHIA informed the Planning Commission, the EIR failed to analyze the 744-unit Community Full Preservation Variant as an "alternative" in the EIR, erroneously claiming that the range of alternatives described in the Draft EIR was adequate, and also by relying upon misstatements made by the developer and SF Public Works as to the nature of the Community Full Preservation Alternative and Community Full Preservation Alternative Variant. (August 28, 2019 LHIA comments to Planning Commission, p. 9) The EIR's failure to adequately analyze alternatives to the proposed project is in part due to the shifting and unstable description of the project, as evidenced by the later release of the proposed SUD and information about the affordable housing obligation of the project contained in the proposed Development Agreement. *Ibid.*

The EIR failed to adequately evaluate LHIA's alternatives because an employee of the developer prepared a misstatement of LHIA's alternatives and the San Francisco Public Works Department relied upon that misstatement in preparing a claim that LHIA's alternatives were infeasible. Among the misstatements were assumptions that the sizes of residential units would be larger in LHIA's alternatives than were used in the Proposed Project, that LHIA's alternative would have double corridors instead of single corridors in some buildings, erroneous assumptions about excessive circulation space, and that the California Front and California Back buildings would have twice as many elevator shafts as contemplated. (Exs. O to LHIA's August 28, 2019 submission to Planning Commission, statement of engineer as to misstatements concerning community alternatives) Also, while Public Works claimed that it used project CAD files in performing its analysis, Public Works claimed it had no CAD files relating to 3333 California Street in response to LHIA's request for such files under the California Public Records

Act. (Ex. R)

Historical architect Goldenberg has verified that using the developer's proposed unit sizes, 558 or 744 residential units fit in the spaces in the Community Preservation Alternative and Community Preservation Alternative Variant, respectively, and provided unit sizes for both alternatives. (Ex.G hereto as clarified, and Ex. F to LHIA's August 28, 2019 comments on Draft EIR.

It should be noted that the Street Design Advisory Team did not request that a passageway be cut all the way through the main building, as the developer proposes. The Street Design Advisor Team requested only a portal through Building a and stated that it need not be a straight axial pathway:

SDAT requests a clear, primary east-west connection [sic] allows and encourages the public to traverse the site from Mayfair to the intersection of Presidio and Pine. The entirety of the path should be accessible to all users...

SDAT requests a single, clear, and primary north-south connection that both allows and encourages members of the public to traverse the site along the Walnut alignment, connecting to the intersection of Masonic and Euclid. This north/south pathway may meander through the site and doesn't need to be a straight axial pathway. Consider accomodating [sic] a portal through building A to support north-south public access. The entirety of the pathway should be accessible to all users. The major N-S should be clearly legible.... (Ex. FF to September 5, 2019 LHIA submittal to Planning Commission)

Note that the City can only request such pathways through the privately-owned site because the Better Streets Plan only applies to City streets. (See Ex. LL, excerpts Better Streets Plan, www.sfbetterstreets.org)

The EIR's failure to adequately describe and analyze alternatives to the Proposed Project is related to its shifting and unstable project description explained further herein. The end result, however, is that the EIR failed to evaluate an alternative having 744 or a similar number of residential units after the proposed project changed to the 744-unit Variant shortly before the Planning Commission hearing on certification of the EIR. Given the circumstances, the range of alternatives presented to the decisionmaker was manifestly unreasonable and inadequate. Together with the shifting project description, the EIR's failure to describe and analyze alternatives and mitigation measures was prejudicial because it deprived the decisionmakers of important information as to means that could reduce or avoid the significant effects of the proposed project upon this historic resource.

3. The EIR Lacked an Accurate, Stable and Finite Project Description and the Environmental Impacts of the Revised Project Were Not Adequately Evaluated in

the EIR or in any CEQA Document.

Although the EIR discussed the 744-unit Project Variant, the August 17, 2017 plan sheets did not contain any plans for 744 residential units and only contained plans for a 558-residential unit project; for the Walnut Building those plans showed 49,999 gross square feet of office space, 24,324 gross square feet of retail space, 14,690 gross square feet of childcare space and no residential space in the Walnut Building. (Ex. G, August 17, 2017 Planning Application Resubmittal, plan sheet G3.02a.) Walnut retail was assumed to be “retail general,” Plaza A & B assumed half of the retail area would be “retail general” and half would be “food and beverage,” and the Euclid retail was assumed to be “food and beverage.” (Ex.G, August 17, 2017 plan sheet G3.02a.) That plan sheet stated that the proposed project would provide 138 retail parking spaces, 100 office parking spaces, 29 childcare parking spaces, 558 residential parking spaces and 60 commercial parking spaces, with a total of 885 parking spaces and 10 car share parking spaces. *Ibid.*

Approximately two years later, the developer’s July 3, 2019 Planning Application Re-Submittal 2 still described the proposed project as having 558 residential units (with no residential units in the Walnut building) but for the first time contained plans for 744 residential units in EIR Variant 1 showing 186 residential units in the Walnut building of small sizes consistent with senior housing, 34,496 gross square feet of retail use, 14,665 gross square feet of childcare use and no office use. (Ex. H, July 3, 2019 Planning Application Resubmittal, sheets G3.01a-G3.01d, VAR.00, VAR.01a-VAR.01b, VAR.11-VAR.17, VAR.18-VAR.21) July 3, 2019 plan sheet G3.01b stated that the proposed project would have 86 retail parking spaces, 80 office parking spaces, 29 childcare parking spaces, 558 residential parking spaces and no commercial parking spaces, for a total of 763 parking spaces. (Ex. H. plan sheet G3.01b) As to the EIR Variant, July 3, 2019 plan sheet VAR.01b states that the proposed project variant would have 74 retail parking spaces, 29 childcare parking spaces, 744 residential parking spaces, no office parking spaces, no commercial parking spaces, for a total of 857 parking spaces. (Ex. H, plan sheet VAR.01b)

The City refused to disclose drafts of the Special Use District in June 2019. (Ex. I)

The project description became further uncertain with the release of the Proposed Special Use District on approximately July 30, 2019 on the Board of Supervisors website in File No. 190844. (Ex. S) The Special Use District included Flexible Retail and Social Service or Philanthropic Facilities (which include public uses) and NC-S uses that the EIR did not analyze. (See LHIA’s August 28, 2019 submission to Planning Commission, p. 8-9) The Draft EIR only analyzed traffic trips from 34,480 sf of general retail, 4,287 sf of full-service restaurant and 9,826 sf of composite restaurant uses. (Ex. M to LHIA’s August 28, 2019 submission to Planning Commission, Ex. M, EIR Appendix D, Transportation and Circulation Calculation Details)

Under Planning Code section 713, the NC-S zoning classification does not permit Flexible Retail, Social Service or Philanthropic Facilities, so the Special Use District is proposing more uses than would normally be permitted in an NC-S district. Further, Flexible Retail is not permitted in Supervisorial District 2 in which the project site is located. (Ex. I to August 28, 2019 LHIA submission to Planning Commission) Also, Flexible Retail is not permitted in the Sacramento Street Neighborhood Commercial District (Planning Code, Article 7, Table 724) or Fillmore Street Neighborhood Commercial Transit District (Planning Code Article 7, Table 760). According to the Planning Commission *Standards for the transportation Demand Management Program*, adopted August 4, 2016, Social Service or Philanthropic Facility land uses are classified as an office use. (Ex. Q, pp 5-7)

Entertainment, Arts and Recreation Uses are also prohibited in an NC-S District. Planning Code section 713. However, Entertainment, Arts and Recreation Uses are allowed in Flexible Retail uses. Thus, the Special Use District for the Project would allow the uses permitted in an NC-S District plus various other more intensive uses that would not be otherwise allowed to be located in an NC-S District, including Flexible Retail (which includes Entertainment, Arts and Recreation Uses and various other types of uses) and Social Service and Philanthropic Facilities (which includes public service uses under Planning Code section 102). (Ex. I to LHIA's August 28, 2019 submission to Planning Commission)

The NC-S classification which the Special Use District incorporated permits operations from 6:00 a.m. until 2:00 a.m. (with 24-hour use conditionally permitted by the Planning Commission) and permits nighttime entertainment and many other uses not studied in the EIR. (See Ex. T, Planning Code section 713 listing uses permitted under NC-S controls) In addition, the intensity of uses is increased under Flexible Retail classification, because Flexible Retail requires at least 2 types of uses to share a single space and up to 5 types can share a space. (Planning Code sections 102, 179.2) Also, Flexible Retail would not require neighborhood notification under Planning Code section 311 unless the underlying use requires conditional use authorization from the Planning Commission. At a meeting of the Coalition for San Francisco Neighborhoods, a representative told me that her neighborhood had to enlist the services of the SF Police Department to deal with trouble from Flexible Retail uses conducting internet gambling while misrepresenting the site use as teaching people about computers.

At the September 5, hearing, a representative of the Jewish Community Center (JCC) stated that the JCC will consider how the JCC "will offer" our community services to the low income neighbors at the site. There is also a recorded document stating that the developer has a Memorandum of Understanding with the JCC, but does disclose the nature of the understanding. (Ex. K to LHIA August 28, 2019 submission to Planning Commission) The developer did not respond to LHIA's request for information as to the substance of his Memorandum of Understanding with the JCC. (Ex. J)

Since Flexible Retail and Social Service and Philanthropic Facility uses are not allowed in NC-S districts, LHIA could not be expected to have anticipated that the project would be changed at the final hour to permit such intense uses. The release of these changes in the nature of the proposed project after the close of the comment period on the Draft EIR prejudiced LHIA's rights under CEQA, because LHIA could no longer ask questions concerning or make comments as to these changes to which the City was required to respond under CEQA in the Final EIR. Also, LHIA was prejudiced by learning of this information and the information in the proposed Development Agreement shortly before the September 5, 2019 Planning Commission hearing, when there was not adequate time to secure the services of experts to explore potential impacts of the newly disclosed uses and matters. Further, LHIA's ability to formulate alternatives to the 744-unit project Variant was prejudiced by these late disclosures of the nature of the revised project. Had LHIA known of these details earlier, it could have presented alternatives that contained less intensive non-residential uses while achieving the same number of residential units or other alternatives or mitigation measures.

The Draft EIR stated that the manner in which the developer would comply with affordable housing requirements was still unknown. DEIR 2.10. Information about the proposed Development Agreement was also disclosed for the first time on approximately July 30, 2019 and further provisions of the proposed Development Agreement continued to be released until shortly before the September 5, 2019 Planning Commission hearing. Exhibit D to the Development Agreement is a Affordable Housing Program that states that the developer has agreed to construct 185 studio and one-bedroom affordable residential units for senior households in addition to the 558 residential units initially proposed. (Ex. J to LHIA's August 28, 2019 submission to Planning Commission, DA p. D-1) The 185 senior affordable units will all be located in a single residential building known as the Walnut Affordable Housing Building. (Ex. J to LHIA's August 28, 2019 submission to Planning Commission, DA p. D-4)

After providing that the Housing Entity formed by the developer will seek Low Income Housing Tax Credits and City-issued tax-exempt bond financing for construction, and may apply for the state Multifamily Housing Program and the Infill Infrastructure Grant Program, the Development Agreement provides for Transfer of Walnut Land to City in the event the developer fails to construct the affordable housing:

If the Tax Credit closing does not occur by the Outside Date, subject to extension for any applicable Excusable Delay, and construction of any Building occurs during the Term, then City shall have the right to acquire, and Developer agrees to transfer to the City, fee ownership of the Walnut Land pursuant to the form of grant deed (the "Grant Deed") attached as Attachment D-2), with the Approved Legal Description attached to it as Exhibit A. (Ex. J LHIA's August 28, 2019 submission to Planning Commission, p. D-7)

Further, if the developer is not able to transfer the Walnut Land to the City in the condition

required by that section of the agreement, then the City will accept a payment in the amount of the Walnut Land burdened with the affordable housing requirement. (Ex. K, response of OEWD Project Manager, Joint Development to LHIA's request for information and Ex. J to LHIA's August 28, 2019 submission to Planning Commission, p. D-9)

This developer previously indicated he would build affordable housing in a project on Dolores Street but failed to do so and instead paid a fee to the City. (Ex. Q to August 28, 2019 LHIA submittal to Planning Commission) Also, in several meetings I attended with developer Dan Safier, he complained that residential construction costs were too high. In view of the current high construction costs in the City and the foregoing matters, there is a reasonable possibility that the developer will not build the affordable senior housing on the site and the City will take over the Walnut Land. However, this important aspect of the potential project was also not known during the comment period on the Draft EIR, a time when LHIA could have made inquiries relevant to the City's potential uses of the Walnut Land to which the City would have to respond in the Final EIR. LHIA could also have formulated alternatives to the default scenarios in the Development Agreement and secured experts as to potential impacts of use of the Walnut land by the City.

Exhibits D-1 Walnut Parcel Title Condition and Exhibit D-2 Baseball Arbitration Appraisal Process were not provided on the Board of Supervisors' website as of August 26, 2019.

As of the time of the release of the proposed Development Agreement, the project clearly shifted to have 744 residential units, including 185 units of affordable senior housing, and the prospect of City ownership of a portion of the site called the Walnut Land. A couple months before the release of the proposed development agreement, I inquired of Leigh Lutensky of OEWD as to the status of negotiations concerning the development agreement but was told that they were being kept confidential at that time. The EIR's Responses to Comments erroneously claims that the project will comply with the provisions of the Planning Code as to affordable housing, but in reality, the proposed Development Agreement would waive those Code requirements. Responses 5.B.21; Development Agreement, Exhibit D, p. D-6, Paragraph H.

For a project to be stable, the DEIR, the FEIR and the final approval must describe substantially the same project. *Washoe Meadows Community v. Department of Parks and Recreation* (2017) 17 Cal.App.5th 277, 288. Due to the late designation of the project as having 744 residential units, release of important modifications in the project as to non-residential uses that would be allowed in the Special Use District, plus the provision in the Development Agreement concerning acquisition of the Walnut Land by the City, the revised project ultimately recommended by the Planning Commission was never subject to a formal comment period and sent "conflicting signals to decision makers and the public about the nature and scope of the project" rendering the CEQA process "fundamentally inadequate and misleading." *Citizens for a*

Sustainable v. City and County of San Francisco Treasure Island (2014) 227 Cal.App.4th 1036, 1052 (*Treasure Island*)

Just as in *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 (*Inyo*), where the adopted final project differed significantly from the proposed project in the EIR, the CEQA process presented a moving target which impaired the public's ability to participate in the environmental review process. (See also *Washoe, supra*, 17 Cal.App.5th at 288). An agency's failure to propose a stable project is not confined to "the informative quality of the EIR's environmental forecasts." *Washoe, supra*, 17 Cal.App.5th at 228. The issue is not whether the revised project has the same footprint, location and environmental impacts as the Project, but rather whether the DEIR provided an accurate description of the Project and alternatives regardless of environmental impacts. The pertinent inquiry is whether the City provided "[a] curtailed, enigmatic or unstable project description." *Inyo, supra*, 71 Cal.App.3d at 198. As *Inyo* and *Washoe* make clear, the City's failure to provide a stable project description throughout the environmental review process violated CEQA, regardless of the comparative environmental impacts between the revised project and the project. The nature of the affordable housing scenarios for the project and the nature of the non-residential uses that would be permitted in the Special Use District were not disclosed or analyzed in the Draft EIR. A failure to maintain a stable project description is a failure to proceed in the manner required by law subject to *de novo* review. *Washoe, supra*, 17 Cal.App.5th at 287.

Moreover, the project was further changed in the Responses to Comments on the DEIR as to the amount of parking that would be provided for retail uses. The Responses state that in the revised Project Variant, the number of retail parking spaces would be reduced from 188 spaces to 74 spaces. Responses 2.33. The Responses stated that for the revised project, the proposed retail parking spaces would be reduced from 198 spaces to 86 spaces. Responses 2.33. The Responses claim that this amount of parking would result in the provision of parking at approximately 2.14 spaces per 1,000 gross square feet and that the existing neighborhood parking rate for retail is approximately 1.55 spaces for each 1,000 gross square feet. Responses 2.33. The Responses claim that the revised Variant would exceed this rate by approximately 38 percent and that the City has determined that exceeding the neighborhood parking rate by 38 percent would not result in the generation of substantial VMT, and thus the threshold of 15 percent below the regional average for retail use would not be exceeded. Responses 2.33. LHIA was prejudiced by the late disclosure of this information as to the reduction in the retail parking provided for in the revised Variant when the public comment period on the Draft EIR had closed and there was not sufficient time to retain an expert to evaluate whether substantial evidence supported the EIR's claim that the revised Variant's impact on causing substantial additional VMT and/or substantially inducing automobile travel would not exceed the regional average for retail use or other applicable significance standard. The information on the reduction of retail parking was provided after the comment period on the Draft EIR ended and shortly before certification of the EIR.

The Draft EIR had stated that the proposed project would provide 198 retail parking spaces, 558 residential parking spaces, and 129 parking spaces for “Other Non-residential (Office & Daycare), for a total of 885 parking spaces. DEIR4.C.77. The proposed Project Variant would provide 188 retail parking spaces, 744 residential parking spaces and 29 “Other Non-residential (Daycare)” parking spaces, for a total of 961 parking spaces. DEIR4.C.77.

The Board should reverse the certification of the FEIR due to the unstable project description.

4. The Objectives of the Proposed Project Stated in the EIR Were Overly Narrow and Preclude Consideration of Mitigation Measures and Alternatives to the Proposed Project.

The project objectives are artificially narrow and stated ambiguously and/or in excessive detail so as to preclude consideration of mitigation measures and reasonable alternatives for achieving the project’s main features. In *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26, 28, the court noted that the CEQA Guidelines require a “general description” of a project’s characteristics. This requirement means that the EIR must describe the main features of a project, rather than all of the details or particulars. *Practice Under the California Environmental Quality Act* (CEB) section 12.4. A project description must state the objectives sought by the proposed project. The statement of objectives should include the underlying purpose of the project, and it should be clearly written to guide the selection of alternatives to be evaluated in the EIR. 14 Cal. Code Regs. section 15124(b).

A project description “should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” 14 Cal.Code Regs section 15124; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437. An EIR’s description of the project should identify the project’s main features and other information needed for an assessment of the project’s environmental impacts. *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1053.

However, the project objectives went beyond stating key objectives of the project and used ambiguous and subjective terms that could be interpreted to achieve the narrow result sought by the agency rather than to achieve the basic goals of the project. Examples include the terms “high quality walkable” mixed-use community, a mix of “compatible” uses, “substantial” open space, “neighborhood-serving” retail, project “that encourages walkability and convenience” “in an economically feasible project consistent with the City’s General Plan Housing Element and ABAG’s Regional Housing Needs Allocation for the City and Country of San Francisco,” extend “the neighborhood urban pattern and surrounding street grid into the site through a series of pedestrian and bicycle pathways and open spaces,” “create complementary designs and uses that are compatible with the surrounding neighborhoods,” provide “a high

quality and varied architectural and landscape design that is compatible with its diverse surrounding context, and utilizes the site's topography and other unique characteristics," provide "substantial open space for project residents and surrounding community members by creating a green, welcoming, walkable environment that will encourage the use of the outdoors and community interaction," incorporate open space "in multiple, varied types designed to maximize pedestrian accessibility and ease of use," and work "to retain and integrate the existing office building into the development to promote sustainability and eco-friendly infill redevelopment. DEIR 2.12

Examples of objectives that were stated with excessive detail and/or were ambiguous also include "a north-south connection from California Street to Euclid Avenue that aligns with Walnut Street and an east-west connection from Laurel Street to Presidio Avenue," continue "active ground floor retail uses along California Street east from Laurel Village Shopping Center," "providing activated, neighborhood-friendly spaces along the Presidio, Masonic and Euclid Avenue edges compatible with the existing multi-family development to the south and east." DEIR 2.12.

The DEIR unlawfully stated the project objectives ambiguously and with excessive detail so that they described the detailed characteristics of the developer's plans and to preclude consideration of other alternatives and mitigation measures that could achieve the basic objectives of the proposed project.

5. The EIR Failed to Analyze the Project's Potentially Significant Shadow Impacts on Existing Open Spaces that Have Been Used by the Public for Recreational Purposes, on Sidewalks on the East Side of Laurel Street, and on Publicly Accessible Open Space Proposed by the Project.

The City's Shadow Analysis Procedures and Scope Requirements state that the proposed project is subject to review under CEQA if it "would potentially cast new shadow on a park or open space such that the use and enjoyment of that park or open space could be adversely affected," and such procedures describe potentially affected properties as including "parks, publicly-accessible open spaces, and community gardens." (Ex. Q to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study) Also, the 2017 Notice of Preparation of an EIR for a mixed use project states that "the topic of shadow will include an evaluation of the potential for the proposed project to result in shadow impacts on nearby sidewalks." (Ex. P to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, Initial Study for 1629 Market Street Project, p. 19)

The Initial Study for 3333 California Street states that the "threshold for determining the significance of shadow impacts under CEQA is whether the proposed project or project variant

would create new shadow in a manner that substantially affects the use and enjoyment of outdoor recreational facilities or other public areas.” IS p. 156.

The San Francisco Planning Department Shadow Analysis Procedures and Scope Requirements provide that a shadow analysis would be required:

“If the proposed project is subject to review under the California Environmental Quality Act (CEQA) and would potentially cast new shadow on a park or open space such that the use of enjoyment of that park or open space could be adversely affected.” (Ex. Q to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 1.)

Those procedures further provide that:

“Potentially Affected Properties. Potentially affected properties including: parks, publicly-accessible open spaces, and community gardens identified in the graphical depictions should be listed and described. The description of these properties should include the physical features and uses of the affected property, including but not limited to: topography, vegetation, structures, activities, and programming. Each identified use should be characterized as ‘active’ or passive.’ Aerial photographs should be included, along with other supporting photos or graphics. The programming for each property should be verified with the overseeing entity, such as the Port of San Francisco, the Recreation and Parks Department, etc. Any planned improvements should also be noted.” (Ex. Q to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 2.)

The shadow study in the Initial Study shows frequent shadows on the Lower Walnut Walk and Cypress Square which the developer proposes to use as community benefits and open space. (Ex. L, excerpts from shadow study, footnote 132 to Initial Study, and 7-3-2019 plan sheet G3.03 as to proposed open space) The EIR admitted that these “proposed areas would be shaded mostly by proposed new buildings for much of the day and year.” IS p. 161. However, the City erroneously excluded these impacts from the CEQA Analysis, claiming that as “open spaces that would be newly developed as part of the proposed project or project variant, they are not considered environmental resources that are part of the existing environment for the purposes of CEQA. Shadow on these spaces would not interfere with any existing recreational use or with any pre-existing expectations for sunlight on these future spaces.” IS p. 161. However, under the standards set forth above, the preexisting use of the open space is irrelevant in determining whether a proposed project would cast a new shadow on proposed common open space for the project.

Moreover, the open spaces containing lawns along Presidio Avenue are currently used for

recreational purposes and are not shaded. The Initial Study admits that the public currently has access to this existing open green space along Presidio Avenue but relies upon the unsupported conclusion that shadow under the proposed project or project variant would not increase because this area “would remain sunny from mid-morning through mid-afternoon throughout the year.” IS p. 161. The Initial Study cites no evidence for this conclusion, and Page 12 of the shadow study shows frequent net new shading in this area. (Ex. L, Page 12 of IS FN 132 shadow study, Extent of Net New Project Shading Throughout the Year) Based on this fair argument of a significant shadow impact, the Draft EIR should have analyzed the potentially significant impact of shading on the Presidio Avenue green space.

The City used the wrong significance standard to avoid analyzing shadow impacts on the open spaces in the northern portion of the site where the Market Plaza would be constructed, which currently contains mature trees and is open to the public. The Initial Study erroneously claimed that these open spaces are not considered environmental resources that are part of the existing environment for purposes of CEQA because they would be newly developed as part of the proposed project. IS p. 161. Merely because these open space areas are proposed to be developed as a different type of open space than they are currently used, does not change the fact that they are currently open space that is not shaded.

The cover of the Initial Study shows that open space areas in the northern portion of the property are not currently shaded. The Initial Study, claims, without support, that these areas are not now accessible to the public, but the cover of the Initial Study shows they are open to the public. Further, I have walked through these areas many times to cut through the property or to photograph trees and vegetation in these open areas. Thus, substantial evidence does not support the claim in the Initial Study that these areas are not open to the public. These areas are currently open spaces that are not shaded.

The Initial Study admits that these areas “would be shaded mostly by proposed new buildings for much of the day and year.” IS. p. 161. This information constitutes a fair argument that the proposed project would cause a significant impact upon existing open space on the project site. Thus, the City failed to proceed as required by law in failing to analyze the significant impact of project shadows on these open space areas because the nature of their use as open space would change and erroneously denied that the public currently has access to these areas. I have also observed people walking across these areas to access public parking to the east of these areas on the project site.

As explained by the City’s Preliminary Project Assessment, the proposed project fails to comply with numerous requirements of the Planning Code, and rezonings and discretionary approvals would be required to be granted by the Planning Commission and Board of Supervisors. Under applicable review procedures, had the Planning Commission known of the potentially significant shadow impacts, it could have scaled the project back to avoid shadowing

the proposed project's publicly-accessible open spaces, and/or make other modifications.

Under Public Resources Code section 21068, a "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in the environment.

Under the CEQA Guidelines, 14 Cal. Code of Regulations section 15382, "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant." To assess the changes to the environment that will result from the project, the agency treats existing conditions as the environmental baseline against which the project's changes to the environment are measured. 14 Cal. Code of Regulations section 15152.

As established by the nomination of the property to the National Register of Historic Places, the "landscape design connects the outdoors with the indoors both functionally and conceptually." (Ex. D, Nomination, p. 5) Among the character defining features of this historically significant resource, the nomination listed "Vegetation features that helps [sic] to integrate the character of the Fireman's Fund site with that of the surrounding residential neighborhoods including (1) the large trees in and around the East and West parking Lots, (2) the lawns on the west, south and east sides of the property, and (3) the planted banks along Laurel and Masonic streets." (Ex. D, section 7, p. 20) The subject lawn areas and the Terrace are currently used as publicly-accessible open spaces, and the Board should alter the project to retain them as open spaces. These areas would be significantly shaded by the proposed project, except for the lawns on the south side of the site. (Ex. L, plan sheet G3.03 as to project open space and excerpts from IS FN 132 project and project Variant shading) Thus, the EIR should have treated the shading of these areas as a potentially significant impact on the environment and evaluated that impact in the Draft EIR.

Since the evidence shows that new shadows would be frequent on the publicly-accessible open spaces, the EIR should have evaluated these shadows as a potentially significant impact on the environment. As acknowledged in the Initial Study for 1629 Market Street Project, the "designation of topics as 'Potentially Significant' in the Initial Study means that the EIR will consider the topic in greater depth and determine whether the impact would be significant." Ex. P to June 8, 2019 comments of Devincenzi on Initial Study, p. 4.

Similarly, the shadow study in the Initial Study showed that the proposed project would cause frequent new shadows on the sidewalks on the east side of Laurel Street. Ex. L, p. 12, (Extent of Net New Project Shading Throughout the Year.) The EIR should have analyzed these

shadows on sidewalks as a potentially significant impact of the proposed project. The Initial Study failed to specifically determine that the proposed project would not create new shadow on the sidewalks on the east side of Laurel Street in a manner that substantially affects public areas. Instead, it ambiguously claimed that shadow on nearby sidewalks would be transitory and determined that impact would not be significant by using an erroneous significance standard, stating that “[o]verall, the proposed project or project variant would not increase the amount of shadow on the sidewalks above levels that are common and generally expected in developed urban environments.” IS p. 160. Since the evidence shows that the new shadow would be frequent on sidewalks on the east side of Laurel Street, the EIR should have evaluated these shadows as a potentially significant impact on the environment and make a determination in the Draft EIR of whether the impact would be significant under the correct significance standard. The City failed to proceed as required by law in failing to analyze the impact on Laurel sidewalks as a potentially significant impact.

As acknowledged in the Initial Study for 1629 Market Street Project, to determine the impact insignificant, a determination must be made under CEQA that the proposed project’s net new shadows would not be anticipated to substantially affect the use of “any publicly-accessible areas, including nearby streets and sidewalks.” (Ex. P to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 66.) The Initial Study failed to use this standard.

The EIR should have followed the City’s shadow analysis procedures and identified and described all the potentially newly shadowed areas discussed above in graphic depictions together with aerial photographs and provide a quantitative analysis of the impacts that would result from the project. (Ex. Q to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 4.)

In addition, the Initial Study inaccurately stated that under the proposed project, the Euclid Green “would be developed as common open space that would be open to the public.” IS p. 160. That green open space is currently used as recreational open space by the public.

It should be noted that shadows are physical impacts, not aesthetic impacts exempt from CEQA in certain transit-served areas. The EIR on the Housing Element of the San Francisco General Plan clearly treats shadows as a physical effect along with wind impacts and analyzes aesthetic impacts in a separate section. (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study- Final EIR 2004 and 2009 Housing Element p. V.J-3, V.C-1.) As further explained in that EIR:

“Shadow is an important environmental issue because the users or occupants of certain land uses, such as residential, recreational/parks, churches, schools, outdoor restaurants, and pedestrian areas have some reasonable expectations for direct sunlight and warmth

from the sun. These land uses are termed ‘shadow sensitive.’ (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study- Final EIR 2004 and 2009 Housing Element p. V.J-3)

6. The City Failed to Balance the Required Factors and Made Findings as to Mitigation Measures and Alternatives that Were Conclusory, Inaccurate and Not Supported by Substantial Evidence.

A. Failure to Consider and Balance the Required Factors.

Public Resources Code section 21061.1 provides that “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (See also, Public Resources Code section 21081(a)(3); 14 Cal.Code Regs sections 15091(a)(3) and 15364) To determine whether a mitigation measure or alternative is infeasible, as that term is used in CEQA and the CEQA Guidelines, an agency must necessarily weigh and balance its pros and cons taking account of a broad range of factors. *Practice Under the California Environmental Quality Act* (CEB) section 17.29. After weighing these factors, an agency may conclude that a mitigation measure or alternative is impractical or undesirable from a policy standpoint and reject it as infeasible. *Practice Under the California Environmental Quality Act* (CEB) section 17.29. In *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417, the court noted that a determination of infeasibility involves balancing economic, environmental, social, and technological factors.

However as to the 3333 California Street project, the City failed to take into account and weigh and balance the pros and cons of the environmental, social, technological and economic factors of the alternatives and mitigation measures in finding them to not be feasible. The City omitted the key environmental factor of reducing or avoiding the project’s impact upon the historic resource.

The City’s findings were not based on the correct legal standard of whether the alternative or mitigation measure was “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” As discussed herein, findings rejecting alternative and mitigation measures were based on the City’s view of desirability and other subjective criteria rather than whether the alternative or mitigation measure was capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

The findings also omitted the factor of whether the project or alternative or mitigation measure were capable of being accomplished in a reasonable period of time, overlooking the fact that the proposed Development Agreement would grant the developer a 15-year time period

within which to construct the project, extended by any litigation. The findings failed to take into account the factor of whether alternatives or mitigation measures were capable of being accomplished in a reasonable period of time, including the Community Preservation Alternative, Community Preservation Alternative Variant and Community Preservation Alternative Variant 2, which were designed to be constructed in approximately 4 years by reducing excavation and demolition of portions of the main building. Thus, the City failed to proceed in the manner required by law in that it failed to take into account and balance and weigh the required factors in making findings rejecting alternatives and mitigation measures as infeasible.

B. Findings Were Ambiguous and Not Supported by Substantial Evidence.

The finding that where feasible, changes or alterations have been required, or incorporated into, the project to reduce the significant impact on historical resource is false, inaccurate, and not supported by substantial evidence. (Planning Commission Motion, p. 30) Similarly, the finding that all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible, is false, inaccurate and not supported by substantial evidence. (Planning Commission Motion p. 50) As explained above, the EIR failed to identify and describe Mitigation Measures that would significantly reduce the impact on the historical resource. There is also no substantial evidence to support the proposed finding that feasible mitigation measures are not available to reduce some of the significant project impacts to less-than-significant levels, that significant impacts are unavoidable or that legal, environmental, economic, social, technological and other benefits of the project override any remaining significant adverse impacts of the project for each of the significant and unavoidable impacts described in the motion put before the Planning Commission. *Ibid.* These findings are conclusory, ambiguous and not supported by substantial evidence. The findings lack enough relevant information to enable the decisionmaker to understand the basis for the findings.

With respect the significant impact on the historic resource, the findings mention only mitigation measures relating to documentation of the resource, which would not reduce the severity of the impact to a less than significant level. (Planning Commission Motion p. 31) The City failed to identify and describe measures which could substantially reduce the significant physical effect of the project on the historic resource and noise from construction activities. LHIA's proposed mitigation measures for each of those impacts are feasible and should be adopted. Thus, the Board should overturn the finding as to mitigation measures in the Motion adopted by the Planning Commission.

The findings regarding alternatives to the proposed project are also conclusory, ambiguous and not supported by substantial evidence. The finding that Alternative B, the Full Preservation -Office Alternative, would fail to open and connect the site to the surrounding community because it would not construct the Walnut and Mayfair walks and that the Planning Department gave input that the surrounding street grid be extended into the property is inaccurate

for the reasons stated above, including that the department only requested a portal through the property that could meander through the site and did not have to be a straight axial pathway. There is an existing ADA compliant portal through the property that connects the site to the surrounding community that can be opened to the public. (Ex. M, UCSF explanation that there is a ground-floor access point that connects the northeast parking lot to a south facing lower patio area that is accessible to Euclid and Masonic avenues; Ex.JJ to LHIA's September 5, 2019 submittal to Planning Commission)

The finding at page 35 of the motion claiming that this alternative would fail to provide "active ground floor retail uses or activated neighborhood-friendly spaces along the adjacent streets," is not supported by substantial evidence because the finding lacks enough relevant information and evidence to enable the reader to understand what is meant by "active" or "activated neighborhood-friendly spaces along the adjacent streets." Essentially, these terms amount to ambiguous and unsupported conclusions that are not relevant to the meaning of feasibility under CEQA. Also, Laurel Village is immediately adjacent to the proposed project and provides many neighborhood-friendly spaces. I am familiar with the adjacent Laurel Village shops and its friendly and safe neighborhood atmosphere.

The finding also ignored the fact that there are a well-regarded existing café and childcare center on the property. I am familiar with the café, as I found the lunch I had there to be of a good quality and also found the location, looking out over the Terrace, to be pleasant. Similarly, the finding that this Alternative "would fail to meet some project objectives, as well as several City Plans and policies related to the production of housing, including affordable housing, particularly housing and jobs near transit, and urban design, to the same extent as the project," is conclusory, ambiguous, not supported by substantial evidence. The finding lacks enough relevant evidence to enable the reader to understand what is meant by the referenced plans or by the degree to which the alternative would not meet objectives "as well as" the project, or the degree to which the alternative would fail to meet project objectives. Thus, the finding fails to satisfy the legal standard for infeasibility under CEQA.

The findings rejecting Alternative C, the Full Preservation - Residential Alternative, as infeasible are also conclusory, ambiguous, lacking in sufficient detail, not supported by substantial evidence and fail to satisfy the legal standard for infeasibility under CEQA. The finding at page 38 of the motion that this alternative would not open and connect the site to the surrounding community to the same extent as the project, as only Mayfair Walk, and not Walnut Walk, would be developed to extend through the entire site, is ambiguous, conclusory and lacking enough relevant information to understand what is meant by "to the same extent as the project" or the degree of difference between the project and the alternative. As explained above, the finding is also inaccurate and incorrect because there is an existing ADA accessible passageway that runs from north to south through the main building and connects with the surrounding community. (Ex. M and Ex.JJ to LHIA's September 5, 2019 Planning

Commission submittal) This inadequate finding is related to the overly narrow description of the project in the EIR. The City requested only a portal through the property which could meander and need not run along the Walnut axis.

The finding that Alternative C would increase the housing supply “but to a lesser extent than would the project” is ambiguous, conclusory and not supported by substantial evidence. The finding lacks enough relevant information to understand what is meant by “to a lesser extent than would the project” or why the degree of difference makes the Alternative infeasible. This finding is further evidence that the range of alternatives described in the EIR is unreasonable, as the DEIR does not contain a single alternative with 744 residential units or more that could be adopted instead of the 744-unit project Variant that is now described as the project in the Development Agreement. Alternative C would have 534 housing units. DEIR p. 6.75. Of the five alternatives analyzed in the EIR, four of the five involve fewer residential units than the proposed project or project variant and all five involve fewer gross square feet of development than either the proposed project or project variant. DEIR 5.H.11.

The claim that the amount of housing produced would be “less consistent” with the City’s goals also fails to satisfy the legal standard for feasibility under CEQA and is ambiguous and conclusory. Merely not meeting all project objectives, increasing housing to a “lesser extent than would the Project,” or being less consistent with the City’s goals does not make an alternative infeasible under CEQA. (Planning Commission Motion p. 38) The finding is conclusory and lacks enough relevant information to understand why the degree of difference would make the alternative infeasible. “Feasible” is defined in Public Resources Code section 21061.1 as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. By claiming that Alternative C and other Alternatives would be less consistent with City goals, the City indicated that the range of alternatives selected for discussion in the EIR did not satisfy basic project objectives while reducing significant impacts, so the range selected was not reasonable.

Similarly, the assertion at page 38 of the Planning Commission Motion that Alternative C “would provide fewer activated neighborhood-friendly spaces along the adjacent streets than would the project” is false, inaccurate, ambiguous, conclusory and not supported by substantial evidence because it lacks enough relevant information to understand what is meant by “activated neighborhood-friendly spaces.” Members of the public currently walk through the site and conduct active recreational activities in the green spaces on the perimeter of the site. Also, Laurel Village and Presidio Avenue retail uses are located on streets immediately adjacent to the project site and provide neighborhood-friendly spaces. The proposed finding is also inaccurate and ignored the fact that there is an existing café and childcare center on the property. Even if the alternative would provide “fewer” activated neighborhood-friendly spaces along adjacent streets that fact alone would not make it infeasible under CEQA because the finding lacks relevant information as to the degree of difference. Since I live in the neighborhood, I am familiar with

the fact that Laurel Village, Sacramento Street shops, Trader Joe's, Target at City Center and Geary Boulevard and Presidio Avenue shops provide abundant activated neighborhood-friendly spaces in close proximity to the proposed project, and recreational activities are conducted by members of the public on the green spaces on the perimeter of the project site.

Also inaccurate, ambiguous, conclusory and not supported by substantial evidence is the allegation that the open space in this Alternative would not be "as varied" and is not designed to maximize pedestrian accessibility. Alternative C contains the historically significant natural landscaping designed by master landscape architects Eckbo, Royston & Williams, which includes the Eckbo Terrace, over one hundred trees, and numerous natural, green landscaped spaces that have been used by the public for recreational purposes. (Ex. D, nomination excerpts) Since the open space in the proposed project would be mostly hardscape with strips of planter boxes along the edges, the record does not contain substantial evidence that this type of concrete-intensive landscaping would be varied to any degree. The finding does not provide enough information to understand what is meant by "as varied" or the degree of difference that would exist. Also, the discussion does not provide sufficient detail to understand what is meant by the unsupported conclusion that the alternative is not designed to maximize pedestrian accessibility. I am familiar with the fact that the landscaped areas of the site are now open to the public and contain numerous pathways that meander through the site and connect with surrounding sidewalks, and that there is an existing ADA accessible pathway through the main building. The finding lacks enough relevant information to understand what is meant by "maximize pedestrian accessibility." The project objectives of providing open connections were stated ambiguously or overly narrowly so that only the exact type of connections desired by the developer would suffice. DEIR p. 2.12. As previously stated, the Planning Department requested a north/south portal that could meander through the site and did not request that a 40-foot wide hole be cut through the main building.

Similarly ambiguous, conclusory, lacking in sufficient detail and not supported by substantial evidence is the proposed finding that Alternative C "would fail to meet several of the project objectives and City Plans and policies related to the production of jobs and housing, including affordable housing, particularly near transit, and urban design, to the same extent as the project." (Planning Commission Motion p. 39) The finding lacked relevant information on the degree to which the alternative would fail to meet several project objectives and City plans and policies related to the designated subjects and why that degree of difference would make the alternative infeasible. Also, the specific nature of the objectives and City plans and policies that the alternative would allegedly not meet is not described, nor is there explanation of the degree by which the Alternative would fail to meet the objectives of the plans or policies and why that degree of difference would constitute infeasibility under CEQA.

The EIR's discussion of Alternative E: Partial Preservation - Residential Alternative is also ambiguous, conclusory and not supported by substantial evidence. The discussion does not

contain sufficient detail to understand the meaning of “substantial changes to the distinctive materials, features, spaces and spatial relationships on the northern, western, and southern portions of the property,” or “the removal of character-defining site and landscape features,” in combination with the construction of 12 new buildings along California Street, Laurel Street, and Euclid Avenue. (Planning Commission Motion p. 44) No explanation is provided as to how the alterations “would be substantial enough to hinder the site’s ability to convey its historically open feel such that the property could no longer convey its historic and architectural significance as a Midcentury Modern-designed corporate campus.”

Similarly unexplained and conclusory is the allegation that the extent of the alterations “would, on balance, materially alter the physical characteristics of the property at 3333 California Street that convey its historic and architectural significance.” Many of the characteristics described in the nomination would remain, including the horizontal lines of projecting edges of concrete floors, horizontal bands of nearly identical window units, uninterrupted glass walls, window units of aluminum and glass, wrought iron desk railings that match gates in the landscape, brick accents and trim, the Terrace, brick wall set in running band pattern similar in appearance to brick used in exterior of main building, two of the gated entrances, and vegetation features along Euclid Avenue that help integrate the site with that of the surrounding residential neighborhoods. (Ex. D, Nomination section 7, pages 18-20)

Also inadequate under CEQA is the conclusory and unsupported proposed finding that Alternative E is rejected because, although it would reduce the significant and unavoidable historic architectural resources and transportation and circulation impacts of the project, it would not eliminate them, it would not reduce or eliminate the significant and unavoidable noise impact, and it would fail to meet several of the project objectives to the same extent as the project. (Motion p. 45) First, the finding uses the wrong legal standard, as it implies that an alternative must eliminate an entire impact, but an alternative under CEQA may reduce impacts. Again, insufficient information is provided as to how Alternative E would not meet several of the project objectives or promote City plans and policies “to the same extent as the project” or why the degree of difference would make the alternative infeasible. For example, Alternative E would have 44,306 gross square feet of ground-floor retail spaces (DEIR p. 6.135) which is more than the amount of retail space in the 744-unit Project Variant, and there is no explanation of why Alternative E would not promote mixed-use to the same extent as the project. Thus, this finding is not supported by substantial evidence. Also, merely because Mayfair Walk would be constructed and not Walnut walk does not establish that the connectivity of the site would be so substantially less to be infeasible. As explained above, there is an existing ADA accessible pathway through the main building, and the Planning Department only suggested a portal, not a complete cut through the main building to create a Walnut walk.

The claim that Alternative E would increase the housing supply to a lesser extent than would the project is ambiguous, conclusory and fails to constitute substantial evidence that could

support a finding of infeasibility. No explanation is provided as to why the degree of difference in the production of housing would make the alternative infeasible. Further, the claim is evidence of the inadequate range of alternatives analyzed in the DEIR, which lacked a 744-unit or similar alternative other than the Project Variant, which became the Project shortly before the Planning Commission hearing, as evidenced by release of the Development Agreement. (Motion before Planning Commission p. 45)

The allegation that Alternative E would provide fewer activated neighborhood-friendly spaces along the adjacent streets than would the project is ambiguous and insufficient for the reasons stated above as to proximity of the site to Laurel Village and other nearby retail areas and the existence of recreational spaces used by the public on the perimeter of the site. Also, no explanation is given as to why Alternative E would provide open space that is not as varied and would have less pedestrian accessibility. As stated above, the existing landscaping is historically significant and contains over 100 trees and natural green spaces. There is an existing ADA accessible passage through the site.

Claims that various alternatives would not provide housing that can easily rely on public transportation, walking and bicycling for the majority of daily trips is also conclusory and not supported by substantial evidence. There is a bus stop adjacent to the project site and pathways currently meander through the site and are used by members of the public and no information is given on why residents of an alternative plan would not also “easily” rely on public transportation, walking and bicycling for the majority of daily trips.

The proposed finding that the Community 558-unit Alternative and Community 744-unit Variant are not considerably different than Alternative C - the Full Preservation Residential Alternative is clearly erroneous, ambiguous, incomplete and not supported by substantial evidence. The Community alternatives would have more residential units than the 534-unit Alternative C, and the findings indicate that alternatives are being rejected if they have even a small degree of difference in the amount of residential units. If a small degree of difference in the number of residential units would make an alternative infeasible according to the City, the same small degree of difference would make an alternative with more housing units “considerably” different under the standards used in the EIR. The proposed findings claim that Alternative C would be “less consistent” with city goals because it would produce less housing (534 Units) than the 744-unit project. However, the claim that the Community 744-unit variant is not considerably different than 534-unit Alternative C is clearly inaccurate, erroneous and not supported by substantial evidence with respect to the key factor of the amount of new housing units produced. DEIR p. 5.H.19. Also, as previously stated, the DEIR relied on false characterizations and erroneous assumptions concerning the Community Alternatives provided by the developer’s staff and SF Public Works, so did not really analyze the Community Alternative or Community 744-unit Variant as submitted by the Community. (See August 28, 2019 statement of Richard Frisbie and August 20, 2019 TreanorHL Preservation Alternative

Feasibility Evaluations-Exhibits O and F, respectively of LHIA's August 28, 2019 submission to Planning Commission)

The DEIR improperly refused to consider the Community Alternative or Community Variant as an alternative analyzed in the EIR, stating:

In addition to the LHIA Alternative or its variant not being considerably different from the analyzed alternatives, the feasibility of the LHIA Alternative or its variant is highly speculative. Accordingly, it is not included or analyzed as an alternative to the proposed project or project variant in this EIR." Responses to Comments. p 5.H.67.

Thus, the proposed finding is false, misleading, inaccurate, ambiguous and/or not supported by substantial evidence in claiming that the "LHIA Alternative or its Variant is not considerably different from the analyzed alternatives. LHIA alternatives are described and analyzed in the Final EIR in Section 5.H. Alternatives in the Responses to Comments document." (Motion before Planning Commission, p. 49) The City clearly treated the Community alternatives in a second-class category that was different from the other alternatives, including by making assumptions as to architectural details that were not presented for the other alternatives.

The City and SF PUC also unreasonably assumed that the size of units in the Community Alternatives would be greater than those shown in plans for the proposed Project or Project variant. (August 28, 2019 Statement of Frisbie) Other incorrect and unreasonable assumptions include assumptions concerning more elevators and stairways than intended in the Community alternatives. *Ibid.* Substantial evidence does not include evidence that is inaccurate or erroneous. Architect Goldenberg confirmed that her analysis used the developer's unit sizes in evaluating that the number of units would fit in the Community Alternative and Community Alternative Variant spaces. (Ex.N and Ex. O) Therefore, the proposed finding's rejection of the Community Alternative and Community 744-unit Variant is inadequate under CEQA because the rejection is based on erroneous and unreasonable assumptions and inaccurate characterizations concerning the Community Alternative and Community 744-unit Variant.

Based on accurate characterization of the Project, respected architect Nancy Goldenberg has submitted a statement demonstrating that the Community Alternative and Community Alternative 744-unit Variant would achieve the same number of housing units as the proposed Project and Project variant; the analysis also demonstrated that a mix of dwelling units could be achieved by having substantial numbers of two-bedroom and three-bedroom units. (Exs. O & N hereto and Ex. F to August 28, 2019 LHIA submission to Planning Commission) For the reasons stated by Nancy Goldenberg and Richard Frisbie, the allegations concerning the Community Alternative and Community 744-unit Variant set forth in the Responses to Comments, including at p. 50, are inaccurate, clearly erroneous, based on erroneous and unreasonable assumptions and fail to constitute substantial evidence.

7. The EIR Failed to Describe the Project's Inconsistency With San Francisco's General Plan as to Preservation of Historical Resources and Neighborhood Character.

An EIR must discuss any inconsistencies between a proposed project and applicable general plans. 14 Cal.Code Regs section 15125(d). By doing so, a lead agency may be able to modify a project to avoid any inconsistency. *Orinda Association v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1169. However, the EIR failed to discuss inconsistencies of the project with General Plan policies relating to protection of historical resources and neighborhood character.

San Francisco's General Plan is intended to be an integrated, internally consistent and compatible statement of objectives and policies and its objectives, and policies are to be construed in a manner which achieves that intent. Sec. 101.1(b) of the Planning Code, which was added by Proposition M, November 4, 1986, provides as follows:

The following Priority Policies are hereby established. They shall be included in the preamble to the General Plan and shall be the basis upon which inconsistencies in the General Plan are resolved:

That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

That the City's supply of affordable housing be preserved and enhanced;

That commuter traffic not impede Muni transit services or overburden our streets or neighborhood parking;

That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

That the City achieve the greatest possible preparedness to protect against injury and the loss of life in an earthquake.

That landmarks and historic buildings be preserved; and

That our parks and open space and their access to sunlight and vistas be protected from development. (Ex. BB to LHIA August 28, 2019 submittal to Planning Department, San Francisco General Plan, excerpts)

While the EIR acknowledges that the project would have a significant adverse impact on a historical resource under CEQA, it failed to describe the project's inconsistency with the General Plan policies that state that historic buildings be preserved and that existing neighborhood character be preserved and protected. The EIR is inadequate because it merely noted that this General Plan policy to preserve historic resources exists, but failed to describe the inconsistency between the proposed project and this policy. DEIR 4.B.34. Moreover, it used an erroneous legal standard, indicating that Planning Code section 101.1 allowed the City to balance the eight master plan priority policies, whereas CEQA requires that an EIR describe *any* inconsistency with a general plan policy. *Ibid.*

Similarly, the EIR failed to describe the project's inconsistency with the General Plan policy that existing neighborhood character be preserved and protected. The EIR avoided the issue and brushed off the issue of "loss of neighborhood character" as a "controversial issue." DEIR 5.7.

In addition, the EIR failed to discuss the inconsistency of the proposed rezoning and the mandate of Housing Element Policy 1.4: to "Ensure that community based planning processes are used to generate changes to land use controls." Explanatory material provided by the Planning Department states:

The Planning Department has in recent years planned for growth through community plans...This process has provided a way for stakeholders to help direct the future of their area... To provide certainty to citizens who feared that the Housing Element would cause increases in density to their neighborhoods without input, the document *mandates* that this process must continue to be used in the event of proposed changes to land use controls, such as increased housing density or height. It also *dictates* that any such changes must be generated through a community based planning process initiated in partnership with the neighborhood, initiated by the Board of Supervisors. It states that any changes to land use policies and controls that result from the community planning process may be proposed only after an open and publicly noticed process, after review of a draft plan and environmental review, and with comprehensive opportunity for community input. (Ex. S to August 28, 2019 LHIA submission to Planning Commission, emphasis added)

2014 Housing Element Policy 1.4, and its predecessor in the 2009 Housing Element state:

Ensure that community based planning processes are used to generate changes to land use

controls.” (Ex. S to August 28, 2019 LHIA submission to Planning Commission)

Its interpretative text states:

Community plans are an opportunity for neighborhoods to work with the City to develop a strategic plan for their future, including housing, services and amenities...Zoning changes that involve several parcels or blocks should always involve significant community outreach. Additionally, zoning changes that involve several blocks should always be made as part of a community based planning process...

Any new community based planning processes should be initiated in partnership with the neighborhood, and involve the full range of City stakeholders. The process should be initiated by the Board of Supervisors, with the support of the District Supervisor, through their adoption of the Planning Department’s or other overseeing agency’s work program; and the scope of the process should be approved by the Planning Commission. To assure that the Planning Department, and other agencies involved in land use approvals conduct adequate community outreach, any changes to land use policies and controls that result from the community planning process may be proposed only after an open and publicly noticed process, after review of a draft plan and environmental review, and with comprehensive opportunity for community input. (Ex. S to LHIA August 28, 2019 submittal to Planning Commission)

The developer’s proposed subdivision plan would divide the 10-acre site into approximately 12 lots. (Ex. T to LHIA August 28, 2019 submittal to Planning Commission)

The City failed to conduct a City-run planning process as to the proposed zoning changes. Developer Dan Safier described his proposed project to the community in a meeting in which members of the public were not allowed to speak. At the end of his powerpoint presentation, Dan Safier took approximately 3 written questions and ended the meeting. There was no opportunity afforded for public discussion of potential zoning changes. The day before, in the office of Supervisor Farrell, the President of Laurel Heights Improvement Association stated to Dan Safier “I would like to know what the project is before you go public with it.” Dan Safier declined to provide any information and stated “This is not a negotiation.” I was present at this meeting in my capacity of Vice-President of LHIA at that time.

Thereafter, the developer conducted poster-board sessions in which exhibits were placed around the room, but no opportunity was provided for an open discussion by members of the public in attendance. At one of these sessions, I heard a representative of the developer tell a member of the public that the project did not involve zoning changes. I approached developer Dan Kingsley and told him what I had heard, and Dan Kingsley stated “Kathy, you and I know that the project involves zoning changes.” I watched, and Dan Kingsley did not approach his

representative to correct the error.

The EIR does not describe the project's inconsistency with Housing Element Policy 1.4. The failure to provide a City-run planning process resulted in a developer-driven process that silenced public discourse.

8. The EIR Failed to Adequately Analyze the Proposed Project's Inconsistency With the Housing Element of the General Plan and Related Applicable Land Use Plans or Regulations and Would Have a Substantial Impact Upon the Existing Character of the Vicinity.

The Housing Element EIR states that a proposed project would normally have a significant effect on the environment if it would:

“Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or

Have a substantial impact upon the existing character of the vicinity.” (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V.B-27-28.)

On the Figure IV-3 of the Housing Element EIR, the Generalized Citywide Zoning Map, the project site is shown in a “Residential” area. (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, excerpt from 2014 Housing Element EIR, p. IV-14-15 and Figure IV-3.)

“Figure IV-4 shows a generalized height map of the City.” (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, excerpt from 2014 Housing Element EIR, p. IV-14 and Figure IV-4.) This map shows that the project site is in a height district of “40 ft” or less.

Map 06 of the 2014 Housing Element shows average generalized permitted housing densities by Zoning Districts as 54 average units per acre in medium density areas. (Ex. L to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, excerpts from 2014 Housing Element p. I.70.) Policy 11.4 of the 2014 Housing Element refers to this map and states the policy to:

“Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.” (Ex. L to June 8, 2018 Comments of Kathryn

Devincenzi on 3333 California Street Initial Study, p. 37)

Policy 11.4 text provides that:

“The parameters contained in the Planning Code under each zoning districts [sic] can help ensure that new housing does not overcrowd or adversely affect the prevailing character of existing neighborhoods. The City’s current zoning districts conform to this map and provide clarity on land use and density throughout the city. When proposed zoning map amendments are considered as part of the Department’s community planning efforts, they should conform generally to these [sic] this map, although minor variations consistent with the general land use and density policies may be appropriate. They should also conform to the other objectives and policies of the General Plan. (Ex. L to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 37.)

The EIR failed to adequately analyze the inconsistency of the proposed Special Use District with the generalized densities and 40-foot heights designated in the General Plan as applicable to the Project area, in that the density of the proposed 34,000 square feet of retail uses together with 744 residential units exceeds the generalized density of the area, and the project’s proposed heights of 80 and 92 feet exceed the 40-foot heights designated on the Generalized Citywide Height Map for the area.

Housing Element policies do not provide for zoning changes to allow retail or commercial office uses. 2014 Housing Element Policy 1.6 provides:

“Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

However, in some areas which consist mostly of taller apartments and which are well served by transit, the volume of the building rather than number of units might more appropriately control the density.

Within a community based planning process, the City may consider using the building envelope, as established by height, bulk, set back, parking and other Code requirements, to regulate the maximum residential square footage, rather than density controls that are not consistent with existing patterns. In setting allowable residential densities in established neighborhoods, consideration should be given to the prevailing building type in the surrounding area so that new development does not detract from existing character.” (Ex. L to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 10.)

In addition, Housing Element Policy 7.5 supports process and zoning accommodation for affordable housing, as it provides that:

“Encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval process.... Local planning, zoning, and building codes should be applied to all new development, however when quality of life and life safety standards can be maintained zoning accommodations should be made for permanently affordable housing. For example, exceptions to specific requirements, including open space requirements, exposure requirements or density limits, where they do not affect neighborhood quality and meet with applicable design standards, including neighborhood specific design guidelines, can facilitate the development of affordable housing. Current City policy allows affordable housing developers to pursue these zoning accommodations through rezoning and application of a Special Use District (SUD).” (Ex. L to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 29.)

Thus, the proposed project would conflict with the Housing Element of the General Plan because the proposed project would seek to use a Special Use District to change the permitted uses to allow retail uses and to increase height and/or bulk limits, which would not be zoning accommodations “for permanently affordable housing.” Also, the proposed Project would be inconsistent with the prevailing building type in the surrounding area and/or detract from existing character, detract from neighborhood quality and/or conflict with provisions of the Residential Design Guidelines and Urban Design Element, for the reasons stated herein.

For the reasons stated herein, the proposed Project would also conflict with the following other policies of the 2014 Housing Element:

Policy 11.3 Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Accommodation of growth should be achieved without damaging existing residential neighborhood character. ...In existing residential neighborhoods, this means development projects should defer to the prevailing height and bulk of the area.

Policy 11.5 Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.” (Ex. L to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 37.)

The Housing Element EIR explains that:

“The San Francisco Planning Code, which incorporates by reference the City’s Zoning maps, governs permitted uses, densities and the configuration of buildings in San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) cannot be issued unless either the proposed action conforms to the Planning Code, or an exception is granted pursuant to provisions of the Planning Code, or a reclassification of the site occurs....

Section 263 of the Planning Code contains special exceptions to the height limits for certain uses within certain areas. Buildings and structures exceeding the prescribed height may be approved by the Planning Commission according to the procedures for conditional use approval in Section 303 of the Planning Code; provided, however, that such exceptions may be permitted only in the areas specified and only to the extent stated in each section.” (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V-A-32-33.)

The City’s Preliminary Project Assessment (“PPA”) for the 3333 California Street project states that:

“various aspects of the project conflict with both the current RM-1 Zoning of the site, as well as City Planning Commission Resolution No. 4109. The Preliminary Project Assessment application indicates the intent of the property owner to pursue a rezoning, potentially to an NC District. Additionally, as noted in the comments below, a special Use District overlay to the current RM-1 District may also be a potential path for rezoning. In either case, rezoning of the property requires approval by the Board of Supervisors....various components of the project exceed the current 40 foot height limit. Accordingly, a height district reclassification of the property must be sought. This also requires approval by the Board of Supervisors.” (Ex. M to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, PPA, p. 10.)

As further explained in the City’s Preliminary Project Assessment:

“The project proposes a combination of residential, office, commercial parking, retail and entertainment uses. Of these proposed land use categories, only residential uses are currently permitted in the existing RM-1 District. Accordingly, pursuing the project as proposed would require a rezoning of the subject property. The project description provided in the Preliminary Project Assessment application indicates the owner’s interest in pursuing a rezoning of the property to an NC (Neighborhood commercial) district, but does not specify which type of NC District...

The project proposed retail uses throughout the property.

The demolition of existing structures or conversion of floor area dedicated to the site’s 363,218 square feet of existing nonconforming office use is an abandonment of that

nonconforming use per Planning Code Section 183. Therefore, to re-establish office uses in the proposed new structures, the uses must comply with any applicable zoning controls.

The project includes 60 off-street parking spaces as part of a 'Public Parking Garage' defined in Planning Code Section 102. The existing RM-1 district does not permit public parking garages and, at this time, it is unclear if the described 60 'paid public parking spaces for community use' are legally noncomplying with regard to the Planning Code. Additional information is needed regarding the existing and proposed location of these spaces and the date of their establishment to make that determination...

The site has subsequently undergone additional rezoning, as it is now within an RM-1 District. However, the stipulations of future development as outlined in Resolution 4109 continue to apply, absent modification by the Board of Supervisors per Planning Code Section 174....In the project comments that follow, when there is an inconsistency, the more restrictive is noted as the guiding control. As indicated in the Preliminary Project Assessment application, the project may result in the rezoning of the property which requires review and approval by the Board of Supervisors. Amending Resolution 4109 would also require review and approval by the Board of Supervisors....

In general, the RM-1 District controls are more restrictive than the Stipulations of Resolution 4109. However, the stipulations are more restrictive when defining the density and buildable area requirements as applicable to a portion of the subject property fronting on Laurel and Euclid Avenues. At present, the project does not comply with these restrictions and would require amending the Resolution...

The subject property is within an RM-1 District which permits a residential density of up to one unit per 800 square feet of lot area. However, as a Planned Unit Development the proposal may seek approval for a density equal to one less unit than what is permitted by the district with the next greater density (RM-2)...While additional information is necessary to calculate the exact maximum density for the area subject to Resolution 4109, initial calculations estimate approximately 508 units are allowed pursuant to the current RM-1 zoning and Resolution and upon seeking the additional density allowed as a Planned Unit Development, the estimated maximum is 660 dwelling units. If the Resolution did not apply, these respective amounts become 558 and 743...

The subject property is within a 40-X Height and Bulk District, restricting the maximum height of buildings to 40 feet above grade, as measured generally from curb at the center of each existing and proposed building. The upper measurement of the height limit changes depending on the grade at that location per Planning Code Section 260(a)(1). Additionally, the upper measurement of the height of a building varies based on the roof

form per Planning Code Section 260(a)(2). While in general the proposal accurately applies these methodologies, curbs along the Walnut Street extension may not be used as the base of measurements because the Walnut Street extension is not a public right-of-way...The additional stories proposed for the altered structures will require that the project seek a Height District reclassification which is reviewed and approved by the Board of Supervisors...

The existing office building is 66.5 feet tall from the existing grade to the finished roof... The project proposed a lot line adjustment that would extend the property's Masonic Avenue Boundary into the public right-of-way. This adjustment requires a General Plan Referral because it includes the vacation of a public way and transportation route owned by the City and County. This adjustment will also require review by the Department of Public Works as a partial street vacation request...

Open Space. Additional information is needed to determine how the project complies with this requirement for each individual unit and to confirm that the spaces comply with the dimensional requirements for either private or common spaces... (Ex. M to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, PPA. pp. 12-17.)

Planning Code section 209.2 provides that in an RM-1 district, the "Residential Density, Dwelling Units" is [u]p to one unit per 800 square feet of lot area." Retail uses and commercial uses are not permitted.

As acknowledged in the Housing Element EIR, a proposed project "could result in impacts related to conflicts with existing land use policy, plans, or regulations" if it "resulted in housing development that was not consistent with zoning and land use designations as outlined in the governing land use plans and/or the City's Planning Code to the extent those regulations help to avoid or mitigate potential environmental impacts." (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V.B-29). In addition, there could be "impacts related to land use character if new housing is substantially out of scale with development in an existing neighborhood, or if new development is so different than existing development that the new development would change the existing character of an area." to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, Ex. 2, p. V.B-33. "Similarly, substantial increases in residential densities in traditionally low-density neighborhoods could result in changes to land use character." (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V.B-33.)

The Initial Study admits that the "project as proposed is not consistent with the provisions set forth in the planning code for the RM-1 Zoning District and would not comply with development restrictions identified in Resolution 4109, described below. The existing office use

within the project site, as well as the scale of the existing office building within the project site, does not conform to the low-density residential character described for the RM-1 Zoning District.” IS p. 22.

The Initial Study misinterprets Resolution 4109 and fails to mention that it contains a limitation on the aggregate gross floor area of all buildings on the property of a gross floor area that “shall not exceed the total area of the property allotted to such use,” a limitation of 50% as to lot coverage of residential development, and a prohibition on any residential dwelling other than a one-family dwelling or a two-family dwelling occupying any portion of the property which is within 100 feet of the Euclid Avenue boundary line thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended, occupying a parcel of land having an area of less than 3300 square feet, and a requirement that such buildings be set back 12 feet from any other building and 10 feet from any street. The new buildings proposed on the site propose to violate these limitations, including the gross floor area limitations, and the Mayfair and Euclid Buildings propose to violate the prohibition on any residential dwelling other than a one-family dwelling or a two-family dwelling being erected at the locations of the proposed buildings and/or would also violate the use limitations which prohibit retail uses. The Initial Study failed to analyze these provisions of Resolution 4109, and retail uses are not allowed under that Resolution. (Ex. N to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, Resolution 4109 and Stipulation as to Character of Improvements.)

The Initial Study states that the “proposed project would include amendments to the planning code and zoning maps to rezone a portion of the site from the current RM-1 zoning and 40-X Height and Bulk Districts.” IS p. 22. However, the proposed planning code and zoning map amendments were not provided in the Initial Study, so the Initial Study’s description of the proposed project is inadequate and incomplete. Also, the Initial Study states that these:

“changes would be implemented through the creation of a Special Use District (SUD) that would establish land use zoning controls for the project site. An ordinance establishing the SUD would require a recommendation by the Planning Commission and approval by the Board of Supervisors. In addition, the project sponsor would seek approval of a Conditional Use authorization/Planned Unit Development to permit development of buildings in excess of 50 feet in height; to allow for more units than principally permitted in the RM-1 Zoning District, to allow certain planning code exceptions to open space requirements, dwelling unit exposure, and rear yard setback requirements mandated by the planning code in an RM-1 Zoning District; and to provide a waiver or modification of any applicable conditions of Resolution 4109.” IS p. 23.

As discussed above, the City’s Preliminary Project Assessment stated that amending Resolution 4109 would require review and approval of the Board of Supervisors.

Since the proposed project is within a 40-X Height and Bulk District, it does not meet the criteria required to allow the Planning Commission to increase the height limit pursuant to Planning Code section 253, which provides that “wherever a height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, **is prescribed by the height and bulk district in which the property is located**, any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code.” Further, under Planning Code section 253:

“In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and **may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.** (Emphasis added.)

Since the property has a height limit of 40 feet in an RM-1 district, Planning Code section 253 does not authorize a height limit increase.

In addition, the proposed project would not meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in the Planning Code and further would not meet the requirements of Planning Code section 304 for a Planned Unit Development, including that the requirements that the project shall:

- (1) Affirmatively promote applicable objectives and policies of the General Plan;
- (2) Provide off-street parking adequate for the occupancy proposed;
- (3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;
- (4) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property (by adding 34,496 square feet of retail uses together with 744 residential units);
- (5) In R Districts, include Commercial Uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include Commercial Uses only according to the provisions of 231 of this Code;
- (6) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to

height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.”

The IS did not explain the nature of the “minor deviations” from the provisions for measurement of height that would be sought, so the project description was incomplete, and the EIR did not identify them so the nature of the project can be known, and comments could address inaccuracies and conflicts with land use policies.

The proposed project would fail to affirmatively promote applicable objectives and policies of the General Plan as to density and height.

Approval of a Planned Unit Development cannot be substantially equivalent to a reclassification of property, which it would if misused in this matter, because the 744 residential units in the project variant would exceed the additional density of 660 units allowed as a Planned Unit Development above existing density limits (which include Resolution 4109) and the 558 project units would exceed the approximately 508 units allowed under the applicable stipulations as to future development contained in Resolution 4109, which can only be changed by the Board of Supervisors. (See Ex. O to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, developer’s calculation of permitted densities under alleged PUD boost)

Moreover, the proposed project, which is located in an R District, would not “include Commercial Uses **only to the extent that such uses are necessary to serve residents of the immediate vicinity**, subject to the limitations for NC-1 Districts under this Code.” The Initial Study did not state that a rezoning from the RM-1 District would be sought. The project site is directly adjacent to the Laurel Village neighborhood commercial area, and one block away from the Sacramento Street neighborhood commercial area and one block away from Trader Joe’s. Residents of the immediate vicinity are adequately served by retail uses.

Thus, the project may under no circumstances be excepted from any height limit established by Article 2.5 of this Code under the Planned Unit Development provisions, because no exception is explicitly authorized by the terms of the Planning Code in a 40-foot Height and Bulk District. The Initial Study failed to substantiate the nature of the proposed deviations from the provisions for the measurement of height as being minor and failed to establish that such deviation shall not depart from the purposes or intent of Planning Code sections 260 and 261. The Preliminary Project Assessment already warned the project proponent not to attempt to measure heights from the Walnut Street extension because it is a walkway and not a public right-of-way.

Further, the project would not provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code.

Since plan sheet G3.03 shows that the project proponent counted the paved Lower Walnut walkway and the approximately 16 foot front set back in front of proposed retail uses on California Street (described as California Plaza) as open space, the project does not comply with the open space requirements of Planning Code section 135 that “[u]sable open space shall be composed of an outdoor area or areas designed for outdoor living, recreation or landscaping, including such areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably surfaced and screened, and which conform to the other requirements of this Section.” Moreover, the Initial Study admits that “the network of proposed new common open spaces, walkways, and plazas within the project site” “would be shaded mostly by proposed new buildings for much of the day and year.” IS p. 161. For this reason, as well, such network of new common open spaces does not qualify as open space under Planning Code section 135 because it is not “designed for outdoor living, recreation or landscaping.”

