

3333 CALIFORNIA STREET MIXED-USE PROJECT



RESPONSES TO COMMENTS ON DRAFT EIR VOLUME 1

CITY AND COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT: CASE NO. 2015-014028ENV
STATE CLEARINGHOUSE NO. 2017092053

DRAFT EIR PUBLICATION DATE: NOVEMBER 7, 2018
DRAFT EIR PUBLIC HEARING DATE: DECEMBER 13, 2018
DRAFT EIR PUBLIC COMMENT PERIOD: NOVEMBER 8, 2018 - JANUARY 8, 2019
FINAL EIR CERTIFICATION HEARING: SEPTEMBER 5, 2019



SAN FRANCISCO
PLANNING
DEPARTMENT



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: August 22, 2019

TO: Members of the Planning Commission and Interested Parties

FROM: Lisa Gibson, Environmental Review Officer

Re: **Attached Responses to Comments on Draft Environmental Impact Report Case No. 2015-014028ENV [3333 California Street Mixed-Use Project]**

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Attached for your review please find a copy of the Responses to Comments document for the Draft Environmental Impact Report (EIR) for the above-referenced project. **This document, along with the Draft EIR, will be before the Planning Commission for Final EIR certification on September 5, 2019.** The Planning Commission will receive public testimony on the Final EIR certification at the September 5, 2019 hearing. Please note that the public review period for the Draft EIR ended on January 8, 2019; any comments received after that date, including any comments provided orally or in writing at the Final EIR certification hearing, will not be responded to in writing.

The Planning Commission does not conduct a hearing to receive comments on the Responses to Comments document, and no such hearing is required by the California Environmental Quality Act. Interested parties, however, may always write to Commission members or to the President of the Commission at 1650 Mission Street and express an opinion on the Responses to Comments document, or the Commission's decision to certify the completion of the Final EIR for this project.

Please note that if you receive the Responses to Comments document in addition to the Draft EIR, you technically have the Final EIR. If you have any questions concerning the Responses to Comments document or the environmental review process, please contact Kei Zushi at 415-575-9038.

As noted on EIR pp. I.19-I.21, the project sponsor applied for certification as an Environmental Leadership Development Project (ELDP) under CEQA Chapter 6.5, sections 21178-21189.3, commonly known as AB900 on August 23, 2018. In compliance with this CEQA section, the record of proceedings for this project was made available online at the time of Draft EIR publication. During preparation of the Responses to Comments document the ELDP application was certified. On January 30, 2019, the California Air Resources Board (CARB) issued Executive Order G-18-101 determining that the proposed project or project variant would not result in any net additional greenhouse gas emissions with the payment of offsets for purposes of certification under AB 900. On June 7, 2019, Governor Gavin Newsom, with assistance from the Governor's Office of Planning and Research, certified the proposed project or project variant as an eligible project under AB 900, and the Governor's Office of Planning and Research forwarded the Governor's determination to the Joint Legislative Budget Committee. The State Legislative Analyst's Office indicated that the project aligns with the intent of AB 900, and recommended to the Joint Legislative Budget Committee that they concur with the Governor's determination. On July 8, 2019, the Joint Legislative Budget Committee concurred with the Governor's determination that the project is an eligible project under AB 900.

Thank you for your interest in this project and your consideration of this matter.

Memo

Revised 4/28/14

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SAN FRANCISCO
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1. INTRODUCTION TO RESPONSES TO COMMENTS

A. PURPOSE OF THIS RESPONSES TO COMMENTS DOCUMENT

The purpose of this Responses to Comments (RTC) document is to present comments submitted on the draft Environmental Impact Report (draft EIR) for the proposed 3333 California Street Mixed-Use Project, to respond in writing to comments on environmental issues, and to revise the draft EIR as necessary to provide additional clarity. Comments were made in written form during the public comment period from November 8, 2018 to January 8, 2019, and as oral testimony received before the San Francisco Planning Commission at the public hearing on the draft EIR held on December 13, 2018. A complete transcript of proceedings from the public hearing on the draft EIR and all written comments are included herein in their entirety. A complete list of commenters is provided in Section 3, Public Agencies and Commissions, Non-Governmental Organizations, and Individuals Commenting on the Draft EIR. Note that some commenters re-submitted their comments on the initial study; these comments are included in RTC Attachment B, Draft EIR Comment Letters and E-mails. In addition, some comments were received after the close of the comment period on January 8, 2019; these comment letters are included in RTC Attachment C: Comment Letters and E-mails Received After Close of Public Comment Period. Most of these comments relate to the merits of the project and do not raise issues concerning the adequacy and accuracy of the EIR. The few that relate to environmental topics raise issues that are already addressed in this RTC document.

Pursuant to the California Environmental Quality Act (CEQA)¹ section 21091(d)(2)(A) and (B) and the CEQA Guidelines,² the San Francisco Planning Department (planning department) has considered the comments received on the draft EIR, evaluated the issues raised, and provides written responses that fully address each substantive physical environmental issue that has been raised. CEQA Guidelines section 15088 requires the evaluation of all public comments received on the draft EIR and the identification of comments that raise significant environmental issues requiring a good faith, reasoned analysis in the written response. As further stated in CEQA Guidelines section 15088(c), the level of detail in response may correspond to the level of detail provided in the comment. Where appropriate, this RTC document also includes EIR text changes made in response to comments.

¹ Public Resources Code section 21000-21189 (the California Environmental Quality Act or CEQA).

² California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387, Guidelines for Implementation of the California Environmental Quality Act (the CEQA Guidelines).

1. Introduction to Responses to Comments

In accordance with CEQA, the responses to comments focus on clarifying the project description and addressing significant environmental effects associated with the proposed project. “Significant effects on the environment” means substantial, or potentially substantial, adverse changes in any of the physical conditions within the area affected by the project. Economic or social changes alone are not considered a significant effect on the environment.³ Therefore, this document focuses on responding to comments that relate to physical environmental issues in compliance with CEQA.⁴ However, for informational purposes, this RTC document also provides limited responses to general comments on the draft EIR received during the public review period that were not related to physical environmental issues.

The comments do not identify any new significant environmental impacts, or substantial increases in the severity of previously identified environmental impacts, from those analyzed in the EIR. Nor do the comments identify feasible project alternatives or mitigation measures that are considerably different from those analyzed in the EIR that would reduce the significant environmental impacts of the proposed project or project variant, but which the project sponsor has not agreed to study or implement.

The San Francisco Planning Department is the Lead Agency under CEQA responsible for administering the environmental review of projects within the City and County of San Francisco. The draft EIR together with this RTC document constitute the Final EIR for the proposed project or project variant in fulfillment of CEQA requirements, consistent with CEQA Guidelines section 15132. The Final EIR has been prepared in compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. This EIR is an informational document for use by: (1) governmental agencies (such as the planning department) and the public to aid in the planning and decision-making process by disclosing the physical environmental effects of the project and identifying possible ways of reducing or avoiding the potentially significant impacts; and (2) the San Francisco Planning Commission, other commissions/departments, and the Board of Supervisors prior to their decision to approve, disapprove, or modify the project. If the San Francisco Planning Commission, Board of Supervisors, or other City entities approve the proposed project or project variant, they would be required to adopt CEQA findings and a mitigation monitoring and reporting program (MMRP or mitigation program) to ensure that mitigation measures identified in the Final EIR are implemented.

³ CEQA Guidelines section 15064 (e).

⁴ CEQA Guidelines sections 15382, 15064(c) and 15064 (d).

B. ENVIRONMENTAL REVIEW PROCESS

Notice of Preparation of an EIR and Public Scoping

On September 20, 2017, the planning department published a Notice of Preparation (NOP) of an Environmental Impact Report and Notice of Public Scoping Meeting (EIR Appendix A), announcing its intent to solicit public comments on the scope of the environmental analysis and to prepare and distribute an EIR on the 3333 California Street Mixed-Use Project. The planning department mailed the Notice of Availability of an NOP and Notice of Public Scoping Meeting to the State Clearinghouse and relevant state and regional agencies; occupants of the site and adjacent properties; property owners within 300 feet of the project site; and other potentially interested parties, including neighborhood organizations that have requested such notice. A legal notice in the newspaper was also published on Wednesday, September 20, 2017.

Publication of the NOP initiated a 30-day public review and comment period that ended on October 20, 2017. Pursuant to CEQA section 21083.9 and CEQA Guidelines section 15206, the planning department held a public scoping meeting on October 16, 2017 to receive input on the scope of the environmental review for this project.⁵ During the NOP review and comment period, a total of 54 comment letters, comment cards, and emails were submitted to the planning department and 28 speakers provided oral comments at the public scoping meeting. The comment letters received in response to the NOP and a copy of the transcript from the public scoping meeting are available for review at the planning department offices as part of Case File No. 2015-014028ENV.⁶ The planning department considered the comments made by the public in preparation of the draft EIR for the proposed project and project variant.

Initial Study

On April 25, 2018, the planning department published an initial study (EIR Appendix B) and a Notice of Availability of an Initial Study. The planning department mailed the Notice of Availability of an Initial Study to the State Clearinghouse and relevant state and regional agencies; occupants and owners of the site and properties within 300 feet of the project site; and other potentially interested parties, including neighborhood organizations that have requested such notice. The initial study addresses physical environmental impacts related to land use and planning; population and housing; cultural resources (subsurface archaeological resources including human remains and tribal cultural resources); greenhouse gas emissions; wind and shadow; recreation; utilities and service systems; public services; biological resources; geology and soils; hydrology

⁵ The public scoping meeting was held at the Jewish Community Center of San Francisco at 3200 California Street, San Francisco 94118 on Monday, October 16, 2017, between 6 p.m. and 8 p.m. A transcript of the proceedings is available as part of Case No. 2015-014028ENV.

⁶ The administrative record is also online at <https://www.ab900record.com/3333cal>.

1. Introduction to Responses to Comments

and water quality; hazards and hazardous materials; mineral and energy resources; and agricultural and forest resources.

Significant impacts identified in the initial study include impacts on cultural resources (subsurface archaeological resources including human remains and tribal cultural resources), biological resources, and paleontological resources. Mitigation measures identified in the initial study would reduce these impacts to less-than-significant levels. (See pp. 249-255 in Section F, Mitigation Measures and Improvements Measures, of the initial study [EIR Appendix B].) The project sponsor agreed to implement the identified mitigation measures and signed an Agreement to Implement Mitigation Measures on November 7, 2018. As part of the environmental review process, significant impacts that cannot be mitigated to a less-than-significant level were identified for the following environmental topics, which are addressed in this EIR: cultural resources (historic architectural resources), transportation and circulation, noise and vibration, and air quality.

Following publication of the initial study, a total of 15 comment letters and emails were submitted to the planning department. These comment letters are available for review at the planning department offices as part of Case File No. 2015-014028ENV.⁷ The planning department considered the comments made by the public in preparation of the draft EIR for the proposed project and project variant.

Draft EIR

The planning department prepared the 3333 California Street Mixed-Use Project Draft EIR in accordance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The Draft EIR was published on November 7, 2018. The draft EIR identified a 47-day public comment period from Thursday, November 8, 2018 through Monday, December 24, 2018 to solicit public comment on the adequacy and accuracy of information presented in the draft EIR. The public comment period was extended to January 8, 2019 (to 62 days) at the direction of the San Francisco Planning Commission at the public hearing held on December 13, 2018. Paper copies of the draft EIR were made available for public review at the following locations: (1) the San Francisco Planning Department, 1650 Mission Street, and the Planning Information Center, 1660 Mission Street, (2) the San Francisco Main Library, 100 Larkin Street, and (3) the Presidio Branch Library, 3150 Sacramento Street. Paper copies of the appendices to the draft EIR were made available for public review at the San Francisco Planning Department, 1650 Mission Street, and the Presidio Branch Library, 3150 Sacramento Street. The planning department also distributed paper copies of the Notice of Public Hearing and Availability of the draft EIR via the United States Postal Service to relevant state and regional agencies; occupants and owners of the site and properties within 300 feet of the project site; and other potentially interested parties, including neighborhood organizations that have requested such notice. The planning department also distributed the notice

⁷ The administrative record is also online at <https://www.ab900record.com/3333cal>.

electronically via e-mails to recipients whose e-mail addresses were provided; published notification of its availability in a newspaper of general circulation in San Francisco; and posted the Notice of Public Hearing and Availability of the EIR at multiple locations on the project site.

Comments on the draft EIR were made in written form during the public comment period and as oral testimony received at the public hearing on the draft EIR before the San Francisco Planning Commission on December 13, 2018. A court reporter was present at the public hearing to transcribe the oral comments verbatim and provide a written transcript. As noted on p. 1.1, some commenters re-submitted their comments on the initial study; these comments are included in RTC Attachment B, Draft EIR Comment Letters and E-mails. Other comments were received after the close of the comment period; these comment letters are included in RTC Attachment C: Comment Letters and E-mails Received After Close of Public Comment Period.

The comments received during the public review period are the subject of this RTC document, which addresses all substantive written and oral comments on the draft EIR. Under CEQA Guidelines section 15201,⁸ members of the public may comment on any aspect of the project. Further, CEQA Guidelines section 15204(a) states that the focus of public review should be “on the sufficiency of the [Draft EIR] in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.” In addition, “when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.” As noted above, CEQA Guidelines section 15088 specifies that the lead agency is required to respond to the comments raising significant environmental issues received during the public review period. Therefore, this RTC document is focused on the sufficiency and adequacy of the draft EIR in disclosing the significance of the environmental impacts of the proposed project or project variant that were evaluated in the draft EIR.

The planning department distributed this RTC document for review to the San Francisco Planning Commission as well as to the other public agencies and commissions, non-governmental organizations including neighborhood associations, and individuals who commented on the draft EIR. The San Francisco Planning Commission will consider the adequacy of the Final EIR – consisting of the draft EIR and the RTC document – in complying with the requirements of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. If the San Francisco Planning Commission finds that the Final EIR is adequate, accurate, and complete and complies with CEQA requirements, it will certify the Final EIR and will then consider the associated MMRP, and the requested approvals for the proposed project or project variant.

⁸ CEQA section 21082.1(b).

1. Introduction to Responses to Comments

Consistent with CEQA Guidelines section 15097⁹, the MMRP is designed to ensure implementation of the mitigation measures identified in the Final EIR and adopted by decision-makers to mitigate or avoid the proposed project's or project variant's significant environmental effects. CEQA also requires the adoption of findings prior to approval of a project for which a certified EIR identifies significant environmental effects (CEQA sections 21002, 21002.1, and 21081 and CEQA Guidelines sections 15091 and 15092). The EIR identifies four significant impacts related to historic architectural resources, transportation and circulation (vehicle miles traveled and transit), and noise and vibration (construction noise and construction vibration) and mitigation measures. Because this EIR identifies three significant impacts (historic architectural resources, transit, and construction noise) that cannot be mitigated to less-than-significant levels even with mitigation measures, the San Francisco Planning Commission must adopt findings that include a Statement of Overriding Considerations for these significant unavoidable impacts (CEQA sections 21081(a)(3) and (b) and CEQA Guidelines section 15093(b)) if the revised project or revised variant would be approved. The project sponsor would be required to implement the MMRP as a condition of project approval.

The project sponsor, Laurel Heights Partners, LLC, applied to the Governor of California for certification of the 3333 California Street Mixed-Use Project as an Environmental Leadership Development Project (ELDP), pursuant to Assembly Bill 900, the Jobs and Economic Improvement through Environmental Leadership Act of 2011, as amended effective January 1, 2018, and codified in Public Resources Code section 21178 et. seq., on August 23, 2018, with public review commencing on August 24, 2018. The AB900 process included a public comment period from August 24, 2018, to September 24, 2018. The ELDP application is available at <http://opr.ca.gov/ceqa/california-jobs.html> (see "2017092053 – 3333 California Street Project"). The AB 900 Record of Proceedings is available at <https://www.ab900record.com/3333cal>.

The ELDP application was certified. On January 30, 2019, the California Air Resources Board (CARB) issued Executive Order G-18-101 determining that the proposed project or project variant would not result in any net additional GHGs with payment of offsets for purposes of certification under AB 900. On June 7, 2019, Governor Gavin Newsom, with assistance from the Governor's Office of Planning and Research, certified the proposed project or project variant as an eligible project under AB 900, and the Governor's Office of Planning and Research (OPR) forwarded the Governor's determination to the Joint Legislative Budget Committee. The State Legislative Analyst's Office indicated that the project aligns with the intent of AB 900, and recommended to the Joint Legislative Budget Committee that they concur with the Governor's determination. On July 8, 2019, the Joint Legislative Budget Committee concurred with the Governor's determination that the project is an eligible project under AB 900.

⁹ CEQA Guidelines section 15097 cites CEQA section 21081.6 as the authority for the CEQA Guidelines section.

The documents above and any cited documents in the subsequent sections of this RTC document are available at the planning department offices as part of Case File No. 2015-014028ENV and electronically on the project's AB900 Record of Proceedings at <https://www.ab900record.com/3333cal>.

C. DOCUMENT ORGANIZATION

This RTC document consists of the following sections:

Section 1, Introduction to Responses to Comments, discusses the purpose of the RTC document, the environmental review process for the EIR, and the organization of the RTC document.

Section 2, Revisions and Clarifications to the Project Description, summarizes changes to the description of the proposed project or project variant, as described in draft EIR Chapter 2, that the project sponsor has initiated since publication of the draft EIR. The revisions and clarifications consist of new information that updates, supplements, or replaces certain project description information and the associated environmental analysis previously presented in the draft EIR. RTC Section 2 analyzes whether these revisions and clarifications to the proposed project or project variant would result in any new environmental impacts not already discussed in the draft EIR and initial study or a substantial increase in the severity of previously identified significant environmental impacts.

Section 3, Public Agencies and Commissions, Non-governmental Organizations, and Individuals Commenting on the Draft EIR, presents the names of persons who provided comments on the draft EIR during the public comment period. This section includes three tables: Public Agencies and Commissions Commenting on the Draft EIR, Non-Governmental Organizations Commenting on the Draft EIR, and Individuals Commenting on the Draft EIR. Commenters within each category are listed in alphabetical order. These lists also show the comment code (described below) and the format (i.e., public hearing transcript, letter, or email) and date of each set of comments.

Section 4, Master Response – Transportation and Circulation, presents a list of the agencies and commissions, non-governmental organizations, and/or individuals who submitted public comments related to the transportation analysis methodologies. These comments are responded to in a single, comprehensive response. The master response includes revisions or additions to the draft EIR. Text changes are shown as indented text, with new text double underlined and deleted material shown as ~~strikethrough~~ text.

Section 5, Comments and Responses, presents the substantive comments excerpted verbatim from the public hearing transcript and written correspondence. The complete transcript, letters, and emails containing the comments are provided in Attachments A and B of this RTC document. The

1. Introduction to Responses to Comments

comments and responses in this section are organized by topic and, where appropriate, by subtopic, including all of the same environmental topics addressed in Chapter 4 of the draft EIR and Section E of the initial study (EIR Appendix B). The comments appear as single-spaced text and are coded in the following way:

- Comments from public agencies and commissions are designated by “A-” and an acronym of the agency’s or commission’s name
- Comments from non-governmental organizations including neighborhood associations are designated by “O-” and an acronym of the organization’s or association’s name
- Comments from individuals are designated by “I-” and the individual’s last name

In cases where a commenter spoke at the public hearing and also submitted written comments, or submitted more than one letter or email, the individual’s last name or the acronym of the organization’s name is followed by a sequential number by date of submission. A final number at the end of the code keys each comment to the order of the bracketed comments within each written communication or set of transcript comments. Thus, each discrete comment has a unique comment code. The coded comment excerpts in Section 5 tie in with the bracketed comments presented in Attachments A and B of this RTC document.

Preceding each group of comments is a summary introduction of issues raised about the specific topic. Following each comment or group of comments on a topic are the planning department’s responses. The responses generally provide clarification of the draft EIR text. In some instances, the responses may result in revisions or additions to the draft EIR. Text changes are shown as indented text, with new text double underlined and deleted material shown as ~~striketrough~~ text.

Section 6, Draft EIR Revisions, presents the text changes to the draft EIR made as a result of a response to comments, and/or staff-initiated text changes identified by planning department staff to update, correct, or clarify the draft EIR text. In addition, as described in RTC Section 2, the proposed project and its variant have been revised, and text and graphic changes are limited to the minor modifications introduced as part of the update to the project sponsor’s Planning Application. Staff-initiated text changes are identified by an asterisk (*) in the margin. These changes and minor errata do not result in significant new information with respect to the proposed project or project variant, including the level of significance of project impacts or any new significant impacts. Therefore, recirculation of the draft EIR pursuant to CEQA Guidelines section 15088.5 is not required.

Attachments A and B present, respectively, a complete transcript of the San Francisco Planning Commission hearing and a copy of the written correspondence received by the planning department in their entirety, with individual comments bracketed and coded as described above. An additional code points the reader to the topic and subtopic in Section 5 in which the bracketed comment appears and the response that addresses it.

1. Introduction to Responses to Comments

Attachment C presents comment letters and emails received after the close of public comment period on the draft EIR through August 16, 2019.

Attachment D presents the San Francisco Public Works Independent Peer Review of 3333 California – Proposed Alternative, August 15, 2019 [regarding the Laurel Heights Improvement Association Alternative].

Attachment E presents SFPUC Revised Water Supply Assessment, June 11, 2019.

This RTC document will be consolidated with the draft EIR as its own chapter, and upon certification of the EIR the two documents will together comprise the project's Final EIR. The revisions to the EIR's text called out in Section 6, Draft EIR Revisions, of the RTC document will be incorporated into the draft EIR text as part of publishing the consolidated Final EIR.

1. Introduction to Responses to Comments

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2. REVISIONS AND CLARIFICATIONS TO THE PROJECT DESCRIPTION

A. INTRODUCTION

Since the November 7, 2018 publication of the 3333 California Street Mixed-Use Project Draft EIR, the project sponsor has initiated revisions and clarifications to the proposed project and project variant as described in draft EIR Chapter 2, Project Description. This RTC section describes these revisions and analyzes whether such revisions would result in any new significant environmental impacts not already discussed in the draft EIR or initial study or in a substantial increase in the severity of any identified significant impacts.

CEQA Guidelines section 15088.5, Recirculation of an EIR Prior to Certification, requires recirculation of an EIR when “significant new information” is added to the EIR after publication of the draft EIR but before certification. The CEQA Guidelines section 15088.5(a) states that new information added to an EIR is not “significant” unless “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement.” CEQA Guidelines section 15088.5(a) further defines “significant new information,” in part, as a disclosure that “a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented” or a disclosure that “a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance.” CEQA Guidelines section 15088.5(b) states that recirculation is not required if “new information in the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

As described below, the revisions and clarifications to the proposed project and project variant would not introduce new characteristics or substantially modify previously proposed characteristics that would result in any new significant impacts not already identified for the proposed project and project variant studied in the draft EIR or initial study, nor would these changes increase the severity of any of the identified significant impacts. Although the revisions to the proposed project and project variant do not present significant new information and do not give rise to any new significant environmental impact, or a substantial increase in the severity of any identified significant impact, the mitigation measures identified in the draft EIR and the initial study for the proposed project or project variant would continue to be required in order to reduce or avoid significant environmental impacts of the revised project or revised variant. No new measures would be required to mitigate the significant impacts identified in the draft EIR or initial study for the proposed project and project variant. Mitigation Measure M-TR-2: Reduce Retail Parking Supply, on EIR p. 4.C.80, would continue to be applicable to the revised project or revised variant and would be satisfied by the reduced retail parking program and elimination of the 60 commercial parking spaces in both the revised project and revised

2. Revisions and Clarifications to the Project Description

variant. Compliance would be verified through the building permit process. Therefore, recirculation of the EIR pursuant to CEQA Guidelines section 15088.5 is not required.

B. SUMMARY OF REVISIONS AND CLARIFICATIONS

The project sponsor has introduced the following changes to the proposed retail and parking components of the proposed project's and project variant's development program and the site circulation program: (1) retail uses in the Euclid Building have been eliminated, and the amount of gross square footage to be devoted to ground-floor retail uses in the California Street buildings has been reduced; (2) the number of vehicle parking spaces for commercial uses has been reduced; and (3) the curb cuts in front of the Laurel Duplexes have been eliminated, and the parking garage access for the seven Laurel Duplexes has been consolidated into a single curb cut on Laurel Street with shared access to the Mayfair Building's garage. The project sponsor has also proposed minor changes regarding the size of the publicly accessible open space, the overall amount of excavation and soils to be exported from the project site, the residential dwelling unit mix, the total number of dwelling units in some of the proposed buildings, the number of bicycle parking spaces, and design refinements to address planning department requests for updates to Planning Application Submittal 1, dated June 28, 2017, to address various provisions of the planning code such as dwelling unit exposure.

Programmatic changes related to gross square footage by use and building, project characteristics such as the number and mix of residential units and the number of class 1 and class 2 bicycle parking spaces, and the overall square footage, among other project data, are shown in RTC Table 2.2: Comparison of Characteristics of Buildings in Proposed Project and Revised Project, and RTC Table 2.6: Comparison of Characteristics of Buildings in Project Variant and Revised Variant, starting on RTC pp. 2.3 and 2.5, respectively (RTC table numbers parallel those in draft EIR Chapter 2, Project Description, for ease of comparison). Note that throughout this RTC section, RTC tables are shown with deletions in ~~striketrough~~ and new text in double-underline to illustrate the differences between the proposed project and revised project and between the project variant and the revised variant.

Although the building footprints, sizes, height, and massing would remain largely the same, modifications have been introduced to the site plan along Laurel Street between Mayfair Drive and Euclid Avenue; to the parking plan under the Masonic, Euclid, and Mayfair buildings; and to the preliminary excavation plan. Modified graphics are presented in this RTC section to illustrate the main changes to the site plan and to select elevations and garage levels. (RTC figure numbers parallel those in draft EIR Chapter 2, Project Description, for ease of comparison.)

RTC Table 2.2: Comparison of Characteristics of Buildings in Proposed Project and Revised Project

Building Characteristics	Center Bldg. A	Center Bldg. B	Plaza A Building	Plaza B Building	Walnut Building	Masonic Building	Euclid Building	Laurel Duplex (7)	Mayfair Building	Totals
Location	Center of Site (Office Bldg. Renovation)		California Street (New Construction)			Presidio/Masonic/Euclid (New Construction)		Laurel Street (New Construction)		
Building Height	80 ft.	80 – 92 ft.	45 ft.	45 ft.	45 ft.	40 ft.	40 ft.	37 - 40 ft.	40 ft.	--
Number of Stories	6	6 - 7	4	4	3	4 - 6	4 - 6	4	4	--
Use (gsf)	89,465 <u>89,735</u>	252,681 <u>254,398</u>	144,878 <u>143,761</u>	145,618 <u>133,757</u>	263,453 <u>230,319</u>	124,892 <u>97,725</u>	233,623 <u>226,530</u>	58,839 <u>60,260</u>	58,821 <u>59,040</u>	1,372,270 <u>1,295,525</u>
Residential	89,465 <u>89,735</u>	233,423 <u>231,667</u>	66,150 <u>66,755</u>	72,220 <u>72,035</u>	0	88,906 <u>83,505</u>	177,345 <u>184,170</u>	54,111 <u>55,300</u>	43,071 <u>46,680</u>	824,691 <u>829,847</u>
Office	0	0	0	0	49,999	0	0	0	0	49,999
Retail	0	0	14,178 <u>14,816</u>	11,328 <u>11,180</u>	24,324 <u>14,265</u>	0	4,287 <u>0</u>	0	0	54,117 <u>40,261</u>
Child Care	0	0	0	0	14,690 <u>13,630</u>	0	0	0	0	14,690 <u>13,630</u>
Parking	0	19,258 <u>22,731</u>	64,550 <u>62,190</u>	62,070 <u>50,542</u>	174,440 <u>152,425</u>	35,986 <u>14,220</u>	51,991 <u>2,360</u>	4,728 <u>4,960</u>	15,750 <u>12,360</u>	428,773 <u>361,788</u>
Dwelling Units	51	139	67	61	0	61 <u>57</u>	135 <u>139</u>	14	30	558
Studio+1 bedroom	24	50 <u>51</u>	40	30	0	27 <u>22</u>	50 <u>55</u>	0	14 <u>12</u>	235 <u>234</u>
2 bedroom	11	51 <u>49</u>	23	25	0	24 <u>25</u>	54	1 <u>0</u>	67	195 <u>194</u>
3 bedroom	10	29 <u>30</u>	4	6	0	10	31 <u>30</u>	1 <u>2</u>	10 <u>11</u>	101 <u>103</u>
4 bedroom	6	9	0	0	0	0	0	12	0	27
Vehicle Parking Spaces	51 ^{Note A}	139 ^{Note A}	170 <u>99</u>	95 <u>85</u>	177 <u>139</u>	61 <u>57</u>	148 <u>139</u>	14 ^{Note B}	30	896 <u>763</u> ^{Note C,B}
Residential	51	139	67	61	0	61 <u>57</u>	135 <u>139</u>	12 <u>14</u>	30	558
Retail	0	0	43 <u>32</u>	34 <u>24</u>	48 <u>30</u>	0	13 <u>0</u>	0	0	138 <u>86</u>
Commercial	0	0	60 <u>0</u>	0	0	0	0	0	0	60 <u>0</u>
Office	0	0	0	0	100 <u>80</u>	0	0	0	0	100 <u>80</u>
Child Care	0	0	0	0	29	0	0	0	0	29

(continued)

2. Revisions and Clarifications to the Project Description

Building Characteristics	Center Bldg. A	Center Bldg. B	Plaza A Building	Plaza B Building	Walnut Building	Masonic Building	Euclid Building	Laurel Duplex (7)	Mayfair Building	Totals
Bicycle Parking Spaces <small>Note C D</small>	56 <u>55</u>	153 <u>147</u>	96 <u>81</u>	77	40	67 <u>61</u>	156 <u>147</u>	15 <u>16</u>	33 <u>32</u>	693 <u>656</u>
Residential Class 1/Class 2	51 / 54 <u>4</u>	139 / 148 <u>8</u>	67 / 74 <u>4</u>	61 / 64 <u>4</u>	0	61 <u>57</u> / 64 <u>4</u>	135 <u>139</u> / 148 <u>8</u>	14 / 12 <u>2</u>	30 / 32 <u>2</u>	558 / 563 <u>36</u>
Retail Class 1 <small>Note D E</small> / Class 2	0	0	100 / 1210 <u>10</u>	04 / 108 <u>8</u>	4 / 4	0	0 / 70 <u>0</u>	0	0	148 / 3322 <u>22</u>
Child Care Class 1/Class 2	0	0	0	0	10 / 10	0	0	0	0	10 / 10
Office Class 1/Class 2	0	0	0	0	108 / 24 <u>4</u>	0	0	0	0	108 / 24 <u>4</u>

Notes:

- A** Parking for Center Buildings A and B would be provided in the renovated parking level (Basement Levels ~~B1~~ and B3) under Center Buildings A and B (~~32~~ 26 spaces) that would be part of the proposed California Street Garage, in Basement Level B1 of the proposed California Street Garage including the renovated parking level (Basement Level B1) under Center Buildings A and B (~~106~~ 102 spaces), and in Basement Level B1 of the proposed Masonic Garage (~~52~~ 62 spaces).
- B** ~~The two parking spaces for the Laurel Duplex without a private parking garage would be located within the proposed Masonic Garage.~~
- C B** Includes the ~~11~~ 10 car-share spaces and ~~26~~ 27 Americans with Disabilities Act accessible spaces. Pursuant to San Francisco Green Building Code sections 4.106.4 and 5.106.5 up to 8 percent of parking spaces would be developed with electric vehicle charging stations and other spaces would be electric vehicle ready.
- D C** Residential class 1 spaces would be located within storage rooms in the proposed buildings. Class 2 spaces would be located along adjacent sidewalks near proposed retail and residential entrances.
- E D** Retail class 1 spaces would be located in two separate bicycle storage rooms in Basement Level B1 – one under the Plaza B Building and one under the Walnut Building.

Source: Laurel Heights Partners, LLC; Meyer Studio Land Architects; James Corner Field Operations; BAR Architects; Jensen Architects; Solomon Cordwell Buenz; ; BKF Engineers; and ARUP and Jensen Architects (February 2019) (August 2017)

RTC Table 2.6: Comparison of Characteristics of Buildings in Project Variant and Revised Variant

Building Characteristics (same as or <i>different</i> than proposed project)	Center Bldg. A (same)	Center Bldg. B (same)	Plaza A Building (same <i>different</i>)	Plaza B Building (same <i>different</i>)	Walnut Building (<i>different</i>)	Masonic Building (same)	Euclid Building (same)	Laurel Duplexes (same)	Mayfair Building (same)	Total (<i>different</i>)
Location	Center of Site (Office Bldg. Renovation)		California Street (New Construction)			Presidio/Masonic/Euclid (New Construction)		Laurel Street (New Construction)		
Building Height	80 ft.	80 – 92 ft.	45 ft.	45 ft.	67 ft.	40 ft.	40 ft.	37 - 40 ft.	40 ft.	--
Number of Stories	6	6 - 7	4	4	6	4 - 6	4 - 6	4	4	--
Use (gsf)	89,465 <u>89,735</u>	252,681 <u>254,398</u>	144,878 <u>150,900</u>	145,618 <u>152,544</u>	368,170 <u>336,700</u>	124,892 <u>97,725</u>	233,623 <u>226,530</u>	58,839 <u>60,260</u>	58,821 <u>59,040</u>	1,476,987 <u>1,427,832</u>
Residential	89,465 <u>89,735</u>	233,423 <u>231,667</u>	66,150 <u>66,755</u>	72,220 <u>72,035</u>	153,920 <u>147,590</u>	88,906 <u>83,505</u>	177,345 <u>184,170</u>	54,111 <u>55,300</u>	43,071 <u>46,680</u>	978,611 <u>977,437</u>
Retail	0	0	14,178 <u>14,816</u>	11,328 <u>11,180</u>	18,800 <u>8,500</u>	0	4,287 <u>0</u>	0	0	48,593 <u>34,496</u>
Child Care	0	0	0	0	14,650 <u>14,665</u>	0	0	0	0	14,650 <u>14,665</u>
Parking	0	19,258 <u>22,731</u>	64,550 <u>69,329</u>	62,070 <u>69,329</u>	180,800 <u>165,945</u>	35,986 <u>14,220</u>	51,991 <u>42,360</u>	4,728 <u>4,960</u>	15,750 <u>12,360</u>	435,133 <u>401,234</u>
Dwelling Units	51	139	67	61	186	61 57	135 139	14	30	744
Studio+1 bedroom	24	50 <u>51</u>	40	30	185	27 <u>22</u>	50 <u>55</u>	0	14 <u>12</u>	420 <u>419</u>
2 bedroom	11	51 <u>49</u>	23	25	1	24 <u>25</u>	54	1 <u>0</u>	6 <u>7</u>	196 <u>195</u>
3 bedroom	10	29 <u>30</u>	4	6	0	10	31 <u>30</u>	1 <u>2</u>	40 <u>11</u>	101 <u>103</u>
4 bedroom	6	9	0	0	0	0	0	12	0	27
Vehicle Parking Spaces	51 ^{Note A}	139 ^{Note A}	170 99	95 85	253 233	61 57	148 139	14 ^{Note B}	30	970 857 <i>Note D E</i>
Residential	51	139	67	61	186	61 <u>57</u>	135 <u>139</u>	14	30	744
Retail	0	0	43 <u>32</u>	34 <u>24</u>	38 <u>18</u>	0	13 <u>0</u>	0	0	128 <u>74</u>
Commercial	0	0	60 <u>0</u>	0	0	0	0	0	0	60 <u>0</u>
Child Care	0	0	0	0	29	0	0	0	0	29

(continued)

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Building Characteristics (same as or <i>different</i> than proposed project)	Center Bldg. A (same)	Center Bldg. B (same)	Plaza A Building (same <i>different</i>)	Plaza B Building (same <i>different</i>)	Walnut Building (<i>different</i>)	Masonic Building (same)	Euclid Building (same)	Laurel Duplexes (same)	Mayfair Building (same)	Total (<i>different</i>)
Bicycle Parking Spaces Note E-C	56 <u>55</u>	153 <u>147</u>	96 <u>83</u>	77 <u>75</u>	237 <u>223</u>	67 <u>61</u>	156 <u>147</u>	15 16	33 <u>32</u>	890 <u>839</u>
Residential Class 1 / Class 2	51 / <u>54</u>	139 / <u>148</u>	67 / <u>74</u>	61 / <u>64</u>	186 / <u>192</u>	61 <u>57</u> / <u>64</u>	135 <u>139</u> / <u>148</u>	14 / <u>12</u>	30 / <u>32</u>	744 / <u>754</u>
Retail Class 1 Note D-F / Class 2	0	0	10 <u>0</u> / <u>12</u> <u>10</u>	0 <u>4</u> / <u>10</u> <u>8</u>	4 / <u>84</u>	0	0 / <u>70</u>	0	0	14 <u>8</u> / <u>37</u> <u>22</u>
Child Care Class 1 / Class 2	0	0	0	0	10 / 10	0	0	0	0	10 / 10

Notes:

- A** Parking for Center Buildings A and B would be provided in the renovated parking level (Basement Levels ~~B1 and B3~~) under Center Buildings A and B (~~32 26~~ spaces) that would be part of the proposed California Street Garage, in Basement Level B1 of the proposed California Street Garage including the renovated parking level (Basement Level B1) under Center Buildings A and B (106 102 spaces), and in Basement Level B1 of the proposed Masonic Garage (~~52 62~~ spaces).
- ~~**B** The two parking spaces for the Laurel Duplex without a private parking garage would be located within the proposed Masonic Garage.~~
- ~~**C B** Includes the 9 10 car-share spaces and 26 27 Americans with Disabilities Act accessible spaces. Pursuant to San Francisco Green Building Code sections 4.106.4 and 5.106.5 up to 8 percent of parking spaces would be developed with electric vehicle charging stations and other spaces would be electric vehicle ready.~~
- ~~**D C** Residential class 1 spaces would be located within storage rooms in the proposed buildings. Class 2 spaces would be located along adjacent sidewalks near proposed retail and residential entrances.~~
- ~~**E D** Retail class 1 spaces would be located in two separate storage rooms in Basement Level B1 – one under the Plaza B Building and one under the Walnut Building.~~

Source: Laurel Heights Partners, LLC; Meyer Studio Land Architects; James Corner Field Operations; BAR Architects; Jensen Architects; Solomon Cordwell Buenz; BKF Engineers; and ARUP and Jensen Architects (February 2019) (August 2017)

Retail Programming

As described in draft EIR Chapter 2, Project Description, there would be 54,117 gross square feet of retail uses at the ground-floor levels of the Plaza A, Plaza B, Walnut, and Euclid buildings in the proposed project. Under the revised project there would be 40,261 gross square feet of retail uses in total for all of these buildings – a decrease of 13,856 gross square feet from the proposed project. The 4,287 square feet of retail use in the Euclid Building would be eliminated; retail use in the Walnut Building would be reduced (10,059 fewer gross square feet); and retail uses in the Plaza A and B buildings would be slightly reduced (638 and 148 fewer gross square feet, respectively). The Euclid Building space that was to be used as ground-floor retail under the proposed project or project variant would instead be a residential amenity space. Under the revised project, the total gross square footage of the Walnut and Euclid buildings would be reduced by approximately 33,000 gross square feet and 7,000 gross square feet, respectively. RTC Table 2.2 compares the proposed project and revised project, with changes shown in strikethrough and double underline, as explained above; RTC Figure 2.3: Site Plan for Revised Project, shown on RTC p. 2.8, has been modified to show these changes to the proposed project.

Revisions to the project variant would be similar to those for the revised project. As described in draft EIR Chapter 2, Project Description, the project variant would provide 48,593 gross square feet of retail space at the ground-floor levels of the Plaza A, Plaza B, Walnut, and Euclid buildings. Under the revised variant, there would be 34,496 gross square feet of retail uses – a decrease of 14,097 gross square feet. Retail use in the Euclid Building would be eliminated and the proposed retail uses in the Plaza A and B buildings would be reduced by approximately the same amount as with the revised project. The proposed retail use in the Walnut Building would be reduced by 10,300 gross square feet under the revised variant. The total gross square footage of the Walnut and Euclid buildings would be reduced by approximately 31,000 and 7,000 gross square feet, respectively. RTC Table 2.6 compares these components of the project variant to the revised variant, with changes shown in strikethrough and double underline, as explained above; RTC Figure 2.32: Site Plan for Revised Variant, shown on RTC p. 2.9, has been modified to show these changes to the project variant.

Reduction in Vehicle Parking Spaces

As described in the draft EIR, the proposed project and variant would provide 896 and 970 parking spaces, respectively. With the proposed revisions, the project and variant would have 763 and 857 parking spaces, respectively (or 133 and 113 fewer parking spaces, respectively than described in the draft EIR). The overall reduction in parking spaces reflects a decrease in the amount of gross square footage for retail uses; the elimination of the 60 commercial parking spaces proposed to replace the existing public parking spaces on the project site; and, for the

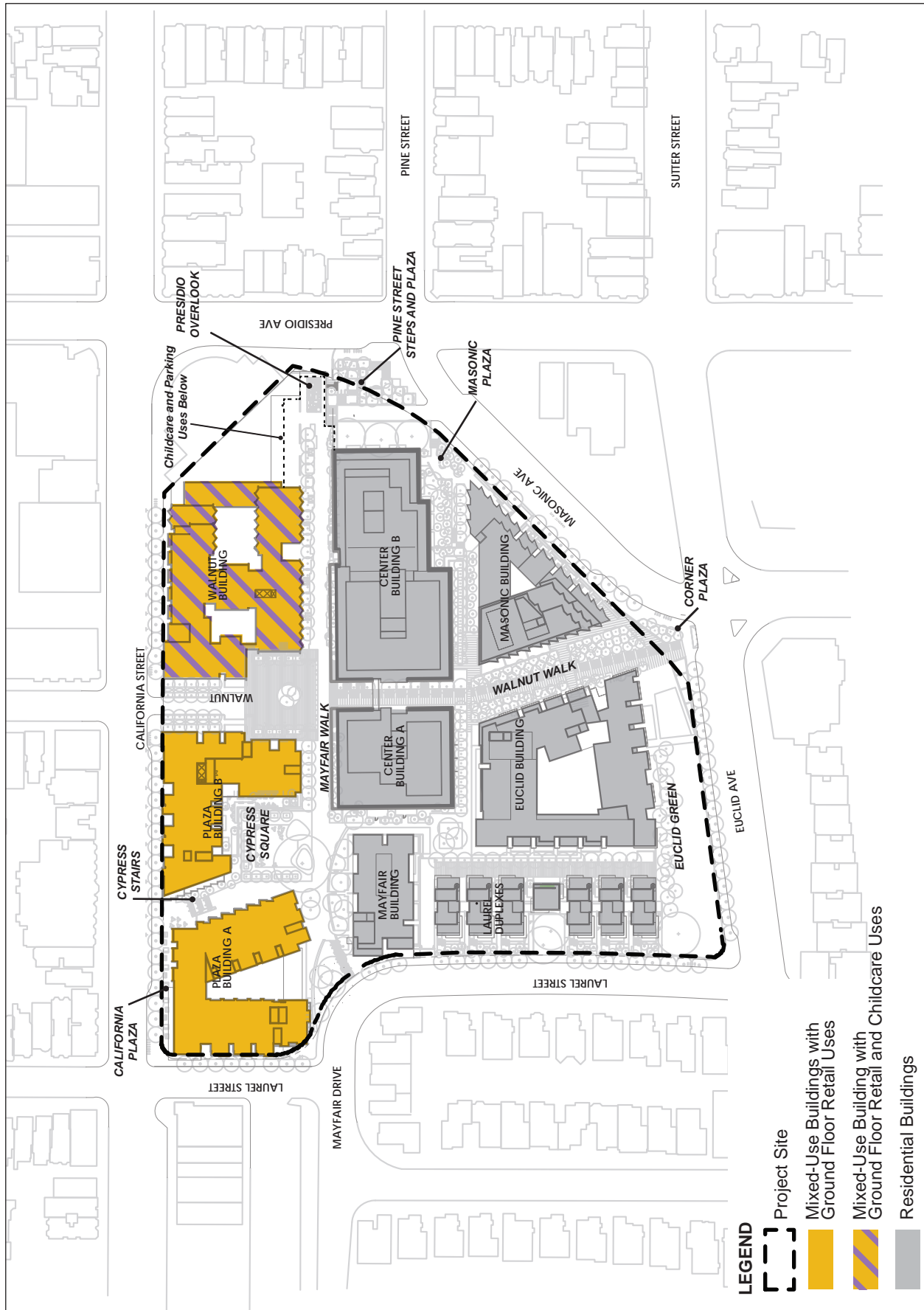


Source: Laurel Heights Partners, LLC (2019) and SWCA

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2015-014028ENV

RTC FIGURE 2.3: SITE PLAN FOR REVISED PROJECT



- LEGEND**
- Project Site
 - Mixed-Use Buildings with Ground Floor Retail Uses
 - Mixed-Use Building with Ground Floor Retail and Childcare Uses
 - Residential Buildings

Source: Laurel Heights Partners, LLC (2019) and SWCA

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2015-014028ENV

RTC FIGURE 2.32: SITE PLAN FOR REVISED VARIANT

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revised project, a reduction in the number of parking spaces for the office uses. RTC Table 2.3: Parking Summary for Revised Project, taken from draft EIR p. 2.13, has been modified, with ~~strikethrough~~ and double-underline indicating changes from the proposed project. As shown in RTC Table 2.2, above on RTC p. 2.3, and in RTC Table 2.3, the number of parking spaces in the California Street Garage, the Masonic Garage, and the Laurel Duplexes has been modified.

RTC Table 2.3: Parking Summary for Revised Project

Proposed Garage	Primary Entrances	No. of Parking Spaces	Assigned Use
California Street Garage (Under Plaza A, Plaza B, and Walnut buildings)	Laurel Street	128	Residential uses in Plaza A and Plaza B buildings
	Walnut Street	403 <u>73</u>	Retail uses in Plaza A, Plaza B, and Walnut, and Euclid buildings
		406 <u>102</u>	Residential uses in Center Buildings A and B (renovated Basement Level B1 under Center Buildings A and B)
		<u>10</u>	<u>Car-share spaces for members</u>
	Presidio Avenue	400 <u>80</u>	Office use in Walnut Building
		35 <u>13</u>	Retail use in Walnut Building
		29	Child care use in Walnut Building
		41 <u>26</u>	<u>Car-share space for members</u> <u>Renovated Basement Level B3 for residential uses in Center Buildings A and B</u>
60	<u>Commercial spaces for public</u>		
Center B Building Garage (Renovated Parking Levels)			
Basement Level B1	Walnut Street	6	Residential uses in Center Buildings A and B
Basement Level B3	Presidio Avenue	26	Residential uses in Center Buildings A and B
Masonic Garage (Under Masonic and Euclid buildings)	Masonic Avenue	52 <u>62</u>	Residential uses in Center Buildings A and B
		64 <u>57</u>	Residential uses in Masonic Building
		435 <u>139</u>	Residential uses in Euclid Building
		<u>2</u>	<u>Residential use for one Laurel Duplex</u>
Mayfair Garage (Under Mayfair Building)	Mayfair Drive <u>Laurel Street</u>	30	Residential uses in Mayfair Building
Laurel Garages (Under 6 of the 7 Laurel Duplexes)	Laurel Street	42 <u>14</u>	Residential use in six Laurel Duplexes
Total No. of Parking Spaces		896 <u>763</u>	558 for residential uses 138 <u>86</u> for retail uses 400 <u>80</u> for office use 29 for child care use 60 commercial spaces 41 <u>10</u> car-share spaces

Source: Laurel Heights Partners, LLC; Meyer Studio Land Architects; James Corner Field Operations; BAR Architects; Jensen Architects; Solomon Cordwell Buenz; BKF Engineers; and ARUP and Jensen Architects (February 2019) (August 2017)

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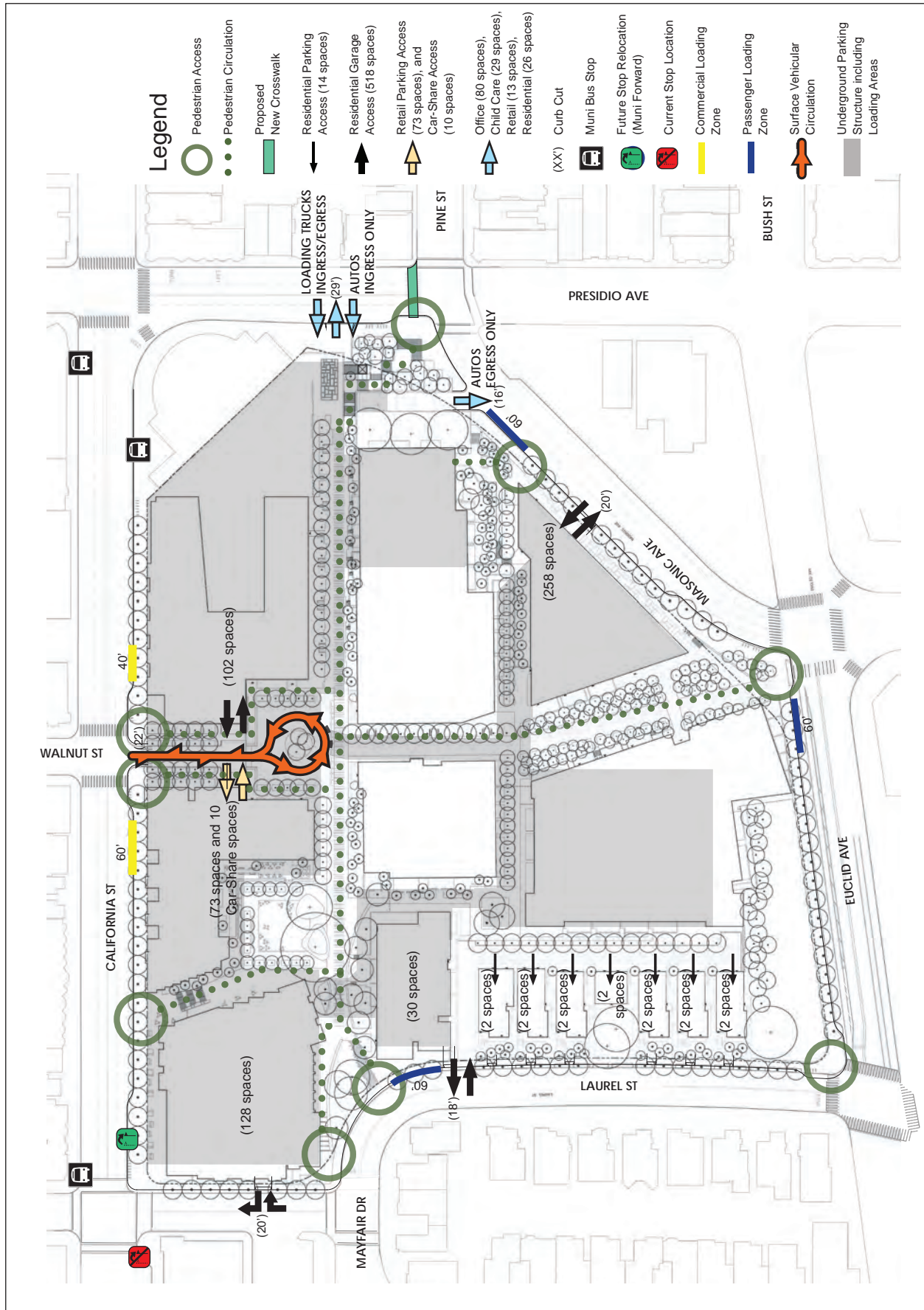
The parking program for the revised project would provide a total of 763 off-street parking spaces: the same 558 spaces for residential uses, 86 spaces for retail uses (compared to 138 spaces with the proposed project), 80 spaces for office uses (compared to 100 spaces with the proposed project), the same 29 spaces for the child care use, and 10 car-share spaces (compared to 11 spaces with the proposed project). (See RTC Table 2.2 on RTC pp. 2.3-2.4.)

The parking program for the revised variant would provide a total of 859 off-street parking spaces: the same 744 spaces for residential uses, 74 spaces for retail uses (compared to 86 spaces with the project), the same 29 spaces for the child care use, and 10 car-share spaces (compared to 11 spaces with the project variant). (See RTC Table 2.6 on RTC pp. 2.5-2.6.) The only differences in the parking summary for the revised variant, compared to the revised project details shown in RTC Table 2.3, above, would be the substitution of 186 residential spaces for the 80 office spaces under the revised project with the Walnut Building's programmatic conversion from office, retail, and child care to residential, retail, and child care. In addition, ten fewer retail parking spaces would be accessed in the California Street Garage via the extension of Walnut Street. All other entry/access points and vehicle parking space counts would be the same as those for the revised project, and a separate table is not needed for the revised variant.

Site Circulation

The site access program for the revised project and revised variant is shown in RTC Figure 2.22: Revised Project or Revised Variant Site Access, on RTC p. 2.12. Except for access to the parking garages for the Laurel Street Duplexes and the Mayfair Garage, site circulation and access would be similar to that described for the proposed project or project variant on draft EIR pp. 2.74-2.75 and illustrated in Figure 2.22 on draft EIR p. 2.62. However, the number of curb cuts, the width of the curb cuts, and the entry/exit points for vehicles accessing the below-grade parking spaces dedicated to some land uses as well as the number of vehicle parking spaces have been revised on the RTC figure. RTC Table 2.3, above, shows the modified entry/exit program for each garage, with strikethrough and double underline indicating changes from the proposed project.

Other minor changes are proposed. The 100-foot-long commercial loading zone on the south side of California Street would be divided into two separate commercial loading zones: a 60-foot-long zone immediately west of the California Street/Walnut Street intersection and a 40-foot-long zone immediately to the east of the intersection. Vehicular entry/exit changes would be limited, with an overall reduction in vehicle movements due to less parking for the retail and commercial uses and other variations based on the location of the parking spaces. For example, the car-share spaces under the revised project or revised variant would be located in Basement Level B2 of the California Street Garage with vehicle egress/ingress from the Walnut Street extension rather than in Basement Level B3 of the California Street Garage with vehicle egress/ingress from Presidio Avenue. The proposed crosswalk on the east side of the Mayfair Drive/Laurel Street intersection



Source: Laurel Heights Partners, LLC (2019) and SWCA

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RTC FIGURE 2.22: REVISED PROJECT OR REVISED VARIANT SITE ACCESS

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would be eliminated under the revised project and revised variant. All other streetscape changes would remain the same including the increase in the widths of the sidewalks along Laurel Street, Euclid Avenue, and Masonic Avenue.

Change in Curb Cuts and Garage Access

California Street and Masonic Garages

As described in draft EIR Chapter 2, Project Description, on p. 2.75, on the segment of Laurel Street between California Street and Mayfair Drive, a new 18-foot wide curb cut would provide right-turn in and right-turn out access to the portion of the California Street Garage under the Plaza A and B buildings. Under the revised project or project variant, the width of this new curb cut would be modified from 18 feet to 20 feet. Under the revised project or revised variant, the curb cut widths on Masonic Avenue, for egress from the California Street Garage (including the renovated parking garage level [Basement Level B3] under Center Buildings A and B), and for exit/entry to the Masonic Garage, would be reduced from 20 and 24 feet wide, respectively, to 16 and 20 feet, respectively.

Laurel Street Duplexes

As described in draft EIR Chapter 2, Project Description, on p. 2.75, six of the seven Laurel Duplexes would have individual two-car parking garages that would be accessed via six curb cuts and individual driveways extending from Laurel Street between Mayfair Drive and Euclid Avenue. Under the proposed project or project variant, the middle duplex would have dedicated parking in the proposed Masonic Garage. As revised, each of the Laurel Duplexes, including the middle duplex, would have individual two-car parking garages, and the parking garages would be relocated to 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. See RTC Figure 2.22, on RTC p. 2.12, and RTC Figure 2.20: Laurel Duplexes Elevations and Typical Section for Revised Project or Revised Variant, on RTC p. 2.15.

Mayfair Garage

As described in draft EIR Chapter 2, Project Description, on p. 2.75, the existing 27-foot-wide curb cut on Laurel Street (between Mayfair Drive and Euclid Avenue) would be removed and the existing 22-foot-wide curb cut on Mayfair Drive would be relocated to the south on Laurel Street (between Mayfair Drive and Euclid Avenue) and reduced to an 18-foot-wide curb cut that would provide access to the Mayfair Garage. Access to the Mayfair Garage would be modified under the revised project or revised variant as follows. As revised, the existing curb cuts would be consolidated into a single, 18-foot-wide curb cut and driveway (instead of 12-foot-wide) and

2. Revisions and Clarifications to the Project Description

would be located immediately south of the proposed Mayfair Building. Vehicles destined for the Mayfair Garage would share an entry/exit driveway from Laurel Street with the Laurel Duplexes described above. See RTC Figure 2.22, on RTC p. 2.12; RTC Figure 2.21: Mayfair Building Elevations and Section for Revised Project or Revised Variant, on RTC p. 2.17; and RTC Figure 2.27: Proposed Mayfair Garage for Revised Project or Revised Variant, on RTC p. 2.19.

Other Minor Revisions

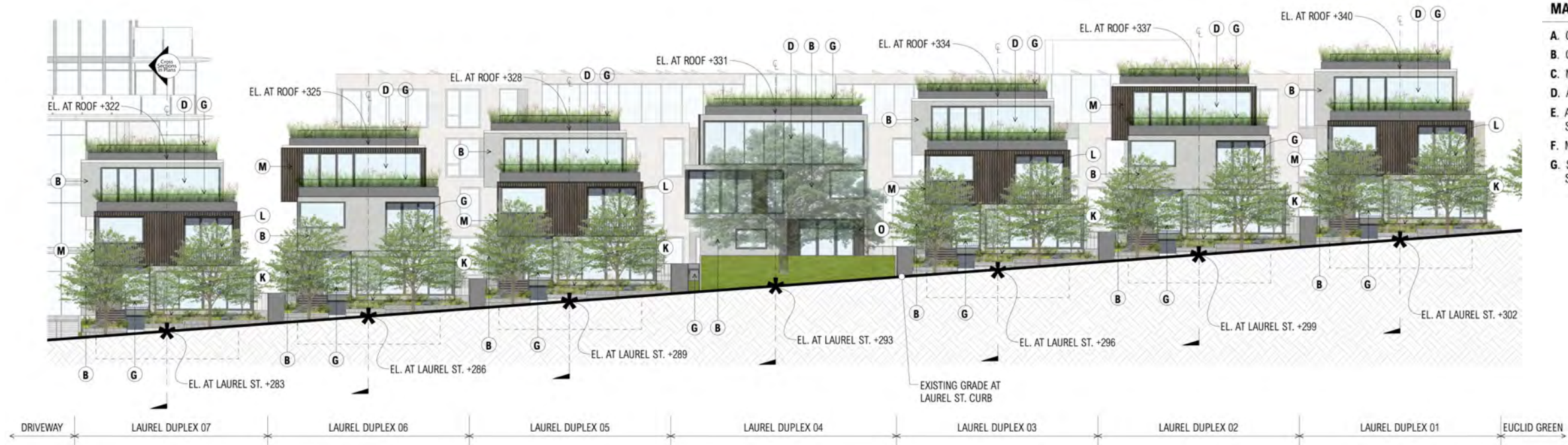
The project sponsor has introduced a number of minor revisions to clarify specific details of the proposed project or project variant described in the draft EIR. These minor revisions to the project description include updates to the sizes of the common open spaces, a change in the amount of excavation and soil exported, changes to the residential unit count by building and the unit mix, a reduction in bicycle parking spaces, and design refinements.

Open Space

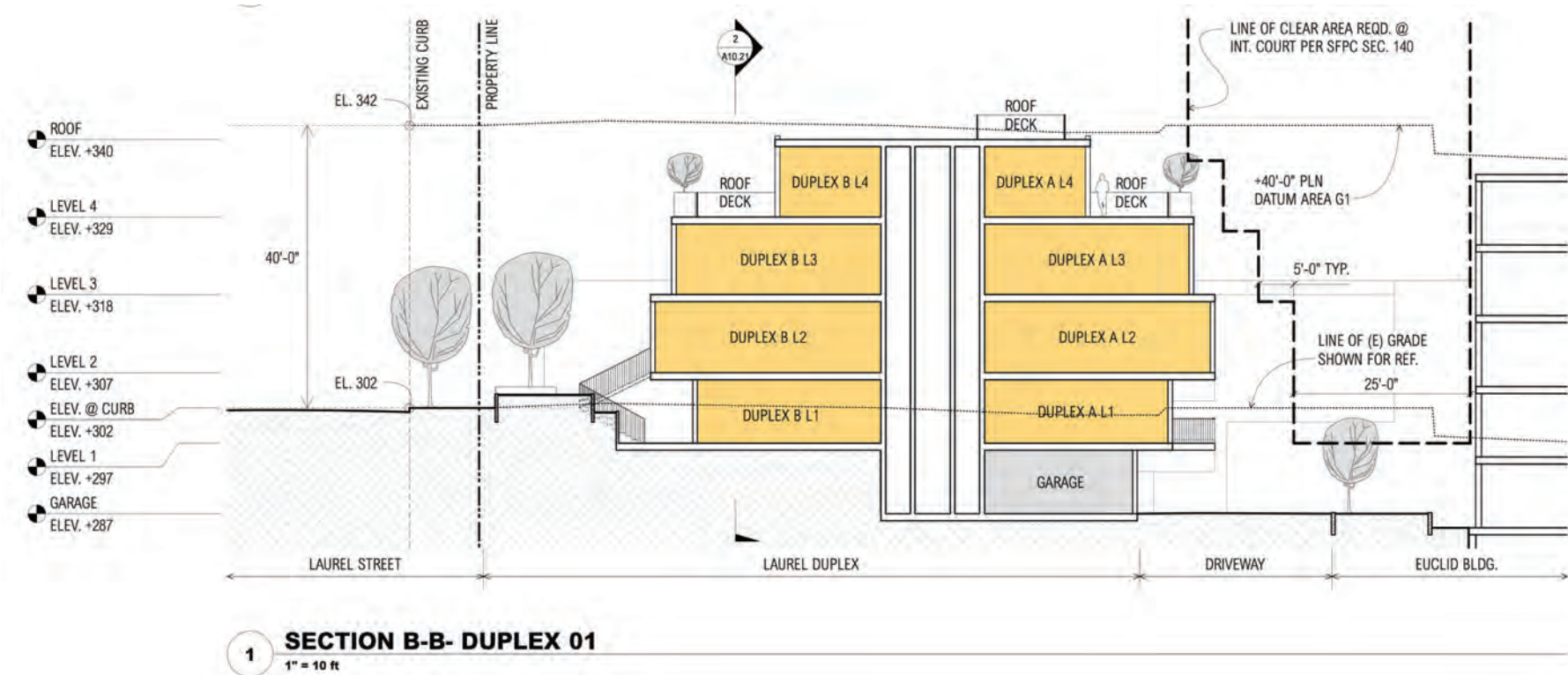
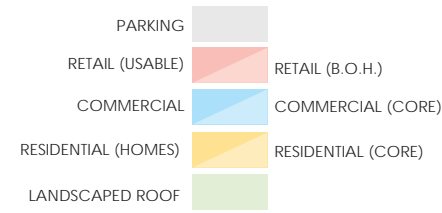
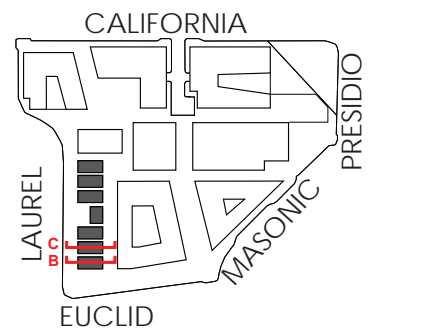
As described in draft EIR Chapter 2, Project Description, on pp. 2.83-2.87; listed in Table 2.4: Proposed Open Space, p. 2.84; and illustrated on Figure 2.29: Proposed Open Space, p. 2.85, the open space program would include common open spaces that would also be accessible to the public. The sizes of the proposed California Plaza, Cypress Square, and other open spaces have been modified by the project sponsor, as shown in RTC Table 2.4a: Proposed Open Space for Revised Project, and RTC Table 2.4b: Proposed Open Space for Revised Variant, on RTC pp. 2.21-2.22, and shown on RTC Figure 2.29: Proposed Open Space for Revised Project or Revised Variant, on RTC p. 2.23.

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Laurel Street Elevation (West)



Typical Laurel Duplex Section (East/West Section [1])



1 SECTION B-B- DUPLEX 01
1" = 10 ft

Source: Laurel Heights Partners, LLC (2019) and SWCA

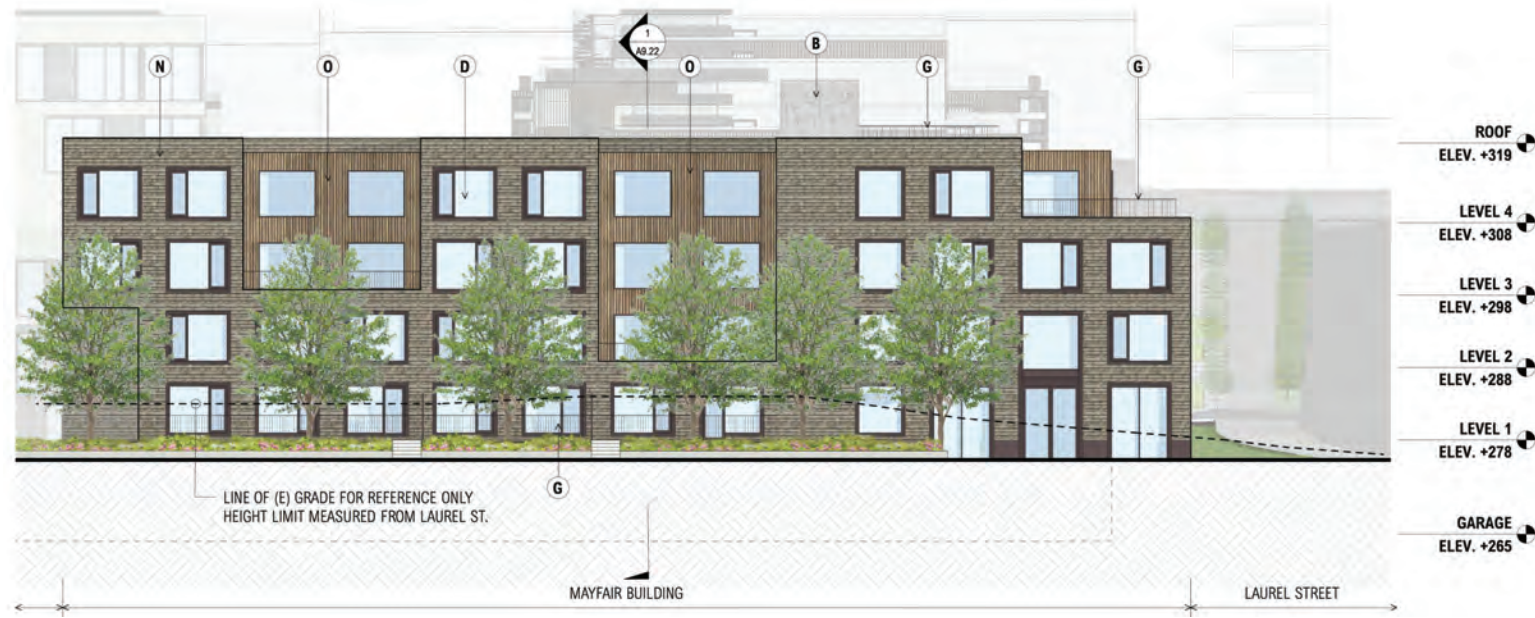
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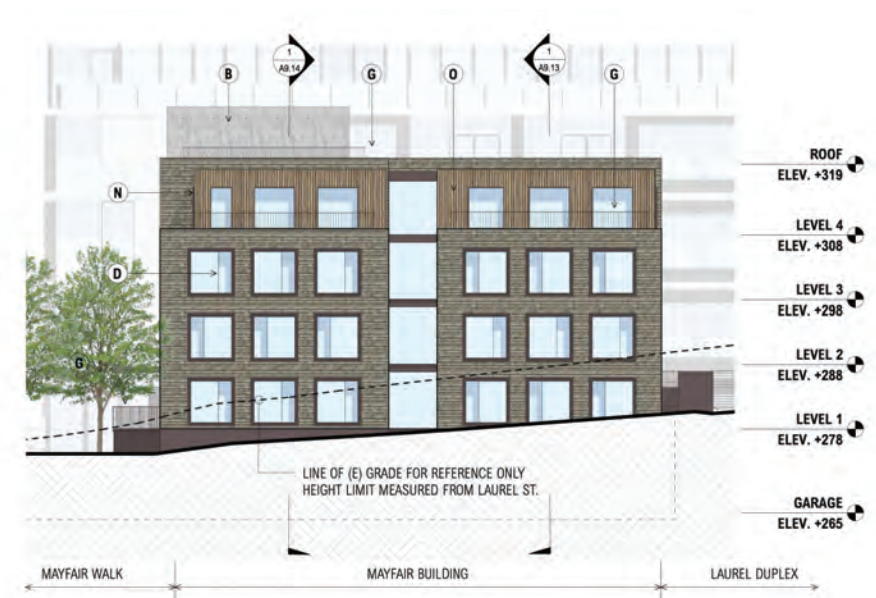
RTC FIGURE 2.20: LAUREL DUPLEXES ELEVATIONS AND TYPICAL SECTION FOR REVISED PROJECT OR REVISED VARIANT

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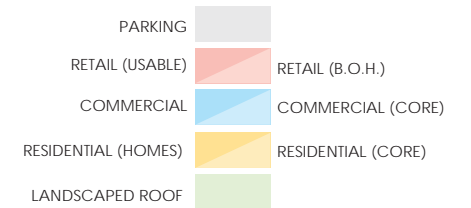
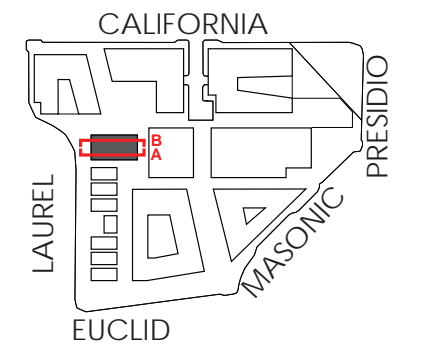
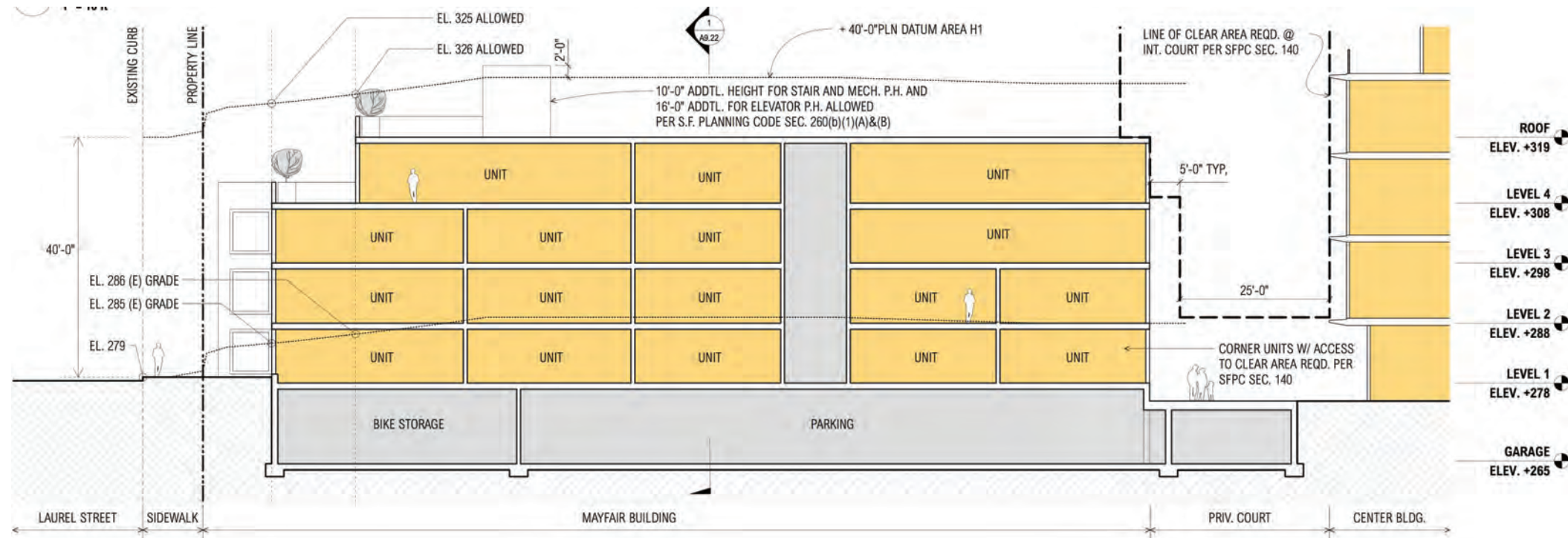
Mayfair Walk Elevation (North)



Laurel Street Elevation (West)



Mayfair Building Section (East/West Section [1])



Source: Laurel Heights Partners, LLC (2019) and SWCA

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RTC FIGURE 2.21: MAYFAIR BUILDING ELEVATIONS AND SECTION FOR REVISED PROJECT OR REVISED VARIANT

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Source: Laurel Heights Partners, LLC (2019) and SWCA

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RTC FIGURE 2.27: PROPOSED MAYFAIR GARAGE FOR REVISED PROJECT OR REVISED VARIANT

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2. Revisions and Clarifications to the Project Description

RTC Table 2.4a: Proposed Open Space for Revised Project

Open Space	Approximate Size (Square Feet)	Location
Common Open Space ^{NOTE A}		
California Plaza	3,300 <u>4,290</u>	Within the setback of the proposed Plaza A Building along California Street, extending east from the Laurel Street/California Street intersection to the proposed Cypress Stairs
Cypress Square and western Mayfair Walk	28,150 <u>24,780</u>	Between the Plaza A and B buildings and the portion of the east-west walkway between the Plaza B Building and Laurel Street
<u>Lower</u> Walnut Walk	46,760 <u>16,850</u>	The portion of the north-south walkway between Center Buildings A and B to Masonic and Euclid avenues at Corner Plaza
Euclid Green	48,760 <u>18,004</u>	Extending from the intersection of Euclid Avenue and Laurel Street at the southwest corner of the site toward the corner of Masonic and Euclid avenues
Presidio Overlook <u>and part of Mayfair Walk</u>	3,800 <u>10,450</u>	At the eastern terminus of Mayfair Walk, accessed from Mayfair Walk or the Pine Street Steps and Plaza
Cypress Stairs	32,230 <u>52,752</u>	Between the Plaza A and B buildings
Walnut Extension and Roundabout		Between Plaza B and Walnut buildings
Eastern Mayfair Walk		Between Center Building B and the Walnut Building east of Walnut Extension and Roundabout
Pine Street Steps and Plaza		On east side of Walnut Building and Center Building B near intersection of Masonic and Presidio avenues
Masonic Plaza		Between Center Building B and the Masonic Building along Masonic Avenue
<i>Subtotal</i>		403,000 <u>127,126</u>
Private Open Space ^{NOTE B}		
Ground-level terraces, interior courtyards and private internal walkways	85,000 <u>81,618</u>	Throughout the project site including the Cypress Square residential open space, and the Euclid Residential Terrace, and site area that is not counted towards the public open space

Notes:

^A A portion of the common open space would be open to the public.

^B The private open space does include rooftop decks.

Source: Laurel Heights Partners, LLC; Meyer Studio Land Architects; James Corner Field Operations; BAR Architects; Jensen Architects; Solomon Cordwell Buenz; BKF Engineers; and ARUP (February 2019), 2017, Sheet G3.03 dated 7/3/19

2. Revisions and Clarifications to the Project Description

RTC Table 2.4b: Proposed Open Space for Revised Variant

Open Space	Approximate Size (Square Feet)	Location
Common Open Space ^{NOTE A}		
California Plaza	3,300 <u>4,290</u>	Within the setback of the proposed Plaza A Building along California Street, extending east from the Laurel Street/California Street intersection to the proposed Cypress Stairs
Cypress Square and western Mayfair Walk	28,150 <u>24,780</u>	Between the Plaza A and B buildings and the portion of the east-west walkway between the Plaza B Building and Laurel Street
<u>Lower</u> Walnut Walk	46,760 <u>16,850</u>	The portion of the north-south walkway between Center Buildings A and B to Masonic and Euclid avenues at Corner Plaza
Euclid Green	48,760 <u>18,004</u>	Extending from the intersection of Euclid Avenue and Laurel Street at the southwest corner of the site toward the corner of Masonic and Euclid avenues
Presidio Overlook <u>and part of Mayfair Walk</u>	3,800 <u>10,450</u>	At the eastern terminus of Mayfair Walk, accessed from Mayfair Walk or the Pine Street Steps and Plaza
Cypress Stairs	32,230 <u>50,852</u>	Between the Plaza A and B buildings
Walnut Extension and Roundabout		Between Plaza B and Walnut buildings
Eastern Mayfair Walk		Between Center Building B and the Walnut Building east of Walnut Extension and Roundabout
Pine Street Steps and Plaza		On east side of Walnut Building and Center Building B near intersection of Masonic and Presidio avenues
Masonic Plaza		Between Center Building B and the Masonic Building along Masonic Avenue
<i>Subtotal</i>		403,000 <u>125,226</u>
Private Open Space ^{NOTE B}		
Ground-level terraces, interior courtyards and private internal walkways	85,000 <u>81,618</u>	Throughout the project site including the Cypress Square residential open space, and the Euclid Residential Terrace, and site area that is <u>not counted towards the public open space</u>

Notes:

^A ~~A portion of~~ The common open space would be open to the public.

^B The private open space ~~does include~~ rooftop decks.

Source: Laurel Heights Partners, LLC; Meyer Studio Land Architects; James Corner Field Operations; BAR Architects; Jensen Architects; Solomon Cordwell Buenz; BKF Engineers; and ARUP (February 2019), 2017, Sheet G0.01v, dated 8-20-19



Source: Laurel Heights Partners, LLC (2019), and SWCA

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RTC FIGURE 2.29: PROPOSED OPEN SPACE PLAN FOR REVISED PROJECT OR REVISED VARIANT

2. Revisions and Clarifications to the Project Description

Changes in Excavation

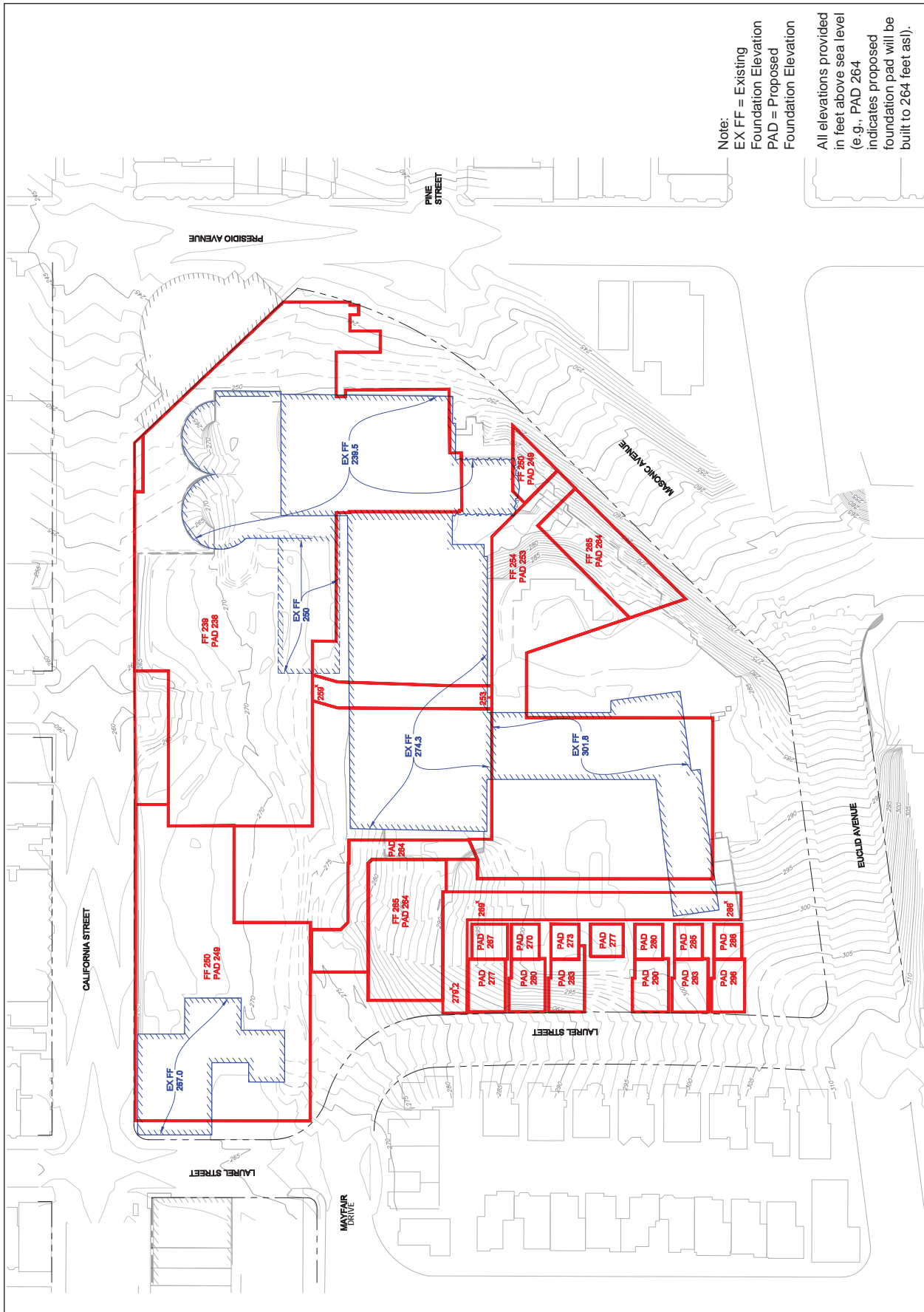
As a result of the change to the parking program and changes to the Masonic and Euclid building's basement level for below-grade parking and off-street loading, the amount of excavation required to be hauled off site would be reduced slightly under the revised project or revised variant from 241,300 cubic yards to 241,000 cubic yards (a reduction of approximately 300 cubic yards of excavated soils). Approximately 10,000 cubic yards of excavated soils would be reused on site as clean fill, an increase of approximately 6,000 cubic yards, compared to the proposed project and project variant amount of 3,700 cubic yards. A similar amount of demolition debris – approximately 47,000 cubic yards – would be generated under the revised project or revised variant, as identified for the proposed project or project variant; therefore, the amount of demolition debris and excavated soils requiring off haul and disposal would be reduced by approximately 300 cubic yards from that under the proposed project or project variant (from 288,300 cubic yards to 288,000 cubic yards).

This slight change in the preliminary excavation plan is based on the minor reduction to the underground parking structure as shown in RTC Figure 2.22, on RTC p. 2.12; RTC Figure 2.31: Preliminary Excavation Plan for Revised Project or Revised Variant, on RTC p. 2.25; and in RTC Figure 2.26: Proposed Masonic Garage for Revised Project or Revised Variant, on RTC p. 2.27. As shown on RTC Figure 2.31, there would be somewhat less excavation on the central southern portion of the site along the alignment of the lower portion of the proposed Walnut Walk. This change is also shown in RTC Figure 2.26. Refinements in the preliminary excavation plan result in slightly larger amounts of excavation elsewhere on the project site, and show more areas where excavated soil could be used as fill on the project site, resulting in a slight reduction in the overall amount of soil exported from the site.

Residential Unit Count and Mix

With the proposed revisions, there would be no change in the overall number of residential units developed under the proposed project or project variant (558 and 744, respectively). However, the residential unit counts in the Masonic and Euclid buildings would be altered slightly (see RTC Table 2.2 for the revised project, starting on RTC p. 2.3, and RTC Table 2.6 for the revised variant, starting on RTC p. 2.5). As shown, the number of residential units in the Masonic Building would be reduced from 61 to 57 units, and the number of residential units in the Euclid Building would increase slightly from 135 to 139 units. These adjustments would not result in a net change in the overall number of residential units under the revised project or revised variant.

The residential unit mix for the revised project or revised variant would be slightly modified compared to the proposed project or project variant described in draft EIR Chapter 2, Project Description. As shown in RTC Table 2.2, overall there would be one less studio or one-bedroom



Source: Laurel Heights Partners, LLC (2019) and SWCA

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RTC FIGURE 2.31: PRELIMINARY EXCAVATION PLAN FOR REVISED PROJECT OR REVISED VARIANT

2. Revisions and Clarifications to the Project Description

unit and one more unit with two or more bedrooms. The changes on a building-by-building basis are also shown in RTC Table 2.2. In particular, one Laurel Duplex would be a two-bedroom unit rather than a three-bedroom unit; the Mayfair Building would include two less studio or one-bedroom units, one more two-bedroom unit, and one more three-bedroom unit; the Euclid Building would have five more studio or one-bedroom units and one less three-bedroom unit; the Masonic Building would have five less studio or one-bedroom units and one more two-bedroom unit; and Center Building B would have one more studio or one-bedroom units, two less two-bedroom units, and one more three-bedroom unit.

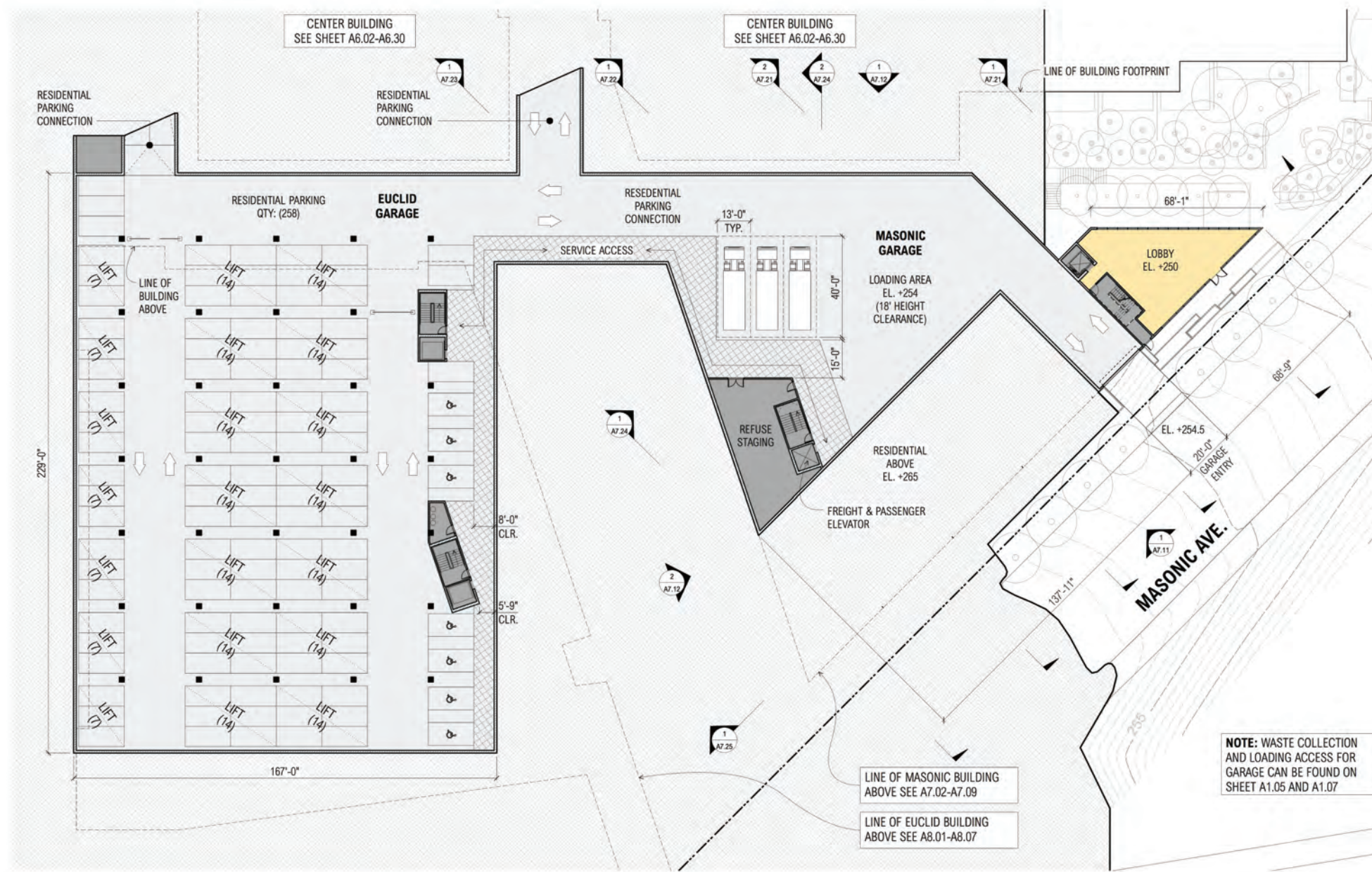
The revised variant would include all the changes described for the revised project and would retain the residential unit count and mix described for the Walnut Building in the project variant on draft EIR pp. 2.99-2.104.

Reduction in Bicycle Parking Spaces

As described in the draft EIR, the proposed project and project variant would provide 693 and 890 class 1 and class 2 bicycle parking spaces, respectively. With the proposed revisions, the proposed project and project variant would have 656 and 839 class 1 and class 2 bicycle parking spaces, respectively (or 37 and 51 fewer spaces, respectively) than described in the draft EIR. The overall reduction reflects a decrease in the amount of gross square footage for retail uses. The new values include at least the required bicycle parking spaces for residential, retail, child care, and office (for revised project only) uses, with class 1 bicycle parking spaces provided at a ratio of one per dwelling unit for residential uses, which is greater than the number of required spaces. Of the 656 bicycle parking spaces that would be provided by the revised project, 584 would be class 1 spaces and 72 would be class 2 spaces. Of the 839 bicycle parking spaces that would be provided by the revised variant, 762 would be class 1 spaces and 77 would be class 2 spaces.

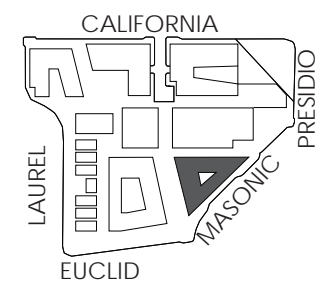
Auxiliary Water Supply System (AWSS)

The revised project and revised variant would include funding toward a high pressure hydrant on the public sidewalk at the Walnut and California street intersection and funding to install a connection on Walnut Street from the new hydrant to the existing AWSS main running east to west on Sacramento Street. This extension would be designed and installed by the SFPUC at a later date.



1 MASONIC BUILDING PLAN - B1 (EL +254)
1" = 20 ft

- PARKING
 - RETAIL USABLE
 - COMMERCIAL
 - RESIDENTIAL HOMES
 - LANDSCAPED ROOF
 - RETAIL B.O.H.
 - COMMERCIAL CORE
 - RESIDENTIAL CORE
 - OPEN SPACE
- LEGEND INTENDED FOR USE ONLY WHERE PLANS ARE REPRODUCED IN COLOR.



NOTE: WASTE COLLECTION AND LOADING ACCESS FOR GARAGE CAN BE FOUND ON SHEET A1.05 AND A1.07

Source: Laurel Heights Partners, LLC (2019) and SWCA

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RTC FIGURE 2.26: PROPOSED MASONIC GARAGE FOR REVISED PROJECT OR REVISED VARIANT

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Minor Design Refinements

The revisions to the proposed project and project variant include minor design refinements developed to address planning department comments on Planning Application Submittal 1, dated June 28, 2017. These include, but are not limited to, minor modifications to garage door widths, the depth of recessed garage doors, balcony treatments, building frontage step-backs, and the methodology for measurement of building heights, e.g., the location where the measurement is taken.

Laurel Duplexes and Mayfair Building

As described above, the revised parking program for the Laurel Duplexes would result in the relocation of the individual garages to the rear of the duplexes with a single shared access driveway off Laurel Street. The shift from direct access off Laurel Street via six separate curb cuts to internal off-street access via Laurel Street and a shared internal driveway would alter the appearance of the Laurel Duplexes and Mayfair Building, with less building frontage devoted to garage entrances. This change in the design of the Laurel Duplexes, resulting in the elimination of six 10-foot-wide curb cuts along Laurel Street, would accommodate an increase in the number of street trees that could be planted on the Laurel Street sidewalk. See RTC Figure 2.20 and RTC Figure 2.21 on pp. 2.15 and 2.17, respectively.

Walnut Street Roundabout

As described on draft EIR p. 2.77, the Walnut Street roundabout and the extension of Walnut Street would primarily function as a site access and service road. The revised project and revised variant would modify the proposed roundabout at the south end of the extension of Walnut Street to enhance its presence as a pedestrian plaza rather than vehicular roundabout. Under the revised project or revised variant, the perimeter of the roundabout would be defined with bollards, trees, and hedge plantings. The center of the roundabout would include a central planted area with trees, and paving materials would be chosen to visually differentiate it from the extension of Walnut Street.

C. ENVIRONMENTAL EFFECTS OF THE REVISED PROJECT

CEQA Guidelines section 15088.5(a) requires recirculation of an EIR when “significant new information” is added to the EIR after publication of the draft EIR but before certification. The CEQA Guidelines section 15088.5(a) states that information is not “significant” unless “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement.” Section 15088.5(a) further defines “significant new information” that triggers a

2. Revisions and Clarifications to the Project Description

requirement for recirculation to include, for example, disclosure of a new significant impact, a substantial increase in the severity of an impact (unless mitigation is adopted to reduce the impact to a less-than-significant level), or identification of a new feasible alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the proposed project, but the project sponsor declines to adopt it. CEQA Guidelines section 15088.5(b) states that recirculation is not required if “new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

The current revisions and clarifications to the project descriptions for the proposed project or project variant would not result in any new significant impacts that were not already identified in the draft EIR, nor would these changes increase the severity of any of the proposed project’s or project variant’s impacts identified in the draft EIR. Mitigation measures identified in the draft EIR and the initial study would continue to be required in order to reduce or avoid the significant environmental impacts of the proposed project or project variant. No new or modified measures would be required to mitigate the significant impacts identified for the proposed project or project variant (as revised) in either the draft EIR or the initial study.

The analysis of environmental effects presented in this section reviews environmental topics from the draft EIR and the initial study and considers the revisions and clarifications to the project description for the proposed project and project variant. The responses to comments presented in RTC sections 4 and 5 include consideration of the environmental effects of the revised project and revised variant in the analyses provided below.

Cultural Resources

The revised project or revised variant would not include any changes to the adaptive reuse strategy for the existing office building or a reduction in the number of new buildings that would be developed on open areas of the site that line the perimeter. As such, the alterations to the existing office building and the redevelopment of the remainder of the site under the revised project or revised variant would have the same historic architectural resource impacts as the proposed project or project variant, i.e., significant and unavoidable with mitigation. Therefore, Mitigation Measure M-CR-1a: Documentation of Historical Resources and Mitigation Measure M-CR-1b: Interpretation of a Historical Resource, identified for the proposed project and project variant and described on EIR pp. 4.B.45-4.B.46, would also apply to the revised project or revised variant. However, as with the proposed project or project variant, the impact would remain significant and unavoidable with mitigation. The installation of a high pressure hydrant and water connection to the existing AWSS facility by the SFPUC with funding from the project sponsor would not adversely affect the historic AWSS because the connection may be completed without material impairment to the resource. In particular, there would be limited removal of pipe and no removal of other AWSS elements. These minor changes to the proposed project and

2. Revisions and Clarifications to the Project Description

project variant would not alter any of the conclusions regarding historic architectural resource impacts at the project level or under cumulative conditions.

Transportation and Circulation

The revised project or revised variant would include a similar mix of residential, retail, office (revised project only), child care, and below-grade parking uses. Under the revised project or revised variant, the reduction in retail (both general retail and restaurant) and child care space; the reduction in the number of vehicle parking spaces, including elimination of the 60 commercial parking spaces; modifications to site circulation; modification to the proposed commercial loading zone on California Street; elimination of the proposed eastside crosswalk at the Laurel Street/Mayfair Drive intersection; small changes to the mix of residential units; and reductions in the number of class 1 and class 2 bicycle parking spaces would all be minor changes. Although the capacity of the child care use would not change, the reduction in the child care space (approximately 1,060 gross square feet) would not be substantial enough to alter the trip generation calculation shown in the EIR. Further, neither the revised project nor the revised variant would alter the overall residential land use program, and the minor variations in the residential unit mix (studio and one-bedroom units versus two-bedroom units and above) would not have a demonstrable effect on trip generation calculations associated with that land use. Thus, transportation issues related to these minor programmatic changes are not discussed further for either the revised project or revised variant.

With the proposed revisions and modifications to the land use program (primarily retail), the revised project or revised variant would generate fewer person-trips and, as a result, fewer trips by mode (e.g., vehicle trips, transit trips, walk trips). Trip distribution would be similar to that under the proposed project or project variant because site access would be the same with one modification along Laurel Street between Mayfair Drive and Euclid Avenue – the consolidation of seven curb cuts under the proposed project or project variant (one 12-foot-wide and six 10-foot-wide curb cuts) into one 18-foot-wide curb cut for shared access to the Mayfair Garage and Laurel Duplex garages (see RTC Figure 2.22 on RTC p. 2.12). Changes to proposed new curb cut widths at two locations along Masonic Avenue between Presidio and Euclid avenues (reductions in width for these locations) would be implemented under the revised project or revised variant. At one location on Laurel Street (between California Street and Mayfair Drive) the width of the proposed new curb cut accessing Basement Level B1 of the California Street Garage would be increased (from 18 feet to 20 feet). However, there would be no change to the locations of any curb cuts or driveways accessing the various garages.

Construction

Construction activities associated with the revised project or revised variant would be similar to, but slightly less than, those described for the proposed project or project variant and would occur

2. Revisions and Clarifications to the Project Description

over the same 7- to up-to-15-year time frame with four construction phases. With the revised excavation plan, the volume of excavated soils that would be hauled off site for reuse at other locations or for disposal would be slightly reduced (see RTC p. 2.24 and RTC Figure 2.31 on RTC p. 2.25). Although there would be a slight reduction in construction haul trips, with no other changes, that reduction in itself would not affect the conclusions of the construction transportation impact analysis. Therefore, construction truck traffic attributable to the revised project or revised variant would be substantially the same as that for the proposed project or project variant. Overall, as with the proposed project or project variant, the construction-related transportation impacts of the revised project or revised variant would be less than significant due to their temporary nature and limited duration. As with the proposed project or project variant, the revised project or revised variant would also adhere to all construction-related regulations identified in the SFMTA's blue book as well as the public works code and public works department orders. This would include, among other requirements, the preparation of construction logistics, traffic control, and parking plans for each phase of project construction to reduce potential conflicts between construction activities and pedestrians, transit, and autos. Improvement Measure I-TR-1: Project Construction Updates, identified for the proposed project or project variant and described on EIR pp. 4.C.74, would apply to the revised project or revised variant to reduce their less-than-significant, construction-related transportation effects. Improvement Measure I-TR-1 could require the project sponsor to provide nearby residences and adjacent businesses with regularly updated information regarding project construction. These minor changes to the proposed project and project variant would not alter any of the conclusions regarding construction-related transportation impacts at the project level or under cumulative conditions.

Operation

Vehicle Miles Traveled (VMT) Impacts

The reduction in the amount of retail land use compared to that proposed as part of the original project and its variant (from 54,117 to 40,261 gross square feet for the revised project and from 48,593 to 34,496 for the revised variant) would result in 52 fewer parking spaces for the retail component. Twenty fewer spaces would be provided for the office use under the revised project only, because the revised variant (like the project variant) would not include an office use. The 60 commercial parking spaces originally intended to replace the existing public parking spaces on the project site would be eliminated under the revised project and revised variant. See RTC Table 2.2 on RTC p. 2.3, text on pp. 2.7 and 2.10-2.11, and RTC Table 2.3 on RTC p. 2.10.

With the same number of parking spaces provided for the residential use, the residential parking rate under the revised project or revised variant would continue to be about 11 percent higher than the neighborhood parking rate of 0.7 space per residential unit.

2. Revisions and Clarifications to the Project Description

With fewer spaces provided for the “other non-residential uses,” (office and child care uses) the parking rate under the revised project or revised variant for those uses would continue to be greater than the neighborhood parking rate for the same uses. The neighborhood parking rate for the office and child care uses combined is approximately 1.44 spaces for each 1,000 gross square feet of the use, and the revised project or revised variant would continue to be in excess of that rate but would not be as far above as the proposed project (18 percent versus 38 percent above) and would be the same as the project variant (37 percent above).

The neighborhood parking rate for the retail use is approximately 1.55 spaces for each 1,000 gross square feet of the use, and with the revised project or revised variant would continue to be in excess of that rate but would not be as far above as the proposed project (38 percent versus 136 percent above) or the project variant (38 percent versus 150 percent higher).

Thus, VMT attributable to the residential component of the revised project or revised variant would be similar to the proposed project or project variant (58 percent below the existing regional average daily VMT for residential use), and the provision of residential parking spaces at a one-to-one ratio (558 and 744 spaces, respectively) would not result in the generation of substantial VMT such that the threshold of 15 percent below the regional average for residential use would be exceeded. The parking rate for the office and child care uses under the revised project and the child care use under the revised variant would be closer to the existing neighborhood parking rate for those uses than the proposed project or project variant. Therefore, as with the proposed project or project variant, the revised project or revised variant would not result in the generation of substantial VMT such that the threshold of 15 percent below the regional average for these uses would be exceeded. Accordingly, as with the proposed project or project variant, the VMT impacts of the residential component of the revised project or revised variant would also be less than significant.

The proposed project or project variant would have a significant project-level and cumulative VMT impact (see EIR pp. 4.C.74-4.C.81 and 4.C.102-4.C.104). Under the revised project or revised variant the reduction in the number of retail parking spaces (from 198 spaces to 86 spaces for the revised project and from 188 spaces to 74 spaces for the revised variant) would result in the provision of parking at approximately 2.14 spaces per 1,000 gross square feet. The existing neighborhood parking rate for retail is approximately 1.55 spaces for each 1,000 gross square feet. The revised project or revised variant would exceed this rate by approximately 38 percent. 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. Mitigation Measure M-TR-2: Reduce Retail Parking Supply, described on EIR p. 4.C.80, would continue to apply to the revised project or revised variant. The measure would be satisfied by the reduced retail parking program and elimination of the 60 commercial parking spaces in both the revised project and revised variant.

2. Revisions and Clarifications to the Project Description

Compliance would be verified during the building permit review process for the revised project or revised variant.

Traffic Hazard Impacts

The revised project or revised variant would not alter site circulation beyond the consolidation of the previously proposed curb cuts on Laurel Street into a single curb cut for a shared access driveway. All other curb cut and garage driveway locations would be similar to those under the proposed project or project variant. Streetscape changes at the intersections of Masonic Avenue/Presidio Avenue/Pine Street and Masonic Avenue/Euclid Avenue as well as sidewalk widening and corner bulbouts proposed under the project or variant would be implemented under the revised project or revised variant; however, the proposed crosswalk at the Laurel Street/Mayfair Drive intersection would not be implemented under the revised project or revised variant.

Thus, as with the proposed project or project variant, traffic hazards associated with the revised project's or revised variant's vehicle movements in and out of garage driveways or with the traffic operation effects of the streetscape changes would be less than significant. Improvement Measure I-TR-3: Driveway Queue Abatement, identified for the proposed project or project variant and described on EIR pp. 4.C.82, would apply to the revised project or revised variant to reduce its less-than-significant, traffic hazard effects. Improvement Measure I-TR-3 could require the project sponsor to ensure that queues do not form on public rights-of way and, if they do, to abate such a condition. These minor changes to the proposed project and project variant would not alter any of the conclusions regarding traffic hazard impacts at the project level or under cumulative conditions.

Transit Impacts

Travel demand and trip distribution would be slightly reduced under the revised project or revised variant, with any changes being a reduction in person trips due to the reduced retail component of the land use program. However, changes would be minor, and, similar to the proposed project or project variant, impacts of the revised project or revised variant on local transit capacity utilization (Muni's 43 Masonic route) would also be significant for the weekday a.m. peak hour. Thus, Mitigation Measure M-TR-4: Monitor and Provide Fair-Share Contribution to 43 Masonic Capacity, identified for the proposed project and project variant and described on EIR pp. 4.C.87-4.C.88, would also apply to the revised project or revised variant. As with the proposed project and project variant, impacts of the revised project or revised variant on local transit capacity utilization would be significant and unavoidable even with implementation of Mitigation Measure M-TR-4. Similar to the proposed project or project variant, impacts on regional transit capacity utilization would be less than significant. The less-than-significant transit delay effects of the proposed project or project variant would also be less than significant under the revised project or

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revised variant as there would be a slight reduction in vehicle trips. The minor changes to the proposed project and project variant would not alter any of the conclusions in the draft EIR regarding transit impacts at the project level or under cumulative conditions.

Pedestrian Impacts

Travel demand for the revised project or revised variant would be slightly less than that for the proposed project or project variant due to the reduction in the retail use. With the proposed revisions, the proposed crosswalk on the east side of the Laurel Street/Mayfair Drive intersection would not be implemented, and the number of curb cuts on Laurel Street would be reduced from both existing conditions and those described in the draft EIR for the proposed project or project variant. All other driveway and curb cut locations, as well as all other streetscape improvements, under the revised project or revised variant would remain as under the proposed project or project variant. The effects of the streetscape changes on traffic operation and the potential for pedestrian/vehicle conflicts at the locations of the streetscape improvements would remain less than significant under the revised project or revised variant; moreover, the consolidation of the curb cuts along Laurel Street could limit the potential for pedestrian/vehicle conflicts along this segment of Laurel Street. None of the minor changes to the proposed project and project variant would alter the conclusions in the draft EIR regarding pedestrian impacts at the project level or under cumulative conditions.

Bicycle Impacts

Revisions to the proposed project and project variant described in the Pedestrian Impacts above would also result in the same less-than-significant impacts on bicycle circulation and the potential for bicycle/vehicle circulation as identified for the proposed project or project variant. None of the minor site circulation changes to the proposed project and project variant would alter the conclusions in the draft EIR regarding bicycle impacts at the project level or under cumulative conditions.

Loading Impacts

Commercial Loading

Commercial loading demand for the revised project or revised variant would be less than that for the proposed project or project variant due to the reduction in the retail use proposed. As described on EIR pp. 4.C.96-4.C.98 for the proposed project or project variant, the demand for freight loading would be met by the off-street loading spaces; however, the distance of the retail spaces from the off-street loading docks would create an uneven distribution of demand. As a result, a 100-foot-long commercial loading zone along the south side of California Street was proposed to address the spatial mismatch between the source of the demand (retail in the Plaza A,

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Plaza B and Walnut buildings) and the location of the off-street loading facilities (within the California Street and Masonic garages). In response to public concern with the loss of on-street parking and potential effects from on-street commercial loading operations along California Street, the project sponsor, in consultation with the SFMTA, has modified the commercial loading zone by separating it in two: a 60-foot-long zone just west of the Walnut Street/California Street intersection and 40-foot-long zone just east of the intersection.

As with the proposed project and project variant, the revised project or revised variant would not rely on the use of the proposed California Street loading zones to satisfy any planning code loading requirements, and all commercial loading operations could be accommodated from within the proposed off-street loading docks. As with the proposed project and project variant described in the draft EIR, commercial loading impacts would remain less than significant under the revised project or revised variant. Improvement Measures I-TR-9a: Schedule and Coordinate Deliveries and I-TR-9b: Monitor Loading Activity and Implement Loading Management Strategies as Needed, identified for the proposed project or project variant and described on EIR pp. 4.C.97-4.C.98 to reduce the less-than-significant commercial loading impacts, would apply to the revised project or revised variant. The minor change to commercial loading and in the size and location of the proposed on-street commercial loading zone would not alter the conclusions regarding commercial loading impacts at the project level or under cumulative conditions (i.e., less than significant).

Passenger Loading

As with the proposed project and project variant, adequate passenger loading for the revised project or revised variant would be provided along the perimeter of the site at three designated passenger loading zones and also onsite at the Walnut Street roundabout (see RTC Figure 2.22 on RTC p. 2.12). There would be a minor change to passenger loading demand associated with the reduction in retail uses on the site. The minor change in demand and the design changes to the Walnut Street roundabout would not alter the conclusions in the draft EIR regarding passenger loading impacts at the project level or under cumulative conditions (i.e., less than significant) as the passenger loading space provided would meet anticipated demand.

Emergency Access Impacts

Under the revised project or revised variant emergency access would remain similar to that presented on EIR pp. 4.C.99-4.C.101 and pp. 4.C.114-4.C.115. As stated above, under the revised project or revised variant travel demand would be slightly less than that for the proposed project or project variant due to the reduction in the retail use, with any changes from the revisions being a reduction in total person trips. Trip distribution would be substantially similar under the revised project or revised variant. With project or variant revisions, the proposed crosswalk on the east side of the Laurel Street/Mayfair Drive intersection would not be implemented, and the number

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of curb cuts on Laurel Street would be reduced from both existing conditions and those described in the draft EIR for the proposed project or project variant. All other driveway and curb cut locations, as well as all other streetscape improvements, under the revised project or revised variant would remain as under the proposed project or project variant. The effects of an increase in traffic, and operational effects of streetscape changes and the potential for conflicts with emergency access at those locations (e.g., lower Walnut Walk) would remain less than significant under the revised project or revised variant. None of the minor changes would alter the conclusions regarding emergency access impacts at the project level or under cumulative conditions.

Parking (for informational purposes)

As described on RTC pp. 2.7 and 2.10-2.11 and shown in RTC Tables 2.2 and 2.3 on RTC pp. 2.3 and 2.10, respectively, the revised project or revised variant would reduce the amount of off-street parking provided under the proposed project or project variant due to the reduced retail component of the land use program, and the reduced office component in the revised project (but not the revised variant because it would not include any office space). Under the revised project and revised variant, 52 fewer spaces for retail uses, and 20 fewer spaces for office uses (revised project only) would be provided. (See RTC Table 2.3 on RTC p. 2.10.) With the consolidation of curb cuts along Laurel Street between Mayfair Drive and Euclid Avenue under the revised project or revised variant, fewer of the existing on-street parking spaces along this segment of Laurel Street would be removed. Thus, with the revised project or revised variant the overall reduction in on-street parking spaces adjacent to the site would not be as great as under the proposed project or project variant (i.e., fewer than 36 on-street parking spaces would be removed [see EIR p. 4.C.117]).

Conclusion

The revised project or revised variant would not alter any of the conclusions in the transportation impact analysis in EIR Section 4.C, Transportation and Circulation, starting on p. 4.C.68. All the mitigation measures and all improvement measures applicable to the proposed project or project variant, would also apply to the revised project or revised variant.

Noise and Vibration

Construction

Under the revised project or revised variant, redevelopment of the project site would proceed in a similar fashion to that for the proposed project or project variant, with construction occurring over a 7- to up-to-15-year time frame with four construction phases. The proposed project's or project variant's construction activities and construction equipment would be similar to the

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revised project or revised variant, with a slight reduction associated with changes in the amount of cut and fill on site resulting in slightly fewer haul trips. As with the proposed project or project variant, sensitive receptors surround the site and on-site sensitive receptors would be introduced during construction of later phases of the program. Therefore, construction noise attributable to the revised project or revised variant would be substantially similar to that for the proposed project or project variant in terms of the frequency of events and their duration.

As discussed above and shown on RTC Figure 2.31 (see RTC p. 2.25), the preliminary excavation plan would be slightly modified, resulting in a minor reduction in the volume of excavated soils that would be hauled off site for reuse at other locations or for disposal. Although there would be a slight reduction in construction haul trips, that reduction would not result in a noticeable change in construction truck traffic noise. Thus, construction truck traffic noise that would be generated under the revised project or revised variant would be substantially similar to that for the proposed project or project variant.

As with the proposed project or project variant, the construction noise impacts under the revised project or revised variant would be significant. Mitigation Measure M-NO-1: Construction Noise Control Measures, identified for the proposed project or project variant and described on EIR pp. 4.D.42-4.D.43, would also apply to the revised project or revised variant to reduce the significant construction noise impact. As with the proposed project or project variant, the impact would remain significant even with implementation of Mitigation Measure M-NO-1. Additionally, because all construction activities would be substantially similar to those described for the proposed project or project variant, construction-related vibration impacts on the SF Fire Credit Union Building could be a significant impact prior to mitigation. Mitigation Measure M-NO-2: Vibration Monitoring Program for the SF Fire Credit Union Building, identified for the proposed project or project variant and described on EIR pp. 4.D.55-4.D.56, would also apply to the revised project or revised variant to reduce the significant construction vibration impact to less than significant. The minor changes in the number of construction truck trips and change to a discrete area of the preliminary excavation plan (the central southern portion) would not alter the conclusions regarding construction noise and vibration impacts at the project level or under cumulative conditions.

Operation

There would be no change related to the number of buildings, building footprints, or the height and massing of the new buildings and adaptively reused buildings under the revised project or revised variant. There would be a slight change in travel demand, with a minor reduction in vehicle traffic due to the reduction in the retail portion of the land use program. Without any other changes introduced with the revisions and clarifications to the proposed project or project variant the operational noise effects of the revised project or revised variant would be substantially similar to those described for the proposed project or project variant on EIR pp. 4.D.58-4.D.67.

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As with the proposed project or project variant, the effects of noise from stationary equipment on on-and off-site sensitive receptors under the revised project or revised variant would also be significant. Mitigation Measure M-NO-3: Stationary Equipment Noise Controls, identified for the proposed project or project variant and described on EIR p. 4.D.60, would apply to the revised project or revised variant and would ensure that noise levels would comply with article 29 of the police code and be less than significant. With implementation of Mitigation Measure M-NO-3, the revised project or revised variant would result in a less-than-significant impact on existing and new sensitive receptors from onsite stationary equipment noise. Project-related increases in traffic and the associated noise increases under the revised project or revised variant, like the proposed project or project variant, would be less than significant. Thus, none of the changes in the revised project or revised variant would alter the conclusions regarding operational noise impacts at the project-level or under cumulative conditions.

Air Quality

Construction

Under the revised project or revised variant, redevelopment of the project site would proceed in a similar fashion to that for the proposed project or project variant, with construction occurring over a 7- to up-to-15-year time frame with four construction phases. The proposed project's or project variant's construction activities and construction equipment would be similar to the revised project or revised variant, with a slight reduction in haul trips associated with changes in the excavation plan and fewer haul trips. As with the proposed project or project variant, sensitive receptors surround the site and on-site sensitive receptors would be introduced during construction of later phases of the program. As discussed above and shown on RTC Figure 2.31 (see RTC p. 2.25), the preliminary excavation plan would be slightly modified, resulting in a minor reduction in the volume of excavated soils that would be hauled off site for reuse at other locations or for disposal. Although there would be a slight reduction in construction haul trips, that reduction would not result in a substantial change in the contribution of off- and on-road construction vehicles to criteria air pollutant emissions or toxic air contaminants such as diesel particulate matter. As with the proposed project or project variant, site mitigation, construction dust control, and asbestos dust control plans would be required for the revised project or revised variant to minimize construction air quality effects including the effects from the release of naturally-occurring asbestos. Therefore, the less-than-significant construction air quality impacts attributable to the revised project or revised variant would be substantially similar to those identified for the proposed project or project variant. Emissions of criteria air pollutants during construction of the revised project or revised variant would be substantially similar to those for the proposed project or project variant, and would remain less than significant. The construction air quality impacts on the air basin and on off-site and on-site sensitive receptors under the revised project or revised variant (including combined effects of construction and operation

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during the later phases of construction) would continue to be less than significant. The minor changes in the number of construction truck trips and change to a discrete area of the preliminary excavation plan (the central southern portion) would not alter the conclusions regarding construction air quality impacts or the health risk assessment at the project level or under cumulative conditions.

Operation

Under the revised project or revised variant there would be a change in travel demand with a minor lessening in vehicle traffic due to the reduction in the retail portion of the land use program. The operational air quality effects of the revised project or revised variant would be substantially similar to those described for the proposed project or project variant on EIR pp. 4.D.58-4.D.67. Air quality effects associated with project-generated traffic under the revised project or revised variant, like the proposed project or project variant, would be less than significant. The revised project or revised variant would conform with the 2017 Bay Area Clean Air Plan and would implement the same suite of transportation demand management measures identified for the proposed project or project variant. Furthermore, the revised project or revised variant would not trigger a significant VMT impact (see discussion above on RTC pp. 2.32-2.34); and the revised project or revised variant would include all the same TDM features as the proposed project or project variant, and therefore would not interfere with implementation of the 2017 Bay Area Clean Air Plan, similar to the proposed project or project variant,. Thus, none of the changes to the proposed project or project variant would alter the conclusions regarding operational air quality impacts at the project level or under cumulative conditions.

Initial Study Topics

Land Use and Planning

The revised project or revised variant would include the same mix of residential, retail, office (revised project only), child care, and below-grade parking uses. Under the revised project or revised variant, the residential land use and proposed residential density would remain the same as that for the proposed project or project variant; however, less retail space would be developed, the child care space would be reduced slightly, and the amount of parking provided for the various land uses would be reduced. As with the proposed project or project variant, the revised project or variant would not physically divide an established community, and, on balance, would conform with most provisions of the planning code, the objectives and policies of the general plan's Urban Design Element among other elements, and other local and regional plans and policies. As with the proposed project or project variant, a similar set of approval actions, e.g., the creation of a special use district and modification or revocation of Resolution 4109, would be required. Thus, land use and planning impacts of the revised project or variant would be the same as those for the proposed project or project variant – less than significant. Like the proposed

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project or project variant, neither the revised project nor variant would make a cumulatively considerable contribution to a significant cumulative land use impact.

Because of the partial demolition of the existing office building at the center of the site, the revised project or revised variant may be inconsistent with San Francisco's Priority Policy No. 7, which calls for the preservation of landmark and historic buildings, as with the proposed project or project variant. The revised project or revised variant would still result in a significant and unavoidable historic architectural resource impact, as described above in the discussion of Cultural Resources on RTC pp. 2.30-2.31.

Population and Housing

The revised project or revised variant would include a similar mix of residential, retail, office (revised project only), child care, and below-grade parking uses. Under the revised project or revised variant, the residential land use would remain the same; thus, projected population growth under the revised project or revised variant would be the same as described on initial study pp. 113-115 (see EIR Appendix B). The demand for housing related to employment growth would also be similar to that for the proposed project or project variant, although slightly reduced due to the reduction in the proposed retail component of the land use program. The proposed AWSS high pressure fire hydrant and connection would be designed to serve the revised project or revised variant and immediate vicinity, and therefore no indirect impacts related to unplanned population growth as a result of expansion of infrastructure would occur. Thus, population and housing impacts under the revised project or revised variant would continue to be less than significant. Like the proposed project or project variant, neither the revised project nor the revised variant would make a cumulatively considerable contribution to a significant cumulative population and housing impact.

Cultural Resources (Archeological Resources, Human Remains)

Excavation required for the revised project or revised variant would be essentially the same as that for the proposed project or project variant, with some potential variation in part of the central southern area of the site. The depth of excavation throughout the site would continue to range from 7 to 40 feet below ground surface, and the amount of surface area to be disturbed would not substantially change from that described for the proposed project or project variant (approximately 274,000 square feet). See RTC Figure 2.31 on RTC p. 2.25 for an illustration of the modified preliminary excavation plan. Although a change in the volume of soil removed from one area of the site based on the preliminary excavation plan for the revised project or revised variant would occur under the revised project or revised variant, the minor change in soils-disturbing activities would not result in any substantial changes to the impact analysis for archaeological resources or human remains. Therefore, impacts under the revised project or revised variant would be similar to those under the proposed project or project variant, i.e.,

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significant prior to mitigation. Mitigation Measures M-CR-2a: Archeological Testing, Monitoring, Data Recovery and Reporting; and M-CR-2b: Interpretation, identified for the proposed project and project variant and described on initial study pp. 129-133 (see EIR Appendix B), would also apply to the revised project or revised variant to ensure that, similar to the proposed project or project variant, potential project-level impacts on archaeological resources and human remains, if present within the project site, would be less than significant (with mitigation incorporated) and that contributions to significant cumulative impacts to archaeological resources and human remains would not be cumulatively considerable.

Tribal Cultural Resources

As stated above, excavation required for the revised project or revised variant would be essentially the same as that for the proposed project or project variant, with some potential variation in a portion of the central southern portion of the site. The depth of excavation throughout the site would continue to range from 7 to 40 feet below ground surface, and the amount of surface area to be disturbed would not substantially change from that described for the proposed project or project variant (approximately 274,000 square feet). See RTC Figure 2.31 on RTC p. 2.25 for an illustration of the modified preliminary excavation plan. Although a change in the preliminary excavation plan for the revised project or revised variant would occur under the revised project or revised variant, the minor change in soils-disturbing activities would not result in any substantial changes to the impact analysis for tribal cultural resources. Therefore, impacts under the revised project or revised variant would be similar to those under the proposed project or project variant, i.e., significant prior to mitigation. Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program, identified for the proposed project and project variant and described on initial study p. 135 (see EIR Appendix B), would also apply to the revised project or revised variant to ensure that, similar to the proposed project or project variant, potential project-level impacts on tribal cultural resources, if present within the project site, would be less than significant (with mitigation incorporated) and that contributions to significant cumulative impacts on tribal cultural resources would not be cumulatively considerable.

Greenhouse Gas Emissions

As described on initial study pp. 146-150, the proposed project or project variant would adhere to all applicable ordinances and regulations identified in the City's Greenhouse Gas Compliance Checklist to demonstrate compliance with requirements in the city's GHG Reduction strategy and would have a less-than-significant impact with respect to GHG emissions. The revised project or project variant would also comply with the identified ordinances and regulations. Thus, none of the changes in the revised project or revised variant would alter the conclusions regarding GHG emissions impacts.

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Wind and Shadow

The revised project or revised variant would not alter the location, height, massing, or configuration of the proposed new buildings or the proposed vertical additions to the adaptively reused building at the center of the site. Minor design changes to exterior building features under the proposed project or project variant, such as the locations of balconies, would also be introduced. With minor changes to exterior design elements of the proposed buildings and adaptively reused building, but no changes to the sites, shapes, and heights of the buildings, wind and shadow impacts under the revised project or revised variant (with a 67-foot-tall Walnut Building as under the project variant) would be substantially similar to those described for the proposed project or project variant on initial study pp. 151-162, i.e., less than significant (see EIR Appendix B). Thus, wind conditions in the vicinity would be substantially similar to those under the proposed project or project variant and would remain suitable for the pedestrian environment in accordance with the wind hazard criterion specified in section 148 of the planning code, as applicable to the site for purposes of CEQA. Similarly, contributions to any cumulative wind and shadow impacts would not be cumulatively considerable.

Recreation

As described in the initial study on pp. 163-172, the demand for recreational resources generated by the proposed project's or project variant's new residents and employees would result in less-than-significant impacts on those resources (see EIR Appendix B). The impact of the construction of the various plazas and open spaces on the 10.25-acre site under the proposed project or project variant would also be less than significant. Neither the proposed project nor the project variant would contribute considerably to any significant cumulative recreational resources impact.

Changes to the open space network under the revised project or revised variant are described on RTC p. 2.14, listed in RTC Tables 2.4a and 2.4b on RTC pp. 2.21-2.22, and shown on RTC Figure 2.29 on RTC p. 2.23. The revised project or revised variant would include minor modifications to the sizes of some of the proposed open spaces, including some that would be publicly accessible. There would be a minor increase in the total amount of open space on the project site that would be common open space, for both the revised project (an increase from 103,000 square feet to 127,126 square feet) and the revised variant (an increase from 103,000 square feet to 125,226 square feet), and there would be a decrease in the total amount of private open space (from 85,000 square feet to 81,618 square feet) for both the revised project and the revised variant. The demand for recreational resources would not change noticeably, because the revised project or revised variant would not alter the residential component of the land use program and would only slightly reduce the amount of retail space and its related employment. Thus, with no changes in demand for recreational resources, or in the construction program, and minor increases in the total amount of open space, recreational resources impacts under the revised project or revised variant would be similar to those under the proposed project

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or project variant, and would be less than significant. Similarly, contributions to any significant cumulative recreational resources impacts would not be cumulatively considerable.

Utilities and Service Systems

As described in the initial study on pp. 173-188, the demand generated by the proposed project's or project variant's new residents and employees would not result in the need for new or expanded water, wastewater, or stormwater drainage facilities; new or expanded water supply sources; or new or expanded solid waste infrastructure. The proposed project or project variant would not generate wastewater that would exceed service capacity or wastewater treatment requirements. As noted in the initial study, project level impacts on utilities and service systems and contributions to any significant cumulative impacts would be less than significant (see EIR Appendix B and Response UT-1 starting on RTC p. 5.J.57 for effects on water supply).

As with the proposed project or project variant, all construction and operational stormwater management requirements and best management practices would be implemented under the revised project or revised variant, e.g., an erosion and sediment control plan, a stormwater control plan, and non-potable water catchment systems. Thus, with no change to the residential demand input, e.g., number of residents; a modest reduction in the employee demand input (less retail space would be developed under both the revised project and revised variant); and the minor changes to the preliminary excavation plan, the impacts of the revised project or revised variant on utilities and service systems would be substantially similar to those described in the initial study, i.e. less than significant. Similarly, contributions to any impacts on utilities and service systems would not be cumulatively considerable.

Public Services

As described on initial study pp. 189-197, the demand for fire protection and emergency medical services, police protection services, school facilities, or library facilities generated by the proposed project's or project variant's new residents and employees would be met by existing and planned capacity increases and would not result in the need for any new or expanded facilities. As noted, project level impacts on public services and contributions to any significant cumulative impacts would be less than significant (see EIR Appendix B).

The revised project or project variant would not include any changes that would alter the demand for public services. Thus, the revised project's and revised variant's impacts to public services would be substantially similar to those described in the initial study for the proposed project or project variant, i.e., less than significant. Similarly, contributions to any cumulative impacts on public services would not be cumulatively considerable.

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Biological Resources

There would be no change related to the number of buildings, building footprints, or the height and massing of the new buildings and adaptively reused buildings under the revised project or revised variant. As described on initial study pp. 197-204, the proposed project or project variant would remove site landscaping including trees and could displace nesting and/or migratory birds, resulting in a significant impact prior to mitigation. Other biological resources impacts were determined to be less than significant because the site does not support or provide suitable habitat for candidate, sensitive, or special status species; and would be consistent with tree preservation policies or ordinances. Effects on birds related to feature-related hazards would be addressed through required compliance with planning code section 139. With no changes to the construction program, the biological resources impacts of the revised project or revised variant would be similar to or the same as those under the proposed project or project variant, i.e., less than significant except for the significant impact on nesting and/or migratory birds. Mitigation Measure M-BI-1: Preconstruction Nesting Birds Survey and Buffer Area, identified for the proposed project and project variant and described on initial study pp. 200-201 (see EIR Appendix B), would also apply to the revised project or revised variant to ensure that, similar to the proposed project or project variant, potential project-level impacts on nesting and/or migratory birds would be less than significant (with mitigation incorporated) and that contributions to any cumulative impacts on biological resources impacts would not be cumulatively considerable. Thus, none of the changes in the revised project or revised variant would alter the conclusions regarding biological resources impacts.

Geology/Soils

Under the revised project or revised variant, construction of the proposed new buildings and the adaptive reuse of the existing office building at the center of the site would be the same as for the proposed project or project variant. Although excavation for the revised project or revised variant would change slightly, the depth of excavation throughout the site would continue to range from 7 to 40 feet below ground surface. (See RTC Figure 2.31 on RTC p. 2.25 for an illustration of the modified excavation plan.) Although a minor change in the preliminary excavation plan would be introduced under the revised project or revised variant, the same construction program as that for the proposed project or project variant would be followed and all applicable regulations of the San Francisco and California building codes, as well as building department implementing procedures, would be in force. Therefore, geology and soils impacts under the revised project or revised variant would be similar to or the same as those under the proposed project or project variant, i.e., less than significant except for the paleontological resources impact, which would be significant prior to mitigation (see initial study pp. 205-216). Thus, Mitigation Measure M-GE-5: Inadvertent Discovery of Paleontological Resources, identified for the proposed project and project variant and described on initial study pp. 214-215, would also apply to the revised project

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or revised variant to reduce potential project-level impacts on paleontological resources, if present within the project site, to a less-than-significant level (with mitigation incorporated). Contributions to any significant geology and soils cumulative impacts would not be cumulatively considerable, and, with mitigation, the project level contribution to any significant cumulative impact related to paleontological resources would not be cumulatively considerable.

Hydrology and Water Quality

Excavation required for the revised project or revised variant would change slightly compared to that for the proposed project or project variant. The depth of excavation throughout the site would continue to range from 7 to 40 feet below ground surface, and the amount of surface area to be disturbed would not substantially change from that described for the proposed project or project variant. The minor change in soils-disturbing activities would not result in any changes to the impact analysis for hydrology and water quality.

The revised project or revised variant has relocated garages for the Laurel Duplexes to the rear of the duplexes and these garages would be accessed from a shared driveway instead of six individual driveways from Laurel Street. The new shared driveway has been extended past the Mayfair Building and the northernmost Laurel Duplex, turning south to continue along the rear of the Laurel Duplexes. This new access driveway behind the duplexes would slightly alter the ratio of impervious to pervious surfaces on the western part of the project site. As described in the Hydrology and Water Quality discussion on initial study pp. 216-227, the proposed project or project variant would have a less-than-significant impact on hydrology and water quality. The revised project or revised variant would be governed by the same permits, policies, and regulations described on initial study pp. 218-220, for construction-related activities and for operations. Additionally, the revised project or revised variant would comply with the Stormwater Management Ordinance, as described on initial study p. 223. Therefore, impacts under the revised project or revised variant would be similar to those under the proposed project or project variant, i.e., less than significant. Similarly, contributions to any cumulative impacts on hydrology and water quality would not be cumulatively considerable.

Hazards and Hazardous Materials

As with the proposed project or project variant, construction of the revised project or revised variant would follow the recommendations in the required site mitigation, construction dust control, and asbestos dust control plans as well as the required erosion and sediment control and stormwater pollution prevention plans. Construction activities including the use, transport, and disposal of any hazardous materials, would comply with all required local, state, and federal regulations. Therefore, the revised project and revised variant would have the same less-than-significant impacts as identified for the proposed project and project variant. With no substantial change to the mix of land uses, the revised project or revised variant would continue to have less-

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than-significant impacts related to the routine use of common hazardous materials used for residential, retail, office, child care and parking uses. Thus, with a limited change to the preliminary excavation plan, no change to the building demolition plan, and limited changes to the land use program (reduced retail use), the revised project or revised variant would have less-than-significant impacts, similar to those described for the proposed project or project variant on initial study pp. 227-240.

Mineral and Energy Resources

Excavation required for the revised project or revised variant would be slightly different from that required for the proposed project or project variant. (See RTC Figure 2.31 on RTC p. 2.25 for an illustration of the modified preliminary excavation plan.) With substantially similar construction program and land use program as the proposed project or project variant, the revised project or revised variant would be expected to have substantially similar impacts on mineral and energy resources as the proposed project or project variant, i.e., less than significant. (See discussion on initial study pp. 240-246.) Similarly, contributions to any cumulative mineral and energy resources impacts would not be cumulatively considerable.

Agriculture and Forestry Resources

The analysis of the proposed project and project variant on initial study pp. 246-247 found that impacts on agricultural and forestry resources were not applicable. The project site is located within an urbanized area and does not contain traditional or urban agricultural uses, nor is it zoned for such uses. Additionally, the project site does not contain forest land or timberland and is not zoned for such uses. The revised project or revised variant do not involve any changes that would affect the “not applicable” finding.

Conclusion

For these reasons, the proposed minor revisions and clarifications to the proposed project and project variant descriptions in the draft EIR described above do not present significant new information as defined by CEQA Guidelines section 15088.5; therefore, recirculation of the draft EIR is not required.

2. Revisions and Clarifications to the Project Description

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3. PUBLIC AGENCIES AND COMMISSIONS, NON-GOVERNMENTAL ORGANIZATIONS, AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

Public agencies, commissions, non-governmental organizations including neighborhood associations, and individuals submitted written comments (letters and emails) on the 3333 California Street Mixed-Use Project Draft EIR (draft EIR), which the City received during the 47-day public comment period starting on November 8, 2018. On December 13, 2018, the San Francisco Planning Commission held a public hearing about the draft EIR and received comments about the draft EIR as oral testimony.

The San Francisco Planning Commission in consultation with the planning department's Environmental Review Officer agreed to the request made by members of the public at the public hearing and in written comments for a 15-day extension to the public comment period as allowed under the CEQA Guidelines and chapter 31 of the administrative code. Therefore, the close of the public comment was extended from December 24, 2018, to January 8, 2019 (from 47 days to 62 days). Written comments have been received following the close of the public comment period on the draft EIR. For the most part, these comments discuss the merits of the project and do not raise issues concerning the adequacy and accuracy of the analysis in the draft EIR. These comments are provided in RTC Attachment C: DEIR Comment Letters and Emails Received After Close of Public Comment Period, and are organized alphabetically by the commenters' last names. In the two cases where the written comments raise issues concerning environmental topics, they have already been responded to in RTC responses to other comments.

RTC Tables 3.1 through 3.3, list, respectively, the public agencies and commissioners commenting on the draft EIR; the non-governmental organizations commenting on the draft EIR; and individuals commenting on the draft EIR. Along with the commenters' names, the tables include the corresponding comment codes used in RTC Section 5, Comments and Responses, to denote each set of comments, the comment format, and the comment date. This Responses to Comments document codes the comments in three categories:

- Comments from local, state, or federal agencies and commissions are designated by "A-" and the acronym of the agency's or commission's name. Comments from the San Francisco Planning Commission are designated by "A-CPC-" and the commissioner's last name.
- Comments from non-governmental organizations, including neighborhood associations, are designated by "O-" and the acronym of the organization's or association's name.
- Comments from individuals are designated by "I-" and the individual's last name.

Within each category, comments are listed in alphabetical order. In cases where a commenter spoke at the public hearing and submitted written comments, or submitted more than one letter or email, comment codes end with a sequential number, e.g., O-JCCSF1, O-JCCSF2. In cases where

3. Public Agencies and Commissions,
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commenters have the same last name, the comment codes end with the last name and the first letter(s) of the first name, e.g., FrisbieJ, FrisbieR.

RTC Table 3.1: Public Agencies and Commissions Commenting on the Draft EIR

Comment Code	Name of Person and Agency Submitting Comments	Comment Format	Comment Date
A-CPC-Hillis	Commissioner Rich Hillis, President, San Francisco Planning Commission	Draft EIR Hearing Transcript, pp. 86-91	December 13, 2018
A-CPC-Koppel	Commissioner Joel Koppel, San Francisco Planning Commission	Draft EIR Hearing Transcript, pp. 83-84	December 13, 2018
A-CPC-Melgar	Commissioner Myrna Melgar, Vice-President, San Francisco Planning Commission	Draft EIR Hearing Transcript, pp. 80-83	December 13, 2018
A-CPC-Moore	Commissioner Kathrin Moore, San Francisco Planning Commission	Draft EIR Hearing Transcript, pp. 75-80	December 13, 2018
A-CPC-Richards	Commissioner Dennis Richards, San Francisco Planning Commission	Draft EIR Hearing Transcript, pp. 84-91	December 13, 2018
A-HPC	Andrew Wolfram, President, San Francisco Historic Preservation Commission	Letter	December 11, 2018
A-NAHC	Gayle Totten, M.A., Ph.D., Associate Governmental Program Analyst, Native American Heritage Commission	Letter	November 29, 2018
A-OPR1	Scott Morgan, Director, State Clearinghouse, State of California Office of Planning and Research	Letter	December 26, 2018

RTC Table 3.2: Non-Governmental Organizations Commenting on the Draft EIR

Comment Code	Name of Person and Organization Submitting Comments	Comment Format	Comment Date
O-CSHG1	Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group	Letter	December 11, 2018
O-CSHG2	Joe Catalano, California Street Homeowners Group	Draft EIR Hearing Transcript, pp. 61-63	December 13, 2018
O-JCCSF-1	Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco	Letter	January 8, 2019
O-JCCSF-2	Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco	Letter	June 8, 2018

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Comment Code	Name of Person and Organization Submitting Comments	Comment Format	Comment Date
O-JCCSF-3	Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco	Letter	October 20, 2017
O-JCCSF-4	Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco	Letter	June 3, 2016
O-LHIA1	Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc.	Letter	December 5, 2018
O-LHIA2	Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc.	Email and Attachment	December 10, 2018
O-LHIA3	Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc.	Draft EIR Hearing Transcript, pp. 44-46 and Handout	December 13, 2018
O-LHIA4	Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc.	Letter	January 8, 2019
O-LHIA5	Richard Frisbie, Laurel Heights Improvement Association of San Francisco, Inc.	Draft EIR Hearing Transcript, pp. 27-29	December 13, 2018
O-LHIA6	Zarin E and Perviz Randeria, Laurel Heights Improvement Association of San Francisco, Inc.	Draft EIR Hearing Transcript, pp. 39-40	December 13, 2018
O-LHIA7	M. J. Thomas, Laurel Heights Improvement Association of San Francisco, Inc.	Draft EIR Hearing Transcript, pp. 51-52	December 13, 2018
O-LIUNA1	Michael R. Lozeau, Lozeau Drury LLP on behalf of Laborers' International Union of North America, Local Union No. 261	Letter	December 11, 2018
O-LIUNA2 ¹	Hannah Hughes, Legal Assistant, Lozeau Drury LLP on behalf of Laborers' International Union of North America, Local Union No. 261	Letter	December 12, 2018
O-SFHAC	Cory Smith, San Francisco Housing Action Coalition	Draft EIR Hearing Transcript, pp. 67-70	December 13, 2018
O-YIMBY1	Laura Clark, SF YIMBY Action	Draft EIR Hearing Transcript, pp. 35-36	December 13, 2018

¹ The second letter from the Laborers' International Union of North America, Local Union No. 261, is a request to retract their first comment letter (O-LIUNA1). Both are reproduced in RTC Attachment B but they are not bracketed because these are not comments on the EIR.

3. Public Agencies and Commissions,
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Comment Code	Name of Person and Organization Submitting Comments	Comment Format	Comment Date
O-YIMBY2	Ed Munnich, SF YIMBY Action	Draft EIR Hearing Transcript, pp. 63-65	December 13, 2018

RTC Table 3.3: Individuals Commenting on the Draft EIR

Comment Code	Name of Individual Submitting Comments	Comment Format	Comment Date
I-Ahani	Sal Ahani	Email	January 8, 2019
I-Alschueller	Donna Alschueller	Draft EIR Hearing Transcript, p. 72	December 13, 2018
I-Bassuk	Jim and Jessica Bassuk	Email	January 7, 2019
I-Bercovich	David Bercovich	Email	January 7, 2019
I-Berkley	David Berkley	Email	January 7, 2019
I-Boken	Eileen Boken	Draft EIR Hearing Transcript, pp. 24-25	December 13, 2018
I-Boyer	Gail Boyer	Email	January 2, 2019
I-Bransten	Robert Bransten	Email	November 26, 2018
I-Brenner	Barbara and Jim Brenner	Email	January 3, 2019
I-Catalano	Joe Catalano and Joan Varrone	Email	January 8, 2019
I-Coholan	Michael Coholan	Email	January 6, 2019
I-Cole	Adam Cole	Email	January 6, 2019
I-Cutler1	Bill Cutler	Draft EIR Hearing Transcript, pp. 25-26	December 13, 2018
I-Cutler2	Bill Cutler and Judy Doane	Email	January 5, 2019
I-Davidson	Evelyn Davidson	Email	January 8, 2019
I-Day	Linda Day	Email	December 10, 2018
I-Delp	Shanan Delp	Email	December 10, 2018
I-Desby	Krisanthi Desby	Draft EIR Hearing Transcript, pp. 30-32	December 13, 2018
I-Devincenzi1	Kathryn Devincenzi	Letter and Attachments	January 8, 2019
I-Devincenzi2	Kathryn Devincenzi	Letter and Attachments	January 8, 2019
I-Devincenzi3	Kathryn Devincenzi	Letter and Attachments	January 8, 2019
I-Devincenzi4	Kathryn Devincenzi	Letter and Attachments	June 6, 2018
I-Dishotsky	Jon Dishotsky	Email	December 10, 2018

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Comment Code	Name of Individual Submitting Comments	Comment Format	Comment Date
I-Doane	Judy Doane	Draft EIR Hearing Transcript, pp. 29-30	December 13, 2018
I-Dolan	Sonya Dolan	Draft EIR Hearing Transcript, pp. 52-53	December 13, 2018
I-Drake	Jane Drake	Email	January 7, 2019
I-Esker	Sharon Esker	Email	January 5, 2019
I-Fardis	Zhubin Fardis	Email	January 8, 2019
I-Filippi1	Arlene Filippi	Email	December 13, 2018
I-Filippi2	Arlene Filippi	Email	January 7, 2019
I-Fong	Shannon Fong	Email	January 8, 2019
I-Fridlyand	Jane Fridlyand	Email	January 7, 2019
I-FrisbieJ1	Janet Frisbie	Email	December 12, 2018
I-FrisbieJ2	Janet Frisbie	Email	January 7, 2019
I-FrisbieR1	Richard Frisbie	Letter	January 7, 2019
I-FrisbieR2	Richard Frisbie	Letter and Attachments	January 8, 2019
I-Galbrecht1	Holly Galbrecht	Draft EIR Hearing Transcript, pp. 46-47	December 13, 2018
I-Galbrecht2	Holly Galbrecht	Email	January 2, 2019
I-Giampaoli	Ronald Giampaoli	Email	January 8, 2019
I-Glick1	Linda S. Glick	Draft EIR Hearing Transcript, pp. 55-57 and Handout	December 13, 2018
I-Glick2	Linda S. Glick	Letter	January 6, 2019
I-Goldbrenner1	David Goldbrenner	Draft EIR Hearing Transcript, pp. 32-33	December 13, 2018
I-Goldbrenner2	David Goldbrenner	Email	December 18, 2018
I-Goldbrenner3	David Goldbrenner and Zhenya Fridlyand	Email	January 4, 2019
I-Gordon	Theo Gordon	Email	December 10, 2018
I-Gwynn	Mary Gwynn	Email	January 7, 2019
I-Harvey1	Anne Harvey	Email	December 13, 2018
I-Harvey2	Anne Harvey	Draft EIR Hearing Transcript, pp. 58-60	December 13, 2018
I-Harvey3	Anne Harvey	Email	January 8, 2019

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Comment Code	Name of Individual Submitting Comments	Comment Format	Comment Date
I-Hillson1	Rose Hillson	Draft EIR Hearing Transcript, pp. 47-48 and Handout	December 13, 2018
I-Hillson2	Rose Hillson	Letter	January 8, 2019
I-Holleran	William Holleran	Email	December 10, 2018
I-JohnsonCh	Chris Johnson	Draft EIR Hearing Transcript, p. 42	December 13, 2018
I-JohnsonCo	Corey Johnson	Email	December 10, 2018
I-KuechlerIV	Henry Kuechler IV	Email	January 3, 2019
I-Kwok1	Tina Kwok	Email	December 4, 2018
I-Kwok2	Tina Kwok	Draft EIR Hearing Transcript, pp. 53-55	December 13, 2018
I-Kwok3	Tina Kwok	Email	January 8, 2019
I-Kwok4	Tina Kwok	Email	January 9, 2019
I-Laufman	Gary Laufman	Email	January 9, 2019
I-Lawlor	Ian Lawlor	Email	December 13, 2018
I-Lee	Abe Lee	Email	December 13, 2018
I-Luthra	Ankur Luthra	Email	January 2, 2019
I-Massenburg	Maryann Massenburg	Draft EIR Hearing Transcript, pp. 65-67	December 13, 2018
I-Mathews1	Larry Mathews	Email	December 13, 2018
I-Mathews2	Larry Mathews	Email	January 8, 2019
I-McConkey	Susan McConkey	Draft EIR Hearing Transcript, p. 40	December 13, 2018
I-McDonough1	Adam McDonough	Draft EIR Hearing Transcript, pp. 22-24	December 13, 2018
I-McDonough2	Adam McDonough	Email	January 7, 2019
I-McMichael	Adam McMichael	Draft EIR Hearing Transcript, pp. 33-34	December 13, 2018
I-McNulty	Marie McNulty	Letter	December 18, 2018
I-Meehan	Kevin Meehan	Email	December 16, 2018
I-Miles1	Roger Miles	Draft EIR Hearing Transcript, pp. 19-21	December 13, 2018
I-MillerE	Ellen Miller	Letter	January 8, 2019
I-MillerL	Liz Miller	Email	December 12, 2018
I-Morris1	Cristina Morris	Email	December 10, 2018

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Comment Code	Name of Individual Submitting Comments	Comment Format	Comment Date
I-Morris2	Cristina Morris	Email	December 12, 2018
I-Mouller	Arielle Mouller	Draft EIR Hearing Transcript, pp. 60-61	December 13, 2018
I-Munnich	Ed Munnich	Email	December 13, 2018
I-Neill	Anne Neill	Email	December 12, 2018
I-Nonn1	Marsha and Wolfgang Nonn	Email	December 13, 2018
I-Nonn2	Marsha and Wolfgang Nonn	Email	January 8, 2019
I-Paul	Phillip Paul	Email	January 7, 2019
I-Piombo1	Donald Piombo	Email	December 19, 2018
I-Piombo2	Donald Piombo	Email	January 3, 2019
I-Poliakin	Gilda Poliakin	Email	December 30, 2018
I-Ponce	Brandon Ponce	Email	January 8, 2019
I-Powers	Cornelia Powers	Email	January 2, 2019
I-Prato	Ann Prato	Email	January 7, 2019
I-Price	Sandra Price	Email	January 7, 2019
I-Randeria1	Zarin E. Randeria	Email	December 3, 2018
I-Randeria2	Zarin E. Randeria	Email	January 5, 2019
I-Roberson1	Kelly Roberson	Draft EIR Hearing Transcript, pp. 48-50	December 13, 2018
I-Roberson2	Kelly Roberson	Email	January 8, 2019
I-Rosenberg	Stefanie Rosenberg	Email	January 8, 2019
I-Rubenstein	Laura Rubenstein	Email	January 2, 2019
I-RyanC	Colleen Ryan	Draft EIR Hearing Transcript, pp. 38-39	December 13, 2018
I-RyanJ	Jim Ryan	Email	January 8, 2019
I-Sater	Rita Sater	Email	January 8, 2019
I-Scarampi	Sebastiano Scarampi	Email	January 8, 2019
I-Scaroni	Joe Scaroni	Draft EIR Hearing Transcript, pp. 41-42	December 13, 2018
I-Schuttish1	Georgia Schuttish	Email	November 17, 2018
I-Schuttish2	Georgia Schuttish	Email	November 27, 2018
I-Seglund	Debra Seglund	Draft EIR Hearing Transcript, pp. 57-58	December 13, 2018
I-Stoll	Nathan Stoll	Email	January 18, 2019
I-Stratton	Michele D. Stratton	Letter	January 8, 2019

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Comment Code	Name of Individual Submitting Comments	Comment Format	Comment Date
I-Sullivan	Andrew Sullivan	Email	December 11, 2018
I-ThomasZ	Zachary Thomas	Email	December 14, 2018
I-Thomson	Joanna Thomson	Draft EIR Hearing Transcript, pp. 42-44	December 13, 2018
I-UnderwoodA	Adrienne Underwood	Email	December 10, 2018
I-UnderwoodV1	Victoria Underwood	Letter	December 4, 2018
I-UnderwoodV2	Victoria Underwood	Letter	December 12, 2018
I-UnderwoodV3	Victoria Underwood	Letter	January 4, 2019
I-Varrone	Joan Varrone	Draft EIR Hearing Transcript, pp. 70-72	December 13, 2018
I-Vega	Tony Vega	Email	January 8, 2019
I-Yuen	Alex Yuen	Draft EIR Hearing Transcript, pp. 36-37	December 13, 2018
I-Zeluck	Steven C. Zeluck	Email	November 10, 2018
I-Zlatunich1	John Zlatunich	Email	December 9, 2018
I-Zlatunich2	John Zlatunich	Email	January 5, 2019

RTC Table 3.4 lists the commenters who submitted comments after the close of the public comment period.