The Housing Element EIR further explains that:

“For construction of new residential buildings and alteration of existing residential buildings in R Districts, Section 311 of the Planning Code requires consistency with the design policies and guidelines of the General Plan and with the Residential Design Guidelines that are adopted for specific areas. ...The guidelines apply to development in all RH and RM districts, and are intended to maintain cohesive neighborhood identity, preserve historic resources, and enhance the unique setting and character of the City and its residential neighborhoods.

The guidelines are based on the following design principles, which are also used to determine compliance with the guidelines:

- Ensure that the building’s scale is compatible with surrounding buildings.
- Ensure that the building respects the mid-block open space.
- Maintain light to adjacent properties by providing adequate setbacks.
- Provide architectural features that enhance the neighborhood’s character.
- Choose building materials that provide visual interest and texture to a building.
- Ensure that the character-defining features of an historic building are maintained.” (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V.A-34.)
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The Housing Element EIR also explains that Proposition M, codified in Planning Code section 101.1, established eight Priority Policies including “protection of neighborhood character,” “landmark and historic building preservation,” “protection of open space,” and “preservation and enhancement of neighborhood-serving retail uses.” (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V.A-41-42.)

The Housing Element EIR explains that “[s]ection 263 of the Planning Code contains special exceptions to the height limits for certain uses within certain areas. Buildings and structures exceeding the prescribed height limit may be approved by the Planning Commission according to the procedures for conditional use approval in Section 303 of the Planning Code; provided, however, that such exceptions may be permitted only in the areas specified and only to the extent stated in each section.” (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V.B-2). None of these exceptions apply to the proposed project.

The Initial Study used an erroneous legal standard in determining that the project’s potential conflicts with land use plans (and other impacts analyzed in the IS) need not be studied as a significant impact in the EIR. As explained in the Initial Study for the 1629 Market Street Project :

“The Initial Study evaluates the proposed 1629 Market Street Mixed Use Project to determine whether it would result in significant environmental impacts. The designation of topics as ‘Potentially Significant’ in the Initial Study means that the EIR will consider the topic in greater depth and determine whether the impact would be significant.” (Ex. P to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 4.)

The Initial Study for the 3333 California Street project acknowledged that the proposed project “would not conform to the existing RM-1 zoning and 40-X Height and Bulk District, and amendments to the planning code would be required as part of the proposed project or project variant.” The Initial Study then put forth the erroneous conclusion that if “the Board of Supervisors finds that amendments to the planning code are warranted to allow for implementation of the proposed project or project variant, the Board of Supervisors would adopt amendments to establish the Special Use District, which would resolve any conflicts between the planning code and the proposed project or project variant. To approve the proposed project or project variant, the city would be required to make findings of project consistency with the planning code. The proposed project or project variant, as approved, would thus be consistent with relevant plans and policies once amended.” IS. p. 110-111. The project’s proposed misuse of Special Use District procedures and other procedures was explained above.

In certain circumstances, the city is required to find that a proposed project is consistent with provisions of the General Plan. (Planning Code section 101.1.) The proposed project would be inconsistent with provisions of the Urban Design Element and Housing Element of the General Plan for the reasons set forth above, including that the bulk of the buildings does not relate to the prevailing scale of development and would have an overwhelming or dominating appearance, and that the height of buildings does not relate to important attributes of the city patterns and the height and character of existing development. Urban Design Element Policies 3.5 and 3.6. Policy 3.6 explains that it was intended to avoid disruption to the city’s character

from buildings that reach extreme bulk, by exceeding the prevailing height and prevailing horizontal dimensions of existing buildings in the area which “ can overwhelm other buildings, open spaces and the natural land forms, block views.” Thus, these provisions of the general plan were adopted for the purpose of mitigating or avoiding an environmental effect. At the project site, the proposed new buildings would block public views from the open green spaces and significantly shadow open spaces and overwhelm other buildings.

Also, application of a Special Use District is authorized by the Housing Element to encourage production of affordable housing, not to authorize deviations from residential use district classifications for retail or commercial uses. The Housing Element EIR identified “Policy 7.5: Encourage the production of affordable housing through process and zoning accommodations and prioritize affordable housing in the review and approval processes” as one of the “Policies With Potential for Physical Environmental Impacts.” (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. IV-35.)

The Housing Element EIR acknowledged that “[i]mplementation of the 2009 Housing Element could result in impacts related to existing character if new housing is out of scale with development in an existing neighborhood or if new development is so different it would change the existing character of an area.” Such impacts would occur if a Special Use District or other deviations were used for the purposes proposed by the project proponent, especially for the improper purposes set forth above. The new buildings would still be out of scale with surrounding development and disrupt the area’s character through their dominating appearance, so the significant adverse physical impacts would remain despite approval of an Special Use District under the circumstances requested by the project proponent.

The Initial Study also improperly asserted that the impact on land use plans and policies would be less than significant because that the proposed project “would adhere to applicable environmental regulations, and therefore, would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect such that a substantial adverse physical change in the environment related would result.” IS p. 111. This is an unsupported conclusion which is inadequate under CEQA and is contradicted by the evidence discussed herein. No explanation is provided as to the nature of the environmental regulations that would be complied with, the performance standards that would result in compliance or the specific expected management actions that would be taken. The Initial Study’s determination that regulatory compliance will be sufficient to prevent significant adverse impacts was not based on a project specific analysis of potential impacts and the specific effect of regulatory compliance. Thus, the EIR failed to adequately analyze the potentially significant impacts which the proposed project would have on conflicts with numerous applicable land use plans, policies and regulations, including those discussed herein, and the substantial impact that the proposed project would have upon the existing character of the vicinity.

In the cumulative impact discussion, the Initial Study acknowledged that to some extent conflicts with land use plans and policies under the proposed project “could be embodied in a considerable contribution to a cumulative physical environmental impact” and “such cumulative physical impacts are addressed and analyzed under the specific environmental topics section in the initial study and will also be addressed in Chapter 4, Environmental Setting and Impacts, of the EIR.” This statement constituted recognition that plans and policies with which the project would conflict were adopted for the purpose of avoiding or mitigating an environmental effect. In addition, the Housing Element EIR recognized that :

“Implementation of the 2004 Housing Element and 2009 Housing Element could result in impacts related to conflicts with existing land use policy, plans, or regulations if the Housing Elements resulted in housing development that was not consistent with zoning and land use designations as outlined in governing land use plans and/or the City’s Planning Code to the extent those regulations help to avoid or mitigate potential environmental impacts. For example, if a height limit in a particular area was designed to avoid impacting a view from a public vantage point, there could be an impact from a policy that increased the height limits.” (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V.B-29.)

Also, as previously noted, the proposed project’s increased heights and bulk would conflict with existing public views from the publicly accessible open space that currently exists on the project site, including on Euclid, Laurel and Presidio avenues and the Terrace.

9. The EIR Failed to Adequately Analyze the Proposed Project’s Inconsistency with General Plan Policies Stated in the Urban Design Element.

The Project proposes to construct new buildings on portions of the natural green open spaces along Laurel Street and Euclid Avenue, which have public views of the City; install street trees along Euclid Avenue and Laurel Street that would impair these hilltop views (See Exhibit KK hereto); and add 2-3 floors onto the main building with heights up to 80 feet and 92 feet, which would disrupt and conflict with the height and prevailing scale of development in the surrounding neighborhood. The EIR failed to adequately analyze the inconsistency of these aspects of the proposed Project with the following policies of the Urban Design Element of the General Plan, among others:

Policy 1.1: Recognize and protect major views in the city, with particular attention to those of open space and water.

Visibility of open spaces, especially those on hilltops, should be maintained and improved, in order to enhance the overall form of the city, contribute to the distinctiveness of districts and permit easy identification of recreational resources.

The landscaping at such locations also provides a pleasant focus for views along streets.

Objective 3: Moderation of major new development to complement the City pattern, the resources to be conserved and the neighborhood environment.

Policy 3.3: Promote efforts to achieve high quality design for buildings to be constructed at prominent locations.

Policy 3.4: Promote building forms that will respect and improve the integrity of open spaces and other public areas.

Policy 3.5: Relate the height of buildings to important attributes of the city patterns and to the height and character of existing development.

Policy 3.6: Relate the bulk of the buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction...

When buildings reach extreme bulk, by exceeding the prevailing height and prevailing horizontal dimensions of existing buildings in the area, especially at prominent and exposed locations, they can overwhelm other buildings, open spaces and the natural land forms, block views and disrupt the city's character. Such extremes in bulk should be avoided by establishment of maximum horizontal dimensions for new construction above the prevailing height of development in each area of the city...

Policy 3.7: Recognize the special urban design problems posed in development of large properties.

Policy 3.8: Discourage accumulation and development of large properties, unless such development is carefully designed with respect to its impact upon the surrounding area and upon the City.

Policy 3.9: Encourage a continuing awareness of the long-term effects of growth upon the physical form of the city.

Policy 4.1: Protect residential areas from the noise, pollution and physical danger of excessive traffic.

Policy 4.2: Provide buffering for residential properties when heavy traffic cannot be avoided. (See Ex. V to June 8, 2018 Kathryn Devincenzi comments on 3333 California Street Initial Study, Urban Design Element of San Francisco General Plan, excerpts).

The EIR failed to discuss inconsistencies with the above policies of the Urban Design Element.

10. The EIR Failed to Analyze the Proposed Project’s Significant Adverse Impact on Geology and Soils.

Under Appendix G of the CEQA Guidelines and the Initial Study (p. 205) a project would have a significant impact on the environment if it would:

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i. Seismic-related ground failure, including liquefaction
 - ii. Landslides
- b. Result in substantial soil erosion or loss of topsoil, or
- c. Be located on a geologic unit or soil that is unstable, or would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Ex. B to June 8, 2018 comments of Devincenzi on Initial Study, 14 California Code of Regulations (“CFR”) section 15000 *et seq.* (“CEQA Guidelines”), Appendix G.

Also, under the Initial Study (p. 205) a project would have a potentially significant impact on geology and soils if it would:

- d. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

Under the standards identified in the San Francisco 2004 and 2009 Housing Element EIR (“Housing Element EIR”), a project would normally have a significant effect if it would:

“Change substantially the topography or any unique geologic or physical features of the site.” Ex. C, San Francisco 2004 and 2009 Housing Element EIR (“Housing Element EIR”), p. V.O-25.

In addition, according to the EIR for the Pier 70 Mixed-Use District Project, a project would have a significant impact if it would “substantially change the topography or any unique geologic or physical features of the site.” (Ex. D to June 8, 2018 comments of Devincenzi on Initial Study, excerpt of EIR for Pier 70 Mixed-Use District Project, p. 4.N.32. “Unique geologic or physical features” include those which “embody distinctive characteristics of any regional or local geologic principles.” *Ibid.*

A. The Proposed Project Would Result in Substantial Soil Erosion or Loss of Topsoil.

Construction of the proposed project or project variant would require earthwork activities across the entire project site. According to the Initial Study, the depths of excavation would range from 7 to 40 feet below the existing grade, with a total of approximately 241,300 net cubic yards of excavated soils generated during the approximately 7 to 15-year construction period. Only approximately 3,700 cubic yards of excavated soils would be reused on the project site as fill. IS p. 207.

Many areas to be excavated are now covered by topsoil and extensively planted with grasses, shrubs, and various vegetation. The project's geotechnical consultant Langan Treadwell Rollo recommended that "all areas to receive improvements should be stripped of vegetation and organic topsoil." (LTR p. 14)

As explained in the EIR for the 2009 Housing Element:

"New construction could result in impacts related to soil erosion and the loss of topsoil if new housing.... would result in grading activities, or if new development would require much more extensive grading. This exposure could result in erosion or loss of topsoil. The 2004 and 2009 Housing Element policies that promote increased density could result in heavier buildings on soil types or in proximity to slopes that are susceptible to erosion. Heavier buildings would require stronger and deeper foundations, involving more excavation than lighter buildings. (Ex. C to June 8, 2018 comments of Devincenzi on Initial Study, San Francisco 2004 and 2009 Housing Element EIR. p. V.O-46.)

The EIR failed to analyze the impact of project excavation and construction on the substantial loss of topsoil and erroneously bases its determination that the impact would not be significant on operational conditions existing after the topsoil has been excavated. The Initial Study states that at buildout, the project site would be more intensely developed and landscaped with limited to no open areas susceptible to erosion or loss of topsoil. IS. p. 211. Since substantial existing topsoil will have been lost as a result of construction of the project, it is irrelevant to the loss of existing topsoil from construction and excavation that later operation on the paved and built areas would not expose the minimal topsoil that may be reused or replaced to erosion or loss. *Ibid.* The EIR is inadequate because it failed to analyze the potentially significant changes which the project would have to the existing environment due to loss of topsoil.

As evidenced by the Langan Treadwell Rollo report and the Initial Study, substantial amounts of existing topsoil would be removed to construct underground parking garages in the Masonic Building, Mayfair Building, Plaza A and B Buildings and Walnut Building and new multi-unit buildings. Paved pathways and stairways would be constructed on areas which are

now planted with vegetation and grasses. 37 percent of the site is now landscaping or landscaped open space. IS p. 210.

The EIR failed to analyze the substantial loss of existing topsoil as a significant impact of the proposed project and analyze alternatives and mitigation measures that would avoid or reduce the impact.

B. The Proposed Project Would Substantially Alter the Existing Topography and Unique Geologic or Physical Features of the Site.

The proposed project would have a significant impact because it would directly or indirectly destroy substantial portions of Laurel Hill, which is a unique geological or physical feature and embodies distinctive characteristics of local geologic principles. As explained in the Laurel Heights Improvement Association's nomination of the site for listing on the National Register of Historic Places, which was granted by the State of California Historic Resource Commission on May 17, 2018:

“the site is part of a cluster of low hills associated with Lone Mountain whose several high points were developed as cemeteries in the nineteenth century. The Fireman's Fund site was previously a portion of the Laurel Hill Cemetery, and was long recognized for its views. Today there are distant views from the property to the southeast and downtown, to the northwest and a partial view of the Golden Gate Bridge, and to the west into the Richmond District.” (Ex. E to June 8, 2018 comments of Devincenzi on Initial Study, excerpts from Nomination of Laurel Heights Improvement Association for listing of Fireman's Fund Insurance Company Home Office in the National Register of Historic Places, p. 6) [Note that the copy of the nomination included in the City's reference materials was a draft version; although the final version of the nomination was provided to the San Francisco Planning Department, that Department has not included the final version of the nomination in the reference materials provided with the Initial Study.]

The plaque previously placed on the site to commemorate the former site of Laurel Hill Cemetery 1854-1946, California Historical Landmark #760, recognized the site as “the most revered of San Francisco's hills.” (Ex. F to June 8, 2018 comments of Devincenzi on Initial Study, excerpts from State Office of Historic Preservation file on California Historical Landmark #760) The remarks of Gardiner Johnson of the California Historical Society recognized that when the new cemetery grounds were located on Laurel Hill:

“From the summit of this beautifully-shaped hill it was then possible to obtain one of the finest and most extensive views of both land and water.” (*Id.* p. 1-2)

The existing Terrace on the 3333 California Street site, “as the ‘centerpiece’ of the landscape,

designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco)” currently exists on the site and overlooks views of San Francisco. (Ex. E to June 8, 2018 comments of Devincenzi on Initial Study, Nomination p. 28)

The proposed project would have a significant impact on the environment because it would result in excavation of substantial portions of Laurel Hill and alter existing slopes, including the areas known for its views of the City. (See Ex. G to June 8, 2018 comments of Devincenzi on Initial Study, photographs of areas of Laurel Hill proposed for excavation; see also Ex. P, 7-3-2019 plan sheet G.2.08 showing existing slopes to be excavated)

The Initial Study recognizes that the topography exhibits a generally southwest-to-northeast downslope, with a grade change of approximately 65 feet. (IS p. 206) On the south and east portions of the site, bedrock is relatively shallow, at 7 to 17 feet below ground surface. IS p. 206.

The Masonic Building would be a four- to six-story, 40 foot-tall building. Due to the site’s slope, the Masonic Building’s first level would be a partially below-grade parking garage with a residential lobby at the northeast corner of the floor adjacent to the proposed garage entry. IS pp. 41-43. The Euclid Building would be a four- to six-story, 40-foot-tall building. Due to the site’s slope, the Euclid Building would have a partially below-grade floor. IS pp. 44-45.

Construction of the Masonic and Euclid Buildings would excavate the existing slope of Laurel Hill along Masonic and Euclid. As a result of the proposed excavation and construction, the existing slopes of Laurel Hill along Masonic and Euclid would be substantially altered and their distinctive characteristics of providing views of San Francisco substantially degraded by the structures erected in these slopes. On the south and east portions of the site, bedrock is relatively shallow, at 7 to 17 feet below ground surface. IS p. 206. The excavations on the south and central portions of the project site would encounter bedrock. IS p. 207. The Mayfair building on Laurel Street would also have a below-grade garage with access from Laurel Street. IS p. 47.

The EIR is inadequate because it failed to analyze the substantial alteration of the south, east and western slopes of Laurel Hill as a result of construction of the Euclid, Masonic and Mayfair buildings and underground garages as a potentially significant impact and analyze alternatives and mitigation measures that could avoid or reduce the impact.

- C. The Proposed Project Would Expose People or Structures to Potential Substantial Adverse Effects Including the Risk of Loss, and/or Would Be Located on a Geologic Unit or Soil That is Unstable or Would Become Unstable as a Result of the Project and Potentially Result in On-Site or Off-Site Landslide, Lateral Spreading, Subsidence, Liquefaction or Collapse.**

The Langan Treadwell Rollo Preliminary Geotechnical Investigation dated 3 December 2014 (“LTR”, Ex. H to June 8, 2018 comments of Devincenzi on initial Study) constitutes expert evidence supported by fact that all of the aforementioned potentially significant impacts could occur as a result of the proposed project. The EIR violated the requirements of CEQA because it failed to analyze these impacts potentially significant impacts and failed to require binding and enforceable mitigation measures to reduce or avoid these significant effects as a condition of approval of the project.

The Revised Environmental Evaluation explains that massive excavation would occur on the project site for below-grade parking garages, the basement levels of buildings and site terracing, because the project would excavate approximately 61 percent of the surface of the site (274,000/446,479 square feet) at depths of 7 to 40 feet. Revised Environmental Evaluation p. 28. The Initial Study estimates that 241,300 net cubic yards of soils would be excavated (which is 2,171,700 square feet of soils). IS p. 207. Approximately 288,300 cubic yards of demolition debris and excavated soils would be removed from the project site, and approximately 3,700 cubic yards of soil would be reused on the project site as fill. IS p. 78.

Significantly, LTR recommended in-person observation of various operations to check that the contractor’s work conforms to the geotechnical aspects of the plans and specifications:

“Prior to construction, we should review the project plans and specifications to check their conformance to the intent of our recommendations. During construction, we should observe excavation, temporary shoring and foundation installation, subgrade preparation and compaction of backfill. These observations will allow us to compare the actual with the anticipated subsurface conditions and check that the contractor’s work conforms to the geotechnical aspects of the plans and specifications...Actual subsurface conditions may vary. If any variations or undesirable conditions are encountered during construction, or if the proposed construction will differ from that described in this report, Langan Treadwell Rollo should be notified to make supplemental recommendations, as necessary.” (IS, LTR, p. 22)

This recommendation is evidence that the existence of various Building Code provisions, the preparation of plans by a qualified geotechnical engineer, and the review of construction plans by the Department of Building Inspection cannot be relied upon as providing adequate or effective mitigation for the hazards described above, given the reality that the project proponent and/or contractor will focus on minimizing costs of construction and the fact that regulatory standards are subject to interpretation. LTR did not rely upon an expectation of regulatory compliance as mitigation for these potentially significant adverse effects of the project. Rather, LTR recommended that on-site monitoring of various excavation and construction activities by a licensed geotechnical professional would be required to mitigate the potential adverse impacts of

this project. While LTR recommended that such on-site monitoring be performed, the project does not incorporate it as an enforceable, binding mitigation measure imposed as a condition of approval of the project.

The EIR failed to adopt the following mitigation measure which was feasible because it was recommended by LTR:

“MITIGATION MEASURE. Prior to construction, Langton Treadwell Rollo (or an equivalently qualified geotechnical professional licensed in the State of California, herein “LTR”)) should review the project plans and specifications to check their conformance to the intent of LTR’s recommendations in its Preliminary Geotechnical Investigation, 3333 California Street dated December 3, 2014. At all times during construction, LTR should observe excavation, temporary shoring and foundation installation, subgrade preparation and compaction of backfill. These observations will allow LTR to compare the actual with the anticipated subsurface conditions and check that the contractor’s work conforms to the geotechnical aspects of the plans and specifications...Actual subsurface conditions may vary. If any variations or undesirable conditions are encountered during construction, or if the proposed construction will differ from that described in this report, LTR should be notified to make supplemental recommendations, as necessary.”

Thus, the EIR was inadequate for failure to adequately analyze significant impacts from soil instability during construction of the project and mitigation measures that could reduce effects.

11. The Proposed Project Would Have a Potentially Significant Impact on Biological Resources and Would Conflict With Local Policies or Ordinances Protecting Biological Resources.

The proposed project would have a significant adverse impact on the environment because it would remove 185 onsite trees to allow for demolition, excavation and site preparation, including 19 onsite Significant Trees (i.e. trees within 10 feet of the public right-of-way that meet specific height, trunk, diameter, and canopy width requirements) and 15 protected street trees along California Street, and adequate mitigation is not included as a condition of approval of the proposed project. (IS p. 69)

The EIR failed to evaluate impacts of the proposed project against the applicable significance standards. Both CEQA Appendix G and the Housing Element EIR acknowledge that a proposed project would normally have a significant effect on the environment if it would:

“Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in

local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.” (Ex. B to June 8, 2018 comments of Devincenzi on Initial Study, excerpts from CEQA Appendix G; and Ex. C to June 8, 2018 comments of Devincenzi on Initial Study, excerpts from Housing Element EIR, p. V.N-29.

The EIR failed to analyze whether the proposed project would conflict with local policies and only analyzed select provisions of one local ordinance, the San Francisco Urban Forestry Ordinance (SFUFO), which it misinterpreted.

The EIR failed to analyze the proposed project’s conflict with the stated purposes of the San Francisco Urban Forestry Ordinance, article 16, sections 801 *et seq.*, of the San Francisco Public Works Code (“SF UFO”) to “realize the optimum public benefits of trees on the City’s streets and public places, abatement of air and noise pollution, enhancement of the visual environment and others;” to integrate street planting and maintenance with other urban elements and amenities, including but not limited to utilities, and enhancement of views and solar access; to recognize that “the removal of important trees should be addressed through appropriate public participation and dialogue, including the California Environmental Quality Act (Public Resources Code Sections 21000 *et seq.*)”, to “recognize that green spaces are vital to San Francisco’s quality of life as they provide a range of environmental benefits, protect public safety, and limit conflicts with infrastructure.” SF UFO section 801.

Under SF UFO section 807, removal of significant trees “shall be subject to the the applicable rules and procedures for removal set forth in Sections 806, 810, or 810A” of the SF UFO. Also, protection of such trees during construction shall be required in accordance with Section 808(c) of the SF UFO.

Under SF UFO section 810A (b), removal of a significant tree(s) on privately-owned property shall be subject to the rules and procedures governing permits for removal of street trees as set forth in Section 806(b). Under those rules, the Department must give all Interested San Francisco organizations and, to the extent practical, all owners and occupants of properties that are on or across the from the block face where the affected Tree is located, 30 days notice of the proposed removal and also post a notice on the affected Tree 30 days before the proposed removal. SF UFO section 806 (a) (2). If during that notice period, any person files with the Department written objections to the Removal, the Director shall hold a hearing to consider public testimony concerning the proposed Tree Removal. Under SF UFO section 806(a)(3)(A), seven days notice must be given of the hearing date in the manner provided in SF UFO section 806(a)(3)(A). Under SFO section 806(a)(3)(C), the Director’s decision is appealable to the Board of Appeals.

Also under SF UFO section 810A, as “part of the Director’s determination to authorize removal of a significant tree, the Director shall consider the following factors related to the tree:

- (1) Size, age, and species;
- (2) Visual and aesthetic characteristics, including the tree’s form and whether it is a prominent landscape feature or part of a streetscape;
- (3) Cultural or historic characteristics, including whether the tree has significant ethnic appreciation or historical association or whether the tree was part of a historic planting program that defines neighborhood character;
- (4) Ecological characteristics, including whether the tree provides important wildlife habitat, is part of a group of interdependent trees, provides erosion control, or acts as a wind or sound barrier;
- (5) Locational characteristics, including whether the tree is in a high traffic area or low tree density area, or provides shade or other public benefits;
- (6) Whether the tree constitutes a hazard tree as set forth in Section 802(o); and
- (7) Whether the tree has been maintained as set forth in Section 802(1).”

The standards for new street trees require, among other things, that the new street trees “be of a species suitable for the site conditions,” and the Director may “waive or modify the number of and/or standards for Street Trees” if other pre-existing surface, sub-surface, or above-grade features render installation of the required Street Tree(s) in the required fashion impossible, impractical, and/or unsafe.” SF UFO section 806 (d). For each required street tree that the Director waives, the applicant shall pay an in-lieu fee or provide alternative landscaping,

including sidewalk landscaping.

Thus, decision to remove a tree is a discretionary one which is to be made with consideration of the policies and factors stated in the SF UFO. The Initial Study and Arborist Report (p. 4) prepared by SBCA Tree Consulting, amended 10-19-15, erroneously portray the decision to remove significant trees as automatically granted whenever they would be in the way of construction as long as some kind of replacement trees would be provided.

However, some of the onsite significant trees are prominent landscape features and others have significant historical association because they were present while the historically significant Laurel Hill cemetery was located on the site, so removal of the onsite significant trees would conflict with the policies stated above. The EIR failed to identify the trees which were present on the Laurel Hill cemetery. Due to these factors, the proposed removal of Significant Trees is a significant impact that should have been evaluated in the EIR.

In addition, the San Francisco Urban Forest Plan (SF UFP) recognizes that “trees and other vegetation clean our air and water, create greener neighborhoods, calm traffic, improve public health, provide wildlife habitat and absorb greenhouse gases.” Ex. J to June 8, 2018 comments of Devincenzi on Initial Study, SF UFP p. 1. Among the strategies required to achieve the SF UFP, Strategy 2.2.2 to “Encourage developers to incorporate existing trees into building and site designs” provides that “[c]onsideration should be given during review of building plans to the existing trees on the site, especially ‘significant’ trees (20 feet or more in height, 15 feet or greater canopy width, and/or 12 inches or greater in trunk diameter.” SF UFP pp. 39, 47. Also, Strategy 2.2.4 to “[r]equire contractors to carry Tree Protection Bonds during construction projects” recognizes that “[c]onstruction activities frequently result in accidental damage or loss of trees - including street trees. Development projects with the potential to disturb existing trees should be required to carry Tree Protection Bonds as insurance. Such bonds would allow recourse in the event that significant damage to trees occurs during the development process through fines, tree replacement or other measures.” SF UFP pp. 47. Strategy 2.2.5 to “[i]mprove process for approving Tree Protection Plans for construction projects” states that “[c]urrently Tree Protection Plans are collected by the Planning Department. Review of these plans should take place with appropriate urban forestry staff. The inspection and enforcement of plans should be carried out. These plans include important provisions to protect trees such as protective barriers, construction exclusion zones, and the restriction of material and equipment storage within tree drip zones.” *Ibid.*

The SF UFP also recognizes that Public Works Code section 810A “describes trees that are automatically protected under Significant Tree designation and “additional consideration that will be taken into account for tree removal applications.” SF UFP p. 73.

The proposed project would have a significant impact on the environment because it

would require the removal of Significant Trees and would conflict with the above-described policies of the SF Urban Forestry Plan, including policies that support preserving significant trees on construction sites and require specific mitigation measures such as Tree Protection Bonds and improved process for approving Tree Protection Plans for construction projects by including appropriate urban forestry staff in the approval, inspection and enforcement of plans. In addition, the proposed project would conflict with the policies stated in the SF Urban Forestry Ordinance for consideration of the historical association, size, age, species and visual and aesthetic characteristics, including the tree's form and whether it is a prominent landscape feature or part of the streetscape. The EIR failed to analyze whether the project as proposed could be built without the removal of each of the Significant Trees.

The IS's reliance on regulatory compliance to prevent significant adverse impacts to these resources was not sufficient because it was not based on a project specific analysis of potential impacts and the specific effect of regulatory compliance. Such project specific analysis of potential impacts and the specific effect of regulatory compliance was not included in the Initial Study. The effect of regulatory compliance on these resources cannot be determined because the decision to remove a Significant Tree is discretionary. Also, the environmental evaluation did not commit the project sponsor to implementation of specific performance criteria as mitigation measures agreed as a condition of approval of the project or objective performance criteria for measuring whether the goals related to these resources would be achieved. Such specific measures were not provided or agreed to as mitigation measures adopted as a condition of approval of the proposed project.

Absent a binding agreement or approval decision which implements specific mitigation measures that contain objective performance criteria that would measure whether the policy goals for protection of these resources would be achieved, the substantial adverse impact from removal of 185 onsite trees, including 19 onsite Significant Trees and 15 protected street trees remains significant and should have been analyzed as a significant impact in the EIR.

Mitigation measures imposed as a condition of approval of the proposed project should have included the following feasible measures:

MITIGATION MEASURE. Project sponsor will be required to employ a contractor who maintains in effect during all excavation and/or construction performed while trees are present on the site Tree Protection Bonds which would allow recourse in the event that significant damage to trees occurs during the development process through fines, tree replacement or other measures." Ex. J to June 8, 2018 comments of Devincenzi on Initial Study, SF UFP pp. 47.

MITIGATION MEASURE. Prior to their approval, all Tree Protection Plans will be reviewed by appropriate urban forestry staff, and urban forestry staff will be required to

perform onsite inspection and enforcement of the Tree Protection plans.

12. The Proposed Project Would Have a Potentially Significant Adverse Effect, Either Directly or Through Habitat Modifications, on Resident or Migratory Birds.

The proposed project would remove 185 onsite trees to allow for demolition, excavation and site preparation, including 19 onsite Significant Trees (i.e. trees within 10 feet of the public right-of-way that meet specific height, trunk, diameter, and canopy width requirements) and 15 protected street trees along California Street. (IS p. 69)

In addition to the significance standards stated in the preceding section, the Housing Element EIR acknowledges that “new construction could result in impacts related to biological resources if new housing would result in disturbance from construction activities, tree removal...interference with migration, construction of tall buildings with glass walls that could increase bird strikes and possibly interrupt a migration corridor...”. (Ex. C to June 8, 2018 comments of Devincenzi on Initial Study, p. V.N-30, 46)

The Initial Study acknowledges that the proposed project “would result in the temporary loss of nesting and foraging habitat through the removal of onsite trees and vegetation during construction” and states that “after the approximately 7- to 15-year construction period and incorporation of site landscaping (including the planting of up to 250 new trees on the project site) birds would be expected to inhabit the project site.” IS p. 199. The IS does not state how soon after the incorporation of site landscaping bird habitation would be expected to occur on site.

The Initial Study also discloses that tree removal and construction-related activities associated with the proposed project could adversely affect bird breeding “at the project site and in the immediate vicinity.” IS 199. “Construction activities that may cause visual disturbance or alter the ambient noise environment include vegetation removal, demolition of existing buildings, and construction of foundations and new buildings.” IS p. 199-200. The Initial Study also acknowledges that “landscaped areas within the project site may provide suitable habitat for resident and migratory birds covered under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711) and the California Fish and Game Code (sections 3503 and 3503.5). IS p. 199.

The information set forth above supports a fair argument that the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. The information set forth above also provides a fair argument that the proposed project would interfere substantially with the movement of native resident or migratory wildlife species or impede the use of native wildlife nursery sites. This impact would be significant under the standards of Appendix G of the CEQA Guidelines and the

Housing Element EIR set forth above. The impact on habitat interference would be substantial since it would last at least 7 years and possibly more than 15 years, given the need for the newly planted, unestablished trees to grow to sufficient size to support bird habitat. The Initial Study provides no mitigation for this potentially significant impact on biological resources, so the impact is significant and should have been evaluated as a significant impact in the EIR, along with mitigation measures and alternatives that could reduce or avoid the impact. The Initial Study provided potential mitigation only for interference with onsite bird nests.

In addition, the Initial Study admits that the proposed project “would increase the number of new buildings at the project site and the heights of existing buildings, which could create potential obstacles for resident or migratory birds. This could result in an increase in bird injury or mortality in the event of a collision. The existing office building at the center of the site would be partially demolished and separated into two buildings connected by a bridge at the fourth floor. The separated buildings (i.e. Center Buildings A and B) would be adaptively reused as residential buildings and would include two- to three-story vertical additions, increasing the height from approximately 55.5 feet tall to up to 92 feet tall, and a connecting bridge at the fourth floor. In addition, the proposed project includes the construction of 3 new structures at the site ranging from 37 to 45 feet in height (37 to 67 feet for the project variant), some of which would include balconies. San Francisco Planning Code section 139 addresses ‘feature-related hazards’, which are defined as ‘free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size.’ The proposed project or project variant would comply with the feature-related standards of planning code section 139 by using bird-safe glazing treatment on 100 percent of any feature-related hazards (e.g. balconies, free-standing glass walls, or skywalks). With planning code section 139 compliance and implementation of Mitigation Measure M-B1-1, the proposed project or project variant would not interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors. This impact therefore, would be less than significant with mitigation.” IS p. 201-202.

However Mitigation Measure M-B1-1 pertains only to interference with onsite bird nests. The remainder of the discussion amounts only to an argument that regulatory compliance would be sufficient to mitigate significant impacts. However, Planning Code section 139 allows the Zoning Administrator to waive the requirements contained within Section 139(c)(2) or modify such requirements to allow equivalent Bird-Safe Glazing Treatments upon the recommendation of a qualified biologist. Also, Planning Code section 139(c)(2)(B) allows general exceptions for historic buildings and, pursuant to the Secretary of Interior Standards for Rehabilitation of Historic Properties, requires treatment methods such as netting, glass films, grates, and screens. Thus, compliance with Planning Code section 139 may not result in use of bird-safe glazing treatment on 100% of the feature-related hazards. Since regulators are allowed to use discretion in applying the subject regulations, the specific effect of the application of the regulations cannot

be determined.

The IS's determination that regulatory compliance will be sufficient to prevent significant adverse impacts was not based on a project specific analysis of potential impacts and the specific effect of regulatory compliance. Such project specific analysis of potential impacts and the effect of regulatory compliance was not included in the Initial Study. Also, the environmental evaluation did not commit the project sponsor to implementation of specific performance criteria as objective criteria for measuring whether the goal would be achieved. Such specific measures were not provided and adopted as a condition of approval of the proposed project. Further, under Planning Code section 139(a), structures that create a feature-related hazard "are required to treat all of the feature-related hazard." Mitigation Measure M-B1-1 does not incorporate this measure.

Absent an agreement to implement specific mitigation measures that contain specific performance criteria and objective criteria for measuring whether the goal would be achieved, the substantial adverse impact of interference with the movement of native resident or migratory birds remains significant and should have been analyzed in the EIR as a significant impact. In addition, the Initial Study's assertion that "the proposed project or project variant would comply with the feature-related standards of planning code section 139 by using bird-safe glazing treatment on 100 percent of any feature-related standards of planning code section 139 (e.g., balconies, free-standing glass walls, or skywalks" conflicts with the standards of Planning Commission Resolution 9212, which states that "clear, untinted glass should be used at and near the street level." Ex. C to June 8, 2018 comments of Devincenzi on Initial Study, excerpts from Housing Element EIR, p. V.A-35. The EIR should have analyzed any and all conflicts between the bird-safe glazing treatment and the Planning Commission Resolution 9212 standards for clear, untinted glass at and near street level, because conflicts between applicable plans indicate that the impact may not be insignificant as a result of regulatory compliance.

Renderings of the proposed project show clear glass walls and do not depict frosted glass, permanent stencils, or the like. The EIR should have identified specific mitigation measures that would be used to provide bird-safe glazing treatment and incorporate them as a condition of approval of the proposed project.

13. The Proposed Project Could Have a Significant Hazard and Hazardous Materials Impact.

The Initial Study states that hazards or hazardous material would be significant if the project would:

Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials,

Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment. IS p. 227-228.

The Initial Study admits that the project site is currently on the Leaking Underground Storage Tank Sites list maintained by the State Water Resources Control Board and “is included on other lists of hazardous materials sites compiled pursuant to Government Code section 65962.5. The listings are related to public notice requirements for permitted activities such as air emissions reporting for onsite activities, small quantity generation of hazardous waste in the medical laboratories, and the former USTs discussed in Impact HZ-2.” IS p. 238. However, the Initial Study is incomplete and inadequate because it does not identify the other lists of hazardous materials sites compiled pursuant to Government Code section 65962.5 on which the project site is included. The EIR is inadequate because it failed to disclose each such site which lists the project site and the nature of the listing so that potential impacts from hazards and hazardous materials could be evaluated.

Thus, the City has failed to comply with the procedures required by CEQA, because Public Resources Code section 21092.6 requires the agency to include in the draft EIR any information derived from consultation of Government Code section 65962.5 (the Cortese list), but the Initial Study states that it would not further address the issue of hazardous materials or waste. Ex. S to June 8, 2018 comments of Devincenzi on Initial Study, CEB, *Practice Under CEQA*, section 13.65 p. 13-74. The City failed to include in the EIR the information “on other lists of hazardous materials sites compiled pursuant to Government Code section 65962.5.

The Initial Study acknowledges that during construction, particularly excavation and grading, construction workers would be exposed to chemicals in the soil and groundwater through skin contact, ingestion or inhalation of airborne dust or vapors, and the “public, including nearby offsite residents and future site occupants, could be exposed to these chemicals through inhalation of airborne dust or vapors or contact with accumulated dust if proper precautions were not implemented.” IS p. 232.

Langan Treadwell Rollo evaluated the additional samples collected in August 2014 from the location of the former onsite USTs following removal of the waste oil UST against the environmental screening levels for commercial uses, but the San Francisco Health Department requested that the soil gas results for the site be compared to current environmental screening

levels for residential uses. IS p. 229-230. Volatile organic compounds were detected in soil gas at concentrations exceeding residential environmental screening levels, at two of seven sampling locations. IS p. 230. “The health department also requested that a site mitigation plan and a demolition and construction dust control plan be prepared for the site. The site mitigation plan would include soil and groundwater handling procedures, designs for minimization measures that control human exposure to remaining hazardous substances, an environmental contingency plan, and a health and safety plan....All compliance documentation would be reviewed and approved by the health department.” IS p. 230.

However, the Housing Element EIR states that “redevelopment of former commercial and industrial sites to residential uses would be required to undergo remediation and cleanup under DTSC and the SFBRWQCB before construction activities could begin. If contamination at any specific project were to exceed regulatory action levels, the project proponent would be required to undertake remediation procedures prior to grading and development under the supervision of the City’s SFDPH, HMUPA, or the SFBRWQCB (depending on the nature of any identified contamination). Ex. C to June 8, 2018 comments of Devincenzi on Initial Study, p. V.Q-42.

The Initial Study did not disclose the mitigation measures that the site mitigation plan would provide, including soil and groundwater handling procedures, designs for minimization measures that control human exposure to remaining hazardous substances, an environmental contingency plan, and a health and safety plan. An agency may not rely upon a corrective action plan to mitigate potential impacts of site contamination when the plan’s mitigation measures are not disclosed in the record. *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 332. Since the Initial Study did not disclose the mitigation measures that would be used, the EIR should have analyzed the project’s impact from hazardous materials as a potentially significant impact, and analyze mitigation measures. The Initial Study did not disclose the soil and groundwater handling procedures, designs for minimization measures that control human exposure to remaining hazardous substances, an environmental contingency plan, or a health and safety plan, which the public health department would require.

Since specific mitigation measures have not been developed, disclosed and adopted as a condition of approval of the project, the potentially significant impacts from hazards and hazardous materials has not been mitigated to a level of insignificance. The IS’s determination that regulatory compliance will prevent significant adverse impacts was not based on a project specific analysis of potential impacts, potential mitigation measures and the specific effect of regulatory compliance.

14. The EIR is Inadequate Because It Failed to Determine Whether Measures to Mitigate the Significant Impact from Construction Noise Were Feasible

The EIR states that construction noise impacts would remain significant and unavoidable with implementation of Mitigation Measure M-NO-1. DEIR 4.D.41. The Final EIR continues to offer this mitigation but fails to analyze or find infeasible the other measures to reduce construction noise proposed by LHIA. Responses to Comments 5.F.6. The responses inadequately brush off the mitigation measures suggested in the comment as “unnecessary” but the significant impact from construction noise remained unmitigated. Responses to Comments 5.F.6. Thus, the findings claiming that there were no feasible mitigation measures for significant impacts such as the significant impact from construction noise were not supported by substantial evidence.

The EIR failed to proceed in the manner required by law in failing to evaluate the feasibility of mitigation measures NOISE-1 through NOISE-9 proposed by LHIA and make a finding as to whether each such mitigation measure was feasible. (January 8, 2019 comments of LHIA on Draft EIR. pp. 1-4, NOISE-1)

There is no substantial evidence that it would not be feasible to adopt compliance with the San Francisco Police Code as a condition of approval of the project. Similarly, there is no substantial evidence that it would not be feasible to prohibit construction work at night except in an emergency. (January 8, 2019 comments of LHIA on Draft EIR. pp. 1-4, NOISE-3) There is no substantial evidence that it would not be feasible to provide to LHIA written evidence that impact tools and equipment have intake and exhaust mufflers recommended by the manufacturers thereof and approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation, and written evidence that pavement breakers and jackhammers are equipped with acoustically attenuating shields or shrouds recommended by manufacturers thereof and approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation, as described in section 2907 of the SF Police Code. (January 8, 2019 comments of LHIA on Draft EIR. pp. 1-4, NOISE-8)

The City failed to proceed in the manner required by law in failing to make findings based on the factors required by CEQA as to whether it would be feasible to implement these measures as mitigation for the project’s significant impact on construction noise.

15. The DEIR Lacks Substantial Evidence to Support Its Conclusion that Reducing the Project’s Retail Parking Supply Would Mitigate the Project’s Significant Impact on VMT to a Less Than Significant Level.

The DEIR claimed that “the amount of parking included in the proposed project or project variant would result in VMT that would be beyond the significance threshold for non-residential use. DEIR p. 4.c.74. The DEIR relied upon various writings as support for this conclusion. However, the only source that specifically addresses the issue treats the retail or

office square footage as the cause of the net new vehicle travel demand generated by the project. Appendix C of the *San Francisco Guidelines 2002*, estimates travel demand based on square footage of land use, and states that these metrics are to be used to estimate net new travel demand generated by the project. Appendix C of the *San Francisco Guidelines 2002* contains trip generation rates for office, retail and other uses based on square footage of space or number of residential units. (Ex. A to January 8, 2019 comments of Devincenzi on Draft EIR) The DEIR failed to consider the fair argument that the amount of trips generated for the office, retail and other uses based on square footage of space or number of residential units could cause substantial additional VMT.

These San Francisco Guidelines indicate that the parking space alone is not the cause of the VMT generated. It is not reasonable to assume that the parking space alone would generate VMT because, as to nonresidents of the site, there would be no reason to travel to the site and park if there were no new retail or new office uses that are the driver's intended destination. The parking space is not the driver's destination. The retail, office, residential or other use would be the driver's destination. Moreover, nothing in the DEIR substantiates the claim that the retail parking spaces would be the cause of VMT, rather than the proposed -retail restaurants, retail goods and other retail services.

To the contrary, the DEIR inconsistently admits that numerous factors other than the amount of parking included in the proposed project or project variant would influence VMT:

Factors affecting travel behavior include the presence of parking, development density, the diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. The transportation authority's SF-CHAMP accounts for a variety of factors to estimate VMT throughout San Francisco, but SF-CHAMP is not sensitive to site-level characteristics such as project-specific TDM measures or the amount of parking provided on a site, which itself is considered a TDM measure. DEIR p. 4.C.74.

Thus, diversity of land uses and development density are factors that affect travel behavior. There is no evidence that would support the DEIR's use of the significance standard that the amount of parking provided in the project alone can be used as the determining factor as to whether a project could cause a significant impact from substantial additional VMT. DEIR p. 4.C.74.

The DEIR and Responses to Comments inaccurately claim that various publications support its conclusions as to the effect of parking spaces on causing VMT and on generalizations in such publications. As explained in LHIA's January 8, 2019 comments on the Draft EIR, which are incorporated by reference herein, the publications do not support the DEIR's

conclusions and the FEIR lacks substantial evidence to support the standard it used to determine the significance of the project Variant's impact upon substantially inducing automobile travel and/or causing substantial additional VMT; thus, the EIR fails to adequately analyze whether the project Variant would cause substantial additional VMT and/or substantially induce automobile travel, and lacks substantial evidence to support its conclusion that the impact of the project Variant on these matters would be less than significant. Among other things, the EIR's transportation analysis failed to follow guidelines for analysis of the San Francisco Planning Department, CAPCOA and other agencies. A CAPCOA report states that parking supply reduction cannot reduce VMT unless spillover parking is controlled (via residential permits and on-street market rate parking) in and around the project, such as residential parking permits, metered parking, or time-limited parking. (Ex. E to Devincenzi January 8, 2018 comments on Draft EIR, p. 9) Such measures have not been implemented, and there are substantial areas in the vicinity of the project where parking is not time-limited. *Ibid.* The Responses to Comments failed to adequately respond to comments as to these matters.

16. The DEIR Is Inadequate Because It Used Inaccurate Models to Forecast Vehicle-Trips and the DEIR's Traffic Demand Analysis is Inadequate Because It Omits Substantial Traffic that Would be Attracted to Five New Loading Zones Proposed to Be Installed on the Streets Surrounding the Property, Including VMT from Transportation Network Companies Such as Uber and Lyft.

The DEIR estimated the Existing Daily Vehicle Miles Traveled per Capita for the project site, TAZ 709, from data contained in the San Francisco Planning Department Transportation Information Map. (DEIR p. 4C.8 and Table 4.C.3 Existing Daily Vehicle Miles Traveled per Capita.) Table 4.C.3 presented an alleged summary of the daily VMT per capita for the region, City and TAZ 709, in which the project site is located. DEIR p. 4.C.8.

The Scope of Work for the 3333 California Street transportation demand analysis confirms that the DEIR used the TAZ zone information to estimate VMT:

Vehicle Miles Traveled: KAI will utilize the San Francisco Transportation Information Map to obtain vehicle miles traveled data from the Planning Department data, which includes average daily VMT estimates by us for the region and the project's traffic analysis zone (TAZ 709). DEIR Appendix D, Scope of Work-Final dated July 11, 2017, p. 3.

For purposes of the VMT analysis, KAI assumes the baseline (Year 2020) conditions VMT for the region and the Project's transportation analysis zone for each of the uses proposed by the Project and Variant will be the same as Existing. DEIR Appendix D, Scope of Work-Final dated July 11, 2017, p. 6.

The DEIR explains that the San Francisco Transportation Authority uses a model called SF-CHAMP to estimate VMT by private automobiles and taxis for different land uses within individual TAZs:

The San Francisco Transportation Authority (transportation authority) uses SF-CHAMP to estimate VMT by private automobiles and taxis for different land use types within individual TAZs. Travel behavior in SF-CHAMP is calibrated by transportation authority staff based on observed behavior from the California Household Travel Survey 2010-2012, census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area's actual population, who make simulated travel decisions for a complete day. The transportation authority uses a tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from the project. DEIR p. 4.C.7.

As explained herein, the SF-CHAMP model does not include trips made by transportation network companies.

As explained at DEIR p. 4.C.27, the analyses in CEQA documents typically present the existing environmental setting as the baseline conditions against which the project conditions are compared to determine whether an impact is significant. The DEIR used the TAZ data to estimate baseline conditions:

For purposes of the VMT analysis, the baseline conditions VMT for the region and the project's transportation analysis zone for each of the uses proposed by the project and project variant would be the same as existing. DEIR p. 4.C.30

The DEIR analyzed impacts of the proposed project or project variant by comparing the baseline conditions described in the "Baseline Conditions" discussion (pp. 4.C.27-4.C.31) to conditions under full buildout of the proposed project or project variant. DEIR p. 4.C.46. For the cumulative analysis, future year 2040 cumulative conditions are compared to project buildout conditions for the proposed project and project variant. The year 2040 was selected because it is the latest year that travel demand forecasts are available from the transportation authority's travel demand forecasting model, SF-CHAMP. DEIR p. 4.C.46.

The 3333 California Street proposed project/variant includes significant changes to the transportation network that would attract substantial numbers of automobiles, delivery vehicles, trucks and other vehicles to five new loading zones proposed to be installed on streets surrounding the perimeter of the site. Plan sheet C2.02 showed four new passenger loading zones proposed to be installed on streets surrounding the perimeter of the property and

PRELIMINARY DESIGN 08/2018 showed one new 100-foot commercial loading zone proposed on California Street near the northwestern edge of the property. (Ex. L to January 8, 2019 comments of Devincenzi on Draft EIR) The DEIR is inadequate because it omitted VMT that could be generated by automobiles, delivery vehicles, trucks and other vehicles attracted to these new loading zones, and such omission is substantial in view of the explosive growth of transportation network companies and food and other delivery vehicles documented in articles attached to the January 8, 2019 comments of Devincenzi on the Draft EIR. DEIR p. 6.86 indicates that commercial loading zones would be used for FedEx and Amazon Fresh, which use delivery vans that are typically about 30 feet long.

The SF-CHAMP model, which was used to estimate project travel in the DEIR, did not include the traffic attracted to these loading zones. DEIR 4.C.7.

The January 8, 2019 comments of Devincenzi on the Draft EIR, at pages 23-26, discussed City documents discussing the explosive growth in TNC and food and other delivery trips since the 2002 San Francisco Guidelines were formulated, including the October 2018 Draft Report *TNCs & Congestion* by the San Francisco County Transportation Authority and the San Francisco County Transportation Authority's *TNCs Today*, Final Report, June 2017.

Thus, substantial evidence does not support the EIR's determination of the degree of traffic increase potentially caused by the project Variant based on comparison of project parking with the neighborhood parking rate while ignoring the parking that would occur in loading zones or other on-street areas by transportation network and delivery companies.

The Responses to Comments claims that no recent studies allow for the department to make VMT estimates at the project level, and based on the inference of available data, recent studies do not indicate a magnitude of an increase in VMT that would change the conclusions. Responses to Comments 4.35. This conclusion is not supported by substantial evidence.

The Response to Comments claims that *TNCs Today* and *TNCs & Congestion* does not provide household-level travel behavior data and that this data is limited to trips made in San Francisco which does not provide an "apples-to-apples" comparison to transportation network company activity in the region, which the threshold of significance is based on. Responses to Comments 4.37-4.38. However, this claim evaded the issue of whether the Project's construction of loading zones around the perimeter of the site would attract parking in those zones by TNCs and delivery vehicles so that omission of that parking made the analysis of the degree to which project parking would exceed the neighborhood parking rate inaccurate and not supported by substantial evidence. Thus, the EIR also failed to adequately respond to the comment on the impact of parking by TNCs drawn to Project loading zones.

17. The EIR Failed to Adequately Analyze the Significant Project and Cumulative Impacts on Greenhouse Gas Emissions that the Project/Variant Could Generate.

The State Air Resources Board confirmed that the proposed project/variant will result in additional greenhouse gas emissions (GHG) from construction activities, but stated that the applicant has committed to secure carbon offsets issued by a accredited carbon registry in an amount sufficient to offset construction emissions. (Ex. CC to August 28, 2019 LHIA comments to Planning Commission) In addition, the applicant committed “to explore” feasible GHG emissions reduction measures for net additional operation-related GHG emissions, including by purchasing voluntary carbon offsets issued by an accredited carbon registry in an amount sufficient to offset the net increase in operation-related GHG emissions. (Ex. CC to August 28, 2019 LHIA comments to Planning Commission) While these commitments may have been sufficient to qualify as a leadership project under AB 900, the GHG analysis constitutes substantial evidence of a fair argument that the project /variant could have a potentially significant project or cumulative impact under CEQA on production of GHG from project operations and/or construction that should have been evaluated in the EIR. The applicant did not commit to purchase carbon offsets for operation-related GHG emissions but merely committed to “explore” purchasing them.

The Initial Study claimed that projects that are consistent with the City’s GHG reduction strategy would be consistent with Bay Area and State GHG reduction goals. IS p. 147. However, the IS did not provide any specific information on how the proposed project/variant would implement measures that would be consistent with the City’s GHG reduction strategy other than by making the general claim that the proposed project/variant “would be required to comply” with various City codes and programs, which were generally identified by name. (IS p. 148-149) No information was provided as to the specific measures or design features that would be taken to comply with the various local programs. There is no substantial evidence that the City’s codes and programs that address GHG emissions contain the type of performance-based standards that may be relied upon in mitigating impacts in CEQA proceedings. Consistency with various City codes and programs is an inadequate factor upon which the City could base a determination of significance in relation to the increase in GHG emissions resulting from the project/variant, because the City codes and programs lack specific requirements that result in reductions of GHG emissions to a less than significant level. The EIR failed to adequately analyze this potentially significant impact and has not shown that the local codes and programs actually address the emissions that would result from the project/variant. For example, there is no evidence that street tree programs address emissions resulting from a typical housing project.

Further, there is no substantial evidence that the project will comply with the requirements in City codes and programs, and the specific requirements of those codes and programs are not described. The developer’s AB 900 application relies upon purchase of carbon credits to offset the increase in GHG emissions from project construction activities, and

exploration of other options to reduce the net increase in GHG emissions from project operations. Thus, the threshold of significance for project GHG emissions used in the EIR is not supported by substantial evidence. In view of the evidence of a net increase in GHG emissions resulting from construction activities and operations of the project/variant, the EIR should have analyzed the project's potentially significant impact on GHG production and discussed measures which could mitigate or reduce GHG emissions

Also, as previously stated in comments submitted by Richard Frisbie as to the Draft EIR, the AB 900 proceeding did not evaluate all GHG emissions that would indirectly result from the proposed project/variant. The proceeding omitted GHG emissions from the substantial amounts of concrete and steel that would be manufactured to construct the underground garages in the project/variant and the other indirect sources, as documented in the prior statement of Richard Frisbie submitted as comments on the Draft EIR, including GHG that would result from transportation and reprocessing of construction debris that would result from the demolition activities of the project/variant.

The EIR failed to adequately determine whether the project/variant would have potentially significant effects on cumulative GHG emissions, because it did not first determine the extent of the cumulative problem by examining the effects of past projects, the effects of other current projects, and the effects of probable future projects. As the second required step, the City failed to determine whether the project/variant's incremental contribution to that problem is cumulatively considerable.

The EIR failed to comply with CEQA because it failed to determine the extent to which the proposed project either increases or decreases GHG emissions, by comparing the project's emissions to the current environment and whether the anticipated GHG emissions associated with the project exceed a threshold of significance set by the lead agency or another agency with jurisdiction over resources affected by the project/variant.

The EIR is also deficient under CEQA because it failed to provide substantial evidence that the proposed project's percentage reduction in GHGs from business as usual would correlate with achieving AB 32's statewide goal of reducing emissions by approximately 30 percent below BAU by 2020, or other applicable goals of the City or other agencies. Similarly, the EIR failed to provide substantial evidence demonstrating that project/variant GHG emissions would be consistent with SB 32's goal of reducing GHG emissions by 40% below 1990 levels by 2030, of the goals of Executive Order S-3-05 to reduce emissions to 1990 levels by 2020, and to reduce emissions to 80% below 1990 levels by 2050, or the targets of Executive Order B-30-15 of reducing GHG emissions to 40 percent below 1990 levels by 2030. Also, the Initial Study inadequately relied on the claim that San Francisco has met the State and regional 2020 GHG reduction targets citywide, but this proposed project would have a net increase in GHG emissions from 7-15 years of construction activities commencing in approximately 2020 or 2021, so the

GHG analysis should have been performed for a longer time-range.

The Initial Study and EIR lack substantial evidence showing that a requirement to comply with local regulations has proven effective as to GHG reduction with respect to large projects, such as 3333 California. Given the specific evidence generated in the leadership project proceedings that the project/variant would have a net increase in GHG emissions from construction activities, as to which the applicant did not rely upon compliance with local law or design guidelines as mitigation for GHG emissions, the evidence in the record demonstrates a potentially significant increase in project and cumulative GHG emissions from construction activities. The same is the case for GHG emissions from operations of the project/variant. The EIR is inadequate because it failed to analyze this potentially significant project and/or cumulative impact and to adopt feasible mitigation measures that would reduce the significant cumulative impact of the project/variant.

Similarly, with respect to emission of GHG from project/variant operations, the applicant committed only “to explore” project design features/on-site reduction measures and other possible reductions, but did not commit to implement them. Given the evidence that the project/variant would result in a net increase in operational GHG emissions, there is a fair argument that a potentially significant project and cumulative impact on GHG emissions could result, which the EIR failed to analyze, since the project/variant did not commit to comply with local regulations in the CARB proceeding or to purchase carbon credits. The Initial Study failed to render a proper determination of whether the activities undertaken by the project/variant to reduce GHG would be consistent with local GHG reduction plans. The Initial Study simply glossed over the subject with conclusory statements unsupported by factual analysis.

The developer had pertinent information available which quantified GHG emissions from the proposed project/variant, and the EIR’s failure to disclose this information in the DEIR violated the principle stated in CEQA Guidelines section 15064(b) that lead agencies should quantify GHG emissions where quantification is possible and will assist in the determination of significance. The requirements imposed in the AB900 proceedings that the developer purchase carbon credits or explore other mitigation for the projected net increase in GHG emissions from construction and operation of the proposed project/variant constitutes substantial evidence that quantification of the GHG emissions in this proceeding would have assisted in determining the significance of the impact and in analyzing the project’s impacts and cumulative impacts on GHG.

18. The EIR Inaccurately Analyzed the Project’s Inconsistency With Current Zoning Controls.

The EIR failed to acknowledge that current zoning controls limit the aggregate gross floor area to the total area of the property (approximately 435,600 square feet) and that the proposed

project/variant would substantially exceed the permitted gross floor area. (Ex. EE. to August 28, 2019 LHIA comments to Planning Commission, Dean Macris Memo dated June 25, 1986.) According to the EIR, the proposed project variant would have a total of 1,476,987 gross square feet of floor area. (DEIR p. 2.100) Therefore the project variant would add 1,041,387 gross square feet of permitted gross floor area to the site.

The EIR failed as an informational document because this information on the massive increase in permitted floor area is important information that should have been taken into account in formulating alternatives to the proposed project and feasible mitigation measures. The EIR's discussion of the terms of Planning Commission Resolution 4109, which currently applies to the site, omitted this important information from its discussion of the conditions currently applicable to development of the site. (DEIR pp. 3.10, 3.6)

CONCLUSION

For the foregoing reasons and those stated in other comments of LHIA and its officers in relation to this proposed project, the Board of Supervisors should overturn the Planning Commission's certification of the Final EIR, adoption of CEQA findings including findings rejecting alternatives and/or mitigation measures, and adoption of statement of overriding considerations. The Board should order the Planning Department to perform supplemental environmental review under CEQA as to all the aforesaid matters and to release the supplemental environmental document for public comment. Among other things, the Board should order the Planning Department to analyze alternatives to the 744-unit proposed project and mitigation measures using the Secretary's Standards to mitigate the significant impacts of the proposed project upon the historic resource. Since the Planning Commission's conditional use/planned unit development authorization was dependent upon adequate CEQA review, in the appeal of those approvals filed concurrently herewith, LHIA has objected to the approval of the project/CU/PUD and urged the Board to overturn those approvals of the Planning Commission. The project's significant adverse impact on the historic resource should be mitigated by adopting design changes described in the alternatives proposed by the community. Such design changes are feasible and should be adopted to comply with CEQA requirements.

Respectfully submitted,

Laurel Heights Improvement Association of SF, Inc.



By: Kathryn Devincenzi, President

Re: 3333 California Street, San Francisco, CA
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA
Laurel Heights Improvement Association Appeal of Planning
Commission's Certification of Final EIR/ CEQA Findings

EXHIBITS A - H

EXHIBIT A



Laurel Heights Improvement Association of San Francisco, Inc.

BY HAND

January 8, 2019

RECEIVED

San Francisco Planning Department
Attn: Kei Zushi, EIR Coordinator
1650 Mission Street, Suite 400
San Francisco, CA 94103

JAN 08 2019

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Re: Draft EIR for 3333 California Street, San Francisco, CA 94118
Planning Department Case No: 2015-014028ENV
State Clearinghouse No: 2017092053

As comment on the Draft EIR (DEIR), the Laurel Heights Improvement Association hereby submits for evaluation the Community Full Preservation Alternative and Variant (Community Alternative, unless otherwise indicated) along with the evaluation of that Alternative's compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties: Rehabilitation (SOIS) by Nancy Goldenberg, Principal architect and architectural historian with TreanorHL. Ms. Goldenberg was formerly Principal architect at Carey & Company, Inc.

Ms. Goldengerg's SOIS evaluation is attached hereto as Exhibit 1, and the Community Full Preservation Alternative/Variant is attached thereto as Appendix A.

The Laurel Heights Improvement Association specifically requests that the Environmental Impact Report evaluate the Community Full Preservation Alternative/Variant with the same degree of specificity as the DEIR used to evaluate the alternatives discussed in the DEIR.

At the December 13, 2018 hearing on the Draft EIR, members of the San Francisco Planning Commission stated that the Community Alternative should be evaluated during the environmental review process with the same degree of specificity that the DEIR used to evaluate the alternatives discussed in the DEIR. In addition, members of the San Francisco Historic Preservation Commission expressed interest in understanding more about the community alternative that was discussed by the public in the hearing held before that Commission on December 5, 2018. (See Ex. 2, December 11, 2018 Letter from Andrew Wolfram, President of Historic Preservation Commission to Environmental Review Officer; video of hearing on SFGOV-TV and transcript of hearing reported by court reporter. It is important that a full evaluation of the Community Alternative be performed because DEIR Alternative C: Full

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BY HAND

January 8, 2019

San Francisco Planning Department
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San Francisco, CA 94103

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JAN 08 2019

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Re: Draft EIR for 3333 California Street, San Francisco, CA 94118
Planning Department Case No: 2015-014028ENV
State Clearinghouse No: 2017092053

In these comments, the term “project” shall include the proposed project and the proposed project variant, unless otherwise indicated.

1. The DEIR Fails to Adopt Feasible Mitigation Measures for the Significant Impact From Construction Noise.

The Draft EIR (DEIR) admits that construction of the proposed project or project variant would expose people to or generate noise levels in excess of applicable standards or cause a substantial temporary or periodic increase in ambient noise levels. DEIR p. 4.D.36. Despite this significant impact, the DEIR fails to adopt feasible mitigation measures required by the California Environmental Quality Act (CEQA). The DEIR is inadequate because it proposes only that the project sponsor prepare a noise control plan at a later time that would be approved by the Planning Department, and the DEIR does not specify the required contents of the plan and does not adopt a specific performance standard for mitigation of the significant noise impact.

The following mitigation measures are feasible and must be adopted to substantially reduce the significant impact from construction noise:

MITIGATION MEASURE - NOISE-1: COMPLIANCE WITH SAN FRANCISCO NOISE ORDINANCE

1. As a condition of approval of the project, contractors or representatives of the project sponsor shall comply with the provisions of Article 29 of the San Francisco Police Code as to Regulation of Noise, except as indicated herein.

MITIGATION MEASURE - NOISE-2: SPECIFIC NOISE CONTROL MEASURES

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BY HAND

January 8, 2019

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

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JAN 08 2019

Re: Draft EIR for 3333 California Street, San Francisco, CA 94118
Planning Department Case No: 2015-014028ENV
State Clearinghouse No: 2017092053

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

- 1. The DEIR Fails to Adequately Analyze Whether the Proposed Project/Variant Would Cause Substantial Additional VMT and/or Substantially Induce Automobile Travel and/or Have a Cumulative Impact on VMT and/or Substantially Induce Automobile Travel in Combination with Other Reasonably Foreseeable Development and Projects.**

The Draft EIR admits that the proposed project or project variant would cause substantial additional Vehicles Miles Traveled (VMT) and/or substantially induce automobile travel. DEIR p. 4.C.74. The DEIR fails to estimate the total amount of VMT that would result from this significant impact on VMT and claims that the amount of parking included in the proposed project or project variant would result in VMT that would be beyond the significance threshold for the non-residential use. *Ibid.* Similarly, the DEIR admits that the proposed project or project variant's incremental, cumulative effects on regional VMT would be significant, when viewed in combination with past, present and reasonably foreseeable future projects. DEIR p. 4.C. 102. The DEIR claims that both the project and cumulative impact on VMT would be reduced to a less than significant level by reducing retail parking provided by the proposed project/variant. DEIR pp. 4.C. 80 and 103.

In these comments, the term "project" shall include the proposed project and the proposed project variant, unless otherwise indicated.

The DEIR's traffic analysis is inadequate because it fails to state the total Vehicle Miles Traveled (VMT), understates the impact by discussing VMT per person in the AM and PM peak periods, fails to analyze VMT likely to result from special aspects of the project configuration and fails to support its conclusions with substantial evidence. In particular, the DEIR's central claims that the amount of parking included in the proposed project would result in VMT that would be beyond the significance threshold for non-residential use and that merely reducing some of the retail parking spaces would mitigate the impact to a less than significant level, are

By Hand Delivery

December 5, 2018

By E-Mail to: Commissions.secretary@sfgov.org and
julie.moore@sfgov.org and nicholas.foster@sfgov.org

San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94102-4689

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DEC 05 2018

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Dear President Hillis and Commissioners:

Re: 3333 California Street, Draft Environmental Impact Report
SF Planning Department Case No: 2015-014028ENV
Hearing Date: December 13, 2018

INTRODUCTION AND REQUEST FOR EXTENSION OF COMMENT PERIOD

The Draft EIR states that the proposed project would have ***SIGNIFICANT AND UNAVOIDABLE IMPACTS ON HISTORICAL RESOURCES AND NOISE FROM CONSTRUCTION.***

The Draft EIR states that the “proposed project or project variant would cause substantial additional Vehicles Miles Traveled and/or substantially induce automobile travel” but claims that reducing the retail parking would mitigate the impact to less than significant. DEIR pp. 4.C.68 and 80. We will submit comments on these and other matters. 74

We request a 15-day extension of the 45-day comment period on the Draft EIR from December 24, 2018 to January 8, 2018 since the project construction would last for 7-15 years and there is substantial community opposition to the developer’s concept. We presented to the Supervisor of District 2 approximately 800 signatures of residents opposing the developer’s concept and requested rezonings.

There are two new Full Preservation Alternatives which are feasible.

This Commission should support the Community Full Preservation Alternative because such an alternative is feasible and would avoid substantial adverse changes in character-defining



Laurel Heights Improvement Association of San Francisco, Inc.

RECEIVED

November 27, 2018

NOV 27 2018

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

By E-Mail to: Commissions.secretary@sfgov.org and
tim.frye@sfgov.org and allison.vanderslice@sfgov.org

San Francisco Historic Preservation Commission
1650 Mission Street, Suite 400
San Francisco, CA 94102-4689

Dear President Wolfram and Commissioners:

Re: 3333 California Street, Draft Environmental Impact Report
SF Planning Department Case No: 2015-014028ENV
Hearing Date: December 5, 2018

INTRODUCTION

There are two new Full Preservation Alternatives which are feasible.

This Commission should support the Neighborhood Full Preservation Alternative because such an alternative is feasible and would avoid substantial adverse changes in character-defining features of the historically significant resource. This Alternative would include the same number of housing units as the proposed project (558 units) and the project variant (744 units). This Commission should request that the Draft EIR (DEIR) be revised to substitute the Neighborhood Full Preservation Alternative for DEIR Alternative C, because Alternative C would have 24 less housing units than the proposed project and substantial new retail uses, which are not permitted under the current site zoning.

Public Resources Code section 21002 confirms that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. The DEIR admits that the developer's proposed concept "would cause a substantial adverse change in the significance of a historical resource." DEIR p. B.41.

1. NEIGHBORHOOD FULL PRESERVATION ALTERNATIVE



Laurel Heights Improvement Association of San Francisco, Inc.

BY HAND

August 28, 2019

President Myrna Melgar and Commissioners
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

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AUG 28 2019

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

Re: 3333 California Street, San Francisco, CA
Record Number: 2015-014028CUA/PCA/MAP/DUA
Certification of Final EIR
Planning Commission Hearing: September 5, 2019

1. The Community Preservation Lookalike Variant is Feasible as Mitigation and Would Achieve 744 Housing Units, Including Senior Affordable Housing, While Mitigating Significant Adverse Impacts on the Historically Significant Main Building and Integrated Landscaping, and Other Alternatives Are Feasible.

Although we object to the developer's plan, if the Commission is inclined to consider it, we request that the Commission order that it be modified as follows in order to mitigate the project/variant's significant adverse impact upon the historically significant resource. The Community Preservation Lookalike Variant (Ex. A hereto) basically uses the developer's site plan with the following modifications:

Removes approximately 30 feet from the south side of the Euclid building to preserve green space

Removes 2 Laurel townhomes toward the top of Laurel Street to preserve the green space

Reduces the height of the five remaining Laurel townhomes from 40 to 30 feet with a 15-foot set back on the third level, to conform with the scale of the homes across the street on Laurel (Ex. B, photo of 20-foot tall homes on Laurel)

Constructs a ground-level passageway through the main building (aligned with Walnut Street) under a Light Court to avoid cutting a 40-foot pathway all the way through the main building

Constructs a set-back, one-level addition to the top of the main building, to conform with the Secretary of Interior's Standards for the Treatment of Historic Properties



Laurel Heights Improvement Association of San Francisco, Inc.

BY HAND

September 5, 2019

President Myrna Melgar and Commissioners
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 3333 California Street, San Francisco, CA
Record Number: 2015-014028CUA/PCA/MAP/DUA
Certification of Final EIR, CU
Planning Commission Hearing: September 5, 2019

1. The EIR Failed to Identify and Describe Feasible Mitigation Measures that Would Reduce or Avoid the Proposed Project's Significant Adverse Impact on the Historical Resource.

The EIR is defective because it failed to identify and describe modifications to the proposed site plan that would reduce or avoid the proposed project's significant adverse impact on the historical resource. Such modifications would avoid building on the historic green space and landscaping and would avoid cutting a 40-foot wide pathway all the way through the main building, and instead cut a ground-level pathway with a Light Court above, and construct only a one-level addition on top of the main building. Such modifications were proposed as mitigation in LHIA's August 28, 2019 submission to the Planning Commission.

Under the Street Design Advisory Team request, a ground -level portal through Building A is feasible and need not be a straight axial pathway:

SDAT requests a clear, primary east-west connection [sic] allows and encourages the public to traverse the site from Mayfair to the intersection of Presidio and Pine. The entirety of the path should be accessible to all users...

SDAT requests a single, clear, and primary north-south connection that both allows and encourages members of the public to traverse the site along the Walnut alignment, connecting to the intersection of Masonic and Euclid. This north/south pathway may meander through the site and doesn't need to be a straight axial pathway. Consider accomodating [sic] a portal through building A to support north-south public access. The entirety of the pathway should be accessible to all users. The major N-S should be clearly legible.... (Ex. FF)

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BY HAND DELIVERY

June 8, 2018

City and County of San Francisco
San Francisco Planning Department
c/o Julie Moore, Senior Environmental Planner
1650 Mission Street, Suite 400
San Francisco, CA 94103

RECEIVED

JUN 08 2018

CITY & COUNTY OF S.F.
DEPT. OF CITY PLANNING
RECEPTION

Re: 3333 California Street, Mixed-Use Project
Initial Study: Case No. 2015-014028ENV

These preliminary comments are submitted as to the Initial Study but are not required by June 8, 2018, because the Planning Department has confirmed that the City will not issue a negative declaration after the public comment period on the Initial Study and the City will prepare an Environmental Impact Report (EIR) under the California Environmental Quality Act, Public Resources Code sections 21000 *et seq.* (CEQA) as to this proposed project. The EIR on the project has not yet been released, and under applicable law, comments on the potentially significant environmental impacts and other analyses required by CEQA are not due until the end of the public review period on the draft EIR or hearing held by the decisionmaker on the proposed project. Ex. A, e-mails dated March 22 and 28, 2018 with Planning Department.

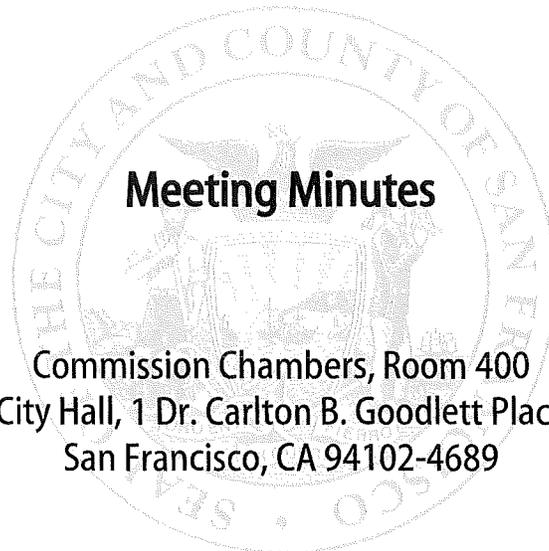
Also, the Initial Study ("IS") does not provide the complete CEQA analyses of significant impacts on traffic, air quality, noise and historical resources, and those analyses may contain information pertinent to the IS's evaluations of impacts the City proposes to treat as not significant under CEQA. Based on the additional information provided in the Draft EIR, comments as to significant impacts and nonsignificant impacts may be provided after the Draft EIR is released.

In addition, pertinent information is missing from the Initial Study, and complete copies of all the reference materials cited in the Initial Study were not provided as of June 4, 2018. Further, the Initial Study is incomplete, inaccurate and/or inadequate to support determinations that certain impacts of the proposed project would not be significant. Under CEQA Guidelines section 15063(d)(3), an Initial Study must include sufficient information to support its conclusions, but the IS does not include such sufficient information.

Governing Principles

It is important to recognize that a significant effect on the environment is defined in CEQA as a substantial or potentially substantial adverse change in the environment. Public Resources Code

SAN FRANCISCO PLANNING COMMISSION



Meeting Minutes

Commission Chambers, Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Thursday, September 5, 2019
1:00 p.m.
Regular Meeting

COMMISSIONERS PRESENT: Fung, Hillis, Johnson, Koppel, Melgar, Moore, Richards

THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT KOPPEL AT 1:09 PM

STAFF IN ATTENDANCE: Jon Francis, David Winslow, Nick Foster, Kei Zushi, John Rahaim – Planning Director, Jonas P. Ionin – Commission Secretary

SPEAKER KEY:

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition.

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2017-008431DRP (K. PHUNG: (415) 558-6373)
2220 TURK BOULEVARD – near the corner of Nido Avenue; Lot 032 in Assessor's Block 1112 (District 2) – Request for **Discretionary Review** of Building Permit Application No. 2017.0612.9029 for the addition of three Accessory Dwelling Units within the existing building within a RH-2 (Residential House, Two Family) Zoning District and 30-X Height and Bulk District. The project originally proposed five ADUs, two of which did not require a Variance. The Zoning Administrator held public hearings on December 6, 2017 and on January 17, 2018 for a Variance request to the exposure requirements for three proposed

ACTION: Took DR and Disapproved the BPA
 AYES: Fung, Johnson, Koppel, Melgar, Moore, Richards
 ABSENT: Hillis
 DRA: 0661

G. 3:00 P.M.

Items listed here may not be considered prior to the time indicated above. It is provided as a courtesy to limit unnecessary wait times. Generally, the Commission adheres to the order of the Agenda. Therefore, the following item(s) will be considered at or after the time indicated.

11. 2015-014028ENV (K. ZUSHI: (415) 575-9038)
3333 CALIFORNIA STREET (AKA 3333 CALIFORNIA STREET MIXED-USE PROJECT) – south side of California Street, west side of Presidio Avenue, north side of Masonic and Euclid Avenues, and east side of Laurel Street, Lot 003 in Assessor’s Block 1032 (District 2) – Certification of the **Final Environmental Impact Report**. The EIR evaluated four scenarios including a base project and variant and a revised base project and revised variant. The proposed project includes converting the existing office building into two residential buildings with up to three stories added, constructing 13 additional buildings onsite, ranging from 4-story duplex townhouses to 6-story apartment buildings, creating a total of 744 dwelling units (including 185 on site affordable senior dwelling units and 1 manager’s unit), 34,496 square feet of non-residential uses along California Street, below-grade parking garages with 857 parking spaces, and a 14,665 gross square-foot child care facility. The project site is located within a RM-1 (Residential-Mixed, Low Density) Zoning District and 40-X Height and Bulk District.

Please Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on January 8, 2019. Public comment will be received when the item is called during the hearing. However, comments submitted may not be included in the Final EIR.

Preliminary Recommendation: Certify

SPEAKERS: = Nick Foster – Staff report
 = Kei Zushi – Staff report
 + Leigh Lutenski – OEWD presentation
 + Dan Saphir – Project presentation
 + Emily Gosack – Design presentation
 - Kathy Devincenzi – Secretary of Interior Standards
 + Speaker – Disproportionate percent of income toward housing
 + Marcy Glazer – Support
 + Charles Ferguson – Support
 - Speaker – Construction
 - Kelly Roberson – Community alternative
 - Speaker – Community alternatives
 - Judy Doane – 30-day extension
 - Anne Harvey – Community alternative
 + Laura Foote – Maximize housing, community plan
 + Sarah Brett-Schwartz – Support
 + Madeline Hill – Support
 - Nancy Goldenberg – Community alternative
 + Speaker – Love story

- + Molly Alarcon – Support
- Patricia Vaughey – Opposition
- Speaker – Opposition
- Paul Wiles – Opposition
- + Lee Bishop – Housing problem
- + Mark Bernstein – Balance competing interest
- + Sumara Cisneros – Housing crisis, family friendly
- + Ron Miguel – Support
- Peter Wong – Homelessness, cost of living, loss of public resources
- + Gabe Citron – Support
- + Speaker – Support
- + Stewart Aranoff – Support
- + Greg Scott – Support
- + Carla Hassegen – Support
- + Will Hollerin – Support
- Michelle Ewald – Community plan
- = David Goldman – Flexible retail, construction
- Barbara Corsin – 30-day extension
- Christina Ortega-Norris – Community alternative
- Barbara Brenner – Community alternative
- Don Gillson – Community alternative
- + Gabrielle Hagne – Support
- Wendy Stoval – Livability
- + Michael Chen – Support
- + Jane Natoli – Support
- Adam McDunough – Community alternative
- + Caroline Bosch – Support
- + Lynne Segway – Support
- + Jake Shimano – Support
- + Bob Atkinson – Support
- = Kathy Peck – 30-day continuance
- Eileen Boken – Community alternative
- Speaker – Community alternative
- = Larry Mathews – Residential only
- Herbert Weiner – 30-day extension
- + Sheila – NIMBYism
- + Melanie Stein – Support
- + Maryanne Masseurberg – Support, except parking
- + Leonard Desoko – Union support
- + Javier Flores – Union support
- + Bill Hudson – Support
- + Barbara Gualco – Mercy Housing response to questions

ACTION: Certified

AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore, Richards

RESOLUTION: 20512

- 12a. 2015-014028ENV (N. FOSTER: (415) 575-9167)
3333 CALIFORNIA STREET (AKA 3333 CALIFORNIA STREET MIXED-USE PROJECT) – south
 side of California Street, west side of Presidio Avenue, north side of Masonic and Euclid

Avenues, and east side of Laurel Street, Lot 003 in Assessor's Block 1032 (District 2) – Request for **Adoption of Findings and Statement of Overriding Considerations** under the California Environmental Quality Act (CEQA). The proposed project ("Project") includes converting an existing office building into two residential buildings with up to three stories added to each, constructing 13 additional new buildings, ranging from 4-story duplex townhouses to 6-story apartment buildings, creating a total of 744 dwelling units (including 185 on site affordable senior dwelling units), 34,496 square feet of non-residential uses along California Street, below-grade parking garages with space for 857 parking spaces, a 14,665 gross square-foot child care facility, 41,288 square feet of private open space, and 127,126 square feet of privately owned, publicly accessible open space that will include public pathways through the site and an existing open space at Euclid Avenue. The project site is currently located within a RM-1 (Residential-Mixed, Low Density) Zoning District and 40-X Height and Bulk District.

Preliminary Recommendation: Adopt Findings and Statement of Overriding Considerations

SPEAKERS: Same as item 11.
 ACTION: Adopted Findings and Statement of Overriding Considerations
 AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore
 NAYS: Richards
 MOTION: 20513

- 12b. 2015-014028PCAMAP (N. FOSTER: (415) 575-9167)
3333 CALIFORNIA STREET (AKA 3333 CALIFORNIA STREET MIXED-USE PROJECT) – south side of California Street, west side of Presidio Avenue, north side of Masonic and Euclid Avenues, and east side of Laurel Street, Lot 003 in Assessor's Block 1032 (District 2) – Request for **Planning Code and Zoning Map Amendments**. Ordinance introduced by Supervisor Catherine Stefani to amend the Planning Code to add Section 249.86 to create the 3333 California Street Special Use District (SUD). The purpose of the SUD is to facilitate the development of a mixed-use project in a transit-rich location with residential, non-residential, child care, open space, and related uses, and to give effect to the Development Agreement for the 3333 California Street Mixed-Use Project. The Ordinance would specify development controls that apply to the SUD, allowing additional (non-residential) permitted uses along California Street; specifying parking for childcare use, affordable housing, and open space requirements; specifying director determination and discretionary review controls; and extinguishing City Planning Commission Resolution 4109. The Ordinance would also amend Zoning Maps SU03 and HT03, reclassifying the height and bulk designation of the site from 40-X to 40-X, 45-X, 67-X, 80-X, and 92-X. The proposed amendments will be before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

Preliminary Recommendation: Approve

SPEAKERS: Same as item 11.
 ACTION: Approved
 AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore, Richards
 RESOLUTION: 20514

- 12c. 2015-014028DVA (N. FOSTER: (415) 575-9167)
3333 CALIFORNIA STREET (AKA 3333 CALIFORNIA STREET MIXED-USE PROJECT) – south side of California Street, west side of Presidio Avenue, north side of Masonic and Euclid

Avenues, and east side of Laurel Street, Lot 003 in Assessor's Block 1032 (District 2) – Request for Approval of a **Development Agreement** between the City and County of San Francisco and Laurel Heights Partners, LLC, for the development of the 3333 California Street Mixed-Use Project, with various public benefits, including 25% affordable housing, a child care center comprised of approximately 14,690 square feet, and approximately 4.47 acres of open space; approving certain development impact fees for the Project and waiving certain Planning Code fees and requirements; and confirming compliance with or waiving certain provisions of Administrative Code, Chapter 56, and ratifying certain actions taken in connection therewith. Pursuant to San Francisco Administrative Code Section 56.4(c), the Director of Planning has received and accepted a complete application for the amendment of the above-mentioned development agreement which is available for review by the public at the Planning Department in Planning Department Case File No. 2015-014028DVA.

Preliminary Recommendation: Adopt a Recommendation for Approval

SPEAKERS: Same as item 11.
 ACTION: Adopted a Recommendation for Approval
 AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore, Richards
 RESOLUTION: 20515

- 12d. 2015-014028CUA (N. FOSTER: (415) 575-9167)
3333 CALIFORNIA STREET (AKA 3333 CALIFORNIA STREET MIXED-USE PROJECT) – south side of California Street, west side of Presidio Avenue, north side of Masonic and Euclid Avenues, and east side of Laurel Street, Lot 003 in Assessor's Block 1032 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 253, 303, and 304 to allow structures to exceed 40 feet in a RM Zoning District; for a change of use for an existing child care facility (to be replaced at a different location on the project site); and to allow a Planned Unit Development (PUD) with the requested modifications from the requirements of the Planning Code. The proposed project includes converting an existing office building into two residential buildings with up to three stories added to each, constructing 13 additional new buildings, ranging from 4-story duplex townhouses to 6-story apartment buildings, creating a total of 744 dwelling units (including 185 on site affordable senior dwelling units and 1 manager's unit), 34,496 square feet of non-residential uses along California Street, below-grade parking garages with space for 857 parking spaces, a 14,665 gross square-foot child care facility, 41,270 square feet of private-and common-open space, and 125,226 square feet of privately-owned, publicly-accessible open space that will include public pathways through the site and an existing open space at Euclid Avenue. The project site is currently located within a RM-1 (Residential-Mixed, Low Density) Zoning District and 40-X Height and Bulk District.

Preliminary Recommendation: Approve with Conditions

SPEAKERS: Same as item 11.
 ACTION: Approved with Conditions as amended by Staff
 AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore, Richards
 MOTION: 20516

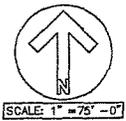
ADJOURNMENT 7:17 PM
 ADOPTED SEPTEMBER 19, 2019

EXHIBIT B



1221 Harrison Street, Suite 18
San Francisco, CA 94103-4449
(415) 391-4775

**BLOCK 1032
LOT 3**
San Francisco, CA

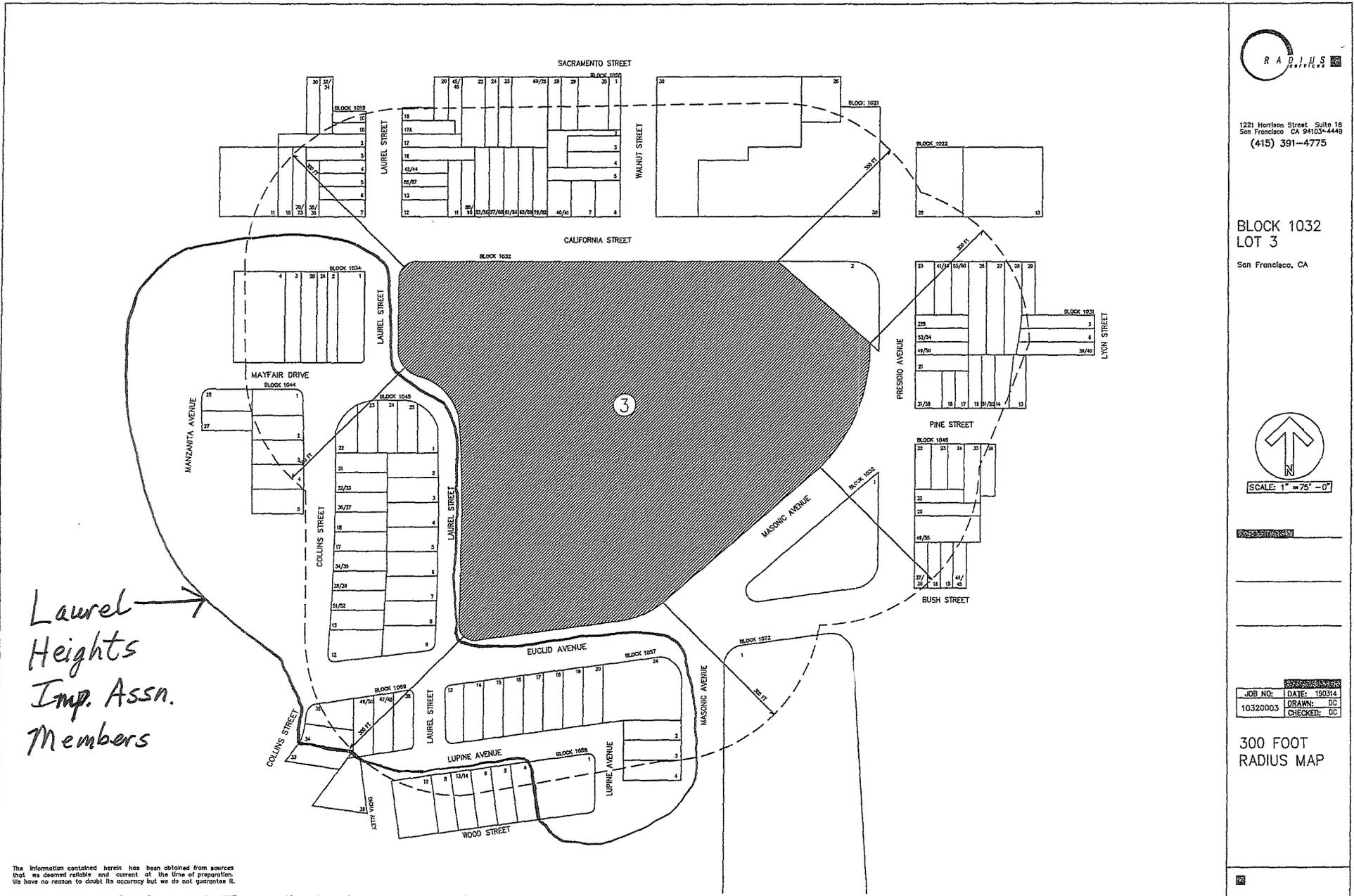


REPRODUCTION

JOB NO: 10320003 DATE: 1993/1/1
DRAWN: DC
CHECKED: DC

**300 FOOT
RADIUS MAP**

The information contained herein has been obtained from sources that we deemed reliable and current at the time of preparation. We have no reason to doubt its accuracy but we do not guarantee it.



Laurel Heights
Imp. Assn.
Members

EXHIBIT C

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov



August 31, 2018

John Rothman, President
Kathryn Devincenzi, Vice President
Laurel Heights Improvement Association of San Francisco
22 Iris Avenue
San Francisco, California 94118

**RE: Fireman's Fund Insurance Company, Determination of Eligibility
National Register of Historic Places**

Dear Mr. Rothman and Ms. Devincenzi:

I am writing to inform you that on August 29, 2018, Fireman's Fund Insurance Company was determined eligible for the National Register of Historic Places (National Register). As a result of being determined eligible for the National Register, this property has been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the California Code of Regulations.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property determined eligible for the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist.

If you have any questions or require further information, please contact Jay Correia of the Registration Unit at (916) 445-7008.

Sincerely,

A handwritten signature in black ink, appearing to read "Julianne Polanco".

Julianne Polanco
State Historic Preservation Officer

Enclosure

August 31, 2018

Previous Weekly Lists are available here: <http://www.nps.gov/history/nr/nrlist.htm>

Please visit our homepage: <http://www.nps.gov/nr/>

Check out what's Pending: <https://www.nps.gov/nr/pending/pending.htm>

Prefix Codes:

- SG - Single nomination
- MC - Multiple cover sheet
- MP – Multiple nomination (a nomination under a multiple cover sheet)
- FP - Federal DOE Project
- FD - Federal DOE property under the Federal DOE project
- NL - NHL
- BC - Boundary change (increase, decrease, or both)
- MV - Move request
- AD - Additional documentation
- OT - All other requests (appeal, removal, delisting, direct submission)
- RS – Resubmission

WEEKLY LIST OF ACTIONS TAKEN ON PROPERTIES: 8/16/2018 THROUGH
8/31/2018

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference
Number, NHL, Action, Date, Multiple Name

CALIFORNIA, SAN FRANCISCO COUNTY,
Fireman's Fund Insurance Company Home Office,
3333 California St.,
San Francisco, RS100002709,
OWNER OBJECTION DETERMINED ELIGIBLE, 8/29/2018

EXHIBIT D

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

1. Name of Property

Historic name: Fireman's Fund Insurance Company Home Office

Other names/site number: University of California at San Francisco Laurel Heights Campus

Name of related multiple property listing:

N/A

(Enter "N/A" if property is not part of a multiple property listing)

2. Location

Street & number: 3333 California Street

City or town: San Francisco 94118 State: CA County: San Francisco 075

Not For Publication: Vicinity:

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this ___ nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property ___ meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___ national ___ statewide ___ local

Applicable National Register Criteria:

___ A ___ B ___ C ___ D

<p>_____ Signature of certifying official/Title:</p>	<p>_____ Date</p>
<p>_____ State or Federal agency/bureau or Tribal Government</p>	

<p>In my opinion, the property ___ meets ___ does not meet the National Register criteria.</p>	
<p>_____ Signature of commenting official:</p>	<p>_____ Date</p>
<p>_____ Title : State or Federal agency/bureau or Tribal Government</p>	

Fireman's Fund Insurance Company
Name of Property

San Francisco, CA
County and State

located in the center of the property. There is also a much smaller, one-story Service Building in the northwest corner of the property. The two buildings were designed to complement each other in character and materials. The Office Building is a glass walled structure with an open character. The Service Building is a brick building with a closed character. The Office Building is an International Style structure which despite its size is built into its sloping hillside site in such a way as to minimize its presence. Its four wings, each built for different functions, range from three floors to seven floors. It is characterized by its horizontality, its bands of windows separated by the thin edges of projecting concrete floors, and brick trim. The wings of the building frame outdoor spaces whose landscape design connects the outdoors with the indoors both functionally and conceptually. The landscape design includes outdoor spaces for use by employees, parking lots, circulation paths, and vegetation. The principal outdoor spaces are the Entrance Court, the Terrace, and small areas around the Auditorium.

Narrative Description

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for sidewalks; the exposed aggregate concrete divided into panels by rows of brick in the pavement at the Terrace and in the Auditorium's west-side sitting area; the metal for the entrance gates; the custom-designed wood benches found in the Terrace and at the Entrance Court's outdoor sitting area; and the circular tree beds constructed of modular sections of concrete found in the Terrace the Auditorium's west-side sitting area.

Combined Buildings and Landscape

Together the buildings and landscape of the Fireman's Fund Home Office constitute a single resource that possesses integrity as measured by the seven aspects of integrity, as follows:

- 1) Location: The property is in its original location. It has not been moved.
- 2) Design: The property retains the essential elements of its design and the relationship between the parts of the design. Alterations to the design since the period of significance are relatively minor. It retains integrity of design.
- 3) Setting: The setting of the property is the same in all major respects as at the time it was first built. It retains integrity of setting.
- 4) Materials: The materials used in the buildings and landscape during the period of significance are all present. The property retains integrity of materials.
- 5) Workmanship: Evidence of workmanship, both from craftsmanship (brick and landscape features) and industrial processes (glass manufacture, concrete finishing, extrusion of aluminum) are all present. The property retains integrity of workmanship.
- 6) Feeling: Because the property as a whole – its buildings and landscape – are little altered and have been well-maintained, it retains integrity of feeling from the period of significance.
- 7) Association: Apart from the lettering on the outside wall near two entrance gates with the name of the current owner and occupant of the property, the property is almost indistinguishable from the time of its ownership by Fireman's Fund Insurance Company. Thus it retains integrity of association.

CHARACTER DEFINING FEATURES

Office Building

Plan of the building with wings open along the sides to the immediate landscape and to views of the distant city.

Horizontality of massing

Horizontal lines of projecting edges of concrete floors

Fireman's Fund Insurance Company
Name of Property

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Horizontal bands of nearly identical window units

Uninterrupted glass walls

Window units of aluminum and glass

Circular garage ramps

Exposed concrete piers over the Garage

Wrought iron deck railings that match gates in the landscape

Brick accents and trim

Service Building

Massing of rectangular volumes

Brick walls with a minimum of openings

Landscape

Terrace, as the “centerpiece” of the landscape, designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco); key character-defining features include its biomorphic-shaped lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick); brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and three circular tree beds constructed of modular sections of concrete.

Entrance Court, providing a connection between the Executive/Visitors Gate on Laurel Street and an entrance to the building on the west side of the Cafeteria Wing; key character-defining features include a central paved parking lot surrounded on its north, east, and west sides by narrow planting beds; exposed aggregate sidewalks along the north, east, and west sides of the parking lot; and a low free-standing brick wall along its north side.

Two outdoor sitting areas—one on the east side of the Auditorium and one on its west side—that connect to entrances into the Auditorium; key character-defining features for the area on the west side of the Auditorium include the pavement (exposed aggregate divided into panels by rows of bricks), circular tree bed constructed of modular sections of concrete; and metal benches; key character-defining features for the area on the east side of the Auditorium include the pavement (concrete divided into panels by wood inserted into expansion joints).

Fireman's Fund Insurance Company
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Brick wall (constructed of red brick set in running bond pattern similar in appearance to brick used in exterior of main building) that takes several forms and which forms a continuous and unifying element around the edges of the site.

Three gated entrances—one for the employees on California Street and the service and executive/visitor entrances on Laurel Street—that are integrated into the brick perimeter wall.

Internal Circulation System (entrance drive, service drive, East and West Parking lots)

Vegetation features that helps to integrate the character of the Fireman's Fund site with that of the surrounding residential neighborhoods including (1) the large trees in and around the East and West Parking Lots, (2) the lawns on the west, south, and east sides of the property, and (3) the planted banks along Laurel and Masonic streets.

Fireman's Fund Insurance Company
Name of Property

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Another addition was made under this permit to the Service Building. This was small rectangular structure to serve as a new boiler room. Like the previous addition, this was clad in the same brick as on the original.

The architect and engineers for this work were the same as in Phases II and III.

Interior Alterations 1958 – 1982

Building permits were issued for many interior alterations to the building during its ownership by Fireman's Fund. Until the last couple of years, most of these were small jobs involving office spaces, sprinklers, and service features. In 1968-1969 and in 1975-1976, office areas throughout the building were renovated. The flexibility of the large open office areas of the original design anticipated reorganizations and remodelings of these spaces.

Until 1968, the architect for all of this work was Edward B. Page. Beginning in 1968, the work was done by his successor firm of Page, Cloudsley, & Baleix. Until 1970, the general contractor for the work was always MacDonald, Young, & Nelson and its successor firm of MacDonald & Nelson. Beginning in 1971, the contractor for many interior alterations was Herrero Brothers.

Overcrowding

By 1970, the building was running out of space. A new three-story office building was proposed about a half block away on Masonic Avenue near Geary, but was never built. Subsequently, planning began for a large new office building and data center on Lucas Valley Road in Marin County for 800 "technical and clerical" employees and for the company's large IBM computers. According to the San Francisco Chronicle, this move was necessary because, "Height limitations prevented adding to the existing building."¹⁴

Beginning in 1977, the corporate owner of Fireman's Fund since 1968, American Express, occupied space in the building and sometimes hired different contractors. By 1982, when portions of the building were leased to outside tenants, interior spaces were remodeled by different teams of designers and builders.

Landscape

Prior to construction, debris from the cemetery was cleared, taking care to leave several large trees which would be used in the design.

Phase I: 1955-1957

The firm of Eckbo, Royston, and Williams (ERW) prepared the landscape design and worked with the architects on the site plan that determined the location of the building and the

¹⁴ San Francisco Chronicle, "Massive New Data Center," 30 May 1975.

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arrangement of the parking, internal roads, and outdoor spaces.¹⁵ Garrett Eckbo's description of the challenges of the design process for a building and site, found in his book *Urban Landscape Design*, provide insights into the resolution of the design for the Fireman's Fund property.

*[T] he site is a piece of real estate, variable in size, form, and topography, produced by land subdivision . . . Thus the landscape design problem is to achieve the best possible development of a space or series of spaces determined by the relationship between the building and the site boundaries. Within these, the specific demands of the program must be satisfied. Problems of orientation and climate control—sun, wind, heat, glare, reflection—must be resolved. Visual demands created by the form and height of the building and the size and position of glass areas must be satisfied. The exterior landscape, beyond the site boundaries, must be analyzed and included or excluded by judicious screening or framing elements. Finally yard spaces which do not relate to building or specific function must be developed in meaningful forms. All of this will be more difficult if the building has been conceived as a self-sufficient unit, and less difficult if the organization of building and site spaces is conceived as one coherent pattern at one time.*¹⁶

Eckbo considered the Fireman's Fund site to be an example of this approach and included a description, site plan, and nine photographs as one of the five projects he used to illustrate these principals for the "Building and Site" chapter of the book.

The connections between the Fireman's Fund office building and its landscape were a critical part of the image that the company was promoting with its new headquarters. Descriptions of the property in contemporary articles emphasized the "park-like setting" for the building and parking, which together occupied less than half of the site's 10.2 acres. The description in the *Architect and Engineer* in April 1956, noted that "the structure, which will overlook San Francisco, has been designed to relate to its park-like setting."¹⁷ An extensive article on the new

¹⁵ Typically, one of the ERW partners would take the lead on a specific project and then oversee all phases of the work. The plans for the ERW design were not located during the research for this nomination, and the lead ERW partner for the Fireman's Fund landscape design could not be determined. A caption for a photograph in an article in the *San Francisco Sunday Examiner and Chronicle* (30 November 1969) attributed the design to Ed Williams. This attribution seems reasonable for several reasons. Logistically, the Fireman's Fund project would have been handled by the San Francisco office under the direction of one of the two San Francisco-based partners—Ed Williams and Robert Royston; Garrett Eckbo operated out of their southern California office. Second, Eckbo attributed the Fireman's Fund design to Eckbo, Dean, Austin, and Williams (EDAW), the successor firm to ERW, in his 1964 book *Urban Landscape Design*. He attributed designs prepared by Royston while an ERW partner (Krusi Park [1954] and Mitchell Park [1956]) to Royston's firm (Royston, Hanamoto, and Mayes) in other parts of the book and would have done so with Fireman's Fund if Royston had been the lead designer. Finally, the landscape design for the mid-1960s additions to the Fireman's Fund office building were undertaken by EDAW, which supports the assumption that one of the partners who remained with EDAW being the designer for the original, mid-1950s plan.

¹⁶ Eckbo, *Urban Landscape Design*, 45.

¹⁷ *Architect and Engineer*, "Ten Years of Building and Engineering Construction," 12.

Fireman's Fund Insurance Company
Name of Property

San Francisco, CA
County and State

headquarters, in the *Architect and Engineer* in September 1957, explained that “The building itself occupies 1.74 acres, and there are 2.75 acres of off-street parking for more than 250 cars. On the rest of the land area, a truly superb job of landscaping has been done. This includes 110 varieties of trees, plants and ground cover that give the area surrounding the building a park-like aspect.”¹⁸ Eckbo made a similar point (“ . . . leaving the major portion of the site for gardens”) in his description in *Urban Landscape Design*.¹⁹

The size (10.2 acres), topography and location of the site (sloping downward from the southwest corner and with a panoramic vista of downtown), and the location of existing large trees influenced arrangement of the site features. Garrett Eckbo, describing the design process for the landscape, in *Urban Landscape Design*, wrote that “considerable care was taken in the arrangement of the building, parking areas, and levels [grading] to save all the existing trees.”²⁰ These mature trees, which were mainly in the large parking lots to the north of the Office Building, helped to frame the building in views from California Street and provided vegetation that was proportional to the three original stories of the building’s north façade.

The Office Building was conceived as a series of wings set at right angles to each other, which, in turn, divided the land next to the building into outdoor spaces designed to provide connections between the architecture and the landscape. Additionally, the horizontality of the architecture both in its long, low wings, and in the specific design features of the wings—the division of floors by continuous thin edges of concrete and the walls of the floors consisting of long repetitions of similar window units—helped to balance the massing of the Office Building with the surrounding landscape. The exterior glass walls provided views into the landscape of the outdoor spaces and at certain times of day reflected landscape features (trees, lawn, walls, patterned pavement, etc.), adding yet another level of integration between interior and exterior spaces.

The principal outdoor space—the Terrace—was set on the east side of the building, framed by the Office and Cafeteria Wings, where it was “protected from the prevailing west wind” and on a portion of the site that had been graded to provide “a good view of a large part of San Francisco.”²¹ Here a biomorphic-shaped lawn was framed on its west, north, and east sides by a patio, whose exposed aggregate pavement was divided by rows of brick that aligned with the window frames of the building. Benches attached to the niches of the zig-zag of the seat wall,

¹⁸ *Architect and Engineer*, “New Fireman’s Fund Building,” 17.

¹⁹ Eckbo, *Urban Landscape Design*, 47.

²⁰ *Ibid.*

²¹ *Ibid.*, 48.

Fireman's Fund Insurance Company
Name of Property

San Francisco, CA
County and State

opportunities to adapt the modernist vocabulary for gardens to the new parks, educational and commercial campuses, and civic spaces being developed in the post war economic boom. This expansion in the profession of landscape architecture was led by a new generation of landscape architects, which included at its forefront Garrett Eckbo, Robert Royston, and Ed Williams—the three partners in the firm responsible for the landscape design of the Fireman’s Fund site.

Landscape of the Corporate Headquarters

A new type of cultural landscape, created by a synthesis of modernist buildings and landscape design, developed during the post-World War II era as corporate headquarters moved out of the central city. Louise A. Mozingo, professor of landscape architecture at the University of California, Berkeley and the author of several articles and a book on this development, has noted that corporations moved out of the urban core for a number of reasons. First and foremost, the larger sites available in the suburbs allowed corporations to construct new buildings that fit their current management structure and operational needs. “Efficient office organization now required flexible, expandable offices with movable partitions rather than fixed walls. The dense, constricted downtown became untenable.”¹⁰²

By the early 1950s, insurance companies had spearheaded this exodus from the central business district to the peripheral residential areas of the city or to suburban sites. An article in *Business Week* in 1951, quoted by Mozingo in her article “The Corporate Estate in the USA, 1954-1964,” noted that there were not enough downtown spaces “in the right places” to meet companies’ needs for expansion. The management of these insurance companies believed that it was hard to “hire first class personnel” to work in downtowns that were viewed as undesirable environments. (“Management thinks workers will be happier looking at trees instead of grimy buildings and listening to birds instead of honking taxis.”¹⁰³) The integration of the architecture and landscape typically featured a low-rise, centrally-sited, modernist building(s), an entry drive and large parking lots which were a reflection of the domination of the automobile as the preferred means of transportation for employees and visitors, and an enveloping landscape setting or “green surround” which was often designed to resemble an idealized suburban space.¹⁰⁴ The buildings and parking lots occupied only a fraction of a site’s acreage and the landscaped lawns and outdoor spaces contributed to the “seamlessness between the interior and exterior space, which was a common goal of the modernist architectural aesthetic.”¹⁰⁵ Mozingo noted that corporations “considered the designed landscape essential to the functioning of their management

¹⁰² Mozingo, *Campus, Estate, and Park*, 258.

¹⁰³ Mozingo, *The Corporate Estate*, 28.

¹⁰⁴ *Ibid.*, 34.

¹⁰⁵ *Ibid.*, 44.

EXHIBIT E

STATEMENT OF RICHARD FRISBIE

The following are clarifications or modifications to the Community Preservation Lookalike Variant and Community Full Preservation Alternative Variant 2 that LHIA previously submitted with its August 28, 2019 letter to the Planning Commission:

Community Preservation Lookalike Variant

On page 2 of the discussion of the Community Preservation Lookalike Variant, paragraph 3 pertains only to excavation for garages.

On page 3 of the discussion of the Community Preservation Lookalike Variant, the terms “middle-income families” are changed to “seniors”.

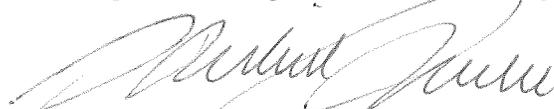
On page 4 of the discussion of the Community Preservation Lookalike Variant, the terms “the CFP AV 2 would excavate only under the existing parking lots along California Street” is changed to “for garages, the CFP AV 2 would excavate only under the existing parking lots along California Street.” Following this sentence, the following new sentence shall be included: “In the CFP AV2, the Euclid building and the pathway along the Walnut Walk would be constructed at the same elevation as the developer’s plan, as shown in Figure 4.”

Community Full Preservation Alternative Variant 2

On page 12 of the Community Full Preservation Alternative Variant 2, the terms “ a ground level 15 ft high (Level 1) by 20 ft. wide entry/exit” are changed to “a new passageway through the first floor of the main building or higher portions of the main building if needed to accommodate the slope of the property.”

On page 9, the terms “ground level Walnut Passage” are changed to “Walnut Passage.”

DATED: October 6, 2019



Richard Frisbie

COMMUNITY PRESERVATION LOOKALIKE VARIANT

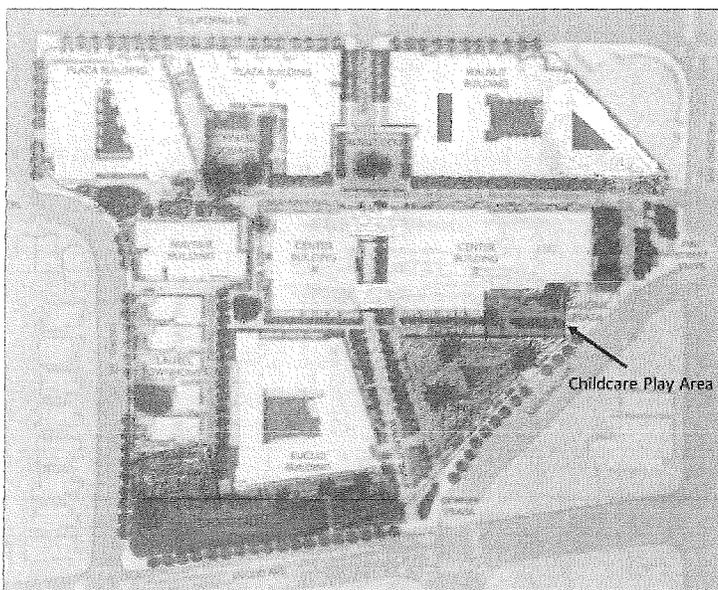
OVERVIEW

The Community Preservation Lookalike Variant, CPLV, would construct the same number of new housing units as the developer's proposed variant (744 units) and would be completed in less than four years rather than the 7-15 years requested by the developer to complete his proposals. In addition the Community Preservation Lookalike Variant would increase the residential gsf by approx. 20,000gsf more than the developer's proposal.

The Community Preservation Lookalike Variant would preserve the key character-defining features of the main building and its integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations.

The Community Preservation Lookalike Variant utilizes approximately 90 percent of the developers' proposed buildings, designs and locations as can be seen below.

Figure 4: Community Preservation Lookalike Variant



BUILDING	DEVELOPER VARIANT 7/3/2019	COMMUNITY PRESERVATION VARIANT "Developer Lookalike"
	Residential GSF	Residential GSF
Masonic	83,505	N/A
Euclid	184,170	144,870
Laurel Townhomes	55,300	34,935
Mayfair	46,680	46,680
Plaza A	66,755	81,571
Plaza B	72,035	83,215
Walnut	147,590	336,350
Main Building-Note 1	N/A	268,365
Center A	89,735	N/A
Center B	231,667	N/A
TOTAL Residential GSF	977,437	995,986

The major differences are that the Community Preservation Lookalike Variant:

1. Would preserve the key Historic defining characteristics of the site as noted above.
2. Would create an All-Residential development with the retention of the existing café, childcare facility and office space in the Main Building noted below.
3. Would excavate only for a single, approximately two underground parking garage whereas the developer proposes to excavate for four new under-ground parking garages spread across the site, some consisting of three levels.
4. Would eliminate the Masonic Building to preserve the Historic Eckbo Terrace and also to provide a location for the childcare play area in sunlight as opposed to being placed in the heavily shadowed area alongside the Credit Union, as proposed in the developer's plan.
5. Would make modifications to the Euclid Building by removing approximately 30 ft. from the southside of the proposed building to move it off the historically significant green space.
6. Would eliminate two Laurel St. Townhomes from Euclid Green in order to fully preserve the historically significant green space at the top of Laurel Hill.

For a summary of changes that the Community Preservation Lookalike Variant would implement see "Summary of Building Changes" at the end of the document.

Furthermore, the Community Preservation Lookalike Variant would:

(1) convert the interior of the main building to residential use while retaining the existing 1,500 gs cafe, 11,500 gsf childcare center, and 5,000 gsf of the existing office space (at the developer's option, this existing office space could be converted to residential use),

(2) construct three new residential buildings (the Plaza A, Plaza B and Walnut) along

California Street where parking lots are now located; the new Mayfair Building near the intersection of Mayfair Drive and Laurel; five new townhomes along Laurel St; and the new Euclid Building along Euclid Avenue;

(3) provide housing units affordable to and sized for middle-income families, with additional on-site affordable housing as determined by the Board of Supervisors,

(4) require all freight loading and unloading to be conducted in the underground freight loading areas accessed from Presidio Ave. and Mayfair Ave.

(5) require all passenger loading and unloading to be conducted inside the site in turnarounds or in the underground parking garage,

(6) retain the historically significant landscaping designed by the renowned landscape architects of Eckbo, Royston & Williams which is integrated with the window-walled main building, including the Eckbo Terrace, Laurel Hill greenspace and existing landscaped green spaces along Presidio Avenue, all of which would be designated as community benefits in the development agreement,

(7) maintain public vistas of the downtown and Golden Gate Bridge and the historically significant main building and integrated landscaping.

(9) provide units in the Walnut Building for senior housing.

(9) the Community Preservation Lookalike Variant would use all the space for residential use and would not rezone the site for approximately 34,496 gsf of retail uses as the developer proposes.

THE COMMUNITY PRESERVATION LOOKALIKE VARIANT WOULD PROVIDE THE SAME AMOUNT OF NEW HOUSING UNITS IN LESS THAN FOUR YEARS WITHOUT ADVERSELY IMPACTING A HISTORICALLY SIGNIFICANT RESOURCE.

The Community Preservation Lookalike Variant would preserve all the key character-defining features of the main building and integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. (Ex. A, confirmation of listing). The window-walled main building would be converted to primarily residential use.

The Community Preservation Lookalike Variant would have the same number of residential units as the developer's proposed variant (744 units) and would be constructed in less than four years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed, to the greatest extent feasible pursuant to staging.

The Community Preservation Lookalike Variant would entail far less excavation, as it would have approximately two levels of parking in a single new underground garage. In contrast, the developer's variant proposes to construct four new underground parking garages, to provide a total of 873 parking spaces. The CFPV 2 would excavate only under the existing parking lots along California St.- the easiest, least disruptive, quickest most efficient excavation- whereas the developer would carry out major excavation in all quadrants of the site including major excavations on Masonic, on Euclid including the excavation of major portions of Laurel Hill as well as under the parking lots along California St.

The Community Preservation Lookalike Variant would preserve the existing Eckbo Terrace and the green landscaped areas along Euclid and Presidio Avenues as well as partly along Laurel Street. The existing Eckbo Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public. The new ground level Walnut Passage will run

through the first floor of the main building, opening up into a larger landscaped Center Court mid-building, and lead onto the Walnut Walk alongside Eckbo Terrace and thence onto Masonic Avenue and would be open to the public and marked with signage identifying it as a public thoroughway.

The character-defining features of the existing main building that the Community Preservation Lookalike Variant would retain include all of the following:

- Plan of the building open along Eckbo Terrace and to views of the distant city.

- Horizontality of massing.

- Horizontal lines of projecting edges of concrete floors.

- Horizontal bands of nearly identical compatible window units.

- Uninterrupted glass walls.

- Brick accents and trim

- Wrought iron deck railings that match gates in landscaping.

The character-defining features of the existing landscape that the Community Preservation Lookalike Variant would preserve include all of the following:

In the Eckbo Terrace, which was designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco), key character-defining features include its biomorphic-shaped lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick), brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and the three circular tree beds constructed of modular sections of concrete.

All passenger loading, pick-ups and drop-offs are proposed to be internal to the site, and turnarounds will be provided in front of the main building. All freight loading and unloading is proposed to be conducted in the underground freight loading areas accessed from Presidio Avenue and Mayfair.

In the Community Preservation Lookalike Variant, the Masonic Building and two Laurel Townhomes are eliminated and the Walnut building re-designed. The Euclid building, reduced in size to preserve the Euclid Green area, the remaining five Laurel Townhomes, the Mayfair building, Plaza A and Plaza B utilize the developer's footprint and architectural design throughout. The Main Building utilizes Levels 1-4 of the developer's architectural design and adds one setback story at Level 5 consistent with the Secretary of the Interior Standards for the treatment of historic properties, thereby retaining the historic characteristics of the main building and integrated landscaping. Contrary to the developer, the Community Preservation Lookalike Variant does not sever the Main Building with a full height 40 ft gap, thereby creating two separate structures.

As noted previously, the Community Preservation Lookalike Variant creates a ground-level Walnut Passage while fully retaining the historic characteristics of the building.

The Main building, Walnut, Plaza A and Plaza B will have direct access to the underground parking garage. The Laurel Townhomes have their own organic parking. For the Mayfair and Euclid Buildings, parking will be provided in the new underground parking garage constructed under the California Street Front and Back Buildings.

Truck loading and unloading for the buildings along California St. as well as the Main and Mayfair buildings would occur in the underground garage accessed from Presidio Avenue and Mayfair Avenue.

SUMMARY OF BUILDING CHANGES

The Community Preservation Lookalike Variant generally utilizes the developer's footprint and architectural design, unit configuration layouts, sizes, etc. except for the Masonic Building (which is not constructed) and the expanded Walnut Building.

The Community Preservation Lookalike Variant preserves both the historic Eckbo Terrace and the existing green spaces along Euclid and Masonic Avenues (by eliminating the Masonic Building) and partly along Laurel Street.

To this day, these green spaces are used by families, friends, children, moon-watchers, etc. The historically green space is preserved by modifying the south side of the Euclid Building (removing 30 ft.) and eliminating two Laurel St. townhomes at the top of Laurel St. as noted above.

Analysis of Buildings:

Developers Variant
7/3/2019

Community Preservation Lookalike
Variant

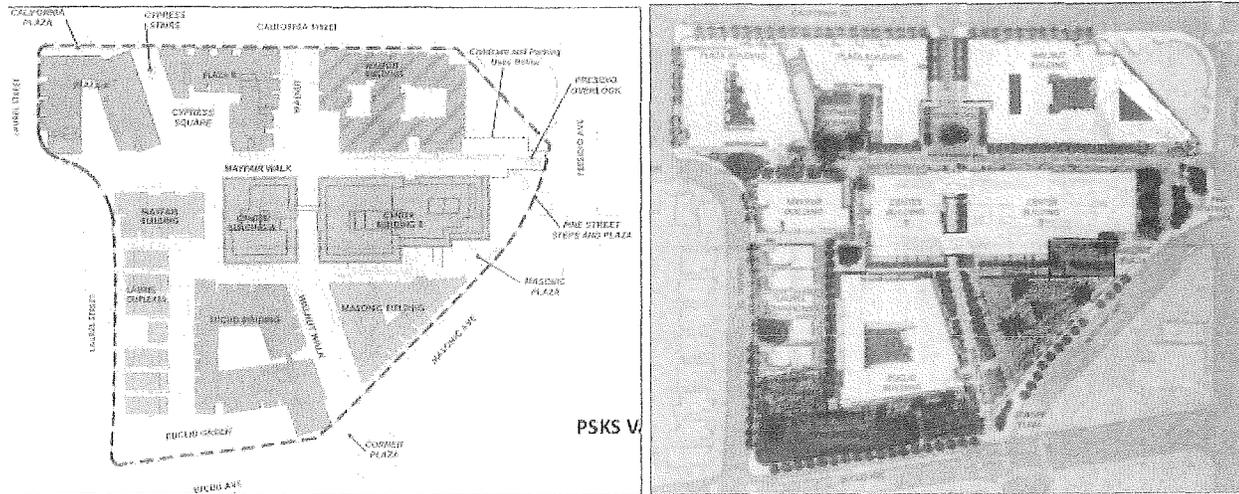


Figure 3

As can be seen from the layout above the Community Preservation Lookalike Variant generally mirrors the developers proposed building plans. The primary differences are the elimination of the Masonic Building, modifications to the Euclid Building and redesign of the Walnut Building.

All retail has been converted into residential gsf and affected building heights reduced appropriately.

As shown above, the Community Preservation Lookalike Variant produces an additional 20,000 residential gsf over and above that produced by the developers.

Masonic Building: Eliminated.

Euclid Building: Identical to developers' submission of 07.03.2019 with the following modification to preserve Laurel Hill greenspace. The south side of the building is cut back approximately 30 ft. (loss of

approximately 35,000gsf). Additionally, the remaining top floor units on the south side are set back 15 ft. to moderate the bulk and intensity of the Euclid Avenue appearance (loss of approximately 4,000gsf). It should be noted that the Euclid Building can be expanded on the east side by approximately 25 ft. along the entire 256 ft (ref. Dwg.A8.01 from submission) by aligning Walnut Walk with Eckbo Terrace which would more than offset the space eliminated by the modification to the south side noted above.

This potential expansion has not been accounted for in the Community's plan.

No underground parking garage.

References: A8.01(modified as noted above), .02(same comment), A8.03(same comment), A8.04(same comment), A8.05(same comment), A8.06(same comment), A8.11(same comment), A8.12, A8.21(same comment), A8.22, A8.23(same comment), A8.24(same comment), A8.25(same comment), A8.30, A8.41.

Laurel Townhomes: Generally identical to developer's submission of 07.03.2019 modified to reduce height to 30 ft. and set top floor back 15 ft.

Reference A10.01(two southernmost duplexes eliminated to preserve Historic green space), A10.02(same comment), A10.03, A10.11(modified for height, setback and elimination of Duple 01 & 02), A10.12(same comment), A10.13(same comment), A10.21(same comment), A10.23(same comment), A10.24(same comment), A10.25(same comment).

As noted previously the two townhomes at the top of Laurel St. have been eliminated to preserve the green space. The height of the five remaining townhomes is lowered from 40 ft. to 30 ft. to be compatible with the 20 ft. homes on the west side of the Laurel St. block. Additionally, the third floor is set back 15 ft.

Mayfair Building: Generally identical to developer's 07/03/2019 submission: predominant references A9.01, A9.02, A9.03, A9.04, A9.11, A9.12, A9.21, A9.22, A9.30, A9.60 .

No underground parking garage.

Plaza A: Generally identical to developer's submission of 07.03.2019: references A2.00, A2.01, A2.02, A2.21(modified for the parking design), A2.22(same note on parking), A2.30, A2.41.

All retail gsf is converted to residential. As a result, the height of the building is lowered from 45 ft. to 40 ft., which allows it to comply with the existing height limit.

Plaza B: Same comments as to Plaza A above. Developer's submission of 07.03.2019: references A3.00(retail converted to residential), A3.01, A3.02, A3.03, A3.21(modified for the parking design), A3.22(same comment on parking), A3.24(retail converted to residential; building height adjusted accordingly), A3.25, A3.41, A3.42.

Walnut Building: The enhanced Walnut Building is re-designed to provide a 7-story residential building. As this building is flanked by the Main Building and the Credit Union and is opposite the approximately 65 ft. tall JCC, it is compatible with the character of its surroundings. The 48,050 square foot net footprint was determined from dimensions in Submittals of 03.06.2017 & 07.03.2019: references VAR 13, 14, 19.

General dimensions: Southside east-west 305ft; Northside east-west 240ft; North-south : 175ft.;

Triangle at Credit Union: 155ft. base, 175ft. height. Adjusted for light-courts and setbacks.

Main Building/Center A&B: Use the developer's unit configurations and sizes from 03/03/2019: predominant references A6.02, A6.03, A6.04, A6.05, A6.06, A6.07, A6.08, A6.09, A6.19(modified for Walnut Passage; no Levels 6 and 7), A6.21(modified for Walnut Passage; no levels 6 and 7), A6.22(no Levels 6 and 7), A6.30, A6.46(no Levels 6 and 7).

The Community Preservation Lookalike Variant, unlike the developer's, preserves the historic characteristics of the building and fully complies with the Secretary of the Interior's Standards for the treatment of historic properties.

The Draft EIR acknowledges that the developer's design would have a substantial adverse effect on the historic characteristics of the listed building and landscaping.

The developer proposes to cut a 40 ft. gap through all levels of the main building, thereby creating two separate structures and adding 2 and 3 new levels on top, thereby impairing the horizontality of the building.

The Community Preservation Lookalike Variant, in accordance with the SOISs, adds one set back level, Level 5, to the main building. As noted above, the developer would add Level 5, Level 6 and Level 7.

Walnut Passage: In order for the developer to create the 40 ft. wide Walnut Walk which would connect the north and south sides of the property in alignment with Walnut St., the developer proposes to bifurcate the building with a 40 ft cut through all existing levels of the building.

There is a better solution.

The Community Preservation Lookalike Variant design calls for a ground level 15 ft high (Level 1) by 20 ft. wide entry/exit on the north and south sides of the building. This entry/exit would extend 35 ft. into the building where it would open up into a 35 ft. wide by 75 ft. long landscaped Center Court which also serves as a Light Court in the building. This design fully maintains the historic characteristics of the Main

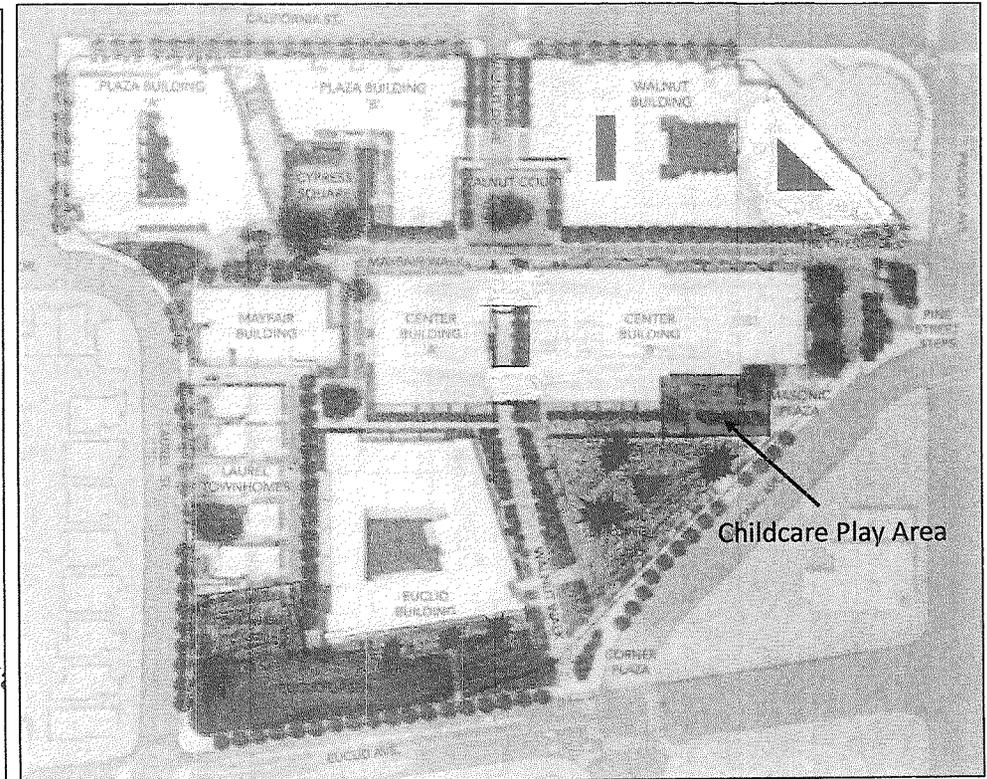
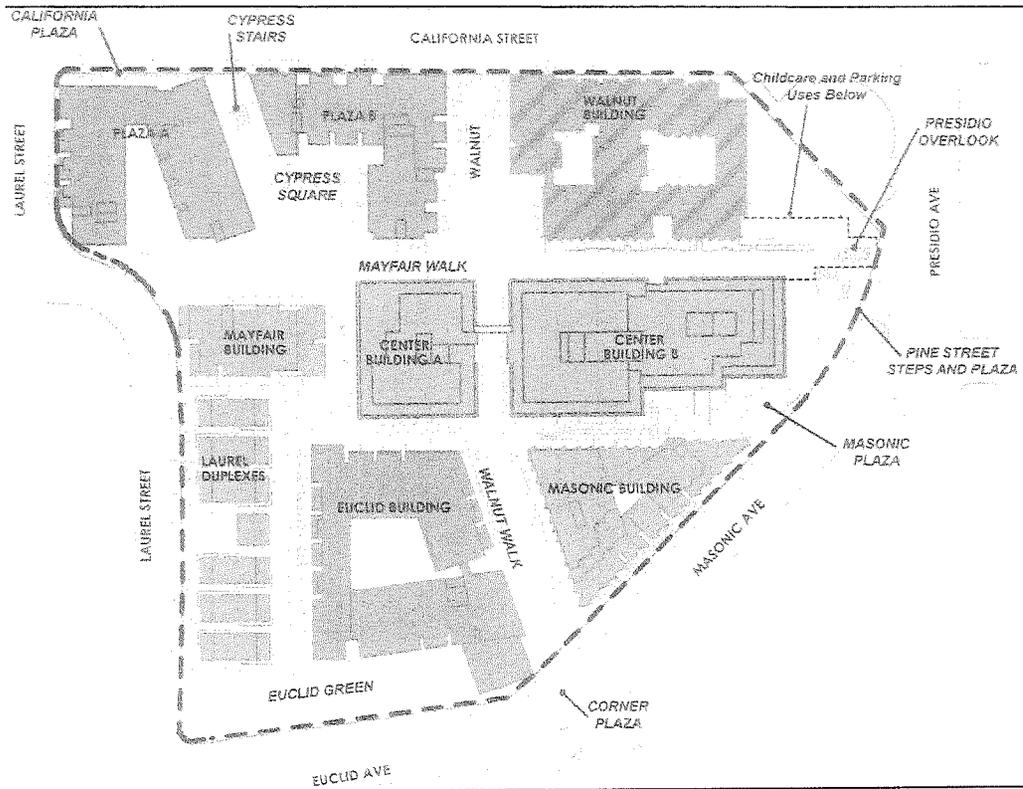
building while at the same time meeting the developer's desire in alignment with Walnut Street for connectivity.

A case of form follows function.

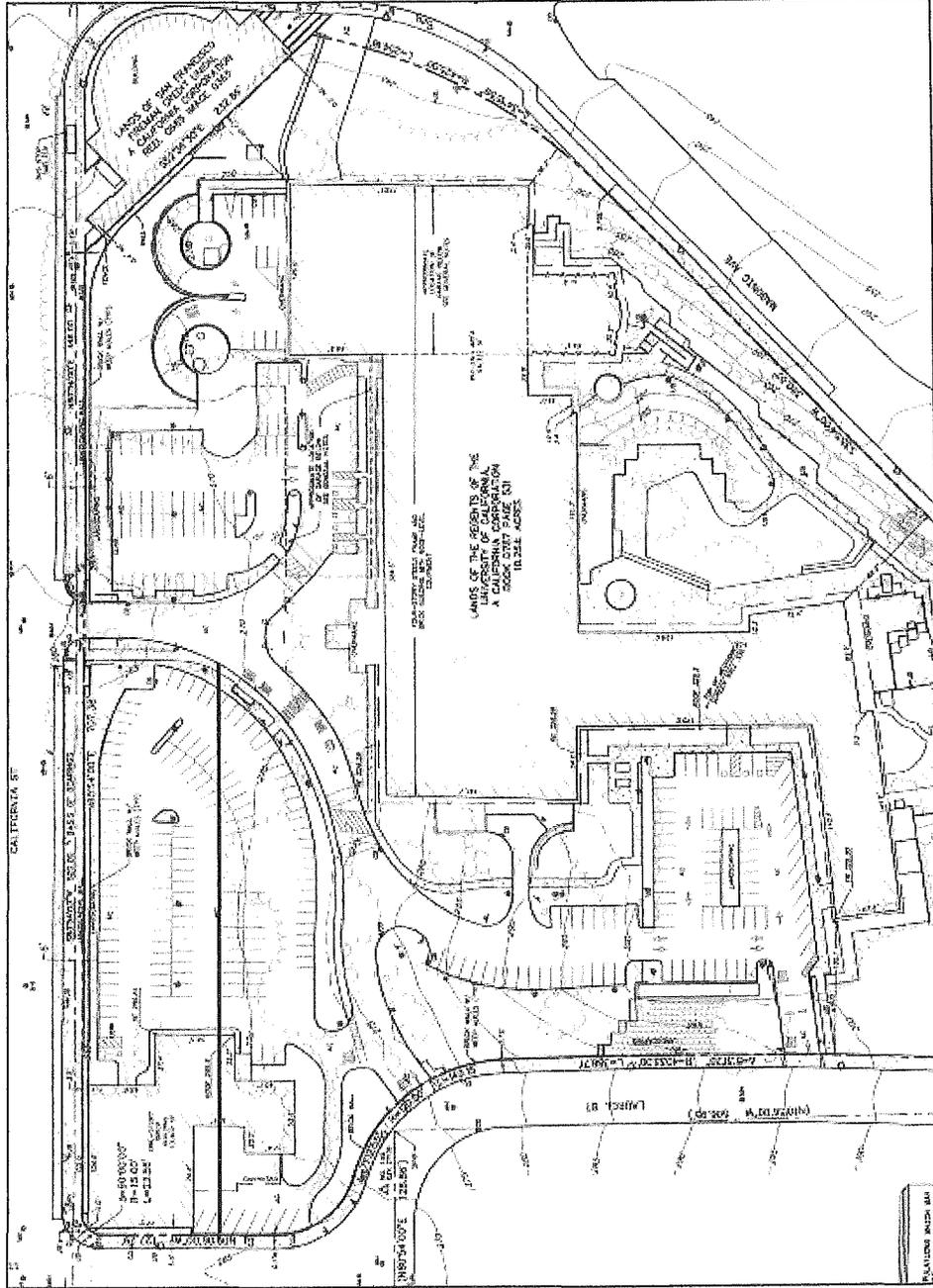
Summary: Same number of units(744) in less than 4 years, more residential gsf than the developer's proposal, compliant with RM-1 zoning , historically compatible, neighborhood responsive.