RTC Table 3.4: Commenters Who Submitted Comments After the Close of the Public Comment Period

Name of Commenter	Comment Format	Comment Date
Terry McGuire, President, Pacific Heights Residents Association	Letter	August 12, 2019
Charles Ferguson, President, Presidio Heights Association of Neighbors	Email and Attachment	July 30, 2019
Kristy Wang, Community Planning Policy Director, San Francisco Bay Area Planning and Urban Research Association (SPUR), for Charmaine Curtis and Diane Filippi, Co-Chairs, SPUR Project Review Advisory Board	Email and Attachment	July 10, 2019
William Bartlett	Letter	June 1, 2019
Suzanne Blumenthal	Letter	June 16, 2019
Lynn Burrows Bunim	Email	June 2, 2019
Ryan Chatley	Email	May 7, 2019
Shanan Delp	Email	May 7, 2019
Richard Frisbie	Email and Attachment	July 12, 2019

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Name of Commenter	Comment Format	Comment Date
Bella Shen Garnett	Email	August 9, 2019
Massimiliana Boyer Glynn	Email	June 5, 2019
Jeremiah Hallisey	Email	May 15, 2019
William Holleran	Email	May 13, 2019
Dennis Hong	Email	August 2, 2019
Martine Krumholz	Email	April 26, 2019
David Levine	Email	May 18, 2019
Daniel S. Mason	Email	May 14, 2019
Anna Morfit	Email	May 14, 2019
David L. Morse	Email	May 15, 2019
Tyler Norsworthy	Email	April 29, 2019
Marie Que	Email	May 7, 2019
Francis Scarpulla	Email	May 8, 2019
Karen Scarpulla	Email	May 14, 2019
Kristina Scarpulla	Email	May 7, 2019
Stephen Scarpulla	Email	April 28, 2019
Jeff Schlarb	Letter	May 10, 2019
Frances Stark	Email	August 13, 2019
Zachary Thomas	Email	August 16, 2019

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4. MASTER RESPONSE – TRANSPORTATION AND CIRCULATION

A. INTRODUCTION

This Master Response addresses transportation and circulation issues raised in many public comments received on the Draft EIR for the 3333 California Street Mixed-Use Project and published on November 7, 2018. This Master Response provides a comprehensive response to these issues and allows readers to readily review all the of the pertinent information in one place rather than in separate responses. Three main transportation and circulation topics are discussed:

- Travel Demand Methodology
- Trip Distribution/Increased Traffic Congestion
- Vehicle Miles Traveled Methodology and Findings

RTC Section 5.E, Transportation and Circulation, presents excerpts of comment letters and supplementary materials received by the City from commenters, and responses to each comment, with cross-references to relevant topics and subtopics of this Master Response, as necessary. All documents referenced in this chapter are available for review at the planning department's offices as part of Case File No. 2015-014028E.¹

B. TRAVEL DEMAND METHODOLOGY

This response addresses comments about the travel demand methodology, including the trip generation rates and estimates, mode share, internal trip capture, calculation of net new trips, and freight and passenger loading demand. The analysis in the EIR is consistent with the San Francisco Planning Department *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002 (*2002 SF Guidelines*)² and the travel demand estimates are more conservative as they overestimate the number of person trips and vehicle trips generated by the proposed project and project variant relative to the *Transportation Impact Analysis Guidelines*, February 2019 (*2019 TIA Guidelines*).³ This response contains the following subsections to explain these guidelines and the draft EIR's consistency with them.

- Background on Transportation Impact Analysis Guidelines
- Travel Demand Forecasting Process

¹ The administrative record is also online at <https://www.ab900record.com/3333cal>.

² San Francisco Planning Department, *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002, (*2002 SF Guidelines*), http://default.sfplanning.org/publications_reports/Transportation_Impact_Analysis_Guidelines.pdf, accessed June 10, 2019.

³ San Francisco Planning Department, *Transportation Impact Analysis Guidelines*, February 2019 (*2019 TIA Guidelines*), http://default.sfplanning.org/publications_reports/TIA_Guidelines.pdf, accessed May 21, 2019.

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- Trip Generation Estimates, including a comparison between the 2002 and 2019 guidelines
- Mode Share
- Internal Trip Capture
- Net New Trips
- Loading Demand

B.1 Background on Transportation Impact Analysis Guidelines

To assist in the preparation of transportation impact studies, the department provides to consultants and city staff a guidance document, the *Transportation Impact Analysis Guidelines*. The guidelines are not intended to be exhaustive to cover every potential scenario that could be encountered in the process of evaluating a project's transportation-related impacts. The department uses the guidelines to develop individual transportation study scopes of work tailored to the complexity of transportation issues associated with specific projects. Once the department approves a scope of work for a specific project, the specific direction contained within that scope will provide more details than that which appears in the guidelines.

The travel demand estimates calculated and the impact analysis for the proposed project and project variant followed the methodology presented in the *2002 SF Guidelines*⁴ to the extent applicable. The specific approach used for the proposed project and project variant is provided in the Transportation Scope of Work, which is included in EIR Appendix D, Transportation and Circulation, p. 6.

In March of 2016, the planning commission adopted a resolution to use a vehicle miles traveled metric instead of intersection level of service regarding transportation impacts. After the draft EIR publication in November 2018, the department comprehensively updated its guidelines related to analysis for all transportation subtopics for the first time since 2002. Among other changes, the updated guidelines removed automobile delay as a measure to determine a project's significant impact on the environment, and to instead require (in most circumstances) analysis of a project's impact on vehicle miles traveled (VMT). This change did not change the conventional travel demand forecasting process described below and used for this project. Instead, the updated guidelines include new data based on recent observations documented at existing San Francisco developments.

⁴ San Francisco Planning Department, Transportation Impact Analysis Guidelines, October 2002, http://default.sfplanning.org/publications_reports/Transportation_Impact_Analysis_Guidelines.pdf, accessed June 10, 2019.

B.2 Travel Demand Forecasting Process

Trip generation is the first step in the conventional four-step travel forecasting process, followed by trip distribution, mode choice, and route assignment. The goal of trip generation is to estimate the number of *person*-trips that are generated by a particular land use or development. Person trips are distinct from, but include, *vehicle*-trips. Person-trips include travel by all modes such as auto, transit, taxi, bicycle, and walk trips. Mode choice predicts the travel mode used for each person trip. Vehicle trips are derived from auto person-trips based on the average number of people expected to be traveling in each vehicle (or average vehicle occupancy). Trip distribution seeks to answer the question, where do these person-trips go to or come from. Trip assignment determines the routes travelers choose to reach their destinations.

As is the standard approach for transportation studies in San Francisco, the analysis considers the weekday p.m. peak hour, the 60-minute time period of highest trip generation during the afternoon period between 4 and 6 p.m., which is typically the peak period of vehicle travel and represents the time period of greatest congestion on the street network. Additionally, given the number of residential units proposed and the expected level of trip generation that would occur during weekday mornings, the analysis also considers the weekday a.m. peak hour, the 60-minute time period of highest trip generation during the morning period between 7 and 9 a.m. A street's uses, demands, and activities are subject to change over the course of a day. A peak hour analysis is conducted for transportation to evaluate the potential impacts of the project during peak congestion conditions. There are other time periods, such as the after-school afternoon peak, where there are generally higher traffic volumes than during other off-peak periods (e.g., midday or overnight). However, the vehicle traffic generated by the proposed project or project variant and background traffic volumes on the surrounding roadway would be lower during those time periods than during the weekday a.m. and p.m. peak hours analyzed in the EIR. Therefore, the peak hour analysis included in the EIR analysis adequately covers the impacts during non-peak hour conditions. Daily vehicle traffic generated by the proposed project and project variant was estimated and used in the analysis of other environmental topics, including air quality and noise. This information was provided by Kittelson & Associates, Inc. on November 14, 2017 in the form of a memorandum titled "Average Daily Traffic Volumes – Methodology and Results Memorandum."

The EIR used the conventional four-step travel demand forecasting process for an analysis of localized transportation impacts (e.g., loading, transit). The four-step travel demand forecasting process consists of 1) trip generation, 2) trip distribution, 3) mode choice, and 4) trip assignment. The EIR used a different modeling process to assess VMT transportation impacts. The EIR analysis calculates the *number* of person trips based on the size and type of the project land uses. The EIR VMT analysis relies on substantial evidence to describe the *way or mode* of the person trips (e.g., vehicle trips) would change based on options provided at the project site, specifically the number of project vehicular parking spaces (refer to subsection D.4, Vehicle Miles Traveled (VMT) and

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Vehicular Parking, beginning on RTC p. 4.39). Refer to EIR pp. 4.C.48-4.C.51 and in this Master Response on RTC pp. 4.33-4.39 for discussion of the VMT calculation.

B.3 Trip Generation Estimates

Table 4.C.11: Person-Trip Generation (Internal and External Trips Combined), on EIR p. 4.C.54, presents the weekday daily, a.m. peak hour, and p.m. peak hour person-trip generation estimates (internal and external combined) for the proposed project and project variant. The table presents trips that would occur within the project site (internal trips) and person-trips that would begin or end outside of the project site (external trips). The proposed project would generate fewer weekday a.m. and p.m. peak hour trips than the project variant. Contrary to assertions made in several comments on the EIR, daily and p.m. peak hour trips are provided (see e.g., Table 4.C.11 on EIR p. 4.C.54). Contrary to the comment, the approach used is consistent with the *2002 SF Guidelines* Appendix C, and the analysis presented in the EIR considers both the work and non-work trips generated by retail and other uses. The same comment correctly states that the percentage splits between work and non-work trips for retail is 4 percent work and 96 percent non-work. Therefore, of the total 19,644 daily person-trips generated by the proposed project, 12,753 would be generated by the retail uses (including 12,243 non-work and 510 work trips). Some of these trips would remain internal to the site and some would be external trips, beginning or ending outside the site.

Table 4.C.14: External Person-Trip Generation by Mode, on EIR p. 4.C.58, presents the weekday daily, a.m. peak hour, and p.m. peak hour external person-trip generation estimates for the proposed project and project variant. The table presents trips that would begin or end outside of the project site (external trips). Contrary to assertions presented in the comments, the proposed project (including the retail/restaurant, office, daycare, and residential land uses) would generate a total of approximately 16,462 daily external person-trips, including 10,057 daily auto person-trips (equivalent to 5,760 vehicle trips) and not 16,000 vehicle trips as stated in the comments. As presented on EIR pp. 4.C.58-4.C.59, the proposed project's retail use would account for 31 percent and the restaurant uses would account for 35 percent of the total vehicle trips, a combined 66 percent of the 5,760 vehicle trips and not the 80 percent stated in the comments for the combined retail and restaurant uses. The proposed project's office use would account for about 4 percent of daily vehicle trips. Combined, the retail, restaurant, and office uses would account for 69 percent of the daily vehicle traffic to/from the site, or approximately 3,974 daily vehicle trips and not the 12,000 to 15,000 daily vehicle trips stated in the comments. Detailed travel demand calculations are provided in the Travel Demand Memorandum (EIR Appendix D, pp. 15-176). Work and non-work trip generation values are presented in EIR Appendix D on pp. 57-128.

Trip Generation Comparison – 2002 SF Guidelines and 2019 TIA Guidelines Update

The transportation demand forecasting process discussed on p. 4.3 of this Master Response has not changed. The *2019 TIA Guidelines* refines the process through use of additional data. Based on a

comparison of the person- and vehicle-trip generation estimated for the proposed project and project variant using the *2002 SF Guidelines* and *2019 TIA Guidelines*, it is reasonable to conclude that the transportation analysis in the EIR using the *2002 SF Guidelines* can be considered conservative as it overestimates the number of person trips and vehicle trips generated by the proposed project and project variant under the *2019 TIA Guidelines*.

The *2019 TIA Guidelines* were not available when the transportation analysis for the 3333 California Street Mixed-Use Project EIR was conducted. The scope of the update to the *2002 SF Guidelines* included reviewing the existing methodology and data; conducting primary data collection and analysis; deriving updated parameters including trip generation rates, mode split, trip distribution, and loading demand rates; and reviewing the current geographic analysis structure. In addition to planning department staff, the San Francisco Municipal Transportation Agency (SFMTA) and San Francisco County Transportation Authority (SFCTA) provided input and feedback on the effort.

The update was published on February 14, 2019, well after the draft EIR's transportation analysis was completed and the draft EIR was published in November 2018. The *2019 TIA Guidelines* uses the conventional four-step travel forecasting process but with new data. It applies person trip rates, accounting for size and type of land use, to estimate the number of person trips generated by a proposed project (see Appendix F of the *2019 TIA Guidelines*). The new trip generation rates and mode splits were developed based on data collected in spring 2017 at 65 typical office, retail, residential, and hotel sites throughout San Francisco. The *2019 TIA Guidelines* distribute a project's person trips (excluding walk and bicycle trips) and vehicle trips to/from a project site's neighborhood district⁵ or place type⁶ to the 12 neighborhood districts based on origin/destination (residential, office, or retail), trip purpose (work or non-work), mode (drive alone, shared ride, and transit), and directionality (inbound or outbound). Vehicle trips are calculated using vehicle occupancy rates, defined as the number of passengers in a vehicle during a trip, and calculated as vehicle person trips divided by vehicle trips from the California Household Travel Survey⁷ trips records between different neighborhood districts. Each neighborhood district's land use type has its own unique vehicle occupancy rate. During the assignment step of the trip generation process, the methodology multiplies the number of taxi/transportation network company (TNC) trips by two to account for separate vehicle trips both to and from a site.

⁵ The San Francisco County Transportation Authority developed boundaries for 12 neighborhoods (nine in San Francisco proper, and three external districts – north bay, east bay, and south bay).

⁶ Geographic area that shares a similar mode share for vehicle use. The department identified three place types: urban high density, urban medium density, and urban low density.

⁷ California Department of Transportation, California Household Travel Survey, 2010, http://www.dot.ca.gov/hq/tpp/offices/omsp/statewide_travel_analysis/chts.html, accessed March 27, 2019.

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Person-Trip Generation Comparison

Travel demand estimates for the proposed project and project variant using the *2019 TIA Guidelines* were developed after publication of the draft EIR.⁸ The trip generation comparison worksheet presents the base calculations and due to updates to the data and refinement of the geographic analysis areas used in the *2019 TIA Guidelines*, the person- and vehicle-trip generation comparison does not apply trip credits for the existing use or reductions for internal trip capture. The weekday p.m. peak hour person-trip generation comparison is presented in RTC Table 4.1: Weekday P.M. Peak Hour Person-Trip Generation Comparison. The *2002 SF Guidelines* estimates presented in RTC Table 4.1 can also be found in EIR Table 4.C.11 on p. 4.C.54.

RTC Table 4.1: Weekday P.M. Peak Hour Person-Trip Generation Comparison

Mode	Proposed Project				Project Variant			
	2002 SF Guidelines	2019 TIA Guidelines	Difference <small>NOTE A</small>	Percent Change <small>NOTE A</small>	2002 SF Guidelines	2019 TIA Guidelines	Difference <small>NOTE A</small>	Percent Change <small>NOTE A</small>
Auto	1,554	735	(819)	-53%	1,627	695	(932)	-57%
Transit	402	219	(103)	-17%	456	282	(174)	-38%
Walk	519	1,143	624	120%	520	1,026	506	97%
Other <small>NOTE B</small>	95	114	19	20%	107	103	(4)	-4%
Total Person-Trips	2,570	2,291	(279)	-11%	2,710	2,106	(604)	-22%
Total Vehicle Trips	901	495	(406)	-45%	963	460	(503)	-52%
Average Vehicle Occupancy	1.72	1.59	(0.13)	-8%	1.69	1.61	(0.08)	-5%

Notes: Numbers may not sum to total due to rounding. The person-trip generation comparison presents the total internal and external trip generation and does not incorporate internal trip capture.

^A Difference is calculated as *2019 TIA Guidelines* minus *2002 SF Guidelines* and percent change is calculated as difference divided by *2002 Guidelines*.

^B The *2019 TIA Guidelines* includes the auto taxi and TNC person trips in the “other mode”, consistent with the *2002 SF Guidelines*. These trips are incorporated into the *2019 TIA Guidelines* calculation of average vehicle occupancy.

Source: Kittelson & Associates, Inc. 2019; *SF Guidelines*, 2002; *2019 TIA Guidelines*; *ITE Manual*, 9th Edition, 2012.

As shown in RTC Table 4.1, with the updated methodology, during the weekday p.m. peak hour the proposed project would generate 279 fewer person trips (11 percent fewer) and 406 fewer vehicle trips (including taxi/TNC trips) (45 percent fewer) than the base person and vehicle trips analyzed in the EIR using the *2002 SF Guidelines*. During the weekday p.m. peak hour the project variant would generate 604 fewer person trips (22 percent fewer) and 503 fewer vehicle trips (52 percent fewer) than the person and vehicle trips analyzed in the EIR using the *2002 SF Guidelines*.

⁸ Kittelson & Associates, Inc, 3333 California Street Travel Demand Comparison - SF Guidelines 2002 and 2019 Guidelines Update, July 25, 2019.

With the *2019 TIA Guidelines*, the proposed project would generate 53 percent fewer auto-person trips, 17 percent fewer transit-person trips, 20 percent more other trips (including taxi/TNC trips), and 120 percent more walk trips. The project variant would generate 57 percent fewer auto-person trips, 38 percent fewer transit-person trips, 4 percent fewer other trips (including taxi/TNC trips), and 97 percent more walk trips.

The relative increase in walk trips generated by the proposed project and project variant under the *2019 TIA Guidelines* methodology (compared to the *2002 SF Guidelines*) would not create potentially hazardous conditions for pedestrians or interfere with pedestrian accessibility to the site. The proposed project and project variant would include numerous sidewalk network and intersection modifications that would increase visibility of people walking and improve sight lines at intersections, shorten crossing distances, slow turning vehicles, and increase the amount of space available for people walking and waiting for transit. Project-generated walk trips would be distributed throughout the peak hour and throughout the site. Given the number of pedestrian access points discussed on EIR p. 4.C.42 and the permeability of the site to the surrounding roadway network, pedestrian trips would not be expected to concentrate in any particular area and could be accommodated on existing sidewalks and crosswalks and on the proposed internal pedestrian circulation network for the project site.

Based on this trip generation comparison, it is reasonable to conclude that the transportation analysis conducted in the EIR under the *2002 SF Guidelines* can be considered conservative as it overestimates the number of person trips and vehicle trips generated by the proposed project and project variant relative to the *2019 TIA Guidelines*. Similar results would occur for the daily and weekday a.m. time periods given that the trip generation rates in the *2019 TIA Guidelines* are equal to or lower than the *2002 SF Guidelines*.

Passenger Loading Demand Comparison

Passenger loading demand estimates using the *2019 TIA Guidelines* and a passenger loading demand comparison were developed for the proposed project and project variant after publication of the draft EIR. Passenger loading demand estimates presented in the travel demand comparison spreadsheet were calculated by using the mode split percentage of all person trips that would involve a passenger loading instance occurring at the curb near the project site. These percentages (also known as passenger loading percentage) vary based on land use and place type and include taxi/TNC and private vehicle drop-off.⁹ These passenger loading percentages were calculated using the planning department's intercept survey data collected in spring 2017 and presented in the new *2019 TIA Guidelines*. The passenger loading demand comparison is presented in RTC Table 4.2: Passenger Loading Demand Comparison.

⁹ The department applies a 50 percent factor for high-occupancy vehicle trips for purposes of loading analysis because the department did not ask survey respondents to specify if they were dropped off or part of a group arriving in a single vehicle.

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As shown in RTC Table 4.2, with the *2019 TIA Guidelines*, when calculating demand generated by land use the proposed project and project variant would generate a peak demand for approximately two passenger loading spaces (about 36 linear feet) compared to the three spaces (about 60 feet) generated by the proposed project or project variant as analyzed in the EIR using the *2002 SF Guidelines*. The analysis included in the EIR conservatively assumed that 100 percent of “other” trips would be taxi/TNC trips or private vehicle pick-up/drop-off trips. Based on this passenger loading demand comparison it is reasonable to conclude that the transportation analysis conducted in the EIR can be considered conservative as it overestimates the passenger loading demand generated by the proposed project and project variant relative to the *2019 TIA Guidelines*.

RTC Table 4.2: Passenger Loading Demand Comparison

Mode	Proposed Project				Project Variant			
	2002 SF Guidelines	2019 TIA Guidelines	Difference NOTE A	Percent Change NOTE A	2002 SF Guidelines	2019 TIA Guidelines	Difference NOTE A	Percent Change NOTE A
Linear Space (feet)	60	36	(24)	-40%	61	39	(22)	-37%
Number of Spaces	3.0	1.8	(1.2)		3.1	1.9	(1.2)	

Notes:

^A Difference is calculated as *2019 TIA Guidelines* minus *2002 SF Guidelines* and percent change is calculated as difference divided by *2002 Guidelines*.

- The *2002 SF Guidelines* calculation is based on the number of external person trips generated by the “other” mode and assumes 100 percent of the “other” mode are taxi or TNC trips. The passenger loading demand assumes an average stop time of 1.5 minutes.

- The *2019 TIA Guidelines* passenger loading demand is calculated by using the mode split percentage of all person trips going to a particular project site that would involve a passenger loading instance. Based on intercept survey data collected in spring 2017, these percentages (passenger loading percentage) are 13.4 percent for office use, 3 percent for retail use, and 7.2 percent for residential use. The passenger loading demand calculation assumes that half of the peak hour loading demand occurs during the peak 15 minutes and the average stop duration is one minute.

Source: Kittelson & Associates, Inc. 2019; *SF Guidelines*, 2002; *2019 TIA Guidelines*.

However, as noted on p. F-12 of the *2019 TIA Guidelines*, for projects that consist of more than one building, passenger loading demand should be calculated for the lobby entrance at each individual building. Therefore, the proposed project and project variant would generate a peak demand for nine passenger loading spaces (or one passenger loading space for each building). The proposed project and project variant would provide three 60-foot-long passenger loading zones (white curb) (nine total spaces) and passenger loading also would be conducted on site within the Walnut Street roundabout. Given that the supply of passenger loading spaces would exceed the passenger loading demand estimated using the *2019 TIA Guidelines*, the proposed project’s and project variant’s passenger loading impacts would remain less than significant.

B.4 Mode Share

As shown in Table 4.C.13: Vehicle Trip Distribution on EIR p. 4.C.57, person-trips generated by the proposed project and project variant were distributed to San Francisco’s four Superdistricts and

the greater Bay Area, and then assigned to travel modes based on mode shares presented in the *2002 SF Guidelines* in order to determine the number of auto, transit, walk, and “other” trips. Mode share (the proportion of person trips made by automobile, transit, and other [walk/bicycle/taxi/TNC] modes) and average vehicle occupancy for the proposed project and project variant were calculated using American Community Survey five-year (2011-2015) estimates for the project’s census tract (Census Tract 154) for the proposed residential work trips. Mode share of residential non-work trips, office work and non-work trips, retail work and non-work trips, restaurant work and non-work trips, and daycare work and non-work trips use rates provided in the *2002 SF Guidelines* for Superdistrict 2.¹⁰ Work and non-work trips by mode for all land uses are presented in EIR Appendix D, pp. 57-128. Additional discussion of TNC mode share and passenger loading demand is presented in subsection B.7, Loading Demand, of this Master Response on pp. 4.15-4.16.

B.5 Internal Trip Capture

Contrary to the comments received, the internal trip capture rates applied do not represent the highest possible values resulting from the most favorable balance of land uses; comments may imply that the department selected an internal capture rate that would result in fewer project vehicle trips than other rates. This is incorrect. Mixed-use development creates less demand on the external transportation network than single-use developments because some amount of travel would occur within the development, for example, between the proposed residential units and the retail and office space. The internal trip capture calculation accounts for the portion of the total person-trips generated by the proposed project and project variant that would remain on site and would not use the external transportation network.

Internal trips are trips made using internal roadways or walkways and could be made by any mode, including walk trips, bicycle trips, linked or pass-by trips.¹¹ The detailed internal trip capture calculations are provided in the Travel Demand Memorandum (EIR Appendix D, pp. 130-133).

As explained on EIR pp. 4.C.55-4.C.56, the methodology used to estimate internal trip capture accounts for trips internal to the proposed project or project variant that would still occur but would not be made by automobile or transit, and would instead remain within the project site and occur by walking, bicycling, and linked trips. The internal trip capture analysis is described in more detail in the Travel Demand Memorandum (EIR Appendix D, pp. 22-24). The following steps were used to develop the internal trip capture rates for the proposed project and project variant:

¹⁰ As explained on EIR p. 4.C.2, footnote 2, under the *2002 SF Guidelines*, San Francisco is divided into four superdistricts, or geographic areas. Superdistrict 1 is the northeast quadrant, Superdistrict 2 is the northwest quadrant, Superdistrict 3 is the southeast quadrant, and Superdistrict 4 is the southwest quadrant.

¹¹ Linked and pass-by trips are trips that are already on the way from an origin to a primary trip destination that make an intermediate stop at the site being studied without a route diversion.

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- Determine the total number of person-trips generated during the daily, weekday a.m. and weekday p.m. peak hour periods by each individual land use (see Table 4 and Table 5 in EIR Appendix D, p. 21).
- Estimate the number of person-trips by place of origin/destination and calculate respective mode split for each land use.
- Group the auto and transit-person trips into producers (land uses where the trips typically originate, e.g., residential) and attractors (land uses where the trips typically arrive, e.g., office, retail, restaurant).
- Use unconstrained internal capture percentages to estimate the number of potential internal trips between each pair of land uses. Apply the internal capture rate to each individual land use within the producer and attractor categories based on National Cooperative Highway Research Program Report 684¹² and Institute of Transportation Engineers¹³ data. The internalization ratios selected are within the range of published observed internalization for various land uses published by the National Cooperative Highway Research Program and calculated according to the recommended estimation method.
- Iteratively adjust the internal capture rate applied to each individual land use to balance the number of trips generated at both ends of each interacting pair of producer and attractors.
- Shift the resulting number of attractor and producer trips calculated for each individual land use from the original auto and transit modes to walk and other modes; these represent the additional person-trips that would be considered internal to the project.
- Validate the resulting internal person-trip capture rates by comparing the results against similar results available from the Institute of Transportation Engineers and other sources, such as previous EIR analyses.¹⁴

As explained in the step-by-step process outlined above and presented in the Travel Demand Memorandum (EIR Appendix D, pp. 7-9), the internal trip capture rates used in the analysis are constrained by the number of trips generated by the producer uses (e.g., residential use) or the number of trips received by the attractor uses (e.g., retail use), whichever is less. The internalization ratios selected and used in the analysis are within the range of published observed internalization for various land uses published by the National Cooperative Highway Research Program and calculated according to the recommended estimation method. Using the unconstrained internal trip capture rates as an initial point of analysis, the project- and scenario-specific internal trip capture rates were identified through an iterative balancing process. The differences between the internal trip capture rates used for the proposed project and project variant reflect the mix of uses within each scenario and the potential to match residential trips with office trips, office trips with restaurant trips, and so on. Contrary to the comments received, the internal trip capture rates applied do not

¹² Transportation Research Board, National Cooperative Highway Research Program Report 684, *Enhancing Internal Trip Capture Estimation for Mixed-Use Developments*, 2011.

¹³ ITE Journal, *Improved Estimation of Internal Trip Capture for Mixed-Use Development*, 2010; *Alternative Approaches to Estimating Internal Traffic Capture of Mixed-Use Projects*, 2011.

¹⁴ As noted on EIR p. 4.C.56, the approach used in the EIR is “similar to the approach used” in other EIR analyses and not the results of other EIR analyses as some comments imply.

represent the highest possible values resulting from the most favorable balance of land uses. This is discussed in further detail below for the proposed project and project variant.

Proposed Project

As presented in the Travel Demand Memorandum (see EIR Appendix D, Table 6, p. 9), the proposed project would have an internal trip capture rate of 13.6 percent for office use, 13.7 percent for retail use, 10.6 percent for restaurant use, and 20 percent for residential use during the weekday a.m. peak hour. The internal trip capture rates (or *constrained rates*) for the proposed project used in the analysis in the EIR are 58 percent lower, 54 percent lower, and 66 percent lower than the *unconstrained* internal trip capture rates for office, retail, and restaurant uses, respectively, during the weekday a.m. peak hour. The unconstrained internal trip capture rates during the weekday a.m. peak hour are 32 percent for the office use, 30 percent for the retail use, 31 percent for the restaurant use, and 20 percent for the residential use.

During the weekday p.m. peak hour the proposed project would have an internal trip capture rate of 15.6 percent for the office use, 15 percent for the retail use, 14.7 percent for the restaurant use, and 20 percent for the residential use. The internal trip capture rates (or *constrained rates*) for the proposed project are 50 percent lower, 25 percent lower, 27 percent lower, and 62 percent lower than the *unconstrained* internal trip capture rates for the office, retail, restaurant, and residential uses, respectively, during the weekday p.m. peak hour. The unconstrained internal trip capture rates during the weekday p.m. peak hour are 31 percent for the office use, 20 percent for the retail use, 20 percent for the restaurant use, and 53 percent for the residential use.

Project Variant

As presented in the Travel Demand Memorandum (see EIR Appendix D, Table 6, p. 9), the project variant would have an internal trip capture rate of 13.7 percent for retail use, 10.8 percent for restaurant use, and 19.9 percent for residential use during the weekday a.m. peak hour. The internal trip capture rates (or *constrained rates*) are 54 percent lower, 65 percent lower, and 1 percent lower than the *unconstrained* internal trip capture rates for the retail, restaurant, and residential uses, respectively, during the weekday a.m. peak hour. The unconstrained internal trip capture rates during the weekday a.m. peak hour for the proposed land uses are the same as those cited for the proposed project.

During the weekday p.m. peak hour, the project variant would have an internal trip capture rate of 18.7 percent for the retail use, 18.6 percent for the restaurant use, and 19.2 percent for the residential use. The *unconstrained* internal trip capture rates during the weekday p.m. peak hour for the proposed land uses are the same as those cited in the previous paragraph for the proposed project. Therefore, the internal trip capture rates (or *constrained rates*) are 94 percent lower, 93 percent lower, and 38 percent lower than the *unconstrained* internal trip capture rates for retail, restaurant,

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and residential uses, respectively, during the weekday p.m. peak hour. The unconstrained internal trip capture rates during the weekday p.m. peak hour for the proposed land uses are the same as those cited for the proposed project.

Mode Share

Table 4.C.14 on EIR p. 4.C.58 presents the weekday daily, a.m. peak hour, and p.m. peak hour external person-trip generation estimates for the proposed project and project variant. The table presents trips that would begin or end outside of the project site (external trips). Contrary to the comment, walk trips were not double counted. The walk trips presented in this table are the people who would walk to and from nearby land uses, such as between the proposed residential units and the Laurel Village Shopping Center, or from nearby houses to the proposed retail and office space. As reported in Table 4.C.14, the proposed project would generate 376 walk trips (19.6 percent of total person-trips) during the weekday a.m. peak hour and 398 walk trips (19.1 percent of total person-trips) during the weekday p.m. peak hour. The project variant would generate 359 walk trips (18.3 percent of total person-trips) during the weekday a.m. peak hour and 387 walk trips (17.7 percent of total person-trips) during the weekday p.m. peak hour. The text on EIR p. 4.C.58 supporting the information presented in Table 4.C.14 refers to the proportion of *external* person-trips by mode generated by each land use.

Table 4.C.12: Person-Trip Generation (Internal Trip Capture), on EIR p. 4.C.55, presents the total internal and external person-trips for the weekday a.m. peak hour and p.m. peak hour for the proposed project and project variant. The information presented in this table includes person-trips by all modes, not only walk trips. As shown in Table 4.C.12, the proposed project and project variant are estimated to result in an internal trip capture rate of 17.6 percent (409 person-trips) and 19.0 percent (460 person-trips), respectively, during the weekday a.m. peak hour. During the weekday p.m. peak hour, the proposed project and project variant are estimated to result in an internal trip capture rate of 18.9 percent (485 person-trips) and 19.2 percent (521 person-trips), respectively. Internal trips presented in Table 4.C.12 account for the portion of the total person-trips generated by the proposed project and project variant that would remain on site and would not use the external transportation network. Internal trips are trips made using internal roadways or walkways and could be made by any mode, including walk trips, bicycle trips, linked or pass-by trips. Assuming a single-use development with no internal trip capture, these trips would occur on the external roadway network and may be made by modes suitable to longer distance travel, such as auto and transit. The detailed internal trip capture calculations are provided in the Travel Demand Memorandum (EIR Appendix D, pp. 130-133).

Analysis Time Periods

For purposes of the transportation analysis conducted for the EIR, internal trip capture rates were presented for the weekday a.m. and p.m. peak periods (see EIR p. 4.C.55, Table 4.C.12, and EIR

Appendix D, Attachment C, pp. 130-133). While daily trip generation calculations are not necessary for the transportation analysis in the EIR, the daily trip generation and internal trip capture rates were calculated using the same methodology as was applied to calculate the weekday a.m. and p.m. peak period trip generation and internal trip capture and are presented in EIR Tables 4.C.11, Person-Trip Generation (Internal and External Trips Combined) on EIR p. 4.C.54 and 4.C.14, External Person Trip Generation by Mode, on EIR p. 4.C.58. The daily *vehicle* trip generation values were developed for use in the EIR’s noise and air quality analysis, and are presented in a Kittelson & Associates memorandum entitled “Average Daily Traffic Volumes – Methodology and Results Memorandum.” This document is discussed on EIR pp. 4.D.62 and 4.E.50 and is available for review in the planning department’s office as part of Case File 2015-014028ENV. This memorandum does not account for any internal trip capture and therefore provides worst-case values as used in the noise and air quality analyses.

For informational purposes, the daily internal trip capture calculations are publicly available as part of the AB 900 Application for Environmental Leadership Development Project, in its Attachment C, Transportation Efficiency. In the application materials, the proposed project and project variant are estimated to result in a daily internal vehicle trip capture rate of 14.3 percent (reduction of 954 daily vehicle trips) and 14.9 percent (reduction of 1,003 daily vehicle trips), respectively.

B.6 Net New Trips

Consistent with planning department guidance presented on p. 9 of the *2002 SF Guidelines*, observations of existing levels of trip activity were conducted to “net-out” existing land uses. The 3333 California Street project travel demand includes trip credits, based on empirical data collection at the project site. Consistent with standard practice for transportation studies conducted in San Francisco, the analysis contained in the EIR focuses on peak-hour net new vehicle trips while the air quality and noise analyses consider daily traffic volumes. See Impact NO-4 on EIR pp. 4.D.62-4.D.64 in Section 4.D, Noise and Vibration, for a discussion of operational noise impacts associated with project-related increases to local traffic on the adjacent roadway segments.

The project site is currently occupied by a 362,000-gross-square-foot, four-story office building with a three-level, partially below-grade parking structure with 212 spaces; a one-story, 14,000-gross-square-foot annex building; and three surface parking lots with 331 vehicle parking spaces. Turning movement counts were collected at the existing site driveways during the weekday a.m. and p.m. peak periods (7 to 9 a.m. and 4 to 6 p.m.) on December 1, 2016 (see EIR pp. 4.C.59-4.C.60). The turning movement counts are included in EIR Appendix D on pp. 134-140. Based on vehicle turning movement counts collected at the active site driveways (California Street/Walnut Street, Mayfair Drive/Laurel Street, and the Laurel Street driveway between Mayfair Drive and Euclid Avenue), the existing use was observed to generate 266 vehicle-trips (190 inbound, 76 outbound) and 296 vehicle-trips (102 inbound, 194 outbound) during the weekday a.m. and p.m.

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peak hours, respectively. The existing driveway on Presidio Avenue south of California Street is not in active use and was not counted.

As presented in Table 4.C.14 on EIR p. 4.C.58, the proposed project would generate 5,760 daily vehicle trips, including 691 vehicle trips during the weekday a.m. and 752 vehicle trips during the weekday p.m. peak hour. The project variant would generate 5,744 daily vehicle trips, including 726 vehicle trips during the weekday a.m. and 804 vehicle trips during the weekday p.m. peak hour. Vehicle-trip credits were applied to the external vehicle-trip generation estimates to calculate the net-new weekday a.m. and p.m. peak hour vehicle-trip generation for the proposed project and project variant, as summarized in Table 4.C.15: Net-New External Vehicle-Trips, on EIR p. 4.C.60. As presented in Table 4.C.15, with the application of vehicle trip credits, the proposed project would generate 425 net new vehicle trips during the weekday a.m. and 456 net new vehicle trips during the weekday p.m. peak hour. The project variant would generate 460 net new vehicle trips during the weekday a.m. peak hour and 508 vehicle trips during the weekday p.m. peak hour.

Two minor discrepancies between the weekday a.m. peak hour vehicle trips for the proposed project and project variant reported in Table 4.C.14 and in the associated text on EIR p. 4.C.58 exist. To correct the discrepancy related to the proposed project's weekday a.m. peak hour vehicle-trips, the text in the last sentence of the paragraph starting on EIR p. 4.C.57 and continuing to EIR p. 4.C.58 has been modified as follows (deleted text is shown in ~~striketrough~~ and new text is shown in double-underline):

...Based on the expected mode share and average vehicle occupancy, the proposed project would generate ~~807~~ 691 vehicle-trips during the weekday a.m. peak hour, and 752 vehicle-trips during the weekday p.m. peak hour.

To correct the discrepancy related to the project variant's weekday a.m. peak hour vehicle-trips, the text in the last sentence of the first full paragraph on EIR p. 4.C.58 has been modified as follows (deleted text is shown in ~~striketrough~~ and new text is shown in double-underline):

...Based on the expected mode share and average vehicle occupancy, the project variant would generate ~~847~~ 726 vehicle-trips during the weekday a.m. peak hour, and 804 vehicle-trips during the weekday p.m. peak hour

B.7 Loading Demand

Commercial Loading

As shown in Table 4.C.16: Freight Loading Demand, on EIR p. 4.C.61, the proposed project and project variant are estimated to result in a demand for about five commercial loading spaces during the average hour and about six commercial loading spaces during the peak hour of freight loading activity. The demand for commercial (and passenger) loading zones is generated by the land uses that those spaces would serve; no substantial evidence exists that the provision of the spaces

themselves would create additional demand or generate additional vehicle trips by delivery vehicles.

Passenger Loading Demand – Transportation Network Company Vehicles

As demonstrated by the comparison of *2002 SF Guidelines* and *2019 TIA Guidelines* passenger loading demand,¹⁵ the analysis conducted for the proposed project and project variant included in the EIR provides a conservative estimate of trips that would occur by TNCs.

As noted on EIR p. 4.C.61, both the travel demand estimates and passenger loading demand estimates include demand for for-hire vehicles. Consistent with *2002 SF Guidelines*, bicycles, motorcycles, and other modes not accounted for in other mode categories are considered TNC trips or private vehicle pick-up/drop-off trips. With this conservative assumption, between three and four percent of all person trips would be passenger pick-up/drop-off trips.

As discussed on EIR pp. 4.C.61-4.C.62, the proposed project would generate 49 passenger drop-off/pick-up trips (24 drop-off, 25 pick-up) during the weekday a.m. peak hour and 60 passenger drop-off/pick-up trips (31 drop-off, 29 pick-up) during the weekday p.m. peak hour. A portion of these passenger drop-off/pick-up trips would be via TNC vehicles. About 30 vehicles would be anticipated to arrive during the peak 15-minute period, resulting in a peak demand for passenger loading during any one-minute equivalent to about three vehicles. Assuming an average vehicle length of 20 feet, this would be equivalent to about 60 linear feet of curb.

The project variant would generate 48 passenger drop-off/pick-up trips (23 drop-off, 25 pick-up) during the weekday a.m. peak hour and 61 passenger drop-off/pick-up trips (34 drop-off, 27 pick-up) during the weekday p.m. peak hour. A portion of these passenger drop-off/pick-up trips would be served by TNC vehicles. About 31 vehicles would be anticipated to arrive during the peak 15-minute period, resulting in a peak demand for passenger loading during any one-minute equivalent to about four vehicles.¹⁶ Assuming an average vehicle length of 20 feet, this would be equivalent to about 80 linear feet of curb.

Based on data collected by the planning department in spring 2017 and incorporated into the *2019 TIA Guidelines*, of the 5 percent of total weekday p.m. peak hour person trips classified as “other” trips, approximately 2 percent would be TNC trips. These data were not available for use in the *2002 SF Guidelines*, and for that reason they were not presented in the EIR. Assuming an average

¹⁵ Kittelson & Associates, Inc, 3333 California Street Travel Demand Comparison - SF Guidelines 2002 and 2019 Guidelines Update, July 25, 2019.

¹⁶ EIR Appendix D, pp. 37-38 presents the calculation methodology for passenger loading, explaining that the total number of vehicles dropping off and/or picking up during the peak 15-minute period is multiplied by the average duration of a stop; this result is divided by 15 minutes to arrive at the approximate number of vehicles during the peak demand. Thus, $31 * 1.5 = 46.5/15=3.1$, rounded to 4 to be conservative and avoid presenting fractions of a vehicle.

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vehicle occupancy of 1.67 persons per TNC vehicle per the *2019 TIA Guidelines*, the proposed project would generate about 26 TNC trips and the project variant would generate about 23 TNC trips during the weekday p.m. peak hour. Based on this comparison, using the *2019 TIA Guidelines*, the proposed project and project variant would generate 57 percent and 62 percent fewer TNC trips than the proposed project and project variant under the *2002 SF Guidelines*.

C. TRIP DISTRIBUTION/INCREASED TRAFFIC CONGESTION

This response addresses comments about the effect of project-generated vehicle trips and proposed streetscape modifications on intersection operations and automobile and transit delay. The EIR is consistent with the *2002 SF Guidelines*; San Francisco Planning Commission Resolution Modifying Transportation Impact Analysis, March 3, 2016;¹⁷ and Governor’s Office of Planning and Research, CEQA Guidelines Update.¹⁸ This response contains the following subsections to explain these requirements and guidelines and the draft EIR’s consistency with them.

- CEQA Guidelines Update
- Trip Distribution and Trip Assignment
- Intersection Operations Analysis

C.1 CEQA Guidelines Update

Automobile delay is not a CEQA topic. On March 3, 2016, the San Francisco Planning Commission adopted a resolution to modify the environmental review process by removing automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, as a significant impact on the environment pursuant to the CEQA and replaced it with VMT criteria.¹⁹ Since adoption of the updated CEQA Guidelines on December 28, 2018, automobile delay is not a CEQA topic statewide.²⁰ In this Master Response refer to subsection D.1, CEQA Section 21099(b)(1) (California Senate Bill 743) and Vehicle Miles Traveled (VMT) on RTC pp. 4.19-4.30 for more information.

¹⁷ San Francisco Planning Commission, Resolution Modifying Transportation Impact Analysis, March 3, 2016, http://commissions.sfplanning.org/cpcpackets/Align-CPC%20exec%20summary_20160303_Final.pdf, accessed June 10, 2019.

¹⁸ California Governor’s Office of Planning and Research, Current CEQA Guidelines Update webpage, <http://opr.ca.gov/ceqa/updates/guidelines/>, accessed June 10, 2019.

¹⁹ San Francisco Planning Department, Resolution Modifying Transportation Impact Analysis, March 3, 2016, http://commissions.sfplanning.org/cpcpackets/Align-CPC%20exec%20summary_20160303_Final.pdf, accessed June 10, 2019.

²⁰ California Governor’s Office of Planning and Research, Current CEQA Guidelines Update webpage, <http://opr.ca.gov/ceqa/updates/guidelines/>, accessed June 10, 2019.

C.2 Trip Distribution and Trip Assignment

The proposed project and project variant would provide parking in four below-grade parking garages that would be accessed from five driveways on the perimeter of the site (see Figure 2.22 on EIR p. 2.62). The vehicle trips generated by the proposed project and project variant were assigned to travel routes and study intersections based on the vehicle trip distribution shown in Table 8 on p. 25 of the Travel Demand Memorandum included in EIR Appendix D. The vehicle trips were assigned to the driveways based on the land use/building generating the trip and the associated garage access location. Vehicle trips were then distributed and assigned to the street network based on their origin or destination. The trip distribution routes and project variant vehicle trips on the surrounding roadway network are illustrated in EIR Appendix D (see Figure 2 and Figure 3 on pp. 32-33 of the Travel Demand Memorandum). The project variant would generate more vehicle trips than the proposed project and would have a similar trip distribution and assignment. Therefore, the project variant was analyzed and the effects of the proposed project would be the same as or less than the project variant. The revisions to the proposed project and project variant described in RTC Section 2, Revisions and Clarifications to the Project Description, pp. 2.2-2.29, including consolidation of the six Laurel Duplex driveways into one curb cut, would not change the analysis summarized here.

The project-generated vehicle traffic at study intersections and at proposed driveways for the project variant are shown in Figure 4 and Figure 5 (see EIR Appendix D, pp. 34-35). Figure 4 was incorrectly included twice in the EIR Appendix D, Travel Demand Memorandum and Figure 2 was excluded. To correct the discrepancy related to the figures, Figure 2 has been inserted to replace the first presentation of Figure 4 in EIR Appendix D on p. 32 of the Travel Demand Memorandum. See RTC Section 6, DEIR Revisions, for a copy of Figure 2 that has been placed in the Travel Demand Memorandum.

As shown in Figure 2 in Appendix D, during the weekday a.m. peak hour, the project variant would add 117 vehicle trips to the 1,219 vehicle trips on California Street west of Presidio Avenue (9.6 percent), 145 vehicle trips to the 427 vehicle trips on Laurel Street between California Street and Euclid Avenue (34 percent), 132 vehicle trips to the approximately 1,111 vehicle trips on Euclid Avenue east of Laurel Street (11.9 percent), and 218 vehicle trips to the approximately 1,095 vehicle trips on Masonic Avenue between Presidio and Euclid avenues (19.9 percent). The project variant would add fewer than 100 vehicle trips to all other study segments. As shown in Figure 4 (EIR Appendix D, p. 34), during the weekday p.m. peak hour, the project variant would add 176 vehicle trips to the 1,511 vehicle trips on California Street west of Presidio Avenue (11.6 percent) and 140 vehicle trips to the approximately 937 vehicle trips on Presidio Avenue between California Street and Euclid Avenue (14.9 percent). The project variant would add fewer than 100 vehicle trips on all other study segments.

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C.3 Intersection Operations Analysis

An intersection operations analysis was conducted for informational purposes to help inform the project design and evaluate transit delay along specific corridors. This analysis was conducted at a subset of study intersections. The scope of the intersection operations analysis was based on the results of the trip generation, distribution, and assignment analyses, and accounted for the streetscape modifications proposed for the project. The operations analysis consists of an evaluation of the project-related contribution to existing traffic volumes and estimated increases in vehicle delay and 95th percentile queue lengths.²¹ The intersection operations analysis was performed using Synchro software and conducted using the San Francisco Planning Department’s Guidelines for Synchro Intersection Level of Service Analysis.

Transit Delay

The intersection operations and transit delay analysis conducted for intersections along California Street (i.e., California Street/Laurel Street, California Street/Walnut Street, and California Street/Presidio Avenue) is included in the Travel Demand Memorandum on pp. 40-44 in EIR Appendix D. The project variant would generate more vehicle trips than the proposed project and would have a similar trip distribution and assignment. Therefore, the project variant was analyzed and the effects of the proposed project would be the same or less than the project variant. The operations analysis shows that the project variant would not result in substantial delays or queue lengths at the three study intersection locations as a result of the project-related increase in vehicle traffic. Therefore, as documented in the Travel Demand Memorandum, the proposed project and project variant would not result in substantial delay to buses operating along California Street. Additionally, the proposed project and project variant would not increase potential for conflicts between passenger vehicles and buses on California Street. The analysis findings were reviewed and approved by SFMTA, including staff from the transit services division. The results of the transit delay analysis are summarized in the EIR under Impact TR-5 on EIR p. 4.C.88.

Streetscape Modifications

The intersection operations analysis was conducted for informational purposes to help inform the project design. Intersection operations analyses conducted at locations where streetscape modifications were proposed (i.e., Presidio Avenue/Pine Street/Masonic Avenue, Masonic Avenue/Euclid Avenue, and Mayfair Drive/Laurel Street) are documented in the Streetscape Modifications Analysis Summary, dated December 2017, summarized on EIR p. 4.C.83.

Proposed streetscape modifications are detailed on EIR pp. 4.C.39-4.C.42 and illustrated in Figure 2.28a: Existing Streetscape and Proposed Streetscape Changes – Presidio Avenue and Figure 2.28b:

²¹ The 95th percentile queue length is the queue length (in vehicles or feet) that has only a five percent probability of being exceeded during the analysis time period.

Existing Streetscape and Proposed Streetscape Changes – Masonic Avenue, in Chapter 2, Project Description, on EIR pp. 2.81 and 2.82, respectively. The intersection operations analysis shows that the project variant would not result in substantial delays or queue lengths as a result of the project-related increase in vehicle traffic and proposed removal of the channelized right turns (Presidio Avenue/Pine Street/Masonic Avenue and Masonic Avenue/Euclid Avenue) or installation of bulb-outs (Mayfair Drive/Laurel Street). The project variant would generate more vehicle trips than the proposed project and would have a similar trip distribution and assignment. Therefore, the effects of the proposed project would be the same as or less than those of the project variant. As demonstrated by the analysis, the transportation network would accommodate the increase in traffic volumes generated by the proposed project or project variant with minimal increases in intersection delay and queue lengths.

Furthermore, as documented on EIR p. 4.C.83, the addition of the corner bulb-out and eastside crosswalk at Mayfair Drive/Laurel Street would increase pedestrian visibility and improve sight distance for drivers. Revisions to the proposed project and project variant described in Section 2, Revisions and Clarifications to the Project Description, include elimination of the eastside crosswalk at Mayfair Drive/Laurel Street; this revision would not change the analysis summarized here.

The removal 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) would improve visibility of pedestrians, increase space for people walking along Presidio Avenue, establish a new crosswalk for people crossing Presidio Avenue, and slow vehicle traffic turning from Presidio Avenue onto Masonic Avenue.

D. VEHICLE MILES TRAVELED METHODOLOGY AND FINDINGS

D.1 CEQA Section 21099(b)(1) (California Senate Bill 743) and Vehicle Miles Traveled (VMT)

This response addresses comments about the vehicle miles traveled (VMT) transportation analysis in the EIR. VMT is a measure of the amount and distance of automobile travel. Generally, higher VMT corresponds to increased vehicle tailpipe, including greenhouse gas, emissions, while lower VMT corresponds to lower vehicle tailpipe, including greenhouse gas, emissions. Thus, a project will have a significant effect on the environment if it would cause substantial additional VMT. Comments state that the draft EIR is inadequate because it fails to state the total VMT of the project and cumulative projects. Other comments state that the EIR lacks substantial evidence for using

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the regional average as a VMT threshold of significance and omits the citywide average VMT effects.

The EIR is consistent with state and local requirements and guidelines about VMT analysis and is supported by substantial evidence. This response includes the following sections to explain these requirements and guidelines and the EIR’s consistency with them:

- Requirement of CEQA Transportation Analysis – summarizes 2013 state legislation about CEQA transportation analysis.
- History of VMT in CEQA Transportation Analysis – summarizes the process to arrive at state and local requirements and guidelines about VMT in CEQA transportation analysis.
- VMT Efficiency Metric and Thresholds of Significance – defines key terms and summarizes state requirements and guidelines about VMT in CEQA transportation analysis. This section also addresses the department’s use of efficiency metrics in VMT analysis, instead of total VMT and the use of a VMT threshold of significance compared to the regional average, instead of the city average.
- Draft EIR VMT analysis – restates the draft EIR analysis conducted for the project in relation to the VMT efficiency metric and thresholds of significance.

Refer to EIR pp. 4.D.27-4.D.28, and 4.D.62-4.D.64 for discussions of vehicular travel impacts on noise, and EIR pp. 4.E.43-4.E.44, 4.E.49-4.E.52, and 4.E.53-4.E.60 for discussions of vehicular travel impacts on air quality. For a discussion of how the proposed project or project variant would adhere to ordinances and regulations adopted by the City to reduce greenhouse gas emission from mobile sources (e.g. vehicles) see initial study section E.7, Greenhouse Gas Emissions (EIR Appendix B, pp. 146-150).

Requirement of CEQA Transportation Analysis

CEQA section 21099(b)(1), enacted with passage of California Senate Bill 743, effective September 2013, required that the California Office of Planning and Research develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” CEQA section 21099(b)(2) states that upon certification of the revised guidelines for determining transportation impacts pursuant to section 21099(b)(1), automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA.

History of VMT in CEQA Transportation Analysis

The City and County of San Francisco long understood the problems associated with the use of automobile delay as a measure of transportation impacts under CEQA. San Francisco published or adopted numerous reports, resolutions, studies, and policy initiatives documenting issues related to

LOS and recommending use of an alternative metric.²² The reports noted that analyzing and mitigating automobile delay does not meet the basic purposes of CEQA, including to help protect the environment. For example, a common solution to reducing automobile delay and improving LOS is widening a roadway. Widening a roadway often causes harmful effects on the environment. These effects include increasing intersection crossing distances for people walking; increasing vehicular traffic levels and associated air pollutant emissions because of induced demand; and requiring overall more space for cars, which may lead to physical displacement of people's businesses or homes.

In response to the mandate in Senate Bill 743, the California Office of Planning and Research published three documents between September 2013 and January 2016 related to evaluating transportation impacts under CEQA. The first document provided a preliminary evaluation of several alternative criteria to LOS, including VMT. The second document provided a preliminary discussion draft of updates to the CEQA Guidelines. This second document recommended VMT as the "most appropriate measure of transportation impacts." As described on EIR pages 4.C.47 to 48, the third document, a *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*, recommended that lead agencies measure transportation impacts for projects using a VMT metric.²³

On March 3, 2016, based on evidence in the Office of Planning and Research's documents and on the department's independent review of the literature on LOS and VMT, and after the city's own public process, the San Francisco Planning Commission adopted the Office of Planning and Research's recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects (planning commission Resolution 19579). The resolution became effective immediately for all projects that had not receive a CEQA determination and all projects that had previously received CEQA determinations but required additional environmental analysis. The EIR cited this resolution and the January 2016 Office of Planning and Research document.

Following the commission's adoption of Resolution 19579, the Office of Planning and Research released three more technical advisories, with the latest in December 2018. Those three technical advisories continued to recommend that lead agencies measure transportation impacts for projects using a VMT metric. The advisories listed the same or similar methodologies and thresholds of significance and cited the same or similar reasons for its recommendations as the earlier Office of Planning and Research documents.

²² For a summary regarding city and state automobile delay reform history, refer to San Francisco Planning Department, Executive Summary: Resolution Modifying Transportation Impact Analysis, Attachment C, March 3, 2016.

²³ Governor's Office of Planning and Research, *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA, Implementing Senate Bill 743* (Steinberg, 2013), January 20, 2016.

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After a five-year public process, the California Natural Resources Agency amended the CEQA Guidelines in 2018 and added section 15064.3 “Determining the Significance of Transportation Impacts,” and amended Appendix G: Environmental Checklist Form to remove automobile delay as a measure to determine a project’s significance on the environment, and to instead require (in most circumstances) analysis of a project’s impact on VMT.

Vehicle Miles Traveled Efficiency Metrics and Thresholds of Significance

This section summarizes state requirements and guidelines about VMT in CEQA transportation analysis. Definitions for key terms in this section are:

Absolute or numerical metric – total VMT. The total amount of VMT associated with a project.

Efficiency metric – VMT per capita or per employee. For example, VMT per capita may estimate the average daily VMT per person in one household’s location. It may compare the VMT efficiency at that location to another location or to the average of a larger geographic area (e.g., a region).

Threshold of significance or threshold – “an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.” (CEQA Guidelines § 15064.7(a).)

CEQA section 21099(b)(1) requires the Office of Planning and Research to “recommend potential metrics to measure transportation impacts that may include, but are not limited to, vehicle miles traveled, vehicle miles traveled per capita....” The Office of Planning research identified vehicle miles traveled, including per capita, metrics as the most appropriate measure of transportation impacts and the Natural Resources Agency agreed.

As amended in 2018, CEQA Guidelines section 15064.3(b)(1) states for land use projects that “Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact.” In addition, a “lead agency has discretion to choose the most appropriate methodology to evaluate a project’s vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure.”²⁴

The Natural Resources Agency agreed with the Office of Planning Research regarding the use of VMT in CEQA for several reasons. The agency’s reasons included:

- VMT achieves the purposes set forth in CEQA section 21099(b)(1),
- the language in CEQA section 21099(b)(1) suggested the use of VMT to meet that purpose, and

²⁴ CEQA Guidelines section 15064.3(b)(4).

- lowering VMT may result in numerous public and private benefits, such as better health, reduced transportation costs and greenhouse gas emissions, reductions in travel times to destinations for people, and cleaner water.²⁵

In its December 2018 technical advisory, the Office of Planning and Research recommended a per capita and per employee VMT threshold of significance (i.e., efficiency metrics) of 15 percent below the regional average for residential and office projects, respectively. The Natural Resources Agency did not identify a threshold of significance in the CEQA Guidelines. The agency stated that Senate Bill 743 did not authorize them to do so.²⁶

Consistent with the State CEQA Guidelines and technical advisory, the planning department uses efficiency metrics and the VMT threshold of significance of 15 percent below the daily regional average for residential and office projects, and retail projects for the reasons set forth below.

Refer to subsection D.2, Vehicle Miles Traveled (VMT) and Retail Uses, beginning on p. 4.30 below, for detailed explanation of the department’s approach to analyzing retail projects. In summary, the department uses a consistent approach for analyzing different land uses, and the department’s approach allows for the uncertainty in knowing the type of proposed retail during the CEQA review process.

Efficiency Metrics

Senate Bill 743 and the CEQA Guidelines identify VMT efficiency metrics as potential metrics to evaluate transportation impacts. Consistent with the guidelines, the department uses efficiency metrics in VMT analyses, instead of total VMT, for the following reasons.

First, the Office of Planning and Research writes that the “State has clear quantitative targets for greenhouse gas emissions reductions set forth in law and based on scientific consensus, and the depth of VMT reduction needed to achieve those targets has been quantified.”²⁷ However, those targets do not translate directly into absolute VMT thresholds of significance for individual projects because new land use projects will not be the sole source of VMT. Among other factors, interactions

²⁵ California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action*, Amendments to the State CEQA Guidelines, OAL Notice File No. Z-2018-0116-12, November 2018, pp. 3-4 and 74-75, http://resources.ca.gov/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf, accessed July 17, 2019.

²⁶ *Ibid*, p. 15.

²⁷ For a listing of those quantitative targets for greenhouse gas emissions reductions, refer to pp. 8 and 9 in the Office of Planning and Research, “Technical Advisory on Evaluating Transportation Impacts in CEQA,” December 2018. The 3333 California Street Mixed-Use Project EIR, under Section 4.C, Transportation and Circulation; and in the initial study, in Section E.7, Greenhouse Gas Emissions, also discuss some of these targets.

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between existing and new land use projects, and between land use and transportation projects, affect and are sources of VMT.²⁸

VMT efficiency metric thresholds are reasonably feasible for land use projects. Efficiency metrics disclose the environmental consequences of approving development in a location by comparing the development transportation efficiency to other locations. For example, locating jobs and housing in an area with low average VMT (e.g., infill site) typically allows new employees, visitors, and residents there to travel by public transit, walking, or bicycling for many trips. Additional development in these areas is less impactful on the transportation network and leads to less greenhouse gas emissions, both in absolute and per capita terms, than locating those jobs and housing in an area with high average VMT (e.g., greenfield site) where typically new employees, visitors, and residents there must drive, often long distances, for all trips.

If governments approve land use projects in higher VMT areas without including project components that reduce VMT substantially (e.g., sustainable travel options) or in lower VMT areas with project components that increase VMT substantially (e.g., high vehicular parking, refer to subsection D.4, Vehicle Miles Traveled (VMT) and Vehicular Parking, below, beginning on RTC p. 4.39), the state, region, and city will likely not meet its greenhouse gas emissions targets.²⁹ Therefore, meeting greenhouse gas reduction targets will require reductions in existing VMT per capita or per employee through actions such as governmental support of development in low VMT areas.

Second, CEQA is not intended as a population control measure, as supported by recent California case law. Discussing land use projects that are designed to accommodate long-term population and economic growth and the fact that the reduction targets assumed such growth, the California Supreme Court noted that: “a certain amount of greenhouse gas emissions is as inevitable as population growth. Under this view, a significance criterion framed in terms of efficiency is

²⁸ California Governor’s Office of Planning and Research, Technical Advisory – “On Evaluating Transportation Impacts in CEQA” (pp. 9 and 10), December 2018, http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf, accessed July 17, 2019.

²⁹ California Air Resources Board, *California’s 2017 Climate Change Scoping Plan*, November 2017, states on page 101: “Through developing the Scoping Plan, CARB staff is more convinced than ever that, in addition to achieving GHG [greenhouse gas] reductions from cleaner fuels and vehicles, California must also reduce VMT...It is recommended that local governments consider policies to reduce VMT to help achieve these reductions, including: land use and community design that reduces VMT; transit oriented development; street design policies that prioritize transit, biking, and walking; and increasing low carbon mobility choices, including improved access to viable and affordable public transportation and active transportation opportunities. It is important that VMT reducing strategies are implemented early because more time is necessary to achieve the full climate, health, social, equity, and economic benefits from these strategies.” https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf, accessed August 10, 2019.

superior to a simple numerical threshold because CEQA is not intended as a population control measure.”³⁰

Thresholds of Significance

CEQA section 21099(b)(1) required that the Office of Planning and Research develop revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects that “promote the reduction of greenhouse gas emissions”, among others. Section 15064.3, adopted in December 2018, does not specify “an applicable threshold of significance.” The Office of Planning and Research December 2018 technical advisory recommends thresholds of significance for residential and office projects of 15 percent below the regional average VMT per capita and per employee, respectively.

The department used the VMT threshold of significance of 15 percent below the regional average for the land uses in the EIR. The department does not use a citywide average threshold of significance because it is not appropriate for San Francisco’s urban context and the department follows state guidance and Planning Commission direction to use a regional average. The Office of Planning and Research December 2018 technical advisory recommends the use of a city threshold in only one instance, as an option: for residential projects, the office recommends the use of 15 percent below regional *or* city VMT per capita.

The Office of Planning and Research January 2016 technical advisory explains the reasons for including city average as an option for residential projects. They include this because “some variation in thresholds may be appropriate in different parts of the region and the state” and the “threshold recommendations provide that outside of central urban locations, reference to a city’s average, or within unincorporated county areas, the average of the cities in the county, may be appropriate.”³¹

To state another way, use of a “city average” as a threshold of significance streamlines development in locations that are near existing or proposed transit (e.g., a suburban BART station) for non-urban locations, but those locations may exceed the regional average threshold under existing conditions. If a substantial amount of residential development were to occur in these non-urban locations, the region would not achieve its VMT reduction goals. Therefore, the Office of Planning and Research recommends a cap on the amount of residential development in those locations that use the city threshold. The office’s December 2018 technical advisory states that “development referencing a

³⁰ *Center for Biological Diversity v. California Department of Fish & Wildlife* (Newhall Ranch), 62 Cal.4th 204, http://ascentenvironmental.com/files/8014/5030/2694/Center_for_Biological_Diversity_v._CDFW_11-30-15_Newhall_Ranch_GHG_BAU.pdf, accessed July 17, 2019.

³¹ Governor’s Office of Planning and Research, *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA, Implementing Senate Bill 743* (Steinberg, 2013), January 20, 2016, p. I.3.

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threshold based on city VMT per capita...should not cumulatively exceed the number of units specified in the SCS [sustainable communities strategy] for that city.” Due to the urban nature of San Francisco, the department determined that use of a city average threshold of significance for residential projects was not appropriate.

The “15 percent below the regional average” threshold is both generally achievable (e.g., through project site location or characteristics) and is supported by evidence that connects this level of reduction to California’s and the region’s greenhouse gas emission reduction goals, as demonstrated in the technical advisory and summarized below.

State

The Office of Planning and Research’s recommended 15 percent below regional average threshold supports California’s greenhouse gas reduction goals. In January 2019, the California Air Resources Board prepared “2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals.”³² This document identifies what level of statewide VMT reduction would promote achievement of statewide greenhouse gas emissions reduction targets and would be consistent with California’s 2017 Climate Change Scoping Plan.³³ The purpose section of the document states that the “analysis in this document may serve multiple uses, including providing non-binding technical information that acts as an optional aide to local governments and lead agencies when evaluating an individual project’s transportation-related GHG [greenhouse gas] impacts to determine whether they are consistent with statewide 2030 and 2050 GHG emissions reduction goals.”

The document identifies a “rate of per capita VMT reduction [that] is scalable to a fair share reduction at the project level.”³⁴ The document finds that:

Certain land use development projects located in areas that would produce rates of total VMT per capita that are approximately 14.3 percent lower than existing conditions, or rates of light-duty VMT per capita that are approximately 16.8 percent lower than existing conditions (either lower than the regional average or other appropriate planning context) could be, by virtue of their location and land use context, interpreted to be consistent with

³² California Air Resources Board, 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goal, January 2019, https://ww2.arb.ca.gov/sites/default/files/2019-01/2017_sp_vmt_reductions_jan19.pdf, accessed July 17, 2019.

³³ California Air Resources Board, California’s 2017 Climate Change Scoping Plan. November 2017, https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf, accessed July 17, 2019.

³⁴ Governor’s Office of Planning and Research, *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA, Implementing Senate Bill 743 (Steinberg, 2013)*, January 20, 2016, p. 8.

the transportation assumptions embedded in the 2017 Scoping Plan and with 2050 State climate goals.^{35,36}

Region

The Office of Planning and Research’s recommended 15 percent below regional average threshold is also supportive of the region’s greenhouse gas reduction goals as stated in California Senate Bill 375. The senate adopted that bill in 2008 and it requires all metropolitan regions in California to complete a Sustainable Communities Strategy as part of a Regional Transportation Plan. State law requires this strategy to integrate transportation investments and forecast development patterns to meet per capita greenhouse gas reduction targets below 2005 levels for cars and light trucks set by the California Air Resources Board. Since 2008, the Bay Area region has adopted two strategies, one in 2013 and one in 2017. The 2035 target set by the air resource board that is applicable to the first two Bay area regional strategies is 15 percent. The air resources board determined that the strategies would, if implemented, achieve the targets established by the board.³⁷

As stated under the “Efficiency Metrics” subsection above, governments should support land use projects in low VMT areas to help the state, region, and city to meet its greenhouse gas emissions targets. To meet its regional greenhouse gas reduction targets, the first Bay Area regional strategy

³⁵ Governor’s Office of Planning and Research, *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA, Implementing Senate Bill 743 (Steinberg, 2013)*, January 20, 2016, p. 11.

³⁶ California Air Resources Board, Vision Scenario Planning Downloads: 2016 Vision 2.1 Limited Release, <https://www.arb.ca.gov/planning/vision/downloads.htm#2016vision21lr>, accessed July 17, 2019. California Department of Finance website, Total Estimated and Projected Population for California and Counties: July 1, 2010 to July 1, 2060 in 1-year Increments, http://www.dof.ca.gov/Forecasting/Demographics/Projections/documents/P1_County_1yr_interim.xlsx, accessed July 17, 2019. Note: the air resources board document lists existing conditions as 2015-2018 statewide average daily VMT. The EIR presents existing daily VMT using SF-CHAMP, which is based on several sources, including California Household Travel Survey 2010-2012. The air resources board document identifies per capita reductions based on a 2050 cleaner and technologies fuel scenario statewide average total and light-duty daily VMT of 1.035 billion and 908 million, respectively. If the air the resources board were to have used 2010-2012 statewide total and light-duty average daily VMT (926 and 833 million, respectively), instead of 2015-2018 (972 and 878 million, respectively), and assuming the same population projections in 2050 (49 million), then the rates of total VMT per capita would be 14.2 percent lower than existing conditions, or rates of light-duty VMT per capita that are approximately 16.3 percent lower than existing conditions.

³⁷ CARB, Executive Order G-14-028, April 2014, https://www.arb.ca.gov/cc/sb375/mtc_exec_order.pdf, accessed July 17, 2019 and CARB, Executive Order G-18-047, CARB Acceptance of GHG Quantification Determination, June 2018, https://www.arb.ca.gov/cc/sb375/mtc_eo_g_18_047.pdf, accessed July 17, 2019.

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estimates 102,000 new households in San Francisco between 2010 and 2040.³⁸ The second Bay Area regional strategy estimates 95,000 new households in San Francisco between the years 2015 and 2040.³⁹ The city’s VMT cumulative growth projections are consistent with these regional strategy growth projections and account for nearby cumulative projects. No other known reasonably foreseeable projects would exceed these sustainable community strategy projections.

As of quarter 4, 2018, the planning department estimates that approximately 71,000 net new units are entitled or under review.⁴⁰ Approximately 29,000 of these units are part of long-term housing plans and developments (such as redevelopment of Candlestick Point, Treasure Island, and Park Merced) and will take decades to complete. Therefore, every new housing development in low VMT San Francisco, like the proposed project, will help the city and region achieve its households’ estimates and its regional greenhouse gas reduction targets.

In February 2019, two regional agencies, the Metropolitan Transportation Commission and Association of Bay Area Governments, prepared “Regional Growth Strategies: Perspective Paper.”⁴¹ This paper is the third in a series of papers which “aims to explore strategies that will help to achieve regional goals and to start the discussion about a potential suite of strategies to consider in Plan Bay Area 2050.” Plan Bay Area 2050, when adopted in 2021, will serve as the region’s third Sustainable Communities Strategy.

In the paper, the regional agencies wrote that Plan Bay Area 2050 will need to “Reduce per capita transportation-related greenhouse gas emissions by at least 19 percent” between the years 2005 and 2035. This reduction is the new target set by the California Air Resources Board for the Bay Area region, as of October 1, 2018. The regional agencies wrote that “VMT reduction [is] the primary available strategy” to achieve the 19 percent reduction. It will require “focusing the growth of new homes and jobs in places that are already below the regional target (low VMT areas).” The regional agencies also wrote that the “Bay Area could accelerate its progress toward meeting GHG reduction and housing production targets by focusing a larger share of housing and jobs are built in low VMT

³⁸ Metropolitan Transportation Commission and Association of Bay Area Governments. Plan Bay Area. Where We Live, Where We Work (table 15), https://www.planbayarea.org/sites/default/files/pdfs_referenced/3-where-we-live-where-we-work.pdf, accessed July 17, 2019.

³⁹ Metropolitan Transportation Commission and Association of Bay Area Governments, Plan Bay Area 2040, Draft EIR, April 2017, Table 1.2-10, http://2040.planbayarea.org/cdn/farfuture/JHbwWZgw24OSpVBL0b8cJ5_2KH0dckVexpYp5McOkI/1499352691/sites/default/files/2017-07/PBA%202040%20DEIR_0_1.pdf, accessed July 17, 2019.

⁴⁰ San Francisco Planning Department. Pipeline Report, <https://sfplanning.org/project/pipeline-report>, accessed July 17, 2019.

⁴¹ Metropolitan Transportation Commission and Association of Bay Area Governments, Regional Growth Strategies – Perspective Paper, February 2019, https://mtc.ca.gov/sites/default/files/Horz_Perspective3_022719.pdf, accessed July 17, 2019.

areas.” Figure 11 within the paper shows the project site within a “low” VMT area defined as “resident per capita VMT at least 20% below regional average.”

The California Air Resources Board acknowledged that the 2018 regional targets will not meet the full VMT reductions assumed in the 2017 Scoping Plan Update. The board considered a “substantially more stringent targets alternative” that would meet those full VMT reductions. The alternative “would mean increasing [board] staff’s proposed targets by two to three percentage points for the largest four MPOs [Metropolitan Planning Organizations] in the State...”⁴² The four largest MPOs, which includes the Bay Area, represented 82 percent of the state’s 2015 population.⁴³ The board rejected this alternative, but it would have increased the Bay Area region’s targets to 21 or 22 percent between the years 2005 and 2035.⁴⁴

EIR VMT Analysis

The EIR compares the VMT efficiency of the project site, under existing and cumulative conditions, to the region. Refer to EIR pp. 4.C.6-4.C.8, 4.C.48-4.C.51, 4.C.74-4.C.80, and 4.C.102 and 4.C.103 for this comparison.

The EIR analysis relies on a VMT estimate at a transportation analysis zone level for this comparison. EIR p. 4.C.6 states that transportation analysis zones “are subdivisions of census tracts. There are 981 [transportation analysis zones] TAZs within San Francisco that vary in size from single city blocks in the downtown core, to multiple blocks in outer neighborhoods, to even larger geographic areas in historically industrial areas like the Hunters point Shipyard.”

The EIR relies on the San Francisco Chained Activity Model Process (SF-CHAMP) to provide transportation analysis zone level estimates of VMT throughout the region. The EIR explains that the department uses maps to illustrate those zones that are at least 15 percent below the regional average or the threshold of significance. These maps exhibit areas below threshold of significance VMT to screen out projects that may not require a detailed VMT analysis. This methodology is consistent with the Office of Planning and Research January 2016 and December 2018 Technical Advisories and planning commission Resolution 19579.

⁴² California Air Resources Board. Final Environmental Analysis, Prepared for the Proposed Update to the SB 375 GHG Emissions Reduction Targets, March 9, 2018, Appendix F, https://www.arb.ca.gov/cc/sb375/sb375_target_update_final_ea.pdf, accessed July 17, 2019.

⁴³ California Air Resources Board, Final Environmental Analysis, Prepared for the Proposed Update to the SB 375 GHG Emissions Reduction Targets, March 9, 2018, Appendix E, https://www.arb.ca.gov/cc/sb375/appendix_e_feb2018.pdf?_ga=2.181886119.1630335037.1555684671-223600865.1491835512, accessed July 17, 2019.

⁴⁴ Note: it is not reasonably feasible to provide a direct comparison between the state’s regional targets for the Bay Area and the VMT estimates in the EIR. The state targets are between the years 2005 and 2035 and based on complex modeling conducted by the regions. The EIR compares VMT within the project site transportation analysis zone to the region for the year 2010-2012 and the year 2040 and uses different modeling software than the regions.

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The EIR explains that locating development within the project site’s transportation analysis zone, 709, would have reduced VMT and reduced associated environmental effects in comparison to other areas of the region. By locating housing in a low VMT area, the project would help the region meet its greenhouse gas reduction targets in Plan Bay Area 2040 and those that would apply in Plan Bay Area 2050.

The VMT efficiency metric levels for the project’s land uses are more than twice below the more stringent targets alternative considered by the California Air Resources Board and do not account for implementation of the project’s transportation demand management measures, which would further decrease project VMT. As shown in EIR Table 4.C.10, the existing average daily VMT for the transportation analysis zone in which the project site is located is at least 44 percent below the regional average for each project land use. As shown in EIR Table 4.C.23, the future year 2040 daily VMT for the transportation analysis zone in which the project is located is at least 47 percent that future year regional average for each project land use.

The use of VMT estimates at the transportation analysis zone level is appropriate and reliable for the project. The project is an infill development. The project site encompasses most of the transportation analysis zone 709. While the density and type of land use varies somewhat in the greater neighborhood, the overall development pattern of the project site is like that of the greater neighborhood. People at the project site, in the transportation analysis zone, and in the neighborhood, independent of income, generally have access to public transit, streets, services, and other factors that influence VMT similar to that available to those in the neighborhood. This contrasts with development located within much larger transportation analysis zones and/or in undeveloped areas. In these non-infill locations, the established development patterns may vary substantially or they are not established. Thus, in these non-infill locations, the VMT estimates at the transportation analysis zone level may be less reliable or require more detailed analysis to confirm their reliability.

Further, the project site is within one-half mile of an existing major transit stop and high quality transit corridor. CEQA Guidelines section 15064.3(b)(1) states that land use projects within these locations should “Generally ... be presumed to cause a less than significant transportation impact.” EIR page 4.C.50 explains this screening criterion.

In summary, the EIR is consistent with state and local requirements and guidelines about VMT analysis and is supported by substantial evidence.

D.2 Vehicle Miles Traveled (VMT) and Retail Uses

This section addresses comments about the VMT analysis in the EIR relating to retail uses. Comments state the EIR is inadequate because it fails to state the total VMT of the project’s retail

uses as recommended by the Office of Planning and Research. Other comments state that the EIR’s analysis of VMT from retail uses only accounts for employees, not customers.

The department’s approach to analyzing VMT for retail uses is permissible under the CEQA Guidelines, and the department does not strictly follow the Office of Planning and Research’s technical advisory recommendation for retail uses. Instead, the department uses a consistent approach for analyzing different land uses. As described in subsection D.1, CEQA Section 21099(b)(1) (California Senate Bill 743) and Vehicle Miles Traveled (VMT), beginning on RTC p. 4.19, VMT efficiency metric thresholds of significance are reasonably feasible for land use projects and are supported by substantial evidence. Further, the department’s approach allows for the uncertainty in knowing the type of proposed retail during the CEQA review process. The EIR analysis of VMT from retail uses includes retail customer VMT.

The Office of Planning and Research recommended a net increase in total VMT as a threshold of significance in their December 2018 technical advisory. The advisory states:

Because new retail development typically redistributes shopping trips rather than creating new trips, estimating the total change in VMT (i.e., the difference in total VMT in the area affected with and without the project) is the best way to analyze a retail project’s transportation impacts.

By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less-than-significant transportation impact. Regional-serving retail development, on the other hand, which can lead to substitution of longer trips for shorter ones, may tend to have a significant impact. Where such development decreases VMT, lead agencies should consider the impact to be less-than-significant.

Many cities and counties define local-serving and regional-serving retail in their zoning codes. Lead agencies may refer to those local definitions when available, but should also consider any project-specific information, such as market studies or economic impacts analyses that might bear on customers’ travel behavior. Because lead agencies will best understand their own communities and the likely travel behaviors of future project users, they are likely in the best position to decide when a project will likely be local-serving. Generally, however, retail development including stores larger than 50,000 square feet might be considered regional-serving, and so lead agencies should undertake an analysis to determine whether the project might increase or decrease VMT.⁴⁵ (pages 16 and 17)

As described in subsection D.1, CEQA Section 21099(b)(1) (California Senate Bill 743) and Vehicle Miles Traveled (VMT), beginning on RTC p. 4.19, CEQA Guidelines section 15064.3(b)(4) states that a “lead agency has discretion to choose the most appropriate methodology to evaluate a project’s vehicle miles traveled, including whether to express the change in absolute

⁴⁵ California Governor’s Office of Planning and Research, Technical Advisory – “On Evaluating Transportation Impacts in CEQA”, December 2018, pp. 16 and 17, http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf, accessed July 17, 2019.

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terms, per capita, per household or in any other measure.” VMT efficiency metrics disclose the environmental consequences of approving development in a location by comparing its transportation efficiency to other locations. Using the efficiency metric for retail uses is consistent with the residential and office land uses and CEQA.

The department does not use the technical advisory recommendation for retail uses because the San Francisco Planning Code does not specifically differentiate between “local-serving” and “regional-serving retail.” As defined in planning code section 102, “neighborhood-serving business” “cannot be defined by the type of use, but rather by the characteristics of its customers, types of merchandise or service, its size, trade area, and the number of similar establishments in other neighborhoods. The primary clientele of a ‘neighborhood-serving business,’ by definition, is comprised of customers who live and/or work nearby.” Although this definition meets the intent of the “local-serving” retail noted in the technical advisory, the planning code does not include definitions about regional-serving retail.

In addition, when discussing retail uses for projects generally, including this project specifically, the project sponsor typically does not know the future retail tenant at the time environmental review begins. Therefore, the department cannot use any market studies or economic impact analyses to aid in its analysis of VMT.

However, if the department were to use the general guidance from the technical advisory of “retail development including stores larger than 50,000 square feet might be considered regional-serving,” no such stores are possible under the proposed project. The proposed project includes a total of approximately 54,117 square feet of retail spread across four different new buildings. The largest of these spaces is included in the proposed Walnut Building and would be 24,324 square feet, or approximately 49 percent of the technical advisory general guidance for regional-serving retail stores. Since publication of the draft EIR the project sponsor has revised the proposed project and project variant to reduce the amount of retail space. As described in RTC Section 2, Revisions and Clarifications to the Project Description, on RTC pp. 2.2-2.7, the revised project would include 40,261 gross square feet of retail uses in three buildings, rather than 54,117 gross square feet of retail uses in four buildings. The revised variant would include 34,496 gross square feet of retail space in three buildings, rather than 48,593 gross square feet in four buildings. The retail space proposed for the Euclid Building was eliminated in both the revised project and revised variant. Thus, none of the retail spaces would be larger than 50,000 square feet in the revised project or revised variant, as for the proposed project and project variant. The revisions would not change the analysis or conclusions in the EIR.

As described in the EIR, the department uses a methodology that estimates VMT efficiency metrics for retail uses throughout transportation analysis zones in the region and accounts for visitors.⁴⁶ This methodology consists of trip-based analysis using San Francisco Chained Activity Model Process (SF-CHAMP). EIR Table 4.C.3 uses “Visitors (Retail)” in displaying VMT for retail uses. EIR pp. 4.C.7 and 4.C.8 describe the retail methodology and explains in footnote 8 that the retail efficiency metric accounts for VMT by visitors but uses the “denominator of employment (including retail...) [because it] represents the size, or attraction, of the [transportation analysis] zone.” In other words, the retail efficiency metric uses “per employee” to estimate the size (e.g., square footage) or opportunity for retail travel of a transportation analysis zone. If all other factors (e.g., location) were held constant, the model would estimate more retail customer travel and VMT with a zone containing 100 retail employees than a zone with 50 retail employees.

D.3 Vehicle Miles Traveled (VMT) Calculation

This response addresses comments about the EIR failing to provide the methodology used for its VMT analysis. This response also addresses comments questioning the VMT analysis validity given the recent increase in transportation network companies and delivery services.

The methodology used to achieve the VMT efficiency metric data is provided on EIR pp. 4.C.6-4.C.7. The methodology used available information regarding travel behavior, and the VMT analysis is valid.

General Methodology

As described in subsection D.1, CEQA Section 21099(b)(1) (California Senate Bill 743) and Vehicle Miles Traveled (VMT), beginning on RTC p. 4.19 under “Efficiency Metrics” on RTC p. 4.23, VMT efficiency metric thresholds of significance are reasonably feasible for land use projects and are supported by substantial evidence. Therefore, the department uses a VMT efficiency metric to determine significance. The following repeats or provides additional explanation of the methodology explained in the EIR for informational purposes.

Following the guidance of the Office of Planning and Research, the San Francisco County Transportation Authority calculated VMT for each transportation analysis zone⁴⁷ in the 9-county San Francisco Bay Area for residential, office, and retail land uses. These VMT estimates were

⁴⁶ For further discussion beyond that included in the EIR, refer to subsections D.1, CEQA Section 21099(b)(1) (California Senate Bill 743) and Vehicle Miles Traveled (VMT), beginning on RTC p. 4.19 and D.3, Vehicle Miles Traveled (VMT) Calculation beginning on RTC p. 4.33, and San Francisco Planning Department, “Executive Summary: Resolution Modifying Transportation Impact Analysis,” Attachment F, Appendix A (February 25, 2016), pp. 3 of 5 and 4 of 5, March 3, 2016.

⁴⁷ Transportation analysis zones are representations of geography within a travel demand model. They have land use attributes including population and jobs by sector. Within the travel demand model framework, these zones generate activity, and are the origins and destinations of trips.

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calculated using model outputs from the San Francisco Chained Activity Model Process (SF-CHAMP) travel demand model.⁴⁸ Residential and office VMT estimates are “tour-based”, meaning that they account for the whole sequence of daily travel, rather than simply the trips departing from or arriving at the zone.

The SF-CHAMP model is an activity-based model that uses a synthetic population (which represents the population of the San Francisco Bay Area) to generate travel patterns for a typical weekday. This allows analysis of the entire day’s worth of travel for each synthetic person. Retail VMT estimates are “trip-based,” meaning they represent only trips to or from the zone. Unlike residential and office, which relate travel to a long-term anchor location (home and work), retail destinations may change daily and are typically chosen for their accessibility from home and work.

Residential VMT per capita – the transportation authority calculated residential VMT per capita for each transportation analysis zone by summing the VMT from all automobile trips taken by residents of the zone, accounting for carpooling, and dividing by the total population of the zone.

Office VMT per job – the transportation authority calculated office VMT per job for each transportation analysis zone by summing the VMT from all automobile trips taken by workers that were part of a work-related tour⁴⁹ with a work location in that zone, accounting for carpooling, and dividing by the total number of jobs in the zone.

Retail VMT rates – the transportation authority calculated retail VMT rates for each transportation analysis zone by summing:

- 100 percent of VMT from all automobile trips to or from the zone where neither trip end is at home, work, or school.
- 50 percent of VMT from all automobile trips to or from the zone where one trip end is home, work, or school, and the other is not.
- 0 percent of VMT from all automobile trips to or from the zone where both trip ends are home, work, or school.

The total retail VMT, accounting for carpooling, was then divided by a retail size term representing the relative attractiveness of that zone as a retail destination.⁵⁰

The EIR analysis relies on VMT estimates for the transportation analysis zone the project site is in (709) and not nearby zones. The VMT estimates at the transportation analysis zones within 0.75 mile of the project site are similar due to the importance of location in influencing VMT. For

⁴⁸ San Francisco County Transportation Authority. Tools and Data, <https://www.sfcta.org/modeling-and-travel-forecasting#doc>, accessed July 17, 2019.

⁴⁹ A work-related tour includes tours with a primary destination at the work place, or work-based subtours which start and end at the work place.

⁵⁰ Refer to footnote 8 on Draft EIR page 4.C.8 and subsection D.2, Vehicle Miles Traveled (VMT) and Retail Uses, beginning on RTC p. 4.30 for information about the use of retail travel in SF-CHAMP.

example, existing average daily VMT per capita for residential uses is 7.3 for the project site’s zone and it ranges between 5.7 and 7.9 for zones within 0.75 mile of the project site. Existing VMT per employee is 8.3 and 10.1 for retail and office uses, respectively, for the project site (zone 709) and ranges from 5.9 to 8.6 and 9.3 to 10.4 for other nearby zones, respectively. Cumulative VMT per capita for residential use is 6.6 for the project site (zone 709) and ranges from 5.2 to 7.5 for other nearby zones. Cumulative VMT per employee is 7.8 and 8.9 for retail and office uses, respectively, for the project site (zone 709) and ranges from 5.8 to 8.1 and 7.9 to 9.7 for other nearby zones, respectively.

Transportation Network Companies and Delivery Services

Comments state the EIR VMT analysis is invalid because it relies on data prior to the recent increase in transportation network companies and delivery services. The comments cite various studies for support of this assertion.

The increased prevalence of for-hire vehicles, like transportation network companies, and delivery services in San Francisco has changed the way people travel and interact with goods. However, the VMT estimates for the project site are well below the VMT threshold of significance and any VMT increase from the increased prevalence of for-hire vehicles and delivery services would be unlikely to change the EIR VMT analysis conclusions. No recent studies allow for the department to make VMT estimates at the project level and, based on inference of available data, recent studies do not indicate a magnitude of an increase in VMT that would change the conclusions. The following substantiates how the draft EIR VMT analysis is consistent with CEQA and supported by substantial evidence based on available information.

CEQA Guidelines

CEQA Guidelines section 15064.3 defines VMT as the “amount and distance of automobile travel attributable to a project.” In its December 2018 technical advisory, the Office of Planning and Research advises that “automobile” refers to “on-road passenger vehicles, specifically cars and light trucks. ... For an apples-to-apples comparison, vehicle types considered should be consistent across project assessment, significance thresholds, and mitigation.”⁵¹ The “apples” refers to the vehicles to include in the VMT analysis.

Automobile Travel

The EIR analysis is consistent with the guidance that VMT refers to automobile travel and specifically on-road passenger vehicles. As described under “General Methodology,” above, and

⁵¹ Governor’s Office of Planning and Research, *Technical Advisory on Evaluating Transportation Impacts in CEQA*, December 2018, pp. 4-5, http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf, accessed July 18, 2019.

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on EIR page 4.C.7, the VMT analysis used SF-CHAMP to “estimate VMT by private automobiles and taxis for different land use types within individual [transportation analysis zones] TAZs. Travel behavior in SF-CHAMP is calibrated by transportation authority staff based on observed behavior from the California Household Travel Survey 2010-2012.” Taxis, like transportation network companies, are a type of for-hire vehicle included in that observed behavior.

Since 2012, the prevalence of for-hire vehicles has increased in San Francisco, mostly due to growth in the number of transportation network company vehicles. SF-CHAMP estimates the probability of a person driving based on auto ownership, household income, and other variables. To the extent that people would have traveled in another personal or for-hire vehicle (i.e., taxi), but not traveled using a transportation network company, this would be accounted for in previous household travel surveys and thus would be accounted for in VMT estimates from SF-CHAMP. As explained further below, transportation network companies transport persons but their VMT effect attributable to a project is not available.

The Office of Planning and Research spent over five years to determine the appropriate metric to evaluate transportation impacts, VMT, and to define what VMT to consider. Their December 2018 Technical Advisory excluded delivery vehicles from that definition and included passenger vehicles. One reason for the delivery vehicle exclusion from the Office of Planning and Research’s VMT definition could be the lack of available data of such vehicles throughout the city, region, and state to allow for an “apples-to-apples” VMT comparison or attribute the VMT from those vehicles to a project. For example, the San Francisco County Transportation Authority’s *TNCs & Congestion*, October 2018, states “there is no source for comprehensive citywide information on how freight and commercial delivery and loading volumes ... have changed between 2010 and 2016.” The California Vehicle Code, Division 1, section 465 defines a “passenger vehicle” as “any motor vehicle, other than a motortruck, truck tractor, or a bus, as defined in Section 233, and used or maintained for the transportation of persons.” The passenger vehicle definition does not include delivery services, as those are not used for the transportation of persons. Therefore, the EIR VMT analysis appropriately does not include those delivery services in the analysis.

The draft EIR analyzes the localized impacts (i.e., potentially hazardous conditions, loading) of delivery vehicles. Refer to responses in Section 5.E Transportation and Circulation, Response TR-8, Pedestrian/Bicycle Hazards (starting on RTC p. 5.E.74), and Response TR-10, Loading (starting on RTC p. 5.E.91) for more details.

Attributable to a Project and “Apples-to-Apples” Comparison

The VMT effect of transportation network companies on a San Francisco and Bay Area regional household level is not available. Recent studies on transportation network companies do not provide such data. Therefore, the department cannot attribute transportation network company VMT to a particular project (e.g., a specific land use or location) or make an “apples-to-apples”

comparison of using transportation network companies vehicle types in a CEQA VMT analysis. This section responds to comments concerning recent studies and their relationship with CEQA VMT analysis.

Planning Department Transportation Impact Analysis Guidelines

In February 2019, the Planning Department completed its first comprehensive update to its Transportation Impact Analysis Guidelines since 2002. The guidelines are used for CEQA analysis and include an update to the department’s travel demand data. As described in the Summary of Changes memorandum, summarizing the changes to the planning department’s 2002 guidelines reflected in the updated 2019 guidelines, the department concluded based on recent observed data at existing San Francisco developments that “the data the department used to previously estimate trips generally *overestimated* the number of vehicle trips to and from a site, even accounting for the increase of for-hire vehicles.”⁵² The department observed more walking trips than previously estimated by the department. The observations indicated that the percentage of for-hire vehicles is only between 1 and 6 percent of the total person trips during the extended p.m. peak period (3 p.m. to 7 p.m.) trips for office, retail, and residential land uses, except it was 11 percent for office land uses in one San Francisco geography.

Refer to subsection B.3, Trip Generation Estimates, under “Trip Generation Comparison – 2002 SF Guidelines and 2019 TIA Guidelines Update,” beginning on RTC p. 4.4, for more discussion of the guidelines travel demand update and a trip data comparison between the draft EIR and the guidelines update.

San Francisco Transportation Network Company (TNC) Studies

The Planning Department is working with the transportation authority and SFMTA on studies that address analytic and policy questions regarding transportation network company activity in San Francisco. To date, the agencies have released four studies, two of which relate to VMT. The two studies, summarized below, do not provide data on transportation network companies’ effects on household level VMT.

- “TNCs Today” (San Francisco County Transportation Authority, June 2017) – provides information on transportation network company activity in San Francisco based on estimated local transportation network usage (trips made entirely within San Francisco) from mid-November to mid-December 2016. The study reports VMT associated with transportation network companies, but not does provide household-level travel behavior data. Further, 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,

⁵² San Francisco Planning Department. Summary of Changes Memorandum, February 14, 2019, p. 3, http://default.sfplanning.org/publications_reports/TIA_Guidelines_Summary_of_Changes_Memo.pdf, accessed July 17, 2019.

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which the threshold of significance is based on. This 2016 activity data was used in the second study described below.

- “TNCs & Congestion” (San Francisco County Transportation Authority, October 2018) – identifies the extent to which transportation network companies contributed to increased roadway congestion in San Francisco between 2010 and 2016, relative to other potential contributing factors. The study reports congestion metrics, including VMT. As described in subsection D.1, CEQA Section 21099(B)(1) (California Senate Bill 743) and Vehicle Miles Traveled (VMT), on RTC p. 4.19, the state legislature has decided that automobile delay, as described by measures of traffic congestion, is not considered a significant impact on the environment under CEQA. The study notes that total VMT in San Francisco would have increased between 2010 and 2016 with or without TNCs, but transportation network companies accounted for 47 percent of the *increase* in VMT on study roadways in that period. “TNCs & Congestion,” like “TNCs Today,” does not provide household-travel behavior data or external San Francisco trips that would allow for an “apples-to-apples” comparison to transportation network company activity in the region, which the threshold of significance is based on.

Other Studies

Researchers have published numerous other studies on the effects of transportation network companies in the last few years. Some studies acknowledge that transportation network companies increase VMT due to items like induced vehicle trips, driving without any passengers, and people switching some trips from non-vehicular or transit travel to transportation network company trips. As described in subsection D.1, CEQA Section 21099(b)(1) (California Senate Bill 743) and Vehicle Miles Traveled (VMT), beginning on RTC p. 4.19, total VMT is not the metric used to evaluate VMT impacts. No known studies attribute VMT increases to land uses or locations or provide the opportunity for an “apples-to-apples” comparison in a CEQA VMT analysis.⁵³

Hypothetical “Apples-to-Apples” Comparison

If studies existed that allowed for an “apples-to-apples” comparison in a CEQA VMT analysis, it is unlikely that the VMT estimates presented in the EIR would increase to a level that they would change the project’s impact conclusions because while recent data on transportation network companies shows an increase in VMT as a result of transportation network companies, the increase is not of a magnitude that would result in a significant VMT impact. To illustrate this point, the following uses VMT and San Francisco population data reported in the “TNCs & Congestion” study to compare VMT per San Francisco population in 2010 and 2016. This data is presented for

⁵³ Fehr & Peers, “Estimated TNC Share of VMT in Six US Metropolitan Regions (Revision 1),” August 6, 2019, also does not allow for such comparison. The study identifies the percent of VMT attributable to the TNC companies within the bay area region and San Francisco County during September 2018. This study does not attribute VMT increases to land uses or refined locations (e.g., transportation analysis zones) or identify the percentage of people switching from non-vehicular or transit travel to TNC trips. This study also does not provide TNC data for independent verification of the study’s findings or independent analysis to facilitate attribution of VMTs to particular land uses, locations, or mode choices.

informational purposes and does not represent household-travel behavior data and cannot be directly compared to the EIR VMT estimates.

In 2010, assuming a daily VMT on study roadways of 4.9 million miles and San Francisco population of 805,000, the daily VMT per San Francisco population was 6.1. In 2016, including transportation network companies, assuming a daily VMT on study roadways of 5.6 million miles and San Francisco population of 876,000, the daily VMT per San Francisco population was 6.4. Thus, even if *all* increases in VMT from 2010 to 2016 were attributable to transportation network companies (and not other factors such as employment growth and network changes), the increase in daily VMT per San Francisco population would have been only five percent or an absolute increase of 0.3 daily VMT.

Assuming a five percent increase in the VMT estimates presented in the EIR would not change the conclusions of the EIR because the transportation analysis zone for which the project is located VMT is substantially lower than both the regional average and the threshold of significance, 15 percent below the regional average. As shown in EIR Table 4.C.10, the existing average daily VMT for the transportation analysis zone in which the project site is located is at least 44 percent below the regional average for each project land use. As shown in EIR Table 4.C.23, the future year 2040 daily VMT for the transportation analysis zone in which the project is located is at least 47 percent below the future year regional average for each project land use.

The EIR analyzes the localized impacts (i.e., potentially hazardous conditions, transit delay, and passenger loading) of transportation network companies. Refer to responses in Section 5.E Transportation and Circulation Responses TR-8 Pedestrian/Bicycle Hazards (starting on RTC p. 5.E.74), TR-9 Transit Impacts (starting on p. 5.E.83), and TR-10 Loading (starting on p. 5.E.91) for more details.

D.4 Vehicle Miles Traveled (VMT) and Vehicular Parking

This response addresses comments about the VMT analysis in the EIR related to vehicular parking. Comments state the EIR analysis concerning the project’s significant VMT impact for retail uses due to the amount of parking proposed is not supported by substantial evidence, including the literature review and neighborhood parking rate methodology. Comments state that Mitigation Measure TR-2: Reduce Retail Parking Supply, which reduces that significant VMT impact to less-than-significant levels, is also not supported by substantial evidence. Instead, comments state, the EIR should have included a mitigation measure that reduced the retail square footage and provided for residential permit parking restrictions to avoid the significant VMT impact.

The EIR VMT analysis is supported by substantial evidence that “indicates an area with more parking influences higher demand for more automobile use” (EIR p. 4.C.75). The EIR relies on a robust literature review and methodology to substantiate its VMT impact conclusions, including its

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significant VMT impact finding for the project’s retail uses due to the amount of parking proposed. This response includes the following sections to further explain:

- Overview – summarizes the relationship between parking and VMT, including the EIR’s overview of this relationship.
- Literature Review – restates the EIR literature review about parking and VMT, responds to comments on the EIR concerning the relevance of the cited studies to this project, and summarizes another study that documents the relationship between parking and VMT at urban retail sites.
- Neighborhood Parking Rate Analysis – summarizes and substantiates the use of the neighborhood parking rate analysis in the EIR and Mitigation Measure TR-2: Reduce Retail Parking Supply to reduce project impacts to less-than-significant levels.

Overview

Transportation systems consist of three main elements: vehicles, surface, and terminals. “Vehicles” refer to the various ways used to travel between destinations, such as a bicycles, transit vehicles, and private automobiles. “Surface” is that used by the vehicle in traveling between destinations, such as bicycle lanes, transit-only lanes, and mixed-flow traffic lanes. “Terminals” refer to the locations where vehicles are stored when arriving at a destination or when not in use, such as secured bicycle parking, transit vehicle storage yard, and automobile parking lots. Many transportation policies implemented by a government agency directly or indirectly affect each of these three main elements. For example, policies directly related to the surface to allocate or expand existing space dedicated for a way of travel (e.g., highway widening) can indirectly affect the vehicle type that can use that space (e.g., private automobile) and the potential need for terminals to accommodate the vehicle type (e.g., automobile parking spaces).⁵⁴

Similarly, policies that restrict the amount of automobile or vehicular parking spaces (terminal) in an area will indirectly affect the capacity of vehicles that can access an area and thus the VMT associated with the area. Although numerous variables affect travel behavior, in general, people are less willing to drive as parking becomes less available. The literature cited on EIR pp. 4.C.75-4.C.76 substantiates this relationship between vehicular parking and VMT.⁵⁵ The relationship between willingness to drive and availability of parking is not inconsistent with the other factors that affect travel behavior mentioned in the EIR and captured in data for SF-CHAMP. This relationship is one among many relationships that affect travel behavior, but SF-CHAMP does not directly account for this relationship. A February 25, 2016 San Francisco County Transportation

⁵⁴ Paragraph adapted from the introduction of Weinberger, Rachel, “Death by a Thousand Curb-cuts: Evidence on the Effect of Minimum Parking Requirements on the Choice to Drive,” *Transport Policy* 20, March 2012, pp. 93-102 (also footnote 73 on EIR page 4.C.75).

⁵⁵ While for-hire vehicles, including transportation network companies, have increased recently and they often do not require a terminal while in service, these trips represent a low percentage of overall person trips and vehicle trips (refer to subsection D.3, Vehicle Miles Traveled (VMT) Calculations, about transportation network companies) and thus the relationship still applies.

Authority memorandum provided in support of planning commission Resolution 19579, which adopted VMT criteria in San Francisco, states:

SF-CHAMP accounts for a variety of land use and transportation network characteristics that influence travel behavior. The model represents density and diversity of land uses using total numbers of households (including the household size and socio-economic attributes) and numbers of jobs (by employment sector). These are important both in making work location choices, but also for anticipating where trips for other purposes will be made. The model also uses transportation networks to calculate the accessibility by mode between origins and destinations, accounting both for travel time and cost of travel. Street grid design, presence of bicycle facilities, pedestrian network attributes, and transit networks are accounted for.⁵⁶

EIR p. 4.C.74 summarizes this information, but states “SF-CHAMP is not sensitive to site-level characteristics such as project-specific TDM [transportation demand management] measures or the amount of parking provided on a site, which itself is considered a TDM measure.” SF-CHAMP includes several inputs that affect travel behavior at the geographic scale of a transportation analysis zone, but the model does not include the amount of parking at a site as an input. As stated though, parking supply for many land uses, including retail, has a relationship with VMT, as documented by literature cited on EIR pp. 4.C.75-4.C.76 and described further under “Literature Review.”

Literature Review

The EIR demonstrates the relationship between parking and VMT using a literature review. The studies from that review are cited in the EIR and included in the planning department’s files. This section restates the EIR literature review, responds to comments concerning the studies cited in the EIR purported inapplicability to this project with a focus on retail uses, and summarizes another study that documents the relationship between parking and VMT.

TDM Technical Justification, Appendix A

The TDM Technical Justification document, cited on EIR p. 4.C.75, provides the technical basis for applicability, targets, and assignment of points to individual measures on the TDM menu used for the San Francisco TDM Program. Appendix A to the document defines four land use categories used in the TDM program (Planning Code section 169) based on the trips associated with the land use and parking spaces for each category. Appendix A states:

Land uses in Category A most closely reflect retail use. Sample land uses include formula retail, museums, entertainment venues, and grocery stores. Many Category A trips are associated with visitors and customers. These trips tend to be shorter in nature, and each parking space accommodates significantly more driving than parking spaces in other groups [land uses] (see Attachment 1).

⁵⁶ San Francisco Planning Department, Executive Summary: Resolution Modifying Transportation Impact Analysis, Attachment F, Appendix A (February 25, 2016), p. 2 of 5, March 3, 2016.

4. Master Response – Transportation and Circulation

Attachment 1 shows that there are 10 to 20 times more auto trips per retail parking space than per residential parking space. This data demonstrates the relationship between parking spaces for land uses, although not necessarily the relationship between parking spaces and VMT. Other studies do show that relationship.

CAPCOA, PDT-1

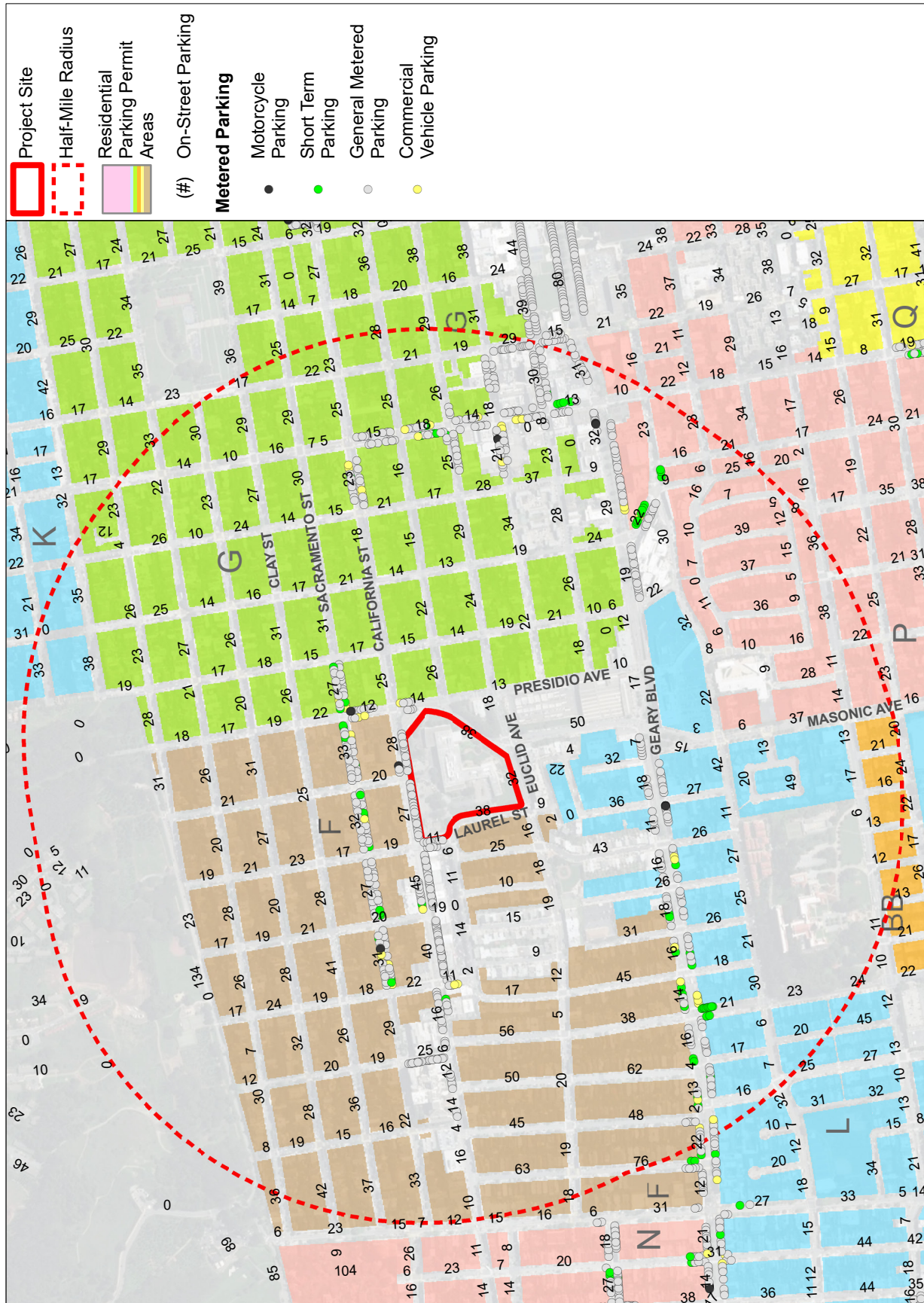
The California Air Pollution Control Officers Association (CAPCOA) report, as cited on EIR p. 4.C.75, quantifies project-level land use, transportation, energy use, and other measures of effects on greenhouse gas emissions based on studies. The CAPCOA report “identifies a maximum 12.5 percent reduction in VMT related to parking supply (PDT-1).” The measure definition includes elimination or reduction of minimum parking requirements, the creation of maximum parking requirements, or the provision of shared parking. The report states that the measure and associated maximum reduction is applicable in urban and suburban contexts; for residential, retail, office, industrial and mixed-use projects; and if spillover parking is controlled via residential permits and on-street market rate parking.

The project site is in an urban context; the project consists of a mix of uses; and the project vicinity is controlled via residential parking permits and on-street metered (demand responsive market rate) parking. Most streets within 0.5 mile of the project site are either permit parking or metered (see Figure RTC-4.1: Neighborhood Parking, Residential Parking Permit Areas, On-Street Parking, and Parking Meters). Most streets to the west, north, east, and south of the project site are SFMTA Residential Parking Permit parking areas F, G, and BB, respectively. Portions of California and Sacramento streets and north-south intersecting streets, near the project site, contain on-street metered parking.

Refer to neighborhood parking rate analysis below in relation to the Residential Parking Permit mitigation suggested in a comment.

Fehr & Peers, Parking and Analysis and Methodology Memo

The Fehr & Peers memo, as stated on EIR p. 4.C.76, focused on whether not a relationship exists between the provision of off-street parking and the choice to drive among individuals traveling to or from sites in San Francisco. The study “found that reductions in off-street vehicular parking for office, residential, and retail developments reduce the overall automobile mode share associated with these developments, relative to projects with the same land uses in similar contexts that provide more off-street vehicular parking.”



RTC FIGURE 4.1: NEIGHBORHOOD PARKING, RESIDENTIAL PARKING PERMIT AREAS, ON-STREET PARKING, AND PARKING METERS

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For retail uses, Fehr & Peers collected count and survey data at 14 sites in 2014. The selected retail establishment closest to the project site was Standard 5 & 10 Ace at 3545 California Street, located within the Laurel Village Shopping Center.⁵⁷ Fehr & Peers selected retail sites in pairs and used the following site selection guidelines:

- Both sites were either the same retail establishment (e.g., two Walgreens stores) or the same type of retail use with a similar type of clientele (e.g., two specialty grocery stores)
- Pairs were in the same transportation analysis zone or in a transportation analysis zone with similar automobile mode split
- One member of each pair provided off-street parking and the other did not
- Sites focused on grocery stores, pharmacies, hardware stores, and other higher trip generating retail

Fehr & Peers counted all travelers to and from the retail sites during the a.m. and p.m. peak periods. During those periods, they intercepted as many individuals entering and exiting the stores as possible, asking about their primary mode of travel to the site, and recording their responses.⁵⁸

The memo cited in the EIR identifies the following key observations from the retail models Fehr & Peers developed:

Auto orientation of the site is a significant predictor of retail auto mode share, while the relationship between auto mode share and parking is notably smaller than for the residential and office models, particularly in the morning. As an example, the AM retail model predicts that for a site with moderate auto orientation, the absence of parking is associated with a 20% reduction in auto mode share. The PM retail model predicts that for a site with moderate auto orientation, the absence of parking is associated with a 30% reduction in auto mode share.

In other words, a relationship exists between the provision of off-street parking and the choice to drive among individuals traveling to or from retail sites in San Francisco.

Other Literature

The EIR cited four other recent studies (see footnotes 74, 75, 76, and 77 on EIR pp. 4.C.75 and 4.C.76) that “indicates that an area with more parking influences higher demand for more automobile use.” While three of those studies do not focus specifically on retail uses, they all point to the same relationship between parking and driving.

One study of those four cited in the EIR, “Does Transit-Oriented Development Need the Transit?,” did estimate “how rail access and other TOD [transit-oriented development] characteristics affected the frequency of car trips to buy groceries.” The study found that “Households with both scarce on-

⁵⁷ Fehr & Peers, *SF TDM Framework for Growth: Summary of Survey Results*, May 2015.

⁵⁸ Fehr & Peers, *San Francisco TDM Quantification Data Collection Strategy*, May 28, 2015.

and off-street parking took substantially fewer auto-based grocery trips, a reduction of about 25 percent.”

Other studies also support the relationship between increased parking and increased use of automobiles. For example, a study from Philadelphia looked at households in dense urban environments living within a one-half mile walking distance of six supermarkets.⁵⁹ Three supermarkets had large surface parking lots (“auto-oriented”), while the other three had little to no surface parking (“pedestrian-oriented”).⁶⁰ The study states:

Results of the models show that, controlling for distance, number of children, store loyalty, auto ownership and other factors, residents of study areas near auto-oriented supermarkets are more likely to drive, even though they are less likely to own automobiles, than their counterparts living near pedestrian-oriented markets. (page 10)

Based on the foregoing, substantial evidence supports the statement on EIR p. 4.C.76 that “more off-street vehicular parking is linked to more driving, indicating that people without dedicated parking spaces are less likely to drive.”

Neighborhood Parking Rate

The department uses a neighborhood parking rate analysis to determine whether the project would substantially increase VMT at a site level that would be above modeled-based transportation analysis zone level estimates. This section summarizes and justifies the use of the neighborhood parking rate analysis in the EIR and Mitigation Measure TR-2: Reduce Retail Parking Supply to reduce project impacts to less-than-significant levels.

As documented in the EIR and restated above, substantial evidence supports the *relationship* or correlation between parking and VMT. However, the department has not identified with more precision the correlation between these two factors, that is, what *degree* reduction in VMT would result from a specific degree of parking reduction, or vice versa. This relationship is an evolving area within transportation planning⁶¹ and the department is using the best available information to document the relationship.

⁵⁹ Transportation Research Board, Maley and Weinberger, “Food Shopping in the Urban Environment: Parking Supply, Destination Choice, and Mode Choice, February 17, 2011, <https://trid.trb.org/view/1091759> for abstract, <http://www.streetsblog.org/wp-content/uploads/2012/02/MaleyWeinberger2011.pdf> for full paper, accessed July 17, 2019.

⁶⁰ This methodology for site selection is like the Fehr & Peers study cited in the EIR, although the Philadelphia study did include “pedestrian-oriented” supermarkets with smaller amounts of surface lot parking or above-grade parking, and the Philadelphia study was focused on surface parking.

⁶¹ The department, in partnership with the transportation authority and SFMTA, is studying this relationship as part of the San Francisco TDM Program implementation and hopes to provide more precision in its analyses. The department is also part of a technical committee for a Caltrans-funded study looking into this relationship in different contexts throughout the state.

4. Master Response – Transportation and Circulation

Instead of a precise degree calculation, the department compares the neighborhood parking rate to the project’s parking rate. The transportation analysis zone VMT estimates may not be applicable for the project if its parking rate is substantially above the neighborhood parking rate. EIR p. 4.C.76 states the “neighborhood parking rate is the number of existing parking spaces provided per dwelling unit or per 1,000 square feet of non-residential uses for each transportation analysis zone within San Francisco.” The neighborhood parking rate methodology is based on a robust data set summarized below for both residential and non-residential uses.

Residential Uses

EIR, p. 4.C.77 describes the “existing neighborhood parking rate for the project site (TAZ [transportation analysis zone] 709) and surrounding area is approximately 0.90 spaces per residential unit.” citing *Transportation Demand Management Technical Justification*, January 2018, Appendix B. To arrive at the neighborhood parking rate for transportation analysis zone 709, staff reviewed building permit records and created a cross-classification model consisting of the following residential building factors: year constructed, number of units, and planning district/area type.

EIR p. 4.C.77, footnote 82 explains the differences between:

- the existing or total neighborhood parking rate presented in the EIR, consisting of all buildings with a dwelling unit including single-family homes, and
- the multi-unit neighborhood parking rate used for the Transportation Demand Management Program, consisting of only those buildings with two or more dwelling units.

These differences are shown visually in figures 2 and 3 of *Transportation Demand Management Technical Justification*, January 2018, Appendix B. The figures display the multi-unit neighborhood parking rate is lower than the total neighborhood parking rate. The EIR incorrectly lists the multi-unit neighborhood parking rate as 0.90, instead of the correct rate of 0.70. The following updates EIR p. 4.C.77, footnote 82:

...For TAZ 709, that multi-unit residential neighborhood parking rate is approximately ~~0.90~~ 0.70.

Although the footnote incorrectly states the neighborhood parking rate in TAZ 709, the analysis correctly uses the *total* neighborhood parking rate of 0.90, and no further changes to the text are required.

Non-Residential Uses

EIR p. 4.C.77 notes that the “analysis splits non-residential into retail and other non-residential (office and daycare) uses and compares those to the neighborhood parking rates, which accounts for parking associated with retail and other non-residential uses along California Street and

Sacramento Street near the project site.” The neighborhood parking rate for retail is 1.55 and for other non-residential uses is 1.44. The sentence ends with a footnote, which summarizes an email from Wade Wietgreffe, San Francisco Planning Department on February 20, 2018 regarding the methodology for non-residential uses. The email, which references an associated attachment, states:

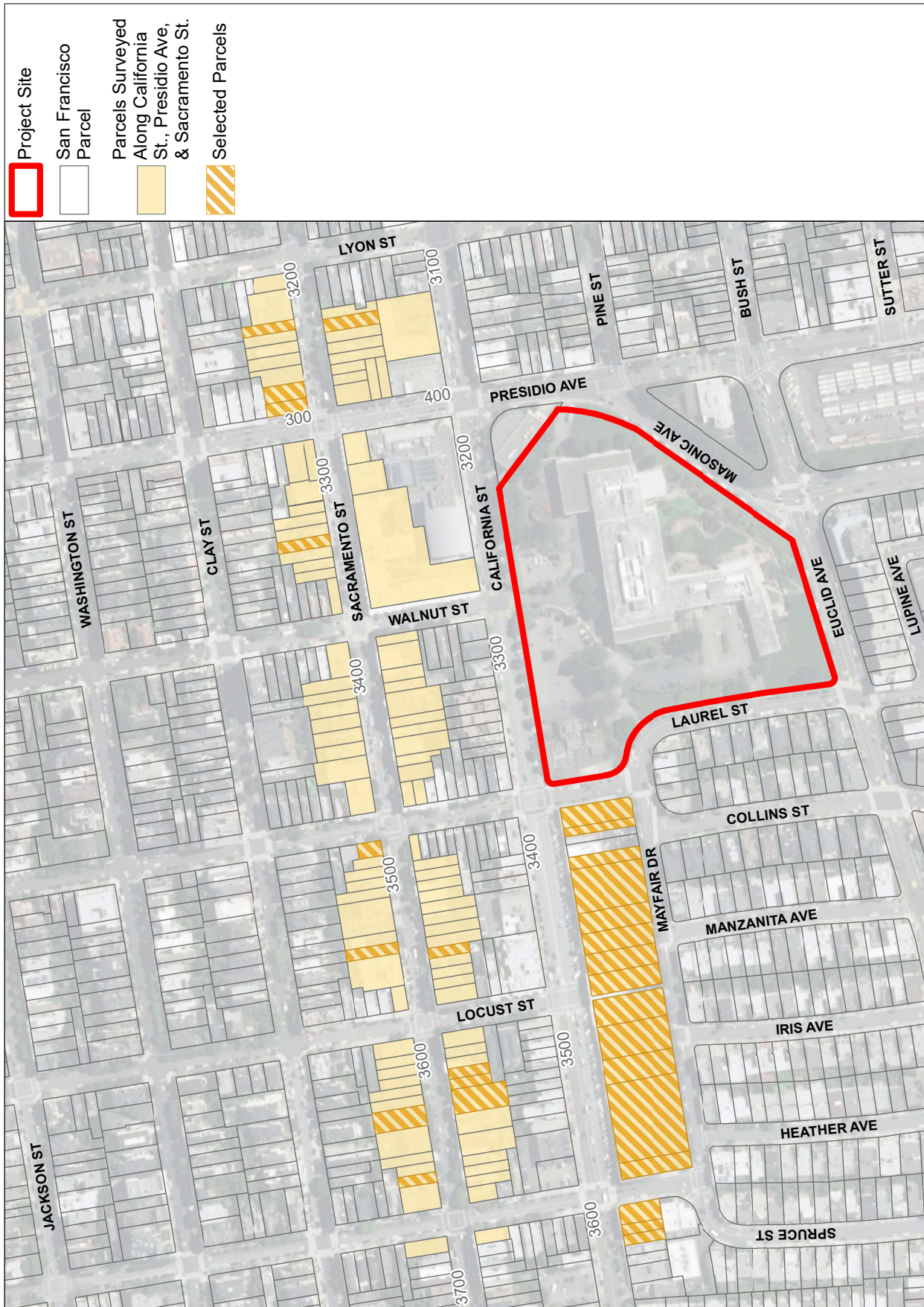
[P]lanning department staff reviewed assessor and planning department records and street view/aerial photos to estimate off-street parking associated with retail uses along California and Sacramento streets near the project site (see attached – “Numerous Land Uses” tab). Many lots along Sacramento Street do not contain off-street parking. In addition, many lots along Sacramento Street contain residential over retail uses and others contain non-retail sales and service office type uses. The assessor records do not differentiate between the size of those uses for reporting building area square footage. Therefore, staff removed any building that contained office uses and residential uses based on assessor records, 3R report, or visually (see attached – “Usable Retail Records” tab). This results in an underestimation of the retail square footage in the surrounding area and likely an overestimation of how much parking is provided per square footage for those retail uses.

Although the footnote and email text do not list Presidio Avenue, the attachment also included non-residential uses along Presidio Avenue near the project site. The parcels surveyed by the department for the retail neighborhood parking rate are shown on Figure RTC 4.2: Parcels Surveyed to Develop Existing Retail Neighborhood Parking Rate.

Neighborhood Parking Rate Analysis

As amended in 2018, CEQA Guidelines section 15064.3(b)(4) states “A lead agency may use models to estimate a project’s vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence.” Consistent with this section, the department uses the SF-CHAMP model to estimate the project’s vehicle miles traveled, using an efficiency metric, and then qualitatively described the changes to those estimates based on substantial evidence documenting the relationship of parking and VMT and comparing the project parking rate to the neighborhood parking rate.

For each project land use, EIR pp. 4.C.78-4.C.80 compares the VMT efficiency metric for the project site transportation analysis zone to the region and then compares the project parking rate to the neighborhood parking rate. For retail uses, EIR p. 4.C.80 describes that the project’s parking rate, 3.66, which is 136 percent higher than the neighborhood parking rate, “may increase VMT per employee enough to exceed the threshold of 15 percent below the regional average for retail uses.” The EIR includes Mitigation Measure M-TR-2: Reduce Retail Parking Supply, to reduce the proposed project’s or project variant’s retail parking rate to the existing neighborhood parking rate. Therefore, the mitigation measure has a nexus to the VMT impact: the project’s parking rate. The mitigation measure also does not exceed constitutional constraints by requiring that the project mitigate more than its impact.



Source: San Francisco Planning Department (2018), ESRI, SWCA (2019)

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RTC FIGURE 4.2: PARCELS SURVEYED TO DEVELOP EXISTING RETAIL NEIGHBORHOOD PARKING RATE

Mitigation Measure M-TR-2, on EIR p. 4.C.80, requires the proposed project or project variant to provide retail parking in an amount not to exceed the existing neighborhood rate of 1.55 spaces per 1,000 gross square feet by 38 percent, or 2.14 spaces per 1,000 gross square feet. As shown in Table 4.C.19: Parking Rate Summary, on EIR p. 4.C.77, the proposed project would provide 198 vehicle parking spaces and the project variant would provide 188 vehicle parking spaces for the retail use. The retail parking supply for the proposed project would need to be reduced by 114 vehicle parking spaces (to 84 parking spaces) and the retail parking supply for the project variant would need to be reduced by 113 parking spaces (to 74 parking spaces) to achieve a retail parking rate of 2.14 parking spaces per 1,000 gross square feet and mitigate the significant VMT impact to less-than-significant levels.

Other mitigation measures are not required, because this mitigation measure would reduce the impact to less-than-significant levels. A mitigation measure to reduce the size of the retail space would not reduce impacts because the EIR uses, for the reasons described in subsections D.1, CEQA Section 21099(b)(1) (California Senate Bill 743) and Vehicle Miles Traveled (VMT), beginning on RTC p. 4.19 and D.2 Vehicle Miles Traveled (VMT) and Retail Uses, beginning on RTC p. 4.30, a VMT efficiency metric threshold of significance as opposed to an absolute threshold of significance. In addition, mitigation measures limiting the ability of future residents of the project to get residential permit parking would also not reduce impacts because the significant impact is relevant to parking for the retail uses, not residential parking. Revisions to the proposed project and project variant described in Section 2, Revisions and Clarifications to the Project Description, include elimination of the retail use in the Euclid Building and reduction in the amount of ground floor retail space in the buildings fronting California Street (see RTC p. 2.7). These revisions would not change the analysis and results summarized here.

4. Master Response – Transportation and Circulation

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5. COMMENTS AND RESPONSES

5.A. INTRODUCTION

Section 5, Comments and Responses, presents quoted excerpts of comments received on the draft EIR and the responses to those comments. For the full text of each comment in the context of the public hearing transcript or the comment letter or email in which it appears, refer to RTC Attachments A and B, respectively.

Comments are organized by topic, and within each topical section, similar comments are grouped together under subheadings designated by the topic code and a sequential number. For example, the first group of comments in Section 5.B, Project Description, coded as “PD,” is organized under heading PD-1. Comments related to cultural resources, presented in Section 5.D, Cultural Resources, are coded as “CR” and organized under headings CR-1, CR-2, etc. The order of the comments and responses in this section is shown below, along with the prefix assigned to each topic code.

Section	Topic	Topic Code
5.B	Project Description	PD
5.C	Plans and Policies	PP
5.D	Cultural Resources	CR
5.E	Transportation and Circulation	TR
5.F	Noise and Vibration	NO
5.G	Air Quality	AQ
5.H	Alternatives	AL
5.I	Cumulative Impacts	CU
5.J	Initial Study Topics	
	Population and Housing	PH
	Greenhouse Gas Emissions	GHG
	Wind and Shadow	WS
	Recreation	RE
	Utilities and Service Systems	UT
	Public Services	PS
	Biological Resources	BR
	Geology and Soils	GEO
	Hydrology and Water Quality	HWQ
	Hazards and Hazardous Materials	HZ
	Energy Resources	EN
5.K	CEQA Process	CEQA

5. Comments and Responses

A. Introduction

Section	Topic	Topic Code
5.L	Merits of the Proposed Project	ME
5.M	General Comments	GC

Each comment is presented verbatim, except for minor typographical corrections, and concludes with the commenter's name and, if applicable, title and affiliation; the comment source (i.e., public hearing transcript, letter, or email); the comment date; and the comment code, as described on RTC pp. 3.1-3.2. **Boldface**, *italicized*, and CAPITALIZED text from the original comments is reproduced in the comment excerpts. Photos, figures, and other attachments submitted by commenters and referenced in individual comments are presented in RTC Attachment B. Some comments include citations to sections of the California Environmental Quality Act (CEQA) and/or CEQA Guidelines that may be from a previous edition of the CEQA Guidelines. The Office of Planning and Research recently amended the CEQA Guidelines and some of the CEQA Guidelines sections cited in the comments may have been renumbered.

Following each comment or group of comments, a comprehensive response is provided to address physical environmental issues raised in the comments and to clarify or augment information in the draft EIR, as appropriate. Each response begins with a brief summary of the substantive environmental issues raised by the comments. The responses provide clarification of the draft EIR text and may also include corresponding revisions or additions to the draft EIR. Revisions to the draft EIR are shown as indented text, with new text double-underlined and deleted material shown with ~~strikethrough~~ text. Revisions to the draft EIR presented in the responses to comments in this section are also shown in Section 6, Draft EIR Revisions.

Documents and other information cited in the subsequent sections of this RTC document are available at the planning department offices as part of Case File No. 2015-014028ENV and electronically on the project's AB900 Record of Proceedings at <https://www.ab900record.com/3333cal>.

5.B. PROJECT DESCRIPTION

The comments and corresponding responses in this section relate to EIR Chapter 2, Project Description. The comments are further grouped according to the following project description-related issues that the comments raise:

- PD-1, Construction Duration, Phasing and Staging, and Development Agreement
- PD-2, Disclosure of Project Setting
- PD-3, Project Characteristics
- PD-4, Site Access
- PD-5, Permanent Right of Recreational Use/Prescriptive Easement
- PD-6, Project Objectives
- PD-7, Project Approvals

A corresponding response follows each grouping of comments.

Documents and other information cited in this RTC section are available at the planning department offices as part of Case File No. 2015-014028ENV and electronically on the project's AB900 Record of Proceedings at <https://www.ab900record.com/3333cal>.

COMMENT PD-1: CONSTRUCTION DURATION, PHASING AND STAGING, AND DEVELOPMENT AGREEMENT

"I get there's nervousness about what this will do and the impacts, and it seems like a major construction project, but trust me, it's not. And we've seen this happen around the city. Not much here. I know the folks who live here haven't experienced it because we don't see it happen around this corridor too much," (*Commissioner Rich Hillis, President, San Francisco Planning Commission, Draft EIR Hearing Transcript, December 13, 2018 [A-CPC-Hillis-8]*)

"Onward. I made a couple of notes here. When I hear the concerns about the length of suggested construction, project implementation, I would agree 17 years or whatever the accurate time frame is -- I heard a different number, but all of them are excessively long.

The first thing I would ask is what is actually the phasing of this project? I think it's one of the most important projects -- most important questions, because the cumulative impact over extended periods of time in construction is more accentuated when it occurs over this length of time, and a healthy phasing diagram would clearly allow people to understand what the actual impacts are, relative to their own location near the project." (*Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, pp. 77-78, December 13, 2018 [A-CPC-Moore-6]*)

5. Comments and Responses

B. Project Description

“Based on the construction plan reported in the Draft EIR, our neighborhood will bear an overwhelmingly disproportionate burden from the construction of this Project. We are concerned by the potential duration of the construction and the planned location of construction staging.

As described in the EIR, construction will continue for between seven (7) and fifteen (15) years. The elderly residents of our neighborhood could look forward to facing construction across their street for the remainder of their life expectancies.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-3]*)

“This plan (and the staging plan described below) will diminish our ability to enjoy our homes and could adversely impact any residential sale process for an unnecessarily long time.

The Developer appears to be acting in its own self-interest. It seeks to prolong entitlements for use or sale to other developers; to time the market; and, to change product mix over time if more profit would result. It is attempting this by seeking permission for this extraordinarily prolonged construction period. If permitted, the Developer’s construction timetable will unjustly prolong the disproportionate environmental impact that the families in our neighborhood will endure.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-6]*)

“In fact, on numerous occasions, the Developer indicated they could build the complete project in three (3) years.

The most obvious way to mitigate this impact would be to require the Developer to complete construction within three years of commencement.

CONSTRUCTION STAGING

The Developer plans to stage three of the four phases of the entire Project directly across the street from our neighborhood, near the already challenged corner of California and Laurel. This is an unfair and incredible burden on our neighborhood.

The current plan would mean that even when direct construction is not happening in front of our homes, we would still uniquely bear the brunt of the construction noise by being exposed to the sound of construction trucks and machinery (back up beeping), and the non-residential aspect of having a truck parking lot at your front door for years.

This staging plan is the least impactful to the developer, but the most intrusive to us. The most obvious way to mitigate this impact would be to require the Develop[r] to move its construction staging throughout the project during the construction and have no one adjacent neighborhood to the 10.5 acre site unduly carry the burden. This is only reasonable and fair.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-8]*)

“I am not in favor of seven to 15 years of ongoing construction,” (*M. J. Thomas, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript, p. 51, December 13, 2018 [O-LHIA7-3]*)

“We love the fact that all the neighbors are advocating for the streamline construction process. I hope that that can also apply to the permitting and approval process. So I echo all of them, and

make this go faster. Let's build this faster. I think that's commendable, because everybody does understand that we do need more homes for people to live in." (*Cory Smith, San Francisco Housing Action Coalition, Draft EIR Hearing Transcript, pp. 69-70, December 13, 2018 [O-SFHAC-5]*)

"The developer's request for 15 years to construct the project is suspect. This looks like a plan to sell a new entitlement on an up-zoned property. Developers all over town are selling new entitlements rather than build housing. Alternatives analyzed in the Draft EIR would be built in 3 to 5 years. The Community Preservation Alternative would be built within three years." (*Sal Ahani, Email, January 8, 2019 [I-Ahani-1]*)

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- The proposed seven to fifteen-year construction period would hold our neighborhood hostage to the traffic, noise, disruption and dirt that it will create and would likely result in a negative impact on any residents that might need to sell their homes during such an egregiously long construction period. Moreover, the Developers have met with our neighborhood group and advised us on several occasions that they could complete all construction within 2 to 4 years from Project commencement. We surmise that the longer time frame being requested is to reduce the economic risk of the Project and increase return to their investors, perhaps creating many extra years of valuable tax "losses". The Developers need to go back to the drawing board to present a more realistic construction time frame, even if it means altering their proposed design.
 - The current proposal has construction staging for three of the four phases and most of this time period directly across from our front doors. We have proposed that the Developer move staging next to each phase in the 10 acre site during construction." (*David Bercovich, Email, January 7, 2019 [I-Bercovich-4]*)

"15-year construction timeline is excessive and unnecessary and as costs spiral invites the sale of an up-zoned property." (*Barbara and Jim Brenner, Email, January 3, 2019 [I-Brenner-5]*)

"The Draft EIR fails to include adequate mitigation for the adverse and persistent impact a potential 15 year construction period will have on the neighbors of the Project." (*Joe Catalano and Joan Varrone, Email, January 8, 2019 [I-Catalano-2]*)

"First, the developer is proposing to take up to **15 years** to complete it. That's absurd. The Golden Gate Bridge was completed in four years. Fifteen years of construction is also deeply unfair to us who live here and must suffer the noise. The timeframe also casts doubt on the developer's bona fides, suggesting that the goal isn't to develop the property at all but to flip it after approval or otherwise manipulate the City's approval process. Each of these concerns by itself militates against approval of the developer's proposal." (*Adam Cole, Email, January 6, 2019 [I-Cole-3]*)

"I understand it is currently scheduled to take fifteen (15) years to complete." (*Evelyn Davidson, Email, January 8, 2019 [I-Davidson-2]*)

"The developer's request for 15 years to complete the project is a **ludicrously** long time. It seems like something in the 3-5 year range would be more reasonable and would limit the construction impact of traffic, noise and pollution on the neighborhood. Considering that there are already

5. Comments and Responses

B. Project Description

several other large developments happening in the same neighborhood (e.g. 3700 California, Lucky Penny) there will already be a lot of ongoing construction.” (*Zhubin Fardis, Email, January 8, 2019 [I-Fardis-4]*)

“The requested fifteen years to construct the project is unreasonable. Why should neighbors be subjected to fifteen years of demolition, excavation, noise and pollution?” (*Arlene Filippi, Email, January 7, 2019 [I-Filippi2-3]*)

“The developer’s request for 15 years to construct the project seems like a ludicrously long time to construct a project. It seems like something into the 3-5 year range would be more reasonable and would limit the construction impact of traffic, noise and pollution on the neighborhood. Considering that there are already several other large developments happening in the same neighborhood (e.g. 3700 California, Lucky Penny) there will already be a lot of ongoing construction.” (*Shannon Fong, Email, January 8, 2019 [I-Fong-4]*)

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- The proposed 7-15 year time frame for the project is mind-boggling. It will disrupt the very fabric of the neighborhood as its very important areas will become unusable for entire childhood of kids of our daughters age.
 - The long timeframe makes it more likely that in the case of an economic downturn, such as in 2008, the project could halt indefinitely.” (*Jane Fridlyand, Email, January 7, 2019 [I-Fridlyand-4]*)

“The project construction would last for 7-15 years and there is substantial community opposition to the developers concept.” (*Janet Frisbie, Email, December 12, 2018 [I-FrisbieJ1-1]*)

“...nor the consequences of dragging this construction out for up to 15 years. This length of construction would be intolerable for the surrounding neighborhoods. In addition, I find it shocking that the developers would be allowed up to 15 years to complete this project when there is a very real housing crisis in The City.” (*Janet Frisbie, Email, December 12, 2018 [I-FrisbieJ1-4]*)

“I find it shocking that the Developers would propose to need up to 15 years to complete this project. Again, up to 15 years to complete this project! That makes a mockery of The City’s very real and current housing crisis and shows zero concern for the residents in the surrounding neighborhoods. Fifteen years of construction would make this area unlivable for these neighborhoods. I fully expect that my husband and I will have to move out for at least part of this intolerable construction period. Not a pleasant experience to look foreword to for a couple in their 70’s.” (*Janet Frisbie, Email, January 7, 2019 [I-FrisbieJ2-3]*)

“The developer’s request for 15 years to construct the project is suspect. This looks like a plan to sell a new entitlement on an up-zoned property. Developers all over town are selling new entitlements rather than build housing. Alternatives analyzed in the Draft EIR would be built in 3 to 5 years. The Community Preservation Alternative would be built within

three years.” (Richard Frisbie, Letter, January 7, 2019 [I-FrisbieR1-2] and Tina Kwok, Email, January 9, 2019 [I-Kwok4-8])¹

“There is another project in the making as Children’s Hospital will be closing down and there will a large project of just housing being built and they say it will be much faster compilation compared to this project then the 15 years at 3333 California St. I think this timeline of 10 to 15 years is not the way to go it should be must faster.” (Ronald Giampaoli, Email, January 8, 2019 [I-Giampaoli-3])

“The developer’s request for 15 years to construct the project is suspect. This looks like a plan to sell a new entitlement on an up zoned property. Developers all over town are selling new entitlements rather than build housing. Alternatives analyzed in the Draft EIR would be built in 3 to 5 years. The Community Preservation Alternative would be built within three years.” (Linda S. Glick, Letter, January 6, 2019 [I-Glick2-1])

“The developer has asked for a 7-15 year time frame. I cannot imagine having this important area and intersection under construction for this amount of time. We use the JCC frequently and we transit down California and Presidio streets constantly as well. I have a 5-year-old daughter--will she really be 20 by the time this project is finished? That is mind-boggling to me.” (David Goldbrenner, Email, December 18, 2018 [I-Goldbrenner2-2])

“We are concerned that the proposed project would affect us in numerous ways, the most important of which I outline below:

- The proposed 7-15 year time frame for the project is mind-boggling to us. Will our five year old daughter really be 20 when this is finished? Dealing with construction delays, noise, dust, traffic congestion, diesel smoke, torn up road, and other hindrances for up to 15 years as we visit the JCC, take the 1 bus from California and Presidio, etc, is deeply troubling.
- The long timeframe makes it more likely that in the case of an economic downturn, such as in 2008, the project could halt indefinitely.” (David Goldbrenner and Zhenya Fridlyand, Email, January 4, 2019 [I-Goldbrenner3-3])

“The developer’s request for 15 years to construct the project is suspect. This looks like a plan to sell a new entitlement on an upzoned property. Developers all over town are selling new entitlements rather than build housing. Alternatives analyzed in the Draft EIR would be built in 3 to 5 years. The Community Preservation Alternative would be built within three years.” (Mary Gwynn, Email, January 7, 2019 [I-Gwynn-1])

“The developer’s request for 15 years to construct the project is suspect. This looks like a plan to sell a new entitlement on an up zoned property. Developers all over town are selling new entitlements rather than build housing.” (Henry Kuechler IV, Email, January 3, 2019 [I-KuechlerIV-2])

¹ Comment I-Kwok4 includes Comment I-FrisbieR1 as an attachment to her e-mail. These comments are not called out separately; instead, the excerpted comment is attributed to both persons to minimize duplication of the same exact comments.

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“Millions of tons of dirt to be excavated. The construction takes almost half of a generation, assuming the 15-year build-out proposal. If you have a toddler in your household, similar to the gentleman earlier here who was supporting the site, this toddler will be in college by the end of this project.

And San Francisco needs housing right now, not to wait for 15 years. San Francisco has a need for housing now. Please consider that. I’m sure that people don’t want to wait that long.” (*Tina Kwok, Draft EIR Hearing Transcript, pp. 53-54, December 13, 2018 [I-Kwok2-5]*)

“Some of my concerns, as examples and not comprehensive list, is as follows:...- The lengthy construction period” (*Tina Kwok, Email, January 8, 2019 [I-Kwok3-2]* and *Tina Kwok, Email, January 9, 2019 [I-Kwok4-3]*)²

“I just cannot imagine going through 7-15 years of construction (a toddler today would be going to college 15 years from now).

There’s also the possibility of the current developer using the approved plans to “sell” to other developers in the future in order to get out of the high cost of construction in the market place now.

And the site can be morphed into an unforeseeable development then.” (*Tina Kwok, Email, January 9, 2019 [I-Kwok4-1]*)

“Every day for 7 years maybe up to 10 years, dozens if not hundreds of construction related heavy trucks would be driving down residential streets in the area. Pine St and Bush St for example, have higher speed limits and are one way - these trucks would be barreling down these streets, polluting them massively, dirtying all the homes, and creating huge noise pollution - for 7 YEARS or more!! - in areas where the units are mostly dwelling units and many children live and play.” (*Ankur Luthra, Email, January 2, 2019 [I-Luthra-3]*)

“Turning now to the EIR, I share the concerns about...the duration of the construction of the currently proposed...” (*Maryann Massenburg, Draft EIR Hearing Transcript, p. 66, December 13, 2018 [I-Massenburg-3]*)

“4. It inadequately represents the negative impacts of a potential 15-year construction period to the families living in proximity to the site;” (*Adam McDonough, Email, January 7, 2019 [I-McDonough2-7]*)

“This is a beautiful site that should not be destroyed, and housing can be built sooner in an alternative than in the project. The 15 years the developer is requesting raises a red flag for real estate speculation.” (*Anne Neill, Email, December 12, 2018 [I-Neill-10]*)

² Comment I-Kwok4 includes many of the same comments as Comment I-Kwok3. These comments are not called out separately; instead, the excerpted comment is attributed to both emails to minimize duplication of the same exact comments.

“I am deeply concerned by the developer’s request for 15 years to construct the project. This length of time makes me suspect an alternate motive, such as planning a new entitlement on an up-zoned property. Developers all over San Francisco appear to be using this tactic, create entitlements rather than build housing. The draft EIR considered construction in 3 to 5 years. The Community Preservation Alternate would complete construction in 3 years. If they must have 15 years then they need to agree that there can be no entitlement up-zoning trick.

The DEIR really does not consider the impact on the neighborhood and in this aspect is woefully incomplete. Particularly in that no consideration is given to asking the residents to live in a construction zone for 15 years with streets being blocked by cranes and cement trucks, subjected to construction dust and pollutants, with construction noise dawn-to-dusk. Three to five years of this is asking a lot, 15 years is excessive particularity where everything across the street from the site and on all sides is essentially residential housing for families with children.” (*Phillip Paul, Email, January 7, 2019 [I-Paul-1]*)

“**Intense construction:** The construction period should not be allowed to take too long. The developer’s estimate of a decade or more of construction is ridiculous.” (*Gilda Poliakin, Email, December 30, 2018 [I-Poliakin-1]*)

“I can hardly bear the idea of a prolonged construction project on that scale depressing the neighborhood. I walk, transit and bike everywhere and cannot imagine a decade of construction to negotiate (I also frequently lock my bike up in the current Walnut street parking lot to use ZipCar that are parked there and I will really miss that!!!)” (*Cornelia Powers, Email, January 2, 2019 [I-Powers-2]*)

“The proposed 15 year length of construction time is unreasonable and it is unconscionable to expect the neighborhood to be subjected to demolition, noise, construction, air pollution, traffic and congestion for that length of time.” (*Ann Prato, Email, January 7, 2019 [I-Prato-4]*)

“**The developer’s request for 15 years to construct the project is suspect. This looks like a plan to sell a new entitlement on an up-zoned property. Developers all over town are selling new entitlements rather than build housing. Alternatives analyzed in the Draft EIR would be built in 3 to 5 years. The Community Preservation Alternative would be built within three years.**” (*Zarin E. Randeria, Email, January 5, 2019 [I-Randeria2-1]*)

“I specifically wanted to speak to the point of construction duration. Fifteen years, seven years, seems crazy to me. So I did a few things. I just looked up a few other buildings that had similar unit counts. This is the NEMA Building. It’s at 10th and Market. It has 754 units. Construction started in November 2011 and completed in March 2014. So that’s less than three years.

The two towers at Rincon near the Embarcadero were 709 units, started in July 2012, finished August 2014. Less than three years.

The Paramount Building, Mission and 3rd, 495 units, started in 2002 -- sorry, started in 2000, completed in 2002. That’s less than three years. All of these projects, soup to nuts, done. Obviously, we have very competent construction companies in San Francisco; I’m sure they can manage it.” (*Kelly Roberson, Draft EIR Hearing Transcript, p. 49, December 13, 2018 [I-Roberson1-2]*)

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“A 15 year construction schedule is equally out of proportion as well. There are three SOMA buildings, with at least 500 apartments, which were completely constructed in less than three years. These are The Paramount building, the Nema building, and the two Rincon towers. All of these projects had much more difficult site access conditions the relatively open site on Laurel Hill. San Francisco has highly competent construction firms willing and able to build 550 apartments in less than three years.

A 15 year development period has practically 0 to do with providing housing for families which might actually need it. I suspect it has much more to do with developers hedging their financial bets over fluctuating market valuations, pro-forma spreadsheets, and the ability to sell future development rights rather than to provide housing for people.” (*Kelly Roberson, Email, January 8, 2019 [I-Roberson2-3]*)

“The developer’s request for 15 years to construct the project is suspect. This looks like a plan to sell a new entitlement on an upzoned property. Developers all over town are selling new entitlements rather than build housing. Alternatives analyzed in the Draft EIR would be built in 3 to 5 years. The Community Preservation Alternative would be built within three years.” (*Laura Rubenstein, Email, January 2, 2019 [I-Rubenstein-1]*)

“The thought of 15 years of construction, removal of existing beneficial trees and all the ensuing disruption and environmental impacts are a heavy price to pay. We are hopeful that the planning commission can be consensus builders while still fulfilling their mission.” (*Jim Ryan, Email, January 8, 2019 [I-RyanJ-3]*)

“I understand it is currently scheduled to take fifteen (15) years to complete.

Apart from the incredibly drawn out length [Even the great wonder of the world, the Great Pyramid in Giza, supposedly took only twenty years.” (*Rita Sater, Email, January 8, 2019 [I-Sater-2]*)

“I understand it is currently scheduled to take fifteen (15) years to complete. Apart from the incredibly drawn out length [Even the great wonder of the world, the Great Pyramid in Giza, supposedly took only twenty years. <http://www.unmuseum.org/mob/kpyramid.htm>] of such a project,...” (*Sebastiano Scarampi, Email, January 8, 2019 [I-Scarampi-1]*)

“During the 15-year construction period the developer is requesting, the developer would be able to apply for changes to make the project bigger, expand the retail and increase the heights and amounts of development. This suggests further entitlements and profiting from real estate speculation on the back of the neighborhoods affected by the proposed Project. The Applicant is trying to make us all believe that their proposed project is for the better good and will address the more immediate issue the City has for additional and affordable housing. It is ludicrous that it would take 15 years of construction to accomplish that. It is clear that anyone who supports the Proposed Project and the proposed construction schedule does not live within the immediate proximity of this site.” (*Victoria Underwood, Letter, December 4, 2018 [I-UnderwoodV1-8]*)

“The proposed time frame of seven to 15 years, not only will have a negative impact on our neighborhood, the neighborhood with the 100 residents. Let’s not forget about those people that

are directly across the street. But everyone here has mentioned how unconscionable it is that this neighborhood will be held hostage to a seven to 15-year construction period when, in fact, many people have recognized here -- because I've been here during the whole time -- that this does not have to take that long, and that the residential alternative which we support could be done in far fewer years. In fact, people have talked about three years.

When we – We've had many discussions with the developers, and we really appreciate that they have had those discussions. However, in those discussions when we asked how long will the development take, we were told two to three years, many times. So when I looked at the draft EIR, I almost dropped my teeth. Seven to 15 years, that is so unconscionable.” (Joan Varrone, *Draft EIR Hearing Transcript, p. 71, December 13, 2018 [I-Varrone-2]*)

“I am also **very concerned** about the level of noise and traffic disturbance caused by a construction project that is planned to last 7 years.” (Steven C. Zeluck, *Email, November 10, 2018 [I-Zeluck-3]*)

RESPONSE PD-1: CONSTRUCTION DURATION, PHASING AND STAGING, AND DEVELOPMENT AGREEMENT

The comments express questions and concerns regarding the duration of the proposed construction, the phasing of construction, and the location of proposed temporary construction staging areas. Several comments state that the neighbors along California Street would bear a disproportionate burden of the effects from the 7- to 15-year construction period, and from the 15-year period of the development agreement. The expressed concerns include effects on existing residential values, retail market-related concerns within the neighborhood during the proposed construction period, or concern that a future economic downturn may halt project implementation indefinitely. Other comments express concern about the objectives of the proposed project as a long duration phased development, and raise questions about the project sponsor's intentions to develop the project as opposed to selling the project entitlements. Comments suggest modifications to the proposed project, such as reducing the duration of the overall construction period to five years or less, or modifying the staging plan for each phase. Comments also compare the construction duration for this project with those of other projects both proposed (3700 California Street) and existing (the high-rise buildings at NEMA - 10th and Market streets, the Rincon towers, and the Paramount Building at Mission and 3rd streets).

Construction Duration and Phasing

The proposed project or project variant would be fully constructed within 15 years; however, unlike the assertions in some comments, construction would not be continuous over a 15-year timeframe. As analyzed in the EIR, the proposed project or project variant would be constructed in four overlapping development phases, with full build-out expected to occur in approximately seven years in the aggregate, i.e., if construction were continuous over the four development phases (see Figure 2.30: Preliminary Construction Phasing Diagram, on EIR p. 2.92), then

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construction would take approximately seven years. As noted on EIR p. 2.91, the impact analyses are based on an approximately seven-year construction duration and four-phase program that would result in full buildout of the proposed project or project variant in a seven-year timeframe. The proposed phasing schedule and construction scope are described in Chapter 2, Project Description, on EIR pp. 2.91-2.96. A detailed diagram depicting the overlapping phases of construction and operation (the occupancy and use of completed structures while others are under construction) under a seven-year timeframe is provided in Figure 4.E.3, Summary of Preliminary Phasing for Project Construction and Operation, on EIR p. 4.E.31, and the location of construction emission sources corresponding to each phase of the construction phasing program is provided in Figure 4.E.4: Modeled Construction Sources for Preliminary Construction Phasing Program, on EIR p. 4.E.42.

As discussed on EIR pp. 2.91-2.94, the project sponsor may choose to develop the proposed project or project variant in a different order than the preliminary four-phase construction program described in the EIR (see Table 2.5: Preliminary Construction Phasing Program, on EIR p. 2.94) but changing the order would not extend the duration of the overlapping seven-year construction time period analyzed in the EIR.

As explained on EIR p. 2.106, the project sponsor is proposing to enter into a development agreement with the City. The purpose of the development agreement is to set forth the parties' written agreement regarding, for example, the provision of affordable housing and public open space at the site, while protecting the proposed project's or project variant's entitlements from changes in laws that could affect the entitlements, such as the enactment of changes to the zoning regulations applicable to the site. The project sponsor has proposed a 15-year term for the development agreement in order to provide protection against such changes during that time period. The 15-year term would allow the project sponsor to construct one phase and then cease construction activity for a period of time due to, for example, an economic recession, without the possibility that its entitlements could be compromised by changes in law. However, the seven years of construction are anticipated to occur within the 15-year timeframe, but would not be continuous over a 15-year period; that is there would be periods of time between development phases when the construction would cease. Full build-out would occur within an aggregate period of seven years, not 15 years. However, it is possible that the aggregate seven-year construction period might be spread out over the 15-year period if, as noted above, a phase is completed and there is no construction on the site for a period of time before the next phase is commenced. Physical environmental impacts associated with construction air quality, noise, and truck trips are anticipated to be less severe if the same construction program were spread out over a greater-than-seven-year period, because fewer pieces of equipment would be running concurrently, and the extended timeframe would result in periods without any construction activity rather than continuous construction for the entire 15 years.

Construction Staging

Construction staging involves the temporary placement and storage of construction material and equipment, construction-related parking and other typical, temporary construction-related staging activities. As stated on EIR pp. 2.94-2.96 and in Section 4.C, Transportation and Circulation, on EIR pp. 4.C.70-4.C.74, construction staging during Phase 1 (anticipated to be Masonic and Euclid buildings) and Phase 2 (anticipated to be Center Buildings A and B) would occur on site on existing surface parking lots along California and Laurel streets and the on-site internal roadways. During Phase 3 (anticipated to be Plaza A, Plaza B, and Walnut buildings), some staging would occur within existing on-street parking lanes along the south side of California Street and the east side of Laurel Street. During Phase 4 (anticipated to be Mayfair Building and Laurel Duplexes), staging would also occur on a portion of the existing parking lane on the north side of Euclid Avenue. A comment requests that the City impose a construction staging program that shifts staging activities around the site. As described in the EIR, during each construction phase staging areas would be focused in specific locations, not the whole site, with most staging in the early phases occurring off-street in open flat areas on the site. These areas are predominantly located along California and Laurel streets. As noted on EIR pp. 4.C.70-4.C.74, a construction logistics plan and a construction parking plan would be developed by the project sponsor and their general contractor in accordance with the SFMTA's *Regulations for Working in San Francisco Streets* (or blue book) and section 2.4.20 of the public works code (Action on Applications for Permits to Excavate). These plans would be submitted for review by various City agencies, including the SFMTA and public works, with the primary goal of minimizing the temporary effects of construction on pedestrians, bicycles, transit operations, and vehicular traffic.

Impacts associated with the use and transport of construction equipment on traffic and circulation are discussed in Impact TR-1 on EIR pp. 4.C.68-4.C.74. To the extent that staging equipment on or off site would generate temporary construction noise and vibration, those impacts are discussed in Impact NO-1, on EIR pp. 4.D.36-4.D.51, and Impact NO-2, on EIR pp. 4.D.51-4.D.58. Impacts associated with air emissions generated by construction equipment are discussed in Impact AQ-1 on EIR pp. 4.E.38-4.E.49. As discussed in these sections, compliance with regulatory requirements, including the Construction Dust Control Ordinance and the Noise Ordinance, would establish controls applicable to the use of construction equipment for the purposes of protecting the health of the general public and on-site workers, minimizing public nuisance complaints, and avoiding orders to stop work by the Department of Building Inspection (building department).

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Merits of the Proposed Construction Duration

The project sponsor for the 3700 California Street project, located on the approximately 5-acre site of the former California Pacific Medical Center (CPMC) campus, anticipates construction would take approximately 3.5 years.³ The 3700 California Street Project would construct 273 residential units, less than half the 558 to 774 units under the proposed project or project variant (plus commercial uses). This number of units reflects the design and scale of the existing neighborhood. The new units would include 14 new single-family homes and 19 new multi-family residential buildings ranging in height from 36 to 80 feet (or 3 to 7 stories). The project would also include the adaptive reuse of a portion of the Marshall Hale hospital building as a residential building and the renovation of an existing, nine-unit residential building at 401 Cherry Street. Other projects within San Francisco cited as examples (including a number of high-rise projects such as the NEMA building at 10th and Market streets, Rincon towers, and the Paramount Building at Mission and 3rd streets are high-rise residential and office projects with a limited lot size. These high-rise projects are single building structures with one or two towers developed at one time without phasing. The comments do not provide evidence supporting the assertion that construction of a mixed-use, multi-building project – composed of predominantly wood- or steel-framed low-rise buildings and with some mid-rise construction limited to the adaptive reuse of the existing building – on a multi-acre site could feasibly be completed in a three-year time period. Construction schedules are largely influenced by site-specific construction limitations, including financing and market conditions for single building high-rise projects like the examples cited that are not directly comparable to those for a multi-building development like the proposed project or project variant. However, other mixed-use, multi-building projects on multi-acre sites evaluated in the city indicate the range of reasonable development periods that could be expected. Examples include the following:

- Balboa Reservoir Project – Redevelopment of a 17-acre surface parking lot with 1,100 to 1,500 residential units; about 4 acres of open space; a childcare facility; a community room available for public use; retail space; on- and off-street parking; and new streets, utilities, and other infrastructure. To be developed in three construction phases lasting approximately 6 years
- Pier 70 Mixed-Use District Project – Redevelopment of a 35-acre site with about 1,645 residential units and about 2.8 million gross square feet of commercial and retail space or about 3,025 residential units and about 1.6 million gross square feet of commercial and retail space; about 9 acres of open space; on- and off-street parking; and new streets, utilities, and other infrastructure. To be developed in five construction phases lasting approximately 11 years

³ A draft environmental impact report for the 3700 California Street project was published on June 13, 2019. The document can be accessed online at <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=4595d1d5d3a94c1007295e922610d9afeeb2a48a415e46e91107c6d30938d458&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>.

- Potrero Power Station Mixed-Use Development Project – Redevelopment of a 29-acre site with 2,400 residential units and 1.2 to 1.9 million gross square feet of commercial and retail space; about 6 acres of open space; on- and off-street parking; and new streets, utilities, and other infrastructure. To be developed in seven construction phases lasting approximately 15 years
- Parkmerced Project – Redevelopment of the existing 152-acre site with 8,900 residential units; about 310,000 gross square feet of commercial and retail space; an educational use; approximately 68 acres of re-designed open space; on- and off-street parking; and new streets, utilities, and other infrastructure. To be developed in four construction phases lasting approximately 20 years⁴

Comments express a desire for the proposed housing to be developed much more quickly than the seven-year (to up to 15-year) timeframe proposed by the project sponsor. The speed with which the residential units are built is not by itself considered an impact under CEQA except to the extent that physical environmental impacts would occur due to the construction activities. The duration of project construction activities, including consideration of construction phasing, is evaluated for a number of environmental issues in the initial study and EIR. Regarding population and housing issues, CEQA is generally concerned with whether a project would result in significant unplanned population or employment growth, or in displacement of housing units or people. As discussed in the initial study on pp. 112-120 under Impact PH-1 and Impact PH-2, the proposed project or project variant would not result in substantial unplanned population and employment growth on the project site or displace any residents; this conclusion is not dependent on the speed of construction.

Certain comments allege manipulation of the construction schedule to “time” construction to the market or question the ultimate goal of the project sponsor to develop the site or to entitle the site to sell to another developer. These comments, in themselves, do not raise any specific environmental issues about the adequacy or accuracy of the EIR’s coverage of physical environmental impacts that require a response in this RTC document under CEQA Guidelines section 15088. However, to the extent that they may be based on concerns about impacts related to the topics of transportation and circulation, noise, and air quality, responses are also found in RTC Sections 5.E, Transportation and Circulation; 5.F, Noise and Vibration; and 5.G, Air Quality, respectively.

As directed by CEQA, the purpose of the EIR is to analyze the physical environmental impacts of the proposed project. Although comments on the merits of the proposed project do not raise issues concerning the adequacy or accuracy of the EIR’s coverage of environmental impacts under CEQA, such comments, including recommendations for the development agreement and the proposed project or project variant, may be considered and weighed by the decision-makers as

⁴ EIRs and environmental documents prepared by the City are available at:
<https://sfgov.org/sfplanningarchive/environmental-impact-reports-negative-declarations>.

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part of their decision to approve, modify, or disapprove the proposed project or project variant. This consideration is carried out independent of the environmental review process.

Socioeconomic Concerns

CEQA does not require analysis of socioeconomic issues such as real estate market conditions; thus, these issues are typically not addressed in environmental review documents. The focus of CEQA is to address whether and how a proposed project's physical change to the environment could result in adverse physical impacts on the environment, such as impacts of a project on air quality, water quality, or wildlife habitat. CEQA Guidelines section 15360 defines "environment" for the purposes of CEQA as "the *physical* conditions which exist within the area which will be affected by the proposed project..." (emphasis added). As stated in CEQA Guidelines section 15131(a),

Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

Thus, the CEQA Guidelines provide that social or economic impacts shall not themselves be treated as significant effects on the environment.

Assertions regarding anticipated economic impacts (e.g., property value decreases, retail vacancy) that do not contribute to, or are not caused by, adverse physical changes to the environment do not constitute substantial evidence of a significant effect on the environment. However, a social or economic change related to a physical change may be considered in determining whether the physical change is a significant environmental impact. Additionally, an EIR or other CEQA document must consider the reasonably foreseeable indirect environmental consequences or physical changes resulting from a project's economic or social changes. In short, social and economic effects are only relevant under CEQA if they would result in or are caused by an adverse physical impact on the environment.

To the extent that physical environmental impacts would occur as a result of construction and operation of the proposed project or project variant, these impacts have been analyzed in detail in the EIR. Further analysis of secondary socioeconomic impacts would be largely speculative and would not necessarily predict reasonably foreseeable outcomes. The comments do not present any evidence that the construction and operation of the proposed project or project variant would result in any new significant environmental impacts not disclosed in the draft EIR, increases in the severity of significant environmental impacts identified in the draft EIR, or lead to any

economic or social changes that would in turn result in a significant adverse physical environmental impact.

COMMENT PD-2: DISCLOSURE OF PROJECT SETTING

“My name is Joan Varrone and I live directly across the street from the project at 3320 California Street, between Laurel and Walnut. And we are actually a residential neighborhood. I think no one has really acknowledged that, particularly when I read the Draft EIR and I look at what is being proposed.” (*Joan Varrone, Draft EIR Hearing Transcript, p. 70, December 13, 2018 [I-Varrone-1]*)

RESPONSE PD-2: DISCLOSURE OF PROJECT SETTING

The comment states that the existing residential neighborhood has not been acknowledged in the EIR.

The EIR describes the existing neighborhood context in Chapter 2, Project Description, on pp. 2.14-2.19, and in Chapter 4, Environmental Setting and Impacts, on pp. 4.A.13-4.A.17. The initial study (see EIR Appendix B) discusses the existing residential setting in Section A, Project Description, on pp. 12-16, and in Section B, Project Setting, on pp. 88-94. For example, EIR p. 2.14 states that 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. Several of the project objectives, listed on EIR p. 2.12, address features selected to promote compatibility with neighboring residential uses, including building new housing units, neighborhood-serving retail, and pedestrian and bicycle pathways. This existing condition of the neighborhood and its primarily residential character are discussed throughout the EIR in the descriptions of the environmental setting that begin each topic section in Chapter 4, and in the analysis of environmental impacts that would have the potential to affect existing residents, such as traffic, noise, and air pollution as described in EIR Chapter 4. To the extent that the proposed project or project variant would result in physical environmental impacts associated with existing land use plans and policies, those policies are discussed in EIR Chapter 3, Plans and Policies, and impacts are discussed in the initial study (Section E.1, Land Use and Land Use Planning). The comment does not present new information that would require changes or updates to the EIR.

COMMENT PD-3: PROJECT CHARACTERISTICS

“And I’m a pretty good reader and quite versed in reading EIRs, and I’m quite versed in reading drawings, many of which were missing in this document. There were more elevations and sections than a proper description about the project and its planning diagrams and urban design intentions.” (*Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, pp. 76-77, December 13, 2018 [A-CPC-Moore-4]*)

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“I would be interested in a further examination how below-grade parking which, from an environmental visual point of view, is desirable, increases proportionately the cost of construction. And I would like to see that mirrored against the expressed need that was affordability on this site.

The site already has particular issues which makes construction more complicated because it has significant topography which adds to construction costs. Adding completely below-grade parking will further accentuate that. I'd like the issue of affordability further examined.”

(Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 78, December 13, 2018 [A-CPC-Moore-8])

“I spoke about...looking more closely at affordability relative to below-grade parking and affordability not being properly yet or clearly addressed in the document that's in front of us,”

(Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 80, December 13, 2018 [A-CPC-Moore-14])

“The Draft EIR disregards the Project's strategy of privatizing open space which is currently a community resource.” *(Joe Catalano and Joan Varrone, Email, January 8, 2019 [I-Catalano-7])*

“The DEIR's allegation that the developer's proposal would redevelop an underutilized commercial site into a new mixed-use community is inaccurate. The 446,490 square-foot site is currently mixed-use commercial and retail (cafe) and is completely utilized for a 362,000 square foot commercial main structure which contains an 1,183 assignable square foot cafe and an 11,500 gsf childcare center (455,000 gsf office building minus 93,000 gsf of largely below grade parking garage), a 14,000 gsf service building, historically significant landscaping throughout the site and approximately 93,000 square feet of largely below grade parking. (DEIR p. 2.1; Ex. H, cafe permit; Ex. I, census data describing project site as “MIXED” land use with existing retail use)...” *(Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-13])*

“The DEIR states that a proposed 4,000 square-foot open space called a corner plaza would be constructed near the intersection of Masonic and Euclid avenues and this open space would be activated by the proposed retail use in the adjacent Euclid Building, and the residential lobby and amenity spaces in the adjacent Masonic and Euclid buildings. DEIR p. 2.80. Please describe in detail the nature of the potential amenity spaces that could be placed in the adjacent Masonic and Euclid buildings.

THE DEIR claims that the proposed project would retain approximately 53 percent of the overall lot area (approximately 236,000 square feet, excluding green roofs) as open area with portions to be developed with a combination of common and private open space. DEIR p. 2.83. Please provide the calculation of this proposed open space, including without limitation the amount of open space that could be provided in each component of the open space and state whether each component of the open space would be paved or planted into soils that drain toward groundwater. In this calculation, please specify the location and square footage of such open space that would consist of paved pathways or other paved areas and state how each component of such proposed “open space” meets the requirements of the Planning Code as to usable open space. The DEIR indicates that the proposed Cypress Stairs and Walnut Walk (excluding the Walnut Street “extension,” roundabout and walkway between Center Building A and Center Building B) would constitute open space; please explain in detail why the walkway between Center Building A and

Center Building B would not constitute open space, including without limitation under the San Francisco Planning Code. (DEIR pp. 2.83)

The DEIR states that 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. DEIR pp. 2-76-2.77. The DEIR and plan sheets do not explain the changes proposed to the Euclid Green. The DEIR acknowledges that the existing green lawns at the corner of Euclid Avenue and Laurel Street (23,600 square feet) and along Presidio Avenue (10,700 square feet) are accessible to the general public. DEIR p. 2.9. Please describe in detail each and every change that the developer proposes to make to the existing green spaces that currently exist along Euclid Avenue and Laurel Street. The City's Urban Design Team review notes state that "Euclid Park seems to show retaining walls and other interruptions. It seems strongest as a single zone of lawn." (Ex. M, November 16, 2017 UDAT Notes) Please describe in detail what was meant by this statement and what documents the Planning Department reviewed before it made this comment. The DEIR and plan sheets submitted to the City do not show any such proposed modifications to the existing lawn and landscaped spaces along Euclid Avenue or Laurel Street.

In addition, if there is a possibility of any portion of the site being used for a community garden, please explain the proposed location and size of the proposed community garden and which existing site features would be changed to install it. If there is a possibility of any portion of the site being used for a farmer's market at any time, please explain the proposed location and size of the proposed farmer's market and the anticipated times of operation." (*Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-24]*)

"The landscaping and green areas are our only relief and I think as much as possible should be preserved." (*Sharon Esker, Email, January 5, 2019 [I-Esker-10]*)

"There's a lot of talk about preserving neighborhood character. Laurel Hill has always been a place where neighbors gather, children learn sports from their parents, and a community is formed. These community bonds will not be formed along meandering concrete pathways." (*Linda S. Glick, Draft EIR Hearing Transcript, December 13, 2018, pp. 56-57 [I-Glick1-5]*)

"There is a lot of talk about preserving neighborhood character.

Laurel Hill has always been a place where neighbors gather; children learn sports from their parents; and a community is formed.

These community bonds will not be formed along meandering concrete pathways." (*Linda S. Glick, Draft EIR Hearing Transcript and Handout, December 13, 2018 [I-Glick1-9]*)

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Page S.2: In order to develop 558 "dwelling" units under the proposed project or 744 "residential" units on the 10.25-acre site, "...the existing annex building, surface parking lots, and circular garage ramp structures would be demolished." Why would there need to be 13 new structures to be erected with either proposal?

In the 896 parking spaces that are to be provided in "four below-grade parking garages and in 2-car parking garages serving the duplexes on Laurel, would there be 60 public parking spaces for the "60 existing public parking spaces" that are going to be removed? If not, what would be the

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total number of public parking spaces on the site at each phase of the development and at full completion?” (Rose Hillson, Letter, January 8, 2019 [I-Hillson2-1])

“It is especially important to plant and keep large mature trees where there is space in light of the fact that “open space” does not mean *ON THE GROUND* but rather includes green rooftops, walls, and sidewalks where large mature trees could not thrive.” (Rose Hillson, Letter, January 8, 2019 [I-Hillson2-4])

“Small privately-owned-public-open-space (POPOs) behind walls and on rooftops are no substitute for grass on the ground, especially to dog owners who bring their pets there. The community sees this as an asset to their lifestyle in this area.” (Rose Hillson, Letter, January 8, 2019 [I-Hillson2-68])

“Although non-reflective glass might be used, the current glass is reflective of the open space and greenery of its surroundings so the building blends in almost in a semi-camouflage manner. Is expensive and is unknown as to its appropriateness to the existing historic building. The current building is slung low and hugs the topography but if the building gets too tall, the reflection may become too much. The current windows reflect the skyline of the city and has an effect such that the reflections of the surrounding trees and other landscape elements almost camouflage the building.” (Rose Hillson, Letter, January 8, 2019 [I-Hillson2-77])

“I have concerns, too, about the open space, ...” (Maryann Massenburg, Draft EIR Hearing Transcript, p. 66, December 13, 2018 [I-Massenburg-4])

“3. It overstates the value of “open space” at the expense of “green space”, depriving the neighborhood of a local park in return for paved walkways;” (Adam McDonough, Email, January 7, 2019 [I-McDonough2-6])

“Greenspace: The loss of what little green space that exists on Presidio Avenue, is a loss to all of us who have come to use it as a mini park and enjoy the views of the redwoods (which the proposed project will hide from public view).” (Gilda Poliakin, Email, December 30, 2018 [I-Poliakin-6])

“So roughly speaking each unit in the 2-unit townhouses could approximately be on average approximately 4,200 square feet....which I guess means that the remaining 544 non-townhouse units could be on average approximately 1,400 square feet?

Please consider this email as Comment on the DEIR if possible.” (Georgia Schuttish, Email, November 17, 2018 [I-Schuttish1-1])

“Has the size (square footage) of the 7 multi-story townhomes proposed for this project been determined and is it included in the DEIR?” (Georgia Schuttish, Email, November 17, 2018 [I-Schuttish1-2])

“I was curious about the two Renovation Buildings: 51 units in Center Building A and 139 in Center Building B. Do you know what the square footage of these units, particularly the 3 and 4

bedroom units would be? (The average size of the units for these two buildings would be approximately 1,754 sq. feet and 1,818 sq. feet respectively....but this can't be for the studio and one-bedroom or maybe even the two bedroom units.)" (*Georgia Schuttish, Email, November 27, 2018 [I-Schuttish2-1]*)

"A. Street view greenery and open space. The EIR fails to consider one of the most important attributes of the property and the effect of losing it-- providing a substantially green and calm oasis in an area that is densely developed and congested.

Right now the north edge of the property along California Street is an arcade of greenery, a significant visual resource. Fifteen mature evergreen street trees (New Zealand Christmas trees) arc over the wide sidewalk for two blocks and meet the high shrubs extending above the brick wall along the property. Between the sidewalk and the brick wall (set back from the property) is a row of greenery with flowering azaleas, camellias and dietes. It is a beautiful, calm and event spacious place to walk, unlike most of California Street in the vicinity, where buildings meet the sidewalks and the street trees (pollarded sycamores) are leafless much of the year." (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-2]*)

"The idea that open space in the interior of the Project will compensate for significant changes along the streets is false. One or two plazas surrounded by concrete and glass walls hardly substitutes for the expansiveness of the greenery at Euclid viewed by thousands of people a day or the green archway on California Street enjoyed by pedestrians and passing riders alike. This greenery is a unique visual resource in an area largely devoid of anything green, and contributes to the wellbeing of anyone in the area. (See it with a virtual walk around the site on Google maps using street view.)

Note: There is very little visible greenery nearby or within walking distance of the Project. The closest park is Alta Plaza, 8-9 blocks away. Otherwise, there is only a patch of grass in front of the Presidio Library. The Presidio Heights Playground is fully paved; and the Laurel Hill Playground, also paved and with a ball field, sits out of sight, down a steep walkway below Euclid Avenue. The minipark on Bush is a dark, narrow lot squeezed between 3-4 story buildings, totally shaded all day long. The Presidio looks close, but it is on the other side of hill surrounded by a wall and the backs of houses. Access is through the Presidio Gate, along a busy and steep thoroughfare with no sidewalks." (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-4]*)

RESPONSE PD-3: PROJECT CHARACTERISTICS

Comments express concerns regarding the characteristics of the proposed project. Some comments generally state that items were missing from the project description such as urban design intentions (including drawings such as floor plans). Other comments ask for more information about how the construction of below-grade parking would affect affordability and the overall increase in construction costs, whether the project would be higher density than the existing uses in the neighborhood, why the project is comprised of 13 new structures, how many public parking spaces would be provided, and what the sizes of various residential units are.

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Other comments express concerns regarding the merits of the proposed site plan and the characterization of the existing site in the EIR. One comment asserts that the EIR inaccurately states that the existing commercial site is underutilized. One comment expresses concern regarding the proposed midblock passageway alignment. Several comments express concern regarding project open space, assert that the project would cause the privatization of open space, indicate a preference for certain types of “green” open spaces and large mature trees and the lack of existing greenery outside the project site, and express concern about the quality and accessibility of existing green spaces, parks, and open spaces. One comment asks for information about any proposed community garden and the location and size of any proposed farmer’s markets.

Urban Design

One comment states that many drawings were missing in the EIR, including floor plans and urban design intentions. Another comment asserts that the north edge of the property along California Street is a significant visual resource containing mature evergreen street trees, high shrubs, and a variety of flowering greenery.

The EIR provides several graphics depicting the proposed project. Plan-view diagrams include Figure 2.3: Proposed Site Plan, on EIR p. 2.5; and Figure 2.29: Proposed Open Space, on EIR p. 2.85. Figures 2.4 through 2.6 on EIR pp. 2.20-2.22 depict the elevations of the proposed project as seen from within the project site, California Street, Presidio/Masonic avenues, Euclid Avenue, and Laurel Street. Detailed elevations and sections of each proposed building are also depicted in Figures 2.14 through 2.21 on EIR pp. 2.37-2.59. Figures 2.7 through 2.13 on EIR pp. 2.27-2.33 depict the forms of the proposed buildings and open spaces in photosimulations. CEQA Guidelines section 15124 provides that the EIR project description need not supply extensive detail beyond that needed for evaluation and review of the environmental impacts. The project description in the EIR and initial study provided sufficient detail to analyze the environmental impacts of the proposed project and project variant.

To the extent that comments express concern with the proposed project’s or project variant’s architectural style, scale, massing, and choice of building materials, the proposed project or its variant meets each of the criteria listed in CEQA section 21099(d); thus, the determination of significance of environmental impacts of the proposed project or its variant does not consider aesthetics, as discussed in EIR Chapter 1, Introduction, on pp. 1.11-1.12. Detailed architectural and landscape plans are available in the project sponsor’s Planning Application Re-Submittal 2 (dated July 3, 2019).⁵ To the extent that urban form and building materials may be reviewed and

⁵ Laurel Heights Partners, LLC; Meyer Studio Land Architects; James Corner Field Operations; BAR Architects; Jensen Architects; Solomon Cordwell Buenz; BKF Engineers; and ARUP, Planning Application Re-Submittal 2, July 3, 2019.

amended, this will occur during the review for project approval. For further response to comments regarding aesthetics, see Response CEQA-2: Aesthetics/CEQA Section 21099, on RTC pp. 5.K.9-5.K.13.

Construction Costs and Affordability

As provided in planning code section 167, costs associated with parking are required to be separated from housing costs in lease or sale of residential units for all off-street parking spaces accessory to residential uses in new structures or in new conversions of non-residential buildings to residential use of 10 dwelling units or more. This provides potential renters or buyers the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and an associated parking space. Renters or buyers of on-site inclusionary affordable units provided pursuant to planning code section 415 are also required to have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units, and at a price determined by the Mayor's Office of Housing.

CEQA does not specifically require an analysis of construction cost on affordability as part of the EIR. CEQA Guidelines section 15124 provides that the project description need not supply extensive detail beyond that needed for evaluation and review of the environmental impacts and shall contain "a general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public facilities." Furthermore, CEQA Guidelines sections 15144 to 15147 also provide guidance regarding the degree to which forecasting, speculation, specificity, and technical detail are appropriate in CEQA documents.

As stated above under Response PD-1: Construction Duration, Phasing and Staging, and Development Agreement, on RTC p. 5.B.14, CEQA does not require analysis of socioeconomic issues, unless it can be demonstrated that a secondary physical environmental impact may result from the socioeconomic impact. To the extent that physical environmental impacts would occur as a result of construction and operation of the proposed project or project variant, these impacts have been analyzed in detail in the EIR. Further analysis of secondary socioeconomic impacts would be largely speculative and would not necessarily predict reasonably foreseeable outcomes, and therefore has not been included pursuant to CEQA Guidelines sections 15144 to 15147.

Nonetheless, if approved, the proposed project or project variant would be required to comply with the affordable housing requirements in the planning code, as discussed in the initial study (see Section E.2, Population and Housing, on pp. 118-119, and EIR Chapter 3, Plans and Policies, on p. 3.11). In its objectives (see EIR p. 2.12), the project sponsor commits to providing on-site affordable units. This commitment would be reflected in actions taken by the planning commission and the board of supervisors in approval of a development agreement with respect to,

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among other community benefits, the project sponsor's commitment to the amount of affordable housing developed as part of the proposed project or project variant, as described on EIR pp. 2.106-2.107.

Midblock Passageway

The comment regarding placement of the north-south midblock pedestrian way was originally submitted in 2016 during preliminary public outreach concerning the project. The comment was considered by the project sponsor, and the proposed site plan has since been modified as presented in the Notice of Preparation, initial study, and EIR. The proposed open space plan is described in EIR Chapter 2, Project Description, on pp. 2.83-2.86, and illustrated in Figure 2.29: Proposed Open Space, on p. 2.85.

Proposed Project Density and Site Utilization

The first project objective listed on EIR p. 2.12 is to “redevelop a large underutilized commercial site into a new high quality walkable mixed use community...”. A comment presents an opinion regarding the existing utilization of the project site, listing the range of existing office, retail, and child care uses, along with the site's parking and landscaping features. The comment's implication is that the existing café is a retail use open to the public. This is incorrect. The café is open only to UCSF employees and available to visitors to the UCSF uses in the building. As visitors entering the main office building must sign in and indicate their appointment(s) at the main entrance, members of the public cannot enter simply to visit the existing café use. Therefore, the café use is not a traditional retail use making the site a mixed-use site, as suggested in the comment. The annex building is not considered a separate land use because it provides mechanical services to the office use. As shown in Table 2.1: Project Summary, on EIR p. 2.8, the current use of the property for offices is comprised of the 338,000-gross-square-foot office building and a 14,000-gross-square-foot annex building. As explained on EIR p. 2.25, the current office use is considered a legal, non-conforming use in the RM-1 zoning district. In the context of this objective, the term “underutilized” refers to the available buildout of residential dwelling units and floor area as provided by the RM-1 zoning district. The project site could accommodate significantly more building square footage given the existing building's footprint of approximately 24 percent of the project site.⁶ The objectives of the proposed project and project variant include the addition of new neighborhood-serving uses, such as neighborhood-serving retail and open spaces that would promote activation of the site for community interaction.

The proposed development plan, comprised of 13 new structures and the adaptive reuse of the existing office building as two separate residential buildings, is informed by several site-specific considerations, including the adaptive re-use of the existing office building; increasing the

⁶ Don Bragg, The Prado Group, email to Peter Mye, Senior Planner, SWCA, July 25, 2019.

utilization of the project site for residential and neighborhood-serving uses while accounting for the site's topography; providing an open and connected site through internal pedestrian and bicycle pathways and open spaces; providing a mix of compatible uses; and providing a high-quality and varied architectural and landscape design that is compatible with the site's diverse surrounding context, topography, and other unique characteristics. These objectives are discussed in Chapter 2, Project Description, on EIR p. 2.12. Furthermore, the project site design is informed by feedback solicited from the planning department, other City agencies, and neighbors, as reflected in the current design presented in the EIR and the project sponsor's Planning Application Re-Submittal 2 (see RTC Section 2).

Table 2.2: Characteristics of Proposed Buildings on the Project Site, on EIR p. 2.23, lists the total residential floor area and number of dwelling units by number of bedrooms. The new and adaptively reused buildings would contain a range of dwelling units, from studios/one-bedroom units to four-bedroom units. As unit size is determined in part by the number of bedrooms provided, there would be no single average unit size. The environmental analyses are not based on the average square footage of any residential units but on the total number of residential units and, in some cases, the unit mix (i.e., number of bedrooms).

Open Space

Comments incorrectly characterize the existing open space on the project site as a public resource that would be owned by the project sponsor following UCSF's departure. As stated on EIR p. 2.19, there are approximately 34,300 square feet of existing grass lawns along Laurel Street, Euclid Avenue, and Masonic Avenue. The site was purchased by the project sponsor in March 2018 and is currently leased by UCSF pending the relocation of functions/offices to other UCSF sites. When UCSF owned the project site, it allowed the general public to have access to the grass lawns, as it does currently as the site's existing tenant. The proposed project or project variant would preserve approximately 18,760 square feet of the lawn area on Euclid Green, as discussed on EIR pp. 2.83-2.86. As shown in Table 2.4: Proposed Open Space, on EIR p. 2.84, the proposed project would include a total of 103,000 square feet of privately owned common open space, much of which would be open to the public. With the minor modifications to the open space program for the revised project or revised variant (see RTC Section 2, Revisions and Clarifications to the Project Description, p. 2.14 and RTC Table 2.4a and RTC Table 2.4b on RTC pp. 2.21 and 2.22), the Euclid Green area would be slightly reduced, from approximately 18,760 square feet to 18,004 square feet, and overall, the amount of common open space would increase from 103,000 square feet for the proposed project or project variant, to 127,126 square feet for the revised project or revised variant. the Euclid Green area would be slightly reduced, from approximately 18,760 square feet to 18,004 square feet, and overall, the amount of common open space would increase from 103,000 square feet for the proposed project or project variant, to

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127,126 square feet for the revised project and 125,226 square feet for the revised variant. All of the common open space in the revised project and revised variant would be open to the public.

Community gardens are open spaces in which members of the community can grow produce and ornamental plants for personal use, such as those managed by the San Francisco Recreation and Park Department. The proposed project or project variant does not include a community garden or farmer's market space but would provide a variety of landscaped spaces throughout the project site. As described in the EIR, much of the open space would be accessible to the public.

As stated on EIR pp. 2.86-2.87, the proposed project or its variant would retain up to ten existing mature trees, if viable, and plant up to 270 new trees. The ten trees identified for retention would be subject to a number of tree-health-related measures to improve chances for survival, i.e., mulching, pruning, pest control, and monitoring irrigation and the need for nutritional supplements through laboratory analysis of soil and plant tissue. The proposed project or its variant would remove 185 on-site trees, including 19 on-site significant trees, which are analyzed in further detail in the initial study in Section E.12, Biological Resources, on pp. 202-204. Additional information regarding this topic is available in Response BR-1: Loss of Trees starting on RTC p. 5.J.81.

One comment asserts that the north edge of the property along California Street is a significant visual resource containing mature evergreen street trees, high shrubs, and a variety of flowering greenery. As discussed above, the proposed project or its variant would meet each of the criteria provided by CEQA section 21099(d), and thus the determination of significance of environmental impacts of the proposed project or its variant under CEQA does not consider aesthetics, as discussed in EIR Chapter 1, Introduction, pp. 1.11-1.12.

In general, the planning code does not provide a definition of, or requirements for, "green space." The proposed project or project variant would comply with planning code section 135 requirements, which call for private and common open space with a menu of design options including areas designed for outdoor living, recreation or landscaping, on the ground and on decks, balconies, porches and roofs. To the extent that the comments express preference for lawns and mature trees, these comments do not raise issues concerning the adequacy or accuracy of the EIR's analysis of environmental impacts under CEQA. Such comments may be considered and weighed by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project or project variant independently of the environmental review process. Further, as noted on EIR p. 2.106, the project sponsor has applied to enter into a development agreement with the City, to address, among other topics, the development and maintenance of certain parts of the proposed open space as publicly accessible. Comments related to the merits of that agreement will be forwarded to the decision-makers for their consideration, but do not concern the adequacy or accuracy of the EIR.

COMMENT PD-4: SITE ACCESS

“3. THERE IS AN EXISTING PATHWAY THROUGH THE BUILDING TO MASONIC.

Opening at the front of the main building, there is a pathway through the building that opens into the Eckbo Terrace and continues to Masonic. See Attachment C, photos of pathway.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, December 5, 2018 [O-LHIA1-7]*) [Attachment C referenced in the comment is presented as Exhibit C in Comment Letter O-LHIA1 in RTC Attachment B.]

“Under this Alternative, as well as the Community Full Preservation Alternative, the existing passageway which extends from the north of the building, through the building, into the Eckbo Terrace, and onto an open-air pathway that directly connects to Masonic Avenue can be used as a pathway open to the public. No division of the main building would be needed to produce a pathway. There is also an existing open-air passageway from the north gate through the property that connects with Laurel Street.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, December 5, 2018 [O-LHIA1-13]*)

“The DEIR is also inaccurate, because it does not acknowledge that the site is now highly walkable, with pathways throughout that lead out to Walnut, Mayfair, Laurel and Euclid/Masonic Streets. The EIR fails to acknowledge that there is currently a pathway that leads from the front of the existing office building, through the building to the Eckbo Terrace and out onto Masonic/Euclid streets.

The City’s Preliminary Project Assessment specified that the proposed Walnut “walk” would not be an extension of a City street but would be an internal pathway. (See June 8, 2018 comments by Kathryn Devincenzi on Initial Study for 3333 California Street, Ex. M. p. 15, stating as to measurement of height “curb along the Walnut street extension may not be used as the base of measurement because the Walnut street extension is not a public right-of-way.”) The same analysis applies equally to the proposed Mayfair “extension.” Thus, the DEIR inaccurately described the project’s objectives as extending the “surrounding street grid into the site through a series of pedestrian and bicycle pathways and open spaces.”” (*Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-15]*)

RESPONSE PD-4: SITE ACCESS

The comments state that the site is already highly walkable with existing internal pedestrian walkways that connect public sidewalks on California Street, Laurel Street/Mayfair Drive, and Euclid and Masonic avenues. Comments further assert that there is an existing publicly accessible path through the project site and main building that provides north-south connectivity from Walnut Street to Masonic and Euclid avenues (see the photographs in Attachment C to Letter O-LHIA1 in RTC Attachment B [pp. 14-17]). The comments and photographs indicate that public access is available through an entrance associated with the conference center (or auditorium) and near the northeast surface parking lot under the northerly extension of the main building’s east wing. The comment further asserts that this entrance provides direct access through the building

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into the private courtyard (terrace) and to Euclid Avenue via the wrought-iron gate near Euclid Avenue, as shown in the last photograph.

As described on EIR pp. S.1, 1.1, and 2.1, the project site is owned by Laurel Heights Partners, LLC, and is leased to the Regents of the University of California, who currently use the site for the UCSF Laurel Heights Campus. Existing site access for pedestrians is correctly described on EIR p. 2.16, which states that “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 western facades.” It would be inaccurate to state that there is a public pathway through the existing building connecting California Street with Masonic and Euclid avenues. Access to the building is limited to UCSF staff and requires display of a badge. As described below in more detail, visitors must check in with security at the main entrance and receive and display a visitor’s pass to continue into and through the building. However, it is true that there is an existing sidewalk connecting California Street and Laurel Street using internal pedestrian walkways. The internal sidewalk system borders the surface parking lots and connects the gated north entry opposite Walnut Street and the gated western entries at Mayfair Drive/Laurel Street and at Laurel Street, just north of Euclid Avenue. Although not public sidewalks, a pedestrian could enter via Walnut Street (when the gates are open) and continue south parallel to Laurel Street via the internal pedestrian walkway adjacent to the west wing of the main building. This internal pedestrian walkway connects to the Laurel Street sidewalk at the southernmost entry just to the north of Euclid Avenue and generally parallels the west side of the project site. This internal sidewalk system does not provide the north/south and east/west connections that extend the surrounding street grid through the site for pedestrians and bicyclists as recommended by the planning department during its early reviews of the proposed site plan (see the description of proposed pedestrian network changes in Section 4.C, Transportation and Circulation, EIR p. 4.C.42).

Existing parking, circulation, and loading are correctly described on EIR pp. 2.15-2.17; it would be inaccurate to state that a public north-south pathway through the existing building that connects California Street with Masonic and Euclid avenues is part of existing conditions. As explained and illustrated in an April 8, 2019 letter from UCSF’s Real Estate Division,⁷ the UCSF Laurel Heights campus is a restricted access campus with strict security control measures. Only authorized UCSF faculty and/or employees with building security access cards are allowed unaccompanied access to the building and property. Non-UCSF visitor access is allowed only with permission and visitors must “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

⁷ University of California, San Francisco (UCSF), Letter from Bruce Lanyan, Interim Assistant Vice Chancellor, UCSF Real Estate Division, to Kei Zushi, San Francisco Planning Department re: UCSF Laurel Height Campus Access, April 8, 2019.

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.”⁸

Thus, based on UCSF’s response regarding site access, the assertion that passage through the existing building, including its interior private courtyard, is available to the general public is not accurate. The EIR project description provides accurate information regarding existing and proposed site access. The UCSF letter also provides information regarding entry protocols for the sub-lessees (Bright Horizons child care provider and the operator of the café). Access to the on-site café is also restricted to employees and to visitors who have signed in and are visiting a UCSF employee; the exterior café doors from private courtyard are accessible only with UCSF access cards (see also Response PD-3, Project Characteristics, particularly RTC p. 5.B.22).

One comment states that the proposed Mayfair and Walnut walks would be internal pathways, not extensions of city streets. The comment asserts that the inaccurate characterization of the proposed Mayfair and Walnut walks, in contrast to the project objective presented on EIR p. 2.12, to “...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,...,” renders the project objective as flawed. As stated on EIR pp. 2.76-2.77, the project site would be redeveloped to enhance pedestrian accessibility:

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) (see Figure 2.22, p. 2.62). 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.

⁸ Ibid.

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Thus, the project objective referenced in the comment describes a conceptual extension of accessibility by providing pedestrian and bicycle pathways in connection with existing streets (the proposed Mayfair and Walnut walks). The objective does not state that the project would provide new vehicular thruways within the project site. The EIR project description provides accurate information regarding the proposed open space program and its interconnectivity with the surrounding pedestrian network.

One comment notes that the alternative proposed by the Laurel Heights Improvement Association of San Francisco, Inc. (the LHIA Alternative) would not divide the existing building, as would the proposed project or project variant, and asserts that such a change to the building is not necessary. That comment asserts that the project objective to connect the site with the existing street network is obviated by an existing publicly accessible north-south connection (through the main building).

As discussed above, there is no existing public passageway through the building. However, one of the alternatives described in the EIR, Alternative C: Full Preservation – Residential Alternative, EIR pp. 6.65-6.88, is similar to the LHIA Alternative as it relates to the retention and reuse of the existing building. As depicted in Figure 6.5: Alternative C: Full Preservation – Residential Alternative Site Plan, on EIR p. 6.67, Alternative C would preserve the existing building form with no physical division and would adaptively reuse it for a residential use. Alternative C would include an east-west pedestrian and bicycle pathway because the proposed Mayfair Walk would be developed; however, without the division of the existing building, a north/south pedestrian and bicycle pathway would not be developed (see EIR p. 6.73). Thus, Alternative C, as well as other alternatives that preserve the existing structure without any physical division, would only partially meet the project objective to connect to the existing street grid because only the east-west connection would be developed. Furthermore, under the proposed alternatives that retain the existing building form, the courtyard on the southeast side of the building would be retained. Alternative C will be considered by City decision-makers along with the proposed project, project variant, and other alternatives, as discussed in EIR Chapter 6, Alternatives. For a discussion of the impacts of dividing the existing building, see EIR Section 4.B, Historic Architectural Resources, Impact CR-1 on EIR pp. 4.B.41-4.B.47. For responses related to the range of alternatives analyzed in the EIR and the request for inclusion of an alternative developed by the Laurel Heights Improvement Association of San Francisco, Inc. (the “LHIA Alternative”), see Response AL-1: Range of Project Alternatives and Response AL-2: LHIA Alternative in Section 5.H, Alternatives, RTC pp. 5.H.6-5.H.17 and pp. 5.H.54-5.H.69, respectively.

COMMENT PD-5: PERMANENT RIGHT OF RECREATIONAL USE/PRESCRIPTIVE EASEMENT

“6. The Public Has Acquired Rights of Recreational Use on Open Space on the Property.

As explained in the letter from attorney Fitzgerald, the public has acquired recreational rights to the open space on the property as a result of the public’s use of the used open space on the property as a park. See Attachment F.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, December 5, 2018 [O-LHIA1-9]*) [Attachment F referenced in the comment is presented as Exhibit F in Comment Letter O-LHIA1 in RTC Attachment B.]

“The public has used the green landscaped areas surrounding the main building as recreational space for many years, and the public has acquired a permanent right of recreational use in these areas. (Ex. D, letter of attorney Fitzgerald)” (*Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-4]*)

“I am writing regarding the development of the 3333 California Street development, currently the UCSF Laurel Heights Campus (the “Site”). It is my understanding that the San Francisco Planning Department is working with the developer of the Site regarding the initial project plans for the proposed development. The owner of the fee interest and the developer of the Site are limited in their joint ability to develop the Site because the owner of the Site does not have free and clear title; rather the general public holds a permanent recreational interest in all of the open space at the Site. Therefore, any development plans at the Site may not impinge upon this open space.

The general public holds a permanent right of recreational use on all of the open space at 3333 California and such rights were obtained by implied dedication. Dedication is a common law principle that enables a private landowner to donate his land for public use. Implied dedication is also a common law principle and is established when the public uses private land for a long period of time, which period of time is five (5) years in California. In 1972, the California legislature enacted Civil Code Section 1009 to modify the common law doctrine of implied dedication and to limit the ability of the public to secure permanent adverse rights in private property. Here, however, the existing open space at the Site was well established and well used as a park by the general public long before the completion of the construction of the full footprint of the improvements at the Site in 1966. Therefore, the general public has permanent recreational rights to the open space at the Site; the rights were obtained by implied dedication prior to the enactment of Cal. Civil Code Sec. 1009 in 1972.

Even if the general public had not secured permanent rights to recreational use through implied dedication prior to 1972, the public and countless individuals have acquired a prescriptive easement over the recreational open space. The recreational use has been continuous, uninterrupted for decades, open and notorious and hostile (in this context, hostile means without permission). Every day, individuals and their dogs use the green space along Laurel, Euclid and along the back of the Site at Presidio. Individuals ignore the brick wall along Laurel and regularly use the green space behind the wall as a park for people and for their dogs. The use of the Site has not been permissive. For example, the owner of the Site has not posted permission to pass signs in accordance with Cal. Civil Code Sec. 1008. If such signs ever were posted, they have not been reposted at least once per year. Although it is counterintuitive, an owner typically posts such

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B. Project Description

signs to protect against the public securing adverse rights. One might assume the owner of the Site has not posted such signs, as the owner is aware of the pre-existing and permanent recreational rights the general public has secured to the open space. Because the public's rights to the open space were secured decades ago through implied dedication, it is not necessary for the general public to rely upon its prescriptive easement rights outlined in this paragraph; rather it is another means to the same end.

It is important that the Planning Department understand these legal issues as any project plan (or any future project description in an Environmental Impact Report ("EIR") for the Site) cannot include development of the open land over which the public has a secured permanent rights of recreational use. It would not be a concession by the owner/developer to leave the open space undeveloped and allow public recreational use as the general public holds permanent recreational rights to this space. It is important to note that even the open space behind the walls that has been used as park space is also included in this dedication to the public. According to well-established case law, a wall or fence is not effective in preventing the development of adverse property rights if individuals go around the wall, as is the case here.

In sum, the open space at the Site cannot be developed as the public secured such rights through implied dedication prior to 1972 (or, alternatively, by prescriptive easement). In reviewing the development plans for the Site, the City cannot decide to allow development of any of the open space as the recreational rights to the space are held by the public at large. Any project description in the future EIR for the Site that contemplates development of any of the open space would be an inadequate project description and would eviscerate any lower impact alternative presented in the EIR. One only need to look to the seminal land use case decided by the California Supreme Court regarding this very Site' to see that an EIR will not be upheld if the project alternatives are legally inadequate. It would be misleading to the public to suggest that a lesser impact alternative is one that allows the public to use the space to which it already has permanent recreational use rights.

In sum, please be advised of the public's permanent recreational rights to all of the existing open space at the Site and please ensure that a copy of this letter is placed in the project file." (*Kathryn R. Devincenzi, Letter, January 8, 2019, Exhibit D: Letter from Margaret Fitzgerald to Mary Woods, Planner – North West Quadrant, San Francisco Planning Department, February 26, 2018 [I-Devincenzi3-23]*)

"Through the years, the community has used the green landscape spaces for recreational purposes, and a lawyer has stated that the public has acquired permanent recreational rights on the green spaces." (*Linda S. Glick, Draft EIR Hearing Transcript, December 13, 2018, p. 56 [I-Glick1-4]*)

"Through the years, the community has used the green landscape spaces for recreational purposes, and a lawyer has stated that the public has acquired permanent recreational rights on the green spaces." (*Linda S. Glick, Draft EIR Hearing Transcript Handout, December 13, 2018 [I-Glick1-8]*)

"While no memorial park was created, the neighborhood residents and visitors today use this area of mature trees and open grassy areas as a park for recreation and to take in the views of the more urbanized downtown area to the east. This publicly used open space contributes to the health and well-being of the neighbors and the visitors in this area and is a healthful retreat from the pressures of urban life without having to trek farther to the Presidio National Recreation area nor

to travel much farther to the next available designated park.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-68]*)

RESPONSE PD-5: PERMANENT RIGHT OF RECREATIONAL USE/PRESCRIPTIVE EASEMENT

Several comments assert that the use of open space on the project site along Laurel Street, Euclid Avenue, and Presidio Avenue, as well as the courtyards and terraced areas, has resulted in the general public and numerous individuals holding a permanent right to recreational use of the site either through implied dedication or by a prescriptive easement. The comment is noted.

A prescriptive easement is a common legal theory advanced in boundary and easement disputes as a way to establish the right to use the land of another for a specific purpose. An easement is a lesser interest in real property than the right of ownership. Claims to a prescriptive easement are often invoked when a claimant seeks to establish a right to use real property based on historic usage. Anyone claiming a prescriptive easement has the burden of proving that their use of the property was open, notorious, continuous, and adverse for an uninterrupted period of five years. “Adverse use” means that the owner has not consented to the use of his/her property by silent permission, lease or license.

Similarly, the doctrine of implied dedication is a common law (non-statutory law) principle that confers the right of the public to use property of another in the absence of an oral or written agreement. Implied dedication is similar to a prescriptive easement; however, the easement is for the benefit of the general public, and not an individual. (See generally, CEB, California Easements and Boundaries: Law and Litigation.) The California Legislature in 1972 enacted Civil Code section 1009 to statutorily address claims of implied dedication.

Both a prescriptive easement and a recreational easement through implied dedication are ultimately established by court decree; a public entity having quasi-judicial functions, such as the San Francisco Planning Commission or Board of Supervisors, does not have authority to determine prescriptive easement rights. (See, generally, CEB, California Easements and Boundaries; Law and Litigation.)

In any event, as required by CEQA Guidelines section 15124, the EIR accurately describes the existing site conditions and existing site access, and accurately describes the proposed project including proposed open space. As stated in Chapter 2, Project Description, on EIR p. 2.11, Laurel Heights Partners, LLC, (the project sponsor) owns the project site and “leases the site to the Regents of the University of California, which uses the project site for the University of California, San Francisco (UCSF) Laurel Heights Campus.” As stated on p. 2.19, when the project site was owned by UCSF, it allowed the general public access to the grass lawns. As the current tenant of the site, UCSF continues to allow the public access to the grass lawns.

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B. Project Description

As noted in Table 2.1: Project Summary, EIR pp. 2.8-2.9, the site includes 51,900 square feet of open space. The existing green lawns at the corner of Euclid Avenue and Laurel Street (23,600 square feet) and along Presidio Avenue (10,700 square feet) are accessible to the general public. The internal open spaces on the south and east sides of the existing office building (a 4,500-square-foot child care play space and a 13,100-square-foot courtyard) are for UCSF's exclusive use and are accessible only to UCSF staff and visitors to the UCSF facility. The remaining approximately 113,300 square feet of open area are inaccessible planted or landscaped areas. The open area does not include the existing surface parking lots (approximately 139,000 square feet).

The EIR identifies approximately 103,000 square feet of common open space to be provided as part of the proposed project and project variant, a portion of which would be accessible to the public, including access to Euclid Green (see EIR pp. 2.84-2.85). With the minor modifications to the open space program for the revised project or revised variant (see RTC Section 2, Revisions and Clarifications to the Project Description, p. 2.14, and RTC Table 2.4a, and RTC Table 2.4b on RTC pp. 2.21 and 2.22) the amount of common open space for the revised project would be 127,126 square feet (an increase of 24,126 square feet) and for the revised variant the amount of common open space would 125,226 square feet (an increase of 22,226 square feet), all of which would be open to the public.

As noted on EIR p. 2.106, the project sponsor has applied to enter into a development agreement with the City to address, among other topics, the development and maintenance of certain parts of the proposed open space as publicly accessible. Comments related to the merits of that agreement will be forwarded to the decision-makers for their consideration, but do not concern the adequacy or accuracy of the EIR.

COMMENT PD-6: PROJECT OBJECTIVES

“3. The EIR’s Statement of Project Objectives Is Unreasonably Narrow, and the DEIR is Inadequate Because It Lacks a Reasonable and Accurate Statement of Project Objectives.

The DEIR’s statement of “Objectives” of the proposed project is unreasonably narrow, and biased toward the developer’s proposed project concept, and inaccurately characterizes the proposed project/variant and its potential impacts on the environment. As a result, the DEIR fails to provide a reasonable or accurate statement of project objectives under CEQA standards.”

(Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-12])

“Also, since the plans do not specify the size of the proposed new retail uses, it cannot be determined whether the type of retail provided would be of a size that is neighborhood-serving, and some portions of the proposed retail space are very large and could accommodate on-local retail uses. (See August 17, 2017 plan sheet A4.03, and compare with sheet A4.02). Also, by its nature, the proposed 54,000 square feet of retail uses are of a size that would attract customers

from areas that are not in the neighborhood. Moreover, the proposed 9,826 square feet of composite food and beverage retail uses (DEIR p. 4.C.54) would attract substantial numbers of persons from outside the neighborhood and are one step up from fast food.

The project's objective to create complementary designs is inaccurate, because the design and architectural character of the proposed project/variant buildings would not be compatible with the scale or character of any of the neighborhoods surrounding the project site. Another objective acknowledges the incompatibility, acknowledging the "diverse surrounding context." Also the Preliminary Project Assessment stated that the architectural design should be made high quality, but the plans have not been revised to do so.

The description of the objective of creating a green, welcoming space that will encourage the use of the outdoors and community interaction is not applicable to the proposed project, which would create a concrete jungle with mostly strip planted beds constructed over underground concrete garage structures, in the place of natural, verdant expanses of lawns, shrubs, plants and trees planted into the ground. Also, the paved pathways proposed in the project fails to comply with the requirements of Planning Code section 135, which requires that "[u]nsable open space shall be composed of an outdoor area or areas designed for outdoor living, recreation or landscaping." Proposed concrete pathways are inaccurately designated as open space on August 19, 2017 plan sheet L0.01.

The fact the proposed project/variant inaccurately characterized proposed paved pathways as open space is acknowledged by the objective to incorporate open space that would maximize pedestrian accessibility.

Also, the DEIR fails to acknowledge that the objective to integrate the existing office building into the development is inaccurate since the proposed project proposes to divide it in two and demolish its executive wing.

In addition, the DEIR and project plans do not specify the type and amount of affordable housing that might be constructed on site, and the San Francisco Planning Code allows a development agreement to increase or decrease the amount of affordable housing otherwise required by the Planning Code. Thus, the DEIR contains no evidence that the proposed project/variant would achieve the objective of providing on-site affordable units consistent with ABAG's Regional Housing Needs Allocation for the City of San Francisco. The DEIR fails to specify how the proposed project/variant would achieve such ABAG allocation or evaluate the manner in which the proposed project/variant and alternatives would actually meet such ABAG allocation for all income levels." (*Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-16]*)

RESPONSE PD-6: PROJECT OBJECTIVES

The comments state that the project objectives, shown on EIR p. 2.12, are unreasonably narrow, biased toward the developer, and inaccurately characterize the project and its potential impacts. The comments also disagree with the assertion that the project would meet objectives such as the provision of neighborhood-serving retail (as compared to larger retail attracting regional customers outside the neighborhood); the use of complementary and high-quality designs; the creation of a green, welcoming, walkable environment; the integration of the existing office building; and the provision of affordable housing on site.

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To the extent that the comment asserts that proposed project objectives are overly specific or express a particular preference in the character of land uses proposed by the project, this is a comment on the merits of the proposed project. CEQA Guidelines section 15124 provides that the project description of an EIR shall include a statement of objectives that includes the underlying purpose of the project and “may discuss the project benefits” to help the lead agency develop a reasonable range of alternatives and aid decision-makers in preparing findings or a statement of overriding considerations, if necessary (see also CEQA section 21082.4). Lead agencies have broad discretion to formulate project objectives, although project objectives should not be so narrow as to effectively preclude consideration of a reasonable range of alternatives. The objectives listed in the EIR provide adequate context of the project sponsor’s goals to allow the lead agency to develop an appropriate range of alternatives to be evaluated in the EIR. City decision-makers will use the project objectives in their evaluation of the proposed project, project variant, and alternatives as part of the basis for findings if they determine to approve the project or the project variant. The range of alternatives considered need not achieve all of the same objectives as the proposed project but should include alternatives that could “feasibly attain most of the basic objectives.”

Here, City decision-makers would consider each of the six alternatives analyzed in EIR Chapter 6, Alternatives, which address a variety of land use options, such as increased office use, increased residential use, historic preservation of the existing office building, mixed office and residential use, and conformance to code requirements, all of which could feasibly attain most of the project’s basic objectives.

Under Article 1 of the planning code, a neighborhood-serving business is defined by the characteristics of its customers, its types of merchandise or service, its size and trade area, and the number of similar establishments in other neighborhoods. However, this definition does not provide a size limit to a neighborhood-serving retail business. As listed in Table 2.2: Characteristics of Proposed Buildings on the Project Site, on EIR p. 2.23, the proposed project would contain ground-floor retail uses in the Plaza A Building, Plaza B Building, Walnut Building, and Euclid Building. The size of retail space in each building would range from 4,287 to 24,324 square feet. Although the planning application submitted by the project sponsor to the City in August 2017 indicates that retail demising⁹ and associated square footage is conceptual and final layouts may differ, the 54,117 gross square feet of retail space would not be developed in a single location on the project site and would not be a single large retail space. For purposes of the EIR transportation analysis, the 54,117 gross square feet of retail space is further refined by the type of retail in order to calculate the number of person trips that would be generated by the different types of retail uses proposed. Thus, the concern expressed in one comment about the trip

⁹ The final number of tenants and a demising plan for tenants, which indicate the location of non-bearing walls that separate tenant spaces, are typically determined at the time buildings are leased.

generation potential of the 9,826 gross square feet of composite food and beverage retail uses is already reflected in the trip generation (see Section 4.C, Table 4.C.11: Person-Trip Generation (Internal and External Trips Combined), on EIR p. 4.C.54, for the daily, weekday a.m. peak, and weekday p.m. peak person trips generated by that subset of the proposed retail uses for both the proposed project and project variant).

Subsequent to the publication of the draft EIR, the total amount of gross retail square footage in the proposed project has been reduced by 13,856 gross square feet to 40,261 gross square feet. Under the revised variant, the retail use would be reduced by 14,097 gross square feet to 34,496 gross square feet. This information is presented in the detailed architectural and landscape plans, which provide conceptual retail demising, available in Planning Application Re-submittal 2 (dated July 3, 2019). As noted in Planning Application Re-submittal 2, there would be a total of 40,261 gross square feet of retail uses, with 14,816 gross square feet in the Plaza A Building, 11,180 gross square feet in the Plaza B Building, and 14,265 gross square feet in the Walnut Building. There would be no retail in the proposed Euclid Building. Appropriate land use controls for neighborhood-serving retail and restaurant uses would be reflected in actions taken by the planning commission and the board of supervisors in consideration of a development agreement and other approvals.

A comment presents an opinion that the project objective to create complementary designs (“Create complementary designs and uses that are compatible with the surrounding neighborhoods...,” EIR p. 2.12) is inaccurate, because the proposed project or project variant would not be compatible with the scale or character of the surrounding neighborhoods, and that the architectural design plans are not high quality. The comment also declares that the proposed project or project variant would not achieve the objective of creating a green, welcoming, walkable environment (“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,” EIR p. 2.12) but would create a concrete jungle. The comment asserts that these spaces do not qualify as open space per planning code section 135.

As discussed in Response PD-3: Project Characteristics, RTC pp. 5.B.19-5.B.24, this comment asserts an opinion regarding the proposed site plan and open space. Furthermore, the EIR presents several characterizations of site trees and landscaping, including Figure 2.29: Proposed Open Space, on EIR p. 2.85. Comments on the project design, including the design of the open space program, do not raise specific issues concerning the adequacy or accuracy of the EIR under CEQA; such comments are considered comments on the merits of the project that may be considered and weighed by the decision-makers prior to rendering a final decision to approve, modify, or disapprove the proposed project or project variant.

5. Comments and Responses

B. Project Description

The comment asserts that the last objective on EIR p. 2.12, which states that the project sponsor seeks to “work to retain and integrate the existing office building into the development to promote sustainability and eco-friendly infill re-development,” is an inaccurate objective because the project proposes to separate the existing building and demolish its east wing.

This objective refers to the adaptive reuse of the existing office building for residential use as part of a larger mixed-use development in an urban infill environment. This objective does not state that the building would necessarily be preserved in its entirety to achieve this objective. Retention and integration of the existing office building into the development was considered during the alternatives scoping process discussed on EIR pp. 6.5-6.9, with recognition that division of the building contributed to the significant and unavoidable historic resources impact. Two of the alternatives described in the EIR, Alternative B: Full Preservation – Office Alternative, EIR pp. 6.28-6.64, and Alternative C: Full Preservation – Residential Alternative, EIR pp. 6.65-6.88, include the preservation of much of the existing office building form including the east wing. These alternatives will be considered by City decision-makers along with the proposed project, project variant, and other alternatives, as discussed in EIR Chapter 6, Alternatives.

If approved, the proposed project or project variant would be required to comply with the affordable housing requirements in the planning code, which requires payment of a fee or provision of on-site or off-site affordable units. Providing on-site affordable units is one of the listed project objectives. The commitment to provide affordable units on site would be reflected in actions taken by the planning commission and the board of supervisors in approval of a development agreement, as described on EIR pp. 2.106-2.107. As discussed on initial study p. 118, the City is tasked with meeting a Regional Housing Needs Allocation (RHNA) goal of 28,869 residential units by 2022 as distributed by the Association of Bay Area Governments for households at the very low income, low income, moderate income, and above moderate income levels. As stated, the proposed project or its variant would be subject to the inclusionary affordable housing program requirements of planning code section 415; the development agreement negotiated with the City would define the percentages of affordable housing units to be provided by the proposed project or its variant by income level and the number of affordable residential units at each income level. The proposed project and its variant would contribute 558 units and 744 units, respectively, each fulfilling a portion of the City’s assigned RHNA.

The comments do not present evidence supporting assertions that objectives listed in the EIR were narrowly defined or were not reasonable or accurate statements of the underlying purpose of the project such that the lead agency was limited in its development of a range of alternatives, or the objectives could not be used to aid decision-makers in their evaluation of the proposed project, project variant, and alternatives. As previously noted, the range of alternatives considered need not achieve all of the same objectives as the proposed project or project variant but must be able to “feasibly attain most of the basic objectives.” (See CEQA Guidelines section 15126.6(a).)

The comments are noted and may be considered and weighed by the decision-makers as part of the basis for findings if they determine to approve the proposed project or the project variant.

COMMENT PD-7: PROJECT APPROVALS

“9. The Project Description is Not Stable.

For purposes of CEQA, a “project” is defined as comprising “the whole of an action” that has the potential to result in a direct or reasonably foreseeable indirect physical change to the environment. 14 CCR section 15378(a).

The Initial Study lists approval of a subdivision map by San Francisco Public Works as an approval that would be required to implement the proposed project or project variant. IS p. 86.

However the Initial Study fails to provide any information on the nature of the subdivision that would be sought, including whether spaces proposed to be used for retail or office uses would be subdivided. The EIR should disclose all information in the possession of the City as to the nature of the subdivision that would likely be sought.

In addition, the Initial Study indicates that the Walnut Street extension would be a pathway, and the EIR should clarify that approval would not be sought to make the Walnut Street extension a public street or public right of way. The EIR should also clarify that approval would not be sought to divide the project site into blocks, because the whole site is now one lot and block.” (*Kathryn Devincenzi, Letter and Attachments, June 6, 2018 [I-Devincenzi4-12]*)

“In addition, the project description is unstable in that the Initial Study indicates that the project proponent would seek a development agreement that would permit a 15-year period for construction and “limit the City’s ability to rezone the site for a set period of time.” IS p. 23. Thus, the development described in the Initial Study may not be the full extent of the contemplated development, especially in view of the proposed removal of the 4th floor of the existing office building and the strengthening of the building to accommodate additional floors.

The EIR must disclose all information as to the number of additional floors that the strengthening of the structure is being designed to accommodate and all other designs that are being prepared to accommodate expansion. Is the strengthening of the building being designed to accommodate more floors than three, and if so, how many such additional floors? The Initial Study discloses only that two to three stories are proposed to be added to the existing building. Also, are any of the new buildings being designed to accommodate expansion, and how many additional floors are they being designed to accommodate? An Initial Study must consider all phases of project planning, including phases planned for future implementation. 14 CCR section 15063(a)(1). The EIR must also disclose all available information as to the terms of the proposed development agreement that the project proponent and/or the City is considering.

Additional floors added to buildings would allow space for more residential units or other uses sought by the developer, and could increase the number of occupants or users of the site, and the consequent volumes of traffic, air emissions, noise and shadows. The impact of shadow would be greater if more than two to three additional stories were added to the existing building. Thus, the information sought is relevant to analysis of environmental impacts.” (*Kathryn Devincenzi, Letter and Attachments, June 6, 2018 [I-Devincenzi4-14]*)

RESPONSE PD-7: PROJECT APPROVALS

The comment states that the project description is not stable, that the construction duration coupled with the strengthening of the adaptively reused building to accommodate additional floors would allow for future expansion, that the extension of Walnut Street is not clearly defined as a pathway or a public street, that the EIR failed to provide information on the nature of the subdivision map that would be sought from San Francisco Public Works, and that the EIR should clarify that approval would not be sought to divide the project into blocks with public rights-of-way, where the existing site is one lot and one block.

For the purposes of CEQA, the project description has been presented in the Notice of Preparation (published September 20, 2017), the initial study (published April 25, 2018), and the draft EIR (published November 7, 2018). Overall, the project description presented in all three documents is consistent, and no material or substantial changes to the project site plan, the adaptive reuse strategy and required seismic and load strengthening of the existing building, the density of land uses, number of residential units, commercial square footage, or proposed open space plan have occurred. As discussed in the initial study and EIR project descriptions, foundation work would not be necessary to accommodate the two to three additional floors proposed for Center Buildings A and B, respectively; however, to improve the seismic systems for the Center A and B buildings new or expanded spread footings may be necessary where shear walls terminate at the foundation level (see EIR pp. 2.34-2.35 and 2.99). As discussed in the initial study and EIR project descriptions, the proposed Mayfair and Walnut walks would serve as pedestrian and bicycle pathways, not vehicular rights-of-way that would create a multi-block urban form. Furthermore, the extension of Walnut Street into the project site for access to the proposed California Street garage and the roundabout would not be a new public right-of-way but a private roadway. CEQA Guidelines section 15124 provides that a project description need only provide sufficient detail in order to adequately disclose, analyze, and address environmental impacts. Minor revisions and clarifications of the project description subsequent to publication of the draft EIR are provided in RTC Section 2, pp. 2.2-2.29.

The stability of a project description is determined by whether it is internally consistent, or whether it shifts over time in a manner that prevents the EIR from allowing the public to intelligently participate in the decision-making process. A project description must provide adequate detail to allow a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An EIR's project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact" (CEQA Guidelines section 15124). The comment does not provide examples or evidence of substantive changes to the project description that have occurred in a way to prevent informed public participation within the context of the CEQA process. However, as an example of how a project description evolves over time as a result of technical environmental analyses of the project as proposed, see

Figure 22: Proposed Site Access, on initial study p. 51 (EIR Appendix B) and Figure 2.22: Proposed Site Access, on EIR p. 2.62, and the associated text in each document. These figures illustrate the change to the entry/exit program for the proposed garage access from Laurel Street between California Street and Mayfair Drive. The change would limit access to right-turn in and right-turn out movements to minimize potential conflicts between cars accessing the garage and those entering and exiting the Laurel Shopping Center parking lot.

The EIR presents a preliminary list of San Francisco agencies' anticipated approvals and is subject to change, as discussed on EIR pp. 2.106-2.108. These approvals may not be granted until the required environmental review has been completed. Thus, some details of proposed actions are necessarily preliminary and subject to change. Applicable elements of the project description for the proposed project or project variant as described in EIR Chapter 2, including minor modifications identified in RTC Section 2, would be incorporated into the required development agreement, including the site plan and proposed mix of uses. Disclosing that a subdivision map would be approved is sufficient, and the additional detail sought in the comments is not required. Since publication of the draft EIR, the project sponsor submitted a Tentative Map application on April 9, 2019, for a phased subdivision in which the project sponsor proposes to create separate horizontal and vertical legal parcels in anticipation of the re-development of the project site. The Tentative Map would provide for the possibility of additional vertical and commercial condominium subdivision. Whether or not a subdivision of the project site is approved, the project would create a cohesive mixed-use development. As such, the specific nature of the subdivision map would not introduce material changes to the proposed project or project variant that would require further environmental review.

5. Comments and Responses
B. Project Description

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5.C PLANS AND POLICIES

The comments in this section relate to the topic of Plans and Policies, evaluated in the draft EIR (Chapter 3) and the initial study (Section C). A corresponding response follows the grouped comments.

COMMENT PP-1: GENERAL PLAN, RESOLUTION 4109, ZONING CONTROLS, HEIGHT LIMITS, AND DEVELOPMENT AGREEMENT

“Retail uses were banned as a commercial use on the site by Planning Commission Resolution 4109, which still applies, when the site zoning was changed from First Residential to commercial with limitations, in order to prevent adverse effects on the adjacent retail uses in Laurel Village Shopping Center and along the Sacramento Street neighborhood commercial area. See Attachment G, Resolution 4109. This resolution was recorded in the chain of title as a Stipulation as to Character of Improvements and can only be changed by the Board of Supervisors.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of SF, Inc., Letter, December 5, 2018 [O-LHIA1-4]*) [*Attachment G referenced in the comment is presented as Exhibit G in Comment Letter O-LHIA1 in RTC Attachment B.*]

“I am in favor of retaining zoning as residential only. That was the intention originally by the gentleman who developed Laurel Heights as well as Antivista Heights. He was going to develop this area; unfortunately, he died before that happened.” (*M. J. Thomas, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript, p. 51, December 13, 2018 [O-LHIA7-2]*)

“In the Petition Drive the 800 signatories opposed rezoning 3333 and also opposed revoking Resolution 4109, an agreement between the City and the surrounding neighborhoods. “A deal is a deal” was how everyone felt. The Community Full Preservation Alternative will already be more than twice as dense as the surrounding neighborhoods so any rezoning is uncalled for, unneeded and unwanted. These signatures are in the hands of the District 2 Supervisor.” (*Sal Ahani, Email, January 8, 2019 [I-Ahani-7]*)

“There is no hardship with the site and so in my opinion no reason to change the zoning to allow the increased height limit, retail etc. There is a reason that the zoning was changed and it should be respected.” (*David Bercovich, Email, January 7, 2019 [I-Bercovich-3]*)

“Under Resolution 4109/Stipulation as to Character of Improvements, the aggregate gross floor area is limited to the total area of the property (approximately 435,600 square feet, according to Dean Macris). (Ex. J, Dean Macris MEMO dated June 25, 1986.) According to the DEIR, the aggregate gross floor area of the existing buildings totals approximately 376,000 square feet, which is 84.2 percent of the size of the project site, so at present only 15.8% of the site may be covered by additional buildings. In addition, since the site zoning changed to R-4 in 1960 and then to RM-1 in 1978, while the prior stipulations of Resolution 4109 continue to apply, the property became a nonconforming use under the Planning Code, so the “total floor area in commercial use may not be expanded.” (Ex. J, Macris MEMO and Ex. K, Passmore February 22, 1981 letter to John Cloudsley, Jr.) Under the current RM-1 zoning, office uses are generally not

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permitted, and retail uses are generally not permitted. (Ex. L, March 5, 2015 Letter of Determination; see also San Francisco Planning Code section 209.2 and Table 209.2, Zoning Control Table for RM Districts).” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi3-14]*)

“In addition, the DEIR fails to identify the following conflicts between the developer’s proposed project/variant and the requirements of Resolution 4109/Stipulation as to Character of Improvements. Those requirements provide that: (a) no residential building other than a one-family dwelling or a two-family dwelling shall occupy 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, (b) no dwelling within the said described portion of the subject area shall occupy a parcel of land having an area of less than 3300 square feet, nor shall any such dwelling cover more than fifty percent of the area of such parcel or be less than twelve feet from any other such dwelling, or be set back less than 10 feet from any presently existing or future public street, or have a height in excess of forty (40) feet, and (c) no residential building in other portions of the subject property shall have ground coverage in excess of 50% of the area allotted to such dwelling. The developer’s proposed Euclid Building and proposed Laurel duplexes violate these provisions, and the developer’s proposed buildings on other portions of the site violate provision (c) because they have ground coverage in excess of 50% of the area allotted to such dwelling. Do you dispute that the developer’s proposed project/variant would violate each of these provisions in the manner set forth above? The DEIR is inaccurate as to the proposed project’s conflict with applicable laws.

In addition, under Resolution 4109/Stipulation as to Character of Improvements, development of the property was required to include provisions for appropriate and reasonable landscaping of the required open spaces, and prior to the issuance of a permit for any building, a site plan was required to be submitted to the City Planning Commission showing the character and location of the proposed building or buildings and related parking spaces and landscaped areas upon the property, or upon each separate portion thereof as is allotted to such building or buildings. Such site plan was to be submitted to the City Planning Commission for approval as to conformity with these stipulations. The DEIR fails to discuss or provide for analysis the site plan that was approved by the City Planning Commission pursuant to this provision, and the EIR must be revised to provide this information.

It is also important to note that under Planning Code section 174, Stipulations as to Character of Improvements become portions of the Planning Code, so only the Board of Supervisors can modify the Stipulations as to Character of Improvements that are recorded against this site. Section 174 provides that:

“Every condition, stipulation, special restriction and other limitation imposed by administrative actions pursuant to this Code, whether such actions are discretionary or ministerial, shall be complied with in the development and use of land and structures. All such conditions, stipulations, special restrictions and other limitations shall become requirements of this Code, and failure to comply with any such condition, stipulation, special restriction or other limitation shall constitute a violation of the provisions of this Code. Such conditions, stipulations, special restrictions and other limitations shall include but not be limited to the following:

(a) Conditions prescribed by the Zoning Administrator and the City Planning Commission, and by the Board of Permit Appeals and the Board of Supervisors on appeal, in actions on

permits, licenses, conditional uses and variances, and in other actions pursuant to their authority under this Code;

(b) Stipulations upon which any reclassification of property prior to May 2, 1960, was made contingent by action of the City Planning Commission, where the property was developed as stipulated and the stipulations as to the character of improvements are more restrictive than the requirements of this Code that are otherwise applicable. Any such stipulations shall remain in full force and effect under this Code. (Planning Code section 174)

The DEIR inaccurately claims that a project objective would be to incorporate open space in an amount equal to or greater than that required under the current zoning. DEIR 6.3. However the DEIR fails to acknowledge that this objective conflicts with the current zoning restrictions stated in Resolution 4109/Stipulation as to Character of Improvements require 100-foot landscaped set backs along the property's boundary with Euclid Avenue and along Laurel Street up to its intersection with Mayfair Drive. The EIR must be revised to state the amount of open space required under the current zoning applicable to the site (including Resolution 4109) and recirculated for public comment.

In addition, the Resolution 4109/Stipulation as to Character of Improvements requires one parking space for each 500 square feet of gross floor area in the commercial buildings on the site. The developer's proposed project/variant fail to comply with these provisions, and the DEIR fails to discuss this conflict." (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi3-17]*)

“4. The Proposed Project Would Have a Significant Impact on the Environment Because the Project Would Conflict With Applicable Land Use Plans or Regulations and Would Have a Substantial Impact Upon the Existing Character of the Vicinity.

A. Urban Design Element of San Francisco General Plan and Residential Design Guidelines

The proposed project would conflict with the following policies of the Urban Design Element, 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 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....

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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. Ex. V, Urban Design Element of San Francisco General Plan.

The proposed project would also conflict with the following provisions of the Residential Design Guidelines:

DESIGN PRINCIPLE: Design buildings to be responsive to the overall neighborhood context, in order to preserve the existing visual character.

Many neighborhoods have defining characteristics such as street trees, buildings with common scales and architectural elements, and residential and commercial uses that make the neighborhood identifiable and an enriching place to be. The neighborhood is generally considered as that area around a home that can easily be traversed by foot....

Though each building will have its own unique features, proposed projects must be responsive to the overall neighborhood context. A sudden change in the building pattern can be visually disruptive. Development must build on the common rhythms and elements of architectural expression found in a neighborhood. In evaluating a project's compatibility with neighborhood character, the buildings on the same block face are analyzed. However, depending on the issues relevant to a particular project, it may be appropriate to consider a larger context.

Broader Neighborhood Context: When considering the broader context of a project, the concern is how the proposed project relates to the visual character and scale created by other buildings in the general vicinity.

Defined Visual Character

GUIDELINE: In areas with a defined visual character, design buildings to be compatible with the patterns and architectural features of surrounding buildings.

On some block faces, there is a strong visual character defined by buildings with compatible siting, form, proportions, texture and architectural details. On other blocks, building forms and architectural character are more varied, yet the buildings still have a unified character. In these situations, buildings must be designed to be compatible with the scale, patterns and

architectural features of surrounding buildings, drawing from elements that are common to the block.

III. Site Design

DESIGN PRINCIPLE: Place the building on its site so it responds to the topography of the site, its position on the block, and to the placement of surrounding buildings.

TOPOGRAPHY

Guideline: Respect the topography of the site and the surrounding area.

New buildings and additions to existing buildings cannot disregard or significantly alter the existing topography of the site. The surrounding context guides the manner in which new structures fit into the streetscape, particularly along slopes and hills. This can be achieved by designing the building so it follows the topography in a manner similar to surrounding buildings.

Similarly, a proposed project may be located next to a historic or architecturally significant building that is set back from the street or is on a wider lot with front and side gardens. The front setback of the proposed project must respect the historic building's setbacks and open space. Additionally, the front setback must serve to protect historic features of the adjacent historic building.

SIDE SPACING BETWEEN BUILDINGS

GUIDELINE: Respect the existing pattern of side spacing.

Side spacing is the distance between adjacent buildings...Projects must respect the existing pattern of side spacing.

VIEWS

GUIDELINE: Protect major public views from public spaces.

The Urban Design Element of the General Plan calls for protection of major public views in the City, with particular attention to those of open space and water. Protect major views of the City as seen from public spaces such as streets and parks by adjusting the massing of proposed development projects to reduce or eliminate adverse impact on public view sheds.

IV. Building Scale and Form

DESIGN PRINCIPLE: Design the building's scale and form to be compatible with that of surrounding buildings, in order to preserve neighborhood character.

BUILDING SCALE

GUIDELINE: Design the scale of the building to be compatible with the height and depth of surrounding buildings.

The building scale is established primarily by its height and depth. It is essential for a building's scale to be compatible with that of surrounding buildings, in order to preserve the neighborhood character.

Building Scale at the Street

GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the street.

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If a proposed building is taller than surrounding buildings, or a new floor is being added to an existing building, it may be necessary to modify the building height or depth to maintain the existing scale at the street. By making these modifications, the visibility of the upper floor is limited from the street, and the upper floor appears subordinate to the primary facade.

In modifying the height and depth of the building, consider the following measures; other measures may also be appropriate depending on the circumstances of a particular project:

- Set back the upper story. The recommended setback for additions is 15 feet from the front building wall.
- Eliminate the building parapet by using a fire-rated roof with a 6-inch curb.
- Provide a sloping roofline whenever appropriate.
- Eliminate the upper story.

Building Scale at the Mid-Block Open Space

GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space.

BUILDING FORM

GUIDELINE: Design the building's form to be compatible with that of surrounding buildings.

Though the Planning Code establishes the maximum building envelope by dictating setbacks and heights, the building must also be compatible with the form of surrounding buildings.

GUIDELINE: Design the building's facade width to be compatible with those found on surrounding buildings.

Proportions

GUIDELINE: Design the building's proportions to be compatible with those found on surrounding buildings.

Proportions are the dimensional relationships among the building's features, and typically involve the relationship between the height and width of building features....Building features must be proportional not only to other features on the building, but also to the features found on surrounding buildings.

Rooflines

GUIDELINE: Design rooflines to be compatible with those found on surrounding buildings.

V. Architectural Features

DESIGN PRINCIPLE: Design the building's architectural features to enhance the visual and architectural character of the neighborhood.

In designing architectural features, it is important to consider the type, placement and size of architectural features on surrounding buildings, and to use features that enhance the visual and architectural character of the neighborhood. Architectural features that are not compatible with those commonly found in the neighborhood are discouraged.

VI. Building Details

DESIGN PRINCIPLE: Use architectural details to establish and define a building's character and to visually unify a neighborhood.

The use of compatible details visually unifies a neighborhood's buildings, providing continuity and establishing the architectural character of the area.

WINDOWS

GUIDELINE: Use windows that contribute to the architectural character of the building and the neighborhood.

Windows are one of the most important decorative features, establishing the architectural character of the building and the neighborhood.

EXTERIOR MATERIALS

GUIDELINE: The type, finish, and quality of a building's materials must be compatible with those used in the surrounding area.

When choosing building materials, look at the types of materials that are used in the neighborhood, and how those materials are applied and detailed. Ensure that the type and finish of these materials complement those used in the surrounding area, and that the quality is comparable to that of surrounding buildings. Ex. K, Residential Design Guidelines, excerpts.

Defining characteristics of the single-family residential buildings on Laurel Street across the street from the site include one-story in height at the front, with a second set-back story, sloped roofs, consistent entrance and front setback patterns and compatible stucco materials. Defining characteristics on Euclid Avenue across the street from the site are two-unit flats or multiple-unit apartment buildings with rear yards sloping toward the site. Defining characteristics of the residences on California Street and Presidio Avenue are approximately four-story buildings designed with traditional architectural forms. The proposed project conflicts with the prevailing character of the surrounding areas and neighborhood in these and other respects, including the existing pattern of mid-block open space, as can be seen in the plans showing the incongruent scale and building forms of the proposed project. Also, the new buildings and additions to existing buildings proposed in the project would disregard or significantly alter the existing topography of the site.

B. The Proposed Project Would Have a Significant Impact on the Environment Because the Project Would Conflict With Applicable Land Use Plans or Regulations and Would Have a Substantial Impact Upon the Existing Character of the Vicinity.

The Housing Element EIR state 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, 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, 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, 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.

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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, 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, 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, p. 37.

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, 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 guideline, 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, 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, new commercial office uses and public parking 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 these reasons, 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, 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, p. V-A-32-33.

The City’s Preliminary Project Assessment (“PPA”) 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, 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

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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 an 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, 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, 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." 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, 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, 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. First, the proposed planning code and zoning map

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amendments were not provided in the Initial Study, so the IS is incomplete and its 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;

(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 has not explained the nature of the “minor deviations” from the provisions for measurement of height that would be sought, so the IS is incomplete, and the EIR must identify them so the nature of the project can be known, and comments can 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, 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 does 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 fails to substantiate the nature of the proposed deviations from the provisions for the measurement of height as being minor and fails 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

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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, p. V.A-34.

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, 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, p. V.B-2. None of these exceptions apply to the proposed project.

The Initial Study uses 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, p. 4.

The Initial Study for the 3333 California Street project acknowledges 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 puts 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.

The Initial Study errs in claiming that to approve the proposed project, the city would be required to make findings of project consistency with the planning code. 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, 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 project approval would not result in consistency with the policies of the Urban Design Element or Housing Element, because the IS does not identify those elements of the General Plan as proposed to be amended in connection with approval of the proposed project. IS p. 86.

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

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performance standards that would result in compliance or the specific expected management actions that would be taken. 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.

Thus, the EIR must 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 acknowledges 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, p. V.B-29.

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." (*Kathryn Devincenzi, Letter, June 8, 2018 [I-Devincenzi4-7]*)

"In the Petition Drive the 800 signatories opposed rezoning 3333 and also opposed revoking Resolution 4109, an agreement between the City and the surrounding neighborhoods. "A deal is a deal "was how everyone felt. The Community Full Preservation Alternative will already be more than twice as dense as the surrounding neighborhoods so any rezoning is uncalled for, unneeded and unwanted. These signatures are in the hands of the District 2 Supervisor." (*Richard Frisbie, Email, January 7, 2019 [I-FrisbieR1-6]* and *Tina Kwok, Email, January 9, 2019 [I-Kwok4-12]*)

"Today I'd like to explain the history of the restrictions placed on the site by the planning commission and the community use of green space as a park. The same developer who built Laurel Heights residential tract in Antivista, was going to build a residential tract on this site, but he died. The school district acquired the property for a possible site for Laurel High School, but decided to locate that elsewhere and sell the site. The district could get 50 percent more money from the sale of it if it could rezone it from first residential to commercial.

The district went through its first attempt at rezoning due to community opposition, as can be seen here. Finally, a deal was struck with the community that resulted in restrictions stated in Resolution 4109 that include 100-foot landscape setbacks along Laurel and Euclid Streets and a ban on retail uses of this site.

Under Planning Code Section 174, such stipulations as to character of improvements become provisions of the planning code and can only be changed by the board of supervisors.” (*Linda Glick, Draft EIR Hearing Transcript, pp. 55-56, December 13, 2018 [I-Glick1-2]*)

“I’m Linda Glick, a resident of Laurel Street. I’d like to explain the history of the restrictions placed on the site by the Planning Commission and the community use of the green space as a park.

The same developer who built the Laurel Heights residential tract and Anza Vista was going to build a residential tract on this site, but he died.

The School District acquired the property for a possible site for Lowell High School but decided to locate that elsewhere and sell this site. The District could get 50% more money from the sale if it could rezone it from First Residential to Commercial.

The District withdrew its first attempt at rezoning due to community opposition.

Finally a deal was struck with the community that resulted in the restrictions stated in Resolution 4109 that include 100-foot landscaped setbacks along Laurel and Euclid streets and a ban on retail uses of the site.

Under Planning Code section 174, such Stipulations as to Character of Improvements become provisions of the Planning Code and can only be changed by the Board of Supervisors.” (*Linda Glick, Draft EIR Hearing Transcript Handout, December 13, 2018 [I-Glick1-7]*)

“In regards to a DEVELOPMENT AGREEMENT being entered into for this project, it seems the public cannot find out what are going into these agreements and if the mitigation and community benefits are not included in the publicly accessible DEIR/FEIR documents, then there could be problems down the road for the neighborhood.

While the text on the website states that it exists to “strengthen the public planning process,” it is unclear if the agreements really help the residents with impacts. What was the criteria used to determine what projects and this one in particular to have a development agreement?

Development Agreements – Frequently Asked Questions

What is a Development Agreement and why does the City have them?

Development agreements are contracts approved by the Planning Commission and Board of Supervisors entered into by the City and a developer to expressly define a development project’s rules, regulations, commitments, and policies for a specific period of time. The purpose is to strengthen the public planning process by encouraging private participation in the achievement of comprehensive planning goals and reducing the economic costs of development. A development agreement reduces the risks associated with development, thereby enhancing the City’s ability to obtain public benefits beyond those achievable through existing ordinances and regulations.

Due to the dissolution of the City’s Redevelopment Agency, each agreement is now negotiated on a case-by-case basis by the Office of Economic and Workforce Development and the City Attorney’s Office.

How are Development Agreements monitored by the City?

The Planning Department and OEWD are working closely with the Controller’s Office City Performance Unit and other City Departments to centralize development agreement requirements and mitigations into a comprehensive system that will encourage proactive monitoring and

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tracking of developer and City responsibilities. Prior to this project, there was no centralized system that housed all development agreements and their requirements. In addition to this webpage, this project will produce a database that the City will use to track and monitor payments, community commitments, and other important data within the development agreements.

Are there different types of Development Agreements?

California Government Code Section 65864-65869.5 and Chapter 56 of the San Francisco City and County Administrative Code sets forth the procedures by which a development agreement is processed and approved. There are four common categories of agreements:

1. Development Agreements - Voluntary contractual agreements between a landowner and the City concerning provisions of infrastructure, public spaces, and amenities.
2. Disposition and Development Agreements - A contract between a developer and the City that involves the sale of City-owned land to the developer.
3. Lease Disposition and Development Agreements - A contract between a developer and the City that involves the lease of City-owned land or property to the developer.
4. Owner Participation Agreements - A contract between a property owner/developer and the City to allow for development of property owned by an entity other than the City, generally the owner/developer.

This information is here:

<https://oewd.org/development-agreements-%E2%80%93-frequently-asked-questions>

It is best to get some of the mitigation measures lined up in the DEIR which is a *FULLY* public document rather than in “Development Agreements”.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-73]*)

“Approximately 800 residents signed a petition against the rezoning requested by the developer and he would not plan the project with the community.” (*Anne Neill, Email, December 12, 2018 [I-Neill-3]*)

“He wants to change the zoning to allow retail which was banned in Planning Commission Resolution 4109 to avoid adverse impacts to Laurel Village and Sacramento Street.” (*Anne Neill, Email, December 12, 2018 [I-Neill-6]*)

“In the Petition Drive the 800 signatories opposed rezoning 3333 and also opposed revoking Resolution 4109, an agreement between the City and the surrounding neighborhoods. “A deal is a deal” was how everyone felt.

The Community Full Preservation Alternative will already be more than twice as dense as the surrounding neighborhoods so any rezoning is uncalled for, unneeded and unwanted. These signatures are in the hands of the District 2 Supervisor.” (*Laura Rubenstein, Email, January 2, 2019 [I-Rubenstein-5]*)

“They look to changing the zoning to allow retail which was banned in **Planning Commission Resolution 4109** to avoid adverse impacts to Laurel Village and Sacramento Street.” (*Victoria Underwood, Letter, December 12, 2018 [I-UnderwoodV2-8]*)

RESPONSE PP-1: GENERAL PLAN, RESOLUTION 4109, ZONING CONTROLS, HEIGHT LIMITS, AND DEVELOPMENT AGREEMENT

Comments delineate the history of the various zoning controls on the site from its use as the former Laurel Hill Cemetery to the current residential, mixed, low density zoning district (RM-1) with an allowed non-conforming office use (UCSF Laurel Heights Campus).

Comments assert that the project design and land use program conflict with policies in the Housing and Urban Design Elements of the general plan as well as provisions in the Residential Design Guidelines, and that new construction would impact the existing character of the neighborhood, aesthetics and views. Comments cite extensively from the Preliminary Project Assessment (PPA) letter regarding actions that would be necessary to approve the original proposal filed as part of the PPA application, and assert that the requirement for amendments to the RM-1 Zoning District and 40-X Height and Bulk District maps, need for a Special Use District, and other legislative actions demonstrate that the proposed project or project variant conflicts with applicable land use policies and that such conflicts themselves result in a substantial impact on neighborhood character. In addition, comments also disagree with the information in the initial study regarding potential conflicts of the proposed project or project variant with plans and policies.

Comments state that Planning Commission Resolution 4109 (Resolution 4109) banned retail as an allowed commercial use; established specific requirements for developing housing on the project site; was inaccurately described in the EIR; and still applies to the site. Comments also assert that Resolution 4109 was an agreement between the City and the surrounding neighborhoods that should not be rescinded. Other comments state that Resolution 4109 expressly curtailed retail as a commercial use on the site to limit competition with adjacent retail uses along California and Sacramento streets; presented restrictions on how much residential development would be allowed and how it could be sited; and established parking requirements for any commercial uses. Comments identify the board of supervisors as the decision-maker with respect to the ultimate disposition of Resolution 4109, assert that the stipulations in the resolution, called “Stipulation as to Character of Improvements” in the comments, were incorporated into the planning code pursuant to section 174 of the planning code, and state that any relief from the requirements in the stipulations in Resolution 4109 also requires action by the board of supervisors.

Comments express opposition to the requested rezoning and the revocation of Resolution 4109, stating that an all-residential project, with no changes to the height limit, is preferred and assert that an alternative to the proposed project or project variant developed by the Laurel Heights Improvement Association of San Francisco, Inc. (LHIA Alternative) would provide the same level of housing without such actions. Comments state that the LHIA Alternative would double the density on the project site compared to that of the surrounding community. Comments also reproduce information from the Office of Economic and Workforce Development website about

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the development agreement process and assert that the details of the development agreement should be available for public review during the environmental review process.

Preliminary Project Assessment

The PPA letter provides the planning department's preliminary assessment of an early version of the proposed project. The PPA process is an early step in the planning department's overall review of a proposal to inform a project applicant regarding the anticipated process with the planning department prior to a formal review for entitlements based on a filed application, as well as to provide feedback on code compliance and design. It is not part of the environmental review process. Therefore, while the information in the PPA letter is accurate in relation to the information available about the proposed project at the time of the PPA review, the proposed project has been revised following receipt of the PPA letter.

Analysis of Plans and Policies

CEQA Guidelines section 15125(d) requires that the environmental setting section of an EIR discuss any conflicts between a project and general plans, specific plans, and regional plans. Regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan, area-wide waste treatment and water quality control plans, regional transportation and housing plans, and plans for the reduction of greenhouse gases, among others.

EIR Chapter 3, Plans and Policies, includes a review of local and regional plans and policies against the details of the proposed project or project variant, pursuant to CEQA Guidelines section 15125(d). For purposes of CEQA, conflicts with plans and policies pertain to those that were adopted with the purpose of avoiding or mitigating an environmental effect. To the degree that identified conflicts are connected with physical change to the environment, they are analyzed under the applicable environmental topic. As stated in EIR Chapter 3, the proposed project or project variant would not obviously conflict with objectives and policies in the general plan or the Housing, Recreation and Open Space, Transportation, Air Quality or Environmental Protection elements. Rather, the proposed project or project variant would support goals and policies in the Housing Element by increasing the supply of housing (see EIR p. 3.2).

However, conflicts were identified with Urban Design Element policies associated with the protection and rehabilitation of historic resources (Policies 2.4 and 2.5). Conflicts were also identified with provisions of the planning code related to proposed uses and height limits. Physical changes caused by the proposed project or project variant, including those that would arise as a result of these conflicts, are analyzed in the EIR or initial study. For an analysis of physical changes that would be caused by the proposed project or project variant, see initial study Section E.7, Greenhouse Gas Emissions (pp. 146-150); initial study Section E.8, Wind and Shadow (pp. 151-162); EIR Section 4.B, Cultural Resources, under Impact CR-1 starting on p. 4.B.41; EIR Section 4.D, Noise and Vibration, under Impact NO-4 starting on p. 4.D.62; and EIR Section 4.E,

Air Quality, under Impact AQ-4 starting on p. 4.E.60. The proposed project and project variant's physical changes would result in the loss of a historic resource (a significant and unavoidable environmental impact with mitigation) and increases in construction noise (a significant and unavoidable environmental impact with mitigation), operational noise (determined to be less-than-significant impacts with mitigation), air pollution and greenhouse gas emissions (determined to be less-than-significant impacts without mitigation), and wind and shadow impacts from changes to building height limits (determined to be less-than-significant impacts without mitigation).

Comments assert that the analysis of conflicts with applicable land use plans or regulations is not adequate because conflicts with objectives and policies in the Housing and Urban Design elements of the general plan and the Residential Design Guidelines are not disclosed and analyzed in the EIR. Comments further assert that the EIR is not adequate because, unlike the 2004 and 2009 Housing Element EIR, impacts on the existing character of the vicinity were not addressed in the EIR. Specific concerns were raised with regard to individual Housing Element and Urban Design Element objectives and policies. Conflicts with design principles in the Residential Design Guidelines such as neighborhood context and visual character, site design with respect to topography, building scale and form, exterior materials, among other design principles, are also asserted. Several comments, citing statements in the 2004 and 2009 Housing Element EIR, assert that the proposed project or its variant would conflict with these statements, resulting in adverse impacts on the existing scale and character of the surrounding neighborhood, as well as conflicts with existing views from the publicly accessible spaces on the project site.

A conflict with a plan or policy in and of itself is not indicative of a physical environmental change that must be analyzed under CEQA. As stated on EIR p. 3.1:

Policy conflicts do not, in and of themselves, indicate a significant environmental effect within the meaning of CEQA. To the extent that physical environmental impacts may result from such conflicts, such impacts are analyzed in their specific topical sections in Chapter 4, Environmental Setting and Impacts, and in Section E, Evaluation of Environmental Effects, of the initial study that was published on April 25, 2018 (Appendix B to this EIR). The proposed project or project variant would intensify land uses on an urban infill site, and to the extent that there are conflicts between the proposed project or project variant and applicable plans, policies, and regulations, those conflicts would be considered by City decision-makers when they decide whether to approve, modify, or disapprove the proposed project or project variant. The staff reports and approval motions prepared for the decision-makers would include a comprehensive project analysis and findings regarding the consistency of the proposed project or project variant with applicable plans, policies, and regulations independent of the environmental review process.

As stated above, the EIR did evaluate the proposed project and project variant in relation to the Housing and Urban Design elements and disclosed conflicts related to historic resources. The Residential Design Guidelines relate primarily to neighborhood character. Some, but not all, of these guidelines would be applicable to the proposed project or project variant. For example, Side

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Spacing Between Buildings is only applicable in the RH-1(D) zoning district, and not in the RM-1 zoning district. A request to waive or modify previously established site-specific controls or to amend the underlying zoning and height and bulk controls does not establish that a project is inconsistent with applicable land use objectives and policies, applicable general plan objectives and policies such as those in the Housing and Urban Design elements, or applicable standards in the Residential Design Guidelines.

In conclusion, the EIR's analysis complies with the requirement in CEQA Guidelines section 15125(d) that the EIR "discuss any inconsistencies between the proposed project" and applicable plans.

The CEQA Guidelines Appendix G checklist and San Francisco's Initial Study checklist no longer include a question in the Land Use and Planning subsection about an impact on existing character of the neighborhood. The land use and planning impact analysis in initial study Section E.1, in the discussions of Impact LU-1, Impact LU-2 and Impact C-LU-1 on pp. 110-112, focuses on whether or not the proposed project or project variant would divide an established community and if it would conflict with land use plans and policies adopted to avoid or mitigate an environmental effect. As explained in Impact LU-1, the proposed project or project variant would be incorporated within the overall street network with development of the north-south and east-west pedestrian pathways – the proposed Mayfair and Walnut walks. The proposed project or project variant would also include a number of other features to encourage and promote public access and circulation, including streetscape improvements at Masonic Avenue/Presidio Avenue/Pine Street and at Masonic Avenue/Euclid Avenue; and proposed plazas, pedestrian walkways and other open space within the project site. The impact analysis explains that land use impacts, including physical impacts related to conflicts with land use plans and policies, would be less than significant. As stated on initial study p. 111:

[P]otential conflicts with applicable general plan objectives and policies will continue to be analyzed and considered in preparation of planning department case reports and draft motions as part of the review of entitlement applications required for the proposed project or project variant independent of environmental review under CEQA. They also will be considered by the decision-makers during their deliberations on the merits of the proposed project or project variant and as part of their actions to approve, modify, or disapprove the proposed project or project variant.

Comments suggesting that the Housing Element or Urban Design Element of the general plan must be amended for the proposed project or project variant to be approved are not correct. No amendments to the Housing Element or the Urban Design Element are needed or proposed. The general plan and its constituent elements are developed with the understanding that the attainment of its goals and objectives as spelled out through policies and implementation programs are ultimately the responsibility of the City decision-makers. City decision-makers have the discretion to weigh and balance competing goals and objectives against each other in the decision-making process, aimed at the achievement of the overall intent of the general plan. The initial study only

identifies conflicts with provisions of land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect.¹

With respect to potential aesthetics and visual impacts of the proposed project or project variant, as stated in the initial study and in the EIR, the 3333 California Street site is located in an urban infill zone and transit priority area (see initial study Section D, pp. 105-106; EIR Chapter 1, p. 1.3; EIR Chapter 4.A, pp. 4.A.4-4.A.5; and Response CEQA-2: Aesthetics/CEQA Section 21099 on RTC pp. 5.K.9-5.K.13). As described in these documents, pursuant to CEQA section 21099, aesthetics impacts of a qualifying mixed-use or employment center project on an infill site located within a transit priority area are not, as a matter of law, considered significant impacts on the environment; and consequently potential aesthetics effects on existing character, scenic vistas, or views are not part of the CEQA analysis. However, aesthetics effects of the proposed project or project variant would still be considered by decision-makers as part of the design review approvals.

Accordingly, comments that assert the proposed project's or project variant's design and land use programs are not consistent with the existing character of the neighborhood are acknowledged, but do not require a further response, because this is no longer a required analysis under CEQA.

San Francisco Planning Code

Comments generally raise concerns regarding the complex set of mechanisms and processes needed to accommodate the proposed land use program. The EIR presents a list of anticipated project approvals on pp. 2.106-2.108. Among those approval actions are planning code and zoning map amendments, including an amendment to the height and bulk map; the creation of a special use district; modification or waiver of the provisions of Resolution 4109; a conditional use authorization/planned unit development; a development agreement; approval of an office allocation; and sidewalk widening legislation.

The planning code includes both very specific requirements for land development, such as a maximum number of residential units allowed on a parcel, and also mechanisms such as variances and/or exceptions allowed under a planned unit development approval to provide decision-makers with the flexibility to address unique site-specific characteristics and to further City policies.

Comments state that the EIR does not identify conflicts with provisions of the planning code. The RM-1 zoning district, 40-X height and bulk district, and other provisions of the planning code are described in Chapter 2, Project Description, on EIR pp. 2.6-2.10 and pp. 2.24-2.26 and in Chapter 3, Plans and Policies, on EIR pp. 3.6-3.12. The zoning and height and bulk designations on the site and in the surrounding area are shown on Figure 3.1: Zoning Districts and Figure 3.2: Height and Bulk Districts on EIR pp. 3.7 and 3.9, respectively. As explained in the EIR, the proposed project or project variant would be generally consistent with most of the main

¹ See CEQA Guidelines Appendix G, Section XI, Land Use and Planning.

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development standards of the RM-1 zoning with required conditional use/planned unit development approval, approval of variances, exceptions and amendments to certain planning code standards as is permitted by the planning code; however, neither would be fully consistent with the zoning and height provisions in the planning code.

As acknowledged on EIR pp. 2.24-2.26, the project sponsor is requesting amendments to the planning code and underlying zoning and height district maps, and establishment of a special use district to accommodate the retail and office uses in the proposed California Street buildings,² the increased building height along California Street (from 40 to 45 feet for the proposed project and from 40 to 67 feet [proposed Walnut Building] for the project variant) to accommodate higher ceilings for ground-floor retail uses, and the increased height at the center of the site for the vertical additions to the Center A and B buildings (80 feet and 92 feet, respectively). The proposed project or project variant would be consistent with the provisions of the planning code and zoning maps, as amended; the need for these amendments in and of itself does not create significant physical environmental impacts.

Comments also question the use of a planned unit development to maximize the amount of housing on the project site, stating that the use of a planned unit development is not equivalent of a zoning reclassification. The project variant would seek approval of a conditional use authorization/planned unit development to allow for more residential units (744 units total, not 743 as incorrectly stated in one comment) than principally permitted in the RM-1 zoning district. The conditions for granting approval of a planned unit development state that such approval cannot amount to a reclassification of the property to another zoning district. Therefore, by definition, meeting the criteria in planning code section 304 for a planned unit development is not, in effect, a reclassification of the property's zoning, contrary to suggestions in the comments. Comments base the maximum allowable density on the stipulations in Resolution 4109, resulting in a smaller number of dwelling units than proposed in the proposed project or its variant. As discussed below, Resolution 4109 would no longer be applicable once the requested action to waive or rescind it is taken by the board of supervisors.

The comments state that the proposed 60 off-street commercial parking spaces intended for community use would be a public parking garage and would therefore not be allowed under the project site's RM-1 zoning district. Minor revisions and clarifications to the proposed project and project variant made subsequent to publication of the draft EIR include elimination of these 60 commercial parking spaces (see RTC Section 2, pp. 2.7-2.11). The removal of 60 commercial parking spaces in the revised project and revised variant, along with reductions in parking related to reduced retail space, would not result in a new significant environmental effect. As explained in RTC Section 2 in subsection 2.C, Environmental Effects of the Revised Project on pp. 2.33-2.34, Mitigation Measure M-TR-2: Reduced Retail Parking Supply, related to vehicle miles traveled.

² A special use district for the project variant would not include provisions for office uses.

would continue to be applicable to the revised project or revised variant and compliance would be verified through the building permit process.

Planning Commission Resolution 4109

Among the anticipated approval actions sought by the project sponsor is modification or waiver of the provisions of Resolution 4109. Comments indicate that there is not enough detail in the EIR about the specific text that will be acted on to make changes to Resolution 4109. Many of these comments were originally submitted as comments on the published initial study.

Additional information regarding proposed changes to Resolution 4109 is provided in the EIR that was published after the initial study (see EIR Chapter 2, Project Description, p. 2.10). Insofar as the comments could be interpreted as meaning that the EIR also fails to provide sufficient detail, some details of proposed actions are necessarily preliminary and subject to change. Nonetheless, the legislative changes and adjudicatory decisions needed to accommodate the proposed land use program and height changes have been disclosed throughout the environmental review process beginning with the September 17, 2017 publication of the Notice of Preparation of an Environment Impact Report and Notice of Public Scoping Meeting. For further responses to comments regarding project approvals, see Response PD-7: Project Approvals, on RTC pp. 5.B.38-5.B.39.

Comments assert that the EIR does not identify conflicts with the provisions of Resolution 4109. The EIR contains information about the development standards applicable to the site pursuant to Resolution 4109. The development requirements of Resolution 4109 identified in the comments, e.g., residential development restrictions along Euclid Avenue and Laurel Street, parking restrictions, and development and maintenance of open space, are included in the summary description of Resolution 4109 on EIR pp. 2.24-2.25 as well as on EIR pp. 3.10-3.11.

The board of supervisors has the authority to rescind Resolution 4109 and its stipulations. Any conflict with the provisions of the resolution would be resolved by board action to rescind or waive its provisions. Although conflicts with Resolution 4109 were disclosed in the EIR, the provisions of Resolution 4109 and its stipulations related to development set forth in Resolution 4109 on the site would no longer be applicable to the site if the planning commission and board of supervisors actions are taken to modify or waive the provisions, that is, the planning commission recommendation to the board of supervisors and the board of supervisors action to modify and/or waive the development requirements of Resolution 4109 to allow for the proposed redevelopment of the site as a mixed-use community. The proposed project's or project variant's conflicts with provisions of this resolution have been identified in the EIR. In addition, the EIR and initial study discloses the physical environmental effects of the proposed project and variant.

Development Agreement

Comments express reservations with the development agreement process and the value of the document to the neighborhood as a disclosure document.

As stated in EIR Chapter 2 on p. 2.26, "...the project sponsor would seek approval of a development agreement between the City and project sponsor (which requires recommendation for approval by the planning commission and approval by the board of supervisors) with respect to, among other community benefits, the project sponsor's commitment to the amount of affordable housing developed as part of the proposed project or project variant and to develop and maintain privately owned, publicly accessible open space, and would vest the proposed project's or project variant's entitlements for a 15-year period." However, as noted on EIR p. 2.10, the development agreement is still under negotiation and community input continues to be sought by the project sponsor. Pursuant to the requirements of Administrative Code Chapter 56, the proposed development agreement will be made available for public review prior to presentation to the planning commission for its consideration and recommendation to the board of supervisors per standard City procedures.

Development agreements are not part of the environmental review process. They are part of the entitlement process for project approval. There are public noticing requirements for a development agreement, and the application, related materials, and the draft development agreement are made available to the City decision-makers and members of the public ahead of any hearing on the approval of the agreement by City decision-makers.

Contrary to the assertion in a comment, mitigation measures to address the significant environmental impacts of the proposed project and project variant were identified in the EIR and in the initial study, and therefore the public has been provided this information for review and comment. The mitigation and improvement measures identified in the EIR and initial study for the proposed project or project variant to avoid or mitigate significant environmental impacts will also be listed in a Mitigation Monitoring and Reporting Program (MMRP) along with information regarding who is responsible for implementation of the measure, the schedule for mitigation, who is responsible for monitoring and reporting, and the schedule of monitoring actions and verification of compliance with the measures. Mitigation measures identified in the initial study and EIR have already been agreed to by the project sponsor in an Agreement to Implement Mitigation Measures dated November 7, 2018. The MMRP for all of the mitigation measures identified in the EIR and initial study must be adopted as a condition of approval as part of the actions on the project and would be enforced by various City agencies. The MMRP will also be a public document.

The comments regarding the development agreement and associated process do not concern the adequacy or accuracy of the environmental impact analysis; thus, no further response is required.

Several comments state a preference for the LHIA Alternative and the amount of housing that would be provided under the LHIA Alternative, asserting that it would be twice as dense as the surrounding area. Residential density in the adjacent neighborhoods varies from low-density, single-family homes on Laurel Street to medium-density, multi-family buildings on California Street and Euclid Avenue. For responses regarding comments related to a preference for this alternative, see Response AL-2: LHIA Alternative, on RTC pp. 5.H.54-5.H.69.

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5.D CULTURAL RESOURCES

The comments and corresponding responses in this section relate to the topic of Cultural Resources, including historic architectural resources, subsurface archeological resources including human remains, and tribal cultural resources, all of which were evaluated in EIR Section 4.B or initial study Section E.3 (EIR Appendix B). The comments are further grouped according to the following cultural resources-related issues that the comments raise:

- CR-1, Historic Significance of the Site
- CR-2, Impacts on Historic Architectural Resources
- CR-3, Impacts on Archeological and Tribal Cultural Resources
- CR-4, Mitigation Measures

A corresponding response follows each grouping of comments.

COMMENT CR-1: HISTORIC SIGNIFICANCE OF THE SITE

“I would say there’s two areas, you know, I don’t think we’ve quite looked at or analyzed. One is the level of kind of historic importance that this building is. You know, when we declare something historic, any building now becomes the painted ladies or the most important building down-town.

And although I agree with Commissioner Melgar, I think this building is interesting. It’s a D-plus as far as historic goes. I mean, it is not – it’s kind of a – I’m sorry to tell you. Go take a look at it. Go take a look at it.” (*Commissioner Rich Hillis, President, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 87, December 13, 2018 [A-CPC-Hillis-2]*)

“So it’s actually a historic example of bad planning. It’s like the Sears building on Geary and Masonic. It’s like some of the redevelopment projects in the Safeway down the street on Geary. It’s actually – it’s actually an example of bad planning in the suburbanization of San Francisco that happened in the 50s and 60s. It’s not something I would necessarily salute or celebrate as an example of a great urban development. It’s exactly the opposite.

The person who spoke about this being like the freeways, it is like that. It’s part of our history we should almost forget. And we need housing. So it would be good to analyze kind of how this fits on that spectrum of historic.

I, for one, do not think it’s an enormously significant historic resource. I think it’s interesting, like the cemetery was that was there, but I’m not saying we should bring back that cemetery. If somebody came in today with a project that proposed this on Laurel Heights, it wouldn’t get through the front door of the planning department. So, I encourage us to look at this.” (*Commissioner Rich Hillis, President, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 88, December 13, 2018 [A-CPC-Hillis-3]*)

“You know, one of the other things for me is where else do we have these kind of office parks out there? So I used to work at HP on Deer Creek Road in Palo Alto –” (*Commissioner Dennis*)

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Richards, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 86, December 13, 2018 [A-CPC-Richards-7])

“The HPC expressed the importance of the historic resource as an integrated landscape and building.” (*Andrew Wolfram, President, San Francisco Historic Preservation Commission, Letter, December 11, 2018 [A-HPC-2] and Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, January 8, 2019 [O-LHIA4-7]*)¹

“4. PHOTOGRAPHS OF THE SITE ARE PROVIDED IN ATTACHMENT D.

“Photographs of the property that were provided to the State Historic Resources Commission are attached hereto because the DEIR does not appear to contain photographs of the character-defining features, other than the aerial view on the cover. See Attachment D.

5. THE DEVELOPERS AND USCF CONCEALED THE HISTORIC SIGNIFICANCE OF THE PROPERTY.

During the meetings UCSF held with community members prior to granting the developer a 99-year lease for the property in 2015, UCSF concealed the historic significance of the property from the community members. The developers also concealed the historic significance of the site from community members during the time they met with community members to discuss their development concepts. The City of San Francisco disclosed the historic significance of the site in the Notice of Preparation of Environmental Impact Report and Notice of Public Scoping Meeting dated September 20, 2017. However, UCSF knew at least six years earlier that the site was a historically significant resource eligible for listing in the National Register and California Register, as shown in the *UCSF HISTORIC RESOURCES SURVEY* prepared on February 8, 2011 by Carey & Co, Inc. See Attachment E, excerpts from Carey & Co, Inc., *UCSF HISTORIC RESOURCES SURVEY.*” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, December 5, 2018 [O-LHIA1-8]*) [Attachment D and Attachment E referenced in the comment are presented as Exhibit D and Exhibit E in Comment Letter O-LHIA1 in RTC Attachment B.]

“I attended all of the public meetings, and UC and the developer concealed the historic significance of the site from the public. Our association nominated it as soon as we learned, and it’s now listed on the California Register. Last week the San Francisco Historic Commission expressed strong support for the resource, and also wanted to know more about our alternative.

The Fireman’s Fund corporate headquarters and landscaping and building are an integrated composition that was designed to complement each other and promote the seamless integration between indoor and outdoor spaces. No employee was to be more than 40 feet from a window.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript and Handout, pp. 45-46, December 13, 2018 [O-LHIA3-7]*)

¹ Comment O-LHIA4-7 includes Comment A-HPC-2 as an attachment to the neighborhood organization’s letter (Exhibit 2). These comments are not called out separately; instead, the excerpted comment is attributed to both the agency and the organization to minimize duplication of the same exact comments.

“This memo provides a summary of the reference materials, reviewed as part of the Fireman’s Fund National Register Nomination, that provide information on the location of trees at the 3333 California Street property that appear to have been part of the Laurel Hill Cemetery landscape.

In his book *Urban Landscape Design*, Garrett Eckbo described the design process for the mid-1950s landscape design for the Fireman’s Fund site, which had been prepared by Eckbo, Royston, and Williams (ERW). In this description, he noted how some of the trees from the former cemetery were saved and incorporated into the Fireman’s Fund landscape design.

Considerable care was taken in the arrangement of the building, parking areas, and levels [i.e., grading] to save all the existing trees. Some of the trees were left on mounds of earth where the ground was depressed, and others were contained in wells where the ground was raised. In all cases, special pruning, feeding, aeration, and watering were done during construction to help the trees make the necessary adjustments.

The most impressive of the trees saved are the beautiful specimens of Monterey cypress in the parking areas on the California Street side of the building. Here, too, three very large blue gums are retained. In some ways, the most distinctive specimens saved are the large red flowering eucalyptus near the corner of California street and Presidio, and the magnificent native toyon or Christmas berry in the parking area above Presidio. In addition to these six live oaks and a very large redwood and Monterey pine are saved. (Eckbo 1964:47).

The locations of the cemetery trees that were saved and incorporated into the Fireman’s Fund landscape can best be understood through a review of historical aerial photographs that are attached to this memo.

Figure 1 shows the extent of the vegetation at the former Laurel Hill Cemetery in 1948 before any grading or construction work associated with the Fireman’s Fund Home Office had occurred.

Figure 2 shows the 3333 California Street property in 1955 after grading for the Fireman’s Fund Home Office had begun. The site has been cleared of all traces of the former cemetery except for select trees; these trees are circled on Figure 2.

Figure 3 shows the 3333 California Street property in 1958 after the completion of the initial phase of construction on the Fireman’s Fund Home Office. Former cemetery trees that have been incorporated into the design, as described by Eckbo, are circled on Figure 3.

Figure 4 shows the 3333 California Street property in 1969, after the addition of the parking garage, auditorium, and office wing extension, which occurred between 1965 and 1967. This construction required the removal of some of the cemetery trees, and the ones that remained in 1969 are circled on Figure 4.

Figure 5 shows the current configuration of the 3333 California Street property. The trees which appear to have been part of the Laurel Hill cemetery vegetation are circled on Figure 5; these include:

- two Monterey cypress trees (#24 and #25 on the SBCA Tree Location Map)¹ on a low mound in the East Parking Lot,
- a blue gum eucalyptus (#118 on the SBCA Tree Location Map)² in the West Parking Lot, and
- several Monterey cypress (# 119, # 120, and # 121 on the SBCA Tree Location Map)³ in the West Parking Lot.

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(Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, January 8, 2019 [O-LHIA4-11]) (Aerial photographs cited in comment are included in Exhibit 3 in RTC Attachment B)

“I am against chopping the building in half. And this building is part of the California historic site. And I am -- the plan was to raise the sections, the other two sections, by two or three stories, so I do not concur with that.

The present plans are ludicrous and, to my mind, will be San Francisco’s great urban real estate tragedy of the 21st century.” *(M. J. Thomas, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript, p. 51, December 13, 2018 [O-LHIA7-6])*

“**Could there be something they want to conceal from the public?** Much like they concealed the Historic nature of 3333 for over 4 years?” *(Sal Ahani, Email, January 8, 2019 [I-Ahani-9])*

“On the overhead is a coalition resolution urging the historic designation of the site.” *(Eileen Boken, Draft EIR Hearing Transcript, p. 24, December 13, 2018 [I-Boken-2])*

“Also, the historically significant architecture of the main building can be seen across the landscaping on the perimeter of the site, and the site was designed so that the building and landscaping would function as an integrated composition.” *(Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-3])*

“...the historically significant landscaping and the historically significant built environment that contributes to a scenic public setting. The proposed project would remove 185 onsite trees, 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. (Initial Study p. 69.) The project would remove significant portions of the landscaping surrounding the main building and all of the Terrace designed by the renowned landscape architecture firm of Eckbo, Royston and Williams. Also, new buildings constructed on presently landscaped areas would obstruct public views of the historically significant main building that contributes to the scenic setting as a significant example of modern architecture in the International Style.

The Mitigation Measure above would avoid or substantially reduce this significant impact on the environment” *(Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-10])*

“The EIR identifies the concrete pergola atop a terrace planting feature facing Laurel Street as a character-defining resource -- defining feature of the resource. The EIR explains that it’s characteristic of mid-century modern design. The use of patios, pergolas, and interior courtyards created a welcoming transition area where the inside and outside merged.” *(Linda S. Glick, Draft EIR Hearing Transcript, p. 56, December 13, 2018 [I-Glick1-3])*

“The EIR identifies the concrete pergola atop terraced planting feature facing Laurel Street as a character defining feature of the resource. [DEIR p. 4.B.21]

The EIR explains that as a characteristic of Midcentury Modern design, the use of patios, pergolas and interior courtyards created welcoming, transition areas where the inside and outside

merged. [DEIR p. 4.6.12]” (*Linda S. Glick, Draft EIR Hearing Handout, December 5, 2018 [I-Glick1-10]*) (*See Comment Letter I-Glick1 in RTC Attachment B for the images titled “Character Defining Features” and “Laurel St. Historic Landscaping and Pergola” that accompany this excerpted comment.*)

“As you know, a small but well connected group of wealthy neighbors are trying to label an office building as historic. No such claim had ever been made about this building until the possibility of new housing came up. Let’s call this what it is, a perversion of historic building protections to enrich a few, already very well off, people. It is another example in a shameful history of downzoning and redlining that was used to keep newcomers and diversity out of the northern and western parts of the city. This is NIMBYism at its worst.” (*Theo Gordon, Email, December 10, 2018 [I-Gordon-2]*)

“**HISTORIC RESOURCES** portion of DEIR:

Page 4.B.40:

The proposed project would also retain ten mature existing trees, if viable: two mature Coast Live Oak trees at the western entrance to the proposed Mayfair Walk; two Cypress trees at the proposed Cypress Square; three mature Coast Redwood trees at the eastern end of the proposed Mayfair Walk; one mature Monterey Pine tree at the west end of the proposed Euclid Green; and two mature Coast Live Oak trees mid-block on Laurel Street between Mayfair Drive and Euclid Avenue.

Page 4.B.42:

Overall, the proposed project or project variant would result in substantial changes to the massing and materiality of the office building such that the project site would no longer convey its historic and architectural significance as a Midcentury Modern corporate campus.

Page 4.B.44:

For these 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, the proposed project and project variant would not be in conformance with Standards 1, 2, 5, 6, 9, and 10, and would materially alter the physical characteristics of 3333 California Street that convey its historic significance and that justify its inclusion in the California Register. As such, the proposed project or project variant would cause a substantial adverse impact on 3333 California Street, a historical resource, and would be considered a significant impact under CEQA.

Under **AESTHETICS** category of CEQA:

From the above “Page 4.B.44” text, it is evident that the proposed project and its variant would be significant impacts to the California historic site. The site has existing mature trees that lend an aesthetic suburban quality to the neighborhood that is a respite from the highly urbanized downtown core. Though the site was built as a form of corporate campus, there is a park-like feel to this location.

Speaking of parks, this is a report from the Department of City Planning by the City Planner in 1950: “In 1939 and 1940, considerable momentum gathered behind the idea of preserving one-tenth of Laurel Hill Cemetery as a Memorial Pioneers Park, as allowed by the removal

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ordinances. This was spearheaded by the historical Monuments Committee of the National Recreation Association, and backed by the California Pioneers Society and the Native Sons of the Golden West.”

Back in the late 1930s, newspaper articles appeared as to the new “Memorial Park” use of the cemetery lands. Here is one headline:

And the text explaining the idea of using a portion as a memorial park to the pioneers that once were buried there:

While no memorial park was created, the neighborhood residents and visitors today use this area of mature trees and open grassy areas as a park for recreation and to take in the views of the more urbanized downtown area to the east. This publicly used open space contributes to the health and well-being of the neighbors and the visitors in this area and is a healthful retreat from the pressures of urban life without having to trek farther to the Presidio National Recreation area nor to travel much farther to the next available designated park.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-67]*) (*See Comment Letter I-Hillson2, pp. 31-32 of 37, in RTC Attachment B for the images that accompany this excerpted comment.*)

“The Firemen’s Fund Building is aesthetically pleasing due to its lines that appear to hug the hill. In fact, over four decades ago in *The Chronicle*, the reason the building is not so jarring on the slope may have to do with its “low lines”.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-71]*) (*See Comment Letter I-Hillson2, p. 33 of 37, in RTC Attachment B for the excerpt from the Chronicle article that follows this comment.*)

“I am writing to oppose the historic designation of the current building at 3333 California,” (*Ed Munnich, Email, December 13, 2018 [I-Munnich-1]*)

“History is very important. But when the history of a building disrupted the city rather than enhanced it, we must not reflexively sustain the disruption. 3333 California was built at a time when San Francisco was moving towards suburban, car-centered planning, which we subsequently rejected, deeming ourselves a “transit-first city”, opposing additional freeway construction, and choosing not to rebuild freeways damaged by the 1989 earthquake. The 3333 California site is historic in the sense that the Central or Embarcadero Freeways were historic--it has history, but its history disrupted the city rather than enhancing it. An absurd but relevant example is that a cloud of tobacco smoke was once part of the historic character of bars, clubs, and, indeed, City Hall; but we would not allow smoking in those locations today, merely to preserve their historic character.

Most importantly, the history of the City is in its people. Every day, my wife and I see neighbors pushed out of our neighborhood by the high cost of housing. We are losing the most vital aspect of our history--the lifelong San Franciscans in rent-controlled housing, the young who come to the City with a dream, immigrants, diverse groups from different parts of the US, and creative people from all over who give the City its unique character. All of these people are our history, and all of them are key to a vibrant future.” (*Ed Munnich, Email, December 13, 2018 [I-Munnich-3]*)

“Also, the developer did not tell the community about the historic significance of the site. The neighborhood learned last year and had the building and landscaping listed on the California Register of Historical Places because they were designed to complement each other in an

integrated composition. So, the landscaping is also a historical resource on this site and has been used for recreation by the public for many years.” (*Anne Neill, Email, December 12, 2018 [I-Neill-7]*)

“As a concerned citizen of San Francisco and a resident of Laurel Heights we are very concerned about the developers totally ignoring the concerns of people who live in the neighborhood and their NON-RECOGNITION OF THE HISTORIC SIGNIFICANCE OF THIS PROPERTY.

1. In an earlier public meeting the developers did not even mention that 3333 California Street, San Francisco, CA, is of Historic Significance.” (*Zarin E. Randeria, Email, December 3, 2018 [I-Randeria1-1]*)

“Could there be something they want to conceal from the public?

Much like they concealed the Historic nature of 3333 for over 4 years?” (*Laura Rubenstein, Email, January 2, 2019 [I-Rubenstein-7]*)

“Also, the developer did not tell the community about the historic significance of the site. It was revealed during last week’s hearing by UCSF’s former architect that they were made aware of this back **in 2010**. The neighborhood learned that last year and had the building and landscaping listed on the **California Register of Historical Places** because they were designed to complement each other in an integrated composition. So, the landscaping is also a historical resource on this site and has been used for recreation by the public since built.” (*Victoria Underwood, Letter, December 12, 2018 [I-UnderwoodV2-2]*)

RESPONSE CR-1: HISTORIC SIGNIFICANCE OF THE SITE

Comments about the Historic Significance of the Site

Comments express opinions as to the historic and architectural significance of the project site. Some comments assert that the project site is significant historically, architecturally, as valued landscaped green space, or because of its former use as Laurel Hill Cemetery. Other comments assert that the project site is not particularly significant or that the site’s historic significance is that of an example of automobile-centric urban design principles. Based on these opinions, some comments express support for retention of the on-site resource (in whole or in part), while others express support for redevelopment of the site.

As discussed on EIR p. 4.B.17, in 2010 the University of California, San Francisco (UCSF) commissioned a historic resources consultant (Carey & Co., Inc.) to evaluate the existing on-site structures at the Laurel Heights Campus (the site was owned by the Regents of the University of California at that time) as part of a larger UCSF facility-wide survey of its real estate holdings. The results of the survey are presented in the document titled “*UCSF Historic Resources Survey, San Francisco California,*” dated February 8, 2011. The UCSF survey, including the evaluations of the buildings on the site, was prepared for UCSF’s internal facility planning purposes; it was

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not submitted to the State Historic Preservation Office, nor was it filed with the California Historical Resources Information System. In 2014 Laurel Heights Partners, LLC (the project sponsor) entered into a 99-year pre-paid ground lease with the Regents of the University of California and subsequently acquired fee title to the site.

On March 29, 2016, the project sponsor submitted their initial environmental evaluation (EE) application and, in response to Question 1 in Section 5 of the EE application, stated that the project would involve the alteration of a structure built 45 years or more ago; in such cases, the planning department must evaluate the property to determine if it is a historic resource under CEQA. The Supplemental Information Form for Historic Resource Determination, filed with the EE Application, included photographs of the property and of adjacent properties, building permit history, historic Sanborn Fire Insurance Maps, ownership and occupant history, photographs and a narrative description of adjacent properties and those properties across streets surrounding the site, historic photographs, and State of California Department of Parks and Recreation (DPR) 523 forms prepared by Carey & Co, Inc. The planning department's preliminary project assessment (or PPA) dated July 14, 2016 determined that one or more buildings or structures on the site were constructed 45 or more years ago and could be a potential historic resource.

Thus, beginning with submission of the EE application, the proposed project was subject to review by the department's historic preservation staff, and a qualified professional chosen from the planning department's Historic Resource Consultant Pool prepared a historic resource evaluation to evaluate the building's eligibility for listing in the California Register of Historical Resources (California Register). The evaluation (see EIR Appendix C-1) concluded that the existing building at the center of the site and the surrounding landscape is a historic resource. Environmental planning and historic preservation staff concurred with the findings in the evaluation, which were summarized in the planning department's historic resource evaluation response (evaluation response).

As discussed on EIR pp. 4.B.18-4.B.20 and EIR pp. 4.B.21-4.B.22, the EIR summarizes the results of the historic resource evaluation and evaluation response that applies the California Register criteria to determine if the project site is a historical resource under CEQA (CEQA Guidelines section 15064.5(a)(3)). The EIR concludes that the project site meets the relevant criteria to be considered a historical resource for the purposes of CEQA based on California Register Criterion 1 (Events) and Criterion 3 (Architecture/Design/Construction). The EIR also determines that the resource retains integrity and identifies the resource's character-defining features (see EIR pp. 4.B.20-4.B.21 and Figure 4.B.1: Character Defining Features of 3333 California Street, on EIR p. 4.B.23). Thus, as determined by the planning department, the site is a historic resource for purposes of CEQA. The EIR concludes and discloses that the proposed project or project variant would have a significant unavoidable impact on the historical resource. As described on EIR pp. 2.86-2.87 in Chapter 2, Project Description, and on EIR p. 4.B.5 the

project sponsor would retain up to 10 mature trees as part of the redevelopment of the site. However, when considered within the context of the overall changes to the site and building, the retention of up to 10 mature trees, some of which are character-defining features of the historic resource, would not alter the EIR conclusion of a significant unavoidable impact on the historical resource.

Statements related to the historic significance of the site that members of the public may have shared in public forums or shared directly with the project sponsor prior to the environmental review process do not alter the approach to the analysis of impacts on historic resources or the significance conclusions in the EIR. As stated on EIR p. 4.B.1,

“...under the CEQA Guidelines, even if a resource is not included on any local, state, or federal register, or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource for the purposes of CEQA if there is substantial evidence supporting such a determination. A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the California Register of Historical Resources (California Register).”

As noted in a comment, the initial disclosure of the potential historic significance of the site was in the Notice of Preparation of an Environmental Impact Report and Notice of a Public Scoping Meeting, published on September 20, 2017 (see EIR Appendix A, p. 34). This information was reiterated with publication of the initial study on April 25, 2018 (see EIR Appendix B, pp. 123-125), indicating that the issue would be discussed in depth in the EIR.

To the degree that the comments express concern with loss of the Laurel Hill Cemetery, see initial study Section E.3, Cultural Resources, in EIR Appendix C (pp. 125-134), and Response CR-4: Mitigation Measures, below, on RTC pp. 5.D.21-5.D.25.

To the degree that the comments express concern with loss of habitat for nesting and migratory birds, see initial study Section E.12, Biological Resources, in EIR Appendix C (pp. 197-204), and Response BR-1: Loss of Trees , starting on RTC p. 5.J.84 and Response BR-2: Effects on Birds, starting on RTC p. 5.J.91, for a discussion of the effects of tree removal and the mitigation measure to protect nesting birds, and the project sponsor’s intent to increase the overall number of trees on the site.

Photographs of Character-Defining Features

Comment letters include photographs of the site, including photographs provided to the State Historical Resources Commission as part of the hearing to consider the National Register Nomination Form for the site. The letters, attachments, and photographs are reproduced in RTC Attachment B: Draft EIR Comment Letters and Emails. The submission of the images of the site that are not accompanied by any text are not considered to be a comment on the draft EIR.

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Comments assert that the EIR does not include photographs of the site's character-defining features, other than the aerial view on the EIR cover. The EIR does include photographs of character-defining features of the project site in Figure 4.B.1: Character-Defining Features of 3333 California Street, on EIR p. 4.B.23. The EIR also provides photographs of the project site in the supporting documentation cited in Section 4.B, Historic Architectural Resources, on p. 4.B.2; this documentation is included in EIR Appendices C-1, C-2, and C-3. Thus, comments that assert the EIR lacks documentation of the character-defining features of the historic resource at 3333 California Street are not correct. The EIR and its administrative record provide sufficient information for informed decision-making related to the historic architectural significance of the site. As stated on EIR p. 4.B.2:

The information and analysis in this section are based on Department of Parks and Recreation Primary 523 Forms prepared by Carey & Co., Inc.,² Historic Resource Evaluation, Part I (HRE) prepared by LSA,³ the National Register of Historic Places (National Register) nomination prepared by Michael Corbett (Architectural Historian) and Denise Bradley (Landscape Historian),⁴ and the Historic Resource Evaluation Response (HREER) prepared by the San Francisco Planning Department (planning department).⁵ These reports concluded that the project site meets the eligibility criteria for listing in the California Register.

[Footnotes 2,3,4 and 5 on EIR p. 4.B.2]

- ² Carey & Co., State of California Department of Parks and Recreation Primary Record and Building, Structure and Object Record – 3333 California Street, the Laurel Heights Building, July 31, 2010, and Carey & Co., State of California Department of Parks and Recreation Primary Record and Building, Structure and Object Record – 3333 California Street, the Laurel Heights Annex, July 31, 2010. The evaluation was prepared at the request of UCSF as part of a facility-wide inventory and was not submitted to the State Historic Preservation Office. (See EIR Appendix C-1.)
- ³ LSA, Historic Resource Evaluation, Part I, 3333 California Street, December 2017. (See EIR Appendix C-2.)
- ⁴ Michael Corbett (Architectural Historian) and Denise Bradley (Landscape Historian), National Register of Historic Places Registration Form for Fireman's Fund Insurance Company Office at 3333 California Street, San Francisco, California, submitted to California State Historic Preservation Office, April 19, 2018. (See EIR Appendix C-3.)
- ⁵ Justin Greving, Preservation Planner, San Francisco Planning Department, Historic Resource Evaluation Response (Part 1), Case No. 2015-014028ENV, 3333 California Street, May 14, 2018. Minor revisions incorporated after consideration of the expert opinions expressed in the National Register Nomination form. (See EIR Appendix C-4.)

Thus, these comments do not, in and of themselves, raise specific environmental issues or identify issues related to the adequacy or accuracy of the EIR's analysis of physical environmental impacts that require a response in this RTC document under CEQA Guidelines section 15088. CEQA directs public agencies to treat EIRs as "full disclosure" documents to ensure that the public is aware that public agencies have considered potential adverse environmental effects in their decision-making processes. The opinions expressed in the

comments will be provided to the decision-makers for their consideration prior to taking any approval actions on the project.

COMMENT CR-2: IMPACTS ON HISTORIC ARCHITECTURAL RESOURCES

“The HPC found the analysis of historic resources in DEIR to be adequate and accurate. The HPC concurs with the finding that the proposed project would result in a significant, unavoidable impact to the identified historic resource.” (*Andrew Wolfram, President, San Francisco Historic Preservation Commission, Letter, December 11, 2018 [A-HPC-1 and Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, January 8, 2019 [O-LHIA4-6]*)

“Now, the EIR admits that the project would have a significant impact on the historical resource by destroying most of the landscaping, half of the building, cutting a hole in it.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript and Handout, p. 45, December 13, 2018 [O-LHIA3-4]*)

“The Developers Destructive Proposal first demolishes and destroys the Historic Characteristics and nature of 3333” (*Sal Ahani, Email, January 8, 2019 [I-Ahani-15]*)

“The Developer’s Proposal destroys the historical characteristics of the site. Sadly, under the Developer’s Proposal, much of Laurel Hill will be gone as will most of the mature trees and the very welcoming green space.” (*Arlene Filippi, Email, January 7, 2019 [I-Filippi2-2]*)

“PSKS has not considered the historical significance of this property” (*Janet Frisbie, Email, December 12, 2018 [I-FrisbieJ1-3]*)

“The amount of excavation the developers propose is of great concern. It totally destroys this beautiful and historic site.” (*Janet Frisbie, Email, December 12, 2018 [I-FrisbieJ1-5]*)

“The Developers Destructive Proposal first demolishes and destroys the Historic Characteristics and nature of 3333.” (*Richard Frisbie, Letter, January 7, 2019 [I-FrisbieR1-13] and Tina Kwok, Email, January 9, 2019 [I-Kwok4-19]*)²

“Under Prop M, Priority Policy #7 (preservation of landmarks and historic buildings) and the DEIR stating various Standards for historic preservation would not be in conformance (Standards 1, 2, 5, 6, 9 & 10) such that the proposed project and variant would materially alter the historical significance of the building and site.

As a reminder, here are the 10 standards with areas of non-conformance bolded:

² Comment I-Kwok4 includes Comment I-FrisbieR1 as an attachment to her e-mail. These comments are not called out separately; instead, the excerpted comment is attributed to both persons to minimize duplication of the same exact comments.

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- 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.**
- 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.**
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.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.**
- 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.**
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.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 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.**
- 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.**

It seems that many of the above standards would be violated with the project proposal. Would there be some way this state-registered historic resource not lose its “character-defining” features that made it so? Out of all the changes proposed to the existing buildings, the one that cuts the main building in half is the most egregious in my humble opinion.

The historic use of the property after the cemetery bodies were moved and when Mayfair Heights (old name of Laurel Heights) was proposed was for residential except for commercial on California Street when Mayfair Heights was being built. The commercial was never on the tract where UCSF building is.

There was no commercial on Euclid Avenue historically and it would seem that historic use should be honored and retained to prevent the additional impacts to the neighborhood from putting retail on Euclid which is the residential side of the property. A Chronicle article states that the residential area be “a high class residential district of homes, flats and apartments.” It says a group comprised of “Rusaleem, Bennion, Gummere, Goldman and Goldman, Lang Realty

Company, Joseph and Jones” will “develop the business district...along California street.” Here is the article:

(Rose Hillson, Letter, January 8, 2019 [I-Hillson2-51]) [See Comment Letter I-Hillson2, pp. 25-27, in RTC Attachment B for the article mentioned in the comment.]

“Some of my concerns, as examples and not comprehensive list, is as follows:...

- Destruction of historical site, virtually with nothing preserved (by cutting through the main building)” *(Tina Kwok, Email, January 8, 2019 [I-Kwok3-5] and Tina Kwok, Email, January 9, 2019 [I-Kwok4-6])*

“1. The park-like setting, with mature landscaping and a midcentury-modern building with historical significance, would be destroyed were the project to proceed in its current form. This integration of landscaping and buildings is so important to this unique site and the proposed plan would destroy this setting — all for unnecessary retail and office space. The developers have created negative and permanent impacts by destroying part of the physical beauty and historical significance of this site.” *(Larry Mathews, Email, December 13, 2018 [I-Mathews1-2])*

“Secondly, I just wanted to show you some pictures. You’ve seen some of these already. Not much really needs to be said about them. These pictures and the listing on the California Register of Historical Resources, after the unanimous support of the State Historic Resources Commission at their May hearing, speak for themselves. San Francisco Historic Preservation Commissioner further reinforced these comments at their recent December 5th hearing.

Again, not much needs to be said. The commissioners in Palo Alto spoke more eloquently and with considerably more authority than I can about the master status of the three principals associated with 3333 California Street. The developer proposes the virtual total destruction of this historically listed site.

The black areas indicate the extent to which 50 percent of the historic main building will be demolished. The red indicates the bulldozing and total destruction of more than 80 percent of the historically listed landscaping. It is unimaginable that anyone responsible for San Francisco’s future could countenance such a mindless destruction of such an iconic and important part of San Francisco’s past.

So what will be the future of 3333? Will we preserve it or destroy it? A great deal of this decision lies in your hands. I will not restate the first five items in red.” *(Adam McDonough, Draft EIR Hearing Transcript, pp. 22-23, December 13, 2018 [I-McDonough1-2])*

“1. It understates the negative impacts of destroying the historical characteristics at the current site;” *(Adam McDonough, Email, January 7, 2019 [I-McDonough2-4])*

“The developer has not addressed the historic significance of this property.” *(Marie McNulty, Letter, December 18, 2018 [I-McNulty-1])*

“I live in the neighborhood, have for a long time, right across the street. And I understand why it’s considered historic, and it would be a shame to destroy it. It was designed a bit like a college campus, even though it was a business. And it was designed so that the people in the building

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could enjoy the dramatic outside that was created by some wonderful planners, and it just melds in and doesn't stand out and wave at you and say, "I don't belong here," even though it was commercial establishment.

The developer's proposal would destroy this. The existing buildings and grounds fit so well in the neighborhood now, it just nestles right in." (*Roger Miles, Draft EIR Hearing Transcript, p. 20, December 13, 2018 [I-Miles1-2]*)

"In anticipation of your hearings regarding 3333 California Street, I am writing in support of protecting the well-established historical designation of the property, as evidenced by the August 31, 2018 letter from Julianne Polanco, State Historic Preservation Officer to the principals of the Laurel Heights Improvement Association of San Francisco. You have been provided with a copy of that letter.

Any future development at that site should comply and honor the historic property designation in the following areas:

1. Retain the historic significance of the landscaping of the property, which has 185 mature trees. Such care of natural resources has an added environmental benefit and the greenspace is very important to the surrounding neighborhoods, particularly as San Francisco becomes more urbanized and "Manhattanized." (*Cristina Morris, Email, December 10, 2018 [I-Morris1-1]*)

"The developer proposes to destroy the historically significant characteristics of the site and create a concrete jungle with three underground levels of garages for 896 parking spaces topped with nondescript buildings crowded onto the site." (*Anne Neill, Email, December 12, 2018 [I-Neill-5]*)

"The Developers Destructive Proposal first demolishes and destroys the Historic Characteristics and nature of 3333." (*Laura Rubenstein, Email, January 2, 2019 [I-Rubenstein-12]*)

"The Draft EIR states that the project would have a ***Significant and Unavoidable with Mitigation*** impact on historic architectural resources because the project "would demolish portions of the office building... and remove all of the project site's existing designed landscape elements and features, including, but not limited to, the curvilinear shapes in pathways, driveways, and planting areas; integrated landscape features, including planter boxes and seating; brick perimeter walls; and the concrete pergola and terraced planting feature facing Laurel Street. (p. 4.B.41)" (*Victoria Underwood, Letter, December 4, 2018 [I-UnderwoodVI-3]*)

RESPONSE CR-2: IMPACTS ON HISTORIC ARCHITECTURAL RESOURCES

Comments assert that the proposed project or its variant would have an adverse impact on the historical resource within the project site or otherwise express concern for the impact of the project on the historic significance and character of the project site. Such comments express general concurrence with the conclusions of the EIR, which state that the proposed project and its variant would cause a substantial adverse change in the significance of the historical resource

within the project site (see EIR pp. 4.B.41-4.B.47). A comment asserts that the EIR is inadequate because it “understates the negative impacts of destroying the historical characteristics of the site.” The EIR found that the proposed project or its variant would have a significant and unavoidable environmental impact with mitigation (see the discussion under Impact CR-1 starting on EIR p. 4.B.41).

Contrary to the comment’s assertion that the EIR is inadequate, the EIR thoroughly analyzes and discloses the significant impacts of the proposed project and its variant on the historic resource. The EIR describes the existing conditions at the project site (EIR pp. 4.B.2-4.B.6); reviews the site’s historic and architectural context (EIR pp. 4.B.6-4.B.16); identifies and summarizes existing historic resource evaluations of the project site (EIR pp. 4.B.16-4.B.18); evaluates the significance of the project site under California Register of Historical Resources criteria, including identification of differences and similarities between existing resource evaluations of the project site (EIR pp. 4.B.18-4.B.22); identifies character-defining features of the project site (EIR pp. 4.B.20-4.B.21); identifies and summarizes the differences and similarities between the planning department’s evaluation response and the National Register nomination (EIR pp. 4.B.22-4.B.25); discusses the proposed project and project variant in relation to Priority Policy 7 (EIR pp. 4.B.34);³ describes project features that would affect historical resources (EIR pp. 4.B.37-4.B.40); evaluates impacts on the significance of the project site resulting from demolition and new construction within the project site (EIR pp. 4.B.41-4.B.47); analyzes and evaluates the impacts under the *Secretary of the Interior’s Standards for Rehabilitation* (EIR pp. 4.B.42-4.B.44); and identifies feasible mitigation measures that would reduce the impact, but not to a less-than-significant level (EIR pp. 4.B.45-4.B.46). Therefore, alternatives that would address significant impacts on historic resources were developed and analyzed in the EIR (see Chapter 6, Alternatives.)

Some comments refer to previous proposals to redevelop the project site for residential and commercial uses, and note that no commercial uses were historically planned on Euclid Avenue, following relocation of the cemetery and before acquisition and development of the existing office building by the Fireman’s Fund Insurance Company. Development proposals in the past that were never realized do not constitute character-defining features or historic resources that should be considered in the evaluation of historic resources impact. Reliance on a newspaper article about a potential development project does not provide evidence of any historic resource on the project site.

³ See also EIR Chapter 3, Plans and Policies, pp. 3.11-3.12, for a discussion of potential conflicts with Priority Policy 7.

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To the degree that the comments express concern with the amount of excavation needed to implement the below-grade parking program, see Response GEO-3: Loss of Unique Geological Features/Change to Existing Topography, on RTC pp. 5.J.108-5.J.109.

The comments above do not present evidence that there would be any new significant impacts not identified in the EIR or a substantial increase in the severity of impacts identified in the EIR. As such, the analysis of impacts on the historic resource meets the requirements of CEQA for determining and disclosing the significance of impacts on historical resources specified under CEQA Guidelines section 15064.5.

COMMENT CR-3: IMPACTS ON ARCHEOLOGICAL AND TRIBAL CULTURAL RESOURCES

“The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report (DEIR) prepared for the project referenced above. The review included the Executive Summary; the Introduction and Project Description; the Environmental Setting and Impacts; and Appendix B (Initial Study) prepared by Environmental Science Associates for the San Francisco Planning Department. We have the following concerns:

- “1. While Tribal Cultural Resources are listed as a subsection under Cultural Resources, the subsection does not adequately address the questions of significance stipulated in the California Natural Resources Agency (2016) “Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form,” <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf> A separate section addressing these questions, and consultation outreach and responses, is preferred.”
- “2. There is no documentation in the Initial Study or the DEIR of **government-to-government consultation by the lead agency** under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes.

“The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent “discoveries of Native American human remains and best protect tribal cultural resources.” (*Gayle Totten, M.A., Ph.D., Associate Governmental Program Analyst, Native American Heritage Commission, Letter, November 29, 2018 [A-NAHC-1 and A-OPRI-2]*)

“Summary of several concerns raised by nearby residents and citizens of San Francisco:

1. Archaeological concerns from the excavation and other site grading activities under the project and their effect on the topography of Laurel Hill” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-2]*)

RESPONSE CR-3: IMPACTS ON ARCHEOLOGICAL AND TRIBAL CULTURAL RESOURCES

Archeological Resources

These comments express a general concern about the impact of the proposed project on archeological resources and on the topography of the site. The analysis of project-related impacts on archeological resources under Impact CR-2 and Impact CR-3 on initial study pp. 125-134 found a significant impact on archeological resources and human remains and identified mitigation measures to reduce the impacts to a less-than-significant level (see Mitigation Measure M-CR-2a: Archeological Testing, Monitoring, Data Recovery and Reporting and Mitigation Measure M-CR-2b: Interpretation, on initial study pp. 129-133). The comment raises no particular issues with respect to the coverage of these topics in the EIR or initial study. To the extent that the comment expresses opposition to the proposed project based on concerns for its impact on archeological resources and the site's topography, see discussion below under Response CR-4: Mitigation Measures starting on RTC p. 5.D.21, Response GEO-3: Loss of Unique Geological Features/Change to Existing Topography, on RTC pp. 5.J.108-5.J.109, and RTC Section 5.L, Merits of the Proposed Project, on RTC p. 5.L.6.

Tribal Cultural Resources

A comment asserts that the EIR does not adequately address the significance questions specified by the California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form." The comment suggests that Tribal Cultural Resources should be addressed in a separate environmental topic section in San Francisco's Initial Study Checklist. While not required for this environmental review document, the planning department acknowledges the Native American Heritage Commission's preferred approach and updated its initial study checklist on March 28, 2019, to include a separate topic section for Tribal Cultural Resources.

In the 3333 California Street Mixed-Use Project Initial Study, the topic of Tribal Cultural Resources is addressed in section E.3, Cultural Resources, on p. 123, and under Impact CR-4 on pp. 134-136. Consistent with the direction provided by the Revised AB 52 Technical Advisory (referenced with the link in bullet 1 of the A-NAHC comment letter in RTC Attachment B), initial study Section E.3(d) on p. 123 asks: "would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code section 21074?" In San Francisco's Initial Study Checklist, as updated on March 28, 2019, the planning department asks "Would the project:

- a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape,

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sacred place, or object with cultural value to a California Native American tribe, and that is:

- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Based on planning department discussions with local Native American tribal representatives about San Francisco tribal cultural resources generally, the primary tribal cultural resources expected within city limits are prehistoric archeological resources. As discussed with these representatives, if no consultation is requested, potential prehistoric archeological resources are presumed to be tribal cultural resources. As discussed under Impact CR-4 on initial study p. 135, in response to the required notification sent by the planning department, no consultation was requested and no known tribal cultural resources were identified in the project area; however, the project site was determined to have a moderate potential for prehistoric archeological resources. Based on the procedures developed with local Native American tribal representatives, the planning department assumed that the potential prehistoric archeological resources that may be affected by the proposed project or its variant may also be tribal cultural resources and determined that 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 (initial study p. 135). In order to reduce this impact to a less-than-significant level, the planning department included Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretative Program (initial study p. 135), which was developed in discussion with local Native American tribal representatives. As such, tribal cultural resources are addressed in the initial study, where a determination of significance is made. Furthermore, to address the definition of tribal cultural resource in Public Resources Code section 21074, although the site is listed in the California Register it is not because of its association with a California Native American tribe; rather, this is due to the historic architectural significance of the Midcentury Modern building and integrated landscape.

The comment further asserts that there is no documentation in the initial study or EIR of the lead agency consultation with Native American tribes (see bullet 2 of the A-NAHC comment letter in RTC Attachment B). Documentation of government-to-government consultation by the lead agency with Native American tribes traditionally and culturally affiliated with the project area is provided on initial study pp. 134-135. As stated in the initial study, in accordance with planning department procedures, the document titled “Tribal Notification Regarding Tribal Cultural Resources and CEQA” was prepared for this project and distributed on September 21, 2017, to

representatives of local Native American tribes who requested notification. No requests for consultation were received. After the initial outreach and the 30-day initial study comment period, the planning department did not receive any requests for additional tribal consultation.

The comments received on the analysis of archeological resources, including site topography, and tribal cultural resources, do not present evidence that there would be any new significant impacts not identified in the initial study or a substantial increase in the severity of impacts identified in the initial study. As such the analysis of impacts on archeological resources and tribal cultural resources meets the requirements of CEQA for determining and disclosing the significance of impacts on such resources specified under CEQA Guidelines section 15064.5.

COMMENT CR-4: MITIGATION MEASURES

“Page S.6, S.7, S.8: “CR-1: The proposed project or project variant would cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5 of the CEQA Guidelines.”

In re the mitigation measures stated – Documentation of Historic Resource; Measured Drawings; Historic American Buildings/Historic American Landscape Survey-Level Photographs; HABS/HALS Historical Report; Video Recordation; Softcover Book; & Interpretation of the Historical Resource: While members of the public may appreciate the above products to document the tangible items on the property, how will this be done if the project is supposedly to take 5-7 years or even up to 15 years (“...the proposed project or project variant may be developed over a 15-year timeframe” <Page 4.C.45>)? When would the historic resource materials be available considering the multiple phasing of the project? How would the public know when these become available? Who will be responsible party to get these products to the public?

As part of the “interpretative program,” would there be a new plaque for the listing on the CA Register to be placed on the property? If so where? If not, why not? Would the old plaque that marked Landmark #760 be part of the documentation (even though the landmark standards changed since then & maybe that’s why the plaque was removed)?

For future generations, it would be nice to capture this well-known history of San Francisco’s Laurel Hill Cemetery where the city’s pioneers were once buried along with being one of the “Big Four” cemeteries with Calvary, Masonic and Odd Fellows cemeteries.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-2]*)

“Page S.33-S.34: “CR-2: Construction activities of the proposed project or project variant could cause a substantial adverse change in the significance of an archaeological resource.” (“SIGNIFICANT,” “Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reporting”)

The Mitigation Measure states:

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one

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unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA Department of Parks and Recreation [DPR] 523 series) and/or documentation for nomination to the National Register of Historic Places (National register)/California Register of Historical Resources (California register). In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.” Would the public be able to obtain a copy of the CD or access a link to the FARR, etc. as described above? Please advise.

Page S.34: Mitigation states:

The project sponsor shall implement an approved program for interpretation of significant archaeological resources. The project sponsor shall retain the services of a qualified archaeological consultant from the rotational qualified archaeological consultant list maintained by the Planning Department archaeologist having expertise in California urban historical and prehistoric archaeology. The archaeological consultant shall develop a feasible, resource-specific program for post-recovery interpretation of resources. The particular program for interpretation of artifacts that are encountered within the project site will depend upon the results of the data recovery program and will be the subject of continued discussion between the ERO, consulting archaeologist, and the project sponsor. Such a program may include, but is not limited to, any of the following (as outlined in the Archaeological Research Design and Treatment Plan): lectures, exhibits, websites, video documentaries, and preservation and display of archaeological materials. To the extent feasible, the interpretive program shall be part of a larger, coordinated public interpretation strategy for the project area.”