Developers Variant 7/3/2019

Community Preservation Lookalike Variant



3333 California "As Is" Site Topography & Layout



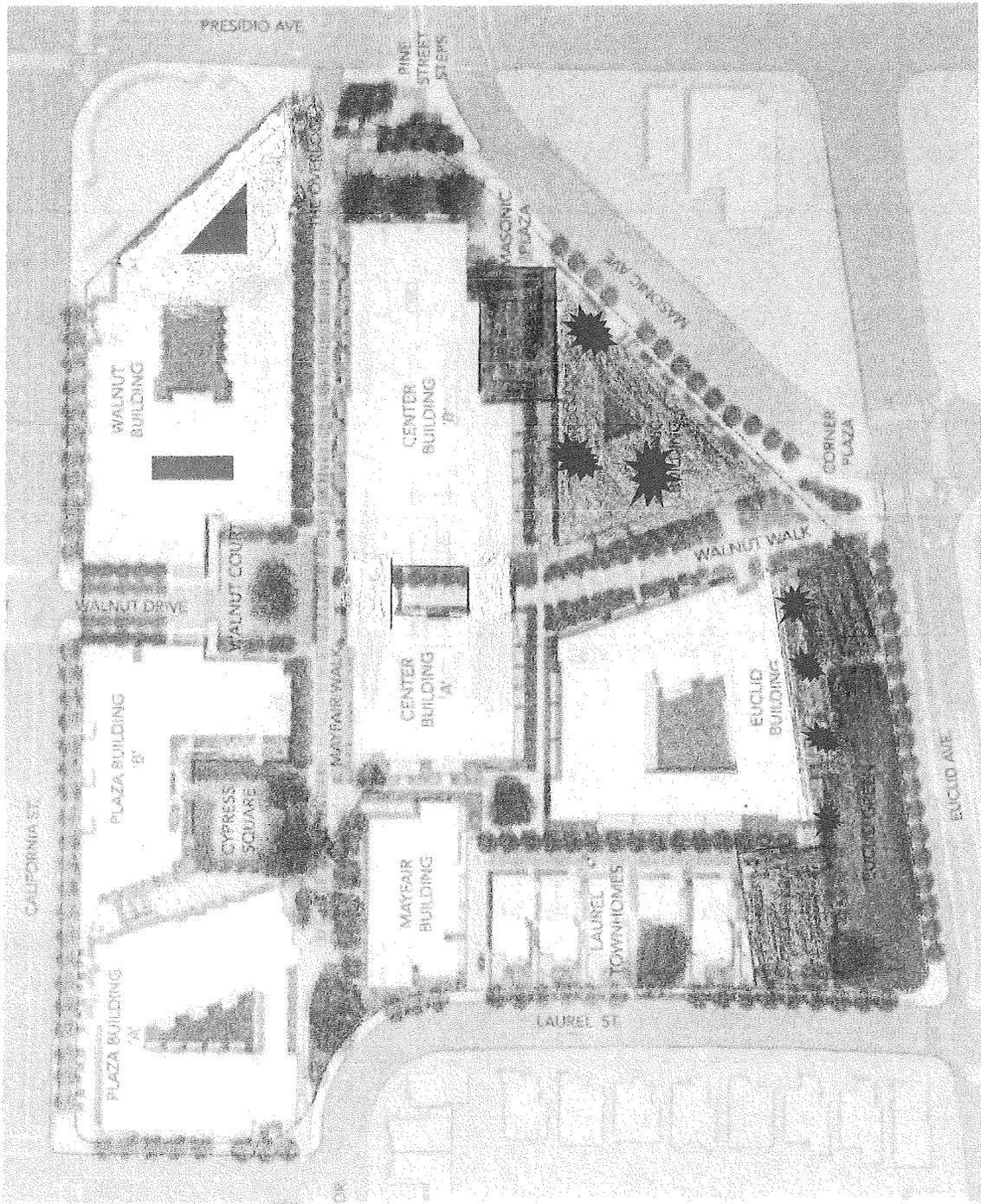
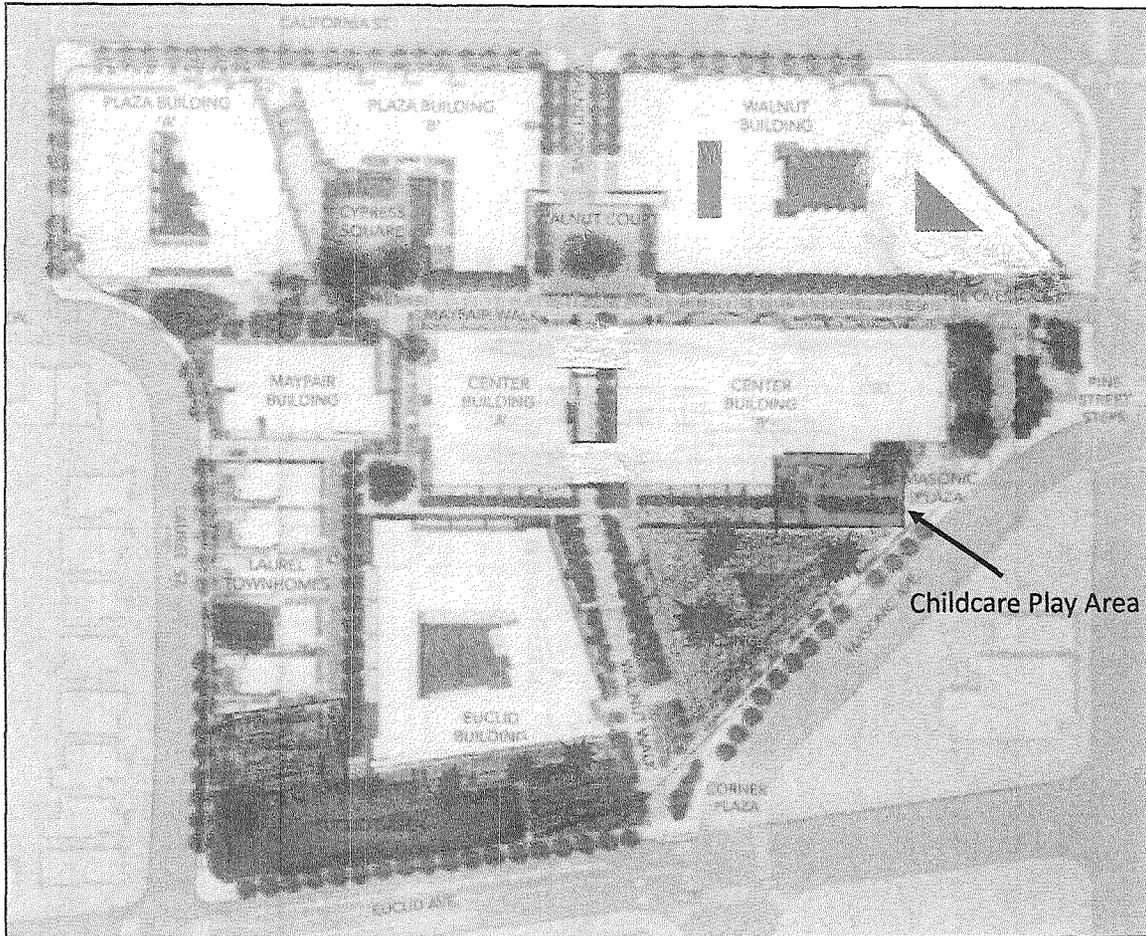


Figure 4: Community Preservation Lookalike Variant



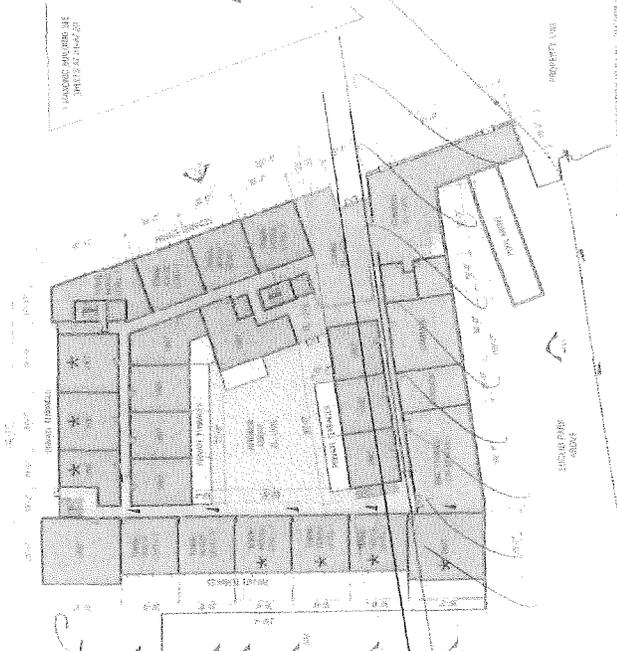
BUILDING	DEVELOPER	COMMUNITY
	VARIANT 7/3/2019	PRESERVATION
	Residential GSF	VARIANT
		"Developer Lookalike"
	Residential GSF	Residential GSF
Masonic	83,505	N/A
Euclid	184,170	144,870
Laurel Townhomes	55,300	34,935
Mayfair	46,680	46,680
Plaza A	66,755	81,571
Plaza B	72,035	83,215
Walnut	147,590	336,350
Main Building-Note 1	N/A	268,365
Center A	89,735	N/A
Center B	231,667	N/A
TOTAL Residential GSF	977,437	995,986

Community Preservation Lookalike Variant Euclid Build Modifications

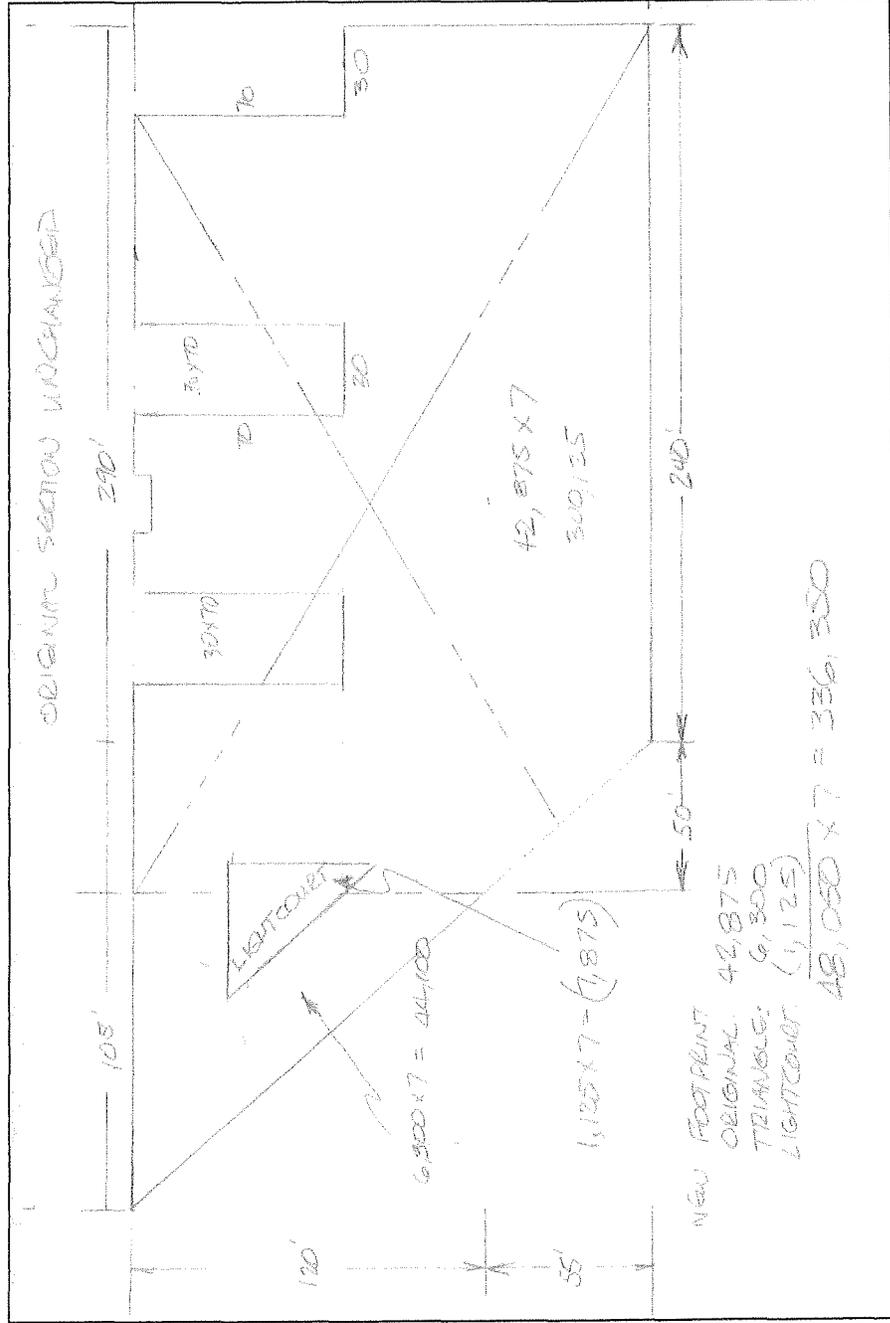
/ GSF LOSS
 REMAINS 30% ALL LOSSES
 220' X 30' X 15' = 39,000 GSF
 SETBACK FIFTH FLOOR
 210' X 15' (X) = 3,150 GSF
 USE 39,000 GSF LOSS.

Setback L-4 15 ft
 Remove 30' L-1-4 Foot
 Rows

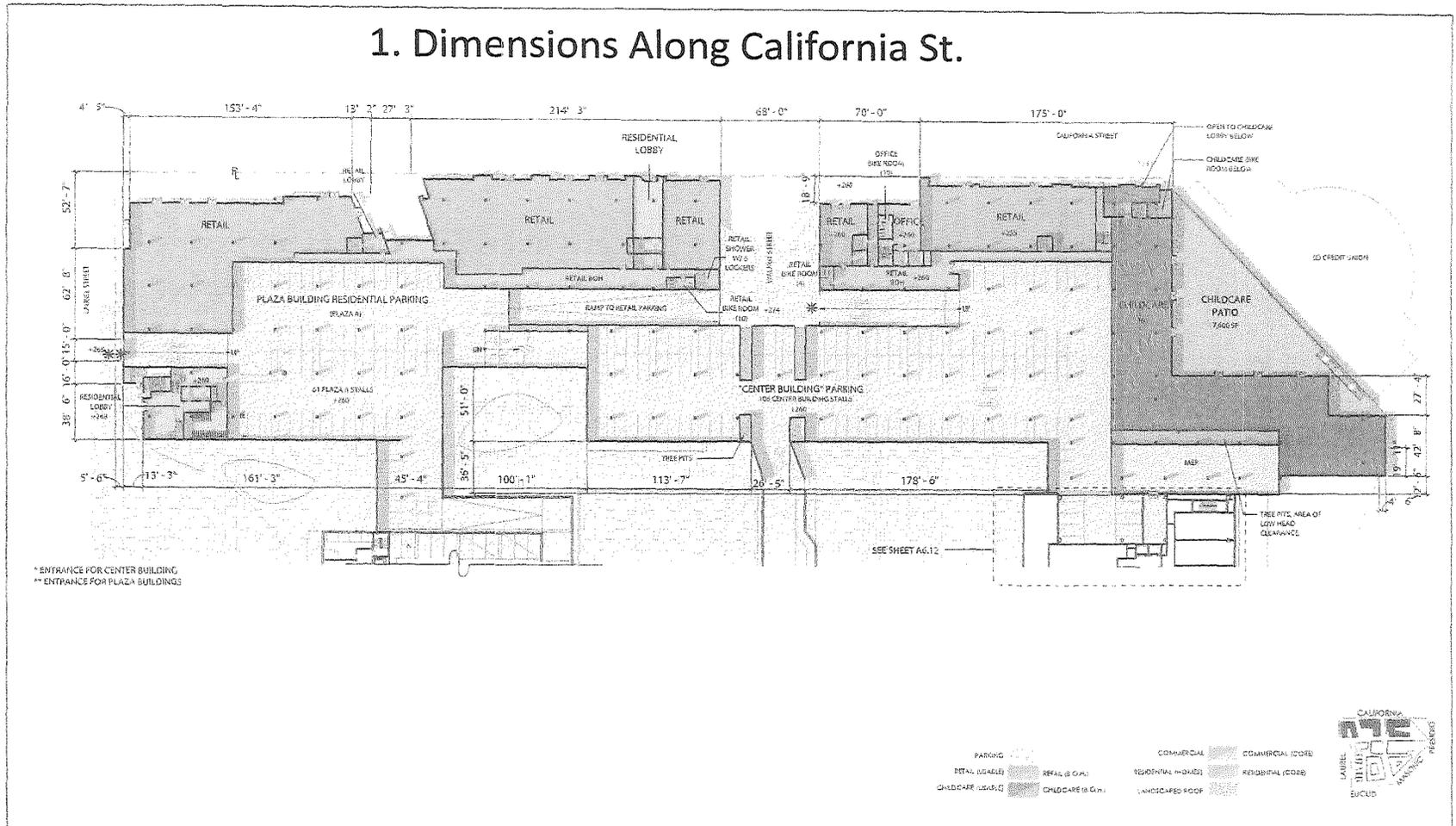
1. HANDED BUILDING SEE
 SHEET A8.01 FOR
 DETAILS



Community Full Preservation Alternative Variant 2 Walnut Building Layout



1. Dimensions Along California St.



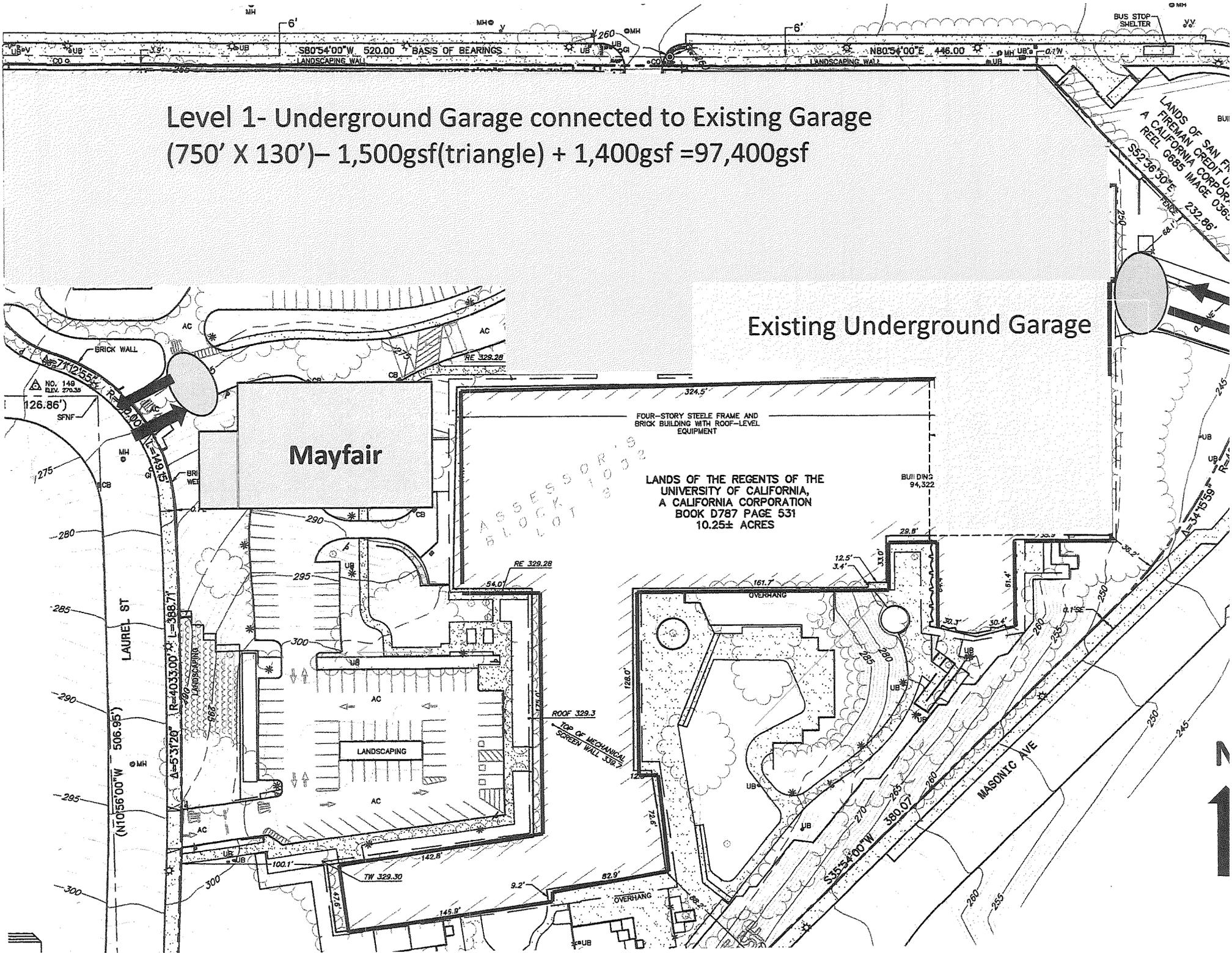
3333 CALIFORNIA STREET MIXED USE PROJECT

FIGURE 2.23: PROPOSED CALIFORNIA STREET GARAGE AND CENTER BUILDING B GARAGE - BASEMENT LEVEL B1

Comparison of Developer & Community Preservation Lookalike Variants

BUILDING	DEVELOPERS VARIANT 7/3/2019			COMMUNITY PRESERVATION LOOKALIKE VARIANT		
	Residential GSF	Units	Avg. Size	Residential GSF	Units	Avg. Size
Masonic	83,505	57	1,465	N/A	0	
Euclid	184,170	139	1,325	144,870	109	1329
Laurel Townhomes	55,300	14	3,950	34,935	10	3494
Mayfair	46,680	30	1,556	46,680	30	1556
Plaza A	66,755	67	996	81,571	82	996
Plaza B	72,035	61	1,181	83,215	71	1172
Walnut	147,590	186	793	336,350	283	1189
Main Building	N/A			268,365	159	1688
Center A	89,735	51	1,760	N/A		
Center B	231,667	139	1,667	N/A		
TOTAL	977,437	744	1,314	995,986	744	1339

Level 1- Underground Garage connected to Existing Garage
 (750' X 130')- 1,500gsf(triangle) + 1,400gsf = 97,400gsf



Level 2-Underground Garage
(600' X 130') + 1,400gsf = 79,4000gsf

Existing Underground Garage

Mayfair

ASSESSOR'S BLOCK 121952
FOUR-STORY STEEL FRAME AND
BRICK BUILDING WITH ROOF-LEVEL
EQUIPMENT
LANDS OF THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA,
A CALIFORNIA CORPORATION
BOOK D787 PAGE 531
10.25± ACRES

BUILDING
LANDS OF SAN FRANCISCO
FREMONT CREDIT UNION
A CALIFORNIA CORPORATION
REEL 6685 IMAGE 0365
S52°36'30"E 232.86'
S34°15'59"W 425.00'

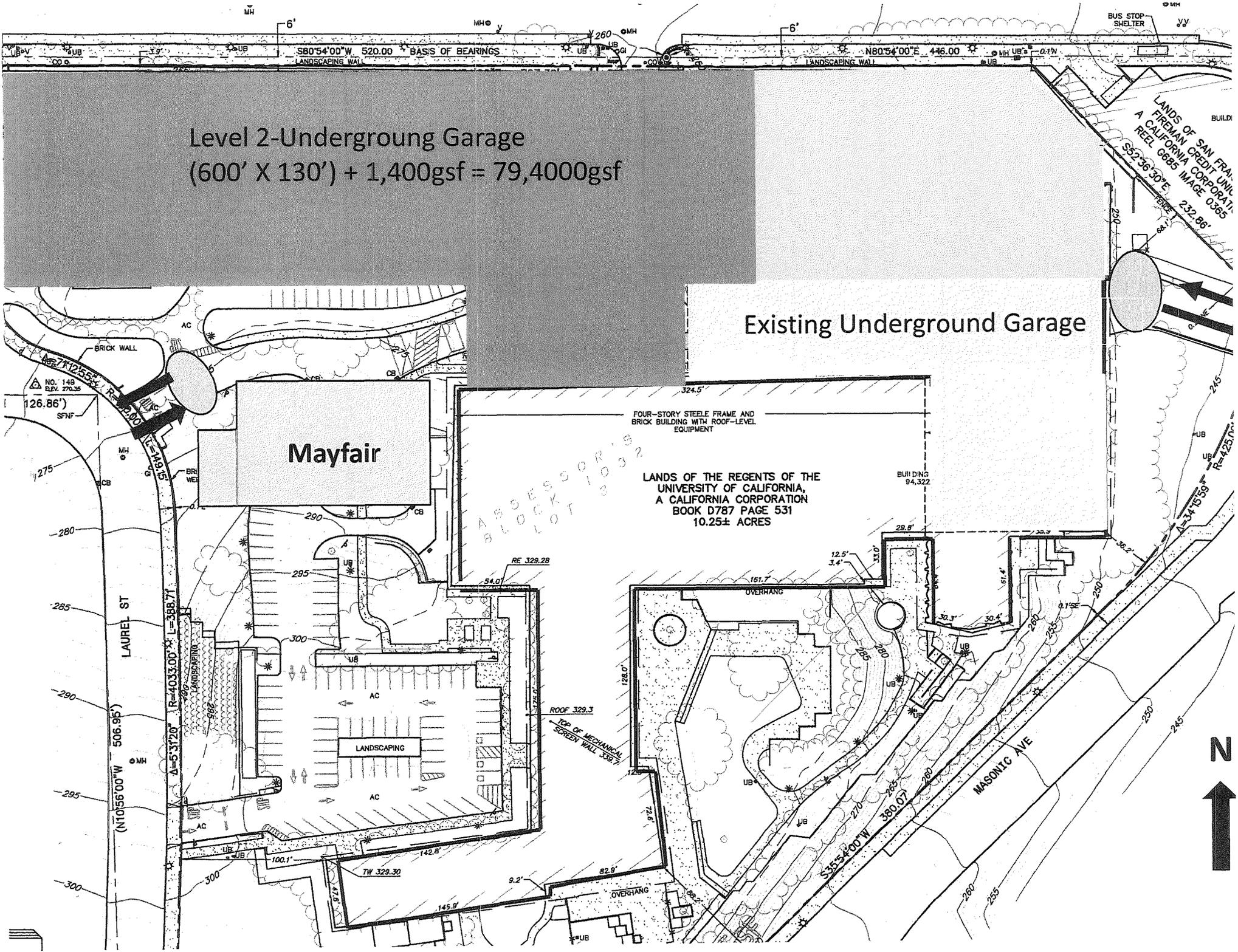


EXHIBIT F

COMMUNITY FULL PRESERVATION ALTERNATIVE VARIANT 2

OVERVIEW

The Community Full Preservation Alternative Variant 2 – CFPAV2 -would construct the same number of new housing units as the developer's proposed project variant (744 units) and would be completed in approximately four years rather than the 7-15 years requested by the developer to complete his proposals. The CFPAV2 would preserve virtually all of the character-defining features of the main building and its integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations.

The CFPAV 2 would excavate for a single approximately two level underground parking garage. In contrast, the developer proposes to excavate for four new underground garages, some consisting of three levels.

The Community Full Preservation Alternative Variant 2 would:

(1) convert the interior of the main building to residential uses while retaining the existing 1,500 gsf cafe, 11,500 gsf childcare center, and 5,000 gsf of the existing office space (at the developer's option, this existing office space could be converted to residential use),

(2) construct three new residential buildings (California Front, California Back, Walnut) along California Street where parking lots are now located, construct the Mayfair new residential building near the intersection of Mayfair Drive and Laurel Street, and construct five Laurel St. townhomes north of the Euclid Green

(3) provide at least 64 flat-type family-sized units in the California Front Building, with affordable senior housing in the enhanced Walnut Building.

(4) Construct 5 Laurel St. Duplexes using the Developers' design and layouts,

except that the fourth story would be removed and the third story set back 15 feet at its front. See section "Summary of Building Calculations" in the last section.

(5) excavate for approximately two levels of underground parking.

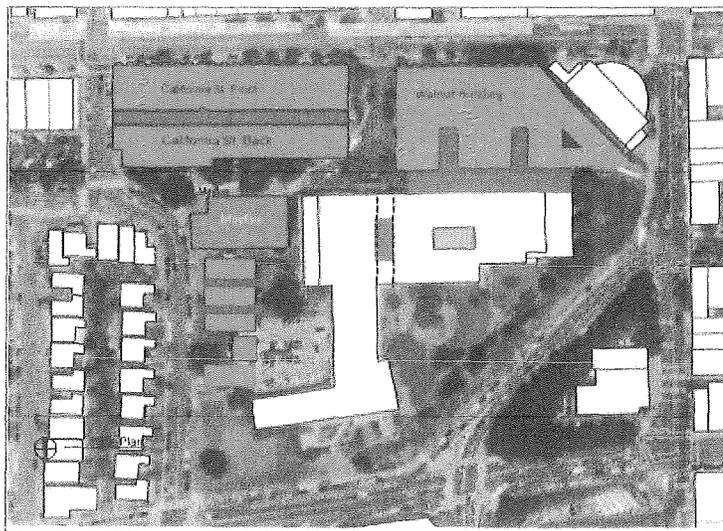
(6) propose all freight loading and unloading to be conducted in the underground freight loading areas accessed from Presidio Avenue and all passenger loading and unloading to be conducted inside the site in turnarounds or in the underground parking garage.

(7) retain the historically significant landscaping designed by the renowned landscape architects of Eckbo, Royston & Williams which is integrated with the window-walled main building, including without limitation the Eckbo Terrace and the existing landscaped green spaces along Euclid Avenue, Presidio Avenue and some of Laurel St. (see layout) which would be designated as community benefits in the development agreement,

(8) preserve the majority of the 195 mature trees on the site which are comprised of 48 different tree species (Initial Study p. 16), and

(9) maintain public vistas of the downtown and Golden Gate Bridge and the historically significant main building and integrated landscaping.

Figure 2: Community Full Preservation Alternative Variant 2



	Developers Proposed Variant 7/3/2019	Community Full Preservation Alternative Variant 2
	Residential GSF	Residential GSF
BUILDING		
Masonic	83,505	N/A
Euclid	184,170	N/A
Laurel Townhomes	55,300	34,935
Mayfair	46,680	46,680
Plaza A/California Front	66,755	120,000
Plaza B/California Back	72,035	76,952
Walnut	147,590	336,350
Main Building	N/A	371,734
Center A	89,735	N/A
Center B	231,667	N/A
TOTAL Residential GSF	977,437	986,651

The CFPA Variant 2 would add units to the Walnut Building which could be used for senior housing and additional units within the other buildings. The CFPAV 2 would use all the new construction for residential use and would not rezone the site to permit the approximately 34,500 gsf of retail uses, as the developer proposes.

THE COMMUNITY FULL PRESERVATION ALTERNATIVE VARIANT 2 WOULD PROVIDE THE SAME AMOUNT OF NEW HOUSING UNITS IN APPROXIMATELY FOUR YEARS WITHOUT ADVERSELY IMPACTING A HISTORICALLY SIGNIFICANT RESOURCE.

The CFPAV 2 would preserve the character-defining features of the main building and integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. (Ex. A, confirmation of listing) The window-walled main building would be converted to primarily residential use. This CFPAV 2 would have the same number of residential units as the developer's proposed project Variant (744) and would be constructed in approximately four

years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed, to the greatest extent feasible pursuant to staging. The CFP AV 2 would entail far less excavation, as it would have only one new, approximately two level, underground parking garage along California Street and a total of approximately 558 on-site parking spaces. In contrast, the developers' variant proposes to construct four new underground parking garages, to provide a total of 873 parking spaces. The CFP AV 2 would excavate only under the existing parking lots along California St.- the easiest, least disruptive, quickest most efficient excavation- whereas the developer would carry out major excavation on all quadrants of the site including major excavations on Masonic, on Euclid (which entails a substantial portions of Laurel Hill), as well as under the existing parking lots along California St.

This CFP AV 2 would retain the existing Eckbo Terrace, the existing landscaped green spaces along Euclid Avenue, Presidio Avenue and some of Laurel St. (see layout). The existing Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public. A new ground level Walnut Passage would be constructed to connect Walnut and Masonic Avenue and be opened to the public.

The character-defining features of the existing main building that this CFP AV 2 would retain include all of the following:

Plan of the building with wings open along the sides to the immediate landscape and to views of the distant city.

Horizontality of massing.

Horizontal lines of projecting edges of concrete floors.

Horizontal bands of nearly identical window units.

Uninterrupted glass walls.

Brick accents and trim.

Wrought iron deck railings that match gates in the landscape.

The character-defining features of the existing landscape that this CFPav 2 would retain include all of the following:

The Eckbo Terrace, which was designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco), key character-defining features include its biomorphic-shaped (amoeba-shaped) lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick), brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and three circular tree beds constructed of modular sections of concrete.

In the two outdoor sitting areas on the east and west sides of the area now used as an auditorium, key character-defining features for the area on the west side include the pavement (exposed aggregate divided into panels by rows of bricks), circular tree bed constructed of modular sections of concrete, and metal benches; key character-defining features for the area on the east side include the pavement (concrete divided into panels by wood inserted into expansion joints).

All passenger loading, pick-ups and drop-offs are proposed to be internal to the site,

and turnarounds will be provided in front of the main building on California/Walnut. All freight loading and unloading is proposed to be conducted in the underground freight loading areas accessed from Presidio Avenue.

Vegetation features that help to integrate the character of the Fireman's Fund site with that of the surrounding residential neighborhoods that will be retained include (1) the large Cypress trees in the existing west parking lot area, (2) the lawns on the south and east sides of the property and portions of the west side, and (3) the planted banks along Masonic street.

In this CFPV 2 the existing 1,500 gsf cafe and 11,500 gsf childcare center would remain in their present locations in the main building. Approximately 5,000 square feet of the existing nonconforming office space in the main building would remain, which the developer could continue to use for offices. At the developer's option, this existing office space could be converted to residential use.

In the CFPV2, new residential buildings (California Front & Back and Walnut) would be constructed along California Street where parking lots are currently located, and a Mayfair building generally identical to the Developers' plan would also be constructed.

The new California Front building units would be designed for families, averaging 1,875gsf. This building would be designed to be compatible with both the main building and the existing buildings along the north side of California Street and would maintain the rhythm and scale of the townhouses across California Street. Each California Front building would be 40 feet tall, approximately 25 feet wide and 100 feet in length with 25% of that length consisting of a private rear yard. Approximately 16 new buildings containing 64 units would be built in the California Front building between Laurel Street and Walnut Street. Two adjacent residential units would share one elevator, a common stairway and one mechanical shaft. The

elevator would provide access to the underground garage constructed under these buildings.

The new California Street Back building would face inward toward the existing main building and be constructed with window walls designed to be compatible with the character-defining features of the windows in the existing main building. They would not have private rear yards. They would be sculpted to be a minimum of 42 ft. from the large Monterey Cypress trees that remain from the Laurel Hill Cemetery, so the lengths of the buildings would vary from approximately 35 to 72 feet long, and each unit would be approximately 25 feet wide. They would have 60 units, with the average unit size 1,283 gsf depending on location, and the buildings would be 40 feet tall and be constructed between Laurel Street and Walnut Street. Two adjacent residential units would share one elevator, a common stairway and one mechanical shaft.

In this CFPV2, approximately 270 residential units would be provided in the existing main building, averaging 1,377gsf. The developer can configure the size of the units and/or eliminate the office use. Internal Light Courts similar to those described on Developer's August 17, 2017 plan sheets A6. 15 and A6. 16 will be located where feasible.

For these units, parking with direct access would be provided in the existing underground garage in the main building.

A new 70-foot tall Walnut Building would be built along California Street between Walnut Street and Presidio Avenue. This building would contain approximately 310 residential units with an average 1,085 gsf. The developer can configure the size of the units. For these units, parking with direct access would be provided in the new underground garage constructed under this building.

In the CFPV2, a new 40-foot tall Mayfair Building, based on the Developers' design and layout, would be constructed approximately east of Mayfair Drive at Laurel Street. The Mayfair Building would have 30 residential units with an average size of 1,556 gsf. The Mayfair Building would not contain an underground parking garage. For these units, parking would be provided in the new underground garages constructed under the California Street Front and Back Buildings. The Mayfair Building would be constructed of window walls designed to be compatible with the character-defining features of the windows in the existing main building.

Under the CFPV2, all Truck Loading or Unloading is proposed to occur in the underground garage accessed on Presidio Avenue, and trucks and automobiles will have ingress and egress to these areas for loading, unloading, pick-ups, drop-offs and parking. Passenger vehicles and automobiles will also have ingress and egress to the site through the Walnut Gate at Walnut and California Streets and through the Mayfair Gate at Mayfair and Laurel streets. Passenger vehicles and automobiles will also have access to a turnaround for passenger loading and unloading through the Laurel Street gate and through the Walnut gate.

SUMMARY OF BUILDING CALCULATIONS

The Community Full Preservation Alternative Variant 2 re-purposes the historic main building and utilizes a combination of new designs and the developers design, unit configuration layouts, sizes, etc.

The Community Full Preservation Alternative Variant 2 preserves both the historic Eckbo Terrace and the existing landscaped green spaces along Euclid Avenue and Presidio

Avenue and some of Laurel Street.

To this day the green spaces are used by families, friends, children, moon-watchers, etc..

The Community Full Preservation Variant 2 uses much of the DEIR Community Full Preservation Alternative Variant submitted in response to the Draft EIR with the following major changes: Developer's Laurel Hill Duplexes added(5); Developer's Mayfair Building adopted; Walnut Building enhanced; one level, Level 5, added to the core of the main building; ground level Walnut Passage created. California St. Front and Back Buildings remain unchanged.

There is no retail.

The Community Full Preservation Alternative Variant 2 is shown on pg. 3 above.

Masonic Building: Eliminated to preserve the historic green-space encompassing Eckbo Terrace. Retaining this historic green space will provide a place for the public to host resident events such as July 4 barbecues, etc. with views of the City.

No underground parking garage in this area.

Euclid Building: Eliminated to preserve the historic parklike greenspace and the historic main building that occupies Laurel Hill. It allows the childcare center and play area to remain in its present location in the sun as opposed to the developer's proposed heavily shadowed area alongside the Credit Union.

No underground parking garage in this area.

Laurel Duplexes: Similar to developer's submission of 07.03.2019 modified to reduce height to 30 ft. and top floor set back 15 ft. References: A10.01(two southernmost duplexes eliminated to preserve Historic Laurel Hill), A10.02(same comment), A10.03, A10.11(modified for height, setback and elimination of Duplex 01 & 02), A10.12(same comment), A10.13(same comment), A10.21(same comment), A10.23(same comment), A10.24(same comment), A10.25(same comment).

As noted previously the two townhomes at the top of Laurel St. have been eliminated to preserve this historic green space. The five remaining townhomes are lowered from 40 ft. to 30 ft. to better reflect the 20 ft. homes on the west side of Laurel St. Additionally the third floor is set back 15 ft.

Mayfair Building: Generally identical to developers' 07/03/2019 submission: predominant reference A9.01, A9.02, A9.03, A9.04, A9.11, A9.12, A9.21, A9.22, A9.30, A9.60.

No underground parking garage.

California St. Front: The 4-story townhome buildings occupy an approximately 400 ft. long by 75ft. deep (plus 25 ft backyard) section along California St. between Laurel St. and Walnut St. presently occupied by surface parking lots. Reference: Site Survey R0.00

PPA/EEA 03.23.2016; Draft EIR Fig. 2.23; DEIR Fig. 2.24. Building footprint 30,000gsf.

California St. Back: The 4-story townhome buildings occupy approximately 375 ft. of the rear portion of this section along California St. between Laurel St. and Walnut St. In order to preserve the historic Monterey Cypress trees the units vary in depth from 35 ft. to 72 ft.

The footprint of these building is approximately 19,238gsf.

Walnut Building: The enhanced Walnut Building is re-designed to provide a 7-story residential building. As this building is flanked by the Main Building and the Credit Union and is opposite the 65 ft. tall JCC, it is compatible with the character of its surroundings.

The 48,050 square foot net footprint was determined from dimensions in developer's Submittals of 03.06.2017 & 07.03.2019: reference VAR 13, 14, 19.

General dimensions: Southside east-west 305ft; Northside east-west 240ft; North-south : 175ft.; Triangle near Credit Union: 155ft. base, 175ft. height. Adjusted for light-courts and setbacks.

Main Building: The Community Full Preservation Alternative Variant 2, unlike the developer's Variant, does not destroy the historic characteristics of the building and fully complies with the Secretary of the Interior's Standards for the treatment of historic properties. The Draft EIR acknowledges that the developer's design would have a substantial adverse effect on the historic characteristics of the listed building and

landscaping.

The developer proposes to cut a 40 ft. gap through all levels of the main building thereby creating two separate structures, and adding two and three levels on top, thereby impairing the horizontality of the building.

The Community Full Preservation Alternative Variant 2, in accordance with the SOISs, adds one level, Level 5, to the main building. The developer would add add Level 5, Level 6 and Level 7.

Walnut Passage: In order to construct the developer's 40 ft. wide Walnut Walk which would connect the north and south sides of the property in alignment with Walnut St. the developer proposes to bifurcate the building with a 40 ft cut through all existing levels of the building.

There is a better solution.

The Community Full Preservation Alternative Variant 2 design calls for a ground level 15 ft high (Level 1) by 20 ft. wide entry/exit on the north and south sides of the building. This entry/exit would extend 35 ft. into the building where it would open up into a 35 ft. wide by 75 ft. long landscaped Center Court which also serves as a Light Court in the building.

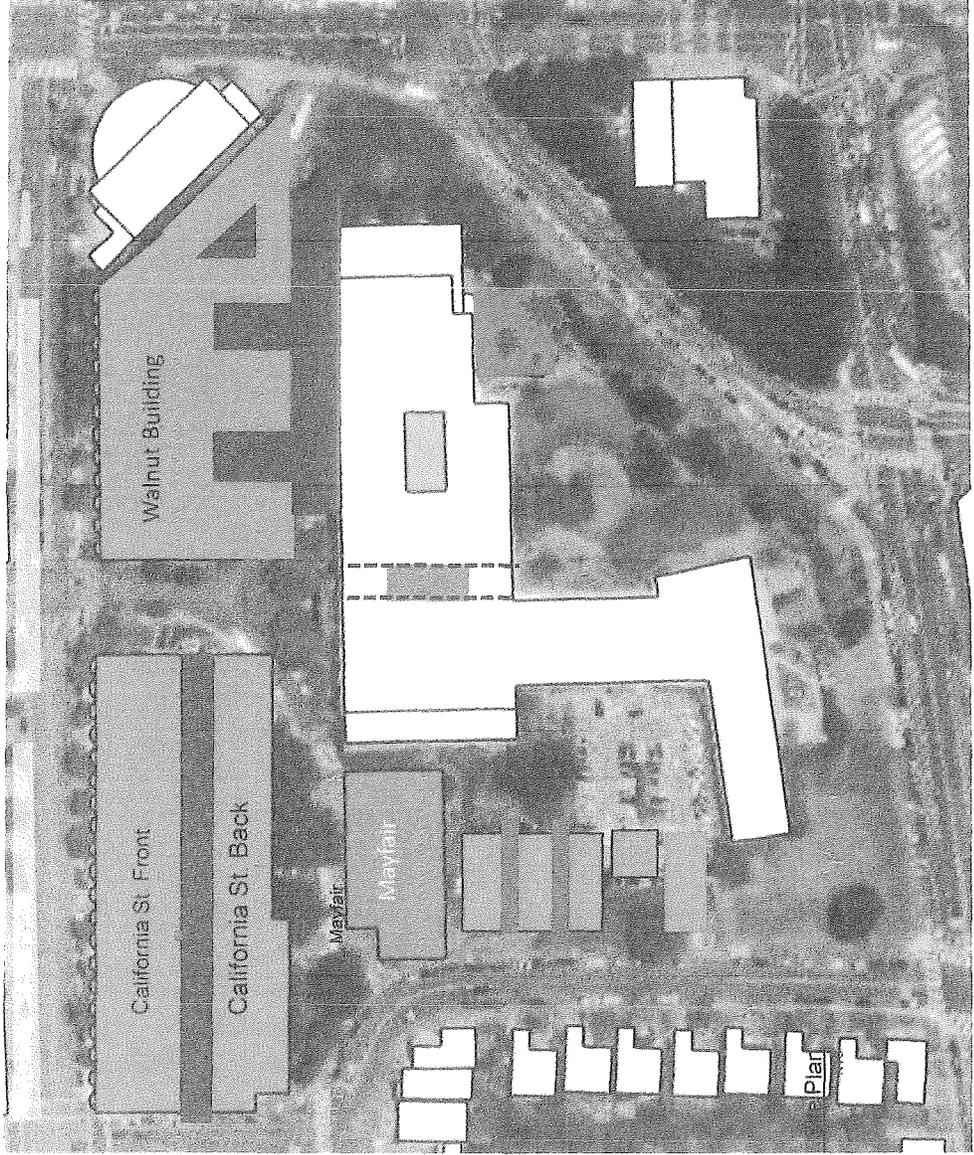
This design fully maintains the historic characteristics of the Main building while at the same time meeting the developer's desire for connectivity in alignment with Walnut St.

A case of form follows function.

Summary: Same number of units (744) in less than 4 years, more residential gsf than the

developer's proposal, compliant with RM-1 zoning, historically compatible, neighborhood responsive.

Community Full Preservation Alternative Variant 2



Community Full Preservation Alternative Variant 2 Determination of Eligibility



STATE OF CALIFORNIA - THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942856
SACRAMENTO, CA 94238-0001
(916) 445-7000 Fax: (916) 445-7063
oahp@parks.ca.gov



August 31, 2018

John Rothman, President
Kathryn Devincenzi, Vice President
Laurel Heights Improvement Association of San Francisco
22 Iris Avenue
San Francisco, California 94118

RE: Fireman's Fund Insurance Company, Determination of Eligibility
National Register of Historic Places

Dear Mr. Rothman and Ms. Devincenzi:

I am writing to inform you that on August 29, 2018, Fireman's Fund Insurance Company was determined eligible for the National Register of Historic Places (National Register). As a result of being determined eligible for the National Register, this property has been listed in the California Register of Historical Resources, pursuant to Section 4951(a)(2) of the California Code of Regulations.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property determined eligible for the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist.

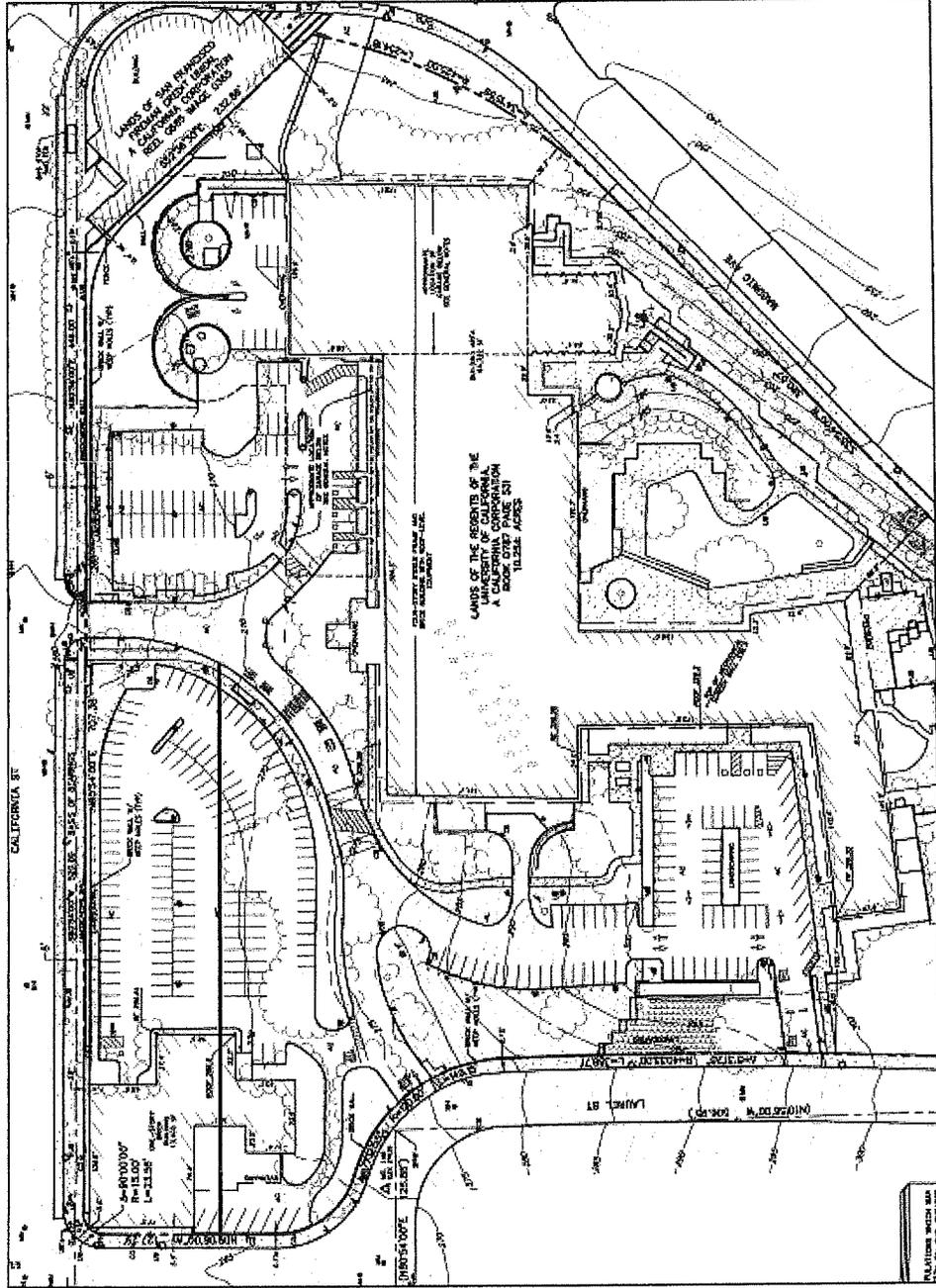
If you have any questions or require further information, please contact Jay Correia of the Registration Unit at (916) 445-7008.

Sincerely,

Julianne Polanco
State Historic Preservation Officer

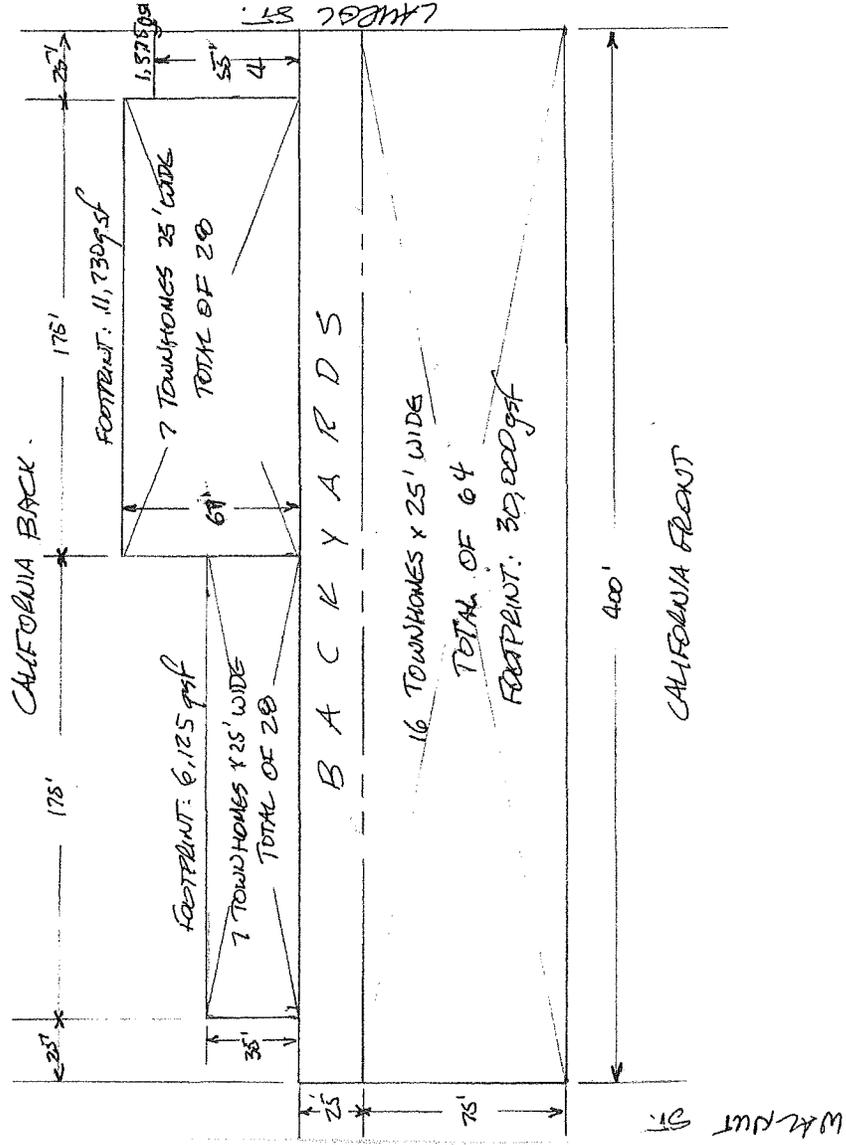
Enclosure

3333 California "As Is" Site Topography & Layout



Community Full Preservation Alternative Variant 2

California St. Layouts



Community Full Preservation Alternative Variant 2
 California St. Calculations

CFPA VARIANT 2

CALIFORNIA FRONT & BACK -

CALIFORNIA FRONT 400' Leavel St. to Walnut St

(Site Survey RD 00 dtd 03.23.2016)

Sixteen Rows 25' Wide Units

Each unit 25' x 75'

Total Units: 64

CALIFORNIA BACK 375' Length -

Seven Tomatoes 25' Wide x 35' Deep

Seven " 25' " x 67' Deep

One " 25' " x 55' "

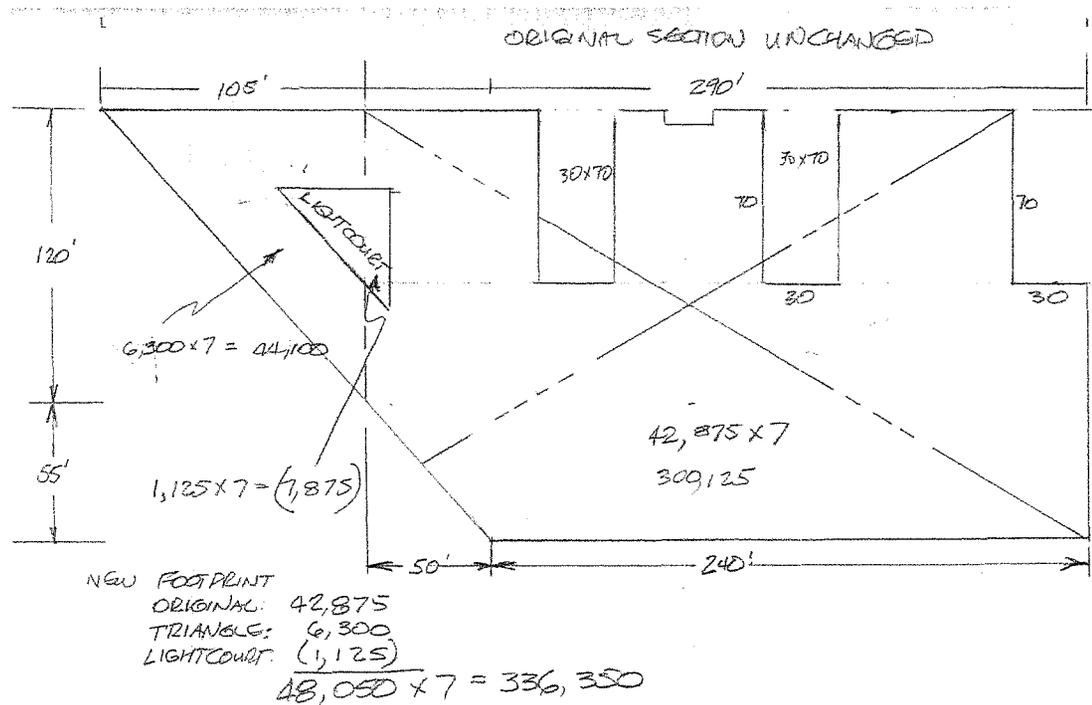
Total Units: 60

ROOT PLANTS:

Calif. Front: 30,000 sqft x 4 = 120,000 sqft

Calif. Back: 19,238 sqft x 4 = 76,952 sqft

Community Full Preservation Alternative Variant 2 Walnut Building Layout



Comparison of Developers' Variant and Community Full Preservation Alternative Variant 2

	Developers Proposed Variant 7/3/2019			Community Full Preservation Alternative Variant 2		
	Residential GSF	Units	Avg. Size	Residential GSF	Units	Avg. Size
BUILDING						
Masonic	83,505	57	1,465	N/A		
Euclid	184,170	139	1,325	N/A		
Laurel Townhomes	55,300	14	3,950	34,935	10	3,494
Mayfair	46,680	30	1,556	46,680	30	1,556
Plaza A/California Front	66,755	67	996	120,000	64	1,875
Plaza B/California Back	72,035	61	1,181	76,952	60	1,283
Walnut	147,590	186	793	336,350	310	1,085
Main Building	N/A			371,734	270	1,377
Center A	89,735	51	1,760	N/A		
Center B	231,667	139	1,667	N/A		
TOTAL Residential GSF	977,437	744	1,314	986,651	744	1,326

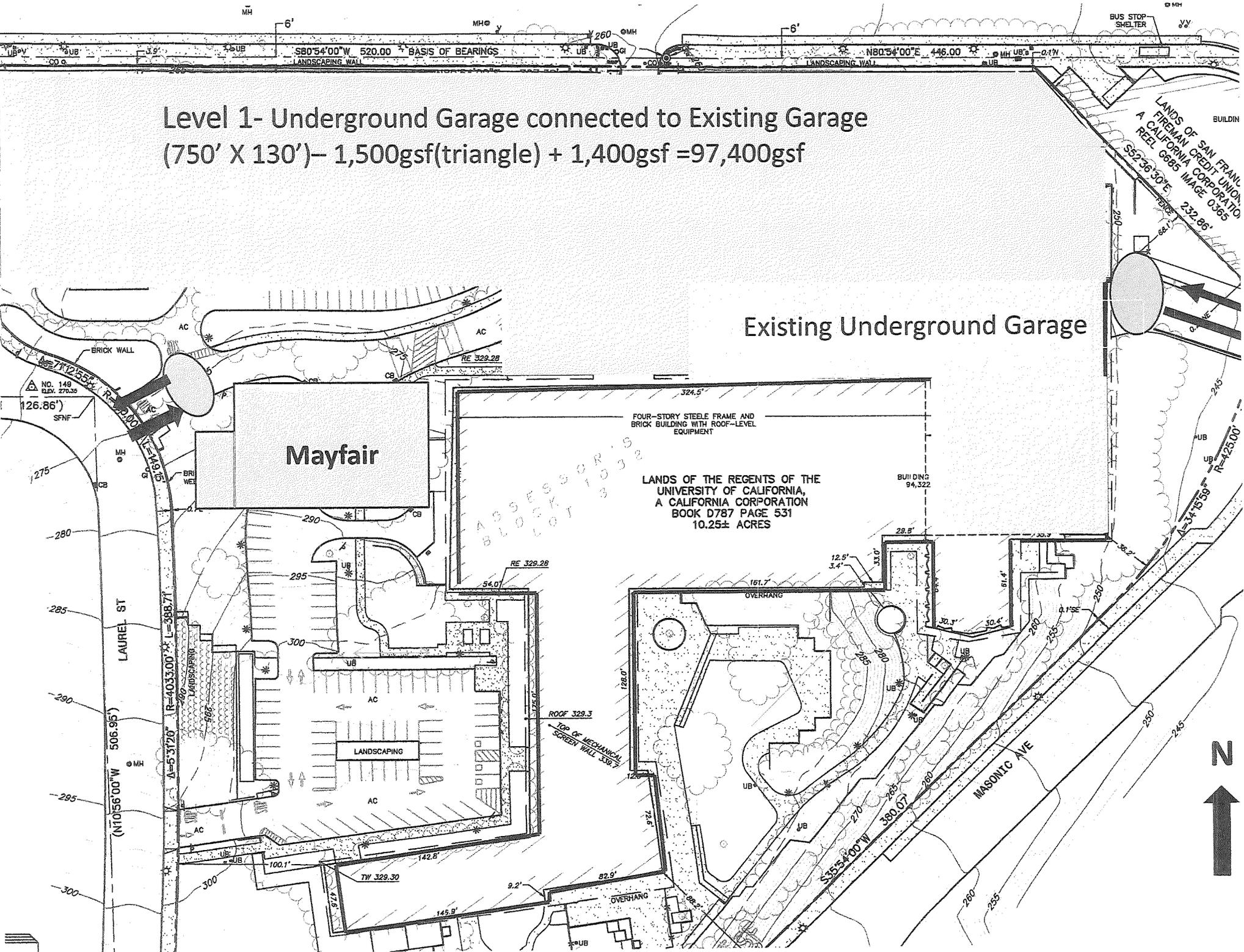
Level 1- Underground Garage connected to Existing Garage
 (750' X 130')- 1,500gsf(triangle) + 1,400gsf =97,400gsf

Existing Underground Garage

Mayfair

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LANDS OF SAN FRANCISCO
 FIREMAN CREDIT UNION
 A CALIFORNIA CORPORATION
 REEL 6685 IMAGE 0365
 552°36'50"E 232.86'



Level 2-Underground Garage
(600' X 130') + 1,400gsf = 79,4000gsf

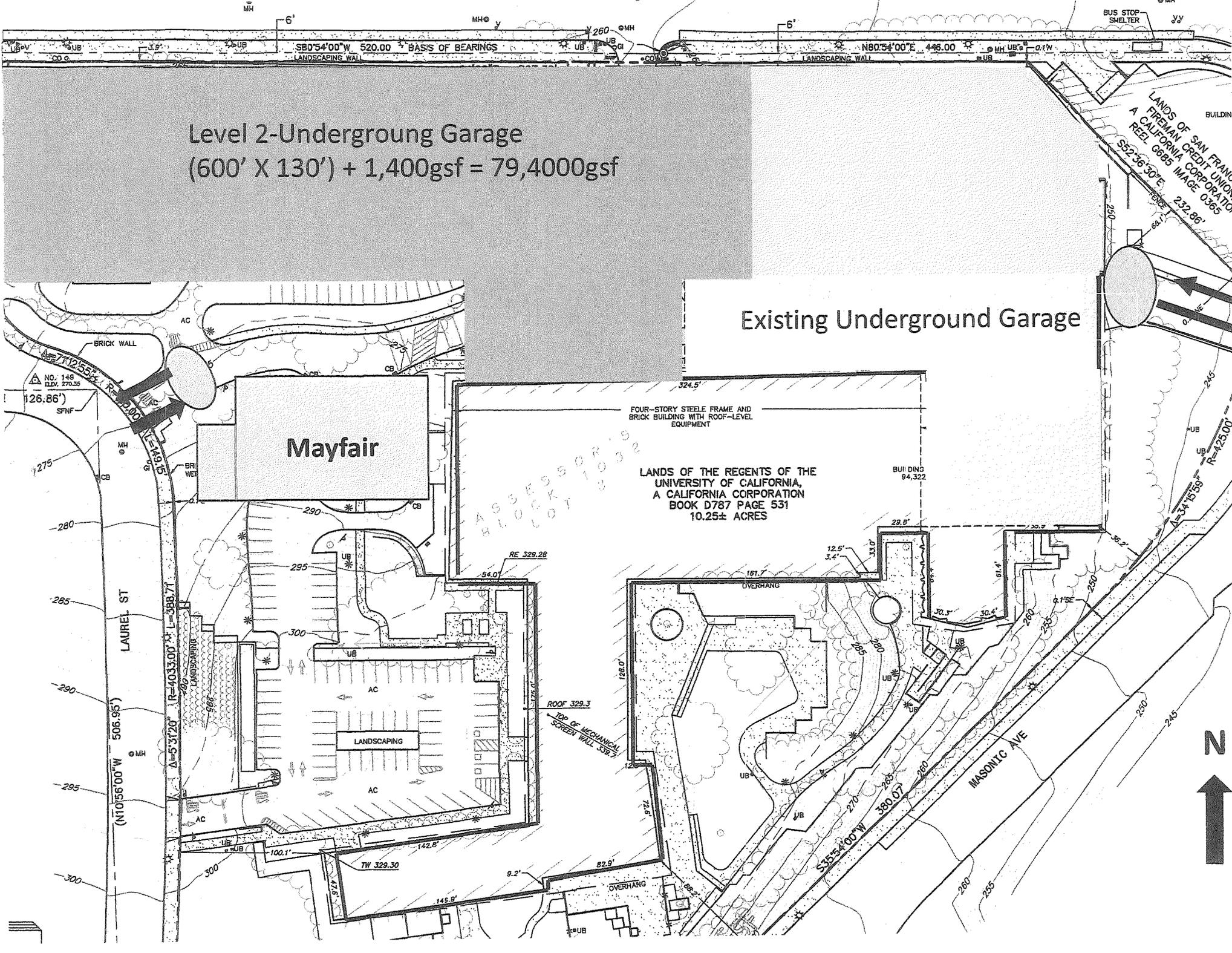
Existing Underground Garage

Mayfair

FOUR-STORY STEEL FRAME AND
BRICK BUILDING WITH ROOF-LEVEL
EQUIPMENT

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REEL 0685 IMAGE 0365



COMMUNITY FULL PRESERVATION ALTERNATIVE VARIANT 2

and

COMMUNITY PRESERVATION LOOKALIKE VARIANT

PARKING NARRATIVE

Find attached the drawings of the layout, with dimensions, of the new California St. underground garage. In addition, a Summary of the Developers and FPCA Parking details is also attached.

There is 93,000gsf of parking under the main building, shown in pink, which provides 212 parking spaces as well as spaces for truck loading/unloading. This will be connected to the new parking garage. Cars will be able to enter and leave the garage complex via Presidio, California (at Walnut) and Laurel.

This portion of the garage is connected internally to the main building via elevators and stairways.

The new one and a half level underground garage will consist of approximately 174,000 gsf of parking providing 346 spaces for cars, 6 freight loading docks and 600 bicycle spaces.

Total parking gsf is approximately 267,000 gsf for a total of 558 car parking spaces.

The Walnut Building as well as the California Building, Front and Back will have elevator and stairway access to the new parking garage. There will be additional entryways to/from the garage for residents of the Mayfair Building.

The Laurel townhomes have their own organic parking and are not shown in the totals.

PARKING GARAGE SUMMARY

	A	B	C	D	E
1					
2					
3					
4		GROSS SQUARE FEET	SPACES	AVG. SIZE GSF	
5	DEVELOPER (VAR.01a)				
6	TOTAL	401,234	857	468	includes 693 bicycles and 6 freight loading spaces.
7					
8					
9	COMMUNITY ALTERNATIVES				
10	UCSF Existing	93,000	212	439	
11	New Level 1	96,000			
12	New Level 2	78,000			
13	New Total	174,000	346	500	
14	TOTAL	267,000	558	478	includes 693 bicycles and 6 freight loading spaces.