How will the public be informed as to the availability of this program and what would be the timeline?” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-32]*)

“Appendix I, Page 658 of 776 says California Historical Landmark plaque on Northeastern Corner Perimeter Wall is missing. It would be part of the history (even if not a “landmark” under present CEQA law) and may be re-created and hung up somewhere where it will not be so easily removed like when it was removed. Images of it are available on the internet.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-54]*)

“Being that the site was the former location of the Laurel Hill Cemetery, and not all bodies were moved to Colma, would the discoveries be GPS-tagged and located on a map of the development site so that the person’s remains can be identified in case there is a living relative who would like the human remains? This area also has a potential to yield new information depending on what is found so there should be somebody to catalog the findings to match it to the burial maps of the extant cemetery. Even when the bodies were removed the first run through and all were thought to be accounted for, the laborers found 189 more just after combing through the site right after all were accounted for. There are likely more because of the way the bodies were put into some of the plots.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-63]*)

“We feel that this site deserves respect and that any decision made on how it’s redeveloped is important enough to not rush but get right. With that in mind, I would hope that the historical cemetery plaque be returned to the site and a historical plaque with the designers and historical significance of the building and the landscaping be memorialized on the site as well since the building and landscaping are listed on the **California Register of Historical Places.**” (*Victoria Underwood, Letter, December 12, 2018 [I-UnderwoodV2-9]*)

RESPONSE CR-4: MITIGATION MEASURES

Documentation of the Historical Resource

A comment enquires about the timing of the availability of the Historic American Buildings/Historic American Landscape Survey (HABS/HALS) and interpretive program. The comment also enquires about the responsible parties and how interested parties would be notified about availability of this survey, and the elements that would make up the interpretive program.

Mitigation Measure M-CR-1a: Documentation of Historical Resource, on EIR p. 4.B.46, states:

The project sponsor shall transmit such documentation to the History Room of the San Francisco Public Library, San Francisco Architectural Heritage, the Planning Department, and the Northwest Information Center. The HABS/HALS documentation scope will determine the requested documentation type for each facility, and the project sponsor will conduct outreach to identify other interested groups. All documentation will be reviewed and approved by the Planning Department's Preservation staff before any demolition or site permit is granted for the affected historical resource.

The public may contact the planning department to enquire as to the status of documentation and can make an appointment to view the documentation when it becomes available. Such documentation would also be available to the public at the San Francisco Public Library. To clarify the outreach component of Mitigation Measure M-CR-1a, the text of the second sentence in the second full paragraph on EIR p. 4.B.46 has been modified as follows (deleted text is shown in ~~strike through~~ and new text is shown in double-underline):

The HABS/HALS documentation scope will determine the requested documentation type for each facility, and the project sponsor will conduct outreach to identify other interested groups repositories.

As stated in the Mitigation Measure M-CR-1a, all documentation will be reviewed and approved by the planning department's preservation staff before *any* demolition or site permit is granted for the affected historical resource (*emphasis added*).

Mitigation Measures M-CR-1b: Interpretation of the Historical Resources, on EIR p. 4.B.46, states that the interpretive program must be approved by the planning department prior to issuance of the architectural addendum to the site permit. The detailed content of the interpretive program must be approved prior to issuance of a temporary certificate of occupancy.

By a signed Agreement to Implement Mitigation Measures (dated November 7, 2018), the project sponsor has agreed to implement these and other mitigation measures.

Comments request that the plaque be replaced on the site to commemorate the former use of the site as Laurel Hill Cemetery. The Laurel Hill Cemetery is not listed in the California Register of

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Historical Resources even though it is recognized as California Historical Landmark 760. As indicated in footnote 4 on EIR p. 2.2, which cites Public Resources Code section 5031(a):

All landmark registrations up to and including Register No. 769, which were approved without the benefit of criteria, shall be approved only if the landmark site conforms to the existing criteria as determined by the California Historical Landmarks Advisory Committee or as to approvals on or after January 1, 1975, by the State Historical Resources Commission.

As further explained in the EIR (see Section 4.B, Historic Architectural Resources, p. 4.B.16):

...California Registered Historical Landmark Nos. 770 and above are automatically listed in the California Register, and California Registered Historical Landmark Nos. 769 and lower are not automatically listed in the California Register, because they are not presumed to have been evaluated using the evaluative framework currently required for California Register eligibility. Therefore, although the project site and surrounding areas are part of a California Registered Historical Landmark, because the landmark number is below 770 [that is, those up to and including No. 769], the Former Site of the Laurel Hill Cemetery is not listed in the California Register.

To clarify the information in the EIR regarding the fact that the site is not listed on the California Register as part of the larger Laurel Hill Cemetery, the text of the third sentence in the first full paragraph on EIR p. 2.2 has been modified as follows (new text is shown in double-underline):

Although the Laurel Hill Cemetery is California Historical Landmark 760, it is not listed in the California Register of Historical Resources as California Historical Landmark 760.

Although acknowledged in the EIR as part of the site's history, neither the presence of the plaque commemorating the site as part of the larger Laurel Hill Cemetery nor the fact that it is missing is a factor in the analysis of impacts on cultural resources. The interpretive programs identified in Mitigation Measures M-CR-1b (EIR p. 4.B.46), M-CR-2b (initial study p. 133) and M-CR-4 (initial study p. 135) would neither require, nor preclude, replacement of the plaque. As noted in Mitigation Measure M-CR-1b, "The interpretive program should be developed in coordination with the archeological program, which would likely include interpretation of the subject property's inclusion in the larger site of California Registered Landmark 760, Former Site of Laurel Hill Cemetery." The elements of the interpretive programs to address impacts on archeological resources, historic architectural resources, tribal cultural resources, and human remains are described generally in Mitigation Measure M-CR-1b on EIR p. 4.B.46 and in the initial study (see Mitigation Measure M-CR-2b on p. 133 and Mitigation Measure M-CR-4 on p. 135). The interpretive programs would be developed by qualified architectural historians and archeological consultants, and in the case of tribal cultural resources, in consultation with local Native American representatives, and would be approved by qualified planning department staff with experience in these resource areas.

Historic Era Human Remains from Laurel Hill Cemetery

A comment enquires if human remains interred at the former Laurel Hill Cemetery are encountered, whether identification of the remains and notification of surviving descendants would be undertaken. This issue was specifically discussed in the initial study, under Impact CR-3, and Mitigation Measure M-CR-2a: Archeological Testing, Monitoring, Data Recovery and Reporting, on initial study pp. 129-132, would be implemented to ensure that any potential impact would be mitigated to a less-than-significant level.

As discussed on initial study p. 128,

Based on a review of previously completed projects in former San Francisco cemeteries, there is a high-level of certainty that not all burials from the Laurel Hill Cemetery were successfully removed in the early 1940s. The entire project area has been developed since the removal of the Laurel Hill Cemetery. If burials remained in the former cemetery during prior grading operations, there is the possibility that remnants of burials, including human bone, artifacts, and coffin fragments or hardware, may have become intermixed with the fill and could be located anywhere within the fill stratum blanketing the project area. Therefore, there is a high sensitivity for the entire horizontal extent of the project area to contain buried historical archaeological remains, with the exception of the area of previous deep ground disturbance for existing below-grade parking in the 1950s or 1960s, which would have destroyed any archaeological resources.

Mitigation Measure M-CR-2a, on initial study p. 132, requires that treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity follow protocols laid out in the Archeological Research Design and Treatment Plan (ARDTP), and any agreement established between the project sponsor, Medical Examiner, and the Environmental Review Officer (ERO). Note that the ARDTP, prepared by ESA in 2017, is not a published document and is confidential because such documents may have the potential to reveal the location of archeological resources in violation of state and federal law and policy. The ARDTP establishes the protocols referenced in Mitigation Measure M-CR-2a in the event that historic-period human remains are discovered within the project site (including provisions for the treatment and identification of historic-era human remains, and notification of surviving relatives). The excerpt below from the ARDTP is provided in relevant part, to the extent that it does not reveal the specific location of resources.

Historic Burials from Laurel Hill Cemetery

If human remains associated with historic burials in the Laurel Hill Cemetery are encountered during either the archeological testing or data recovery phases, or during construction-related ground disturbance either with or without an archeological monitor present, work in the immediate area shall be halted, a 100-foot diameter buffer established, and arrangements made to protect the remains in place until their disposition has been arranged according to this section. The treatment of human remains associated with historic burials in the Laurel Hill Cemetery and associated and unassociated funerary objects discovered during any ground-disturbing activity shall comply with

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applicable State laws, including Section 7050.5 of the Health and Safety Code, which shall include immediate notification of the Medical Examiner. Due to the likelihood that human remains associated with the Laurel Hill Cemetery will be encountered, the ERO, Medical Examiner, and Project sponsor shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of the human remains and associated and unassociated funerary objects prior to the finalization of the archeological testing plan. The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated and unassociated funerary objects. Specifically, the agreement should identify notification procedures when human remains are encountered, proposed temporary location of the human remains prior to final disposition, and the proposed final disposition location of all remains following all archeological analyses. This agreement should also include consideration of feasible revisions to the Project design or other avoidance measures should human remains associated with historic burials in the Laurel Hill Cemetery be encountered. If no agreement is reached, the archeological testing plan will discuss appropriate treatment protocols. If human remains associated with historic burials in the Laurel Hill Cemetery are encountered in situ in an undisturbed context, historical research will be undertaken to identify the human remains and, if possible, attempts at contacting family members will be made. Although no additional records are in the California Historical Society collections to accompany the 1910 Laurel Hill Cemetery plot map (see Figure 16), the Cypress Lawn Heritage Foundation collections contain records associated with burial removal from Laurel Hill Cemetery and is a possible avenue of research. Likewise, the Society of California Pioneers holds an extensive collection of burial records for Laurel Hill Cemetery. In addition, Proctor (1950) indicated that San Francisco Department of Public Health forms were completed as burials were removed from Laurel Hill Cemetery, and the Health Department is another possible avenue for future research. Historical research, contacting family members, and reinternment costs will be included in all budgets and are the responsibility of the Project sponsor.

Mitigation Measure M-CR-2b: Interpretation, on initial study p. 133, requires that the project sponsor implement an approved program for interpretation of significant archeological resources that may be discovered within the project site. The interpretive program could include lectures, exhibits, websites video documentaries, and preservation and display of archeological materials. The interpretive program would preserve and realize the information potential about archeological resources that may be encountered within the project site.

Final Archeological Resource Report

A comment enquires whether copies of the Final Archeological Resource Report (FARR), when approved by the ERO, would be available to the public. The comment quotes provisions in the mitigation measure regarding the FARR and its disposition.

As with the ARDTP, the FARR would not be a published document as such documents may have the potential to reveal the location of archeological resources in violation of state and federal law and policy. However, Mitigation Measure M-CR-2a on initial study p. 132 states that “in instances of public interest in or the high interpretive value of the resource, the ERO may require

a different or additional final report content, format, and distribution than that presented above.” Thus, at the direction of the ERO this could include a public version of the FARR, if deemed appropriate.

Compliance with the mitigation measures including the completion of the FARR, if needed, or a public version of the FARR, if deemed appropriate, would ensure that impacts to archeological resources would be less than significant with mitigation.

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5.E TRANSPORTATION AND CIRCULATION

The comments and corresponding responses in this section relate to the topic of Transportation and Circulation evaluated in EIR Section 4.C. The comments are further grouped according to the following transportation-related issues that the comments raise:

- TR-1, Travel Demand Methodology
- TR-2, Transportation Network Companies – SF-CHAMP and Trip Generation
- TR-3, Trip Distribution/Increased Traffic Congestion
- TR-4, Vehicle Miles Traveled Methodology and Findings
- TR-5, Mitigation Measures
- TR-6, Construction Impacts
- TR-7, Traffic Hazards
- TR-8, Pedestrian/Bicycle Hazards
- TR-9, Transit Impacts
- TR-10, Loading
- TR-11, Parking
- TR-12, Cumulative Transportation Impacts
- TR-13, Emergency Access Impacts
- TR-14, Transportation Setting

A corresponding response follows each grouping of comments.

COMMENT TR-1: TRAVEL DEMAND METHODOLOGY

“We understand that the City Planning Department has recently shifted from a focus on intersection analysis to vehicle miles traveled from potential projects, but that, in conjunction with the SFMTA, it will still consider the projects’ impacts to the adjacent transportation network, including existing safety and circulation issues (identified in 1-3 below). We look forward to coordinating with the Department, the SFMTA and the developers to create a safer neighborhood for all users.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, June 3, 2016 [O-JCCSF4-2]*)

“Recent studies have shown that the City’s method of calculating auto trips, and the resulting chaos and congestion is deeply flawed, to the point of being misleading. At the time the VMT (Vehicle Miles Travelled) methodology was developed, SF CHAMP last updated Nov. 2014, the Transportation Networking Companies (TNCs) -Uber/Lyft/Chariot etc. were still in their infancy and so the VMT methodology fails to account for their incredibly disruptive impact. The TNCs average, conservatively, in excess of 170,000 trips per day in San Francisco. Studies also show that TNCs increase passenger trips by almost 10%. There are about 2,000 taxi medallions in San Francisco so TNCs do not just replace taxis they overwhelm them by orders of magnitude. Also,

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implementation of the VMT methodology is not mandated until 2019 but as Planning and The Developers were unable to explain away the 8,000 Retail Auto trips generated by the existing, and still acceptable, Level of Service methodology, they implemented the VMT methodology with “refinements.” Planning calculates the Developers Destructive Proposal using VMT methodology will generate approx. 5,800 total auto trips for 3333 for Retail + Office +Residential which is an entirely bogus number based on questionable assumptions, such as “The SF Guidelines **do not provide a specific methodology** to assess the number of trips.....” Planning has therefore, with no supporting documentation or analyses, applied “appropriate refinements to the standard travel demand...” Rather amazing that these “refinements” all work in the Developers favor. Nowhere in these “refinements” have TNCs been taken into account! Oh, by the way, the “refinements” used were created for The Mission Rock Project at Seawall Lot 337 and Pier 48 as well as the Pier 70 Mixed Use District Project!

Seawall Lot 337 & Pier 48 summary:

Project type Mixed-use, open space, residential, commercial

Project area Approx. 28 acres

Proposed building area 1.3 – 1.7 million sf commercial; 750,000 - 1.5 million sf residential; 150,000 – 200,000 sf retail, 850,000 sf structured parking

Seawall Lot 337 & Pier 48

Pier 70 summary: “The 35acre waterfront mixed-use neighborhood will provide housing, waterfront parks, artist space, local manufacturing and rehabilitated historic buildings.” Altogether the redevelopment covers 35 acres and up to 3,025 new units of housing—the exact count is still in flux, with a low end of 1,645—and its roots stretch back a decade to a 2007 port plan.

WOW! What remarkably similar projects to 3333. What “refinements” could possibly be comparable? Simply bogus. The DEIR consistently attempts to misrepresent and mislead the public. It is incomplete, incorrect, inaccurate and invalid and NOTHING demonstrates this better than the above.

Under their previous, Level of Service, methodology they would have calculated 8,000 retail trips alone. I think it safe to say that the numbers presented by Planning are simply “Developer friendly!”. Their VMT methodology with “refinements” will generate fewer trips, especially since there are no criteria for calculating the impact of TNCs, but there is nothing in the legislation that remotely suggests it would generate 35% less trips! This entire section is suspect and Planning must explain this profound discrepancy. As noted above, nowhere are the TNCs incorporated into the calculations. **All of which renders the Traffic Analysis incorrect, incomplete, inaccurate, invalid.”**

The Planning Department proposes to reduce the number of retail parking spaces as a mitigation measure to reduce the significant traffic impact. This is a false assumption and shows the extent to which the Developer and Planning misunderstand, or simply choose not to understand, the impact that the TNCs have.

Planning’s mitigation measure is a stone age solution to a digital age problem. How will many people respond to a perceived lack of parking? They’ll simply call a TNC and go anyway. **Eliminating parking won’t eliminate auto trips it will actually increase auto trips.** A UC Davis study shows that people make MORE trips because of TNCs than if they had to use their own cars or take public transit. People now make trips they would never have made in the past –

by any mode of transport. The VMT methodology used by the Planning Department fails to account for the impact of TNCs. (*Sal Ahani, Email, January 8, 2019 [I-Ahani-13]*)

“Retail stores and offices will bring in too much additional traffic and are unnecessary. Existing local stores are more than sufficient for the needs of the neighborhood.” (*Barbara and Jim Brenner, Email, January 3, 2019 [I-Brenner-3]*)

“A. The DEIR Is Inadequate Because It Lacks An Estimate and Discussion of Total Net New Travel Demand (Net New Person Trips) and Understates the Project Impacts by Providing Estimates and Discussion of Net New Person Trips during A.M and P.M. Peak Hours.

The San Francisco Planning Department *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002 (San Francisco Guidelines), provide that:

Travel demand analysis shall include textual information, supported by tables or figures detailing the project’s trip generation, trip distribution, trip assignment and modal split characteristics.

Net new travel demand generated by the project is to be estimated, based on the difference between existing and proposed land uses. Person trip generation rates per unit of square footage for each land use, or other unit as shown in Appendix C, are to be used for estimating levels of activity for the proposed project...

To “net-out” existing land uses that will be replaced, the existing levels of trip activity should, in most cases, be based on actual observations rather than on estimates based on rates in these Guidelines or other sources.

Each analysis should apply the trip generation rates from the Guidelines individually to the proposed uses, compare the proposed trips to existing levels of trip activity, and show the differences (“net new”) by land use and in aggregate. The Travel Demand Analysis is to include the following, unless otherwise directed in the work scope (Note that different or additional analysis periods may be defined in the scope of work process):

- **Trip Generation Information:** Project trip generation information (total person trips) by land use for existing and proposed uses. The total unadjusted daily and P.M. peak hour trips by mode can be calculated. The number of daily and peak hour vehicles (autos) generated by the project should also be calculated by using the auto occupancy rates noted in the tables in Appendix E.
- **Work and Non-Work Trip Generation Information:** Since work and non-work trips have different characteristics in terms of distribution and the mode of travel, the number of work and non-work (visitor) trips should be calculated separately. Appendix C provides the methodology to compute the work and non-work (visitor) trips for a specific land use.
- **Trip Distribution, Assignment and Modal Split Information:** Net new person trips distributed to various directions of travel and assigned to the appropriate modes of travel (auto, transit, walk, and other) should be calculated, presented in tables and a graphic diagram (for vehicle and transit trips), and discussed in the text. Modal assignments should also be calculated for daily and the P.M. Peak Hour.

The weekday P.M. Peak Period is generally 4:00-6:00, and traffic counts shall generally be conducted during this period, unless otherwise specified in the scope of work. The peak hour

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must be determined from the counts (normally recorded in 15 minute intervals) for the entire peak period, and should represent the single hour within the peak period with the highest counts. The Planning Department may also request data for other periods to reflect the peak period of trip generation by the land use. (Ex. A, *San Francisco Guidelines* pp. 9-10)

The DEIR failed to estimate the net new travel demand that would be generated by the project, as required by the San Francisco Guidelines, at pages 9-10. (Ex. A, pp. 9-10) EIR Table 4.C.11 at page 4. C.54 estimated the total new travel demand generated by the project (person-trip generation rates per unit of square footage for each land use, or other unit as shown in Appendix C) based on the proposed project land uses. However, the DEIR lacks an estimate of the total existing levels of trip activity at the project site, so that the “net-out” of existing land uses that will be replaced can be determined, as required by the San Francisco Guidelines. The DEIR failed to provide estimates of the total existing levels of vehicle trips that currently occur at the project site and merely provided estimates of existing vehicle-trips in the Weekday AM. Peak Hour and Weekday P.M. Peak Hour. DEIR p. 4.C.60. Instead of the total increase, the DEIR only discusses “the anticipated increase in weekday a.m. and p.m. peak hour vehicle trips resulting from the proposed project and project variant, as compared to existing conditions.” DEIR p. 4.C.60. The DEIR reports the total net-new external vehicle-trips “during the weekday a.m. peak hour” and the net-new external vehicle-trips “during the weekday p.m. peak hour” for the proposed project and project variant. DEIR p. 4.C.60. The estimated total increase in vehicle-trips is missing. The absence of this information is misleading to the decision maker and the public because the DEIR lacks estimation of the total increase in vehicle-trips that would be caused by the proposed project/variant.

In addition, the DEIR fails to “show the differences (‘net new’) by land use and in aggregate,” as specified in the San Francisco Guidelines, at p. 9. DEIR Table 4.C.15, at page 4.C.60 lacks information as to net-new vehicle-trips by land use or in the aggregate, and merely presents estimates of net-new external vehicle trips in the “Weekday A.M. Peak Hour” and “Weekday P.M. Peak Hour.” The DEIR’s focus on peak-hour net-new vehicle trips is more relevant to traffic level of service impacts than to the greenhouse gas emissions that could result from total net-new vehicle trips. However, the lack of the information renders the DEIR inadequate because it lacks estimates of the net-new trips by each proposed land use, depriving decision makers of important information they would use to mitigate effects by tailoring land use.

In addition, the DEIR fails to provide the “total unadjusted daily and P.M. peak hour trips by mode,” which is generally required by the San Francisco Guidelines at page 9 unless otherwise directed in the work scope. DEIR Table 4.C.14 provides adjusted daily and A.M. and P.M. peak hour person-trip generation by mode; the estimates in that table had been reduced by the internal trip capture rates set forth in DEIR Table 4.C.12 at page 4.C.55. In that table, the total weekday A.M. peak hour person-trip generation was reduced by 409 alleged internal person-trips and the table reported the net external person-trips as 1,917. The adjusted 1,917 trips figure was carried over and reported as total A.M. Peak Hour person-trips per mode on Table 4.C.14 and those 1,917 person-trips were divided into 1,197 auto trips, 295 transit trips, 376 walk trips and 49 other trips (bicycle, motorcycle, transportation network companies, and other modes). Thus, the DEIR failed to provide unadjusted daily and P.M. peak hour trips by mode as specified in the San Francisco Guidelines.

The DEIR provides no explanation of the manner in which the walk trips in Table 4.C.14 were calculated or the manner in which the alleged internal trip rates set forth in Table 4.C.12 were calculated, and the general source reference to Kittleson & Associates 2018 and the San Francisco Guidelines, 2002 provide no reference to an explanation or calculations supporting those Tables. The total of the alleged external walk trips and internal trips indicates that the walk

trips are inaccurately estimated or the calculations in the tables are inaccurate. Table 4.C.14 reports 376 A.M. Peak Hour walk trips for the proposed project, which is 19.6 percent of the total A.M. Peak Hour person-trips (376/1,917), and 398 P.M. Peak Hour walk trips for the proposed project, which is 19.07 percent of the P.M. Peak Hour total person-trips. (398/2,086). Table 4.C.12 reports 409 internal person-trips of the total 12,326 person-trips for the A.M. Peak Hour, which is 17.6 percent of the total A.M. peak hour internal trips, and 485 internal person-trips of the total 2,571 for the P.M. Peak Hour, which is 18.9 percent of the total P.M. Peak Hour internal trips. Adding the percentages of the alleged internal trips to the alleged walk trips reported on these two tables, 37.2 percent of the A.M. Peak Hour Trips would be performed by walking externally or by internal trips (376 plus 409) and 37.97 percent of the P.M. Peak Hour trips would be performed by walking externally or by internal trips (398 plus 485). Since it takes approximately one minute to walk across the site, it is likely that the internal trips consist of walk-trips rather than bicycle trips. The totals of the alleged walk trips and internal trips in peak periods, indicate that the DEIR overstated one or both of these trip rates, and the DEIR lacks substantial evidence that they were correctly stated.

The text at DEIR page 4.C.58 indicates that Table 4.C.14 reports “Overall” person-trips, and if this is the case, walk trips are being double-counted and the total person trips represented as external trips in Table 4.C.14 are inaccurate and were improperly reduced by alleged internal trips before person-trips were reported in Table 4.C.14. That DEIR text reports that “Overall, on a daily basis, various types of land use would result in percentages of person-trips. Overall, residential use would generate 14% of walk trips, office use would generate 3%, general retail would generate 36%, restaurant uses would generate 40% and the day care center would account for 3-6% of trips for each model. These percentages add up to approximately 100 percent, so Table 4.C.14 likely reports total walk trips and total person-trips, rather than external trips only (as indicated by the heading “External Person-Trip Generation by Mode”), and it is likely that such table inaccurately double-counted walk trips, because walk-trips had been subtracted from total person-trips on Table 4.C.12 before the person-trip generation figures were carried over to Table 4.C.14.

The text at DEIR 4.C.57 also indicates that walk trips were double counted. The DEIR states there that “Based on Table 4.C.14, about 61 percent of daily person-trips generated by the proposed project would be auto person-trips, 14 percent would be transit trips, 21 percent would be walk trips, and 4 percent of trips would be taken by other modes, including bicycles, motorcycles, and for-hire vehicles.” DEIR p. 4.C.57. These mode shares add up to approximately 100 percent of trips and the 21 percent of walk trips is consistent with the 376 walk trips of the 1,917 total person-trips reported on Table 4.C.14. That DEIR text is not consistent with an additional 17-18 percent of trips being internal trips, as alleged in Table 4.C.12. Since the project site is easily traversed within approximately one minute or less, it is reasonable to assume that internal trips on this site would be walking trips. If there is any evidence contrary to this assumption, please present it.” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-2]*)

“The Traffic study in the DEIR states that to estimate the travel demand for the project, the trip generation, mode split and distribution of trips generated by the Project and Variant will be based on data from the SF Guidelines information for Superdistrict 2 and the current U.S. Census American Community Survey Five-Year (2011-2015) Estimates journey-to-work data. DEIR Appendix D, p. 7.

For estimating the trip-making patterns of the proposed project or project variant, the DEIR developed a methodology using the National Cooperative Highway Research Program Report 684 and the 2010 and 2011 Institute of Transportation Engineers Journal which was similar to the

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approach used in the analysis of other recently completed EIRs, including the Mission Rock Project at Seawall Lot 337 and Pier 48, and the Pier 70 Mixed Use District Project. DEIR 4.C.56; DEIR Appendix D page 22.

The two studies cited in footnote 2 and 3 on page 22 of Appendix D of the DEIR are the Transportation Research Board, National Cooperative Highway Research Program Report 684, 2011, *Enhancing Trip Capture Estimation for Mixed-Use Developments* and the ITE Journal, 2010 and 2011, *Improved Estimation of Internal Trip Capture for Mixed-Use Development and Alternative Approaches to Estimating Internal Traffic Capture of Mixed-Use Projects*. These deal with per capita trip capture rates, not total VMT generated. Also, the DEIR fails to provide an explanation of the methodologies discussed in the referenced publications or of the modified trip generation model specific to the 3333 California Street project that the DEIR claims was developed. Thus, the DEIR does not contain substantial evidence that would support the reliability of the modified methodology used to estimate trip-making patterns of the proposed project/variant. An explanation of the modified model and the cited publications are not contained in the DEIR or Appendix D.

However, Appendix D explains that these studies were only the initial point for the analysis because the NCHRP Report 684 and ITE provided information on unconstrained internal trip capture rates for the proposed projects which “represent the highest possible values, resulting from the most favorable balance of land uses.” DEIR Appendix D, p. 23. Kittleson then adjusted the initial information to estimate internal trip capture rates used in the analysis that “are constrained by the need for the number of trips generated by the producer uses to match the number of trips received by the attractor uses. Using the unconstrained internal trip capture rates as an initial point of analysis, the project- and scenario-specific internal trip capture rates were identified through an iterative balancing process. DEIR Appendix D, p. 23.

That iterative process was not explained in the DEIR or Appendix D, so the ultimate conclusion reached as to internal trip capture rates was evidently based on interpretation by Kittleson rather than on calculations or fact-based analysis, and the absence of such information renders the DEIR’s conclusions as to the internal trip capture rate inadequate under CEQA. Unsupported opinion does not constitute substantial evidence under CEQA. Also, the internal trip capture rates included in Attachment C, and presented in Tables 6 and 7 at DEIR Appendix D pp. 9, lack rates of the internal trip capture rates for the entire day and contain rates for internal trip capture only in the A.M. and P.M. peak hour periods. DEIR Appendix D, Attachment C, p. 131. Kittleson fails to describe any support for its use of only alleged internal trip capture rates for peak periods.

Significantly, the Table 6 shows that the NCHRP and ITE unconstrained trip capture rate of 20% is the same rate as Kittleson estimated for residential uses in the project variants, which are supposed to be determined on the basis of constrained internal trip capture rates. Kittleson estimated that the internal trip capture rate for residential use in the office project variant would be 20% and the internal trip capture rate for residential use in the multi-family variant would be 19.9%. DEIR Appendix D, p. 9. The DEIR contains no support for the conclusion that constrained residential trip capture rates linked with beginning and ending points should be the same as the unconstrained residential trip capture rates that are not linked with a beginning and ending. OPR does not recommend using different methods to estimate VMT reduction. (Ex. I, p. III:16)

The fact that the residential trip capture rates Kittleson calculated for the project variants are the same as the unconstrained rates “which represent the highest possible values, resulting from the most favorable balance of land uses,” indicates that Kittleson used a most favorable

interpretation of data rather than conservative estimates to produce a biased and inaccurate conclusion. Also, since Kittleson used data for peak periods to estimate the internal trip capture rates for the project, it would be reasonable to assume that residents of the project site would drive the most at that time traveling to and from work, rather than make the highest possible number of internal trips during peak periods at the site. Since Kittleson provides no calculations to estimate total trip capture rates, and its estimates of peak period residential trip capture rates are suspect, the DEIR lacks substantial evidence to support its estimation of internal trip capture rates of the project/variant which the DEIR used to estimate daily auto trips.

In Table 9 in Appendix D p. 27, Kittleson also projected mode share by trip purpose using P.M. peak hour mode share rather than 24-hour mode share, as provided by the SF Guidelines 2002 in Appendix C-4. Table 9 fails to compare work with non-work trips that total 100% of trips by the land use type. Instead, Table 9 presents comparisons of percentages of trips that occur by auto, transit, walking or other mode, for unspecified amounts of work and nonwork trips so that the percentage of daily work and non-work trips cannot be determined. DEIR Appendix D, p. 27.

Also, the mode shares and average vehicle occupancy rates used in the DEIR were based on the United States Census Bureau five-year estimates of commute trip travel behavior from the 2011-2015 American Community Survey for Census Tract 154, which includes the project site. DEIR p. 4.C.57. As documented herein, TNC use became significant in 2016, so was not accurately taken into account in the mode shares, trip generation and distribution of trips used in the DEIR.

The DEIR estimated travel demand based on information in the 2002 SF Guidelines that predated the astronomical increase in TNA and food delivery trips and failed to provide an estimate of total VMT that would be caused by the project. The DEIR does not claim that its traffic demand analysis included any adjustment to add the traffic demand (and VMT) that would be caused by the current usage of vehicles such as TNCs and food or other delivery vehicles that would be attracted to the five proposed new loading zones surrounding the site. Rather, it claims that some person-trips would be reduced by an unexplained methodology dealing with internal trip capture.” (Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-6])

“5. The DEIR Is Inadequate Because It Lacks the Analyses Set Forth in the SF Guidelines.

The DEIR does not contain the calculations or substantiation for trip distribution, assignment and modal split information required by the 2002 SF Guidelines, which state that “*person trip generation rates per unit of square footage for each land use, or other unit as shown in Appendix C, are to be used for estimating levels of activities for the proposed project.*” (Ex. A, p. 9, emphasis added) Those SF Guidelines also state that:

Trip Distribution, Assignment and Modal Split Information: Net new person trips distributed to various directions of travel and assignment of the appropriate modes of travel (auto, transit, walk, and other) should be calculated, presented in tables and a graphic diagram (for vehicle and transit trips), and discussed in the text. Modal assignments should also be calculate for daily and the P.M. Peak Hour...

The weekday P.M. Peak Period is generally 4:00-6:00, and traffic counts shall generally be conducted during this period, unless otherwise specified in the scope of work. The peak hour must be determined from the counts (normally recorded in 15 minute intervals) for the entire peak period, and should represent the single hour within the peak period with the highest counts. (Ex. A, pp. 9-10)

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The DEIR lacks information on the calculation of total daily trip generation of the project and the calculation of daily modal assignments and net new person-trips. Instead, the DEIR inadequately presents information on peak hour AM and PM trip generation, thus understating the trip generation of the project and the resulting VMT that produces greenhouse gas emissions. The mode share presented in Table 9 of Appendix D of the DEIR at p. 27 “reflects the weekday PM peak hour mode share.” Table 10 also presents only AM and PM peak hour data and lacks daily modal share information, so total mode share cannot be understood. The DEIR is misleading to decision makers and the public.

The 2002 *SF Guidelines* state that since work and on-work trips have different characteristics in terms of distribution and mode of travel, the number of work and non-work (visitor) trips should be calculated separately; Appendix C provides the methodology to compute the work and non-work (visitor) trips for specific land use. (Ex. A, p. 9-10) The DEIR does not calculate the percentage splits between work and non-work trips for specific land uses in the manner specified in Table C-2 based on the trip generation rates in Table C-1 of the 2002 *SF Guidelines*. For example -for residential use, Table C-2 states that 33% of daily trips are from work trips and 67% are from non-work trips; for office use 36% of daily trips are from work and 64% from non-work use; for retail 4% of daily trips are from work and 96% from non-work use.

However the DEIR lacks the calculation of the daily or PM peak hour percentage splits of work/non-work trips based on the trip generation rates per 1000 square feet of land use or number of residential units presented in Table C-1. The 2002 *SF Guidelines* make clear at p. 9 that “Person trip generation rates per unit of square footage for each land use, or other unit shown in Appendix C, are to be used for estimating levels of activity for the proposed project.” The DEIR lacks these person trip generation rates per square footage of land use and understates person trips by presenting information on trips during weekday AM and PM peak periods.

Appendix E to the DEIR lacks substantiation or calculation of the total work and nonwork trips for each trip purpose and merely sets forth unsubstantiated claims as to the amount of work and non-work trips divided into auto, transit, walk and other travel, rather than by square footage of land use. Table 9 lacks the total amount or percentage of work and non-work taps for residential, office, retail, restaurant and other use, and merely presents unsubstantiated percentages of work and non-work uses in the various categories of auto, transit, walk and other. Table 9’s claim that 54.5% of residential trips are made with autos and 54.8% of residential nonwork trips are made with autos provides no meaningful information to the decision maker as to the total amount of residential trips that are made or the percentage of residential trips made based on the land use devoted to residential use or the split between work and non-work trips attributable to residential uses. That split is the basis for the mode share split calculation required by Table C of the *SF Guidelines*. Table 9 of the DEIR fails to provide information needed to calculate VMT for each mode share. VMT is produced by total trips, not only in the AM and PM.

In addition, the figures set forth in the DEIR also conflict with the vehicle trip distribution information provided in the *SF Guidelines*. Table E-4 of the 2002 *SF Guidelines* provides the daily distribution of work trips to SD-2, but the DEIR lacks information on daily distribution and merely provides data on weekday AM and PM peak hour distribution. Ex. A; DEIR p. 4.C.57. Again, the DEIR Table is not substantiated and is supported only by an unexplained reference to Kittleson & Associates 2017 and *SF Guidelines* 2002. The DEIR did not follow the *SF Guidelines* as to calculation of trip distribution.

The external person-trip generation by mode presented in Table 4.C.14 at page 4.C.58 of the DEIR is unsubstantiated and unsupported by substantial evidence. The support cited for this Table is merely Kittleson & Associates 2018 and *SF Guidelines* 2002. No explanation of the

method or basis of calculation of the modes is provided, and modes are not provided as to trip purpose or type of trip (whether residential, office, retail or daycare). The allegations in the Table constitute unsupported conclusions and do not amount to substantial evidence.

There is also no calculation or substantiation to support the average vehicle occupancy as to mode share set forth in Table 9 of Appendix D page 12. The source cited for the average vehicle occupancy and PM peak hour mode share are merely general references to Kittleson & Associates 2017, the American Community Survey Five-Year (2011-2015) Estimates, and *SF Guidelines*, 2002. While the American survey may provide information as to residential nonwork trips, there is no evidence that it provides information as to work or other trips, such as retail trips.

Also, the mode shares and average vehicle occupancy rates used in the DEIR consist of unsupported conclusions and are not supported by substantial evidence. The mode shares and average vehicle occupancy rates “for residential work trips” were based on the U.S. survey 2011-2015 estimates (DEIR p. 4.C.57), but the DEIR does not provide a supporting reference for the residential non-work trips, office work-trips or non-work trips, retail work trips or non-work trips, restaurant work-trips or non-work trips or daycare work or non-work trips. The DEIR is inadequate for failing to provide an explanation of the manner in which this information was derived. Also, as stated above, in *TNCs & Congestion*, **since TNC use became significant in 2016**, there is not substantial evidence that the increased mode shares by TNCs were taken into account in arriving at the DEIR’s conclusions, and the DEIR’s transportation analysis is inadequate for failing to take such information into account.

As to Mode Share, the DEIR states at page 4.C.57 that:

Person-trips generated by the proposed project and project variant were distributed to San Francisco’s four Superdistricts and the greater Bay Area and then assigned to travel modes based on mode shares presented in the *SF Guidelines* in order to determine the number of auto, transit, walk and “other” trips. The “other” mode includes trips taken by bicycle, motorcycle, for-hire vehicles such as transportation network companies, taxis, and other modes. The person-trips shown as “auto” person trips reflect the total number of persons traveling by automobile and some automobiles would transport more than one person or multiple people, each of whom is making one person trip. Vehicle trips are calculated as the number of auto person trips divided by the average vehicle occupancy. Mode shares and average vehicle occupancy rates for residential work trips are based on United States Census Bureau five-year estimates of commute trip travel behavior from the 2011-2015 American Community Survey for Census Tract 154, which includes the project site. External person-trip generation estimates by mode and vehicle types are shown in Table 4.C.14: External Person-Trip Generation by Mode.

Thus, the DEIR used inaccurate estimates of mode share that pre-dated the great increase in TNCs that occurred in 2016.

DEIR Appendix D explains at page 27 that mode share by trip purpose (work or non-work) is presented in Table 9. The internal trips presented in Table 7 would be expected to occur for the most part by walking and bicycling. As a result, the preliminary modal split percentages presented in Table 9 would change. Table 10 provides a comparison of modal splits before and after the calculation of internal trips for the Mixed-Use Office Scenario and Mixed-Use Multi-Family Housing Scenario. The resulting person-trips by mode and external person- and vehicle trips are shown in Table 11.

The traffic study in Appendix D of the DEIR admits at page 22 that the SF Guidelines do not provide a specific methodology to assess the amount of trips that could remain within a large

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mixed-use project site and claims that refinements were made to the standard travel demand analysis “to account for the size and land use mix of the project.” However, the DEIR lacks explanation of the nature of the refinements made and substantiation of the accuracy of the methodology used to estimate the internal trip capture rates. Thus, substantial evidence does not support the DEIR’s conclusions as to the internal trip capture rates stated in the DEIR.

As explained herein, the internal trip capture rates used in the DEIR for the proposed project are not supported by the referenced studies or other reports. Similarly, the conclusions as to mode share and average vehicle occupancy stated in Appendix D at page 27-29 are also unsupported by explanation or analysis. Again, the source of the conclusions is only Kittleson and an unreferenced page of the 2002 *SF Guidelines*.

The traffic study in DEIR Appendix D also explains at page 22 that:

To better estimate the trip-making patterns of the proposed project, a modified trip generation model specific to the 3333 California Street project was developed. The methodology was developed using the National Cooperative Highway Research Program Report 684, ITE, and is similar to the approach used in the analysis of the Mission rock Project at Seawall Lot 337 and Pier 48, and the Pier 70 Mixed-Use District Project.

The two studies cited in footnote 2 and 3 on page 22 of Appendix D of the DEIR are the Transportation Research Board, National Cooperative Highway Research Program Report 684, 2011, *Enhancing Trip Capture Estimation for Mixed-Use Developments* and the ITE Journal, 2010 and 2011, *Improved Estimation of Internal Trip Capture for Mixed-Use Development and Alternative Approaches to Estimating Internal Traffic Capture of Mixed-Use Projects*. However, the DEIR fails to provide any explanation of the methodologies discussed in the referenced publications, which the DEIR cites as support for its estimates of the internal trip capture rate. The cited publications are not contained in the DEIR or Appendix D.

In addition, the DEIR’s mode share analysis is inaccurate and inadequate because it fails to take into account the current mode share of vehicle trips currently occurring by transportation network companies such as Uber and Lyft and the 3333 California Street project proposal to add five new loading zones around the perimeter of the site which will attract such transportation network companies and other delivery vehicles. (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-9]*)

“The 3333 California project site is in Superdistrict 2. (San Francisco Transportation Information Map, accessed December 26, 2018) According to Appendix D of the San Francisco Planning Department Transportation Analysis Impact Guidelines, October 2002, TABLE E-12 VISITOR TRIPS to SD-2 —RETAIL, percentages of automobile trips made to retail locations in SD-2 from residents in the districts described below are made at the rates listed below:

- 64.3% of visitors from All Origins
- 78.4% of visitors from Superdistrict 1
- 56.5% of visitors from Superdistrict 2
- 60.9% of visitors from Superdistrict 3
- 81.2% of visitors from Superdistrict 4
- 65.8% of visitors from the East Bay
- 81.2% of visitors from the North Bay
- 95.1% of visitors from the South Bay and
- 62.5% of visitors from other locations. (Ex. A, excerpts of said Appendix D)

Page C-1 of Appendix C to the San Francisco Planning Department Transportation Impact Analysis Guidelines state that the “essential data necessary for the calculation of trip generation is contained in Tables C-1 and C-2, and in the trip distribution, mode split, and auto occupancy tables contained in Appendix E.” (Ex. A, attached) Table C-1 of that Appendix shows that Eating/Drinking uses have higher trip rates than General Retail and all other uses except Supermarket, at the following rates of trips per 1,000 gross square feet of space:

General Retail	150.0
Supermarket	297.0
Eating/Drinking	
Quality Sit-Down	200.0
Composite Rate	600.0
Fast Food	1400.0
Office	
General	18.1
Residential (all types)	
2+ bedrooms	10.0/unit
1 Bedroom/studio	7.5/unit
Senior Housing	5.0/unit (Ex.----)

These rates were used by the City in the EIR for the 901-16th Street and 1200-17th Street project in estimating trip generation for project retail; San Francisco rates were also used for estimating trip generation for project residential uses and calculating Daily Person trips in that Draft EIR for that project. (Ex. U, pp. IV.A.31, 32) The retail mode splits and AVO were based on the *San Francisco Guidelines* Appendix E, and showed that retail work trips accounted for only 4% of the daily auto retail person trips (262/5923) and retail non-work trips accounted for 96% of the daily auto retail person trips (5661/5923). *Ibid.* That EIR also showed, based on the *San Francisco Guidelines* Appendix E, that the Average Vehicle occupancy for retail work trips was 1.23 but the Average Vehicle Occupancy for retail non-work trips was 1.90. *Ibid.* According to Appendix E of the *San Francisco Guidelines*, 64.3 % of all visitor trips to SD-2 were made by automobile, with 1.88 persons per auto. (Ex. A)

Table C-2 of Appendix C of the San Francisco Transportation Impact Analysis Guidelines shows at page C-4 that the percentage splits between work and non-work trips for Retail (including Supermarkets & Eating/Drinking Establishments) is 4% work and 96% nonwork for a daily 24-hour period. (Ex. A) Of the 54,117 gross square feet of total retail uses in the proposed 3333 California Street project, 40,004 gsf would be for general retail, 4,287 gsf for sit-down restaurant and 9,826 gsf for composite restaurant. (DEIR pp. 5-49) According to Table 4.C.11 of the DEIR, of the total 19,644 daily person-trip generation estimated for the proposed project, 12,753 person trips generated by the project would be from total retail uses, or 64.9 % of the daily person trips. Since 96% of the retail trips would be for non-work trips, 96% of the 12,753 retail non-work person trips, or 12,243 daily person trips would be generated by customer, or non-work retail trips.

Thus, the DEIR is inadequate because it failed to include approximately 12,243 daily person trips that would be generated by retail customers of the project, or non-work retail trips. Omission of this information misleads the decision maker and the public as to the true impacts of the project.” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-11]*)

“In addition, different retail uses generate more VMTs than others. Retail and especially *restaurant type use* generates *a lot more traffic* because they stay open later than another use that

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is open only 9AM-5PM. Neighbors in this area drive or call a rideshare to get a cup of coffee even if only 2 blocks away.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-9]*)

“What are the vehicle counts projected for Laurel, Manzanita, Iris, Heather, Spruce, Parker, Commonwealth, Jordan, Palm, Euclid, Geary, and California St. from 2018 each year until the fully built out project? It is hard to say the total number of years the development is projected to take – ranges from 5-7 years (see Table AQ-1 shown later herein & from DEIR) to 15 years so what are the counts based on the time projections?” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-12]*)

“Also, the traffic analysis does not take into account the time of day impacts. While most heavy traffic is in AM- and PM-peak commute hours, there are other hours of concern such as when school lets out. These periods have more traffic on the road. Where is the hourly traffic volumes for the nearby streets (Arguello to Presidio/Fillmore between California & Geary)? Using only TAZ 709 from the 2000 Census appears to show rather low VMT numbers. I think since 2000, there is higher VMT with TNCs. I also think more of the nearby TAZs should be included in the analysis to see a more accurate picture of what would impact the “other nearby TAZs” rather than using only TAZ 709 (now called TAZ 100521 (Laurel to Lyon Between California & Sacramento). Traffic flows over a distance and the DEIR admits at least to ¾-mile from the site. There needs to be included the “other nearby TAZs” into the calculations for impacts due to changes since appearance of TNCs, other uses, more people.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-35]*)

“The DEIR estimates that the project would generate 10,057 daily automobile trips (page 4.C.58). This is probably an understatement because another EIR for a mixed use project estimated 13,000 automobile trips generated by the retail square footage alone (approximately 54,000 square feet), and the proposed project also has 558 or 744 residential units and a 49,999 square foot new office building that would generate additional vehicle trips.” (*Victoria Underwood, Letter, December 4, 2018 [I-UnderwoodVI-5]*)

RESPONSE TR-1: TRAVEL DEMAND METHODOLOGY

The comments state that the planning department has shifted from intersection level of service analysis to vehicle miles traveled and that the City’s method for calculating auto trips is not specific, is flawed and misleading, and fails to account for the impact of transportation network company (TNC) vehicles or various time periods (a.m., p.m., after school). The comments state that net new travel demand estimates are not provided and the estimated total increase in vehicle-trips is missing. The comments also state that the mode share and average vehicle occupancy rates do not account for current mode share from transportation network companies; that the internal trip capture methodology and estimates are not explained adequately; and that vehicle trip calculations understate the number of vehicle trips that would be generated by a development of this size. The comments state that trips generated by retail customers of the project, or non-work retail trips, are not included in the analysis. The comments state that the mitigation measure to reduce the number of retail parking spaces would not reduce the significant traffic impact. The comments request

existing vehicle traffic counts and projections of future traffic on nearby roadways with the proposed project or its variant.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under the following subsections: “Existing Conditions” starting on EIR p. 4.C.4; “Travel Demand Analysis” starting on EIR p. 4.C.53; “Freight Delivery and Service Loading Demand” on EIR p. 4.C.60; “Passenger Loading Demand” on EIR p. 4.C.61; Impact TR-2 starting on EIR p. 4.C.74; Impact TR-9 starting on EIR p. 4.C.96; and Impact TR-10 starting on EIR p. 4.C.98. Detailed supporting information is included in EIR Appendix D, Transportation and Circulation. The EIR concluded that the proposed project or project variant would have a less-than-significant impact on vehicle miles traveled with implementation of Mitigation Measure M-TR-2: Reduce Retail Parking Supply (EIR p. 4.C.80) and less-than-significant freight loading and passenger loading impacts. The comments received on the draft EIR do not present evidence that the transportation analysis was inadequate, or that there would be any new significant impacts not addressed in the EIR or a substantial increase in the severity of impacts identified in the EIR, and no new mitigation measures would be necessary. Since publication of the draft EIR, the proposed project and project variant have been revised to reduce retail square footage as well as the number of parking spaces among other changes. The changes are minor and do not alter the conclusions in the EIR. See RTC Section 2 on pp. 2.2-2.29.

Responses to the issues regarding trip generation, net new trips, and estimated total increase in vehicle trips are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussions in subsection B.3, Trip Generation Estimates (RTC p. 4.4), subsection B.5, Internal Trip Capture in the section entitled “Analysis Time Periods” (RTC p. 4.12), and subsection B.6, Net New Trips, (RTC p. 4.13). Contrary to assertions made in several comments on the EIR, daily and p.m. peak hour trips are provided (see e.g., Table 4.C.11 on EIR p. 4.C.54). Contrary to a comment, the approach used is consistent with the *2002 SF Guidelines* Appendix C, and the analysis presented in the EIR considers both the work and non-work trips generated by retail and other uses. The same comment correctly states that the percentage splits between work and non-work trips for retail is 4 percent work and 96 percent non-work. Therefore, of the total 19,644 daily person-trips generated by the proposed project, 12,753 would be generated by the retail uses (including 12,243 non-work and 510 work trips). Some of these trips would remain internal to the site and some would be external trips, beginning or ending outside the site.

Responses to the issues regarding the impact of TNC vehicles on mode share and average vehicle occupancy rates, along with other TNC issues associated with the proposed project or variant are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussions in subsection B.3, Trip Generation Estimates, under “Trip Generation Comparison – 2002 SF Guidelines and 2019 TIA Guidelines Update,” and subsection B.7, Loading Demand, under “Passenger Loading Demand – Transportation Network Company Vehicles” on RTC pp. 4.4-4.8 and RTC pp. 4.15-4.16, respectively). A comment cites “a UC Davis study” regarding information

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about TNC vehicles, but fails to provide information such as author or title to identify what UC Davis study is intended. Assuming that the study referenced is one by Regina R. Clewlow and Gour S. Mishra, entitled “Disruptive Transportation: The Adoption, Utilization, and Impacts of Ride-Hailing in the United States,” it is discussed, with a full citation, in Response TR-2, Transportation Network Companies – SF CHAMP and Trip Generation, on p. 5.E.26 below.

Responses to the issues regarding internal trip capture rates are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussion in subsection B.5, Internal Trip Capture, starting on RTC p. 4.9). The methodology for the internal trip capture processing is summarized on EIR pp. 4.C.54-4.C.56 and described in more detail in EIR Appendix D pp. 22-24. Contrary to the comments received, the internal trip capture rates applied do not represent the highest possible values resulting from the most favorable balance of land uses; comments may imply that the planning department selected an internal capture rate that would result in fewer project vehicle trips than other rates. This is incorrect. Mixed-use development creates less demand on the external transportation network than single-use developments because some amount of travel would occur within the development, for example, between the proposed residential units and the office space. The internal trip capture calculation accounts for the portion of the total person-trips generated by the proposed project and project variant that would remain on site and would not use the external transportation network.

Contrary to comments received on internal trip capture, walk trips were not double counted. The walk trips presented in this table are the people who would walk to and from nearby land uses, such as between the proposed residential units and the Laurel Village Shopping Center, or from nearby houses to the proposed retail and office space. As reported in Table 4.C.14, the proposed project would generate 376 walk trips (19.6 percent of total person-trips) during the weekday a.m. peak hour and 398 walk trips (19.1 percent of total person-trips) during the weekday p.m. peak hour. The project variant would generate 359 walk trips (18.3 percent of total person-trips) during the weekday a.m. peak hour and 387 walk trips (17.7 percent of total person-trips) during the weekday p.m. peak hour. The text on EIR p. 4.C.58 supporting the information presented in Table 4.C.14 refers to the proportion of *external* person-trips by mode generated by each land use.

The following documents used as the basis for the approach and cited in the EIR as footnotes 49 and 52 on EIR p. 4.C.59 are included in the project’s administrative record:

- Transportation Research Board, National Cooperative Highway Research Program Report 684, 2011, *Enhancing Trip Capture Estimation for Mixed-Use Developments*
- ITE Journal, 2010 and 2011, *Improved Estimation of Internal Trip Capture for Mixed-Use Development and Alternative Approaches to Estimating Internal Traffic Capture of Mixed-Use Projects*

Responses to the issues regarding trip generation and VMT generated by retail customers are provided in RTC Section 4, Master Response – Transportation and Circulation (see subsections

D.2, Vehicle Miles Traveled (VMT) and Retail Uses, and D.3, Vehicle Miles Traveled (VMT) Calculation” starting on RTC pp. 4.30 and 4.33).

Responses to the issues regarding the adequacy of the proposed mitigation measure are provided in RTC Section 4, Master Response – Transportation and Circulation (see subsection D.4, Vehicle Miles Traveled (VMT) and Vehicular Parking, beginning on RTC p. 4.39).

Existing traffic, transit, pedestrian, bicycle, loading, and emergency access conditions around the project site, including conditions around the Jewish Community Center of San Francisco (JCCSF), are described in Section 4.C, Transportation and Circulation, under the “Existing Conditions” subsection starting on EIR p. 4.C.4. The transportation study area and study intersections are discussed starting on EIR p. 4.C.2. A total of 13 existing intersections within the transportation study area were identified as key locations that are likely to be affected by the proposed project or project variant. These study intersections are identified by number in Table 4.C.1 on EIR p. 4.C.4, and shown on Figure 4.C.1 on EIR p. 4.C.3. These study locations include intersections on Spruce Street, Laurel Street, Euclid Avenue, Geary Boulevard, Sacramento Street, and California Street. Locations on Manzanita, Iris, Heather, Parker, Commonwealth, Jordan, and Palm avenues were not selected because, based on the trip distribution and assignment analysis, these streets do not represent locations likely to be substantially affected by the proposed project or project variant.

Multimodal turning movement counts were collected at the study locations, including existing site driveways, on December 1, 2016. Vehicle counts are included in the Travel Demand Memorandum (see EIR Appendix D, pp. 176-218). Additionally, average daily traffic volumes on roadways surrounding the project were estimated for Existing, Existing plus Project, and Cumulative Conditions. These time periods of analysis are consistent with CEQA and local guidelines. The approach and methodology and estimated current and future volumes are documented in the Average Daily Traffic Volumes – Methodology and Results Memorandum prepared by Kittelson & Associates and included in EIR Appendix F as part of the supporting documentation for the air quality analysis.

COMMENT TR-2: TRANSPORTATION NETWORK COMPANIES - SF-CHAMP AND TRIP GENERATION

“The Draft EIR does not address the traffic impact of ride share drivers driving around the neighborhood waiting for a fare.” (*Joe Catalano and Joan Varrone, Email, January 8, 2019 [I-Catalano-3]*)

“4. 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.

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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.

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 shows four new passenger loading zones proposed to be installed on streets surrounding the perimeter of the property and PRELIMINARY DESIGN 08/2018 shows one new 100-foot commercial loading zone proposed on California Street near the northwestern edge of the property. (Ex. L) 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 herein. 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.

The City is aware that the SF-CHAMP model, used to perform estimates of various transportation issues in the DEIR, is out of date and so inaccurate that it is in the process of being revised. The model used to produce the DEIR's transportation analyses is inadequate and inaccurate because it was based on observed behavior that occurred before the explosion of transportation network companies such as Uber and Lyft, which are causing huge increases in VMT. The DEIR shows that the SF-CHAMP did not take into account the VMT that can be anticipated from transportation network companies attracted to the project/variant site by the five loading zones proposed to be added to the perimeter of the site. The DEIR states at page 4.C.7 that:

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.” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-5]*)

“The October 1, 2002 *Executive Summary* of the San Francisco Travel Demand Forecasting Model Development prepared for the San Francisco County Transportation Authority explains that its travel demand model was developed to provide detailed forecasts of travel demand for various planning applications and that its model components were estimates using various data that was in existence before 2002. (Ex. M, SFCTA Executive Summary and November 16, 2018 Wietgrief email stating that SF-CHAMP model is the model the City uses to estimate VMT by transportation analysis zone.) The SFCTA website indicates that SF-CHAMP was last updated in 2014. (Ex. N, excerpts from SFCTA DataMart) If the SF-CHAMP was updated based on any data that came into existence after 2014, please describe in detail the changes in such data that relate to TNC and food delivery traffic, neighborhood parking rates, and VMT (and related issues including mode share, average vehicle occupancy and trip distribution) and provide supporting documentation. Assuming that the last update to SF-CHAMP was in 2014, the date upon which that model was based pre-dated the explosion of transportation network companies such as Uber and Lyft.

Since the 2002 San Francisco Guidelines were adopted, there has been explosive growth in TNC and food and other delivery vehicle trips.

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City documents already acknowledge the substantial evidence exists that shows the transportation network companies are generating substantial VMT in the City. Page 1 of the September 28, 2017 San Francisco Planning Department *Transportation Impact Analysis Guidelines -Update* states that the Department's Transportation Impact Analysis Guidelines for assessing project's transportation impacts under CEQA were last updated in 2002. (Ex. O) The update further explains that:

To assess these impacts, the department estimates how many trips people in newer developments may take, the ways they travel, and their common destinations based on the findings of the Citywide Travel Behavior Survey -Employees and Employers (May, 1993); the Citywide Travel Behavior Survey -Visitor Travel Behavior (August, 1993); revolving five-year estimates from US Census, American Community Survey data; San Francisco County Transportation Authority San Francisco Chained Activity Model, which is based upon, among other sources, observed behavior from California Household Travel Survey (2010-2012), and major San Francisco transportation studies...

Also, since that time, San Francisco has experienced changes in the demographics of the population, the types of new jobs, and the cost of housing, among other variables that affect travel behavior. Some of these changes create greater constraints on our transportation systems, including more competition for curb space. **One of the major changes has been with emerging mobility services and technologies that have changed the way some people travel (using transportation network companies such as Uber and Lyft) and interact with goods (home deliveries). These changes also affect the percentages of how people travel (known as mode splits in the transportation analysis methodology).** For example, we understand anecdotally that people may be shifting from using their own vehicles or transit to instead use transportation network companies such as Uber and Lyft. (Ex. O, p. 2, emphasis added)

At that time, staff was considering substantive updates to the following topics:

Process - scoping our topics from transportation review earlier in the process based upon the characteristics of the project, site, and surroundings (e.g., through a checklist)...

Loading -Refine estimates of passenger and commercial loading demand, attempting to account for rise in for-hire vehicles and e-commerce deliveries.

Vehicle Miles Traveled/Induced Auto Travel - Potential quantification of the relationship between parking supply and induced automobile travel.

Traffic Hazards - Update definitions of types of traffic hazards as well and standards that can be implemented to potentially avoid traffic hazards (which may be incorporated into walking/accessibility and bicycling).

Construction - consideration of the effects of excavation on overall project construction and the resulting duration/intensity of construction phases. (Ex. O, p. 3)

Substantial data collection and analysis is currently underway, primarily at newer development sites and will result in the creation of refined estimates of how many trips people in newer developments take, the ways they travel, and their common destinations and updating of the travel demand methodology used in the guidelines. (Ex. O, p. 4) Importantly, data was being collected and analyzed on estimates of passenger and commercial loading demand. *Ibid.* Graphics distributed during the update to the Planning Commission showed that between 1/1/2003 and 1/1/2017 the San Francisco population had increased by 92,000 persons and Bay Area Population by 900,000. (Ex. P, second page)

The October 2018 Draft Report *TNCs & Congestion* by the San Francisco County Transportation Authority states that:

Congestion in San Francisco worsened between 2010 and 2016...During this period significant changes occurred in San Francisco...San Francisco added 70,000 new residents and over 150,000 new jobs, and these new residents and workers added more trips to the City's transportation network. Finally, new mobility alternatives emerged, most visibly TNCs.... (Ex. Q, p. 3)

In recent years, the vehicles of transportation network companies (TNCs) such as Uber and Lyft have become ubiquitous in San Francisco and many other major cities...In San Francisco, this agency (the San Francisco County Transportation Authority or SFCTA) estimated approximately 62 million TNC trips in late 2016, comprising about 15% of all intra-San Francisco vehicle trips and 9% of all intra-San Francisco person trips that fall (2). [sic] The rapid growth of TNCs is attributable to the numerous advantages and conveniences that TNCs provide over other modes of transportation, including point-to-point service, ease of reserving rides, shorter wait times, lower fares (relative to taxis), ease of payment, and real-time communication with drivers. The availability of this new travel alternative provides improved mobility for some San Francisco residents, workers and visitors, who make over one million TNC trips in San Francisco every week, though these TNC trips may conflict with other City goals and policies...(Ex. Q, p. 3)

When compared to employment and population growth and network capacity shifts (such as for a bus or bicycle lane), TNCs accounted for approximately 50% of the change in congestion in San Francisco between 2010 and 2016, as indicated by three congestion measures: vehicle hours of delay, vehicle miles travelled, and average speeds. Employment and population growth - encompassing citywide non-TNC driving activity by residents, local and regional workers, and visitors - are primarily responsible for the remainder of the change in congestion...Daily vehicle hours of delay (VHD) on the roadways studied increased by about 40,000 hours during the study period. We estimate TNCs account for 51% of this increase in delay, and for about 25% of the total delay on San Francisco roadways and about 36% of total delay in the downtown core in 2016, with employment and population growth accounting for most of the balance of the increased [sic] in delay...**Daily vehicle miles travelled (VMT) on study roadways increased by over 630,000 miles. We estimate TNCs account for 47% of this increase in VMT, and for about 5% of total VMT on study roadways in 2016...**Average speeds on study roadways declined by about 3.1 miles per hour. We estimate TNCs account for 55% of this decline...(Ex. p. 4, emphasis added)

Similarly, during the AM peak, midday, and PM peak periods, TNCs cause about 40% of the increased vehicle miles travelled, while employment and population growth combined are responsible for about 60% of the increased VMT. However, in the evening time period, TNCs are responsible for over 61% of the increased VMT and for about 9% of total VMT.... (Ex. Q, p.5)

As the *TNCs & Congestion* report documents, TNCs comprise a significant share of intra-San Francisco travel:

According to recent studies, between 43% and 61% of TNC trips substitute for transit, walk, or bike travel or would not have been made at all. (Ex. Q, pp. 11-12)

Given the rapid pace of technological change in the transportation sector, other factors may also be contributing to changes in congestion. For example, increased use of online shopping and

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delivery services might exacerbate roadway congestion due to an increase in delivery vehicle trips and loading duration. (Ex. Q., p. 12)

The SFCTA *TNCs & Congestion* report also states that in 2010 TNC use was negligible and in 2016 it was significant, and that SF-CHAMP version 5.2 does not account for TNCs. (Ex. Q, p. 16)

A 2017 national study of ride-hailing from the University of California, Davis Institute of Transportation Studies, *Disruptive Transportation: The Adoption, Utilization, and Impacts of Ride-Hailing in the United States*, found that 49% to 61% of ride-hailing trips would not have been made at all, or by walking, biking, or transit. (Ex. R, p. 2) After using ride-hailing, the average net change in transit use was a 6% reduction among Americans in major cities, and ride hailing attracts Americans away from bus services (a 6% reduction) and light rail services (a 3% reduction). (Ex. R, p. 2)

The map at page 6 of the *TNCs & Congestion* report shows that TNCs are responsible for approximately 30-60% of vehicle delay on California Street in the project area. (Ex. R) The graphs on page 7 of that report show that TNCs account for 61% of the increase in vehicle miles travelled in Supervisor District 2, with employment change accounting for 21% and population change accounting for 16%. (Ex. R, pp. 6-7)

San Francisco County Transportation Authority's *TNCs Today*, Final Report, June 2017 is consistent with its 2018 *TNCs & Congestion* report. (Ex. S, pp. 1-5, 8) *TNCs Today* reports that on a typical weekday, TNCs make over 170,000 vehicle trips within San Francisco, which is 15% of all intra-San Francisco vehicle trips. Ex. S, p. 1) Intra-SF TNC trips generate approximately 570,000 vehicle miles of travel (VMT) on a typical weekday, comprising as much as 20% of intra-SF-only VMT. (Ex. S, p. 2) Recent SFMTA Travel Decisions Survey results indicate that TNCs are growing in significance as a share of overall San Francisco travel, doubling in mode share served between 2014 and 2015. (Ex. S, p. 3) Approximately 290,000 TNC person trips are estimated to occur within San Francisco during a typical weekday, which represents approximately 9% of all weekday person trips within the City. (Ex. S, p. 9) During weekdays, TNCs have a clear pattern of peak usage that coincides with the existing AM and PM peak periods. (Ex. S, p. 10) The third highest rate of TNC pickups and drop-offs in the City occurs in Supervisorial District 2, in which the 3333 California Street site is located. (Ex. S, p.13) Estimated total VMT produced by TNCs on a typical weekday is approximately 570,000 VMT, and intra-SF TNCs generate as much as 20% of weekday VMT for intra-SF vehicle trips and at least 6.5% of total weekday VMT in San Francisco. (Ex. S, p. 15) Most of the VMT generated by TNCs occurs during the AM and PM peak hours, with significant VMT also occurring during the evening hours, following the PM peak. (Ex. S, p.15-16)

The October 2018 Draft Report *TNCs & Congestion* by the San Francisco County Transportation Authority also states at page 12 that increased use of online shopping and delivery services might exacerbate roadway congestion due to an increase in delivery vehicle trips and loading durations. In addition, the report states that TNC passenger pick up and drop off activity may also result in increased congestion by disturbing the flow in curb lanes or traffic lanes. (Ex. Q, p. 12)

According to the October 2018 Draft Report *TNCs & Congestion* by the San Francisco County Transportation Authority, during most of the day, approximately 40% to 50% of the increase in vehicle hours of delay is attributable to TNCs, but in the evening, almost 70% of the increase in vehicle delay is due to TNCs. (Ex. Q, p. 33)" (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-7]*)

“The Community Full Preservation Alternative Prevents Excessive Traffic from the Massive ROC Complex, Uber & Lyft. Etc. from Overrunning our Neighborhoods.

Recent studies have shown that the City’s method of calculating auto trips, and the resulting chaos and congestion is deeply flawed, to the point of being misleading.

At the time the VMT (Vehicle Miles Travelled) methodology was developed, SF CHAMP last updated Nov. 2014, the Transportation Networking Companies (TNCs) -Uber/Lyft/Chariot etc. were still in their infancy and so the VMT methodology fails to account for their incredibly disruptive impact.

The TNCs average, conservatively, in excess of 170,000 trips per day in San Francisco.

There are about 2,000 taxi medallions in San Francisco so TNCs do not just replace taxis they overwhelm them by orders of magnitude.

Also, implementation of the VMT methodology is not mandated until 2019 but as Planning and The Developers were unable to explain away the 8,000 Retail Auto trips generated by the existing, and still acceptable, Level of Service methodology, they implemented the VMT methodology with “refinements.” Planning calculates the Developers Destructive Proposal using VMT methodology will generate approx. 5,800 total auto trips for 3333 for Retail + Office + Residential which is an entirely bogus number based on questionable assumptions, such as “The SF Guidelines **do not provide a specific methodology to** assess the number of trips.....”

Planning has therefore, with no supporting documentation or analyses, applied “appropriate refinements to the standard travel demand....”

Rather amazing that these “refinements” all work in the Developers favor.

Nowhere in these “refinements” have TNCs been taken into account!

Oh, by the way, the “refinements” used were created for The Mission Rock Project at Seawall Lot 337 and Pier 48 as well as the Pier 70 Mixed Use District Project!

Seawall Lot 337 & Pier 48 summary:

Project type Mixed-use, open space, residential, commercial

Project area Approx. 28 acres

Proposed building area 1.3 – 1.7 million sf commercial; 750,000 - 1.5 million sf residential; 150,000 – 200,000 sf retail, 850,000 sf structured parking

Seawall Lot 337 & Pier 48 (*See Comment Letter I-FrisbieR1, p. 6, in RTC Attachment B for the graphic representing the Seawall Lot 337 & Pier 48 project site that accompanies this excerpted comment.*)

Pier 70 summary: “The 35acre waterfront mixed-use neighborhood will provide housing, waterfront parks, artist space, local manufacturing and rehabilitated historic buildings.”

Altogether the redevelopment covers 35 acres and up to 3,025 new units of housing—the exact count is still in flux, with a low end of 1,645—and its roots stretch back a decade to a 2007 port plan.

WOW! What remarkably similar projects to 3333. What “refinements” could possibly be comparable? Simply bogus.

The DEIR consistently attempts to misrepresent and mislead the public.

It is incomplete, incorrect, inaccurate and invalid and NOTHING demonstrates this better than the above.

Under their previous, Level of Service, methodology they would have calculated 8,000 retail trips alone.

I think it safe to say that the numbers presented by Planning are simply “Developer friendly!”.

Their VMT methodology with “refinements” will generate fewer trips, especially since there are no criteria for calculating the impact of TNCs, but there is nothing in the legislation that remotely suggests it would generate 35% less trips! This entire section is suspect and Planning must explain this profound discrepancy.

As noted above, nowhere are the TNCs incorporated into the calculations.

All of which renders the Traffic Analysis incorrect, incomplete, inaccurate, invalid.

The Planning Department proposes to reduce the number of retail parking spaces as a mitigation measure to reduce the significant traffic impact.

This is a false assumption and shows the extent to which the Developer and Planning misunderstand, or simply choose not to understand, the impact that the TNCs have.

Planning’s mitigation measure is a stone age solution to a digital age problem.

How will many people respond to a perceived lack of parking?

They’ll simply call a TNC and go anyway.

Eliminating parking won’t eliminate auto trips it will actually increase auto trips.

A UC Davis study shows that people make MORE trips because of TNCs than if they had to use their own cars or take public transit. People now make trips they would never have made in the past – by any mode of transport.

The VMT methodology used by the Planning Department fails to account for the impact of TNCs.” (*Richard Frisbie, Letter, January 8, 2019 [I-FrisbieR1-10] and Tina Kwok, Letter, January 7, 2019 [I-Kwok4-16]*)

“Recent studies have shown that the City’s method of calculating auto trips, and the resulting chaos and congestion is deeply flawed, to the point of being misleading.

At the time the VMT (Vehicle Miles Travelled) methodology was developed, SF CHAMP last updated Nov. 2014, the Transportation Networking Companies (TNCs) -Uber/Lyft/Chariot etc. were still in their infancy and so the VMT methodology fails to account for their incredibly disruptive impact. The TNCs average, conservatively, in excess of 170,000 trips per day in San Francisco. Studies also show that TNCs increase passenger trips by almost 10%. There are about 2,000 taxi medallions in San Francisco so TNCs do not just replace taxis they overwhelm them by orders of magnitude.

Also, implementation of the VMT methodology is not mandated until 2019 but as Planning and The Developers were unable to explain away the 13,000 Retail Auto trips generated by the existing, and still acceptable, Level of Service methodology, they implemented the VMT methodology with “refinements.” In much the same way as they calculated on the “direct” GHG and totally ignored the “indirect” even though required to do so by their own criteria.

Planning calculates the Developers Destructive Proposal using VMT methodology will generate approx. 5,800 total auto trips for 3333 for Retail + Office + Residential which is a very suspect

number as it is based on questionable assumptions, such as “ The SF Guidelines **do not provide a specific methodology to** assess the number of trips.....” Planning has therefore, with no supporting documentation or analyses, applied “appropriate refinements to the standard travel demand....” Rather amazing that these “refinements” all work in the Developers favor. Nowhere in these “refinements” have THCs been taken into account! **All of which renders the Traffic Analysis incorrect, incomplete, inaccurate, invalid.**

The Planning Department proposes to reduce the number of retail parking spaces as a mitigation measure to reduce the significant traffic impact. This is a false assumption and shows the extent to which the Developer and Planning misunderstand, or simply choose not to understand, the impact that the TNCs have.

Planning’s mitigation measure is a stone age solution to a digital age problem. How will many people respond to a perceived lack of parking? They’ll simply call a TNC and go anyway. **Eliminating parking won’t eliminate auto trips it will actually increase auto trips.”** (*Mary Gwynn, Email, January 7, 2019 [I-Gwynn-7]*)

“What formula model does Planning Department use to calculate VMTs? Does it include commercial vehicle miles travelled? What road types are included or excluded from calculations? What about VMTs from carshares? Would one-way carshare trip miles travelled be included in the calculations vs. 2-way carshare trips? Would certain passenger vehicle miles traveled be excluded from calculations? What other models were used besides the one used by Planning? Were the outcomes the same? Was the VMT calculation model used in this DEIR used for all other DEIRs in the last 3 years? If not, why not; and if so, what were the mitigation measures for those DEIRs that could be applied to this site?

The DEIR does *NOT* account for the post-2008/2009 phenomena of TNCs/rideshares causing substantial VMTs in the area. Carshare drivers stop in the middle of the street to load and unload passengers. They drive in from across the bridge to “work” in SF. When they get a customer, they pick up the customer and drive off to another area that could be miles away – especially when the driver drives into the city from outside, the total mileage he has to drive is not included in the VMTs which starts and stops only upon the rider’s total ride rather than the miles the TNC driver has racked up. The same customer may want the same driver to drive him/her back so the driver drives back in from miles away potentially to pick up this initial customer at 3333 California who only needs a ride 3 blocks away.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-7]*)

“Also, documentation from University of California, Davis, and other sources, indicate that San Francisco is 92% dependent now on carshare mode (e.g. Uber, Lyft, etc.) as opposed to Muni buses. The documentation states that had these carshare modes not existed, they would walk, bike or take Muni or a taxi. The documentation also shows that there are millions of VMTs travelled by these rideshares in SF based on the total amount of fares collected by these companies. Here is a sample article of the impact from rideshares and VMT count:

https://www.washingtonpost.com/local/trafficandcommuting/as-ride-hailing-booms-in-dc-its-not-justeating-into-the-taxi-market--its-increasing-vehicle-trips/2018/04/23/d1990fde-4707-11e8-827e-190efaf1f1ee_story.html?utm_term=.1f054949bc7e&noredirect=on

Moreover, here is an additional document about the impact of rideshares on VMTs. There is a statement that VMTs would be 83.5% more miles than had rideshares not existed or used. Here is the link to the September 2018 text by Henao and Marshall:

<https://link.springer.com/article/10.1007%2Fs11116-018-9923-2>

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This is the abstract for their work: “Ride-hailing such as Uber and Lyft are changing the ways people travel. Despite widespread claims that these services help reduce driving, there is little research on this topic. This research paper uses a quasi-natural experiment in the Denver, Colorado, region to analyze basic impacts of ride-hailing on transportation efficiency in terms of deadheading, vehicle occupancy, mode replacement, and vehicle miles traveled (VMT). Realizing the difficulty in obtaining data directly from Uber and Lyft, we designed a quasi-natural experiment—by one of the authors driving for both companies—to collect primary data. This experiment uses an ethnographic and survey-based approach that allows the authors to gain access to exclusive data and real-time passenger feedback. The dataset includes actual travel attributes from 416 ride-hailing rides—Lyft, UberX, LyftLine, and UberPool—and travel behavior and socio-demographics from 311 passenger surveys. For this study, the conservative (lower end) percentage of deadheading miles from ride-hailing is 40.8%. The average vehicle occupancy is 1.4 passengers per ride, while the distance weighted vehicle occupancy is 1.3 without accounting for deadheading and 0.8 when accounting deadheading. When accounting for mode replacement and issues such as driver deadheading, we estimate that ride-hailing leads to approximately 83.5% more VMT than would have been driven had ride-hailing not existed. Although our data collection focused on the Denver region, these results provide insight into the impacts of ride-hailing.”

The rideshares are stated to also impact the ridership of existing Muni buses because they cannot move when the rideshares add to the congestion and automobile delay on the streets. If the retail use was curbed, there would not be as many vehicles in the area to cause the Muni delays as well.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-10]*)

“The DEIR states that the proposed project will be designated as a Special Use District (SUD). As one knows, the City has passed ordinance to have no minimum parking requirements for any units. What people fail to recognize is that parking spaces, while they attract vehicles since that is what parking is for, even if removed, with rideshare vehicles in play today as opposed to 2008/2009 when this project was known and TNCs did not exist, that does not mean that less traffic will be in this area of new retail (over 41,000 sq. ft.) and offices (49,999 sq. ft.) proposed. Retail generates significant vehicle traffic whether for deliveries or for visits. If retail is being proposed, it should all be located on California St. With the advent of the rideshares, people will double-park to drop off the visitors and more and more traffic will go through the area regardless of whether retail parking is there or if removed. The automobile delay in this area and the neighborhoods surrounding it will eventually become worse. People may as well walk, but not everybody is going to. In the areas of greater socio-economic status, most drive. This has been documented in the newspapers.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-49]*)

“Several recent studies have questioned the City’s method of calculating auto trips, and the resulting chaos and congestion. Some have suggested the methodology is misleading. The methodology is certainly out of date (last updated in 2014) taking no account of how the Uber/Lyft/Chariot swarm alter the traffic landscape. I can see a lane on either side of California street blocked by Ubers double and triple parked. A disaster for those of us when we need to back out of our garages and a disaster for those who need the emergency vehicles that regularly use California St as a fast way across this part of town. This question is easily answered, provide the raw data and the calculations and the defined procedures that were used so that they can be independently verified. At present, the traffic analysis looks like a favor done for the developers where the neighborhood is expected to accept the high-level results blindly and just live with the results.” (*Phillip Paul, Email, January 7, 2019 [I-Paul-6]*)

“If Uber or Lyft cars are used, those cars picking up and dropping passengers will simply add to the already intense traffic on Euclid and Presidio Avenues as well as California Street.” (*Gilda Poliakin, Email, December 30, 2018 [I-Poliakin-9]*)

“Recent studies have shown that the City’s method of calculating auto trips, and the resulting chaos and congestion is deeply flawed, to the point of being misleading.

At the time the VMT (Vehicle Miles Travelled) methodology was developed, SF CHAMP last updated Nov. 2014, the Transportation Networking Companies (TNCs) -Uber/Lyft/Chariot etc. were still in their infancy and so the VMT methodology fails to account for their incredibly disruptive impact. The TNCs average, conservatively, in excess of 170,000 trips per day in San Francisco. Studies also show that TNCs increase passenger trips by almost 10%.

There are about 2,000 taxi medallions in San Francisco so TNCs do not just replace taxis they overwhelm them by orders of magnitude.

Also, implementation of the VMT methodology is not mandated until 2019 but as Planning and The Developers were unable to explain away the 13,000 Retail Auto trips generated by the existing, and still acceptable, Level of Service methodology, they implemented the VMT methodology with “refinements.” In much the same way as they calculated on the “direct” GHG and totally ignored the “indirect” even though required to do so by their own criteria. So, if you don’t like the answer, change the question.

Planning calculates the Developers Destructive Proposal using VMT methodology will generate approx. 5,800 total auto trips for 3333 for Retail + Office + Residential which is an entirely bogus number based on questionable assumptions, such as “ The SF Guidelines **do not provide a specific methodology to** assess the number of trips.....” Planning has therefore, with no supporting documentation or analyses, applied “appropriate refinements to the standard travel demand....” Rather amazing that these “refinements” all work in the Developers favor.

Nowhere in these “refinements” have THCs been taken into account!

Oh, by the way, the “refinements” used were created for The Mission Rock Project at Seawall Lot 337 and Pier 48 as well as the Pier 70 Mixed Use District Project!

Seawall Lot 337 & Pier 48 summary:

Project type Mixed-use, open space, residential, commercial

Project area Approx. 28 acres

Proposed building area 1.3 – 1.7 million sf commercial; 750,000 - 1.5 million sf residential; 150,000 – 200,000 sf retail, 850,000 sf structured parking

Pier 70 summary: “ The 35acre waterfront mixed-use neighborhood will provide housing, waterfront parks, artist space, local manufacturing and rehabilitated historic buildings.”

Altogether the redevelopment covers 35 acres and up to 3,025 new units of housing—the exact count is still in flux, with a low end of 1,645—and its roots stretch back a decade to a 2007 port plan.

WOW! What remarkably similar projects to 3333. What “refinements” could possibly be comparable. Simply bogus.

The DEIR consistently attempts to misrepresent and mislead the public. It is incomplete, incorrect, inaccurate and invalid and NOTHING demonstrates this better than the above.

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Under their previous, Level of Service, methodology they would have calculated 13,000 retail trips alone. Adding Office and Residential would generate a total of approx. 16,000 auto trips. Somehow we have miraculously reduced auto trips by almost 66%!

I think it safe to say that the numbers presented by Planning are simply bogus. VMT will generate fewer trips, especially since there are no criteria for calculating the impact of TNCs, but there is nothing in the legislation that remotely suggests it would generate 66% less trips! This entire section is suspect and Planning must explain this profound discrepancy. As noted above, nowhere are the TNCs incorporated into the calculations.

All of which renders the Traffic Analysis incorrect, incomplete, inaccurate, invalid.

The Planning Department proposes to reduce the number of retail parking spaces as a mitigation measure to reduce the significant traffic impact. This is a false assumption and shows the extent to which the Developer and Planning misunderstand, or simply choose not to understand, the impact that the TNCs have.

Planning's mitigation measure is a stone age solution to a digital age problem. How will many people respond to a perceived lack of parking? They'll simply call a TNC and go anyway.

Eliminating parking won't eliminate auto trips it will actually increase auto trips. A UC Davis study shows that people make MORE trips because of TNCs than if they had to use their own cars or take public transit. People now make trips they would never have made in the past – by any mode of transport. The VMT methodology used by the Planning Department fails to account for the impact of TNCs.

Not only does Retail, using the LOS methodology, contribute over 80% of the 16,000 total auto trips, all these auto trips generate GHG.” (*Laura Rubinstein, Email, January 2, 2019 [I-Rubinstein-9]*)

RESPONSE TR-2: TRANSPORTATION NETWORK COMPANIES – SF-CHAMP AND TRIP GENERATION

The comments state that the EIR does not address the impact of circling ride-share drivers. Comments also state that the EIR is inadequate because it bases VMT analysis on the San Francisco Chained Activity Modeling Process (known as SF-CHAMP), which the comment alleges does not account for TNC vehicles, including traffic that would be attracted to the proposed commercial and passenger loading zones. The comments further state that eliminating parking will increase auto trips through increased TNC mode share and that the method of calculating auto trips is misleading and not documented. One comment indicates that the LHIA Alternative would prevent traffic impacts of the project including from TNCs.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under the following subsections: “Trip Generation” starting on EIR p. 4.C.54; “Freight Delivery and Service Loading Demand” on EIR p. 4.C.60; “Passenger Loading Demand” on EIR p. 4.C.61; Impact TR-2 starting on EIR p. 4.C.74; and Impact TR-10 starting on EIR p. 4.C.98. Detailed supporting information is included in EIR Appendix D, Transportation and Circulation. The EIR concluded that the proposed project or project variant would have a less-than-significant impact on VMT with implementation

of Mitigation Measure M-TR-2: Reduce Retail Parking Supply (EIR p. 4.C.80) and also would have less-than-significant freight and passenger loading impacts. The comments received on the EIR do not present evidence that the transportation analysis was inadequate, or that there would be any new significant impacts not addressed in the EIR or a substantial increase in the severity of impacts identified in the EIR, and no new mitigation measures would be necessary.

In addition, the proposed project and project variant have been revised since the publication of the draft EIR. The project revisions include a reduction in retail square footage, a reduction in the number of parking spaces, and reconfiguration of the proposed commercial loading space on California street among other changes. See RTC Section 2 on pp. 2.2-2.13 for a full description. The project changes do not alter the analysis or conclusions of the EIR.

Responses to the issues regarding the impact of TNCs and circling ride-share drivers are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussions in subsection B.3, Trip Generation Estimates, under the subheading “Passenger Loading Demand Comparison” on RTC pp. 4.7-4.8, and subsection B.7, Loading Demand under the subheading “Passenger Loading Demand – Transportation Network Company Vehicles” on RTC pp. 4.15-4.16). In particular, one comment cites a UC-Davis study regarding TNC use in San Francisco. The study presumably cited is Clewlow, Regina R. and Gour S. Mishra (2017), “Disruptive Transportation: The Adoption, Utilization, and Impacts of Ride-Hailing in the United States.”¹ The comment states that documentation from that UC-Davis report indicates that “San Francisco is 92% dependent on carshare mode (e.g. Uber, Lyft, etc.) as opposed to Muni buses.” The comment is incorrect. It is unclear where the 92 percent value was obtained by the commenter, but according to the SFMTA’s 2017 Travel Decisions Survey, the overall auto mode share in 2017 was 47 percent, and TNCs would be 4 percent of that overall mode share.

To the extent that the comments reference the Laurel Heights Improvement Association Alternative, see Response AL-2 in section 5.H Alternatives on RTC pp. 5.H.54.

Responses to the issues regarding the VMT methodology are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussions in subsections D.1, CEQA Section 21099(b)(1) (California Senate Bill 743 and Vehicle Miles Traveled (VMT) beginning on RTC p. 4.19, and D.3, Vehicle Miles Traveled (VMT) Calculation beginning on RTC p. 4.33).

Responses to comments regarding the elimination of parking are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussion in subsection D.4, Vehicle Miles Traveled (VMT) and Vehicular Parking on RTC pp. 4.39-4.49).

¹ Institute of Transportation Studies, University of California, Davis, Research Report UCD-ITS-RR-17-07. Available online at https://itspubs.ucdavis.edu/wp-content/themes/ucdavis/pubs/download_pdf.php?id=2752.

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Responses to the issue regarding travel demand methodology are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussions in subsection B, Travel Demand Methodology, under subheadings “Trip Generation Estimates” on RTC p. 4.4, “Trip Generation Comparison – 2002 SF Guidelines and 2019 TIA Guidelines Update” on RTC pp. 4.4-4.5 and “Internal Trip Capture” on RTC pp. 4.9-4.13). Detailed trip generation calculations are provided in the attachments to the Travel Demand Memorandum in EIR Appendix D on pp. 20-30. Contrary to assertions presented in one comment, the proposed project (including the retail/restaurant, office, daycare, and residential land uses) would generate a total of approximately 16,462 daily external person-trips, including 10,057 daily auto person-trips (equivalent to 5,760 vehicle trips) and not 16,000 vehicle trips as stated in the comment. As presented on EIR pp. 4.C.58-4.C.59, the proposed project’s retail use would account for 31 percent and the restaurant uses would account for 35 percent of the total vehicle trips, a combined 66 percent of the 5,760 vehicle trips and not the 80 percent stated in the comments for the combined retail and restaurant uses.

COMMENT TR-3: TRIP DISTRIBUTION/INCREASED TRAFFIC CONGESTION

“Further, the readily foreseeable traffic snarls will deprive us of access to, and quiet enjoyment of our residences.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-5]*)

“RETAIL

Our neighborhood will be the only neighborhood (existing or new) facing the Project’s proposed retail. In addition to patrons, retail will add traffic to our already congested street, and add turbulence from passenger pick up and drop off. While the Draft EIR acknowledges this, it assesses the impact through a much wider lens than ours; and it does not address the unique and specific localized impact we will experience.

So, even though the Draft EIR acknowledges additional traffic; and the loading and unloading of passengers and freight, it does not recognize the added unspecified activity retail will create across the street from us.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-9]*)

“Second, the developer’s proposal will result in a massive increase in car traffic in the neighborhood, which we can’t handle. Thousands more car trips a day will congest and destroy the historic residential feel of this area.” (*Adam Cole, Email, January 6, 2019 [I-Cole-4]*)

“The addition of a large retail area will add an immense amount of traffic and congestion. Both California and Pine and Masonic Streets are used to get across the city. The proposed project would put a huge snarl into these thoroughfares.” (*Sonya Dolan, Draft EIR Hearing Transcript, p. 52, December 13, 2018 [I-Dolan-4]*)

“As you can see from this diagram, you’ll see Masonic Avenue here and Pine Street from downtown. Three lanes one way will be heading pretty quickly up that hill towards Euclid

Avenue. There's already a lot of vehicles that go through there, and I don't think this has been adequately studied along what I just said." (*Rose Hillson, Draft EIR Hearing Transcript, p. 48 [I-Hillson1-3]*)

"- The traffic during peak hours from the Inner Richmond to the Financial District and back using California Street as the main route (the Express buses will definitely be affected)" (*Tina Kwok, Email, January 8, 2019 [I-Kwok3-3 and Tina Kwok, Email, January 9, 2019 [I-Kwok4-4]*)

"11. Issues related to traffic circulation impacts from increased congestion on streets adjacent to the project site," (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-12]*)

"This proposal will create major traffic congestion at the enter/exit, parking and loading locations. Presidio and Masonic Avenues are already bumper to bumper car jams and also at Laurel Street near California Street." (*Ann Prato, Email, January 7, 2019 [I-Prato-5]*)

"My concern environmentally has been regarding traffic. I would like to ask that retail and the office sections of the plan be eliminated. The traffic estimates by our neighborhood group has said that there will be 12 to 15,000 visits in our neighborhood to use those services a day. And, to me, 12 to 15,000 sounds enormous." (*Debra Seglund, Draft EIR Hearing Transcript, p. 48 [I-Seglund-2]*)

"I live on the southeast corner of Presidio Avenue at California Street which provides me with views from Presidio Avenue and California south to Pine and Masonic Avenue up towards Euclid as well as up California towards Walnut. The traffic in these two intersections on any given day much less any commute is overwhelming NOW. Add tech shuttle buses, express buses on California and Pine and a Fire Department Emergency Response calls from Fire Station 10 and it's over the top."

What the developer has proposed for these two intersections is beyond all comprehension. I was glad when one of your colleague Commissioner, Kathrin Moore, described the run up Pine and on Masonic similar to driving on the freeway and that's NOW. Finally, a reality check from someone other than a resident who lives here who experiences it every day. (*Victoria Underwood, Letter, January 4, 2019 [I-UnderwoodV3-3]*)

"The traffic noise along with blasting music and honking is unbelievably loud now. As I've mentioned in my prior letter addressing the DEIR, I have addressed the issue of the traffic and what affect the developer's project would do to not only the surrounding streets but our entire neighborhood as traffic unloads on to other side streets in order to alleviate their frustration. The westbound traffic on California between Presidio Avenue and Walnut can be a nightmare as cars line up on Walnut Street, around the corner and east on the California and from there all the way down to Presidio Avenue. An example of poor design approval and its effect on daily traffic." (*Victoria Underwood, Letter, January 4, 2019 [I-UnderwoodV3-5]*)

RESPONSE TR-3: TRIP DISTRIBUTION/INCREASED TRAFFIC CONGESTION

The comments express concern with the current traffic conditions along California Street, Presidio Avenue, and Masonic Avenue near the project site and the effect of project-generated traffic. Comments state that the proposed project or project variant will create passenger loading and unloading activity along California Street and increase vehicle traffic such that the surrounding street network, including transit vehicles, would be impacted.

Automobile delay (traffic congestion) is not a CEQA issue. Further, CEQA only requires an analysis of a project's physical change to the environment; a project is not expected to mitigate current conditions.

The EIR covered the relevant CEQA issues in Section 4.C, Transportation and Circulation, under the following subsections: "Travel Demand Analysis" starting on EIR p. 4.C.53; "Freight Delivery and Service Loading Demand" on EIR p. 4.C.60; "Passenger Loading Demand" on EIR p. 4.C.61; Impact TR-5 starting on EIR p. 4.C.88; Impact TR-9 starting on p. 4.C.96; and Impact TR-10 starting on EIR p. 4.C.98. Detailed supporting information is included in EIR Appendix D, Transportation and Circulation. The EIR concluded the proposed project or project variant would have a less-than-significant impact on transit delay, freight loading, and passenger loading, and no mitigation measures would be required. The comments received on the EIR do not present evidence that the transportation analysis was inadequate, or that there would be any new significant impacts not addressed in the EIR or a substantial increase in the severity of impacts identified in the EIR.

Responses to the issues regarding the impact of increased vehicle traffic and passenger loading/unloading activity are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussion in subsection C.2, Trip Distribution and Trip Assignment on RTC p. 4.17). In particular, the retail, restaurant, and office uses in the proposed project or project variant, combined, would account for 69 percent of the daily vehicle traffic to/from the site, or approximately 3,974 daily vehicle trips and not the 12,000 to 15,000 daily vehicle trips stated in the comments.

Responses to issues regarding noise increases due to project-generated vehicle traffic are provided in Section 5.F, Noise and Vibration, in Response NO-3: Noise Increases/Operational Impacts on RTC pp. 5.F.10-5.F.12.

COMMENT TR-4: VEHICLE MILES TRAVELED METHODOLOGY AND FINDINGS

“...and significant traffic impact which they say they'd mitigate by cutting the retail parking. We think that is bogus.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript, p. 45, December 13, 2018 [O-LHIA3-6]*)

“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 unsubstantiated and not supported by substantial evidence.” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-1]*)

“In addition, the DEIR failed to estimate and state the total daily vehicles miles traveled (VMT) expected from the proposed project and proposed project variant, as required by the City’s scope of work:

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 for use for the region and the project's traffic analysis zone (TAZ 709)...

Using the data collected in Task 2, KAI will document vehicle trafficwithin the study area, which includes the following:

Discussion of vehicle miles traveled for the uses proposed by the project for the region and the Project’s traffic analysis zone (TAZ). DEIR Appendix D, pp. 4-5.

The DEIR admits that the proposed project or project variant would cause substantial additional VMT and/or substantially induce automobile travel but fails to estimate the amount of additional VMT that the project/variant would generate or compare that to a significance standard that states an amount of VMT that would be below the significance threshold. The lack of this information makes it impossible for the decision maker to understand the amount of additional VMT which the project/variant would cause that is above the significance standard.”

Instead, at page 4.C.8 the DEIR compares regional average daily miles traveled for residential, office and retail uses with alleged average daily vehicle miles traveled in TAZ 709,

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which includes the project site, and with citywide average vehicle miles traveled per capita. Again, total vehicle miles traveled in TAZ 709 are not provided, depriving the decision maker of important information that would be easy to understand. Also, no explanation of the methodology used to achieve the data stated for TAZ 709 is provided, rendering the source of the data used in the DEIR unsupported by substantial evidence.

The DEIR also lacks substantial evidence to show that the significance standard of average regional VMT for residential, office or retail uses is a reasonable baseline against which potentially significant increases in VMT caused by the project should be measured, especially since the project is located in a central city which is targeted for significant population increase and since the proposed project would exceed the citywide average VMT for office and retail uses. The population of the City is projected to grow significantly as a result of ABAG proposals to concentrate population in central cities. (Ex. B) As a result, ABAG estimates that total VMT in the region will increase as a result of population growth even though VMT per capita will decrease. (Ex. B) Thus, use of a regional average VMT standard as the significance standard for the proposed project, omits VMT expected from population and employment growth in the City and fails to evaluate whether project GHG increases could impact communitywide GHG reduction targets. Also, the regional averages include VMT from many existing developments, but if VMT is to be reduced regionally, it is reasonable to expect new developments to produce much less VMT than the average reduction sought by the region of 15%. Thus, the DEIR lacks substantial evidence to support the adequacy of the significance standard used, especially in view of special aspects of the proposed project, including the five loading zones proposed for the perimeter of the site. Substantial evidence does not support the DEIR's conclusion as to the degree of effectiveness of reducing the retail parking spaces to the degree proposed in the DEIR.

Table 4.C. 3 at DEIR page 4.C.8 and 50 shows that TAZ 709 (and the project) would exceed the citywide average VMT by 14.7% for office use and 53.7% for retail uses, although the tables do not compute or substantiate the percentage exceedance to make it easy to understand the information. This data indicates that the proposed retail component of the project/variant could cause substantial additional VMT, because the TAZ 709 VMT from retail uses is in conflict with the goal stated in 2010 of local reduction in "municipal and communitywide GHG reduction targets of 15 percent below then-current levels by 2020." DEIR p. 4.C.50. The DEIR is inadequate because it fails to analyze this potentially significant impact as resulting from retail uses and claims, without substantiation, 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. The DEIR fails to explain this conclusion and there is no evidence in the DEIR or Appendix D that supports it.

The DEIR is also inadequate because its significance analysis fails to discuss the fact that the VMT from TAZ 709 retail uses exceeds the citywide average by 53.7%. DEIR pp. 4.C.74. It discusses only TAZ 709 and regional average daily VMT per capita. Thus, the DEIR is inadequate because its significance discussion failed to inform the decision makers that VMT from retail uses in TAZ 709 (in which the proposed project is located) exceed the citywide average by 53%. This information would be of importance to the decision maker and the public because it shows that reducing the square footage proposed for retail development in the proposed project would be a significant option to consider to reduce VMT.

2. 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 contains no evidence that supports the conclusion 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. In fact, 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) These 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 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 are the cause of VMT, rather than the 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 inaccurate conclusion that the amount of parking provided in the project alone would result in significant VMT. DEIR p. 4.C.74.

The DEIR also points to the City's Transportation Demand Management Program (TDM) which seeks to reduce VMT by allowing property owners to select from TDM measures that are under the control of the property owner. The DEIR merely states the ‘[o]ne of the individual measures in the TDM menu that the City researched was parking supply, as described below.’ DEIR p. 4.C.75. The statement that parking is one of the individual TDM measures is vague and does not provide enough relevant information to support the conclusion that the project parking would cause the significant VMT.

Further, the DEIR states that the City's TDM program provides options that depend on the development of a project's parking supply compared to the neighborhood parking rate and that the “neighborhood parking rate is the number of existing parking spaces provided per dwelling unit or per 1,000 square feet of non-residential uses for each TAZ within San Francisco.” DEIR p. 4.C.76. At page 33, the *Transportation Demand Management Technical Justification* states that if a Development Project is parked at or below the neighborhood parking rate, the Development project would receive points for this TDM measure. This discussion does not support the DEIR's conclusion that a reduction in retail parking spaces at the rate proposed in the DEIR would reduce the significant VMT impact to insignificance. (Ex. C)

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The only evidence that addresses the effect of the amount of retail parking showed the opposite. Attachment 1 to the April 14, 2016 Wade Wietgreffe Memorandum shows that there is negligible increase in automobile trips per space if a retail establishment has at least 100 retail parking spaces, so reducing the retail spaces provided in excess of 100 spaces would have negligible effect upon VMT. (Ex. D) Given the proposed 54,117 square feet of retail uses, the proposed project parking rate of 3.66 spaces x 54,117/1000 = 198 retail spaces. Given the proposed mitigation of not exceeding the alleged existing neighborhood parking rate of 1.55 spaces per 1000 gross square feet of retail uses by 38% (or providing 2.14 retail spaces per 1000 gross square footage of retail spaces (38% x 1.55 = .589 plus 1.55 = 2.139), the retained retail parking spaces would amount to 115.8 retail parking spaces (2.14 x 54,117/1000 = 115.756 spaces) Thus, the project proposes to reduce retail parking spaces to 115.8 spaces as opposed to the 198 initially proposed retail spaces (the 198 retail parking spaces includes 60 community public parking spaces. DEIR p. 4.C.80. The DEIR counts the 60 commercial public parking spaces as part of the retail spaces that would be provided by the proposed Project/Variant, so the 60 community spaces could be used by retail users of the project. DEIR p. 4.C.77.

The DEIR inaccurately claims that various publications support its conclusions as to the effect of parking spaces on causing VMT.

The DEIR claims that the August 2010 report of California Air Pollution Control Officers Association, *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures* (CAPCOA report) quantifies project-level land use, transportation, energy use, and other measures of effects on GHG emissions. DEIR p. 4.C.75. The DEIR claims that the CAPCOA report identifies a maximum 12.5 percent reduction in VMT related to parking supply (PDT-1), but does not provide a citation to a page in the report that would support this claim. The discussion PDT-1 in the CAPCOA report actually states at page 207 that the range of effectiveness of limiting parking supply is a 5 to 12.5 percent vehicle miles traveled (VMT) reduction and that measure PDT-1 would accomplish a change in parking requirements and types of supply within the project site in a **multi-faceted strategy** consisting of elimination (or reduction) of minimum parking requirements, creation of maximum parking requirements and provision of shared parking. (Ex. E)

The DEIR and proposed project/variant do not adopt such mitigation measures, and the project's proposal to provide 896 new parking spaces for various uses (970 for the project variant) is inconsistent with the PDT-1 strategies. DEIR 5.49. More importantly, the CAPCOA report states at page 207 that the reduction can be counted only if spillover parking is controlled (via residential permits and on-street market rate parking (See PPT-5 and PPT-7). The CAPCOA report makes it clear at page 209 that:

Trip reduction should only be credited if measures are implemented to control for spillover parking in and around the project, such as residential parking permits, metered parking, or time-limited parking. (Ex. E)

The DEIR does not establish that such measures have been implemented, and there are substantial areas in the vicinity of the project (known based on personal information of Kathryn Devincenzi), where parking is not time-limited such as on Mayfair Drive, southern Euclid Avenue west of Collins Street, western Collins Street south of Euclid Avenue, and Heather Street near the project site. (Ex. F, photographs taken on 1-7-19 showing no time limits for parking on said portions of Euclid and Collins streets) Given the lack of controls for spillover parking in the area, the CAPCOA report does not support the DEIR's conclusion that reduction of retail parking

spaces on site would result in mitigation of the significant VMT impact to a less than significant level.

In addition, CAPCOA PDT-4 as to requiring residential area parking permits, specifies at page 217 that:

This project will require the purchase of residential parking permits (RPPs) for long-term use of on-street parking in residential areas. Permits reduce the impact of spillover parking in residential areas adjacent to commercial areas, transit stations, or other locations where parking may be limited and/or priced. Refer to Parking Supply Limitations (PPT-1), Unbundle Parking Costs from Property Cost (PPT-2), or market Rate Parking Pricing (PPT-3) strategies for the ranges of effectiveness in these categories. The benefits of Residential Area Parking Permits strategy should be combined with any or all of the above mentioned strategies, as providing RPPs are a key complementary strategy to other parking strategies.

Similarly, residential permit parking is required in each of the two combinations of parking strategies that could reduce VMT at page 61 of the CAPCOA report.

Since the proposed project would not implement the key parking control strategy of requiring residents or employees of the project site to purchase residential parking permits, the CAPCOA report does not support credit for trip reduction based on the proposed project's mere reduction in retail on-site parking supply, which the DEIR relies upon. The DEIR's inadequacy is obvious because the project would allow its residents, employees and visitors to park in the surrounding neighborhoods which have some parking spaces that are not time-limited and also to park for free for at least an hour and a half in the adjacent Laurel Village Shopping Center parking lot which has over two hundred fifty-two (252) above-ground parking spaces. (Conversation between Richard Frisbie and Ron Giampaoli, owner of Cal-Mart, December 18, 2018). The Spot Angels website also reports free parking spaces within walking distance of Laurel Village. (Ex. G)

Further the CAPCOA report at page 40 states that it "does not provide, or in any way alter, guidance on the level of detail required for the review or approval of any project. For the purposes of CEQA documents, the current CEQA guidelines address the information that is needed," and refers to footnote 2 which states: "See: California Natural Resources Agency: 2007 CEQA Guidelines -Title 14 California Code of Regulations, Sections 15125, 15126.2, 15144, and 15146."

In addition, as to limiting parking supply, the CAPCOA report provides that factors other than limiting parking supply must be considered and states at page 208:

Though not specifically documented in the literature, the degree of effectiveness of this measure will vary based on the level of urbanization of the project and surrounding areas, level of existing transit service, level of existing pedestrian and bicycle networks and other factors which would complement the shift away from single-occupant vehicle travel.

As discussed herein, the proposed addition of five loading zones around the site would attract additional vehicle trips but the EIR failed to take into account the VMT that would result from these new trips and failed to provide substantial evidence to support its conclusion that reducing retail parking supply in the manner stated in the DEIR would mitigate project VMT to a less than significant level.

The DEIR is also inadequate in that it relies upon the generalization that recent research indicates that an area with more parking influences higher demand for more automobile use without taking into account the large number of parking spaces proposed for the project. The DEIR relies upon a study by Rachael Weinberger that is cited in footnote 73, but the cited pages

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are not provided in the DEIR or Appendix D. However, the study deals only with the effects of residential parking spaces at home and does not predict the effect of retail parking spaces. (Ex. H, abstracts of Weinberger study)

The DEIR also relies upon a study of *Residential Street Parking and Car Ownership* that is also not provided in the DEIR or Appendix D, but cited in footnote 74. Again, the DEIR merely claims that the Zhan study deals the “the number of cars per household” and does not claim that the study says anything about the effect of retail parking supply. DEIR p. 4.C.75. Similarly, the DEIR relies on a study of households in New Jersey cited in footnote 75 that is not contained in the DEIR or Appendix D. Again, the DEIR does not claim that this study considers retail parking supply.

The DEIR also relied on the generalization that a study of nine cities across the United States concluded that “parking provision in cities is a likely cause of increased driving among residents and employees in those places.” DEIR p. 4.C.76. Again, this study is not contained in the DEIR or Appendix D and says nothing about the effectiveness of reducing retail parking supply alone to the degree described in the DEIR, while still providing over 100 retail parking spaces and abundant parking for residential and office uses. The quoted portion of the study said nothing about the effectiveness of reducing the retail parking alone or the degree of increased driving associated with the provision of parking, so is too vague to support the conclusion set forth in the DEIR that reducing the retail parking to the degree proposed in the DEIR would mitigate the VMT impact to insignificance.

The DEIR also refers at page 4.C.76 to Fehr and Peers research that allegedly claims that reductions in off-street vehicular parking for office, residential and retail developments reduce the overall automobile mode share associated with those developments, relative to projects with the same land uses in similar contexts that provide more off-street vehicular parking. The conclusion which the DEIR draws from this research indicates that it has no relation to retail parking spaces: “In other words, more off-street vehicular parking is linked to more driving, indicating that people without dedicated parking spaces are less likely to drive.” DEIR p. 4.C.76. In the context of the proposed mitigation for the proposed 3333 California Street project, which would reduce retail parking spaces from 198 to 116 (which would include 60 commercial parking spaces for the community), the generalization set forth in the Fehr and Peers research does not constitute substantial evidence that the reduction in retail parking to the degree proposed in the DEIR would reduce the significant VMT impact to insignificance. Again, the Fehr and Peers research cited in footnote 77 is not in the DEIR or Appendix D.

In addition, the DEIR is legally inadequate in failing to present information on the number of retail parking spaces that the mitigation measure M-TR-2 proposes to eliminate, and requires the reader to perform a calculation to arrive at number of retail parking spaces proposed to be eliminated. DEIR p. 4.C.80. This type of obtuse discussion in an EIR is unlawful under CEQA. CEQA requires that information be presented in manner that is understandable to the decision maker and the public, but the transportation analysis in this DEIR is characterized by a hide-the-ball approach, replete with unexplained conclusions and unsubstantiated allegations. Under CEQA, conclusions that require blind trust in the decision maker are inadequate. The calculations of the amount of retail parking proposed to be reduced stated in this comment letter were performed by the author of this comment statement and are not set forth in the DEIR. Demand is made that the DEIR state the number of retail parking spaces that Mitigation Measure M-TR-2 on page 4.C.80 of the DEIR proposes to eliminate to mitigate the significant VMT impact and set forth the manner of calculating the number of retail spaces to be eliminated. After this information is provided in a revised EIR, please circulate it for public comment.

3. The DEIR Lacks Any Substantiation or Explanation of the Alleged Neighborhood Parking Rate, and Substantial Evidence Does Not Support Its Conclusions as to the Accuracy of the Alleged Rate and TAZ 709 Data.

Importantly, the alleged neighborhood parking rate is not substantiated or supported by substantial evidence in the DEIR or Appendix D. The DEIR lacks a description of the methodology used to calculate, and times of collecting data related to, the alleged existing neighborhood parking rates for residential, retail or other non-residential uses set forth in Table 4.C.19 of the DEIR on page 4.C.77-79 or the daily existing VMT per capita for Households (Residential), Employment (Office) and Visitors (Retail) in TAZ 709 at page 4.C.50 of the DEIR. Table 4.C.10 at page 4.C.50 of the DEIR cites the San Francisco Planning Department Information Map, accessed May 25, 2018, as the source of the data as to the existing average daily vehicle miles traveled in TAZ Zone 709. However, that map provides only conclusions and the DEIR does not contain a summary of the data used to produce the alleged average daily vehicle miles traveled or explain the methodology used to collect or produce the data or the dates on which the data was collected or estimates made. Due to the lack of sufficient substantiation or description of a reputable methodology, substantial evidence does not support the allegations in the DEIR that the data in Table 4.C.10 of the DEIR accurately represents the existing average daily vehicle miles traveled.

The data in the DEIR concerning the existing neighborhood parking rate is also unsubstantiated and fails to constitute substantial evidence that such data accurately represents the existing neighborhood parking rates for the uses claimed, including for residential, retail and other (office and daycare). The DEIR is inadequate because it fails to provide substantiation of the methodology for collecting data as to the alleged existing neighborhood parking rates or the times of collection of the data or the estimations made. As the Source of the data contained in Table 4.C.19 of the DEIR, the DEIR cites “Kittleson and Associates, Inc. 2018; San Francisco Planning Department, 2018.” These citations merely identify the alleged source of the conclusions and the date.

Footnote 80 of the DEIR states that Planning department staff reviewed assessor and planning department records and street view/serial photos to estimate off-street parking associated with retail uses along California and Sacramento streets near the project site to derive the appropriate neighborhood parking rate for this analysis. No summary or description of such information is provided in the DEIR or Appendix D. Although footnote 80 does not refer to any review related to office or childcare uses, the DEIR cites footnote 80 as support for the claim that the analysis splits non-residential into retail and other non-residential (office and daycare) uses and compares those to the neighborhood parking rate, which accounts for parking associated with retail and other non-residential uses along California Street and Sacramento Street near the project site. DEIR p. 4.D.77. The methodology used in such analysis is not discussed in the DEIR or Appendix D. There is no substantiation for the parking rates for office and childcare uses.

Also, the note to Table 4.C.19 states that the existing parking rate for residential uses reflects data for TAZ 709 and other nearby TAZs (within three-quarters of a mile based on walking distance). The DEIR lacks any explanation of the type of data for TAZ 709 that was used to estimate the existing parking rate for residential use in the area described or substantiate the reliability of the methodology used to arrive at the existing parking rate for residential uses set forth in the DEIR. It is unclear whether the residential parking rate was estimated in some manner based on VMT, surveys of vehicle ownership or some other means and whether the dates on which the base data was collected, if any, was representative of existing conditions in the project area. The DEIR is inadequate because it lacks substantial evidence indicating that the methodology for collecting or analyzing the data was reliable, a sufficient explanation of the

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nature of the data collected for the identified land uses and the times at which the data was collected, and explanation of why the data gathered was representative of conditions in the project area. Surely, there should be memoranda explaining or analyzing any data collected, but none are discussed or cited in the DEIR or Appendix D. In essence, the TAZ data and the existing neighborhood parking rate data stated in the DEIR are lacking in the factual support needed to constitute substantial evidence under CEQA. Unsupported conclusions do not constitute substantial evidence under CEQA. The DEIR's alleged TAZ data and alleged existing neighborhood parking rates are unsubstantiated black holes that lack the transparency required to constitute substantial evidence supported by fact under CEQA.

Similarly, the DEIR admits that parking supply is not an input into SF-CHAMP, but claims that "based on recent research, the existing parking supply within a TAZ has a relationship with VMT for that TAZ." DEIR p. 4.C.76. The "recent research" is not described or substantiated with a citation to a document, and the claim that the existing parking supply within a TAZ is related to the VMT for that TAZ is too general to support the conclusion as to the effectiveness of the proposed mitigation drawn in the DEIR. The degree or nature of the alleged relationship is not explained or substantiated as providing a reasonable basis for calculating the existing neighborhood parking rate or the effectiveness of mitigation provided by reducing retail parking supply.

The DEIR also inadequately relies upon the ambiguous claim that even "though parking is not specifically an input in SF-CHAMP, the amount of existing parking is captured in the estimates of VMT outputs from SF-CHAMP because it is an existing condition on the ground. Therefore, it is likely that a new development that does not propose parking at or below the neighborhood parking rate would not reduce VMT below the existing VMT per capita rate for that TAZ." DEIR p. 4.C.76. The DEIR cites nothing as substantiation for this vague claim, rendering it suspect and lacking in substantial evidence. The claim that the existing neighborhood parking rate is likely captured in the estimates of VMT outputs from SF-CHAMP is so vague as to be unusable and does not provide a basis for calculating the alleged neighborhood parking rates from VMT attributable to the area or some amount of it. The claim that there is some relationship between VMT and the neighborhood parking rate fails to provide enough relevant information from which a conclusion can reasonably be drawn that a mere relationship provides a basis for calculating the existing neighborhood parking rate from VMT outputs or the effectiveness of reducing retail parking supply as a mitigation measure.

Also, the DEIR does not claim that the Planning Department or Kittleson and Associates estimated or calculated the existing neighborhood parking rates using VMT outputs. The DEIR's allegations as to the existing neighborhood parking rate and the VMT for TAZ 709 fail to qualify as substantial evidence, as they do not supply enough relevant information and reasonable inferences from this information that a fair argument can be made to support the conclusions made in the DEIR. 14 California Code of Regulations section 15384(a). The DEIR's claims as to the existing neighborhood parking rate for the project area and the VMT for TAZ 709 are unsupported allegations. Substantial evidence under CEQA does not include unsubstantiated opinion or narrative, evidence that is not credible, argument, or speculation. Public Resources Code sections 21080(e), 21082.2(c); 14 California Code of Regulations sections 15064(f)(5)-(6), 15384.

In calculating the alleged existing parking rate for retail and other nonresidential uses on "California and Sacramento streets, as provided by the planning department," the DEIR ignored the existing retail uses on Presidio Avenue, which are adjacent to the project site and included in TAZ 709. Also, the DEIR fails to describe the areas on California and Sacramento streets that were included in the alleged measurement, so fails to demonstrate that they were reasonable

estimates of the area from which the neighborhood parking rate should be determined. DEIR p. 4.C. 77. Demand is made that the City provide detailed explanation of the method of calculating the existing neighborhood parking rates used in the DEIR, the method and nature of collecting the data underlying the rates, the dates on which data was collected and the basis for determining that the data accurately reflects the existing neighborhood parking rate for the project area.

Importantly, the January 20, 2016 Governor's Office of Planning & Research *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* does not recommend basing the evaluation on estimates of neighborhood parking rates. (Ex. I) Rather, OPR recommended that:

Because new retail development typically redistributes shopping trips rather than creating new trips, estimating the total change in VMT (i.e. the difference in total VMT in the area affected with and without the project) is the best way to analyze a retail project's transportation impacts. (Ex. I, p. III:23.)

Moreover, there is not substantial evidence in the record that the project's proposed retail would be local-serving. The proposed 198 retail parking spaces indicates that the retail would not be local serving and the plans do not specify the square footage of the retail spaces. August 17, 2017 plan sheet A4.03 shows a very large retail space whose square footage is not specified. (Ex. J, compare sheet A4.03 with sheet A4.02) Thus, there is a fair argument that the project would have a large anchor tenant which would draw non-local-serving retail. Demand is made that the DEIR calculate the estimated total daily VMT that the project would generate, including the total VMT for each land use type. Also, the five proposed loading zones proposed to be installed in streets surrounding the site further support a fair argument that the retail uses would attract non-local customers. (Ex. L)

Agencies do not have unlimited discretion to adopt their own thresholds for significance of impacts, including impacts on VMT. Agencies may adopt their own thresholds or rely upon thresholds recommended by other agencies, "provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence." CEQA Guidelines section 15064.7(c).

Thresholds of significance are not a safe harbor under CEQA; rather, they are a starting point for analysis:

[T]hresholds cannot be used to determine automatically whether a given effect will or will not be significant. Instead, thresholds of significance can be used only as a measure of whether a certain environmental effect "will normally be determined to be significant" or "normally will be determined to be less than significant" by the agency....In each instance, notwithstanding compliance with a pertinent threshold of significance, the agency must still consider any fair argument that a certain environmental effect may be significant. (Ex. I, OPR proposed transportation impact analysis guidelines, p. III:17-18, citing *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Ca1.App.4th 1099, 1108)

Substantial evidence does not support the City's decision to adopt the thresholds for estimating VMT increase used in the DEIR or the rate of mitigation adopted in the DEIR. Thus, the EIR must consider the fair argument presented above that reducing the retail parking spaces in the manner described in Mitigation Measure M-TR-2, with reference to a percentage of the existing neighborhood parking rates, will not reduce the Significant VMT impact of the proposed project/variant to a less than significant level.

Also, the DEIR's claim that the existing neighborhood parking rate for retail uses is 1.55 conflicts with information on retail parking rates applicable to the project area. The Note in Table

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4.C.19 at DEIR page 4.c.77 claims that the existing parking rate for retail and other nonresidential uses reflects data from California Street and Sacramento streets, as provided by the Planning Department,” but fails to describe a specific document produced by either Kittleson and Associates, Inc. or the San Francisco Planning Department that contains such data. Thus, the record does not contain substantial evidence to support the DEIR’s claim that reducing retail parking to the extent proposed would mitigate the significant impact to insignificance. Similarly, footnote 80 on DEIR p. 4.C.77 claims that Planning Department staff reviewed assessor and planning department records and street view/aerial photos to estimate off-street parking associated with retail uses along California and Sacramento streets near the project site to derive the appropriate neighborhood parking rate for this analysis, but fails to provide such data or a description of a specific document that would support the analysis described. For these reasons, the DEIR lacks substantial evidence to support its conclusion that the existing neighborhood parking rate is 1.55 parking spaces per gsf of retail uses.

Resolution 4109, which applies to the 3333 California Street site, requires 1 automobile parking space for each 500 square feet of gross floor area on the property, which is 2 parking spaces for each 1,000 square feet of commercial building floor area. (Ex. K) Under the NC-S, Neighborhood Commercial Shopping Center zoning applicable to the Laurel Village Shopping Center, Planning Code section 151 requires for retail sales and services, one off-street parking space for each 500 square feet of Occupied Floor Area up to 20,000 where the Occupied Floor Area exceeds 5,000 square feet, plus one for each 250 square feet of Occupied Floor Area in excess of 20,000. Thus, the general standard applicable to Laurel Village is 2 parking spaces for each 1,000 square feet of Occupied Floor Area up to 20,000 square feet. Based on this information, there is a reasonable possibility that the existing neighborhood parking rate in the project area is greater than 1.55 parking spaces per gsf of retail uses, and the DEIR’s claims as to the existing neighborhood parking rate are inaccurate or unsubstantiated.

The DEIR is also deficient because it used different thresholds for assessing VMT significance (exceeding regional VMT per employee minus 15 percent) and whether mitigation measures would reduce the significant VMT impact to less than significant, which is based on whether the retail parking exceeds the existing neighborhood rate of 1.55 spaces per 1,000 gross square feet. DEIR p. 4.C.80. This comparison of apples and oranges makes the analysis in the DEIR inadequate and confusing to the decision maker and the public. The deficient comparison is also contrary to the OPR proposes transportation impact guidelines, which state at p. III:16 that:

Models and methodologies used to calculate thresholds, estimate project VMT, and estimate VMT reduction due. to mitigation should be comparable. (Ex. I, p. III:16)” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-4]*)

“Although the DEIR does not explain the data used to derive the neighborhood parking rates used in Table 4.C.19, SFCTA documents show that the data included only off-street parking spaces, so did not include parking in loading zones or other on-street areas by transportation network companies. The April 16, 2016 Memorandum from Wade Wietgreffe concerning *General Non-Residential Off-Street Parking Rate Estimation for San Francisco* states at page 2 that the “Transportation Authority estimated a general non-residential off-street parking rate as the number of public and private off-street parking spaces per 1000 square feet of non-residential land use. Summaries of non-residential square footage and off-street parking supply for the TAZ and other nearby TAZs within .75 miles of network-based walking distance were made to derive a parking rate that is representative of the neighborhood and is not artificially truncated at arbitrary TAZ boundaries. Off-street, publicly available parking data were available through SFPark and off-street, private parking estimates were taken from the Transportation Authority’s

Parking Supply and Utilization Study. (Ex. T, pp. 1-2) The map following that page entitled *Non-Residential Parking Supply Estimated from SF Park Data* shows TAZ level estimates of parking supply rates for San Francisco, based on off-street parking supply from SFPark and scaled up by 35 to match citywide totals to match the estimated supply from the PSUS parking estimation model. (Ex. T) The source of the estimates on the map are cited as “2013 Parcel Land Use and Zoning District Methodology, San Francisco Planning Department.” (Ex. T, map following p. 2)” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-8]*)

“Also, the DEIR fails to estimate the amount of VMT which the proposed non-residential use (54,117 gsf feet of retail and 49,999 gsf of new office use - DEIR p. 2.8) of the project/variant would cause substantially induce. Simply admitting that the project would cause substantial VMT would be caused is inadequate under CEQA because it fails to supply information to decisionmakers and the public as to the degree of the significant impact and nature of the cause(s).

6. The EIR’s Traffic Analysis Fails to Adequately Analyze VMT Generated by Customers of the Proposed New Retail Uses.

The DEIR claims that the following thresholds of significance and screening criteria used to determine if a land use project would result in significant impacts under CEQA are consistent with CEQA section 21099 and the thresholds of significance for other land uses recommended in OPR’s Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA (OPR proposed transportation impact guidelines):

For residential projects, a project would generate substantial additional VMT if it exceeds the regional household VMT per capita minus 15 percent. This metric is consistent with OPR’s proposed transportation impact guidelines stating that a project would cause substantial additional VMT if it exceeds both the existing city household VMT per capita minus 15 percent and existing regional household VMT per capita minus 15 percent.

For office projects, a project would generate substantial additional VMT if it exceeds the regional VMT per employee minus 15 percent.

For retail projects, the planning department uses a VMT efficiency metric approach for retail projects; a project would generate substantial additional VMT if it exceeds the regional VMT per retail employee minus 15 percent.

For mixed-use projects, each proposed land use is evaluated independently, per the significance criteria described above. DEIR p. 4.C.49.

For mixed-use projects or retail land use, the threshold of significance used in the DEIR is not consistent with the OPR proposed transportation impact guidelines). Those OPR proposed transportation impact guidelines actually state at page III:16 that:

Retail Projects. Lead agencies should usually analyze the effects of a retail project by assessing the change in total VMT, because a [sic] retail projects typically re-route travel from other retail destinations. A retail project might lead to increases or decreases in VMT, depending on previously existing retail travel patterns.

Page III:23 of those OPR Guidelines state that:

Because new retail development typically redistributes shopping trips rather than creating new trips, estimating the total change in VMT (i.e. the difference in total VMT in the area

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affected with and without the project) is the best way to analyze a retail project's transportation impacts.

The DEIR failed to analyze adequately the project's potential change in total VMT because it only analyzed VMT caused by employees of the new retail uses. THE DEIR is inadequate because it failed to analyze VMT caused by customers of the proposed new retail uses. Also, as previously stated, the DEIR is inadequate because it determined whether increased VMT was significant based on a comparison with VMT per capita for various land use, rather than based on a comparison with total VMT. Given the increase in employment and population in the City and the rapid growth in TNCs, substantial evidence does not support the DEIR's use of significance standards for the proposed project/variant based on VMT per capita." (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-10]*)

"The DEIR failed to analyze whether a likely increase in VMT per retail customer, or nonwork trips, could cause substantial additional VMT. DEIR p. 4.C.80. The DEIR only analyzed whether the likely increase in VMT per employee associated with provision of retail parking spaces may increase VMT per employee enough to exceed the threshold of 15 percent below the regional average for retail uses. DEIR p. 4.C.80. Based on the information set forth herein showing that 12,243 daily person trips would be generated by retail customers, the DEIR lacks substantial evidence to show that the significance standard used in the DEIR was a reasonable measure of VMT increase for the proposed project/variant, especially since the standard considered retail work-trips and not retail customer-trips. For these reasons, including the fact that the DEIR failed to analyze 64.9% of the daily person trips from total proposed retail uses, the DEIR also lacks substantial evidence to support its conclusion that reducing the retail parking supply in the manner stated in Mitigation Measure M-TR-2 would reduce the significant impact of the proposed project and variant on VMT to a less than significant level. DEIR 4.C.80.

Vehicle miles traveled (VMT) measures the amount and distance vehicles would travel on the roadway as a result of a project or plan. (Ex. C, TDM Technical Justification, p. 6) That justification confirms that transportation demand management programs are "designed to reduce Vehicle Miles Traveled by residents, tenants, employees, and visitors." Thus, the DEIR is inadequate for failing to analyze potentially significant increase in visitor travel.

The DEIR also lacks a coherent and complete explanation of which retail uses would use the parking spaces being provided for retail uses. The DEIR contains numerical estimates of "Long-Term" and "Short-Term" proposed parking space supply for Retail, Sit-down and Composite retail uses. DEIR p. 4.C.118. Is the proposed Long-Term supply intended for employees of the retail uses and the proposed Short-Term supply intended for customers of the retail uses? Since it is a reasonable assumption that the proposed Short-Term supply is intended for customers of the retail uses, customers of the retail uses are expected to drive to the site, but the EIR inadequately lacks any estimate of the impact of that driving by retail customers on increased VMT, or the cumulative impact of retail customer driving with driving by customers of the adjacent Laurel Village Shopping Center. With respect to the mitigation measures proposed to reduce retail parking spaces, would those measures reduce long-term or short-term retail parking spaces?

The DEIR's analysis of the cumulative impact on VMT was also deficient for the reasons stated above.

The EIR also fails to analyze the combined or cumulative effect on VMT caused by the proposal to construct new project retail uses along two blocks of California Street that are immediately adjacent to the existing two-block long retail neighborhood shopping center of Laurel Village. The combination of the two adjacent shopping areas would likely attract more

retail customers to the project area due to the potentially increased variety of retail uses and availability of a wider range of retail services including substantial amounts of new restaurant uses (both composite and sit-down) proposed for the project site. Due to the amount of potential added retail options that the proposed project would add to the area (54,117 gsf, the project area including the Laurel Village Shopping Center would likely become a shopping destination which would attract more customer traffic in combination than would occur with either component of the retail uses alone. Due to the increased attraction of retail customers to a retail shopping destination, the DEIR is seriously inadequate for failing to have analyzed the VMT likely caused by retail customers of the proposed project/variant as a project impact, and also as a cumulative impact on the VMT likely generated by the project retail uses in combination with the VMT generated by existing retail uses in the Laurel Village Shopping Center. The proposed addition of Whole Foods market at the City Center on Geary Boulevard at Masonic, which is two blocks from the project site, together with the VMT caused by visitors to the Target store currently located at that site, and the visitors to the Trader Joe's market located on Masonic one block away from the project site, should also have been included in a cumulative impact analysis. In sum, based on my experience in shopping at Laurel Village, the proposed project could cause significantly increased VMT in the area of the proposed project because the area would become more of a shopping destination than it is presently. Thus, the EIR is inadequate for failure to estimate VMT from retail customers as an impact of the project and as a cumulative impact with VMT from existing customers of Laurel Village Shopping Center and other nearby commercial uses." (Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-12])

“Page 4.C.7: “The project site comprises most of the area in TAZ 709, which is the area generally between Laurel/California streets, Presidio Avenue/California Street, Presidio/Euclid avenues and Laurel Street/Euclid Avenue. The project site is located close to major transit services and facilities, bicycle and pedestrian networks and facilities, and a diversity and density of land uses. A project located in TAZ 709 would have substantially reduced vehicle trips and shorter vehicle distance, and thus reduced VMT, compared to other areas of the region.”

While the Transportation Analysis Zone (TAZ) 709 is based on census data, it *ignores the other nearby TAZs* which are not functioning in a vacuum. There should be impacts that go at least ¾- to 1-mile away based on the **land use types** being proposed at the site for potential workers count & resident counts. The larger TAZ 709 area being compared to a larger geographic area for VMT does not make sense except to make it so that the TAZ 709 is going to be smaller than the larger “Bay Area VMT” and make the result **not** be impactful to a significant level. Where in the DEIR does it state the margin of error for these counts? What is it? If the margin of error were incorporated, how would the results change?

Page 4.C.77: With the conclusion from Page 4.C.7 that the project will not affect TAZ 709 in any way, it is illogical to throw in Table 4.C.19 that takes into account “other nearby TAZs (within three-quarters of a mile based on walking distance)” for the analysis when in all the other tables, **NO** “other nearby TAZs” are reflected in that data. How can one way of analysis be applied to one but not in other categories of impact?

The proposed *parking rate for the Retail Use to increase to 136% or 150%* depending on which alternative is chosen compared to the existing parking rate is severely out of character for this area. It is the RETAIL USE that will drive all the vehicles into the area (pun intended). When the parking rate increases by these percentages and there is no parking on the street nor the lots, people will crowd the vehicular lanes to entangle the neighborhood with delayed traffic to push more GHGs in the neighborhood. Also, as more people cannot park, those spaces become more expensive due to “demand” parking pricing. The winners will be the SFMTA (parking

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meters/parking stickers revenue) and the garage owners to increase their pricing. This will lead to unaffordable pricing in this area except for the well-heeled. Having a 136% - 150% increase in parking rate would almost keep traffic going to and from this area all day. This cannot be truly environmentally sound and sustainable but with all the parking demand, the price of parking would soar and there could be socio-economic redlining of the area such that only the well-to-do would be able to park or the TNC count would explode in this area.

Table 4.C.19: Parking Rate Summary

Scenario/Land Use	Size	Vehicle Parking Spaces	Existing Neighborhood Parking Rate	Proposed Parking Rate	Change from Existing
Proposed Project					
Residential	558 units	558	0.9	1	11%
Retail	54,117 gsf	198	1.55	3.66	136%
Other Non-residential (Office & Daycare)	64,689 gsf	129	1.44	1.99	38%
Project Variant					
Residential	744 units	744	0.9	1	11%
Retail	48,593 gsf	188	1.55	3.87	150%
Other Non-residential (Daycare)	14,650 gsf	29	1.44	1.98	37%

Note: The existing parking rate for residential uses reflects data for TAZ 709 and other nearby TAZs (within three-quarters of a mile based on walking distance). The existing parking rate for retail and other non-residential uses reflects data from California and Sacramento streets, as provided by the planning department. The retail land use category for the proposed project and project variant includes the proposed 60 public parking (commercial) spaces on the project site. Car-share spaces are not included in the parking rate calculation as these would be publicly accessible spaces and would not be dedicated to residents or tenants of the proposed project or project variant.

Source: Kittelson and Associates, Inc. 2018; San Francisco Planning Department, 2018

As none of the “other nearby TAZs” is enumerated, ***there needs to be an accurate count of all traffic on all streets*** -- within at least 1-mile of this project -- as more units and various uses get settled in the area during the development phase. What are the traffic counts for all the streets between California and Geary from Arguello Blvd on the west to Fillmore on the east side? All of these streets are part of the “other nearby TAZs” not incorporated into the study. If nothing else, there should be counts for Palm to Presidio between and including Geary and California and none of this appears in the DEIR to come to the conclusion that there’s little impact to the Laurel Heights, Jordan Park, Presidio Heights areas. Without study of the “other nearby TAZs” to see the impact on each TAZ, one particular area could be overwhelmed with more VMTs and vehicle trips. Perhaps if the data for the other streets were presented, this project would reveal an immense impact beyond “significant”? The Final EIR should provide all this data that is missing from the “other nearby TAZs” and all streets in each TAZ. It is missing and thus the DEIR is not complete nor the analysis conclusion accurate without this data. Will it be provided?

Page 4.C.102: The DEIR then decides not to mention the “other nearby TAZs” in Table 4.C.32 below and decides to show only *regional* VMTs for certain uses. What this means is that in future, TAZ 709 will start to creep to the “Bay Area VMT” of double digits (12.4-17.1) because there is no chaining of miles in the analysis nor a separate “other TAZs” analysis done. Here is the table:

Table 4.C.23: Projected 2040 Average Daily Vehicle Miles Traveled – Cumulative Conditions

Land Use	Bay Area VMT		TAZ 709
	Regional Average	Regional Average minus 15%	
Households (Residential)	16.1	13.7	6.6
Employment (Office)	17.1	14.5	8.9
Visitors (Retail)	14.6	12.4	7.8

Source: San Francisco Planning Department Transportation Information Map, accessed May 25, 2018

Under other DEIR transportation or traffic analysis, the city used *NOT* the “Bay Area VMT.” Why in this one? Why not do an analysis of the TAZs (I suspect about a dozen of them being impacted by this project) to see in greater detail impacts to those TAZs and calculation of VMTs. Would this be provided?

A major flaw in the DEIR for VMTs and traffic counts and parking needs is the separate unbundling of any data in regards to workers who get to the project site who live outside of San Francisco. It is not only the residents of this city who may be visiting this site. Perhaps an analysis of VMTs, parking, and other analysis to nearby TAZs should be included (only TAZ 709 analyzed in this DEIR).” (Rose Hillson, Letter, January 8, 2019 [I-Hillson2-34])

“Is the TAZ “bar” set to “Bay Area VMT” such that the REGIONAL bar is now the metric rather than anything at the neighborhood level? If so, would that not create a situation such that any and almost all development in future will not have and “Significant” level impacts, especially in the low-density neighborhoods?” (Rose Hillson, Letter, January 8, 2019 [I-Hillson2-37])

“Take a look at the below 2 tables – one for 3333 California & the other for 1 South Van Ness: Table 4.C.23 shows the Average Daily VMTs for *ONLY* TAZ 709 (3333 California site & very close streets):

Table 4.C.23: Projected 2040 Average Daily Vehicle Miles Traveled – Cumulative Conditions

Land Use	Bay Area VMT		TAZ 709
	Regional Average	Regional Average minus 15%	
Households (Residential)	16.1	13.7	6.6
Employment (Office)	17.1	14.5	8.9
Visitors (Retail)	14.6	12.4	7.8

Source: San Francisco Planning Department Transportation Information Map, accessed May 25, 2018

Table 4.2.10 shows the Average Daily VMTs for *ONLY* TAZ 578 (10 S. Van Ness Project & close streets):

Table 4.2.10: Average Daily Vehicle Miles Traveled per Capita—2040 Cumulative Conditions

Land Use	Average Daily VMT per Capita		
	San Francisco Bay Area		TAZ 578
	Regional Average	Regional Average minus 15%	
Residential (per resident)	16.1	13.7	3.1
Retail (per employee)	14.6	12.4	9.0

Notes: TAZ = transportation analysis zone; VMT = vehicle miles traveled

Source: CHS Consulting Group, 10 South Van Ness Avenue Mixed-Use Residential Project Final Transportation Impact Study, Case No. 2015-004568ENV, December 2017.

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Comparing these 2 tables, it shows that SF has, in these last couple of *recent* DEIRs, decided to use a *REGIONAL* number rather than do street-level or neighborhood district level analyses for CEQA traffic analysis to determine level of impact. Would not using a *REGIONAL* figure in most all cases result in minor or no impacts in less populated (whether residents or visitors (retail) or employee counts) areas? What the above 2 tables compared indicates is that the 3333 California Project and the 10 South Van Ness Project would have the same resulting impact to the neighbors because they *BOTH* fall under the *REGIONAL* average. Is this what this means? Please clarify.

Now, let us consider the 3333 California Project “VMT per capita” in Table 4.C.3 below:

Table 4.C.3: Existing Daily Vehicle Miles Traveled per Capita

Land Use	Bay Area Regional Average	Citywide Average	TAZ 709
Households (Residential)	17.2	7.9	7.3
Employment (Office)	19.1	8.8	10.1
Visitors (Retail)	14.9	5.4	8.3

Source: San Francisco Planning Department Transportation Information Map, accessed May 25, 2018

Compare Table 4.C.3 to the 10 South Van Ness Project “VMT per capita” in Table 4.2.7 below:

Table 4.2.7: Average Daily Vehicle Miles Traveled per Capita—Existing Conditions

Land Use	Average Daily VMT per Capita		
	San Francisco Bay Area		TAZ 578
	Regional Average	Regional Average minus 15%	
Residential (per resident)	17.2	14.6	3.7
Retail (per employee)	14.9	12.6	8.9

Notes: TAZ = transportation analysis zone; VMT = vehicle miles traveled

Source: CHS Consulting Group, *10 South Van Ness Avenue Mixed-Use Residential Project Final Transportation Impact Study*, December 2017, Case No 2015-004568ENV.

While 10 South Van Ness is in a highly dense and commercialized area unlike 3333 California, it appears from the counts shown in their respective TAZs (709 for 3333 California & 578 for 10 S. Van Ness), that *BOTH* projects have no impact since their numbers are below the *REGIONAL* numbers. Using TAZ would take projects and their VMTs to be analyzed on a *REGIONAL* level rather than a local neighborhood level as it was done in the past for many other DEIRs. Who decides which method to use? Why? In what cases? Are the decisions of whether Planning applies TAZ to determine VMTs arbitrary? What would the results for the VMTs be under the older traffic analysis without using TAZ? Would the impact conclusions be different? If so, in what way? If not, why not? Please clarify.

I think using TAZs and saying any particular one TAZ as being less than the “REGIONAL” number is only going to allow for future DEIRs to have “NO IMPACT” in terms of VMTs; but the evidence on the street is that there are many more vehicles milling about and the numbers appear to be lowballed. The additional VMTs not captured outside of any one TAZ could impact “other nearby streets” in every neighborhood district with potentially bad consequences for its residents in terms of AIR QUALITY (more people, more garbage truck trips, more GHGs, more NOISE & VIBRATIONS, and SAFETY.

Now, let us look at another DEIR that was released not too long ago, *Case No. 2013.1543E (State Clearinghouse No. 2015012059), 1979 Mission Street Mixed-Use Project, published May 4, 2016*: In this 1979 Mission DEIR, there is *NOT* ONE MENTION OF TAZ.

Although the DEIRs for 1979 Mission, 3333 California, 10 South Van Ness cover varied site particulars, the conclusion of all three is that they are *identical* as to having no VMT impact because of the application of a “REGIONAL” threshold. Doing so skews the impact at the neighborhood level.

The city may want to take into account again the “Precautionary Principle” that while one can create a situation that would pass muster due to having to meet a high “REGIONAL” number for VMTs before a project would be deemed having a “SIGNIFICANT” impact in re VMTs. Each project may well be contributing a lot more impacts to the environment in some or all of the CEQA categories than meets the eye. If the city continues on this path, it may be found out by 2040 that there is much more impact than what was written in these DEIRs today. Not only the community near the developments would be negatively impacted, but so might the entire city.

TAZs have been used for some decades already. If some DEIRs use TAZs but others do not, the process of choosing which to use is not transparent to the public nor would the results necessarily come to some of the conclusions in the DEIRs.

Had the 1979 Mission Street Project DEIR (Sarah Jones, ERO) used TAZ, would the VMT numbers have changed? If so, to what? If they do change, how much of an impact would they be?

The greater number of vehicles and with TNCs coming in from *OUTSIDE* the city, along with other building uses and more units having been completed in the area, there are more vehicles and people than what is being used in this DEIR for TAZ 709 from the 2000 Census as things change over 18-19 years. Why would the other TAZs not be included for each DEIR alternative and perhaps for the neighborhood community alternative in order to have an accurate, thorough and complete DEIR?

Even with TAZs, why has Planning not used in in recent past DEIRs? Seems like not using the same method for all projects so the impacts can be manipulated. For instance, there exists DEIR Case No. 2013.1543E published on May 4, 2016 for 1979 Mission Street. It does not use TAZ. New metrics for TAZs are not going to be in place until later in 2019 wherein larger zones will be created to minimize concentration of VMT issues in a smaller area not disaggregated from the TAZ being analyzed. Why did Planning decide to use TAZ for the last couple DEIRs and not prior DEIRs? Why is there not a consistent basis of analysis for all projects?

There is also **DEIR Case No. 2015-004568ENV (State Clearinghouse No. 2017072018) published October 17, 2018 for 10 South Van Ness**. The DEIR for this project uses TAZ. It gives a “2040 Average Daily Household VMT per Capita” calculation.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-39]*)

“Volume 2A:

(See also under Volume 2C.)

→ **DEIR LIST OF OTHER FORESEEABLE PROJECTS** (Pages 94-99):**

3700 California Street (2017-003559ENV)

726 Presidio Avenue (2014-001576ENV) – add 4 units, remove 1 on-street parking

2670 Geary Blvd. (2014-002181ENV)

2675 Geary Blvd. (2015-007917ENV)

California Laurel Village Improvement Project

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Laurel Heights/Jordan Park Traffic Calming Project

Masonic Ave. Streetscape Project

Geary Bus Rapid Transit Project

With the above cumulative projects listed in this Volume 2A of this DEIR -- of which more than one is now complete -- and with Planning Code allowing new buildings and alterations to occur with no minimum parking requirements especially along California St. and Geary Blvd. and other streets where transit or bike lanes exist, the residents in these newer buildings with more units and fewer or no parking, may be forced to add to VMTs to park their vehicles farther out into neighboring areas and add to VMT calculations. Also, they may resort to ride-sharing. These ride-share drivers are also increasing the VMT calculations as they are often trolling the neighborhoods with no passengers waiting for a call on their app for their next customer or taking up residents' on-street parking. Without on-street parking for residents currently existing in their units, how are they to get to work or take care of personal business especially when the affordability factor gets thrown into the equation? Retail and office components trigger the most traffic as seen in many DEIRs. It might be best to leave the retail out of this residential area on the Euclid side. Retail is already on California, Sacramento and at the Target City Center at Geary and Masonic only a couple of blocks away. This only adds to VMTs." (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-47]*)

"The Kittelson & Associates (KIA)'s letter on Page 6 under "Task 4" says the VMT for the project will be the same as what exists today:

"Vehicle Miles Traveled: For purposes of the VMT analysis, KIA 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."

Do not believe a true impact can be told "assuming" the baseline year of 2020. I think it skews the impact as less impactful because rideshares and alternative modes such as rideshares were not present in 2008/9 and earlier years vs. 2020. The years prior to rideshares is not included in the DEIR so it skews the data and conclusions. Please provide data for vehicles in the area from earlier years starting at 2008 to present in this project area streets. It will likely show that compared to today, there are many more vehicles in this area (Arguello to Laurel, between Geary & California).

Rideshare is everywhere today so it is not like cars have disappeared just because the parking is minimized or removed. It is the type of uses for a project that attract certain number of cars. Again, not clear why the baseline year of 2020 – the year the development is supposedly to start - - is being used as the starting year for the analysis. Why is that?" (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-55]*)

"In the November 15, 2018 article at the link below, it states that vehicle mode is still prevalent at over 50%, especially for those in the higher income brackets. The area of the proposed project has a large population of higher income residents and visitors and thus one would reasonably expect more cars in the area.

<http://www.sfexaminer.com/survey-private-auto-use-sf-lower-except-among-wealthier-residents/>

The SF Examiner article references the SFMTA's "Travel Decision Survey" of 2017. This is anecdotal evidence that wealthier areas drive or take rideshare more so the mitigation measure to remove some parking spaces will not necessarily negate the traffic, automobile delay or VMTs

and increased GHGs. There must be other mitigation measures, and that may be reduction or removal of non-residential use especially on the residential side of the parcel.

The DEIR states that the VMT will be no different at complete build-out compared to 2009 or any year through 2018. Since 2009, there were new transportation alternatives – e.g. rideshare, shared scooters (Bird, Lime, etc.) and other modes. The analyses in the DEIR is *incomplete* without this new data incorporated. The new rideshares impact all streets in the neighborhood in all directions and are mostly used in retail trips besides commuting to offices/work places. Many of my neighbors use them for these purposes but then hop into their personal automobiles for longer out-of-city trips.

On Page 21 of their letter, it states the vehicle trips estimates for the 3 different scenarios and all three are over 2,236 person-trips per day. If the restaurants were only on the California street side where there are already commercial businesses, there should be less disruption of cars in the residential areas as they can take the Muni bus or alternative modes.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-57]*)

“Anecdotally, below are a couple of links to tell you about jammed SF streets and traffic increase - many due to people deciding to use vehicles not available before since the introduction of “Transportation Network Companies (TNCs), aka “rideshares”.

Article re jamming SF’s streets:

<https://sf.streetsblog.org/2018/10/17/data-confirms-uber-and-lyft-jam-up-san-francisco/>

Article re traffic increase:

<https://sf.curbed.com/2018/10/16/17984366/tnc-ride-hailing-uber-lyft-sfcta-report>

On Page 27 of the “KIA Letter”, in Table 10, it shows clearly that people in the area are at 60%+ using automobile mode. I do not see this changing any time soon so the VMTs should be more especially with the retail restaurant sit-downs at 63.9%. For whatever reason, there is still a high percentage of automobile use – whether rideshares or privately-owned vehicles. With on-street parking diminishing and off-street parking being eliminated in many zoning districts, vehicles will still be around to circle the area to add to pollution, wear and tear on the roads, need to fix or re-pave roads and features. Even if in Volume 1 above, a new Muni line is proposed for relief of “congestion” in the area or of a bus line, there are still many who continue to drive. Even with “self-driving” cars, the VMTs do not go away.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-61]*)

“Also, the Draft EIR states that the proposed project would generate 10,057 auto trips per day and would cause substantial additional Vehicle Miles Traveled and/or substantially induce automobile travel. DEIR p. 4.C.74. The DEIR claims that reducing the retail on-site parking supply would mitigate this impact to less than significant. DEIR p. 4.C.80. We think this analysis is bogus.” (*Anne Neill, Email, December 12, 2018[I-Neill-11]*)

“The Planning Department proposes to reduce the number of retail parking spaces as a mitigation measure to reduce the significant traffic impact. This does not make sense. Are there published studies that support this idea and if so can we have the references? If the business served are to survive, eliminating parking does not eliminate auto trips it will actually increase driving time as cars cruise for a spot and it will push parking into the surrounding neighborhoods, or it will fill the streets with Ubers. All to the detriment of those that live in the neighbor. Whereas if parking is so

bad as to drive away shoppers, we get the failure of the businesses.” (Phillip Paul, Email, January 7, 2019 [I-Paul-7])

“The DEIR admits that the project would be expected to generate higher Vehicle Miles Traveled than retail, office or residential average projects in the area. The DEIR compares the project with city average data but not with actually measured traffic conditions in the project area. However, the DEIR concludes that the project would have an impact on traffic that would be ***Less Than Significant with Mitigation***. (page 4.C.74) ***The DEIR claims that reducing the retail parking supply would mitigate the Vehicle Miles Traveled impacts of the project.*** (page 4.C.80)” (Victoria Underwood, Letter, December 4, 2018 [I-UnderwoodV1-4])

RESPONSE TR-4: VEHICLE MILES TRAVELED METHODOLOGY AND FINDINGS

The comments claim that the EIR concludes that the proposed project would cause substantial additional VMT, that the proposed mitigation measure to reduce the amount of retail parking is not adequate and that the EIR does not provide evidence to support the adequacy of the significance standard used to determine the VMT finding, the VMT impact finding, or the degree of effectiveness of the proposed mitigation measure. The comments state that the traffic analysis does not present the total VMT associated with the proposed project or project variant, and does not estimate the amount of additional VMT that the project would generate and that the EIR does not explain the methodology used to estimate the project level and cumulative VMT for the project’s transportation analysis zone. The comments state that the EIR inaccurately claims various publications support the EIR conclusions as to the effect of parking on VMT and that the EIR does not present the methodology or data used to calculate the neighborhood parking rates for retail or non-retail uses or explain which retail uses would use the long-term and short-term parking. The comments state that the EIR fails to analyze VMT resulting from retail customers or VMT generated by the project retail uses in combination with other nearby retail.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under the following subsections: “Background Vehicle Miles Traveled in San Francisco and Bay Area” on EIR p.4.C.6; “Vehicle Miles Traveled Baseline” on EIR p.4.C.30; “Vehicle Miles Traveled Analysis” starting on EIR p. 4.C.48; Impact TR-2 starting on EIR p. 4.C.74; and Impact C-TR-2 starting on EIR p. 4.C.102. Detailed supporting information is included in EIR Appendix D, Transportation and Circulation. The EIR concludes that the proposed project or project variant would have a significant impact on vehicle miles traveled related to the retail use and that implementation of Mitigation Measure M-TR-2: Reduce Retail Parking Supply (EIR p. 4.C.80) would reduce the impact to a less-than-significant level. The EIR also concludes that the proposed project’s and project variant’s streetscape modifications would not substantially induce automobile travel and therefore the VMT impact would be less than significant, contrary to a statement made in the comments. The comments received on the EIR do not present evidence that the transportation analysis was inadequate, that

there would be any new significant impacts not addressed in the EIR, or that there would be a substantial increase in the severity of impacts identified in the EIR.

The proposed project and project variant have been revised since publication of the draft EIR. The project revisions include a reduction in retail square footage, a reduction in the number of parking spaces, and reconfiguration of the proposed commercial loading space on California street among other changes. See RTC Section 2 on pp. 2.2-2.13 for a full description. The project changes do not alter the analysis or conclusions of the EIR. Mitigation Measure M-TR-2: Reduce Retail Parking Supply, would continue to be applicable, and would be satisfied by the reduced parking program in both the revised project and revised variant, as discussed on RTC pp. 2.33-2.34. Compliance would be verified through the building permit review process.

Responses to the issues regarding trip generation are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussion in subsection B, Travel Demand Methodology under the subheading “Trip Generation Estimates” on RTC p. 4.4).

Responses to the issues regarding the adequacy of the proposed VMT mitigation measure are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussion in subsection D.4, Vehicle Miles Traveled (VMT) and Vehicular Parking under the subheading “Neighborhood Parking Rate” starting on RTC p. 4.45).