Level 1- Underground Garage connected to Existing Garage
(750' X 130')- 1,500gsf(triangle) + 1,400gsf = 97,400gsf

Existing Underground Garage

Mayfair

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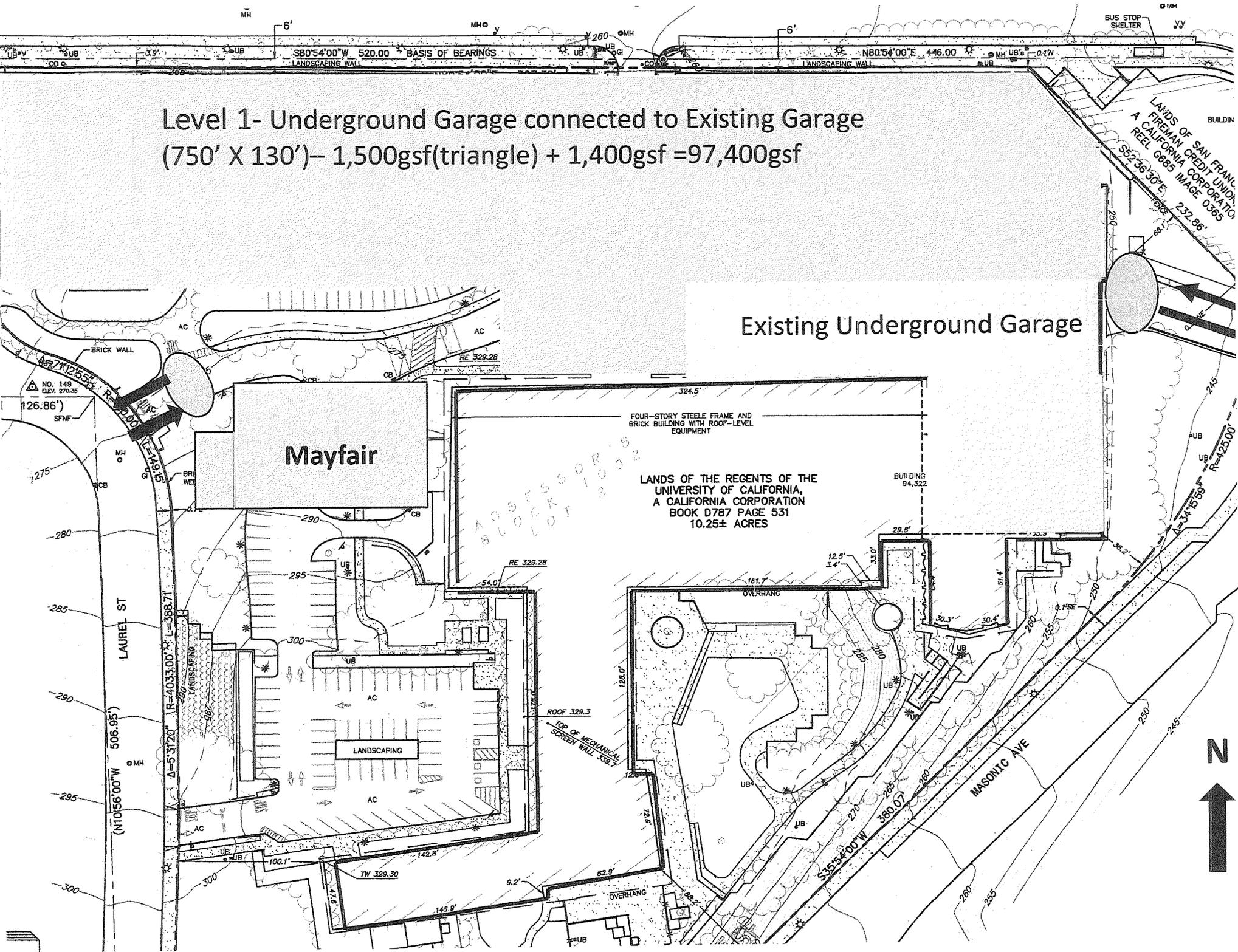


EXHIBIT G

PROJECT AREAS

PROJECT TOTALS	Bldg	Residential Gross SF	Retail Gross SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
	Plaza A	66,150	14,178	0	0	84,950	144,878
Plaza B	72,220	11,328	0	0	62,070	145,618	
Walnut	0	24,324	49,999	14,690	174,440	263,453	
Center Bldg A	89,465	0	0	0	0	89,465	
Center Bldg B	233,423	0	0	0	19,258	252,681	
Masonic	88,906	0	0	0	35,986	124,892	
Euclid	177,345	4,287	0	0	51,991	233,623	
Laurel Duplexes	54,111	0	0	0	4,728	58,839	
Mayfair	43,071	0	0	0	15,750	58,821	
Total	824,691	54,117	49,999	14,690	428,773	1,372,270	

UNIT MIX/COUNT

PROJECT TOTALS	Level	JR	1-BED	2-BED	3-BED	4-BED or PH	TOTAL
	Plaza A	18	22	23	4	0	67
Plaza B	9	21	25	6	0	61	
Walnut	0	0	0	0	0	0	
Center Bldg A	0	24	11	10	6	51	
Center Bldg B	0	50	51	29	9	139	
Masonic	0	27	24	10	0	61	
Euclid	0	50	54	31	0	135	
Laurel Duplexes	0	0	1	1	12	14	
Mayfair	0	14	6	10	0	30	
Total	27	208	195	101	27	558	
	5%	37%	35%	18%	5%	100%	

PARKING PROVIDED

PROJECT TOTALS	Bldg	Residential Parking	Retail Parking *	Office Parking	Childcare Parking	Commercial Parking	Total	Car share	Loading Areas
	Plaza A	67	43	0	0	0	-	0	0
Plaza B	61	34	0	0	60	-	10	0	
Walnut	0	48	100	29	0	-	0	3	
Center Bldg A	51	0	0	0	0	-	0	0	
Center Bldg B	139	0	0	0	0	-	0	0	
Masonic	61	0	0	0	0	-	0	3	
Euclid	137	13	0	0	0	-	0	0	
Laurel Duplexes	12	0	0	0	0	-	0	0	
Mayfair	30	0	0	0	0	-	0	0	
Total	558	138	100	29	60	885	10	6	

* Plaza A+B retail parked at 3/1000, assumed half of area at 2/1000 "retail general" and half of area 4/1000 "food and beverage"
 * Walnut retail parked at 2/1000, assumed "retail general"
 * Euclid retail parked at 4/1000, assumed to be "food and beverage" and are located in the California Street garage
 * The parking spaces for the Laurel townhomes without a garage are located in the Euclid garage (2)
 * 6 Plaza A Residential spaces are located in the Plaza B parking area

BIKE PARKING (SEC. 155):
 REQUIRED CLASS ONE: PROVIDED
 RES: 100 + 1/4 DU OVER 100 = 215 558 - COMPLIES
 OFFICE: 1/5,000 GSF = 49,999/5,000 = 10 10 - COMPLIES
 RETAIL: 1/7,500 GSF = 54,117/7,500 = 8 14 - COMPLIES / EXCEEDS
 CHILDCARE: 1/20 CHILDREN = 172/20=8 10 - COMPLIES

REQUIRED CLASS TWO: PROVIDED
 RES: 1 / 20 DU = 558/20 = 28 37 - COMPLIES / EXCEEDS
 OFFICE: 2 REQ'D IF <50,000 GSF 2 - COMPLIES
 RETAIL: 10 + 1/10,000 >50K GSF = 10 10 - COMPLIES
 FOOD/BEV: 1/750 SF = 16,882/750 = 23 23 - COMPLIES
 CHILDCARE: 1/20 CHILDREN = 8 10 - COMPLIES / EXCEEDS

3333 CALIFORNIA STREET SAN FRANCISCO, CA

PROJECT DATA - SUMMARY



08.17.2017
 PLANNING APPLICATION SUBMITTAL

G3.02a

EXHIBIT H

PLANNING APPLICATION
RE-SUBMITTAL 2

JULY 03, 2019

PLANNING APPLICATION RESUBMITAL 1 - FEBRUARY 22, 2019
PLANNING APPLICATION SUBMITAL - AUGUST 1, 2017

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3333 CALIFORNIA STREET SAN FRANCISCO, CA

COVER SHEET



SKS

JAMES
CORNER
FIELD
OPERATIONS



ARUP BAR architects



07.03.2019

PLANNING APPLICATION RESUBMITTAL

CS

PROJECT AREAS

PROJECT TOTALS	Bldg	Residential	Retail	Retail	Retail	Office	Childcare	Garage	TOTAL
		Gross SF	Gross SF	Food and Bev. SF	Core	Gross SF	Gross SF	Gross SF	GSF
	Plaza Bldg A	66,755	7,408	7,408		0	0	62,190	143,7
	Plaza Bldg B	72,035	5,590	5,590		0	0	50,542	133,7
	Walnut	0	14,265	0		49,999	13,630	152,425	230,3
	Center Bldg A	89,735	0	0	0	0	0	0	89,7
	Center Bldg B	231,667	0	0	0	0	0	22,731	254,3
	Masonic	83,505	0	0	0	0	0	14,220	97,7
	Euclid	184,170	0	0	0	0	0	42,360	226,5
	Laurel Duplexes	55,300	0	0	0	0	0	4,960	60,2
	Mayfair	46,680	0	0	0	0	0	12,360	59,0
	Total	829,847	27,263	12,998	0	49,999	13,630	361,788	1,295,5

UNIT MIX/COUNT

Level	JR	1-BED	2-BED	3-BED	4-BED or PH	TOTAL
Plaza Bldg A	18	22	23	4	0	67
Plaza Bldg B	9	21	25	6	0	61
Walnut	0	0	0	0	0	0
Center Bldg A	0	24	11	10	6	51
Center Bldg B	0	51	49	30	9	139
Masonic	0	22	25	10	0	57
Euclid	0	55	54	30	0	139
Laurel Duplexes	0	0	0	2	12	14
Mayfair	0	12	7	11	0	30
Total	27	207	194	103	27	558
	5%	37%	35%	18%	5%	100%

PARKING PROVIDED

Bldg	Dwelling Units	Res 0 to 1.5/du	Res Total TDM Provided	Childcare	Childcare Req'd 1.5/25 children	Total TDM Provided	Retail (general) x 0.8 *	Retail (general) Code 1.5/500 asf	Total Retail TDM Provided	Retail (F&B) x 0.8*	Retail (F&B) Code 1.5/200 asf	Total Retail TDM Provided	Office x 0.8*	Office Code 1.5/500 asf	Total Office TDM Provided	Commercial	Commercial Req'd	Total Com. Provided
Plaza Bldg A	67	101	67	0	0	0	5,926	18	18	5,926	44	14	0	0	0	0	0	0
Plaza Bldg B	61	92	61	0	0	0	4,472	13	10	4,472	34	14	0	0	0	0	0	0
Walnut	0	0	0	179 children	11	29	11,412	34	30	0	0	0	39,999	120	80	0	0	0
Center Bldg A	51	77	51	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Center Bldg B	139	209	139	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Masonic	57	86	57	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Euclid	139	209	139	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Laurel Duplexes	14	21	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mayfair	30	45	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total		837	558		11	29		65	58		78	28		120	80		0	0
Car Share:	4	Required Residential		5	Required Non-Residential		9	Total Required		10	Total Car Share Provided							Total Parking on Site: 763

* Occupied Floor Area (OFA) is assumed to be 80% of tenant floor area per NOPDR1

CLASS 1 BIKE PARKING

Bldg	Dwelling Units	Stalls Req'd 1/du to 100 then 1/4du	Total Res. Provided	Childcare	Stalls Req'd 1/20 children	Total Provided	Retail (general) x 0.8	Retail (general) Req'd 1/7,500sf	Total Retail Provided	Retail (F&B) x 0.8	Retail (F&B) Req'd 1/7,500sf	Total Retail Provided	Office x 0.8	Office Req'd 1/5,000sf	Total Office Provided
Plaza Bldg A	67	67	67	0	0	0	5,926	1	0*	5,926	1	0*	0	0	0
Plaza Bldg B	61	61	61	0	0	0	4,472	1	2	4,472	1	2	0	0	0
Walnut	0	0	0	179 children	9	10	14,265	2	4	0	0	0	39,999	8	8
Center Bldg A	51	51	51	0	0	0	0	0	0	0	0	0	0	0	0
Center Bldg B	139	110	139	0	0	0	0	0	0	0	0	0	0	0	0
Masonic	57	89	57	0	0	0	0	0	0	0	0	0	0	0	0
Euclid	139	110	139	0	0	0	0	0	0	0	0	0	0	0	0
Laurel Duplexes	14	14	14	0	0	0	0	0	0	0	0	0	0	0	0
Mayfair	30	30	30	0	0	0	0	0	0	0	0	0	0	0	0
Total		532	558		9	10		3	6		2	2		8	8

* Class 1 bike parking for retail in the Plaza buildings is centralized at the B1 level in Plaza B and adjacent to a locker and shower room

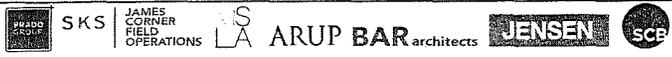
Total on Site: 584

CLASS 2 BIKE PARKING

Bldg	Dwelling Units	Stalls Req'd 1/20 du	Total Res. Provided	Childcare	Stalls Req'd 1/20 children	Total Provided	Retail (general) x 0.8	Retail (general) Req'd 1/2,500sf	Total Retail Provided	Retail (F&B) x 0.8	Retail (F&B) Req'd 1/750sf	Total Retail Provided	Office x 0.8	Office min 2, plus 1/50,000 sf	Total Office Provided
Plaza Bldg A	67	3	4	0	0	0	5,926	2	2	5,926	8	8	0	0	0
Plaza Bldg B	61	3	4	0	0	0	4,472	2	2	4,472	6	6	0	0	0
Walnut	0	0	0	179 children	9	10	8,500	4	4	0	0	0	39,999	3	4
Center Bldg A	51	3	4	0	0	0	0	0	0	0	0	0	0	0	0
Center Bldg B	139	7	8	0	0	0	0	0	0	0	0	0	0	0	0
Masonic	61	3	4	0	0	0	0	0	0	0	0	0	0	0	0
Euclid	139	7	8	0	0	0	0	0	0	0	0	0	0	0	0
Laurel Duplexes	14	1	2	0	0	0	0	0	0	0	0	0	0	0	0
Mayfair	30	2	2	0	0	0	0	0	0	0	0	0	0	0	0
Total		29	36		9	10		8	8		14	14		3	4

3333 CALIFORNIA STREET SAN FRANCISCO, CA

PROJECT DATA - PARKING SUMMAR



07.03.2019
PLANNING APPLICATION RESUBMITTAL

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Level	Residential Gross SF	Retail Uses SF	Retail Food and Bev. SF	Retail Core	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL
								GSF
3	24,615	0	0	0	0	0	0	24,615
2	24,615	0	0	0	0	0	0	24,615
1	14,745	2,268	2,268	0	0	0	0	19,281
B1	2,780	5,140	5,140	0	0	0	25,285	38,345
B2	0	0	0	0	0	0	36,905	36,905
B3	0	0	0	0	0	0	0	0
Total	66,755	7,408	7,408	0	0	0	62,190	143,761

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Retail Core	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL
								GSF
4	7,200	0	0	0	0	0	0	7,200
3	21,430	0	0	0	0	0	0	21,430
2	22,055	0	0	0	0	0	0	22,055
1	20,220	0	0	0	0	0	0	20,220
B1	1,130	5,590	5,590	0	0	0	13,982	26,292
B2	0	0	0	0	0	0	36,560	36,560
B3	0	0	0	0	0	0	0	0
Total	72,035	5,590	5,590	0	0	0	50,542	133,757

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL
							GSF
3	0	0	0	0	0	0	0
2	0	0	0	28,750	0	0	28,750
1	0	6,850	0	19,900	0	0	26,750
B1	0	1,350	1,349	12,450	41,615	0	56,764
B2	0	6,065	0	1,180	45,275	0	52,520
B3	0	0	0	0	65,535	0	65,535
Total	0	14,265	0	49,999	13,630	152,425	230,319

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL
							GSF
7	0	0	0	0	0	0	0
6	6,400	0	0	0	0	0	6,400
5	9,060	0	0	0	0	0	9,060
4	15,840	0	0	0	0	0	15,840
3	19,440	0	0	0	0	0	19,440
2	18,840	0	0	0	0	0	18,840
1	11,870	0	0	0	0	0	11,870
B1	2,955	0	0	0	0	14,220	16,275
Total	83,505	0	0	0	0	14,220	97,725

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL
							GSF
6	19,240	0	0	0	0	0	19,240
5	33,000	0	0	0	0	0	33,000
4	33,000	0	0	0	0	0	33,000
3	33,000	0	0	0	0	0	33,000
2	31,600	0	0	0	0	0	31,600
1	34,330	0	0	0	0	0	34,330
B1	0	0	0	0	0	42,360	42,360
Total	184,170	0	0	0	0	42,360	226,530

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL
							GSF
7	0	0	0	0	0	0	0
6	9,830	0	0	0	0	0	9,830
5	9,830	0	0	0	0	0	9,830
4	17,783	0	0	0	0	0	17,783
3	17,783	0	0	0	0	0	17,783
2	17,783	0	0	0	0	0	17,783
1	16,726	0	0	0	0	0	16,726
B1	0	0	0	0	0	0	0
B2	0	0	0	0	0	0	0
B3	0	0	0	0	0	0	0
Total	89,735	0	0	0	0	0	89,735

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL
							GSF
7	12,216	0	0	0	0	0	12,216
6	23,191	0	0	0	0	0	23,191
5	28,540	0	0	0	0	0	28,540
4	33,839	0	0	0	0	0	33,839
3	35,462	0	0	0	0	0	35,462
2	35,736	0	0	0	0	0	35,736
1	36,189	0	0	0	0	0	36,189
B1	11,800	0	0	0	0	10,034	21,834
B2	13,694	0	0	0	0	0	13,694
B3	1,000	0	0	0	0	12,697	13,697
Total	231,667	0	0	0	0	22,731	254,398

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL
							GSF
4	9,270	0	0	0	0	0	9,270
3	14,390	0	0	0	0	0	14,390
2	15,550	0	0	0	0	0	15,550
1	13,300	0	0	0	0	0	13,300
B1	2,790	0	0	0	0	4,960	7,750
Total	55,300	0	0	0	0	4,960	60,260

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL
							GSF
4	10,020	0	0	0	0	0	10,020
3	11,010	0	0	0	0	0	11,010
2	10,960	0	0	0	0	0	10,960
1	10,990	0	0	0	0	0	10,990
B1	3,700	0	0	0	0	12,360	16,060
Total	46,680	0	0	0	0	12,360	59,040

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PROJECT DATA - AREAS BY BUILDING



07.03.2019
PLANNING APPLICATION RESUBMITTAL

G3.01c

PLAZA BLDG A	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	3	5	11	10	2	0	28
	2	5	11	10	2	0	28
	1	8	0	3	0	0	11
	B1	0	0	0	0	0	0
	B2	0	0	0	0	0	0
	B3	0	0	0	0	0	0
	Total	18	22	23	4	0	67
	<i>Percentage</i>	27%	33%	34%	6%	0%	

PLAZA BLDG B	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	4	3	1	3	0	0	7
	3	3	7	9	2	0	21
	2	3	7	10	2	0	22
	1	0	6	3	2	0	11
	B1	0	0	0	0	0	0
	B2	0	0	0	0	0	0
	B3	0	0	0	0	0	0
	Total	9	21	25	6	0	61
	<i>Percentage</i>	15%	34%	41%	10%	0%	

MASONIC	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	6	0	1	3	1	0	5
	5	0	0	2	4	0	6
	4	0	5	7	1	0	13
	3	0	4	8	2	0	14
	2	0	7	5	1	0	13
	1	0	5	0	1	0	6
	B1	0	0	0	0	0	0
	Total	0	22	25	10	0	57
	<i>Percentage</i>	0%	44%	39%	16%	0%	100%

EUCLID	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	6	0	0	4	8	0	12
	5	0	11	15	3	0	29
	4	0	11	15	3	0	29
	3	0	11	15	3	0	29
	2	0	14	2	2	0	18
	1	0	8	3	11	0	22
	B1	0	0	0	0	0	0
	Total	0	55	54	30	0	139
	<i>Percentage</i>	0%	37%	40%	23%	0%	100%

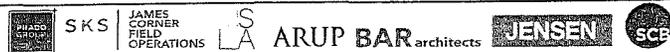
CENTER A	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	TH top	0	0	0	0	0	0
	5	0	0	0	0	0	6
	4	0	7	4	2	0	1
	3	0	7	3	3	0	1
	2	0	7	3	3	0	1
	1	0	3	1	2	0	0
	B1	0	0	0	0	0	0
	B2	0	0	0	0	0	0
	B3	0	0	0	0	0	0
Total	0	24	11	10	6	5	
<i>Percentage</i>	0%	47%	22%	20%	12%	100%	

CENTER B	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	TH top	0	0	0	0	0	0
	6	0	2	4	1	0	1
	5	0	5	10	4	0	1
	4	0	7	7	7	0	2
	3	0	7	9	8	0	2
	2	0	11	8	6	0	2
	1	0	7	7	4	0	1
	B1	0	7	2	0	0	0
	B2	0	5	2	0	0	0
B3	0	0	0	0	0	0	
Total	0	51	49	30	9	13	
<i>Percentage</i>	0%	37%	35%	22%	6%	100%	

LAUREL DUPLEXES	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	1	0	0	0	2	12	1
	Total	0	0	0	2	12	1
	<i>Percentage</i>	0%	0%	0%	14%	86%	100%

MAYFAIR	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	4	0	1	1	4	0	1
	3	0	1	2	4	0	1
	2	0	4	2	2	0	1
	1	0	6	2	1	0	1
Total	0	12	7	11	0	3	
<i>Percentage</i>	0%	40%	23%	37%	0%	100%	

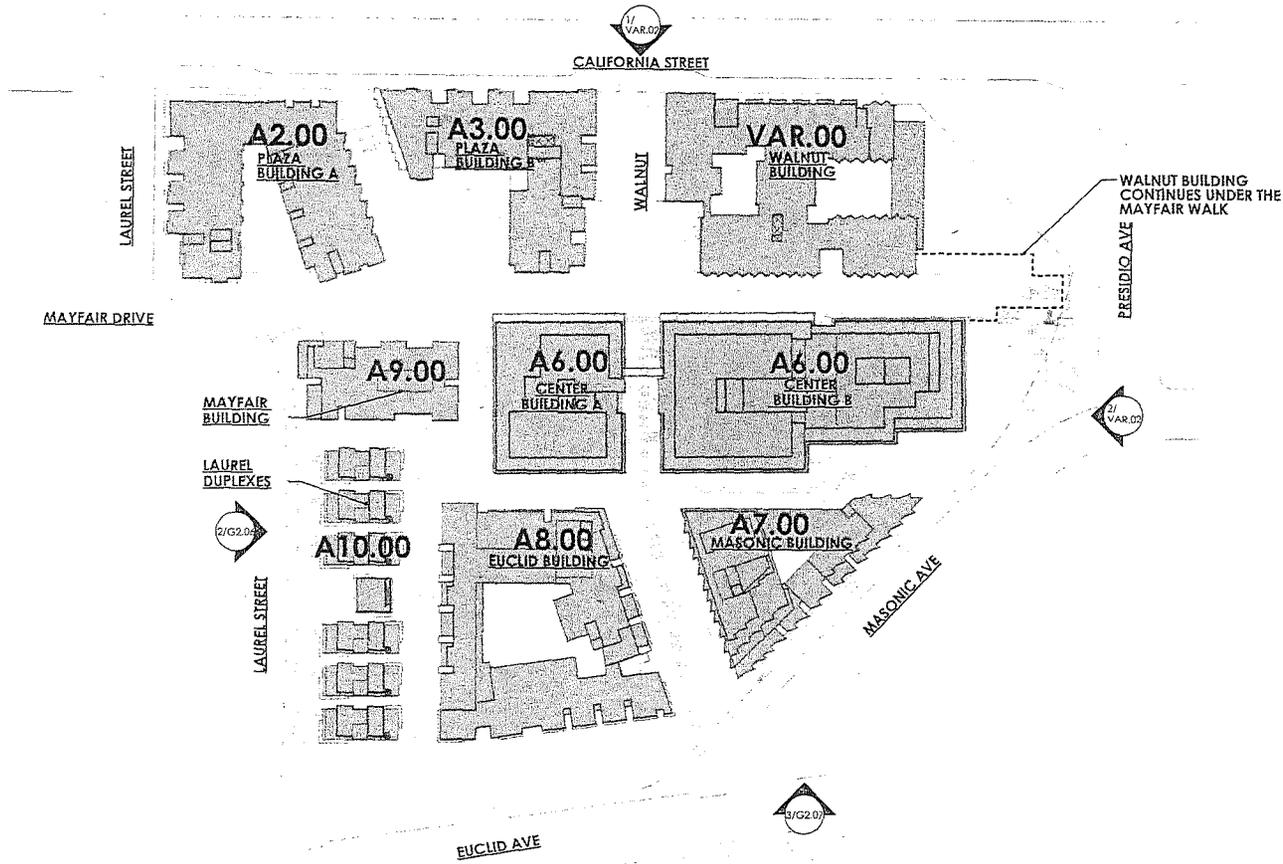
3333 CALIFORNIA STREET SAN FRANCISCO, CA



PROJECT DATA - UNIT COUNT BY BUILDING

07.03.2019
PLANNING APPLICATION RESUBMITTAL

G3.01d



3333 CALIFORNIA STREET SAN FRANCISCO, CA

KEYING SITE PLAN - EIR VARIANT 1



SKS

JAMES CORNER FIELD OPERATIONS



ARUP BAR architects



07.03.2019



VAR.00

WALNUT VARIANT AREAS

Level	Residential Gross SF	Retail SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
5	26,910	0	0	0	0	0	26,910
4	29,445	0	0	0	0	0	29,445
3	29,445	0	0	0	0	0	29,445
2	29,445	0	0	0	0	0	29,445
1	31,180	0	0	0	0	0	31,180
B1	1,165	8,500	0	0	13,465	39,635	62,765
B2	0	0	0	0	1,200	47,865	49,065
B3	0	0	0	0	0	78,445	78,445
Total	147,590	8,500	0	0	14,665	165,945	336,700

WALNUT VARIANT UNIT MIX

Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
5	0	36	0	0	0	36
4	0	39	0	0	0	39
3	0	39	0	0	0	39
2	0	37	0	0	0	37
1	0	34	1	0	0	35
B1	0	0	0	0	0	0
B2	0	0	0	0	0	0
B3	0	0	0	0	0	0
Total	0	185	1	0	0	186
<i>Percentage</i>	<i>0%</i>	<i>99%</i>	<i>1%</i>	<i>0%</i>	<i>0%</i>	<i>100%</i>

VARIANT TOTALS AREAS

Bldg	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
Plaza Bldg A	66,755	7,408	7,408	0	0	69,329	150,900
Plaza Bldg B	72,033	5,590	5,590	0	0	69,329	152,544
Walnut Variant	147,590	8,500	0	0	14,665	165,945	336,700
Center Bldg A	89,735	0	0	0	0	0	89,735
Center Bldg B	231,667	0	0	0	0	22,731	254,398
Masonic	83,505	0	0	0	0	14,220	97,725
Euclid	184,170	0	0	0	0	42,360	226,530
Laurel Duplexes	55,300	0	0	0	0	4,960	60,260
Mayfair	46,680	0	0	0	0	12,360	59,040
Total	977,437	21,498	12,998	0	14,665	401,234	1,427,832

VARIANT UNIT MIX TOTALS

Level	JR	1-BED	2-BED	3-BED	4-BED or PH	TOTAL
Plaza Bldg A	18	22	23	4	0	67
Plaza Bldg B	9	21	25	6	0	61
Walnut Variant	0	185	1	0	0	186
Center Bldg A	0	24	11	10	6	51
Center Bldg B	0	51	49	30	9	139
Masonic	0	22	25	10	0	57
Euclid	0	55	54	30	0	139
Laurel Duplexes	0	0	0	2	12	14
Mayfair	0	12	7	11	0	30
Total	27	392	195	103	27	744
	<i>4%</i>	<i>53%</i>	<i>26%</i>	<i>14%</i>	<i>4%</i>	<i>100%</i>

PARKING PROVIDED

VARIANT PARKING	Bldg	Dwelling Units	Res 0 to 1.5 / DU	Res Total TDM Provided	Childcare	Childcare Req'd 1.5/25 children	Total TDM Provided	Retail (general) x 0.8 *	Retail (general) Code 1.5/500 sf	Total Retail TDM Provided	Retail (F&B) x 0.8*	Retail (F&B) Code 1.5/200 sf	Total Retail TDM Provided	Office x 0.8*	Office Req'd 1.5/500 sf	Total Office TDM Provided	Commercial	Commercial Req'd	Total Com. Provided
	Plaza Bldg A	67	101		67	0	0	0	5,926	18	16	5,926	44	14	0	0	0	0	0
Plaza Bldg B	61	92		61	0	0	0	4,472	14	12	4,472	34	14	0	0	0	0	0	0
Walnut	186	279		186	179 children	11	29	6,800	21	18	0	0	0	0	0	0	0	0	0
Center Bldg A	51	77		51	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Center Bldg B	139	209		139	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Masonic	57	86		57	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Euclid	139	209		139	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Laurel Duplexes	14	21		14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mayfair	30	45		30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total			1,116	744		11	29		53	46		78	28		0	0		0	0
Car Share		5 Required Residential			3 Required Non-Residential			8 Total Required			10 Total Car Share Provided						Total Parking on Site: 857		

* Occupied Floor Area (OFA) is assumed to be 80% of tenant floor area per NOPDR1

CLASS ONE BIKE	Bldg	Dwelling Units	Stalls Req'd 1/du to 100 then 1/4du	Total Res. Provided	Childcare	Stalls Req'd 1/20 children	Total Provided	Retail (general) x 0.8	Retail (general) Req'd 1/7,500sf	Total Retail Provided	Retail (F&B) x 0.8	Retail (F&B) Req'd 1/7,500sf	Total Retail Provided	Office x 0.8	Office Req'd 1/5,000sf	Total Office Provided
	Plaza Bldg A	67	67	67	67	0	0	0	5,926	1	0*	5,926	1	0*	0	0
Plaza Bldg B	61	61	61	61	0	0	0	4,472	1	2	4,472	1	2	0	0	0
Walnut	186	122	186	186	179 children	9	10	6,800	1	4	0	0	0	0	0	0
Center Bldg A	51	51	51	51	0	0	0	0	0	0	0	0	0	0	0	0
Center Bldg B	139	110	139	139	0	0	0	0	0	0	0	0	0	0	0	0
Masonic	57	89	57	57	0	0	0	0	0	0	0	0	0	0	0	0
Euclid	139	110	139	139	0	0	0	0	0	0	0	0	0	0	0	0
Laurel Duplexes	14	14	14	14	0	0	0	0	0	0	0	0	0	0	0	0
Mayfair	30	30	30	30	0	0	0	0	0	0	0	0	0	0	0	0
Total			653	744		9	10		2	6		2	2		0	0

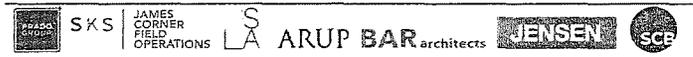
* Class 1 bike parking for retail in the Plaza buildings is centralized at the B1 level in Plaza B and adjacent to a locker and shower room

Total on Site: 762

CLASS TWO BIKE	Bldg	Dwelling Units	Stalls Req'd 1/20 du	Total Res. Provided	Childcare	Stalls Req'd 1/20 children	Total Provided	Retail (general) x 0.8	Retail (general) Req'd 1/2,500sf	Total Retail Provided	Retail (F&B) x 0.8	Retail (F&B) Req'd 1/750sf	Total Retail Provided	Office x 0.8	Office min 2, plus 1/50,000 sf	Total Office Provided
	Plaza Bldg A	67	3	3	4	0	0	0	5,926	2	2	5,926	8	8	0	0
Plaza Bldg B	61	3	3	4	0	0	0	4,472	2	2	4,472	6	6	0	0	0
Walnut	186	9	9	9	179 children	9	10	6,800	3	4	0	0	0	0	0	0
Center Bldg A	51	3	3	4	0	0	0	0	0	0	0	0	0	0	0	0
Center Bldg B	139	7	7	8	0	0	0	0	0	0	0	0	0	0	0	0
Masonic	61	3	3	4	0	0	0	0	0	0	0	0	0	0	0	0
Euclid	139	7	7	8	0	0	0	0	0	0	0	0	0	0	0	0
Laurel Duplexes	14	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0
Mayfair	30	2	2	2	0	0	0	0	0	0	0	0	0	0	0	0
Total			38	45		9	10		8	8		14	14		0	0

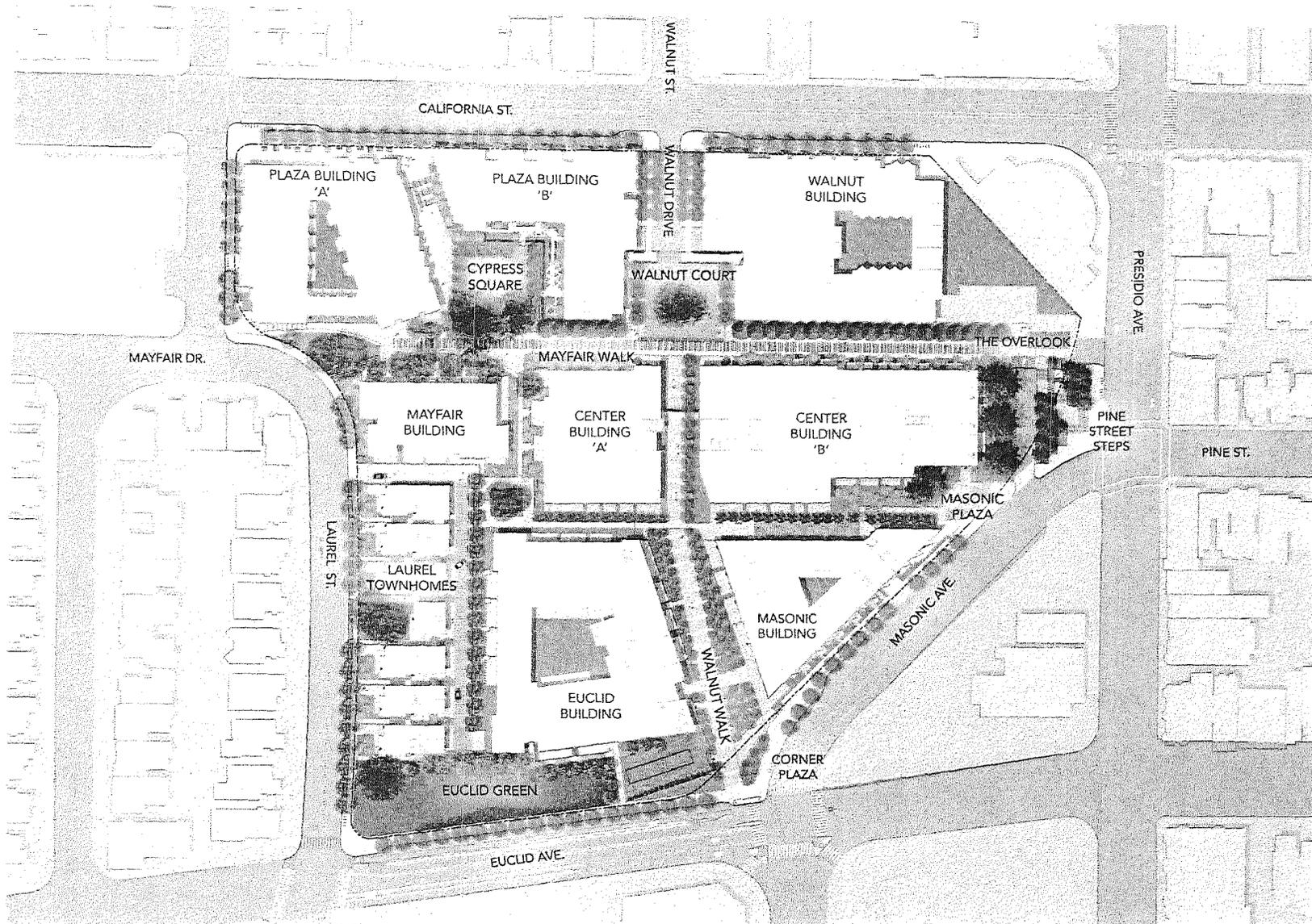
Total on Site: 77

3333 CALIFORNIA STREET SAN FRANCISCO, CA EIR VARIANT 1: PARKING SUMMARY



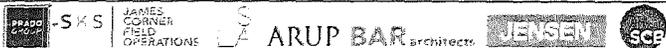
07.03.2019
PLANNING APPLICATION RESUBMITTAL

VAR.01b

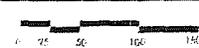


3333 CALIFORNIA STREET SAN FRANCISCO, CA

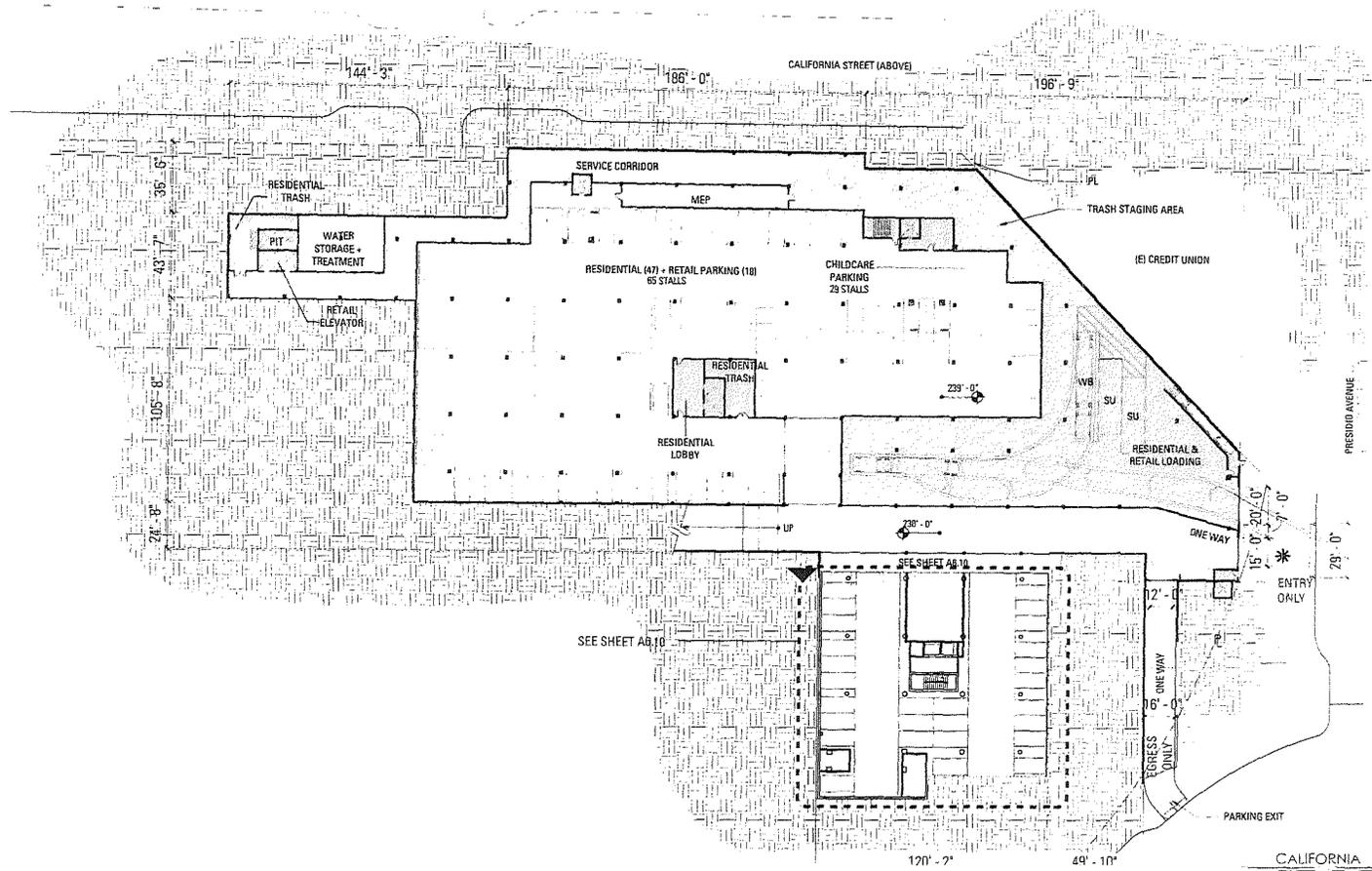
LANDSCAPE SITE PLAN



07.03.2019
PLANNING APPLICATION SUBMITTAL



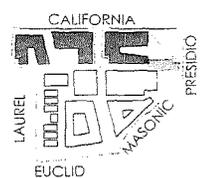
VAR.04



- CHILD CARE USABLE CHILD CARE 4.0 H.
- PARKING
- RETAIL USABLE RETAIL 3.0 F.
- OFFICE OFFICE 6.0 R.
- RESIDENTIAL HOME RESIDENTIAL CORE
- LANDSCAPED ROOF

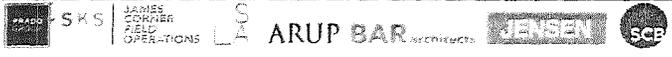
LEGEND INTENDED FOR USE ONLY WHERE PLANS ARE REPRODUCED IN COLOR

* ENTRY FOR: RETAIL, SR. HOUSING, CHILD CARE, OFFICE, & CENTER BUILDING B (SELECT STALLS)
 ** LOADING AREA USED FOR RETAIL, OFFICE, AND RESIDENTIAL TRASH COLLECTION AS WELL AS RESIDENTIAL AND RETAIL LOADING.

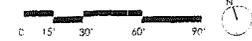


3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: CALIFORNIA STREET PARKING GARAGE - LEVEL B3

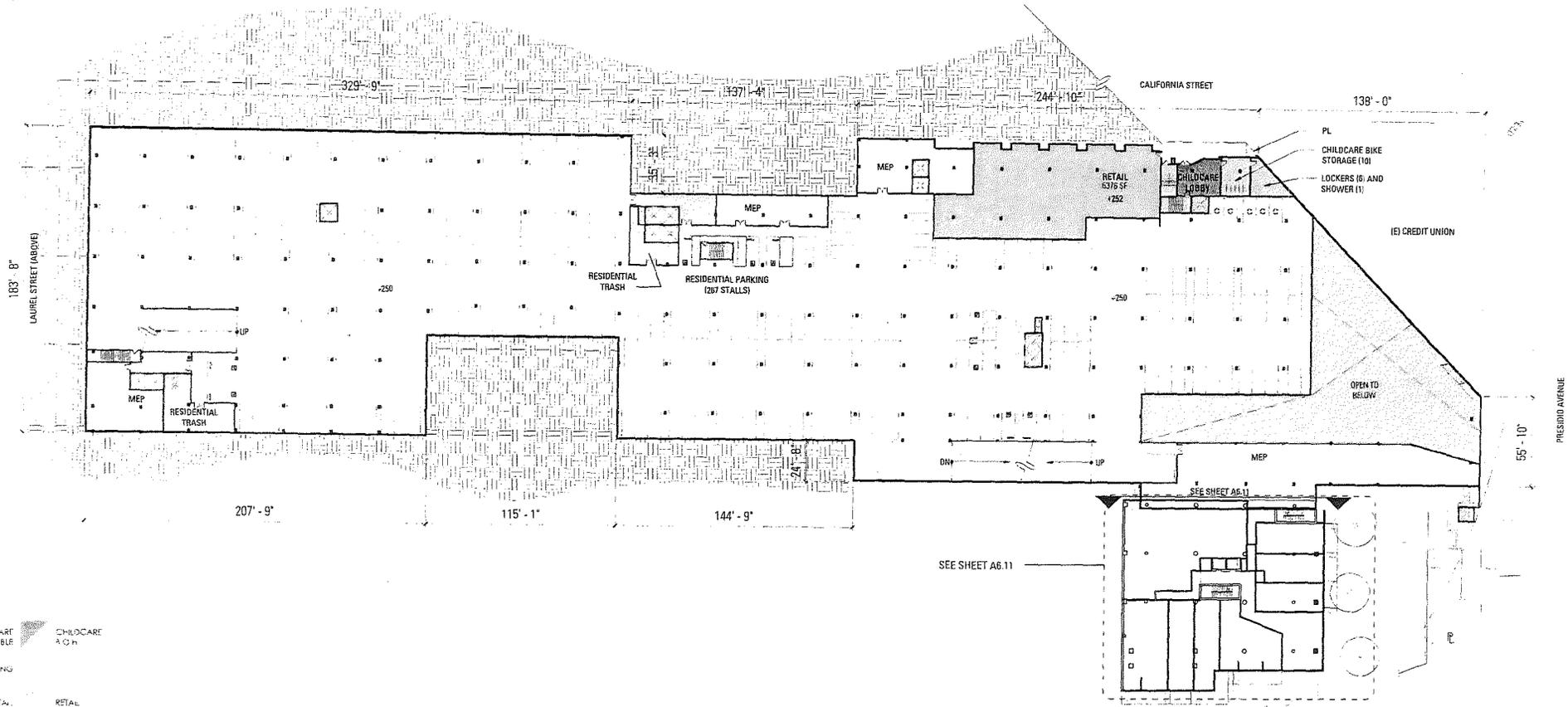


07.03.2019
 PLANNING APPLICATION RESUBMITTAL



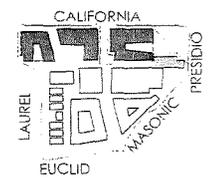
VAR.11

CONFIDENTIAL - FOR BIDDING



- CHILD CARE USABLE
- PARKING
- RETAIL USABLE
- OFFICE
- RESIDENTIAL HOMES
- LANDSCAPED ROOF
- CHILD CARE A/C H
- RETAIL A/C H
- OFFICE CORE
- RESIDENTIAL CORE

LEGEND INTENDED FOR USE ONLY WHERE PLANS ARE REPRODUCED IN COLOR



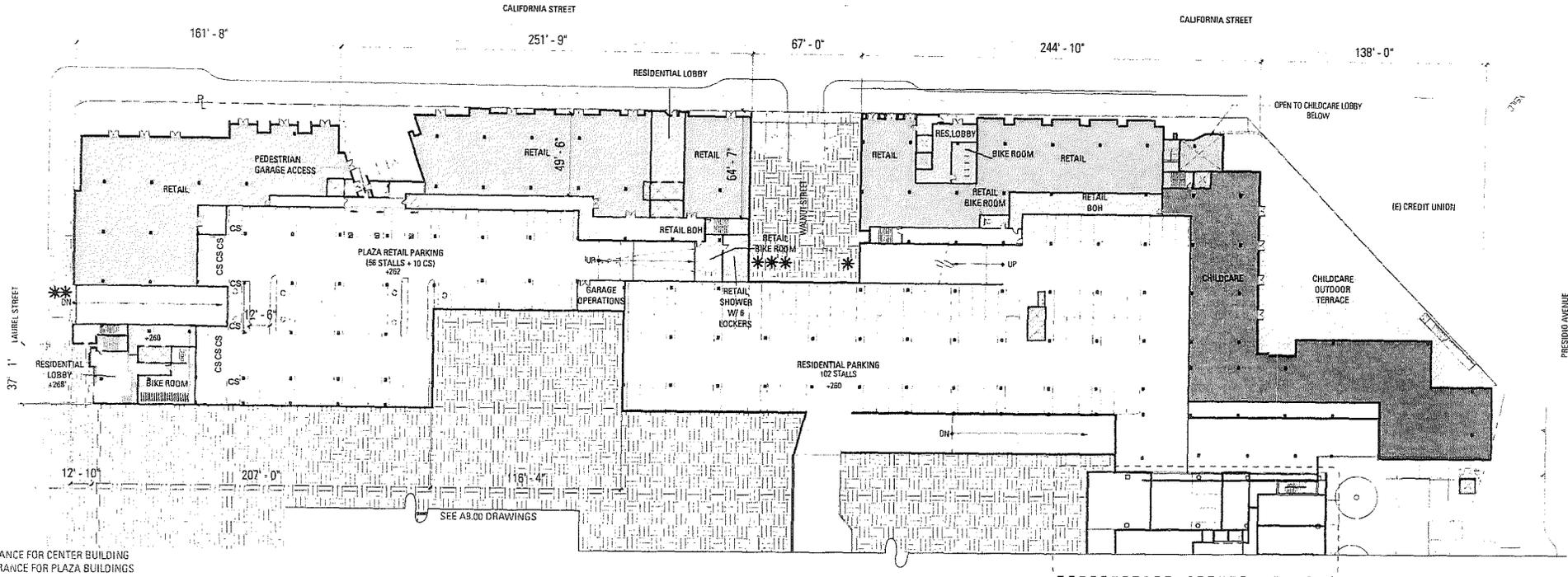
3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: CALIFORNIA STREET PARKING GARAGE - LEVEL B2

07.03.2019
 PLANNING APPLICATION RESUBMITTAL

VAR.12

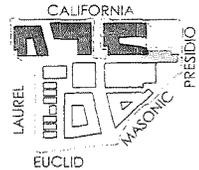
COPYRIGHT © 2019 ARUP



* ENTRANCE FOR CENTER BUILDING
 ** ENTRANCE FOR PLAZA BUILDINGS
 *** ENTRANCE FOR RETAIL AND CAR SHARE

- CHILDCARE USABLE
- PARKING
- RETAIL USABLE
- OFFICE
- RESIDENTIAL HOMES
- LANDSCAPED ROOF
- CHILDCARE BOH
- RETAIL BOH
- OFFICE CORE
- RESIDENTIAL CORE

LEGEND INTENDED FOR USE ONLY WHERE PLANS ARE REPRODUCED IN COLOR



3333 CALIFORNIA STREET SAN FRANCISCO, CA

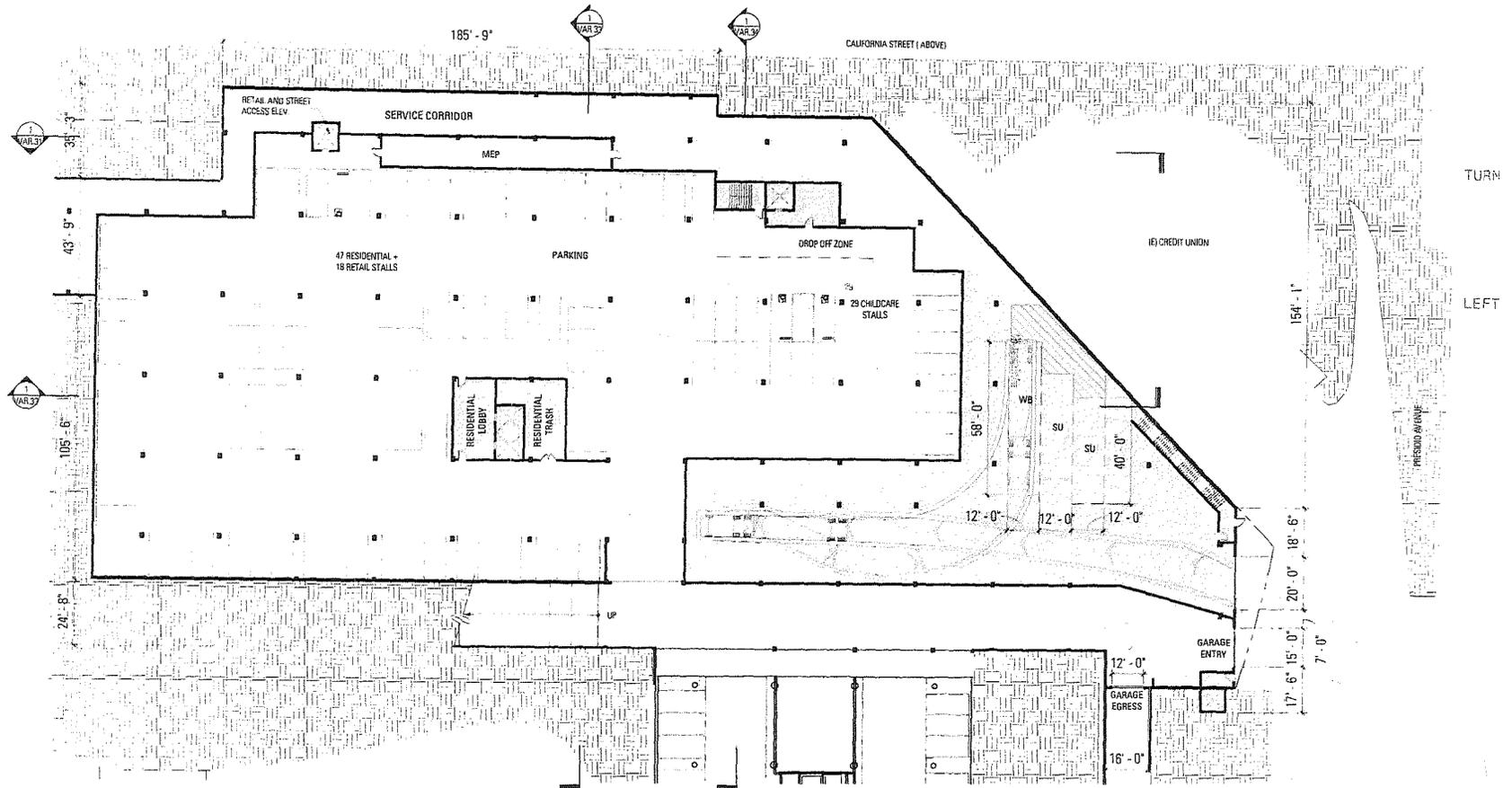
EIR VARIANT 1: CALIFORNIA STREET PARKING GARAGE - LEVEL B1



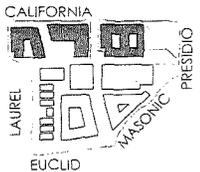
07.03.2019
 PLANNING APPLICATION RESUBMITTAL



VAR.13



* ENTRY FOR: RETAIL, CHILDCARE, SENIOR HOUSING, CENTER BUILDING B (SELECT STALLS)



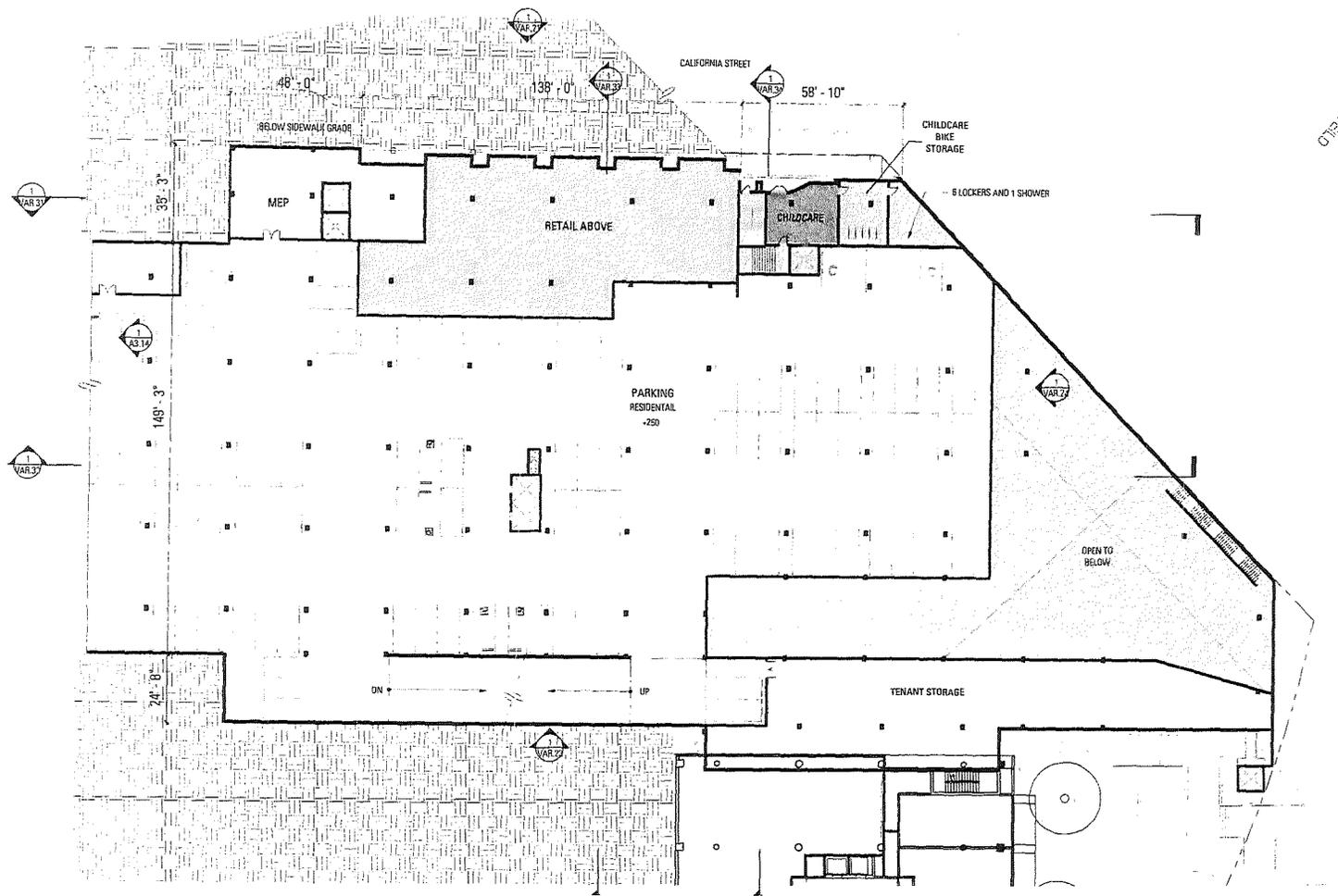
3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING PLANS - B3



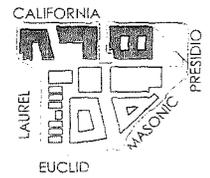
07.03.2019
 PLANNING APPLICATION RESUBMITTAL

VAR.14



075A

PRESIDIO AVENUE

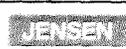


3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING PLANS - B2



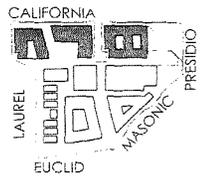
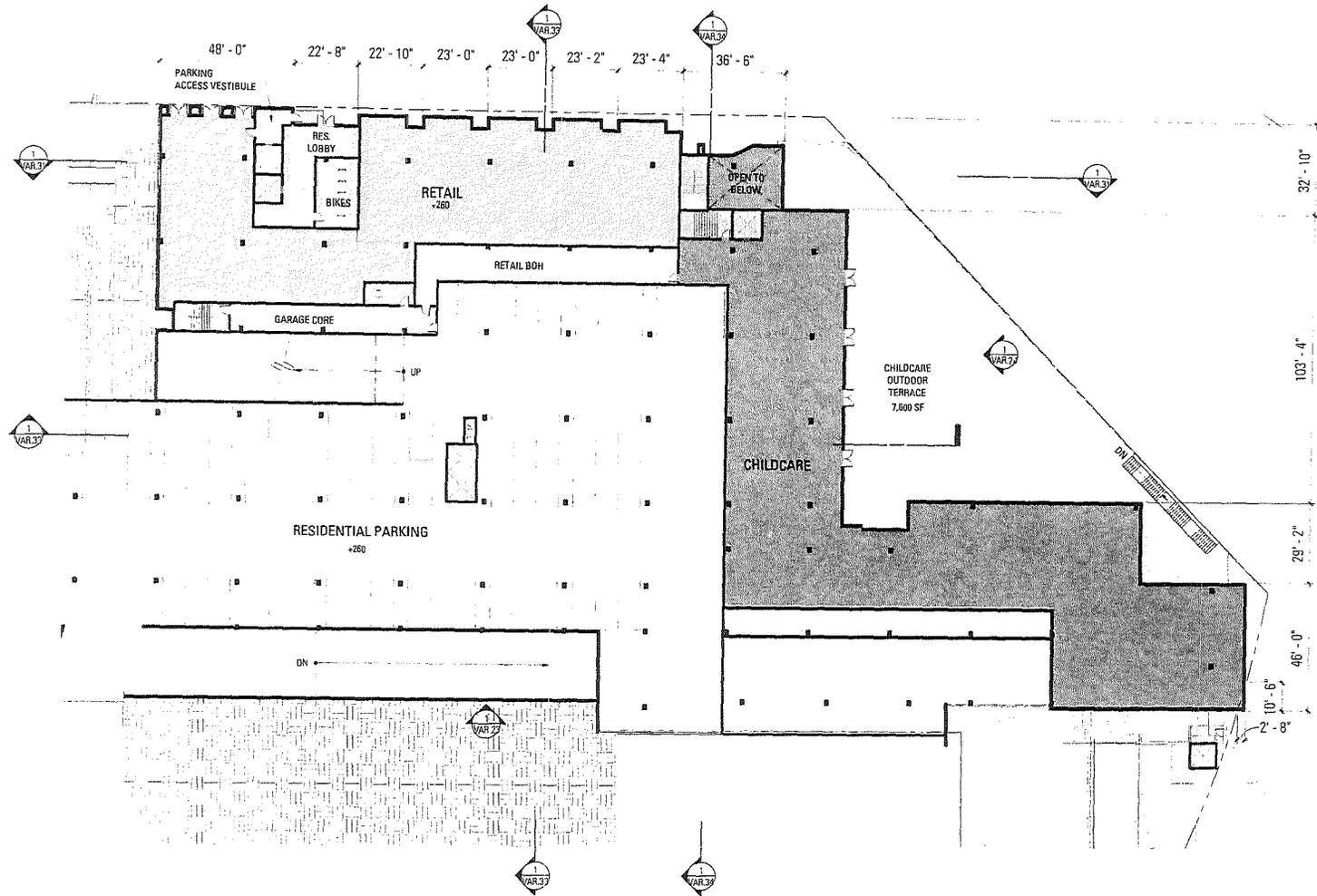





07.03.2019
 PLANNING APPLICATION RESUBMITTAL



VAR.15



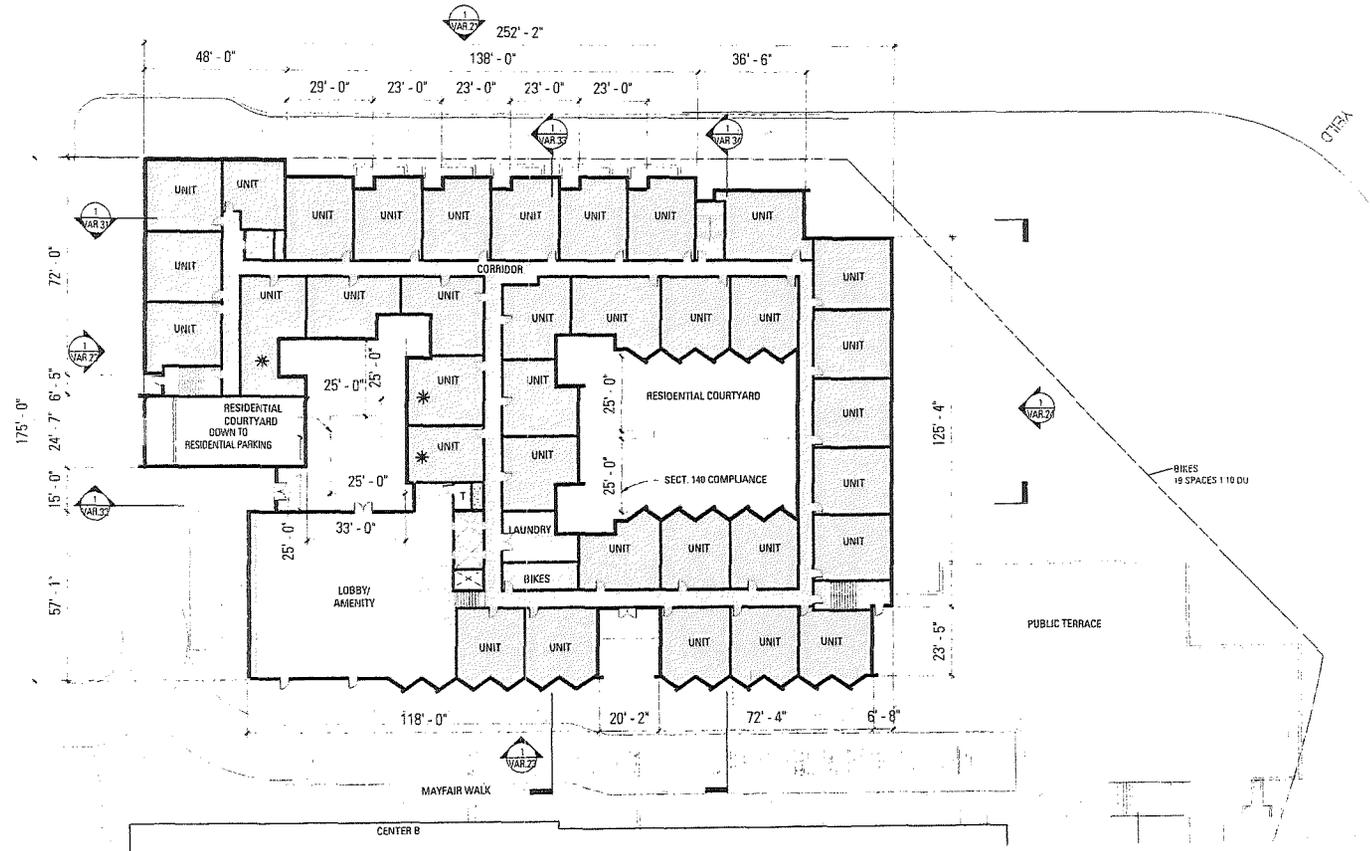
3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING PLANS - B1

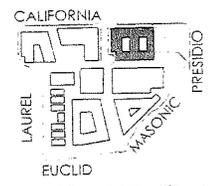


07.03.2019
PLANNING APPLICATION RESUBMITTAL

VAR.16

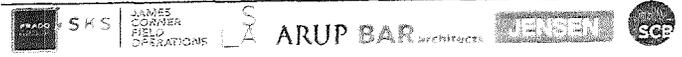


* UNIT REQUIRES MODIFICATION TO SECTION 140.40' - 0" DEPTH REQUIRED, 33'-0" PROVIDED



3333 CALIFORNIA STREET SAN FRANCISCO, CA

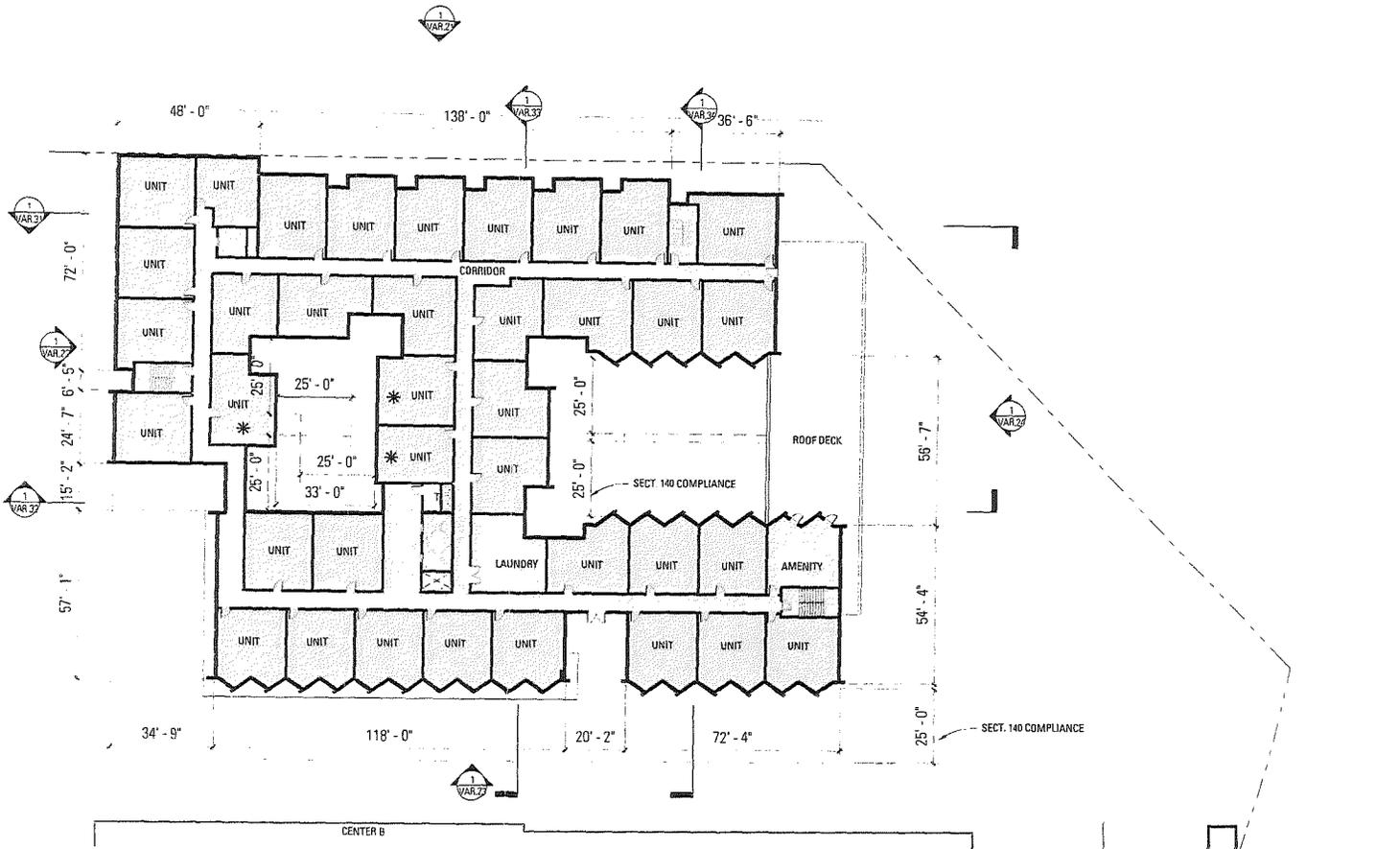
EIR VARIANT 1: "WALNUT" BUILDING PLANS - LEVEL 1



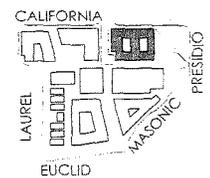
07.03.2019
PLANNING APPLICATION RESUBMITTAL



VAR.17



* UNIT REQUIRES MODIFICATION TO SECTION 140.35 - 0" DEPTH REQUIRED, 33'-0" PROVIDED

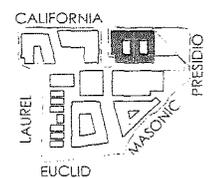
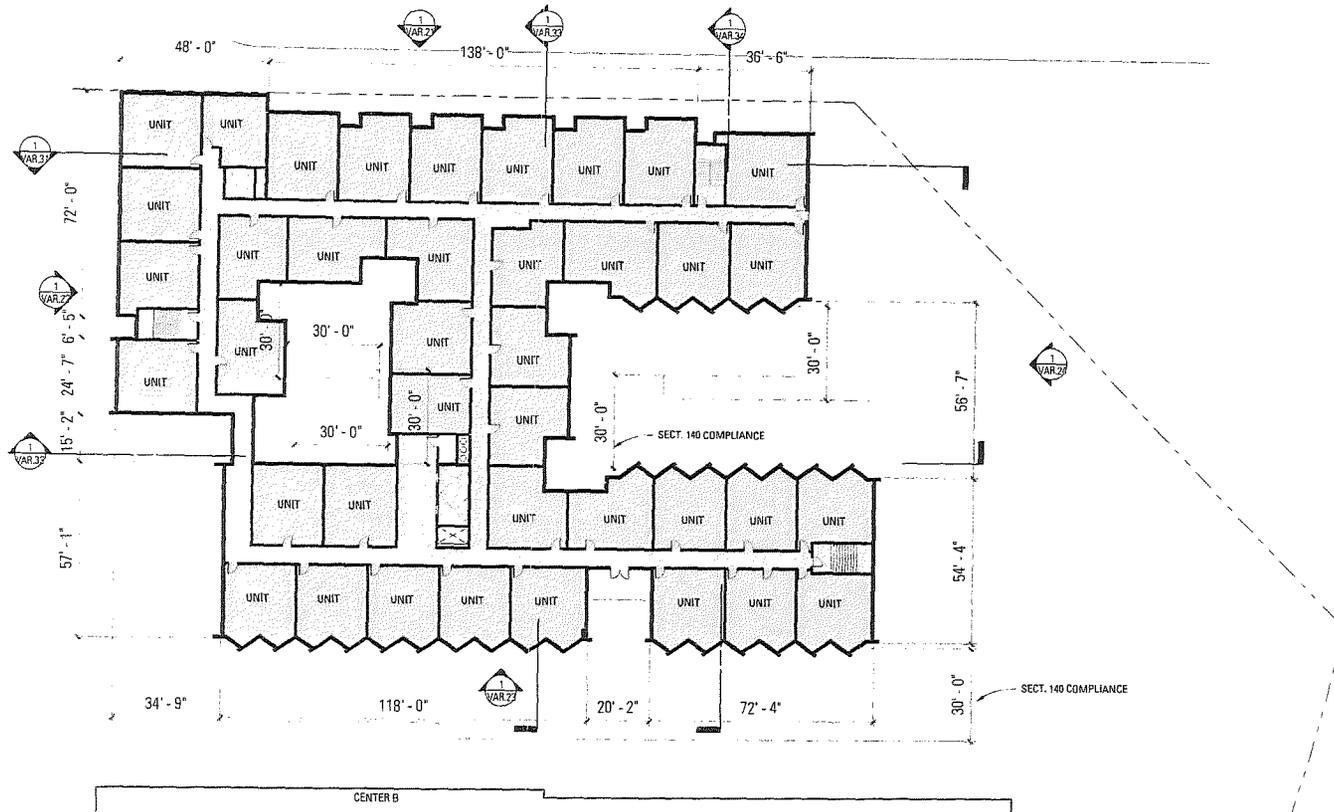


3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING PLANS - LEVEL 2

07.03.2019
 PLANNING APPLICATION RESUBMITTAL

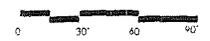
VAR.18



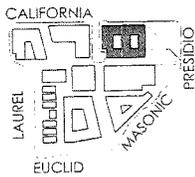
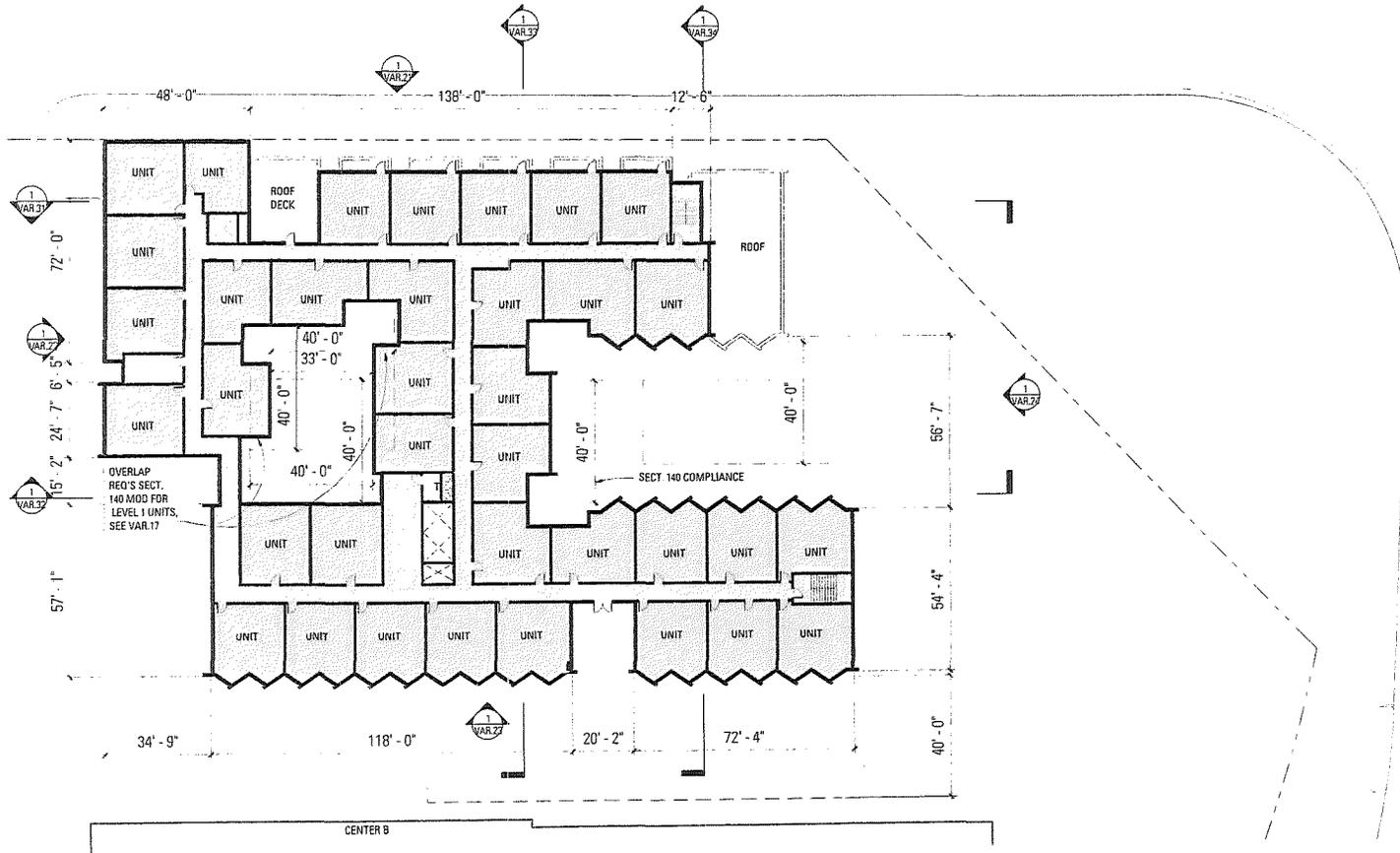
3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING PLANS - LEVEL 3-4

07.03.2019
PLANNING APPLICATION RESUBMITTAL



VAR.19



3333 CALIFORNIA STREET SAN FRANCISCO, CA

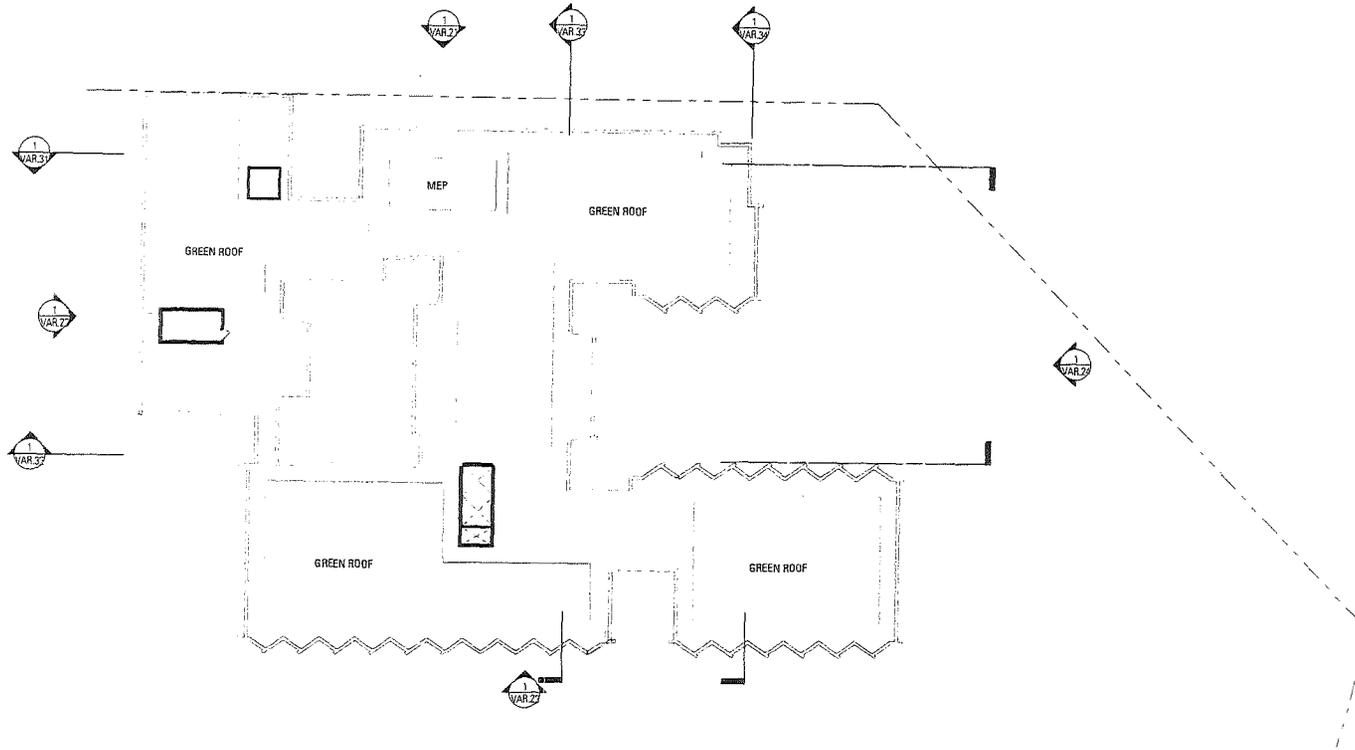
EIR VARIANT 1: "WALNUT" BUILDING PLANS - LEVEL 5



07.03.2019
PLANNING APPLICATION RESUBMITTAL



VAR.20

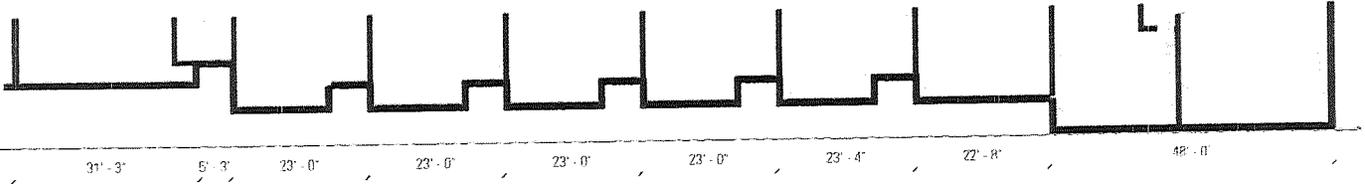


3333 CALIFORNIA STREET SAN FRANCISCO, CA

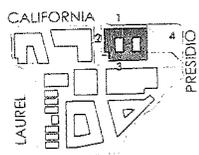
EIR VARIANT 1: "WALNUT" BUILDING PLANS - ROOF



- MATERIAL KEY**
- 1. CEMENT PLASTER
 - 2. V-GROOVE SIDING
 - 3. BRICK, PAINTED
 - 4. BRICK
 - 5. PORCELAIN TILE OR FIBER CEMENT PANEL ONE
 - 6. PORCELAIN TILE OR FIBER CEMENT PANEL TWO
 - 7. WOOD SHINGLE
 - 8. METAL PANEL
 - 9. ALUMINUM EXTRUSION
 - 10. STEEL GUARDRAIL
 - 11. GLASS GUARDRAIL
 - 12. ALUMINUM WINDOW
 - 13. STOREFRONT WINDOW SYSTEM
 - 14. VENTILATED GARAGE DOOR
 - 15. BOARD-FORMED CONCRETE

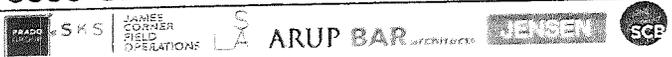


1. CALIFORNIA STREET ELEVATION (NORTH) WITH ILLUSTRATIVE SITE PLAN @ LEVEL 1

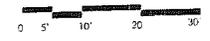


3333 CALIFORNIA STREET SAN FRANCISCO, CA

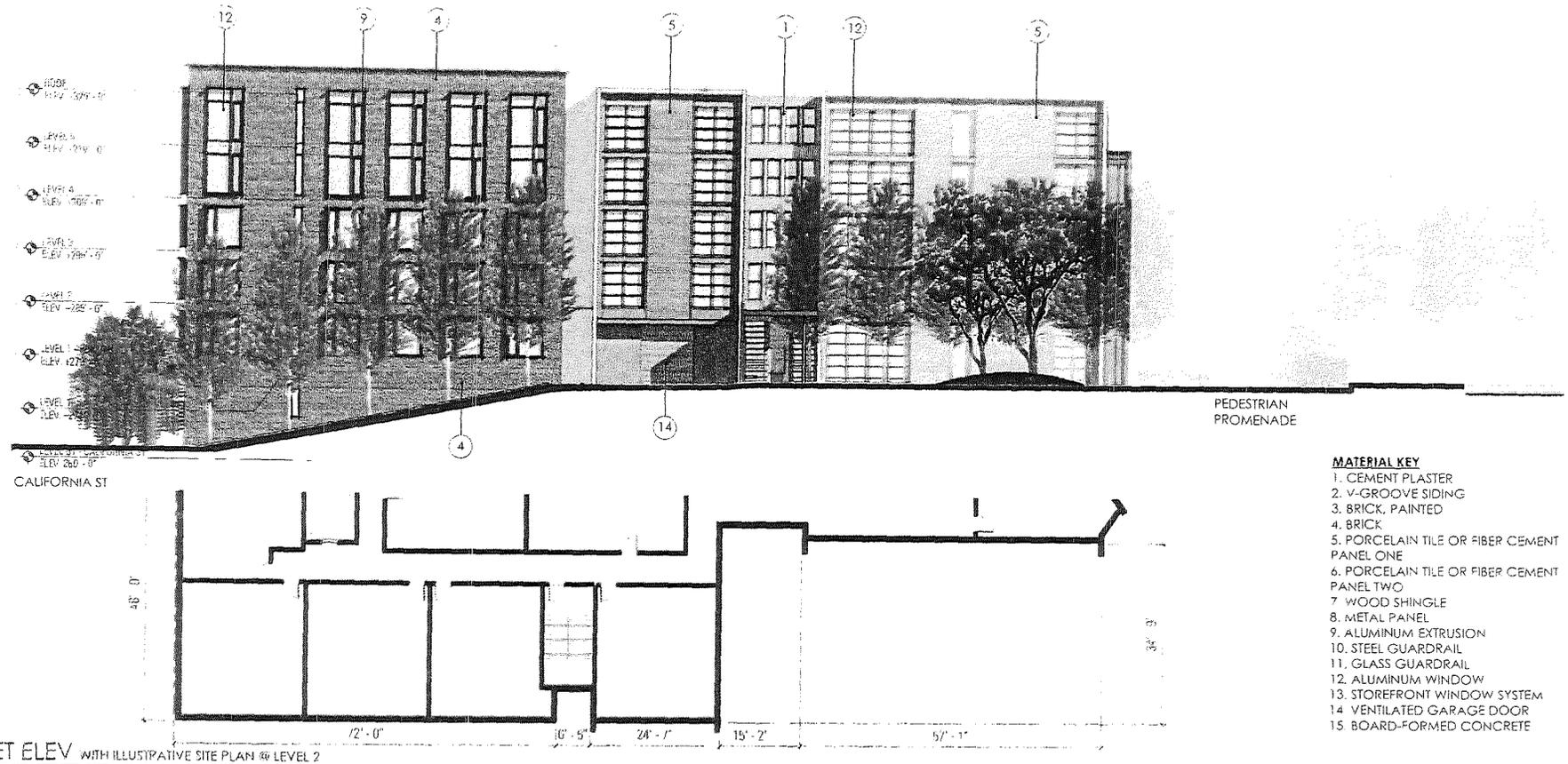
EIR VARIANT 1: "WALNUT" BUILDING ELEVATIONS



07.03.2019
PLANNING APPLICATION RESUBMITTAL

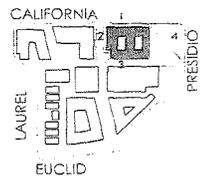


VAR.22



- MATERIAL KEY**
1. CEMENT PLASTER
 2. V-GROOVE SIDING
 3. BRICK, PAINTED
 4. BRICK
 5. PORCELAIN TILE OR FIBER CEMENT PANEL ONE
 6. PORCELAIN TILE OR FIBER CEMENT PANEL TWO
 7. WOOD SHINGLE
 8. METAL PANEL
 9. ALUMINUM EXTRUSION
 10. STEEL GUARDRAIL
 11. GLASS GUARDRAIL
 12. ALUMINUM WINDOW
 13. STOREFRONT WINDOW SYSTEM
 14. VENTILATED GARAGE DOOR
 15. BOARD-FORMED CONCRETE

2. WALNUT STREET ELEV WITH ILLUSTRATIVE SITE PLAN @ LEVEL 2
 *BASEPOINT FOR PLANNING CODE HEIGHT MEASUREMENT. SEE SHEET G3.04

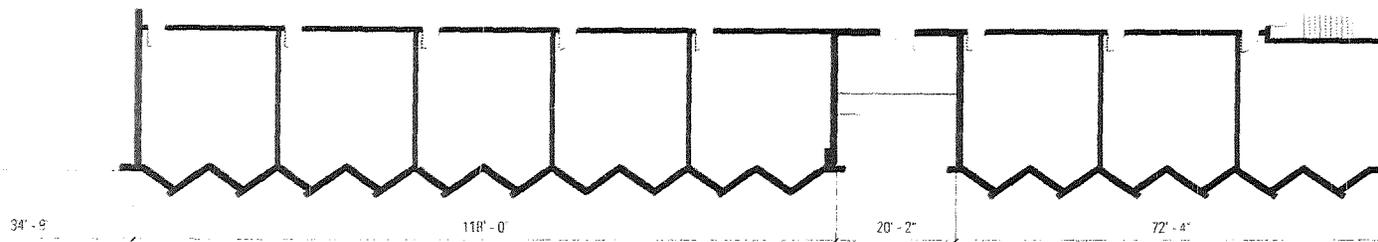
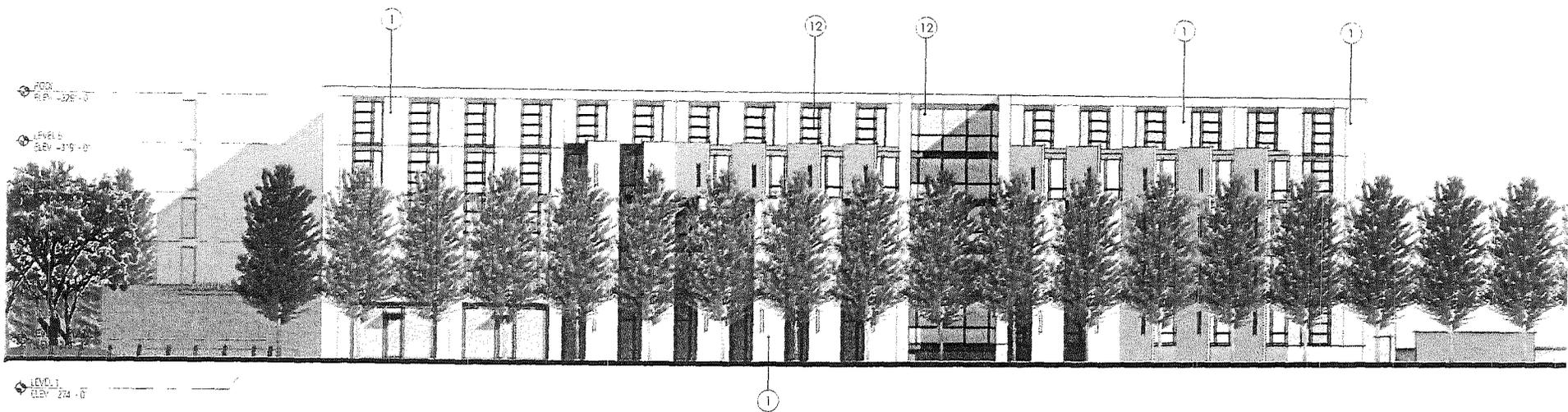


3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING ELEVATIONS

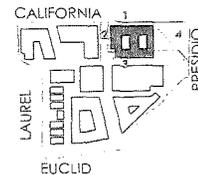
07.03.2019
 PLANNING APPLICATION RESUBMITTAL

VAR.23



- MATERIAL KEY**
- 1. CEMENT PLASTER
 - 2. V-GROOVE SIDING
 - 3. BRICK, PAINTED
 - 4. BRICK
 - 5. PORCELAIN TILE OR FIBER CEMENT PANEL ONE
 - 6. PORCELAIN TILE OR FIBER CEMENT PANEL TWO
 - 7. WOOD SHINGLE
 - 8. METAL PANEL
 - 9. ALUMINUM EXTRUSION
 - 10. STEEL GUARDRAIL
 - 11. GLASS GUARDRAIL
 - 12. ALUMINUM WINDOW
 - 13. STOREFRONT WINDOW SYSTEM
 - 14. VENTILATED GARAGE DOOR
 - 15. BOARD-FORMED CONCRETE

3. MAYFAIR WALK ELEVATION (SOUTH) WITH ILLUSTRATIVE SITE PLAN @ LEVEL 2



3333 CALIFORNIA STREET SAN FRANCISCO, CA

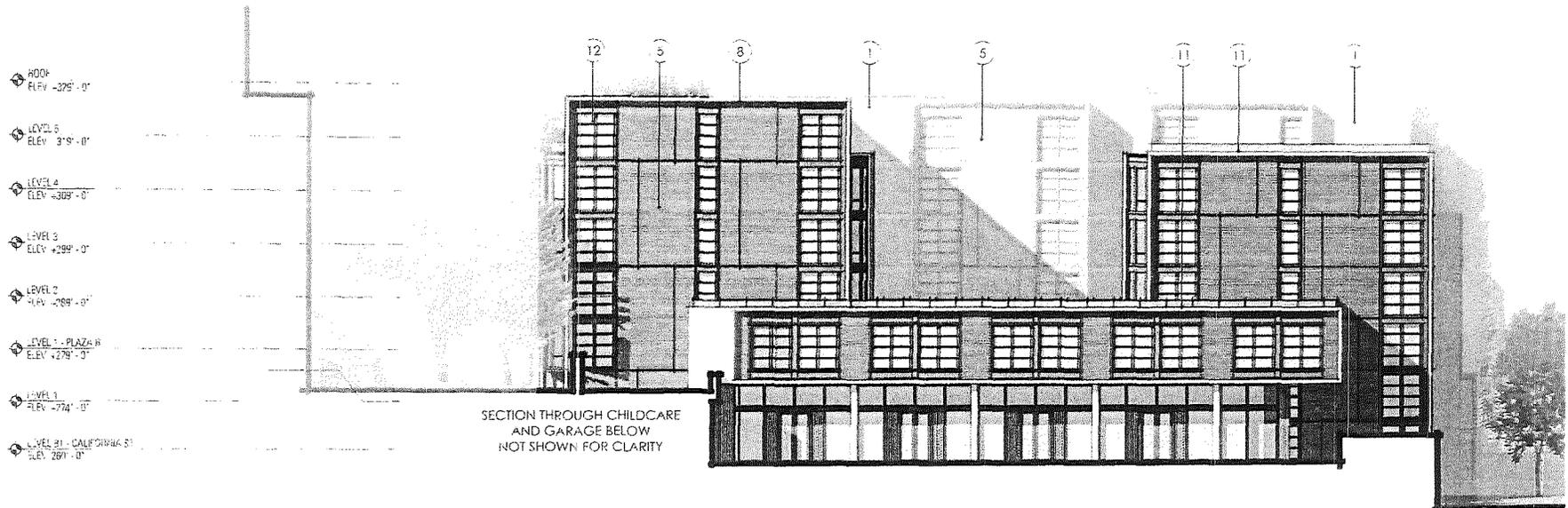
EIR VARIANT 1: "WALNUT" BUILDING ELEVATIONS



07.03.2019
PLANNING APPLICATION RESUBMITTAL

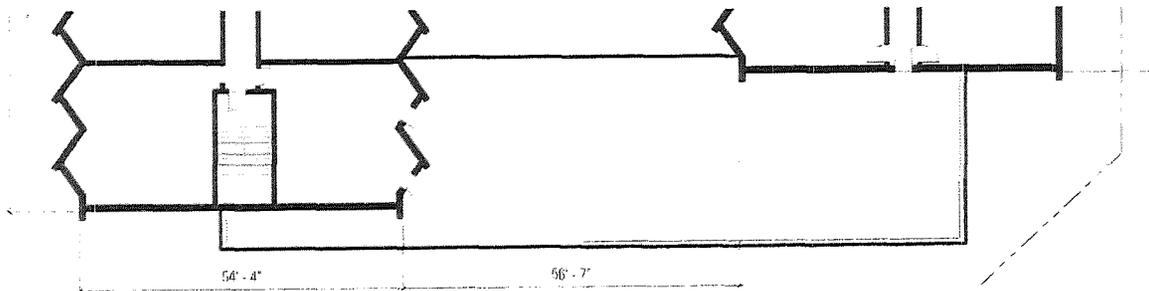


VAR.24



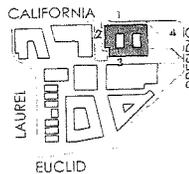
MATERIAL KEY

- 1. CEMENT PLASTER
- 2. V-GROOVE SIDING
- 3. BRICK, PAINTED
- 4. BRICK
- 5. PORCELAIN TILE OR FIBER CEMENT PANEL ONE
- 6. PORCELAIN TILE OR FIBER CEMENT PANEL TWO
- 7. WOOD SHINGLE
- 8. METAL PANEL
- 9. ALUMINUM EXTRUSION
- 10. STEEL GUARDRAIL
- 11. GLASS GUARDRAIL
- 12. ALUMINUM WINDOW
- 13. STOREFRONT WINDOW SYSTEM
- 14. VENTILATED GARAGE DOOR
- 15. BOARD-FORMED CONCRETE



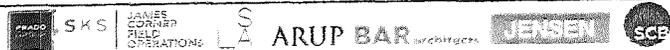
4. PRESIDIO ELEVATION (EAST) WITH ILLUSTRATIVE SITE PLAN @ LEVEL 2

*BASEPOINT FOR PLANNING CODE HEIGHT MEASUREMENT, SEE SHEET G3 04



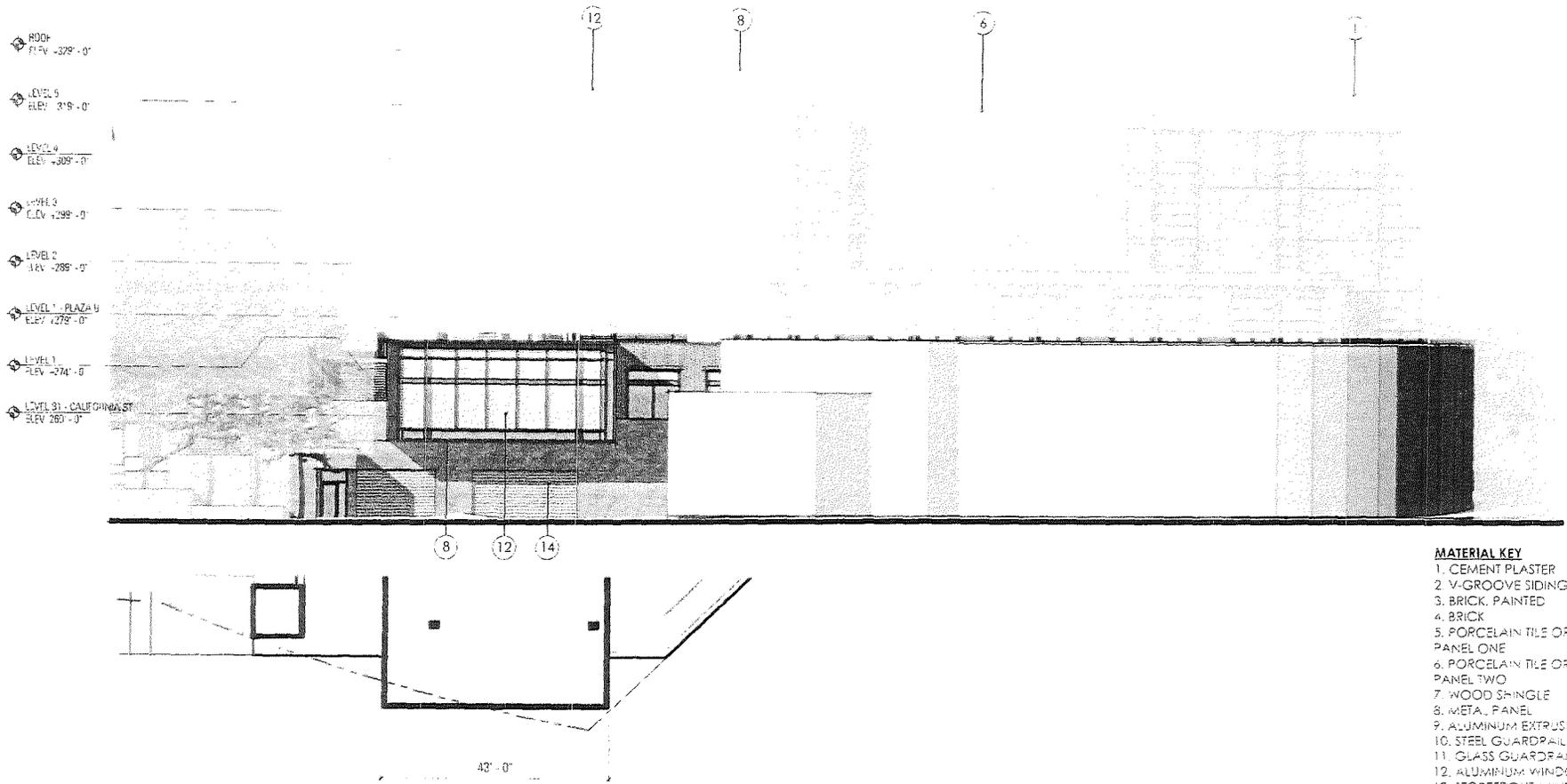
3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING ELEVATIONS



07.03.2019
PLANNING APPLICATION RESUBMITTAL

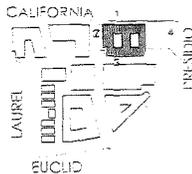
VAR.25



- MATERIAL KEY**
1. CEMENT PLASTER
 2. V-GROOVE SIDING
 3. BRICK, PAINTED
 4. BRICK
 5. PORCELAIN TILE OR FIBER CEMENT PANEL ONE
 6. PORCELAIN TILE OR FIBER CEMENT PANEL TWO
 7. WOOD SHINGLE
 8. METAL PANEL
 9. ALUMINUM EXTRUSION
 10. STEEL GUARDRAIL
 11. GLASS GUARDRAIL
 12. ALUMINUM WINDOW
 13. STOREFRONT WINDOW SYSTEM
 14. VENTILATED GARAGE DOOR
 15. BOARD-FORMED CONCRETE

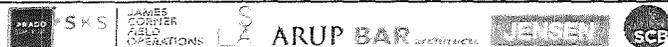
4. PRESIDIO ELEVATION (EAST) WITH ILLUSTRATIVE SITE PLAN @ LEVEL B1

*BASEPOINT FOR PLANNING CODE HEIGHT MEASUREMENT. SEE SHEET G3.04



3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING ELEVATIONS



07.03.2019
PLANNING APPLICATION RESUBMITTAL

VAR.26

Building	Total Units	Base O.S. Req'd (100/du)	Units with Private O.S.	Provided Private O.S.	Remaining Area	Area Req'd as Common (x1.33)	Provided Common O.S.	Remaining Area Req'd on Project Site
Plaza Bldg A:	67	6,700	1	100	6,600	8,778	5,550	3,228
Plaza Bldg B:	61	6,100	11	818	5,282	7,025	5,180	1,845
Walnut Variant:	186	18,600	0	0	18,600	24,738	6,370	18,368
Center Bldg A:	51	5,100	12	1,200	3,900	5,187	435	4,752
Center Bldg B:	139	13,900	39	3,900	10,000	13,300	1,275	12,025
Masonic:	57	5,700	11	1,100	4,600	6,118	0	4,718
Euclid:	139	13,900	24	2,400	11,500	15,295	9,660	5,635
Laurel Duplexes:	14	1,400	14	1,400	0	0	0	0
Mayfair:	30	3,000	12	1,200	1,800	2,394	700	1,694
Total	744	74,400	124	12,118	62,282	82,835	29,170	52,265

COMMON SITE PLAN OPEN SPACE CONTRIBUTING TO SECTION 135 REQUIREMENT:

CYPRESS SQUARE + EASTERN MAYFAIR WALK: 24,780 SF
 LOWER WALNUT WALK: 16,850 SF
 CALIFORNIA PLAZA: 4,290 SF
 OVERLOOK: 10,450 SF

TOTAL COMMON OPEN SPACE: 56,370 SF, EXCEEDS REQUIRED -- COMPLIES ←

LOCATIONS FOR REQUIRED OPEN SPACE ON SITE:

PLAZA BLDG A: 3,228 SF REQUIRED ON PROJECT SITE
 3,228 (OF 4,290) SF PROVIDED AT CALIFORNIA PLAZA

PLAZA BLDG B: 1,845 SF REQUIRED ON PROJECT SITE
 1,845 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE

WALNUT: 18,368 SF REQUIRED ON PROJECT SITE
 10,450 (OF 10,450) SF PROVIDED AT OVERLOOK
 7,918 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE

CENTER BLDG. A: 4,752 SF REQUIRED ON PROJECT SITE
 4,752 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE

CENTER BLDG. B: 12,025 SF REQUIRED ON PROJECT SITE
 6,400 (OF 16,850) SF PROVIDED AT LOWER WALNUT WALK
 5,625 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE

MASONIC: 4,718 SF REQUIRED ON PROJECT SITE
 4,718 (OF 16,850) SF PROVIDED AT LOWER WALNUT WALK

EUCLID: 5,635 SF REQUIRED ON PROJECT SITE
 5,635 (OF 16,850) SF PROVIDED AT LOWER WALNUT WALK

LAUREL DUPLEXES: 0 SF REQUIRED ON PROJECT SITE

MAYFAIR: 1,694 SF REQUIRED ON SITE
 1,694 (OF 24,780) PROVIDED AT CYPRESS SQUARE

* UNIT WITH CODE COMPLYING OPEN SPACE
 (MAX 100 SF/UNITS COUNTED TOWARD REQUIREMENT)

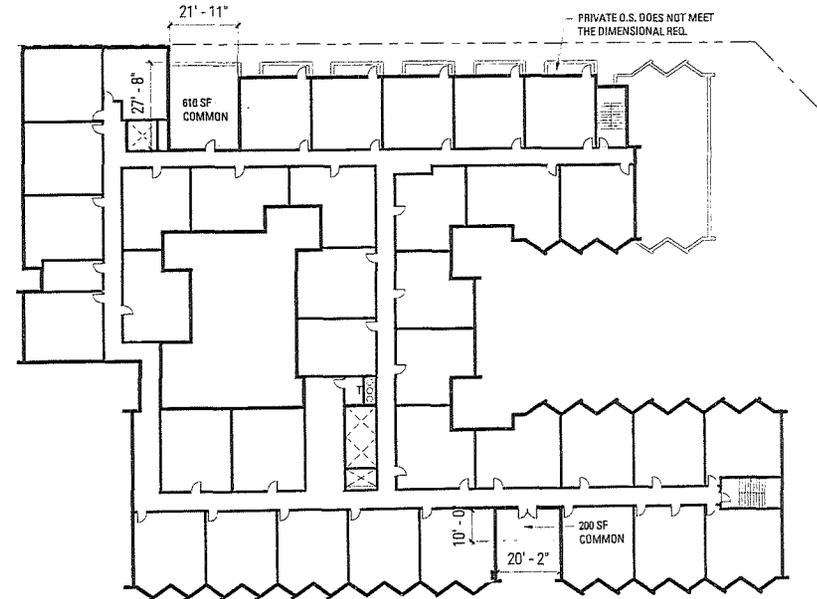
OPEN SPACE USE

CALIFORNIA PLAZA: 3,228 SF FOR PLAZA A BLDG
 T: 3,228 SF OF 4,290

CYPRESS SQUARE: 1,845 SF FOR PLAZA B BLDG
 7,918 SF FOR WALNUT BLDG
 4,752 SF FOR CENTER BLDG A
 5,625 SF FOR CENTER BLDG B
 1,694 SF FOR MAYFAIR BLDG B
 T: 21,834 SF OF 24,780

OVERLOOK: 10,450 SF FOR WALNUT
 T: 10,450 SF OF 10,450

LOWER WALNUT WALK: 6,400 SF FOR CENTER BLDG B
 4,718 SF FOR MASONIC BLDG
 5,635 SF FOR EUCLID BLDG
 T: 16,753 SF OF 16,850



LEVEL 5 - WALNUT OPEN SPACE

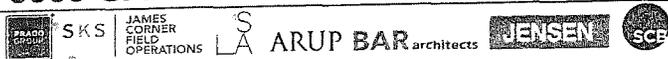
1" = 20'-0"

LEVEL 5 SUMMARY:

COMMON: 610 SF
 PRIVATE: 0 SF

WALNUT TOTALS:
 COMMON: 6,370 SF
 PRIVATE: 0 SF COMPLIANT AND COUNTED

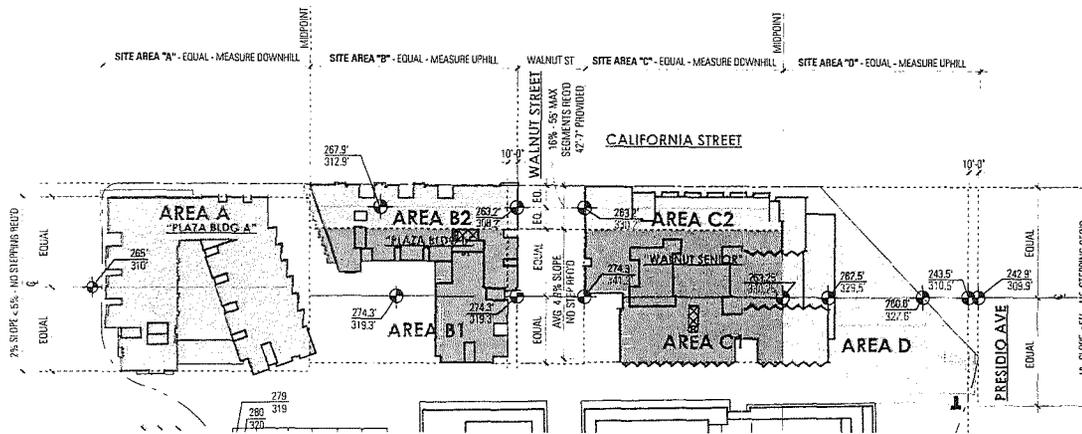
3333 CALIFORNIA STREET SAN FRANCISCO, CA



EIR VARIANT 1: OPEN SPACE

07.03.2019
 PLANNING APPLICATION RESUBMITTAL

VAR.43



BUILDING HEIGHTS SUMMARY (SECTION 260):

The project is composed of a site plan with several different buildings. Each building's height is measured independently and in compliance with the provisions of Section 260.

- Section 260(a)(1)(D): Where a building has frontages on two or more streets the owner may elect the street frontage from which the measurement is taken.
- Section 260(a)(1)(B): Where the lot slopes downward from the street the point of measurement shall be taken from curb. This point may be used to measure all portions of the building within 100-ft of the street or to a point equidistant between such street and the street on the opposite side of the block - whichever is greater.
- Section 260(a)(1)(C): Where the lot slopes upward from the street, the point of measurement shall be taken from the curb at the centerline of the frontage or building step for the first 10-ft of the building. At all other sections the height shall be taken at the average of the grades on either side of the building or building step.

Table 260	Avg. Slope of Curb	Maximum width for portions of the building that may be measured from a single point
	0% - 5% Slope:	No Requirement
	6% - 15% Slope:	65-ft
	15% - 20% Slope:	55-ft

BUILDING MEASUREMENT NARRATIVE

WALNUT SENIOR
The Walnut Building is within height measurement "Area C" and "Area D" and fronts California Street, Walnut Street Extension and Presidio Streets. For the western portions of the building the project elects to measure downsloping from the Walnut Street Extension per Section 260(a)(1)(D). The slope of the Walnut Street Extension varies, with the southern portion under 5% and the portion closer to California requiring stepping. Per Table 260 the portion closer to California Street is measured in 55-ft segments. The measurement from the Walnut Street Extension is downsloping and is carried to the line equidistant between Walnut Street and Presidio Avenue. The Eastern portions of the Walnut building fall within "Area D" and is measured upsloping from Presidio per Section 260(a)(1)(B). The slope of Presidio is less than 5% and is therefore measured at the midpoint of the frontage. Measuring from Presidio Avenue is upsloping and complies with Section 260(a)(1)(C), with the first 10-ft measured from the centerline of frontage of existing curb, thereafter measured from the average of new grades on either side of the building. The measurement is taken to 45-ft, to allow an additional 5-ft for adequate retail and commercial floor-to-floor heights. See sheet A4.2: A and B for building section showing height compliance.

EIR Variant 1: The Walnut Senior Building is requesting a height increase to 67-ft as part of the PUD

LOT COVERAGE / YARD COMPLIANCE SUMMARY:

LOT AREA:	466,468 SF
45% OF LOT AREA:	200,911 SF REQUIRED REAR YARD EQUIVALENT*
OPEN AREA PROVIDED:	252,846 SF OR 52% OF SITE AREA

■ DENOTES OPEN AREA

Re: 3333 California Street, San Francisco, CA
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA
Laurel Heights Improvement Association Appeal of Planning
Commission's Certification of Final EIR/ CEQA Findings

EXHIBITS I - T

EXHIBIT I



Kathy Devincenzi <krdevincenzi@gmail.com>

IMMEDIATE DISCLOSURE REQUEST

2 messages

Kathy Devincenzi <krdevincenzi@gmail.com>

Thu, Jun 20, 2019 at 8:09 PM

To: CityAttorney <cityattorney@sfcityatty.org>, "Pearson, Audrey (CAT)" <Audrey.Pearson@sfcityatty.org>

Bcc: Richard Frisbie <frfbeagle@gmail.com>

IMMEDIATE DISCLOSURE REQUEST

Please see attached immediate disclosure request under the Sunshine Act for copies of a clearly identified document.

Thank you,

Laurel Heights Improvement Association of SF, Inc.

By: Kathryn Devincenzi, President

(415) 221-4700

 **20190620224510.pdf**
27K

CityAttorney <cityattorney@sfcityatty.org>

Mon, Jun 24, 2019 at 3:25 PM

To: Kathy Devincenzi <krdevincenzi@gmail.com>

Cc: CityAttorney <cityattorney@sfcityatty.org>, "Pearson, Audrey (CAT)" <Audrey.Pearson@sfcityatty.org>

Dear Ms. Devincenzi,

We have received your request for draft copies of the SUD ordinance for 3333 California Street. We decline to produce our internal drafts of the ordinance, pursuant to the attorney-client privilege (Cal. Gov't Code § 6276.04; Cal. Evid. Code § 954) and the work product privilege (Cal. Gov't Code § 6276.04; Cal. Code of Civil Pro. § 2018.030). As to drafts of the SUD ordinance that were shared externally as attachments to the draft development agreement, those drafts will only become available to the public 10 days before the agreement is presented for approval, pursuant to Admin Code 67.24(a).

Please send replies to cityattorney@sfcityatty.org

Sincerely,



Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

www.sfcityattorney.org

Find us on: Facebook Twitter Instagram

[Quoted text hidden]



image001.jpg
51K



Laurel Heights Improvement Association of San Francisco, Inc.

IMMEDIATE DISCLOSURE REQUEST

June 20, 2019

BY EMAIL TO: cityattorney@sfcityatty.org

Custodian of Records
San Francisco City Attorney's Office

This is a request pursuant to the San Francisco Sunshine Ordinance, San Francisco Administrative Code sections 67.1 *et seq.*, for the following document :

1. All drafts of a special use district for 3333 California Street, including drafts recorded electronically in Word.

Please note that section 67.24 of the San Francisco Administrative Code requires that such drafts be produced.

Please contact me if you have any questions. Also, please let me know when the documents are ready for inspection and copying. I wish to review the documents to determine the number of paper copies to be made.

Thank you in advance for your cooperation.

Very truly yours,

Laurel Heights Improvement Association of SF, Inc.

By: Kathryn R. Devincenzi

cc: Audrey Williams Pearson
Deputy City Attorney

EXHIBIT J



Kathy Devincenzi <krdevincenzi@gmail.com>

April 22, 2019 Memorandum of Understanding

1 message

Kathy Devincenzi <krdevincenzi@gmail.com>

Fri, Jun 14, 2019 at 5:53 PM

To: Dan Safier <dsafier@pradogroup.com>

Bcc: Richard Frisbie <frfibeagle@gmail.com>

To: Laurel Heights Partners, LLC
c/o Prado Group, Inc.
Attn: Daniel Safier

Please send us a complete copy of the Memorandum of Understanding between Laurel Heights Partners, LLC and the Jewish Community Center of San Francisco Relative to the Re-Development of 3333 California Street, San Francisco, dated April 22, 2019. That April 22, 2019 Memorandum is referred to in paragraph 3 of the attached document recorded on May 3, 2019.

Thank you,

Laurel Heights Improvement Association of SF, Inc.

By: Kathryn Devincenzi, President

22 Iris Avenue, San Francisco, CA 94118

(415) 221-4700

 **20190614202449.pdf**
4185K

RECORDING REQUESTED BY:
AND WHEN RECORDED MAIL TO:

Laurel Heights Partners, LLC
c/o Prado Group, Inc.
150 Post Street, Suite 320
San Francisco, CA 94108
Attn: Daniel Safier


San Francisco Assessor-Recorder
Carmen Chu, Assessor-Recorder
DOC- 2019-K763199-00
Friday, MAY 03, 2019 10:56:03
Ttl Pd \$179.00 Rcpt # 0005991929
okc/KC/1-6

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

MEMORANDUM OF MEMORANDUM OF UNDERSTANDING BETWEEN LAUREL HEIGHTS PARTNERS, LLC AND THE JEWISH COMMUNITY CENTER OF SAN FRANCISCO RELATIVE TO THE RE-DEVELOPMENT OF 3333 CALIFORNIA STREET, SAN FRANCISCO Lot 008, Block 102

3200 California Street Lot 008 Block 102

This Memorandum of Memorandum of Understanding between Laurel Heights Partners, LLC and the Jewish Community Center of San Francisco Relative to the Re-Development of 3333 California Street, San Francisco ("Memorandum") is made and entered into as of April 22, 2019, by and between Laurel Heights Partners, LLC ("LHP") and the Jewish Community Center of San Francisco ("JCCSF"), who agree as follows:

1. LHP is the owner of that certain real property in the City and County of San Francisco, State of California, more particularly described on Exhibit 1 attached hereto and incorporated herein by this reference (the "LHP Property").

2. JCCSF is the owner of that certain real property in the City and County of San Francisco, State of California, more particularly described on Exhibit 2 attached hereto and incorporated herein by this reference (the "JCCSF Property").

3. LHP and JCCSF have entered into that certain Memorandum of Understanding between Laurel Heights Partners, LLC and the Jewish Community Center of San Francisco Relative to the Re-Development of 3333 California Street, San Francisco, dated April 22, 2019, as the same may be amended and modified from time to time (the "Agreement"), the provisions and conditions of which are hereby incorporated herein by this reference.

4. This Memorandum is being recorded to give notice to the public that the LHP Property and the JCCSF Property are subject to the provisions and conditions of the Agreement and that any successor or assigns will be bound by and subject to the provisions and conditions of the Agreement.

5. This document may be executed in counterparts, each of which will be deemed to be an original, but all of which together will constitute one instrument.

6. In the event of any conflict between this Memorandum and the Agreement, the provisions and conditions of the Agreement shall prevail.

IN WITNESS WHEREOF, LHP and JCCSF have executed this Memorandum as of the date first set forth above.

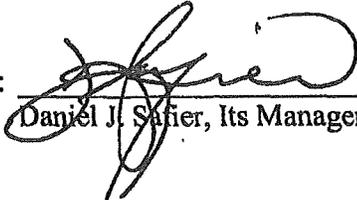
LHP:

Laurel Heights Partners LLC,
a Delaware limited liability company

By: 3333 California LP, a Delaware limited
partnership,
Its Managing Member

By: PSKS LH LLC, a Delaware limited
liability company,
Its General Partner

By: Prado LH LLC, a California limited
liability company,
Its Managing Member

By: 
Daniel J. Safier, Its Manager

JCCSF:

Jewish Community Center of San Francisco,
a California nonprofit public benefit corporation

By: 
Print Name: Marc Glazer
Its: CEO

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Francisco)

On 4/22/19, before me, Cynthia Hamilton, a Notary Public, personally appeared Don Sefiel, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Cynthia Hamilton



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Francisco)

On 04/25/2019 before me, Joe Cavalli, Notary Public
(Insert name and title of the officer)

personally appeared Marc Galar
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)

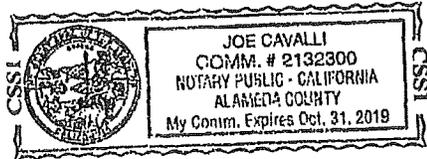


EXHIBIT 1 TO MEMORANDUM OF AGREEMENT
LEGAL DESCRIPTION OF LHP PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, IN THE COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEGINNING at a point on the Southerly line of California Street, said point being the Easterly extremity of the curve with a 15 foot radius joining the Easterly line of Laurel Street with the Southerly line of California Street, as shown on "Map of Laurel Heights, filed July 28, 1947, in Map Book "P", at Pages 55 and 56, Official Records of the City and County of San Francisco; running thence North 80°54' East 707.375 feet along the Southerly line of California Street to the Southwesterly boundary of the property of the Standard Oil Company of California; thence South 52°36' 29.74 seconds East along said boundary 232.860 feet; thence Southwesterly along the arc of a curve to the right whose tangent deflects 54°14' 30.74 seconds to the right from the preceding course, radius 425 feet, central angle 34°15'59", a distance of 254.176 feet; thence South 35°54' West tangent to the preceding curve 380.066 feet; thence Southwesterly along the arc of a curve to the right, tangent to the preceding course, radius 65 feet, central angle 37°18' a distance of 42.316 feet to tangency with the Northwesterly line of Euclid Avenue; thence South 73°12' West along said line of Euclid Avenue 312.934 feet; thence leaving said line of Euclid Avenue, and running Southwesterly, Westerly, and Northwesterly along the arc of a curve to the right, tangent to the preceding course, radius 20 feet, central angle 100°48' 01.51", a distance of 35.166 feet; thence Northwesterly along the arc of a reverse curve to the left, parallel to and concentric with and radially distant 6 feet Northeastly from the Northeastly line of Laurel Street, as shown on said map of Laurel Heights, radius 4033 feet, central angle 5°31' 20.27", a distance of 388.710 feet; thence Northwesterly along the arc of a compound curve to the left, radius 120 feet, central angle 71°12' 55.45", a distance of 149.153 feet; thence Northwesterly along the arc of a reverse curve to the right, radius 60 feet, central angle 73°38' 14.21", a distance of 77.113 feet to tangency with the Easterly line of Laurel Street; thence North 9°06' West along said line of Laurel Street 127.290 feet to the beginning of the above mentioned curve joining the Easterly line of Laurel Street with Southerly line of California Street; thence Northwesterly, Northerly, and Northeastly along the arc of a curve to the right, radius 15 feet 90°00', a distance of 23.562 feet to tangency with the Southerly line of California Street and the point of beginning.

APN: Lot 003, Block 1032

EXHIBIT 2 TO MEMORANDUM OF AGREEMENT
LEGAL DESCRIPTION OF JCCSF PROPERTY

Real property located in the City of San Francisco, County of San Francisco, State of California, more particularly described as follows:

Lot 38, as shown on that certain Map entitled: "Parcel Map being a merger and removal from the condominium regime of all the units and common areas as they are shown on at Map filed in Book 19 of Condominium Maps at pages 127-129, Official Records, City and County of San Francisco also being a merger of the lands described in vesting deeds G637 O.R. 410, G637 O.R. 412, G637 O.R. 413 & G637 O.R. 417, H844 O.R. 91, also being merger lots 5, 6, 24, 25, 28, 29, and 31-37 of Assessor's Block 1021 also being a portion of Western Addition Block No. 800 San Francisco, California", which Map was filed for record on December 7, 2001, in Book 45 of Parcel Maps, at Page(s) 38 to 39, in the Office of the Recorder of the City and County of San Francisco, State of California.

Block 1021, Lot 036

EXHIBIT K

Feasibility Analysis and Questions re 3333 California Street

9 messages

Kathy Devincenzi <krdevincenzi@gmail.com>

Wed, Aug 21, 2019 at 12:39 PM

To: "Lutenski, Leigh (ECN)" <leigh.lutenski@sfgov.org>

Cc: Catherine Stefani <catherinestefanie@sfgov.org>, Richard Frisbie <frfbeagle@gmail.com>

Ms. Lutenski,

We are trying to understand the proposed Development Agreement and appreciate your meeting with us for a limited period on August 19, 2019.

Please provide us with a copy of the City's economic feasibility analysis concerning the proposed 3333 California Street project, including without limitation analysis of the feasibility of constructing the proposed project and/or affordable senior housing on site; construction costs; project scale; potential rental or sales revenues; capitalization rates; interest rates; equity return rates; land value; and available local, state and federal housing finance programs including Low Income Housing Tax Credits readily available for market rate housing; tax-exempt bond financing; Federal Housing Administration and U. S. Department of Housing and Urban Development mortgage insurance; available City or local housing finance programs such as Enhanced Infrastructure District and tax increments; zoning changes that increase or decrease development potential; variable City exactions including community benefit fees, capacity charges, community facilities districts; the value of state density bonus, concessions and incentives under California Government Code Section 65915 and any other state law that confers value to development and which project sponsors may attempt to avail themselves of and public-private partnership development agreements where applicable and other factors as deemed reasonably relevant (as described in Planning Code section 415.10 as factors the City considers).

Also, please give us answers to the following questions about the proposed Development Agreement for 3333 California Street.

What is the estimated in lieu payment that would be required at time of original project approval if the developer elected not to build affordable units on site or used another exception from building affordable on-site units?

On page D-9, if the Developer fails to transfer the Walnut Land to the City and the City instead accepts an "in lieu payment in the amount of Fair Market Value," does that mean the fair market value of the Walnut Land only or of the in lieu payment that would have been required as to the total project at time of original project approval?

If page D-9 refers to the Fair Market Value of the Walnut Land only, does that mean the value of the Walnut Land as entitled with the senior affordable housing attached to it, and if so what is the estimated value of that Walnut Land as encumbered with the requirement of building affordable housing on it?

How did the City's analysis of the economic feasibility of the 3333 California Street project take into account the impact on feasibility caused by the potential increase in construction costs during the 15-year period of the Development Agreement, as extended for any litigation?

If the City takes ownership of the Walnut Land, can the City change the use of the Walnut Land, and if so, what process would be used to change the use of the Walnut Land?

Page 28 of the Development Agreement states:

There is no requirement under this Agreement that Developer initiate or complete development of the Project, or any portion thereof. There is also no requirement that development be initiated or completed within any period of time or in any particular order, subject to the requirement to complete Associated Community Benefits for each Building (or for any market rate residential unit in excess of three hundred eighty-six (386), as applicable commenced by Developer as set forth in Section 4.1. Does this mean that the Developer can construct 386 market rate residential units under the new Special Use District zoning and then terminate the Development Agreement requirement that the Developer build the senior affordable housing units on site?

Page 39 of the Development Agreement states:

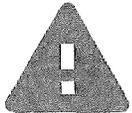
Developer shall, upon thirty (30) days prior notice to the City, have the right, in its sole and absolute discretion, to terminate this Agreement in its entirety at any time if Developer does not Commence Construction on any part of the Project Site by the Date which is five (5) years following the Effective Date as such five (5) year date may be extended by any Litigation Extension. If the Developer terminates the Development Agreement under this provision, would the new Special Use District remain in effect, unless otherwise amended by the Board of Supervisors?

Thank you very much for your cooperation in this regard.

Laurel Heights Improvement Association of SF, Inc.
By: Kathryn Devincenzi, President

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: krdevincenzi@gmail.com

Wed, Aug 21, 2019 at 12:39 PM



Message not delivered

Your message couldn't be delivered to **catherinestefanie@sfgov.org** because the remote server is misconfigured. See technical details below for more information.

The response from the remote server was:

```
550 5.4.1 [catherinestefanie@sfgov.org]: Recipient address rejected: Access denied  
[DM2GCC01FT008.eop-gcc01.prod.protection.outlook.com]
```

Final-Recipient: rfc822; catherinestefanie@sfgov.org

Action: failed

Status: 5.4.1

Remote-MTA: dns; sfgov-org.mail.protection.outlook.com. (104.47.63.36, the server for the domain sfgov.org.)

Diagnostic-Code: smtp; 550 5.4.1 [catherinestefanie@sfgov.org]: Recipient address rejected: Access denied [DM2GCC01FT008.eop-gcc01.prod.protection.outlook.com]

Last-Attempt-Date: Wed, 21 Aug 2019 12:39:18 -0700 (PDT)

Cc: Catherine Stefani <catherinestefanie@sfgov.org>; Richard Frisbie <frfbeagle@gmail.com>

Subject: Feasibility Analysis and Questions re 3333 California Street

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

[Quoted text hidden]

Lutenski, Leigh (ECN) <leigh.lutenski@sfgov.org>

Thu, Sep 12, 2019 at 2:59 PM

To: Kathy Devincenzi <krdevincenzi@gmail.com>

Cc: "Stefani, Catherine (BOS)" <catherine.stefani@sfgov.org>, Richard Frisbie <frfbeagle@gmail.com>, "WONG, CAROL (CAT)" <Carol.R.Wong@sfcityatty.org>, "PEARSON, AUDREY (CAT)" <Audrey.Pearson@sfcityatty.org>, "Pena, Iowayna (ECN)" <iowayna.pena@sfgov.org>

Hello Kathy,

Please see responses to your questions below in red bold text, as well as the attached financial feasibility analysis.

Thanks, Leigh

Please provide us with a copy of the City's economic feasibility analysis concerning the proposed 3333 California Street project, including without limitation analysis of the feasibility of constructing the proposed project and/or affordable senior housing on site; construction costs; project scale; potential rental or sales revenues; capitalization rates; interest rates; equity return rates; land value; and available local, state and federal housing finance programs including Low Income Housing Tax Credits readily available for market rate housing; tax-exempt bond financing; Federal Housing Administration and U. S. Department of Housing and Urban Development mortgage insurance; available City or local housing finance programs such as Enhanced Infrastructure District and tax increments; zoning changes that increase or decrease development potential; variable City exactions including community benefit fees, capacity charges, community facilities districts; the value of state density bonus, concessions and incentives under California Government Code Section 65915 and any other state law that confers value to development and which project sponsors may attempt to avail themselves of and public-private partnership development agreements where applicable and other factors as deemed reasonably relevant (as described in Planning Code section 415.10 as factors the City considers).

Please see attached financial feasibility analysis per your request.

Also, please give us answers to the following questions about the proposed Development Agreement for 3333 California Street.

What is the estimated in lieu payment that would be required at time of original project approval if the developer elected not to build affordable units on site or used another exception from building affordable on-site units?

The City's current in-lieu fee is calculated based on the project's residential gross square feet (977,437) x MOHCD affordable housing fee (\$199.50/gsf) x inclusionary percentage (30% for rental gsf or 33% for ownership gsf). However, this project does not include a fee-out option for the affordable housing requirement.

On page D-9, if the Developer fails to transfer the Walnut Land to the City and the City instead accepts an "in lieu payment in the amount of Fair Market Value," does that mean the fair market value of the Walnut Land only or of the in lieu payment that would have been required as to the total project at time of original project approval?

The City would get the fair market value of the Walnut Land, as determined by the Baseball Arbitration Appraisal Process outlined in Exhibit D-2.

If page D-9 refers to the Fair Market Value of the Walnut Land only, does that mean the value of the Walnut Land as entitled with the senior affordable housing attached to it, and if so what is the estimated value of that Walnut Land as encumbered with the requirement of building affordable housing on it?

Per my response above, the value of the Walnut Land would be determined by the Baseball Arbitration Appraisal Process assumptions outlined in Exhibit D-2.

How did the City's analysis of the economic feasibility of the 3333 California Street project take into account the impact on feasibility caused by the potential increase in construction costs during the 15-year period of the Development Agreement, as extended for any litigation?

The analysis includes reasonable assumptions as to the potential future change in construction costs.

If the City takes ownership of the Walnut Land, can the City change the use of the Walnut Land, and if so, what process would be used to change the use of the Walnut Land?

The City would employ standard processes and approvals to change the allowable use of the Walnut Land in that case.

Page 28 of the Development Agreement states: There is no requirement under this Agreement that Developer initiate or complete development of the Project, or any portion thereof. There is also no requirement that development be initiated or completed within any period of time or in any particular order, subject to the requirement to complete Associated Community Benefits for each Building (or for any market rate residential unit in excess of three hundred eighty-six (386), as applicable commenced by Developer as set forth in Section 4.1.

Does this mean that the Developer can construct 386 market rate residential units under the new Special Use District zoning and then terminate the Development Agreement requirement that the Developer build the senior affordable housing units on site?

Please refer to sections 11.1 and 11.3 starting on page 39 of the Development Agreement.

Page 39 of the Development Agreement states: Developer shall, upon thirty (30) days prior notice to the City, have the right, in its sole and absolute discretion, to terminate this Agreement in its entirety at any time if Developer does not Commence Construction on any part of the Project Site by the Date which is five (5) years following the Effective Date as such five (5) year date may be extended by any Litigation Extension.

If the Developer terminates the Development Agreement under this provision, would the new Special Use District remain in effect, unless otherwise amended by the Board of Supervisors?

Similar to above, please refer to section 11.3 Termination and Vesting starting on page 39 of the Development Agreement. If the DA terminates the developer loses all vesting and entitlement rights to build the project. The SUD zoning controls do not have an expiration date and will remain effective. However, the developer or any subsequent property owner for that parcel would need to apply to the City for permits and approvals in order to redevelop the site after the DA ends.

Note: I will be out on maternity leave starting September 20th through the end of the year.

Leigh Lutenski

Project Manager, Joint Development

Office of Economic and Workforce Development

San Francisco City Hall, Room 448

Direct: 415-554-6679

Email: leigh.lutenski@sfgov.org

[Quoted text hidden]

 **3333 California Summary - 8-23-19.pdf**
79K

Kathy Devincenzi <krdevincenzi@gmail.com>

Fri, Sep 20, 2019 at 12:43 PM

To: "Lutenski, Leigh (ECN)" <leigh.lutenski@sfgov.org>

Cc: Richard Frisbie <frfbeagle@gmail.com>, "catherine.stefani" <Catherine.Stefani@sfgov.org>

Ms. Lutenski,

Who will be handling the 3333 California Street matter at OEWD in your absence? We will have a response to your September 12, 2019 email.

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[Quoted text hidden]

RESIDENTIAL APARTMENTS / CONDOMINIUMS AND WALNUT SENIOR HOUSING

Underwriting		Prado/SKS 2017									Prado/SKS
Phase		Phase 3		Phase 2		Phase 1			Phase 4		All Phases
Parcel		Enclid	Masonic	Center A	Center B	Plaza A	Plaza B	Walnut	Laurel	Mayfair	All Parcels
1.)	Unlevered IRR	4.1%	2.9%	3.6%	5.8%	3.3%	3.2%	-3.6%	-0.4%	4.0%	3.2%
2.)	Levered IRR	3.4%	1.4%	2.1%	6.3%	1.7%	1.5%	NA	-4.9%	3.2%	1.8%
3.)	Trended Return-On-Cost	4.7%	4.3%	4.6%	5.3%	4.4%	4.4%	1.9%	3.6%	4.5%	4.2%

Underwriting		Base Case [1]									Base [1]
Phase		Phase 1		Phase 2		Phase 3			Phase 4		All Phases
Parcel		Enclid	Masonic	Center A	Center B	Plaza A	Plaza B	Walnut	Laurel	Mayfair	All Parcels [2]
4.)	Unlevered IRR	5.0%	4.8%	6.0%	4.8%	4.2%	4.3%	NA	46.4%	20.3%	5.7%
5.)	Levered IRR	4.9%	4.5%	5.8%	4.1%	3.4%	3.4%	NA	56.0%	25.3%	5.9%
6.)	Trended Return-On-Cost	4.3%	4.2%	NA	NA	4.2%	4.2%	NA	NA	NA	NA
7.)	Net Operating Income	\$ 8.2M	\$ 3.3M	NA	NA	\$ 4.5M	\$ 4.2M	NA	NA	NA	\$ 20.2M
8.)	Total Development Costs	\$ 188.9M	\$ 78.2M	\$ 95.2M	\$ 252.6M	\$ 106.3M	\$ 100.9M	\$ 113.2M	\$ 60.1M	\$ 52.1M	\$ 1,047.5M
9.)	Market Rate/Mgr Units	139	57	51	139	67	61	1	14	30	559
10.)	BMR Units - 15% AMI	0	0	0	0	0	0	23	0	0	23
11.)	BMR Units - 50% AMI	0	0	0	0	0	0	51	0	0	51
12.)	BMR Units - 60% AMI	0	0	0	0	0	0	74	0	0	74
13.)	BMR Units - 80% AMI	0	0	0	0	0	0	37	0	0	37
14.)	Total Units	139	57	51	139	67	61	186	14	30	744

Underwriting		Adjusted Capitalization Rates [1]									Adjusted [1]
Phase		Phase 1		Phase 2		Phase 3			Phase 4		All Phases
Parcel		Enclid	Masonic	Center A	Center B	Plaza A	Plaza B	Walnut	Laurel	Mayfair	All Parcels [2]
15.)	Unlevered IRR	5.7%	5.5%	6.0%	4.8%	4.9%	5.0%	NA	46.4%	20.3%	6.2%
16.)	Levered IRR	6.2%	5.8%	5.8%	4.1%	4.6%	4.7%	NA	56.0%	25.3%	6.7%
17.)	Trended Return-On-Cost	4.3%	4.2%	NA	NA	4.2%	4.2%	NA	NA	NA	NA
18.)	Net Operating Income	\$ 8.2M	\$ 3.3M	NA	NA	\$ 4.5M	\$ 4.2M	NA	NA	NA	\$ 20.2M
19.)	Total Development Costs	\$ 188.9M	\$ 78.2M	\$ 95.2M	\$ 252.6M	\$ 106.3M	\$ 100.9M	\$ 113.2M	\$ 60.1M	\$ 52.1M	\$ 1,047.5M
20.)	Market Rate Units	139	57	51	139	67	61	1	14	30	559
21.)	BMR Units - 15% AMI	0	0	0	0	0	0	23	0	0	23
22.)	BMR Units - 50% AMI	0	0	0	0	0	0	51	0	0	51
23.)	BMR Units - 60% AMI	0	0	0	0	0	0	74	0	0	74
24.)	BMR Units - 80% AMI	0	0	0	0	0	0	37	0	0	37
25.)	Total Units	139	57	51	139	67	61	186	14	30	744

*** All financial and programmatic estimates are preliminary in nature, subject to change, and for illustrative purposes only. ***

Notes:

- [1] Assumes AHP, MHP, & IIG funding and corresponding AMI affordability tiers for Walnut parcel.
- [2] Includes any net subsidy required for Walnut parcel. Additionally, does not account for prior parking costs allocated to Walnut parcel.

EXHIBIT L

PLANNING CODE REQUIRED OPEN SPACE SUMMARY (SECTION 135):

PROJECT TOTALS	Building	Total Units	Base O.S. Req'd (100/du)	Units with Private O.S.	Provided Private O.S.	Remaining Area	Area Req'd as Common (x1.33)	Provided Common O.S.	Remaining Area Req'd on Project Site
	Plaza Bldg A	67	6,700	1	100	6,600	8,778	5,550	3,228
Plaza Bldg B	61	6,100	4	400	5,700	7,581	5,180	2,401	
Walnut	0	0	0	0	0	0	0	0	
Center Bldg A	51	5,100	12	1,200	3,900	5,187	435	4,752	
Center Bldg B	139	13,900	39	3,900	10,000	13,300	1,275	12,025	
Masonic	57	5,700	11	1,100	4,600	6,118	1,400	4,718	
Euclid	139	13,900	24	2,400	11,500	15,295	9,660	5,635	
Laurel Duplexes	14	1,400	14	1,400	0	0	0	0	
Mayfair	30	3,000	12	1,200	1,800	2,394	700	1,694	
Total	558	55,800	117	11,700	44,100	58,653	24,200	34,453	

COMMON SITE PLAN OPEN SPACE CONTRIBUTING TO SECTION 135 REQUIREMENT.

CYPRESS SQUARE + WESTERN MAYFAIR WALK	24,780 SF
LOWER WALNUT WALK	16,850 SF
CALIFORNIA PLAZA	4,290 SF
OVERLOOK	10,450 SF

TOTAL COMMON OPEN SPACE*: 56,370 SF, EXCEEDS REQUIRED -- COMPLIES

LOCATIONS FOR REQUIRED OPEN SPACE ON SITE

PLAZA BLDG A	3,228 SF REQUIRED ON PROJECT SITE 3,228 (OF 4,290) SF PROVIDED AT CALIFORNIA PLAZA
PLAZA BLDG B	2,401 SF REQUIRED ON PROJECT SITE 2,401 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE
WALNUT	0 SF REQUIRED ON PROJECT SITE
CENTER BLDG. A	4,752 SF REQUIRED ON PROJECT SITE 4,752 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE
CENTER BLDG. B	12,025 SF REQUIRED ON PROJECT SITE 6,400 (OF 16,850) SF PROVIDED AT LOWER WALNUT WALK 5,625 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE
MASONIC	4,718 SF REQUIRED ON PROJECT SITE 4,718 (OF 16,850) SF PROVIDED AT LOWER WALNUT WALK
EUCLID	5,635 SF REQUIRED ON PROJECT SITE 5,635 (OF 16,850) SF PROVIDED AT LOWER WALNUT WALK
LAUREL DUPLEXES	0 SF REQUIRED ON PROJECT SITE
MAYFAIR	1,694 SF REQUIRED ON SITE 1,694 (OF 24,780) PROVIDED AT CYPRESS SQUARE

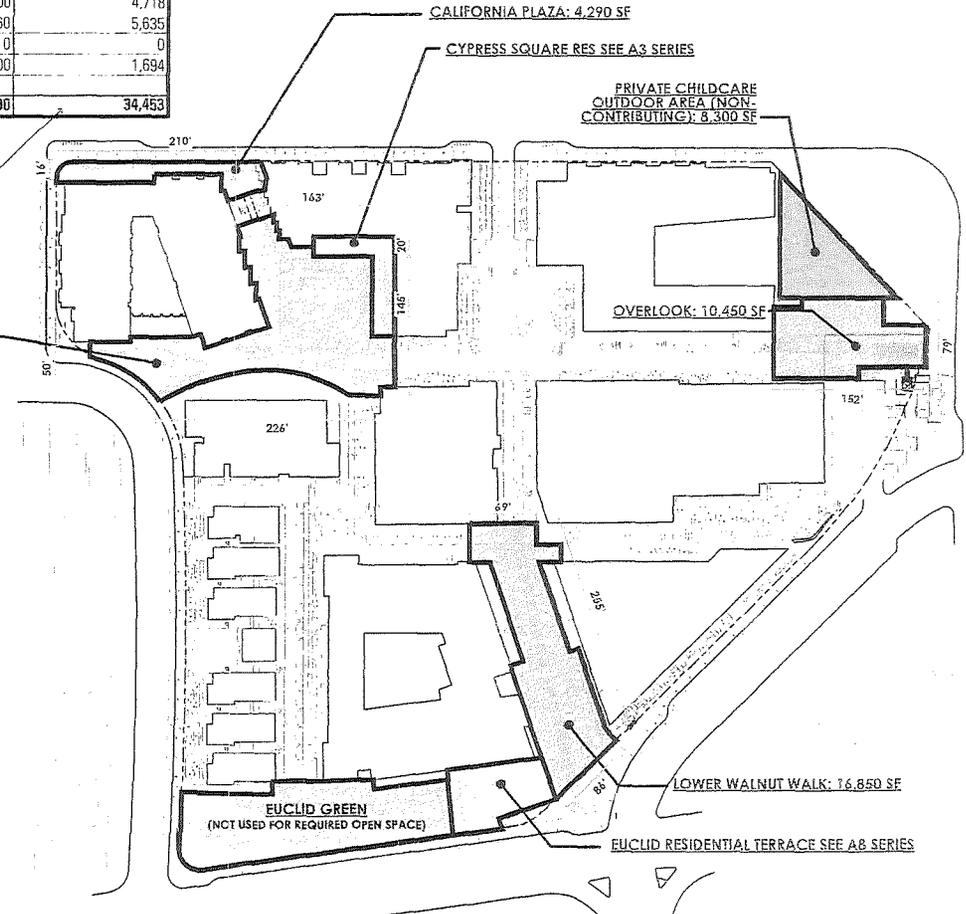
OPEN SPACE USE	
CALIFORNIA PLAZA:	3,228 SF FOR PLAZA A BLDG T: 3,228 SF OF 4,290
CYPRESS SQUARE:	2,401 SF FOR PLAZA B BLDG 4,752 SF FOR CENTER BLDG A 5,625 SF FOR CENTER BLDG B 1,694 SF FOR MAYFAIR BLDG T: 14,472 SF OF 24,780
LOWER WALNUT WALK:	6,400 SF FOR CENTER BLDG B 4,718 SF FOR MASONIC BLDG 5,635 SF FOR EUCLID BLDG T: 16,753 SF OF 16,850

OPEN SPACE SUMMARY (SECTION 135):

PUBLICALLY ACCESSIBLE OPEN SPACE MEETS THE DIMENSIONAL REQUIREMENTS OF SECTION 135(g)(1)&(2) - ALL SPACES ARE AT LEAST 15'x15' AND 300 SF MIN

ALL INNER COURT CONDITIONS COUNTED TOWARDS OPEN SPACE CALCULATIONS ARE MIN. 20' WIDE AND AT LEAST AS WIDE AS THE BUILDINGS FRONTING THEM.