Responses to the issues regarding the VMT methodology and VMT estimates are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussions in subsections D.1 CEQA Section 21099(d)(1) (California Senate Bill 743) and Vehicle Miles Traveled (VMT), under the subheading “Vehicle Miles Traveled Efficiency Metrics and Thresholds of Significance,” and D.4, Vehicle Miles Traveled (VMT) and Vehicular Parking starting on RTC pp. 4.19, 4.22, and 4.39, respectively). In addition to the information included in RTC Section 4, Master Response – Transportation and Circulation, the following addresses comments related to information presented in Table 4.C.3 on EIR p. 4.C.8 and Table 4.C.10 on EIR p. 4.C.50. As noted in the comments, Tables 4.C.3 and 4.C.10 show that the project transportation analysis zone (TAZ 709) would have a VMT per capita of 7.3 for the residential use, 10.1 for the retail use, and 8.3 for the retail use. For informational purposes, Table 4.C.3 also presents the citywide average VMT per capita. Contrary to the comments, Table 4.C.10 presents a comparison of the VMT significance standards (regional VMT minus 15 percent) to VMT data for TAZ 709, the TAZ in which the project site is located. As shown in Table 4.C.10, TAZ 709 (and the project) would meet the VMT significance standards and have VMT per capita that is more than 15 percent below the regional average. While the fact that the project TAZ has lower VMT per capita than the established threshold (i.e., regional average daily VMT minus 15 percent) is clearly shown in the table, for informational purposes, the comparison of project TAZ VMT per capita to the regional average VMT per capita can be calculated as follows for each land use category:

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(Project TAZ VMT per capita – Regional Average VMT per capita) / Regional Average VMT per Capita

Based on this calculation, the project TAZ’s residential, retail, and office VMT would be 58 percent, 44 percent, and 47 percent lower than the regional average VMT per capita, respectively.

Responses to the issues regarding the literature review are provided in Section 4, Master Response – Transportation and Circulation (see the discussion in subsection D.4, Vehicle Miles Traveled (VMT) and Vehicular Parking, under the subheading “Literature Review” starting on RTC p. 4.41).

Responses to the issues regarding the neighborhood parking rate are provided in RTC Section 4, Master Response – Transportation and Circulation (see subsection D.4, Vehicle Miles Traveled (VMT) and Vehicular Parking, “Neighborhood Parking Rate”, and “Neighborhood Parking Rate Analysis” starting on RTC pp. 4.39, 4.45, and 4.47, respectively). To the extent any previously applicable minimum parking code requirements² affected the actual supply in the existing neighborhood, the neighborhood parking supply and associated rate accounted for this.

Responses to the issues regarding the VMT generated by the retail customers are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussion in subsection D.2, Vehicle Miles Traveled (VMT) and Retail Use starting on RTC p. 4.30).

For a response to concerns regarding size and type (e.g., local-serving) of the proposed retail use, see Response PD-3: Project Characteristics – Open Space, Unit Size and Parking Program in Section 5.B, Project Description (RTC pp. 5.B.19-5.B.24).

For a response to comments that express opinions on the merits of the project’s retail program, see Response ME-1: Merits of the Proposed Project in Section 5.L, Merits of the Proposed Project (RTC p. 5.L.6).

Parking demand calculations are presented for informational purposes; as explained on EIR p. 4.C.1, the proposed project is a residential infill project in a transit priority area and parking is no longer considered in determining a project’s environmental impacts (see also EIR pp. 4.C.31-32 and 4.C.46). Parking information for the proposed project and project variant is presented on EIR pp. 4.C.116- 4.C.120. The parking demand (long-term or employee demand and short-term or visitor demand) generated by the proposed project and project variant and proposed parking supply for each proposed land use is presented in Table 4.C.28 on EIR p. 4.C.118. The parking demand generated by the proposed project was estimated using the methodology described in the *2002 SF Guidelines*. As shown in Table 4.C.28, the proposed project would generate a long-term demand

² In October 2018, the City’s Planning Commission unanimously recommended removing citywide parking requirements. On December 21, 2018, the Mayor signed the ordinance eliminating minimum parking requirements. The ordinance went into effect on January 20, 2019.

for 949 parking spaces and a short-term demand for 116 parking spaces, including 81 long-term and 42 short-term parking spaces for the retail uses. The project variant would generate a long-term demand for 1,092 parking spaces and a short-term demand for 108 parking spaces, including 73 long-term and 40 short-term parking spaces for the retail uses. The supply of parking is not separated or dedicated into long-term or short-term use and the 138 retail parking spaces (proposed project) and 128 retail parking spaces (project variant) would be available for use by employees and visitors to all retail uses. With respect to demand for on-street parking, results from SFMTA's *SFPark* Pilot Project Evaluation³ found that the *SFPark* pilot program reduced traffic congestion, vehicle miles traveled, and greenhouse gas emissions generated by drivers circling for parking. The *SFPark* pilot project reduced VMT in pilot areas by 30 percent, compared to a 6 percent decrease in control areas. Therefore, there is no evidence that *SFPark*'s parking demand pricing program would increase the use of TNCs as stated in comments.

As explained on EIR p. 4.C.6 and in RTC Section 4, Master Response – Transportation and Circulation (see Subsection D.3, “Vehicle Miles Traveled (VMT) Calculation, starting on RTC p. 4.33), 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. Year 2000 Census data was not used in the VMT analysis. Furthermore, 2000 Census data are not used in the travel demand calculations. As noted on EIR p. 4.C.57, mode shares and average vehicle occupancy rates for residential work trips are based on United States Census Bureau five-year estimates of commute trip travel behavior from the 2011–2015 American Community Survey for Census Tract 154, which includes the project site.

The comments about VMT methodology and conclusions in the EIR do not identify any new significant impacts not already addressed in the EIR or any substantial increases in severity of significant impacts identified in the EIR, and no new mitigation measures are required.

COMMENT TR-5: MITIGATION MEASURES

“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” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, December 5, 2018 [O-LHIA1-1]*)

³ SFMTA, *SFPark* Pilot Project Evaluation, June 2014, http://sfpark.org/wp-content/uploads/2014/06/SFPark_Pilot_Project_Evaluation.pdf, accessed July 31, 2019.

“7. Feasible Mitigation Should Be Adopted to Reduce the Project’s Significant Impact on VMT and its Incremental Cumulative Effects on Regional VMT.

The following Mitigation Measure should be adopted as a condition of approval of the proposed project/variant.

MITIGATION MEASURE - NO RESIDENTIAL PARKING PERMITS FOR RESIDENTS OF, OR PERSONS WORKING AT, THE PROJECT.

In order to reduce VMT from project residents or workers parking in the areas surrounding the project site, as a condition of approval, the project sponsor shall be required to agree to a deed restriction recorded against the property providing that persons living at 3333 California Street and workers employed at 3333 California Street shall not be entitled to apply for a residential parking permit in the residential parking permit area that includes the 3333 California Street site, and the project sponsor shall be required to fund development of a program at the City agency that governs issuance of residential parking permits (currently believed to be MTA) in an amount not to exceed \$2 million (two million dollars) to be used to enable that agency to modify and screen applications for residential parking permits and identify persons residing or working at 3333 California Street who would not be eligible to apply for residential parking permits and to implement amendments to application procedures for residential parking permits sufficient to enable the agency to identify persons residing or working at 3333 California Street. This condition shall be incorporated into any approval of the project, including without limitation into any approval rendered by the Board of Supervisors or the Planning Commission.” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-13]*)

“Page S.10: “TR-2: The proposed project or project variant would cause substantial additional VMT and/or substantially induce automobile travel.” (“SIGNIFICANT”)

While it is appreciated that Mitigation Measure M-TR-2 proposes to *REDUCE* the retail parking supply as though that would reduce the number of VMTs, any added retail generally, and restaurants in particular, according to prior DEIRs for other development sites, show that retail attracts vehicles to the site such that elimination of a handful of parking spaces will not solve the inundation of vehicles – whether personally owned or for hire (car sharing) – in this area for at least ¼-mile in all directions. The retail use attracts vehicle trips. And with rideshares, there does not have to be parking to have them add to the vehicle trip count.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-6]*)

“The mitigation measure to reduce the VMTs generated by this project would be to eliminate all or much of the *retail* use which in many Planning Department DEIRs show is what generates the most VMTs.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-8]*)

“Part of the mitigation measure should be to curb increased vehicle counts on the residential arterial (side) streets within ½-mile of the project that are already taking on the bulk of the traffic.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-11]*)

“Page S.16 (C-TR-2): “The proposed project’s or project variant’s incremental effects on regional VMT would be significant, when viewed in combination with past, present, and reasonably foreseeable future projects. / S”

The “Mitigation Measure M-TR-2: Reduce Retail Parking Supply” will make things worse and more impactful because as stated earlier, even if there is *no* parking anywhere, more rideshares, etc. will use the streets and bicycle lanes to clog up the street so that the automobile delay will be greatly increased up to at least ¾-mile of the area in all directions.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-27]*)

RESPONSE TR-5: MITIGATION MEASURES

The comments recommend that a new mitigation measure restricting residential parking permits for future residents of the site, or people working at the site, be incorporated as a condition of approval. The comments recommend augmenting the mitigation measure to limit vehicle counts on residential streets within 0.5-mile of the project site. The comments state that reducing parking will increase auto trips through increased TNC mode share.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under the following subsections: Impact TR-2 starting on EIR p. 4.C.74 and Impact C-TR-2 starting on EIR p. 4.C.102. Detailed supporting information is included in EIR Appendix D, Transportation and Circulation. The EIR concluded the proposed project or project variant would have a significant impact on VMT related to the retail use, and implementation of Mitigation Measure M-TR-2: Reduce Retail Parking Supply (EIR p. 4.C.80) would reduce the impact to a less-than-significant level. Mitigation Measure M-TR-2 would continue to be applicable to the revised project or revised variant and would be satisfied by the reduced retail parking program in both the revised project and revised variant. Compliance would be verified through the building permit review process. The comments received on the EIR do not present evidence that the transportation analysis was inadequate, or that there would be any new significant impacts not addressed in the EIR or any increases in the severity of impacts identified in the EIR.

In addition, since publication of the draft EIR, the proposed project and project variant have been revised to reduce retail square footage as well as the number of parking spaces among other changes. The changes are minor and do not result in additional or more severe significant impacts than discussed in the EIR. See RTC Section 2 on pp. 2.2-2.29.

Responses to the issues regarding the adequacy of the proposed mitigation measure and feasibility of suggested additional/supplemental measures are provided in RTC Section 4, Master Response – Transportation and Circulation (see the discussion in subsection D.4, Vehicle Miles Traveled (VMT) and Vehicular Parking on RTC pp. 4.39-4.49.

COMMENT TR-6: CONSTRUCTION IMPACTS

“For years, during this construction, the Developer seeks closure of an eastbound/parking lane of the street for its benefit. The loss of parking is a taking from our community. It means that there

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will a drastic reduction in available parking places for families, caregivers, etc., which will radically affect our chosen neighborhood.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-4]*)

“The proposed intrusion of a lane for construction purposes on California between Laurel and Walnut will constitute a taking of available parking currently, which would last for years.” (*Joseph J. Catalano, California Street Homeowners Group, Draft EIR Hearing Transcript, p. 62, December 13, 2018 [O-CSHG2-3]*)

“We believe that the EIR should contain specific construction mitigations designed to consider the following construction-related concerns, which we have developed in conjunction with Cahill Contractors, the contractor which built the JCCSF building:

1. Construction Traffic, Staging and Safety - We have 4500 daily users ranging from newborns in strollers to school children to frail older adults. Our only access point for pedestrians and cars is from California Street (except for preschool pick-up and drop-off which enters off Walnut Street but exits onto California Street.) Many of our users and employees routinely cross the California/Presidio and California/Walnut intersections to enter or exit our building. As a result, we are concerned about disruption to our facility caused by construction traffic on California Street and by California Street southside parking lane closures (IS pg.77) during the construction period. We request that the EIR study these considerations in an effort to minimize these impacts. (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, June 8, 2018 [O-JCCSF2-1]*)

“The truck traffic and other construction traffic is a threat to pedestrian safety. The congestion will force cars onto nearby side streets, affecting the whole area.” (*Jane Fridlyand, Email, January 7, 2019 [I-Fridlyand-5]*)

“...the idea of seven to 15 years of construction at this intersection that we rely on constantly to get where we’re going. We rely on the 1 Bus on the 43 Bus, driving past there, and the thoughts of construction, dumpsters, and board walls and backhoes backing up, and trucks beeping for seven to 15 years is just really kind of soul-crushing.” (*David Goldbrenner, Draft EIR Hearing Transcript, p. 32, December 13, 2018 [I-Goldbrenner1-2]*)

“As this project does not seem to be in a hurry to build out fully for possibly as long as 15 years, the construction traffic should be limited during AM and PM rush hours.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-75]*)

“The construction period also brings congestion and chaos to the major commute route which is California Street, Pine Street, Bush, Euclid, to and from the Richmond area, not just for the Laurel Heights, Jordan Park, Presidio Heights area.” (*Tina Kwok, Draft EIR Hearing Transcript, p. 54, December 13, 2018 [I-Kwok2-6]*)

“7. Construction truck traffic and safety concerns, as well as cumulative construction transportation impacts” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-8]*)

“Removal of the demolition debris and the excavated soils will require approx. 32,000 dump truck loads, all of which have to pass through and pollute our neighborhoods. By contrast, the Community Full Preservation Alternative generates approx. 9,000 dump truck loads, one quarter as many! After the demolition the Developer has to then deliver all the new materials required to rebuild what they demolished plus 11 new buildings. How many large truck loads, concrete truck loads, etc. will this require? The Community Alternative only builds 4 new buildings so like the GHG and the debris/soil removals the Community Full Preservation Alternative requires far fewer, probably about one third, or less, as many delivery loads.” (*Laura Rubinstein, Email, January 2, 2019 [I-Rubinstein-13]*)

RESPONSE TR-6: CONSTRUCTION IMPACTS

The comments state that the project will remove one parking lane on California Street between Laurel and Walnut streets during construction, and that the EIR should study implications of construction traffic and parking lane closures on Jewish Community Center of San Francisco (JCCSF) operations. The comments ask about the number of dump truck loads, large truck loads, and concrete truck loads required during construction and state that construction truck traffic should be limited during weekday a.m. and weekday p.m. peak hours. The comments state that construction traffic poses a threat to pedestrian safety and will result in diversions of existing traffic to side streets.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under Impact TR-1 starting on EIR p. 4.C.68, and concluded the proposed project or project variant would have a less-than-significant impact on transportation-related construction impacts and no mitigation measures would be required. The comments received on the Draft EIR do not present evidence that the analysis of construction impacts was inadequate, that there would be any new significant impacts, or that there would be a substantial increase in the severity of impacts identified in the EIR.

The project’s preliminary construction schedule and phasing is described in EIR Chapter 2, Project Description, starting on EIR p. 2.91, and is based on information provided by Webcor Builders, a construction contractor for the project sponsors. Based on the preliminary construction information presented and analyzed in the EIR, temporary parking lane and sidewalk closures would be required along California and Laurel streets (see EIR p. 4.C.70). Additionally, the parking lane on Masonic Avenue between Presidio and Euclid avenues would be used intermittently, as needed, for concrete truck staging subject to the conditions of a special traffic permit. The closures would be required to comply with the City’s blue book regulations, would be subject to review by the SFMTA, and would be coordinated with City staff to minimize effects on people walking or taking transit, transit operations, local traffic, and circulation.

As discussed on EIR p. 4.C.72, the number of construction-related truck trips would range from 10 to 80 per day for material removal and soil hauling during demolition and excavation for each phase of the construction program. Based on information provided by Webcor Builders, removal of the

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demolition debris and excavated soils would require about 18,000 truck trips (not 32,000 as asserted in the comments). Based on preliminary construction information, there would be approximately 4,650 material and vendor delivery truck trips and 6,900 concrete truck trips over the construction period.

The impact of construction truck traffic and parking lane closures on the surrounding street network could result in a slight temporary lessening of its capacity because of slower-moving vehicles but would not substantially affect weekday a.m. and weekday p.m. peak period conditions because construction work would typically be scheduled to avoid peak commute periods (see EIR p.4.C.73). Given that construction traffic would occur primarily during off-peak periods and local circulation would be limited to the designated haul routes, it would not have a substantial effect on travel times through the area or result in diverted or cut-through traffic on minor streets. In addition, construction traffic volumes would be less than operational traffic volumes. Construction would be conducted in compliance with City requirements such that they would not result in substantial interference with pedestrian, bicycle, transit, or vehicle circulation or result in potentially hazardous conditions for pedestrians, bicycles, transit, or vehicles. Therefore, no new significant impacts not already identified in the EIR would result, and no new mitigation measures are necessary.

See Section 5.B, Project Description, Response PD-1, Construction Duration, Phasing and Staging, and Development Agreement (RTC pp. 5.B.9-5.B.15) for a response to issues raised regarding the construction time frame and additional information about construction staging.

See Section 5.H, Alternatives, Response AL-2: Laurel Heights Improvement Association's Proposed Alternative (RTC pp. 5.H.54-5.H.69) for a discussion of issues related to that alternative.

COMMENT TR-7: TRAFFIC HAZARDS

“California Street, between Laurel and Walnut, is 4 lanes plus parallel parking lanes, or two lanes with opposing bus stops (at Laurel). Along with the garages of our 40 families, the garages for an additional 11 families open to this block of California Street, and require (sometimes blind) backing onto the already congested street for exit.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-1]*)

“INCREASED TRAFFIC HAZARDS

Garages for more than 50 residences exit in reverse onto this block of California Street. Currently this is challenging and sometimes hazardous. When it is manageable, it is so because the Walnut Street traffic coming on to California St when the California light is red is very light. Increased traffic coming from both directions on Walnut may make it impossible at times for the California Street neighbors to exit our buildings.

The Project's inevitable additional congestion from long term construction; followed by retail traffic, perhaps with commercial loading, will significantly and adversely impact this already difficult circumstance.

The Draft EIR is fundamentally deficient in its failure to address this unique and significant environmental impact on our neighborhood, and of course, it necessarily fails to identify or require any mitigation of it by the Developer or the City's traffic authorities.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-13]*)

“We are 40 residents. In addition, there are 11 other neighborhood occupants whose garages enter by backing into California Street between Laurel and Walnut. Right now, that’s a hazardous proposition with the construction proposed, with the development proposed. It will be become basically untenable. The Draft EIR does not address this. It obviously, then, can’t mitigate something it hasn’t addressed.” (*Joseph J. Catalano, California Street Homeowners Group, Draft EIR Hearing Transcript, pp. 61-62, December 13, 2018 [O-CSHG2-2]*)

“A. **Traffic/Safety:** The TIS should evaluate:

1. Impacts of Project traffic on: the white zone in front of 3200 California; the Muni bus stops on Presidio and California Streets; traffic flow on California Street; and the ability of JCCSF users to safely cross California Street, as detailed in the attached 6/3/16 letter to you. All the issues in that letter continue to be relevant, except that we are pleased to note that the developer has eliminated the midblock entrance on California Street directly across from the JCCSF. We request that the TIS address the other issues in the attached letter.
2. Conflicts between the Walnut Street entrance to the Project (location of its passenger loading and retail parking entrances) and the JCCSF Walnut Street drive-through for preschool pick-up/drop-off and the Jackson Muni line, detailed in the attached letter.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, October 20, 2017 [O-JCCSF3-2]*)

“1. **The white zone in front of 3200 California.**

This zone extends the full length of the building on California. This space is used as a drop off/pick up point for participants, including parents, transportation services and school buses dropping off and picking up children. It is also the holding zone where cars wait to enter the garage when it is full. Unfortunately, the increase in westward flow traffic along California since the JCCSF opened 12 years ago contributes to a bottlenecking of vehicles entering/leaving our garage/white zone/drive through areas, particularly in the afternoons and evenings, creating congestion and safety concerns. We hope that the city’s traffic analysis for the proposed new projects addresses mitigations for any increase in this bottlenecking linked to any potential increase in westbound traffic from the proposed projects. We are particularly concerned about the impact of cars headed westbound on California that may queue as they wait to turn south onto Walnut into the primary entrance to the 3333 project. We look forward to conversations with the developers and SFMTA about potential management, parking and intersection design solutions to mitigate this concern that could be implemented by some combination of the developers, the JCCSF and SFMTA.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, June 3, 2016 [O-JCCSF4-3]*)

“...and carving under much of the hill for a three to four-story garage with exits onto Presidio and California, which is already a 3-ring circus, or out towards -- on Laurel, which is opposite one of

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two exits of the Laurel Village parking lot.” (*M. J. Thomas, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript p. 51, December 13, 2018 [O-LHIA7-5]*)

“A quick look at the turning radii of the trucks, i.e. SU-30 Circulation Exhibit and WB-40 Circulation Exhibit clearly demonstrates that all the deliveries during destruction, demolition, excavation, construction and long term operations pose significant threats to traffic safety, pedestrian safety, congestion and pollution. In fact, as WB-40 shows large trucks cannot safely navigate 5 of the 6 major intersections surrounding the site. There are no plans to mitigate this profound situation which will essentially exist from the beginning of the project ad infinitum. Planning and the Developers have simply washed their hands of the problem a la Pontius Pilate.” (*Sal Ahani, Email, January 8, 2019 [I-Ahani-18]*)

“The garages for our homes back out onto California Street and there was no mention in the Draft EIR of the hazards that will be created as a result of the Project during construction, and particularly with the added traffic that will be created by its proposed retail.” (*David Bercovich, Email, January 7, 2019 [I-Bercovich-6]*)

“The Draft EIR does not mention, much less include mitigation requirements for the additional hazards the Project’s foreseeable congestion will create for exiting garages on California Street.” (*Joe Catalano and Joan Varrone, Email, January 8, 2019 [I-Catalano-6]*)

“8. The DEIR Inadequately Analyzes Whether the Proposed Project/Variant Would Cause Major Traffic Hazards.

A. The Project Would Cause Significant Hazards of Collision with Oncoming Vehicles.

Plan sheet C.4.03 shows that trucks with a 50-foot wheelbase would turn into the oncoming traffic lane/area when turning right from Euclid Avenue to onto Laurel Street, when travelling right at the curve of Laurel Street where it intersects Mayfair Drive, and when turning right from Laurel Street onto California Street. (Ex. V) At each of these locations, trucks with a 50-foot wheelbase would turn into the oncoming traffic lane/area. (Ex. V) At the curve of Laurel Street where it intersects Mayfair Drive, traffic often backs up onto northbound Laurel Street in peak hours and after school hours due to vehicles stopping on northerly bound Laurel Street while they are waiting to turn left into the Laurel Village Shopping Center. I have also seen vehicles traveling southbound on Laurel Street adjacent to the Laurel Village Shopping Center backup as they approach the entrance to the Laurel Village Shopping Center to the right, due to vehicle back-ups at the entrance to the Shopping Center. According to plan sheet C.403, a truck traveling northbound on the curve of Laurel Street which has a 50-foot wheelbase would turn into the oncoming traffic lane where vehicles southbound on Laurel Street back up, thereby creating a risk of collision. Such trucks turning right at the corner of Laurel Street eastbound onto California Street would also turn into the oncoming westbound traffic lane on California Street as they approach the 100-foot commercial loading zone proposed to be installed next to the bus stop on eastbound California Street. Such truck turns would also cause a collision hazard, because vehicles often back up in the eastbound lanes on California Street at the intersection of Laurel Street in the peak afternoon traffic periods. Plan Sheet C.4.06 shows that buses with a 40-foot wheelbase turning right in these areas would also turn into oncoming traffic lanes and have the same risk of collision. (Ex. V) The DEIR is inadequate because it failed to analyze adequately this traffic hazard impact and analyze and adopt mitigation measures that could reduce the

significant impact from causing major traffic hazards.” (*Kathryn Devincenzi, Letter, January 8, 2019 [1-Devincenzi2-14]*)

“C. The Proposed Project/Variant Would Cause a Major Hazard From Vehicle Speed Reductions On Pine Street Approaching the Proposed Bulb-Out on Presidio Avenue at Pine Street Such that There Would be Increased Risk of Rear-End Collisions or Other Hazards.

Sheet C2.02 shows a new proposed bulb-out would be installed adjacent to the right westbound traffic lane on Pine Street at the corner of Presidio Avenue and Pine Street. (Ex. L) Pine Street is a Major Arterial containing three one-way lanes of westbound travel. DEIR 4.C.5. During commute hours, traffic is very heavy on Pine Street westbound, with substantial vehicles traveling from downtown work locations. The proposed bulb-out at this location would cause traffic to slow down at the intersection of Pine Street and Presidio Avenue where visibility is already impaired due to the upward slope. Due to vehicles slowing down near this bulb-out, the proposed project would have increased risk of rear-end crashes or other hazards to vehicles traveling on this major artery and also could cause potential traffic back-ups which would also cause increased risk of collisions. The DEIR is inadequate for failing to analyze this potentially significant impact and mitigation measures that could reduce the impact to insignificance. The DEIR’s claim that the project’s proposed streetscape changes, including bulbouts, would not increase the risk of rear-end crashes or other hazards is conclusory and not supported by substantial evidence. The following mitigation measure would mitigate this impact to insignificance:

MITIGATION MEASURE: Eliminate the proposed bulb-out at the intersection of Pine Street and Presidio Avenue as shown in plan sheet C2.02.

D. The DEIR Is Inadequate in Failing to Analyze the Potentially Significant Hazards From TNC and Delivery Vehicles Double-Parking Near Proposed Loading Zones.

The five proposed new loading zones proposed to be installed on streets surrounding the project would attract TNCs and other delivery vehicles. Such vehicles are known to stop in the street when there is not an easily accessible or available turn-in area, such as when a loading zone is occupied. Literature previously discussed herein documents this hazard from TNCs. The DEIR fails to analyze adequately the traffic hazards caused by such vehicles potentially stopping in the street near the proposed project loading zones, including without limitation the increased hazards from the risk of collisions.

E. The DEIR Fails to Analyze Potentially Significant Traffic Hazards From Vehicles Queuing at Project Site Driveways.

The DEIR acknowledges that based on a review of existing conditions, the addition of project-generated traffic could result in queues and potential conflicts with existing traffic operations in the vicinity of the proposed Laurel Street driveway between California Street and Mayfair Drive with potential conflicts being between vehicles entering/exiting the Laurel Village Shopping Center surface parking lot and vehicles accessing the proposed project’s below-grade parking garage from the Laurel Street northernmost driveway. DEIR p. 4.C.81. During times of peak demand, queues can spill back across the sidewalk and onto Laurel Street and affect operations of the adjacent, closely spaced intersections at California Street and at Mayfair Drive. *Ibid.* The DEIR included an improvement measure which is not binding for this impact. The DEIR is inadequate in failing to include as a binding mitigation measure the proposed queue

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abatement measures stated in Improvement Measure I-TR-3 and the following measure, which should be adopted as conditions of approval of the proposed project:

MITIGATION MEASURE: If significant queues develop on Laurel Street near the intersections of Mayfair Drive or California Street, entrance to the project garages on Laurel Street will be limited to residential occupants of the buildings along California Street. If such queues are reported to the Planning Director, the Planning Department will propose and support modifications to project approvals that will be sufficient to abate such queues to be approved by the Board of Supervisors, Planning Commission or other applicable authority.

MITIGATION MEASURE: The terms of Improvement Measure I-TR-3: Driveway Queue Abatement at DEIR p. 4.C.82 are incorporated herein by reference as Mitigation Measures required as a condition of approval of the proposed project/variant.” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-16]*)

“...and it is difficult at rush hour getting out of my garage.” (*Sharon Esker, Email, January 5, 2019 [I-Esker-7]*)

“A quick look at the turning radii of the trucks, i.e. SU-30 Circulation Exhibit and WB-40 Circulation Exhibit clearly demonstrates that all the deliveries during destruction, demolition, excavation, construction and long term operations pose significant threats to traffic safety, pedestrian safety, congestion and pollution.

In fact, as WB-40 shows large trucks cannot safely navigate 5 of the 6 major intersections surrounding the site. There are no plans to mitigate this profound situation which will essentially exist from the beginning of the project ad infinitum. Planning and the Developers have simply washed their hands of the problem a la Pontius Pilate.” (*Richard Frisbie, Letter, January 8, 2019 [I-FrisbieR1-17]* and *Tina Kwok, Letter, January 7, 2019 [I-Kwok4-23]*)

“Page S.10: “TR-3: The proposed project or project variant would not cause major traffic hazards.”

(“LESS THAN SIGNIFICANT” (LTS))

Improvement Measure I-TR-3 says there will be parking garage attendants or other queue abatement actions but there will be bad actors who will “only for a minute” park in neighbors’ driveways as they wait for parking in the garage. These queued up drivers will compete now with the rideshares that generally are in the neighborhood parked and waiting or sleeping in their vehicles for their next client. Neighbors will no longer have any street space to park because all the “temporary” parkers are taking up practically every foot of curb space.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-13]*)

“Page S.11: TR-3 (continued) Why would the owner/operator of the garage be held accountable for a situation caused by the developer’s design of the project? If the project is going to attract that much vehicular traffic and problems for the garage, then the uses that attract the most vehicles that would use the garage would need to be eliminated from the project.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-16]*)

“In regards to traffic queues that arise from the garage use, why would the onus be put on the operator of the garage when in other DEIRs such as for 1979 Mission, it “shall be the

responsibility of the Project Sponsor/property owner to ensure that recurring vehicle queues do not occur...”? The vehicles would be considered to be making a queue if more than one vehicle were lined up to enter the garage or exist the garage in a traffic jam. The queue should also not occur in the public right of way whether private vehicles or carshares for any longer than 3 minutes or the time it takes for the passenger to enter and exit the vehicle, whichever is less. Where the garage becomes full, there should be active management with “Lot Full” signs installed with parking occupancy sensors that show how many spaces are still left. If any queuing occurs, neighbors should contact the Planning Department to notify the property owner of the queuing issues to be abated through support from the developer’s agreement to annually contribute to queue abatement costs as this will impact the neighborhood. If this is not done, the supervisor of the district will have a long line of complainers at her or his door due to the foreseeable situation that would arise with a development built to attract people in vehicles and not accommodating them so as not to jam up the streets or create queuing.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-74]*)

“In re the light and glare from the proposed windows and their impact to vehicles going and coming to the area would be a safety issue, I have not heard anything as to the remedy.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-76]*)

“Traffic: Those of us who live on Presidio Avenue sometimes have to wait up to 5 minutes during morning peak periods before someone is kind enough to allow us to pull out of our garages, and the rush of cars from Pine Street onto Presidio Avenue is dangerous as it presently stands, as cars careen without regard to safety.” (*Gilda Poliakin, Email, December 30, 2018 [I-Poliakin-2]*)

“A quick look at the turning radii of the trucks, i.e. SU-30 Circulation Exhibit and WB-40 Circulation Exhibit clearly demonstrates that all the deliveries during destruction, demolition, excavation, construction and long term operations pose significant threats to traffic safety, pedestrian safety, congestion and pollution. In fact, as WB-40 shows large trucks cannot safely navigate 5 of the 6 major intersections surrounding the site. There are no plans to mitigate this profound situation which will essentially exist from the beginning of the project ad infinitum. Planning and the Developers have simply washed their hands of the problem a la Pontius Pilate.” (*Laura Rubinstein, Email, January 2, 2019 [I-Rubinstein-14]*)

“I saw the proposed changes for Presidio/Pine/Masonic. I think removing the right turn lane is smart and will slow down traffic in a good way. However, Pine's traffic itself is still incredibly dangerous. The garage egress directly onto Masonic and Presidio will be incredibly dangerous given how traffic flows currently in this area.” (*Nathan Stoll, Email, January 18, 2019 [I-Stoll-5]*)

“And, as I’ve stated now in at least five letters, adding ingress and egress driveways, deletion of the right most lane on to Masonic from Presidio and adding loading zones and driveways on Masonic and Euclid, a crosswalk on Presidio Avenue and bicycles and you have not only a huge traffic mess but an impasse zone and parking lot and a dangerous mess. None of this was addressed in the DEIR.” (*Victoria Underwood, Letter, January 4, 2019 [I-UnderwoodV3-4]*)

RESPONSE TR-7: TRAFFIC HAZARDS

The comments state that the project-related traffic along California Street will impact access to/from garages on the north side of California Street and that that proposed curb cuts and streetscape modifications would create hazards along Presidio Avenue and Masonic Avenue. The comments state that the EIR should incorporate the terms of Improvement Measure I-TR-3 as a mitigation measure to minimize the potential for driveway queues to block adjacent street traffic and affect operations of adjacent intersections. The comments state that the EIR does not analyze potentially significant hazards from TNC and delivery vehicles double-parking near loading zones and suggest that the EIR should evaluate the impact of the project on the JCCSF passenger loading (white curb) zone located at 3200 California Street, the ability of JCCSF users to safely cross California Street, and conflicts between the Walnut Street entrance to the project and the JCCSF Walnut Street drive-through and the Muni 3 Jackson line. The comments state that based on truck turn diagrams, WB-40 vehicles⁴ and larger vehicles would not be able to navigate five of the six intersections surrounding the site and would present hazards to vehicles, pedestrians, and bicyclists. The comments state that the light and glare from the proposed windows in the buildings would be a safety issue for vehicles traveling on the surrounding roadway network.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under the following subsections: Impact TR-3 starting on EIR p. 4.C.81; Impact TR-5 on EIR p. 4.C.88; Impact TR-7 starting on EIR p. 4.C.92; Impact TR-9 starting on EIR p. 4.C.96; and Impact TR-10 starting on EIR p. 4.C.98. The EIR concluded the proposed project or project variant would have a less-than-significant impact related to traffic hazards, pedestrian accessibility, freight loading, and passenger loading. The comments received on the EIR do not present evidence that there would be any new significant impacts not identified in the EIR or a substantial increase in the severity of impacts identified in the EIR.

The project's potential traffic hazard impacts, including potential hazards related to increased traffic volume, are addressed under Impact TR-3 starting on EIR p. 4.C.81. The proposed project features are discussed starting on EIR p. 4.C.40. Based on field observations of existing conditions on the surrounding streets and on review of the proposed land use program, site layout and design, and transportation network modifications, the proposed project or project variant would not create a traffic hazard related to light and glare from the proposed windows in the buildings.

The project's and project variant's vehicle trip generation are discussed in RTC Section 4, Master Response – Transportation and Circulation, Subsection B, Travel Demand Methodology under subsection B.3, Trip Generation Estimates, starting on RTC p. 4.4, and Subsection C, Trip Distribution/Increased Traffic Generation, under subsection C.2, Trip Distribution and Trip

⁴ A WB-40 is an intermediate semitrailer with an approximately 33-foot trailer and a 40-foot minimum design turning radius.

Assignment, on RTC p. 4.17. As discussed in the Master Response, vehicle trips generated by the proposed project and project variant were assigned to project driveways based on the land use/building generating the trip and the associated garage access. Project-generated vehicle trips were then distributed and assigned to travel routes and study intersections based on the vehicle trip distribution shown in Table 8 on EIR Appendix D p. 25. During the weekday a.m. peak hour, the project variant would add 117 vehicle trips to the 1,219 vehicle trips on California Street west of Presidio Avenue (9.6 percent), and during the weekday p.m. peak hour, the project variant would add 176 vehicle trips to the 1,511 vehicle trips on California Street west of Presidio Avenue (11.6 percent). The project-added vehicle traffic is shown on Figure 4, on EIR Appendix D p. 34 and the existing traffic volumes are included in EIR Appendix D beginning on p. 176. Due to the expected increase in vehicle traffic along California Street, localized impacts were evaluated at the California Street/Presidio Avenue, California Street/Walnut Street, and California Street/Laurel Street intersections. The analysis is summarized in the Travel Demand Memorandum (see EIR Appendix D starting on p. 15).

The project-related vehicle traffic would be expected to use the inside lane in the westbound direction and the curbside lane in the eastbound direction, given these lanes are more convenient to access the project site. Therefore, the project-related traffic would not be expected to directly conflict with vehicles entering/existing residential garages on the north side of California Street. Additionally, based on the findings of the intersection level of service analysis, the project-related increase in traffic volumes would result in less than a two-second increase in intersection average delay⁵ and an increase of less than five seconds on any approach. Given the location of the project site between two signalized intersections, it is likely that vehicles accessing the residential garages on the north side of California Street could continue to find a gap in traffic when the adjacent signals are in the red phase. In addition, multiple residential driveways along a single block of a street with four travel lanes is not a unique condition in urban San Francisco. As such, the proposed project would not create hazards to/from garages on the north side of California Street.

The project's potential traffic hazard impacts, including the impact of curb cut modifications and streetscape changes, are addressed under Impact TR-3 starting on EIR p. 4.C.81. An evaluation of traffic operations was conducted to assess potential hazards related to vehicle access and circulation and queueing at the project site driveways. The driveway operations analysis and queue evaluation reports are included in EIR Appendix D (see Attachment F starting on p. 144). The proposed driveway on Laurel Street would be located directly across the street from the existing driveway to the Laurel Village surface parking lot about 120 feet south of the signalized California Street/Laurel Street intersection. Based on the initial trip distribution and assignment analysis, assuming an all-movement driveway, a share of the project-generated vehicle trips would be expected to enter

⁵ Intersection average delay is computed as a weighted average of the average control delay for all lane groups based on the number of vehicles in each lane group and represents the average delay per vehicle at the intersection.

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the project site at this location from the north and exit the project site to the south via southbound Laurel Street. Based on the operational analysis, the queue at this location would not spill back into the adjacent intersection at California Street/Laurel Street. However, as a result of the potential for the addition of project-generated traffic and the introduction of new turning movements at this location to result in conflicts between vehicles entering/exiting the Laurel Village driveway and vehicles entering/exiting the project site, there would be a potential for queues to extend into the adjacent California Street/Laurel Street intersection and impede transit, pedestrians, and bicycles on the project frontage and along California Street. Based on this analysis, the project was redesigned during environmental review to implement left-turn restrictions and provide a right-in/right-out driveway on Laurel Street south of California Street. Right-in/right-out operations at this location would minimize the potential for queues to develop and resolve potential hazards at this location. The driveway queue abatement improvement measure would not be required and was identified to further reduce the proposed project's or project variant's less-than-significant traffic hazard impacts and help ensure that recurring vehicle queues do not occur at the project driveways.

Vehicle parking spaces for the various land uses would be provided as shown in Table 2.3: Parking Summary in Chapter 2, Project Description on EIR p. 2.73, with proposed access as shown on Figure 2.22: Proposed Site Access on EIR p. 2.62. Most of the parking spaces (over half) would be individually assigned to residents who choose to pay for them or would be designated car share spaces. A "lot full" sign would only apply to the non-residential parking spaces. The proposed project and project variant have been revised since the publication of the draft EIR (see RTC Section 2, Revisions and Clarifications to the Proposed Project). The project revisions include reductions in retail square footage and a reduction in the number of parking spaces. These project changes do not alter the analysis or conclusions in the EIR related to traffic hazards or the impact of streetscape modifications included in the proposed project and project variant.

Proposed streetscape modifications are detailed on EIR pp. 4.C.39-4.C.41 and illustrated in Figure 2.28a and 2.28b on EIR pp. 2.80-2.82. Discussion of the proposed streetscape modifications is included in RTC Section 4, Master Response – Transportation and Circulation, subsection C.3, Intersection Operations Analysis, under "Streetscape Modifications," starting on RTC p. 4.18. The intersection operations analysis conducted at locations where streetscape modifications are proposed (i.e., the Presidio Avenue/Pine Street/Masonic Avenue, Masonic Avenue/Euclid Avenue, and Mayfair Drive/Laurel Street intersections) is documented in the Streetscape Changes Operations Analysis Memorandum, included in the project's AB900 Record of Proceedings.

The operations analysis shows that the project variant would not result in substantial delays or queue lengths as a result of the project-related increase in vehicle traffic and proposed removal of the channelized right turns (Presidio Avenue/Pine Street/Masonic Avenue and Masonic Avenue/Euclid Avenue) or installation of bulb-outs (Mayfair Drive/Laurel Street). As

demonstrated by the analysis, the transportation network would accommodate the increase in traffic volumes generated by the proposed project or project variant with minimal increases in intersection delay and queue lengths. Therefore, no significant impact was identified in the operations analysis, the comments do not present new evidence that there would be a significant impact, and mitigation measures would not be necessary.

The project's potential passenger loading impacts, including impacts to JCCSF operations, are addressed under Impact TR-10 starting on EIR p. 4.C.98. The project's potential pedestrian impacts are discussed under Impact TR-7 starting on EIR p. 4.C.92. The project does not propose any changes to drop-off and pick-up for the JCCSF and passenger loading/unloading for that use will continue to occur along California Street across from the project site and via the one-way internal private driveway off Walnut Street. Vehicle trips generated by the proposed project would not impact existing drop-off and pick-up operations for the JCCSF, as vehicles accessing the site and traveling westbound on California Street would be in the leftmost travel lane to make a left turn at the Walnut Street entrance. Furthermore, the intersection operations analysis conducted at intersections along California Street/Walnut Street and documented in the Travel Demand Memorandum on pp. 25-29 in EIR Appendix D show that the proposed project would result in minimal increases to intersection delay and queue lengths during the weekday a.m. and p.m. peak hour.

Passenger loading for the proposed project and project variant would not occur on California Street and would not impact existing queues at the JCCSF, as project-related loading activities would be accommodated on street on Masonic Avenue, Euclid Avenue, and Laurel Street, as well as at the Walnut Street roundabout within the project site. Furthermore, the pedestrian-related features of the proposed project and project variant would represent an improvement over existing conditions with respect to accessibility, as both would include connections across the project site for pedestrians, which do not exist under baseline conditions, as well as streetscape modifications including sidewalk widening, installation of corner bulb-outs and crosswalks, and removal of channelized right-turn lanes. The possibility of removing the channelized right-turn lane at California/Presidio was explored to help increase pedestrian visibility and slow vehicular movements for vehicles turning from California Street to southbound Presidio Avenue; however, the presence of Muni overhead wires and the use of the turn by buses rendered that option infeasible.

The project's potential freight loading and emergency access impacts, including a discussion of truck turning movements, are addressed under Impact TR-9, starting on EIR p. 4.C.96, and Impact TR-11, starting on EIR p.4.C.99. Truck turning diagrams are included in EIR Appendix D starting on p. 254. Truck turn diagrams were reviewed by SFMTA and designs were updated based on SFMTA feedback during preparation of the draft EIR.

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The proposed supply of on-street and off-street loading spaces would meet the overall freight loading demand generated by the proposed project or project variant in terms of number, size, and location of loading spaces. Delivery vehicles would vary in size but based on information in the SF Guidelines, the majority (95 percent) would be two-axle trucks that do not have a 50-foot wheel base. As shown in EIR Appendix D, the SFMTA's standard design vehicle, the SU-30, can complete all turn maneuvers in the project area while maintaining position within the appropriate travel lane. During the limited, rare occurrences that a truck with a 50-foot wheel base would access the project site or adjacent streets, no potentially hazardous condition would occur. The small number of trucks would require a slower turning movement to access the travel lane. Based on existing or existing plus project counts, none of the streets include such substantial amounts of traffic that there would not be opportunities for the truck to safely maneuver away from the oncoming traffic into its lane.

During the construction period, larger haul trucks would be expected to access the site. As shown in Table 4.C.18, on EIR p. 4.C.70, the number of construction-related truck trips would range from 10 to 80 per day for material removal and soil hauling during demolition and excavation for each phase of the construction program. It is anticipated that primary access to and from the project site for construction truck traffic would be provided from California Street and Presidio and Masonic avenues, with few construction-related vehicles entering the project site from Euclid Avenue and Laurel Street, where the turn maneuvers are tighter. While these vehicles may need to turn into the opposing lane to complete the turning maneuver, no potentially hazardous condition would occur as construction work would typically be scheduled to avoid peak commute periods. Construction would be conducted in compliance with City requirements (e.g., SFMTA's *Regulations for Working in San Francisco Streets* [Blue Book], the Public Works Code and other public works orders) such that they would not result in substantial interference with pedestrian, bicycle, transit, or vehicle circulation or result in potentially hazardous conditions for pedestrians, bicycles, transit, or vehicles.

As discussed under Impact TR-10 on EIR pp. 4.C.98-4.C.99, an evaluation of passenger loading demand and supply was conducted to assess potential impacts with on-street queues and traffic hazards at the proposed passenger loading zones. On-street passenger loading zones are proposed on the west side of Masonic Avenue near Presidio Avenue and Pine Street, on the north side of Euclid Avenue near Masonic Avenue, and on the east side of Laurel Street near Mayfair Drive as part of the proposed project and project variant (see Figure 2.22, EIR p. 2.62). These three on-street zones would each be about 60 feet in length and could accommodate up to three passenger vehicles each. Passenger loading would also occur on site at the proposed roundabout at the terminus of the Walnut Street extension into the project site. This proposed circulation feature would allow residents and guests to be picked up or dropped off at a central location without interfering with traffic on the surrounding street network.

The proposed supply of on-street passenger loading spaces (three 60-foot-long zones that could support a total of three vehicles in each zone, for a total of nine vehicles), and the passenger loading space available at the Walnut Street roundabout, would exceed the projected passenger loading demand of four vehicles. The passenger loading demand estimates presented on EIR p. 4.C.61 include demand for for-hire vehicles, e.g., transportation network companies, taxis. The provision of an adequate supply of on-street and off-street passenger loading would have multiple benefits, including a reduction in potential conflicts associated with double-parked vehicles. The design and placement of proposed color curb modifications has been reviewed by SFMTA and their input has been incorporated into the proposed project and its variant. As such, the proposed project or project variant would meet the demand for passenger loading and the project would not create localized loading impacts.

The comments do not identify any new significant impacts not already presented in the EIR, do not show that any significant impacts in the EIR would be substantially more severe, and no new mitigation measures would be needed.

COMMENT TR-8: PEDESTRIAN/BICYCLE HAZARDS

“1. **Traffic /Pedestrian Safety Concerns.** Pages 4.C. 68-71. As previously noted in our other letters, we have 4500 daily users ranging from newborns in strollers to school children to frail older adults. Our only access point for pedestrians and cars is from California Street (except for preschool pick-up and drop-off which enters off Walnut Street but exits onto California Street.) Many of our users and employees routinely cross the California/Presidio and California/Walnut intersections to enter or exit our building. We do not believe that the DEIR has fully described the existing traffic patterns around the JCCSF and, therefore, has not adequately analyzed the potential negative impact of the 7-15 years of Project construction traffic in the vicinity of our building on traffic and pedestrian safety in the vicinity of the JCCSF building. In particular, the DEIR’s description of the existing traffic patterns around the JCCSF should acknowledge the existing traffic issues and (resulting impact on pedestrian safety) in the vicinity of the JCCSF caused by afternoon westbound traffic (much higher than morning westbound traffic) intermingling with: (a) cars picking up and dropping JCCSF users in the JCCSF California Street white zone; (b) cars entering the JCCSF garage snaking back in a waiting pattern along California; (c) cars leaving the JCCSF garage weaving into westbound traffic on California Street; and (d) cars leaving the preschool drive-through weaving into westbound traffic on California Street. All these factors are also affected by the slowdown in westbound traffic that occurs due to the dramatic decrease in visibility experienced by late afternoon westbound drivers as the sun hits their windshields causing glare. Additionally, the DEIR needs to account for the morning traffic patterns as preschool cars drop off children at the Walnut Street entrance with the line of waiting cars snaking back onto California Street in front of the JCCSF garage. We already have implemented many measures ourselves to address these issues including: (i) assignment of additional staff during peak times to manage loading zone backups; (ii) increased signage for parents re loading/ unloading; (iii) provision of a white zone on Walnut (east-side close to California) to allow the line of cars waiting to go through the drive- through to have a place to queue without blocking traffic; (iv) during camp season (which is a peak period of usage), staggering programs to shift pick up and drop off and adding cones to direct traffic; and (v) working with MTA to move the bus stop on Presidio back 20 feet from the California/Presidio

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intersection to improve visibility of pedestrians for other southbound vehicles. Nonetheless, we are very concerned that current situation could be made much worse by 7-15 years of construction traffic. As a result, while acknowledging that we are not traffic experts, we would request that the DEIR analyze potential mitigations such as: limiting construction traffic entering into the Walnut Street entrance to the Project site; installing longer lights for pedestrian crossings at California/Walnut and/or California/Presidio; constructing sidewalk bulb outs in the vicinity of the JCCSF; installing flashing pedestrian crossing signals, etc.; directing blue book regulations to be applied in a manner that limits the exacerbation of these problems. Even if the City believes that the construction traffic will not cause significant impacts pursuant to the DEIR standards of significance, we believe that it is in everyone's best interests to implement every advance preventative action possible to enhance the safety of the thousands of young children and older adults who use this community center on a daily basis.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, January 8, 2019 [O-JCCSF1-1]*)

“b. Traffic Circulation and Pedestrian Safety

- i. California Street: The TIS should evaluate sidewalk capacity on both sides of California Street with respect to Project-related pedestrian trips, particularly at bus shelter pinch points.
- ii. California/Walnut Intersection: The TIS should evaluate left turn restrictions as a means of mitigating the pedestrian safety effects of unprotected left turns across California Street by Project-related traffic.
- iii. California/Presidio Avenue intersection: The TIS should assess the removal of the right-tum (slip) lane on California Street as a means of mitigating the pedestrian safety effects of free right turns by Project- related traffic.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, October 20, 2017 [O-JCCSF3-6]*)

“3. MUNI bus stops on Presidio Street and California Street.

MUNI buses staging on Presidio directly adjacent to the east side of the JCCSF block the views of cars heading south on Presidio and turning west on California. Importantly, pedestrians in the California/Presidio intersection crosswalks can be obscured by the waiting MUNI buses. We are already in conversation with SFMTA about the impact of this conflict on the safety of pedestrians in these crosswalks (particularly older adults who walk more slowly and young children who can be hard to see). We want to make sure that the potential increase in California Street traffic (whether east- or westbound) does not further exacerbate the safety issues at this intersection. We are hopeful that your analysis might look at different intersection design configurations at California/Presidio that would reduce these safety impacts.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, June 3, 2016 [O-JCCSF4-5]*)

“B. The Project Would Cause a Potentially Significant Hazard to Pedestrians.

The DEIR failed to analyze adequately the significant hazard to pedestrians that would result from unloading operations conducted at the proposed 100-foot long commercial loading zone proposed to be installed on California Street adjacent to the project site. Preliminary Design 08/2018 and plan sheets C2.02 and L1.01 show that this 100-foot commercial loading zone would be adjacent to a “PEDESTRIAN ACCESS POINT” and the pedestrian sidewalk on California Street. (Ex. L) Trucks off-loading freight from this loading zone would likely cross the sidewalk to deliver freight to the site, and some such crossings would likely traverse that pedestrian access

point. The proposed 100-foot commercial loading zone is adjacent to a major pedestrian access point in the proposed project. The off-loading of freight in this area could cause major hazards to pedestrians using the sidewalk in this area. The DEIR is inadequate because it failed to analyze this potentially significant impact and provide mitigation measures to avoid or substantially reduce this impact.

The following mitigation measure is feasible and would mitigate this hazard to a less than significant level:

MITIGATION MEASURE. All freight loading or unloading will be conducted in the underground garages provided in the proposed project/variant.” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-15]*)

“In addition, increasing the traffic will make it more hazardous for a large number of seniors using walkers, as well as endanger mothers with baby carriages trying to cross these already very busy intersections.” (*Judy Doane, Draft EIR Hearing Transcript, p. 30, December 13, 2018 [I-Doane-5]*)

“While there are many impact areas of the Draft Environmental Impact Report that should be challenged as the assumptions used are suspect, I will focus on one:

- **Cumulative Pedestrian Conditions (4.c.112)**

As an avid walker in San Francisco, I appreciate the effort to improve sidewalks and intersections. However improvements that are proposed will do nothing to enhance the pedestrian environment. For example the addition of a crosswalk at the eastern Mayfair/Laurel intersection will not fix today’s problem that will only be worsened with the post project increased traffic. Today the crosswalk that runs north /south across the west side of Mayfair at Laurel is a death trap as people using Collins as a pass through routinely fail to stop at the intersection. Increased traffic volume will result in more injuries. The only reason that this crosswalk did not come up as dangerous is that today’s residents know to pay attention. Who will warn the new residents of 3333 California?

Also the Euclid Avenue traffic circles have made pedestrian life a nightmare. Drivers cannot see across the traffic circle and are so busy trying to figure out how to navigate that pedestrians are ignored. Again, the assumption that the traffic calming will help with the increased traffic volume is fallacious.

The new bulb out on the NE corner of Euclid and Laurel has not made the intersection any safer. Drivers routinely turn right onto Laurel without coming to a full stop. The addition of one on the NW corner will not change the driving behavior. Again the increased traffic will not be mitigated by these bulb-outs.” (*Linda S. Glick, Letter, January 6, 2019 [I-Glick2-4]*)

“The truck traffic and other construction traffic is a threat to pedestrian safety. The congestion will force cars onto nearby side streets, affecting the whole area.” (*David Goldbrenner and Zhenya Fridlyand, Email, January 4, 2019 [I-Goldbrenner3-4]*)

“If double-parkers occurred at the intersection of Euclid and Laurel or farther east, there could be major collisions from being not only blinded by the sun but due to the trifurcation of Pine into Euclid, Presidio, and Masonic. This area is like an accident waiting to happen. I cross there as a pedestrian on the tiny little refuge islands and can get the breeze from cars “flying” by. The time

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for the signal for pedestrians to cross on a fresh green is very short there. Vehicles do not see the signals well so they continue on their turns even on a red.

There could be major traffic hazards with a new retail on the Euclid corner which may take out people on the pedestrian islands or on the sidewalk. The retail on Euclid side should be taken out because people will spill out onto the dangerous part of the parcel putting them at risk for their safety. Rideshares will be taking up road space and on-street parking for pick-ups and drop-offs so there will be a lot of automobile delay especially with the heavy traffic from Pine (one-way westbound, Masonic (left turn westbound onto Euclid & right turn onto Euclid) and Euclid (from other cross-streets) are combined.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-14]*)

“Putting retail in the Euclid building and at the corner plaza where the Muni Express buses and commuters travel at a good clip around the Euclid-Masonic intersection at all hours but especially during the AM and PM peak hours with 3-lanes of one-way traffic from Pine heading westbound is compromising safety for everybody. I do not think this should be considered “LTS” if any sort of use allows people to linger about this area and on the corner of this steep hill area.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-23]*)

“This also applies to S.13 **TR-7 & TR-8** -- bike lane on Euclid at Masonic heading westbound & to downtown. This is not safe due to slope with multiple vehicular feeders in the area.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-25]*)

“NOTE: In Table 4.C.1 above, Number 10 states that the “Existing Traffic Control” is only a “Signal.” This is *NOT* true. There is also an uncontrolled traffic lane going eastbound on Euclid to southbound on Masonic. Pedestrians can get killed here as many vehicles turn that corner near the traffic islands.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-38]*)

“Having more cars circulating in the area would also increase the chances also for pedestrian safety to be compromised. All of the traffic does not necessarily have to be directed into and around this project site if certain uses are curtailed.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-59]*)

“8. Pedestrian safety due to increased traffic” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-9]*)

“I had written Julie last summer with feedback/concerns about pedestrian safety near 3333 California project. I’m writing again because I’m concerned that I haven’t heard our comments addressed -- at least not from what I’ve read in the report. It’s possible I’ve missed it, as it’s a long report! So apologies if so. But I didn’t see pedestrian safety in the nearby streets as a known area of concern that was addressed, and what I did see mentioned that there was no impact.” (*Nathan Stoll, Email, January 18, 2019 [I-Stoll-1]*)

“We specifically are worried about pedestrian safety in the area. We believe the conditions for pedestrian in this area to already be hazardous. It’s important to note that this is NOT the fault of the developer or their proposal! But, given that improvements are to be made, and the project will increase the number of pedestrians, we think it’s wrong that the following conclusion was drawn:

“TR-7: The proposed project or project variant 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.”

The project won't create worse conditions for pedestrians. However, the conditions *today* are hazardous, specifically at the top of Pine street at Presidio, the intersection of California and Presidio, and the intersection of Euclid/Masonic/Pine alongside the new development. I am regularly almost hit by cars flying through these intersections. Often with a stroller or dogs with me.

Some more specifics:

- (Study area 8) The intersection of Pine and Presidio is one of the most dangerous in the city for cars alone -- but even worse for pedestrians, who try to avoid it right now, as drivers coming up the hill cannot see before turning left. There is no cross walk on the other side, because it is dangerous, but no barriers and pedestrians regularly cross here still at risk of their lives. This project WILL increase the frequency of pedestrians crossing this intersection and something should be done to improve it. Study area 11 (Bush st) has similar problems but slightly different.

- (Study area 10) The intersection of Euclid/Pine/Masonic is equally hazardous for those crossing in various ways; pedestrians crossing from the complex are blocked from view by parked cars for cars coming up the hill at high speed -- who don't slow down, as the corner is today a yield. Will the project address safety there? This is a KEY walking route to Trader Joes, which the proposed project makes into an even bigger walking path. I've nearly been hit twice in the past two months. For example, the parking should be removed well back from the cross walk so cars have visibility, and it should have speed bumps at a minimum before the yield.

- (Study area 6) The intersection of California and Presidio is WAY too short of a light & cross-walk for pedestrians, and because of the three-way nature of the light is almost impossible to get across safely, as drivers who are not used to the three-way system regularly assume it is a normal 2-way, and turn when pedestrians have a cross walk (because the light is red). The traffic that doesn't stop turning right in front of the credit union through the turn lane is even more dangerous. This should be stop sign, if it isn't removed altogether (Julie Moore told me that the muni buses need it for turning radius). Or implement a 4-way walk with no cars, like exists downtown at very busy intersections. Notably, our son attends school at the JCC, so we along with many families are regularly crossing these intersections with small children. Elderly adults are in the facility next door, and I frequently have to help elderly individuals across the street; it's impossible to get across in time.

These study areas and the pedestrian characteristics were discussed in 4.C.21, but I explicitly do NOT feel like the concerns have been mitigated/addressed. It may not be the developers responsibility to fix them, but someone needs before for the project to make them substantially worse and someone dies!

The Vision Zero studied the areas that *currently* have high risk data for pedestrian injuries. I'm asserting that the pedestrian behavior will SHIFT because of the project, because there will be people living or walking to the new retail locations and pathways, and the intersections they will use are hugely dangerous. So even though they don't have a lot of traffic now, they WILL and it will be dangerous.

* I'll add that one of the high risk areas in Vision Zero is California St between Lyon and Scott; it's high risk because all of the mapping software now routes drivers this way to avoid California and Presidio. And so they come flying through a very residential neighborhood trying to get to

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Bush or Pine. :(Wasn't a problem a decade ago." (*Nathan Stoll, Email, January 18, 2019 [I-Stoll-3]*)

"Additionally, I think ignoring California and Presidio because they're not part of the direct development is very naive if that's the city's perspective. These new residents will impact ALL nearby intersections with both cars and pedestrian volume, and these are some of the most dangerous intersections in San Francisco. So just because the fire union is it's own building, does not mean the impact should not be considered. I feel similarly about the intersection of Bush and Presidio, which also has incredibly high accident and pedestrian risk today.

I'd like to see the city take STRONG action in these neighboring streets & intersections to assure us as residents that our lives will not be put in danger by the increase in traffic, congestion, and pedestrians. Our families are at stake; we're not safe today, and this project WILL make our lives more at risk." (*Nathan Stoll, Email, January 18, 2019 [I-Stoll-7]*)

"My wife and I live at the top of Pine street with our two children, and we've been watching the proposed project at 3333 California with interest -- general support -- but concerns about pedestrian safety with the likely increase in traffic.

I know we missed the May 25th deadline for formal comments, but I'd like to understand what the project's sponsors and the city intends to do about our already very dangerous intersections at Pine & Presidio, California & Presidio, and California & Walnut. I've been nearly hit multiple times in each intersection, and witness near monthly crashes on Pine and Presidio, where the steep hill and timed fast lights prevent cars from fully seeing pedestrians and other traffic while gunning for the light or to turn into the cross walk. There is also no cross walk at present across Presidio to the proposed development." (*Nathan Stoll, Email, January 18, 2019 [I-Stoll-8]*)

"But. The current situation is already dangerous, and with the new garages, cars, and residents and businesses, the situation is poised to be disastrous.

Please please please tell me the city has plans to improve pedestrian safety in enormous ways. I'd love to review any such plans, or provide some constructive input as a local resident." (*Nathan Stoll, Email, January 18, 2019 [I-Stoll-10]*)

RESPONSE TR-8: PEDESTRIAN/BICYCLE HAZARDS

The comments state the following concerns: that the EIR has not fully described the existing conditions around JCCSF or adequately analyzed the negative impact of construction traffic on JCCSF operations; that the EIR analysis should evaluate sidewalk capacity, left-turn restrictions at the California Street/Walnut Street intersection, and the removal of the right-turn slip lane at the California Street/Presidio Avenue intersection; that conditions for pedestrians are already hazardous, particularly at the Pine Street/Presidio Avenue, California Street/Presidio Avenue, Bush Street/Presidio Avenue, and Euclid Avenue/Pine Street/Masonic Avenue intersections, and that the EIR should evaluate additional mitigation measures related to hazardous transportation conditions; and that the planned improvements – installation of a new crosswalk at the Mayfair Drive/Laurel

Street intersection and bulbouts at the Euclid Avenue/Laurel Street intersection – will not increase safety for people walking or mitigate effects of increased vehicle traffic at these locations.

Comments also state that the EIR did not adequately analyze the effect of loading/unloading activity in the proposed curbside loading zone on California Street and state that this would result in significant pedestrian impact. As a result, the comment proposes a mitigation measure to conduct all freight loading/unloading on site. Other concerns expressed are that provision of retail in the Euclid Building near the Euclid Avenue/Masonic Avenue intersection would create hazards for pedestrians, and that the westbound bike lane on Euclid Avenue is not safe. The comments state that study intersection 10 shown in Table 4.C.1 on EIR p. 4.C.4 is partially signal-controlled with an uncontrolled lane on Euclid Avenue to southbound Masonic Avenue.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under the following subsections: “Existing Conditions” starting on EIR p. 4.C.4; “Pedestrian Facilities and Circulation” starting on EIR p. 4.C.20; “Bicycle Facilities and Circulation” starting on EIR p. 4.C.22; “Passenger Loading starting on EIR p. 4.C.25; Impact TR-1 starting on EIR p. 4.C.68; Impact TR-7 starting on EIR p. 4.C.92; and Impact TR-8 starting on p. 4.C.94. The EIR concluded the proposed project or project variant would have less-than-significant construction-related impacts and less-than-significant impacts on pedestrian and bicycle safety and no mitigation measures would be required. CEQA does not require that a project mitigate existing conditions. The comments received on the draft EIR do not present evidence that the transportation analysis in the EIR was inadequate, that there would be any new significant impacts not identified in the EIR, or that there would be substantial increases in the severity of impacts identified in the EIR.

The existing traffic, transit, pedestrian, bicycle, loading and emergency access conditions on and around the project site, including conditions around the JCCSF, are described in Section 4.C, Transportation and Circulation, under the “Existing Conditions” subsection starting on EIR p. 4.C.4. This section describes the local roadway and transit facilities, pedestrian facilities and circulation, bicycle facilities and circulation, and freight and passenger loading conditions. The existing and baseline conditions analysis incorporates traffic counts collected at intersections within the study area that capture existing circulation patterns and account for current trip-making characteristics, such as use of side streets to avoid congestion, or adherence to software routing suggestions from mapping application such as Google Maps, Apple Maps, and Waze.

A detailed discussion of passenger loading activity observed at the JCCSF is provided in the passenger loading section beginning on EIR p. 4.C.25-4.C.26 and data are included in EIR Appendix D (starting on p. 219).

The project’s potential construction-related transportation impacts are addressed under Impact TR-1 starting on EIR p. 4.C.68. A response to comments related to construction impacts is also provided in Response TR-6: Construction Impacts, on RTC p. 5.E.56. Comments regarding

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identification of mitigation measures for hazardous transportation conditions are noted. However, the proposed project or project variant would have a less-than-significant impact on transportation as a result of construction and no mitigation measures would be required. Construction would be conducted in compliance with City requirements, as noted on EIR p. 4.C.71, such that they would not result in substantial interference with pedestrian, bicycle, transit, or vehicle circulation or result in potentially hazardous conditions for pedestrians, bicycles, transit, or vehicles. Construction-related activities for the proposed project or variant would have a less-than-significant impact on transportation and no mitigation measures would be required. However, Improvement Measure I-TR-1: Project Construction Updates (EIR p. 4.C.74) was identified to further reduce less-than-significant construction impacts to nearby residents, institutions, and businesses. This improvement measure could become a condition of approval and/or be included in the development agreement.

The project's potential pedestrian impacts are addressed under Impact TR-7 starting on EIR p. 4.C.92. The analysis of pedestrian impacts considers whether the addition of project-generated vehicle and pedestrian trips would have an impact on the pedestrian network proposed for the project site and whether the proposed project or project variant would create potentially hazardous conditions for pedestrians. The proposed project and project variant would generate walk trips directly to and from destinations and walk trips to and from transit stops. Weekday a.m. and p.m. peak hour walk trips for the proposed project and project variant are presented in Table 4.C.14 on EIR p. 4.C.58. California Street and Presidio and Masonic avenues would be the primary routes for pedestrians traveling from off-site locations to and from the project site.

As discussed on EIR p. 4.C.22, three street segments near the project site are identified as part of the City's Vision Zero High Injury Network: California Street between Lyon and Scott streets, Post Street between Lyon and Steiner streets, and Geary Boulevard between 31st Avenue and Steiner Street. Streetscape changes proposed by the project 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 installation of corner bulb-outs at the southwest corner of the California Street/Laurel Street intersection, 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. These modifications would increase the amount of sidewalk space available for people walking and waiting for transit.

While the proposed project and variant would increase the number of vehicle trips and pedestrian trips in the study area, the proposed project and variant would also improve conditions in areas that currently exhibit challenges for pedestrians (e.g., removal of channelized right turn lanes at the intersections of Presidio and Masonic avenues and at Masonic and Euclid avenues, which would slow vehicular traffic). As a result, the proposed project or variant would not create potentially hazardous conditions for pedestrians. As defined in the San Francisco Planning Department's *2019 TIA Guidelines*, for purposes of CEQA, hazards refer to traffic engineering aspects of a project

(e.g., speed, turning movements, complex designs, substantial distance between street crossings, sight lines) that may cause a greater risk of collisions that result in serious or fatal physical injury than a typical project. This analysis focuses on hazards that could reasonably stem from the project itself, beyond collisions that may result from non-engineering aspects or the transportation system as a whole.

Existing challenges for pedestrians, including the right-turn slip lane at California Street/Presidio Avenue, are discussed in the “Pedestrian Facilities and Circulation” subsection of EIR Section 4, Transportation and Circulation (EIR pp. 4.C.20-4.C.22). The possibility of removing the channelized right-turn lane at California Street/Presidio Avenue was explored; however, the presence of Muni overhead wires and the use of the turn by buses rendered that option infeasible. An existing pedestrian issue is not a significant environmental impact of the proposed project. The proposed project or variant would not decrease pedestrian visibility or increase the speed of vehicular movements for vehicles turning from California Street to southbound Presidio Avenue. Furthermore, the proposed project would not increase the number of pedestrian crossings or vehicle movements at this location such that a potentially hazardous condition would result. Therefore, the proposed project or project variant would not result in a significant impact to pedestrians.

As shown in Table 4.C.16, on EIR p. 4.C.61, the proposed project and project variant are estimated to result in a demand for about five freight loading spaces during the average hour and about six freight loading spaces during the peak hour of loading activity. The proposed commercial loading program is discussed on EIR pp. 4.C.42-4.C.44, and the freight loading impact analysis is presented under Impact TR-9 on EIR pp. 4.C.96-4.C.98. As stated, all freight loading activity from the proposed project or project variant could be accommodated on site through provision of six off-street commercial loading spaces. Upon review of the site plan and location of proposed freight loading docks, SFMTA requested the addition of one on-street commercial loading zone on California Street to meet localized demand for deliveries generated by the retail uses concentrated along this frontage and minimize potential for delivery vehicles to double-park. As a result, in addition to the six off-street commercial loading spaces, the proposed project and variant would provide one 100-foot-long on-street commercial (yellow curb) loading zone on the south side of California Street east of Laurel Street.

Deliveries would occur throughout the day and would not be concentrated during peak hours of activity, thereby minimizing the potential for loading conflicts with traffic, transit, bicyclists, and pedestrians on the surrounding street network. There would be adequate space for circulation on the California Street sidewalk and within the California Street plaza at the corner of Laurel and California streets in the ground-floor setback associated with the proposed retail in the Plaza A Building for people walking to/from the site and people loading/unloading goods. People walking would have access to the site and its open space via the proposed Cypress Stairs between the Plaza A and B buildings on the south side of California Street adjacent to the proposed loading zone via

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entrances to the Plaza A and B buildings themselves. As such, the loading/unloading of goods from the on-street commercial loading zone would not cause potentially hazardous conditions to pedestrians using the sidewalk in this area. The provision of an adequate supply of on-street commercial loading spaces, in addition to the six off-street commercial loading, would minimize conflicts associated with double-parked vehicles when commercial loading zones are located relatively close to the businesses receiving deliveries. The design and placement of color curb modifications has been reviewed by SFMTA and their input has been incorporated into the proposed project. The proposed project or project variant would not result in a pedestrian impact and no mitigation measures related to the location of freight loading are warranted, unlike as proposed by the commenters.

Proposed streetscape modifications are detailed on EIR pp. 4.C.39-4.C.41 and illustrated in Figures 2.28a and 2.28b in Chapter 2, Project Description on EIR pp. 2.80-2.82. The intersection operations analysis conducted at locations where streetscape modifications were proposed is documented in the Streetscape Changes Operations Analysis Memorandum. As demonstrated by the analysis, the transportation network would accommodate the increase in traffic volumes generated by the proposed project and project variant with minimal increases in intersection delay and queue lengths. As documented on EIR p. 4.C.83, the addition of the corner bulbout at Euclid Avenue/Laurel Street and installation of corner bulbout and eastside crosswalk at Mayfair Drive/Laurel Street would increase pedestrian visibility, shorten the crossing distance and exposure to traffic for people walking, slow vehicle traffic, and improve sight distance for drivers.

As described on EIR p. 2.7, the Euclid Building would have limited ground-floor retail space fronting the south end of the proposed Walnut Walk near the intersection of Masonic and Euclid avenues and would not attract a substantial number of pedestrians who would use nearby sidewalks and crosswalks. Pedestrian access to the site in this location would be provided at the intersection of Masonic and Euclid avenues at the southern terminus of Walnut Walk (the proposed Corner Plaza). As described on EIR p. 2.80 and above, the proposed project would reconfigure the west curb line on Masonic Avenue at its intersection with Euclid Avenue (see Figure 2.28b: Existing Streetscape and Proposed Streetscape Changes – Masonic Avenue on EIR p. 2.82) to remove the right-most travel lane for southbound traffic on Masonic Avenue merging onto Euclid Avenue to regularize the intersection of Masonic and Euclid avenues by eliminating the slip lane. The existing triangular-shaped pedestrian island would be incorporated into an approximately 4,000-square-foot open space (Corner Plaza) that would be integrated with the southern end of the proposed Walnut Walk. The proposed streetscape changes would not create potentially hazardous conditions for people walking.

The existing bicycle conditions around the project site, including the existing bike lanes on Euclid Avenue, are described in the “Bicycle Facilities and Circulation” subsection of EIR Section 4, Transportation and Circulation (EIR pp. 4.C.22-4.C.24). As described in this subsection, a class II

facility (bike lanes) exists on Euclid Avenue from Arguello Boulevard to Masonic Avenue. The facility continues as a class III bike route for one block to connect with Presidio Avenue. As noted in the “Bicycle Network Baseline” subsection on EIR p. 4.C.30, the Laurel Heights/Jordan Park Traffic Calming Project was completed in March 2018 and included restriping Euclid Avenue between Arguello Boulevard and Masonic Avenue and installing a two-foot buffer for the existing bike lane. The proposed project would reconfigure the west curb lane on Masonic Avenue at its intersection with Euclid Avenue (see Figure 2.28b: Existing Streetscape and Proposed Streetscape Changes – Masonic Avenue) to remove the right-most travel lane for southbound traffic on Masonic Avenue merging onto Euclid Avenue. This proposed modification would slow right-turning vehicles and eliminate the existing bike-vehicle conflict zone west of the Euclid/Masonic avenues intersection, creating safer conditions for people biking in the westbound bicycle lane on Euclid Avenue.

As shown in Table 4.C.1 (EIR p. 4.C.4), study intersection number 10 (Euclid/Masonic) is signal controlled. However, as the comment noted, the intersection also has channelized free right-turn lanes. The existing condition was accounted for in the transportation analysis. Existing challenges for pedestrians, including the right-turn slip lane at Euclid/Masonic avenues, are discussed in the “Pedestrian Facilities and Circulation” subsection of EIR Section 4, Transportation and Circulation (EIR pp. 4.C.20-4.C.22). An existing pedestrian issue is not a significant environmental impact of the proposed project. The proposed project or variant would not decrease pedestrian visibility or increase the speed of vehicular movements for vehicles using this channelized free right-turn lane, turning from southbound Masonic Avenue to westbound Euclid Avenue. Furthermore, the project variant, with its 109 net new a.m. peak hour and 37 net new p.m. peak hour vehicle trips (including TNCs) turning from southbound Masonic Avenue to westbound Euclid Avenue, would not substantially increase the number of vehicle movements at this location such that a potentially hazardous condition would result. The proposed project would generate fewer vehicle trips than the project variant. Therefore, the proposed project or project variant would not result in a significant impact to pedestrians and no mitigation measure would be required.

The comments do not present evidence of new significant environmental impacts related to pedestrian or bicycle hazards that are not identified in the EIR, and no new mitigation measures would be necessary.

In addition, the proposed project and project variant have been revised since the publication of the EIR. The retail program has been amended (see RTC Section 2, Revisions and Clarifications to the Proposed Project) and retail is no longer proposed as part of the Euclid Building program. In addition, the project revisions include reductions in retail square footage in other buildings along California Street, a reduction in the number of parking spaces, and reconfiguration of the proposed commercial loading space on California street, as well as changes to the size of open spaces among other changes. Instead of the 100-foot long commercial loading space on the south side of

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California street west of Walnut Street, a 60-foot long loading space would be implemented on the south side of California Street west of Walnut Street and a 40-foot loading space would be provided on the south side of California Street east of Walnut Street. These project changes do not alter the analysis or conclusions of the EIR.

COMMENT TR-9: TRANSIT IMPACTS

“c. Transit - The TIS should consider the need for bus bulbs to handle Project-related transit ridership.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, October 20, 2017 [O-JCCSF3-7]*)

“2. Walnut Street Drive-Through Conflict with the Jackson MUNI line

The JCCSF has a parent drive-through area that enters the JCCSF property on Walnut Street and exits onto California Street (just west of the JCCSF garage entrance). This drive-through is used by parents to drop off their preschoolers in the morning and pick them up in the afternoon. At peak times (i.e., weekday mornings and late afternoons) the line of cars waiting to enter this area will back up and wrap around onto California Street, blocking the drive-through exit. Space is at a premium at this Walnut/California intersection, given that MUNI’s Jackson line heads west on California and then turns north onto Walnut (the buses have little room to maneuver around the cars, as they run on overhead electric lines, and the lines of cars and buses then interfere with each other). Recently, we contacted SFMTA to start to find solutions to this problem. We would like to make sure that the traffic studies for the proposed projects take this concern into account and closely examine the space premium issues at the Walnut/California intersection in order to devise appropriate mitigations in light of the likely increase in traffic at this intersection from cars entering and exiting the 3333 project on Walnut Street.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, June 3, 2016 [O-JCCSF4-4]*)

“This is kind of nestled between Sacramento and California, but we’re also a couple blocks away from Geary Boulevard. For people like me who are going to continuously advocate for a Muni expansion, either below ground – I’m a big fan of the 15 feet above ground. It’s a much easier and less expensive way to do light rail service across San Francisco. I realize we’re not there yet, and it’s really tough for a lot of people to kind of envision what that would look like. I plan on riding that subway, that Muni line at some point in my life right now on Geary Boulevard. And this will literally be about a block and-a-half away, and folks will be able to get downtown, and it’s all kind of part of the longer vision of everything that we’re going for.” (*Cory Smith, San Francisco Housing Action Coalition, Draft EIR Hearing Transcript, p. 68, December 13, 2018 [O-SFHAC-2]*)

“Page S.12: Unsure that a new Muni line would mitigate much of the traffic or loading demand on buses when many use the rideshares. Muni ridership has declined. Perhaps more people in this area take rideshare. This means more VMTs in the area than other areas where more ridership exists on Muni. There are many lines that go by the 3333 California site but do not stop there (e.g. 38BX, 38AX, NX, etc.). These existing lines use Masonic to get to Bush to get downtown. Again, with other transportation modes available such as scooters, bikes, rideshares such as Uber, Lyft, Chariot, not sure how this will mitigate the impact of ridership on Muni. Will there be a 43-

Masonic line ridership survey to see where they are all going first? Also, if there is less ridership on Muni overall, why not find out where the ride-hailing companies are taking their passengers and from what point to what point before putting in things that may not make any difference? Will such data be analyzed and shared with the public?

This S.12 mitigation proposal appears to be conflict with C-TR-10 on Page S.17 that says the “project will not contribute...passenger loading impact.” If there is no loading impact, again, it does not make sense to run more buses or run a new Muni line. Also, without knowing if all the future residents and users of the site will be taking Muni or using alternate forms of transportation which are now in use since 2009 when the study was done, not clear why this is also labeled “Not required” and “N/A” just like C-CR-1 (above). And if all the future visitors and residents to the site will be taking rideshare or driving – as the statistics for automobile use in the city is still fairly high with Muni ridership declining, it makes less sense to add to the 43-Masonic line or increase the frequency. Just because there are more buses being run on a line does not mean that is the basis to say the demand is there. There is already the 2-Clement line, the 1-California line and the 43-Masonic at the location. The 38-Geary is only up to 2 blocks away. Anybody west of these locations generally takes the 33-Stanyan, 44-O’shaugnessy, 28-19th Avenue or 29-Sunset lines to go in the north-south direction.

Page S.12 (*see also TR-4* comments): The “fair share” contribution is listed not to exceed these amounts:

Proposed Project – \$182,227

Project Variant – \$218,390”

However, due to the project taking at minimum 5-7 years to be completely built out or as described from the DEIR up to 15 years, these figures would be too low as the cost in future of the Muni operation and purchases increase. There should be a clause in the developer agreement to ensure that the project pays for *future increases in cost* to mitigate the traffic impacts to the value of the cost of the bus with projected cost of a bus in the future. The \$182,000-\$218,000 is low to mitigate impacts of the transit ridership by full development of this project.

TR-4 (*see also S-12* comments): “The proposed project or project variant would result in an adverse transit capacity utilization impact for Muni route 43 Masonic during the weekday a.m. peak hour under baseline conditions.”

“Mitigation Measure M-TR-4: Monitor and Provide Fair-Share Contribution to Improve 43 Masonic Capacity Based on an evaluation of the transit ridership generated by the proposed project or project variant, monitoring of transit capacity utilization for the 43 Masonic line shall be initiated when the first phase of development has been completed and occupied.”

Where are the extra 3 people mentioned in the DEIR triggering the need to purchase another bus at today’s cost of \$940,000+ coming and going to? Why not find out where most of the 43-Masonic line riders are going to and from? Why is there not an estimation of the need for any 43 Masonic buses for the entire development completion with the purchase price of the bus being paid for those as well including estimated bus purchase cost at end of the development? Otherwise, the taxpayers end up paying for supporting Muni via more ridership fare increases and such. A developer who works in partnership with the city should pay for the additional infrastructure costs into the future if his/her development is going to be delayed for many years. Otherwise, it’s cheaper to put the entire development in at the current costs of infrastructure or it will cost a lot more to the taxpayers and Muni riders in the form of fare increases. If the Muni fare increases are equivalent to the rideshare modes, there will be even more VMTs as San Francisco is more and more dependent on rideshares especially as fares increase for the municipal

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bus system (Muni) and travel times increase as more vehicles clog the streets to increase travel time causing major delays so all modes get bogged down and people sit in vehicles and pollute at lower RPMs.” (Rose Hillson, Letter, January 8, 2019 [I-Hillson2-17])

“There’s a comment (Page 523) that states in **today’s** dollar value:

“Cost of a 40-foot electric bus is \$967,132”

The fair-share contribution to even add one bus is not going to be covered per the amounts shown on Page S.12 above because in the future, the bus would cost more. How was this figure calculated? If the project takes years to complete, there should be a figure that would purchase however number of buses to mitigate the impact of not having sufficient number of buses as a result of this project due to the impact to the community in the surrounding area, no?

The trigger for the needed 43-Masonic line is explained as being due to the 3 additional riders on that line. Where are these people on this line going to that it is so heavily skewed to the **northbound** 43-Masonic trips in the AM Peak Hour?

Page 248 shows 43-Masonic ridership NORTHbound & Southbound as below:

(See Comment Letter I-Hillson2, p. 9, in RTC Attachment B for the Directional Muni Line Analysis table for existing and existing plus project conditions that accompanies this excerpted comment.)

Is the same model used for transportation VMTs used for calculating impact or needs for Muni? What is the margin of error to calculate the need for Muni considering the focus is on the 43-Masonic line which is at the boundary of the Census Block or Transportation Analysis Zone (TAZ)? Has any analysis been made as to whether the riders using the 43-Masonic are going across town or milling about just to travel a few blocks to the City Center on Masonic for a cup of coffee? Would it not be more accurate to find out where the riders are going? What about the impacts to the 1-California or the 2-Clement?

Page S.13: “TR-6: The proposed project or project variant would not cause significant impacts on regional transit.” (“LTS” & the mitigation = “None required”)

When the streets in the area get jammed with more vehicles in the area along with potential new bus line or more Muni buses as stated in this DEIR, more road space is taken up and everybody will be waiting, including the Golden Gate Transit buses on Geary that go to Marin County. How is this analyzed in the DEIR?” (Rose Hillson, Letter, January 8, 2019 [I-Hillson2-20])

“Based on the 12,000+ VMT for the project and with all the retail and office space being proposed, there is likely to be delays for transit as more conflicts at the intersections would arise by cutting new streets through the historic property site. There will be automobile delay to the point of gridlock in some areas.” (Rose Hillson, Letter, January 8, 2019 [I-Hillson2-22])

“9. Effects of projected growth on transit infrastructure” (Ian Lawlor, Email, December 13, 2018 [I-Lawlor-10])

“MUNI is not able at this time to guarantee that enough buses will be supplied to take the load of 1,000 residents suddenly appearing in the Laurel Heights area.” (Gilda Poliakin, Email, December 30, 2018 [I-Poliakin-8])

“The EIR Intersection Operations Analysis (Page 9, Task 7.2) has focused on transit timing on California Street. To say that Applicant’s Proposed Project will have little or no impact on transit and traffic flow on all surrounding streets, simply is NOT true. As it is currently during the commute, Masonic Avenue is solid cars between Presidio and Euclid during evening commute hours and that is with the right most lane on Presidio with the additional lane to Euclid; both of which are to be removed as part of Applicant’s Proposed Project. As it is currently, for every southbound vehicle that stops on Presidio at the Presidio/Pine/Masonic light, three now utilize the right most lane up to Masonic or Euclid. That means that if 3 to 5 cars stop for the traffic light, 9 have driven up Masonic and no are longer sitting waiting to turn right at the light. But, if you eliminate that right most lane, those cars will have to wait for the light to change and back up to the SFFD Credit Union Building at Presidio and California. Additionally, Muni buses have a shift change and buses are coming off California onto Presidio Avenue; add one or two buses and traffic on Presidio will back up to California. The impact for anyone familiar with these intersections is clear. I just have to look out the window. The idea that you can add three total ingress/egress active driveways on Presidio next to the SFFD Credit Union ingress/egress garage driveway and then do the same on Masonic and, not overload all the surrounding streets as the Applicant’s Proposed Project does by using criteria from other sites without understanding these major thoroughfares, will be disastrous. You could end up backing traffic all the way down to the financial district.” (*Victoria Underwood, Letter, December 4, 2018 [I-UnderwoodVI-6]*)

RESPONSE TR-9: TRANSIT IMPACTS

The comments state that the residents and visitors of the proposed project would use transit service along Geary Boulevard and that the EIR analysis should consider the need for bus bulbs to handle the addition of project-related ridership to project-corridor transit lines and evaluate different intersection design configurations at the California Street/Presidio Avenue intersection to increase visibility of pedestrians when buses are stopped curbside. The comments state that the EIR analysis should evaluate TNC impacts on Muni ridership and consider transit surveys to understand passenger origin-destination patterns. The comments seek clarification on how the regional transit analysis was conducted for the EIR. The comments state that the transit service frequency does not correctly reflect demand for transit and the fair share contribution identified in the transit impact mitigation (Mitigation Measure M-TR-4: Monitor and Provide Fair-Share Contribution to Improve 43 Masonic Capacity, EIR pp. 4.C.87-4.C.88) should take into account future increases in the cost of improving the capacity of the 43 Masonic route. The comments state that the proposed streetscape modifications – removal of the right turn slip lane at the Presidio Avenue/Pine Street/Masonic Avenue intersection – would create queue spillback onto California Street potentially causing delay for the transit service on Masonic Avenue.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under the following subsections: “Transit Facilities” starting on EIR p. 4.C.8; “Transit Network Baseline” starting on EIR p. 4.C.28; Impact TR-4 starting on EIR p. 4.C.83; and EIR Appendix D, Transportation and Circulation. The EIR concluded that the proposed project or project variant would have a less-than-significant impact on transit delay, but a significant and unavoidable impact on transit capacity on

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the 43 Masonic line even with mitigation. The comments received on the EIR do not present evidence that the transportation analysis in the Draft EIR was inadequate, that there would be any new significant impacts related to transit not identified in the EIR, or that a substantial increase in the severity of impacts identified in the EIR would occur.

The proposed project's or project variant's potential transit impacts, including transit trip distribution, transit ridership and capacity, and transit delay, are addressed under Impact TR-4 starting on EIR p. 4.C.83. Per the *2002 SF Guidelines* methodology, the project-generated transit trips would follow the geographic trip distribution patterns throughout San Francisco and the region (see Table 4.C.13 on EIR p. 4.C.57). Transit trips generated by the project were assigned to individual transit routes, including routes along Geary Boulevard, based on the likely origins and destinations of the trips and the headways and available capacity on each route. The service frequency, or headway, is taken into account for transit route assignment because people are known to value reduction in wait time higher than shorter travel time. Therefore, because buses that arrive more frequently would reduce passenger wait times and have increased ridership capacity, they are more likely to pick up passengers with a destination along that route.

The ridership analysis is based on the travel demand estimates which consider mode split, including TNC mode share. As discussed in RTC Section 4, Master Response – Transportation and Circulation, in subsection B.3, Trip Generation Estimates, under the subheading “Trip Generation Comparison – 2002 SF Guidelines and 2019 TIA Guidelines Update” on RTC pp. 4.4-4.8 the planning department was in the process of updating the *2002 SF Guidelines* while the transportation analysis was being conducted for the draft EIR. The update to the *2002 SF Guidelines* – the “Transportation Impact Analysis Guidelines” – was published on February 14, 2019. The updated methodology applies person trip rates, accounting for size and type of land use, to estimate the number of project-generated person trips. The trip generation rates and mode splits in the updated methodology were developed based on data collected in spring 2017 at 65 typical office, retail, residential, and hotel sites throughout San Francisco. Travel demand estimates were developed using the updated methodology and a trip generation comparison was prepared for the proposed project and project variant. As shown in RTC Table 4.1, Weekday P.M. Peak Hour Person-Trip Generation Comparison on RTC p. 4.6 of the RTC Section 4, Master Response – Transportation and Circulation, in subsection B.3, Trip Generation Estimates, and discussed under the subheading “Trip Generation Comparison – 2002 SF Guidelines and 2019 TIA Guidelines Update,” while the TNC mode share would be about 1 or 2 percentage points higher at 5 percent, the transit mode share would be about the same at 13 percent or 14 percent.

As presented in the subsection “Significance Thresholds” on EIR p. 4.C.37, a project would have a significant effect on the environment if it would cause a substantial increase in transit demand that could not be accommodated by adjacent transit capacity, resulting in unacceptable levels of transit service; or cause a substantial increase in delays or operating costs such that significant

adverse impacts in transit service levels could result. With the Muni and regional transit screenlines analyses, the project would have a significant effect on the transit provider if project-related transit trips would cause the capacity utilization standard to be exceeded during the peak hour. For screenlines that already operate above the utilization standard during the peak hour, a project would have a significant effect on the transit provider if project-related transit trips were more than 5 percent of total transit trips during the peak hour.

The proposed project or variant would not generate 12,000+ VMT (assumed to mean vehicle trips rather than vehicle miles traveled) as claimed in the comments. The proposed project would generate 6,656 daily vehicle trips and the project variant would generate 6,752 daily vehicle trips. As described below, the project-related and variant-related vehicle trips were assigned to the transportation network in the project vicinity as part of the analysis to determine transit delay as well as traffic hazards. The daily vehicle trips calculations are publicly available as part of the AB 900 application for transportation efficiency and are posted on the website for the Governor's Office of Planning and Research: http://opr.ca.gov/docs/20190204-AB900_3333_California_Street_Transportation_Assessment_Final.pdf.

The local and regional transit analysis in the EIR does consider whether the addition of vehicle trips generated by the proposed project or project variant would have an impact on the transit system. The assessment of potential impacts on transit operations focuses on whether vehicles entering/exiting the project site and queues from the project driveways would affect operations of Muni lines on the surrounding street network. The transit delay assessment addresses whether added project traffic could affect transit routes such as the 1 California, 2 Clement, and 3 Jackson on California Street and the 43 Masonic on Presidio Avenue by causing transit delays due to intersection congestion or due to queues of vehicle traffic at intersections and/or at entrances to the proposed garages. The transit delay assessment utilizes the a.m. and p.m. peak hour vehicle trip generation shown in Table 4.C.14 on EIR p. 4.C.58. As shown in Table 4.C.14, the proposed project would generate 691 and 752 vehicle trips during the weekday a.m. and p.m. peak hours, respectively. The project variant would generate 726 and 804 vehicle trips during the weekday a.m. and p.m. peak hours, respectively.

Due to the expected increase in vehicle traffic along Presidio Avenue and California Street, as well as proposed streetscape modifications, potential impacts on Presidio Bus Yard operations were analyzed and localized transit impacts were evaluated at California Street/Presidio Avenue, California Street/Walnut Street, and California Street/Laurel Street (intersections for streets with transit service). The Presidio Bus Yard occupies the block bounded by Geary Boulevard, Masonic, Euclid, and Presidio avenues with several bus entrances on Presidio Avenue. The analysis is summarized in the Travel Demand Memorandum (see EIR Appendix D, pp. 39-44). Based on the findings of the analysis, the project-related increase in traffic volumes would result in less than a

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two-second increase in intersection average delay⁶ and an increase of less than five seconds on any intersection approach. Additional discussion of the potential for project-generated traffic to result in queues and conflicts with existing traffic and transit operations is provided under Impact TR-3 starting on EIR p. 4.C.81. Based on the analyses, the proposed project and project variant would not result in substantial transit delays, and the proposed project or project variant would result in a less-than-significant transit impact related to transit delay. The analysis and these findings were reviewed by SFMTA staff.

Initial streetscape modifications considered for the project by the project sponsor included the removal of the free right turn at California Street/Presidio Avenue (also known as a slip lane). This geometric modification, if implemented, would slow turning vehicles and increased space and visibility for pedestrians at the southwest corner of the intersection of California Street/Presidio Avenue. However, the streetscape modification was determined to be infeasible due to the presence of overhead wires and heavy turning movements from in-service Muni vehicles as well as buses heading to the Presidio Bus Yard. The project would not result in a significant impact related to pedestrian safety or traffic hazards at this location. The limitations to pedestrian visibility when buses are stopped curbside is an existing condition, and, as such, evaluation of other intersection design configurations at the California Street/Presidio Avenue intersection to mitigate this condition is not required under CEQA.

The transit analysis also considers the impact of additional transit riders generated by the proposed project or project variant using local and regional screenlines and directional Muni line analysis. As discussed in Section 4.C, Transportation and Circulation, in the “Existing Conditions” subsection under “Transit Facilities,” on EIR pp. 4.C.8-4.C.20, the impacts on local and regional transit service were assessed by comparing the projected ridership from the proposed project or project variant with the available transit capacity at the maximum load point of various transit corridors. Capacity utilization for the weekday a.m. and weekday p.m. peak periods was determined at the maximum load point for each route serving the study area. Capacity utilization relates the number of passengers per transit vehicle to the design capacity of the vehicle. For the local screenline analysis, Muni has established a capacity utilization standard of 85 percent, and for the regional screenline analysis, regional operators have established a capacity utilization standard of 100 percent. These capacity utilization standards were applied to the weekday a.m. and weekday p.m. weekday conditions analyzed.

Contrary to the comment that the Mitigation Measure M-TR-4 conflicts with Impact TR-10 on EIR p. S.17, the project’s passenger loading demand is not related to the transit impact. As shown in Table 4.C.20 on EIR p. 4.C.85-4.C.86, with the addition of transit trips generated by the proposed

⁶ Intersection average delay is computed as a weighted average of the average control delay for all lane groups based on the amount of volume within each lane group and represents the average delay per vehicle at the intersection.

project or project variant, the 43 Masonic would exceed Muni's capacity utilization standard of 85 percent during the weekday a.m. peak hour. Thus, the proposed project or the project variant would result in a significant impact. The addition of three riders would cause the 43 Masonic to exceed Muni's capacity utilization standard and the proposed project or project variant would add 13 riders or 15 riders to the line during the weekday a.m. peak hour. 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. Per the 2002 *SF Guidelines* methodology, the project-generated transit trips would follow the geographic trip distribution patterns throughout San Francisco and the region (see Table 4.C.13 on EIR p. 4.C.57). Mitigation Measure M-TR-4: Monitor and Provide Fair-Share Contribution to Improve 43 Masonic Capacity (EIR pp. 4.C.87-4.C.88) was identified as a mechanism to monitor project-related impacts on the 43 Masonic route and to develop transit route improvements that would reduce impacts, as feasible, to the 43 Masonic transit headways. The fair share contribution calculation is presented in EIR Appendix D (see p. 253) and assumes rolling stock cost provided by SFMTA. As noted on EIR pp. 4.C.87-4.C.88, SFMTA would determine whether adding buses or other measures, including installing bus bulbs, would be more desirable to increase capacity along the route and would use the funds to implement the most desirable measure.

To clarify the fair share contribution information in Mitigation Measure M-TR-4: Monitor and Provide Fair-Share Contribution to Improve 43 Masonic Capacity, a new sentence has been added after the two bullets in the third paragraph of the mitigation measure on EIR p. 4.C.87 (new text is shown in double-underline):

The fair share contribution as documented in EIR Appendix D shall not exceed the following amounts across all phases. Payment of the following fair share contribution levels would mitigate the impacts of the estimated transit ridership added by full development of the proposed project or project variant.

- Proposed Project – \$182,227
- Project Variant – \$218,390

These amounts shall be increased by consumer price index per year plus a one-time escalation of 0.5 percent.

The project sponsor has agreed to implement the mitigation measure as revised. The comments about transit impacts do not present evidence that there would be any new significant impacts not already identified in the EIR, that there would be a substantial increase in the severity of any significant impacts identified in the EIR, or that new mitigation measures are necessary, and the clarification to the text of the mitigation measure does not constitute a considerable change.

COMMENT TR-10: LOADING

“CALIFORNIA STREET COMMERCIAL LOADING ZONE

There is no more enduring or objectionable environmental impact from this Project than the creation of a commercial loading zone outside our doors.

The City (or the Developer) has proposed a 100-foot commercial loading zone instead of passenger loading or car parking on most of the parking lane on the eastbound side of our block.

In every meeting with the Developer over the past several years, the Developer asserted that the Project would require that all commercial loading would be underground, and advised that subterranean facilities for these purposes would be part of their Project. That assurance from the Developer relieved our concerns about the potential for commercial loading in front of our homes, so we were frankly shocked when the proposed Project description provided for commercial loading directly across the street from us.

There was originally no need to find measures to mitigate the significant and adverse environmental impact of commercial loading in front of our homes. The Developer has already proposed that all commercial loading would be underground. If the City has some rationale for a commercial loading zone on California Street, it should at least mitigate its impact by creating it across from the existing commercial uses between Walnut and Presidio, away from existing residences and the already problematic intersection of Laurel and California.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-12]*)

“The proposed imposition of a commercial loading zone on the street side of California Street, rather than putting construction staging and construction loading and commercial loading within the confines of the project is unacceptable, an intrusion, and taking of existing property interests.” (*Joseph J. Catalano, California Street Homeowners Group, Draft EIR Hearing Transcript, p. 62, December 13, 2018 [O-CSHG2-4]*)

- “3. Project traffic impacts on the JCCSF accounting for the fact that many of the core JCCSF users are families with small children who require safety restraints in their cars, and consequently require extra timing loading and unloading children from cars in the JCCSF loading zone and in the preschool pick-up and drop-off zone. It is the JCCSF’s observation that families with young children have been slow to adapt to ride share or public transit.
4. Impacts on California Street and Walnut Street traffic from the Project’s proposed: commercial loading spaces; residential move-in and move-out use of on street parking spaces; two bus stops on California; Walnut street bulb-out.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, October 20, 2017 [O-JCCSF3-3]*)

- “a. Passenger Loading - The TIS should evaluate passenger loading needs on California Street to minimize potential effects on JCCSF passenger loading and Muni service. The site plan includes mixed use office, retail, and childcare facilities along California Street east of Walnut Street. These uses are likely to generate demand for passenger loading and commercial loading activities. However, the NOP states that the Project will include three

passenger loading zones (Masonic Avenue, Euclid Avenue, and Laurel Street) and two commercial zones (both near the Laurel/California intersection) but does not include (or mention) any spaces on California Street near the JCCSF. The TIS should quantify passenger loading (including Transportation Network Companies) and commercial loading demand, and identify an appropriate amount of curb space on California Street to ensure minimization of spillover that could affect JCCSF operations.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, October 20, 2017 [O-JCCSF3-5]*)

“The Developers Destructive Proposal surrounds 3333 with five major Loading/unloading zones for TNCs and Freight traffic. Initially the Developers promised that all the unloading would be done underground or on-site and now the site is ringed with these zones! These zones not only eliminate approx. 40 parking spaces but they will create additional traffic congestion and pollution. So we have a ring of loading zones in addition to the inevitable double parking that occurs for deliveries and drop-offs.” (*Sal Ahani, Email, January 8, 2019 [I-Ahani-20]*)

“There is a commercial loading zone being proposed directly across the street from our neighborhood which will create noise and disruption. The Draft EIR’s mitigation is to restrict loading to before 7AM and after 7PM, which is even more disruptive to the quiet enjoyment of our homes. Since the Developers have included provisions for all commercial loading to take place underground, there is no justification for the significant adverse impact street side commercial loading would create.” (*David Bercovich, Email, January 7, 2019 [I-Bercovich-5]*)

“The Draft EIR fails to address the deleterious effect of freight loading on a currently entirely residential street.” (California between Laurel and Walnut)” (*Joe Catalano and Joan Varrone, Email, January 8, 2019 [I-Catalano-4]*)

“The DEIR indicates that the Transportation Demand Program measures supplied for the proposed project/variant, subject to refinement during the planning review process for project entitlements, would include delivery supportive amenities. TDM Measure Delivery-1 states that an area for the receipt and temporary storage of package deliveries would be provided in the offstreet loading areas or other locations on the project site. DEIR p. 2.79. Please describe in detail the potential other locations on the project site that could be provided for these delivery supportive amenities and how they would operate.” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi3-23]*)

“I am opposed to the increased delivery traffic on Presidio ave.” (*Sharon Esker, Email, January 5, 2019 [I-Esker-5]*)

“The Community Full Preservation Alternative Keeps the Loading and Unloading Traffic Within the Site as Opposed to External to the Site

The Developers Destructive Proposal surrounds 3333 with five major Loading/unloading zones for TNCs and Freight traffic. Initially the Developers promised that all the unloading would be done underground or on-site and now the site is ringed with these zones! These zones not only eliminate approx. 40 parking spaces but they will create additional traffic congestion and pollution. So we have a ring of loading zones in addition to the inevitable double parking that

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occurs for deliveries and drop-offs. A perfect storm!” (*Richard Frisbie, Letter, January 8, 2019 [I-FrisbieR1-19]* and *Tina Kwok, Letter, January 7, 2019 [I-Kwok4-25]*)

“The Developers Proposal surrounds 3333 with five major Loading/unloading zones for TNCs and Freight traffic. Initially the Developers promised that all the unloading would be done underground or on-site and now the site is ringed with these zones! These zones not only eliminate approx. 40 parking spaces but they will create additional traffic congestion and pollution. So we have a ring of loading zones in addition to the inevitable double parking that occurs for deliveries and drop-offs.” (*Mary Gwynn, Email, January 7, 2019 [I-Gwynn-8]*)

“S.14: “TR-9: The proposed project’s or project variant’s freight loading demand would be met during the peak loading hour.” (“LTS”)

One of the mitigation measures states:

“Requiring deliveries to the retail and restaurant components of the proposed project or project variant to occur during early morning or late evening hours.”

If any more trucks are going to weave through the Laurel Heights & Jordan Park neighborhoods during the wee morning hours or late evening, the community will not be able to get quiet enjoyment of their properties.

“Delivery to the retail and restaurant components” of the project is unclear as to when these would occur. Please clarify. Restaurants usually are open late. They would already have deliveries late. Most deliveries should be done on OFF-PEAK, *NON*-WEE-HOURS to not create a nuisance to the neighborhoods.

The DEIR mentions:

“Installing delivery supportive amenities such as lock boxes and unassisted delivery systems to allow delivery personnel access and enable off-peak hour deliveries”

If this is going to create “*Amazon-like*” lockers (package delivery lockers for mail orders) to be accessed 24/7, there will be a huge impact to more VMTs and other CEQA impacts to the neighborhood that would not ordinarily exist if restricted to when any retail is open for business. Also, should such locations (“Delivery Supportive Amenities,” Page 246, “TDM”) be identified on the site, they should be kept on the commercial corridor rather than on the Euclid side which is residential in nature.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-21]*)

“The statements in this part seem as if they should be in the freight-loading section of the study -- C-TR-9, Page S.17 – as well. If one looks at it, it also says, “Not required” and “N/A.”” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-28]*)

“The Developers Proposal surrounds 3333 California with five major Loading/unloading zones for personnel pick-ups and loading. The Developers started by promising that all commercial loading would be done underground or on-site. Now the site is ringed with loading zones. These zones eliminate many parking spaces and create additional traffic congestion and pollution. Simply put, the traffic flow and the parking impacts do not seem to have been considered in a systematic fashion.” (*Phillip Paul, Email, January 7, 2019 [I-Paul-8]*)

“The Developers Destructive Proposal surrounds 3333 with five major Loading/unloading zones for TNCs and Freight traffic. Initially the Developers promised that all the unloading would be done underground or on-site and now the site is ringed with these zones! These zones not only eliminate approx. 40 parking spaces but they will create additional traffic congestion and pollution. So we have a ring of loading zones in addition to the inevitable double parking that occurs for deliveries and drop-offs.” (*Laura Rubinstein, Email, January 2, 2019 [I-Rubinstein-16]*)

“The other two things that are unique to our concerns that were not addressed in the EIR is the fact that the developers are proposing a commercial loading directly across the street from where these hundred people live and, all along, again, in discussions with the developer, they asserted that all commercial loading would be underground. Again, when we read the draft EIR, we were shocked to find that. And that loading zone would be there after the project is over. So this is not a temporary thing. There was a mitigation suggested in the EIR which we think is not viable. They suggested, because of the traffic impact of commercial loading, that the loading happen before 7:00 a.m. and after 7:00 p.m. Well, if you're one of the hundred people that live across the street, that makes absolutely no sense. And I think what was ignored were the hundred-plus people across the street when you're considering a commercial loading zone.” (*Joan Varrone, Draft EIR Hearing Transcript, pp. 71-72, December 13, 2018 [I-Varrone-3]*)

RESPONSE TR-10: LOADING

The comments state that the provision of a commercial loading zone and temporary provision of construction staging along the south side of California Street is unacceptable and would adversely affect residents in the neighborhood. The comments state that loading for the project was initially proposed to occur on site and provision of on-street commercial and passenger loading would create additional traffic congestion and disruption. The comments state that passenger loading/unloading at the JCCSF could be impacted by project traffic and the EIR should evaluate passenger loading needs on California Street to minimize potential effects on JCCSF passenger loading and transit operations. The comments request a detailed description of provision of delivery supportive amenities⁷ and how they would operate.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under the following subsections: “Transportation Demand Management” starting on EIR p. 4.C.44; Impact TR-1 starting on EIR p. 4.C.68; Impact TR-3 starting on EIR p. 4.C.81; and Impact TR-9 starting on EIR p. 4.C.96. The EIR concluded the proposed project or project variant would have a less-than-significant impact on vehicle miles traveled with mitigation, and a less-than-significant impact on freight loading and passenger loading. The comments received on the EIR do not present evidence

⁷ As described under Improvement Measure I-TR-9b, delivery supportive amenities could include lock boxes (i.e., a lockable container for storing goods) and unassisted delivery systems (i.e., a range of delivery systems that eliminate the need for human intervention at the receiving end) that would allow delivery personnel access to a single delivery site rather than delivery to multiple individual residential units, and enable off-peak hour deliveries. These delivery supportive amenities would serve future residents of the site and would not be intended for use by other neighborhood businesses or residents.

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that the transportation analysis in the Draft EIR was inadequate, that there would be any new significant transportation (VMT or loading-related) impacts not identified in the EIR, or that a substantial increase in the severity of impacts identified in the EIR would occur.

The project's potential construction-related transportation impacts are addressed under Impact TR-1 starting on EIR p. 4.C.68. In addition, please see Response TR-6, Construction Impacts above. As stated in the EIR on pp. 4.C.70-71, there could be construction staging on the sidewalks and parking lanes along California and Laurel streets and along Masonic Avenue during later phases of construction. Construction would be conducted in compliance with City requirements such that construction activities would not result in substantial interference with pedestrian, bicycle, transit, or vehicle circulation or result in potentially hazardous conditions for pedestrians, bicycles, transit, or vehicles. Therefore, as described in the EIR no significant impacts would occur and no mitigation measures are necessary.

As discussed under Impact TR-10 on EIR pp. 4.C.98-4.C.99, an evaluation of passenger loading demand and supply was conducted to assess the potential for on-street queues and traffic hazards at the proposed passenger loading zones. The proposed project or project variant would meet the demand for passenger loading and the project would not create significant localized loading impacts. On-street passenger loading zones are proposed on the west side of Masonic Avenue near Presidio Avenue and Pine Street, on the north side of Euclid Avenue near Masonic Avenue, and on the east side of Laurel Street near Mayfair Drive (see Figure 2.22: Proposed Site Access, EIR p. 2.62) as part of the proposed project and project variant. These on-street zones would each be about 60 feet in length and could accommodate up to three passenger vehicles each. Contrary to the comments, the proposed project and project variant would convert a total of 36 on-street parking spaces (not 40) to commercial and passenger loading. Passenger loading would also occur on site at the proposed roundabout at the terminus of the Walnut Street extension into the project site. This proposed circulation feature would allow residents and guests to be picked up or dropped off at a central location without interfering with traffic on the surrounding street network.

The proposed supply of on-street passenger loading spaces (three 60-foot-long zones which could support a total of three vehicles in each zone, for a total of nine vehicles), and the passenger loading space available at the Walnut Street roundabout would exceed the projected passenger loading demand of four vehicles. The passenger loading demand estimates include demand for for-hire vehicles, e.g., TNCs and taxis (see EIR pp. 4.C.61-4.C.62 and subsection B.3, Trip Generation Estimates, in "Trip Generation Comparison – 2002 SF Guidelines and 2019 TIA Guidelines Update Comparison" subsection in RTC Section 4, Master Response – Transportation and Circulation, on RTC pp. 4.4-4.5). As such, the proposed project or project variant would meet the demand for passenger loading, and the project would not create localized loading impacts. The provision of on-street passenger and commercial loading zones would not result in potential traffic hazards or substantially disrupt transit or passenger loading operations at the JCCSF. The provision of an

adequate supply of on-street commercial and passenger loading spaces would reduce the conflicts associated with double-parked vehicles.

As discussed on EIR pp. 4.C.25-4.C.26, on-street passenger loading activity data were collected along California Street at the JCCSF on July 6, 2017, during the weekday a.m. and weekday p.m. peak periods (7 to 9 a.m. and 4 to 6 p.m.). Data are included in EIR Appendix D on pp. 219-226. On-street passenger drop-off and pick-up for the JCCSF occurs within the approximately 280-foot-long passenger loading zone on the north side of California Street between Presidio Avenue and Walnut Street, directly across from the project site. The passenger loading zone can accommodate about 14 vehicles (one passenger car per 20 feet). During field observations, JCCSF staff were observed to assist with and monitor drop-off and pick-up activities.

During the peak hour of on-street passenger loading activity (4 to 5 p.m.), approximately 40 vehicles used the curbside loading zone on California Street with a typical dwell time of around 40 seconds. On five occasions over the two-hour evening observation period, when the passenger loading zone was fully occupied, drivers were observed to pick up their passenger while stopped in the travel lane. On three occasions during the morning observation period and one occasion during the evening observation period, drivers were observed stopping in the bus zone to load/unload passengers. No buses arrived when people were stopped in the bus zone. However, drivers in the rightmost travel lane attempting to access the passenger loading zone were observed to bypass and delay buses attempting to re-enter the travel lane. Passenger loading activity associated with the JCCSF was observed to result in re-entry delay (less than 30 seconds) for two buses traveling westbound along California Street during the weekday p.m. peak hour of passenger loading activity.

The proposed project and project variant do not propose any changes to drop-off and pick-up for the JCCSF, and the analysis for the 3333 California Street Mixed-Use Project assumes that on-street passenger loading/unloading for the JCCSF will continue to occur along California Street across from the project site and via the one-way internal private driveway off Walnut Street for preschool pick-up/drop-off. Vehicle trips generated by the proposed project or project variant would not affect existing drop-off and pick-up operations for the JCCSF, as vehicles accessing the project site and traveling westbound on California Street would be in the leftmost travel lane to make a left turn into the project site via the Walnut Street entrance. Furthermore, the intersection operations analysis conducted at intersections along California Street, as documented in the Travel Demand Memorandum in EIR Appendix D on pp. 40-44, shows that the proposed project and project variant would result in minimal increases to intersection delay and queue lengths during the weekday a.m. and p.m. peak hours. The results of the analysis are summarized in the EIR under Impact TR-5 on EIR p. 4.C.88. Passenger loading for the proposed project and project variant would not occur on California Street and would not impact existing queues at the JCCSF, as project-related passenger loading activities would be accommodated on street within passenger loading

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zones proposed along Masonic Avenue, Euclid Avenue, and Laurel Street, as well as at the Walnut Street roundabout within the project site (see EIR p. 4.C.99). As discussed on EIR p. 2.14, while existing land uses along California Street between Laurel and Walnut streets are primarily residential, land uses near the project site along the California Street corridor include a mix of residential, financial, institutional, and retail uses. The proposed uses on the project site would be integrated with the surrounding land uses and circulation network. The provision of on-street commercial loading under the proposed project or its variant along this corridor would support existing and proposed land uses.

The proposed commercial loading program is discussed on EIR pp. 4.C.42-4.C.44, and the freight loading impact analysis is presented under Impact TR-9 starting on EIR pp. 4.C.96. As shown in Table 4.C.16, on EIR p. 4.C.61, the proposed project and project variant are estimated to result in an average demand for about five freight loading spaces during the typical hour and about six freight loading spaces during the peak hour, which occurs between 10 a.m. and 1 p.m., of freight loading activity. As discussed under Impact TR-9 on EIR p. 4.C.96, the proposed project and project variant would meet the estimated commercial loading demand through provision of six off-street commercial loading spaces. Three of the loading spaces would be located in the off-street freight loading area in the proposed California Street Garage, accessed from Presidio Avenue, and three would be located in the off-street freight loading area in the proposed Masonic Garage under the Masonic and Euclid buildings. The proposed off-street loading area in the California Street Garage would accommodate 40-foot-long Recology garbage trucks, 30-foot-long single unit trucks, and 55-foot-long intermediate semitrailer trucks. The proposed off-street loading area in the Masonic Garage, accessed from Masonic Avenue, would accommodate 40-foot-long Recology garbage trucks and 30-foot-long single unit trucks. Vertical clearance for the proposed California Street and Masonic garage entrances from Presidio Avenue and Masonic Avenue would be 15 feet.

Upon review of the site plan and location of proposed commercial freight loading docks, SFMTA requested the addition of one on-street commercial loading zone on California Street to meet localized demand for deliveries generated by the retail uses concentrated along the proposed project's or project variant's frontage along California Street, and to minimize potential for delivery vehicles to double-park and create traffic hazards or transit delay. As a result, in addition to the off-street commercial loading spaces, the proposed project or project variant would provide one 100-foot-long on-street commercial (yellow curb) loading zone on the south side of California Street east of Laurel Street. The proposed loading supply would meet estimated demand for loading generated by the proposed project and variant and the proposed 100-foot-long commercial loading space located along California Street (near the Plaza A and B buildings) would meet the estimated loading demand generated by the nearby retail uses. The provision of an adequate supply of on-street commercial loading spaces, in addition to the off-street commercial loading, is proposed to provide convenient on-street locations for commercial loading in order to reduce the potential for vehicles to double-park and block adjacent travel lanes. The provision of the commercial loading

spaces would not induce demand for deliveries but would accommodate delivery vehicles loading/unloading at the project site. The revisions to the proposed project and project variant described in RTC Section 2, including replacing the proposed 100-foot-long on-street commercial loading zone with two commercial loading zones (a 60-foot-long zone immediately west of the California Street/Walnut Street intersection and a 40-foot-long zone immediately to the east of the intersection), would not change the analysis and conclusions in the EIR.

As discussed under Impact TR-10 on EIR pp. 4.C.97-4.C.98, although loading impacts would be less than significant and no mitigation measures would be required, Improvement Measures I-TR-9a: Schedule and Coordinate Deliveries and I-TR-9b: Monitor Loading Activity and Implement Loading Management Strategies are identified to further reduce the less-than-significant freight loading impacts. If the planning commission adopts these improvement measures, they consist of strategies that could be implemented and do not include the complete range of possible measures that could be implemented. While not required as mitigation, implementation of Improvement Measure I-TR-9a would coordinate deliveries such that loading activity would be distributed across the site, and that peak-period demand would be reduced with deliveries to occur during off-peak hours. While not required as mitigation, implementation of Improvement Measure I-TR-9b would require ongoing monitoring, which would allow for adaptive management to ensure loading activities to further reduce less-than-significant impacts. The EIR does not include a mitigation or improvement measure that would limit hours of commercial loading to occur before 7:00 a.m. and after 7:00 p.m. because the proposed project or its variant would result in a less-than-significant impact with respect to commercial loading activity. The SFMTA's color curb program manager will determine the specifics of the hours of operation for the loading zones depending on the occupied land uses at the time they are operational. It may be possible that space is available for public parking at other times (e.g., overnight). For a response to concerns related to noise increases due to project operations, see Response NO-3: Noise Increases/Operational Impacts in Section 5.F, Noise and Vibration starting on RTC p. 5.F.10.

As part of the project sponsor's Transportation Demand Management Program, described in Chapter 2, Project Description, on EIR pp. 2.78-2.79, and in Section 4.C, Transportation and Circulation, on EIR pp. 4.C.44-4.C.45, the project sponsor would install delivery supportive amenities at the proposed off-street loading docks and/or within the adaptively reused building and newly constructed buildings in ground-floor locations currently identified as residential lobbies or back-of-house areas. As described under Improvement Measure I-TR-9b, delivery supportive amenities could include lock boxes (i.e., a lockable container for storing goods) and unassisted delivery systems (i.e., a range of delivery systems that eliminate the need for human intervention at the receiving end) that would allow delivery personnel access to a single delivery site rather than delivery to multiple individual residential units, and enable off-peak hour deliveries. These delivery supportive amenities would serve future residents of the site and would not be intended for use by other neighborhood businesses or residents.

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Seattle Department of Transportation in partnership with the Urban Freight Lab conducted an assessment of private truck freight bays and loading docks, and delivery policies and operations within buildings located in Center City, Seattle.^{8,9} Data showed that a lock box system would reduce the time delivery people spend in the building by up to 73 percent and would almost eliminate failed first deliveries and dramatically cut the mean truck dwell time in parking/loading spaces. The research documented that of the 20 total minutes delivery drivers spent on average in the Seattle Municipal Tower, 12.2 of those minutes were spent going floor-to-floor in freight elevators and door-to-door to tenants on multiple floors. Provision of lock boxes and unassisted delivery systems allow customers to pick up their packages when it is convenient for them to do so while providing secure deliveries. These systems provide convenient access for both delivery workers and building tenants.

The details of the TDM Plan would be finalized during the planning department's review process for project entitlements including those related to TDM Measure Delivery-1. These improvements and TDM measures would be a condition of approval or incorporated into the development agreement.

In summary, the comments do not present evidence of any significant loading impacts or increase in the severity of the proposed project's or project variant's impacts that are identified in the EIR and no mitigation measures would be needed. The proposed project and project variant have been revised since the publication of the draft EIR. The project revisions include a reduction in retail square footage, a reduction in the number of parking spaces, and reconfiguration of the proposed commercial loading space on California street among other changes. See RTC Section 2, Revisions and Clarifications to the Project Description, on pp. 2.2-2.29 for a full description. The project changes do not alter the analysis or conclusions of the EIR.

COMMENT TR-11: PARKING

“Additionally, please note that we continue to strongly support the inclusion of 60 on-site public parking spaces on the Project site given that the Project is causing not only the loss of current public parking on the site but also the loss of significant neighborhood street parking (i.e. conversion of 15 on-street parking spaces to loading zones and the loss of 36 on street parking spaces.)” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, June 8, 2018 [O-JCCSF2-6]*)

⁸ Seattle Department of Transportation and University of Washington Supply Chain Transportation and Logistics Center Urban Freight Lab, *The Final 50 Feet Urban Goods Delivery System*, January 19, 2018, https://depts.washington.edu/sctlctr/sites/default/files/SCTL_Final_50_full_report.pdf, accessed May 9, 2019.

⁹ Seattle Department of Transportation and University of Washington Supply Chain Transportation and Logistics Center Urban Freight Lab, *The Final 50 Feet Urban Goods Delivery System: Common Carrier Locker Pilot Test at the Seattle Municipal Tower, October 2018*, https://depts.washington.edu/sctlctr/sites/default/files/SCTL_Muni_Tower_Test_Report_V4.pdf, accessed May 9, 2019.

“5. JCCSF desire for continued availability of publicly available spaces at the Project, especially given the Project’s elimination of 33 on-street parking spaces.” (*Craig Salgado, JCCSF Chief Operating Officer, JCCSF, Letter, October 20, 2017 [O-JCCSF3-4]*)

“4. UCSF Parking

We understand that the developers of the 3333 project are proposing around 60 public spaces as part of their facility. We are very supportive of the proposal for additional public parking, given that a number of JCCSF employees and users have been using the UCSF lot for many years during peak parking periods at the JCCSF.” (*Craig Salgado, JCCSF Chief Operating Officer, JCCSF, Letter, June 3, 2016 [O-JCCSF4-6]*)

“Parking is currently extremely difficult. The developer originally stated loading zones would be onsite or underground however that plan was scrapped. On-street loading zones would eliminate 40 additional street parking spaces.” (*Barbara and Jim Brenner, Email, January 3, 2019 [I-Brenner-4]*)

“...and contribute to the loss of parking, in a neighborhood where it’s already almost impossible to find adequate street parking, even for residents with G-Stickers. It’s important to realize that not only will the construction of the Prado project permanently eliminate 40 currently available non-metered parking spaces to accommodate five loading/unloading zones for TNCs (Uber, Lyft, Chariot) and freight traffic, but it will also take away another 200 non-metered parking spaces, which surround the 10 acre site on Euclid and Laurel Streets for the entire 15 years of construction. That is parking that residents, as well as businesses in Laurel Village Shopping Center need desperately, and that severe impact on our community is not addressed anywhere in the DEIR. Essentially, Prado’s current DEIR changes what should be a residential development into a full scale retail destination.” (*Bill Cutler and Judy Doane, Email, January 5, 2019 [I-Cutler2-4]*)

“...for the following reasons: One, we do not need more retail in this area. We have plenty of shops serving the neighborhood now. Adding more will make 3333 California not just a residence, but also a retail destination, guaranteeing an unacceptable amount of extra traffic and exacerbating an already stressed on-street parking problem. (*Judy Doane, Draft EIR Hearing Transcript, p. 30, December 13, 2018 [I-Doane-4]*)

“The influx of hundreds of new residents and the proposed retail will greatly reduce the amount of street parking in the neighborhood (which hurts people such as us who have no garage) and create horrible traffic.” (*Zhubin Fardis, Email, January 8, 2019 [I-Fardis-2]*)

“One of our main concerns is the increase of traffic and the impact on parking and the length of time that the project will take. Since we don’t have a parking spot, we rely on being able to park on the street. The influx of hundreds of new residents and the proposed retail will greatly reduce the amount of street parking in the neighborhood.” (*Shannon Fong, Email, January 8, 2019 [I-Fong-2]*)

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“Excessive parking is unnecessary at this location. Many people would be happy to live in such a community and use public transit, bicycles, ride share and their own feet to get around our great city. We have no need to preserve 300 parking spaces and the existing building.” (*William Holleran, Email, December 10, 2018 [I-Holleran1-2]*)

“10. Loss of on-street parking spaces” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-11]*)

“...but mostly I want to address parking and the parking deficit and traffic congestion we already have in the neighborhood. Having lived in the neighborhood for 46 years, we’ve seen increasing congestion, even those of us with residential parking permits. Many of these homes were built before any parking requirements were made by the city, so many of them don’t have garages or garages large enough, so most of us are looking for parking all the time on the street. And it requires -- over all these years, it requires many trips around many blocks. And often times we end up parking, even at night, three or four blocks away and then walking home from there. If you go through the neighborhood, you see many people and homeowners and renters illegally parking across the sidewalk, for which we often are ticketed, and that’s simply because we can’t find parking. So we already have a significant parking problem. And the EIR has a section which talks about a study in New York and New Jersey that proposes the premise that if you have fewer parking spaces and fewer garages, than people will have fewer cars and drive less. In the development of the neighborhood, the neighborhood has been built out over the last several years. There used to be lots of vacant lots. There’s been significant additional buildings on California Street across from the proposed site. That did not, in my experience, reduce the number of cars; it’s only increased the congestion. So I would ask you to consider, in the EIR, looking more closely at the number of parking spaces proposed. If there are that many housing units, we need more parking. I don’t think it really bears out that there have been fewer cars, because we have fewer garages. And, you know, with all due respect, we choose to live in San Francisco, not in New York City. Thank you.” (*Maryann Massenberg, Draft EIR Hearing Transcript, pp. 66-67, December 13, 2018 [I-Massenburg-5]*)

“2. There is insufficient transportation and parking to support this project, and the developers have transferred the burden to the neighborhood and neighboring streets.” (*Larry Mathews, Email, December 13, 2018 [I-Mathews1-3]*)

“Transportation:

There are not enough parking spaces for the proposed number of units provided in the plan. As it now stands, street parking is impossible.” (*Gilda Poliakin, Email, December 30, 2018 [I-Poliakin-7]*)

RESPONSE TR-11: PARKING

The comments state that the use of the eastbound parking lane on California Street during construction will adversely affect parking conditions in the area. Some comments opine that there are not enough parking spaces for the project and the conversion of 40 non-metered parking spaces to commercial and passenger loading zones and the removal of an additional 200 non-metered

parking spaces surrounding the site will increase the parking deficit in the neighborhood and impact the community. Another comment opines the project has too much parking given its location.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under Parking Information starting on EIR p. 4.C.115. The proposed project and project variant meet the Public Resources Code section 21099(d) criteria as a residential, mixed-use infill project in a transit priority area and therefore parking is not an environmental impact for the purposes of CEQA. The comments received on the EIR do not present evidence that the transportation analysis in the Draft EIR was inadequate, that there would be any new significant impacts not identified in the EIR, or that a substantial increase in the severity of impacts identified in the EIR would occur.

The project's potential construction-related transportation impacts, including parking lane removal and construction worker parking, are addressed under Impact TR-1 starting on EIR p. 4.C.68. Temporary parking lane and sidewalk closures would be required during Phase 3 and Phase 4 of construction. Phase 3 and Phase 4 would require some staging on the sidewalk and parking lane along California and Laurel streets. Additionally, the parking lane on Masonic Avenue between Presidio and Euclid avenues would be used intermittently, as needed, for concrete truck staging subject to the conditions of a special traffic permit. The closures would be required to comply with the blue book regulations, would be subject to review by the SFMTA, and would be coordinated with City staff to minimize effects on people walking or taking transit, transit operations, local traffic, and circulation.

As noted above, parking related to the proposed project or its variant is not an environmental impact for the purposes of CEQA. As such, parking information is presented for informational purposes in the "Parking Information" subsection starting on EIR p. 4.C.115. Given the project's location in proximity to high-quality local transit services with connections to regional transit, the implementation of transportation demand management measures, and the availability of on- and off-street public parking facilities, the proposed project and project variant would not create a substantial parking deficit that could result in secondary environmental impacts; this conclusion also applies to the revised project and revised variant, described in RTC Section 2, Revisions and Clarifications to the Project Description.

COMMENT TR-12: CUMULATIVE TRANSPORTATION IMPACTS

"c. Cumulative - The TIS should consider the cumulative effects of the Project in relation to other nearby projects that are currently in the planning stages." (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, October 20, 2017 [O-JCCSF3-8]*)

"Although the report shows the impact at "LESS THAN SIGNIFICANT" ("LTS"), the cumulative traffic issue with Trader Joe's traffic already bogging down Masonic southbound should not overburden the adjacent neighborhoods with cut-through traffic through Laurel

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Heights and Jordan Park. In addition, the delivery trucks travel within ½-mile of Laurel Heights to the Laurel Village Shopping Center, to the existing CPMC cafeteria and hospital to add to the overburdening of the street.

When new businesses get to inhabit the City Center at Masonic and Geary, those traffic counts and VMTs will add to the area VMTs which should be much more than it is today. If a grocery store or another restaurant or more is inserted in the City Center, how will the traffic from that impact the Laurel Heights/Jordan Park, Geary and California St. areas? Has this been studied in the DEIR?

This point cannot possibly be considered “LTS”. See **C-TR-1** (Pages S.15-S.16) “Construction of the proposed project or project variant, in combination with reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative construction-related transportation impacts.” (“LTS,” “None required” for mitigation)

A number of projects including the Lucky Penny, CPMC rebuild into new housing, a Presidio Avenue project, the Geary BRT closing off lanes for construction that will be coming during the same time span as 3333 California Project, the introduction of a potential Whole Foods at City Center at Masonic, the 3300-mid-block demolition-to-housing project on Geary, the new builds and other increases of unit counts on surrounding “nearby streets” are not taken into account.” (Rose Hillson, Letter, January 8, 2019 [I-Hillson2-15])

“Here are the “other nearby TAZs” located from 3333 California. All the streets in these TAZs are not studied for impacts alone with only 3333 California Project *NOR* with the “reasonably foreseeable”***projects the DEIR lists. See also the map below of the TAZs (corresponding TAZ numbers differ but area of TAZs are same):

TAZ 100524 = Parker to Laurel between California & Euclid (NOT* included in the DEIR*)**

TAZ 100521 = Laurel to Baker between California & Euclid/Bush (*TAZ 709 in the DEIR*)

TAZ 100513 = Laurel to Lyon between California & Sacramento (NOT* included in the DEIR*)**

TAZ 100523 = Parker to Presidio between Euclid/Bush to Geary (NOT* included in the DEIR*)**

TAZ 100517 = Maple to Laurel between California & Sacramento (NOT* included in the DEIR*)**

TAZ 100525 = Arguello to Parker between California & Geary (NOT* included in the DEIR*)**

The above TAZs include projects that are reasonably known to happen, has happened or has projects that will happen (e.g. new uses at Target City Center, new buildings on Geary, Presidio Ave, surrounding “nearby” streets that are ***NOT* analyzed for traffic impacts. CEQA categories such as AIR QUALITY, VIBRATIONS, NOISE are also not analyzed for these other “nearby” streets with known projects, upcoming projects as additive to 3333 California. The data does not exist in the DEIR. It is missing.**

Why was only TAZ 709 used and none of the “other nearby TAZs” analyzed for impacts from the proposed project? Look below at *** for the list of “**Projects for cumulative analysis**” & there are many projects that can have impact with this development in “other nearby TAZs” than only TAZ 709. This is not accounted for in this DEIR.

Again, refer to the map of TAZs below that shows **at least 12-13 TAZs that are within ¼-mile** from the proposed development. The streets should all be analyzed for CEQA impacts including traffic or VMTs on these streets. If the **DEIR mentions the known other projects in the area**, every one of those will produce some impact, especially in regards to vehicle travel why are not the streets around them studied in relation to this project?

Not **all counts of vehicles and VMTs be done to the above TAZs listed** are included in the DEIR. Why?

(See Comment Letter I-Hillson2, p. 18, in RTC Attachment B for the map of TAZs in the vicinity of the project site and a brief description of a TAZ that accompany this excerpted comment.)

Do the developers of these other up-and-coming nearby projects want their locations to be impacted by any oversights from the 3333 California Project? Streets nearby known and upcoming projects need to be studied for cumulative impacts and it is missing from this DEIR.

Look below at Table 4.C.1 which lists ***ONLY*** the closest streets in the analysis. When one has a 10+ acre project, the impact with vehicles goes up along with the other projects and the streets surrounding them. NO ANALYSES has been done on the other streets.

The DEIR fails to take into consideration that the listed and other recent foreseeable projects** (and those now completed) and new projects such as that at 2675 Geary or the 3300-block of Geary Project, the new uses going into Masonic City Center, all of which can impact the residential streets “nearby” in the Laurel Heights, Jordan Park and Presidio Heights areas. Only intersections for one “Transportation Analysis Zone” (TAZ) -- No. 709 – has a vehicle count. Traffic flows to and from “other nearby TAZ” streets listed due to the “reasonably foreseeable” projects the DEIR lists and without the analysis for these other streets in the Laurel Heights, Jordan Park & Presidio Heights neighborhoods, this DEIR is not complete and thorough nor does it give an accurate VMT picture by 2040.”

Table 4.C.1: Study Intersections

Number	Intersection	Existing Traffic Control
1	Sacramento Street / Walnut Street	All Way Stop Control
2	Sacramento Street / Presidio Avenue	Signal
3	California Street / Spruce Street	Signal
4	California Street / Laurel Street	Signal
5	California Street / Walnut Street	Signal
6	California Street / Presidio Avenue	Signal
7	Mayfair Drive / Laurel Street	All Way Stop Control
8	Presidio Avenue / Masonic Avenue / Pine Street	Signal
9	Euclid Avenue / Laurel Street	All Way Stop Control
10	Masonic Avenue / Euclid Avenue	Signal
11	Presidio Avenue / Euclid Avenue / Bush Street	Signal
12	Geary Boulevard / Masonic Avenue	Signal
13	Geary Boulevard / Presidio Avenue	Signal

Source: Kittelson & Associates, Inc. 2017

(Rose Hillson, Letter, January 8, 2019 [I-Hillson2-36])

“With 13,500+ additional vehicle trips from the retail and offices (and some from the residential) use of the proposed project, the increase in automobile delay in the area would be a major impact not only adjacent to the site but even 6 blocks away into Presidio Heights, Jordan Park, Lone Mountain areas. Traffic will eventually reach gridlock as was written in the Geary BRT EIR –

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and *that* EIR did *not* even have this project in its write-up so any additional heavy traffic such as in the proposal is just going to be BEYOND GRIDLOCK and it is not safe for people to not be able to get to emergencies.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-48]*)

“How much analysis has been done to see how this project be impacted by the cumulative trips from the new project at CPMC, from the new uses to come to the City Center at Masonic, from increases in TNC (rideshares) in the area as new uses and buildings and more units are created in this ½-mile area near this 3333 California site? Where is this data?” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-60]*)

RESPONSE TR-12: CUMULATIVE TRANSPORTATION IMPACTS

The comments state that the EIR should consider the cumulative transportation effects of the project in relation to other nearby projects that are currently in the planning stages and ask how the traffic from the nearby retail developments has been studied in the EIR. The comments question the validity of the less-than-significant impact conclusion for cumulative construction impacts under Impact C-TR-1 (see EIR pp. 4.C.101-4.C.102). The comments also state that transportation analysis zones (TAZs) surrounding the project site should be considered in the cumulative analysis.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under the following subsections: “Future 2040 Cumulative Transportation Methodology” starting on EIR p. 4.C.62 and “Cumulative Impacts” starting on EIR p. 4.C.101. The EIR concluded that the proposed project or project variant would have a less-than-significant impact on cumulative construction, cumulative traffic hazards, cumulative transit, cumulative pedestrian conditions, cumulative bicycle conditions, cumulative freight and passenger loading, and cumulative emergency access and would have a less-than-significant impact with mitigation on vehicle miles traveled. The comments received on the EIR do not present evidence that the analysis was inadequate, or that there would be any new significant impacts not addressed in the EIR or any increases in the severity of impacts identified in the EIR.

The 2040 Cumulative Transportation Methodology, including transportation network changes and land use development assumed to be in place as part of the 2040 cumulative conditions, is discussed in the EIR starting on p. 4.C. 62. A discussion of cumulative impacts is provided in Section 4.C, Transportation and Circulation, starting on EIR p. 4.C.101. Per CEQA Guidelines section 15125(a)(1), the physical conditions existing when the notice of preparation is published were used to establish the baseline for the project-level analysis. Per CEQA Guidelines section 15130(b) and section 15355, the identification of past, present and reasonably foreseeable future projects is considered the first step in the cumulative analysis. The cumulative impact analysis takes into account reasonably foreseeable future development projects in the study area identified by the planning department. The 2040 future cumulative scenario was established based on a review of reasonably foreseeable future development projects and transportation network improvements, and

SF-CHAMP travel demand model forecasts. The model includes a comprehensive projection of growth that is reasonably foreseeable in 2040, based on known and forecast development within the city, including growth under adopted area plans, and TAZs surrounding the project site, that could affect San Francisco's transportation network. These projections include trips from nearby approved developments.

The City has discretion to determine a reasonable date as a cutoff for which projects to include in the cumulative impacts analysis (see *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321¹⁰ and *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099¹¹ [county had discretion to set date of application for current project as cutoff date for deciding which projects to include in cumulative impacts analysis]), and the comments have not shown that the City's decision to use the project list was unsupported by substantial evidence. The cumulative analyses include reasonably foreseeable projects; the analyses included several new additions and buildings at the City Center Shopping Mall at Masonic Avenue and Geary Boulevard (2675 Geary Boulevard), as described on EIR p. 4.A.8, but appropriately do not include speculative uses such as a potential grocery or another restaurant at City Center that were not formally known to the planning department until after the publication of the EIR through submittal of an application and plans. A planning application for a conditional use authorization to convert the Best Buy location to a Whole Foods grocery store was submitted on March 21, 2019. The planning application is under review and was submitted after publication of the draft EIR (November 7, 2018). Therefore, this specific planning application was appropriately not included in the cumulative impact analyses. See the discussion in subsection D.2, Vehicle Miles Traveled (VMT) and Retail Use, in RTC Section 4, Master Response – Transportation and Circulation, p. 4.30, for more information regarding the cumulative VMT analysis.¹²

Vehicle traffic and commercial deliveries to existing land uses, including Trader Joe's on Masonic Avenue, Laurel Village Shopping Center, and California Pacific Medical Center (CPMC) located at 3700 California Street, are included under existing and baseline conditions. CPMC will relocate to new facilities outside the project vicinity by 2020 (the baseline year); however, for a more conservative analysis in terms of vehicle traffic and transportation, the existing traffic to/from that site is considered under baseline conditions. As discussed on EIR p. 4.C.2, the transportation study area for the proposed project and project variant consists of the area bounded by Geary Boulevard, Presidio Avenue, Sacramento Street, and Spruce Street. The transportation study area includes all aspects of the transportation network within generally two blocks of the project site that may be substantially affected by trips generated by the proposed project or project variant. The

¹⁰ Available online at: <https://www.courts.ca.gov/opinions/documents/A151521.PDF>, accessed May 13, 2019.

¹¹ Available online at: <https://casetext.com/case/gray-v-county-of-madera>, accessed May 13, 2019.

¹² See also Response CU-1, Cumulative Setting/Project List in Subsection 5.I, Cumulative Impacts, in this RTC document for a general discussion of the approach used to establish the cumulative setting for the cumulative impacts analyses in the EIR.

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transportation study area consists of travel corridors and facilities such as transit routes and stations, bicycle routes and amenities, pedestrian sidewalks and crossings, and the overall vehicular roadway network that residents, employees, and visitors would use in traveling to and from the project site. Intersections and roadways farther away were not analyzed as part of the study because project-generated travel remaining on local streets would be dispersed, and, consequently, the proposed project or project variant contributions would be relatively small. A total of 13 existing intersections within the transportation study area were identified as key locations that would be likely to be affected by the proposed project or project variant.

The cumulative construction impacts are discussed under Impact C-TR-1 starting on EIR p. 4.C.101. The construction of the proposed project or project variant may overlap with construction of other reasonably foreseeable future development and transportation infrastructure projects, including the 2670 Geary Boulevard project, the 3700 California Street project, and Geary Bus Rapid Transit (Geary BRT) project, all of which are within a radius of approximately a quarter-mile of the 3333 California Street project site.

Construction of 2670 Geary Boulevard (to the south of the project site) is anticipated to begin within the next year and would likely be near completion during the demolition and excavation construction activities for the proposed project's or its variant's Phase 1 (Masonic and Euclid buildings) construction program. Sutter Health is expected to vacate the CPMC campus located at 3700 California Street (to the west of the project site) and move to a new location by 2020. Construction of the proposed 3700 California Street project is anticipated to run concurrently with construction of portions of 3333 California Street and would commence around the same time. The 3700 California Street¹³ project would develop up to 273 dwelling units; given the smaller scale of the 3700 California Street project and its distance from the proposed project, including likely truck travel patterns, contribution to cumulative construction activities would be minimal. The 3333 California Street Mixed-Use Project EIR assumed construction of 250 units at the 3700 California Street site (23 fewer units than were identified at the time of the Notice of Preparation). This minor change in the unit count would not affect the construction phasing or duration, or number of construction truck trips that would occur and would not affect or alter the conclusions reached in the EIR's cumulative analysis.

Comments express concern with the potential for traffic gridlock under cumulative conditions, citing the transportation analysis in the Geary BRT Draft EIS/EIR, and correctly state that the 3333 California Street Mixed-Use Project was not part of the cumulative analysis for the Geary BRT.

¹³ 3700 California Street Draft Environmental Impact Report (Case No: 2017-003559ENV), June 12, 2019, <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=4595d1d5d3a94c1007295e922610d9afeeb2a48a415e46e91107c6d30938d458&VaultGUID=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>, accessed June 17, 2019.

Comments also express concern with the addition of project-generated traffic (specifically that generated by the proposed retail uses) to the transportation network under cumulative conditions.

The Geary BRT Draft EIS/EIR examined potential effects on automobile delay (intersection level of service) in the weekday p.m. peak hour for a number of build alternatives as well as a no build alternative, pursuant to the methodology in use for traffic impact analyses at the time that EIS/EIR was prepared. The results of this analysis showed that while there would be significant traffic impacts at four of the 78 study intersections, mainly along the Geary corridor (none near the 3333 California Street project site) in 2020, and at eight of the study intersections in 2035 (the closest to the 3333 California Street site are at California Street/Presidio Avenue and Geary Boulevard/Parker Street), there would be an overall reduction in traffic on Geary Boulevard. This was found to be due in part to the reduction in traffic capacity with the exclusive transit lane, but also in part due to expected shifts from auto to transit use with the improved transit service.

While the planning department and the state no longer use automobile delay, measured as level of service (LOS), to determine whether a project would result in significant traffic impacts based on changes in CEQA, LOS is used to determine whether some projects would result in transit delays. The single intersection analyzed for the 3333 California Street Mixed-Use Project to determine whether transit delay would occur as a result of project-generated traffic that was also analyzed in the Geary BRT Draft EIS/EIR is California Street/Presidio Avenue. Project-generated traffic would increase existing (2017) traffic volumes at that intersection by about five percent overall in the weekday p.m. peak hour, and would result in an overall increase in delay of about three seconds (see pp. 43-44 in the Travel Demand Memorandum in EIR Appendix D). This additional project-related traffic would not be sufficient to substantially change the conclusions in the Geary BRT Draft EIS/EIR and does not support a conclusion that there would be traffic “gridlock” in the vicinity of the 3333 California Street project site in combination with implementation of the Geary bus rapid transit project.

Construction of the 2670 Geary Boulevard, 3700 California Street, and Geary BRT projects would not combine to result in significant cumulative construction-related transportation impacts due to limited construction overlaps and to the distances between these projects. There are no other planned development projects nearby, other than the proposed project or project variant, that would contribute to cumulative construction-related transportation impacts. For information about the effects of project-generated and cumulative traffic on emergency access see the discussion in Impact TR-11 on EIR pp. 4.C.99-4.C.101 and Impact C-TR-11 on EIR pp. 4.C.114-4.C.115. For a response to other comments regarding emergency access see Response TR-13: Emergency Access, below, on RTC p. 5.E.106.

It is anticipated that construction of the proposed project or project variant would occur over a time period of 7 to 15 years. Construction of the reasonably foreseeable future projects in the vicinity of the project site could temporarily generate increased traffic at the same time and on the same roads

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as the proposed project or project variant. As part of the construction permitting process and similar to the requirements for the proposed project or project variant, each development project would be required to work with the various City departments to develop detailed and coordinated construction logistics and contractor parking plans, as applicable, that would address construction vehicle routing, traffic control, transit movement, pedestrian movement, and bicycle movement adjacent to the construction area. Overall, because the proposed construction activities of the cumulative projects would, to the maximum extent feasible, accommodate construction and staging activities on their respective project sites, and must also conduct construction in accordance with City requirements, the proposed project or project variant in combination with past, present and reasonably foreseeable developments in San Francisco would result in less-than-significant cumulative construction-related transportation impacts. As noted under Impact TR-1 (EIR p4.C.68-4.C.74), the proposed project or project variant would implement Improvement Measure I-TR-1: Project Construction Updates to further reduce the less-than-significant contribution to cumulative construction-related impacts.

Based on the above discussion, the comments do not present evidence that there would be any new significant cumulative transportation impacts not already identified in the EIR or that significant impacts would be substantially more severe than identified in the EIR; no new mitigation measures would be needed.

COMMENT TR-13: EMERGENCY ACCESS IMPACTS

“Also, as more projects will not have parking allowed with units on Presidio Avenue and practically every other street in the city, the rideshares will, along with all the road-dieting, bulb-outs for pedestrian safety, lane marking changes and traffic control devices cause a lot of automobile delay and could be dangerous to get *emergency access and support* into and out of the area for not only this site but for the rest of the nearby community inhabitants.

Related to this above matter about emergency access, see Page S.15, **TR-11**: “The proposed project or project variant would not result in significant impacts on emergency access to the project site or adjacent locations.” (“LTS,” “None required” for mitigation measures)” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-24]*)

“With streets clogged with more vehicles, with more pedestrians in the area, the delays can start to impact emergency services. How has the emergency response times changed? Where is the analysis for safety personnel (e.g. ambulance, fire trucks) for the development per phase and at the end of completion?” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-41]*)

RESPONSE TR-13: EMERGENCY ACCESS IMPACTS

The comments state that the combination of project-related vehicle traffic and proposed streetscape modifications will result in automobile delay that could impact emergency access and response times to the area and the project site.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under Impact TR-11 starting on EIR p. 4.C.99. The EIR concluded the proposed project or project variant would have a less-than-significant impact on emergency access and no mitigation measures would be required. The comments received on the EIR do not present evidence that the analysis in the EIR is inadequate or that there would be any new significant impacts not addressed in the EIR or that impacts would be substantially more severe than those identified in the EIR.

The project's potential emergency access impacts are discussed in Section 4.C, Transportation and Circulation, under Impact TR-11 starting on EIR p. 4.C.99. Emergency vehicles would access the site from the north via the Walnut Street/California Street intersection, from the west via Mayfair Drive, and from the south at the intersection of Masonic and Euclid avenues. The Walnut Street roundabout and Mayfair and Walnut walks would be designed to accommodate the truck turning movements of a San Francisco Fire Department articulated fire truck and a ladder truck.

Intersection operations analyses were conducted at locations along California Street and at locations where streetscape modifications were proposed to evaluate the effect of project-related vehicle traffic and proposed streetscape modifications on vehicle delay and queue lengths. The intersection analysis is included in the Travel Demand Memorandum in EIR Appendix D and is documented in the Streetscape Changes Operations Analysis Memorandum. The operations analysis shows that the proposed project or project variant would not result in substantial delays or queue lengths at the study intersections as a result of the project-related increase in vehicle traffic or proposed streetscape modifications. Accordingly, there would not be significant impacts on emergency access or response times.

The project sponsor would continue to coordinate the design details with the police and fire departments for final review and approval, as required, to minimize the potential for impacts on emergency vehicle access to the project site or adjacent locations. For these reasons, the proposed project or project variant would result in a less-than-significant impact on emergency access. No new information has been presented that identifies any significant impacts on emergency access, and no mitigation measures are needed.

COMMENT TR-14: TRANSPORTATION SETTING

“Our rebuilt facility located at 3200 California Street opened in January 2004 and serves users of all ages ranging from newborns in strollers to the frail elderly. Because we serve so many children and older adults, we are very focused on safety concerns around traffic/circulation. In the 12 years since it has opened, the JCCSF has observed an increasing number of traffic/circulation problems in the vicinity of 3200 California, primarily attributable to conflicts with MUNI and increasing amounts of westbound and eastbound traffic on California. Given that the surrounding neighborhood is currently in the beginning phases of a number of significant development projects which would likely increase traffic in the neighborhood, the JCCSF would like to make sure that the following background conditions and safety issues are taken into account in the

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city's analysis of the proposed projects and in the development of mitigations to address the issues." (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, June 3, 2016 [O-JCCSF4-1]*)

"The DEIR also lacks the actual site traffic counts for the P.M. peak period which the *San Francisco Guidelines* require:

The weekday P.M. Peak Period is generally 4:00-6:00, and traffic counts shall generally be conducted during this period, unless otherwise specified in the scope of work. The peak hour must be determined from the counts (normally recorded in 15 minute intervals) for the entire peak period, and should represent the single hour within the peak period with the highest counts. *San Francisco Guidelines*, 2002, p. 10.

Instead of actual P.M. peak period counts, the DEIR only collected vehicle counts at 13 intersections within the transportation study area, existing site driveways, and nearby sidewalks. DEIR p. 4.C.2." (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi2-3]*)

"The traffic and congestion are already huge problems on Presidio Ave. The intersections are already crowded with pedestrians, bicyclists, buses, vans, and delivery trucks." (*Sharon Esker, Email, January 5, 2019 [I-Esker-4]*)

"The comparative data should be in this DEIR from 2009-2017 but the DEIR seems to put the base line for analysis at 2020 – possibly because the project is not expected to start until then. Doing so does not make a comparable to what existed from earlier years when the higher number of vehicles did not exist. Using the figures based on the vehicles today when their numbers have *already* increased makes the results of the additional vehicles negligible because the factors for comparison is based on a false comparison of what existed before (no rideshares, e.g.). If the date for the modeling does not use data from when no alternative transportation modes like rideshare existed, then one cannot make an accurate comparison as to the impact of traffic volume on the neighborhood. If one compared the 2009 and earlier years when rideshares (TNCs) did not exist to what is projected for this development, it may indeed become not an insignificant impact but a SIGNIFICANT impact. Why not use the prior years?" (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-50]*)

"Already the traffic in this area is heavy, and parking has become a major issue. We do not welcome more development without careful review of the impact on the existing neighborhood quality of life." (*Abe Lee, Email, December 13, 2018 [I-Lee-2]*)

"3. Consider the environmental impact of increased traffic, parking issues and the overall impact on the quality of life for the existing neighborhood as well as for those people who will eventually occupy any new units at 3333 California Street." (*Cristina Morris, Email, December 10, 2018 [I-Morris1-3]*)

RESPONSE TR-14: TRANSPORTATION SETTING

The comments state that the background conditions and safety concerns near the JCCSF should be taken into account in the analysis of the proposed project and development of mitigation measures. The comments state that the use of a 2020 baseline year reduces the project-related contribution to vehicle traffic relative to use of an earlier, 2009 baseline, when rideshare/TNCs did not exist. The comments ask for the vehicle counts and projected vehicle traffic on surrounding streets from 2018 until project build-out.

The EIR covered these issues in Section 4.C, Transportation and Circulation, under the following subsections: “Existing Conditions” starting on EIR p. 4.C.4 and “Baseline Conditions” starting on EIR p. 4.C.27. The comments received on the EIR do not present evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the EIR, or that impacts would be substantially more severe than those identified in the EIR.

Existing traffic, transit, pedestrian, bicycle, loading, and emergency access conditions around the project site, including conditions around JCCSF, are described in Section 4.C, Transportation and Circulation, under the “Existing Conditions” subsection starting on EIR p. 4.C.4. These conditions have been taken into account in the analysis of the proposed project and project variant and in the development of mitigation measures. For existing parking conditions, see the informational discussion starting on EIR p. 4.C.115. For further response to comments related to parking, see Response TR-11: Parking on RTC pp. 5.E.98-5.E.99.

The “Baseline Conditions” are described in the EIR starting on p. 4.C.27. As noted in this subsection, 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. However, in the study area, some land use development projects are either recently occupied or under construction, and some transportation infrastructure projects are approved/funded. Because these projects will be completed by the time the proposed project or project variant is operational, the transportation analyses provide baseline conditions that take these conditions into account. Using an existing plus project transportation analysis would not accurately reflect the conditions that will exist at the time the proposed project’s or project variant’s impacts would actually occur; therefore, a baseline plus project conditions transportation analysis was used to provide a more accurate and conservative analysis.

The transportation study area and study intersections are discussed in Section 4.C, Transportation and Circulation, starting on EIR p. 4.C.2. A total of 13 existing intersections within the transportation study area were identified as key locations that are likely to be affected by the proposed project or project variant. These study intersections are identified by number in Table 4.C.1 on EIR p. 4.C.4, and shown on Figure 4.C.1 on EIR p. 4.C.3. Multimodal turning movement counts were collected at the study locations, including existing site driveways, on

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December 1, 2016. Vehicle counts are included in the Travel Demand Memorandum (see EIR Appendix D, pp. 176-218). Additionally, average daily traffic volumes on roadways surrounding the project were estimated for Existing, Existing plus Project, Cumulative, and Cumulative plus Project Conditions. The approach and methodology and estimated volumes are documented in the Average Daily Traffic Volumes – Methodology and Results Memorandum prepared by Kittelson & Associates and included in EIR Appendix F as part of the supporting documentation for the air quality analysis.

5.F NOISE AND VIBRATION

The comments and corresponding responses in this section relate to the topic of noise and vibration evaluated in the EIR Section 4.D. The comments are further grouped according to the following noise- and vibration-related issues that the comments raise:

- NO-1, Construction Noise Impacts
- NO-2, Construction Vibration (Off-Site Structures)
- NO-3, Noise Increases/Operational Impacts
- NO-4, Mitigation Measures
- NO-5, Methodology

A corresponding response follows each grouping of comments.

Documents and other information cited in this RTC section are available at the planning department offices as part of Case File No. 2015-014028ENV and electronically on the project's AB900 Record of Proceedings at <https://www.ab900record.com/3333cal>.

COMMENT NO-1: CONSTRUCTION NOISE IMPACTS

“2. **Sensitive Receptor.** Page 4.D.12. We appreciate the fact that the DEIR identifies the JCCSF site as a sensitive receptor (in fact, the JCCSF is identified as the closest sensitive receptor to the Project site). As a result of this designation, we believe it imperative that the City, through DEIR mitigations and application of blue book regulations, implement all feasible measures to decrease construction noise and dust on our users. In light of the potentially negative effect on our preschool and other programs of the 7-15 year construction period (e.g. page 4.D. 40 indicates a maximum increase of 9dBA over existing 67dBA for 82 months), we would hope that the City would design a mitigation measure that creates a collaborative process enabling the City, Developer and JCCSF to monitor the impact of the construction noise, dust and traffic on the JCCSF with the City retaining the ability to impose enhanced mitigation measures throughout the construction period, if warranted, depending on the actual on-the-ground experience of the JCCSF, as a sensitive receptor.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, January 8, 2019 [O-JCCSF1-2]*)

“Additionally, in light of the fact that we have approximately 170 preschoolers who use our outdoor play yard every day from 8:00 am-3:00 pm, we would like to make sure that the Impact NO-2 analysis considers construction noise impacts on these sensitive receptors.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, June 8, 2018 [O-JCCSF2-4]*)

“It would also have a significant construction noise impact that’s unmitigable...” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript and Handout, p. 45, December 13, 2018 [O-LHIA3-5]*)

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“And I understand the environmental impacts of the noise, and we’re all going to have to do that, because I’m committed to the people of San Francisco.” (*Ed Munnich, SF YIMBY Action, Draft EIR Hearing Transcript, December 13, 2018 [O-YIMBY2-3]*)

“That’s not to mention noise, light, and air pollution it will add to the very lengthy construction period and after.” (*Sonya Dolan, Draft EIR Hearing Transcript, December 13, 2018 (I-Dolan-5)*)

“The Noise Control Plan should be reviewed and approved by BOTH Planning Department *and* the Department of Building Inspection (DBI) before permit issuance that will show that the daytime and nighttime noise from the project or any variant will not be greater than 10dBALeq.

This 3333 California DEIR does not have specifics as to how or where the construction-related equipment and vehicles will be handled in the neighborhood. Noise should be attenuated at the closest receptor as part of the mitigation of this “S” Significant Impact category. Developer and contractor may use field-erected temporary noise barriers. Other mitigation measures to employ might be noise control blankets on the buildings as they are worked on, wall off stationary equipment that are noise-makers such as compressors, generators, concrete pumps.

Not only to mitigate noise but also to reduce GHGs in the area, turn off idling vehicles such as dump trucks, delivery trucks, etc.

Staging of concrete pump trucks (they have their concrete spinning while waiting for their turn and thus have a continuous noise) should be determined as to what street and how that will work with the TR (transportation and traffic) category of impact. Who might be responsible would likely be the developer and the construction contractor(s) with notice to Planning and DBI.

Concrete pumping trucks used at night should not increase interior noise levels to surrounding sensitive receptor sites above 45 dBA from 7PM-7AM. Shift noise-making activities to daytime prior to 7PM whenever possible.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-29]*)

“The noise-monitoring report should be made available online with a link for the public to access the data to be done daily (every 15 min. or what the neighbors request) rather than on a “weekly basis” (Page S.20).

The hotline number should be posted on a publicly accessible webpage specifically for this construction project as contractors change quickly depending on the phase and change of plans. The hotline number complaints should be handled within 24 hours. Investigational steps should be taken to determine the source of the noise, reduce or abate the noise due to the sound path. Block significant noise makers with non-noise-producing vehicles and equipment so long as they do not create additional hazards for pedestrians, bicyclists and other traffic in the area.

The routes taken (under TR), causes more noise on these residential streets. The routes should be only where large trucks not over 3 tons are allowed. Many streets in the Laurel Heights/Jordan Park area are off-limits for trucks over 3 tons and have many speed humps that would create more vibrations and banging noises when larger vehicles use them. The construction vehicles should not take the restricted streets and stick to commercial streets.

Also, shifting all the noise makers to the early morning or late evening hours will make the noise more discernable since even 70db is heard better during these hours than during the day when other noise is present to “mask” it somewhat.

See also S.15 comments and other areas where noise was brought up as an issue in this document.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-31]*)

“The mitigation measures suggested for construction noise, which will be at unacceptable levels, is inadequate.” (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-6]*)

“Construction period noises will be unacceptable. In many construction projects, dump trucks and other big trucks travel at night, rumbling loudly when ambient noise levels finally are low, adding to the discomfort of residents.” (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-8]*)

“The Draft EIR states that the project would have a Significant and Unavoidable with Mitigation impact on noise because it 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.” (page 4.D.36) The estimated construction period is 7 to 15 years.” (*Victoria Underwood, Letter, December 4, 2018 [I-UnderwoodVI-2]*)

RESPONSE NO-1: CONSTRUCTION NOISE IMPACTS

The comments present concern for potential construction noise impacts on the users of the Jewish Community Center of San Francisco (JCCSF) and other sensitive receptors near the project site during construction activities, and the timing of these impacts. Comments assert that the mitigation measures are not adequate and suggest changes to the mitigation measures to reduce construction noise. Comments also express concern about the length of construction, the noise impacts of construction staging, and the noise impacts of construction truck traffic on receptors along the haul routes. Comments also request that the noise mitigation program (assumed to mean the Noise Control Plan identified in Mitigation Measure M-NO-1: Construction Noise Control Measures, on EIR pp. 4.D.42-4.D.43) include the ability for the City to enhance and augment the measures based on monitoring results during the construction period.

Existing long-term and short-term sound level measurements were collected as part of the noise impact analysis for the proposed project or project variant. Five long-term measurements and seven short-term measurements were taken. Figure 4.D.1: Sound Level Measurement Locations, on EIR p. 4.D.8 in Section 4.D, Noise and Vibration, shows each long- and short-term location. Table 4.D.2: Summary of Long-Term (LT) Noise Monitoring Results in the Project Vicinity and Table 4.D.3: Summary of Short-Term (ST) Noise Monitoring Results in the Project Vicinity, on EIR pp. 4.D.9 and 4.D.10, respectively, summarize the collected noise data. The existing noise-sensitive land uses are described on EIR pp. 4.D.10-4.D.11 and the closest sensitive receptors are listed in Table 4.D.4: Sensitive Receptors in the Project Vicinity, on EIR p. 4.D.12.

The potential for noise impacts at the JCCSF was evaluated through modeling noise levels at sensitive receptor locations positioned at the north side of California Street, including at the JCCSF (Receptor R6). As explained in the discussion of the approach to the noise analysis under

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“Federal Transit Administration General Assessment Guidance” on EIR p. 4.D.25, and as stated on EIR p. 4.D.38, the EIR assessment of potential increases in the ambient noise environment due to construction activity was based on the “two loudest pieces of equipment [that] would operate simultaneously for one hour at the approximate center of the closest activity,” and is considered a worst-case construction noise scenario. As stated in the title of Table 4.D.13: Highest Noise Increases over Ambient Levels During Construction, on EIR p. 4.D.40, the potential increases over ambient noise due to construction are provided as the “highest increases,” that is, maximum increases. This is the highest potential increase over ambient noise conditions anticipated during construction activities. The analysis and disclosure of maximum potential project-specific increases over existing ambient environments (i.e., a “worst case” assessment) follows standard methodology for the evaluation of noise impacts. However, it can be anticipated that during most of the construction period, when “worst case” construction noise conditions are not occurring, construction noise would be less than the maximum noise levels conservatively presented in the EIR analysis and would not greatly exceed the ambient noise environment at most sensitive receptor locations, including those north of California Street. For example, the discussion of noise impacts at the sensitive receptors located across Laurel Street, on EIR pp. 4.D.44-4.D.45, states that increases of 10 dBA or more would not be expected to occur at all times during any of the construction phases, and, at many times, the construction noise levels would be below those maximum noise levels. Noise sensitive receptors located across California Street (Receptor R5, located approximately 80 feet from the project site) would experience significant construction-related noise levels during excavation for the Plaza A and Plaza B buildings under Phase 3, but levels would fall below the 10 dBA impact standard during other portions of the excavation period. Regardless, mitigation measures, including continuous noise monitoring along the north side of California Street as well as along Laurel Street and Euclid Avenue during the excavation component of construction, are identified in Mitigation Measure M-NO-1: Construction Noise Control Measures (EIR pp. 4.D.42-4.D.43) to help reduce the potential for off-site construction noise impacts. Appropriate actions are identified for instances where monitoring reports indicate an exceedance. Note that increases in ambient noise from construction that are less than 10 dBA, such as the maximum increase anticipated at the JCCSF, while noticeable, would be less-than-significant impacts. See EIR pp. 4.D.46-4.D.47 regarding less-than-significant construction noise impacts along California Street (closer to Presidio Avenue) and along Presidio Avenue.

Other measures identified in Mitigation Measure M-NO-1, in addition to continuous monitoring along Euclid Avenue, Laurel Street and the north side of California Street, include the preparation of a Noise Control Plan, which would precisely define noise monitoring requirements and would identify specific noise-control measures that would be implemented as part of the Noise Control Plan from the list of measures identified in the EIR on pp. 4.D.42-4.D.43. These noise control features could include some of the items identified in comments, such as prohibiting unnecessary idling and installing temporary barriers around stationary equipment. The noise control features in Mitigation Measure M-NO-1 (EIR pp. 4.D.42-4.D.43) account for corrective actions. As stated

there, "...corrective action shall be taken, such as halting or moving specific construction activities, fixing faulty or poorly operating equipment, and installing portable barriers." Both of these representative measures listed in the mitigation measure could include noise blankets mentioned in one comment, under "temporary barriers" or under "portable barriers." A draft of the Noise Control Plan would be submitted to the planning department and the department of public health for review and approval prior to implementation. To clarify the requirement for review and approval of the Noise Control Plan by the Department of Public Health – Environmental Health Division, the first sentence of the first paragraph under "Plan Review, Implementation and Reporting" in Mitigation Measure M-NO-1 on EIR p. 4.D.43 has been modified as follows (new text is shown in double-underline):

The Noise Control Plan shall be reviewed and approved by the San Francisco Department of Public Health and Planning Department prior to implementation. Noise monitoring shall be completed by a qualified noise consultant.

Additionally, as stated in the mitigation measure on EIR p. 4.D.43, weekly noise monitoring logs must be made available to the planning department when requested.

Noise monitoring details are presented in the EIR under Mitigation Measure M-NO-1 (p. 4.D.43) and would include alert notifications to the Construction Manager or other designated person(s) when noise levels exceed allowable limits (10 dBA above established ambient levels) so that corrective actions may be taken. Noise monitoring logs would be available at the planning department for public review upon request. Construction activities would not be limited to quieter or noisier times of the day, but are anticipated to occur during daytime hours of 7 a.m. to 7 p.m. on weekdays with some work anticipated to occur on Saturdays between 7 a.m. and 3 p.m., as described on EIR p. 4.D.35, when typical activities at nearby noise sensitive receptor locations would be less likely to be disturbed by construction noise and when construction activities would be less likely to disturb sleep. Therefore, noise from construction-related activities is not anticipated to occur on the project site between the hours of 7:00 p.m. at night to 7:00 a.m. in the morning as noted in one comment, except in certain circumstances for discrete events such as continuous concrete pours for some foundations. As explained on EIR p. 4.D.35, if a few specific construction activities necessitated nighttime work, a special work permit would be required from the Director of Public Works or the Director of Building Inspection. Nighttime construction activities, if any, would not involve activities or equipment that could produce substantial noise and vibration, such as controlled rock fragmentation, impact or vibratory pile drivers, jackhammers, impact hammers, or rock drills. There is no plan to shift noisy activities to early morning (before 7:00 a.m.) and late evening (after 7:00 a.m.) hours, as suggested in one comment.

The noise analysis in the EIR calculated construction noise levels for nearby sensitive receptors, including Receptor R6 located at the exterior of the JCCSF building, as noted above. The analysis in the EIR shows that the maximum noise level at Receptor R6 would be 9 decibels over the

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existing ambient level and therefore, while noticeable, would be a less-than-significant impact (see EIR pp. 4.D.40 and 4.D.46). Additionally, the JCCSF preschool yard is located in an interior courtyard shielded from traffic on California Street by the JCCSF building itself, and is expected to be exposed to much lower levels of construction noise than reported in the EIR for Receptor R6. This is because the interior courtyard would be further from the construction noise sources than Receptor R6 located at the California Street edge, which would attenuate the calculated noise level at the interior courtyard somewhat. The building walls around the courtyard would further attenuate construction noise. Therefore, the JCCSF building is expected to effectively shield noise from construction activity as received at the pre-school yard. In addition, implementation of Mitigation Measure M-NO-1, described above in relation to reducing noise levels at Receptor R5, would reduce construction noise levels at all locations, including locations with less-than-significant impacts such as the JCCSF pre-school. Thus, the mitigation measures suggested in the comment are not necessary.

Construction truck hauling hours are defined specifically on EIR p. 4.D.50 as 7 a.m. to 3:30 p.m.; however, pursuant to the San Francisco Noise Ordinance, construction activities within the city may occur on the site between 7 a.m. and 8 p.m. Noise monitoring during construction hours would be continuous, and therefore would capture all noise emitted during daytime construction operations. At this time, no regular nighttime construction is anticipated by the developer. Accordingly, no hauling of materials, equipment warm-up, or any other activity is anticipated during nighttime hours except in unusual circumstances such as concrete trucks providing a continuous concrete pour, if needed, for some foundations or construction equipment for utility work, as explained on EIR p. 4.D.35. If nighttime work after 8 p.m. were needed, a special nighttime construction permit would be needed, as noted above.

For purposes of the noise impact analysis, the construction truck haul routes were determined based on the identified truck routes in the San Francisco Planning Department's Transportation Information Map and information provided by the project sponsor's general contractor (see EIR pp. 4.D.50-4.D.51 and Section 4.C, Transportation and Circulation, EIR p. 4.C.72). Considerations for weight restrictions on roadways are made in coordination with the San Francisco Municipal Transportation Agency (SFMTA), which publishes readily available online resources that identify weight and vehicle size/type restrictions throughout the City.¹ San Francisco Transportation Code article 500, section 501, lists the streets where operation of a vehicle with a gross weight over 3 tons is prohibited in subsection (b).² That list includes Laurel

¹ SFMTA, San Francisco Street Restrictions Effective December 2017, https://www.sfmta.com/sites/default/files/pdf_map/2017/12/streetrestrictions.pdf and <https://www.sfmta.com/getting-around/drive-park/commercial-vehicles/tour-bus-information>, accessed June 18, 2019.

² San Francisco Transportation Code article 500, section 501, Vehicle Weight Restrictions, [http://library.amlegal.com/nxt/gateway.dll/California/transportation/transportationcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sync=1](http://library.amlegal.com/nxt/gateway.dll/California/transportation/transportationcode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1), accessed June 18, 2019.

Street between Mayfair Drive and Euclid Avenue as well as several streets in the Jordan Park area near the project site such as Jordan Avenue between Geary Boulevard and California Street, Spruce Street between Geary Boulevard and Euclid Avenue, and Mayfair Drive between Spruce and Laurel streets. Subsection (d)(2) provides for exemptions to the weight limitation for a commercial vehicle coming from an unrestricted street to one of the restricted streets when necessary for the purpose of delivering materials or equipment to be used in construction of a building on the restricted street when a building permit has previously been issued. The construction logistics plan identified under Impact TR-1 on EIR pp. 4.C.68-4.C.74 would take that information into consideration. As explained on EIR pp. 4.D.50-4.D.51, construction trucks would access the site from California Street and from Masonic and Presidio avenues (with limited access from Laurel Street and Mayfair Drive based on the exception noted), citing the Truck Routes section of the SF Transportation Information Map (see note 39 on EIR p. 4.D.51) and/or Transportation Code section 501.³ That construction truck traffic would add 2 dBA or less to the expected haul routes (see EIR p. 4.D.50). A 2 dBA change is not typically noticeable to most people outside of laboratory conditions, although some residents may notice when some trucks pass nearby.

Construction occurs throughout San Francisco and is common and expected in a dense urban environment. The SFMTA, planning department, and other City agencies have established protocols for addressing a variety of concerns throughout the construction process, e.g., noise complaints, dust control, and traffic hazards. For a response to comments regarding the construction duration, phasing and temporary staging see Response PD-1: Construction Duration, Phasing and Staging, and Development Agreement, on RTC pp. 5.B.9-5.B.15.

COMMENT NO-2: CONSTRUCTION VIBRATION (OFF-SITE STRUCTURES)

“3. **Construction Vibration.** Pages 4.D.54-56. The DEIR concludes that the JCCSF is located too far from the Project construction site to experience construction vibration impacts to the JCCSF structure. We acknowledge that the San Francisco Fire Credit Union building is closer and is more at risk from vibrations from construction activities; however, we continue to be extremely worried about this issue especially given the presence of the underground garage and pool at the JCCSF. As a result, we request that the City amend the last sentence of the fourth bullet of Mitigation M-NO-2 to add the JCCSF to the list of entities which is alerted when vibration levels exceed the allowable threshold at the San Francisco Fire Credit Union building. In other words, if the San Francisco Fire Credit Union is the canary in the coal mine, then the JCCSF will want to know when something happens to the canary. Additionally, if damage is observed at the JCCSF, then similarly to the San Francisco Credit Union Building, we believe that excavation should cease and vibration control measures should be implemented. Thus, we would request that the phrase in the fifth bullet of Mitigation M-No-2 be amended to add the

³ Violations of the street weight restrictions, without a special exception as noted in Transportation Code section 501(d), is an infraction under Transportation Code sections 7.2 and 7.2.77, enforced by police officers, parking control officers or others designated by the Chief of Police under Transportation Code section 3.1.

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bolded language: i.e. “if damage to the SF Fire Credit Union building or the JCCSF building is observed...” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, January 8, 2019 [O-JCCSF1-3]*)

“3. **Construction Vibration and Noise** -The IS notes (pg. 142, Impact N0-3) that vibration is a potential issue for the SF Fire Credit Union. We are similarly concerned by construction related activity and request that the EIR consider potential impact to the JCCSF building - including our underground pool, parking and overall structure.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, June 8, 2018 [O-JCCSF2-3]*)

“What is the impact on 560 Presidio Building’s structure vibrations...” (*Gilda Poliakin, Email, December 30, 2018 [I-Poliakin-4]*)

RESPONSE NO-2: CONSTRUCTION VIBRATION (OFF-SITE STRUCTURES)

One comment expresses concern about potential construction vibration impacts at the JCCSF because it is across the street from the SF Fire Credit Union building, which was evaluated in the EIR for its potential to be affected by construction-related vibration as it is near the northeast side of the construction area. The comment also requests that Mitigation Measure M-NO-2 be revised so that the JCCSF would be notified when vibration levels exceed the thresholds for potential damage at the SF Fire Credit Union building. Another comment requests information on the vibration impacts at 560 Presidio Avenue.

Groundborne vibration impacts are discussed in Section 4.D, Noise and Vibration, under Impact NO-2, starting on EIR p. 4.D.51. The methodology for the vibration impact analysis is provided on EIR pp. 4.D.30-4.D.32 and is based on Federal Transit Administration guidance. Table 4.D.6: Vibration Guidelines for Potential Damage to Structures, on EIR p. 4.D.17, identifies the vibration level at which different structure types (i.e., from “extremely fragile historic buildings, ruins, ancient monuments” to “modern industrial/commercial buildings”) would be subject to potential damage. Table 4.D.10: Vibration Source Levels for Construction Equipment, on EIR p. 4.D.31, provides the vibration source levels for typical construction equipment.

As noted on EIR pp. 4.D.54-4.D.55, vibration impacts on the SF Fire Credit Union building could occur with the operation of excavators or similar earth-moving equipment within less than 8 feet of this building (see Table 4.D.17: Maximum Anticipated Construction Groundborne Vibration Levels at SF Fire Credit Union Building on EIR p. 4.D.55). The JCCSF is located approximately 60 feet from the nearest portion of the project site, and would be at a greater distance from the nearest use of an excavator than the SF Fire Credit Union building. Thus, the JCCSF is located substantially further away than the minimum distance of 8 feet that is identified in the EIR as the distance beyond which structural damage would not be expected to occur from continuous use of an excavator (see Table 4.D.17, Note D, on EIR p. 4.D.55). The JCCSF, constructed in 2001-

2004, is a newer “modern commercial” building that is anticipated to be able to withstand levels of vibration similar to the SF Fire Credit Union building. As shown in Table 4.D.16: Maximum Anticipated Construction Groundborne Vibration Levels at Offsite Structures, on EIR p. 4.D.54, at a distance of 60 feet, vibration levels at the JCCSF would be expected to be 0.06 in/sec peak particle velocity (PPV) or less when using vibration-intensive equipment such as vibratory rollers, substantially below the 0.5 in/sec PPV threshold for structural damage applicable to modern buildings such as the JCCSF building. As shown in Table 4.D.17, use of excavators during the excavation component of Phase 3 at a distance greater than 25 feet away from the JCCSF would be expected to generate vibration levels of less than 0.089 in/sec PPV, which is below the 0.5 in/sec PPV threshold for structural damage. Thus, the JCCSF at a distance of approximately 60 feet from the proposed excavation activities would experience less-than-significant vibration levels.

Although vibration levels within this range may be perceptible by some people, they are substantially below the Caltrans criterion for vibration impacts for a typical “modern commercial” building (per Table 4.D.6 on p. 4.D.17, 0.5 in/sec PPV for continuous/frequent intermittent sources). Based on the distance of the JCCSF building from vibration-inducing equipment, groundborne vibration effects on the underground garage and pool would not be expected to occur. Therefore, the vibration levels would be below the vibration criteria requiring mitigation and do not provide a basis to include the JCCSF on the list of persons to be notified when vibration levels exceed allowable thresholds. Based on the same Caltrans criteria that have been applied to this analysis (see Table 4.D.6, EIR p. 4.D.17), at all other nearby off-site buildings, including those on the east side of Presidio Avenue such as 560 Presidio Avenue, those south of Euclid Avenue, or those west of Laurel Street, vibration from construction activities is expected to be well below the threshold for vibration criteria requiring mitigation.

COMMENT NO-3: NOISE INCREASES/OPERATIONAL IMPACTS

“The DEIR states that centralized trash rooms “with combined chutes or bins for recyclable, compostable and trash would be located within each residential building on every floor. The combined chutes would terminate into separate recyclable, compostable, and trash bins using tri-waste sorters and would be held within trash collection rooms.” DEIR p. 2.78. Please state the amount of noise expected to be generated by the tri-waste sorters, the times of day during which such noise would be generated; also, please state whether such noise was included in the DEIR’s analysis of operational noise and describe the details of the analysis that took into account such noise. Please also describe in detail the amount of space that would be occupied by the proposed tri-waste sorters and the trash collection rooms in each proposed location in the proposed project.” (*Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-22]*)

“Page S.15: The mitigation measure to initiate early morning and late evening deliveries would seem like they would increase noise levels during these hours which are very low per your data (in the 40dBAs). When one adds large commercial truck deliveries during these very early or

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very late hours, the impact would be greater even if at 75db because everything else around it is so quiet.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-26]*)

“If HVAC equipment mitigation is not reached, the Certificate of Occupancy should not be issued for parts of the development where any part of the Noise Ordinance is not met.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-30]*)

“Today, the 3333 California site is offices with no residential units so there is hardly any use of the site beyond UCSF’s use after 5PM. As more projects surrounding the building are built with uses that go beyond 5PM or early evening, there will be increased base level noise on all the streets in the neighborhood where it has not existed before or to a greater extent than it will once such uses get put on the site.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-56]*)

“3. The increase in noise and pollution caused by the increased density and changed use of the site would adversely impact the neighborhood. This is a residential neighborhood and the site cannot support the increase in noise or traffic — either during an extended construction period or with the existence of an unnecessary mixed-use project.” (*Larry Mathews, Email, December 13, 2018 [I-Mathews1-5]*)

RESPONSE NO-3: NOISE INCREASES/OPERATIONAL IMPACTS

The comments suggest that noise from operation of the proposed project or project variant, specifically from garbage sorting, truck deliveries, and HVAC equipment, was either not adequately evaluated in the EIR or requires additional assessment.

The EIR addresses waste sorting on p. 4.D.61, under the subheading “Additional Equipment”:

“Trash compactors and loading docks would be located below grade within Basement Level B3 of the California Street Garage and Basement Level B1 of the Masonic Garage and would be shielded from exposure to nearby onsite and offsite uses. Noise from such equipment and activities would be expected to be either minimally audible or not audible.”

The waste would be sorted in the buildings’ basements, and sorting activities would not be audible outside of the basements. As explained on EIR p. 2.78, solid waste bins would be transported within the buildings by an automated tow tractor system to off-street staging areas adjacent to off-street freight loading docks in the California Street and Masonic Building garages. Pickup would occur inside the buildings at the loading docks for all buildings except the Laurel Duplexes and the Mayfair Building. Noise from solid waste handling and pickup would be shielded by the building structure. Solid waste bins from the Laurel Duplexes and the Mayfair Building would be placed at the curb on Laurel Street on pickup days, similar to the process for existing residential buildings across Laurel Street and at other locations in the neighborhood and would not result in noise levels different from existing solid waste pickup activities occurring on surrounding neighborhood streets. No additional analysis is necessary.

Regarding truck deliveries, EIR p. 4.D.67 states:

“...generators and loading docks would be located underground and shielded from onsite receptors, and their use would be temporary and infrequent (i.e., delivery vehicles, including backup alarms) and generally would be consistent with the character of an urban environment within which the project site is located. The impacts of operational noise on onsite receptors would be less than significant.”

As noted on EIR p. 4.D.60, noise from delivery vehicles accessing the proposed off-street loading docks within the proposed California Street and Masonic garages from outdoors also would be of short duration and consistent with the character of the urban environment around the project site. Noise generated by loading activities would occur within the building and noise would be effectively shielded from on- and off-site sensitive receptors by the intervening building walls and by distance from the noise sources. Similarly, noise from delivery vehicles using the proposed curbside loading area along California Street to serve the retail and office uses would be typical of the urban environment along neighborhood commercial corridors. While loading impacts were found to be less than significant and no mitigation measures were required, Improvement Measure I-TR-9b: Monitor Loading Activity and Implement Loading Management Strategies was identified to improve loading conditions if occupancy of the on-site loading docks and the on-street loading spaces were to approach capacity (see discussion of freight loading transportation impacts in Impact TR-9 on EIR pp. 4.C.96-4.C.98). This improvement measure could be adopted by the planning commission as a condition of approval or incorporated into the development agreement.

Improvement Measure I-TR-9b provides a list of management strategies that could be employed.⁴ One of the several strategies identified would be to require that deliveries to the retail and restaurant components of the proposed project or project variant occur during early morning or late evening hours. If this strategy were to be implemented, the operational noise from these deliveries would be similar to early and late deliveries that already occur along neighborhood commercial streets throughout the city that also have residential uses and would not result in substantial increases in ambient noise levels in the vicinity.

Regarding the operation of HVAC equipment, EIR p. 4.D.64 states:

“[The] design and operation [of HVAC] in accordance with the noise ordinance and implementation of performance standards for cooling equipment and garbage trucks, as summarized above under Impact NO-3 (pp. 4.D.58-4.D.62), and identified under Mitigation Measure M-NO-3 (p. 4.D.60), would ensure that the proposed project or project variant would not substantially alter ambient noise levels such that future occupants would be located within a noise environment that would be incompatible with the proposed uses.”

⁴ The mitigation and improvement measures are reproduced in the EIR Summary Chapter in Table S-1, with this transportation loading Improvement Measure presented on pp. S-14 to S-15.

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Specifically, Mitigation Measure M-NO-3 (EIR p. 4.D.60) states:

“Noise attenuation measures shall be incorporated into all stationary equipment (including HVAC equipment) installed on all buildings that include such stationary equipment as necessary to meet noise limits specified in Section 2909 of the Police Code.”

To clarify the requirements for implementation of Mitigation Measure M-NO-3, at the top of EIR p. 4.D.60, a new second paragraph has been added to the measure as follows (new text is shown in double-underline):

Noise attenuation measures shall be incorporated into all stationary equipment (including HVAC equipment) installed on all buildings that include such stationary equipment as necessary to meet noise limits specified in Section 2909 of the Police Code. Interior noise limits shall be met under both existing and future noise conditions. Noise attenuation measures could include provision of sound enclosures/barriers, addition of roof parapets to block noise, increasing setback distances from sensitive receptors, provision of louvered vent openings, and location of vent openings away from adjacent residential uses.

After completing installation of the HVAC equipment but before receipt of the Final Certificate of Occupancy for each building, the project sponsor shall conduct noise measurements to ensure that the noise generated by stationary equipment complies with section 2909 (a) and (d) of the San Francisco Noise Ordinance. No Final Certificate of Occupancy shall be issued for any building until the standards in the Noise Ordinance are shown to be met for that building.

Regarding operational traffic, the EIR analyzes traffic-generated noise in Impacts NO-4 and NO-5 on EIR pp. 4.D.62-4.D.67. The analysis shows that the increase in vicinity noise levels from operational traffic generated by the proposed project or project variant is predicted to be between 0 and 2 dBA (Ldn) at all existing residences and at new project residential properties adjacent to area roadways (see Table 4.D.19: Project-Related Traffic Noise Levels Near Area Roadways and Table 4.D.20: Estimated Future Traffic Noise Levels at New Occupied Buildings, EIR pp. 4.D.63 and 4.D.66, respectively). Therefore, no significant traffic-generated noise impacts would occur.

See also Response NO-1: Construction Noise Impacts, RTC pp. 5.F.3-5.F.7, regarding construction noise.

COMMENT NO-4: MITIGATION MEASURES

“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

2. As a condition of approval of the project, the noise control plan for the proposed project shall include all of the construction noise control measures described in Mitigation Measure M-NO-1: Construction Control Measures set forth at DEIR pp. 4.D.42-51. Notwithstanding the foregoing, the monitoring noise stations shall be required to provide continuous noise monitoring at the nearest potentially impacted receptors whenever construction activities are being conducted and not merely from 7 am to 3 pm on Saturdays.

Also notwithstanding the foregoing, night noise permits shall not be sought except in an emergency and at the time that any night noise permits are requested, the Construction Manager shall also provide written copies of the application for a night noise permit and all accompanying writings to the Laurel Heights Improvement Association by email to KRDevincenzi@gmail.com and frfbeagle@gmail.com or such other email address as LHIA may provide for notice.

MITIGATION MEASURE -NOISE-3: PROHIBITION ON NIGHT CONSTRUCTION WORK EXCEPT IN EMERGENCY

3. At the 3333 California Street site, construction work shall not be performed at night during the hours of 8:00 pm of any day and 7:00 am of the following day except in an emergency.

MITIGATION MEASURE -NOISE-4: PROCEDURES FOR NOTICE TO RESIDENT ASSOCIATION OF APPLICATION FOR A PERMIT TO PERFORM CONSTRUCTION WORK AT NIGHT

4. A complete copy of any application for a special permit to perform construction work at night pursuant to section 2908 of the San Francisco Police Code or any other law or regulation must be provided by contractors or representatives of the project sponsor to the Laurel Heights Improvement Association (LHIA) at the same time as it is submitted to the Department of Public Works (DPW) or the Department of Building Inspection (DBI) or any other government agency, and DPW, DBI and any other government agency shall consider comments and/or objections made by LHIA as to any such application. Representatives of the project sponsor shall provide complete copies of any such application to LHIA by email to KRDevincenzi@gmail.com and to frfbeagle@gmail.com or to such other email addresses as LHIA may provide for notice.

MITIGATION MEASURE -NOISE-5: PROVISIONS' FOR NOISE MEASUREMENTS

5. As a condition of approval of the project, the Department of Public Health Noise Prevention and Control Officer shall arrange for a qualified noise measurement professionals)

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to be on call to travel to 3333 California Street and take noise measurements upon complaint about the level of noise by any resident of the area. The qualified noise professional shall arrive at the 3333 California Street site and commence the noise measurements within 15 minutes of receipt by the City of any complaint about the level of noise emanating from the project.

The cost of such noise measurement and all related work and travel shall be assessed against the project sponsor as a condition of approval of this project. Receipt of a noise complaint by the City shall include without limitation initial receipt of a noise complaint by DBI, DPW, the Department of Public Health, the Police Department, 311, or any other government agency to which a noise complaint may be made. Copies of all writings regarding noise measurements made by such qualified noise measurement professionals) and remedial action required or recommended shall be provided immediately to the Laurel Heights Improvement Association at the email addresses described above.

In the event the qualified noise measurement professional retained by the Department of Public Health fails to arrive at the 3333 California Street site and take noise measurements in accordance with this provision, the project sponsor shall deposit the sum of \$20,000.00 (twenty thousand dollars) with the Laurel Heights Improvement Association, and that Association shall be entitled to use these funds to retain a qualified noise professional to perform all the measurements and activities described in this provision. As said sums are drawn down to \$2,000, the project sponsor shall deposit additional \$10,000 payments with said Association for ongoing noise measurements and mitigation in accordance with this provision. The project sponsor hereby grants permission for any qualified noise professional described in this provision to enter onto the 3333 California Street site and take noise measurements and monitor noise conditions and mitigation measures.

MITIGATION MEASURE -NOISE-6: PROHIBITION ON VARIANCES TO NOISE REGULATIONS

6. In relation to construction or operational noise that occurs at 3333 California Street, the Directors of Public Health, Public Works, Building Inspection, or the Entertainment Commission, or the Chief of Police or any other government representative, may not grant variances to noise regulations, over which they have jurisdiction pursuant to Section 2916 of the SF Police Code. The variance procedure provided by section 2910 of the SF Police Code shall not apply to construction or operational noise that occurs at 3333 California Street.

MITIGATION MEASURE -NOISE-7: STORAGE AND IGNITION OF CONSTRUCTION EQUIPMENT IN UNDERGROUND GARAGE

7. To the greatest extent feasible, project sponsor shall store all construction equipment in the existing underground garage located on the project site at all times when such equipment is not in use, and all construction workers shall start up, turn on or perform ignition of all construction equipment in that underground garage.

MITIGATION MEASURE -NOISE-8: PROOF OF USE OF MUFFLERS AND SOUND ATTENUATING DEVICES

8. Project sponsor shall provide to the Laurel Heights Improvement Association (LHIA) written evidence that impact tools and equipment shall 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 shall also be equipped with acoustically attenuating shields or shrouds 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, as described in section 2907 of the SF Police Code. Project sponsor shall provide such written evidence to LHIA by email to the addresses described above for each impact tool or equipment to be used at the 3333 California site at least 48 hours prior to use of any such impact tools) and equipment on the site.

MITIGATION MEASURE -NOISE-9: NOTICE TO RESIDENTS' ASSOCIATION OF NOISE COMPLAINTS AND REPORTS

9. The Construction Manager or other designated person will provide copies of the noise monitoring log on a weekly basis to the Laurel Heights Improvement Association at the email addresses herein. The log shall include any complaints received, whether in connection with an exceedance or not, as well as any complaints received through calls to 311, DBI, or any other government agency if the contractor is made aware of them (for example, via a DBI notice, inspection, or investigation). The Construction Manager or other designated person shall also contemporaneously submit to the Laurel Heights Improvement Association copies of all reports submitted to the Planning Department Development Performance Coordinator.”
(Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-1])

RESPONSE NO-4: MITIGATION MEASURES

The comment states that the EIR does not include feasible mitigation measures for construction noise required by CEQA. It also states that the draft EIR 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 because it does not specify the required contents of the plan nor adopt a specific performance standard for mitigation of the significant noise impact. The comment proposes several measures intended to provide additional noise controls beyond those discussed in the EIR.

Mitigation Measure M-NO-1: Construction Noise Control Measures, on EIR pp. 4.D.42-4.D.43, summarizes a series of measures that would ensure that noise levels during construction would be minimized, monitored, and corrected when necessary. The measures are designed to ensure that noise from construction meets the requirements of the San Francisco Noise Ordinance (article 29 of the police code, sections 2900-2926), as well as the Federal Transit Administration (FTA) impact criterion of 10 dBA above ambient, as summarized on EIR p. 4.D.29. Note that meeting the provisions of article 29 of the police code related to construction noise is not identified in the EIR as a mitigation measure because it is an ordinance, and therefore compliance is required by law. Specific construction noise limits set by article 29 of the police code are described on EIR pp. 4.D.17-4.D.18.

The Noise Control Plan detailed under Mitigation Measure M-NO-1 is comprehensive and includes measures that address many of the concerns raised in comment. The draft Noise Control Plan would be prepared by a qualified acoustical consultant and submitted to the planning department and the department of public health – environmental health division for review and

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approval prior to implementation. As noted above on RTC p. 5.F.5, a text change to Mitigation Measure M-NO-1 has been introduced that clarifies the role of the public health department in the review and approval of the Noise Control Plan. Because technologies change over time, the list of measures that could be included in the plan was not made mandatory but inclusive. The qualified acoustical consultant may choose additional measures to be included in the Noise Control Plan that would be more effective and/or efficient than some of those listed in the mitigation measure. Thus, with review and approval of a draft Noise Control Plan by the planning department and the department of public health, the noise control measures listed in the EIR mitigation measure could be updated to include additional effective measures. None of the currently listed measures in Mitigation Measure M-NO-1 would be removed; instead, they could be updated or augmented to enhance their effectiveness.

As described in Mitigation Measure M-NO-1, construction noise would be monitored by a series of monitoring stations that would record construction noise levels at the surrounding sensitive receptors. The locations of the stations would be selected in coordination between the planning department, construction contractor, and the affected residential property owners on whose properties the stations would be placed, as discussed in the mitigation measure. Monitoring stations would operate continuously during all excavation and during exterior building construction of the Euclid, Masonic, and Mayfair buildings and the Laurel Duplexes, during all hours of daytime construction, identified in the mitigation measure and in Chapter 2, Project Description, on EIR p. 2.93, as typically Monday through Friday 7 a.m. to 7 p.m. with some work anticipated to occur on Saturdays between 7 a.m. and 3 p.m. Thus, continuous noise monitoring at the nearest potentially impacted receptors would cover all periods of time when construction activities are being conducted, not only between 7 a.m. to 3 p.m. on Saturdays as incorrectly stated in the comment. If construction were to occur outside the listed hours, noise monitoring would continue during those hours. To clarify this last point, the text in the seventh bullet in Mitigation Measure M-NO-1, at the end of EIR p. 4.D.42 and continuing on EIR p. 4.D.43, has been modified as follows (deleted text is shown in ~~strike through~~ and new text is shown in double-underline):

- ...During the excavation component of all construction phases and during building construction (framing of structure and major exterior work) of the Euclid and Masonic buildings, the Laurel Duplexes, and the Mayfair Building, prepare and implement a ~~daytime~~ construction-noise monitoring program (e.g., 7 a.m. to 7 p.m. during weekdays, and 7 a.m. to 3 p.m. on Saturdays and all other times that excavation or major exterior construction of the identified buildings occurs).

As stated on EIR p. 4.D.35, "...if nighttime construction work is necessary for discrete events such as concrete pours or utility work, a special work permit granted by the Director of Public Works or the Director of Building Inspection...would be required." As noted on EIR p. 4.D.18, under section 2908 of the police code, if noise from construction activities between the hours of 8 p.m. and 7 a.m. (including erecting, constructing, demolishing, excavating for, altering or

repairing) would exceed 5 dBA over ambient levels at the nearest property plane, a work permit must be applied for and granted by the Director of Public Works or the Director of Building Inspection. Night noise permit applications records are available at the building department's website (<https://sfdbi.org/night-noise-permits>). Sending copies of night noise permit applications and supporting materials to interested individuals and/or neighborhood organizations by e-mail, as requested in a comment, is not a standard planning department practice and would not enhance the effectiveness of the mitigation. Nighttime work permits specify when and where the activity is to occur. If the nighttime work consists of excavation or major exterior construction of the buildings identified in Mitigation Measure M-NO-1, noise monitoring would also be conducted for such work and noise logs would be available to the public as previously noted. The requirements for issuance of a night noise permit include the following: all area residents within a 300-foot radius of where work is to be performed should be given notice at least 10 business days in advance; nighttime work should be scheduled from 8 p.m. to midnight and work between midnight and 6 a.m. should be avoided where possible to minimize effects on sleep; construction equipment must be equipped with muffler and acoustical shrouds; and use of jackhammers is prohibited from midnight to 7 a.m.⁵

As described in Mitigation Measure M-NO-1 (EIR p. 4.D.43), complaints about construction noise would be addressed by the Construction Manager. The Construction Manager, or a designated person, would be alerted when construction noise levels exceed ambient conditions by more than 10 dBA and would be the primary contact person addressing noise complaints. The Construction Manager, or designated person, would be required to identify remedial measures and take corrective action should such events occur. A noise monitoring log would be prepared on a weekly basis and made available to the planning department upon request. The log would include any noise complaints received by the Construction Manager and 311 telephone system operators. Thus, adequate and comprehensive processes for receipt and resolution of noise complaints are already detailed in the EIR mitigation measure.

Regarding the issue of response times to address noise complaints raised in the comment, it would not be reasonable to assume that a third-party acoustical consultant could reach the project site to respond to noise complaints during daytime hours within 15 minutes of the complaint being made, as requested by the comment. Complaints are logged and the measures to address the complaint are identified and implemented in a reasonable amount of time.

All records related to compliance with mitigation and improvement measures imposed as conditions of approval, including noise complaint logs, would be made available for public review at the planning department upon request by any member of the public who files a request.

⁵ City and County of San Francisco Department of Building Inspection, Night Noise Permit Issuance and Policy and Procedure, effective May 2015, <https://sfdbi.org/sites/default/files/Night%20Noise%20OPP%20-%20May%202015%20FINAL.pdf>, accessed June 18, 2019.

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However, the commenters request to distribute the weekly noise monitoring reports to the list of persons cited in the comment is not a standard planning department practice and would not be necessary to mitigate or reduce the identified noise impacts.

Because the Construction Manager would already be responsible for ensuring that construction noise is maintained within acceptable levels through contracting with a qualified noise consultant, requiring payment for an additional third-party noise consultant would be a duplicated effort. As indicated, results of noise monitoring, including complaints, would be documented on a weekly basis by the qualified noise consultant, would be made available to the planning department upon its request, and would be available for public review at the planning department.⁶

The Noise Control Plan identified in Mitigation Measure M-NO-1 includes measures intended to minimize noise generated by construction equipment and construction trucks such as muffling and maintaining all equipment and prohibiting unnecessary idling of internal combustion engines. Regarding storage and start-up of construction equipment, the Construction Manager would be responsible for seeing that all equipment is operated within the allowed construction hours and meets the applicable noise limits. Moving equipment to a garage at the end of the shift, or from a garage at the beginning of a shift, would add additional noise from movement of equipment on city streets and throughout the site that otherwise would not occur, and may prolong the duration of construction noise emissions during a typical day. Typically, diesel-powered equipment that requires engine warm-up prior to use is too large to be located within an underground parking garage (e.g., excavators, dozers, etc.). Due to the size of the site and location of each phase of construction, heavy equipment is most efficiently stored at the location where the pieces are planned for use.

As stated on EIR p. 4.D.36, impact-type equipment, such as jackhammers or hoe rams, are not subject to the sound level limits identified under section 2907(a) of the police code, i.e., sound levels in excess of 80 dBA at a distance of 100 feet from the source. Section 2907(b) of the police code states that section 2907(a) is not applicable to impact tools and equipment, provided that such impact tools and equipment have intake and exhaust mufflers recommended by the manufacturer, and that pavement breakers and jackhammers are equipped with acoustically attenuating shields or shrouds recommended by the manufacturer; all of which would need to be approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation. However, the assessment of noise emissions in exceedance of existing sound levels, prepared for the EIR and summarized in Table 4.D.13: Highest Noise Increases over Ambient Levels During Construction, p. 4.D.40, included both non-impact and impact-type equipment. As stated in Mitigation Measure M-NO-1, the Construction Manager would be required to take corrective action, such as halting or moving specific

⁶ The project sponsor would enter into a development agreement with the City. The planning department's development performance coordinator would monitor and report on compliance with the mitigation monitoring and reporting program.

construction activities, fixing faulty or poorly operating equipment, and installing portable barriers, when notified that noise levels exceed 10 dBA over ambient conditions during all permitted construction hours.

Mitigation Measure M-NO-1 (EIR p. 4.D.42) would also require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, rock drills) for project construction that are “quiet” gasoline-powered compressors or electrically powered compressors, as well as electric rather than gasoline- or diesel-powered engines to avoid noise associated with compressed air exhaust from pneumatically powered tools. The mitigation measure also states: “However, where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, which could achieve a reduction of 5 dBA. Quieter equipment shall be used when feasible, such as drills rather than impact equipment.” The construction equipment requirements for impact tools would therefore result in the reduction of construction noise. Requiring additional mitigation measures for impact-type equipment (e.g., hoe rams) such as shrouds or portable barriers is not recommended. Such equipment often moves through a construction area working at various locations within a short time, resulting in relatively short periods of noise impact and making the placement of shrouds or portable barriers impractical. Further, shrouds or portable barriers could block the line of sight from the operator to the impact equipment itself, and possibly endanger the safety of other nearby workers.

As described in Mitigation Measure M-NO-1 (EIR p. 4.D.43), the Construction Manager would be responsible for notifying area residents of construction activities, the construction schedule, and impacts. Notifications would include descriptions of the type of work that is anticipated, including whether impact-type equipment may be utilized. Providing written evidence of implementation of manufacturer-recommended exhaust mufflers is unnecessary as the Construction Manager is required, as stated in Mitigation Measure M-NO-1 (EIR p. 4.D.42), to ensure all equipment is fitted with mufflers that are in good working conditions. Information on the muffling of construction equipment to meet Noise Ordinance requirements would be available to the public upon request. Thus, the measure suggested by the comment is similar to those already identified in the EIR and would not lessen the identified significant construction noise impact.

As discussed on EIR pp. 4.C.68-4.C.74 in Section 4.C, Transportation and Circulation, area residents and businesses would also be informed of construction activities as part of the required adherence to blue book regulations, which call for the development of a traffic control plan and construction management plan. Furthermore, Improvement Measure I-TR-1: Project Construction Updates (EIR p. 4.C.74) would provide area residents and businesses with detailed construction updates in a mailer or on a dedicated website.

COMMENT NO-5: METHODOLOGY

“B. Noise. Already street noise is loud and annoying enough to reduce a sense of wellbeing. For Project operations, the methodology of adding noise estimates to current average noise figures is flawed and does not account for unacceptable levels or types of noise throughout the day.” (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-5]*)

It is deceptive to look at average noise levels, and then conclude that the additional noise will not be perceptible. Added noises from construction or operation of the Project may occur when ambient noise is low (early morning truck delivery), or the noise may occur when noise levels already are unacceptable (during rush hour.) Noise may be combined with vibration (heavy truck) which calls attention to the noise. Noise may be rhythmic (motor or fan) or unpleasant (car alarm, dog barking) which causes annoyance. Noise at street level may be different than 3-4 stories up, where noise reverberates from buildings across the street and is amplified. On my block the clanging of delivery truck doors and banging of pallets wakes me up at 5:30 am; a pulsating motor (HVAC system?) somewhere that is imperceptible during the day keeps me awake at night.

Any rise in average noise levels may be too much. Average means there are times when the noise level is already much higher. We sense the need to talk louder, to strain to hear others. In the 8 years at my present address, I have never used the roof deck due to traffic noise. I do not invite people over open during peak hours due to the noise from California Street and Presidio Avenue, and cannot leave my windows open, even on hot days. The chart on Page D.4.20 says that adding to noise—which this Project will do—when the ambient noise in residential areas is 65bBA or higher should be discouraged. Noise measurements (Table 4.D.2) show that LT noise on California Street (R5) already is over 65dBA on average, and so are higher many time of the day.

The EIR concludes that noise from increased traffic from Project operations will not be significant, and may in fact non-existent. How can adding 10,000 vehicle trips per day not significantly increase noise levels? Ride share vehicles, the ever present UPS and FedEx trucks, and pizza and home delivery services for the new residents will add to the noise, not just through higher traffic levels, but by causing more starting-stopping sounds, doors opening and closing, horns as irritated drivers try to pass them, etc.” (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-7]*)

RESPONSE NO-5: METHODOLOGY

The comments state that the methodology for using average noise levels, such as the hourly Leq or the 24-hour Ldn, is deceptive. The EIR noise analysis presented in Section 4.D was prepared in accordance with the methods established by the Federal Highway Administration and the Federal Transit Administration for the assessment of construction and operational noise impacts. The proposed project or project variant was also reviewed for compliance with the San Francisco Noise Ordinance. Methods established by the California Department of Transportation for the assessment of operational noise were also used in the noise analysis. Key concepts and terms are described under the subheading “Sound Fundamentals” on EIR pp. 4.D.2-4.D.4, and the approach to the noise analysis is detailed on EIR pp. 4.D.23-4.D.30.

The potential for construction noise impacts is based on increases over existing ambient average daytime sound levels using the hourly Leq, which is the average sound energy level over the period of one hour. As summarized in Mitigation Measure M-NO-1 (EIR p. 4.D.43), the Construction Manager would be required to monitor noise emissions and take corrective action, such as halting or moving specific construction activities, fixing faulty or poorly operating equipment, and installing portable barriers, when notified that noise levels exceed 10 dBA over ambient conditions during all permitted construction hours. In accordance with the Noise Control Plan, also required under Mitigation Measure M-NO-1, ambient levels would be established for each monitoring location, and typically would be based on measurements at these locations prior to the start of construction activities. The perceived impact of an increase over ambient conditions of up to 10 dBA varies by time of day and according to the sensitivities of the receiver.

During project operation, the prediction of sound levels is based on a 24-hour Ldn. The Ldn is considered to be representative of the average community response to a given noise environment and is commonly applied for long-term sources of noise such as traffic from vehicles, aircraft, and trains. Therefore, the use of the Ldn for the assessment of long-term exposure to increases in noise due to project operation is a reasonable application of this noise metric in the EIR. A comment suggests that exposure to street-level noise would be greater at the upper levels of a building due to reverberation and/or amplification effects of the built environment. As stated on EIR Section 4.D, Noise and Vibration, p. 4.D.2:

For any noise source, several factors affect the efficiency of noise transmission traveling from the source, which in turn affects the potential noise impact at offsite locations. Important factors include distance from the source, frequency of the noise, absorbency and roughness of the intervening ground (or water) surface, the presence or absence of obstructions and their absorbency or reflectivity, and the duration of the noise.

Sound would not be amplified as a result of reflecting off other nearby surfaces. A receptor's distance from a noise source affects how noise levels attenuate (decrease), and noise exposure at the upper levels of buildings would decrease slightly compared to the exposure at street level, in accordance with the increased distance from the noise source. If sound were reflected off another surface, it would travel a greater distance between the source and the receptor and therefore would attenuate somewhat more and would not be louder at an upper level of a building than at the ground level. If there were intervening features such as trees between the reflecting surface and the receptor, that would further slightly reduce the noise at upper levels.

The comment questions how 10,000 vehicle trips per day, when added to the existing environment, would not "significantly increase" noise levels in the project vicinity. As summarized in Table NO-4 of EIR Appendix E, project-related traffic is expected to be distributed among various roadways in the project vicinity. That is, all project-related traffic would not be expected to be focused at one location (or on one road segment). As noted on EIR p. 4.D.2, a doubling of traffic volumes along a road segment would result in a 3-dBA increase in

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noise emission on the same road segment. Therefore, because the increase in traffic levels due to the proposed project or project variant, along all area roadways, would be much less than a doubling of traffic along each roadway, the expected increase in traffic-related noise along each roadway is expected to be between 0 dBA and 2 dBA (see Table 4.D.19: Project-Related Traffic Noise Levels Near Area Roadways and Table 4.D.20: Estimated Future Traffic Noise Levels at New Occupied Buildings, EIR pp. 4.D.63 and 4.D.66, respectively). As stated on EIR p. 4.D.2, people generally cannot detect differences of 1 to 2 dB in a complex acoustical environment. In addition, the increases in traffic volumes and associated ambient noise levels would occur gradually over time as new and rehabilitated buildings were occupied, further reducing the noticeability of the changes in both traffic volumes and noise levels.

5.G. AIR QUALITY

The comments and corresponding responses in this section relate to the topic of Air Quality evaluated in EIR Section 4.E. The comments are further grouped according to the following air quality issues that the comments raise:

- AQ-1, Construction Impacts
- AQ-2, Health Risk Impacts
- AQ-3, General Automobile Air Pollution
- AQ-4, Air Quality Setting

A corresponding response follows each grouping of comments.

Documents and other information cited in this RTC section are available at the planning department offices as part of Case File No. 2015-014028ENV and electronically on the project's AB900 Record of Proceedings at <https://www.ab900record.com/3333cal>.

COMMENT AQ-1: CONSTRUCTION IMPACTS

“2. Construction Dust and Hazardous Materials - We are concerned about safety to our users and employees from exposure to dust and potentially hazardous materials during the construction process, especially given that many of them are sensitive receptors - e.g. young children and older adults (pgs. 144-145, Impacts AQ-2 and AQ-3). It is important that Best Management Practices are employed to minimize these potential hazards (especially given that winds pick up in the afternoon with fog).” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, June 8, 2018 [O-JCCSF2-2]*)

“Removal of the demolition debris and the excavated soils will require approx. 32,000 dump truck loads, all of which have to pass through and pollute our neighborhoods. By contrast, the Community Full Preservation Alternative generates approx. 9,000 dump truck loads, one quarter as many! After the demolition the Developer has to then deliver all the new materials required to rebuild what they demolished plus 11 new buildings. How many large truck loads, concrete truck loads, etc. will this require? The Community Alternative only builds 4 new buildings so like the GHG and the debris/soil removals the Community Full Preservation Alternative requires far fewer, probably about one third, or less, as many delivery loads.” (*Sal Ahani, Email, January 8, 2019 [I-Ahani-17]*)

“That’s not to mention noise, light, and air pollution it will add to the very lengthy construction period and after.” (*Sonya Dolan, Draft EIR Hearing Transcript, p. 52, December 13, 2018 [I-Dolan-6]*)

“Removal of the demolition debris and the excavated soils will require approx. 28,000 dump truck loads, all of which have to pass through and pollute our neighborhoods.” (*Richard Frisbie, Letter, January 7, 2019 [I-FrisbieR1-15]*)

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“Ramboll Environ’s pollution counts show emissions based on what kind of equipment? Would not the equipment being used dictate how much pollution is put out? Are all the measurements based on equipment from the 1960s? To be more environmentally friendly, why would not other forms of construction equipment be used to mitigate the emissions? Sadly, the document states that the cancer risks will be essentially the same without and with all the construction equipment emissions coming from this project. It does not make sense as even the fire pollution wafting in from Butte County (the November 2018 “Camp Fire”) incident urges everybody including non-sensitive groups to wear N-95 or better rated masks. Laurel Heights and surrounding area is one with a large population of families with small children in the neighborhood. They will be affected the most. It may be important as this cancer risk has to be mitigated.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-62]*)

“While the DEIR states that since any burials were done years ago, there would not be any concern over communicable diseases. However, the DEIR does *not* mention the potential of noxious odors under CULTURAL RESOURCES nor under AIR QUALITY (odors). No mention of mitigation measure to deal with such odors in the DEIR.

Although the bodies were dead for a long time under the ground, the odors were still present even up to 70 years later when exhumed around 1937+, according to the 1950 City Planner’s Report at this website <http://www.sfgenealogy.org/sf/history/hcmcpr.htm> :

“Condition of remains disinterred varied from “dust” to almost perfectly embalmed bodies, the latter resulting from filling of cast-iron caskets with groundwater acting as a preservative. The superintendent of the disinterment proceedings told the author that his was an interesting job, but that in some cases it was not “pretty”. The smell of death was often present, even though the remains had been laid to rest from thirty to seventy years previously.”

The DEIR needs a mitigation measure for this because strong winds in this area may carry the unpleasant odors to affect a substantial number of people in the area.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-64]*)

“12. Length of the construction period and overlapping construction phases and the resulting air quality impacts on nearby residents” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-13]*)

“Mitigation measures described for construction dust are inadequate.” (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-10]*)

“The report recognizes construction dust as a problem, but the proposed mitigation measures will not solve it. Even with dampened dirt, dust will penetrate the neighborhood. It will be blown onto the streets and stirred up again by vehicle traffic; it will be blown off construction trucks leaving the Project and permeate the neighborhood; it will be tracked off the site and into the air on worker’s shoes and clothes. A short road repair project in the neighborhood blackened my windows almost immediately, with the rainy season five months away. It will be extremely unpleasant to see and breathe construction grime and dust for seven or more years.” (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-13]*)

RESPONSE AQ-1: CONSTRUCTION IMPACTS

The comments relate to concerns about construction impacts from construction equipment, haul trucks, and construction dust. Specifically, comments express concern about impacts on sensitive receptors, including young children and elderly adults. Comments also state that mitigation measures identified to control the construction dust are inadequate. Other comments express concern about the potential odors from unearthing graves from the site's former cemetery. Additionally, some comments express general concern about the length of construction and the air quality impacts of overlapping construction phases. Another comment asserts that an alternative developed by a local neighborhood association (Laurel Heights Improvement Association of San Francisco, Inc.) would generate less haul truck traffic during construction than the proposed project or its variant. Another comment suggests that the November 2018 wildfire in Butte County, California, and the public safety measure recommending use of a N-95 rated breathing mask during those poor air quality days are indicators of potential air quality impacts from construction of the proposed project or project variant.

Sensitive Receptors

Sensitive receptors are individuals who may be more sensitive to toxic exposures than the general public, such as young children and the chronically ill.¹ Health risks were calculated for all sensitive receptors shown in Figure 4.E.7: Modeled Off-Site Sensitive Receptor Locations, EIR p. 4.E.57, including all residences and sensitive land uses specifically identified in Figure 4.E.2: Sensitive Receptor Parcels in the Immediate Vicinity of the Project Site, EIR p. 4.E.30.

Non-residential sensitive receptors such as daycare centers and schools are typically analyzed differently from residential receptors because of the shorter exposure durations and generally older children (relative to the analysis of impacts on residential receptors, which assumes exposure that begins with fetuses at the third trimester) that results in a lower Age Sensitivity Factor, among other factors. As discussed on EIR pp. 4.E.17-4.E.18, non-residential sensitive receptors such as the preschool at the JCCSF or the in-patient facility at the California Pacific Medical Center were not evaluated separately from residential receptors. All off-site receptor locations within the study area were analyzed as residential receptors to be consistent with the City's Community Risk Reduction Plan-Health Risk Assessment, which characterized all receptors as residents to be conservative. This is a conservative analysis approach because residential receptors would have longer exposure durations and are therefore expected to have the highest health impacts. Stated another way, effects on sensitive receptors decrease based on distance from the source and the type of sensitive receptor, i.e., residential or non-residential, with impacts on residential receptors typically being greater due to daily breathing rate, exposure time, frequency, and duration, among other factors. Thus, pollutant

¹ Cal EPA, OEHHA, Air Toxics Hot Spots Program, Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments, February 2015, <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>, accessed March 28, 2019.

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concentrations, including PM_{2.5} and other toxic air contaminants, would be higher at individual sensitive receptor locations closer to the project site and health impacts would be greater at the closest residential receptor location rather than the closest non-residential receptor location. By assuming all sensitive receptors, even those identified as non-residential receptors in Figure 4.E.2, are residential receptors, the analysis is conservative.

For purposes of the health risk impact analysis, which considers impacts from construction and operation on both off-site and on-site receptors (see EIR pp. 4.E.52-4.E.56), impacts were assessed at all off-site receptor locations but only reported for the maximally exposed individual receptor (see Figure 4.E.8: Maximally Exposed Individual Sensitive Receptors Locations, EIR p. 4.E.57). Based on the air dispersion modeling results, the maximally exposed off-site receptor would be a residence located immediately west of the site. As discussed on EIR p. 4.E.55, the health risk impact analysis assumed that residents at each off-site receptor location would be exposed for 30 years at the same location, starting with an unborn child in the third trimester of pregnancy when construction starts and exposed to all construction emissions followed by operational emissions until that child is 30 years old. The residential receptor exposure is assumed to begin from a third trimester fetus and includes exposure parameters specific to infants and children for the first 16 years of life such as breathing rates, as recommended by the California Environmental Protection Agency's Office of Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Risk Assessment Guidelines.² The overall exposure is 30 years, as recommended in the OEHHA guidelines.

OEHHA guidelines do not recommend any heightened sensitivity factors for the elderly as they do for infants and children. However, the EIR identified the sensitive receptors in the senior care facilities and conservatively evaluated them under the default 30-year residential assumptions in the health risk calculations. These assumptions are very conservative and health protective even for the most sensitive populations (i.e., infants and children). According to the OEHHA guidelines, the assumptions recommended are "designed to err on the side of health protection in order to avoid underestimation of risk to the public." Additionally, the guidelines state that "OEHHA uses health-protective exposure assumptions to avoid underestimating risk. For example, the risk estimate for airborne exposure to chemical emissions uses the health protective assumption that the individual has a high breathing rate and exposure began early in life when cancer risk is highest."³

As discussed under Impact AQ-3 on EIR pp. 4.E.52-4.E.60, the analysis results using these parameters show that the construction and operational air quality impacts at the on- and off-site sensitive receptors would be less than significant.

² Cal EPA, OEHHA, Air Toxics Hot Spots Program, Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments, February 2015, http://www.oehha.ca.gov/air/hot_spots/pdf/HRAguidefinal.pdf and <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>, accessed March 28, 2019.

³ Ibid.

Odors and Hazards

Odors from project operations are discussed in the initial study (see initial study Section E.6, Air Quality, pp. 145-146). Odors from temporary activities associated with construction (e.g., diesel exhaust fumes) are also discussed but are not analyzed in depth as they would be temporary. The same would be true for any odors associated with the uncovering of human remains.

A discussion of the Laurel Hill Cemetery, human remains, and their handling, if uncovered during any ground disturbance activities on the project site, is provided in the initial study (see initial study Section E.3, Cultural Resources, pp. 133-134). As discussed in the initial study under Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reporting (p. 132), all applicable federal and state laws would be complied with as would any protocols identified in the archeological research design and treatment plan (ARDTP)⁴ regarding the treatment of human remains discovered during any soils-disturbing activity. As noted under Impact CR-3 in initial study Section E.3, Cultural Resources, p. 134, if human remains are encountered during construction-related ground disturbance “work in the immediate area shall be halted, a 100-foot-diameter buffer established, and arrangements made to protect the remains in place. The treatment of human remains associated with historic burials in the Laurel Hill Cemetery ... shall comply with applicable state laws ..., including section 7050.5 of the health and safety code, ...”. Archeological investigation of human remains generally involves recovery of skeletal remains, which are not expected to have any noticeable odor. As discussed in the ARDTP, any remains that would be recovered from the project site were interred during the 19th century and therefore only skeletal remains are anticipated. Hazards associated with uncovered bodies as expressed in the comment are discussed in the initial study (see initial study Section E.15, Hazards and Hazardous, p. 236). As stated, there would be a less-than-significant impact related to this issue and mitigation is not needed.

As discussed under Impact AQ-4 in initial study Section E.6, Air Quality, pp. 145-146, construction or operation of the proposed project or variant would not generate emissions that create objectionable odors. Construction-related odors, such as diesel exhaust from construction equipment, would be temporary and would not persist upon completion of the proposed project’s or project variant’s construction activity. Operation of the proposed project or its variant is not anticipated to create significant sources of new odors. Therefore, such impacts would be less than significant.

For information related to the presence of hazardous materials in the underlying soils such as naturally occurring asbestos and materials identified in the state Cortese List, see initial study Section E.15, Hazards and Hazardous Materials (EIR Appendix B) as well as EIR Section 4.F,

⁴ Note that the ARDTP, prepared by ESA in 2017, is not a published document and is confidential because such documents may have the potential to reveal the location of archeological resources in violation of state and federal law and policy.

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Initial Study Supplement. For a response to comments that express concern about health and air quality effects from disturbance of hazardous materials in soils during proposed excavation activities, see Response HZ-1 on RTC pp. 5.J.120-5.J.125.

Construction

Construction Schedule

One comment expresses concern over the length of the construction period and overlapping construction phases and the resulting air quality impacts on nearby residents. As discussed in Section 4.E, Air Quality, EIR p. 4.E.1, the air quality impact methodologies and approaches to the analysis are based on an approximately seven-year construction duration with four overlapping construction phases that would constitute maximum development on the site, with construction estimated to start in 2020 and continue through 2027 (see EIR Chapter 2, Project Description, pp. 2.91-2.96, for a detailed discussion of the preliminary construction phasing). The project sponsor may choose to develop the proposed project or project variant over a longer, up to 15-year timeframe and may also develop the phases in a different order. For more information about the construction schedule as it relates to the air quality analysis, see EIR pp. 4.E.26-4.E.32 and Response PD-1: Construction Duration, Phasing and Staging, and Development Agreement, on RTC pp. 5.B.9-5.B.15.

Construction fugitive dust and criteria air pollutant emissions from the proposed project and project variant were found to be below significance thresholds adopted by the Bay Area Air Quality Management District (air district) and used by San Francisco, and less than significant for all years of the construction period (see Impact AQ-1, EIR pp. 4.E.38-4.E.49). This analysis accounted for the emissions from overlapping construction phases. Further, as discussed in Impact AQ-3 (EIR pp. 4.E.52-4.E.60), health impacts from construction and operational activities were found to be below the significance thresholds and therefore less than significant. This analysis also accounted for the overlapping construction phases and all years of construction (plus subsequent project operations).

Construction Equipment Emissions

One comment asks about the type of construction equipment assumed in the analysis. Construction equipment expected to be used at the project site would include excavators, bulldozers, jackhammers, loaders, backhoes, and cranes. The type and usage characteristics of construction equipment that form the basis for the construction-related air quality and noise analyses were provided by the project sponsor and are available for review at the planning department offices as part of Case File No. 2015-014028ENV. Construction off-road equipment assumed for emissions calculations in this analysis is listed in Table AQ-2 in EIR Appendix F. Emission factors for off-road equipment were taken from the California Air Resources Board's online tool for off-road

diesel vehicles, OFFROAD, for each year of construction. Therefore, it was assumed that each year of construction would use the fleet average equipment (in terms of engine model and emissions tier level from OFFROAD) for the year of construction analyzed. Emissions were calculated using CalEEMod® equivalent methods, as well as default horsepower and load factors built into the model.

As discussed in Impact AQ-1 (EIR pp. 4.E.38-4.E.49), construction fugitive dust and criteria air pollutant emissions were found to be below thresholds adopted by the air district and used by San Francisco, and therefore would be less than significant. Further, as discussed in Impact AQ-3 (EIR pp. 4.E.52-4.E.60), health impacts from the proposed project's or project variant's construction and operational activities were found to be below the air district's thresholds and therefore less than significant. The comment that "the document states that the cancer risks will be essentially the same without and with all the construction equipment emissions coming from this project" is incorrect. As shown in Table 4.E.10: Lifetime Cancer Risk and PM_{2.5} Concentration Contributions from the Proposed Project and Project Variant at Maximally Exposed Off-Site Receptors, EIR p. 4.E.58, the cancer risk calculated from construction equipment (off-road emissions) was found to be 24 in one million at the maximally exposed individual sensitive receptor (MEISR), making the total cancer risk at the MEISR approximately 36 in one million for off-site receptors. Without the construction equipment emissions, the excess cancer risk would consist of the risk from background existing sources, from the construction on-road vehicles, and from operational traffic, for a total cancer risk of approximately 12.1 in a million. Thus, cancer risks would not be the same with and without the proposed project or project variant's construction activities. However, the excess cancer risk from construction equipment emissions, in combination with other cumulative sources, at 36 in 1 million, would still be below the applicable project-level and cumulative cancer risk significance threshold. The applicable project-level and cumulative health risk threshold for excess cancer risk from the contribution of emissions from all modeled sources (both project-generated and background concentrations) is greater than 100 per 1 million persons exposed, the level that would cause a new location to meet the Air Pollutant Exposure Zone excess cancer risk criterion.

Construction Truck Trips

Construction truck trips are discussed on EIR p. 4.E.41. The quantities of construction haul truck trips mentioned in the comments – 28,000 and 32,000 – are not accurate; the actual number of total construction haul trips would be just over 18,000. Construction truck trip rates were provided by the project sponsor, as shown in Table AQ-3 in EIR Appendix F.

Total haul trips are determined by adding hazardous waste haul trips and non-hazardous waste haul trips for all construction phases. EIR p. 4.E.41 presents the maximum number of off-haul and demolition trips of 80 round trips per day (160 one-way trips); however, this is a maximum number of trips per day and not the average trip number over the entire construction period. Comments estimated 9,000 construction haul trips for the LHIA Alternative, but did not provide any detail of

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estimation for haul, delivery and concrete truck trips. The estimate appears to be based on a more limited demolition and excavation program and a reduction in the number of buildings to be built for the LHIA Alternative.

None of the EIR alternatives were developed to reduce a significant air quality impact because all project-related air quality impacts were identified as less than significant without mitigation; however, as a comparison, the EIR alternatives analysis, presented in Chapter 6, Alternatives, included Alternative C: Full Preservation – Residential Alternative, which is similar to the LHIA Alternative. As discussed on EIR p. 6.75, Alternative C has a reduced construction program and a slightly reduced land use program compared to the proposed project and project variant (fewer residential units and less retail space). Thus, under the more limited construction program of Alternative C, construction-related air quality impacts would be below the thresholds and less than significant, similar to but less than the proposed project or project variant.

Construction Dust

The EIR analysis determined that the impacts from construction activities, including the generation of fugitive dust and criteria air pollutants (Impact AQ-1, EIR pp. 4.E.38-4.E.49) as well as toxic air contaminants contributing to health effects (Impact AQ-3, EIR pp. 4.E.52-4.E.60), would be less than significant. Therefore, no construction mitigation measures were required, and none were included in this EIR. The “mitigation measures” referenced by comments are not project-specific mitigation measures; rather, they are measures required for compliance with the local San Francisco Construction Dust Control Ordinance (San Francisco Health Code article 22B and San Francisco Building Code section 106A.3.2.6), described in detail on EIR pp. 4.E.25 and 4.E.39-4.E.40.

The City adopted the ordinance to reduce the quantity of dust generated during site preparation, demolition, and overall construction work in order to protect the health of the general public and on-site workers, to minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection (building department). The ordinance represents a regulation of general applicability, adopted for the purpose of environmental protection, that is not peculiar to the parcel or to the project. Thus, the requirements in the ordinance are not “mitigation measures” under CEQA but must be complied with, as explained below.

As shown in Table 4.E.5: Criteria Air Pollutant Thresholds, on EIR p. 4.E.33, the threshold of significance for fugitive dust is not a specific value but compliance with “construction dust ordinance or other best management practices to control fugitive dust emissions.” This significance criterion is consistent with air district’s recommended significance threshold. The City and County of San Francisco has discretion to rely on air district’s recommended thresholds of significance and the use of those thresholds is supported by substantial evidence as discussed below.

San Francisco's Dust Control Ordinance is very similar to the Best Management Practices (BMPs) approach for controlling fugitive dust required by the air district. The Bay Area Air Quality Management District's CEQA Air Quality Guidelines⁵ Appendix D: Thresholds of Significance Justification, provides the basis for their reliance upon the BMPs to control fugitive dust.⁶ The CEQA Air Quality Guidelines Appendix D states, on p. D-47:

“For fugitive dust emissions, staff recommends following the current best management practices approach which has been a pragmatic and effective approach to the control of fugitive dust emissions. Studies have demonstrated (Western Regional Air Partnership, U.S.EPA) that the application of best management practices at construction sites have significantly controlled fugitive dust emissions. Individual measures have been shown to reduce fugitive dust by anywhere from 30 percent to more than 90 percent. In the aggregate best management practices will substantially reduce fugitive dust emissions from construction sites. These studies support staff's recommendation that projects implementing construction best management practices will reduce fugitive dust emissions to a less than significant level.”

The project sponsor would be required to comply with the San Francisco Construction Dust Control Ordinance (see EIR p. 4.E.25) for the proposed project or its variant. The Construction Dust Control Ordinance requires the project sponsor to submit a Dust Control Plan for approval by the San Francisco Department of Public Health (health department) prior to issuance of a building permit by the building department. This is required because the site is over one-half acre. The goal of the Dust Control Plan is to minimize visible dust and includes a mechanism to temporarily stop work and apply more aggressive dust control measures until there are no visible dust clouds migrating off site. Building permits will not be issued without written notification from the Director of Public Health that the applicant has an approved site-specific Dust Control Plan in place. The Construction Dust Control Ordinance requires project sponsors and contractors responsible for construction activities to control construction dust on the site or implement other practices that result in equivalent dust control that are acceptable to the Director of Public Health. For further details about dust control measures, see EIR pp. 4.E.38-4.E.40. As discussed above, the City and County of San Francisco has a robust dust control ordinance which would apply to the project.

Effect of Wildfires

Comments also discuss the impacts from Northern California fires on the Laurel Heights neighborhood air quality, asserting that air quality effects of wildfire would be similar to those from construction of the proposed project and would require public safety measures such as use of N-95 breathing masks. The effects of the 2013 and 2017 wildfires on San Francisco air quality are discussed on EIR pp. 4.E.6 and 4.E.10 and are part of the existing conditions. Verified monitoring

⁵ Bay Area Air Quality Management District (BAAQMD), CEQA Air Quality Guidelines, updated May 2017, available online at: http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, accessed April 2, 2019.

⁶ Ibid., Appendix D: Thresholds of Significance Justification, June 2, 2010.

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data are not yet available for 2018, but similar air quality patterns due to wildfires occurred in November 2018 (after the draft EIR was published). Based on preliminary data from the air district, the 24-hour PM_{2.5} standard was exceeded 16 times in the Bay Area in 2018.⁷ During the November 2018 wildfire period, the Bay Area experienced unhealthy air quality for nearly two weeks.⁸ While final 2018 air quality monitoring data have not yet been released, it is likely that some of these 16 exceedances occurred as a result of the wildfires.

Levels above 300 on the Air Quality Index (AQI) scale, described on EIR pp. 4.E.10 and 4.E.11, rarely occur in the United States, and readings above 200 have not occurred in the Bay Area in decades, with the exception of October 2017, when wildfires occurred north of San Francisco, and November 2018, when wildfires occurred in Butte County.⁹ As a result of both wildfires, the AQI in several neighboring counties reached the “very unhealthy” designation, ranging from 201 to 300.¹⁰ During these periods, the Air District issued “Spare the Air” alerts and recommended that individuals stay inside with the windows closed and refrain from any outdoor activity. Although these conditions occurred two years in a row, they are not typical and were due to the wildfires, which affected the San Francisco Bay Area Air Basin.

The levels of emissions from construction of the proposed project or project variant would be substantially less than emissions generated due to wildfires; thus, the comment asserting that the effects of wildfires are analogous to those of the proposed project’s or project variant’s construction is not accurate.

Conclusion

The hazards analysis in initial study Section E.15, Hazards and Hazardous Materials, p. 236, indicated that there would be less-than-significant impacts associated with the uncovering of buried bodies in terms of the generation of hazards. This would also apply to the analysis of odors in the air quality discussion (see initial study Section E.6, Air Quality, pp. 145-146), because the potential for noxious odors is limited based on the amount of time passed since the last known burial. The EIR analysis determined that the impacts from construction activities, including the generation of fugitive dust and criteria air pollutants (Impact AQ-1, EIR pp. 4.E.38-4.E.49) as well as toxic air contaminants contributing to health effects (Impact AQ-3, EIR pp. 4.E.52-4.E.60), would be less

⁷ BAAQMD, *PM Box Scores*, <http://www.sparetheair.org/stay-informed/particulate-matter/pm-box-scores>, accessed April 8, 2019.

⁸ BAAQMD, *Air District asks public to not burn wood Thanksgiving Day*, November 21, 2018, http://www.sparetheair.org/~media/files/communications-and-outreach/publications/news-releases/2018/2018_096_voluntarythanksgiving_111918-pdf.pdf?la=en, accessed April 8, 2019.

⁹ BAAQMD, *Spare the Air*, <http://sparetheair.org/Stay-Informed/Todays-Air-Quality/Air-Quality-Index.aspx>, accessed April 8, 2019.

¹⁰ BAAQMD, *Air Monitoring Data*, <http://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data?DataViewFormat=monthly&DataView=aqi&StartDate=11/1/2018&ParameterId=316>, accessed April 8, 2019.

than significant. Therefore, no construction mitigation measures were required and none were included in this EIR. This analysis accounted for residential and non-residential sensitive receptors and included the emissions from overlapping construction phases. The proposed project or project variant would comply with the local San Francisco Construction Dust Control Ordinance (San Francisco Health Code article 22B and San Francisco Building Code section 106A.3.2.6), effectively minimizing visible dust. As noted, wildfires in the counties north of San Francisco were considered part of the environmental setting, not as an impact related to project construction.

COMMENT AQ-2: HEALTH RISK IMPACTS

“I APPRECIATE YOUR KINDNESS AND UNDERSTANDING THAT THERE ARE ELDERLY, DISABLED, CHRONICALLY ILL, HOMEBOUND PEOPLE WHO CANNOT AFFORD TO RELOCATE IN THE CITY, AND THE GRAND, LENGTHY, AND VARIANCES REQUIRED FOR COMMERCIAL, OFFICE RETAIL COMPLEX, AND SCALE OF THIS PROJECT, AND AIR TOXICITY, WILL BE A TRAGEDY FOR THEIR HEALTH AND WELL BEING.” (*Gail Boyer, Email, January 2, 2019 [I-Boyer-1]*)

“I am concerned about the air pollution which will affect our health, and the increased height which will cut out sunlight.” (*Sharon Esker, Email, January 5, 2019 [I-Esker-8]*)

“Page 4.E.59: According to Fig. 4.E.8, a partial shown below, there are specific cancer risks shown. Why is there only one location denoted by the yellow square on Laurel St. to be determined to be ‘Offsite Resident Cancer Risk, PM2.5’? How was the information obtained to designate this parcel as such?”

The cancer risks were estimated using the equation specified in Tables AQ-18 and AQ-20 in EIR Appendix F – what other parcels were studied using this equation? Please list or provide a map showing the parcels.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-44]*) [*Figure 4.E.8 referenced on p. 23 in Comment Letter I-Hillson2 is shown on EIR p. 4.E.59 and in RTC Attachment B.*]

RESPONSE AQ-2: HEALTH RISK IMPACTS

The comments state that the air pollution from the proposed project or project variant will affect the health and well-being of the local community, specifically the elderly, disabled, chronically ill, and homebound people. Additionally, comments also pose questions asking about the calculation of cancer risks, the designation of parcels as the maximally exposed individual sensitive receptors in Figure 4.E.8, p. 4.E.59, and whether other parcels were studied using the equations specified in Tables AQ-18 and AQ-20 in EIR Appendix F.

As discussed in Response AQ-1: Construction Impacts, RTC pp. 5.G.3-5.G.11, the analysis conducted for the EIR determined that the impacts from toxic air contaminants from construction and operation of the proposed project contributing to health effects would be less than significant

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(Impact AQ-3, EIR p. 4.E.52). The cancer risks and PM_{2.5} concentrations relative to applicable thresholds are shown in Table 4.E.10, p. 4.E.58, and Table 4.E.11: Lifetime Cancer Risk and PM_{2.5} Concentration Contributions from the Proposed Project and Project Variant at the Maximally Exposed On-Site Receptors, EIR p. 4.E.61.

Some comments specifically mention risks to sensitive receptors such as children and the elderly. Health risks were calculated for all sensitive receptors shown in Figure 4.E.7, p. 4.E.57, including residences and the other sensitive land uses specifically shown in Figure 4.E.2, EIR p. 4.E.30. As discussed on EIR pp. 4.E.17-4.E.18 and in Response AQ-1, above, all sensitive receptors were analyzed as residents because residents would have longer exposure durations and are therefore expected to have the highest health impacts. Therefore, by assuming all sensitive receptors are residential uses rather than non-residential, the analysis is conservative, because non-residential receptors would experience shorter exposure periods.

Figure 4.E.8 shows the maximally exposed off-site and on-site individual sensitive receptors for each health impact. Each health impact was calculated at all sensitive receptors shown in Figure 4.E.7; however, only the maximums are reported in Table 4.E.10 and Table 4.E.11 and shown in Figure 4.E.8. Cancer risk was calculated using the equations specified in Tables AQ-18 and AQ-20 in EIR Appendix F. The equations calculate cancer risk by multiplying the concentration of the pollutant by factors that take into account inhalation intake, cancer potency, and age sensitivity. The yellow square on Figure 4.E.8 represents the off-site receptor with the maximum cancer risk and PM_{2.5} impact, or, stated another way, the location where the maximum cancer risk and PM_{2.5} values as a result of the project were calculated. The maximums are determined using air dispersion modeling, which takes into account parameters such as location of emissions and meteorological conditions (e.g., wind direction). As discussed under Impact AQ-3 starting on EIR p. 4.E.52 and also under Response AQ-1, the lifetime excess cancer risk impacts from the proposed project or project variant at the off-site and on-site maximally exposed individual sensitive receptor locations would be less than significant. All other off-site individual sensitive receptor locations that would be exposed would experience impacts of similar or lower magnitudes, generally decreasing with distance from the construction area.

One comment raises a concern about increased building height and loss of sunlight; for a response to this issue, see Response WS-1: Wind and Shadow, on RTC pp. 5.J.46-5.J.48.

COMMENT AQ-3: GENERAL AUTOMOBILE AIR POLLUTION

“The stopping and starting of vehicles as they cannot get around town and as signal timing is contributing to the automobile delay will increase air pollution on many streets around this project for at least ½-mile radius. One can see the automobile increase just from watching and this does not take any \$100,000 “traffic study” to figure out.

This point about increase in vehicular travel in this area with nobody really going anywhere efficiently should also be a point under “AIR QUALITY” (*Chapter 4E & AQ*).” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-18]*)

“However, the EIR concludes that Project operations and related traffic generation will not have a significant impact. I believe the traffic projections understate traffic and pollution levels that will occur when the Project is completed. The delivery vans and ride share services are increasing. This kind of traffic has more idling vehicles, more frequent stops and brake use, and more starts, all of which will increase the amount of emissions per vehicle in the vicinity of the Project.” (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-12]*)

RESPONSE AQ-3: GENERAL AUTOMOBILE AIR POLLUTION

The comments state that the neighborhood streets are already congested and delays from project-generated vehicle trips will increase air pollution in the community, particularly from the idling and starting of vehicles. Comments also assert that the traffic projections understate traffic levels and do not account for the increased use of transportation network companies and delivery services.

The air quality and health risk impact analysis conducted for the EIR evaluates emissions from construction and operation during the four-phase, seven-year construction program and at build-out. The health risk impact analysis evaluates emissions from construction and project operations plus 30 years of operation. Based on the planning department’s experience with projects of this scale where construction would occur while completed phases become operational, the department requested that a comprehensive analysis be conducted to evaluate these impacts. Project-generated vehicle trips were accounted for in emissions calculations from both construction and operation of the proposed project or project variant. The proposed project or project variant would result in increased emissions from project-generated construction truck trips and operational trips. The analysis determined that the air quality impacts from construction activities, including the generation of fugitive dust and criteria air pollutants from construction vehicles (Impact AQ-1, as discussed beginning on EIR p. 4.E.38) as well as criteria air pollutants from project operations, which includes project-generated traffic (Impact AQ-2, EIR p. 4.E.49), would be less than significant. Project-generated travel demand and calculations to derive vehicle trips were conducted in accordance with planning department transportation analysis guidelines and methodologies and account for transportation network companies. For further response to the comments regarding an understated traffic count, see RTC Section 4, Master Response – Transportation and Circulation (see the discussion in subsection B.3, Trip Generation Estimates, starting on RTC p. 4.4).

Criteria air pollutant emissions from on-road construction vehicles are shown in Table AQ-7 of EIR Appendix F and toxic air contaminant emissions from on-road construction vehicles are shown in Table AQ-8 of EIR Appendix F. The criteria air pollutant emissions in Table AQ-7 of EIR Appendix F are incorporated into EIR Table 4.E.6: Emissions from the Proposed Project During

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Construction and Operations, EIR p. 4.E.48, and Table 4.E.7: Emissions from the Project Variant During Construction and Operations, EIR p. 4.E.49. Toxic air contaminant emissions in Table AQ-8 of EIR Appendix F are used to calculate the health risks from construction vehicle traffic shown in EIR Tables 4.E.10 and 4.E.11 (pp. 4.E.58 and 4.E.61). Construction emissions were estimated using methods equivalent with CalEEMod version 2016.3.2, a model developed for the California Air Pollution Officers Association in collaboration with the California Air Districts.¹¹ Emission factors for starting and idling were included in the calculation of on-road exhaust emissions from construction vehicles. Brake wear and tire wear emission factors are also included in on-road fugitive dust emissions calculations for construction vehicles that were then used to analyze construction PM_{2.5} emissions in the health risk analysis.

Table 4.E.8 on EIR p. 4.E.51 shows operational criteria air pollutant emissions from on-road fugitive dust and on-road vehicle exhaust for the proposed project, and Table 4.E.9: Emissions from the Project Variant During Operations at Full Build-Out, on EIR p. 4.E.53, shows operational criteria air pollutant emissions from on-road vehicles for the project variant. Table AQ-12b in EIR Appendix F shows toxic air contaminant emissions from project-generated traffic. Brake wear and tire wear emission factors are included in on-road fugitive dust emissions calculations. On-road vehicle exhaust emissions were calculated using running emission factors, which include idling for light-duty vehicles; starting emissions were excluded as they are assumed to be relatively small. Light-duty vehicles are assumed to make up over 80 percent of the operational vehicle trips. Starting and idling emission factors for the other classes of vehicles generally represent a smaller fraction of overall emissions compared to running emissions. Even if on-road exhaust emissions were doubled from the calculated values for light-duty vehicles shown in Table 4.E.8, the overall operational criteria air pollutant emissions would still not exceed thresholds of significance; therefore, the overall operational impact (Impact AQ-2) would remain less than significant.

Further, as shown in EIR Table 4.E.6, p. 4.E.48, project NO_x emissions would be closest to the threshold of significance during “Phase 2/3 Construction Overlap + Phase 1 Operation” at 39 pounds per day, compared to a threshold of 54 pounds per day. On-road mobile emissions during operations would account for 21 pounds per day of the 39 pounds per day total. On-road exhaust emissions would have to be more than 1.7 times higher than the calculated 21 pounds per day, which would be a conservative estimate for starting and idling emissions, in order for operational plus construction emissions to exceed thresholds of significance.

Similarly, as shown in EIR Table 4.E.7, Project Variant ROG emissions would be closest to the threshold of significance during “Phase 2/3 Construction Overlap + Phase 1 Operation” at 41 pounds per day, compared to a threshold of 54 pounds per day. On-road mobile emissions make

¹¹ CalEEMod is the air district’s recommended tool for CEQA criteria air pollutant and greenhouse gas quantification, and can be downloaded from the air district’s Tools and Methodologies website: <http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools>.

up 5.2 pounds per day of the 41 pounds per day total. Therefore, on-road exhaust ROG emissions would have to increase more than four-fold from starting and idling for ROG emissions to be higher than significance thresholds. It is not likely that the starting and idling emissions would contribute this large an increase to overall vehicle emissions; therefore, the overall impacts would remain less than significant.

In sum, even if starting and idling emissions were included for all vehicle categories, the overall operational criteria air pollutant emissions would still not exceed thresholds of significance; therefore, the overall operational impact (Impact AQ-2) would remain less than significant.

As shown in Tables 4.E.10 through 4.E.13 on EIR pp. 4.E.58 through 4.E.69, cancer risk and PM_{2.5} concentrations attributed to on-road vehicle traffic is a small portion of the overall impact to both on-site and off-site receptors from the proposed project and project variant. Even a very large increase from starting and idling of vehicle emissions would not be enough to exceed health risk significance thresholds. Therefore, overall health impacts would remain less than significant.

COMMENT AQ-4: AIR QUALITY SETTING

“The soot on my building and steps is terrible...” (*Sharon Esker, Email, January 5, 2019 [I-Esker-6]*)

“Page 4.E.30: The map of the Sensitive Receptors has the legend covering up the 150 Parker School that is just as distant as the CPMC sensitive receptor yet it is not shown on the map nor mentioned in the list of sensitive receptors on Page 4.E.17.

“The area that is occupied by the California Pacific Medical Center (Hospital & Residential Care Facility) buildings (where the new residential replacement project is planned) is shown but not the 150 Parker School. The location of this school is covered by the white legend box.

“The young children attending this pre-school would appear to be sensitive receptors. Why is the 150 Parker Avenue School not shown on the map (Page 4.E.30) below?” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-43]*) [*Figure 4.E.2 referenced on p. 23 in Comment Letter I-Hillson2 is shown on EIR p. 4.E.30 and in RTC Attachment B.*]

“C. Air pollution. The air in the vicinity of the Project is already dirty and Project operations will add to the problem.” (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-9]*)

“Vehicle emissions may be less today, but brake pads, tires and road wear still generate unhealthy particulates. Ever present neighborhood construction and street repair work add to dust and grime. I live 1 ½ blocks eastward and mostly downwind of the Project, and even now there are quantities of black soot/dust on my windows, window sills and balcony. My balcony, on the east side of the building sheltered from California Street and prevailing winds, cannot be used without wiping all surfaces. Then the wash rag is black. Unless I keep my windows closed and stay inside, I am breathing those same pollutants.” (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-11]*)

RESPONSE AQ-4: AIR QUALITY SETTING

The comments characterize the existing air quality in the neighborhood as “dirty” due to traffic-related emissions and emissions from local construction and street repair work. One comment questions the absence of the preschool located at 150 Parker Avenue (the One Fifty Parker Avenue School) on Figure 4.E.2 on EIR p. 4.E.30. One comment expresses an unspecified concern with the operations-related contribution to air pollution from the proposed project.

Neighborhood Air Quality

The ambient air quality in the San Francisco Bay Area and in the Laurel Heights neighborhood of San Francisco is discussed in detail under the Environmental Setting heading in Section 4.E, Air Quality (see EIR pp. 4.E.3-4.E.19). As shown in Table 4.E.2: State and Federal Ambient Air Quality Standards and Attainment Status for the San Francisco Bay Area Air Basin, EIR p. 4.E.7, the San Francisco Bay Area Air Basin is in non-attainment¹² for the PM_{2.5} 24-hour standard and the 8-hour standard for ozone.

As shown on EIR pp. 4.E.10-4.E.11, the AQI statistics over recent years indicate that air quality in the Bay Area is predominantly in the “Good” or “Moderate” categories and healthy on most days for most people. Historical air district data indicate that the San Francisco Bay Area Air Basin experienced air quality in the red level (unhealthy) on seven days between 2013 and 2017. As shown in Table 4.E.3: Air Quality Index Statistics for the San Francisco Bay Area Air Basin for Ozone, on EIR p. 4.E.11, the air basin had 13 orange-level (unhealthy for sensitive groups) days in 2013, 9 days in 2014, 12 days in 2015, 11 days in 2016, and 3 days in 2017. Additionally, there was 1 red-level day in 2013, 1 day in 2014, 0 days in 2015, 1 day in 2016, and 4 days in 2017.

As discussed on EIR pp. 4.E.12-4.E.13, the City and County of San Francisco has separately conducted a citywide air quality dispersion modeling in an effort to identify areas of San Francisco most adversely affected by sources of toxic air contaminants. The citywide modeling results represent a comprehensive assessment of existing cumulative exposures to air pollution throughout the City. Model results were used to identify areas in the City with poor air quality, termed Air Pollutant Exposure Zones (APEZs), based on the following health-protective criteria: (1) cumulative PM_{2.5} concentrations greater than 10 µg/m³; and/or (2) excess cancer risk from the contribution of emissions from all modeled sources greater than 100 per 1 million persons exposed. Citywide modeling results indicate that the project site at 3333 California Street is not located in an area that meets the APEZ criteria. The nearest area that meets the APEZ criteria is approximately 2,000 feet southeast of the project site.

¹² “Non-attainment” indicates that the area does not meet the National Ambient Air Quality Standard for the specific pollutant.

Sensitive Receptors

The One Fifty Parker Avenue School was not included in EIR Figure 4.E.2. This figure has been revised to show this location as a sensitive land use; this revision does not affect the analysis or any results. As discussed on EIR pp. 4.E.17-4.E.18 and in Response AQ-1, pp. 5.G.3-5.G.11, all sensitive receptors shown on Figure 4.E.2 and Figure 4.E.7 such as daycare centers and hospitals were evaluated as residential land uses as a conservative assumption because residences would have longer exposure durations (compared to daycare centers and other non-residential sensitive land uses), and would therefore be expected to have greater health impacts. This is true for the One Fifty Parker Avenue School, which is over 1,000 feet west of the project site. As such, including this school on Figure 4.E.2 does not affect the location where the proposed project or project variant would have the maximum impact. See Figure 4.E.8, EIR p. 4.E.57, for the locations of the off-site and on-site maximally exposed individual sensitive receptors locations.

Figure 4.E.2, on EIR p. 4.E.30, has been revised to include a label for the One Fifty Parker Avenue School site. The revised figure is shown on the following page.

EIR Section 4.A, Introduction to Environmental Setting and Impacts, describes the existing land use setting, including nearby preschools, under “Land Uses in the Project Vicinity” on pp. 4.A.14-4.A.15. The second sentence of the last paragraph on p. 4.A.15 has been revised as follows (new text is double-underlined):

The nearby daycare facilities include the Hellen Diller Family Preschool at the JCCSF,¹⁸ the Laurel Hill Nursery School and Pre-K at 401 Euclid Avenue, the One Fifty Parker Avenue School at 150 Parker Avenue, and the Chibi Chan Preschool at the Booker T. Washington Community Center.¹⁹

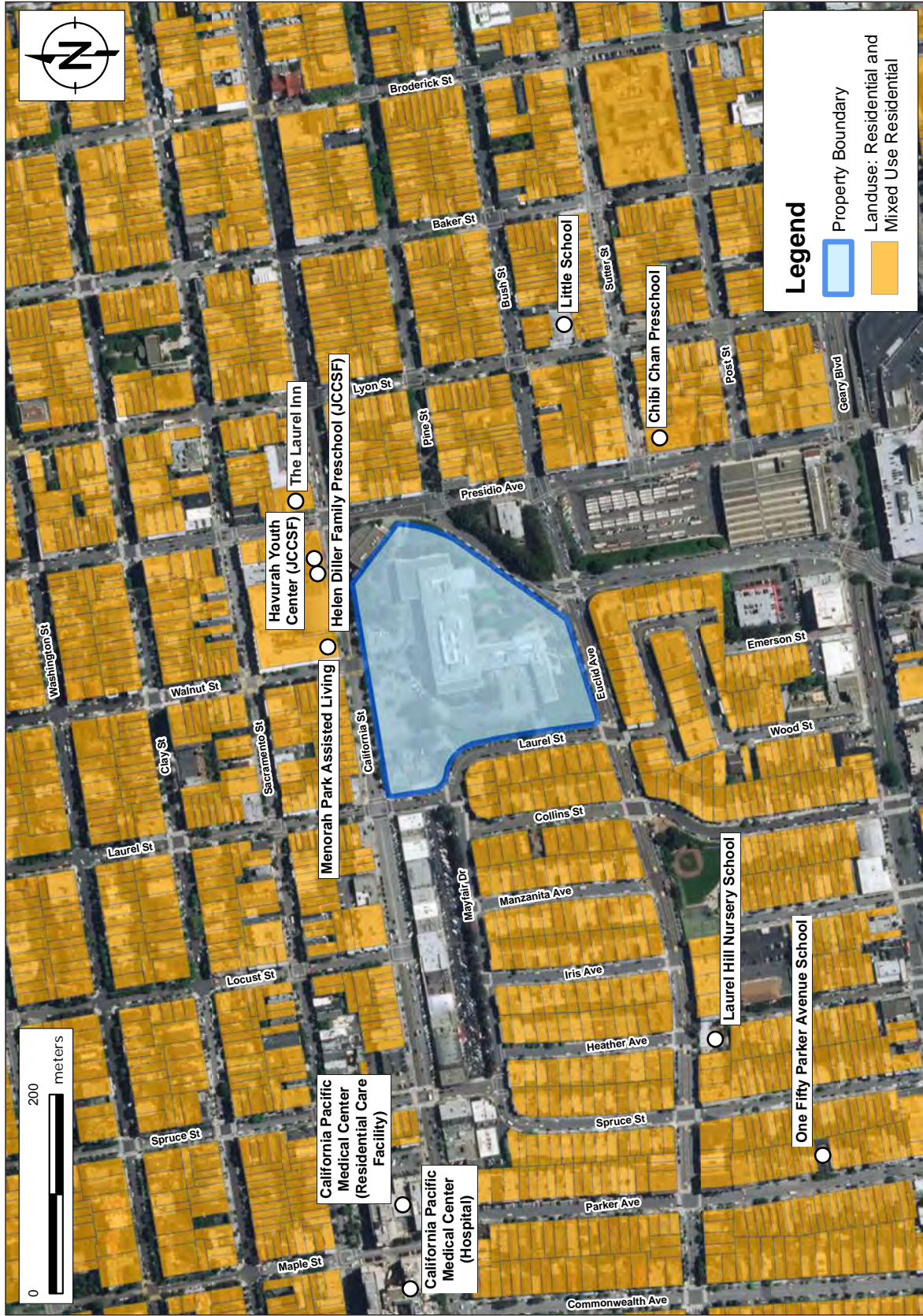
[Footnotes 18 and 19 on EIR p. 4.A.15]

¹⁸ Salgado, Craig, Chief Operating Officer, Jewish Community Center of San Francisco, e-mail correspondence with SWCA Environmental Consultants, October 27, 2017. The preschool serves children under the age of five and has a licensed capacity for 175. Actual enrollment may be greater as not all children are at the center at the same time.

¹⁹ Information available at <http://www.jcyc.org/chibichanpreschool.htm>, accessed May 25, 2018.

EIR Section 4.D, Noise and Vibration, lists nearby schools under “Existing Noise-Sensitive Land Uses” on pp. 4.D.10-4.D.12. The second sentence of the second paragraph on p. 4.D.11 has been revised as follows (new text is double-underlined):

Although most nearby and adjacent sensitive receptors are residences, there are also several schools/daycare centers within 1,000 feet of the project site, including Laurel Hill Nursery School, San Francisco University High School - South Campus, Little School, Helen Diller Preschool at the Jewish Community Center of San Francisco, the One Fifty Parker Avenue School, and the Chibi Chan Preschool at the Booker T. Washington Community Center.



SOURCE: Ramboll

3333 CALIFORNIA STREET MIXED-USE PROJECT

2015-014028ENV

(REVISED) FIGURE 4.E.2: SENSITIVE RECEPTOR PARCELS IN THE IMMEDIATE VICINITY OF THE PROJECT SITE

EIR Section 4.E, Air Quality, lists nearby schools under “Sensitive Receptors” on pp. 4.E.17-4.E.18. The fourth sentence of the third paragraph under “Sensitive Receptors” on p. 4.E.17 has been revised as follows (new text is double-underlined):

The closest non-residential sensitive receptors include Laurel Hill Nursery School, San Francisco University High School - South Campus, Little School, Havurah Youth Center, the Helen Diller Family Preschool at the Jewish Community Center of San Francisco, the Menorah Park Assisted Living Senior Housing Complex, the One Fifty Parker Avenue School, and the Chibi Chan Preschool at the Booker T. Washington Community Center.

Emissions Contributions from Project Operations

One comment suggests that project operations, presumably the associated vehicle trips, would create emissions and contribute to air pollution. As discussed in EIR Section 4.E, Air Quality, under Impacts AQ-2 and AQ-3, EIR pp. 4.E.49-4.E.60, and under Response AQ-3, RTC pp. 5.G.13-5.G.15, the project-generated traffic would not exceed any thresholds of significance for criteria air pollutant emissions and would not be a substantial contributor to health risks.

Operation of the buildings on the project site, both new buildings and adaptively-reused existing structures, would have the potential to result in air quality impacts associated with area sources such as landscaping maintenance, and use of consumer products such as cleaners and toiletries; with energy sources such as natural gas for space and water heating; and with stationary sources including an emergency generator. These were all analyzed and the results presented in EIR Section 4.E, Air Quality, in the discussion under Impacts AQ-2 and AQ-3. None of these sources would cause any thresholds of significance for criteria air pollutants to be exceeded, nor would they contribute to significant health risks.

Therefore, air quality impacts from these sources would be less than significant.

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5.H ALTERNATIVES

The comments and corresponding responses in this section relate to the alternatives to the proposed project or project variant evaluated in EIR Chapter 6: Alternatives. The comments are further grouped according to the following alternatives-related issues that the comments raise:

- AL-1, Range of Project Alternatives
- AL-2, Laurel Heights Improvement Association of San Francisco, Inc.’s (LHIA) Alternative
- AL-3, EIR Alternative C: Full Preservation – Residential Alternative

A corresponding response follows each grouping of comments.

Documents and other information cited in this RTC section are available at the planning department offices as part of Case File No. 2015-014028ENV and electronically on the project’s AB900 Record of Proceedings at <https://www.ab900record.com/3333cal>.

COMMENT AL-1: RANGE OF PROJECT ALTERNATIVES

“There’s also a no higher density alternative, and I actually think this site could take more density than what’s being proposed. I get, judging by the response today from neighbors, people aren’t going to be too excited about higher density, but I think we’re remiss, actually, in not looking at this site in a state density alternative. As the developer said, this site slopes down significantly and could take a state density bonus or more density. I think we’re remiss not to look at a higher density alternative.” (*Commissioner Rich Hillis, President, San Francisco Planning Commission, Draft EIR Hearing Transcript, pp., 88-89 December 13, 2018 [A-CPC-Hillis-4]*)

“And then the community should take a look at that and internalize that and say, ‘Here’s our alternative plan,’ and maybe you would, at the time you did all this work, put that as, say a G or an H, or you change one of these alternatives. That’s what the scoping process and scoping document is.

That all being said, it’s a complex project, and I do support, as with Commissioner Moore and Commissioner Melgar, if there is a real viable alternative, I’d like to see it evaluated against the other alternatives.” (*Commissioner Dennis Richards, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 84, December 13, 2018 [A-CPC-Richards-2]*)

“But what if we combined the two, B and C? What would that look like? Because we’ve got all these other alternatives that are different heights – there’s a lot of different variables, and it’s hard to actually kind of compare them because you don’t get the full programming one or the other; you get a partial, partial programming of that.

That all being said, since the landscape is an integral part of the I guess the historic nature of the site, as soon as you start putting anything on the landscaping, you’ve already degraded or defaced it, so there is no real full preservation alternative. I think the real full preservation alternative is no project alternative, right, because we just leave it like it is. So I’m struggling with that.”

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(Commissioner Dennis Richards, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 85, December 13, 2018 [A-CPC-Richards-4])

“• The HPC agreed that the DEIR analyzed a reasonable and appropriate range of preservation alternatives to address historic resource impacts.” *(Andrew Wolfram, President, San Francisco Historic Preservation Commission, Letter, December 11, 2018 [A-HPC-3] and Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, January 8, 2019 [O-LHIA4-8])*

“4. The DEIR Inaccurately States the Characteristics and Impacts of Alternatives to the Proposed Project/Variant and Fails to Analyze Adequately a Reasonable Range of Alternatives.

The DEIR inaccurately compares alleged characteristics and impacts of the alternatives with those of the proposed project or project variant and inaccurately evaluates the comparative merits of the alternatives and the ability of each alternative to meet most of the basic project objectives. Due to these inaccuracies and the DEIR’s failure to analyze a reasonable range of alternatives, the DEIR fails to foster informed decision making and public participation.

Contrary to the impression created in the DEIR, there was no public scoping process that considered various site plans, building retention programs, building heights, views of the character-defining features, land use programs, or feedback from the Architectural Review Committee of the San Francisco Historic Preservation Commission prior to publication of the DEIR. DEIR 6.9. The Planning Department failed to inform the public or the Laurel Heights Improvement Association, which nominated the site for listing on the National Register, of the Architectural Review Committee hearing that considered a range of alternatives on March 21, 2018. The Planning Department went out of its way to exclude the public and LHIA from the formulation of alternatives that would be evaluated in the DEIR.

After the DEIR was published, LHIA and members of the public advocated for a Community Preservation Alternative at a December 5, 2018 hearing of the San Francisco Historic Preservation Commission. The San Francisco Historic Preservation Commission’s December 11, 2018 letter to the San Francisco Planning Department expressed interest in seeing the Community Preservation Alternative. (See Ex. 2 to LHIA’s transmittal of Treanor SOIS evaluation) Also, the terms of the approved nomination of the site control the nature of the character-defining features of the resource, but the DEIR inaccurately characterizes them as expert opinion.

The DEIR acknowledges that “alternatives with excavation and building construction programs scaled down from that of the proposed project or project variant and taking a shorter period of time to build would result in fewer overall occurrences of adverse construction noise impacts. Although a reduced development alternative would limit the ability to fully achieve some of the basic project objectives, it could reduce the duration of construction noise as well as the overall amount of development, and associated residential, employment, and parking rate increases that generate significant transportation impacts.” DEIR 6.9. However, the DEIR omits a reasonable explanation of the manner in which a reduced development alternative would limit the ability to fully achieve some of the basic project objectives, and in this respect presents an unsupported conclusion that is inadequate. A reduced development alternative could still achieve basic project objectives by providing a lesser amount of development on the site.

The DEIR claims that its analysis of alternatives is “qualitative relative to the identified impacts of the proposed project or project variant” but such a facile characterization does not

justify the ambiguities and unsupported conclusions that are contained in the inadequate alternatives analysis. DEIR p. 6.10.” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi3-18]*)

“Alternative F: “Code Conforming” Alternative

The DEIR inaccurately claims that its Code Conforming Alternative addresses neighborhood requests for an “all-residential” alternative. The neighborhood actually requested an alternative that would comply with the Existing Zoning, which includes Resolution 4109, which bans retail on the site. However the Planning Department contorted this request into an alternative that does not reflect the zoning approvals that exist for the site. Instead, the Planning Department conceived of a non-existing zoning alternative that proposes uses that the applicant could apply for but have not been granted. Since application for conditional uses and other permissions has not yet been considered by the Planning Commission or Board of Supervisors, it cannot be determined whether the Planning Commission or Board of Supervisors would grant the exceptions or approvals requested in the Code Conforming Alternative.

The City unreasonably configured the so-called Code Conforming Alternative to avoid analyzing the alternative of constructing all new residential buildings in accordance with the RM-1 zoning that applies to the site along with Resolution 4109. For example, the DEIR acknowledges that under Planning Code section 304(d)(5), planned unit developments within residential districts may include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to limitations for neighborhood commercial cluster (NG21) districts. DEIR p. 6.10. The DEIR inaccurately claims that the Code Conforming Alternative includes limited ground-floor commercial uses because of the existence of this section, but the Planning Commission has not considered whether commercial uses are necessary to serve residents of the immediate vicinity, and a plan sheet shows a large proposed retail space that could be used for non-local retail. The project site is now amply served by retail uses, as it is immediately adjacent to the two-block Laurel Village Shopping Center (which contains two independent grocery stores and a wide range of commercial stores), one block from the Sacramento Street commercial corridor which contains many restaurants, one block from a Trader Joe’s grocery store, and approximately one-two blocks from the City Center which includes a Target Store and other stores, and one-two blocks from the Geary Boulevard commercial corridor, and is within walking distance of the Clement Street commercial corridor. Thus, there is a reasonable possibility that, upon consideration of the facts, the Planning Commission would find that commercial uses on the project site are not necessary to serve residents of the immediate vicinity. Importantly, the DEIR lacks any land use or zoning studies discussing the types of commercial uses in the nearby established commercial centers that would support the DEIR’s conclusion that any new commercial use is necessary to serve residents of the immediate vicinity.

Alternative A: No Project Alternative

The DEIR is inaccurate in claiming that Alternative A: No Project Alternative would not achieve any of the project objectives. The site currently includes office uses, a childcare center and a cafe (which is considered a type of retail use) Census data states that the site is mixed use. (Ex. I) Thus, Alternative A would meet the objective of having a mixed use development, although not to the same degree as the proposed project/variant.

Alternative B: Full Preservation -Office Alternative

Alternative B: Full Preservation -Office is unreasonably configured in the DEIR to include only 167 residential units and to construct a one-level vertical addition on the roof to expand the usable space for office uses. Given the City's housing needs, a reasonable alternative would be configured to reuse the existing office building to provide residential uses. Also, in Alternative B, the Plaza B and Walnut buildings are set back to retain brick perimeter wall along California Street, which could be changed to provide more space for residential uses. DEIR pp. 6.28. Alternative B is also unreasonably configured to eliminate the existing childcare center and fails to mention the existing cafe in the main building. Also, the Annex could be re-purposed and expanded vertically to accommodate residential use, instead of being kept in its existing state in Alternative B.

THE DEIR inaccurately states that pedestrians would not be able to walk through the site to Presidio, Masonic, or Euclid Avenues under Alternative B. In fact, there is an existing passageway through the main office building that leads to the Eckbo Terrace and exits onto Euclid/Masonic. If reasonably configured, Alternative B could include signage would explain that pedestrians would be allowed to use this north south throughway. In addition, pedestrians can now walk through the site and exit through the Mayfair or Laurel gate and walk from those points to Euclid Avenue.

Alternative B would excavate for a two-level California Street parking garage DEIR p. 6.29, 49. 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 off-site sensitive receptor locations would be reduced from those under the proposed project or project variant. However, construction activities would be similar, e.g., the use of excavators with hoe rams to fracture and remove bedrock as part of the excavation for the California Street garage. Therefore, the potential to generate substantial temporary and periodic noise increases of at least 10 dBA or greater increase over ambient noise levels at off-site locations would remain. The DEIR admitted that under Alternative B, off-site sensitive receptors along the west side of Laurel Street would be exposed to similar, but slightly lower, noise levels due to less construction along Laurel Street and the south side of the project site, and that off-site sensitive receptors along the east side of Presidio Avenue and along the south side of Euclid Avenue would not be as directly exposed to the temporary, construction-related noise increases because of the greater distance from, and the more limited nature of, the construction activities. The DEIR concluded that as a result of the proximity of construction activities to off-site sensitive receptors along California and Laurel Streets, the nature of the construction activities and the potential for encountering bedrock, construction noise impacts under Alternative B (although more limited in terms of the number of noise events) would be significant and would require implementation of Mitigation Measure M-NO-1. DEIR p. 6.49." (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi3-20]*)

"The project description and objectives are artificially narrow and preclude consideration of reasonable alternatives for achieving the project's underlying purpose. By describing the project as "mixed-use," the Initial Study seeks to prejudice the consideration of other adaptive reuse alternatives, such as all-residential development, which would conform with the existing zoning. The proposed project, however, would conflict with the existing land use controls, including controls prohibiting retail uses and new office uses at the site, heights in excess of 40-feet, violation of open space and rear yard requirements, and would seek other deviations. The project description and objectives would require numerous zoning changes, so is not an of-right project. The community has supported new residential construction, and the project objectives should be

corrected to seek to achieve adaptive reuse of this historically significant resource in a manner which complies with applicable land use controls and avoids or substantially reduces significant impacts on the environment under CEQA standards. An all-residential alternative should be included in the EIR so as not to artificially limit alternatives considered by omitting information from the EIR that is highly relevant to the Board of Supervisors, which would have to approve zoning changes to permit the project as proposed to proceed.

Further, the report of the project sponsor's consultant as to preservation alternatives states that all new construction proposed in the preservation alternative has been designed to the greatest extent that is technically feasible "to be comparable in square footage to the proposed Project or Project Variant." Ex. U, Page & Turnbull, 3333 California Street, Preservation Alternatives Report, excerpts, p. 8. According to the IS, the proposed project would have a total of 1,372,270 gross square feet, whereas the existing uses on the site occupy a total of 469,000 gross square feet. IS pp. 9, 21. The project variant would occupy a total of 1,476,987 gsf. Ex. U, p. 82. The EIR must clarify the actual objectives of the proposed project so as not to preclude consideration of reasonable alternatives for achieving the project's underlying purpose. Considering this information, together with the other information in the IS, it is unclear whether the project objectives are to build mixed-use development, to rezone the site to allow retail and new office uses and increased height limits, to achieve an amount of square footage of development that is now sought by the proposed project or project variant, or to achieve feasible adaptive reuse of a historically significant resource." (*Kathryn Devincenzi, Letter, June 6, 2018 [I-Devincenzi4-13]*)

"In connection with Laurel Heights Partners, LLC's proposed development at 3333 California St., and based on the Draft Environmental Impact Report, please consider continuing to use the site for higher education, such as an annex for the University of San Francisco. Under a scenario where the building is used for higher education, the historically significant building and its beautiful landscaping would be preserved. Architects, preservationists and developers could update the glass curtain façade and interior to serve students for the 21st century. No changes would be required to the surrounding landscape or the perfectly suitable existing surface parking lots and garage ramp structures. Most importantly, the multitude of concerns raised by nearby residents and citizens set forth in the Draft Environmental Impact Report and listed again below for the Planning Department's reference would be adequately addressed. It appears there are far too many concerns for the Planning Department to proceed with the proposed project. Therefore, please consider continuing to use the site for higher education, such as an annex for the University of San Francisco." (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-1]*)

"7. There is no need to destroy this historically significant site because alternatives are available which will achieve housing production by building on the parking lots." (*Marie McNulty, Letter, December 18, 2018 [I-McNulty-5]*)

"5. There is no need to destroy this historically significant site because alternatives are available which will achieve housing production by building on the parking lots." (*Zarin Randeria, Email, December 3, 2018 [I-Randeria1-5]*)

"We have objected to the destruction and removal of the existing green areas. We've asked the Applicant of the Proposed Project for an alternative preservation plan that is consistent with the design and aesthetics of the condominiums directly across the street from the Project on California Street between Laurel and Walnut (for example) without touching any of the green and

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landscaped areas on Masonic, Euclid or Laurel. The neighborhood has expressed its desire to have the Applicant redesign the proposed Project so preserve as much of the site as possible and complete critically needed residential housing in the shortest time possible. We've written letters to the Applicant, addressed these issues in person with the Applicant at the Developer's poster-board sessions and at the Scoping Meeting at the JCC with the Planning Department but we have yet to see a design that warrants serious consideration by the neighborhood or the City." (*Victoria Underwood, Letter, December 4, 2018 [I-UnderwoodV1-10]*)

"What I recommend is **Alternative Plan B**. That would be much less disruptive, while providing some residential units which the city needs. We (the people that live here) would also not be subjected to disruption for 7 years." (*Steven Zeluck, Email, November 10, 2018 [I-Zeluck-5]*)

"I would like to submit comments on the DEIR for 3333 California Street project. I live on Lupine and overlook Euclid Ave. In reviewing the DEIR, I would not be supportive of the current plan. Adding retail space to the area would, in my opinion, not be positive for the neighborhood. The area would benefit by residential units and some office space. No additional underground parking should be added above what is already in existence. The project height should not be increased more than one additional level from current height. Based on the DEIR, neither the planned project nor any of the alternatives satisfy these requirements. Hopefully the Planning Dept. and developer can adjust the proposal to include residential and office space only." (*John Zlatunich, Email, December 9, 2018 [I-Zlatunich1-1]*)

"I would like to reiterate my submitted previously on the DEIR for 3333 California Street project. I live on Lupine and overlook Euclid Ave. In reviewing the DEIR, I would not be supportive of the current plan. Adding retail space to the area would, in my opinion, not be positive for the neighborhood. The area would benefit by residential units and some office space. No additional underground parking should be added above what is already in existence. The project height should not be increased more than one additional level from current height. Based on the DEIR, neither the planned project nor any of the alternatives satisfy these requirements." (*John Zlatunich, Email, January 5, 2019 [I-Zlatunich2-1]*)

RESPONSE AL-1: RANGE OF PROJECT ALTERNATIVES

Comments express concerns with the public scoping process (assumed to be related to development of alternatives) and concurrence or disagreement with the range of alternatives and the features included in the alternatives presented and evaluated in the EIR.

The response below describes the public scoping process for the environmental review of the proposed project and project variant, and addresses the range of EIR alternatives generally, the project objectives used to define alternatives, the EIR alternatives selection process, and specific comments or questions about EIR alternatives (except those comments grouped and addressed separately under Response AL-2: LHIA Alternative and under Response AL-3: EIR Alternative C: Full Preservation Alternative). "LHIA Alternative" refers to the alternative submitted by the

Laurel Heights Improvement Association and is referred to by a number of commenters as the Community Full Preservation Alternative. It is referred to as LHIA Alternative in this document.

For a response to comments that mention construction time frames, see Response PD-1: Construction Duration, Phasing and Staging, and Development Agreement on RTC pp. 5.B.9-5.B.15.

CEQA Requirements for Analysis of Alternatives

CEQA Guidelines section 15126.6(a) provides that “An EIR shall describe a *range of reasonable alternatives to the project*, or location of the project, which would *feasibly attain most of the basic objectives of the project* but would *avoid or substantially lessen any of the significant effects of the project* and evaluate the comparative merits of the alternatives.” (*emphasis added*)

The alternatives need not meet all of the project objectives, but should meet most of the basic project objectives. The CEQA Guidelines recognize that the range of conceivable alternatives to a proposed project is potentially vast, and that an EIR need not consider every conceivable alternative to a project. However, it must include a reasonable range of potentially feasible alternatives that are limited by the “rule of reason” and that will foster informed decision-making and public participation (see CEQA Guidelines section 15126.6(a)).

The main purpose of presenting a range of alternatives to a proposed project is to focus on alternatives that are capable of reducing or eliminating any significant effects of the proposed project identified in an EIR (CEQA Guidelines section 15126.6(b)). The EIR for the 3333 California Street Mixed-Use Project meets this requirement. For example, the EIR includes two full preservation alternatives that eliminate the significant and unavoidable impact on the historic resource, as well as two partial preservation alternatives that reduce but do not fully avoid the significant and unavoidable historical resource impact, so that decision-makers can compare the policy trade-offs among these alternatives and the proposed project or project variant.

The range of potential alternatives is limited to those that could feasibly attain most of the basic objectives of the proposed project. Among the factors to be considered in feasibility are site suitability, economic viability, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the project sponsor can reasonably acquire or have access to an alternative site (CEQA Guidelines section 15126.6(f)(1)).

EIRs are also required to analyze the No Project Alternative (CEQA Guidelines section 15126.6(e)). The purpose of presenting the No Project Alternative is to allow decision-makers to compare the impacts of the proposed project with the impacts of not approving the proposed project. When the proposed project is a development project on a specific site, the No Project

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Alternative is generally a scenario with no changes at the project site and no construction activities.

The final determination of the feasibility of alternatives is made by the decision-makers, based on substantial evidence in the entire record, which includes, but is not limited to, information presented in the EIR, comments received on the draft EIR, and responses to those comments.

Scoping and Selection Process for EIR Alternatives

Comments express concern about the public scoping process for EIR alternatives. A comment asserts that there was no public scoping process that considered various alternative site plans, programs, and resource retention approaches.

The initial step in the environmental review process for the 3333 California Street Mixed-Use Project included the circulation of a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting (NOP). The public scoping and review process for the EIR is described in EIR Chapter 1, Introduction, pp. 1.4-1.21, under the heading “Environmental Review Process,” beginning with publication of the NOP announcing the planning department’s intent to solicit public comments on the scope of the environmental analysis and to prepare and distribute a draft EIR on the 3333 California Street Mixed-Use Project for public comment. The planning department mailed the notice to the State Clearinghouse and relevant state and regional agencies; to occupants and owners of property within 300 feet of the project site; and to other potentially interested parties, including neighborhood organizations that have requested such notice. The planning department also published the notice of public scoping in a newspaper of general circulation on September 20, 2017. Publication of the NOP initiated a 30-day public review and comment period. Pursuant to CEQA section 21083.9 and CEQA Guidelines section 15206, the planning department also held a public scoping meeting on October 16, 2017, to receive input on the scope of the environmental review for this project. During the NOP review and comment period, a total of 54 comment letters, comment cards, and emails were submitted to the planning department and 28 speakers provided oral comments at the public scoping meeting.

Comments received during the EIR public scoping process related to alternatives are summarized and acknowledged as follows on EIR p.1.11.

Commenters requested the study of a code-compliant alternative that includes only residential uses. Alternatives to the proposed project or project variant analyzed in this EIR include alternatives developed to reduce significant environmental impacts of the proposed project or project variant. These alternatives and a code-conforming alternative are described and analyzed in Chapter 6, Alternatives.

The planning department considered all scoping comments made by the public in preparation of the draft EIR for the proposed project.

As discussed in the section entitled “Alternatives Scoping Process” on EIR pp. 6.5-6.10, the scoping process to identify appropriate alternatives focused primarily on preservation alternatives that could avoid or lessen the significant and unavoidable impact on the historical significance of the site, although reduction of the significant impacts related to transit capacity and construction noise were also considered (see EIR p. 6.9). Therefore, in addition to being informed by the public scoping process, the preservation alternatives presented and analyzed in the EIR are the result of a deliberative and iterative process involving planning department preservation technical specialist staff, with assistance from the project sponsor and their preservation architectural specialists (Page & Turnbull), with direction from the Architectural Review Committee (ARC) of the Historic Preservation Commission,¹ and informed by expert opinion presented in the National Register Nomination Form. As discussed on EIR pp. 6.8-6.9:

Thus, the preservation alternatives scoping process resulted in the refinement of the full preservation alternative and the two partial preservation alternatives presented to the ARC with greater focus on retaining the character-defining features of the property that best convey the association between the building and its designed landscape and limiting new construction to the northern and western portions of the site (with increasing development intensities along California Street to better meet some of the basic project objectives [e.g., increase the housing supply]).... [A] new full preservation alternative (Alternative B) was developed to reflect expert opinions in the application for listing the 3333 California Street property on the National Register. The preservation alternatives analyzed in this chapter include both office and residential uses for the existing office building in response to ARC input.

A comment asserts that the planning department failed to inform the public or the Laurel Heights Improvement Association about the ARC hearing on March 21, 2018, where the ARC considered the proposed preservation alternatives. There is no requirement for public scoping of EIR alternatives as the development of alternatives is determined by the results of the technical impact analyses and identification of significant impacts. The proposed preservation alternatives were presented to the ARC of the Historic Preservation Commission in compliance with Historic Preservation Commission Resolution No. 0746, in which the Historic Preservation Commission clarifies its expectations for the development and evaluation of preservation alternatives in environmental impact reports. Public notice of the agenda for hearings before the Historic Preservation Commission hearings on the review and comment of draft EIRs or before the ARC is by publication of the ARC and Historic Preservation Commission agendas one week prior to the hearing. Contrary to this assertion, the planning department complied with noticing requirements for both the March 21, 2018 ARC public meeting and the October 16, 2017 public scoping meeting.

¹ The Architectural Review Committee is a sub-committee of the Historic Preservation Commission that reviews and provides feedback when complex design issues require discussion prior to approval of a project, and reviews preliminary CEQA preservation alternatives.

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In summary, the planning department conducted a complete public scoping process that included input from the public, from preservation experts on staff, and from the ARC of the Historic Preservation Commission in a public meeting.

On EIR pp. 6.214-6.218, several alternatives are presented that were considered and rejected, as required under CEQA Guidelines section 15126.6(c). These alternatives were not analyzed as EIR alternatives because they would not reduce project impacts, could result in greater impacts than the proposed project or project variant, or failed to meet most of the project's basic objectives identified on EIR p. 2.12.

Accuracy and Adequacy of EIR Alternatives Analysis

Comments generally assert that the EIR's comparison of each alternative's impacts with those of the proposed project and variant, and the EIR's assessment of each alternative's ability to meet most of the basic project objectives are inaccurate. These comments provide no specific factual substantiation of these general assertions, although to the extent they are embodied in specific comments about alternatives, they are addressed in responses below.

Range of Alternatives

A comment concurs with the range of EIR alternatives. Other comments request that additional alternatives, or variations thereof, be studied in the EIR.

The EIR presents an adequate and reasonable range of alternatives for redevelopment of the project site under CEQA Guidelines section 15126.6(a) as discussed below. In addition to the required Alternative A: No Project Alternative, the EIR describes, evaluates, and compares five alternative development programs: Alternative B: Full Preservation – Office Alternative, Alternative C: Full Preservation – Residential Alternative, Alternative D: Partial Preservation – Office Alternative, Alternative E: Partial Preservation – Residential Alternative, and Alternative F: Code Conforming Alternative.

Comments call for inclusion of additional EIR alternatives or express support for some other vision for the future use of the project site. Regarding comments that call for inclusion of the alternative submitted as the LHIA Alternative, please see Response AL-2: LHIA Alternative, on RTC pp. 5.H.54-5.H.69, and for those that suggest an all-residential variation of EIR Alternative C: Full Preservation – Residential Alternative or make other comments related to Alternative C, please see Response AL-3: Alternative C: Full Preservation – Residential Alternative, on RTC pp. 5.H.75-5.H.88.

One comment expresses a desire for a higher density residential alternative. Another comment expresses a desire for a new alternative that combines elements of two alternatives already analyzed in the EIR.

Alternatives were developed primarily to address the significant historic architectural resources impact. As discussed above and on EIR p. 6.8, the ARC suggested, among other things, that new development be limited to the north and west portions of the site along California and Laurel streets and that increased development intensities could be accommodated along California Street to better meet some of the basic project objectives (e.g., increase the housing supply). To more effectively retain the character-defining features of the property that best convey the association between the building and its designed landscape, the preliminary designs for preservation alternatives presented to the ARC were refined to address the input from the ARC. The inclusion of a higher density residential alternative would help fulfill the City's housing needs, but would require higher height limits for more of the buildings on the site, and/or loss of more of the existing, designed landscaping along Laurel Street to accommodate additional housing opportunities, as suggested in the comment. The scoping of the preservation alternatives and the determination of what would constitute a full preservation versus partial preservation alternative hinged on the amount of development along Laurel Street and on the southern portion of the site. As concluded for both Alternative D: Partial Preservation – Office Alternative (see EIR p. 6.115) and Alternative E: Partial Preservation – Residential Alternative (see EIR p. 6.149-6.151), the development of townhomes between Euclid Avenue and Mayfair Drive, south of the proposed Mayfair Building, and the Euclid Building (Alternative E only) on the southern portion of the site would not reduce the significant and unavoidable historical resource impact. Thus, an alternative that both increases the height of the proposed California Street buildings and develops more of the site along Laurel Street to increase housing would not reduce or eliminate the significant impacts of the proposed project or project variant on historic resources, transit, or construction noise and would not further reduce any of the significant impacts that could be reduced with mitigation measures identified in the EIR and initial study. The inclusion of another variation of a full preservation alternative would not address the impact on the identified significant historic resource in a substantially different manner than the full preservation alternatives already analyzed in the EIR.

Ability of Alternatives to Meet Project Objectives

A comment asserts that the EIR omits an explanation of how a reduced development alternative would limit the ability to meet project objectives.

In addition to the No Project Alternative, the EIR identified and analyzed five alternatives that included a reduced intensity development from that of the proposed project and project variant. Four of the alternatives involve fewer residential units than the proposed project or project variant, and all five of the alternatives involve fewer gross square feet of development than either the proposed project or project variant. See Table 6.1: Comparison of Characteristics of the Proposed Project, Project Variant, and EIR Alternative, on EIR pp. 6.13-6.15, for a comparison of the components of the alternatives with those of the proposed project and project variant.

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In selecting these reduced development scenarios as EIR alternatives, and despite a reduced development program under each, the EIR recognizes that these alternatives would still “feasibly attain most of the basic objectives of the project” and project variant, as required under CEQA Guidelines section 15126.6(a), although to a lesser degree than the proposed project and project variant. See Table 6.3: Ability of Alternatives to Meet Basic Project Objectives on EIR pp. 6.17-6.19. In addition, the discussion of each of these alternatives includes a section on the ability of the alternative to meet project objectives. For example, see EIR p. 6.37 for a discussion of the ability of Alternative B: Full Preservation – Office Alternative to meet project objectives. A similar discussion is provided on EIR pp. 6.75-6.76 for Alternative C: Full Preservation – Residential Alternative, on EIR p. 6.110 for Alternative D: Partial Preservation – Office Alternative, on EIR pp. 6.144-6.145 for Alternative E: Partial Preservation – Residential Alternative, and on EIR p. 6.182 for Alternative F: Code Conforming Alternative. Thus, contrary to assertions in the comments, the EIR provides a detailed discussion of how each of the reduced development alternatives would or would not meet project objectives. It is important to note that a comment asserting an inability to understand the objectives of the project was submitted as a comment on the initial study. The initial study project description did not include the project sponsor’s objectives as that is not required by CEQA. The project objectives are included in the EIR project description (see EIR p. 2.12) as required by CEQA Guidelines section 15124. For a response to comments regarding the process for development of the project objectives and whether or not they are too narrowly defined or inaccurate, as asserted, see Response PD-6: Project Objectives on RTC pp. 5.B.33-5.B.36.

Alternative A: No Project Alternative

A comment states that the real full preservation alternative is the No Project Alternative. While the No Project Alternative would avoid any impact of the proposed project or project variant on the ability of the site to convey its historic significance, it would not achieve any of the basic project objectives. The EIR analyzes two alternatives – Alternative B: Full Preservation - Office Alternative and Alternative C: Full Preservation - Residential Alternative – that would avoid a substantial adverse change in the significance of the historical resource (as defined in CEQA Guidelines section 15064.5(b)), while achieving some of the basic project objectives such as allowing for adaptive reuse of the existing office building, building additions, selective removal of existing on-site features, and new construction within the project site. See the analysis of impacts on historic architectural resources under Alternative B on EIR pp. 6.38-6.42 and under Alternative C on EIR pp. 6.76-6.81. Thus, the EIR includes two full preservation alternatives in addition to the No Project Alternative. The historic resources impact analysis for the alternatives applied the same approach as that for the proposed project and project variant as it relates to conformance with the secretary’s standards and the determination of whether or not the changes to the existing building and landscaping would result in a material impairment of the physical

characteristics of the resources that convey historical significance. The comment does not provide evidence regarding why Alternative B and Alternative C are not full preservation alternatives.

A comment expresses support for the use of the project site for higher education, preserving the existing building and landscape. Before the existing building on the site was purchased and occupied by UCSF, it was used as office space, first by the Fireman's Fund insurance company and later by other office uses. Thus, an academic use was not the original use of the building and grounds. Subsequent to the initiation of the environmental review, UCSF sold the site to the project sponsor and, regardless of the ultimate decision on project approval, UCSF will vacate the site and relocate the existing uses to its Mission Bay campus, as well as to its Parnassus campus once improvements are completed, based on its Long Range Development Plan. The No Project Alternative assumes that UCSF's departments and childcare facility would relocate, but the site would continue to be occupied by office use. The continued use of the existing office building on the project site for academic uses would reflect the continuation of existing conditions and, like the No Project Alternative, would have no impact on the historic resource. If the No Project Alternative is approved (in effect rejecting the proposed project and project variant as well as the other alternatives to the project), an academic institution could choose to occupy the existing building on the site at some time in the future.

A comment states that the EIR is inaccurate in claiming that Alternative A: No Project Alternative would not achieve any of the project objectives, which includes the creation of a mixed-use project, and that the project site is already mixed-use in that it has an office use, a child care center, and a café (described in the comment as a retail use). Although there are three land uses on the site, the existing café is open only to UCSF employees and therefore is not a typical retail use because it does not attract customers separate from the main institutional use.² The child care use is limited to UCSF employees. A vibrant mix of uses generally includes residential uses to promote activity throughout the day and into the evening that supports the other land uses. UCSF has not had any residential uses on the project site. Thus, the site is not a mixed-use site, as asserted. It is more accurately described as an institutional use. No other project objectives were identified by the commenter as being potentially met by the No Project Alternative. As shown on Table 6.3: Ability of Alternatives to Meet Basic Project Objectives, on EIR pp. 6.17-6.19, the No Project Alternative would not meet any of the basic objectives of the proposed project and variant in any substantial manner. It would not redevelop the site with a number of residential uses.

Alternative B: Full Preservation – Office Alternative

A comment asserts that Alternative B: Full Preservation – Office Alternative is unreasonably configured to include only 167 residential units and to construct a one-level vertical addition on

² The existing building including the café is for UCSF staff only and is not open to the public. See Response PD-4: Site Access on RTC pp. 5.B.25-5.B.28.

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the roof of the existing building to expand the usable space for office uses. The comment expresses a preference for an all-residential program for the site that retains the existing childcare center and café.

As described on EIR pp. 4.B.2 and 4.B.17-4.B.18, in February of 2018, an application to list the project site on the National Register of Historic Places, privately prepared by Michael Corbett and Denise Bradley on behalf of the Laurel Heights Improvement Association, was submitted to the California Office of Historic Preservation for review and comment. The National Register Nomination Form was updated by Mr. Corbett on April 19, 2018. The property was determined by the California State Historical Resources Commission to be eligible for the National Register of Historic Places, and on August 29, 2018, the property was officially determined eligible for the National Register following publication of notice in the Federal Register. The finding of eligibility for the National Register automatically places the property in the California Register of Historical Resources (California Register).

The National Register Nomination Form is one of several documents consulted by the planning department preservation staff experts in making its independent determination as to the eligibility of the 3333 California Street buildings and site for inclusion in the California Register. Others include the records at the California Parks and Recreation Department, a *Historic Resource Evaluation, Part I* prepared by LSA, and evaluations by Carey & Co., Inc. prepared for the University of California San Francisco (see EIR pp. 4.B.16-4.B.17). As summarized on EIR pp. 4.B.21-4.B.22, the planning department's evaluation of 3333 California Street in its historic resource evaluation response determined that the property is eligible for listing on the California Register as an historical resource under Criterion 1 (Events) and Criterion 3 (Architecture/Design/Construction). The department's determination took into account the information in the National Register Nomination Form prepared for LHIA. The department's findings as the lead agency differ from those in the National Register Nomination Form, and both are disclosed in EIR Section 4.B, Cultural Resources, on EIR pp. 4.B.22 and 4.B.25.

As stated there, the department concurs with the National Register Nomination Form's determination that the site is significant under Criteria A/1 (Events) and C/3 (Architecture/Design/Construction) but differs with specific findings related to those eligibility criteria. The department did not concur with findings in the National Register Nomination Form that the site is significant for its association with the Fireman's Fund Insurance Company or as the work of a master architect, Edward B. Page. The department also does not agree with some of the character-defining features listed in the National Register Nomination Form, such as the annex (service) building and circular garage ramp structures identified in the nomination as important architectural elements. The department determined that the National Register Nomination Form's list of character-defining features was simply a description of the landscape,

rather than a distillation of the essential features that communicate its significance as a Midcentury Modern landscape.

As described on EIR pp. 6.38-6.40, Alternative B was developed in response to the information on contributing features presented in the National Register Nomination Form. The intent of Alternative B is to retain, to the greatest extent, the architectural and landscape features described in the National Register Nomination Form (including the office building, annex building, perimeter brick wall, circular garage ramp structures, landscape features, and views of the site), while allowing for expanded office use within the existing office building on the site and residential units within new residential buildings at the northern portion of the site.

The EIR on pp. 6.38-6.39 lists the character-defining features of the project site and shows that Alternative B would retain nearly all of them. The proposed changes to the site and landscape features would be concentrated on the northern portion of the site where the surface parking lots are located, while existing conditions on the southern and eastern portions of the site would be maintained. Changes to the existing office building would be limited to the replacement of the glass curtain wall, the removal of the existing mechanical penthouse, and construction of a one-story addition. In-kind replacement of glass curtain wall systems originally designed for office uses and one-story additions that would be set back from the original structure would meet the *Secretary of Interior's Standards for Rehabilitation* (secretary's standards) related to rehabilitation of historic structures.

Alternative B represents, by degree, the least physical change to the historic resource within the range of two full and two partial preservation alternatives analyzed in the EIR and proposes a mixed-use program to occupy existing and new buildings within the site, and was determined to be the environmentally superior alternative. As such, it is reasonable that Alternative B would include the smallest number of residential units of all of the preservation alternatives. Alternative C: Full Preservation – Residential Alternative, provides a mixed-use program with a substantial amount of residential use instead of continuing the office use of the existing building as in Alternative B.

A comment asserts that the public would be able to walk through the office building under Alternative B, as under current conditions, to make a pedestrian connection between California Street and Euclid Avenue using “an existing passageway.” This is incorrect. See Response PD-4: Site Access on RTC pp. 5.B.25-5.B.28, which discusses existing access to the project site and the University of California San Francisco’s limitations on public access to the interior of the existing building.

A comment correctly notes that construction noise impacts under Alternative B, although more limited in terms of the number of days when noise events occur, would be significant and would require implementation of Mitigation Measure M-NO-1, as noted on EIR p. 6.49.

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Alternative F: Code-Conforming Alternative

A comment asserts that Alternative F: Code Conforming Alternative does not address neighborhood requests for an all-residential alternative. Comments assert that the characterization of Alternative F as “code-conforming” is inaccurate because it would require approval of new discretionary authorizations by the Planning Commission including a finding of conformance with Resolution 4109.

Alternative F was selected to address development of the project site with none of the revisions to the Planning Code or Zoning Map included in the proposed project or project variant.

The EIR acknowledges that Alternative F would require planned unit development authorization to allow for additional residential density, and to allow the limited amount of retail that would otherwise not be allowed without such authorization. As discussed on EIR p. 6.171:

The approach to site planning and the land use program for Alternative F focused on the maximum residential development potential of the site as allowed by the planning code within the RM-1 and 40-X zoning and height and bulk districts, and with respect to the conditions of Resolution 4109. Resolution 4109 includes restrictions on the size of buildings, the locations and types of buildings on the site, and specific considerations for development along Euclid Avenue and Laurel Street (see Chapter 2, Project Description, pp. 2.24-2.26, for a more detailed discussion). Under Alternative F, the 3333 California Street project site would be redeveloped with residential uses and limited retail uses and would eliminate daycare center and office uses. Unlike the proposed project or project variant, rezoning would not be required; however, a planned unit development would be requested which would allow increased density and limited retail to support the development pursuant to planning code section 304(d)(5).²⁷

[Footnote 27 on EIR p. 4.B.2]

²⁷ Pursuant to Planning Code Section 304(d)(5), Planned Unit Developments shall, within 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.

The term “code conforming” is not defined in the planning code or CEQA. Referring to Alternative F as “code-conforming” in the context of the EIR indicates that the alternative could be approved without the need to amend the current planning code or zoning map. Generally, an alternative is considered “code conforming” when it can be developed with a conditional use authorization or a planned unit development authorization under planning code sections 303 and 304, or any other authorization or exception provided for in the planning code, or to modify stipulations that are applicable under the provisions of planning code section 174(b). Contrary to the comment, “code-conforming” includes, but is not limited to, proposals which are “principally permitted” or “as-of-right.”

Comments on Alternative F: Code-Conforming Alternative (and other EIR alternatives) express a preference for an all-residential vision for the project site. As discussed below in Response AL-2

LHIA Alternative, RTC pp. 5.H.54-5.H.69, an all-residential alternative would not substantially satisfy any of the basic objectives of the proposed project or project variant related to redeveloping the site as a mixed-use community. The approximately 14,995 gross square feet of retail space included in Alternative F is substantially less than the amount of retail included in the proposed project, project variant, and all other alternatives, except the two full preservation alternatives (Alternatives B and C). As with the proposed project and project variant, due to its limited size the retail space proposed in Alternative F would not support a regional-serving retail use.

Comments noted above about Alternative F present no substantial evidence that the range of alternatives presented in the EIR is inadequate under CEQA Guidelines section 15126.6(a). Rather, these comments express a vision for the development of the project site preferred by some neighbors, as expressed through the LHIA Alternative. Comments expressing a preference for all-residential development of the project site, or some other vision for the project site, do not raise issues concerning the adequacy or accuracy of the EIR's coverage of the proposed project's and its variant's environmental impacts under CEQA. To the extent that comments expressing a preference for the LHIA Alternative express opposition to the proposed project, a response to such comments is also found in Response ME-1: Merits of the Proposed Project, RTC p. 5.L.6. Such comments, in and of themselves, do not raise specific environmental issues or identify issues related to the adequacy or accuracy of the EIR's analysis of physical environmental impacts that require a response in this Responses to Comments document under CEQA Guidelines section 15088. The opinions expressed in the draft EIR hearing transcript, comment letters, and emails will be provided to the decision-makers for their consideration prior to taking any approval actions on the project.

COMMENT AL-2: LAUREL HEIGHTS IMPROVEMENT ASSOCIATION OF SAN FRANCISCO, INC.'S (LHIA) ALTERNATIVE

“But I am wondering if that gives you enough time, 15 days, to incorporate perhaps another alternative which we haven't even seen. So I'm actually interested in that alternative. I mean, I remember you guys worked pretty fast when we had another alternative for that Christian Scientist, you know, Church project.” (*Commissioner Myrna Melgar, Vice-President, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 81, December 13, 2018 [A-CPC-Meglar-2]*)

“And so I would be really interested to see what a preservation alternative looks like, if it actually works.

And just from an environmental point of view, reusing something is always more environmentally conscious than knocking it down and building it new.

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So I'd be interested in seeing that. So does 15 days give you enough time to do that with people's holidays and stuff?" (*Commissioner Myrna Melgar, Vice-President, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 81, December 13, 2018 [A-CPC-Melgar-3]*)

"I support President Hillis' comment on a community preservation alternative. I would like that to be visually added to the alternatives. I would like -- if at all possible, like to see that further evaluated. The seamless factor of the alternatives, as they're proposed, is a little bit disturbing to me because it is only about adding and subtracting pieces. There are not really any new ideas in the alternatives here, and this particular alternative may indeed add a completely different view on how the site is used and how the site lays itself out as a change in land use yet reflects adjoining community concerns -- for example, the location of retail, continued presence of office on the site, where retail is, et cetera, et cetera." (*Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, pp.78-79, December 13, 2018 [A-CPC-Moore-9]*)

"I spoke about...adding the community preservation alternative..." (*Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 80, December 13, 2018 [A-CPC-Moore-13]*)

"The other thing is I think there is an inadequate alternative to the full preservation alternative. So I'd love to see, regardless of what it looks like, the project sponsor's programming needs in the full preservation alternative model. So would we have to go eight stories? How do we get all this stuff squeezed into that site with the full preservation alternative? We always say a full preservation, we have office, then residential." (*Commissioner Dennis Richards, San Francisco Planning Commission, Draft EIR Hearing Transcript, pp. 84-85, December 13, 2018 [A-CPC-Richards-3]*)

"• The HPC expressed interest in understanding more about a "neighborhood alternative" that was discussed by the public during public comment at the hearing." (*Andrew Wolfram, President, San Francisco Historic Preservation Commission, Letter, December 11, 2018 [A-HPC-4 and Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, January 8, 2019 [O-LHIA4-9]*)

"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 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 Community 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. Retail was banned when the site was rezoned from First Residential to limited commercial in order to prevent adverse effects on the Laurel Village Shopping Center and Sacramento Street merchants.

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. COMMUNITY FULL PRESERVATION ALTERNATIVE

The Community Full Preservation Alternative would have the same number of housing units as the project (558 units) or project variant (744 units) and would build new residential buildings where the parking lots are located along California Street. Also, a residential Mayfair building would be built on a small portion of the landscaping. Other than that, the historically significant landscaping including the beautiful Terrace designed by the renowned landscape architects Eckbo, Royston & Williams and the majority of the 185 mature trees would be retained and would continue to absorb greenhouse gases. Under this Alternative, the existing 1,183 asf cafe and 11,500 gsf childcare center would remain in the main building. Approximately 10,000 gsf of office uses in the existing main building could be retained, at the developer's option.

The site would not be rezoned for approximately 54,117 gsf of retail uses or a 49,999 gsf new office building. By using all the newly constructed buildings for housing, some units large enough to be attractive to middle-income families would be provided along with other affordable housing." (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, December 5, 2018 [O-LHIA1-3]*)

"The Community Alternative would retain all of the existing office building's character-defining features and the bulk of the character-defining features of the site and landscape. Also, this Alternative would be built in approximately 3 years, as opposed to the 15 years which the developer is requesting in the development agreement so that if "conditions do not exist to build out the entire project, we can phase construction in order to align with market conditions and financing availability." Attachment A, October 12, 2017 email from Dan Safier. An architect is drawing up a graphic of the Community Alternative, which we will submit as comment on the Draft EIR." (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, December 5, 2018 [O-LHIA1-5]*)

"The Commission should support the Community Full Preservation Alternative which would construct the new residential uses in approximately three years, rather than 7-15 years, under the developer's proposal. This Commission should also request that the Community Full Preservation Alternative be substituted for Alternative C in the DEIR." (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, December 5, 2018 [O-LHIA1-10]*)

"Our community preservation alternative is better because it would have the same number of housing units and it would preserve the landscaping, the 115-foot cypress tree that's a holdover from the cemetery. And we ask that it be evaluated in the same degree of detail as the other alternatives in the EIR." (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript and Handout, p. 46, December 13, 2018 [O-LHIA3-8]*)

"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

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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. Goldenberg'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." (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, January 8, 2019 [O-LHIA4-1]*)

“The Community Full Preservation Alternative would meet the basic objectives of the project described at DEIR p. 2.12, as follows:

- Redevelop a large site into a new high quality walkable mixed-use community with a mix of uses on site including 558 new residences (744 in the Community Alternative Variant), an existing 1,183 asf cafe, an existing 11,500 gsf childcare center, 5,000 gsf of existing nonconforming office uses and substantial open space, while building these new residential units adjacent to the Laurel Village Shopping Center, one block from Trader Joe's grocery store and one block from the Sacramento Street neighborhood commercial uses.
- Create a mixed-use project that encourages walkability and convenience by opening the existing north/south throughway on the first floor of the main building to the public and maintaining other existing pathways that pass through the landscaping, building substantial new housing units adjacent to the existing Laurel Village Shopping Center, and providing on-site childcare and on-site office use.
- Address the City's housing goals by building the same number of new residential dwelling units on site as the proposed project (and proposed project variant), including on-site 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.
- Open and connect the site to the surrounding community by opening the existing north/south throughway on the first floor of the main building to the public, designating the Eckbo Terrace as privately-owned, publicly accessible open space, maintaining other existing pathways that pass through the landscaping, and maintaining the extensive existing natural landscaping that provides a welcoming atmosphere for the public.
- Create complimentary designs and uses that are compatible with the surrounding neighborhoods by conforming with the scale of surrounding development and maintaining the active, natural landscaped, neighborhood-friendly spaces along the west, south and eastern perimeter of the site.
- 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 community members by maintaining the existing welcoming, natural green space and walkable environment that will encourage continued use of the landscaped areas and community interaction.

- 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.
- Include sufficient off-street parking for residential and office uses below grade and childcare center uses above grade to meet the project's needs.
- Work to retain and maintain the integration of the office building into the development to promote sustainability and eco-friendly infill redevelopment.

The Community Alternative would meet most of the basic project objectives and would be superior to the proposed project/variant because it would maintain the historically significant characteristics of the site by preserving the existing main building and integrated landscaping in its present, neighborhood-friendly, natural form.

The Community Alternative would redevelop a large site with the same amount of new residential units as the proposed project but with a lesser number of commercial uses, retaining the existing cafe, childcare center and 5,000 square feet of office use on site. The Community Alternative would construct the same number of new housing units as the proposed project/variant in a location that is rich with easily accessible retail uses at the adjacent Laurel Village Shopping Center and is located one block from a Trader Joe's grocery store and Sacramento Street neighborhood commercial uses. Also, a Target variety store is located approximately one-two blocks from the site. Given the location of the project site directly adjacent to the Laurel Village Shopping Center but not near the downtown, the lesser amount of on-site retail and office space that the Community Alternative would provide would not materially impair achievement of Objective 1.

The Community Alternative would meet Objectives 2, 4, 7 and 8 by enhancing the public open space by designating the Eckbo Terrace as privately-owned, publicly accessible open space, opening the existing north south passageway to the public, maintaining the other existing pathways that pass through the landscaping, and maintaining the extensive existing natural landscaping that provides a welcoming atmosphere for the public. Due to the maintenance of the natural landscape, the welcoming atmosphere would be greater under the Community Alternative and the public accessibility would be similar under the Community Alternative with passageways open to walkers from the north, south and west of the site. On balance, the Community Alternative would satisfy the Objectives 2, 4, 7 and 8 to substantially the same degree as the proposed project.