* NOTE: AREAS HIGHLIGHTED ARE SECTION 135 COMPLIANT, OTHER PUBLIC, COMMON, AND PRIVATE OPEN SPACE IS PROVIDED, BUT NOT DENOTED ON THIS DIAGRAM



A

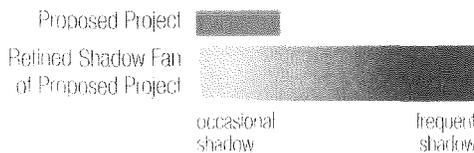
3333 CALIFORNIA MIXED-USE PROJECT

Refined Annual Shadow Fan Diagram (Factoring in Existing Shadow)



EXTENTS OF NET NEW PROJECT SHADING
THROUGHOUT THE YEAR

FULL YEAR

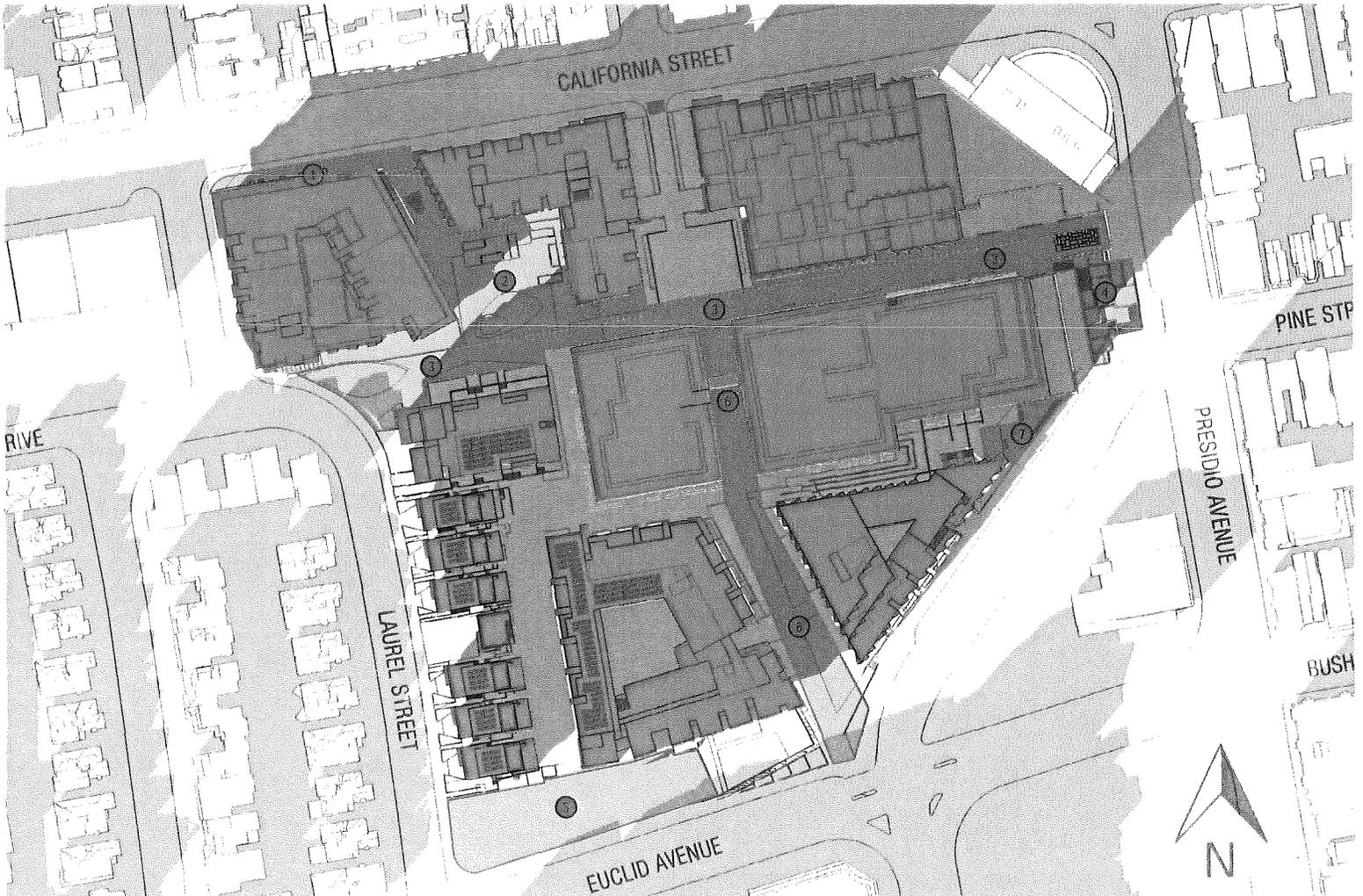


Note: No other existing publicly accessible open spaces are within the vicinity affected by net new project generated shading.

C3.8

3333 CALIFORNIA MIXED USE MULTI-FAMILY HOUSING VARIANT

Shading diagrams on the Winter Solstice



WINTER SOLSTICE
DECEMBER 20

3:00 PM

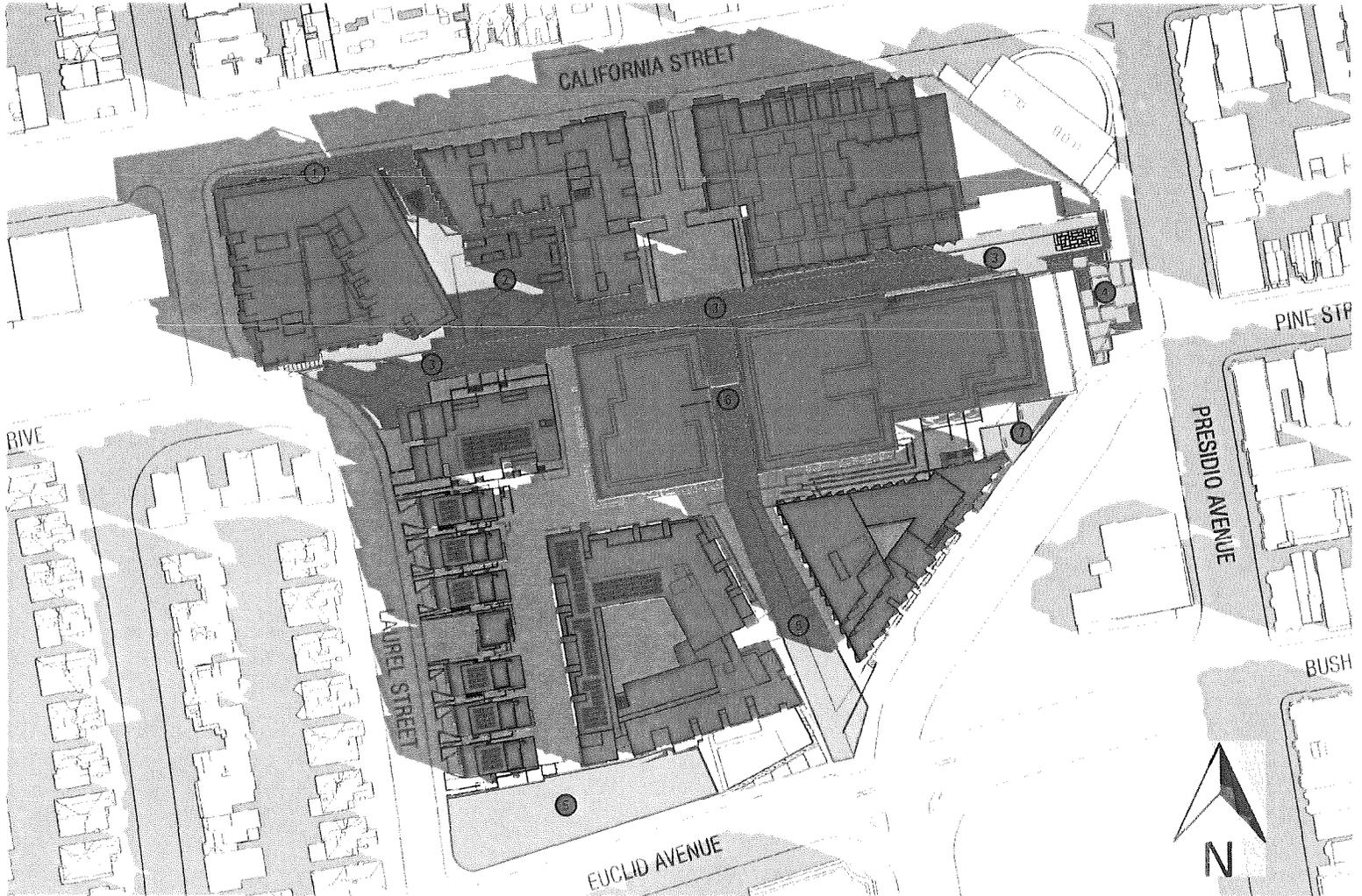
-  Proposed Project
-  Existing (current) Shadows
-  New Shading by Project Variant

- Project Open Spaces
-  California Plaza
 -  Cynus Square / Stairs
 -  Mayfair Walk
 -  Pine Streets Steps / Plaza
 -  Euclid Green
 -  Walnut Walk
 -  Masonic Plaza

C2.3

3333 CALIFORNIA MIXED USE MULTI-FAMILY HOUSING VARIANT

Shading diagrams near the Fall/Spring Equinoxes



APPROX. FALL EQUINOX (SPRING SIMILAR)
SEPTEMBER 20

9:00 AM

- | | |
|--|---|
|  Proposed Project |  Project Open Spaces |
|  Existing (current) Shadows | ① California Plaza |
|  New Shading by Project Variant | ② Cyprus Square / Stairs |
| | ③ Mayfair Walk |
| | ④ Pine Streets Steps / Plaza |
| | ⑤ Euclid Green |
| | ⑥ Walnut Walk |
| | ⑦ Masonic Plaza |

EXHIBIT M



University of California
San Francisco

UCSF Real Estate

UCSF Box 0287
654 Minnesota Street, 2nd Floor
San Francisco, CA 94143

April 8, 2019

San Francisco City Planning Department
Kei Zushi, Senior Planner
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: UCSF Laurel Heights Campus Access
3333 California Street, San Francisco, CA 94118

Dear Mr. Zushi:

We have been asked to provide some information related to the property at 3333 California Street, which UCSF sold in 2018 but continues to occupy under a lease.

The UCSF Laurel Heights campus at 3333 California Street is a restricted access campus with strict security control measures in place that allow only authorized UCSF faculty and/or employees unaccompanied access to the building. Any non-UCSF access is allowed only with permission of UCSF.

The UCSF employees at the Laurel Heights Campus are issued a building security access card that allows them to access the building and property. Any non-UCSF visitor is required to enter the building through the main entrance where they must show their driver's license or other identification to the security guard, sign into a log book, and state their business and/or reason for accessing the property in addition to the name of the UCSF employee they are visiting. On the rare occasions that public/community meetings are held at the site with permission of UCSF, the sign-in requirement is still in place and a university employee must remain on-site during that period.

There is a ground-floor building access point through secured doors that connects the northeast parking lot on the north side of the existing building to a south facing lower patio area on the south side of the existing building. This circulation from north to south is through the interior of the existing building and is not open or accessible to the public or pedestrians without a UCSF access card (Photos: 4, 5, 6 & 7). Access through the property from Euclid or Masonic Avenues is restricted by a lockable gate (Photo 9) and passing through this secure gate would be the only way to access the exterior Upper Terrace (Photo 10) from the streets to the south. Pedestrians cannot walk through the site from north to south or west to east to access adjacent streets due to the siting of the existing building.

There is currently a Bright Horizons preschool that is a sub-lessee of UCSF and currently operates at the Laurel Heights Campus. The center hours are 6:30am - 6:00pm and parents are able to drop off/pick up their child at any point during operational hours. Parents must bring their children to their classroom through a secured entry, connect

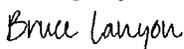
with their teachers for the hand-off, and sign their children in/out on an online tracking system. Parents receive an e-mail each time their child is signed in and out of the center. Parents are given a temporary parking pass (20 minutes) for the parking lot off Laurel Street and are required to obtain a UCSF building badge to enter the building *and* a key fob for Bright Horizon's main entry door. The building badge is obtained through UCSF and Bright Horizons is responsible for tracking the key fobs.

There is also a café that is a sub-tenant of UCSF that is solely for the use of UCSF employees/invitees and is not open to the public. Access to the cafe is either through the interior of the building or off the Upper Terrace using a UCSF issued security access card.

There is a green space at the corner of Laurel Street and Euclid Avenue; however, this area is private property and any use by the public requires UCSF's permission to pass and is currently posted with private property/permission to pass signage.

Please feel free to reach out to me with any additional questions or clarifications at bruce.lanyon@ucsf.edu.

Sincerely,

DocuSigned by:

0402839309984FC...
Bruce Lanyon
Interim Assistant Vice Chancellor
UCSF Real Estate

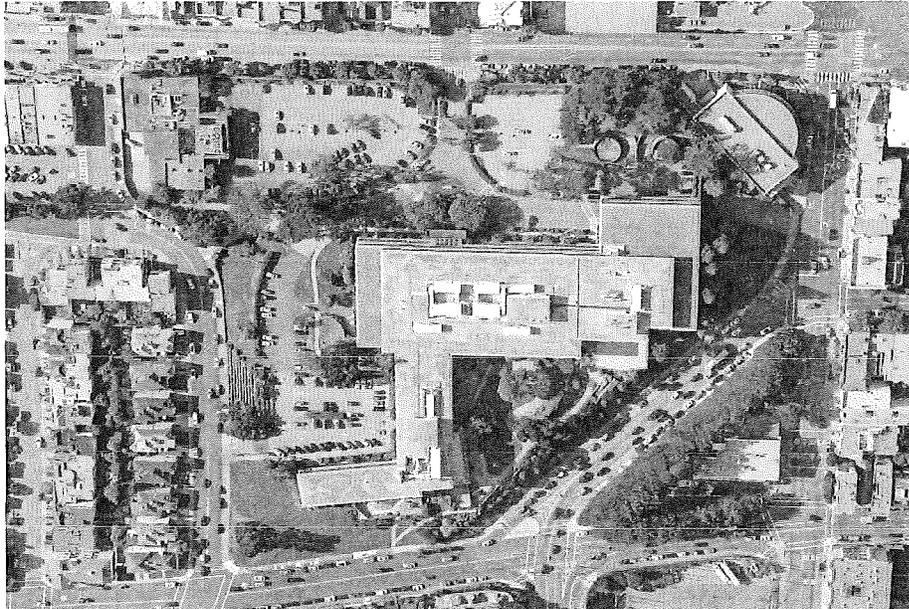


Photo 1: UCSF Laurel Heights Campus at 3333 California Street

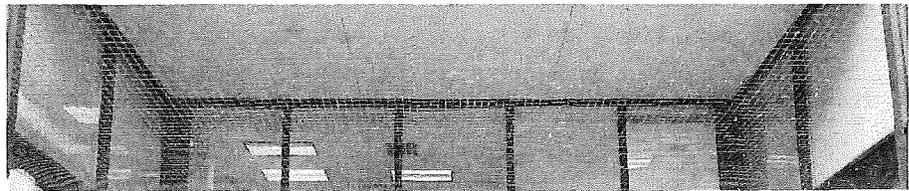


Photo 2: Main Entrance at 3333 California where visitors are required to sign in with the security guard



Photo 3: All exterior doors are not open to the public and require a UCSF issued security access card to gain entry.



Photo 4: Door from northeast side of the parking lot that leads through the building interior and opens through another secure door into an exterior southeast facing patio area.



Photo 5: Site Security Sign and access card reader at the door off the northeast side of the parking lot.

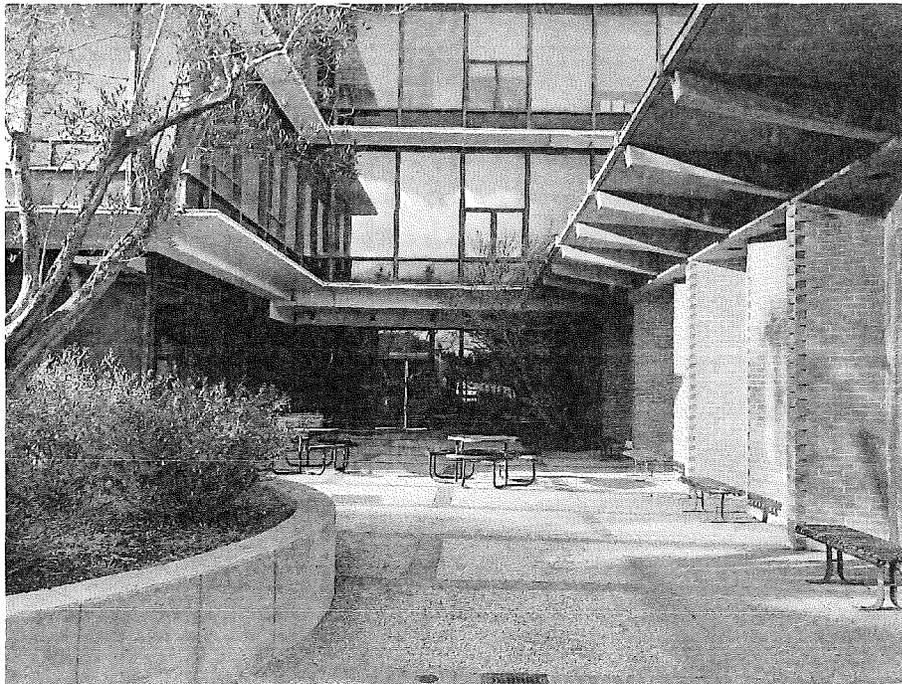


Photo 6: South facing exterior patio area



Photo 7: Restricted keycard access sign at the door off the south facing patio.



Photo 8: UCSF Laurel Heights Campus is an "Access Controlled Area" Sign



Photo 9: Access from Euclid and Masonic Avenues is restricted by a secured gate which is kept locked and requires a key to open. The gate is the access to the Upper Terrace.



Photo 10: Upper Terrace at 3333 California Street

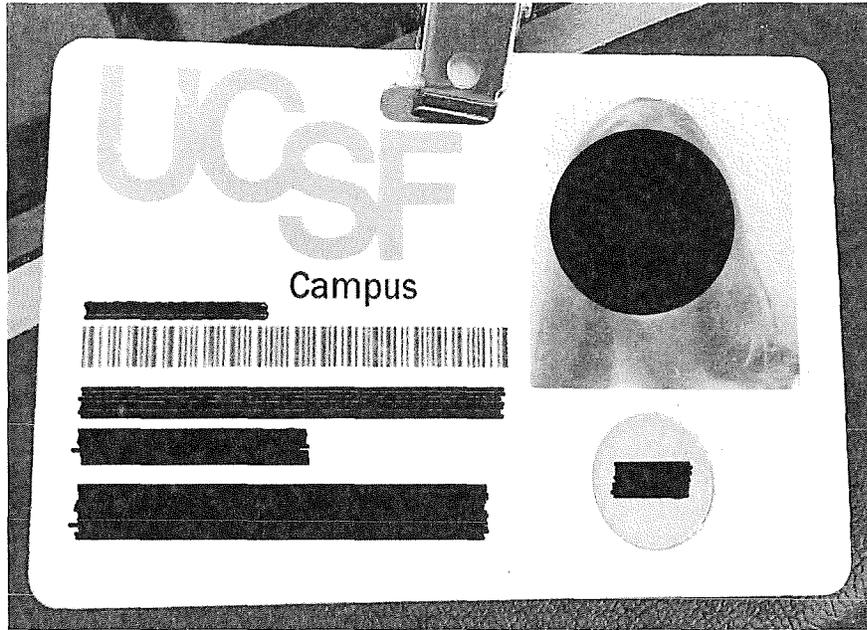


Photo 11: UCSF Security Access Badge

EXHIBIT N

October 2, 2019

3333 California Street
San Francisco, California

Secretary of the Interior's Standards Compliancy Evaluation

INTRODUCTION

This report evaluates three proposed designs for 3333 California Street: the Proposed Project (and Project Variant), Preservation Alternative C from the Draft EIR, and a Community Preservation Alternative put forth by the Laurel Heights Improvement Association of SF, Inc. The 10.2-acre property, in the Laurel Heights neighborhood, consists of two buildings and a landscape designed to function as a single entity, dating from 1957. The buildings were designed by Edward B. Page, while the site was the work of Eckbo, Royston and Williams. The complex was created for the Home Office of the Fireman's Fund Insurance Company, the original tenant. The property is listed in the California Register of Historical Resources and has been determined eligible for the National Register of Historic Places.

METHODOLOGY

Nancy Goldenberg, Principal architect and architectural historian with TreanorHL reviewed the Draft EIR, which includes both the proposed design and several preservation alternatives, including full preservation alternative C. Ms. Goldenberg also spoke to Kathy Devincenzi and Richard Frisbee from the Laurel Heights Association regarding their preferred alternative. Ms. Goldenberg is already very familiar with the property, as she has lived in the nearby Anza Vista neighborhood for over 30 years. Each of the three alternatives (proposed project, alternative C, and the Laurel Heights Association's preferred alternative) will be evaluated according to the Secretary of the Interior's Standards for the Treatment of Historic Properties: Rehabilitation. As used herein, the term "Proposed Project" will include the Proposed Project Variant, unless otherwise indicated.

SIGNIFICANCE SUMMARY¹

The following is the significance summary paragraph from the Draft National Register Nomination:

"The Fireman's Fund Insurance Company Home Office is eligible for the National Register under Criteria A and C at the local level. Under Criterion A, it is significant in the area of Commerce for its association with the San Francisco insurance industry, an important industry in the history of the city from the Gold Rush to the present. In particular, it represents the postwar boom in San Francisco's insurance industry when many companies built new office buildings. At that time, Fireman's Fund was one of the largest insurance companies in the United States. It was the only major insurance company headquartered in San Francisco. It was a leader among all insurance companies in San Francisco in its embrace of new ideas, symbolized by its move away from downtown to an outlying location. Under Criterion A, the Fireman's Fund Home Office is significant in the area of Community Planning and Development as one of the

¹ The district significance is summarized from Michael R. Corbett and Denise Bradley, *National Register of Historic Places Registration Form – Fireman's Fund Insurance Company Home Office*, April 19, 2018, Section 8.



principal embodiments of the postwar decentralization and suburbanization of San Francisco. Fireman's Fund was the first major office building to be built outside of downtown in a suburban setting and it was the first whose design was fully adapted to the automobile.

Under Criterion C, the Fireman's Fund Home Office is significant as the work of three masters, the architect Edward B. Page, the engineering firm of John J. Gould & H.J. Degenkolb/Henry J. Degenkolb & Associates, and the landscape architectural firm of Eckbo, Royston & Williams (ERW)/Eckbo, Austin, Dean, and Williams (EDAW). As a modernist, through his experiences in Paris in 1930, Edward Page had direct links to the birth of modern architecture and to its development in the United States. The Fireman's Fund Home Office is his best known and most important work. The Fireman's Fund Home Office – with its innovative structural design that provided open floors with minimal columns and exterior walls of glass – represents the beginning of the reputation of the Gould and Degenkolb engineering firms as among the leading structural engineers in San Francisco in the post-World War II period. ERW/EDAW was recognized as one of the country's leading landscape architectural firms during the period of significance, and their designs and writings contributed to the popularization of the modernist landscape design vocabulary and to modernism as an approach to creating outdoor spaces that addressed contemporary needs within a broad range of settings. The Fireman's Fund Home Office represents an example of the firm's mastery of modern design within a corporate landscape context. Additionally, the Fireman's Fund Home Office, a single property including both architectural and landscape architectural elements which were designed to complement each other, is significant under Criterion C as an example of a corporate headquarters in San Francisco that reflects mid-twentieth-century modernist design principles. The period of significance is 1957-1967, covering the period from the year when the first phase of the buildings and landscape were completed (1957) to the year the final phase of construction was undertaken (1967) by Fireman's Fund. The Fireman's Fund company continued on this site as a leading insurance company in San Francisco and nationally until it sold the property in 1983. Although there are numerous alterations, these alterations do not alter the essential character of a property and it retains a high level of integrity."

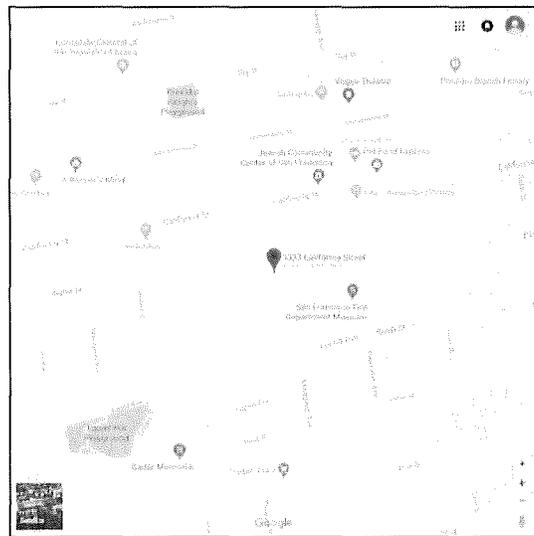


Figure 1 – Location Map

SUMMARY DESCRIPTION

"The Fireman's Fund Insurance Company Home Office is a 10.2-acre property in a central, predominantly residential area of San Francisco called Laurel Heights...The property consists of two buildings and a landscape that were designed to function as a single entity. The main building, referred to in the nomination as the Office Building, is a large three-to-seven-story building located in the center of the property. There is also a much smaller, one-story Service Building in the northwest corner of the property. The two buildings were designed to complement each other in character and materials. The Office Building is a glass walled building with an open character. The Service Building is a brick building with a closed character. The Office Building is an International style building which despite its size is built into its sloping hillside site in such a way as to minimize its presence. Its four wings, each built for different functions, range from three floors to seven floors. It is characterized by its horizontality, its bands of windows separated by the thin edges of projecting concrete floors, and brick trim. The wings of the building frame outdoor spaces whose landscape design connects the outdoors with the indoors both functionally and conceptually. The landscape design includes outdoor spaces for use by employees, parking lots, circulation paths, and vegetation. The principal outdoor spaces are the Entrance Court, the Terrace, and small areas around the Auditorium."²

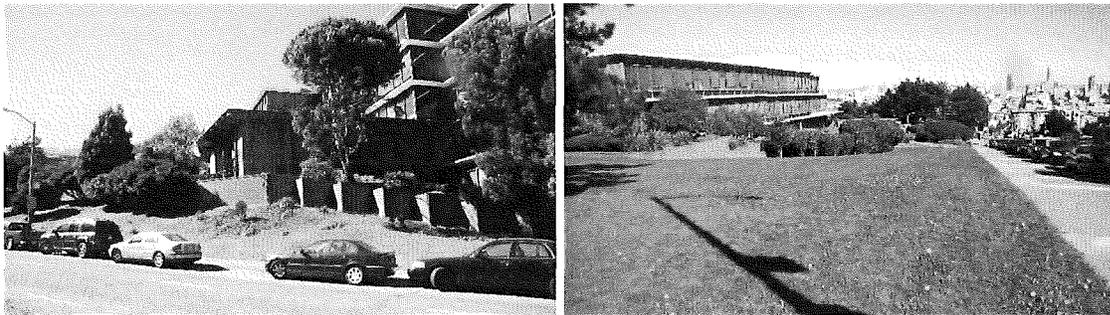


Figure 2 left: View of Property looking northwest, from Masonic. Figure 3, right: View of property looking east, from the corner of Euclid and Laurel.

The following are the character-defining features of the property, as listed in the Draft National Register Nomination. Since the property has been listed in the California Register of Historical Resources by the California Office of Historic Preservation, and that listing was based, in part, on this list of character-defining features, this is the list that should be included in the EIR.

The character defining features of the Office Building are as follows:

- Plan of the building with wings open along the sides to the immediate landscape and to views of the city.
- Horizontality of massing.
- Horizontal lines of projecting edges of concrete floors.
- Horizontal bands of nearly identical window units.
- Uninterrupted glass walls.
- Window units of aluminum and glass.

² Michael R. Corbett and Denise Bradley, *National Register of Historic Places Registration Form – Fireman's Fund Insurance Company Home Office*, April 19, 2018, Section 7.

- Circular garage ramps.
- Exposed concrete piers over the garage.
- Wrought iron deck railings that match gates in the landscape.
- Brick accents and trim.

Service Building

- Massing of rectangular volumes
- Brick Walls with a minimum of openings

Landscape

Terrace, as the centerpiece of the landscape, designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco); key character-defining features include its biomorphic-shaped lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick); brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and three circular tree beds constructed of modular sections of concrete.

Entrance Court, providing a connection between the Executive/Visitors Gate on Laurel Street and an entrance to the building on the west side of the Cafeteria Wing; key character-defining features include a central paved parking lot surrounded on its north, east and west sides by narrow planting beds; exposed aggregate sidewalks along the north, east, and west sides of the parking lot; and a low free-standing brick wall along its north side.

Two outdoor sitting areas – one on the east side of the Auditorium and one on its west side – that connect to entrances into the Auditorium; key character-defining features for the area on the west side of the Auditorium include the pavement (exposed aggregate divided into panels by rows of bricks), circular tree bed constructed of modular sections of concrete; and metal benches; key character-defining features for the area on the east side of the Auditorium include the pavement (concrete divided into panels by wood inserted into expansion joints).

Brick wall (constructed of red brick set in running bond pattern similar in appearance to brick used in exterior of main building) that takes several forms and which forms a continuous and unifying element around the edges of the site.

Three gated entrances – one for the employees on California Street and the service and the executive/visitor entrances on Laurel Street – that are integrated into the brick perimeter wall.

Internal Circulation System (entrance drive, service drive, East and West Parking lots).

Vegetation features that help to integrate the character of the Fireman's Fund site with that of the surrounding residential neighborhoods including (1) the large trees in and around the East and West Parking Lots, (2) the lawns on the west, south, and east sides of the property, and (3) the planted banks along Laurel and Masonic Streets.

PROJECT DESCRIPTION

“The Proposed Project would partially demolish the existing office building, divide it into two separate buildings, vertically expand it to include two to three new levels (proposed building heights of 80 and 92 feet) and adapt it for residential use. The two separate buildings would be connected by a covered bridge. Thirteen new buildings ranging in height from 37 to 45 feet would be constructed along the perimeter of the site along California Street, Masonic Avenue, Euclid Avenue, and Laurel Street. The Proposed Project would demolish the existing service building, surface parking lots and circular garage ramp structures. New public pedestrian walkways are proposed through the site in a north-south direction along the line of Walnut Street and in an east-west direction along the line of Mayfair Drive.

A Proposed Project Variant would add three new residential floors (proposed building height of 67 feet) containing 186 additional residential units in the new multi-story building along California Street between Walnut Street and Presidio Avenue.”³

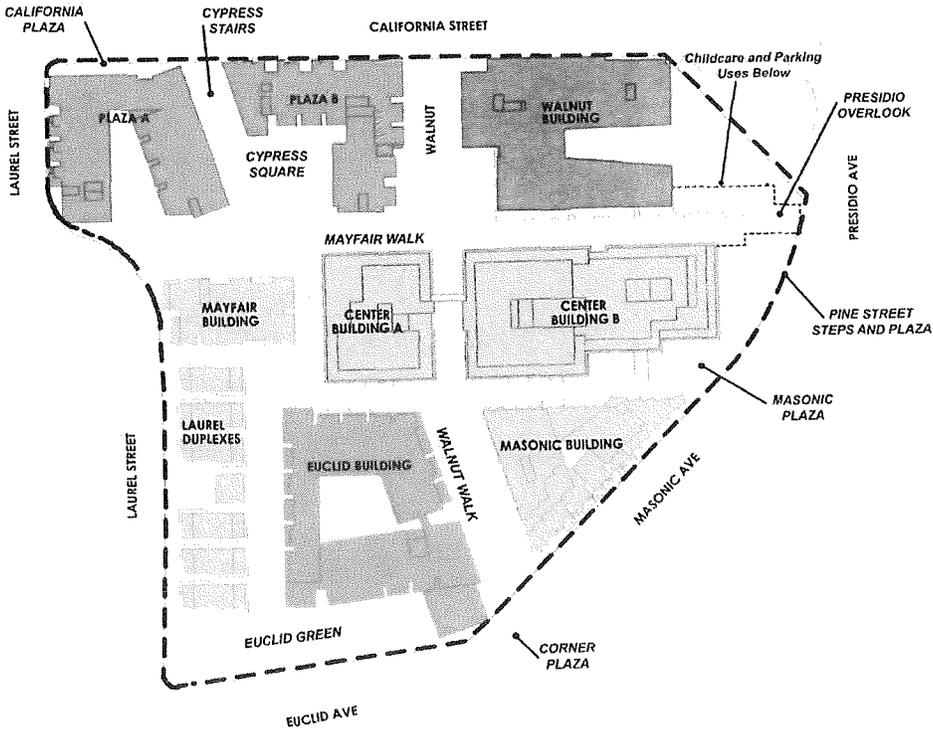
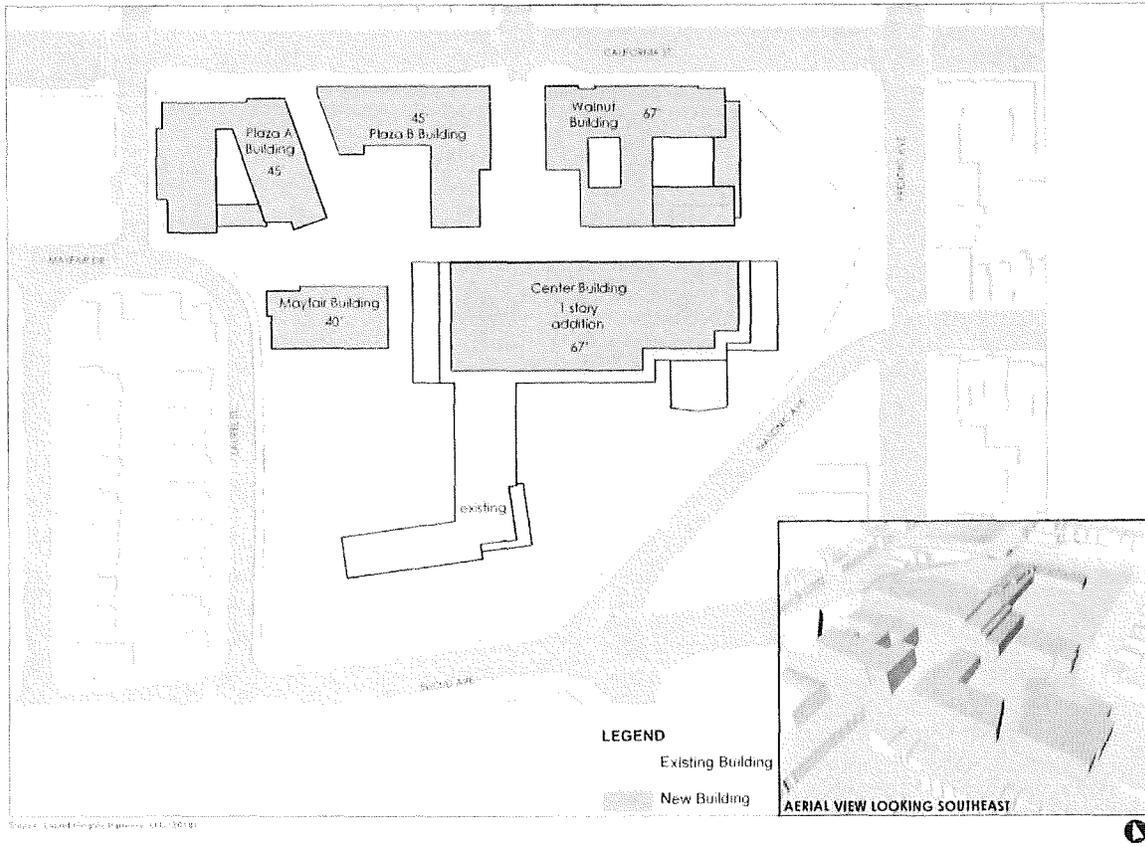


Figure 4 – The Proposed Project site plan

³ The project description is largely taken from the Draft Environmental Impact Report, 3333 California Street Mixed-Use Project, November 7, 2018, pp. S.2 and 2.6.

PRESERVATION ALTERNATIVE C

The Draft Environmental Impact Report lists several project alternatives, some of which have fewer impacts to the historic resource than does the Proposed Project. Full Preservation Alternative C proposes a less intensive development of the site, retaining more of the Main Building and landscape. Under this Alternative, new construction is limited to the northern, and a small area in the western, portion of the site, along California and Laurel Streets. The Main Building would receive a one-level vertical addition, and the glass curtain wall would be replaced with "a compatible design to accommodate the residential use." Along California Street, four new mixed use/multi-family residential buildings would be constructed, with ground floor retail. 534 total residential units would be created.



3333 CALIFORNIA STREET MIXED-USE PROJECT
2015-03-10/28/19

FIGURE 6.5: ALTERNATIVE C: FULL PRESERVATION - RESIDENTIAL ALTERNATIVE SITE PLAN

Figure 5 – Full Preservation Alternative C

COMMUNITY FULL PRESERVATION ALTERNATIVE

The Laurel Heights community has come up with its own preservation alternative. This alternative retains more of the historic resource while providing more residential units than does Preservation Alternative C.

The Community Full Preservation Alternative (Community Alternative) would construct the same number of new housing units as the developer's proposed project (558 units) or project variant (744 units) and would be completed in approximately three years rather than the 7-15 years requested by the developer to complete his proposals. In determining the unit count, TreanorHL used the same unit sizes as was used in the Developer's design. The Community Alternative would preserve virtually all of the character-defining features of the main building and its integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. In addition, the Community Alternative would excavate only for a single, one-level underground parking garage and for the foundation for the Mayfair Building. In contrast, the developer proposes to excavate for three new underground garages including a three-level one.

The Community Alternative would keep the main building in its entirety, only adding two light wells to bring light and air into the center. The existing north-south through passage would remain. As in the other proposals, the Service Building would be demolished. A new residential building would be constructed near the intersection of Mayfair Drive and Laurel Street. Two other new buildings would be constructed along California Street, replacing what are now surface parking lots and the former Service Building. These new buildings would match the scale and massing of the residential townhouse buildings across California Street, and would also be designed to be compatible with the Main Building.

For a complete description of this Alternative, please see Appendix A.

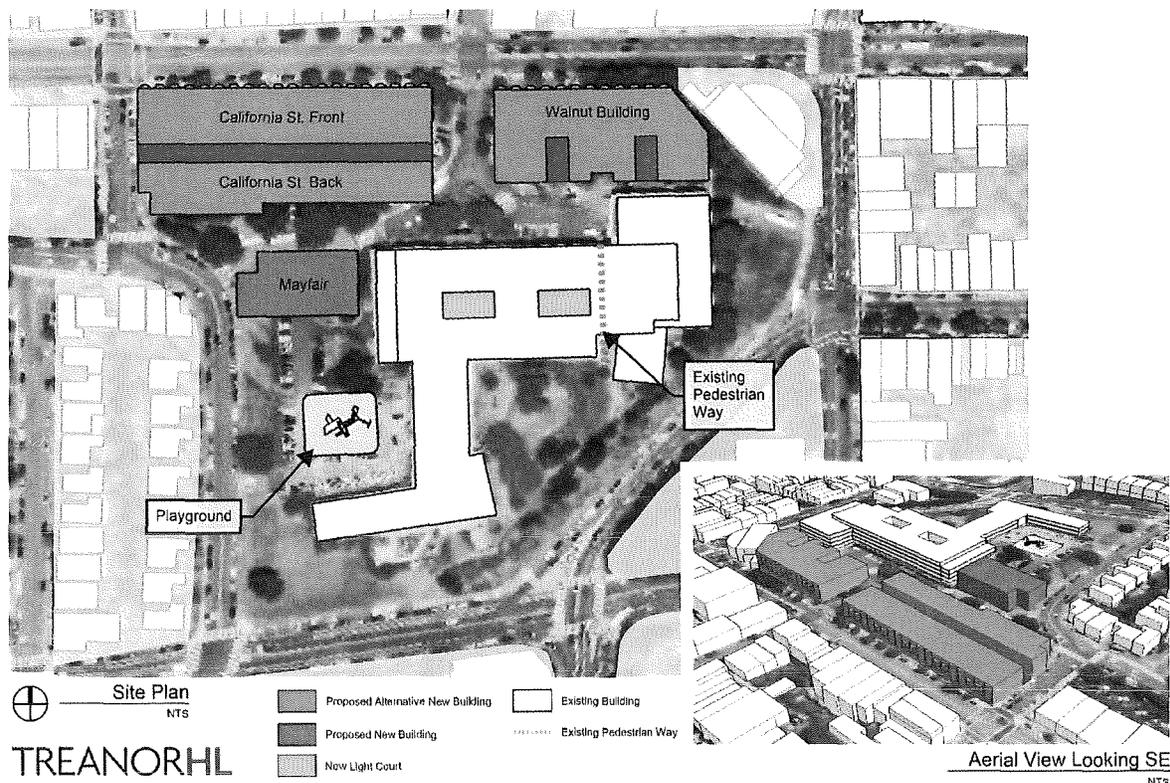


Figure 6 – The Community Full Preservation Alternative

SECRETARY OF THE INTERIOR'S STANDARDS ANALYSIS

The following evaluates the Community Preservation Alternative's compliance with the Secretary of the Interior's Standards for Rehabilitation (Standards). Where appropriate, we also compare the compliance of the Community Preservation Alternative with that of the Proposed Project as well as "Preservation Alternative C," as presented in the Environmental Impact Report.

The Standards are listed below. Each of the 10 Standards is shown in italics, with the analysis of how each of the three proposals – the Community Full Preservation Alternative, the Proposed Project, and Preservation Alternative C from the Draft EIR – meets or fails to meet each standard.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

While the historic use of the property was office, with an office building set amongst green space and parking, the conversion of the property to residential could be done while retaining the character-defining features of the building and site. While the proposed Project design does not retain these features, the Community Preservation Alternative does. Therefore, the Community Preservation Alternative design complies with Standard 1.

Since the Proposed Project would destroy most of the character-defining features of the building and site, it does not comply with Standard 1, although given the proposed use, this standard can certainly be met, as is demonstrated by the Community Preservation Alternative. Preservation Alternative C, like the Community Preservation Alternative, does meet Standard 1.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The Community Preservation Alternative retains most of the character-defining features of the main building and site. Most of the new construction will occur at the parking lot along California Street, which is not considered character-defining. The main building will be retained in its entirety, except for two lightwells that will provide interior illumination. The landscaping will also be retained. The Proposed Project removes the wing from the main building and cuts it in two. The Proposed Project also destroys most of the existing landscaping. Therefore, while the Community Preservation Alternate complies with Standard 2, the Proposed Project does not.

Preservation Alternative C is more compliant with Standard 2 than is the Proposed Project but will have more impact on the property than will the Community Preservation Alternative. Preservation Alternative C proposes to add a story to the Main Building and replace the building's glass curtain wall. Without knowing the design of the vertical addition, or what will replace the curtain wall, it is difficult to determine whether these features will be compatible. Also, it should be noted that many residential buildings now feature curtain walls, so it is unclear why the existing curtain wall is incompatible with residential uses.

Although not described in the Draft EIR, the developer's August 17, 2017 plan sheet A6.01 has proposed installing bay windows to enhance the residential quality of the design. Since these bay windows would diminish the horizontality of the main building, which is one of the character-defining features of the historic resource, this alteration would not be consistent with the Secretary of the Interior's Standards.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

The Community Preservation Alternate does not propose adding any conjectural features that would create a false sense of historical development. Therefore, the Community Preservation Alternative complies with Standard 3.

Neither the Proposed Project nor Preservation Alternative C propose changes that would create a false sense of historical development, so these designs would also comply with Standard 3.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

As described in the California Register Nomination, the Main Building was constructed in phases. The first part of the building was completed in 1957. However, its siting, plan and structure were designed such that it could accommodate future expansion. This expansion took place from 1963 to 1967, in three phases, which added wings to the building. The work was designed by the original architect, and constructed by the original contractor for the original client (Fireman's Fund). The wings are now over 50 years old, and are considered part of the historic resource even if they were not part of the original construction. Since that time, most alterations have occurred on the interior, typical of open-plan office buildings. Under the Community Preservation Alternative, the wings would be retained; under the Proposed Project they would not be. The Community Preservation Alternative therefore meets Standard 4, while the Proposed Project does not. Similar to the Community Preservation Alternative, Alternative C complies with Standard 4.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

The Community Preservation Alternative will retain all distinctive features of the main building and landscape, including the curtain wall and footprint. And, by not raising the height of the building, its horizontality will also be retained. Character defining features of the site will also be retained. (The Service Building, however, will be demolished under this scheme, as it would under the Proposed Project and Preservation Alternative C. While the Service Building is an original feature of the site and contributes to its historic significance, the loss of this building would have only a minor impact on the overall integrity of the property). Therefore, the Community Preservation Alternative complies with Standard 5.

The Proposed Project is demolishing too much of the Main Building and the landscaping to comply with Standard 5. Preservation Alternative C is superior to the Proposed Project but will have a greater impact on the property than will the Community Preservation Alternative. Alternative C proposes to replace the

curtain wall and add a vertical addition, which could impact the building's horizontality, which according to the California Register Nomination is an important character defining feature. Therefore, while better than the Proposed Project, Alternative C does not fully comply with Standard 5.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

During the design phase, the property, including building and landscape features, should be carefully surveyed to determine the condition of all character defining features. If any of these features are found to be deteriorated, they should be repaired rather than replaced, and any features that are deteriorated beyond repair should be replaced in kind, or, if substitute materials must be used (if, for example, the same material is no longer available), then the substitute material should match the old in design, color, texture and any other visual qualities. If that is done, then the Community Preservation Alternative will comply with Standard 6.

The Proposed Project, however, since it will remove most of the character defining features of the property, will not comply with this Standard. Alternative C, since it retains more of the historic resource, would not fully comply with Standard 6 because it would replace the glass curtain window wall system "with a residential system that would be compatible with the historic character of the resource; e.g. operable windows with small panes divided by a mullion and muntins." DEIR p. 6.77.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

No harsh chemical or physical treatments are contemplated at this time. If they are avoided, then the Community Alternative will meet Standard 7.

Since the Proposed Project is removing so much of the resource, the SOIS Analysis in the Draft Environmental Impact Report simply claims that Standard 7 does not apply. The Community Alternative and Alternative C could comply with Standard 7 provided that harsh chemical or physical treatments are prohibited.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Since the project site was formerly part of a cemetery, it is possible that archaeological resources may be encountered during the construction of any project on this site. Language in the specifications must direct construction personnel to stop work should any archeological features be encountered. A professional archeologist would then be alerted to come and identify, document, and safely remove (if warranted) the feature. If such protocols are put into place prior to the start of construction, the project will comply with Standard 8.

According to the EIR, "Mitigation has been identified to reduce the potential impact to archaeological resources to a less-than-significant level. Thus, the Proposed Project or Project Variant would conform

with Standard 8." If Alternative C and the Community Preservation Alternative follow similar protocols, than they too would comply with Standard 8.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

For the Community Preservation Alternate, the exterior envelope of the Main Building will be kept intact, and new construction is proposed primarily along California Street, where currently non-character-defining parking lots exist. These new structures can be designed such that they are compatible with both the Main Building and the existing buildings along the north side of California Street. This can be accomplished by utilizing brick, glass, and concrete as exterior materials (tying into the materials of the Main Building), while maintaining the rhythm and scale of the townhouses across California Street. The Community Alternative will therefore comply with Standard 9. In addition, the Mayfair Building would be designed to be compatible with the Main Building.

The proposed project, on the other hand, does not comply with this Standard. Portions of the Main building will be removed, and most of the landscape will be destroyed. Therefore, the Proposed Project will not comply with Standard 9.

Preservation Alternative C is more compliant than the Proposed Project. However, the massing of the new buildings along California Street is very different from the buildings across California Street, and from the residential development surrounding the site.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

For the Community Preservation Alternative, new construction would be relegated to the parking lots along California Street and a Mayfair Building. The Main Building would retain its existing form, and the curtain wall would be retained (however, given that the present curtain wall, according to the California Register nomination, has become darker since the sale of the building to UCSF in 1985, the curtain wall could be revised if the original tint can be determined.) The work proposed for the Main Building would almost entirely occur on the interior, with the exception of two proposed lightwells. So, if the proposed new development is removed in the future, the property could easily be returned to its historic appearance.

The Proposed Project would make so many changes to the building and landscape that it would not comply with Standard 10. Alternative C does better at compliance than the Proposed Project. However, with the proposal to replace the curtain wall and add a story to the building, it is difficult to see how the original form and integrity of the property could be returned if the changes were reversed. Therefore, Alternative C would not comply with Standard 10.

Conclusion

The above discussion evaluates the Community Preservation Alternative's compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties: Rehabilitation. It also discusses how and whether the Proposed Project and Alternative C complies with these standards. Here are the results:

Community Preservation Alternative: Complies with all 10 Standards

Proposed Project: Complies with Standards 3 and 8 only.

Alternative C: Complies with Standards 1, 3, 4, 6, 7, and 8. Partially complies with Standards 2, 5 and 9. Does not comply with Standard 10.

The Community Alternative is clearly superior in its compliance with the Standards than are the other two designs evaluated. In addition, it provides more housing units than Alternative C, and the new construction is more compatible with surrounding neighborhood development.

The evaluation herein applies equally to the Proposed Project Variant, as it would have the same effect on the character-defining features of the resource as the Proposed Project. The Community Full Preservation Alternative Variant's compliance with the Secretary of the Interior's Standards would be the same as that of the Community Full Preservation Alternative.



January 7, 2019

Nancy Goldenberg, Principal

Date

EXHIBIT O

TREANORHL

August 20, 2019

3333 California Street
San Francisco, California

Preservation Alternative – Feasibility Evaluations

The Laurel Heights Improvement Association asked TreanorHL to assist in further developing their Preservation Alternative and Community Variant for 3333 California Street in San Francisco. Additionally, the organization wished us to verify that the Preservation Alternative and Community Variant are feasible by confirming the possible number of units per building and the approximate size of the various units.

EXISTING PLAN REVIEW

1. TreanorHL reviewed the existing building drawings on file for 3333 California Street at the Records Department of the San Francisco Building Department.
 - The review of the plans indicated the light courts in the Preservation Alternative and Community Variant should be relocated to facilitate the retention of the existing stairwells and elevator banks.

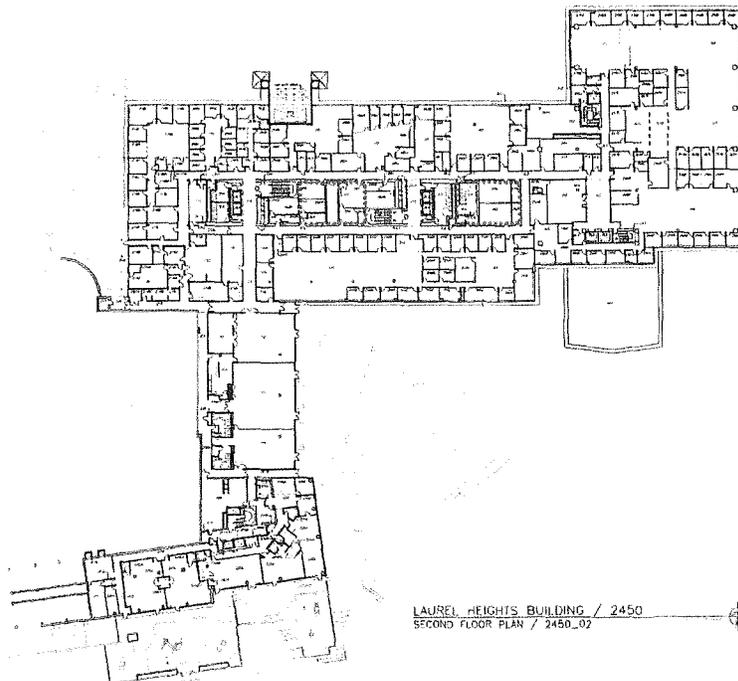


Figure 1. The red dashed boxes identify proposed location of light courts in the Preservation Alternative and Community Variant.



- Reviewing the existing drawings confirmed that the structural columns are fairly regular throughout the main building and wing. Adapting the spaces for residential use can easily be done without impacting the existing column grid.
 - The existing column grid in the main part of the building has a 30-foot spacing. The proposed project calls for creating a 40-foot passthrough all the way up the existing building in the north south direction. This proposed 40-foot wide passthrough in the existing building would be expensive as it does not align with the existing grid. Maintaining the 30-foot grid in the proposed passthrough would require less structural modification to the existing building.
 - The building was likely designed to accommodate the current structure, not additional stories. So, increasing the height of the building by adding additional floors will require significant effort to upgrade the existing structure.¹
2. The Preservation Alternative and Community Variant retain the southern wing of the existing structure. The existing wing has a more irregular structural column grid than the main part of the building. However, adapting the wing space for residential use will not be any more challenging than in any other part of the structure.
- Exiting was not reviewed, but if additional exiting is needed there are ample opportunities for an additional stair in the wing.
 - Accessibility would be provided, as in the rest of the building, by means of elevators and other features that meet the California Accessibility code.
 - If water damage is present in the wing it can be remediated and corrected.

FEASIBILITY EVALUATIONS

1. The attached analysis shows that the Preservation Alternative scheme and the Community Variant are feasible in terms of providing equivalent residential units to that of the proposed project. To do this, TreanorHL compared the gross square footage with a reasonable net square footage for the proposed building type, and then calculated how many units of various sizes (studio, one and two bedrooms, etc.) could reasonably fit into the net square footage.
- The California Street buildings (both front and back) were calculated using the high end and low end of the efficiency factor for residential construction. This did not change the number of units per building, but it did affect the size of the units within the structures.
 - Both the Preservation Alternative scheme and the Community Variant provide units that are comparable in size and type to those identified in the proposed project.

¹ Merrill, Fred H. "Fireman's Fund Insurance Company - 3333 California Street." Received by Mr. D. L. Devincenzi, 7 Feb. 1964.

CALIFORNIA - FRONT (BASE)

Floor Plate Area:	30,000 SF
Number of Floors:	4 Floors
Total Gross SF:	120,000 SF
Efficiency Factor:	0.75
Total NSF:	90,000 SF
Full Preservation Unit # Total:	56
Average Unit SF:	1,607 SF

CALIFORNIA - FRONT (VARIANT)

Floor Plate Area:	30,000 SF
Number of Floors:	4 Floors
Total Gross SF:	120,000 SF
Efficiency Factor:	0.85
Total NSF:	102,000 SF
Community Variant Unit # Total:	64
Average Unit SF:	1,594 SF

Full Preservation Unit Breakdown (.75)

Total NSF:	90,000		
Total # Units:	56		
Junior	SF	Units	Total
1-Bed			
2-Bed	896	7	6,272
3-Bed	1,410	22	31,020
4-Bed	1,955	27	52,785
TOTAL	56		90,077

Community Variant Unit Breakdown (.75)

Total NSF:	90,000		
Total # Units:	64		
Junior	SF	Units	Total
1-Bed			
2-Bed	896	14	12,544
3-Bed	1,410	37	52,170
4-Bed	2,000	13	26,000
TOTAL	64		90,714

Full Preservation Unit Breakdown (.85)

Total NSF:	102,000		
Total # Units:	56		
Junior	SF	Units	Total
1-Bed			
2-Bed	1,100	7	7,700
3-Bed	1,550	22	34,100
4-Bed	2,200	27	59,400
TOTAL	56		101,200

Community Variant Unit Breakdown (.85)

Total NSF:	102,000		
Total # Units:	64		
Junior	SF	Units	Total
1-Bed			0
2-Bed			
3-Bed	1,150	14	16,100
4-Bed	1,550	37	57,350
4-Bed	2,200	13	28,600
TOTAL	64		102,050

CALIFORNIA - BACK (BASE)

Floor Plate Area:	19,293 SF
Number of Floors:	4
Total Gross SF:	77,172 SF
Efficiency Factor:	0.75
Total NSF:	57,879 SF
Full Preservation Unit # Total:	52
Average Unit SF:	1,113 SF

CALIFORNIA - BACK (VARIANT)

Floor Plate Area:	19,293 SF
Number of Floors:	4
Total Gross SF:	77,172 SF
Efficiency Factor:	0.85
Total NSF:	65,596 SF
Community Variant Unit # Total:	60
Average Unit SF:	1,093 SF

Full Preservation Unit Breakdown (.75)

Total NSF:	57,879		
Total # Units:	52		
Junior	SF	Units	Total
1-Bed	600	8	4,800
2-Bed	896	20	17,920
3-Bed	1,450	24	34,800
4-Bed			
TOTAL	52		57,520

Community Variant Unit Breakdown (.75)

Total NSF:	57,879		
Total # Units:	60		
Junior	SF	Units	Total
1-Bed	600	22	13,200
2-Bed	896	15	13,440
3-Bed	1,410	16	22,560
4-Bed	2,000	7	14,000
TOTAL	60		63,200

Full Preservation Unit Breakdown (.85)

Total NSF:	65,596		
Total # Units:	52		
Junior	SF	Units	Total
1-Bed	700	8	5,600
2-Bed	1,000	20	20,000
3-Bed	1,650	24	39,600
4-Bed			
TOTAL	52		65,200

Community Variant Unit Breakdown (.85)

Total NSF:	65,596		
Total # Units:	60		
Junior	SF	Units	Total
1-Bed	625	22	13,750
2-Bed	925	15	13,875
3-Bed	1,500	16	24,000
4-Bed	2,000	7	14,000
TOTAL	60		65,625

MAYFAIR BUILDING (BASE)

Floor Plate Area:	13,500 SF
Number of Floors:	4 Floors
Total Gross SF:	54,000 SF
Efficiency Factor:	0.75
Total NSF:	40,500 NSF
Full Preservation Unit # Total:	40
Average Unit SF:	1,013 NSF

MAYFAIR BUILDING (VARIANT)

Floor Plate Area:	13,500 SF
Number of Floors:	4 Floors
Total Gross SF:	54,000 SF
Efficiency Factor:	0.75
Total NSF:	40,500 NSF
Community Variant Unit # Total:	52
Average Unit SF:	779 NSF

Full Preservation Unit Breakdown

Total NSF:	40,500		
Total # Units:	40		
Junior	SF	Units	Total
1-Bed	800	10	8,000
2-Bed	1,100	30	33,000
3-Bed			
4-Bed			
TOTAL	40		41,000

Community Variant Unit Breakdown

Total NSF:	40,500		
Total # Units:	52		
Junior	SF	Units	Total
1-Bed	600	23	13,800
2-Bed	900	27	24,300
3-Bed	1,400	2	2,800
4-Bed			
TOTAL	52		40,900

WALNUT BUILDING - PORTICO RETAINED (BASE)

Floor Plate Area:	31,825 SF
Number of Floors:	4 Floors
Total Gross SF:	127,300 SF
Efficiency Factor:	0.75
Total NSF:	95,475 NSF
Full Preservation Unit # Total:	118
Average Unit SF:	809 NSF

WALNUT BUILDING - PORTICO RETAINED (VARIANT)

Floor Plate Area:	31,825 SF
Number of Floors:	7 Floors
Total Gross SF:	222,775 SF
Efficiency Factor:	0.75
Total NSF:	167,081 NSF
Community Variant Unit # Total:	228
Average Unit SF:	733 NSF

Full Preservation Unit Breakdown

Total NSF:	95,475		
Total # Units:	118		
Junior	SF	Units	Total
1-Bed	525	17	8,925
2-Bed	600	44	26,400
3-Bed	900	40	36,000
4-Bed	1,450	17	24,650
TOTAL	118		95,975

Community Variant Unit Breakdown

Total NSF:	167,081		
Total # Units:	228		
Junior	SF	Units	Total
1-Bed	525	17	8,925
2-Bed	600	143	85,800
3-Bed	900	47	42,300
4-Bed	1,300	14	18,200
4-Bed	1,800	7	12,600
TOTAL	228		167,825

HISTORIC MAIN BUILDING - PORTICO RETAINED (BASE)

Floor Plate Area:	SF
Number of Floors:	Floors
Total Gross SF:	362,300 SF drawings A6.00
Efficiency Factor:	0.70
Total NSF:	253,610 NSF
Full Preservation Unit # Total:	292
Average Unit SF:	869 NSF

HISTORIC MAIN BUILDING - PORTICO RETAINED (VARIANT)

Floor Plate Area:	SF
Number of Floors:	Floors
Total Gross SF:	362,300 SF
Efficiency Factor:	0.70
Total NSF:	253,610 NSF
Community Variant Unit # Total:	340
Average Unit SF:	746 NSF

Full Preservation Unit Breakdown

Total NSF:	253,610		
Total # Units:	292		
Junior	SF	Units	Total
1-Bed	550	10	5,500
2-Bed	650	145	94,250
3-Bed	1,000	97	97,000
4-Bed	1,410	40	56,400
TOTAL	292		253,150

Community Variant Unit Breakdown

Total NSF:	253,610		
Total # Units:	340		
Junior	SF	Units	Total
1-Bed	510	10	5,100
2-Bed	600	204	122,400
3-Bed	900	92	82,800
4-Bed	1,275	34	43,350
4-Bed			0
TOTAL	340		253,650

BASE

Proposed Project Unit Count	Preservation Alternative Unit Count
Junior	27
1-Bed	207
2-Bed	194
3-Bed	103
4-Bed	27
Total	558

VARIANT

Proposed Project Unit Count	Preservation Alternative Unit Count
Junior	27
1-Bed	392
2-Bed	195
3-Bed	103
4-Bed	27
Total	744

Ed. Robert

Eme. Kent Murray 2/4/64

FIREMAN'S FUND INSURANCE COMPANY

3333 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA

FRED H. MERRILL
PRESIDENT

February 7, 1964

Mr. D. L. Devincenzi
President
Laurel Heights Improvement Association
of San Francisco
San Francisco, California

Dear Mr. Devincenzi:

The purpose of this letter is to provide you with a convenient means of conveying to members of the Laurel Heights Improvement Association an account of the substance of my comments to you and Dr. Greenspan at our meeting held here on Tuesday, February 4, concerning the presently proposed Fireman's Fund building addition and our thinking with respect to possible future expansion of our building.

I believe the following adequately summarizes our discussion:

There was general agreement among the three of us that the presently proposed addition to our building was in compliance with all of the stipulations in effect with respect to the Fireman's Fund property.

You indicated that, despite the fact that there are no height limitations for commercial development in effect with respect to the property, the association membership was extremely interested in learning whether our future plans encompassed the addition of another floor to the present building, and would appreciate advice from us in this connection.

I assured you that we do not have plans for an additional floor on the building and that the proposed addition will have a permanent roof rather than a slab suitable as flooring for a further addition. This was for the reason that we have been advised that existing foundations would not be adequate for an additional floor and that in my view an additional floor would not only be detrimental to the appearance of the building but impracticable from a building cost standpoint. While it was not my intention or function, I pointed out, either to alter the stipulations with respect to the property,

-2-

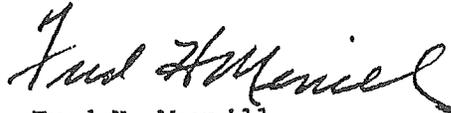
accepted by the San Francisco Planning Commission, or to purport to bind the management of Fireman's Fund, I assured you that during my tenure as President of Fireman's Fund, for the reasons given above, I would not consider the construction of a floor on our building above the presently proposed addition.

I then went on to explain that any expansion of our building beyond that which we have reviewed with the Planning Commission and members of your association would be preceded by appropriate research and development relating to provision for adequate off-street parking facilities. It is our intention, I said, to utilize, ultimately, the present roof area for additional space, but before this done, we would plan to develop more service and parking facilities - most probably on the Presidio and California areas of our property.

I was very pleased to learn that the Association plans to record its approval of our proposed addition and to convey this fact to the Planning Commission. This action is most gratifying to me and to our management. We shall do everything in our power to minimize all inconveniences during the construction period.

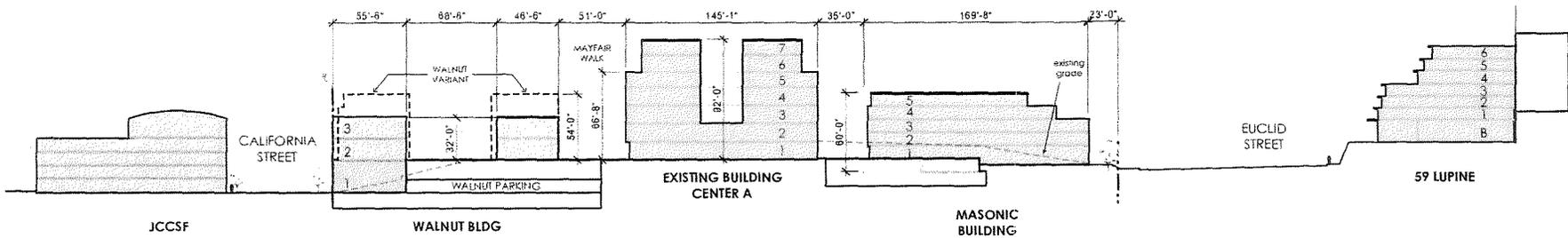
Meanwhile, please be assured that we shall always attempt to maintain the Fireman's Fund building in such a manner that it - as indicated yesterday in the press - will continue to be an asset to our neighborhood.

Sincerely yours,

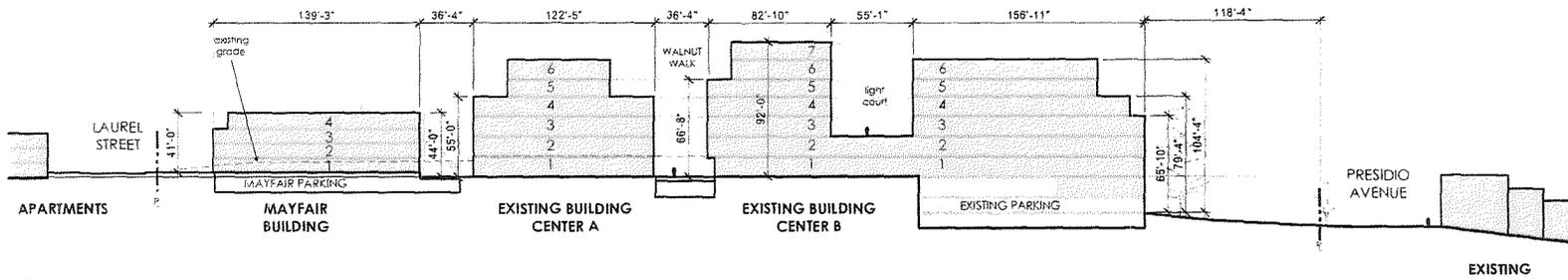


Fred H. Merrill
President

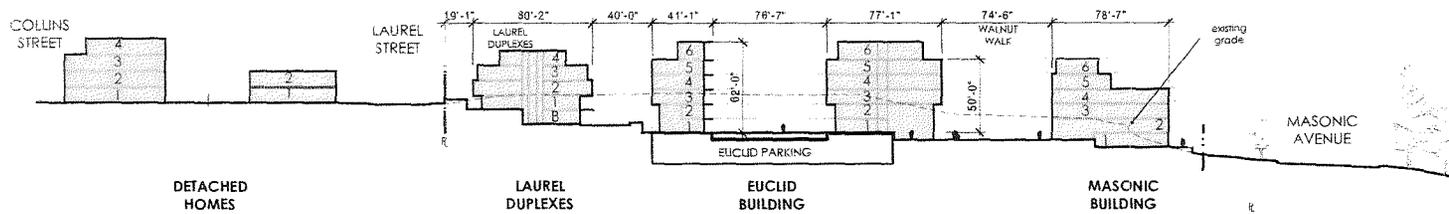
EXHIBIT P



1 NORTH-SOUTH SITE SECTION



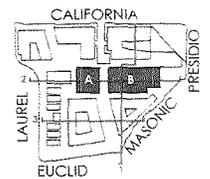
2 EAST-WEST SITE SECTION



3 EAST-WEST SITE SECTION

- CARE/CARE STAIRS
- PARKING
- RETAIL USABLE
- OFFICE
- RESIDENTIAL TOWNS
- LANDSCAPED ROOF
- CHEG-CARE B.O.R.
- PCFAE B.O.H.
- OFFICE CORP.
- RESIDENTIAL CORP.

LEGEND INTENDED FOR USE ONLY WHERE PLANS ARE REPRODUCED IN COLOR



3333 CALIFORNIA STREET SAN FRANCISCO, CA

PROJECT SITE SECTIONS



7.3.2019
PLANNING APPLICATION SUBMITTAL (REVISED)



G2.08

EXHIBIT Q



PLANNING COMMISSION

STANDARDS FOR THE TRANSPORTATION DEMAND MANAGEMENT PROGRAM



ADOPTED AUGUST 4, 2016

Updated June 7, 2018



San Francisco
Planning



SAN
FRANCISCO

SECTION 2

Transportation Demand Management Plan

This section provides the standards a *property owner* uses in developing a *TDM Plan*.