The Community Alternative would increase the City's housing supply to the same degree as the proposed project/variant but would better meet the Objective of including on-site 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. The Community Alternative specifically includes 56 family-size units (average size 1,821 square feet) for middle-income families in the new California Street Front buildings and additional on-site affordable housing as determined by the Board of Supervisors. In contrast, the proposed project does not state the amount or type of affordable housing that it would have onsite or commit to build the amount of affordable units on-site that are currently required by the Planning Code. The ambiguity in the project description maintains other options, such as paying a fee in lieu of building a portion of the affordable housing on-site or requesting an adjustment under Planning Code provisions applicable to development agreements. Further, the proposed project does not indicate that it would build affordable housing for middle-income families on site, so the Community Alternative would better meet Objective 3 by providing housing for middle-income families, which is the income level for which the City's housing production is the most deficient

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under ABAG allocations. Thus, the Community Alternative would better meet Objective 3 than the proposed project.

The Community Alternative would better meet Objectives 5 and 6 than the proposed project, because the design of the Community Alternative would conform with neighborhood scale and complement its character by building new structures that conform with the scale and character of surrounding buildings and would maintain the landscaped set backs on the west, south and east of the site, which better integrate the site with the surrounding residential community. In contrast, the proposed project/variant would add two to three additional floors to the existing main building that would not be compatible with the predominant 40-foot height limit in the surrounding neighborhoods, would build 40-foot tall structures along the east side of Laurel Street (with rooftop decks) that would not be compatible with the scale of the residences on the western side of Laurel Street, and would remove portions of the landscaped buffer that now exists between the site and those residences by building new residential buildings on portions of that landscaping.

The Community Alternative would meet Objective 9 to the substantially same degree as the proposed project, because it would provide almost one on-site parking space for each residential unit, but the spaces provided would have direct access, so would be more accessible than the mechanically accessible spaces proposed for the project/variant. The Community Alternative would provide above-ground parking spaces for the on-site childcare use.

The Community Alternative would meet Objective 10 to a far greater degree than the proposed project because the Community Alternative would preserve the existing main building and the majority of its integrated landscaping, including maintaining large Monterey Cypress trees that remain from the Laurel Hill Cemetery (California Registered Historical Landmark number 760). (Ex. 3, Memo from Denise Bradley concerning Location of Trees that were part of the Laurel Hill Cemetery) Thus, the Community Alternative would be a superior example of sustainability and eco-friendly development. In contrast, the proposed project would destroy character defining features of the main building by dividing it in two, demolishing its wings, destroying its integrated landscaping by building on top of it and conducting substantial excavation including by removing large portions of the slope of Laurel Hill.

CONCLUSION

The Community Alternative meets all the basic objectives of the proposed project and is feasible. It would entail far less excavation for underground garages and be completed in approximately three years, as opposed to the seven to fifteen years which the developers request to construct the proposed project. Moreover, the Community Alternative is far superior as to compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties: Rehabilitation.

The project objectives do not even mention compliance with those standards as to rehabilitation of a historically significant resource, which is a telling omission and proof that the statement of project objectives in the DEIR is unduly narrow. DEIR p. 2.12." (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, January 8, 2019 [O-LHIA4-3]*)

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. It 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 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.

GRAPHIC (*See Comment Letter O-LHIA4, p. 6, in RTC Attachment B for an image titled "Figure 6 - The Community Full Preservation Alternative" that accompanies this excerpted comment.*)

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.

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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 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.

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 b 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. The Community Alternative would retain and repair the existing window system if feasible for residential use, or replace it with a residential system that would be compatible with the historic character of the resource.

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

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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 if feasible for residential use or replaced with a system that would be compatible with the historic character of the resource (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 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 developer’s 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.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, January 8, 2019 [O-LHIA4-4]*)

“The Community Full Preservation 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. The Community Full Preservation 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. The Community Full Preservation 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 Full Preservation Alternative would: (1) convert the interior of the main building to residential uses while retaining the existing 1,183 asf 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 along California Street where parking lots are now located and also construct a new residential building near the intersection of Mayfair Drive and Laurel Street, (3) provide at least 56 flat-type units affordable to and sized for middle-income families, with additional on-site affordable housing determined by the Board of Supervisors, (4) excavate for only a single, one-level underground parking garage and the foundation for the Mayfair Building, (5) require 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, (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 and existing landscaped green spaces along Laurel Street, Euclid Avenue and Presidio Avenue, which would be designated as community benefits in the development agreement, (7) preserve the majority of the 195 mature trees on the site which are comprised of 48 different tree species (Initial Study p. 16), and (8) maintain public vistas of the downtown and Golden Gate Bridge and the historically significant main building and integrated landscaping. The Community Full Preservation Variant Alternative would add 110 more units to the Walnut Building, which could be used for senior housing, and additional units within the other buildings which would result in smaller unit sizes, as described herein. The Community Full Preservation Alternative and Variant would use all the new construction for residential use and would not rezone the site for approximately 54,117 gsf of retail uses or a 49,999 gsf new office building, as the developer proposes.

THE COMMUNITY FULL PRESERVATION ALTERNATIVE WOULD PROVIDE THE SAME AMOUNT OF NEW HOUSING UNITS IN APPROXIMATELY THREE YEARS WITHOUT DESTROYING A HISTORICALLY SIGNIFICANT RESOURCE.

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The Community Full Preservation Alternative (Alternative) would preserve virtually all of 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 Alternative would have the same number of residential units as the developer's proposed project (558 units) and would be constructed in approximately three years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed. (See Exhibit B, layout of buildings) The Alternative would entail far less excavation, as it would have only one new level of underground parking garages along California Street and a total of approximately 460 on-site parking spaces. In contrast, the developer proposes to construct four new underground parking garages, including up to three levels of parking, to provide a total of 896 parking spaces for the developer's proposed project (970 parking spaces for the developer's proposed variant).

The Community Alternative would retain the existing Eckbo Terrace and green landscaped areas along Laurel Street, Euclid Avenue and Presidio Avenue, except for a small portion to be occupied by the Mayfair Building. The existing Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public from 8:00 am to sundown. The existing passageway that runs through the first floor of the existing main building and opens onto the Terrace and thence onto Masonic Avenue would be retained and opened to the public from 8 am to sunset and marked with signage identifying it as a public throughway.

The character-defining features of the existing main building that the Community Alternative 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.

- Window units of aluminum and glass.

- Brick accents and trim.

- Wrought iron deck railings that match gates in the landscape.

The character-defining features of the existing landscape that the Community Alternative would be retain 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 (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.

- The Concrete Pergola atop terraced planted beds facing Laurel Street, which creates a welcoming, shaded transition area where the inside and outside merged. (Draft EIR pp. 4.B.12 and 21)

In the 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 narrow planting beds adjacent to sidewalks; exposed aggregate sidewalks, and a low free-standing brick wall along its north side.

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).

The Brick Wall (constructed of red brick set in running bond pattern similar in appearance to the brick used in the exterior of the main building) that takes several forms and which forms a continuous and unifying element around the edges of the site, would be retained except for the areas of the wall that surround the Service Building and which run along California Street. The brick from these areas will be retained, if feasible, and reused as trim on the bottom portions of the new California Street Back Buildings.

The Community Alternative would retain the three gated entrances - the entrance on California Street at Walnut Street, the service entrance at Mayfair and Laurel Street, and the executive/visitor entrance on Laurel Street. In this Alternative, much of the internal circulation system will be retained (entrance drive, service drive and executive/visitor entrance). All passenger loading, pick-ups and drop-offs will be internal to the site, and turnarounds will be provided in front of the main building to the east of the entrance on California/Walnut and in front of the executive/visitor entrance on Laurel Street. (See Ex. C, circulation and loading plan) All freight loading and unloading will 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 west, south and east sides of the property, and (3) the planted banks along Laurel and Masonic streets.

The service building and circular garage ramps would not be retained.

In the Community Full Preservation Alternative, the existing 1,183 asf cafe and 11,500 gsf childcare center would remain in their present locations in the main building. At the developer's option, the existing 12,500 gsf of storage in the main building could be converted to parking spaces or used for underground off-loading or other functions. 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 Community Alternative, new residential buildings would be constructed along California Street where parking lots are currently located, and a Mayfair building would also be constructed at the same approximate location as the Mayfair building proposed by the developer. The new California Front buildings would be designed for middle-income families, and their average size would be 1,821 square feet. They 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 28.5 feet wide and 100 feet in length with 25% of that length consisting of a private rear yard. Approximately 14 new buildings containing 56 units

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for middle-income families would be built in California Front between Laurel Street and Walnut Street.

The new California Street Back buildings 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 be sculpted around the large Monterey Cypress trees that remain from the Laurel Hill Cemetery, so the lengths of the buildings would vary from approximately 65 to 50 or 40 feet long, and each building would be approximately 28.5 feet wide. They would have 56 units, with the average unit size ranging from 1,575 to 1,215 to 971 square feet depending on location, and the buildings would be 40 feet tall and be constructed between Laurel Street and Walnut Street. For each residential unit in the California Street Front and Back Buildings, one parking space with direct access would be provided in a new one-level underground garage constructed under these buildings.

In the Community Alternative, approximately 292 residential units would be provided in the existing main building, averaging 798 square feet in size. 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 40-foot tall Walnut Building would be built along California Street between Walnut Street and Presidio Avenue. This building would contain approximately 118 residential units with an average square footage of 809 square feet. The developer can configure the size of the units. For these units, parking with direct access would be provided in a new one-level underground garage to be built under this building.

In the Community Alternative, a new 40-foot tall Mayfair Building would be constructed approximately east of Mayfair Drive at Laurel Street. The Mayfair Building would have 36 residential units with an average size of 1,073 square feet. The Mayfair Building would not contain an underground parking garage. For these units, parking with direct access 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. A small portion of a grassy area of the existing landscaping would be occupied by this building.

Other than removing the circular garage ramps, the Community Full Preservation Alternative would not make any of the exterior or interior circulation or site access changes proposed by the developer in August 17, 2017 plan sheets C.202 or L1.01 or in the "PRELIMINARY DESIGN" dated 08/2018. Under the Community Alternative, all Truck Loading or Unloading would 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. Truck Loading or Unloading will be permitted from 8 am to 8 pm only. 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.

In the Community Full Preservation Alternative Variant (Variant), there would be 228 residential units with an average of 732 square feet in a 7-floor Walnut Building, which would require a height limit change for this area of the property only. Under the Community Variant, there would be 64 new residential units in the California Street Front Buildings with an average

of 1,594 square feet, and 64 new residential units in the California Street Back Buildings with an average of 1,332, 1,275 or 850 square feet; these buildings would be 25 feet wide under this Variant, and lengths would vary with location. Under the Community Variant, there would be 48 new residential units in the Mayfair Building, with an average of 805 square feet. All new buildings would be 40 feet tall except the Walnut Building. The developer could configure the size of the residential units. In addition to the existing cafe, childcare center and 5,000 gsf of office space, in the Community Variant, the main building would be converted to approximately 340 residential units, with an average of 686 square feet.

The Community Alternative Variant would comply with all applicable laws and regulations, including by making any modifications in the design needed to achieve such compliance or to provide additional space for necessary functions.

In the Community Full Preservation Alternative, the glass curtain wall of the existing main building would be retained and repaired if feasible for residential use, or replaced with a window system that would be designed to be compatible with the character of the historic resource. DEIR pp. 6.66 and 6.77. In the Community Alternative, any replacements of the glass curtain wall would be compatible with the geometric pattern of the windows in the existing main building.

The Community Full Preservation Alternative Variant would have the same characteristics as the Community Alternative, unless otherwise indicated above.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, January 8, 2019 [O-LHIA4-5]*)

“I also fully support the community full preservation residential alternative for 3333 California because it takes into consideration the need for housing more than anything related to retail space, and also that it preserves the historic significance and characteristics of the neighborhood.” (*Perviz Randeria, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript, pp. 39-40, December 13, 2018 [O-LHIA6-2]*)

“Please consider the same alternative plan.” (*M.J. Thomas, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript, p. 51, December 13, 2018, [O-LHIA7-7]*)

“I fully support the Community Full Preservation Residential Alternative for 3333

It preserves the Historic Characteristics of this wonderful historic site.

It provides 558 (or 744 in the Variant) housing units.

It builds them in three years.

It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.

It does not create 8,000 retail auto trips per day.

It does not generate approx. 15,000 tons of greenhouse gases.

It preserves both the present childcare center and the existing café.

It matches the surrounding neighborhoods for character, style, scale and bulk.”

(*Sal Ahani, Email, January 8, 2019 [I-Ahani-2]*)

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“The Community Full Preservation Alternative will generate ZERO retail auto trips to 3333 as opposed to the 8,000 retail caused the Developers Destructive Proposal. The Community Full Preservation Alternative will protect the small, family owned businesses in Laurel Village, Sacramento St. and Presidio Ave. A quick walk around these neighborhoods will clearly show the immense pressure these businesses are experiencing. More retail is unneeded and unwanted. It will destroy our local businesses. The Neighborhoods are well served by businesses at Laurel Village, Sacramento St., Trader Joe’s, City Center, California St. etc. we do not need more, more, more. We do not need the more than 100,000 square feet of Retail, Office, Commercial space that the Developers Destructive Proposal calls for. One of the reasons the Developer destroys this historic site is to create enough space for this unneeded and unwanted Retail/Office/Commercial (ROC) nonsense.” (Sal Ahani, Email, January 8, 2019 [I-Ahani-4])

“In a recent Petition Drive at Laurel Village over 800 residents signed the Petition opposing the Developers Full Destruction and Massive ROC plan and supporting the Community’s residential Alternative. Three people opposed it the Petition. These signatures were gathered in less than 8 hours.” (Sal Ahani, Email, January 8, 2019 [I-Ahani-6])

“**We pollute less and protect the environment:** the Community Alternative will ALWAYS generate less than one third the GHG generated the Developers Full Destructive Alternative: **We destroy less:** we preserve the historic site. **We build less:** 4 new buildings versus the Developers’ 11 new buildings plus creating two tall towers out of the existing main building. **One single level underground parking garage for 450 spaces** versus a complex of parking garages, some of three levels, for 896 spaces; **We excavate less:** 90,000 cubic yards (9,000 dump truck loads) versus 288,000 cubic yards (32,000 dump truck loads); **We preserve and protect our local businesses and shops:** no added unwanted and unneeded and neighborhood destroying family-owned or small retail or business; **We better protect the health and well being of everyone: no** 13,000+ auto trips to pollute the air, generate the noise, put pedestrians at risk, unload trucks on the streets, etc. **the Community’s solution will always be three times better than the Developers solution.**” (Sal Ahani, Email, January 8, 2019 [I-Ahani-10])

“The Community Full Preservation Alternative will preserve most of the mature trees at 3333, some of which date back to the time of the Laurel Hill cemetery whereas the Developers Destructive Proposal will attempt to spare approx. 4.” (Sal Ahani, Email, January 8, 2019 [I-Ahani-19])

“**We strongly support the Residential Alternative plan for 3333.** I can assure you that although you may not get a letter from every single resident on “our” block, the support for the residential plan is unanimous.

This plan addresses many of the neighborhood concerns regarding the developers plan including:

1. Can be completed in 3 years, significantly less burdensome for families and elderly
2. Preserves the character of the neighborhood
3. Does not add unwanted and excess retail, supports small business owners
4. Lessens the harmful impacts on the environment
5. Will create far less traffic and safety hazards

6. Does not line the developers pockets at the expense of a community”

(Jim and Jessica Bassuk, Email, January 7, 2019 [I-Bassuk-2])

“The residential plan is superior in addressing the city’s housing shortage. That is the purpose of this project, correct?” *(Jim and Jessica Bassuk, Email, January 7, 2019 [I-Bassuk-4])*

“...and supporting the community alternative.” *(David Bercovich, Email, January 7, 2019 [I-Bercovich-2])*

“That being said, it is my understanding that this project sponsor has been challenging. It is my understanding that, because of ongoing challenges, that the neighborhood decided to develop the community alternative. Besides maintaining the historical and architectural integrity of this site, the community option alternative achieves the following: Meets the city’s housing goals, does not a contain retail component which would compete with existing neighborhood serving businesses, maintains a portion of the office space which is consistent with the original purpose of the buildings.

I would urge the department and the commission to seriously consider the community alternative.” *(Eileen Boken, Draft EIR Hearing Transcript, pp. 24-25, December 13, 2018 [I-Boken-4])*

“I fully support the Community Full Preservation Residential Alternative for 3333

It preserves the Historic Characteristics of this wonderful historic site.

It provides 558 (or 744 in the Variant) housing units.

It builds them in three years.

It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.

It does not create 8,000 retail auto trips per day.

It does not generate approx. 15,000 tons of greenhouse gases.

It preserves both the present childcare center and the existing café.

It matches the surrounding neighborhoods for character, style, scale and bulk.”

(Gail Boyer, Email, January 2, 2019 [I-Boyer-2])

“THE NEIGHBORHOOD RESIDENTIAL ALTERNATIVE SATISFIES THE NEED FOR ADDITIONAL HOUSING IN SAN FRANCISCO BUT WITH SIGNIFICANTLY LESS DAMAGE TO THE ENVIRONMENT WHILE MAINTAINING THE CHARACTER OF THE NEIGHBORHOOD.” *(Barbara and Jim Brenner, Email, January 3, 2019 [I-Brenner-6])*

“I fully support the Community Full Preservation Residential Alternative for 3333 because:

It preserves the Historic Characteristics of this wonderful historic site.

It provides 558 (or 744 in the Variant) housing units.

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It builds them in three years.

It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.

It does not create 8,000 retail auto trips per day.

It does not generate approx. 15,000 tons of greenhouse gases.

It preserves both the present childcare center and the existing café.

It matches the surrounding neighborhoods for character, style, scale and bulk.”
(*Michael Coholan, Email, January 6, 2019 [I-Coholan-2]*)

“I...urge the Planning Department to accept and review and the Commission to adopt the Community Residential Alternative.” (*Adam Cole, Email, January 6, 2019 [I-Cole-2]*)

“The Community Residential Alternative addresses these and other issues and draws the right balance between the need for more housing and preservation of this historic neighborhood.”
(*Adam Cole, Email, January 6, 2019 [I-Cole-5]*)

“Fortunately, there’s a much better way to address the need for a development at Laurel Hill that both meets the housing demands and still protects the historic building as well as the beautiful landscaping that surrounds it. It’s called the neighborhood full preservation alternative. It provides the same number of residential housing units as the Prado project, 558 with a 744 variant, protects the majority of the 185 mature trees, and does not include major retail that would only negatively compete with Laurel Village shopping center which borders the site and already has two supermarkets, Starbucks and Pete’s Coffee, Ace Hardware, three restaurants, three banks, several boutiques, a Gap store, and a variety of other shops -- not to mention Sacramento Street, where there are many others.

We don’t need new retail in Laurel Heights. We need affordable housing, built without changing the existing zoning laws, without 10-story buildings, and using the available space primarily for housing which allows for some units big enough for middle class families. The neighborhood alternative does all that and can be built in about three years, not seven-and-a-half to 15.

Please consider supporting our plan,” (*Bill Cutler, Draft EIR Hearing Transcript, pp. 26-27 December 13, 2018 [I-Cutler1-3]*)

“Fortunately, there is a much better way to address the need for a development at Laurel Hill that both meets the housing demands and still protects the Historic Building as well as the beautiful landscaping that surrounds it. It’s called the Neighborhood Full Preservation Alternative. It provides the same number of residential housing units as the Prado project, 558 with a 744 variant, protects the majority of the 185 mature trees, and does not include major retail that would only negatively compete with Laurel Village Shopping Center, which borders the site. For perspective, Laurel Village already has two supermarkets, Cal-Mart and Bryan’s, Starbucks and Peet’s coffee, a liquor store, Ace Hardware, several restaurants, including Beautifull! and Rigolo Cafe, 3 banks, Bank of America, Wells Fargo and First Republic, Walgreen’s Pharmacy, multiple doctors, dentists, and psychotherapy offices, Peninsula Beauty, a GAP store, several boutiques and a variety of other businesses. Sacramento Street, which is one block away from the development, has numerous restaurants, including The Magic Flute, Spruce, Sociale, Cafe Luna

and Osteria, The Vogue movie theater, 3 dry cleaners, multiple boutiques, antique shops, nail salons, hair salons, a automotive repair shop, several liquor stores, a shoe repair shop, and many other businesses, all within a short walking distance of Laurel Hill. It is also important to remember that the development is directly across California Street from the San Francisco Jewish Community Center, which offers a pool, a fitness center, a spa, a concert hall, a full calendar of performances, lectures, and a host of other amenities.” (*Bill Cutler and Judy Doane, Email, January 5, 2019 [I-Cutler2-6]*)

“Among the many things that make the Neighborhood Alternative a much better solution than any of the alternatives presented in the DEIR are as follows: it preserves the characteristics of this wonderful historic site, it provides 558 (or 744 in the Variant) housing units, it does not create 8000 retail auto trips per day, it does not generate approximately 15,000 tons of greenhouse gases, it preserves both the present childcare center and the existing cafe, and it matches the surrounding neighborhood for character, style, scale and bulk. In short, it is the ideal solution—providing housing without destroying what makes Laurel Heights a desirable place to live in San Francisco.” (*Bill Cutler and Judy Doane, Email, January 5, 2019 [I-Cutler2-8]*)

“I and other community members propose a smaller development (the “Community Full Preservation Alternative” or CFPA) that will still add substantial needed housing but take only three (3) years to complete. The CFPA does not include the massive unneeded, unwanted and probable dead-on-arrival retail/office/commercial complex that the Destructive 3333 developer continues to insist upon. CFPA does not create outmoded 13,000+ retail auto trips per day; it does not generate approximately 15,000 tons of greenhouse gases. The CFPA preserves both the present childcare center and the existing café, a source of deep, positive social capital in our community. It matches the surrounding neighborhoods for character, style, scale and bulk.” (*Evelyn Davidson, Email, January 8, 2019 [I-Davidson-5]*)

“The Community Full Preservation Alternative will however generate ZERO retail auto trips to 3333 as opposed to the 12,000-15,000 retail caused the developers’ Destructive 3333 Project.” (*Evelyn Davidson, Email, January 8, 2019 [I-Davidson-7]*)

“I also support the community full preservation residential alternative for 3333.” (*Krisanthy Desby, Draft EIR Hearing Transcript, p. 31, December 13, 2018 [I-Desby-2]*)

“Anyway, I ask that you reject the Prado proposal and accept the community full preservation residential alternative in its place.” (*Krisanthy Desby, Draft EIR Hearing Transcript, p. 32, December 13, 2018 [I-Desby-5]*)

“The Community Preservation Alternative/Variant would avoid this significant impact on public vistas because it would retain the existing landscaped areas largely in their present form and existing public vistas from sidewalks and open space used by the public.” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi3-6]*)

“After examining available plans, including the plan proposed by the developer, Prado, and an alternative the neighbors themselves have produced, I am supporting the neighborhood full

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preservation alternative...” (Judy Doane, Draft EIR Hearing Transcript, p.29, December 13, 2018 [I-Doane-3])

“Two, the neighborhood full preservation alternative will retain the same number of units, 558 or the variant of 744, as the Prado plan.

Three, a neighborhood plan will also keep the unique features of the original historically significant building and landscaping. That means some of the old growth trees on the lot can be retained, protecting the important ecological aspects of this space for our beautiful, green city.

Four, the three to five years of construction of the neighborhood plan will be much more tolerable than Prado’s proposed seven to 15 years.

Please consider the neighborhood full preservation plan.” (Judy Doane, Draft EIR Hearing Transcript, p. 30, December 13, 2018 [I-Doane-6])

“In addition, I’d like to say that the community full preservation alternative will protect the retail in Laurel Village and on Sacramento Street where I live.” (Sonya Dolan, Draft EIR Hearing Transcript, p. 52, December 13, 2018 [I-Dolan-2])

“If you have not visited the area, it is truly a neighborhood in the traditional sense, and the proposed construction would destroy that aspect. My husband and I have lived across from the proposed site -- we can see it from our window -- for eight years, and we fully support the community full preservation residential alternative for 3333 California.” (Sonya Dolan, Draft EIR Hearing Transcript, pp. 52-53, December 13, 2018 [I-Dolan-7])

“I fully support the Community Full Preservation Residential Alternative for 3333

It preserves the Historic Characteristics of this wonderful site.

It provides 558 (or 744 in the Variant) housing units.

It builds them in three years.

It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.

It does not create 8,000 retail auto trips per day.

It does not generate approx. 15,000 tons of greenhouse gases.

It preserves both the present childcare center and the existing café.

It is compatible with the surrounding neighborhoods for character, style, scale and bulk.”

(Jane Drake, Email, January 7, 2019 [I-Drake-2])

“I fully support the Community Full Preservation Alternative:

It preserves the historic character of the site

It provides 558 housing units built in 3 years

It does not include retail or office space, it does not generate increased auto traffic for retail

It preserves the present childcare center and dining cafe

It matches the surrounding neighborhoods for character and style

It will preserve the existing small businesses in the neighborhood (Laurel shopping and Sacramento St.)”

(Sharon Esker, Email, January 5, 2019 [I-Esker-2])

“As an alternative to the proposed development, I would like to support the Community Full Preservation Residential Alternative for 3333 (to be built in 3 years). Please take our concerns seriously.” *(Zhubin Fardis, Email, January 8, 2019 [I-Fardis-6])*

“For your information, I am thoroughly familiar with the Developer’s Proposal (which I find to be intrusive to say the least) but strongly support the Community Full Preservation Alternative. The Alternative is of great importance to my fellow neighbors, to my family and to our family business (also located near the proposed project).” *(Arlene Filippi, Email, December 13, 2018 [I-Filippi1-1])*

“While I am very much against the Developer’s Proposal, I am in favor of the Community Full Preservation Alternative. Unlike the Developer's Proposal, the Alternative does not include the massive Retail/Office/Commercial Complex. It retains the character of the neighborhood and provides 558 housing units to be built in three years and not fifteen.” *(Arlene Filippi. Email; January 7, 2019 [I-Filippi2-4])*

“As an alternative to the proposed development, I would like to support the Community Full Preservation Residential Alternative for 3333 (to be built in 3 years).” *(Shannon Fong, Email, January 8, 2019 [I-Fong-5])*

“I am writing...to express support for the Community Alternative.” *(Jane Fridlyand, Email, January 7, 2019 [I-Fridlyand-2])*

“Instead, I strongly support the Community Alternative, which will produce the same amount of much-needed housing. It will increase the density of housing in the area, but will not have the excessive and unneeded retail, office and commercial space. It also can be completed in a reasonable timeframe, thus balancing the needs of the neighborhood and the city as a whole.” *(Jane Fridlyand, Email, January 7, 2019 [I-Fridlyand-7])*

“Last week the SF Historic Preservation Commission expressed support for a full preservation alternative.

Our Community Full Preservation Residential Alternative which I totally support preserves this historic site plus offers the same amount of housing units (558 with a 744 variant) as the developers. Our Alternative plan does not destroy the award winning building and landscaping with trees dating back to the days of the Laurel Hill Cemetery. This plan is expected to be completed in approximately 3 years. It is a thoughtful, balanced and timely use of this property.” *(Janet Frisbie, Email, December 12, 2018 [I-FrisbieJ1-2])*

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“Therefore, for these reasons I fully support the Community Full Preservation Residential Alternative for 3333 California Street and strongly oppose the PSKS plan.” (*Janet Frisbie, Email, December 12, 2018 [I-FrisbieJ1-8]*)

“I completely support the Community Full Preservation Residential Alternative plan for 3333 California Street. The reasons are many including the fact that it preserves the historical characteristics of this site by keeping the existing award winning building plus the original landscape and hardscape. This Community Alternative plan provides the same number of housing units as the developers plan, that is 558 or 744 in the variant, without generating massive amounts of greenhouse gases. There will not be unnecessary excavation as in the developers plan thereby lessening the dirt, dust, noise and other pollutants. There is serpentine rock under the site that, if disturbed, can release asbestos dust, a well known health hazard. The Community Full Preservation Residential Alternative plan is expected to be completed in about 3 years. This bears repeating. The Community Full Preservation Residential Alternative plan is expected to be completed in about 3 years.” (*Janet Frisbie, Email, January 7, 2019 [I-FrisbieJ2-1]*)

“These desirable neighborhoods surrounding the 3333 California Street property deserve a thoughtful, balanced and relevant use of this beautiful 10+ acre parcel. The Community Full Preservation Residential Alternative plan will give them the best of the historical characteristics and a 21st century prospective that will continue the tradition for what has always been a very special area of The City. Show the 800+ signers of the petition that you understand the importance and magnitude of this decision.” (*Janet Frisbie, Email, January 7, 2019 [I-FrisbieJ2-4]*)

“I fully support the Community Full Preservation Residential Alternative for 3333

It preserves the Historic Characteristics of this wonderful historic site.

It provides 558 (or 744 in the Variant) housing units.

It builds them in three years.

It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.

It does not create 8,000 retail auto trips per day.

It does not generate approx. 15,000 tons of greenhouse gases.

It preserves both the present childcare center and the existing café.

It is compatible with the surrounding neighborhoods for character, style, scale and bulk.”

(*Richard Frisbie, Email, January 7, 2019 [I-FrisbieR1-3]* and *Tina Kwok, Email, January 9, 2019 [I-Kwok4-9]*)

“The Community Full Preservation Alternative will generate ZERO retail auto trips to 3333 as opposed to the 8,000 retail caused the Developers Destructive Proposal.

The Community Full Preservation Alternative Preserves and Protects Small and Family Owned Businesses

The Community Full Preservation Alternative will protect the small, family owned businesses in Laurel Village, Sacramento St. and Presidio Ave. A quick walk around these neighborhoods will clearly show the immense pressure these businesses are experiencing. More retail is unneeded and unwanted. It will destroy our local businesses.

The Neighborhoods are well served by businesses at Laurel Village, Sacramento St., Trader Joe's, City Center, California St. etc. we do not need more, more, more.

We do not need the more than 100,000 square feet of Retail, Office, Commercial space that the Developers Destructive Proposal calls for.

One of the reasons the Developer destroys this historic site is to create enough space for this unneeded and unwanted Retail/Office/Commercial (ROC) nonsense.

The CPMC development, a Community supported plan by the way, adds 270 housing units and the Developer and neighbors have agreed to have no Retail. Why is 3333 being treated differently by forcing unneeded and unwanted ROC (Retail/Office/Commercial) against the overwhelming opposition of the surrounding residents?

The Community Unanimously Opposed the Developers' Massive Retail, Office, Commercial (ROC) Complex.

In a recent Petition Drive at Laurel Village over 800 residents signed the Petition opposing the Developers Full Destruction and Massive ROC plan and supporting the Community's residential Alternative. Three people opposed it the Petition. These signatures were gathered in less than 8 hours." (*Richard Frisbie, Email, January 7, 2019 [I-FrisbieR1-5]* and *Tina Kwok, Email, January 9, 2019 [I-Kwok4-11]*)

"The Community Alternative is Superior, Sooner and Safer

We pollute less and protect the environment: the Community Alternative will ALWAYS generate less than one third the GHG generated the Developers Full Destructive Alternative:

We destroy less: we preserve the historic site.

We build less: 4 new buildings versus the Developers' 11 new buildings plus creating two tall towers out of the existing main building.

One single level underground parking garage for 450 spaces versus a complex of parking garages, some of three levels, for 896 spaces;

We excavate less: 90,000 cubic yards (9,000 dump truck loads) versus 288,000 cubic yards (32,000 dump truck loads);

We preserve and protect our local businesses and shops: no added unwanted and unneeded and neighborhood destroying family-owned or small retail or business;

We better protect the health and well being of everyone: no 13,000+ auto trips to pollute the air, generate the noise, put pedestrians at risk, unload trucks on the streets, etc.

The Community's Full Preservation Alternative solution will always be three times More Climate Friendly; Far Less Disruptive; Far More Family Friendly; Far Safer for Pedestrians; Far Healthier Air Quality-wise; and Provide Critical Housing at Least Three

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Times Faster than Developers’ solution.” (Richard Frisbie, Email, January 7, 2019 [I-FrisbieR1-8] and Tina Kwok, Email, January 9, 2019 [I-Kwok4-14])

“The Community Full Preservation Alternative Protects the Historic Site, Protects the Greenspaces, Maintains the Existing RM-1 Zoning and Resolution 4109, Maintains the Public’s Permanent Right-of-Use of the Greenspaces .” (Richard Frisbie, Email, January 7, 2019 [I-FrisbieR1-12] and Tina Kwok, Email, January 9, 2019 [I-Kwok4-18])

“By contrast, the Community Full Preservation Alternative generates approx. 9,000 dump truck loads, one quarter as many!

After the demolition the Developer has to then deliver all the new materials required to rebuild what they demolished plus 11 new buildings.

How many large truck loads, concrete truck loads, etc. will this require?

The Community Alternative only builds 4 new buildings so like the GHG and the debris/soil removals the Community Full Preservation Alternative requires far fewer, probably about one third, or less, as many delivery loads.” (Richard Frisbie, Email, January 7, 2019 [I-FrisbieR1-16] and Tina Kwok, Email, January 9, 2019 [I-Kwok4-22])

“The Community Full Preservation Alternative will preserve most of the mature trees at 3333, some of which date back to the time of the Laurel Hill cemetery whereas the Developers Destructive Proposal will attempt to spare approx. 4.” (Richard Frisbie, Email, January 7, 2019 [I-FrisbieR1-18] and Tina Kwok, Email, January 9, 2019 [I-Kwok4-24])

“And I fully support the community full preservation alternative, and I support everything the last speaker, that Kathy said.” (Holly Galbrecht, Draft EIR Hearing Transcript, p. 47 [I-Galbrecht1-2])

“I fully support the Community Full Preservation Residential Alternative for 3333 California.

- It preserves the Historic Characteristics of this wonderful historic site.
- It provides 558 (or 744 in the Variant) housing units.
- It builds them in three years.
- It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.
- It does not create 8,000 retail auto trips per day.
- It does not generate approximately 15,000 tons of greenhouse gases.
- It preserves both the present childcare center and the existing café.
- It matches the surrounding neighborhoods for character, style, scale and bulk.”

(Holly Galbrecht, Email, January 2, 2019 [I-Galbrecht2-1])

“The Community Full Preservation Alternative will generate zero retail auto trips to 3333 California as opposed to the 8,000 retail auto trips caused by the Developers Destructive Proposal. The Community Full Preservation Alternative will protect the small, family owned Businesses in Laurel Village, Sacramento St. and Presidio Avenue. A quick walk around these Neighborhoods will clearly show the immense pressure these businesses are experiencing.”
(Holly Galbrecht, Email, January 2, 2019 [I-Galbrecht2-3])

“i support the full preservation alternative for the project as preserving the historic site will be good for the neighborhood as it will provide housing units which we all need in San Francisco .”
(Ronald Giampaoli President Cal Mart Supermarket, Email, January 8, 2019 [I-Giampaoli-1])

“I and the entire community strongly support our full preservation alternative that protects these cherished historic features of this important and iconic site.” *(Linda Glick, Draft EIR Hearing Transcript, p. 57, December 13, 2018 [I-Glick1-6])*

“I, and the entire Community strongly supports our Full Preservation Alternative that protects these cherished Historic features of this important and iconic site.” *(Linda Glick, Draft EIR Hearing Handout, December 5, 2018 [I-Glick1-11])*

“I fully support the Community Full Preservation Residential Alternative for 3333.

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- It preserves both the present childcare center and the existing café.
- It matches the surrounding neighborhoods for character, style, scale and bulk.

(Linda Glick, Letter, January 6, 2019 [I-Glick2-2])

“And so from what I’ve heard, I would really support the proposed neighborhood alternative, which apparently provides the same housing, but with a much shorter period and with much less impact on the neighborhood both during the construction and afterwards.” *(David Goldbrenner, Draft EIR Hearing Transcript, p. 33, December 13, 2018 [I-Goldbrenner1-3])*

“I am writing...to express support for the Community Alternative.” *(David Goldbrenner and Zhenya Fridlyand, Email, January 4, 2019 [I-Goldbrenner3-2])*

“Instead, I strongly support the Community Alternative, which will produce the same amount of much-needed housing. It will increase the density of housing in the area, but will not have the

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excessive and unneeded retail, office and commercial space. It also can be completed in a reasonable timeframe, thus balancing the needs of the neighborhood and the city as a whole.” (David Goldbrenner and Zhenya Fridlyand, Email, January 4, 2019 [I-Goldbrenner3-6])

“I fully support the Community Full Preservation Residential Alternative for 3333

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It does not generate approx. 15,000 tons of greenhouse gases.

It preserves both the present childcare center and the existing café.

It matches the surrounding neighborhoods for character, style, scale and bulk.”

(Mary Gwynn, Email, January 7, 2019 [I-Gwynn-3])

“The Community Full Preservation Alternative will generate ZERO retail auto trips to 3333 as opposed to the 12,000-15,000 retail caused the Developers Proposal.

The Community Full Preservation Alternative will protect the small, family owned businesses in Laurel Village, Sacramento St. and Presidio Ave. A quick walk around these neighborhoods will clearly show the immense pressure these businesses are experiencing. More retail is unneeded and unwanted. It will destroy our local businesses.” (Mary Gwynn, Email, January 7, 2019 [I-Gwynn-5])

“We fully support the Community Full Preservation Residential Alternative for 3333 California, and if you examine the matter closely, I think you will too.” (Anne Harvey, Email, December 13, 2018 [I-Harvey1-2])

“I am writing to you to strongly urge you to reject the draft EIR as being insufficient. It fails to consider the proposal the community put forward. The community put forward a full preservation residential alternative for 3333 California Street. I strongly believe that the community proposal should be adopted.” (Anne Harvey, Email, January 08, 2019 [I-Harvey3-1])

“Please do not rezone this area. Please adopt the neighborhood proposal as it is much better than what the developer is doing.” (Anne Harvey, Email, January 08, 2019 [I-Harvey3-3])

“Heard about a neighborhood alternative that can give equal number of units as proposed or even as the project variant proposed. However, the neighborhood version has not been made public. Not sure if this neighborhood version would build where the original Monterey Cypress from Laurel Hill Cemetery stands or other larger trees historic to the site are located. Perhaps Planning can review it, have the Historic Preservation Commission review it, and then have the Planning Commission review it. It was not available at the December 5, 2018 Historic Preservation

meeting. The alternative may meet the goals and not have such adverse impacts to the historic resource which includes not only the building but also the landscaping as that was the corporate campus use but today is used for public recreation. Today, it is used as a recreational area and childcare and office use with no retail. The retail use will change the ambiance of the existing historical neighborhood open space and noncommercial public use in a quiet residential area.”
(Rose Hillson, Letter, January 8, 2019 [I-Hillson2-72])

“Alternatives analyzed in the draft EIR would be built in 3 to 5 years. The Community Preservation Alternative would be built within three years.

I fully support the Community Full Preservation Residential Alternative for 3333

It preserves the Historic Characteristics of this wonderful historic site.

It provides 558 (or 744 in the Variant) housing units.

It builds them in three years.

It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.

It does not create 13,000+ retail auto trips per day.

It does not generate approx. 15,000 tons of greenhouse gases.

It preserves both the present childcare center and the existing café.

It matches the surrounding neighborhoods for character, style, scale and bulk.”

(Henry N. Kuechler IV, Email, January 03, 2019 [I-KuechlerIV-3])

“The Community Full Preservation Alternative will generate ZERO retail auto trips to 3333, as opposed to the 12,000-15,000 retail caused the Developers Destructive Proposal.” *(Henry N. Kuechler IV, Email, January 03, 2019 [I-KuechlerIV-5])*

“I am in favor of progress and the betterment of neighborhoods. I support the Neighborhood Full Preservation Alternative for the 3333 California Street project for the following reasons:

“1. It offers the same number of residential units as the developer’s proposal (558 with a 744 variant).

“2. It preserves the character-defining features of the historically significant landscaping as well as much of the architecture of the original design. It maintains the majority of the 185 mature trees of various significant and rare species that would continue to absorb greenhouse gases. People from the neighborhood and elsewhere regularly use this green space for recreational purposes and is very important to the community.

“3. The Alternative would not have retail that would compete with the merchants at Laurel Village (and also on Sacramento Street). By using all the space for housing, some units would be large enough for middle-income families.

“4. It would be built in approximately 3 years instead of the 7-15 years the project applicant wants. I am not sure if there are any neighborhoods in SF that would agree to such a long and drawn out construction timeline. Imagine the noise, pollution, traffic, quality of life for the people not only the immediate neighborhood but those who must travel through this area daily to get to wherever they have to go to.

5. Comments and Responses

H. Alternatives

“5. I understand that the new Draft EIR Full Preservation Residential Alternative has 24 less residential units than the project. However, if some of the 44,306 sq ft of retail in this Alternative is used for 24 residential units, the Alternative would offer the same number of residential units as the proposed project. There will be retail along California Street under the Alternative and NO retail along Euclid. The location of retail shops along Euclid is most unattractive - it is windy, hilly and steep. It is NOT a pleasant strolling area for shoppers.” (*Tina Kwok, Email, December 4, 2018 [I-Kwok1-1]*)

“I support...the Laurel Heights community alternative plan for the development of 3333 California Street, a 10-acre site. It projects a three-year plan build-out rather than the seven to 15 year planned construction time.” (*Tina Kwok, Draft EIR Hearing Transcript, p. 53, December 13, 2018 [I-Kwok2-3]*)

“I am in Support for the Community Alternatives.” (*Gary Laufman, Email, January 8, 2019 [I-Laufman-1]*)

“I urge you to...instead encourage the developers to pursue a project more in line with the alternative presented by the Laurel Heights Improvement Association (of which I am not a member). An all-residential project would mitigate – if not completely eliminate – many of the negative issues raised in the EIR and would be a solution that would work for the developers and for the community.

The Community Full Preservation Residential Alternative for 3333 California Street provides the same number of housing units as proposed by the developers, but preserves the integrity and historical significance of the site and better integrates the project into the surrounding neighborhood.” (*Larry Mathews, Email, January 8, 2019 [I-Mathews2-2]*)

“Please take note that the community alternative builds the same number of housing units as the developers propose, but we do so in three years, not in seven to 15 years, as proposed by the developer. It took less than five years to build the Salesforce Tower, after all.

Clearly, the developers and planning don’t appreciate the fact that San Francisco has a housing crisis and needs housing now, not in 2030 or beyond. Housing activists, NIMBYs and others should pay careful attention to this glaring discrepancy.” (*Adam McDonough, Draft EIR Hearing Transcript, p. 23, December 13, 2018 [I-McDonough1-3]*)

“I am writing to...lend my full support for the community “full preservation” alternative.” (*Adam McDonough, Email, January 7, 2019 [I-McDonough2-2]*)

“The community alternative provides the same number of housing units without the excessive, bulky, towering, commercialized and paved project proposed by the developer.” (*Adam McDonough, Email, January 7, 2019 [I-McDonough2-9]*)

“I support the Neighborhood Full Preservation Alternative because:

1. It has the same number of residential units as the project (558 with a 744 variant).

2. It would retain the character-defining features of the historically significant landscaping including the beautiful Terrace designed by Eckbo, Royston & Williams, and the majority of the 185 mature trees that would continue to absorb greenhouse gases. People regularly use the green space on the site for recreational purposes and that space is very important to the community.
3. It would not have retail that would compete with the merchants at Laurel Village Shopping Center. By using all the space for housing, some units would be large enough for middle-income families.
4. It would be built in approximately three years rather than the seven to fifteen years the project applicant is proposing.”

(Marie McNulty, Letter, December 18, 2018 [I-McNulty-2])

“So I would urge you to look -- support the neighborhood full preservation measure. That will leave everything basically as it is. It currently provides access all over the place, unlike what they’re telling you; there is no north/south access. But there isn’t hardly any place you can’t walk up and enjoy the campus. And even though they have separations, it’s always been open to the public and family. And dogs, pets, everybody uses it all the time, and has for years, and it’s always been welcomed. And if they get away with this mess, you’ll have no more housing in comparison to what you can get with the existing premises. And, therefore, that’s what I urge you do to. It will give you 100 percent of the characteristics, and the historic site would remain the same. It provides up to 744 units of housing. It doesn’t provide any commercial. It builds them in three years instead of seven to fifteen –” *(Roger Miles, Draft EIR Hearing Transcript, pp. 20-21, December 13, 2018 [I-Miles1-4])*

“I fully support the Community Full Preservation Residential Alternative for 3333 California

It preserves the Historic Characteristics of this wonderful historic site.

It provides 558 (or 744 in the Variant) housing units.

It builds them in three years.

It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex envisioned by the Developer.

It does not create 8,000 retail auto trips per day.

It does not generate approx. 15,000 tons of greenhouse gases.

It preserves both the present childcare center and the existing café.

It matches the surrounding neighborhoods for character, style, scale and bulk.

It protects the small, family owned businesses in Laurel Village, Sacramento Street and Presidio Avenue.”

(Ellen Miller, Letter, January 8, 2019 [I-MillerE-1])

“Thank you for your time in reading this email and for seriously considering alternative plans put forth by the Laurel Heights Improvement Association.” *(Cristina Morris, Email, December 10, 2018 [I-Morris1-7])*

5. Comments and Responses

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“That said, I had never heard of the community project before. I don’t know if it’s in the documentation, and I’m sorry if I missed it in the EIR. If that’s the fastest way to build, sure, I would be very much in support of the community program. I don’t know if they have secured a developer yet, and I know it’s really hard to secure one without retail attached to the project, but if that’s the case, that might be a faster way. Otherwise, if that’s not possible, the fastest way may be to accept retail on site.” (*Arielle Mouller, Draft EIR Hearing Transcript, pp. 60-61, December 13, 2018 [I-Mouller-2]*)

“Last week, the San Francisco Historic Preservation Commission stated strong support for preserving this resource by building a residential alternative.” (*Anne Neill, Email, December 12, 2018 [I-Neill-4]*)

“I support the Community Full Preservation Alternative which would have the same number of housing units as the proposed project (558) with a variant for 744 and would build new buildings on the vast parking lots along California Street in approximately 3 years rather than the 7-15 years requested by the developer. Under the community alternative, the main building would be converted to housing units rather than demolishing half of it, and there would also be a new Mayfair residential building. The existing cafe and childcare center would remain, and there is an existing pathway through the building that opens onto the Terrace and onto Masonic. **Please direct the Planning Department to evaluate this alternative with the same level of detail as they do for the alternatives in the Draft EIR.**” (*Anne Neill, Email, December 12, 2018 [I-Neill-8]*)

“1. We fully support the Community Full Preservation Residential Alternative proposal:

- It preserves the Historic Characteristics of this wonderful historic site.
- It provides 558 (or 744 in the Variant) housing units.
- It builds them in three years.
- It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.
- It does not create 8,000 retail auto trips per day.
- It does not generate approx. 15,000 tons of greenhouse gases.
- It preserves both the present childcare center and the existing café.
- It is compatible with the surrounding neighborhoods for character, style, scale and bulk.”

(*Marsha and Wolfgang Nonn, Email, January 8, 2019 [I-Nonn2-1]*)

“I fully support the Community Full Preservation Residential Alternative for 3333 California St. I support this plan because:

- It preserves the Historic Characteristics of this unique and wonderful historic site.
- It provides 558 (or 744 in the Variant) housing units.
- It builds these units in three years.

- It does not include the Retail/Office/Commercial Complex (large and unneeded and unwanted but that the Developer continues to insist upon), and in doing so
 - avoids adding another 13,000+ retail auto trips per day to a city already overwhelmed by cars and short of parking
 - avoids forcing traffic and parking demand into the adjacent neighborhoods
 - avoids adding 15 kilotons per year of private transportation-generated pollutants to the cities environment
 - preserves both the present childcare center and the existing café.
 - better matches the character, style and scale of the surrounding residential neighborhoods”

(Phillip Paul, Email, January 7, 2019 [I-Paul-2])

“The Community Full Preservation Alternative will protect the small, family owned businesses in Laurel Village, Sacramento St. and Presidio Ave. A quick walk around these neighborhoods will clearly show the immense pressure these businesses are experiencing.” *(Phillip Paul, Email, January 7, 2019 [I-Paul-4])*

“For all these above reasons, I urge the Commission to consider I strongly urge the Commission to consider the Community Full Preservation Residential Alternative for 3333 California. The proposed plans submitted by the developers,” *(Gilda Poliakin, Email, December 30, 2018 [I-Poliakin-11])*

“I strongly support the Community Full Preservation Residential Alternate for 3333 California Street Project.

It preserves the historic characteristics of this wonderful site.

It preserves the outdoor open space frequently enjoyed by residents in the neighborhood.

It includes the 558 residential units.

It can be built in 3 years with only 4 additional new buildings.

It does not add a retail or commercial which is not needed due to the local Laurel Heights Shopping Center (4 banks, 2 supermarkets, 2 clothing stores, 2 coffee shops, a large variety store, 3 restaurants, Walgreen’s drugstore). Trader Joe’s and Target are one block from the building site.

This plan does not markedly increase the amount of noise, air pollution, and congestion as the Developers’ Proposal.” *(Ann Prato, Email, January 7, 2019 [I-Prato-1])*

“I live in the neighborhood affected by any development at 3333 California Street. I support the Community Full Preservation Residential Alternative for 3333 California because:

- It preserves the Historic Characteristics of this wonderful historic site.
- It provides 558 (or 744 in the Variant) housing units.
- It builds them in three years.

5. Comments and Responses

H. Alternatives

- It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.
- It does not create 13,000+ retail auto trips per day.
- It does not generate approx. 15,000 tons of greenhouse gases.
- It preserves both the present childcare center and the existing café.
- It is compatible with the surrounding neighborhoods for character, style, scale and bulk.”

(Sandra Price, Email, January 7, 2019 [I-Price-1])

“The Community Full Preservation Alternative will generate ZERO retail auto trips to 3333 as opposed to the 12,000-15,000 retail caused the Developers Destructive Proposal.” (Sandra Price, Email, January 7, 2019 [I-Price-3])

“2. You should support the Neighborhood Full Preservation Alternative because:

A. It has the same number of residential units as the project (558 with a 744variant).

B. It would retain the character-defining features of the historically significant landscaping including the beautiful Terrace designed by Eckbo, Royston & Williams and the majority of the 185 mature trees that would continue to absorb greenhouse gases.

It is important for you to know that people from our neighborhood and other neighborhoods regularly use the green space on this site for recreation playing with their dogs, having impromptu picnics and simply visit with one another. This **SPACE IS VERY IMPORTANT TO OUR COMMUNITY.**

C. We support using all the space for housing which is affordable and can accommodate the diverse population of our City. By using all the space for housing, some units would be large enough for middle-income families. We do **not need retail** space as that would compete with the merchants at Laurel Village Shopping Center.

D. Any construction to re-formulate this space needs to be built in approximately 3years rather than the 7-15 years the project applicant wants.” (Zarin Randeria, Email, December 3, 2018 [I-Randeria1-2])

“I fully support the Community Full Preservation Residential Alternative for 3333 California Street, San Francisco, CA because:

It preserves the Historic Characteristics of this wonderful historic site.

It provides 558 (or 744 in the Variant) housing units.

It builds them in three years.

It does not include the massive *unneeded* and *unwanted* Retail/Office/Commercial Complex that the Developer continues to insist upon.

It does not create 8,000 retail auto trips per day, and,

It does not generate approx. 15,000 tons of greenhouse gases.”

(Zarin Randeria, Email, January 5, 2019 [I-Randeria2-2])

“Okay. So, in addition, most people in our neighborhood would very much like to maintain the height limits in the existing zoning. There’s a 40-foot height limit, and in the neighborhood full preservation alternative, these height limits would be maintained.” (*Kelly Roberson, Draft EIR Hearing Transcript, p. 49, December 13, 2018 [I-Roberson1-3]*)

“I write in order to express my support for the Community Alternatives which promotes reasonable scale residential development within our quiet Victorian neighborhood...” (*Kelly Roberson, Email, January 8, 2019 [I-Roberson2-1]*)

“Again, I express my support for the Community Alternatives which promotes reasonable scale residential development and my opposition to the Developer’s destructive proposal which could decimating the peaceful Victorian neighborhood where we appreciate the quiet.” (*Kelly Roberson, Email, January 8, 2019 [I-Roberson2-4]*)

“I support the Community Preservation Alternative. I believe it addresses my concerns. It will provide new housing and retail but with less negative impact on the surrounding community.” (*Stefanie Rosenberg, Email, January 8, 2019 [I-Rosenberg-2]*)

“I fully support the Community Full Preservation Residential Alternative for 3333

It preserves the Historic Characteristics of this wonderful historic site.

It provides 558 (or 744 in the Variant) housing units.

It builds them in three years.

It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.

It does not create 13,000+ retail auto trips per day.

It does not generate approx. 15,000 tons of greenhouse gases.

It preserves both the present childcare center and the existing café.

It matches the surrounding neighborhoods for character, style, scale and bulk.”

(*Laura Rubenstein, Email, January 2, 2019 [I-Rubenstein-2]*)

“The Community Full Preservation Alternative will generate ZERO retail auto trips to 3333 as opposed to the 12,000-15,000 retail caused the Developers Destructive Proposal.

The Community Full Preservation Alternative will protect the small, family owned businesses in Laurel Village, Sacramento St. and Presidio Ave. A quick walk around these neighborhoods will clearly show the immense pressure these businesses are experiencing. More retail is unneeded and unwanted. It will destroy our local businesses.

The Neighborhoods are well served by businesses at Laurel Village, Sacramento St., Trader Joe’s, City Center, California St. etc. we do not need more, more, more.

We do not need the more than 100,000 square feet of Retail, Office, Commercial space that the Developers Destructive Proposal call for.

5. Comments and Responses
H. Alternatives

One of the reasons the Developer destroys this historic site is to create enough space for this unneeded and unwanted Retail/Office/Commercial (ROC) nonsense.

The CPMC development, a Community supported plan by the way, adds 270 housing units and the Developer and neighbors have agreed to have no Retail. Why is 3333 being treated differently by forcing unneeded and unwanted ROC (Retail/Office/Commercial) against the overwhelming opposition of the surrounding residents?" (Laura Rubenstein, Email, January 2, 2019 [I-Rubenstein-4])

"We pollute less and protect the environment: the Community Alternative will ALWAYS generate less than one third the GHG generated the Developers Full Destructive Alternative.

We destroy less: we preserve the historic site.

We build less: 4 new buildings versus the Developers' 11 new buildings plus creating two tall towers out of the existing main building.

One single level underground parking garage for 450 spaces versus a complex of parking garages, some of three levels, for 896 spaces;

We excavate less: 90,000 cubic yards (9,000 dump truck loads) versus 288,000 cubic yards (32,000 dump truck loads);

We preserve and protect our local businesses and shops: no added unwanted and unneeded and neighborhood destroying family-owned or small retail or business;

We better protect the health and well being of everyone: no 13,000+ auto trips to pollute the air, generate the noise, put pedestrians at risk, unload trucks on the streets, etc. **the Community's solution will always be three times better than the Developers solution.**

The Developers Destructive Proposal not only destroys the Historic Site it destroys our climate. Concrete is a major contributor to GHG, in fact the GHG generated by the manufacture of cement and steel equals the GHG generated by traffic. **And, 95% of the cement used in the Bay Area is manufactured in the Bay Area so the GHGs are OUR GHGs.** The cement is not made somewhere else in the country it is made here." (Laura Rubenstein, Email, January 2, 2019 [I Rubenstein-8])

"The Community Full Preservation Alternative will preserve most of the mature trees at 3333, some of which date back to the time of the Laurel Hill cemetery whereas the Developers Destructive Proposal will attempt to spare approx. 4." (Laura Rubenstein, Email, January 2, 2019 [I-Rubenstein-15])

"We appreciate your time and look forward to hopefully the community preservation idea going through since it keeps the housing, drops the retail, and lessens the impacts of seven to 15 years of construction." (Colleen Ryan, Draft EIR Hearing Transcript, p. 39, December 13, 2018 [I-RyanC-5])

"We are writing as neighbors of 3333 California Street for over 30 years to respectfully request the planning commission consider the Community Full Preservation Alternative as opposed to the developers harsher proposal." (Jim, Colleen, Neil, Julia and Seamus Ryan, Email, January 8, 2019 [I-RyanJ-1])

“The Community Full Preservation Alternative can be completed within 3 years.” (*Jim, Colleen, Neil, Julia and Seamus Ryan, Email, January 8, 2019 [I-RyanJ-4]*)

“I and other community members propose a smaller development (the “Community Full Preservation Alternative” or CFPA) that will still add lots of needed housing but take only three (3) years to complete. The CFPA does not include the massive unneeded and unwanted retail/office/commercial complex that the Destructive 3333 developer continues to insist upon. It does not create outmoded 13,000+ retail auto trips per day. It does not generate approximately 15,000 tons of greenhouse gases. The CFPA preserves both the present childcare center and the existing café, a source of deep, positive social capital in our community. It matches the surrounding neighborhoods for character, style, scale and bulk.” (*Rita Sater, Email, January 8, 2019 [I-Sater-5]*)

“The Community Full Preservation Alternative will generate ZERO retail auto trips to 3333 as opposed to the 12,000-15,000 retail caused the developers’ Destructive 3333 Project. Thank you for your time and consideration of this better alternative that can be done in 12 less years with less destruction, obstruction in and around the area and yet preserve the lifestyles of surrounding neighborhoods.” (*Rita Sater, Email, January 8, 2019 [I-Sater-7]*)

“I and other community members propose a smaller development (the “Community Full Preservation Alternative” or CFPA) that will still add lots of needed housing but take only three (3) years to complete. The CFPA does not include the massive unneeded and unwanted retail/office/commercial complex that the Destructive 3333 developer continues to insist upon. It does not create outmoded 13,000+ retail auto trips per day. It does not generate approximately 15,000 tons of greenhouse gases. The CFPA preserves both the present childcare center and the existing café, a source of deep, positive social capital in our community. It matches the surrounding neighborhoods for character, style, scale and bulk.” (*Sebastiano Scarampi, Email, January 8, 2019 [I-Scarampi-4]*)

“The Community Full Preservation Alternative will generate ZERO retail auto trips to 3333 as opposed to the 12,000-15,000 retail caused the developers’ Destructive 3333 Project.” (*Sebastiano Scarampi, Email, January 8, 2019 [I-Scarampi-6]*)

“So, anyway, I do support our neighborhood alternative plan, and I hope you will consider removing the retail and office areas.” (*Debra Seglund, Draft EIR Hearing Transcript, p. 58, December 13, 2018 [I-Seglund-4]*)

“Number two, I fully support the community full 11 preservation residential alternative for this site,” (*Joe Scaroni, Draft EIR Hearing Transcript, p. 41, December 13, 2018 [I-Scaroni-2]*)

“We are in support of the same amount of 550 -- 552, is it -- 558 units or the 744 alternatives. We want that to happen. And it can happen in the three years instead of perhaps a lengthy delay of seven to 10 years to get this done. So I appreciate your time and consideration.” (*Joe Scaroni, Draft EIR Hearing Transcript, p. 41, December 13, 2018 [I-Scaroni-5]*)

5. Comments and Responses

H. Alternatives

“A Community Alternative Plan (hereinafter referred to as “CAP”) is being created to reflect what we believe will preserve the entire Historical Building. The design will include re-purposing of the Historical Building to residential use. The “CAP” will preserve Eckbo Terrace, Children’s Childcare Playground, along with the Redwood trees, and preserve all Historic Landscaping. The existing green spaces on Laurel, Euclid, Masonic and Presidio will remain intact in this redesign. The “CAP” will accomplish the Applicant’s goal of providing 558-744 housing units (Variant) by a design of three or four, four-story buildings on the existing surface parking lots facing California Street; with no retail or office. As we understand it, the housing units facing California Street in the CAP will be consistent with the design and aesthetics of the condominiums directly across the street as mentioned above. The number of trees and landscaping to be removed will be substantially less in the CAP Plan. We have not seen the fully-designed CAP but we wholeheartedly support the draft of a plan that we have seen because it is less destructive and can be completed and on line satisfying the immediate need for additional housing within the timeline of three to five years; not 15 years.

Applicant’s Proposed Plan does not serve any of us well. They have had every opportunity to redesign and submit an Alternative Preservation Plan and they have refused to do that. My sincerely hope is the Planning Department will want to consider the CAP which is timely and less impactful to the neighbors and the many neighborhoods and stop the negative impact that will undoubtedly occur by approval of the Applicant’s Proposed Plan before this goes any farther.” (Victoria Underwood, Letter, December 4, 2018 [I-UnderwoodV1-12])

“Last week, the San Francisco Historic Preservation Commission expressed strong support for reviewing an alternative development plan that would **not** destroy the historic resource of the building by cutting it in half along with the removal of the surrounding landscaping including trees; referred to as the character of the defined feature of the site.

The Commissioners expressed their strong assessment of the interconnection between the building and the landscaping as the important resource and vital to the neighborhood. They believe that this project needs the neighborhood and the developer to come together to create a win-win for all parties as the only way it can be measured as a success. The Commission stated they wished they could have reviewed the Community Full Preservation Alternative Plan which was discussed but not available for review by the S.F. Historic Preservation Commission at the December 5th meeting. The Commissioners expressed their willingness to insure the integrity of the Historic elements are maintained and to get a second look at what will be the “final” alternative development plan supported by the community and the developer when sent back to them from the Planning Commission.” (Victoria Underwood, Letter, December 12, 2018 [I-UnderwoodV2-1])

“Under the community alternative, the main building would be converted into housing units rather than demolishing the smaller wing and cut through half of it. There would be, in addition to the residential units on California Street, a new Mayfair residential building. The existing cafe and childcare center would remain, and the existing pathway through the building that opens onto the Terrace and onto Masonic, would remain eliminating the need for additional public pass-through access to be constructed.” (Victoria Underwood, Letter, December 12, 2018 [I-UnderwoodV2-3])

“We urge you to extend the comment period on the Draft EIR in order to evaluate this Community Full Preservation Alternative Plan and compared it to the DEIR Full

Preservation Alternative C with the same level of detail as the alternatives in the **DEIR** because it will be less impactful on the surrounding neighborhoods and **will not** destroy the historic resource of the building and the surrounding landscaping. The **Community Full Preservation Alternative Plan** will give the City of San Francisco the housing it desires for the site in 3-5 years and builds 4 new buildings versus 14 new buildings in 7 to 15 years as proposed by the developer.” (Victoria Underwood, Letter, December 12, 2018 [I-UnderwoodV2-6])

“I know for myself, I want to see a common-sense approach to building as we look to the future. Why destroy, remove or create hazardous conditions when you don’t need to. With that in mind, ‘The Community Full Presentation Residential Alternative’ for 3333 California Street as it is now called, **would** do the following:

- a) Preserve the Historic characteristics of the building and landscaping.
- b) It would limit construction to the California Street side of the property and to Mayfair
- c) It will match the surrounding architectural design in character and style consistent with those residential condominiums directly across the street on California.
- d) It will allow for the retention of far more of the mature trees and landscaping
- e) It will provide for 558 (or 744 in the Variant) housing units without rezoning and revoking Resolution 4109, the agreement that runs with the site between the City and the surrounding neighbors.
- f) It builds the housing units in three years
- g) It will keep the impact of construction on the community and environmental risks to a minimum.
- h) It will preserve the present childcare center and play area and the community’s access to the existing green areas bordering the site on four sides.
- i) It will protect the small, family-owned businesses in Laurel Village, Sacramento Street, Presidio Avenue which are the very fabric of the neighborhood. They are already under immense pressure.

What it **won’t** do:

- j) It won’t bring excessive, unnecessary, and unwanted traffic and congestion, noise, pollution to the neighborhoods this site touches by turning it into a mini-city and destination
- k) It won’t bring unneeded retail/office/commercial spaces as the developer has insisted upon
- l) It won’t add unneeded height to a building when we already have six floors to look at on Presidio Avenue.
- m) It won’t take 15 years to built and decimate the community and surrounding streets.
- n) It won’t be an opportunity to sell a new entitlement on an up-zoned property.”

(Victoria Underwood, Letter, January 4, 2019 [I-UnderwoodV3-2])

“There are so many downsides to the developer’s proposals and I now choose light and positive energy instead. None of the “issues” are issues under our Community Full Presentation Plan.

5. Comments and Responses

H. Alternatives

Whether it be too many ingress-egress driveways cutting into traffic on Masonic, Euclid, Presidio Avenue, eliminating the right most lane at Presidio Avenue, introduction of retail on city blocks with almost no pedestrians because it's basically a freeway, the loss of parking and the addition of loading zones that people and mini-buses will have to back into on this "freeway" maze. The tremendous loss of quality of our lives at the advancement of noise, pollution, environment impact, loss of green spaces and trees. All of it, unnecessary and hardly a positive step forward.

When considering the future, please don't forget the neighborhoods that currently thrive and exist around this site. Repurposing isn't a bad thing when the impact is less overall. Everyone says we need more housing and that they think it's a great idea. But when I say back to them, "So you wouldn't mind 558-744 housing units being built across the street from where you live over the course of 15 years? The reply is always the same, "Oh, no I wouldn't like that at all!" We are trying to find something that works and doesn't burden the people who already live in direct proximity and work in nearby small businesses. What is really happening when you drill down past the minutia is taking a single-user site and repurposing it to accept multi-users. Nothing in that description implies destruction. We believe our plan accomplishes that and it has Community support.

The Commission is faced with making a decision on whether to go with the "Community Full Preservation Plan" or to go with some version of the developer's "Destructive Plan". We think our plan makes the most sense for all the right reasons. We believe that our plan can be approved without further studies and delays in construction to bring the needed housing on line.

Thank you for your time and serious consideration of our Community Full Preservation Plan."

(Victoria Underwood, Letter, January 4, 2019 [I-UnderwoodV3-6])

"I understand the local neighborhood association has submitted an alternative plan that I would support AND would be built in approximately three years. Hopefully the Planning Dept. and developer can adjust the proposal to include residential and office space only as detailed by this or one of the other alternative plans." *(John Zlatunich, Email, January 5, 2019 [I-Zlatunich2-2])*

RESPONSE AL-2: LAUREL HEIGHTS IMPROVEMENT ASSOCIATION OF SAN FRANCISCO, INC.'S (LHIA) ALTERNATIVE

Comments include submission of an alternative developed by the Laurel Heights Improvement Association of San Francisco, Inc. (LHIA) for consideration as another full preservation alternative in the EIR. This proposed alternative is variously called the "Community Full Preservation Alternative," the "all-residential alternative," and the "neighborhood alternative" among other descriptions in the draft EIR public hearing transcript, and in comment letters and email comments on the draft EIR. For purposes of the RTC document this alternative is referred to as the "LHIA Alternative." The submission included a variant to the LHIA Alternative that would increase the height of the proposed Walnut Building and provide additional residential units in the Walnut Building. The commenter submitted, along with the description of the LHIA Alternative, an analysis of how the alternative would meet the secretary's standards compared to the commenter's analysis of the proposed project and Alternative C: Full Preservation – Residential Alternative in relation to the secretary's standards. The submission also included the

commenters' analysis of how the LHIA Alternative would meet project objectives as defined in the comment. Comments made at the public hearing on the draft EIR, and prior to receipt by City staff of any details about the LHIA Alternative, request information about the LHIA Alternative based on the amount of public support expressed for it at the public hearing and in comments submitted on the draft EIR. Comments assert that the EIR is inadequate because it does not include the LHIA Alternative, and express support for this alternative, asserting that it more effectively addresses the impacts of the proposed project or project variant.

LHIA Alternative under CEQA Guidelines

As discussed above in Response AL-1: Range of Alternatives on RTC pp. 5.H.6-5.H.17, the EIR presents a reasonable range of alternatives. CEQA Guidelines section 15126.6(a) directs lead agencies to develop a range of reasonable alternatives with the nature or scope of alternatives governed by the "rule of reason," and to include alternatives that feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the identified significant impacts of the project. CEQA does not require that an EIR consider every conceivable alternative or permutation or combination of alternatives. The EIR would not be required to be recirculated to include the LHIA Alternative or its variant because they are not considerably different from other alternatives that were included in the EIR, as discussed below.

The EIR contains a reasonable range of alternatives, and thus CEQA does not require that this responses to comments document include a description and analysis of the LHIA Alternative or its variant in the alternatives chapter. City staff nevertheless thoroughly reviewed the information provided by LHIA to determine whether it would clearly lessen the significant environmental impacts of the proposed project or its variant, and whether it differs considerably from the range of alternatives in the EIR.

Description of LHIA Alternative and Variant

As presented in Comment Letter O-LHIA4 and its exhibits and attachments, the LHIA states that the LHIA Alternative and its variant would develop the same number of residential units as the proposed project (558 units) and the project variant (744 units), that it would provide 460 on-site parking spaces, some with direct access from the residential units to a single-level below-grade garage along California Street, and that it would entail substantially less excavation than the proposed project or variant because of the reduced building and parking program. It would also retain a childcare use (approximately 11,150 gross square feet) and a café (approximately 1,183 gross square feet) in the existing building and allow for the retention of a nominal amount of office space (approximately 5,000 gross square feet). Except for the retention of the café there would be no retail uses under the LHIA Alternative.

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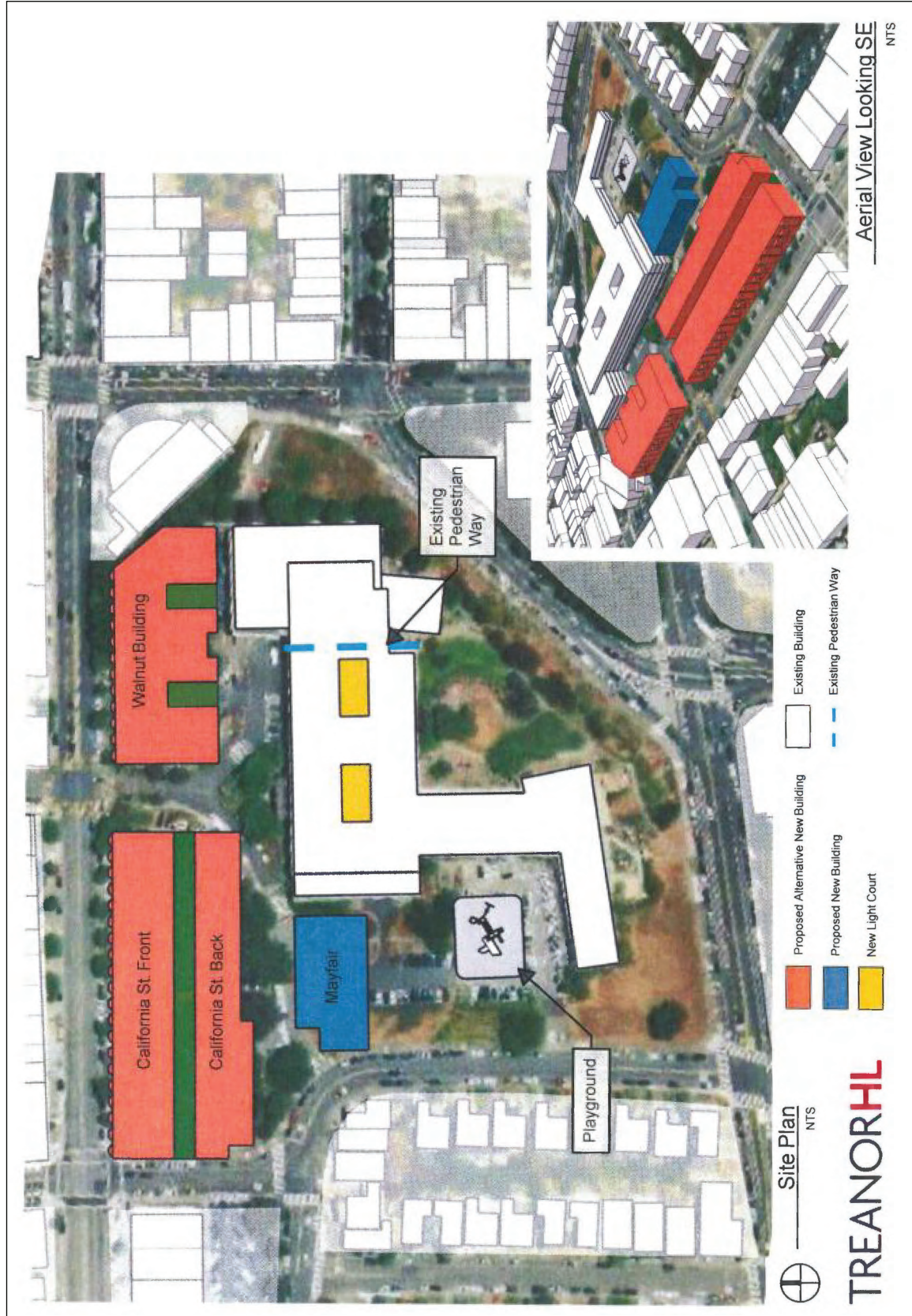
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As illustrated in RTC Figure 5.H.1: LHIA Alternative Site Plan, the LHIA Alternative and its variant would focus development on the northern portion of the site with the construction of 30 new buildings on the parking lots and open areas – the California Street Front and Back buildings, the Walnut Building, and the Mayfair Building. The adaptive reuse of the existing building would be limited to the demolition of the circular garage ramp structure and internal changes to accommodate the adaptive reuse as a residential building. The demolition of the Annex Building would allow for the construction of the California Street Front Building, which would consist of 14 buildings that would be approximately 28.5 feet wide and 75 feet deep, with a 25-foot-deep rear yard. The California Street Back Building would also consist of 14 buildings but these buildings would be approximately 28.5 feet wide with depths ranging from 40 to 65 feet to allow for preservation of on-site trees. The California Street Front and Back buildings, the Walnut Building, and the Mayfair Building would all be 40 feet tall except under the variant of the LHIA Alternative, which would include a 67-foot-tall Walnut Building to accommodate additional residential development, as allowed through a planned unit development. The additional residential units in the variant would be accommodated by additional floors in the Walnut Building and by additional, but smaller units in all of the buildings. The LHIA Alternative’s design program as described in the comment letters would be based on the massing, scale, and architectural characteristics of the existing buildings immediately adjacent to the site.

The LHIA Alternative would retain much of the internal site circulation, with access to the site and the below-grade parking garages provided via Walnut Street, Laurel Street, and Presidio Avenue. The existing parking garage under the retained and adaptively reused building in the LHIA Alternative would be accessed from the existing driveway on Presidio Avenue, while parking for the Mayfair Building, the California Street buildings and the Walnut Building would be accessed from California and Walnut streets and Laurel Street/Mayfair Drive (see RTC Figure 5.H.2: LHIA Alternative Circulation Plan). All freight loading would be located underground and accessed from Presidio Avenue.

Redevelopment of the site under the LHIA Alternative or its variant would take three years according to the comment letter, and would require relief from certain planning code requirements such as dwelling unit exposure,³ and, in the case of its variant, amendments to the height and bulk map, similar to the proposed project, project variant, and the alternatives analyzed in the EIR. See Comment Letter O-LHIA4 and its exhibits and attachments in RTC Attachment B for LHIA Alternative’s narrative description, illustrations, and figures.

³ In dwelling units in all use districts the required windows of at least one room that is equal to or greater than 120-square-foot minimum superficial floor area shall face directly onto an open area, typically required to be at least 20 to 25 feet in width, with specific dimensional requirements of the open area specified based on the type of open area (such as a public street or alley, required rear yard, or inner court). See sections 503 and 504 of the housing code and section 140 of the planning code.



Source: TREANORHL and Laurel Heights Improvement Association of San Francisco, Inc. (2019)

3333 CALIFORNIA STREET MIXED-USE PROJECT

2015-014028ENV

RTC FIGURE 5.H.1: LHIA ALTERNATIVE SITE PLAN



Source: TREANORHL and Laurel Heights Improvement Association of San Francisco, Inc. (2019)

3333 CALIFORNIA STREET MIXED-USE PROJECT

2015-014028ENV

RTC FIGURE 5.H.2: LHIA ALTERNATIVE CIRCULATION PLAN

Lessening or Avoiding Significant Effects of the Project

Based on the information provided in the comment, the LHIA Alternative or its variant are considerably similar to Alternative C: Full Preservation – Residential Alternative already included in the EIR. Alternative C would preserve the existing historic building without any physical division and would partially preserve the existing landscaping with its curvilinear shapes in pathways, driveways and planting areas, constructing new buildings only along the northern and northwestern parts of the project site. Like Alternative C, the LHIA Alternative and variant would retain and adaptively reuse the existing historic structure and would concentrate demolition and new construction within the northern portion of the site, and would partially preserve existing landscape features. Both the LHIA Alternative and Alternative C would, therefore, avoid significant impacts on the historic architectural character of the existing office building and loss of prominent primary views of character-defining features of the site from Presidio Avenue, Masonic Avenue, and Pine Street that would occur with the proposed project or variant. As such, the LHIA Alternative or its variant does not lessen or avoid any significant impact identified for the proposed project or project variant that is not already avoided and adequately addressed by Alternative C: Full Preservation – Residential Alternative.

Because the LHIA Alternative and its variant are considerably similar to Alternative C, and the other alternatives analyzed, there is no requirement to include another alternative to the EIR. The range of alternatives included in the EIR is adequate under CEQA Guidelines section 15126.6. No additional alternatives are required.

Ability of LHIA Alternative to Attain Basic Project Objectives⁴

Although the LHIA Alternative or its variant would attain some of the basic project objectives, it would not attain several of the objectives of the proposed project or project variant. The first two objectives for the proposed project or project variant identified on EIR p. 2.12 are as follows (these are also presented in Table 6.3 on EIR pp. 6.17-6.19, Objectives 1 and 2):

- 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, on-site child care, potential office/commercial uses, and substantial open space.
- Create a mixed-use project that encourages walkability and convenience by providing residential uses, neighborhood-serving retail, on-site child care, and potential office/commercial uses on site.

⁴ It is noted that the objectives listed in Comment O-LHIA4-3 that begin LHIA’s discussion of how the LHIA Alternative would meet the basic objectives of the project, are not identical to the project objectives on EIR p. 2.12. Most of them (except Objectives 6 and 8) have been modified in the comment. The analysis below is based on the project objectives as presented in the EIR.

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Due to the size and location of the mix of uses presented in the LHIA Alternative, the alternative would not satisfy the primary objectives of the proposed project or project variant to create a high quality, walkable, mixed-use community within the project site that connects with and complements the existing neighborhood commercial uses. As presented, the LHIA Alternative would retain the 11,500 gross-square feet of childcare, the 1,183-gross-square-foot café that serves UCSF staff (compared to 40,261 gross square feet of retail use under the revised project and 34,496 gross square feet under the revised variant), and up to 5,000 gross square feet of office use (compared to 49,999 gross square feet under the revised project, with no office use under the revised variant). With only a childcare facility, and less than 6,200 square feet of other non-residential uses, the LHIA Alternative does not include a substantial mix of uses that could be characterized as a mixed-use development. In order to access the proposed retail use (the café) at the center of the site and limit the extent of any exterior modifications to the retained historic building, the existing building would need to be redesigned to include internal public access. Compared to the active retail uses proposed along California Street that would connect the commercial uses to the west in the Laurel Village Shopping Center to those east of Presidio Avenue, the LHIA Alternative would only locate a very small amount of retail at the center of the site, which would not be visible from public streets and would be in a location within the rehabilitated historic building that would pose challenges to commercial viability due to its limited access. Alternative C: Full Preservation – Residential Alternative would include about 44,300 gross square feet of neighborhood-serving ground-floor retail space in the new buildings proposed along California Street in addition to retaining the existing child care use, and therefore would partially meet the objective of providing a mixed-use community.

Objective 3 in EIR Table 6.3 is related to addressing the City's housing deficit by building new residential units on the site, including on-site affordable units. As presented, the LHIA Alternative and its variant would provide the same number of housing units as under the proposed project and project variant (558 and 744, respectively), including the required number of affordable housing units pursuant to planning code section 415. Although as presented, there is not enough information to ascertain the accuracy of the residential unit count or the ultimate mix of residential units (e.g. studio, one-bedroom, two-bedroom), the LHIA Alternative is presumed to meet the provisions of this objective, for purposes of this analysis of meeting project objectives.⁵ Alternative C would also meet the provisions of this objective by providing 534 residential units (24 fewer units than the proposed project and 210 fewer units than the project variant) but to a slightly lesser degree.

⁵ As discussed below, the ability of the LHIA Alternative or its variant to provide 558 or 744 units due to the physical constraints on the site is highly speculative. Alternative F, the code conforming alternative, would provide 629 units.

The fourth item in the list of project objectives on EIR p. 2.12 (Objective 4 in Table 6.3 on EIR p. 6.18) calls for establishing connectivity with the surrounding community. This objective states:

- 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.

The proposed project and project variant would accomplish this objective by providing Walnut Walk and Mayfair Walk. The LHIA Alternative would fully preserve the existing historic building with no physical division, and thus would not extend the neighborhood urban pattern and surrounding street grid into the site. As presented, the LHIA Alternative would not provide the east-west pedestrian pathway from Laurel Street to Presidio Avenue that would be developed under Alternative C, the proposed project, or project variant. Although the north-south open-air pedestrian pathway from California Street to Euclid Avenue that would be part of the proposed project or project variant would not be part of the LHIA Alternative, a different north-south public connection would be provided through the center of the rehabilitated and adaptively reused building. Therefore, the LHIA Alternative would only partially meet the intent of this objective. This aspect of the LHIA Alternative would be similar to EIR Alternative C. As noted on EIR p. 6.75, Alternative C would only partially meet the provisions of this objective because it would provide only partial north-south connectivity. Thus, the LHIA Alternative would be similar to Alternative C in that it also would only partially meet the objective, but to a lesser degree than Alternative C.

The fifth project objective on EIR p. 2.12 (and item 5 in Table 6.3) relates to both building design and compatible land uses, stating:

- 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.

While Alternative C would meet the provisions of this objective by providing active ground-floor retail uses along California Street continuing east from the Laurel Village Shopping Center, the LHIA Alternative would have substantially less active ground-floor retail space and none along California Street, as described above, and would not meet this part of the objective.

Objective 6 in EIR Table 6.3 is related to the provision of a high quality, varied, and integrated architectural and landscape design. The LHIA Alternative, as presented in the comment, would match the massing, scale and architectural vocabulary of the adjacent multi-family buildings on

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the north side of California Street and the existing historic structure at the center of the site, however no architectural renderings were provided. However, for analysis purposes, the LHIA Alternative is assumed to meet this project objective, as does Alternative C.

Objectives 7 and 8 in EIR Table 6.3 are related to the provision of a robust open space program that connects to the surrounding community and that exceeds the amount required under the planning code. As with Alternative C, the LHIA Alternative, as presented, would also provide open space (and retain some of the existing open space). However, based on the site plan provided (see RTC Figure 5.H.1), the amount and diversity of open space to be provided under the LHIA Alternative would not be as varied or as accessible to pedestrians as that provided under Alternative C, the proposed project, or the project variant. In retaining the existing landscaping on the southern and eastern sides of the project site, the LHIA Alternative does not appear to include pedestrian access from Presidio Avenue or ADA accessible access from Euclid Avenue. As such, the LHIA Alternative would partially meet these project objectives but to a lesser degree than Alternative C, the proposed project, or project variant.

The LHIA Alternative would include off-street parking; however, there is not enough information to ascertain whether the LHIA Alternative would meet Objective 9, to provide sufficient parking to meet the project's needs in below-grade garages. The LHIA Alternative would retain, integrate, and adaptively reuse the existing office building and meet Objective 10, to retain and integrate the existing office building to promote sustainability and eco-friendly development, as would the full preservation alternatives analyzed in EIR Alternative B and Alternative C.

Overall, the LHIA Alternative would be similar to Alternative C in avoiding the significant impact on the historic resource but would meet or partially meet fewer of the project objectives presented in the EIR than would Alternative C. Because similar alternatives that fully preserve the historic resource and meet most of the objectives of the project are already analyzed in EIR as Alternative B and Alternative C, it is not necessary to include the LHIA Alternative in the EIR.

Physical Feasibility of the LHIA Alternative

To respond to the public comments regarding the request to include the LHIA Alternative in the EIR and comments from commissioners for more information about the LHIA Alternative, the planning department has evaluated the physical feasibility of the LHIA Alternative. The evaluation relied on the San Francisco Public Works (public works) architects and engineers' independent peer review of information from the project sponsor. The project sponsor and their architects, engineers, general construction contractor, and geotechnical consultants prepared a letter responding to the planning department's request to provide information that would facilitate an evaluation, based on the project sponsor's understanding of existing conditions and constraints

at the project site (including the condition of the existing office building, and geological and topographical conditions).⁶ Public works also provided relevant supplemental information to assist the planning department in evaluating the alternative. The project sponsor's analysis⁷ and public works staff's peer-review analysis and their findings are summarized below.⁸

The LHIA Alternative was described narratively and the written description was supplemented with a site plan and a circulation/access schematic. These graphics were provided as rough overlays to aerial photographs and are general in nature. LHIA has not submitted adequate information regarding the LHIA Alternative that would allow the department to confirm precisely the number of units or parking spaces that could be provided in the LHIA Alternative. The plans/schematics provided were also not detailed enough to determine whether the LHIA Alternative could meet applicable building code requirements, or applicable planning code requirements (or enable public works staff to determine which requirements would need to be amended, waived, or otherwise addressed). Whereas the alternatives in the EIR were based on the project's site plan and in most cases provided detail regarding the alternatives' total square footages for each proposed use, the residential unit mix, and the number of parking spaces, off-street freight loading spaces, and bicycle parking spaces, LHIA has not provided this information regarding the LHIA Alternative. In the absence of such information, both the project sponsor and public works made reasonable assumptions based on the standard practice of the architectural and construction industries in evaluating the LHIA Alternative, as described in their reports. As a result, the estimated numbers in the project sponsor's and public works' analyses are approximate.

Unit Count and Unit Mix

LHIA states that the LHIA Alternative would provide a total of 558 residential units. Both the project sponsor and public works conclude that the LHIA Alternative would not be able to provide 558 units as described. The sponsor concludes that the LHIA Alternative could provide up to 470 residential units. Similarly, public works concludes that the LHIA Alternative can provide up to 473 residential units.

LHIA states that the LHIA Alternative would include 292 units, averaging 798 square feet in size, in the existing main building. The sponsor's analysis concludes that the existing building could

⁶ San Francisco Planning Department, *Letter from Kei Zushi, Environmental Review Coordinator, to Don Bragg, Prado Group, Inc.*, Request for Information regarding 3333 California Street Mixed-Use Project (Case No. 2015-014028ENV), March 20, 2019.

⁷ The Prado Group, *Letter from Don Bragg, SVP / Director of Development, to Kei Zushi, San Francisco Planning Department*, Response to Request for Information regarding 3333 California Street, April 2, 2019.

⁸ San Francisco Public Works, *Letter from Vito Vanoni, AIA, Senior Architect & Technical Manager, to Kei Zushi, San Francisco Planning Department*, Independent Peer Review of 3333 California Street – Proposed Alternative, August 15, 2019 (see RTC Attachment D).

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include only 231 units, based on the net area in the building, or 184,450 square feet (i.e., not including lightwells, pedestrian circulation, mechanical equipment and exits, or square footage dedicated to other uses). Based on the configuration of the building, of these 231 units, many would be excessively deep and narrow, requiring a large percentage of units (72 percent) with “nested” bedrooms (bedrooms that are open to other areas with access to light and air), or studios. Similarly, public works finds, based on its analysis of the computer-aided drawing files of the existing main building, that the building includes a total of 180,064 square feet of net area. Based on this, public works concludes that the LHIA Alternative could provide up to 226 residential units (226 units = 180,064 square feet / 798 square feet). Public works also concluded that many of the units would be long and narrow, requiring those units to be studios or have nested bedrooms.

LHIA states that the LHIA Alternative would include 56 units in the proposed California Back building, with the average unit size ranging from 971 to 1,575 square feet. LHIA proposes to sculpt the building around the existing mature trees to preserve them, resulting in the lengths of the buildings varying from approximately 40 to 60 feet long and 28.5 feet wide. Both the sponsor and public works concluded that only 40 units could be built in the California Back building because the 40-foot-deep units are not buildable and a loss of 16 units (from 56 units as proposed by LHIA) would result. The public works analysis explains that fitting one elevator, two stairs, and a short corridor and mechanical shafts within each 28.5-foot-by-40-foot building would reduce efficiency to 42 percent and that the resulting unit size would average 425 square feet. LHIA states that the LHIA Alternative would include 118 units in the Walnut Building, averaging 809 square feet in size. The project sponsor concludes only 107 units can be built in the Walnut building based on its analysis showing that the building would include 86,440 square feet in net area. Public works reached a slightly different conclusion, finding that 115 units could be built in the Walnut building if it included double-loaded corridors.⁹ Both public works and the project sponsor conclude that the LHIA Alternative could include 56 and 36 units in the California Front and Mayfair buildings, respectively, as proposed.

No unit mixes were provided for the LHIA Alternative. Based on their analyses, however, both the project sponsor and public works concluded that the LHIA Alternative would not comply with the unit mix requirements of planning code section 207.7, which requires no less than 25 percent of a project’s total units to have two or more bedrooms and no less than 10 percent of the total units to have three or more bedrooms. The project sponsor concludes that the LHIA Alternative would provide approximately 95 two-bedroom units (17 percent of the total units) and

⁹ The term “double-loaded corridor” describes an arrangement of units along both sides of a linear corridor. This arrangement is the most efficient and allows for a minimum number of stairs and elevators. A single-loaded corridor arrangement has units along only one side of a linear corridor and is typically less efficient because only one side of the building has access to required light and air. Single-loaded and double-loaded can also be used to describe arrangement of parking stalls along drive aisles.

approximately 39 three-bedroom units (seven percent of the total units). Similarly, public works concludes that the LHIA Alternative would provide approximately 112 two-bedroom units (20 percent of the total units) and approximately 39 three-bedroom units (seven percent of the total units).

Amount of Excavation

LHIA claims that the LHIA Alternative would require less excavation for underground garages because it would have only one new level of underground parking garage along California Street, as compared with three levels under the proposed project or project variant and three levels under Alternative C. The project sponsor notes that due to the existing slope on the project site (approximately 30 to 35 feet of grade change from the proposed LHIA Alternative garage entries in front of the Mayfair Building lobby and existing building lobby to the lower exit onto Presidio Street), the LHIA Alternative would, as a matter of definition, require a minimum of two levels of excavation.

Both the project sponsor and public works conclude that three or more levels of excavation would be required to provide a total of 460 on-site parking spaces, as proposed in the LHIA Alternative. The project sponsor explains that the LHIA Alternative would only be able to provide 337 on-site parking spaces (183 spaces underneath the California Front and Back and Walnut buildings and 154 spaces in the existing main building) without three or more levels of excavation. Public works concludes that the LHIA Alternative would provide only 323 on-site parking spaces (75 spaces in the California Front and Back buildings, 106 spaces in Walnut Building, and 142 spaces in the existing main building). Both the project sponsor and public works find a similar square footage in the one-level below-grade parking garage underneath the California Front and Back and Walnut Buildings (110,000 gross square feet in the sponsor's analysis and 108,840 gross square feet in public works' analysis). Based on the gross square footage, the project sponsor concludes that the parking garage could provide up to 183 spaces (183 spaces = 110,000 square feet / 600 square feet per space). Public works reached a similar conclusion, finding that the parking garage would provide only 181 spaces, considering that a portion of the California Back buildings would be only 40 feet in depth, as discussed above, and that the California Front and Back buildings would be required by the building code to provide 28 elevators and 28 stairs. The project sponsor concludes that the garage below the existing main building could include up to 154 spaces. Public works reached a slightly different conclusion, stating that only 142 spaces could be provided in the garage, given that, due to demolition of the circular ramps, at least two new ramps would be required to access the spaces in the garage.

The LHIA Alternative proposes to include all freight loading underground, accessed by the existing driveway on Presidio Avenue. However, the project sponsor and public works note the height of the existing opening is not tall enough to accommodate freight vehicles. Public works further explains that the floor-to-floor height of the existing parking garage is not tall enough to

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accommodate freight vehicles. Thus, underground freight loading would require additional excavation.

Construction Duration

LHIA claims that the LHIA Alternative or its variant can be built within approximately three years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed, and because the excavation required for the LHIA Alternative or its variant would not be as extensive as the proposed project or project variant. Public works concludes that the three-year construction timeline would be challenging, given that the LHIA Alternative or its variant would involve: excavation along the entire California Street frontage; approximately 469,000 gross square feet of new construction including a garage underneath the Walnut and California Front and Back buildings; and 458,000 gross square feet of renovation at the existing main building. Public works also notes that with excavation, construction, and renovation occurring across much of the project site at the same time, the only areas suitable for construction staging would be the asphalt parking lot near the entrance court off Laurel Street, unless some of the historic landscaped areas were to be used for construction staging.

Other Issues

LHIA suggests that the LHIA Alternative would retain all existing mature trees on the project site. Public works finds that six existing mature trees in the existing east and west parking lots noted on page 2 of Exhibit 3 to LHIA's January 8, 2019 letter would need to be removed to construct the LHIA Alternative. Further, public works finds that some of the open space that LHIA suggests would be publicly accessible would not be accessible under the ADA requirements, unless additional ramps are constructed. Construction of such additional ramps could further limit the area in which residential units or parking spaces can be provided, and could impact the historic landscaping.

Finally, public works finds that the seven-story Walnut Building under the variant to the LHIA Alternative could provide up to 218 units (103 more units than under the LHIA Alternative), given the three additional floors and the smaller average unit size proposed in the Walnut Building under the variant (732 square feet, compared to 809 square feet under the LHIA Alternative). Based on this, public works concludes that the variant could provide up to 576 units (576 units = 473 units under the LHIA Alternative plus 103 additional units in the Walnut Building). Thus, the variant also would not be able to provide the number of units (744 units) or parking spaces (a total of 460 on-site spaces) that LHIA suggests would be provided.

Additional Unit Count for Walnut Building Under LHIA Alternative Variant

LHIA states that the LHIA Alternative and its variant would comply with all applicable laws and regulations by making any modifications in the design needed to achieve compliance or to provide additional space for necessary functions. LHIA's January 8, 2018 letter does not clarify the nature of design modifications that LHIA intends to make. Based on the information submitted about the alternative, it is unlikely that the LHIA Alternative, or the variant to the LHIA Alternative, could provide the number of residential units (558 units in the LHIA Alternative or 744 in the variant to the LHIA Alternative) and on-site parking spaces (460 spaces in total) within the LHIA's proposed building envelopes as described in LHIA's January 8, 2018 letter, unless three or more levels of excavation is undertaken, or the units are considerably smaller than proposed.

In sum, it is unlikely that either LHIA Alternative, or the variant to the LHIA Alternative, could be constructed as described. 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.

Preference for the LHIA Alternative

Comments express a preference for the LHIA Alternative over the proposed project, the project variant, and/or the Full Preservation Alternatives analyzed in the EIR.

By indicating a preference for the LHIA Alternative, many of the comments from organizations and individuals express their preference for a residential, smaller-scaled development for the project site and a shorter construction period than the proposed project or its variant. Comments that express a preference for the LHIA Alternative and thereby indicate a preference for some other vision of development for the project site, or indicate opposition to the proposed project or its variant, do not raise issues concerning the adequacy or accuracy of the EIR's coverage of the proposed project's and its variant's environmental impacts under CEQA, nor do they present substantial evidence that the range of alternatives presented in the EIR is inadequate under CEQA Guidelines section 15126.6(a). These comments, in and of themselves, do not raise specific environmental issues that require a response in this RTC document under CEQA Guidelines section 15088. The opinions in comments from organizations and individuals will be provided to the decision-makers for their consideration prior to taking any approval actions on the project.

Some comments support the LHIA Alternative based on a shorter stated construction period (three years), compared to the construction timeframe for the proposed project or project variant (7 years to up to 15 years) and Alternative C (approximately 5.5 years). EIR p. 2.91 explains that the longer timeframe for construction of the proposed project or its variant would involve periods

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of dormancy when no construction would occur. The analysis of the alternatives in the EIR identifies shorter construction periods depending on the scale of the proposed development. There is not enough information in the description of the LHIA Alternative to confirm that its 3-year construction period would be feasible. Although it is reasonable to assume that construction of the LHIA Alternative would take less time than the proposed project or project variant, it is also reasonable to assume that construction would take approximately as long as the timeframe presented for Alternative C because of the substantially similar program for development that includes new buildings along California and Laurel streets; a new subsurface parking garage; and adaptive reuse of the existing building (see Figure 6.5: Alternative C: Full Preservation – Residential Alternative Site Plan, on EIR p. 6.67 and RTC Figure 5.H.1: LHIA Alternative Site Plan, above on p. 5.H.57).

A comment related to transportation issues contrasts the number of truckloads of demolition and excavation materials needed for the proposed project or project variant (stated as 32,000 in the comment) with an estimated number for the LHIA Alternative, presented in the comment as 9,000 (see Comments under TR-6, Construction Impacts, on RTC p. 5.E.57). It is not clear how either of the values in this comment were developed. However, it is not necessarily accurate to assume that because the LHIA Alternative would develop 4 new buildings (or up to 30 buildings as the California Front and Back buildings are characterized as multiple structures within the comment letter) rather than the 11 included in the proposed project and project variant, the number of truckloads of material hauled off site from excavation and demolition would be proportionally smaller. Excavation for garages and building foundations would generate the majority of the materials to be hauled off site. While the likely depth and horizontal extent of excavation needed for the subsurface garage and building foundations in the LHIA Alternative is not known, there is no reason to assume that it would be proportional to the number of new buildings planned. The amount of excavation for Alternative C, Full Preservation – Residential Alternative, would be substantially less than for the proposed project or project variant because the parking garages and buildings on the south side of the project site would not be constructed. It is reasonable to assume that the amount of excavation for the LHIA Alternative would be similar to that for Alternative C.

A comment related to loading facilities contrasts the LHIA Alternative with no on-street loading to the proposed project and project variant that include on-street freight loading on California Street and several passenger loading zones at various locations around the site (see responses to loading comments under Response TR-10, Loading, starting on RTC p. 5.E.91. As explained in the EIR, while the proposed project and project variant would fully satisfy loading demand for the project site in the off-street loading area of the California Street Garage, delivery vehicles could concentrate near the uses they would serve, resulting in the possibility of double-parking along the western end of California Street for the ground-floor retail uses proposed to be located there (see EIR p. 4.C.96). An on-street yellow curb freight loading zone would avoid the potential for

occasional double-parked delivery vehicles. The LHIA Alternative would not include any ground-floor retail space along California Street; therefore, there would be no need for an on-street freight loading area.

Comments assert that the Historic Preservation Commission supports inclusion of the LHIA Alternative as an EIR alternative. The LHIA Alternative was not presented at the December 5, 2018 Historic Preservation Commission meeting or at the December 13, 2018 Planning Commission hearing on the draft EIR. As stated in the letter from Andrew Wolfram, President of the Historic Preservation Commission, dated December 11, 2018 (Letter A-HPC in RTC Attachment B), “The HPC agreed that the DEIR analyzed a reasonable and appropriate range of preservation alternatives to address historic resource impacts. The HPC expressed interest in understanding more about a ‘neighborhood alternative’ that was discussed by the public during public comment at the hearing.” Thus, the San Francisco Historic Preservation Commission has not expressed support for inclusion of the LHIA Alternative as an EIR Alternative, as demonstrated by their December 11, 2018 draft EIR comment letter to the planning commission.

Approval of the Proposed Project or Variant

A comment asserts that, under CEQA, the City may not approve the proposed project/variant when a feasible alternative is available that would avoid or substantially reduce the project’s significant impact on scenic resources and calls for approval of an alternative that would preserve existing landscaping.

CEQA Guidelines section 15091(a), provides that,

No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

Among the possible findings relevant to the proposed project and variant are that,

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

As such, to approve the proposed project or project variant or any of the alternatives in place of the proposed project or project variant, the decision-makers are required to adopt findings related to the feasibility of each rejected alternative.

COMMENT AL-3: EIR ALTERNATIVE C: FULL PRESERVATION – RESIDENTIAL ALTERNATIVE

“• The HPC also supported combining some elements of the different alternatives in order to increase the amount of housing in the Full Preservation Alternative C. Commissioner Hyland specifically requested that Alternative C incorporate some elements from alternatives B and D such as increased building heights along California Street (up to 65 feet), the conversion of some areas of office or retail to residential use, and the incorporation of duplexes along Laurel Street.” (*Andrew Wolfram, President, San Francisco Historic Preservation Commission, Letter, December 11, 2018 [A-HPC-5]* and *Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, January 8, 2019 O-LHIA4-10*)

“2. ALTERNATIVE C: FULL PRESERVATION RESIDENTIAL ALTERNATIVE

There is also a new alternative in the Draft EIR (DEIR) which was not presented to the Architectural Review Committee of the San Francisco Historic Preservation Commission on March 21, 2018.

DEIR Alternative C: Full Preservation Residential Alternative would have 534 residential units plus 44,306 gsf of retail uses. DEIR p. 6.13. Please note that some of the proposed retail uses under this Alternative can be converted to residential uses to add 24 more residential units in order to match the 558 residential units in the proposed project. The DEIR unreasonably configured this alternative to have 24 less residential units than the project, in order to provide a false pretext for its rejection.

Alternative C would not divide the existing office building with a 40-foot-wide pathway, demolish the south wing of the building or destroy the Eckbo Terrace and majority of the historically-significant landscaping. (See Attachment B hereto - Alternative C Site Plan from DEIR p. 6.67) This alternative would also have 14,650 gsf of daycare uses. *Ibid.*

According to the DEIR, Alternative C would retain most of the existing office building’s character-defining features and many of the character-defining features of the site and landscape. DEIR p. 6.78. It is unclear what the DEIR means by stating that “the glass curtain wall system would be replaced with a system compatible with the historic resource,” as the DEIR only states that the replacement would be “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 pp. 6.77-6.78. Illustrations do not appear to have been provided. It is also unclear what the DEIR means by stating that the proposed one-story vertical addition (12-foot tall) “would appear visually subordinate to the historic portion of the building” and that “the new rooftop addition would distinguish it from the original building yet be compatible with Midcentury Modern design principles.” DEIR pp. 6.77-6.79. Illustrations do not appear to have been provided. The Final EIR should explain exactly what is meant by these two items so that their impact on the character-defining features of the resource can be determined.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, December 5, 2018 [O-LHIA1-6]*)

“In the alternative, this Commission should propose that Alternative C be modified so that no portion of the exterior of the existing office building be removed or expanded and that 24 additional residential units be constructed in the space allocated for 44,306 gsf of retail uses in

Alternative C so that the total number of residential uses in Alternative C would match the 558 units in the proposed project and 744 units in the project variant.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., letter, December 5, 2018 [O-LHIA1-11]*)

“Alternative C, their preservation alternative, has 26 less housing units and it's unreasonably configured to have less.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc, Draft EIR Hearing Transcript and Handout, December 13, 2018, p. 46 [O-LHIA3-9]*)

“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 Preservation -Residential Alternative would have 24 fewer residential units than the proposed Project and 210 fewer units than the proposed Project Variant. DEIR p. 6.75. Based on this discrepancy and other characteristics of the alternatives described in the DEIR, the Draft EIR failed to present a reasonable range of alternatives for evaluation in the DEIR.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Letter, January 8, 2019 [O-LHIA4-2]*)

“Also, DEIR Alternatives B and C would retain the existing landscaped areas largely in their present form and avoid this significant impact on public vistas. DEIR 6.35 and 6.67.

Under CEQA, the City may not approve the Proposed Project/Variant, because a feasible alternative is available that would avoid or substantially reduce the project’s significant impact upon scenic resources.

Mitigation Measure: Approve an alternative that would preserve the existing landscaped areas surrounding the main building on the southern and western portions of the site in their present form and do not locate any new construction on these areas.”

(*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi3-7]*)

“The DEIR claims that alterations that are not entirely in conformance with *The Secretary of Interior’s Standards for the Treatment of Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (Secretary’s Standards) may, or may not result in a significant impact under the “material impairment” significance standard of CEQA Guidelines Section 15064.5(b)(1). DEIR p.

However, Rehabilitation Standard 6 states that “deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. DEIR p. 6.11. The DEIR states that if there are character-defining features identified in the preservation alternatives that would be retained, they would be repaired or replaced in

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conformance with Standard 6. *Ibid.* However, this claim is inaccurate because Alternative C would not replace the glass curtain walls with new windows that match the old in design, color, texture and materials.” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi3-19]*)

“Alternative C: Full Preservation -Residential Alternative

Alternative C demolishes the Annex building and concludes that the character-defining features of the existing building are “mostly retained.” DEIR p. 6.65. Site and landscape features contributing to the corporate campus setting are mostly retained. Most prominent views of the project site are retained with minimal change. *Ibid.*

The DEIR unreasonably configured Alternative C: Full Preservation -Residential Alternative to have 534 residential units and 44,306 square feet of ground-floor retail space. Alternative C would have 24 less residential units than the proposed project, but if reasonably configured would construct 24 residential units in some of the ground-floor space proposed for retail uses.

Alternative C is also unreasonably configured to have a new exit-only driveway onto Masonic Avenue near the intersection with Pine Street for the California Street Garage and the retained parking garage under the adaptively reused building (residential, retail, commercial, daycare, and car-share parking spaces). This exit near the intersection of Masonic with Pine Street would create a potential traffic hazard on a Major Arterial that serves substantial traffic in the P.M. peak hour. This Alternative unreasonably bars automobiles from exiting on Presidio Avenue, which is one of the principal means of egress from the existing underground garage, while Alternative C has three exits onto Laurel Street. DEIR p. 6.71. A reasonable configuration of Alternative C would allow automobile ingress and egress from all existing points of entry that are retained.

The DEIR inaccurately claims that under Alternative C, pedestrians would not be able to travel through the site to, or access the site from, Masonic and Euclid avenues. DEIR p. 6.73. As previously stated herein, there is an existing north south passageway through the main building that leads from the northern entrance of the building, through the building, opens onto the Eckbo Terrace and leads to Masonic and Euclid avenues, which can be marked with signage as open to the public.

The DEIR states that under Alternative C, solid waste would be collected at the off-street refuse staging area adjacent to the off-street freight loading dock in the California Street Garage and compacted for offsite transport. DEIR 6.74. The DEIR’s meaning is unclear. Please clarify whether the proposed off-street refuse and staging area and the adjacent off-street freight loading dock would both be located inside the proposed garage.

As to construction duration, how much time would it take to construct the first phase of Alternative C described at DEIR p. 6.75 (consisting of 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)? How much time would it take to construct the second phase of Alternative C described at DEIR p. 6.75 (consisting of 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 DEIR p. 6.75 states that as with the proposed project or project variant excavation under Alternative C would extend to a depth of approximately 40 feet below ground surface and would encounter bedrock, and site disturbance would occur in an area of know soil and groundwater contaminants from historic uses. Under the proposed project, project variant and Alternative C,

please describe which portions of the site would be excavated to a depth of approximately 40 feet below ground surface, which portions of the site would be occupied by underground levels, and state the number of levels of underground garage or other underground structure that would be constructed in each location. It appears from the DEIR that excavation to a depth of approximately 40 feet below ground surface that would encounter bedrock would occur in locations other than under the proposed Walnut building. Also, how long do you expect that it would take to remediate the known soil and groundwater contaminants from historic uses and explain what is known to date about the potential methods of remediation and provide all writings describing the potential methods and duration of remediation and measures that would be taken to protect the public from exposure.

In addition, what is the estimated cost of demolishing the northerly extension of the east wing of the existing office building, repairing and/or supporting the remaining structure in this location, and the estimated duration of that demolition? Also, what is the estimated cost of dividing the existing main building and its southern wing (including any reinforcement needed)? What is the estimated cost of strengthening the existing main building to be able to support additional stories? Note that this information is relevant to the feasibility of alternatives. Alternative C is also unreasonably configured because it would have 210 fewer residential units than the project variant. A variant of Alternative C could have been developed that constructed residential units in some of the space that Alternative C proposes to use for retail uses.

Please explain why Alternative C would allegedly provide fewer activated neighborhood-friendly spaces along the adjacent streets than the proposed project or project variant. DEIR p. 6.75. Please explain how Alternative C would provide a high quality and varied architectural and landscape design, utilizing the site's topography and other unique characteristics. DEIR p. 6.75. The information provided in the DEIR does not explain this statement. Please explain how Alternative C would construct some open spaces such as the plazas and Mayfair Walk that would be usable to project residents and the public, but not as many as the proposed project or project variant. DEIR p. 6.75. Please explain how Alternative C would partially meet Objective C by providing code-required open space and how each component of such space could be used for recreational purposes.

The DEIR fails to acknowledge at p. 6.76 that Alternative C would retain the views of prominent character-defining features of the property. Alternative C would retain public vistas from the landscaped green spaces along Euclid Avenue and Laurel Street to the integrated window-walled building and to the Downtown and other areas of the City, which are also prominent character-defining features of the property. So are views of large trees and other landscaping visible from the public ways.

Please explain exactly what the EIR means by replacing the existing glass curtain wall system with "compatible residential window wall system," how the new system would be different, and whether the system would retain the geometric patterns which the existing window walls have. DEIR p. 6.76. The DEIR only states that the replacement windows would have "small panes divided by a mullion and muntins."

Also, please explain the nature of the materials proposed for the vertical addition in Alternative C that would appear visually subordinate to the historic portion of the building. DEIR, pp. 6.77-78. Please explain the nature of the contemporary design that would distinguish the proposed rooftop addition from the original building.

The DEIR states at p. 6.77 that under Alternative C, the rooftop mechanical penthouse would be removed. Please explain the location at which such equipment would be relocated including whether it would be on the exterior of the building and the nature of the equipment. DEIR p. 6.78

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states that the existing mechanical penthouse would be replaced, and if replacement on the rooftop is intended, please explain the proposed location of the replacement and the location, height and materials proposed to be used in any proposed screening.

The DEIR inaccurately neglects to mention that under Alternative C, the existing green spaces and lawns used by the public that run along Laurel Street and the landscaped beds along Laurel Street would be retained in addition to such areas along Euclid Avenue, although the drawing on DEIR p. 6.72 shows that these areas would be retained except for the area at which the new proposed Mayfair Building would be constructed.

At page 6.77, the DEIR states that under Alternative C, the proposed addition would increase the height of the existing building (by approximately 12 feet for a total height of approximately 67 feet), but at page 6.78, it describes the addition as a **“two-story, stepped vertical addition.”** (Emphasis added) Please clarify this discrepancy and confirm that under Alternative C, the proposed addition would be one-story and state the amount of additional height that it would have.

The DEIR inaccurately claims that the best examples of the integration of the character-defining features of the site occur on the southern and eastern portions of the site, whereas elsewhere, it identifies the concrete pergola and landscaped beds along Laurel Street as character-defining features. DEIR p. 6.80. The DEIR fails to acknowledge that the landscaping along Laurel Street is also integrated with the main building.

Alternative C is unreasonably configured because the DEIR lacks any explanation or justification for the conclusion that Alternative C would provide retail parking at a higher rate per square footage of retail space than the proposed project and project variant, respectively. DEIR p. 6.82. The proposed project would provide 54,117 square feet of retail uses, but Alternative C would provide only 44,306 gsf of retail space. Please explain why Alternative C could not provide retail parking at the same rate per square footage of retail as the proposed project and project variant, respectively.

Also, the DEIR inaccurately claims at page 6.85 that pedestrians would not be able to travel through the site to Masonic and Euclid Avenues because the southern half of the north-south Walnut Walk would not be developed. As previously explained, there is an existing pathway that runs through the office building and opens onto the Eckbo Terrace and runs therefrom to Masonic and Euclid avenues through a gate. Signage could identify this passageway as a public thoroughway. Also, pedestrians can travel through the Walnut gate and through the site and exit onto Mayfair or Laurel streets. The same comments apply to bicycle access under Alternative C.

DEIR p. 6.97 states that all new construction would be subject to the “Historical Building codes.” Please explain exactly what codes are meant by this statement and please provide citations to all such applicable codes.” (*Kathryn Devincenzi, Letter, January 8, 2019 [I-Devincenzi3-21]*)

“Again, we are not opposed to developing this site, but the project as it stands is not reasonable and we strongly oppose it and urge you to work with the developer on a version that scales down the number of units, the retail, and the construction timeframe to 3-5 years at most.” (*David Goldbrenner and Zhenya Fridlyand, Email, December 18, 2018 [I-Goldbrenner2-4]*)

“5. The new Draft EIR Full Preservation Residential Alternative has 24 less residential units than the project. I recommend that some of the 44,306 square feet of retail in this Alternative be used for 24 residential units so the Alternative has the same number of residential units as the

proposed project. This Alternative would have retail along California Street but not also at Euclid, which the proposed project would have. The applicant should explain the exact type of replacement windows proposed and why the proposed new rooftop addition would distinguish it from the original building yet be compatible with Midcentury Modern design principles.” (*Marie McNulty, Letter, December 18, 2018 [I-McNulty-3]*)

“Draft EIR Full Preservation Alternative C was unreasonably configured to have 26 less housing units than the project and 44,306 square feet of retail, which can be converted to housing to match the number of housing units in the proposed project.” (*Anne Neill, Email, December 12, 2018 [I-Neill-9]*)

“3. We recommend that some of the 44,306 square feet of retail in this Alternative be used for 24 residential units so the Alternative has the same number of residential units as the proposed project. This Alternative would have retail along California Street but not also at Euclid, which the proposed project would have. Additionally, the applicant should explain the exact type of replacement windows proposed and why the proposed “new rooftop addition” that would distinguish it from the original building yet be compatible with Midcentury Modern design principles.” (*Zarin Randeria, Email, December 3, 2018 [I-Randeria1-3]*)

“It should be noted that the DEIR Full Preservation Alternative C shows 26 fewer housing units than the Project and 44,306 square feet of retail, which we already thought was planned to be converted to housing to match the number of housing units in the proposed project.” (*Victoria Underwood, Letter, December 12, 2018 [I-UnderwoodV2-4]*)

RESPONSE AL-3: EIR ALTERNATIVE C: FULL PRESERVATION – RESIDENTIAL ALTERNATIVE

Comments question the adequacy of Alternative C: Full Preservation – Residential Alternative, as presented and analyzed in the EIR. Comments question the number of residential units included; question whether appropriate character-defining features are retained; suggest removing ground-floor retail uses; question various aspects of the site layout under Alternative C; and ask about construction phasing and duration under this alternative.

None of the comments present evidence that the analysis of Alternative C was inadequate or that the alternative would have significant impacts not identified in the EIR. To the extent that comments embody, by comparison, a comment on the adequacy of the range of alternatives studied in the EIR, a response to such comments is found in Response AL-1: Range of Alternatives. To the extent that comments reflect, by comparison, support for inclusion of the LHIA Alternative in the EIR and/or support its adoption as the future development scheme for the project site, a response to such comments is found in Response AL-2: LHIA Alternative. Additionally, responses to comments that express a preference for a scaled-down version of the proposed development and/or concerns with the construction duration are found in Response ME-1: Merits of the Proposed Project and Response PD-1: Construction Duration, Phasing and

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Staging, and Development Agreement on p. 5.L.6 and pp. 5.B.9-5.B.15, respectively. All of the alternatives analyzed in detail in EIR Chapter 6, Alternatives, present some level of scaled-down versions of the proposed project or project variant, in that all have fewer square feet and less retail than the proposed project or project variant.

Number of Residential Units under Alternative C

Comments assert that Alternative C, Full Preservation – Residential Alternative, with 534 residential units, unreasonably provides 24 fewer residential units than the proposed project.

The number of units in Alternative C is somewhat restricted compared to the number in the proposed project because new construction under this alternative is limited to the northern portion of the project site to preserve the existing primary views of the site from the east, south, and west and to retain character-defining features on the east and south sides of the site. The number of units is also affected by the inclusion of a retail component that, while reduced, includes an amount consistent with project objectives related to redeveloping the site as a mixed-use community (see EIR p. 2.12). As explained in Response AL-1 above, the preservation alternatives were developed based in part on input from the Architectural Review Committee (ARC) of the Historic Preservation Commission, including increasing the height limit for some portion of the buildings fronting California Street (see also EIR p. 6.7 that acknowledges this ARC suggestion). The Walnut Building in Alternative C would be 67 feet tall, as recommended by the ARC. This additional height allows for additional residential units while maintaining ground-floor retail space, meeting the project objectives to provide a mixed-use community.

Alternative C accommodates over 95 percent of the residential units that would be provided under the proposed project. As such, it reasonably accommodates a comparable, though not precisely equal, number of residential units as the proposed project. No analysis of an additional alternative that exactly matches the unit count under the proposed project is required.

Retention and Replacement of Character-Defining Features

Comments dispute that character-defining features of the project site would be mostly retained under Alternative C. In particular, comments assert that the rooftop addition and window replacement under Alternative C would not retain the architectural character of the office building and its character-defining features. Comments request specific design details for Alternative C, including details about the window wall replacement for the existing office building, the design of the vertical addition, the landscape design, and the placement of the mechanical penthouse.

Under CEQA Guidelines section 15126.6(d), “The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project.” The requested specific design information for Alternative C is not necessary for

meaningful evaluation and comparison with the proposed project or project variant. CEQA does not require a fully designed alternative scheme for presentation in the EIR. The EIR's description of Alternative C provides reasonable and adequate parameters for redevelopment of the project site that could feasibly avoid a significant impact on the historical resource under CEQA while allowing for adaptive reuse of the resource, and provides sufficient information to allow a determination as to whether the alternative would result in any significant environmental impacts.

Changes to the project site would be required under Alternative C to facilitate the adaptive reuse of the existing office building for residential use and to maximize its development potential within the project site (see discussion above, on RTC p. 5.H.76, where comments assert that Alternative C includes *too few* residential units). An adaptive reuse project that proposes a modest vertical addition set back from the retained and rehabilitated structure, and that also is compatible with, and does not merely mimic, the architectural vocabulary and material palette of the historic structure, is generally considered to be, on balance, in compliance with the secretary's standards. Thus, a constrained and strictly construed approach to adaptive reuse of historic structures in formulating preservation alternatives, as suggested in the comment, with no balancing among the various provisions of the secretary's standards and other preservation policies, would unnecessarily limit consideration of feasible alternatives to the proposed project. The inclusion of Alternative C, as presented, is appropriate in the context of a residential development because such a proposal could better attain a project objective such as maximizing housing than one that precludes any vertical additions.

The EIR presents substantial evidence that existing character-defining features of the project site would be mostly retained under Alternative C on EIR pp. 6.76-6.78. The analysis there lists the character-defining features of the existing office building and the site and landscaping, and identifies those features that would be retained, those that would be replaced, and those that would be demolished under the proposed project or its variant and each alternative, including Alternative C. On EIR pp. 6.80-6.81 the analysis concludes that because most of the character-defining features of the existing building would be retained and/or rehabilitated, and many of the character-defining features of the site and landscape would be retained, the property would continue to convey its historic significance, and the alternative would not have a significant impact on the historic resource. A comment states that the EIR does not acknowledge that Alternative C would retain views of character-defining features of the property. The historic resource is most visible from public locations including Pine Street and Presidio and Masonic avenues; these views were considered when defining the alternatives to be evaluated in the EIR and most would be retained in Alternative C. Views from the project site of downtown or other similar vistas are not character-defining features, contrary to statements made in comments. Thus, preserving views *from* the project site was not considered in the historic resources analysis leading to the conclusion regarding the significant impacts of the proposed project or its variant. The conclusion that Alternative C would reduce the proposed project's and project variant's

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significant impact on the historic resource to a less-than-significant level was based on its retention and/or preservation of many of the identified character-defining features of both the existing building and its site and landscape, including public views of the site and building from Pine Street, Presidio Avenue and Masonic Avenue. The analysis and conclusions appropriately did not consider any views *from* the project site.

A comment correctly states that the annex building would be demolished and the character-defining features would be mostly retained in Alternative C. As explained in EIR Section 4.B, Cultural Resources, the planning department’s Historic Resource Evaluation Response determined that the annex building and circular garage ramp structures are not character-defining features (see EIR pp. 4.B.25). Therefore, Alternative C remains a “full preservation” alternative without retaining the annex building and circular garage ramp structures. Alternative B: Full Preservation – Office Alternative would retain the annex building and adjacent brick wall and the circular garage ramp structures, and therefore addresses the statements in the commenter’s National Register Nomination Form, prepared privately by Michael Corbett and Denise Bradley, that the annex building and circular garage ramp structures are among the site’s character-defining features (see also EIR pp. 6.7-6.8).

A comment states that Alternative C only partially complies with Standards 2, 5, 9, and is not in compliance with Standard 10. As discussed in EIR Chapter 6, on pp. 6.78-6.80, and contrary to what the comment states, Alternative C is in conformance with Standards 2, 5, 9, and 10 as described below.¹⁰

The comment states that Alternative C is less compliant with Standard 2 than the LHIA Alternative due to the fact that the main building would have a one-story addition and the building’s glass curtain wall would be replaced. The comment states it is unclear that the vertical addition would be compatible with the existing building. However, the EIR clearly states that the one-story vertical addition would have a 15-foot setback from the east, west, and south elevations, would feature a contemporary design with steel and glazing, and would be visually subordinate in relation to the overall size of the existing office building (see EIR p. 6.31). Based on input from the Architectural Review Committee, a north setback was not incorporated as it was determined that other views of the identified resource were more important (as summarized on EIR p. 6.7, it is for this reason that Alternative C would focus development on the northern portion of the site).¹¹ The addition as proposed would be visually subordinate to the historic

¹⁰ U. S. Department of the Interior, National Park Service (Kay D. Weeks and Anne E. Grimmer), *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstruction of Historic Buildings*, 1995, updated 2017, p. 2, <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>, accessed July 26, 2019.

¹¹ San Francisco Planning Department, Meeting Summary for Architectural Review Committee of the Historic Preservation Commission re: Review and Comment for 3333 California Street Preservation Alternatives for Draft EIR, Case No. 2015-014028ENV, April 5, 2018.

resource after analyzing sight line studies from the most prominent viewpoints, as demonstrated in EIR Figure 6.6, Alternative C: Full Preservation – Residential Alternative Building Massing, on EIR p. 6.69. Additionally, the contemporary design of the addition in steel and glazing would be visually compatible with the historic resource which features a simple glass curtain wall on most elevations.

Although Alternative C would include removal and replacement of the glass curtain wall with a system that would be compatible with residential use to incorporate more operable panes, it has always been anticipated that the new proposed glass curtain wall would be compatible with the character of the existing glass curtain wall. The historic resource contains a relatively simple fenestration system of an aluminum frame glass curtain wall with a pattern of muntins and mullions. While it was identified as a character-defining feature of the resource, the glass curtain wall is not a precious irreplaceable window such as a stained-glass window or a leaded glass window, and does not represent unique craftsmanship in its design or installation. It instead represents a modern technological innovation of mass-produced products that became commonplace for buildings of this type and period and continues to be produced on an industrial scale. Furthermore, the existing glass curtain wall has seen alterations that include tinting of the windows and spandrel panels between 1984 and 1985 (see integrity analysis on EIR p. 4.B.20), so while the glass curtain wall may be original, it has seen alterations and modifications over time. For this reason, a one-story vertical addition and compatible replacement of the glass curtain wall would be fully consistent with Standard 2.

The comment also states that the proposal to replace the glass curtain wall and add a vertical addition would impact the building's horizontality and is therefore not fully in compliance with Standard 5. See the above explanation as to why the vertical addition is compatible with the character of the resource based on sightline studies.

The comment states that Alternative C would not meet Standard 9 because “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.” The comment does not explain how this relates to Alternative C's impacts on known historic resources or renders Alternative C out of conformity with the identified historic resource. None of the properties on the north side of California Street have been identified as historic resources so it is irrelevant whether Alternative C is compatible with the massing of the properties across the street. The comment does not explain why Alternative C is not in conformance with Standard 9.

The comment states that due to the inclusion of a one-story addition and removal of the glass curtain wall it is “difficult to see how the original form and integrity of the property could be returned if the changes were reversed.” However, it must be understood that the Standard 10 analysis under Alternative C evaluates the alternative as it would affect the 10.25-acre resource in its entirety, not just the individual main office building. Under Alternative C the development on

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the site was focused along California Street and the northern portion of Laurel Street so as to keep the remaining site and landscape features intact. If Alternative C were to be removed in the future, these important landscape features would remain. Furthermore, it is not inconceivable that the vertical addition could be removed in the future without compromising the integrity of the main building. The glass curtain wall could be replaced to match the original glass curtain wall exactly, and the main building's essential form and integrity would be unimpaired. Therefore, Alternative C would be in conformance with Standard 10.

As explained in more detail in the preceding paragraphs, comments assert that Alternative C would be only in partial conformance with some of the secretary's standards. Alternative C would, however, be in conformance with the secretary's standards with regard to the project site in its entirety, a 10.25-acre site with buildings and landscaping, the majority of which would be retained, repaired or replaced. The EIR, on pp. 6.78-6.80, provides a detailed analysis of how Alternative C would meet the secretary's standards, focusing on how replacing the existing glass curtain wall system with one compatible with the historic resource would conform with Standards 1, 2, and 5, and how the single-story rooftop addition to the office building and demolition of a small part of the building would conform with Standards 9 and 10. The alternative was found to be in overall conformance with the secretary's standards. The conclusion is based on the overarching intent of the rehabilitation standards, which balances new construction and alterations with retention of character-defining features.

Further, the commenter requests that the EIR provide a detailed description or illustrations of the proposed one-story vertical addition to the existing office building in Alternative C. As discussed above, a detailed analysis of how Alternative C would meet the secretary's standards is provided on EIR pp. 6.78-6.80. The analysis concludes that the property under Alternative C would, on balance, continue to convey its historic and architectural significance as a Midcentury Modern-designed corporate campus and thus meeting the secretary's standards. No additional descriptions or illustrations of the proposed one-story vertical addition are required to be included in the EIR.

The commenter asserts that Alternative C would not meet Standard 6 because Alternative C could replace, rather than repair, the existing glass curtain walls, or could replace the existing glass curtain walls with new windows that do not match the old in design, color, texture and materials. The secretary's standards are advisory, and not regulatory or technical, standards. The preamble to the secretary's standards states that these standards "are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility." A project is evaluated against the secretary's standards on an on-balance approach. As discussed on EIR on p.6.79, the glass curtain wall system would be replaced with a residential-based design that would still be compatible with the character of the existing windows under Alternative C. Standard 6 does allow for replacement of materials and for this reason, Alternative C would, on balance, meet the secretary's standards as discussed above.

The commenter states that the draft EIR neglects to mention that the existing green space along Laurel Street and Euclid Avenue would be retained under Alternative C. The statement is incorrect. As discussed on EIR p. 66 and shown on Figure 6.5, Alternative C: Full Preservation – Residential Alternative Site Plan, on EIR p. 6.67, the EIR clearly shows the existing greenspace along Laurel Street and Euclid Avenue that would be retained under Alternative C and the existing greenspace that would be removed due to the construction of the proposed Mayfair Building. The commenter also asserts that the draft EIR fails to acknowledge that the landscaping along Laurel Street is also integrated with the main building because it claims that the best examples of the integration of the character-defining features of the site occur on the southern and eastern portions of the site on p.6.80. Contrary to the assertion, the EIR acknowledges that the landscaping along Laurel Street is integrated with the main building. See EIR pp. 4.B.15-4.B.16.

As such, Alternative C would allow for the adaptive reuse of a project site from its original and current use as an office park complex, to a mixed-use residential community that complies, on balance, with the secretary’s standards. The secretary’s standards recognize that the standards should be applied with flexibility to allow for adaptive reuse of historic buildings for new purposes. The preface to the secretary’s standards states “The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.”¹²

The EIR concludes on pp. 6.80-6.81 that Alternative C would not result in a substantial adverse change in the significance of an historical resource. Rather, Alternative C would retain and/or rehabilitate most of the character-defining features of the existing building and retain many of the character-defining features of the site and landscape. As such, it would preserve the ability of the property to convey its historic and architectural significance as a Midcentury Modern-designed corporate campus overall.

The comments overall do not provide substantial evidence that the alternative would fail to conform to the secretary’s standards.

Residential Variant to Alternative C

Comments express support for eliminating the ground-floor retail component (44,306 gross square feet) under Alternative C and replacing it with residential units to match the number of residential units under the proposed project. Comments state that retail uses are currently not permitted within the project site. Converting this amount of ground floor space to residential use

¹² U. S. Department of the Interior, National Park Service (Kay D. Weeks and Anne E. Grimmer), *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstruction of Historic Buildings*, 1995, updated 2017, p. 2, <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>, accessed July 26, 2019.

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could bring the total number of residential units closer to the 558 units included in the proposed project. Assuming that residential units could be accommodated within the ground-floor retail spaces under Alternative C, the mix of uses under the requested residential variant to Alternative C would not substantially satisfy the basic objectives to create a mixed-use community. The alternatives presented in the EIR provide a reasonable range of alternatives, with one alternative providing more residential units and same amount of retail space as Alternative C and another providing more units and less retail space. Alternative E: Partial Preservation – Residential Alternative, described on EIR pp. 6.135-6.145, would provide 588 units and 44,306 gross square feet of retail space (54 more units than Alternative C and the same amount of retail space). Alternative F: Code Conforming Alternative, described on EIR pp. 6.170-6.183, would provide 629 units and 14,995 gross square feet of retail (95 more units and 29,311 fewer gross square feet of retail space). Furthermore, the analyses of the proposed project and the alternatives provided in the EIR enable a general understanding of the physical effects of a residential variant of Alternative C.

The analysis of a preservation alternative that is not considerably different than the four preservation alternatives already included in the range of alternatives analyzed in the EIR (not including the No Project Alternative) is not required. Although replacing the retail component in Alternative C with residential uses would more fully meet the project objective related to the provision of housing, it would not meet the basic objectives related to the development of a mixed-use community. Likewise, replacing the retail component with additional residential units in Alternative C would not be any more effective than Alternative B: Full Preservation – Office Alternative or Alternative C in avoiding or substantially lessening any of the identified unmitigable impacts of the proposed project or project variant. Pursuant to CEQA Guidelines section 15126.6(f), the range of alternatives is governed by the rule of reason and inclusion of a residential variant to Alternative C is not required. These comments will be transmitted to decision-makers for their consideration.

Comments expressing a preference for this variant to Alternative C: Full Preservation – Residential Alternative, or some other vision for the project site, do not raise issues concerning the adequacy or accuracy of the EIR's coverage of environmental impacts under CEQA.

Other Issues Related to Alternative C

A number of specific questions about Alternative C were raised in the comments. They are summarized and addressed by subtopic here. None of these comments present evidence of new or substantially more severe impacts than those identified for the alternative in the analysis of Alternative C on EIR pp. 6.76-6.99, or make the analysis of alternatives in the EIR inadequate. No new mitigation measures would be required.

Location of Driveways

Comments assert that the location of driveways under Alternative C is unreasonably configured and would create potential hazards. The site access plan for Alternative C (Figure 6.7: Alternative C: Full Preservation Alternative – Residential Alternative Site Access, EIR p. 6.72) is based on that of the proposed project (Figure 2.22: Proposed Site Access, EIR p. 2.62) to the extent applicable under Alternative C, in order to maintain a reasonable basis for comparison between site access impacts under the proposed project (EIR pp. 4.C.81-4.C.83) and under Alternative C (EIR pp. 6.68-6.78). For both analyses, the EIR found no hazardous conditions. The comments do not present evidence that Alternative C is unreasonably configured or would result in any new significant impacts that have not been identified in the EIR. Since publication of the draft EIR the proposed project and its variant have been modified slightly to remove proposed curb cuts along Laurel Street and to decrease the width of the remaining proposed curb cuts on Laurel Street and the curb cut on Masonic Avenue. No other circulation changes were introduced. See RTC Section 2: Revisions and Clarifications to the Project Description and RTC Figure 2.22: Revised Project and Revised Variant Site Access on RTC p. 2.12.

Parking Rate

A comment asks why the parking rate for retail uses in Alternative C is higher than that for the proposed project and project variant as shown in Table 6.8 on EIR p. 6.83. While Alternative C would have fewer parking spaces than either the proposed project or project variant, the retail parking *rate* (that is, the number of parking spaces divided by the amount of retail square feet/1,000) would be slightly higher at 3.95/1,000 sq. ft. compared to 3.66/1,000 sq. ft. for the proposed project and 3.87/1,000 sq. ft. for the project variant. To reduce the parking rate to the same as that for the proposed project, Alternative C could provide 162 parking spaces, or 13 fewer than the 175 included. To reduce to the rate for the project variant, Alternative C could provide 171 parking spaces, or 4 fewer than proposed. Regardless, the parking rate for all three development scenarios would exceed the neighborhood parking rate for retail, and the same significant impact would occur. The somewhat larger rate would not result in a substantially more severe significant impact than that identified in the analysis of the proposed project or project variant, and the same mitigation measure would be applicable, as explained in the text on EIR p. 6.83. Since publication of the draft EIR the proposed project and its variant have been modified slightly to reduce the retail component of the development program and the associated parking spaces. As described in RTC Section 2, Revisions and Clarifications to the Project Description, pp. 2.7 and 2.10-2.11 and shown in RTC Tables 2.2 and 2.3 on RTC pp. 2.3 and 2.10, 60 parking spaces (originally proposed to replace the existing public parking available on the site) would be eliminated, and the retail parking for the proposed project and its variant would be reduced by 52 and 12 spaces, respectively, to 86 and 74 retail spaces.

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Pedestrian Travel Through Existing Project Site

Comments assert that the draft EIR inaccurately claims that pedestrians would not be able to travel through the site to, or access the site from, Masonic and Euclid avenues under Alternative C; and claim that the public would be able to travel through the site under Alternative C using an existing pathway that runs through the office building.

As described in the EIR, on pp. 2.15-2.16, existing internal pedestrian pathways provide access to and through the site from California Street to Laurel Street via entrances at Walnut Street and Laurel Street/Mayfair Drive. However, the existing building does not provide public access to or through the building; thus, direct and unfettered access from California Street to Masonic Avenue through the building and enclosed open space on the southeast side of the building is not and would not be possible under Alternative C. Alternative C would develop east-west access through the site with the proposed Mayfair Walk; and a portion of the proposed north-south connection would also be developed (the north portion of Walnut Walk and the roundabout). However, the southern portion of Walnut Walk that would connect with Euclid and Masonic avenues would not be developed, nor would a public pathway through the adaptively-reused building be developed, as suggested in the comment, given privacy and security concerns for the residential units in the adaptively reused building. As noted on EIR p. 6.75, Alternative C would only partially meet the project objective of extending the neighborhood urban pattern and street grid through the site in both north-south and east-west directions (Objective 4 in Table 6.3 on EIR p. 6.18). See also Response PD-4, on RTC p. 5.B.25, for a response related to existing access to and through the project site and limitation to public access.

Location of Mechanical Equipment

As noted in a comment, and similar to the proposed project and project variant, the existing rooftop mechanical equipment would be removed in Alternative C to accommodate the one-story addition (see EIR p. 6.68). Similar to the proposed project and project variant, new mechanical equipment would be needed for Alternative C and would be placed on the roof above the addition (see Chapter 2, Project Description, EIR p. 2.35). The mechanical equipment would not exceed the maximum height of 10 or 16 feet for permitted obstructions pursuant to planning code sections 260(b)(1)(A) or (B), as applicable, based on a height limit either above or below 65 feet. The mechanical equipment would not be an unusual feature on top of a multi-unit, multi-story building and would not result in new or substantially more severe significant environmental impacts.

Solid Waste Collection

A comment requests clarification as to solid waste collection under Alternative C. The off-street refuse staging area adjacent to the off-street freight loading dock would be located within the

California Street Garage (EIR p. 6.74), similar to the refuse staging area in the same garage for the proposed project or project variant (see EIR p. 2.78). Alternative C would also include curbside collection of refuse from the Mayfair Building on Laurel Street, similar to the proposed project or project variant.

Construction Phasing

A comment asks how much time would be needed to construct the first phase and second phase of Alternative C. As described on EIR p. 6.75, Alternative C would be constructed in approximately 5.5 years in two phases. The adaptive reuse of the existing building, i.e., Phase 1 of Alternative C would last approximately 2.5 years. Development along California Street, i.e. Phase 2 of Alternative C, would last approximately 3 years.

Underground Levels

A comment asks which portions of the site would be occupied by underground levels, and how many levels of underground garage or other underground structure would be constructed in each location. Underground levels for the Mayfair, Plaza A, Plaza B, and Walnut buildings under Alternative C are described on EIR p. 6-71 and are assumed to be similar to the California Street and Mayfair garages described for the corresponding buildings under the proposed project on EIR pp. 2.39-2.47 and pp. 2.56-2.61. Unlike the proposed project, Alternative C would retain 80 surface parking spaces near Laurel Street.

Site Remediation

A comment asks how long it would take to remediate the soil and groundwater contaminants and asks for information about hazards remediation. Information regarding the length of time for the remediation efforts is not required under CEQA. Remediation of the site, where determined to be necessary based on the site mitigation plan, would meet the environmental screening levels for residential development and would be overseen by the public health department. See initial study Section E.15, Hazards and Hazardous Materials, pp. 227-240, and EIR Section 4.F, Initial Study Supplement, pp. 4.F.2-4.F.14, for information about hazards within the project site and remediation and EIR pp. 6.97-6.98 for a summary of hazards removal for Alternative C. As noted there, the overall excavation for Alternative C would be more limited than for the proposed project or project variant, and therefore the amount of naturally occurring asbestos encountered would be expected to be less. As with the proposed project or project variant, compliance with all applicable state and local laws and regulations related to the management, transport, use and disposal of hazardous materials would ensure that impacts would continue to be less than significant. See also Response HZ-1: Exposure to Hazardous Materials on RTC pp. 5.J.120-5.J.125.

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Building Codes

A comment asks for clarification as to the application of the Historical Building Code to new construction and requests citations to the applicable codes. The sentence referred to in the comment is on EIR p. 6.97 and states in its entirety: “Additions to the existing building and all new construction would be subject to the San Francisco and/or Historical Building codes.” To clarify, new construction would be subject to the provisions of the San Francisco Building Code, which is the California Building Code and the Green Building Code (in California Code of Regulations Title 24 Part 2) with San Francisco’s adopted additions.¹³ Additions or modifications to the existing building could be subject to the California Historical Building Code¹⁴ if the building remains a historic resource, as in Alternative C, and if the property owner requests use of the Historical Building Code by the Department of Building Inspection during its plan review. Thus, new construction would not be allowed to use the Historical Building Code, but the project sponsor could choose to request use of that code for alterations to the historic building. In contrast, the Historical Building Code would not be applicable to the proposed project or project variant because the existing building would no longer be an historical resource.

Cost of Work

A comment asks for the estimated cost of work for the adaptive reuse of the existing office building under Alternative C. The estimated cost is unknown; however it is reasonable to assume that the cost would be substantially less than the cost of work for the adaptive reuse of the existing office building under the proposed project and variant, primarily because the existing building would not be divided in half. Although exact cost estimates are unknown, staff has determined that Alternative C is potentially feasible, and thus included it as an EIR alternative.

Accessible Open Space

A comment asks why Alternative C would provide less public open space than the proposed project and requests specific descriptions of the open spaces under Alternative C. As discussed on EIR p. 6.96, Alternative C would have a smaller development footprint and would retain more of the existing on-site open space than the proposed project or project variant, in particular the southern and eastern portions of the site where the most prominent features of the designed landscape are located. Under Alternative C the existing open space at Euclid Avenue and Laurel Street would remain; however, the open space at Masonic and Presidio avenues would be redeveloped with a garage exit driveway for the California Street Garage. Publicly accessible open spaces on the northern portion of the site would be developed and would not be substantially different than those in the proposed project

¹³ The San Francisco Building Code is available online at <https://sfdbi.org/codes>, accessed July 29, 2019.

¹⁴ The Historical Building Code is available online at https://codes.iccsafe.org/content/document/664?site_type=public, accessed July 29, 2019.

or project variant because the building footprints for the California Street buildings and the Mayfair Building would be the same. The EIR is required to provide sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project (CEQA Guidelines section 15126.6(d)). The requested precise design information for Alternative C is not necessary for meaningful evaluation and comparison with the proposed project or project variant. CEQA does not require that an EIR present a fully designed alternative scheme; rather, it must present sufficient detail about the alternative's proposed development program and physical environmental changes to allow for an analysis of the various CEQA topics.

A comment asserts that the EIR does not acknowledge retention of existing accessible open spaces and views of character-defining features from accessible green spaces at the perimeter of the project site along Euclid Avenue and Laurel Street. Retention of accessible open spaces and views of character-defining features over these accessible open spaces are covered in the EIR (see EIR p. 4.B.41) and were part of the alternatives scoping process that resulted in Alternatives B and C, both of which retain the design landscape and open space along Laurel Street and preserve views of the integrated landscape and building from the west (see EIR pp. 6.7-6.9 and 6.76-6.78). The list showing the disposition of character-defining features under Alternative C on EIR p. 6.77 states "Open area along Euclid Avenue and Laurel Street - Retained."

A comment asserts that the landscaped area along Laurel Street that includes the concrete pergola is integrated with the office building. The pergola along Laurel Street is identified in the EIR as a character-defining feature (see Figure 4.B.1: Character Defining Features of 3333 California Street on EIR p. 4.B.22). However, unlike landscaped open areas to the south and east of the office building, the pergola area to the west of the office building is separated from the office building by a paved driveway and parking. As such, the pergola area is less integrated with the office building than open spaces to the south and east of the office building.

Less Activated Neighborhood Friendly Space

A comment asks why Alternative C would provide "fewer activated neighborhood-friendly spaces along adjacent streets," citing EIR p. 6.75. The proposed ground-floor retail uses along California Street and the office use in the Walnut Building on California Street that are included in the proposed project would activate the adjacent sidewalks with visitors coming and going to and from those buildings. In addition, pedestrians would be able to walk through the site between Laurel and Pine streets on Mayfair Walk and into the site from California Street via the Cypress Steps and the portion of Walnut Walk extending from California Street to the adaptively-reused building at the center of the site, adding to the pedestrian activity on the site. By contrast, Alternative C would have less residential and retail space along California Street and would not have pedestrian access similar to Walnut Walk extending north-south all the way through the site because the existing building would not be separated. Rather than duplexes along Laurel Street with pedestrian entrances from the street, Alternative C would retain the existing driveway and

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parking lot. Therefore, the alternative would have less activated space adjacent to sidewalks around the site perimeter, as stated in the EIR.

One-Story Vertical Addition

A comment correctly identifies an error in the EIR regarding the one-story vertical addition to the office building included under Alternative C. The EIR, at the bottom of p. 6.78, incorrectly identifies a two-story vertical addition. The EIR text is corrected as follows (new text is double-underlined> and deleted text is shown in ~~strikerough~~):

Rehabilitation Standard 1 states that the “property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.” As described above, the glass curtain wall system would be replaced with a system compatible with the historic resource. Other changes to the building’s historic features would be minimal, i.e., ~~two~~ one-story, stepped vertical addition and removal of the northerly extension of the east wing.

This correction does not change any of the analyses or conclusions of the EIR.

5.I CUMULATIVE IMPACTS

Comments in this section relate to the issue of cumulative impacts as evaluated in the EIR and initial study. A corresponding response follows the grouped comments.

Documents and other information cited in this RTC section are available at the planning department offices as part of Case File No. 2015-014028ENV and electronically on the project's AB900 Record of Proceedings at <https://www.ab900record.com/3333cal>.

COMMENT CU-1: CUMULATIVE SETTING/PROJECT LIST

“By the same token, I would be interested in seeing the EIR address cumulative impact on construction phasing and construction realization in the corridor, with the public mentioning that the large Children’s Hospital’s complex is being taken down in 2019. The demolition of that site and construction of a very large project on that particular site definitely has interactive cumulative effects together with what’s intended here on the 3333 California Street site.” (*Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 78, December 13, 2018 [A-CPC-Moore-7]*)

“I spoke about cumulative construction effects for Children’s Hospital.” (*Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 80, December 13, 2018 [A-CPC-Moore-11]*)

“Also, to point out, we’re going to have a lot of action in that particular neighborhood because two blocks away in 2019 Children’s Hospital will be torn down and there will be 307 units developed there. So that’s something to consider, that we are not without new housing. Thank you.” (*M. J. Thomas, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript, pp. 51-52, December 13, 2018 [O-LHIA7-8]*)

“In addition to Prado’s proposal, there are three other large real estate projects already approved to be built in this same neighborhood over the next few years:

*A residential building (95 units) at the current site of the former Lucky Penny Restaurant at Geary and Masonic.

*A residential development (270 units), covering two and a half blocks at the current site of CPMC on California Street.

*A new housing development nearby on Sacramento Street.

Along with the Prado project, these will bring thousands of new residents to Laurel Heights in the coming years, so the YIMBY argument that there is no new housing in the Western Addition makes little sense once you take into account how many new buildings will be going up in our neighborhood simultaneously. In fact, in a recent petition drive at Laurel Village, over 800 residents signed the petition opposing the developer’s plan for ROC (retail, office, and commercial) space, and fully supporting a development consisting of new housing only.” (*Bill Cutler and Judy Doane, Email, January 5, 2019 [I-Cutler2-5]*)

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I. Cumulative Impacts

“Please include the 3637-3657 Sacramento Street Mixed Use Project in your cumulative projects analysis.” (*Brandon Ponce, Email, January 8, 2019 [I-Ponce-1]*)

RESPONSE CU-1: CUMULATIVE SETTING/PROJECT LIST

The comments request inclusion of certain projects in the cumulative impact analyses of the project, including the 3700 California Street project (referred to in comments as “Children’s Hospital”), the 2675 Geary Boulevard project (referred to in comments as “Lucky Penny”), and the 3637-3657 Sacramento Street project.

Cumulative analyses for all environmental topics are provided in the EIR together with the initial study. Two of the cited projects, the 3700 California Street project and the 2675 Geary Boulevard project, are included in the cumulative setting for the impact analyses in the initial study (pp. 94-99), and in the EIR (Section 4.A, pp. 4.A.6-4.A.13). However, the 3637-3657 Sacramento Street project was not part of the cumulative projects list.

As delineated in the City’s planning information map and database, the 3637-3657 Sacramento Street project is located on south side of Sacramento Street on the block surrounded by Sacramento, Spruce, Locust, and California streets. The project consists of two lots and would demolish a single-story, 75-space parking garage; a two-story, medical/dental office building with three surface parking spaces; and a three-story medical/dental office building (totaling approximately 13,000 square feet of existing medical office use).¹ The project would construct a four-story, 40-foot tall, mixed use building containing approximately 6,500 square feet of retail/commercial use, approximately 10,000 square feet of medical offices, 18 residential units (approximately 17,100 gross square feet) on the third and fourth floors, 51 parking spaces on two below-grade levels, and 35 class 1 and class 2 bicycle parking spaces. The planning department received a conditional use authorization application for the 3637-3657 Sacramento Street project in June 2014. On September 20, 2018, it was determined that the 3637-3657 Sacramento Street project qualified for a Class 32 categorical exemption for infill development under CEQA Guidelines section 15332 (Planning Department Case No. 2007.1347E); and one was issued by the planning department. Thus, the project was exempt from further CEQA environmental review. On November 8, 2018 the planning commission granted conditional use authorization with conditions for the project. An appeal of the department’s CEQA determination and conditional use authorization was filed on December 7, 2018. Public comments on the CEQA determination and the planning commission’s decision to grant conditional use authorization for this project were heard before the San Francisco

¹ A summary of the proposed conditional use authorization was provided to the Planning Commission for consideration on November 11, 2018, <http://commissions.sfplanning.org/cpcpackets/2007.1347CUAVAR.pdf>, accessed April 2, 2019.

Board of Supervisors on January 29, 2019; and on February 5, 2019 and February 12, 2019.^{2,3} At the February 5, 2019 hearing, the board upheld the categorical exemption determination. At the February 12, 2019 hearing, the conditional use authorization with planning department conditions was disapproved, and additional conditions were imposed by the board of supervisors and approved subject to adoption of written findings. The conditional use authorization with the new conditions (along with findings of consistency with the general plan and the eight priority policies) were approved on March 12, 2019.

The construction timeline for the 3637-3657 Sacramento Street project would be approximately 20 months; however, the start of construction is not known. The environmental analysis conducted for the 3637-3657 Sacramento Street project determined that it would have less-than-significant construction truck, construction noise, construction air quality, and water quality impacts. At buildout, it would introduce 18 new residential units, reduce existing medical office use by approximately 3,000 square feet, and introduce approximately 6,500 square feet of retail/commercial use (netting an increase of approximately 3,500 square feet of commercial use). As part of the Class 32 categorical exemption review, impacts on habitat for endangered, rare, or threatened species; operational impacts on transportation, transit, noise, and air quality; and demand on public services were determined to be less than significant.

Cumulative impacts of the identified projects are discussed throughout the EIR, including construction traffic (see Impact C-TR-1 on EIR pp. 4.C.101-4.C.102), noise (see Impact C-NO-1 on EIR pp. 4.D.68-4.D.70), and air quality (see EIR p. 4.E.66-4.E.72). As stated in Impacts C-TR-1, C-NO-1, C-AQ-1, and C-AQ-2, cumulative impacts associated with construction traffic, construction noise, and construction air quality were each determined to be less than significant. Other construction-related cumulative impacts were analyzed in initial study Section E, Evaluation of Environmental Effects, in their respective topics. The conclusions of the cumulative analyses provided for all topics either in the EIR or the initial study would not change with the addition of the 3637-3657 Sacramento Street project because it is a relatively small infill project that would not combine with impacts of other reasonably foreseeable projects to generate significant cumulative construction- or operation-related impacts.

Comments expressed general concern regarding the cumulative population impact of the projects identified. As stated in initial study Section E.2, Population and Housing, on pp. 120-123, the initial study evaluated a total of 900 new residential units including the proposed project (1,086 new residential units including the project variant) and 123,036 square feet of commercial space

² City and County of San Francisco Board of Supervisors, Motion M19-0016, Affirming the Categorical Exemption Determination - 3637-3657 Sacramento Street, February 5, 2019, available online at <https://sfbos.org/sites/default/files/m19-0016.pdf>, accessed May 21, 2019.