2.1 DETERMINE APPLICABILITY

Any *Development Project* that meets the applicability criteria of Planning Code Section 169.3 shall be subject to the *TDM Program* requirements of Planning Code Section 169 and the TDM Program Standards. The TDM Program Standards require each land use within a Development Project to be categorized as one of four separate *land use categories* (see Section 2.2(a)(1) below), and each land use category within a Development Project to trigger individual TDM *targets* within the overall *TDM Plan* (see Section 2.2(a) below). As such, the TDM Program Standards allow for a mixed use Development Project to have some land uses that must meet a TDM target within the TDM Plan, and some land uses that will not be required to meet a TDM target.

For a Development Project that involves a Change of Use, the Change of Use must result in an intensification of use for the TDM Program to apply. An intensification of use is described as going from a lower land use category to a higher land use category, according to the estimated number of vehicle trips per parking space provided for the primary user. For example, a change from land use category D to land use category B constitutes an intensification of use. If the Change of Use does not result in an intensification of use, the base target score is zero points and the Development Project is not required to submit a TDM Plan or monitoring and reporting.

2.2 TDM PLAN STANDARDS

Any Development Project subject to the TDM Program shall submit a *TDM Plan Application* and administrative fee¹ along with its first *Development Application*. The TDM Plan shall document the Development Project's compliance with the TDM Program.

2.2(a) Targets. The TDM Program Standards require each Development Project subject to the TDM Program to meet a target, without exceptions. The target is based upon the land use(s) associated with the Development Project and the number of *Accessory Parking* spaces proposed for the land use.^{2,3} The Planning Code contains definitions for over 100 different land uses. In order to simplify the applicability of the TDM Program, the TDM Program Standards classify land use definitions into four land

1 Refer to Planning Department Fee Schedule for potential waivers regarding any administrative fees referenced in the TDM Program Standards.

2 Each land use within a Development Project will fall within a land use category. The TDM Program Standards require each Accessory Parking space to be assigned to a distinct land use, including those Accessory Parking spaces within Development Projects located within Use Districts that permit Accessory Parking up to a certain percentage of gross floor area (e.g., C-3 Districts). If an Accessory Parking space is used by more than one land use (e.g., shared spaces), the Accessory Parking space shall be counted toward each land use for which it is assigned.

3 For any Development Project that meets the applicability criteria of Planning Code Section 169.3 and includes a Parking Garage or Parking Lot, for the purposes of determining the target(s), all parking spaces associated with any such Parking Garage or Parking Lot shall be assigned to distinct land use categories (A, B, and C) that trigger the TDM Plan requirement within the Development Project. The number of such parking spaces assigned to each qualifying land use category shall be proportional, so that the percentage of total parking spaces assigned to a land use category is equal to the percentage of occupied square feet that such land use category represents within the total area of qualifying land use categories within the Development Project. However, no individual land use category within the Development Project shall be assigned such parking spaces in an amount that exceeds the maximum amount of parking permitted for the associated land use(s) by the Planning Code."

TABLE 2-1: LAND USE CATEGORIES AND TARGETS

Land Use Category	Typical Land Use Type	# of Parking Spaces proposed by Land Use	Target
A	Retail	Base number: $0 \leq 4$	Base Target: 13 points
		Each additional 2*	1 additional point
B	Office	Base number: $0 \leq 20$	Base Target: 13 points
		Each additional 10*	1 additional point
C	Residential	$0 \leq 5$	10 points
		$6 \leq 10$	11 points
		$11 \leq 15$	12 points
		$16 \leq 20$	13 points
		Each additional 10*	1 additional point
D	Other	Any # of parking spaces	3 points

* For each additional parking space proposed above the base target, the number of parking spaces will be rounded up to the next highest target. For example, a project within Land Use Category C that proposes 21 parking spaces is subject to a 14 point target.

use categories, based upon reducing *Vehicle Miles Traveled* from the primary trip generator associated with that land use. The TDM Program Standards rank the four land use categories, from highest (A) to lowest (D), according to the estimated number of vehicle trips per parking space provided for that primary user: visitors and customers, employees, or residents as shown in Table 2-1.

Typical types of land uses that fall within each of the four land use categories include: Land use category A: formula retail, museums, entertainment venues, and grocery stores. Land use category B: office, child care facility, school. Land use category C: residential. Land use category D: internet service exchange, manufacturing, and production, distribution, and repair. A complete list of land uses classified from the Planning Code into land use categories is included as Section 2.2(a)(1) of the TDM Program Standards. The rationale for the land use categories is described in Chapter 3 in the TDM Technical Justification document.

The TDM Program Standards set a *base target* that all Development Projects within land use categories A, B, and C are required to meet at 25% of the total available number of points in the relevant land use categories. The TDM Program Standards allow for the base target to change as *TDM measures* are added or removed from the *TDM menu of options* (menu) or points associated with existing TDM measures are refined. As stated in Planning Code Section 169 and defined further in the Glossary of Terms, each TDM measure on the menu shall be designed to reduce Vehicle Miles Traveled by residents, tenants, employees, and visitors and must be under the control of the property owner. This process is described in Section 4 of the TDM Program Standards. The TDM Program Standards require land uses associated with land use category D to achieve a target of three points. The target for these land uses is lower than the other three land use categories because the land uses within this category would not substantially affect *Vehicle Miles Traveled*. The rationale for setting the base target for all land use categories is described in Chapter 3 of the TDM Technical Justification document.

TABLE 2-2: PLANNING CODE LAND USE CATEGORIZATION

Land Use Category	Planning Code Definition Title (Section 102)	
<p>(A) Retail</p>	<ul style="list-style-type: none"> • Adult Business; Automobile Sale or Rental; Automotive Use, Retail; • Bar; Bona Fide Eating Place; • Community Facility; Community Facility, Private; • Drive-Up Facility; • Eating and Drinking Use; Entertainment, General; Entertainment, Nighttime; Entertainment, Outdoor; Entertainment, Arts and Recreation, Non-Commercial; Entertainment, Arts and Recreation, Retail; Entertainment, Arts and Recreation Use; • Gas Station; Gift Store-Tourist Oriented; Grocery, General; Grocery, Specialty; Gym • Jewelry Store • Job Training • Liquor Store 	<ul style="list-style-type: none"> • Massage, Chair/Foot; Massage Establishment; Medical Cannabis Dispensary; Mortuary; Movie Theater • Non-Auto vehicle Sales or Rental • Open Air Sales • Pharmacy • Religious Institution; Restaurant; Restaurant, Limited • Service, Financial; Service, Fringe Financial; Service, Limited Financial; Service, Personal; Service, Retail Professional • Sports Stadium • Take-Out Food; Tobacco Paraphernalia Establishment; Trade Shop • Walk-Up Facility
<p>(B) Office</p>	<ul style="list-style-type: none"> • Animal Hospital • Cat Boarding; Child Care Facility • Design Professional • Hospital; Hotel • Institutional Education Use • Kennel • Laboratory; Licensed Child Care Facility; Life Science • Motel • Nonprofit Organization 	<ul style="list-style-type: none"> • Office, General • Post-Secondary Educational Institution • Residential Care Facility • School; Service, Business; Service, Health; Service, Instructional; Service, Non-Retail Professional; Service, Philanthropic Administrative; Small Enterprise Workspace (S.E.W.); Social Service or Philanthropic Facility • Trade Offices; Trade School
<p>(C) Residential</p>	<p>Residential Use</p>	
<p>(D) Other</p>	<ul style="list-style-type: none"> • Agriculture, Large-Scale Urban; Agriculture, Neighborhood; Automobile Assembly; Automobile Wrecking; Automotive Service; Automotive Service Station; Automotive Use, Non-Retail; Automotive Wash • Catering; Community Recycling Collection Center • Food, Fiber and Beverage Processing 1; Food Fiber and Beverage Processing 2 • Greenhouse • Hazardous Waste Facility • Internet Service Exchange • Junk Yard • Livery Stable; Livestock Processing 1; Livestock Processing 2 	<ul style="list-style-type: none"> • Manufacturing 1, Heavy; Manufacturing 2, Heavy; Manufacturing 3, Heavy; Manufacturing, Light; Maritime Use; Metal Working • Open Recreation Area • Passive Outdoor Recreation; Power Plant; Production, Distribution, and Repair; Public Transportation Facility; Public Utilities Yard • Service, Ambulance; Service, Motor Vehicle Tow; Service, Parcel Delivery; Shipyard; Storage, Commercial; Storage, Self; Storage, Volatile Materials; Storage, Wholesale; Storage Yard • Truck Terminal • Utility and Infrastructure; Utility Installation • Wholesale Sales; Wireless Telecommunication Services (WTS) Facility

2.2(b)(2) Mixed Use Projects. For projects that propose a mix of land uses, the TDM Program Standards allow six of the 26 TDM measures in the TDM menu to apply to any land use associated with a Development Project, assuming that all users of the Development Project are able to access the TDM measures. The six TDM measures are: Improve Walking Conditions, Bicycle Repair Station, Delivery Supportive Amenities, Shuttle Bus Service, Multimodal Wayfinding Signage, and Real Time Transportation Displays. Therefore, a property owner developing a TDM Plan for a project that proposes a mix of land uses and selecting any of these six TDM measures for one land use category must select the same TDM measure for every other land use category.

EXAMPLE

A property owner proposes new construction that includes 500,000 square feet of office space and 400 dwelling units.

Office space is identified as land use category B. Residential units are identified as land use category C. Of the six TDM measures identified above, the property owner for land use category B has selected Improve Walking Conditions (Option A), Bicycle Repair Station, and Shuttle Bus Service (Option A). Improve Walking Conditions requires the property owner to make streetscape improvements along or near the frontages of the project site. Bicycle Repair Station requires an on-site bicycle repair station. The property owner will allow this station to be accessed by all users of the Development Project. Shuttle Bus Service requires a local shuttle bus service to be provided free of charge to residents, tenants, employees, and visitors. Given that these three TDM measures will benefit the whole of the Development Project, the property owner must also select these three TDM measures for land use category C.

2.2(b)(3) Development Projects With Multiple Buildings. For Development Projects that include multiple buildings, selected physical TDM measures must be proportionately allocated amongst any land use on the a project's site; and/or readily identifiable and accessible to the residents, tenants, employees and/or visitors to a project's site.

2.2(b)(4) Development Projects With a Substantial Amount of Parking. A Development Project may propose more Accessory Parking spaces than the TDM menu can address. The following are the approximate⁵ number of Accessory Parking spaces for Development Projects within land use categories A, B, and C for which all available points have been exhausted⁶ (excluding the Parking Supply measure):

- » Land use category A (Retail Type Uses) = 56 parking spaces.
- » Land use category B (Office Type Uses) = 270 parking spaces.
- » Land use category C (Residential Type Uses) = 280 parking spaces.

Given no more TDM measures and points are available for these Development Projects, excluding the Parking Supply measure, the TDM Program Standards require these projects to include all measures and points, up to a 80% of the total number of points available, applicable for the land use category in the Development Project's TDM Plan. When using the TDM Tool, this percent reduction of the total number of points to achieve is automatically calculated. When using the TDM Tool, this percent reduction of the total number of points to achieve is automatically calculated. The rationale for setting the 80% requirement for these Development Projects is described in Chapter 4 of the TDM Technical Justification Document.

- 5 The exact number will vary and will need to be determined by the Planning Department if a Development Project approaches this number of Accessory Parking spaces. Given some of the TDM measures are based upon location or the size or type of the land use associated with the Development Project, an approximate number is given in the TDM Program Standards, instead of an exact number.
- 6 Chapter 3 of the TDM Technical Justification Document describes the methodology for identifying the total number of available points for each land use category, as every TDM measure is not applicable to every land use. In addition, this number of Accessory Parking spaces assumes the Shuttle Bus Service measure is not available.

TABLE 2-3: TDM MENU OF OPTIONS

Category	Measure	Points	Land Use Category			
			A	B	C	D
ACTIVE-1	Improve Walking Conditions: Option A; or	1 ●	☒	☒	☒	○
	Improve Walking Conditions: Option B; or	1 ●	☒	☒	☒	○
	Improve Walking Conditions: Option C; or	1 ●	☒	☒	☒	○
	Improve Walking Conditions: Option D	1 ●	☒	☒	☒	○
ACTIVE-2	Bicycle Parking: Option A; or	1 ●	☒	☒	☒	☒
	Bicycle Parking: Option B; or	2 ●●	☒	☒	☒	☒
	Bicycle Parking: Option C; or	3 ●●●	☒	☒	☒	☒
	Bicycle Parking: Option D	4 ●●●●	☒	☒	☒	○
ACTIVE-3	Showers and Lockers	1 ●	☒	☒	☑	☒
ACTIVE-4	Bike Share Membership: Location A; or	1 ●	☒	☒	☒	○
	Bike Share Membership: Location B	2 ●●	☒	☒	☒	○
ACTIVE-5A	Bicycle Repair Station	1 ●	☒	☒	☒	○
ACTIVE-5B	Bicycle Maintenance Services	1 ●	☒	☒	☒	○
ACTIVE-6	Fleet of Bicycles	1 ●	☒	☒	☒	○
ACTIVE-7	Bicycle Valet Parking	1 ●	☒	☑	☑	○
CSHARE-1	Car-share Parking and Membership: Option A; or	1 ●	☒	☒	☒	☒
	Car-share Parking and Membership: Option B; or	2 ●●	☒	☒	☒	☒
	Car-share Parking and Membership: Option C; or	3 ●●●	☒	☒	☒	☒
	Car-share Parking and Membership: Option D; or	4 ●●●●	☒	☒	☒	○
	Car-share Parking and Membership: Option E	5 ●●●●●	☒	☒	☒	○
DELIVERY-1	Delivery Supportive Amenities	1 ●	☒	☒	☒	○
DELIVERY-2	Provide Delivery Services	1 ●	☒	☑	☑	○
FAMILY-1	Family TDM Amenities: Option A; and/or	1 ●	☑	☑	☒	☑
	Family TDM Amenities: Option B	1 ●	☑	☑	☒	☑
FAMILY-2	On-site Childcare	2 ●●	☒	☒	☒	☑
FAMILY-3	Family TDM Package	2 ●●	☑	☑	☒	☑

One point may be equal to a 1% reduction in VMT.

- ☒ = applicable to land use category.
- ☒ = applicable to land use category, see fact sheets for further details regarding project size and/or location.
- ☒ = applicable to land use category only if project includes some parking.
- ☑ = not applicable to land use category.
- = project sponsor can select these measures for land use category D, but will not receive points.

Category	Measure	Points	Land Use Category			
			A	B	C	D
HOV-1	Contributions or Incentives for Sustainable Transportation: Option A; or	2 ●●	Ⓟ	Ⓟ	Ⓟ	○
	Contributions or Incentives for Sustainable Transportation: Option B; or	4 ●●●●	Ⓟ	Ⓟ	Ⓟ	○
	Contributions or Incentives for Sustainable Transportation: Option C; or	6 ●●●●●●	Ⓟ	Ⓟ	Ⓟ	○
	Contributions or Incentives for Sustainable Transportation: Option D	8 ●●●●●●●●	Ⓟ	Ⓟ	Ⓟ	○
HOV-2	Shuttle Bus Service: Option A; or	7 ●●●●●●●	Ⓟ	Ⓟ	Ⓟ	○
	Shuttle Bus Service: Option B	14 ●●●●●●●●●●●●●●	Ⓟ	Ⓟ	Ⓟ	○
HOV-3	Vanpool Program: Option A; or	1 ●	Ⓟ	Ⓟ	⊘	○
	Vanpool Program: Option B; or	2 ●●	Ⓟ	Ⓟ	⊘	○
	Vanpool Program: Option C; or	3 ●●●	Ⓟ	Ⓟ	⊘	○
	Vanpool Program: Option D; or	4 ●●●●	Ⓟ	Ⓟ	⊘	○
	Vanpool Program: Option E; or	5 ●●●●●	Ⓟ	Ⓟ	⊘	○
	Vanpool Program: Option F; or	6 ●●●●●●	Ⓟ	Ⓟ	⊘	○
	Vanpool Program: Option G	7 ●●●●●●●	Ⓟ	Ⓟ	⊘	○
INFO-1	Multimodal Wayfinding Signage	1 ●	Ⓟ	Ⓟ	Ⓟ	Ⓟ
INFO-2	Real Time Transportation Information Displays	1 ●	Ⓟ	Ⓟ	Ⓟ	Ⓟ
INFO-3	Tailored Transportation Marketing Services: Option A; or	1 ●	Ⓟ	Ⓟ	Ⓟ	○
	Tailored Transportation Marketing Services: Option B; or	2 ●●	Ⓟ	Ⓟ	Ⓟ	○
	Tailored Transportation Marketing Services: Option C; or	3 ●●●	Ⓟ	Ⓟ	Ⓟ	○
	Tailored Transportation Marketing Services: Option D	4 ●●●●	Ⓟ	Ⓟ	Ⓟ	○
LU-1	Healthy Food Retail in Underserved Area	2 ●●	Ⓟ	⊘	⊘	⊘
LU-2	On-site Affordable Housing: Option A; or	1 ●	⊘	⊘	Ⓟ	⊘
	On-site Affordable Housing: Option B; or	2 ●●	⊘	⊘	Ⓟ	⊘
	On-site Affordable Housing: Option C; or	3 ●●●	⊘	⊘	Ⓟ	⊘
	On-site Affordable Housing: Option D	4 ●●●●	⊘	⊘	Ⓟ	⊘

One point may be equal to a 1% reduction in VMT.

- Ⓟ = applicable to land use category.
- Ⓢ = applicable to land use category, see fact sheets for further details regarding project size and/or location.
- Ⓟ = applicable to land use category only if project includes some parking.
- ⊘ = not applicable to land use category.
- = project sponsor can select these measures for land use category D, but will not receive points.

NOTE: A project sponsor can only receive up to 14 points between HOV-2 and HOV-3.

EXHIBIT R

Your City and County of San Francisco public records request #19-3976 has been closed.

1 message

City and County of San Francisco Public Records <sanfrancisco@public-records-requests.com>

Mon, Sep 30, 2019 at 3:36 PM

Reply-To: sanfrancisco_19-3976-requester-notes@inbound.nextrequest.com

To: krdevincenzi@gmail.com

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City and County of San Francisco Public Records

Hi there

Record request #19-3976 has been closed and published. The closure reason supplied was:

We have finished conducting a diligent search and found no documents responsive to your request. Therefore, we consider your request closed.

[View Request 19-3976](http://sanfrancisco.nextrequest.com/requests/19-3976)

<http://sanfrancisco.nextrequest.com/requests/19-3976>

Request #19-3976

CLOSED

As of October 6, 2019, 9:13am

Details

IMMEDIATE DISCLOSURE REQUEST

This is a request pursuant to the San Francisco Sunshine Ordinance, San Francisco Administrative Code section 67.1, et seq., and the California Public Records Act, Government Code section 6250 et seq., to inspect and copy the following writings and/or documents:

All CAD files relating to 3333 California Street.

Thank you,
Laurel Heights Improvement Association of SF, Inc.

Received

September 27, 2019 via web

Departments

Public Works

Documents

(none)

Staff

Point of Contact

David A. Steinberg

EXHIBIT S

Board of Supervisors



City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Tel. No. 554-5184
TDD No. 554-5227

Legislation Introduced at Roll Call

Tuesday, July 30, 2019

Introduced by a Supervisor or the Mayor

Pursuant to Charter Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.

ORDINANCES

- 190832 [Memorandum of Understanding - Fire Fighters Union Local 798, Unit 1]**
Sponsor: Mayor
Ordinance adopting and implementing the First Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, Unit 1, to update the Union Security and Surf Rescue Premium provisions. ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee.
- 190833 [Memorandum of Understanding - Fire Fighters Union Local 798, Unit 2]**
Sponsor: Mayor
Ordinance adopting and implementing the Second Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, Unit 2, to update the Union Security and Surf Rescue Premium provisions. ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee.
- 190834 [Memorandum of Understanding - Laborers International Union, Local 261]**
Sponsor: Mayor
Ordinance adopting and implementing the First Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, to update the Overtime Compensation and Health Insurance provisions. ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee.
- 190835 [Appropriation - 2012 General Obligation Parks Bond Proceeds - \$3,100,000 - 2015 General Obligation Housing Bond Proceeds - \$92,725,000 - FY2019-2020]**
Sponsor: Mayor
Ordinance appropriating \$3,100,000 of proceeds from the 2012 General Obligation Parks Bond, Series 2019C, to the Port of San Francisco and appropriating \$92,725,000 of proceeds from the 2015 General Obligation Housing Bond, Series 2019D, to the Mayor's Office of Housing and Community Development in FY2019-2020 and placing \$95,825,000 on Controller's Reserve pending the sale of the bonds. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

- 181215 [Administrative, Planning Codes - South of Market Community Advisory Committee]**
Sponsor: Haney
Ordinance amending the Administrative and Planning Codes to establish the South of Market Community Planning Advisory Committee to advise City officials and agencies on implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa Area Plan; to revise the membership and duties of the SOMA Community Stabilization Fund Community Advisory Committee and the Eastern Neighborhoods Citizens Advisory Committee; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302. SUBSTITUTED AND ASSIGNED to Rules Committee.
- 190842 [Various Codes - Renewing and Extending Waiver and Refund of Investigation Fee - Persons Registered with the Office of Cannabis - One-Year Extension of Medical Cannabis Dispensary Permits and Temporary Cannabis Business Permits]**
Sponsor: Mandelman
Ordinance renewing and extending a prior waiver and refund of investigation fees imposed by Building Code, Section 107A.5, for persons registered with the Office of Cannabis through December 31, 2020; amending the Health Code to extend the date beyond which temporary Medical Cannabis Dispensary Permits issued under Article 33 of the Health Code are rendered invalid, from December 31, 2019, to December 31, 2020; amending the Police Code to extend the date beyond which Temporary Cannabis Business Permits issued under Article 16 of the Police Code cannot be extended from December 31, 2019, to December 31, 2020; and amending the Planning Code to extend the date by which a Grandfathered Medical Cannabis Dispensary, as defined in the Planning Code, must have received a permit to operate from the Department of Public Health to be deemed a Temporary Cannabis Sales use, as defined in the Planning Code, from December 31, 2019, to December 31, 2020. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.
- 190843 [Administrative Code - General Obligation Bond Pass-Throughs to Tenants]**
Sponsor: Peskin
Ordinance amending the Administrative Code to allow tenants who have received a pass-through of general obligation bond repayment costs from their landlords to seek relief from the Rent Board based on financial hardship; to limit the number of years for which landlords may impose such a pass-through on tenants; and to extend the time period for tenants to pay such a pass-through. ASSIGNED UNDER 30 DAY RULE to Rules Committee.
- 190844 [Planning Code, Zoning Map - 3333 California Street Special Use District]**
Sponsor: Stefani
Ordinance amending the Planning Code to add Section 249.86 to create the 3333 California Street Special Use District and amending Sectional Maps SU03 and HT03 of the Zoning Map; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

1 [Planning Code, Zoning Map - 3333 California Street Special Use District]

2
3 **Ordinance amending the Planning Code to add Section 249.86 to create the 3333**
4 **California Street Special Use District and amending Sectional Maps SU03 and HT03 of**
5 **the Zoning Map; and making environmental findings, and findings of consistency with**
6 **the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1.

16 (a) On _____ the Planning Commission conducted a duly noticed public hearing on
17 the proposed 3333 California Street Project (Project), including the proposed Planning Code
18 and Zoning Map amendments, and by Resolution No. _____ recommended the proposed
19 amendments for approval. The Planning Commission found that the proposed Planning Code
20 and Zoning Map amendments were, on balance, consistent with the City's General Plan as it
21 is proposed to be amended and with Planning Code Section 101.1(b) for the reasons set forth
22 in Planning Code Resolution No. _____. A copy of said Resolution is on file with the Clerk of
23 the Board of Supervisors in File No. _____ and is incorporated herein by reference

24 (b) California Environmental Quality Act. At its hearing on _____, and prior to
25 recommending the proposed Planning Code and Zoning Map amendments for approval, the
Planning Commission certified a Final Environmental Impact Report (FEIR) for the Project

1 pursuant to the California Environmental Quality Act (CEQA) (California Public Resources
2 Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Section 15000 et
3 seq.) and Chapter 31 of the Administrative Code. In accordance with the actions
4 contemplated herein, this Board has reviewed the FEIR and concurs with its conclusions, and
5 finds that the actions contemplated herein are within the scope of the Project described and
6 analyzed in the FEIR. The Board hereby adopts and incorporates by reference as though fully
7 set forth herein the Commission's CEQA approval findings, [including a statement of
8 overriding considerations], adopted by the Planning Commission on _____ in Motion No.
9 _____. This Board also adopts and incorporates by reference as though fully set forth herein
10 the Project's Mitigation Monitoring and Reporting Program (MMRP). Said findings and MMRP
11 are on file with the Clerk of the Board of Supervisors in File No. _____.

12 (b) On _____, the Planning Commission, in Resolution No. _____,
13 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
14 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
15 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
16 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

17 (c) Pursuant to Planning Code section 302, this Board finds that the Planning Code
18 and Zoning Map amendments will serve the public necessity, convenience, and welfare for
19 the reasons set forth in Planning Commission Resolution No. _____, and the Board
20 incorporates such reasons herein by reference.

21
22 Section 2. Article two of the Planning Code is hereby amended by adding Section
23 249.86, to read as follows:

24 (a) Location. A Special Use District entitled the 3333 California Special Use District (SUD),
25 the general boundaries of which are California Street to the north, Presidio Avenue to the east,

1 Masonic Avenue to the southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the
2 west, as more specifically shown on Section Map SU03 of the Zoning Maps of the City and County of
3 San Francisco, is hereby established for the purpose set forth below.

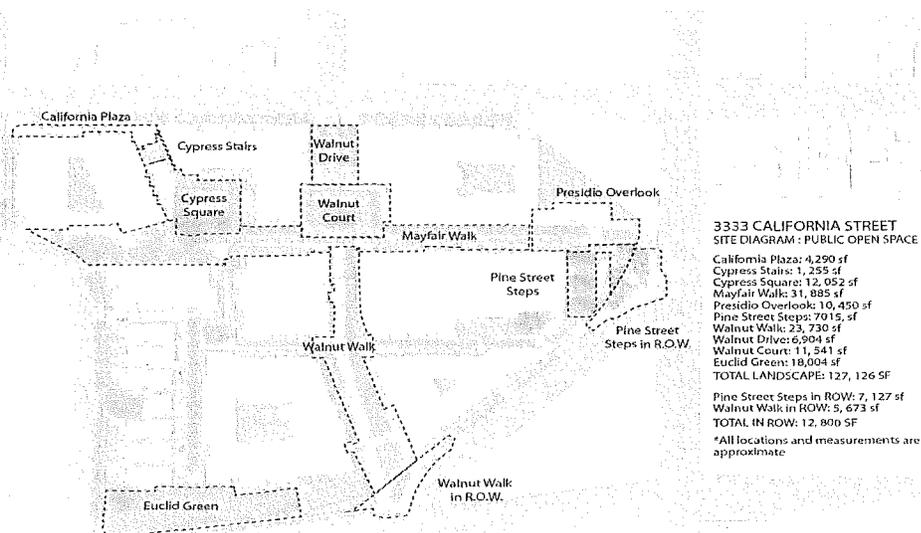
4 (b) Purpose. The purpose of the SUD is to facilitate the development of a mixed use project in
5 a transit-rich location with residential, non-residential, child care, open space, and related uses, and to
6 give effect to the Development Agreement for the 3333 California Street project, as approved by the
7 Board of Supervisors in the ordinance in File No. _____ . The SUD will provide benefits to the City
8 including but not limited to: replacement of a large-scale office building with a series of smaller
9 buildings designed to be consistent with the scale and character of the neighborhood; construction of
10 hundreds of new housing units, including family sized units and on-site senior housing with
11 affordability levels exceeding on-site City requirements; and on-site child care facility; and
12 construction and maintenance of new, publicly accessible open spaces and new connections to the
13 surrounding street grid, including new pedestrian connections, and other street and streetscape
14 improvements.

15 (c) Development Controls. Applicable provisions of the Planning Code shall apply to the SUD
16 except as otherwise provided in this Section. In the event of a conflict between other provisions of the
17 Planning Code and this Section, the provisions of this Section 249.86 shall control.

18 (1) Additional Permitted Uses. In addition to the uses permitted in the RM-1 zoning
19 district, the following uses are principally permitted within the ground floor and second floor of all
20 buildings with frontage on California Street: (i) Flexible Retail Uses; (ii) Social Service or
21 Philanthropic Facilities; and (iii) non-residential uses, which shall be subject to the use controls of the
22 NC-S zoning district applicable to such uses.

23 (2) Usable Open Space Requirements. Usable open space required under Section 135
24 has been designed on an SUD-wide basis. The open space requirement shall be met through a
25 combination of private and common usable open spaces, as defined in Section 135, that will be

1 associated with individual buildings as well as approximately 56,000 square feet of privately owned,
 2 publically accessible parks and plazas that will be counted as common usable open space, provided
 3 such space is otherwise complaint with Section 135(g) and developed in accordance with the
 4 Development Agreement for the project, including without limitation, Schedule 1 (Community Benefits
 5 Linkages and impact Fee Schedule) thereof. The open space plan depicted below generally sets forth
 6 the approximate location and size of such privately owned, publically accessible open space.
 7 Accordingly, compliance with usable open space requirements for any building in the SUD shall be
 8 evaluated on a project-wide basis and for consistency with the terms of the Development Agreement.
 9 Upon expiration or termination of the Development Agreement, the then-applicable open space
 10 requirements of the Planning Code shall apply to any future development, provided however, that any
 11 building which has satisfied its open space requirements in accordance with this subsection (c)(2) prior
 12 to the expiration of the Development Agreement shall be deemed to be Code-conforming as to open
 13 space requirements and shall not constitute a noncomplying structure or nonconforming use under the
 14 provisions of Article 1.7, notwithstanding the expiration of the Development Agreement.



1 (3) Child Care Facility Parking. Off-street parking spaces for any child care facility shall be
2 permitted at a rate of 1.5 parking spaces for each nine (9) children who could be accommodated in the
3 child care facility under the applicable child care licensing requirements at any one time.

4 (4) Inclusionary Housing. For so long as the Development Agreement is in effect, the
5 affordable housing requirements of the Development Agreement shall govern. Upon expiration or
6 termination of the Development Agreement, the then-applicable Inclusionary Affordable Housing
7 requirements set forth in Planning Code 415 et seq shall apply to any future development, without
8 reference to the date of any earlier development application.

9 (5) Director Determination. During the term of the Development Agreement, all site and/or
10 building permit applications for construction of new buildings or alterations of, or additions to existing
11 structures (“Applications”) submitted to the Department of Building Inspection shall be forwarded to
12 the Planning Department for consistency review. For purposes of this subsection, Applications do not
13 include any interior modifications or alterations, provided however that any such modification or
14 alteration shall otherwise comply with the applicable requirements of the Planning Code. In no event
15 may the Planning Director or Commission approve an Application that is not in substantial
16 conformance with this Section 249.86, the Development Agreement, or any conditional use
17 authorization and planned unit development authorization.

18 (6) Discretionary Review. No requests for discretionary review shall be accepted or heard for
19 projects within the SUD.

20
21 Section 3. City Planning Commission Resolution 4109, November 13, 1952. Effective
22 as of the effective date of this ordinance, City Planning Commission Resolution No. 4109, and
23 all related conditions, stipulations, special restrictions, and other limitations imposed in
24 connection with the 1952 re-classification of the property (Assessor's Block 1032, Lot A) (the
25

1 "Property") from a First Residential District to a Commercial District shall no longer apply to
 2 the Property and is hereby extinguished.

3
 4 Section 4. The San Francisco Planning Code is hereby amended by amending Special
 5 Use District Map SU03 of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property	Special Use District Hereby Approved
Assessor's Block/Lot 1032/0033	3333 California Street Special Use District

6
 7
 8
 9
 10
 11 Section 5. The San Francisco Planning Code is hereby amended by amending
 12 Sectional Map HT03 of the Zoning Map of the City and County of San Francisco, based on
 13 Assessor's Parcel Maps on the effective date of this legislation, as follows:

Description of Property	Height and Bulk Districts to be Superseded	Height and Bulk Districts Hereby Approved
Assessor's Parcel Block No. 1032, Lot 003 (an approximately 2.13 acre area of the northwestern portion of Lot 003 from California Street south approximately 215.00' and from Laurel Street east approximately 451.75')	40-X	45-X
Assessor's Parcel Block No. 1032,	40-X	67-X

1	Lot 003 (an approximately 1.64 acre		
2	area of the northeastern portion of Lot		
3	003 from California Street south		
4	approximately 197.00' and		
5	approximately 270.63' west of the		
6	northeastern most property corner		
7	along the California Street frontage)		
8	Assessor's Parcel Block No. 1032,	40-X	80-X
9	Lot 003 (an approximately 0.69 acre		
10	area measuring approximately		
11	190.25' by 158.39' centrally located		
12	within Lot 003 197' south of California		
13	Street)		
14	Assessor's Parcel Block No. 1032,	40-X	92-X
15	Lot 003 (an approximately 1.54 acre		
16	area measuring approximately		
17	190.25' by 182.72' centrally located		
18	on the eastern side of Lot 003 197'		
19	south of California Street)		

20
21 A pictorial representation of the above height and bulk districts on Assessor's Parcel
22 Block 1032, Lot 3 is contained in Board of Supervisors File No. _____.

23
24 Section 6. Effective Date and Operative Date. This ordinance shall become effective
25 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor

1 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
2 or the Board of Supervisors overrides the Mayor's veto of the ordinance. This Ordinance shall
3 become operative only on (and no rights or duties are affected until) the later of (a) 30 days
4 from the date of its passage, or (b) the date that Ordinance _____, approving the
5 Development Agreement for the Project, has become effective. A copy of said Ordinance is
6 on file with the Clerk of the Board of Supervisors in File No. _____.

7
8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: _____
11 Audrey Williams Pearson
12 Deputy City Attorney

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EXHIBIT T

Table amended; Notes (9) and (10) added; Ord. 285-18, Eff. 1/7/2019. Zoning Control Table amended; Ord. 311-18, Eff. 1/21/2019. Zoning Control Table amended; Ord. 116-19, Eff. 7/29/2019.

CODIFICATION NOTE

1. So in Ord. 129-17.

****Editor's Note:**

Ordinance 186-17, effective October 15, 2017, requires that "No more than three MCDs shall be permitted at any given time within the boundaries of Supervisorial District 11."

SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.

NC-S Districts are intended to serve as small shopping centers or supermarket sites which provide retail goods and services for primarily car-oriented shoppers. They commonly contain at least one anchor store or supermarket, and some districts also have small medical office buildings. The range of services offered at their retail outlets usually is intended to serve the immediate and nearby neighborhoods. These districts encompass some of the most recent (post-1945) retail development in San Francisco's neighborhoods and serve as an alternative to the linear shopping street.

Shopping centers and supermarket sites contain mostly one-story buildings which are removed from the street edge and set in a parking lot. Outdoor pedestrian activity consists primarily of trips between the parking lot and the stores on-site. Ground and second stories are devoted to retail sales and some personal services and offices.

The NC-S standards and use provisions allow for medium-size commercial uses in low-scale buildings. Rear yards are not required for new development. Most neighborhood-serving retail businesses are permitted at the first and second stories, but limitations apply to fast-food restaurants and take-out food uses. Some auto uses are permitted at the first story. Limited storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is permitted. Existing residential units are protected by limitations on demolitions and prohibitions of upper-story conversions. Accessory Dwelling Units are permitted within the District pursuant to subsection 207(c)(4) of this Code.

Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S ZONING CONTROL TABLE

Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S ZONING CONTROL TABLE

		NC-S
Zoning Category	§ References	Controls
BUILDING STANDARDS		
Massing and Setbacks		
Height and Bulk Limits.	§§ <u>102</u> , <u>105</u> , <u>106</u> , <u>250-252</u> , <u>253.3</u> , <u>260</u> , <u>261.1</u> , <u>270</u> , <u>271</u> . See also Height and Bulk District Maps	Varies, but generally 40-X. Lakeshore Plaza SUD requires C for buildings above 26 feet (<u>1</u>). See Height and Bulk Map Sheets

		HT02-05, HT07, and HT10-13 for more information. Height sculpting required on Alleys per § <u>261.1</u> .
5 Foot Height Bonus for Active Ground Floor Uses	§ <u>263.20</u>	NP
Rear Yard	§§ <u>130</u> , <u>134</u> , <u>134(a)(e)</u> , <u>136</u>	Not Required.
Front Setback and Side Yard	§§ <u>131</u> , <u>132</u> , <u>133</u>	Not Required.
Street Frontage and Public Realm		
Streetscape and Pedestrian Improvements	§ <u>138.1</u>	Required
Street Frontage Requirements	§ <u>145.1</u>	Required; controls apply to above-grade parking setbacks, parking and loading entrances, active uses, ground floor ceiling height, street-facing ground-level spaces, transparency and fenestration, and gates, railings, and grillwork. Exceptions permitted for historic buildings.
Ground Floor Commercial	§ <u>145.4</u>	Required on certain streets, see § <u>145.4</u> for specific districts.
Vehicular Access Restrictions	§ <u>155(r)</u>	Restricted on some streets, see § <u>155(r)</u> for specific districts
Miscellaneous		
Lot Size (Per Development)	§ <u>102</u> , <u>121.1</u>	N/A
Planned Unit Development	§ <u>304</u>	C
Awning, Canopy, or Marquee	§§ <u>102</u> , <u>136</u>	P
Signs	§§ <u>262</u> , <u>602-604</u> , <u>607</u> , <u>608</u> , <u>609</u>	As permitted by § <u>607.1</u>

General Advertising Signs	§§ <u>262</u> , <u>602</u> , <u>604</u> , <u>608</u> , <u>609</u> , <u>610</u> , <u>611</u>	NP(1)
Design Guidelines	General Plan Commerce and Industry Element	Subject to the Urban Design Guidelines

Zoning Category | § References | Controls
RESIDENTIAL STANDARDS AND USES

Development Standards				
Usable Open Space [Per Dwelling Unit]	§§ <u>135</u> , <u>136</u>	Generally, either 100 square feet if private, or 133 square feet if common.(1)		
Off-Street Parking Requirements	§§ <u>145.1</u> , <u>150</u> , <u>151</u> , <u>153</u> - <u>156</u> , <u>161</u> , <u>166</u> , <u>204.5</u>	No car parking required. Maximum permitted per § <u>151</u> . Bike parking required per § <u>155.2</u> . If car parking is provided, car share spaces are required when a project has 50 units or more per § <u>166</u> .		
Dwelling Unit Mix	§ <u>207.6</u>	Not required		
Use Characteristics				
Single Room Occupancy	§ <u>102</u>	P		
Student Housing	§ <u>102</u>	P		
Residential Uses		Controls by Story		
		1st	2nd	3rd+
Residential Uses	§ <u>102</u>	P	P	P
Accessory Dwelling Unit Density	§§ <u>102</u> , <u>207(c)(4)</u> , <u>207(c)(6)</u>	P per Planning Code Sections <u>207(c)(4)</u> and <u>207(c)(6)</u> .		
Dwelling Unit Density	§§ <u>102</u> , <u>207</u>	1 unit per 800 square feet lot area, or the density permitted in the nearest Residential District, whichever is greater.(1)(4)		
<u>Group Housing Density</u>	§ <u>208</u>	1 bedroom per 275 square foot lot area, or the density permitted in the nearest Residential		

		District, whichever is greater.(1)		
Homeless Shelter Density	§§ <u>102</u> , <u>208</u>	Density limits regulated by the Administrative Code		
Senior Housing Density	§§ <u>102</u> , <u>202.2(f)</u> , <u>207</u>	P up to twice the number of dwelling units otherwise permitted as a Principal Use in the district and meeting all the requirements of § <u>202.2(f)(1)</u> . C up to twice the number of dwelling units otherwise permitted as a Principal Use in the district and meeting all requirements of § <u>202.2(f)(1)</u> , except for § <u>202.2(f)(1)(D)(iv)</u> , related to location.		
Loss of Dwelling Units		Controls by Story		
		1st	2nd	3rd+
Residential Conversion	§ <u>317</u>	C	NP	NP
Residential Demolition and Merger	§ <u>317</u>	C	C	C

Zoning Category | § References Controls
NON-RESIDENTIAL STANDARDS

Development Standards

Floor Area Ratio	§§ <u>102</u> , <u>123</u> , <u>124</u>	1.8 to 1
Use Size	§ <u>102</u> , <u>121.2</u>	P up to 5,999 square feet; C 6,000 square feet and above
Off-Street Parking Requirements	§§ <u>145.1</u> , <u>150</u> , <u>151</u> , <u>153-156</u> , <u>161</u> , <u>166</u> , <u>204.5</u>	No car parking required ¹ Maximum permitted per § <u>151</u> . Bike parking required per Section <u>155.2</u> . Car share spaces required when a project has 25 or more parking spaces per § <u>166</u> .
Off-Street Freight Loading	§§ <u>150</u> , <u>152</u> , <u>153</u> - <u>155</u> , <u>161</u> , <u>204.5</u>	None required if gross floor area is less than 10,000 square feet. Exceptions permitted per §§ <u>155</u> and <u>161</u> .

Commercial Use Characteristics

Drive-up Facility	§ <u>102</u>	C
Formula Retail	§§ <u>102</u> , <u>303.1</u>	C

Hours of Operation	§ 102	P 6 a.m. - 2 a.m., C 2 a.m. - 6 a.m. (1)		
Maritime Use	§ 102	NP		
Open Air Sales	§§ 102, 703(b)	See § 703(b)		
Outdoor Activity Area	§§ 102, 145.2(a)	P if located in front; C if located elsewhere		
Walk-up Facility	§§ 102, 145.2(b)	P		
Controls by Story				
NON-RESIDENTIAL USES				
		1st	2nd	3rd+
Agricultural Use Category				
Agriculture, Industrial	§§ 102, 202.2(c)	NP	NP	NP
Agriculture, Large Scale Urban	§§ 102, 202.2(c)	C	C	C
Agriculture, Neighborhood	§§ 102, 202.2(c)	P	P	P
Automotive Use Category				
Automotive Uses*	§ 102	NP	NP	NP
Automotive Sale/Rental	§ 102	C	NP	NP
Automotive Service Station	§§ 102, 202.2(b)	P	NP	NP
Automotive Wash	§§ 102, 202.2(b)	C	NP	NP
Gas Station	§§ 102, 187.1, 202.2(b)	C	NP	NP
Parking Garage, Private	§ 102	C	C(1)	C(1)
Parking Garage, Public	§ 102	P	P	NP
Parking Lot, Private	§§ 102, 142, 156	C	C(1)	C(1)
Parking Lot, Public	§§ 102, 142, 156	P	P	NP
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP

Amusement Game Arcade	§ 102	C	NP	NP
Arts Activities	§ 102	NP(6)	NP(7)	NP(7)
Entertainment, General	§ 102	P(1)	P(1)	NP
Entertainment, Nighttime	§ 102	P(1)	P(1)	NP
Movie Theater	§§ 102, 202.4	P(1)	NP(1)	NP
Open Recreation Area	§ 102	C	C	C
Passive Outdoor Recreation	§ 102	C	C	C
Industrial Use Category				
Industrial Uses*	§§ 102, 202.2(d)	NP	NP	NP
Institutional Use Category				
Institutional Uses*	§ 102	P(1)	P(1)	NP(1)
Child Care Facility	§ 102	P(1)	P(1)	P(1)
Hospital	§ 102	NP	NP	NP
Medical Cannabis Dispensary**	§§ 102, 202.2(e)	C	C	NP
Philanthropic Admin. Services	§ 102	NP	NP	NP
Public Facilities	§ 102	C	C	C
Residential Care Facility	§ 102	P(1)	P(1)	P(1)
Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102	P	P	NP
Adult Business	§ 102	NP	NP	NP
Animal Hospital	§ 102	C	C	NP
Bar	§§ 102, 202.2(a)	P(1)	P(1)	NP
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
Flexible Retail	§ 102	NP(6)	NP	NP

Hotel	§ <u>102</u>	C(4)	C(4)	C(4)
Kennel	§ <u>102</u>	C	C	NP
Liquor Store	§ <u>102</u>	P	NP	NP
Massage Establishment	§ <u>102</u> , <u>303(o)</u>	C	C	NP
Massage, Foot/Chair	§ <u>102</u>	P	C	NP
Mortuary	§ <u>102</u>	C(1)	C(1)	NP
Motel	§§ <u>102</u> , <u>202.2(a)</u>	NP(4)	NP(4)	NP(4)
Restaurant, Limited	§§ <u>102</u> , <u>202.2(a)</u>	P(1)	P(1)	NP
Services, Financial	§ <u>102</u>	P	P	NP(1)
Services, Fringe Financial	§ <u>102</u>	P	NP	NP
Services, Health	§ <u>102</u>	P	P	NP(1)
Services, Instructional	§ <u>102</u>	P	P	NP(1)
Services, Limited Financial	§ <u>102</u>	P	P	NP
Services, Personal	§ <u>102</u>	P	P	NP(1)
Storage, Self	§ <u>102</u>	C	C	NP
Tobacco Paraphernalia Establishment	§ <u>102</u>	C	NP	NP
Non-Retail Sales and Service*	§ <u>102</u>	NP	NP	NP
Design Professional	§ <u>102</u>	P	P	NP
Service, Non-Retail Professional	§ <u>102</u>	C	C	NP(1)
Trade Office	§ <u>102</u>	P	P	NP
Utility and Infrastructure Use Category				
Utility and Infrastructure*	§ <u>102</u>	C(5)	C(5)	C(5)
Power Plant	§ <u>102</u>	NP	NP	NP

* Not listed below

■(1) LAKESHORE PLAZA SPECIAL USE DISTRICT

Boundaries: Applicable only for the Lakeshore Plaza NC-S District as mapped on Sectional Map SU13 and HT13.

Controls: Special controls on various features and uses, and residential standards per Section 780.1, and special Height controls per Section 253.3.

■(2) [Note deleted.]

■(3) [Note deleted.]

■(4) BAYSHORE-HESTER SPECIAL USE DISTRICT

Boundaries: Applicable only for the Bayshore-Hester Special Use District NC-S District as mapped on the Sectional Map 10SU.

Controls: Hotels and Motels may be permitted as a Conditional Use.

■(5) C if a Macro WTS Facility; P if a Micro WTS Facility.

■(6) P in the geographic area described as Flexible Retail Zones in Section 202.9.

■(7) C in the geographic area described as Flexible Retail Zones in Section 202.9.

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 412-88, App. 9/10/88; Ord. 42-89, App. 2/8/89; Ord. 331-97, App. 8/19/97; Ord. 87-00, File No. 991963, App. 5/19/2000; Ord. 260-00, File No. 001424, App. 11/17/2000; Ord. 275-05, File No. 051250, App. 11/30/2005; Ord. 289-06, File No. 050176, App. 11/20/2006; Ord. 269-07, File No. 070671, App. 11/26/2007; Ord. 244-08, File No. 080567, App. 10/30/2008; Ord. 245-08, File No. 080696; Ord. 51-09, File No. 081620, App. 4/2/2009; Ord. 66-11, File No. 101537, App. 4/20/2011, Eff. 5/20/2011; Ord. 47-12, File No. 111315, App. 3/16/2012, Eff. 4/15/2012; Ord. 75-12, File No. 120084, App. 4/23/2012, Eff. 5/23/2012; Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 287-13, File No. 130041, App. 12/26/2013, Eff. 1/25/2014; Ord. 235-14, File No. 140844, App. 11/26/2014, Eff. 12/26/2014; Ord. 14-15, File No. 141210, App. 2/13/2015, Eff. 3/15/2015; Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015; redesignated and amended by Ord. 30-15, File No. 140954, App. 3/26/2015, Eff. 4/25/2015; amended by Ord. 161-15, File No. 150804, App. 9/18/2015, Eff. 10/18/2015; Ord. 33-16, File No. 160115, App. 3/11/2016, Eff. 4/10/2016; Ord. 162-16, File No. 160657, App. 8/4/2016, Eff. 9/3/2016; Ord. 166-16, File No. 160477, App. 8/11/2016, Eff. 9/10/2016; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 130-17, File No. 170204, App. 6/30/2017, Eff. 7/30/2017; Ord. 189-17, File No. 170693, App. 9/15/2017, Eff. 10/15/2017; Ord. 229-17, File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 277-18, File No. 180914, App. 11/20/2018, Eff. 12/21/2018; Ord. 285-18, File No. 180806, App. 12/7/2018, Eff. 1/7/2019; Ord. 303-18, File No. 180915, App. 12/21/2018, Eff. 1/21/2019; Ord. 311-18, File No. 181028, App. 12/21/2018, Eff. 1/21/2019; Ord. 116-19, File No. 181156, App. 6/28/2019, Eff. 7/29/2019)

AMENDMENT HISTORY

Zoning Control Table: 713.69C and 713.69D added; Ord. 66-11, Eff. 5/20/2011. Zoning Control Table: 713.61 amended; Ord. 47-12, Eff. 4/15/2012. Zoning Control Table: 713.43 and 713.44 amended, former categories 713.42, 713.67, and 713.69A deleted; Ord. 75-12, Eff. 5/23/2012. Zoning Control Table: 713.13, 713.54, and 713.69B amended; Specific Provisions: 713.54 added; Ord. 56-13, Eff. 4/27/2013. Zoning Control Table: former categories 713.38 and 713.39 redesignated as 713.36 and 713.37 and amended; Ord. 287-13, Eff. 1/25/2014. Zoning Control Table: 713.26 amended; Specific Provisions: 713.54 amended; Ord. 235-14, Eff. 12/26/2014. Zoning Control Table: 713.92b added; Ord. 14-15, Eff. 3/15/2015. Zoning Control Table: 713.14, 713.15, 713.16, 713.17, and 713.30 amended; Ord. 20-15, Eff. 3/22/2015. Section redesignated (formerly Sec. 713.1); Zoning Control Table: 713.54, 713.91, and 713.92 amended; Ord. 30-15, Eff. 4/25/2015. Introductory material amended; Zoning Control Table: 713.91 amended; Specific Provisions: 713.91 ("Accessory Dwelling Units") added; Ord. 161-15, Eff. 10/18/2015. Zoning Control Table: former categories 713.36 and 713.37 deleted, 713.96 and 713.97 added; Ord. 33-16, Eff. 4/10/2016. Introductory material amended; Specific Provisions: 713.91 amended; Ord. 162-16, Eff. 9/3/2016. Zoning Control Table: 713.33A added; Ord. 166-16, Eff. 9/10/2016. New Zoning Control Table and notes added; Ord. 129-17, Eff. 7/30/2017. Previous Zoning Control Table and Specific Provisions deleted; Ord. 130-17, Eff. 7/30/2017. Zoning Control Table amended; Note (2) deleted; Ord. 189-17, Eff. 10/15/2017. Zoning Control Table amended; Ord. 229-17, Eff. 1/5/2018. Zoning Control Table amended; Ord. 202-18, Eff. 9/10/2018. Zoning Control Table amended; Ord. 277-18, Eff. 12/21/2018. Zoning Control Table amended; Notes (6) and (7) added; Ord. 285-18, Eff. 1/7/2019. Zoning Control Table amended; Note (3) deleted; Ord. 303-

18, Eff. 1/21/2019. Zoning Control Table amended; Ord. 311-18, Eff. 1/21/2019. Zoning Control Table amended; Ord. 116-19, Eff. 7/29/2019.

CODIFICATION NOTE

1. So in Ord. 311-18.

****Editor's Note:**

Ordinance 186-17, effective October 15, 2017, requires that "No more than three MCDs shall be permitted at any given time within the boundaries of Supervisorial District 11."



RECEIVED BOARD OF SUPERVISORS SAN FRANCISCO

2019 OCT -7 PM 3:12

BY: [Signature]

BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS

APPLICATION

Appellant's Information

Name: Laurel Heights Improvement Association of San Francisco, Inc./By K. Devincenzi, President

Address: 22 Iris Avenue, SF, CA 94118 Email Address: KRDevincenzi@gmail.com Telephone: (415) 221-4700

Neighborhood Group Organization Information

Name of Organization: Laurel Heights Improvement Association of San Francisco, Inc.

Address: 22 Iris Avenue, San Francisco, CA 94118 Email Address: KRDevincenzi@gmail.com Telephone: (415) 221-4700

Property Information

Project Address: 3333 California Street

Project Application (PRJ) Record No: 2015-014028ENV/CUA Building Permit No:

Date of Decision (if any): September 5, 2019

Required Criteria for Granting Waiver

All must be satisfied; please attach supporting materials.

Table with 3 columns: REQUIRED CRITERIA, YES, NO. Contains 4 rows of criteria with checkmarks in the YES column.

For Department Use Only

Application received by Planning Department:

By: _____ Date: _____

Submission Checklist:

- APPELLANT AUTHORIZATION, CURRENT ORGANIZATION REGISTRATION, MINIMUM ORGANIZATION AGE, PROJECT IMPACT ON ORGANIZATION

WAIVER APPROVED WAIVER DENIED



Laurel Heights Improvement Association of San Francisco, Inc.

BY HAND

October 7, 2019

San Francisco Planning Department
Planning Information Center
1660 Mission Street, First Floor
San Francisco, CA 94103

Re: 3333 California Street, San Francisco, CA
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA
Fee Waiver for Appeal of Planning Commission's Approval of Conditional Use/ Planned
Unit Development

I am President of, and am also a member of, the Laurel Heights Improvement Association of San Francisco, Inc. (LHIA). As President of LHIA, I am authorized to file the appeal from the September 5, 2019 decision of the Planning Commission approving conditional use authorization/ planned unit development authorization for the 3333 California Street project and this application for appeal fee waiver. I am authorized to act as agent of LHIA for all purposes of this appeal.

Appellant is appealing on behalf of the LHIA organization that is registered with the Planning Department and that appears on the Planning Department's current list of neighborhood organizations. LHIA was incorporated in approximately 1950 and has been operating since that time. Therefore, 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. Evidence establishing existence is attached hereto including minutes of meetings more than 24 months ago, a prior fee waiver granted to LHIA by the Planning Department, and Statement of Information filed with Secretary of State. Also attached is the Certification of Corporate Secretary that I was elected to serve in the office of President of LHIA.

Appellant is appealing on behalf of a neighborhood organization that is affected by the project at 3333 California Street that is the subject of the appeal. Members of LHIA reside in properties that are within 300 feet of the 3333 California Street site on Laurel Street and Euclid Avenue as shown in the approximate annotations I have made on the map attached hereto, and other LHIA members reside in properties nearby the 3333 California Street site. Members of LHIA will be affected by the construction and operational noise, traffic, air emissions, impairment of the historical resource, excavation, destruction of trees and other impacts caused by the proposed project.

Appellant and its members objected to approval of the project both in writing and orally

San Francisco Planning Department
October 7, 2019
Page 2

at hearings conducted as to the project.

Very truly yours,

Laurel Heights Improvement Association of SF, Inc.

A handwritten signature in cursive script that reads "Kathryn Devincenzi".

By: Kathryn Devincenzi, President

ATTACHMENTS



Laurel Heights Improvement Association of San Francisco, Inc.

MINUTES

The Laurel Heights Improvement Association of San Francisco, Inc. held its annual meeting commencing at 6:45 p.m. on September 22, 2008 at The Presidio Café. The meeting was held pursuant to notice sent to the Association's members.

The meeting began with our customary introductions of the members present.

In her capacity of Recording Secretary, Kathy Devincenzi read the minutes of the annual meeting of our members held on October 15, 2007. There being no corrections to the minutes, upon motion by Dana Becker, seconded by Dr. Carolyn Carr, the members unanimously approved the minutes as read.

Treasurer Dr. Jerome Stroumza reported that the Association had \$9,879.88 in a bank account. He stated that the association's yearly expenses had run approximately \$2,478.60, with about \$600.00 being spent on the block party.

President John Rothmann reported that the Laurel Hill playground continues to be well maintained. Also, about 60 to 70 persons attended the Association's block party. Upon motion by Greg Kirkland, the members voted to conduct the block party for another year.

Mrs. Rothmann suggested that the Association use e-mail more effectively. Corresponding Secretary Edie Walker reported that she has e-mail addresses for about two-thirds of the Association's members.

Monica Fernandez provided information on tree planting that could be arranged for the cost of \$165 per tree through Friends of the Urban Forest pursuant to a request by a property owner.

Dr. Jerome Stroumza reported that he had been trained in neighborhood emergency response.

Mr. Nomura reported that the police have been sending a car to monitor traffic on Mayfair Drive.

Upon motion by MJ Thomas, seconded by Dana Becker, the members unanimously elected the following officers and directors:

President - John Rothmann
Vice President - Kathy Devincenzi
Corresponding Secretary - Edi Walker

Recording Secretary - Kathy Devincenzi
Treasurer - Dr. Jerome Stroumza

Directors for Two-Year Terms:

John Rothmann
Kathy Devincenzi
Edi Walker
Peter Chovanos
John Corsiglia
Dr. Jerome Stroumza
William Hikido

Directors for One-Year Term:

Patrick Phillips
Marie Carr
Irving Jarkovsky
Helen Jarkovsky
Dr. Carolyn Carr
Dana Becker
Charlene Tuchmann

The Association remembered Seymour Whitelaw and Carmen Whitelaw who both passed away in the past year.

After our customary raffle of wine, there being no further business, upon motion by Edie Walker, seconded by MJ Thomas, the meeting was adjourned at approximately 8:43 p.m.

Respectfully submitted,



Kathy Devincenzi, Recording Secretary



Laurel Heights Improvement Association of San Francisco, Inc.

MINUTES

The Laurel Heights Improvement Association of San Francisco, Inc. held its annual meeting commencing at 6:45 p.m. on October 15, 2007 at The Presidio Café. The meeting was held pursuant to notice sent to the Association's members.

The meeting began with our customary introductions of the members present.

Treasurer Dr. Jerome Stroumza reported that the Association had \$11,390.43 in a bank account earning 5.7%. He stated that the association's yearly expenses had run approximately \$2,000.00, with the block party being the major expense. Upon motion by Kathy Devincenzi, seconded by John Rothmann, the members unanimously approved the Treasurer's report as read.

Recording Secretary Kathy Devincenzi read the minutes of the annual meeting of our members held on October 16, 2006. There being no corrections to the minutes, upon motion by Irving Jarkovsky, seconded by Edi Walker, the members unanimously approved the minutes as read.

President Rothmann reported that he had worked with the City to have Spruce Street repaved. Also, the covered brick bus stop at the corner of Collins Street and Euclid Avenue had been vandalized and was removed by the City upon the request of Mr. Rothmann. Mr. Rothmann reported that the fencing on the tennis court had been replaced and that new sand would be placed in the sand box in the Laurel Hill playground. Mr. Rothmann stated that his nine-year-old son, Joel Rothmann, had acted as chair of the block party which the Association held in August. Joyce Scardina-Becker suggested that the block party be held in September when less people would be on vacation. Mr. Rothmann also reported that the school building on Cook Street was being used for administrative offices.

Vice-President Kathy Devincenzi reported that the group of fourteen neighborhood associations which had sued for an environmental impact report on the proposed amendments to the housing element of the City's general plan had won in the California Supreme Court, which denied the City's petition for review. The City will therefore be required to prepare that environmental impact report. Ms. Devincenzi requested that a committee of association members be formed to monitor the plans of the Booker T. Washington center to build a housing complex on Presidio Avenue.

Mrs. Charlene Tuchmann suggested that trees be planted in the neighborhood.

Dr. Raitna Jayne reported that there was excessive noise emanating from the Laurel Village parking lot on Friday and Saturday nights, probably from Starbucks customers. Starbucks does not provide security and flood lights are on at night in the parking lot. President

Rothmann said that he would look into the matter. Also, a 5:15 a.m. garbage collection in the parking lot had caused excessive noise, but had been moved to 6:30 or 6:45 a.m. President Rothmann stated that the Laurel Village merchants maintain the Mayfair strip.

Upon motion by Edi Walker, seconded by Greg Tucker, the members unanimously elected the following officers and directors:

President - John Rothmann
Vice President - Kathy Devincenzi
Corresponding Secretary - Edi Walker
Recording Secretary - Kathy Devincenzi
Treasurer - Dr. Jerome Stroumza

Directors for Two-Year Terms:

John Rothmann
Kathy Devincenzi
Edi Walker
Peter Chovanos
John Corsiglia
Dr. Jerome Stroumza
William Hikido

Directors for One-Year Term:

Patrick Phillips
Marie Carr
Irving Jarkovsky
Helen Jarkovsky
Dr. Carolyn Carr
Dana Becker
Charlene Tuchmann

The Association remembered Marie Cicoletti who had passed away in the past year.

After our customary raffle of wine, there being no further business, upon motion by Sidney Tuchmann, seconded by Michael Moore, the meeting was adjourned at approximately 8:35 p.m.

Respectfully submitted,



Kathy Devincenzi, Recording Secretary



**State of California
Secretary of State**

N

Statement of Information

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see instructions.
IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

FX07168

FILED

In the office of the Secretary of State
of the State of California

MAY-29 2018

1. CORPORATE NAME

LAUREL HEIGHTS IMPROVEMENT ASSOCIATION OF SAN FRANCISCO

2. CALIFORNIA CORPORATE NUMBER

C0245361

This Space for Filing Use Only

Complete Principal Office Address (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
250 EUCLID AVENUE, SAN FRANCISCO, CA 94118			

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
JOHN ROTHMANN	250 EUCLID AVENUE, SAN FRANCISCO, CA 94118			

6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
CATHERINE CARR MAGEE	63 LUPINE AVENUE, SAN FRANCISCO, CA 94118			

7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
MARY JOY THOMAS	556 SPRUCE STREET, SAN FRANCISCO, CA 94118			

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

8. NAME OF AGENT FOR SERVICE OF PROCESS
JOHN ROTHMANN

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
250 EUCLID AVENUE, SAN FRANCISCO, CA 94118			

Common Interest Developments

10. Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

05/29/2018	KATHRYN ROSE DEVINCENZI	VICE-PRESIDENT	
DATE	TYPE/PRINT NAME OF PERSON COMPLETING FORM	TITLE	SIGNATURE



SAN FRANCISCO PLANNING DEPARTMENT

June 2, 2016

Mr. John Atkins, Member of LHIA
250 Euclid Avenue
San Francisco, CA 94118

RE: **Discretionary Review Application Fee Waiver Request**

Project Address: 245 Euclid Avenue

Project Case Number: 2015-014114DRP

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Mr. Atkins:

We have confirmed that "Laurel Heights Improvement Association" qualifies as a neighborhood organization and is therefore entitled to a fee waiver.

Enclosed is the original check (# 146) issued on May 5, 2016 on behalf of the Laurel Heights Improvement Association for the above referenced Discretionary Review project application.

Thank you very much for your patience and cooperation.

Sincerely,

Anika Lyons

Acting Finance Manager

LAUREL HEIGHTS IMPROVEMENT ASSOCIATION OF SAN FRANCISCO		Date <u>May 5, 2016</u>	146
SAN FRANCISCO, CA 94118		11-8166/3210	19
Pay to the Order of	<u>San Francisco Planning Dept.</u>	\$ <u>562.00</u>	
<u>Five hundred sixty-two</u>		Dollars	
FIRST REPUBLIC BANK 3333 California St. San Francisco, CA 94118 Tel (415) 831-6688			
For	<u>Building Per. # 2015-10-02-8734</u>	<u>A. J. Thomas</u>	
⑆321081669⑆ 91900033432⑈ 00146			

VOID

VOID

GUARDIAN SAFETY BLUE



Laurel Heights Improvement Association of San Francisco, Inc.

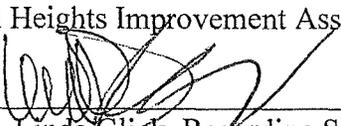
CERTIFICATION OF CORPORATE SECRETARY

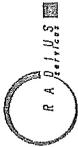
I, Linda Glick, Recording Secretary, certify that at the duly noticed meeting of the members of the Laurel Heights Improvement Association of San Francisco, Inc. held on July 15, 2018, the members elected Kathryn R. Devincenzi to serve in the office of President of the Laurel Heights Improvement Association of San Francisco, Inc. and elected Mary Joy Thomas to serve in the office of Treasurer of the Laurel Heights Improvement Association of San Francisco, Inc.

Dated: August 11, 2018

Laurel Heights Improvement Association of San Francisco, Inc.

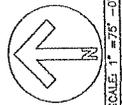
By: _____


Linda Glick, Recording Secretary



1871 Mission Street, Suite 18
San Francisco, CA 94103-4418
(415) 381-4775

BLOCK 1032
LOT 3
San Francisco, CA

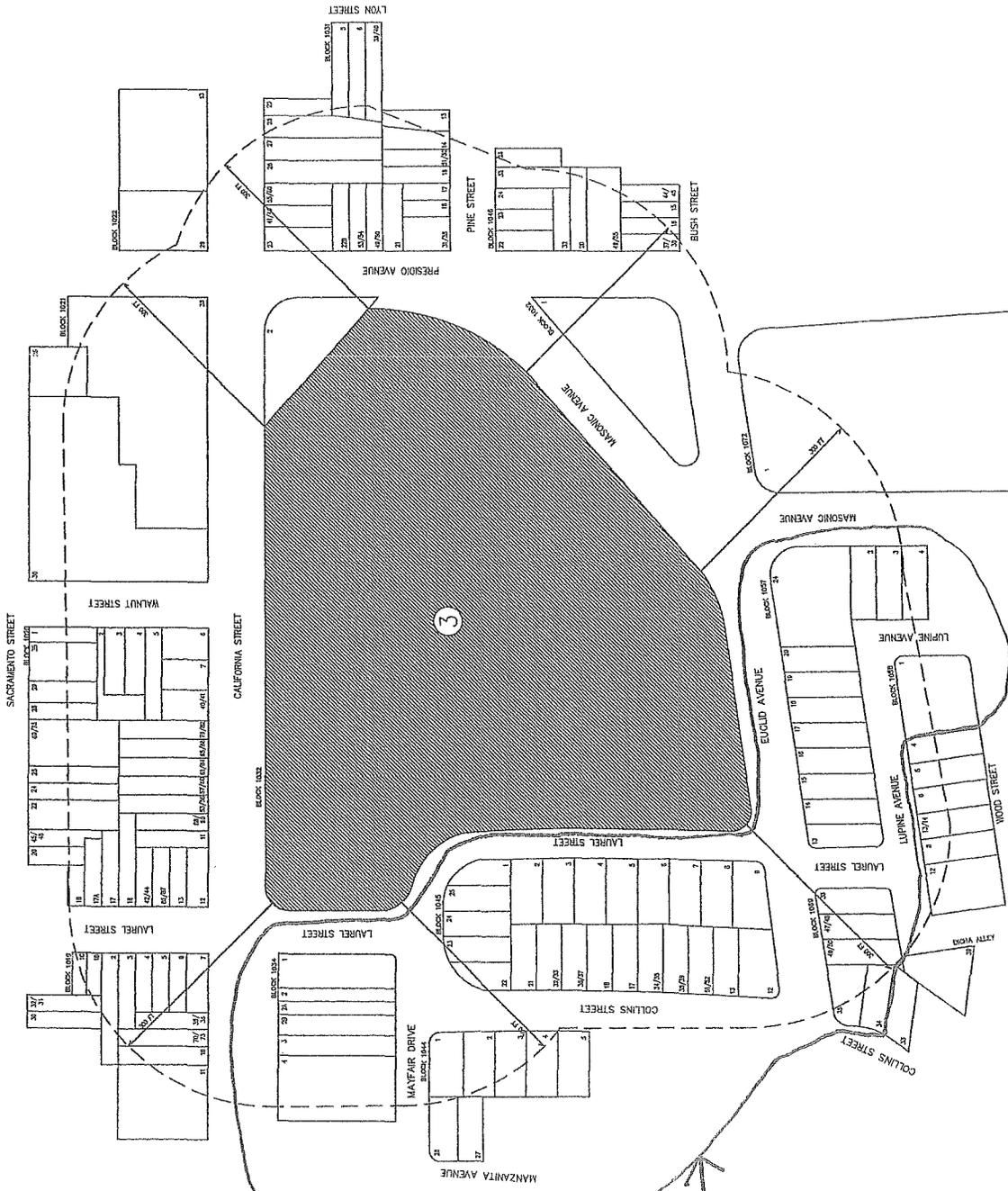


SCALE: 1" = 75' - 0"

PREPARED BY

JOB NO.	DATE	CHECKED
10320005	02/01/02	DG

300 FOOT
RADIUS MAP



Laurel Heights Imp. Assn. Members

The information contained herein has been obtained from sources that we deem reliable and current at the time of preparation. We have no reason to doubt its accuracy but we do not guarantee it.

LAUREL HEIGHTS IMPROVEMENT
ASSOCIATION OF SAN FRANCISCO
SAN FRANCISCO, CA 94118

179

Date October 7, 2019 11-8166/3210
19

Pay to the
Order of San Francisco Planning Department \$ 640.00

Six Hundred forty and ^{no}/₁₀₀ Dollars  Security features
are included.
Details on back.

 FIRST REPUBLIC BANK
3533 California St.
San Francisco, CA 94118
Tel (415) 831-6688
3333 California St.
For FEIR Appeal Fee

Kathryn R. Derucenzi NP

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