³ City and County of San Francisco Board of Supervisors, Motion M19-0049, Adoption of Findings Related to Conditional Use Authorization - 3637-3657 Sacramento Street Project, March 12, 2019, available online at <https://sfbos.org/sites/default/files/m19-0049.pdf>, accessed May 21, 2019.

5. Comments and Responses

I. Cumulative Impacts

including the proposed project (67,513 gross square feet in combination with the project variant). The impact of the proposed project or project variant in combination with these nearby projects with regard to increase in residential units and the resulting residential population was discussed on initial study pp. 120-123. As discussed on initial study p. 122, the increase in the number of residents and workers under the proposed project or project variant in combination with the reasonably foreseeable future projects would be less than significant and consistent with the total citywide growth projections; would not constitute substantial, unplanned growth; and would not require the expansion of roads, infrastructure or public services that would cause additional off-site physical changes to the environment. Furthermore, the cumulative projects, which have primarily housing and retail uses, would align with ABAG's criteria for focusing growth in areas with existing neighborhood-serving uses and infrastructure.

An increase of 18 residential units associated with the 3637-3657 Sacramento Street project would represent 2 percent of the cumulative residential growth analyzed (1 percent under the project variant) and 3,500 gross square feet of commercial use would represent 2 percent of cumulative employment growth analyzed (5 percent under the project variant) and would not substantially change the conclusions or analyses performed in the initial study or EIR, and no new or substantial increase in significant cumulative environmental impacts would be identified. For these reasons, impacts associated with increased population and employment were determined to be less than significant and would continue to be less than significant even with the inclusion of the 3637-3657 Sacramento Street project.

Comments express a general concern regarding the cumulative impact of the proposed project or its variant and the 3700 California Street project with respect to demolition and construction. The comment does not clarify what in particular the environmental analysis is missing. As stated in Impact C-TR-1, on EIR pp. 4.C.101-4.C.102, construction of the proposed 3700 California Street project is anticipated to run concurrently with construction of 3333 California Street and would commence around the same time; however, the 3700 California Street project is a smaller scale project and any contribution to cumulative construction activities would be minimal.

As stated in Impact C-NO-1, on EIR pp. 4.D.68-4.D.69, the 3700 California Street project is located more than 1,320 feet west of the project site and the nearest offsite noise-sensitive receptor in the direction of 3700 California Street is Receptor R5, representative of residential uses immediately north of the project site along the north side of California Street. As described on EIR p. 4.D.6-4.D.7, based on the City's noise level map this receptor is currently subject to high levels of traffic noise (70 dba or greater) from California Street and significant cumulative construction-related impacts would not be expected. Furthermore, haul traffic noise emissions from the proposed project or project variant would not be noticeable in a busy urban environment and the effects combined with those of the 3700 California Street project would not result in significant cumulative construction noise impacts. Lastly, as discussed under Impact C-AQ-2 on EIR pp. 4.E.70-4.E.72,

the 3700 California Street project would result in a net reduction in operational health risks from existing conditions, and quantitative modeling of cumulative construction impacts determined that proposed project or project variant plus existing background risks and cumulative development projects would not result in significant cumulative health risk impacts. These cumulative impacts would continue to be less than significant even with the inclusion of the 3637-3657 Sacramento Street project, given its location and relatively small scale.

5. Comments and Responses
I. Cumulative Impacts

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5.J INITIAL STUDY TOPICS

The initial study for this project was issued April 25, 2018, and public comments were received on the initial study. The EIR includes a section 4.F which provides information to supplement and clarify information presented in the initial study. During the public comment period for the draft EIR, comments were received on topics analyzed only in the initial study (EIR Appendix B), not in the EIR itself, as well as on initial study topics for which supplemental information was presented in EIR section 4.F. This section of the RTC addresses these comments and is organized by the following environmental topics:

- Population and Housing
- Greenhouse Gas Emissions
- Wind and Shadow
- Recreation
- Utilities and Service Systems
- Public Services
- Biological Resources
- Geology and Soils
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Energy Resources

Documents and other information cited in this RTC section are available at the planning department offices as part of Case File No. 2015-014028ENV and electronically on the project's AB900 Record of Proceedings at <https://www.ab900record.com/3333cal>.

POPULATION AND HOUSING

The comments in this subsection relate to the topic of Population and Housing evaluated in the initial study (EIR Appendix B, Section E.2). The comments are further grouped according to the following population and housing-related issues that the comments raise:

- PH-1, Housing Displacement
- PH-2, Population Growth and Effects on Infrastructure

A corresponding response follows each grouping of comments.

COMMENT PH-1: HOUSING DISPLACEMENT

“I’m committed to the people who made this city what it is, the creative people, the people who are being displaced from their housing. And the environmental impact that this is not having – it’s not displacing anyone. There’s no housing being lost to build this.” (*Ed Munnich, SF YIMBY Action, Draft EIR Hearing Transcript, pp. 64-65, December 13, 2018 [O-YIMBY2-4]*)

“Critically, unlike some other projects that have been proposed, no one would be displaced by new housing at 3333 California, since not a single rent-controlled or otherwise affordable housing unit would be lost. It is a win-win for the people of San Francisco.” (*Ed Munnich, Email, December 13, 2018 [I-Munnich-4]*)

RESPONSE PH-1: HOUSING DISPLACEMENT

The comments state that the project would not displace people or housing units. This is correct. As discussed in initial study Section E.2, Population and Housing, on p. 120, the project site does not contain existing housing units, and the approximately 1,200 employees associated with the UCSF Laurel Heights Campus would be relocated to another UCSF campus location in accordance with the 2014 UCSF Long Range Development Plan.

COMMENT PH-2: POPULATION GROWTH AND EFFECTS ON INFRASTRUCTURE

“8. The Determination that the Project Could Not Have Significant Growth-Inducing Impacts is Not Supported by Substantial Evidence.”

As required by section 15126.2(d) of the CEQA Guidelines, an EIR must consider the ways in which the proposed project could directly or indirectly foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Implementation of the proposed project would require numerous zoning changes to establish new land use controls for the project site. As previously discussed herein, retail and new office uses are not allowed by the existing zoning set forth in Resolution 4109, and the project would propose to construct housing units in excess of the approximately 508 housing units allowed under Resolution 4109. The zoning changes sought and resulting land uses would change the mix and types of land uses that could be developed on the project site, and would allow for increased building heights and density.

The EIR should analyze whether the proposed project and project variant would result in residential development at a greater average housing density per acre than currently exists on the project site or in the immediate project vicinity.

Also, implementation of the proposed project would include the expansion of infrastructure for the provision of new or expanded distribution lines for water, gas and electrical service and sewer system lines.

The proposed project could be growth inducing if it would extend water supply infrastructure and/or gas and electric distribution infrastructure or sewer service infrastructure beyond what is necessary to serve uses proposed under the project.

The IS states that the project would include construction of new natural gas and sewer lines to serve the project site. IS p. 119. However, the IS provides no support for its conclusion that this infrastructure would not indirectly induce substantial population growth in the project area because the project site is an infill site surrounded by existing development and “the proposed infrastructure improvements would be sized to meet only project needs and would not enable additional development.” IS p. 119. The project description did not include specifications as to the sizing of new or expanded infrastructure or impose limitations on its size as an enforceable condition of approval of the project.

The following mitigation measure should be adopted as a condition of approval of the proposed project:

MITIGATION MEASURE. The EIR will set forth technical specifications that show without question that proposed infrastructure improvements installed in connection with the project would be sized to meet only the needs of the project or project variant as proposed in the project description in the EIR and would not enable additional development; a qualified professional engineer will review the proposed specifications and sign a report verifying that such specifications will allow such infrastructure to only meet the needs of the project or project variant as proposed in the project description in the EIR and would not enable additional development; such report will be included in the Draft EIR and submitted for public comment; and the project approval will incorporate as enforceable mitigation measures such technical specifications that specifically provide that infrastructure installed on and/or nearby the project site would be sized to meet only the needs of the project or project variant as proposed in the project description in the EIR and would not enable additional development.

Absent substantial evidence to support the conclusion that no indirect impacts related to population growth as a result of expansion of infrastructure would occur, the evidence contained in the IS supports a fair argument that the expansion of infrastructure could indirectly foster population growth. The EIR must analyze this impact as a potentially significant impact.

Also, CEQA Guidelines section 15126.2(d) recognizes that increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The EIR should analyze in detail whether the project’s demand for water, gas, electricity and sewer service could adversely affect the current supply of water, gas, electricity and sewer service to residences surrounding the site or in the immediate vicinity, so that new or expanded connections could be required.” (*Kathryn Devincenzi, Letter and Attachments, June 6, 2018 [I-Devincenzi4-11]*)

“Summary of several concerns raised by nearby residents and citizens of San Francisco: ...6. Increased population on the project site and effects on infrastructure” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-7]*)

RESPONSE PH-2: POPULATION GROWTH AND EFFECTS ON INFRASTRUCTURE

One of the comments states that the EIR should analyze whether the proposed project or project variant would result in residential development at a greater average housing density per acre than currently exists on the project site or in the immediate project vicinity. Another comment states that the proposed project or project variant would include expansion of water, sewer, gas, and electrical service, asserting that the project could be growth inducing if it would extend infrastructure beyond what is necessary to serve the proposed uses. One comment states that sizing of proposed new natural gas and sewer lines was not included in the project description, and therefore the initial study's conclusion—that the proposed project would not indirectly induce substantial population growth—is not supported. The comment further requests a mitigation measure that sets limitations on infrastructure improvements.

Additionally, the comment states that the project would require numerous zoning changes. The comment asserts that the zoning changes sought and resulting land uses would change the mix and types of land uses that could be developed on the project site and would allow for increased building heights and density beyond what is currently allowed. The comment specifically states that the project would construct housing units in excess of what is allowed by Resolution 4109, and the comment states that approximately 508 housing units would be allowed under Resolution 4109. One comment was submitted as a comment on the published initial study regarding clarification on the entitlements being sought. To address this comment, additional project information including the entitlements that are being sought by the project sponsor was provided in the draft EIR that was published after the initial study.

Residential Density

Comments base the maximum allowable density for the project site on the stipulations in Resolution 4109, resulting in a smaller number of dwelling units than proposed in the project or its variant. Conflicts with Resolution 4109 were disclosed in Chapter 3, Plans and Policies (see EIR pp. 3.10-3.11). As described, the board of supervisors has the authority to rescind or amend Resolution 4109 and its stipulations. Thus, any conflict with the provisions of the resolution would be resolved by board action to rescind or waive its provisions.

Generally, with respect to residential uses, the RM-1 Zoning District (Residential, Mixed, Low density) in which the project site is located provides for up to one unit per 800 square feet of lot area. The project site, at approximately 10.25 acres (or 446,490 square feet), would allow for up to 558 units based on the lot area. Residential density in the adjacent neighborhoods varies from low-density, single-family homes on Laurel Street to medium-density, multi-family buildings on California Street and Euclid Avenue. The proposed project, with 558 residential units, would conform to the residential density limitation provided by the RM-1 zoning district. As allowed by the planning code, the project variant would seek approval of a conditional use

authorization/planned unit development to allow for more residential units (744 units total) than principally permitted in the RM-1 zoning district. For these reasons, the residential component of the proposed project or project variant would be within the existing allowable density of the project site and does not constitute unplanned growth.

As discussed in the initial study in Section E.2, Population and Housing, on pp. 112-120, substantial population growth is considered an increase in population that is unplanned without consideration of, or planning for, infrastructure services and housing needs to support new residents, employees, and visitors. The project site is located in an area that is consistent with San Francisco General Plan and Housing Element goals and policies and the Association of Bay Area Governments priority development area goals and criteria; i.e., it is located on an infill site, served by existing transit, and is in an area containing a mix of moderate-density housing, services, retail, employment, and civic or cultural uses. Therefore, the proposed project's and project variant's estimated population growth would not constitute substantial unplanned growth.

Employment

Under the proposed project, employment is generally considered on a citywide and regional scale, as workers may commute from various parts of the city or greater Bay Area. As stated on initial study p. 117, project-related employment growth would represent considerably less than 1 percent (0.45 percent under the proposed project and 0.23 percent under the project variant) of the City's estimated job growth between the years 2020 and 2040 per ABAG's Projections 2013 and Plan Bay Area 2040 reports. The estimated change in employment would be negligible in the context of total jobs in San Francisco and would not exceed projected employment growth, and the non-residential uses would not directly or indirectly contribute to demand for expanded infrastructure in the project area.

Infrastructure Improvements

No expansion of water, sewer, electricity, or natural gas services would be provided by the proposed project or project variant beyond that needed to serve the project site, and the project description provided in the initial study and EIR provides sufficient support for this conclusion. The proposed project's or project variant's proposed infrastructure systems are discussed in EIR Chapter 2, Project Description, on pp. 2.87-2.90 and on initial study pp. 70-73 under "Proposed Infrastructure Systems." In particular, the discussion in both locations explains that the new and renovated existing buildings would be connected to existing potable water mains, and would not require a new or upgraded water main. The project would require the construction of an approximately 8-inch-diameter, 180-foot-long sewer line extension under Masonic Avenue to connect to the existing 16-inch-diameter combined sewer main under Presidio Avenue but would not require upgrades for the purpose of increasing the capacity of the existing mains. The project would not expand the existing capacity of the 16-inch-diameter combined sewer main under

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Presidio Avenue. Electricity and natural gas service to the project site would be provided by PG&E from 12-kilovolt distribution lines with connections to the existing grid, and the project would not involve increasing the 12-kilovolt capacity of the existing distribution network. The new and renovated existing buildings would be connected to existing PG&E natural gas lines, and the project would not involve increasing the capacity of existing natural gas mains. As discussed in initial study Section E.10, Utilities and Service Systems, on pp. 173-188, as well as in Response UT-1 below, no significant utilities and service systems impacts have been identified, the utility improvements necessary to serve the proposed project or project variant would not be growth inducing, and no mitigation is required.

Comments also state that the increased population on the project site would have effects on existing infrastructure, requiring construction of new facilities, including water, gas, electricity, and sewer. Impacts associated with the infrastructure listed are analyzed in initial study Section E.10, Utilities and Service Systems, on pp. 173-188, and section E.16, Mineral and Energy Resources, on pp. 242-245. As discussed there on p. 245, construction and operation of the proposed project or project variant would not use natural gas or electricity resources in an inefficient or wasteful manner and would not require expansion of existing power facilities.

The proposed project or project variant would not include the extension of area roadways or expansion of water or wastewater treatment facilities, as discussed on initial study p. 119. The proposed project would include the construction of new natural gas and sewer lines to serve the project site, connecting to existing facilities and sized to meet only project needs. Therefore, no indirect impacts related to unplanned population growth as a result of expansion of infrastructure would occur.

Additionally, the proposed project and project variant would meet and improve upon Title 24 energy conservation standards, including on-site generation from solar photovoltaic systems and solar hot water heaters. An energy assessment with calculations for the proposed project's or project variant's estimated contribution to regional energy demand was prepared to support the analysis in the initial study.¹ Calculation errors related to the proposed project's or project variant's contribution to the regional energy demand were identified in the supporting documentation for the Mineral and Energy Resources section of the initial study, and corrections were identified in section 4.F, Initial Study Supplement, on EIR pp. 4.F.2 and 4.F.17. The corrections provided did not change any impact conclusions related to energy resources. The revised Energy Assessment and Calculations memorandum is available for review at the planning department offices as part of Case File No. 2015-014028ENV. While statewide efforts are being made to increase power supply and to encourage energy conservation, the project-generated demand for energy would be negligible in the context of overall demand within San Francisco,

¹ SWCA, 3333 California Street Mixed-Use Project Energy Assessment and Calculations, Case No. 2015-014028ENV, April 12, 2018; revised on July 23, 2018.

the greater Bay Area, and the state, and would not in and of itself require any expansion of power facilities.

GREENHOUSE GAS EMISSIONS

The comments in this subsection relate to the topic of Greenhouse Gas Emissions evaluated in initial study Section E.7. The comments are further grouped according to the following greenhouse gas emissions-related issues that the comments raise:

- GHG-1, Methodology
- GHG-2, Accuracy of Greenhouse Gas Emissions Calculations
- GHG-3, General Greenhouse Gas Concerns

A corresponding response follows each grouping of comments.

COMMENT GHG-1: METHODOLOGY

“The Developers Destructive Proposal not only destroys the Historic Site it destroys our climate. Concrete is a major contributor to GHG, in fact the GHG generated by the manufacture of cement and steel equals the GHG generated by traffic. **And, 95% of the cement used in the Bay Area is manufactured in the Bay Area so the GHGs are OUR GHGs.** The cement is not made somewhere else in the country it is made here.” (*Sal Ahani, Email, January 8, 2019 [I-Ahani-11]*)

“And, the use of TNCs makes the GHG situation worse.

Let’s assume I want to go to 3333 by auto. I could personally drive 2 miles to get to the 3333 Retail/Office/Commercial complex, park, then shop or do business, the drive 2 miles home for a total of 4 miles. Data shows that many people will now use a TNC rather than drive their own cars. This will be even more pronounced if Parking is reduced! So now the TNC has to come to me, assume 2 miles, and take me the 2 miles to 3333 for a total of 4 miles. When I go home the same thing happens or an additional 4 miles for a grand total of 8 miles. Twice the GHG generated per trip! So, not only do we have 8,000 retail auto trips, excluding the effect of TNCs (not addressed) to deal with we have many of them generating significant more GHG per trip! Planning needs to do a comprehensive analyses using credible data and a credible methodology so that the public knows the extent of the GHG generated. We are in a crisis with climate change and the methodology shown in the DEIR fails to address this crisis credibly. In fact climate change is more of a threat to the future of San Francisco than housing is and it isn’t being addressed accurately in the DEIR.” (*Sal Ahani, Email, January 8, 2019 [I-Ahani-14]*)

“7. The Proposed Project Could Have a Significant Adverse Impact on Greenhouse Gas Emissions.

The Initial Study states that the project’s impact on greenhouse gas emissions (“GHG”) would be significant if it would:

Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment” or

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Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.” IS p. 146.

New CEQA Guideline section 15064.4, on the determination of significance of GHG emissions, reflects the existing CEQA principle that there is no iron-clad definition of “significance.” CEQA Guidelines section 15064(b). Accordingly, lead agencies must use their best efforts to investigate and disclose all that they reasonably can regarding a project’s potential adverse impacts. *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm.* (2001) 91 Ca1.App.4th 1344, 1380-81; Ex. T, California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, December 2009. Section 15064.4 is designed to assist lead agencies in performing that required investigation. *Id.*, p. 20; In particular, it provides that lead agencies should quantify GHG emissions where quantification is possible and will assist in the determination of significance, or perform a qualitative analysis, or both as appropriate in the context of the particular project, in order to determine the amount, types and sources of GHG emissions resulting from the project. *Ibid.* Regardless of the type of analysis performed, the analysis must be based “to the extent possible on scientific and factual data.” *Ibid.* In addition, lead agencies should also consider several factors. *Ibid.*

As further explained in *Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, December 2009, pp. 21-22:

“With the foregoing principles in mind, the quantification called for in proposed section 15064.4(a)(1) is reasonably necessary to ensure an adequate analysis of GHG emissions using available data and tools, in accordance with Public Resources Code Section 21083.05. Even where a lead agency finds that no numeric threshold of significance applies to a proposed project, the holdings in the *Berkeley Jets and Protect the Historic Amador Waterways cases*, described above, require quantification of emissions if such quantification will assist in determining the significance of those emissions. OPR and the Resources Agency find that quantification will, in many cases, assist in the determination of significance, as explained below. (State CEQA Guidelines, § 15142 (“An EIR shall be prepared using an interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the consideration of qualitative as well as quantitative factors.”).)

First, quantification of GHG emissions is possible for a wide range of projects using currently available tools. Modeling capabilities have improved to allow quantification of emissions from various sources and at various geographic scales. (Office of Planning and Research, *CEQA and Climate Change: Addressing Climate Change Through the California Environmental Quality Act Review*, Attachment 2: Technical Resources/Modeling Tools to Estimate GHG Emissions (June 2008); CAPCOA White Paper, at pp. 59-78. Moreover, one of the models that can be used in a GHG analysis, URBEMIS, is widely used in CEQA air quality analyses. (CAPCOA White Paper, at p. 59) Second, quantification informs the qualitative factors listed in proposed section 15064.4(b). Third, quantification indicates to the lead agency, and the public, whether emissions reductions are possible, and if so, from which sources. Thus, if quantification reveals that a substantial portion of a project’s emissions result from energy use, a lead agency may consider whether design changes could reduce the project’s energy demand.

Proposed section 15064.4(a)(1) also reflects existing case law that reserves for lead agencies the precise methodology to be used in a CEQA analysis. (See, e.g. *Eureka Citizens for Responsible Gov’t v. City of Eureka* (2007) 147 Ca1.App.4th 357, 371-373.)

As indicated above, a wide variety of models exist that could be used in a GHG analysis. (CAPCOA White Paper, at pp. 59-78.) Further, not every model will be appropriate for every project. For example, URBEMIS may be an appropriate tool to analyze a typical residential subdivision or commercial use project, but some public utilities projects, such as waste-water treatment plants, may require more specialized models to accurately estimate emissions. (*Id.* at pp. 60-65.) The requirement to disclose any limitations in the model or methodology chosen also reflects the standard for adequacy of EIRs in existing State CEQA Guidelines section 15151...

If the lead agency determines that quantification is not possible, would not yield information that would assist in analyzing the project's impacts and determining the significance of the GHG emissions, or is not appropriate in the context of the particular project, section 15064.4(a) would allow the lead agency to consider qualitative factors or performance criteria...

The existing CEQA Guidelines state that the determination of significance requires a lead agency to use its judgment based on all relevant information. (State CEQA Guidelines, §15064(b); see also *Id.* at §§ 15064.7 (thresholds may be qualitative), 15142 (analysis should be interdisciplinary and both qualitative and quantitative..))

Subdivision (a) would also allow a lead agency to rely on performance-based standards to assist in the determination of significance. Just as with quantification, the purpose of engaging in a qualitative or performance standard based analysis is to develop information relevant to a significance determination. Several examples exist of the types of performance standards that might appropriately be used in determining the significance of greenhouse gas emission. Proposed section 15183.5(b)(1)(D), for example, contemplates that a plan for the reduction of greenhouse gas emissions may contain performance based standards. Where such standards are developed as part of such a plan, a lead agency would have evidence indicating that compliance with such standards would indicate that the impact of greenhouse gas emissions would be less than significant. Further, in adopting SB375, the Legislature acknowledged that regional transportation plans, and the environmental impact reports prepared to analyze those plans, may contain performance standards that would apply to transit priority projects. (See, e.g., Public Resources Code, § 21155.2.) Other potential examples include the Bay Area Air Quality Management District's proposed Best Management Practices for Construction Greenhouse Gas Emissions (calling for use of alternative fuels, local building materials and recycling), and the California Public Utilities Commission's Performance Standard for Power Plans [sic] (requiring emissions no greater than a combined cycle gas turbine plant). Compliance with such standards may be relevant to the significance determination, when considered in conjunction with the project's total projected emissions...

Similar to use of a significance threshold, a lead agency must exercise care to ensure that performance standards do not replace a full analysis of all potential emissions. (*Protect the Historic Amador Waterways, supra*, 116 Cal.App.4th at 1109 (“in preparing and EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect..)) For example, while a Platinum LEED ® rating could assist a lead agency in determining whether emissions related to a building's energy use may be significant, that performance standard may not reveal sufficient information to evaluate transportation-related emissions associated with that proposed project.

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As indicated above, even a qualitative analysis must be based to the extent possible on scientific and factual data. Further, the type of analysis that is required will depend on the context of a particular project....The following hypothetical examples may illustrate, however, how section 15064.4(a) could operate:

Project 2: a large commercial development is proposed in an suburban context. Heavy-duty machinery would be required in various construction phases spanning many months. Following construction, the development would rely on electricity, water and wastewater services from the local utilities. Natural gas burners would be used on site. The development would employ several hundred workers and attract thousands of customers daily. A traffic study has been prepared for the project. The local air quality management district's guidance document recommends that projects of similar size and character should use URBEMIS, or another similar model, to estimate the air quality impacts of the development.

In the context of Project 2 a quantitative analysis would likely be appropriate. The URBEMIS model, which would likely be used to analyze other emissions, could also be used to estimate emissions from both project-related transportation and on-site indirect emissions (landscaping, hot-water heaters, etc.) Modeling is typically done for projects of like size and character. Other models are readily available to estimate emissions associated with utility use. In the context of Project 2, a lead agency may find it difficult to demonstrate a good faith effort through a purely qualitative analysis. (See, e.g., *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm.* (2001) 91 Cal.App.4th 1344, 1370...

Factors Potentially Indicating Significance

The qualitative factors listed in the proposed section 15064.4(b) are intended to assist lead agencies in collecting and considering information relevant to a project's incremental contribution of GHG emissions and the overall context of such emissions. Notably, while subdivision (b) provides a list of factors what should be considered by public agencies in determining the significance of a project's GHG emission, other factors can and should be considered as appropriate.

Determine Whether Emissions Will Increase or Decrease

The first factor in subdivision (b), for example, asks lead agencies to consider whether the project will result in an increase or decrease in different types of GHG emissions relative to the existing environmental setting. All project components, including construction and operation, equipment and energy use, and development phases must be considered in this analysis. (State CEQA Guidelines, § 15378 (Project includes "the whole of the action").)...

This section's reference to the 'existing environmental setting' reflects existing law requiring that impacts be compared to the environment as it currently exists. (State CEQA Guidelines, § 15125.) This clarification is necessary to avoid a comparison of the project against a 'business as usual' scenario as defined by ARB in the Scoping Plan. Such an approach would confuse 'business as usual' projections used in ARB's Scoping Plan with CEQA's separate requirement of analyzing project effects in comparison to the environmental baseline. (*Compare* Scoping Plan, at p. 9 ('The foundation of the Proposed Scoping Plan's strategy is a set of measures that will cut greenhouse gas emissions by nearly 30 percent by the year 2020 as compared to business as usual.' *with Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1278 (existing environmental conditions normally constitute the baseline for *environmental analysis*); see also *Center for Bio. Diversity v. City of Desert Hot Springs*, Riverside Sup. Ct. Case No. RIC464585 (August 6, 2008) (rejecting argument that a large

subdivision project would have a ‘beneficial impact on CO2emissions’ because the homes would be more energy efficient and located near relatively uncongested freeways). Business as usual may be relevant, however, in the discussion of the ‘no project alternative’ in an EIR. (State CEQA Guidelines, §15126(e)(2) (no project alternative should describe what would reasonably be expected to occur in the future in the absence of the project).).

Thresholds of Significance

The second factor in subdivision (b) asks whether a project exceeds a threshold of significance for GHG emissions...

Several agencies have developed, or are in the process of developing, thresholds of significance for GHG emissions. For example, thresholds are currently being developed, or have already been adopted by the Bay Area Air Quality Management District for operations and construction, the City of Davis for residential developments, and the South Coast Air Quality Management District for industrial projects. Regardless of the threshold chosen, however, this section does not alter the pre-existing rule under CEQA that if substantial evidence supports a fair argument that a project may result in significant impacts, despite compliance with a threshold, an EIR must be prepared. (*Meija v. City of Los Angeles* (2005) 130 Cal. App.4th 322, 342.) Further, “in preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect.” (*Protect the Historic Amado Waterways, supra*, 116 Cal.App.4th at 1109.)

Consistent with the above, if relying on a threshold developed by another agency, lead agencies must exercise caution in selecting a threshold to ensure that the threshold is appropriately applied...Some agencies have adopted ‘thresholds’ pursuant to other laws that may not be applicable in the CEQA context. ARB has adopted several thresholds pursuant to AB32, for example, to address specific purposes that are unrelated to CEQA. For example, the *de minimus* threshold governs the level at which emissions will be regulated by ARB’s AB 32 regulations. (Health & Safety Code, § 38561(e); Scoping Plan, at pp. 96-97.) CEQA does not permit use of a *de minimus* threshold, however...Additionally, the Reporting Threshold is the level at which emissions from large industrial sources are required to be reported.

Consistency with a Plan or Regulation

Finally, the third factor in subdivision (b) directs consideration of the extent to which a project complies with a plan or regulation to reduce GHG emissions. That section further states, however, that to be used for the purpose of determining significance, a plan must contain specific requirements that result in reductions of GHG emissions to a less than significant level. This clarification is necessary because of the wide variety of climate action plans and GHG reduction plans that are currently being adopted by public agencies. ARB, for example, recently adopted its statewide Scoping Plan. That plan may not be appropriate for use in determining the significance of individual projects, however, because it is conceptual at this state and relies on the future development of regulations to implement the strategies identified in the Scoping Plan. (Scoping Plan, at p. 9.) Regulations that will require actual reductions of GHG emissions may not be adopted until 2012. (*Ibid.*) Once those regulations are adopted and being implemented, they may, if appropriate, be used to assist in the determination of significance, similar to the current use of air quality, water quality and other similar environmental regulations. (*CBE, supra* 103 Cal.App.4th at 111...

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In addition to the regulations that will be developed to implement the Scoping Plan, this factor would also allow lead agencies to consider plans that are developed to reduce GHG emissions on a regional or local level. (Scoping Plan, at p. 26.) The proposed section 15064.4(b)(3) is intended to be read in conjunction with the section 15064(h)(3), as proposed to be amended, and proposed section 15183.5. Those sections each indicate that local and regional plans may be developed to reduce GHG emissions. If such plans reduce community-wide emissions to a level that is less than significant, a later project that complies with the requirements in such a plan may be found to have a less than significant impact.

Notably, CEQA does not provide a specific definition of ‘comply’ in the context of determining a project’s consistency with a particular plan. Some guidance may be gleaned, however, from case law interpreting the requirements that a local government’s activities be consistent with its General Plan. In that context, a ‘zoning ordinance [for example] is consistent with the city’s general plan where, considering all of its aspects, the ordinance furthers the objectives and policies of the general plan and does not obstruct their attainment.’ (*City of Irvine v. Irvine Citizens Against Overdevelopment* (1994) 25 Cal.App.4th 868, 879.) **Reading section 15064.4 together with 15064(h)(3), however, to demonstrate consistency with an existing GHG reduction plan, a lead agency would have to show that the plan actually addresses the emissions that would result from the project.** Thus, for example, a subdivision project could not demonstrate ‘consistency’ with the ARB’s Early Action Measures because those measures do not address emissions resulting from a typical housing subdivision. (ARB, Expanded List of Early Action Measures for Reduce Greenhouse Gas Emissions in California Recommended for Board consideration, October 2007; see also State CEQA Guidelines, §§ 15063(d)(3) (initial study must be supported with information to support conclusions), 15128 (determination in an EIR that an impact is less than significant must be briefly explained).) (Emphasis added)

SECTION 15064.7. THRESHOLDS OF SIGNIFICANCE

Specific Purposes of the Amendment

Proposed subdivision (c) of section 15064.7 would allow a lead agency to adopt a threshold developed by another agency, or recommended by experts, provided that such threshold is supported with substantial evidence...In adopting any threshold of significance, including one developed by an expert or agency with specialized expertise, the lead agency must support the threshold with substantial evidence in the administrative record. (State CEQA Guidelines, § 15064.7(b).)...Because any threshold must be supported with substantial evidence, and must be adopted through a public process, any threshold recommended by an expert that is ultimately adopted will undergo sufficient scrutiny to ensure its legitimacy. (State CEQA Guidelines, § 15064.7(b).)

SECTION 15126.4 CONSIDERATION AND DISCUSSION OF MITIGATION MEASURES PROPOSED TO MINIMIZE SIGNIFICANT EFFECTS.

Specific Purposes of the Amendment.

Section 21083.05 of the Public Resources Code expressly requires OPR and the Resources Agency to develop regulations on the ‘mitigation of greenhouse gas emissions.’ The goals of this legislative mandate are to (1) reduce GHG emissions and (2) to provide consistency in the development of GHG emissions reduction measures...

Existing section 15126.4 provides guidance on CEQA’s general mitigation requirements. To emphasize that mitigation of GHG emissions is subject to those existing CEQA requirements, OPR and the Natural Resources Agency added a new subdivision (c) to the existing section

15126.4. The Amendments identify five general methods of mitigation that may be tailored to the specific circumstances surrounding a specific project...

Mitigation of Greenhouse Gas Emissions

Comments submitted on the Amendments indicated general concerns that mitigation for GHG emissions may not be effective or reliable. To further clarify the existing mitigation requirements that would apply to measures to reduce greenhouse gas emissions, the Natural Resources Agency revised the lead-in sentences in subdivision (c). Specifically, the Natural Resources Agency added that all mitigation must be supported with substantial evidence and be capable of monitoring or reporting. This addition reflects the requirement in Public Resources Code that a lead agency's findings on mitigation be supported with substantial evidence and that it must adopt a mitigation monitoring and reporting program along with the project if mitigation measures are required. (Public Resources Code, §§ 21081(a)(1), 21081.6.)...

Consistent with section 15126.4)a), a lead agency must support its choice of, and its determination of the effectiveness of, any reduction measures with substantial evidence. Substantial evidence in the record must demonstrate that any mitigation program or measure is [sic] will result in actual emissions reductions...

Measures to be Implemented on a Project-by-Project Basis

Finally, the fifth type of measure that could reduce GHG emissions at a planning level is the development of binding measures to be implemented on a project-specific basis. Proposed subdivision (c)(5) recognizes that, for a planning level decision, appropriate mitigation of GHG emissions may include the development of a program to be implemented on a project-by-project basis...

This type of mitigation is subject to the limits of existing law, however, Thus, proposed subdivision (c) (5) should not be interpreted to allow deferral of mitigation. Rather, it is subject to the rule in existing section 15126.4 (a) (1)(B) that such measures 'may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.'

SECTION 15130. DISCUSSION OF CUMULATIVE IMPACTS

Specific Purposes of the Amendment

Section 15130(b)(1)(B)

Section 21083(b) of the Public Resources Code requires that an EIR be prepared if the 'possible effects of a project are individually limited but cumulatively considerable.' that section further defines 'cumulatively considerable' to mean that 'the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.'

In determining whether a project may have significant cumulative impacts, a lead agency must engage in a two-step process. First, it must determine the extent of the cumulative problem. To do so, a lead agency must examine the 'effects of past projects, the effects of other current projects, and the effects of probably future projects.' Once it does so, the lead agency then determines whether the project's incremental contribution to that problem is cumulatively considerable...

The existing Guideline section 15130(b) addresses the first step of the process. It offers two options for estimating the effects resulting from past, present and reasonably foreseeable

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projects. A lead agency may either rely on a list of such projects, or a summary of projections to estimate cumulative impacts. Existing section 15130(b)(1)(B) allows a lead agency to rely on projections in a land use document or certified environmental document that addresses the cumulative impact under consideration...

The proposed amendments would also allow a lead agency to rely on information provided in regional modeling programs. The best projections of the cumulative effect of GHG emissions may be available in up-to-date models such as the International Council for Local Environmental Initiative's Local Government GHG Protocol and the California Climate Action Reserve's Registry general, industry and project type protocols. (Ex. T, California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97*, pp. 20-28, 30, 46, 49, 50, 53, 54)

The Initial Study failed to quantify GHG emissions that could result from the proposed project, and such quantification is reasonably necessary to ensure adequate analysis of GHG emissions using available data and tools, and such quantification would assist in determining the significance of those emissions. URBEMIS is one model that is widely used in CEQA air quality analyses and can also be used to analyze a project's GHG emissions. In fact, the local air quality management district's guidance document recommends that projects of a similar size and character to a large commercial development proposed in a suburban context "should use URBEMIS, or another similar model, to estimate the air quality impacts of the development..." Ex. T, p. 23.

In addition, in June 2010, the BAAQMD adopted recommended thresholds with two alternatives for determining significance for most nonindustrial development projects. One is a bright-line threshold of 1100 MT/year of carbon dioxide equivalent emissions. The other recommended threshold is a per capita threshold of 4.6 MT/yr of CO₂-equivalent emissions, based on the service population of the project. Ex. S, CEB, Practice Under the California Environmental Quality Act, § 20.81A, p. 20-100.

The Housing Element EIR states that BAAQMD has updated their CEQA air quality guidelines and "adopted significance standards for GHGs on June 2, 2010." The updated CEQA Air Quality Guidelines includes significance thresholds, assessment methodologies, and mitigation strategies for GHG emissions. Ex. C, p. V.I-12. The recently adopted GHG thresholds of significance, as discussed in BAAQMD's May 2010 CEQA Air Quality Guidelines, includes two sets of GHG thresholds: one that would apply to specific development projects, and another threshold that would apply to plan-level CEQA analysis. Ibid.

The California Resources Agency has identified "the Bay Area Air Quality Management District's proposed Best Management Practices for Construction Greenhouse Gas Emissions (calling for use of alternative fuels, local building materials and recycling" as performance-based standards that are appropriate to use in determining significance of GHG emissions. Ex. T, p. 22.

The Initial Study has not provided substantial evidence that the project's GHG emissions, and/or the project's percentage reduction from business as usual ("BAU") correlates with statewide, regional or local goals. The IS's claim that GHG impacts would not be significant was not supported by substantial evidence that the project's energy-efficiency goals, construction-related GHG emission goals, and transportation-related GHG emission goals would be reached.

Moreover, the IS failed to consider "whether the project will result in an increase or decrease in different types of GHG emissions relative to the existing environmental setting. All project components, including construction and operation, equipment and energy use, and development

phases must be considered in this analysis.” Ex. T, p. 24. Instead, the IS evaluated the project’s consistency with applicable local and regional plans for GHG reduction rather than considering whether the project will “result in an increase or decrease in different types of GHG emissions relative to the existing environmental setting.” Thus, the IS erroneously used existing plans as the baseline against which potential project effects were analyzed, instead of increases or decreases in different types of GHG emissions relative to the existing environment.

The IS’s consistency evaluation was supported by the bald claim that the project would comply with various regulations and programs relating to energy efficiency, waste reduction, tree planting and landscaping, etc. This analysis was inadequate because it was not based on a project specific analysis of potential impacts and the specific effect of regulatory compliance. 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 project would achieve the goals of such programs or regulations.

The Initial Study states that “construction-related emissions would still have the potential to conflict with or obstruct implementation of the applicable air quality plan...Both construction and long-term operational emissions have the potential to result in emissions that could conflict with or obstruct implementation of the applicable air quality plan. IS p. 144. “As described above, construction and operation of the proposed project or project variant would generate criteria air pollutant and ozone precursor emissions that would contribute to regional air emissions and affect regional air quality. It is possible that the levels of emissions generated during construction or operation could violate or contribute substantially to an existing or projected air quality violation.” IS pp. 144-145.

The Initial Study’s claim that the project would comply with various plans or regulations to reduce GHG emissions is also deficient because the IS has failed to show that the plans or regulations contain specific requirements that would result the proposed project’s reducing GHG emissions to a less than significant level. Ex. T, p. 26. The IS has failed to show that the referenced plans or regulations actually address that emissions that would result from this proposed project or project variant. Ex. T, p. 27.

Thus, the IS has failed to comply with CEQA because it has 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.

Moreover, the IS’s GHG analysis is 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 202, or other applicable goals of the City or other agencies. The IS lacks substantial evidence to show that the proposed project would reduce its GHG emissions to levels that would be consistent with achieving applicable state, regional, local or other agency GHG reduction goals.

The IS does not present substantial evidence demonstrating that project GHG emissions would be consistent with SB 32’s goal of reducing GHG emissions by 40% below 1990 levels by 2030 (IS p. 147, fn. 124), of the goals of Executive Order S-3-OS to reduce emissions to 1990 levels by 2020, and to reduce emissions to 80% below 1990 levels by 2050 (IS p. 147 fn. 121), or the targets of Executive Order B-30-15 of reducing GHG emissions to 40 percent below 1990 levels by 2030. (IS p. 147, fn. 122) Also, the IS inadequately relied on the claim that San Francisco has

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met the State and regional 2020 GHG reduction targets citywide, but this proposed project would have significant adverse air emissions from 7-15 years of construction and operations which would result for years after 2020, so the GHG analysis should have been performed for a longer time-range.

In addition, the IS failed to implement mitigation measures requiring as a condition of approval that during operations and construction the project proponent implement enforceable measures that would ensure that targeted reductions in GHG emissions would actually occur.

For the reasons stated above, the IS failed to follow CEQA procedures in determining the significance of the project's effect on GHG emissions, failed to support with substantial evidence in the record its determination that the project's and project variant's effect on GHG emissions would not be significant, and failed to provide substantial evidence in the record showing that the project and project variant's percentage reduction in GHGs in comparison with business as usual would correlate with achieving state, regional or local goals." (*Kathryn Devincenzi, Letter and Attachments, June 6, 2018 [I-Devincenzi4-10]*)

"And, the use of TNCs makes the GHG situation worse.

Let's assume I want to go to 3333 by auto. I could personally drive 2 miles to get to the 3333 Retail/Office/Commercial complex, park, then shop or do business, then drive 2 miles home for a total of 4 miles.

Data shows that many people will now use a TNC rather than drive their own cars. This will be even more pronounced if Parking is reduced!

So now the TNC has to come to me, assume 2 miles, and take me the 2 miles to 3333 for a total of 4 miles.

When I go home the same thing happens or an additional 4 miles for a grand total of 8 miles. Twice the GHG generated per trip!

So, not only do we have 8,000 retail auto trips, excluding the effect of TNCs (not addressed) to deal with we have many of them generating significant more GHG per trip!

Planning needs to do a comprehensive analysis using credible data and a credible methodology so that the public knows the extent of the GHG generated.

We are in a crisis with climate change and the methodology shown in the DEIR fails to address this crisis credibly.

In fact climate change is more of a threat to the future of San Francisco than housing is and it isn't being addressed accurately in the DEIR." (*Richard Frisbie, Letter, January 8, 2019 [I-FrisbieR1-11]* and *Tina Kwok, Email, January 9, 2019 [I-Kwok4-17]*)

"In addition to the comments in this letter I am resubmitting my revised Initial Study Comments (Attachment 1) as the Planning Department has failed to address them and has withheld critical, pertinent and specific information from the public. The revisions reflect information gleaned from the Initial Study and subsequent documents. It also reflects corrections and adjustments to relevant criteria.

As noted below, had Planning provided the information requested it would have permitted the GHG issue to be analyzed quickly but, to date, the public has not been provided this fundamental data.

Regardless, the Community Alternative will generate less than one third the GHG generated by the Developers' Project. It will also clearly shows that the Community Alternative is a far superior solution in that it generates approx. 30% of the total GHG generated by the Developers' Plan. A significant Mitigation Measure in itself.

In the Initial Study Impact C-AQ-1 (Attachment 3) was deemed "less than Significant."

No data or analyses was provided to support this erroneous determination which was incomplete, incorrect and inadequate. The text which followed was simply a rehash of all the relevant documents but nowhere was there any analyses that showed compliance with the requirement to consider "greenhouse gas emissions, directly or indirectly".....

No Indirect GHG were calculated as noted in Attachment 1 and required by Attachments 3, 4 and 5.

The only information provided in Volume 2 dealt with construction GHG and operational GHG, nothing addressed the GHG related to the manufacture and use of the basic building materials to be used in constructing the buildings, underground garages, etc.

Indirect GHG are required to be calculated, analyzed and incorporated into the conclusions and Mitigation Measures. The Planning Department has failed to do any of this. Indirect GHG are also required to be similarly addressed in the San Francisco 2004 and 2009 Housing Element Impact GH-1 (Attachment 4). None of this was done.

CEQA Guidelines section 15358(a)(2) defines "effects" of a project to include "indirect" effects. These indirect effects are cumulative in nature. They are also reasonably foreseeable and the DEIR was inadequate for failure to consider them.

15358. EFFECTS "Effects" and "impacts" as used in these Guidelines are synonymous. (a) Effects include: (1) Direct or primary effects which are caused by the project and occur at the same time and place. Association of Environmental Professionals 2018 CEQA Guidelines 261 (2) Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems. (b) Effects analyzed under CEQA must be related to a physical change. Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21068 and 21100, Public Resources Code.

Despite multiple requests we have not been provided with an estimate of the volumes of concrete, weights of steel and glass to be used in the project. This information would quickly reveal the massive amounts of GHG involved in the Developers' 3333 Plan. Planning supposedly oversees thousands of major projects and PSKS supposedly develops multiple large buildings/projects and yet no such estimates are available, or so we are told.

Planning has had access to a detailed GHG Study prepared by SWCA since August 2018 which specifically addresses GHG in the Attachment E AB900 Analysis by Ramboll. The SWAC Study lists total construction GHG of 4,273 metric tons (Attachment E Construction GHG Emissions Table 4 pg. 8) which clearly exceeds the limits in Attachment 6.

However, these are only "direct" GHG and do not include the "indirect" GHG generated by the manufacture of the concrete, steel, glass, etc. which will be used to construct the buildings.

ALL indirect GHG are missing from ALL the Planning Department's documents and conclusions which are incorrect, incomplete, and inadequate. Nothing in Attachment 6 excludes construction

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materials from the process. In fact the very term “energy associated with treatment” on page 2 can refer to the treatment of raw materials. The etc. at the end of the same sentence clearly indicates that a number of other “indirect” GHG are to be considered if present. None of this has been done.

The DEIR Lacks Substantive Evidence That GHG are “Less Than Significant.”

Processing of Demolition Debris

Furthermore, nowhere in the Initial Study, the DEIR or the SWAC Report is there any mention, analyses or compilation for the GHG generated by processing the debris from the demolition of the site as required by the City’s applicable Ordinance -Planning Department’s Reference FN 130 “Compliance Checklist Greenhouse Gas Analysis” pg. 19 “San Francisco Construction and Demolition Debris Recovery Ordinance” (Attachment 5).

The first paragraph of the Requirements says that “All (100 percent)...to be processed for recycling.”

Second paragraph says that “projects that include full demolition of a structure...” allows for the processing of a minimum 65% of the demolition debris....”

The Developer is NOT demolishing 100% of the main building and MUST recycle 100% of the demolition debris from the main building. Attachment 7 “the existing approx. 55.5-foot tall building at the center of the site would be partially demolished.....” Pretty clear statement and supporting drawings.

Demolishing 100% of the Annex building does not qualify as exempting the debris from the main building from the 100% requirement.

In the Remarks column the Planning Department states that a “minimum of 65%...” and then references the Annex building in an attempt to limit the overall processing to 65%.

The Annex Building demolition is trivial with comparison to the main building and yet is used in an attempt to reduce the 100 percent processing required of the main building debris. This is a deliberate abuse of the language and intent of the Ordinance. The Annex building and main building are separate and distinct and the disparity in volume of debris is more than an order of magnitude.

The Developer must process 100% of all the debris from the main building demolition.

Using the annex building as a pretext for setting the processing percentages is disingenuous and violates the City’s own Ordinance.

In addition, no calculation is shown that indicates the amount of GHG generated from the processing of the 65% of the Annex Building and the 100% of the main building debris as well as the parking lots, garage ramps, etc.

All of these generate the “indirect GHG” required to be addressed in the GHG totals. No calculations for the processing of the demolition debris has been presented. The GHG analysis is further invalidated by the incorrect interpretation and implementation of the City’s own Ordinance and the failure to make the appropriate GHG calculation. Frankly this is a deliberate attempt to circumvent the City’s own rules!

In addition, Attachment 2 Item 9 “Consistency with statutory Requirements for CEQA Streamlining” states “to offset GHG emissions....” certain steps will be taken. Interesting that mitigation measure are proposed for a situation that is already defined “Less than Significant” in the Initial Study. One might even consider it bizarre.

However, the steps proposed fall woefully short of offsetting the “direct and indirect” (the indirect are yet to be calculated but I offer the attached table in order to assist the Planning Department in complying with CEQA) GHG generated during the construction phases(s).

It is simply impossible to conclude, as C-AQ-1 attempts to do, that the GHG generated are “less than Significant.”

Furthermore, the California Air Resource Board itself requires that both direct and indirect GHG be calculated.

DEMAND is that we be provided with ALL data, calculations, documentation, etc. that have any bearing on GHG associated with 3333 California Street inclusive of Initial Study, Application for an Environmental Leadership Project, the DEIR and 3333 California Street in toto.

DEMAND is that ALL GHG, direct and indirect, including those generated by the manufacture and transport of the building materials themselves, be calculated as required by both the City and the State.

DEMAND is also that the GHG be reclassified properly as “Significant” and are as of now Unmitigated.

DEMAND is that the Community’s Alternative GHG levels, one third of the Developers’ levels, be used as the baseline for setting the standard for 3333 California St.

DEMAND is that the processing of demolition debris from the main building be properly calculated by requiring 100% processing of the main building debris.

DEMAND is that the GHG generated by this processing be accounted for: a minimum of 65% of the Annex Building and 100% of the main building debris. No information is provided as to the percentage of the parking lots and garage ramps that will be processed. We require this information.

The DEIR is incomplete, inaccurate and incorrect in totally ignoring GHG from construction material manufacture and transport, demolition debris, etc.” (*Richard Frisbie, Letter and Attachments, January 8, 2019 [I-FrisbieR2-1]*)

“The Initial Study’s (Reference ⁴2 to this submission) conclusion on page 146 per the Table, items 7(a) and (b) as well as on page 148 “Impact C-GG-1” that the construction phase of the project will generate “Less than significant” Greenhouse Gases is incomplete, inaccurate, inadequate and invalid. The approximate 14,000 tons of Greenhouse Gases generated, direct and indirect, as a consequence of the construction phase of the proposed development is hardly a “less than significant” tonnage as stated in the Initial Study and not addressed in the DEIR. Essentially the subject is being ignored.

The Community Residential Alternative, supported by the coalition of neighbors surrounding 3333, will generate only 30% (4,100 tons) of the Greenhouse Gases generated by the PSKS plan, as a consequence of their construction phases, while protecting the historically significant main building and landscaping. The Community Alternative provides a significant mitigation of Greenhouse Gases and the destructive impact they have on health, quality of life and climate change.

² The list of references within Comment I-FrisbieR2-2 can be reviewed in Attachment 1 of Letter I-FrisbieR2 which is available in its entirety in RTC Attachment B.

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Notes:

This document addresses only the generation and release of Carbon Dioxide, direct and indirect, as a consequence of the construction phase. However, the other Greenhouse Gases associated with this type of work —methane, nitrous oxide, etc.- although present at much lower levels than carbon dioxide have a GWP (Global Warming Potential) anywhere from 25-300 times greater than carbon dioxide (Reference 11³) and need to be addressed as well.

The indirectly generated Greenhouse Gases has not been taken into account in either the Initial Study or the DEIR.

San Francisco and the California Air Resources Board (CARB) require that all Greenhouse Gases, direct and indirect, be calculated, analyzed and properly presented with mitigation measures being required. The DEIR is incomplete, incorrect and inadequate as it fails to address the indirect Greenhouse Gases.

INTRODUCTION

Reference 4⁴ Section E. 7 -Greenhouse Gas Emission pages 146-150:

Impact C-AQ-1 (Potentially Significant). “Potential cumulative air quality impacts will be addressed in the EIR.”

Table: 7 GREENHOUSE GAS EMISSIONS (page 146)

Would the project:

- (a) “Generate greenhouse gas emissions, either directly or indirectly (underline added), that may have a significant impact on the environment?” “Less Than Significant” is checked.
- (b) “Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases?” “Less Than Significant” is checked.

Not a single calculation, analysis, compilation or comparison is presented to support these inadequate conclusions of “Less Than Significant.”

These conclusions are incomplete, inaccurate, inadequate and invalid in toto.

The project proposed by the developers (PSKS) would generate as a consequence of the construction phase alone approximately:

13,525 TONS OF GREENHOUSE GASES (see Note 1)

Due to the complete absence of any supporting data, as well as Planning’s delayed response to relevant questions, it has been necessary to make some assumptions in analyzing details of the PSKS plans. By comparison, the Community Residential alternative, supported by the coalition of neighbors surrounding 3333, would generate Greenhouse Gases at levels less than 30 percent (4,100 tons) of the PSKS levels. The Community Residential alternative represents a 70% mitigation of these harmful gases to health, well-being and the environment.

Thus, without the relevant data and corresponding analyses based on available air emission models, Planning’s conclusions have no basis in fact and are incorrect, incomplete, inadequate and invalid.

³ Ibid

⁴ Ibid.

On page 148, first paragraph, of reference 4⁵, it is stated “The following analysis of the proposed project.....”

In reality there is no analysis whatsoever in the referenced document as to the Greenhouse Gases generated as a consequence of the construction phase which, as shown above, produces significant amounts of harmful Greenhouse gases.

Pages 148-150 speak exclusively to the Operational phase of the project while completely omitting even a reference to the construction phase.

There is no reference made as to the volume of concrete, weight of steel, weight of glass, etc. included in the project -all of which have profound implications as to the levels of Greenhouse Gases emitted into the atmosphere as a consequence of the construction phase.

I am still awaiting answers to question submitted to Planning on related issues.

It would appear that no analyses have been made, certainly none are presented, as to the Embodied Energy content of the construction methods and materials. Such analyses would immediately highlight the significant levels of Greenhouse Gases that would be generated as a consequence of the PSKA planned construction phase and highlights the need for mitigation measures.

Due to the absence of data it was necessary to use information listed in the references⁶ to develop the approximate levels of Greenhouse Gas tonnages generated as a consequence of the construction phase. Had the Initial Study, which, forms the basis for the EIR, carried out some fairly straightforward analyses we could have compared the results to determine where additional study is required.

At such time as the City provides the necessary technical data, such as the energy required to recycle the main building debris (see note 1), volume of concrete and weight of steel, glass, etc. required for the re-construction, etc. the estimated Greenhouse Gas tonnages generated as a consequence of the construction phase could be re-calculated accordingly.

Notes:

1. There appears to be no calculation or consideration in any of the City’s documents that addresses the Greenhouse Gases generated by the recycling of the debris from the main building. Recycling steel and concrete is energy intensive and needs to be properly accounted for in the Greenhouse Gases budget. The only thing more harmful is to simply dispose of reusable materials in a landfill.

DISCUSSION

The Greenhouse Gases generated as a consequence of the Construction phase will be discussed in the following order:

1. Demolition of portions of main building, service building, parking lots, garage ramps.
2. Removal of Debris generated in 1. Above.
3. Excavation of site for underground parking, building foundations, etc.
4. Removal of Spoils generated in 3. Above.
5. Reconstruction, strengthening and increased height of the main building.
6. Construction of underground parking garages.
7. Construction of Masonic, Euclid and Mayfair buildings.

⁵ Ibid.

⁶ Ibid.

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8. Construction of Plaza A & Band Walnut buildings.
9. Construction of Laurel St. duplexes.

1-4: DEMOLITION, EXCAVATION AND REMOVAL OF DEBRIS AND SPOILS.

The first four activities, 1-4, listed above will be looked at together as they basically utilize energy to carry out the activity.

PSKS proposes to demolish approximately 50% of the existing main historic building as well as most of the historic landscaping. In addition, the various parking lots and roadways on the site will be demolished as well as the circular garage ramps. After demolition the debris will be removed and the site will be excavated and the spoils hauled away. Reference 26⁷ shows the approximate amount of fuel, diesel and gasoline, and electricity consumed. Some of this is spread over the construction phase of the building cycle. As items such as the map of the routes selected (Reference 9⁸) have not been made available, but have been requested, it is impossible to judge the reasonableness of some of these calculations.

It should be noted that the 0.05 gallons per horsepower-hour used in the Reference 26⁹ is 10-15% lower than industry data available from multiple sources (see Reference 29¹⁰, the value 0.056, as an example).

Also of significance, which is not addressed, is the volume of serpentine that could be present and which requires significantly more energy to remove than soils and clays.

The five primary boring sites related to geology are of considerable interest.

Major excavation will take place along Masonic and Euclid and yet no borings were made at any intermediate location along this >600ft segment of the property.

The boring sites appear in Reference 30¹¹.

A boring (B-3) was done at Masonic and Presidio where no excavation will take place.

The only other boring on the southern half of the property was taken very near the Euclid-Laurel intersection (B-4) where, again, no excavation will take place.

So, all the excavation for the Masonic and Euclid buildings will be done without any specific first-hand knowledge of the geology at those locations.

And yet it was deemed appropriate to do boring B-5, a site where the Laurel St. duplexes will be constructed and which require significant less critical subsoil information as they do not have underground garages supporting major buildings.

Outcrops of serpentine exist throughout this general area so it is probable that these areas of excavation will encounter significant deposits of serpentine, the excavation of which is far more difficult and energy intensive than for stiff clays etc. as well as posing a health risk which could be of a much greater magnitude than that presented in the Initial Study.

Frankly one could conclude that the boring sites were carefully selected to avoid discovering any controversial conditions that may well underlay the site!

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

The net result is that the energy discussed in Reference 26¹² must be considered to be at the very low end of likelihood.

Higher values should be expected and this likelihood is not addressed in the DEIR.

Despite the optimistic view of Reference 26¹³, these phases of the project will still generate approx.

3,500 TONS OF GREENHOUSE GASES

As noted above in the Introduction, no consideration appears to have been made for the energy associated with the recycling of the reusable components of the debris from the main building.

So, what would be a more realistic estimate?

The Community Residential alternative would generate approx. 23 percent of that, or 800 tons, of Greenhouse Gases.

5. RECONSTRUCTION, STRENGTHENING AND INCREASED HEIGHT OF MAIN BUILDING

First, the remaining portions of the historical main building will require strengthening as it was not originally designed or built to accommodate three additional floors and their related infrastructure. The volumes of concrete and steel involved will result in significant generation of Greenhouse Gases, no mention of which appears anywhere in the Initial Study or the DEIR! The DEIR is simply incorrect, incomplete and inaccurate with respect to direct and indirect greenhouse gases and also Air Quality. The DEIR should, but did not, disclose the volumes of concrete and/or weight of wood, as well as the weights of steel and glass that would be used in the PSKS proposed development.

This information is relevant to the calculation of Greenhouse Gas Emissions.

Projects involving buildings of this size, and larger, have seen significant reductions savings of Greenhouse Gases saved through re-use of the building as opposed to major demolition and reconstruction.

So, conservatively it can be estimated that this re-construction will generate approx.

2,000 TONS OF GREENHOUSE GASES

Had we been provided with information regarding volumes of concrete and weight of steel required for this rebuild, strengthening and height increases, we could have provided a more specific estimate. It should be noted that concrete has an Embodied Energy Content of 12.5MJ/kg, Steel 11.0MJ/kg. and Wood 2.0MJ/kg.

Cement is an energy intensive product and generates significant Greenhouse Gases during its production process so a cubic yard of concrete is responsible for approximately 500 lbs. of Greenhouse Gases being released into our atmosphere. See References 16, 17, 18 and 23¹⁴.

95% of the cement used in the Bay Area is manufactured here so these GHG are our GHG.

This estimated 2,000 tons of Greenhouse Gas generated by PSKS would hardly seem to be compatible with Page 146 and the “Less Than Significant” conclusion by the City, further

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

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reinforcing the conclusion that the Initial Study, and this DEIR, is inaccurate, inadequate, incomplete and invalid.

The Community Residential alternative generates 0 tons of Greenhouse Gas emissions.

There is no demolition of the main building; no additional strengthening or structure for additional floors; no rebuilding of the exterior of the main historic building.

However, to take into account modifications for providing sunlight courts, etc. let's assign a number of 200 tons of Greenhouse Gases.

6. CONSTRUCTION OF UNDERGROUND PARKING GARAGES.

The site will be underpinned by underground parking garages over approx. 60% of the site.

Along California St. these are two and three levels.

Under Masonic, Euclid and Mayfair these are one level.

Construction is assumed to be steel reinforced concrete designed to support the buildings that are above all the parking garage areas.

The DEIR failed to disclose the volumes of concrete and weight of steel, glass, etc. required.

Concrete's Embodied Energy is 12.5MJ/kg., weighs approx. 2 ton per cubic yard which emits up to 500 lbs. in Greenhouse Gases, CO₂, during the manufacture and construction processes.

As no volumes of concrete or weight of reinforcing steel has been provided by the City, the calculations of Greenhouse Gases generated as a consequence of the construction phase has used industry standards for parking garages (Reference 25).¹⁵

These are all above ground garages without any overlying buildings so the calculations should be considered on the low end when applied to an underground complex supporting 4-7 story buildings above.

The average cubic yards of concrete to square foot of structural slab ratio varies from 4.5% to 10% (Reference 25).¹⁶

Assume a 6% ratio which is conservative due to the nature of the complex AND excludes any consideration of the required reinforcing steel.

When Planning provides the necessary information, these calculations can be updated.

Again, with apparently no information, no calculations, etc. Planning concluded that the

6,000 TONS OF GREENHOUSE GASES

generated as a consequence of the construction of the underground parking garages are "Less Than Significant" on page 146 of the Initial Study and not even addressed in the DEIR.

The DEIR fails to address indirect Greenhouse Gases as required; it is incomplete, inaccurate and incorrect.

The Community Residential alternative generates approx. 1,000 tons of greenhouse gases, as it requires only a new single level residential parking garage along California St.

¹⁵ Ibid.

¹⁶ Ibid.

7. CONSTRUCTION OF MASONRY C. EUCLID AND MAYFAIR BUILDINGS.

Once again it is necessary to include the following caveat “the Initial Study provides no information as to the construction methodology proposed nor the volumes of concrete and weight of steel required.” However, at public meetings, as well as smaller private ones, it was indicated that reinforced concrete and glass would be the primary components of construction so these assumptions have been adopted herein.

Applying References 16-24¹⁷ with included references to the proposed buildings for reasonably equivalent sized buildings, the proposed buildings would generate approx.

450 TONS OF GREENHOUSE GASES.

If Planning will provide the appropriate information concerning construction methodology, materials, volumes of concrete, weight of steel, etc. we can adjust the calculations accordingly.

The All Residential alternative will construct only the Mayfair Building and generate approx. 100 tons of Greenhouse Gases as we do not intend to destroy these historically significant landscaped areas.

8. CONSTRUCTION OF PLAZA A & BAND WALNUT BUILDINGS.

The same assumptions as to construction methodology applied in 7 above is utilized herein.

These three buildings will generate

1,500 TONS OF GREENHOUSES GASES WITH THE VARIANT PROPOSED.

The Community Residential alternative would generate less than 1,000 tons of greenhouse gases.

For details refer to References 16-24¹⁸ with included references.

9.CONSTRUCTION OF LAUREL ST. DUPLEXES.

It is assumed that these are constructed predominantly of wood should generate less than

75 TONS OF GREENHOUSE GASES.

If this assumption is incorrect the tonnage of greenhouse gases generated would be significantly higher. I await Planning’s information on construction methodology.

The Community Residential alternative concept will generate ZERO tons of Greenhouse Gases as it does not envision destruction of the historic nature of that area.

SUMMARY OF GREENHOUSE GENERATED (tons)

<u>PHASE of PROJECT</u>	<u>GREENHOUSE GASES-TONS</u>	
	<u>PSKS</u>	<u>AR (1)</u>
Demolition of portions of main building, service building, parking lots, garage ramps; Removal of Debris generated above; Excavation of site for underground parking, building foundations, etc.; and Removal of Spoils generated above. References ¹⁹ : 26, 27, 28. x	3,500 (2)	800

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

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Reconstruction of main building with strengthening and additional floors. References ²⁰ : 14 thru 19.	2,000	200
Construction of underground parking garages.	6,000 (3)	2,000
Construction of Masonic, Euclid & Mayfair buildings.	450	100
Construction of Plaza A & Band Walnut buildings.	1,500	1,000 (4)
Construction of Laurel St. duplexes.	75	0
TOTALS (5)	13,525	4,100

1. AR: All Residential alternative supported by the coalition of neighbors surrounding the site.
2. The literature indicates that the fuel consumption listed in Reference 26²¹ is approx. 10-15% lower than other industry consumption figures. The lower SWCA (reference 26²²) number is used.
3. Low estimate: approx. 26,000 cubic yards of concrete; no reinforcing steel included.
4. As noted previously this number is based on a 7 story Walnut Building to be consistent with the PSKS Variant. The All Residential alternative envisions a 4 story Walnut Building which achieves the requisite 558 residential units.
5. At such time as Planning provides all the relevant data associated with the project the Greenhouse Gas tonnage estimates can be revised. However, regardless of revisions to the tonnages, the All Residential alternative will always represent a small, less than one third, portion of the PSKE proposed development and the required mitigation measures will have to reflect this.” (*Richard Frisbie, Letter and Attachments, January 8, 2019 [I-FrisbieR2-2]*)

“Attachment 1: SWAC Report 3333 California Street Mixed-Use Project Application for Environmental Leadership Development Project - Attachment E (Ramboll) -Table Con-5 Project Construction Trip Assumptions.

Attachment 2: 3333 California St. Mixed-Use Project DEIR Volume 2c: Appendices D-G Cover: EIR Appendix D “Transportation and Circulation”; Table of Contents: Section 8 “Truck Turning Templates.”

Table Con - 5 grossly understates the number of trips that will be required to remove the demolition debris and excavated soils from the site. Neither the authors of the reference nor the Planning Department have shown by analyses or data that this information is accurate or correct. The data is provided strictly by the “Project Sponsor” and no one has performed the basic due diligence needed to validate it.

The Project Sponsor understates the number of Hauling Trips by approx. 45% which directly under-represents the GHG calculations (in violation of FN 130 Planning Department “Compliance Checklist for GHG Analysis”; of Impact C-AQ-1 “less than Significant” conclusion pg. 146 of the Initial Study dated April 25, 2018; and of San Francisco 2004 and 2009 Housing element), under-reports the impact on Air Quality calculations and the resulting conclusions based on this discrepancy are simply erroneous and incorrect.

Table Con-5 shows a total of 18,020 Hauling Trips to remove the 288,000 cubic yards of demolition debris and Excavated Soils. This is an average of 16 cubic yards per trip. A dump truck capable of hauling 16 cubic yards would be unable to safely navigate 5 of the 6 major intersections around the site and pass safely through the surrounding neighborhoods. The DEIR

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

Section 8 Truck Turning Templates of Volume 2 Appendix D “Transportation & Circulation Section 8 “truck Turning Templates.”

A large tandem dump truck can haul approx. 11 cubic yards of soil and less of a mixed debris such as concrete, asphalt, steel. It is approx. 30ft in length and is also wider, by 11%, than the truck shown on Template SU-30. The narrower truck barely is able to make legal turns and this assume ideal conditions, no obstructions-cyclists, pedestrians, rain, etc. A wider dump truck would impinge on incoming traffic. A 16 cubic yard truck would be significantly more hazardous as s can be seen from Template WB-40 Circulation Exhibit; such a vehicle could not operate safely in any of the neighborhoods surrounding the site.

The number of trips is grossly underestimated by the Project Sponsor.

Assuming approx. 88,000 cubic yards of hard debris —concrete, asphalt, steel, aluminum, etc. - and an average load of 9 cubic yards results in approx. 9,800 dump truck loads.

Assuming the remaining 200,000 cubic yards to be soil, some wet, and an average load of 11 cubic yards results in 18,200 loads for a total of 28,000 loads or 1.55 times the number submitted by the Project Sponsor and accepted without validation by the Planning Department.

As a result the GHG calculations in the Attachment are significantly understated by approx. 45% and the GHG are in fact “Significant” and require that they be correctly and accurately studied in the EIR. The Air Quality around the site will also be impacted by this gross under-calculation and the DEIR GHG, Air Quality and Traffic Analysis conclusions are, by definition, defective and invalid. The information is incomplete, incorrect, inaccurate.

Our DEMAND is that the number of Hauling Loads be recalculated using appropriate load factors; that the resulting GHG be properly and accurately re-calculated; that the Air Quality issues be revised to reflect the higher number of trips by the largest pieces of site equipment; that the Traffic Circulation be redone to reflect accurate information.

Our DEMAND is that GHG be correctly re-classified as “Significant” and addressed appropriately.

Our DEMAND is that the Developer’s excessive, unmitigated “Significant” GHG be compared against the Community Alternative Plan which generates less than one third of the GHG; impacts Air Quality by having one third the impact on the Hauling Trip totals alone (9,000 vs 27,000+).

The Community Alternative actually meets the standard for “Less than Significant.”

The failure to validate key information provided by the Project Sponsor and their subcontractors is a major failing of the DEIR. The Planning Department’s failure to exercise the appropriate oversight of the information it uses to reach conclusions results in the DEIR being a collection of erroneous and self-serving conclusions that fails to meet the criteria for accuracy, completeness and correctness.” (*Richard Frisbie, Letter and Attachments, January 8, 2019 [I-FrisbieR2-3]*)

“DEIR does not mention that the cultural resource of remnant large mature trees from Laurel Hill Cemetery that were incorporated into the Firemen’s Fund Building site as historic character-defining features are work horses in mitigating greenhouse gas emissions. Planting small trees over a span of 15 years, as if that would provide equivalent or reduced greenhouse gases from thousands of vehicle miles traveled associated with the new retail uses to negatively impact everyone’s health is very concerning.” (*Rose Hillson, Draft EIR Hearing Transcript, December 13, 2018, pp. 47-48 [I-Hillson1-2]*)

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“DEIR doesn’t mention that the cultural resource of remnant large mature trees from Laurel Hill Cemetery that were incorporated into the Firemen’s Fund Building site as historic character-defining features are workhorses in mitigating GHG emissions. Planting small trees over a span of 15 years as if that would provide equivalent or reduced GHGs from thousands of VMTs associated with NEW retail uses to negatively impact everyone’s HEALTH is concerning.” (*Rose Hillson, Draft EIR Hearing Transcript Handout, December 13, 2018 [I-Hillson1-5]*)

“Air Quality Table AQ-1 (shown below): It shows the project being done from 2020-2027. With this timeline, I think the GHGs will not be remedied with the current trees of unknown species being planted even if in greater quantities than the existing number of mature trees. The mature trees are the ones that do the heavy cleaning of the air. There should be some consideration of tree species that also will not cause harm to the existing mature trees in the area to be retained and are in good condition.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-19]*) (*See Comment Letter I-Hillson2, p. 7, in RTC Attachment B for the table referenced in this excerpted comment.*)

“In re school end times, there will be more kids and parents (pedestrians) out so what is the change to pedestrian volume around this area? Has this been factored in to VMTs, GHGs from automobile delay (idling & driving at low RPMs and stop-and-go pollution)?” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-40]*)

“Also, in the DEIR, it states there will be **13,500+ automobile trips generated per day from the site**. If every project in the city keeps adding to the overall trips made, the GHGs will increase. Each electric vehicle creates pollution to make and to make the batteries that go in them. Having electric cars replacing gasoline-powered cars does not mean that pollution is going down when the factories making the items that go into making the electric cars and enabling them to run cause pollution. This is not a sustainable practice. How many batteries are needed to keep the cars going for the number of trips that are projected to go to and from this site upon completion? How many tons of pollution come from manufacturing them?” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-58]*)

“5. It incompletely addresses the damaging effects of greenhouse gases emitted during and after the construction period;” (*Adam McDonough, Email, January 7, 2019 [I-McDonough2-8]*)

“And, the use of TNCs makes the GHG situation worse. Let’s assume I want to go to 3333 by auto. I could personally drive 2 miles to get to the 3333 Retail/Office/Commercial complex, park, then shop or do business, the drive 2 miles home for a total of 4 miles. That’s a very conservative calculation as the average trip for TAZ 709, 3333 area, states an average trip of 7.9 miles! Data shows that many more people will use a TNC rather than drive their own cars. So now the TNC has to come to me, assume 2 miles, and take me the 2 miles to 3333 for a total of 4 miles. When I go home the same thing happens or an additional 4 miles for a grand total of 8 miles. Twice the GHG generated per trip! So, not only do we have 13,000 retail auto trips to deal with we have many of them generating significant more GHG per trip! Planning needs to do a comprehensive analyses using credible data and a credible methodology so that the public knows the extent of the GHG generated. We are in a crisis with climate change and the methodology shown in the DEIR fails to address this crisis credibly. In fact climate change is more of a threat to the future of San Francisco than housing is and it isn’t being addressed accurately in the DEIR. (*Laura Rubenstein, Email, January 2, 2019 [I-Rubenstein-10]*)

RESPONSE GHG-1: METHODOLOGY

The text below addresses several issues raised by commenters: The comments question the analysis and impact conclusions of the greenhouse gas (GHG) section of the initial study (see EIR Appendix B). Comments state that the analysis of the proposed project failed to assess the significance of GHG impacts consistent with state and Bay Area Air Quality Management District (air district) guidelines. In particular, comments state that the GHG analysis is not adequate because it fails to show that the plans or regulations contain specific requirements that would result in the proposed project's reducing GHG emissions to a less than significant level. Comments posit that the EIR should have performed a quantitative assessment of emissions from the proposed project and project variant for this CEQA documentation. Comments also describe potential quantitative emissions estimates from transportation network companies (TNCs); quantitative emissions comparisons to a neighborhood alternative (also referred to as the LHIA Alternative), the proposed project, and the project variant; construction haul trip calculations; tree planting; types of trees planted; and embedded emissions from electric vehicle batteries. Comments also describe and calculate potential lifecycle GHG emissions associated with construction and materials; this issue is generally addressed in Response GHG-2: Accuracy of GHG Emissions Calculations, RTC pp. 5.J.39-5.J.40.

GHG Approach

As described below, the significance criteria and GHG methodology used in the initial study are consistent with approaches established by the San Francisco Planning Department to demonstrate compliance with San Francisco's qualified GHG reduction strategy (described below). As acknowledged by the air district,²³ the City's Strategy meets the criteria for a qualified GHG reduction strategy as described in the air district's CEQA Guidelines. This is the preferred approach under the air district CEQA guidelines²⁴ (CEQA Air Quality Guidelines) and supported in CEQA case law, including the California Supreme Court decision in *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204 (*CBD v. CDFW*) and the First Appellate District's decision in *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 150 (*Mission Bay Alliance*). Thus, contrary to the assertion in the comments, a quantitative analysis of the proposed project's or project variant's GHG emissions is not required under CEQA.

²³ San Francisco Planning Department, *Letter Regarding Draft GHG Reduction Strategy*, October 28, 2010, http://sfmea.sfplanning.org/GHG/BAAQMD_Letter_GHGStrategy_2010.pdf, accessed June 10, 2019.

²⁴ Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, 2017, http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, accessed July 25, 2019

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The GHG impacts of the proposed project and project variant were both found to be less than significant. The GHG emissions significance thresholds are based on CEQA Guidelines Appendix G, Section VII. These thresholds state that the project would have a potentially significant impact related to GHG emissions if the project were to: “generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.” The analysis in the initial study is consistent with CEQA Guidelines sections 15064.4 and 15183.5, which address the analysis and determination of significant impacts from a proposed project’s GHG emissions (see initial study p. 146). CEQA Guidelines section 15064.4 allows lead agencies to rely on a qualitative analysis to describe GHG emissions resulting from a project; a quantitative analysis is not mandated in the CEQA Guidelines. CEQA Guidelines section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of greenhouse gases and describes the required contents of such a plan. This approach is in recognition of the fact that while no single project could generate enough GHG emissions to noticeably change the global average temperature, the combination of GHG emissions from past, present, and future projects around the world have contributed and will continue to contribute to global climate change and associated environmental impacts. Therefore, the impact analysis focuses on the project’s contribution to cumulatively significant GHG emissions (see initial study pp. 147-148).

Accordingly, San Francisco has prepared its own Greenhouse Gas Reduction Strategy (described below), which the air district has reviewed and concluded that “Aggressive GHG reduction targets and comprehensive strategies like San Francisco’s help the Bay Area move toward reaching the State’s AB 32 goals, and also serve as a model from which other communities can learn.”²⁵ San Francisco’s Greenhouse Gas Reduction Strategy identifies actions the city is implementing to achieve cleaner energy, energy conservation, and alternative transportation and solid waste policies. For instance, the City has implemented mandatory requirements and incentives that have measurably reduced GHG emissions; these actions include, but are not limited to, increasing the energy efficiency of new and existing buildings, installation of solar panels on building roofs, implementation of green building strategies, adoption of a zero waste strategy, a construction and demolition debris recovery ordinance, a solar energy generation subsidy, incorporation of alternative fuel vehicles in the City’s transportation fleet (including buses), and a mandatory recycling and composting ordinance. The Strategy identifies 42 specific regulations for new development that would reduce a project’s GHG emissions. San Francisco’s policies and programs have resulted in a reduction in GHG emissions to below 1990 levels, exceeding statewide AB 32 GHG reduction goals. Furthermore, updating the 2016 information on initial study p. 147, the city has exceeded its 2017 GHG reduction goal of reducing GHG emissions to 25 percent below 1990 levels by 2017 by reducing emissions by 36 percent over that

²⁵ Ibid.

timeframe despite a population increase of 22 percent.²⁶ Other existing regulations, such as those implemented through Assembly Bill 32, will continue to reduce a proposed project's contribution to climate change. In addition, San Francisco's local GHG reduction targets are consistent with the long-term GHG reduction goals of Executive Order S-3-05, Executive Order B-30-15, Assembly Bill 32, Senate Bill 32, and the 2017 Clean Air Plan (initial study p. 147).

The initial study's analysis for determining the significance of GHG impacts is based on finding consistency of the proposed project and project variant with San Francisco's qualified Greenhouse Gas Reduction Strategy. Because the City's local GHG reduction targets are more aggressive than those of the region or the state, consistency with the city's qualified Greenhouse Gas Reduction Strategy necessarily demonstrates consistency with the state's GHG regulations, the Governor's executive orders, and the Bay Area 2017 Clean Air Plan. If the proposed project or project variant is consistent with the approved Greenhouse Gas Reduction Strategy, it would also be consistent with the GHG reduction goals of Executive Order S-3-05, Executive Order B-30-15, Assembly Bill 32, Senate Bill 32, and the 2017 Clean Air Plan; would not conflict with these plans; and would therefore not exceed San Francisco's applicable GHG threshold of significance, then the proposed project's and project variant's impacts related to GHG emissions would be considered less than significant. As described in Impact C-GG-1 (initial study pp. 146-150), the project would be consistent with the City's Greenhouse Gas Reduction Strategy, as documented on the Greenhouse Gas Analysis: Compliance Checklist for the 3333 California Street Mixed-Use Project. This document is available in the project's files. Although the project would contribute to annual long term increases in GHGs as a result of increased vehicle trips (mobile sources), energy and water use, wastewater treatment, solid waste disposal, and temporary construction activities, the proposed project or its variant would be subject to and required to comply with many regulations adopted to reduce GHG emissions, as identified in the Greenhouse Gas Reduction Strategy. As described above, the strategy is effective, as evidenced by the continual reduction in GHGs in San Francisco.

The proposed project or project variant would comply with the following regulations or their equivalent that reduce transportation emissions: Commuter Benefits Program; Emergency Ride Home Program; transportation demand management programs; Transportation Sustainability Program; Jobs-Housing Linkage Program; Bicycle Parking requirements; and Fuel-Efficient Vehicle and Carpool Parking. Further, the project would be required to comply with energy efficiency and renewable energy requirements of the San Francisco Green Building Code; San Francisco Stormwater Management Ordinance; San Francisco Water Efficient Irrigation Ordinance; Residential Water Conservation Ordinance; Commercial Water Conservation Ordinance; and Residential Energy Conservation Ordinance (see initial study pp. 148-150). The proposed project's or its variant waste-related emissions would be reduced through compliance

²⁶ San Francisco Department of the Environment, *San Francisco's Carbon Footprint (2019)*, April 2019, <https://sfenvironment.org/carbon-footprint>, accessed June 10, 2019.

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with San Francisco's Recycling and Composting Ordinance, Construction and Demolition Debris Recovery Ordinance, Construction and Demolition Debris Recycling Requirements, and Green Building Code Requirements.

A comment asserts that the GHG impact analysis in the initial study inappropriately relied on the fact that San Francisco has met the state and regional 2020 GHG reduction targets citywide and recommends that the GHG analysis be performed for a longer time range. Contrary to this assertion, the GHG impact analysis evaluates whether the proposed project or project variant would be consistent with the City's GHG Reduction Strategy by documenting the specific requirements and regulations that would be applicable to the proposed project or project variant. The information that San Francisco has met the 2020 GHG reduction targets is provided in the initial study to show that the City's GHG Reduction Strategy is effective. The City (Department of the Environment) regularly evaluates the effectiveness of the GHG Reduction Strategy in order to measure the City's progress on meeting the statewide GHG emission reduction goals.

A comment asserts that the initial study erroneously used existing plans (presumed to mean the City's GHG Reduction Strategy) as the baseline against which potential project effects were analyzed. This assertion is incorrect. No baselines were used, or required, in the proposed project's or project variant's GHG impact analysis because a qualitative approach was used as discussed above.

Comments state that the proposed project's GHG emissions should be quantified and compared to a business as usual (BAU) scenario. The BAU scenario is not a required approach to analyzing the effects of GHG emissions, and in fact, use of such an approach was called into question in a 2015 California Supreme Court case, which considered the CEQA issue of determining the significance of GHG emissions in *CBD v. CDFW*. The court questioned a common CEQA approach to GHG analyses for development projects that compares project emissions to the reductions from BAU that would be needed statewide to reduce emissions to 1990 levels by 2020, as required by AB 32. The court determined that the percentage below BAU target developed by the AB 32 Scoping Plan is intended as a measure of the GHG reduction effort required by the state as a whole, and the Scoping Plan's BAU target cannot necessarily be applied to the impacts of a specific project in a specific location. The court stated that other approaches, such as the compliance-based analysis using a qualified GHG reduction strategy used in San Francisco, are acceptable. As stated in the court decision "Local governments thus bear the primary burden of evaluating a land use project's impact on greenhouse gas emissions. Some of this burden can be relieved by using geographically specific greenhouse gas emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis."

A comment recommends that URBEMIS be used to quantify GHG emissions. URBEMIS is an outdated emissions model that is no longer supported or even available for download. It was used in the San Francisco 2004 and 2009 Housing Element EIR prepared in 2010. At this time for

projects that need to quantify GHG emissions, the BAAQMD currently recommends the use of the California Emissions Estimator Model (CalEEMod®). However, as discussed above, the EIR for the proposal at 3333 California Street was not required to quantify GHG emissions and relied on compliance with San Francisco's GHG Reduction Strategy.

A comment asserts that the San Francisco 2004 and 2009 Housing Element EIR requires that a quantitative analysis of indirect GHG emissions be prepared for this project. While the San Francisco 2004 and 2009 Housing Element EIR includes a detailed quantitative analysis of GHG emissions, it was published in July 2010, prior to preparation of San Francisco's Greenhouse Gas Reduction Strategy in November 2010. The Final EIR on the 2004 and 2009 Housing Element and subsequent Addendums include a statement that "implementation of the 2009 Housing Element would not conflict with Assembly Bill (AB) 32 or San Francisco's Strategies to Address Greenhouse Gas Emissions." That EIR, prepared for one of the elements of the San Francisco General Plan, includes a plan-level analysis, unlike the EIR for the 3333 California Street Mixed-Use Project that analyzes a development project. Therefore, the 2004 and 2009 Housing Element EIR is not an appropriate model or standard for the analysis of GHG impacts of the proposed project or project variant. The numeric GHG thresholds cited in the comment relate to a quantified analysis prepared for an application for certification as an Environmental Leadership Development Project as discussed below under "Assembly Bill 900 Approach," not to the approach used in the 3333 California Street Mixed-Use Project EIR, which uses a qualitative project-specific analysis based on San Francisco's GHG Reduction Strategy, consistent with the requirements of CEQA and the CEQA Guidelines.

Assembly Bill 900 Approach

Although not part of the draft EIR, some comments pertained to the quantitative GHG analysis that was performed for the Assembly Bill (AB) 900 process, where the project sponsor applied to the Governor for certification as an Environmental Leadership Development Project (ELDP). The following responses to those comments are provided for informational purposes.

As required by AB 900, CEQA section 21183(c), ELDPs must "result in [no] net additional emissions of greenhouse gases, including greenhouse gas emissions from employee transportation, as determined by the State Air Resources Board...". A summary of these calculations is as follows: Year-by-year emissions were quantified using a State-approved methodology for construction and operations for the baseline, project, and project variant. Emissions were quantified for sources including transportation, building energy use, water, solid waste, stationary sources, and area sources. Where emissions exceeded baseline (i.e., existing) emissions, the project sponsor committed to enforceable offset requirements to reduce net emissions to zero. This enforceable requirement is not a CEQA mitigation, but instead is a commitment by the project sponsor pursuant to the requirements of AB 900 to offset any emissions that would exceed existing condition emissions either with on-site measures such as

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additional solar panels or through the purchase of qualified GHG credits. The California Air Resources Board (air resources board) reviewed and approved the proposed project's GHG analysis for its ELDP application in January 2019, and the Governor certified the project as an ELDP in June 2019.²⁷ This quantified GHG analysis was not prepared for the EIR and is not required in CEQA or the CEQA Guidelines, as explained above.

Comments assert potential inconsistencies with assumptions used in the construction energy and emissions quantification and that the comments imply that different assumptions should have been used in the AB 900 quantification of GHG emissions. In particular, they assert that the haul trucks may not be able to carry 16 cubic yards of material per trip. The amount of material per trip is a CalEEMod® default, from CalEEMod® Appendix A Section 4.5, which states "Haul trips are based on the amount of material that is demolished, imported or exported assuming a truck can handle 16 cubic yards of material." CalEEMod® is the accepted tool for quantifying emissions for land use developments in California, and certain default assumptions such as the quantity of material per haul trip cannot be edited by the model user. In addition, heavy-duty truck emission factors are used to quantify emissions and fuel use from these large trucks. If smaller trucks were used to haul materials for this project as one comment posits, the emissions per trip would be lower.

These comments question other metrics used in the energy analysis, including the estimate of fuel use per horsepower hour. The AB 900 quantification of GHG emissions for off-road construction equipment is based on Air Resources Board OFFROAD/CalEEMod emission factors, load factors, and construction hours for the equivalent equipment, as required, not on the entirely separate energy use calculations.

One comment questions whether idling and starting emissions associated with congestion have been factored into the VMT or emissions calculations. While a quantitative GHG emissions analysis was not required for the CEQA analysis in the EIR (as described further above), the mobile emission factors model used for the AB900 GHG emissions calculations includes starting, idling, and running emissions for aggregated speed bins²⁸ in San Francisco County (e.g., including congested conditions).

Documents supporting these calculations and the AB 900 application can be found in the project files. The air resources board determined that the project did not result in any net additional emissions and certified the project as compliant with CEQA section 21183(c). Comments

²⁷ The ELDP application, Governor's certification, and air resources board approval documents are available online on the California Office of Planning and Research website: <http://opr.ca.gov/ceqa/california-jobs.html>. Accessed July 26, 2019.

²⁸ Speed bins are groupings of vehicle speeds (e.g., 0-5 miles per hour, 5-10 mph, 10-15 mph, etc.) with assumptions of the total numbers of vehicles in each "bin" for each jurisdiction, used in the GHG quantification model when performing a project-level analysis that includes vehicle running exhaust emissions.

regarding the GHG calculations for the AB 900 analyses were made via the California Governor's Office of Planning and Research website for the application. The results of the GHG analysis conducted as part of the AB 900 process further support the findings of the GHG emissions impact analysis in the initial study, which used a CEQA-compliant qualified GHG Reduction Strategy approach.

Other Potential Emissions Sources

For the traffic safety issue related to trucks moving around the site, please see Response TR-7: Traffic Hazards on RTC p. 5.E.64.

Comments question other metrics used in the energy analysis, including the estimate of fuel use per horsepower hour. Because San Francisco uses a qualified GHG Reduction Strategy to qualitatively assess GHG impacts, as noted above, calculation of GHG emissions is not required for the CEQA analysis of GHG impacts. Therefore, the accuracy of the calculations presented in the comments has not been assessed. Minor corrections were made in EIR section 4.F, Initial Study Supplement, to the energy assessment prepared for the energy resources analysis in the initial study. See initial study Section E.16 and EIR section 4.F, Initial Study Supplement for further information.

In response to the discussion in the comments that transportation network companies are not accounted for in the GHG Reduction Strategy, the strategy includes a number of regulations for reducing emissions from the transportation sector including the transportation demand management ordinance and requirements to support alternative modes of transportation such as the provision of bicycle parking in new development. See discussion above on pp. 5.J.29-5.J.31 for more information regarding the City's approach to GHG analyses under a qualified GHG Reduction Strategy, EIR Section 4.C, pp. 4.C.74-4.C.78, for a discussion of the effectiveness of transportation demand management measures, and EIR Section 4.E, pp. 4.E.60-4.E.64 for a discussion of how the proposed project or project variant would conform to the 2017 Bay Area Clean Air Plan.

A comment also discusses the lifecycle emissions of electric cars and erroneously claims that electric vehicles fail to reduce GHG emissions. Although lifecycle emissions²⁹ do not have to be addressed under CEQA (see Response GHG-2), studies show that the lifecycle GHG emissions from electric cars are lower than the lifecycle emissions from internal combustion engine (ICE)

²⁹ Lifecycle emissions include the overall GHG emissions, including each stage of production, use, and disposal. For vehicles, this may include emissions from extracting and manufacturing parts and fuel, combustion emissions from driving (or indirect emissions from electricity supply for electric vehicles), and emissions from vehicle disposal. See US EPA, Lifecycle Analysis of Greenhouse Gas Emissions under the Renewable Fuel Standard, <https://www.epa.gov/renewable-fuel-standard-program/lifecycle-analysis-greenhouse-gas-emissions-under-renewable-fuel>, accessed June 10, 2019.

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vehicles, particularly in states with low-carbon electricity grids such as California.³⁰ After accounting for the GHG emissions from raw material and production, lifecycle GHG emissions from electric vehicles can be up to 90 percent lower than equivalent ICE vehicles if the vehicles are charged with carbon-free electricity.³¹

Comments state that the alternative presented and submitted by the Laurel Heights Improvement Association of San Francisco (LHIA Alternative) would generate fewer GHG emissions than the project. In response to these comments, while there is limited information about the LHIA Alternative, its GHG emissions would be similar to those of Alternative C because the LHIA Alternative would have approximately the same building sizes as Alternative C, but slightly more residential units and less retail space. As discussed in EIR Chapter 6, Alternatives, for each of the alternatives, the GHG impacts would be less than significant based on compliance with the GHG Reduction Strategy because all of the alternatives would be required to comply with the same San Francisco regulations to reduce emissions as described above for the proposed project or project variant. This is the same as the determination of a less-than-significant impact for the proposed project and project variant. In response to assertions that construction GHG emissions would be reduced in the LHIA Alternative, although construction GHG emissions would be reduced, a quantitative assessment of construction GHG emissions has not been performed because a compliance-based analysis is used to determine whether a significant impact would occur (as described further above). See Response GHG-2 below regarding GHG emissions of the LHIA Alternative and AL-2: LHIA Alternative, on RTC pp. 5.H.54-5.H.69, for further discussion of the LHIA Alternative.

One comment states that 100 percent of all demolition debris from the existing office building must be recycled. This statement is incorrect. The San Francisco Environmental Code section 1402(a) requires that all construction and demolition debris must be processed at a facility registered with the San Francisco Department of Environment, but does not require that all construction and demolition debris generated from the partial demolition of the office building be recycled. The commenter conflates this requirement with the requirement in the Environmental Code section 1402(b) that a person conducting full demolition of an existing structure must divert, at a minimum, 65 percent of the construction demolition and debris from landfills, including materials source separated for reuse or recycling.

³⁰ E.g., Ellingsen, L.A-W. 2016. The size and range effect: lifecycle greenhouse gas emissions of electric vehicles. *Environ. Res. Lett.* 11 054010, <https://iopscience.iop.org/article/10.1088/1748-9326/11/5/054010/pdf>, accessed June 10, 2019. Huo, H., et al. 2015. Life-cycle assessment of greenhouse gas and air emissions of electric vehicles: A comparison between China and the U.S. *Atmospheric Environment* 108, <https://www.sciencedirect.com/science/article/pii/S1352231015002022>, accessed June 10, 2019.

³¹ European Environmental Agency. 2018. Electric vehicles from life cycle and circular economy perspectives, Transport and Environmental Reporting Mechanism Report, <https://www.eea.europa.eu/publications/electric-vehicles-from-life-cycle>, accessed June 10, 2019.

Although the complete demolition of the annex building is cited as the trigger requiring a waste diversion plan, 100 percent of mixed construction demolition and debris would be transported by a registered hauler to a registered facility and processed to avoid landfilling construction and demolition debris, as required. As noted in the Greenhouse Gas Analysis: Compliance Checklist for 3333 California Street Mixed-Use Project (available in the project file), the project sponsor would adhere to the requirement to submit a waste diversion plan to the department of the environment that shows a minimum 75 percent diversion of all construction and demolition debris. The project sponsor would be required to process 100 percent of all construction and demolition debris including that from the partial demolition of the existing building at the center of the site. In addition, the project sponsor has committed to achieving Leadership in Energy and Environmental Design (LEED) for Neighborhood Development certification at a minimum Gold level for the full development, targeting platinum. Using sustainable building materials is a potential pathway toward achieving this certification.

The proposed project or its variant would also comply with the city's street tree planting requirements, limit refrigerant emissions, and would comply with the air district's wood-burning regulations. For details on measures the proposed project or project variant would use to comply with these requirements, see initial study Section A, Project Description, pp. 62-74. Therefore, on the basis of consistency with San Francisco's qualified Greenhouse Gas Reduction Strategy, the proposed project's or project variant's impacts on GHG emissions were determined to be less than significant.

The comments include a discussion of geotechnical boring locations, noting the presence of serpentinite and suggesting that serpentinite requires significantly more energy to remove than soils and clays. A comment also states that the information is incomplete. As noted in Response GEO-1 on p. 5.J.101, the preliminary geotechnical study has been used in the EIR analyses where appropriate, and a final geotechnical study will be prepared for each building site as part of the building permit process. Thus, the information in the preliminary geotechnical study will be refined where necessary prior to construction. The proposed project or project variant would comply with requirements in the city's GHG Reduction Strategy.

Conclusion

As described above, the GHG analysis for the project was conducted accurately and in accordance with local and statewide regulations. GHG impacts would be less than significant. The commenters do not raise any issues that require additional analyses.

COMMENT GHG-2: ACCURACY OF GREENHOUSE GAS EMISSIONS CALCULATIONS

“The Developers Destructive Proposal is well named. Based on current estimates, it will generate approx. 15,000 tons of Greenhouse Gases (GHG) and the many associated and far more destructive climate changing gases that accompany the primary CO₂. The Community’s Full Preservation Alternative will, by comparison, generate approx. 4,100 tons of GHG. The Community Alternative mitigates the GHG generated by more than 70 percent, providing a dramatic reduction in a time of climate change.

The GHG calculation is our best estimate. Neither Planning nor the Developer will provide the volume of concrete or weight of steel required. The Developer claims to have built many buildings and many complexes, Planning claims to oversee thousands of such projects and yet no one can even make an educated estimate as to the concrete and steel required.” (*Sal Ahani, Email, January 8, 2019 [I-Ahani-8]*)

“The Developers Destructive Proposal Generates Excessive Levels of Greenhouse Gases and Even More Destructive Climate Gases.

Based on current estimates, it will generate approx. 15,000 tons of Greenhouse Gases (GHG) and the many associated and far more destructive climate changing gases that accompany the primary Carbon Dioxide gas.

The Community’s Full Preservation Alternative will, by comparison, generate approx. 4,100 tons of GHG.

The Community Alternative mitigates the GHG generated by more than 70 percent, providing a dramatic reduction in a time of climate change.

The GHG calculation is our best estimate. Neither Planning nor the Developer will provide the volume of concrete or weight of steel required.

The Developer claims to have built many buildings and many complexes, Planning claims to oversee thousands of such projects and yet no one can even make an educated estimate as to the concrete and steel required.

Could there be something they want to conceal from the public?

Much like they concealed the Historic nature of 3333 for over 4 years?

Planning ignores the GHG generated by the construction materials despite the requirement to address “indirect” GHG. Planning requires the GHG generated in dispensing water to control dust, etc, to be calculated but not the GHG generated in manufacturing the materials used in the construction!

Example: The GHG generated by the diesel fuel burned to deliver a load of concrete is calculated to the decimal point but the GHG generated by the concrete itself is ignored.

What do the numbers show?

Assume a 30 mile round trip: the truck burns approx. 10 gallons of diesel and generates 225 lbs. of CO₂. The concrete in the truck generated over 5,000 lbs. of CO₂ during manufacture.

So, Planning recognizes the 225lbs. but claims the 5,000lbs. is irrelevant **essentially ignoring 95% of the real GHG!**

And using this logic throughout the Initial Study Planning concludes that GHG are “Less than Significant” and therefore need not be addressed!

Folks, you can’t make this stuff up as its beyond one’s imagination.

The steel, glass, etc. are all treated similarly.

Apparently if you can’t see the GHG actually being emitted into the air it doesn’t actually exist so there is no need to consider it. So much for a responsible approach to Climate Change.

As noted above the Community Full Preservation Alternative generates less than one third the GHG, however Planning chooses to calculate them. **NOTE: Over 95% of the cement/concrete used in the Bay Area is totally manufactured in the Bay Area beginning with the mining process so these GHG are being injected into our air.”** (*Richard Frisbie, Letter, January 7, 2019 [I-FrisbieR1-7]* and *Tina Kwok, Email, January 9, 2019 [I-Kwok4-13]*)

“The Developers Destructive Proposal is well named. Based on current estimates, it will generate approx. 15,000 tons of Greenhouse Gases (GHG) and the many associated and far more destructive climate changing gases that accompany the primary CO₂.

The Community’s Full Preservation Alternative will, by comparison, generate approx. 4,000 tons of GHG.

The Community Alternative mitigates the GHG generated by more than 70 percent, providing a dramatic reduction in a time of climate change.

The GHG calculation is our best estimate. Neither Planning nor the Developer will provide the volume of concrete or weight of steel required. The Developer claims to have built many buildings and many complexes, Planning claims to oversee thousands of such projects and yet no one can even make an educated estimate as to the concrete and steel required.” (*Laura Rubenstein, Email, January 2, 2019 [I-Rubenstein-6]*)

RESPONSE GHG-2: ACCURACY OF GREENHOUSE GAS EMISSIONS CALCULATIONS

The comments state that the LHIA Alternative (referred to as Community Full Preservation Alternative in comments) would reduce GHG emissions compared to the proposed project. In addition, the comments provide a quantified estimate of GHG emissions for the LHIA Alternative and attempt to quantify embedded emissions from materials used in constructing new buildings and remodeling existing buildings for the proposed project, and indicate that the GHG analysis should have used this type of calculation for the quantification of GHG emissions for the proposed project and project variant.

As described in Response GHG-1, the methodology used to determine the GHG impact for the project and variant in the EIR is consistent with San Francisco’s qualified Greenhouse Gas Reduction Strategy, (described in Response GHG-1), which the air district has reviewed and concluded that “Aggressive GHG reduction targets and comprehensive strategies like San Francisco’s help the Bay Area move toward reaching the State’s AB 32 goals, and also serve as a

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model from which other communities can learn,”³² and is an approach supported in the *CBD v. CDFW* and *Mission Bay Alliance* decisions cited in Response GHG-1. Further, the project has been certified by the Governor as an AB900 Environmental Leadership Development Project, based in part on a quantified analysis showing that there would be no net increase in GHG emissions (including offsets for construction emissions). This analysis has been reviewed and accepted by the air resources board.³³ Therefore, the analysis in the EIR and the quantification presented for the ELDP certification, are both accurate and appropriate.

If constructed, the LHIA Alternative would also be required to comply with applicable measures from the City’s GHG reduction strategy. See also Response AL-2 on RTC pp. 5.H.54-5.H.69.

Although there is no regulatory definition for embedded or “lifecycle emissions,” the term is generally used to refer to all emissions associated with the creation and existence of a project, including emissions from the manufacture and transportation of component materials such as cement, concrete, and steel, and even emissions from the manufacture of the machines required to produce those materials (see also Response GHG-1). However, since it is impossible to accurately estimate the entire chain of emissions associated with any given project, lifecycle analyses are speculative and limited in effectiveness (relative to assessing or reducing project-specific emissions for the CEQA analysis). The California Natural Resources Agency (CNRA) has stated that lifecycle analyses are not required under CEQA,³⁴ and in December 2018 the CNRA issued energy conservation guidelines for EIRs that make no reference to lifecycle emissions.³⁵ The CNRA has explained that: (1) there exists no standard regulatory definition for lifecycle emissions, and (2) even if a standard definition for ‘lifecycle’ existed, the term might be interpreted to refer to emissions “beyond those that could be considered ‘indirect effects’” as defined by CEQA Guidelines, and therefore, beyond what an EIR is required to estimate and mitigate.³⁶

³² San Francisco Planning Department, *Letter Regarding Draft GHG Reduction Strategy*, October 28, 2010, http://sfmea.sfplanning.org/GHG/BAAQMD_Letter_GHGStrategy_2010.pdf, accessed June 10, 2019.

³³ California Air Resources Board Executive Order G-18-101, Relating to Determination of No Net Additional Greenhouse Gas Emissions Under Public Resources Code section 21183, subdivision (c) for 3333 California Street Mixed-Use Project, January 30, 2019, and Attachment 1, CARB Staff Evaluation of AB900 Application for 3333 California Street Mixed-Use Project.

³⁴ California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, December 2009, pp. 71-72, http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf, accessed March 27, 2019.

³⁵ State CEQA Guidelines, Appendix F. These new guidelines were part of amendments issued pursuant to SB97.

³⁶ California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, December 2009, p. 71, http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf, accessed March 27, 2019.

COMMENT GHG-3: GENERAL GREENHOUSE GAS CONCERNS

“From the EIR itself and the environmental impact, it can’t be stated enough that the number one threat to our planet right now is global warming, from a 30,000 foot big picture perspective. And if we don’t build these 744 homes here, they are going to be built out in Modesto and Merced and Fresno, and those people are going to be commuting into the San Francisco Bay Area because this is a fantastic place to be, and that will end up putting more CO2 into the air. It will slowly, slowly, slowly continue to kill our planet, and that’s what we’re all trying to avoid.” (*Cory Smith, San Francisco Housing Action Coalition, Draft EIR Hearing Transcript, p. 69, December 13, 2018 [O-SFHAC-4]*)

“• The size and scope of the project will have major environmental impact in terms of the amount of GHG released.” (*Jane Fridlyand, Email, January 7, 2019 [I-Fridlyand-6]*)

“• The size and scope of the project will have major environmental impact in terms of the amount of GHG released.” (*David Goldbrenner and Zhenya Fridlyand, Email, January 4, 2019 [I-Goldbrenner3-5]*)

“Recent studies and peer-reviewed publications state that certain mafic and ultramafic rocks, like serpentinite and peridotite formations would sequester CO2 via magnesium (Mg) oxides and silicates. Air quality with increased pollution should be one of the highest priorities for the residents of the city. The property may contain certain geologic formations that sequester carbon in the Franciscan type band formation that runs from the NW to the SE of the city. The findings of such geologic formations would be a rare chance for scientists to study this peculiar formation in a large quantity as it exists in the city vs. elsewhere. The ground under the site may well be a jewel in sequestering carbon in considerable quantity. On the “Pre-cautionary Principle,” perhaps some geologists should study the site as it may well prove to be a natural carbon-sequestration supersite; and rather than do more harm than good to the environment, perhaps this should be studied well in advance of construction to sort out exactly what rock formations exist under all parts of the site and in what quantities. This would be a great educational discovery to be shared with the community. The DEIR does not state such rocks are present on this property but parcels in this area have these rocks.

Also, the sand in this area may already contain this ultramafic soil that might be useful for propagating plants that thrive on it rather than be dumped into landfill.

Links to articles on geologic formations and their carbon-sequestration potentials:

<https://www.osti.gov/biblio/900485> (This is from the federal **Department of Energy**.)

<https://www.nps.gov/goga/learn/education/geology-resources.htm> (This is from the **National Park Service**.)” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-66]*)

“The original trees are large and are the workhorses for carbon sequestration and GHG remediation. When large trees are cut down, they release the carbon back into the environment. The smaller tree replacements, though in more quantity than the existing count of trees, would not be sufficient to provide an equivalent environmental benefit in re carbon or GHG sequestration. Smaller trees also do not turn into the lush, mature park-like environment of this site overnight. It would be good to retain and enhance the health of the large Monterey Cypress that is a remnant from the days of the Laurel Hill Cemetery. Different species of trees sequester GHGs differently.

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The large workhorses do more carbon sequestration than a bunch of smaller trees. The DEIR goes not state what species will be planted but perhaps those that sequester more GHGs can be considered. The Presidio of San Francisco is planting clones of the largest trees from California – the redwoods. They are the giant workhorses to combat climate change. The project sponsors and the city would be sending the wrong message to its inhabitants about the value of such large trees if we keep chopping them down. Chopping down large trees also releases all the carbon back into the environment to pollute. What analyses has been done to calculate the carbon that will be released from those trees planned to be removed? (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-70]*)

“Finally, anyone concerned about eliminating climate change should pay special attention to the greenhouse gases that will be released by the two solutions. The developer’s plan generates three times that of the community alternative. Thank you.” (*Adam McDonough, Draft EIR Hearing Transcript, pp. 23-24, December 13, 2018 [I-McDonough1-4]*)

RESPONSE GHG-3: GENERAL GREENHOUSE GAS CONCERNS

One comment notes that if the housing proposed by the project is not built in San Francisco, then it may be built farther away from Bay Area jobs resulting in longer commutes and higher GHG emissions. The comment further states that this would contribute to global warming. Other comments note general concerns about the GHG emissions from the proposed project due to its size and scale; however, they do not provide a specific issue to respond to.

One comment describes the carbon sequestration potential of certain geologic formations. While rocks can sequester carbon, geologic sequestration takes place on geologic timescales (e.g., millions of years) and does not relate to the impacts of a proposed mixed-use housing development project with a likely life span much lower than those timescales.

Contrary to the assertion in one comment, the EIR does discuss the presence of serpentinite on the project site in Chapter 2, Project Description (p. 2.98) and in the initial study (EIR Appendix B) in Section E.13, Geology and Soils, on pp. 206 and 213, and in Section E.15, Hazards and Hazardous Materials, on p. 235.

Another comment describes the potential carbon sequestration and releases from planting and removing trees. As described in Response GHG-1, the proposed project or its variant would comply with all San Francisco tree- and landscaping-related ordinances and would result in a net increase in the number of trees on the project site and in the surrounding sidewalks. The Intergovernmental Panel on Climate Change (IPCC), a large scientific expert body on climate change, notes that when trees and vegetation reach maturity (aka, are “full grown”), there will be no further net carbon sequestration (i.e., the carbon released from dead biomass would be balanced with carbon sequestration from the growing biomass). As stated by the IPCC, “the accumulation of carbon in biomass slows with age, and thus for trees greater than 20 years of age,

increases in biomass carbon are assumed [to be] offset by losses from pruning and mortality.”³⁷ Therefore, planting new trees on the project site would increase carbon sequestration compared to existing conditions until the new trees reached maturity. In addition, cutting down a tree does not immediately “release” its carbon as stated in the comment; rather, that carbon would remain sequestered from the atmosphere unless the tree was burned or decomposed.

The comments do not present any evidence that the analysis of GHG emissions provided in the initial study (EIR Appendix B) is inaccurate or that significant impacts are not identified.

WIND AND SHADOW

The comments in this subsection relate to the topics of Wind and Shadow, evaluated in initial study Section E.8. The comments are further grouped according to the following wind- and shadow-related issues that the comments raise:

- WS-1, Increased Wind
- WS-2, Shadow

A corresponding response follows each grouping of comments.

COMMENT WS-1: INCREASED WIND

“In re ***WINDS*** (DEIR Page 1.9 <Pages 151-162 in Topic E.8 in Initial Study; EIR Appendix B)...The wind report by RWDI (Rowan, Williams, Davies & Irwin, Inc., 600 Southgate Drive, Guelph, ON N1G 4P6, Canada) contains only general statements about how winds along Euclid and California may be such that a pedestrian would be “chilled” or that the winds would be “noticeable” but no specific speeds noted for any of the immediately surrounding or “nearby streets.”

Page 4.E.2: “Wind measurements recorded on the San Francisco mainland indicate a prevailing wind direction from the west and an average annual wind speed of 10.1 miles per hour.”³ (Footnote #3: Western Regional Climate Center, website query, Prevailing Wind Direction and Average Monthly Wind Speed (2001-2011), https://wrcc.dri.edu/Climate/comp_table_show.php?stype=wind_dir_avg and https://wrcc.dri.edu/Climate/comp_table_show.php?stype=wind_speed_avg.2001-2011, accessed May 25, 2018.)

While the “average” wind speed of 10.1 miles is quoted for the prevailing wind on the “mainland,” when buildings are erected, they channel the wind through openings between them in all directions.

In fact, in RWDI’s analysis report, it states:

³⁷ Intergovernmental Panel on Climate Change (IPCC), “IPCC Good Practice Guidance for Land Use, Land-Use Change and Forestry”, Appendix 3a.4, p. 3.298, 2003, http://www.ipcc-nggip.iges.or.jp/public/gpplulucf/gpplulucf_files/Chp3/App_3a4_Settlements.pdf, accessed March 27, 2019.

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“Winds can also accelerate between two closely spaced buildings and through a passage underneath a building or bridge. If these building/wind combinations occur for prevailing wind directions, there is a greater potential for increased winds.”

Also, when the wind is blocked by a large plane that blocks the wind from going east-west, the air ekes outward onto the avenues running north-south. Further wind studies may be necessary. Just historically, this site was given up as a cemetery not only because of the developers in the 1940s and 1950s wanted to build on it but also because the wind was so fierce that the sand was blowing away and the underlying lids to the caskets got blown open – an unpleasant sight.

In addition, the speed of the wind on balconies on the buildings, the street level – public areas – should not be made so that people have a comfortable experience. I believe there is a speed that is generally acceptable as comfortable and that could be around 17 mph. Where is the data to show that the winds will be at “LESS THAN SIGNIFICANT” (“LTS”) when the Initial Study and the DEIR does not have any data to back this up?

The consequence of categorizing the WIND IMPACT at “LTS” as stated in the Planning Department Memo that prefaces the DEIR Document, would be that any recommendations under “LTS” categories do not have to have measures that are actionable to remedy unlike “S” (Significant) level impacts. Thus, having the wind portion with no data to back up the claim for potential damaging effects to the neighborhood should be further studied with data for all the “nearby streets” during each phase and at the completion of all phases for the project and any variants. Inclusion of one statement about the wind conditions with reference only to a *citywide* average to say that this and any other project has no wind impact is just a guess without data. One should try to visit this site where historically it has been one of the windiest parts of the city next to Geary and Masonic. If people have a hard time standing in fair weather, this may be unsafe for the pedestrians during inclement weather. Try standing around this site from 3PM on while the “citywide” average wind speed is 10MPH. Again, this is near “regionalization” of a metric that should be local for true impact analysis.

Page 6.57 “Wind”:

The statements that since a building is “upwind north” or how wind in certain areas will be “somewhat reduced” does not give specific data on wind speeds. These general statements are not backed by scientific measurements and have no modeling of any sort in the DEIR. Yet, with no scientific data to back up any of the generalized wind statements, the DEIR states that the “Wind” impact category is “LESS THAN SIGNIFICANT” (“LTS”). The consultant’s (RDWI’s) report also has no scientific data measurements provided) so that this part of the DEIR is not only INCOMPLETE but flawed and the conclusion of the wind impact as being “LTS” INACCURATE. Please provide data for wind analysis. Please provide mitigation measures for the areas where, per RDWI’s report, the pedestrians will be “chilled” or have the winds be “noticeable” and include the specific MPH ratings for all streets adjacent and the other nearby streets within at least 1/8-mile of the site. If you had the specific scientific data from when RWDI performed the wind report please provide; also provide for current winter season wind speeds.

The wind issue is important also due to the Child Care Facility. When the children are out on the play area the wind speeds and circulation may make the area unpleasant to take part in activities. It is not only the public areas but also on the site grounds where the children who will be playing.

A November 27, 2018 *Chronicle* article talks about the sustained 40-50MPH winds from the ocean. Once the westward winds hit the hills of Laurel Heights on the upslope of Jordan Park to its west, they pick up speed:

“Wind gusts over 60 mph forecast for San Francisco Bay Area”

<picture deleted>

“People check out the Golden Gate Bridge during a storm on Monday, Feb. 20, 2017, in San Francisco, Calif. The National Weather Service announced flood, snow and wind advisories throughout the upper half of California. Photo: Santiago Mejia, **The Chronicle**

After a storm drizzling rain over the San Francisco Bay Area Tuesday moves out of the region, a second system is forecast to sweep in Wednesday night, delivering more rain and breezy conditions. The winds are expected to kick up late Wednesday and will gradually steer more west to northwest into Thursday.

The National Weather Service issued an advisory warning sustained winds could blow between 40 and 50 mph and isolated gusts could reach in excess of 60 mph.

“These west to northwest winds have the potential to be locally strong and damaging, particularly along the coast on Thursday afternoon and evening,” the NWS warns.”

What is the San Francisco’s wind hazard criterion set at today? Last I heard, it was 26MPH. As Planning Code Sec. 148 for wind speed in certain SUDs (Special Use Districts) do not currently apply to this parcel, given that a SUD is being proposed, perhaps the wind criteria needs to be introduced as being applicable to this site. As taller and more buildings get established nearby, this Code Section 148 may need to be made applicable prior to the establishment of this SUD which is being sought by the developer.

People in public seating areas and in areas where they may frequent shops along California Street would not necessarily be pleased to encounter uncomfortable wind speeds whether sustained or as gusts. In order to minimize the unpleasantness of “uncomfortable” wind speeds there might be a similar adoption of comfortable wind scenarios for the site as is in the CPMC Long-range Development Plan EIR, Case No. 2005.0555E, Page 4.9-15, e.g., wherein several SUDs are mentioned for having Planning Code Sections applicable (e.g. C-3 Downtown Commercial Districts, Van Ness Avenue SUD <Sec. 243(c)(9)>, Folsom-Main Residential/Commercial SUD <Sec. 249.1>, and Downtown Residential District <Sec. 825>). Planning Code Section 148 allows for “comfort levels” such that the wind speeds do not exceed 7MPH for “public seating areas,” and 11MPH for “substantial pedestrian use.” Would this be something to entertain for the 3333 California site – potential SUD?

The project area is very windy not just **sustained wind** but also **gusts** due to the ocean breezes rising up slope as the wind travels eastward from the ocean. Winds should not be so fierce as to create a pedestrian to not be able to walk comfortably on California Street and Euclid Avenue. The DEIR does not have a comprehensive data in the main DEIR nor in the Appendices for the wind measurements on the streets surrounding the site with current conditions at different times of the year such as summer, winter, spring, autumn. Wind speeds per second increase considerably during the stormy season and people may not be able to stand erect without difficulty, especially for the elderly and disabled and children in the area.

When will the data for the above be available for the public?”(Rose Hillson, Letter, January 8, 2019 [I-Hillson2-78])

“Summary of several concerns raised by nearby residents and citizens of San Francisco:…13. Wind and shadow impacts on public streets and sidewalks and on existing private open space and recreational facilities” (Ian Lawlor, Email, December 13, 2018 [I-Lawlor-14])

RESPONSE WS-1: INCREASED WIND

Comments express concern with the characterization of the existing wind environment and the effect that phased new construction would have on wind speeds on and near the 3333 California Street project site, especially along California Street and Euclid Avenue. Comments express concern with the lack of wind speed measurements and the qualitative approach to the wind analysis. Comments request that the proposed special use district include language similar to that in Planning Code section 148 for Downtown (C-3) districts as well as certain special use districts which include similar wind-protective provisions. Comments express reservation with the finding of a less-than-significant wind impact without quantitative data to support the conclusion. Comments also request that mitigation measures be implemented to address winds that would “chill” or be “noticeable” to pedestrians.

Existing conditions on and adjacent to the project site are discussed on initial study pp. 152-153, and the impact assessment is provided on initial study pp. 153-156. The prevailing wind directions on the project site are west and northwest winds, with windier conditions in the summer and spring and in the mid- to late afternoon. Projects are not required to implement measures to improve existing wind conditions under CEQA.

The effects of the proposed project or project variant on ground-level public areas are summarized in the initial study based on RWDI’s screening-level wind analysis, which was directed by planning department staff. RWDI is a qualified wind consultant, and the wind analysis they conducted was scoped and reviewed by planning department staff. Based on the evidence, analysis, and conclusions presented in the RWDI report, the planning department determined that quantification of wind speeds was not necessary to understand the wind effects of the project or variant. Thus, existing and future wind speed measurements on and around the project site will not be provided as requested. The qualitative approach provides a screening-level estimation of potential wind impacts on ground-level public areas. Screening-level estimations are an acceptable approach in determining the significance of wind impacts in areas of the city not specifically identified in the planning code as areas of concerns, e.g., C-3 District, or where the proposed development is less than 80 feet tall. Other factors include the topography, degree of change to a site, the proposed orientation of buildings in relation to prevailing wind conditions, and the differential in height of new structures with existing building heights.

The screening-level wind analysis was based on the RWDI wind experts’ review of the long-term meteorological data for the San Francisco area; review of project design drawings and information; extensive experience with wind-tunnel studies for buildings in San Francisco; and engineering judgment, experience, and expert knowledge of wind flows around buildings. RWDI

staff include certified meteorological consultants with years of experience working in San Francisco preparing both screening-level wind analyses and detailed wind tunnel studies.³⁸

As discussed on initial study pp. 153-156, the proposed buildings would need to be tall enough (typically 80 feet or more) to have the potential to adversely alter ground-level wind currents in public areas for either pedestrian comfort or wind hazard conditions. As described in the initial study, the height and shape of the proposed new buildings on the site perimeter along California Street, Masonic Avenue, and Laurel Street would not be substantially different than the building heights in the surrounding area, and their orientation with respect to prevailing wind conditions would not pose any unusual concerns related to wind deflection and acceleration of ground-level wind currents. Increased height as a result of the two- to three-story vertical additions to the Center A and B buildings (80 and 92 feet) at the center of the site would have a limited effect on wind conditions in public areas or sidewalks at the perimeter of the site because of the intervening distance to the public sidewalks on the windward sides of the buildings (approximately 210 feet from the California Street sidewalk and 190 feet from the Laurel Street sidewalk).

As stated in Section E.8 of the initial study (p. 151) under “Approach to Screening-Level Wind Analysis,” proposed projects in Downtown (C-3) districts are required to comply with the provisions of Planning Code section 148 related to comfort criteria as part of the entitlement process, which regulates the speed of ground-level wind currents created by the construction of new buildings or additions to existing buildings. Other districts within the city are also subject to wind analyses as part of the entitlement process. For example, projects located in the Van Ness special use district would be subject to equivalent standards, as set forth in Planning Code section 243(c)(15). The proposed project is not in a C-3 District or other special use district that requires wind analyses for the purpose of entitlement; the project site is in a Residential-Mixed, Low Density (RM-1) District. For this reason, the proposed project and its variant are not subject to the provisions of Planning Code section 148 or other planning code sections related to the regulation of ground-level wind currents for the purpose of project entitlements. Typically, wind tunnel testing is required for high-rise buildings over 80 feet in C-3 districts and other special use districts in order to demonstrate that a project will comply with the ground-level pedestrian comfort criteria (equivalent³⁹ wind speeds of 7 miles per hour in public seating areas and 11 miles per hour in areas of substantial pedestrian use) and the wind hazard criterion (an equivalent wind speed of 26 miles per hour measured and averaged over a single hour of the year) established in Planning Code section 148.

The planning department uses the wind hazard criterion identified in section 148 as the CEQA significance threshold for potentially significant wind impacts, while the wind comfort criteria are

³⁸ RWDI’s report is available for review at the planning department offices as part of Case File No. 2015-014028ENV. The administrative record is also online at <https://www.ab900record.com/3333cal>.

³⁹ The Planning Code defines the term “equivalent wind speed” to mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

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separately assessed as part of the review for entitlements. The wind comfort levels are sometimes provided for informational purposes in the environmental review process. For this reason, although the project site is not located in a C-3 downtown district, the wind hazard criterion in Planning Code section 148 was used in the wind analysis as a CEQA significance threshold.

Based on the pedestrian-level wind analysis prepared by RWDI and summarized in the initial study, it was concluded that the development of the proposed project or project variant would result in less-than-significant wind impacts. The proposed buildings on the perimeter of the site along California Street, Masonic Avenue, and Laurel Street and the vertical additions to the adaptively reused building at the center of the site would alter wind conditions along the adjacent sidewalks and be visually noticeable because the new buildings would occupy previously open areas. However, because the proposed new buildings would generally conform to the prevailing building heights in the immediate vicinity and would be shaped and oriented to minimize the downwashing and subsequent acceleration of deflected winds to the adjacent public sidewalks, the proposed project or project variant would not exceed the City's wind hazard criterion at any time throughout the year. Other streets along the perimeter of the site were considered, but because of the direction of the prevailing winds (from the west and northwest) these streets were not the focus of the analysis. Thus, the proposed development would not substantially alter the existing wind environment in public areas adjacent to or near the project site, resulting in a less-than-significant wind impact. As a result, mitigation measures would not be required under CEQA. The comments did not provide substantial evidence that would change the determination that the proposed project or project variant would have a less-than-significant wind impact.

COMMENT WS-2: SHADOW

“The requested zoning between California and Laurel to 45 feet instead of the currently permitted 40 feet is an unacceptable denial of light and air and will create shading on the residents who share our perspective.” (*Joe Catalano, California Street Homeowners Group, Draft EIR Hearing Transcript, p. 62, December 13, 2018 [O-CSHG2-6]*)

“5. The Project Could Have 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) 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, Initial Study for 1629 Market Street Project, p. 19)

The Initial Study 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, 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, p. 2.

The Initial Study failed to analyze the significance of the shadow impact upon the entire open green spaces used by the public for recreational purposes on the project site.

The Initial Study inaccurately stated that “UCSF currently grants public access” to two existing open green spaces at the perimeter of the project site. In fact, these areas have been used by the public without the permission of the property owner for many years. At the time of issuance of the Initial Study, there were no signs posted indicating that use of the open space was under the permission of the property owner. As explained in the attached letter from attorney Fitzgerald, the public has acquired permanent recreational rights to the open space at the site; the rights were obtained by implied dedication prior to the enactment of Cal. Civil Code section 1009 in 1972. Ex. R) The public has also “acquired a prescriptive easement over the recreational open space. The recreational use has been continuous, uninterrupted for decades, open and notorious and hostile (in this context, hostile means without permission.) Every day, individuals and their dogs use the green space along Laurel, Euclid and along the back of the Site at Presidio. Individuals ignore the brick wall along Laurel and regularly use the green space behind the wall as a park for people and for their dogs. The use of the Site has not been permissive.” *Ibid.*

The Initial Study failed to analyze the impact of shadows on the entire open green space along Laurel, and excluded the open green space along Presidio, because the project proponent seeks permission to build upon, or alter, some of those areas. This is not an of-right project. 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 discretionary review procedures, the Planning Commission could scale the project back to avoid construction on, or alteration of, the currently 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.

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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 projects 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. E, Nomination, p. 5. Among the character defining features of this historically significant resource, the nomination listed “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.” The subject lawn areas and the Terrace are currently used as publicly-accessible open spaces, and it is possible that the approving agencies will retain them as open spaces. These areas would be significantly shaded by the proposed project, with the 2-3 floors proposed to be added to the top of the building. Thus, significantly shading these areas should be treated as a potentially significant impact on the environment in the EIR.

However, the Initial Study failed to analyze the significance of the shadow impact on the entire open green areas and merely analyzed the potential impact upon the portions of these areas that the project proponent proposes not to build upon. However, Figure 37, Extent of Net New Project Shadow Throughout the Day and Year, shows the entire open green spaces along Laurel Street and Presidio Avenue as in the “frequent shadow” zone. IS p. 158. The area in which the Terrace is located would also be frequently shadowed, and the project as proposed would remove the Terrace. The Initial Study shows that there would be a significant adverse shadow impact upon the areas along Laurel Street, Presidio Avenue and the Terrace which the project proponent proposes to build upon or alter, and the Initial Study failed to analyze the potentially significant impact of shadows on these publicly-accessible areas and failed to make a determination that impacts on these areas would not be significant. Thus, the EIR should analyze the potential shadow impacts on these areas as potentially significant impacts under CEQA. Approving authorities may retain some or all of these open spaces. The Initial Study failed to use the correct significance standard, which required it to analyze whether impacts on these areas could be “potentially significant.” The Initial Study’s exclusion of these areas because they would possibly be within part of the built project was erroneous. The Initial Study acknowledges that the decision-makers could modify the project to continue the usability of these spaces. IS p. 160.

Since the evidence shows that new shadows would be frequent on the publicly-accessible open spaces, the EIR should evaluate 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, p. 4.

Similarly, the Initial Study shows that the proposed project would cause frequent shadows on the sidewalks on the east side of Laurel Street. 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 determined that impact would

not be significant by using a lesser 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 must evaluate this shadow as a potentially significant impact on the environment and make a determination of whether the impact would be significant under the correct significance standard.

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, p. 66.

In addition, the Initial Study shows that the proposed project would cause new shadows on the open space proposed to be used in the project, which would be open to the public. “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. Thus, the EIR must analyze shadow impacts on these publicly-accessible areas as significant impacts, but the IS improperly excluded them from analysis as significant impacts. Many of these areas are not now significantly shaded as part of the existing environment, but would be a result of the proposed project.

The EIR should follow the City’s shadow analysis procedures and identify and describe 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, p. 4.

In addition, it is inaccurate to state 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, as I have observed.

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 -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 -Final EIR 2004 and 2009 Housing Element p. V.J-3)

Thus, shadows are a physical impact and are not an aesthetic impact.” (*Kathryn Devincenzi, Letter and Attachments, June 6, 2018 [I-Devincenzi4-8]*)

“I am concerned about...the increased height which will cut out sunlight.” (*Sharon Esker, Email, January 5, 2019 [I-Esker-9]*)

“Summary of several concerns raised by nearby residents and citizens of San Francisco:...13. Wind and shadow impacts on public streets and sidewalks and on existing private open space and recreational facilities” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-14]*)

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“The proposed higher stories with heights to 86 feet or more will create shadows to neighboring residents and are out of proportion with the surrounding area.” (*Ann Prato, Email, January 7, 2019 [I-Prato-3]*)

“That [40-foot height limit/neighborhood full preservation alternative] avoids significant shadowing at sunrise and sunset on the east and the west sides of the site because the existing residences, apartments, neighborhoods, houses, will be affected by shadowing at the extreme ends and beginning of the day.” (*Kelly Roberson, Draft EIR Hearing Transcript, pp. 49-50, December 13, 2018 [I-Roberson1-4]*)

RESPONSE WS-2: SHADOW

Comments assert that the shadow analysis prepared for the proposed project and project variant did not adequately analyze shadow impacts pursuant to CEQA and the San Francisco Planning Department’s shadow analysis procedures. Specifically, the comment asserts that the neighborhood residents’ use of the on-site open spaces along Laurel Street and Presidio Avenue as well as the courtyard on the southeast corner of the existing building, without permission, has created “permanent recreational rights to the open space at the site”; and further asserts that these spaces must be analyzed as outdoor recreation facilities or other public areas for purposes of the CEQA shadow analysis. Comments also assert that the shadow analysis did not analyze shadow impacts to sidewalks. Comments state that the requested height increase to the allowed building heights along California Street and at the center of the site will create shadow and degrade the quality of the environment as it relates to air and light for residents on the north side of California Street.

No evidence was provided that would alter the approach to, or the outcome of, the shadow analysis which determined that the proposed project or project variant would not create new shadow that substantially affects existing outdoor facilities or other public areas and the impact would be less than significant. Thus, consideration of alternatives that would reduce shadow impacts is not required.

The shadow analysis presented in the initial study (see Section E.8 on initial study pp. 156-162) is based on the Shadow Analysis Report for the Proposed 3333 California Street Mixed-Use Project, which was conducted in accordance with the planning department’s shadow analysis procedures. Consistent with the department’s shadow analysis guidance, the department found that a qualitative analysis was appropriate to determine the shadow impacts of the proposed project or its variant. The threshold used in the shadow analysis is not whether the proposed project or project variant would create new shadow on sidewalks or public areas. The threshold for determining the significance of shadow impacts under CEQA used in the shadow analysis is whether the proposed project or project variant would create new shadow in a manner that

substantially affects the use and enjoyment of outdoor recreation facilities or other public areas. The shadow analysis evaluates the project shadow effects on outdoor recreational facilities and public areas that are under the control of a public agency such as the Recreation and Park Commission or are deemed designated publicly accessible, private open spaces. The findings in the initial study on p. 160 that overall, 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, does not signify that a lesser threshold was applied.

The proposed new buildings (45 feet tall along California Street [67 feet tall for the Walnut Building under the variant] and vertical additions to the Center A and B buildings (80 and 92 feet, respectively) were modeled to determine the shadow effects on outdoor recreation facilities and other public areas including sidewalks. Thus, the shadow analysis addresses the effects of shading on public sidewalks including those on the north and south sides of California Street and those on Laurel Street. See Figure 37: Extent of Net New Project Shadow throughout the Day and Year (initial study p. 158) for an illustration of the shading that would occur along California Street between Laurel Street and Presidio Avenue. The shading of the public sidewalks adjacent to the project site would be transitory, would not reduce the usability of the sidewalks, and would be typical of that found in a developed urban setting.

As stated on initial study pp. 160-161, the analysis includes information on the existing and proposed on-site open spaces and the privately owned, accessible open spaces but:

“...[T]hese spaces are not formally designated parks or open spaces although they are used informally as open space by the neighborhood. As open spaces within the proposed project or project variant, they are not considered environmental resources that are part of the existing environment for the purposes of CEQA. As such, no shadow analysis is required for the purpose of CEQA, but a description of how conditions within these spaces would change with the proposed project or project variant is provided for informational purposes.”

The shadow analysis concluded that the proposed project or project variant would not substantially alter shadows on the proposed Euclid Green and the proposed Presidio Overlook and Pine Street Steps and Plaza compared to existing conditions. Other open spaces and pedestrian pathways developed as part of the proposed project or project variant would be frequently shaded due to the construction of new buildings on the project site and the vertical additions to the Center A and B buildings. As further stated with respect to the evaluation of shadow effects on proposed on-site open spaces, “Decision-makers may consider the usability and comfort of these spaces independent of the environmental review process under CEQA, as part of the decision to approve, modify, or disapprove the proposed project or project variant.”

For a response to comments regarding the prescriptive easement and right to recreational use of on-site open spaces, see Response PD-5: Permanent Right of Recreational Use/Prescriptive Easement, on RTC pp. 5.B.31-5.B.32.

RECREATION

The comment in this subsection relates to the topic of Recreation evaluated in initial study Section E.9. A corresponding response follows the comment.

COMMENT RE-1: RECREATION

“Summary of several concerns raised by nearby residents and citizens of San Francisco:...14. Lack of recreational open space in the neighborhood and how the loss of the grass lawns along Euclid Avenue and along Masonic Avenue near Presidio Avenue would contribute to demand on public parks and recreational facilities” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-15]*)

RESPONSE RE-1: RECREATION

The comment states that there is a lack of recreational open space in the neighborhood and expresses concern with increased demand on local park and recreational facilities due to loss of public access to the grass lawns on the project site along Euclid and Masonic avenues.

The thresholds for evaluating impacts on park and recreational facilities are detailed in the initial study in Section E.9, Recreation, pp. 163-172 (see EIR Appendix B). As discussed under Impact RE-1 (initial study pp. 166-170), implementation of the proposed project or project variant would increase the residential population by 1,261 residents or 1,681 residents, respectively. The project site is not located in a high-needs area identified by the City for high-priority park improvement or acquisition efforts. Based on the 2004 Recreational Assessment Report and the Fiscal Year 2015-2016 Park Maintenance Standards Report, the neighborhood is adequately served by existing recreational resources, and Laurel Hill Playground (the closest resource) is generally well maintained. Other nearby city parks and recreation facilities (including Presidio Heights Playground and Julius Kahn Playground) plus larger city and region-serving resources (including Golden Gate Park and the Presidio of San Francisco) provide a variety of recreation opportunities that allow demand to be distributed in a balanced manner.

Given the variety of parks available in the project vicinity and that project-related growth in demand would not be substantial, the analysis concluded on initial study pp. 169-170 that the proposed project or project variant 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. Additionally, the recreation demand generated by the proposed project or project variant would not require the construction of new or expansion of existing recreational facilities. Finally, the proposed on-site open space (both common and private open space) would partially offset some of the project-generated demand for recreational facilities. Supporting documentation for the recreational analysis in the initial study is available

for review at the planning department offices as part of Case File No. 2015-014028ENV.⁴⁰ As detailed in Chapter 2, Project Description, on EIR p. 2.12, among the project sponsor's objectives (bulleted items 7 and 8) is the provision of an open space program within the project footprint that would be accessible to the neighborhood:

- “• 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 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.”

The proposed open space program is described in Chapter 2, Project Description, EIR pp. 2.83-2.86. The open space program is illustrated on Figure 2.29: Proposed Open Space, EIR p. 2.85. As described and illustrated, portions of the approximately 103,000 square feet of common open space listed in Table 2.4: Proposed Open Space, on EIR p. 2.84, would be publicly accessible. Portions of the open space illustrated in Figure 2.29 would be accessible to the public. The breakdown of the common open space program that would be exclusive to residents and other on-site users, and that would be available to the public, would be developed in coordination with the City as part of the project sponsor's development agreement. The development agreement's final open space program would adhere to Planning Code section 135, which sets forth the requirements for private and common usable open space, but with the flexibility to ensure that project objectives are achieved and benefits accrue to new residents and other on-site users as well as the existing neighborhood.

The grass lawns along Euclid Avenue and Masonic Avenue are privately owned open space that is currently accessible to the public. The proposed project or project variant would improve the grass lawns along Masonic Avenue west of Presidio Avenue (the proposed Pine Street Steps and Plaza) and along Euclid Avenue east of Laurel Street (the proposed Euclid Green). These proposed open spaces, described in the bulleted list on EIR pp. 2.83 and 2.86, would be part of the larger on-site open space program, some of which would be open to the public.

The proposed Pine Street Steps and Plaza would be designed in coordination with the streetscape changes at the intersection of Masonic Avenue, Pine Street and Presidio Avenue (see EIR p. 2.80 and Figure 2.28A: Existing Streetscape and Proposed Streetscape Changes – Presidio Avenue, on EIR p. 2.81) and would be accessible to the public. It would provide public access to the eastern terminus of the proposed Mayfair Walk (the proposed Presidio Overlook). The proposed Euclid Green (proposed project or project variant 18,760 square feet) would be slightly smaller than the grass lawn currently east of Laurel Street (existing 23,600 square feet). A rendering of Euclid

⁴⁰ The administrative record is also online at <https://www.ab900record.com/3333cal>.

Green is provided in Figure 2.12: View of Proposed Euclid Building and Euclid Green Along Euclid Avenue (Looking East), on EIR p. 2.32.

Subsequent to the publication of the draft EIR, the proposed project or project variant's open space program was modified slightly as shown in RTC Figure 2.29: Proposed Open Space Plan for Revised Project or Revised Variant, on RTC p. 2.23, in RTC Table 2.4a: Proposed Open Space for Revised Project, on RTC p. 2.21, and in RTC Table 2.4b: Proposed Open Space for Revised Variant, on RTC p. 2.22. For example, the open space program for the revised project or revised variant modified the area for Euclid Green from 18,760 square feet for the proposed project or project variant, to 18,004 square feet (a decrease in 756 square feet) for the revised project and revised variant. This modification to the open space program would not result in any substantial changes in the conclusions reached in the EIR. Additional details about locations of proposed publicly accessible open space can be found in the Planning Application Re-Submittal 2, Sheet L0.01 Site Diagram – Open Space Network, July 3, 2019.

UTILITIES AND SERVICE SYSTEMS

The comments in this subsection relate to the topic of adequacy of water supply entitlements evaluated in initial study Section E.10. A corresponding response follows the comments.

COMMENT UT-1: ADEQUACY OF WATER SUPPLY ENTITLEMENTS

“1. The DEIR Fails to Disclose the Uncertainty as to Whether the SFPUC Has Sufficient Water Supply Available to Serve the Project Site from Existing Entitlements and Resources and Whether SFPUC Would Require New or Expanded Water Supply Resources or Entitlements.

The July 27, 2018 letter from the San Francisco City Attorney to the State Water Resources Control Board (SWRCB) discloses that SFPUC would have to greatly increase water rationing in a sequential-year drought if SWRCB adopted proposed amendments to the Water Quality Control Board Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary that were then under consideration (Plan Amendment). (Ex. A, excerpts of letter from City Attorney to SWRCB, pp. 1-3) The letter states that if the Plan Amendments were adopted, if a sequential-year drought occurs, San Francisco's diversions from the Tuolumne River - on which the SFPUC relies to meet approximately 85% of demand for drinking water throughout the Bay Area - could be severely reduced. (Ex. A, p. 3) The letter discloses that if the Plan Amendments were implemented, SFPUC could have to increase water supply rationing over the 20% level allowed by the SFPUC's current drought management plan and indicates that it is uncertain that SFPUC will be able to develop sufficient replacement supplies in approximately four years before the SWRCB's intended implementation of the Plan Amendment in 2022. (Ex. A, p. 4)

In Delta plan approved: cities face water cuts, the San Francisco Chronicle reported that the SWRCB approved this Plan Amendment, which would require cuts to water supplies that could cause households in the Bay Area to curb water use by 20 percent or more. (Ex. B) Please state whether the SWRCB approved the Plan Amendments and explain the potential consequences of those Plan Amendments on SFPUC' water supply for San Francisco and the possibility of increased water rationing. (Ex. B) While agencies have an opportunity to propose alternative proposals, the passage of this Plan Amendment has created uncertainty as to San Francisco' water

supply which the DEIR for 3333 California Street fails to acknowledge. CEQA requires an agency to disclose uncertainty about water supply.

The water supply assessment performed for the proposed 3333 California Street project was performed before the Plan Amendment was passed. That water supply assessment was based on the SFPUC's urban water management plan which was based on estimations of water supplies that pre-dated the plan amendments.

The 3333 California Street Initial Study projects that the proposed project would use an estimated 73,000 gallons of water per day, which would result in a net increase of approximately 53,000 gallons per day. The net increase per year would be 19,345,000 gallons (53,000 x 365). The Initial Study concludes that the increase could be accommodated "by the anticipated water supply for San Francisco." That anticipated water supply for San Francisco has now changed as a result of the Plan Amendments. Although the DEIR appears to have been released after the Plan Amendment was passed, it failed to disclose the uncertainty about changes in the anticipated SFPUC water supply." (*Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi1-1]*)

"2. The DEIR Fails to Disclose the Uncertainty as to Whether the Proposed Project or Project Variant, in Combination With Past, Present and Reasonably Foreseeable Future Projects Could Result in a Cumulatively Considerable Contribution to Cumulative Impacts on Water Supply Systems.

Since the City Attorney's letter indicates that the SWRCB expects SFPUC to develop additional supplies of water, the DEIR should have disclosed the uncertainty about the cumulative impact of the proposed project's contribution to the demand for water supplies together with the water supply demand of other reasonably anticipated projects, in the current context that new projects to develop additional water supplies may be needed.

The DEIR should explain the potential cumulative impacts of developing potential additional water supplies to serve existing SFPUC customers and customers drawing on SFPUC water supplies in current and foreseeable developments in the context of significant water reductions in a sequential-year drought. The DEIR should disclose any uncertainty as to whether sufficient additional water supplies can be developed before 2022 to avoid SFPUC customer rationing above 20% in sequential-drought years and estimate the amount of water that could be used by SFPUC customers in current and reasonably foreseeable development and the amount of water that could be available in sequential-drought years." (*Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi1-2]*)

"Summary of several concerns raised by nearby residents and citizens of San Francisco:...16. Demand on regional water supply and the potential for adverse effects on storm drain capacity or flow" (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-17]*)

RESPONSE UT-1: ADEQUACY OF WATER SUPPLY ENTITLEMENTS

The comments raise concerns about the availability of water supply to serve the proposed project. In particular, a comment states that the draft EIR is inadequate because it fails to disclose uncertainty as to whether the San Francisco Public Utilities Commission (SFPUC) has sufficient water supply available to serve the project from existing entitlements and resources and whether

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the SFPUC requires new or expanded water supply facilities. The uncertainty relates to the State Water Resources Control Board (state water board) adoption of an amendment to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) in December 2018. A comment also asserts that the draft EIR fails to disclose the uncertainty as to whether the project could result in a cumulatively considerable contribution to cumulative impacts on water supply systems.

The topic of Utilities and Service Systems was addressed in the initial study issued April 25, 2018. As discussed on initial study pp. 180-182, on June 13, 2017, the SFPUC approved a water supply assessment for the proposed project variant and determined that it has adequate supplies to meet project demand. The draft EIR was published on November 7, 2018 with a public comment period from November 8 to December 24, 2018. The draft EIR comment period was subsequently extended to January 8, 2019 by the planning commission. Since publication of the draft EIR, the project sponsor has modified the proposed project and its variant, as described in RTC Section 2, Project Description, on pp. 2.2-2.29 and summarized here. These revisions include: 1) retail uses in the Euclid Building are no longer proposed, and the amount of gross square footage to be devoted to ground-floor retail uses for commercial uses in the California Street buildings has also been reduced; 2) the number of vehicle parking spaces for commercial uses has been reduced; and 3) the parking garage access for the seven Laurel Duplexes has been consolidated into a single curb cut on Laurel Street with shared access to the Mayfair Building's garage, and six curb cuts on Laurel Street are no longer proposed. The project sponsor has also proposed minor changes regarding the size of the publicly accessible open space, the overall amount of excavation, the residential dwelling unit mix, the total number of dwelling units in some of the proposed buildings, the number of bicycle parking spaces, and design refinements. The total amount of retail space proposed under the proposed project has been reduced from 54,117 square feet to 40,261 square feet. The total amount of retail space proposed under the project variant has been reduced from 48,593 square feet to 34,496 square feet. The overall number of residential units proposed under the project (558) or variant (744) remains the same as in the EIR.

On December 12, 2018 (after draft EIR publication), the state water board adopted the Bay-Delta Plan Amendment, which establishes water quality objectives to maintain the health of the rivers and the Bay-Delta ecosystem.⁴¹ Among the goals of the adopted Bay-Delta Plan Amendment is to increase salmonid populations in the San Joaquin River, its tributaries (including the Tuolumne River), and the Bay-Delta. Specifically, the plan amendment requires increasing flows in the Stanislaus, Tuolumne, and Merced rivers to 40 percent of unimpaired flow⁴² from February

⁴¹ State Water Resources Control Board Resolution No. 2018-0059, *Adoption of Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Final Substitute Environmental Document*, December 12, 2018, https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf, accessed August 20, 2019.

⁴² "Unimpaired flow" represents the water production of a river basin, unaltered by upstream diversions, storage, or by export or import of water to or from other watersheds.

through June every year, whether it is wet or dry. During dry years, this would result in a substantial reduction in the SFPUC's water supplies from the Tuolumne River watershed.

If this plan amendment is implemented, the SFPUC would be able to meet the projected retail water demands presented in the 2015 Urban Water Management Plan in normal years but would experience supply shortages in single dry years and multiple dry years. A "normal year" is based on historical hydrological conditions that allow the reservoirs to be filled by rainfall and snowmelt, allowing full deliveries to customers. A "wet year" and a "dry year" is based on historical hydrological conditions with above and below "normal" rainfall and snowmelt, respectively. Implementation of the Bay-Delta Plan Amendment would result in substantial dry-year water supply shortfalls throughout the SFPUC's regional water system service area, including San Francisco. The state water board has stated that it intends to implement the plan amendment by the year 2022, assuming all required approvals are obtained by that time. However, at this time, there is a substantial degree of uncertainty associated with the Bay-Delta Plan Amendment and how these amendments will affect the SFPUC's water supply.

On June 11, 2019, the SFPUC approved a revised water supply assessment prepared for the modified project^{43,44} that reflects the adopted Bay-Delta Plan Amendment and project revisions described above.⁴⁵ Unlike the original water supply assessment prepared in 2017, which only evaluated the project variant, the revised water supply assessment evaluates both the proposed project's and project variant's water demand estimates under three water supply scenarios. These scenarios are: 1) current water supply; 2) Bay-Delta Plan voluntary agreement; and 3) 2018 Bay-Delta Plan Amendment, as more fully described in the text that has been added to EIR Section 4.F, Initial Study Supplement below.

The revised water supply assessment found that the proposed project or its variant would represent a small fraction (approximately 0.09 percent) of the total projected retail water demand in San Francisco in 2040. Further, the revised water supply assessment found that sufficient water supplies would be available to serve the proposed project or its variant in normal, dry, and multiple dry years unless the Bay-Delta Plan Amendment is implemented. If the Bay-Delta Plan

⁴³ The project variant was assessed for water supply as the proposed program under the project variant would result in the most conservative water demand estimate and would encompass the demand estimated for the proposed project. References to the "project variant" in Response UT-1: Adequacy of Water Supply Entitlements and Section 4.F of the EIR provide analysis for the proposed project as well.

⁴⁴ After the SFPUC approved the revised water supply assessment on June 11, 2019, SFPUC staff identified minor, errors related to non-residential square footages in the water demand estimates calculations. Subsequently, the project sponsor prepared updated water demand estimates calculations for SFPUC staff review. On July 26, 2019, Steven R. Ritchie, Assistant General Manager for the SFPUC Water Enterprise, confirmed that a revised WSA is not required because the Water Supply Assessment approved by the SFPUC on June 11, 2019 continues to apply to the project variant. The updated water demands are slightly lower than previously estimated, but the difference is not discernible when reported in units of million gallons per day (mgd).

⁴⁵ SFPUC, Revised Water Supply Assessment for the 3333 California Street Project, June 11, 2019.

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Amendment is implemented, the SFPUC may develop new or expanded water supply facilities to address shortfalls in single and multiple dry years, during which retail supply shortfalls of 15.6 to 49.8 percent could occur. Such new or expanded water supply facilities would occur with or without implementation of the proposed project or its variant.

The SFPUC would address supply shortfalls through increased rationing, which could result in significant cumulative effects. However, regardless of the level of rationing to be ultimately implemented, the proposed project or its variant would not make a considerable contribution to impacts from increased rationing because the proposed project and its variant would be expected to tolerate the levels of rationing imposed on them for the duration of the drought, and thus would not contribute to sprawl development caused by rationing under the Bay-Delta Plan Amendment. Thus, regardless of whether the Bay-Delta Plan Amendment is implemented, the conclusion in the initial study that the proposed project or its variant would result in less-than-significant water supply impacts, both individually and cumulatively, remains the same.

The comment states that based on the July 27, 2018 letter from the San Francisco city attorney to the state water board, if the Plan Amendments were implemented, SFPUC could have to increase water supply rationing over the 20% level “allowed” by the SFPUC’s current drought management plan. The comment appears to characterize 20-percent rationing as the maximum allowable rationing level under the SFPUC’s drought management plan. This characterization is incorrect. Twenty percent is the SFPUC’s adopted level of service objective and not a rationing limit allowable under the SFPUC’s drought plan.

The comments state that the EIR should have disclosed uncertainty related to future San Francisco water supply as a result of the Bay Delta Plan amendment and the potential for cumulative impacts related to development of new or expanded facilities to provide adequate water supply under multiple dry years in conjunction with requirements of the amendment. However, the Bay Delta Plan amendment was not adopted until after draft EIR publication. In addition, text changes to reflect the amendment are being made as part of this RTC which do not change the conclusions in the initial study. The comments do not present evidence that there would be any new significant impacts not identified in the initial study or a substantial increase in the severity of impacts identified in the initial study. Thus, the comments do not raise any issues that require additional analyses.

To provide information regarding the Bay-Delta Plan Amendment, the uncertainty that emerged after the publication of the draft EIR as to the availability of water supply sources due to the Bay-Delta Plan Amendment, and the plan amendment’s ultimate outcome as related to the proposed project and its variant, the following text has been added at the end of EIR Section 4.F, Initial Study Supplement, beginning on p. 4.F.18, to supplement the initial study project- and cumulative-level impact analysis with respect to water supply under the new topic Utilities and Service Systems. Note that in the initial study the project variant’s project-level and cumulative

water supply impacts are discussed in two separate impact sections. The project-level impacts are discussed under Impact UT-2, on initial study pp. 180-182. The cumulative impacts are discussed under Impact C-UT-1, on initial study pp. 187-188. As noted below, the impact is a cumulative impact. Also, please note that the additional discussion will be added as new text to EIR section 4.F, Initial Study Supplement, but is not shown with double underline for readability.

UTILITIES AND SERVICE SYSTEMS

BACKGROUND ON HETCH HETCHY REGIONAL WATER SYSTEM

San Francisco's Hetch Hetchy regional water system, operated by the SFPUC, supplies water to approximately 2.7 million people. The system supplies both retail customers – primarily in San Francisco – and 27 wholesale customers in Alameda, Santa Clara, and San Mateo counties. The system supplies an average of 85 percent of its water from the Tuolumne River watershed, stored in Hetch Hetchy Reservoir in Yosemite National Park, and the remaining 15 percent from local surface waters in the Alameda and Peninsula watersheds. The split between these resources varies from year to year depending on hydrological conditions and operational circumstances. Separate from the regional water system, the SFPUC owns and operates an in-city distribution system that serves retail customers in San Francisco.

Approximately 97 percent of the San Francisco retail water is supplied by the SFPUC regional water system. The remaining 3 percent is supplied by local water supplies, including recycled water, groundwater and non-potable water.⁴⁶

The project site is currently served by this water delivery infrastructure. In 2015, the SFPUC provided an average of approximately 65.6 million gallons per day of water to its in-city retail customers.⁴⁷ The SFPUC considers water users within San Francisco to be its retail customers, served separately from its wholesale customers in Santa Clara, Alameda, San Mateo, San Joaquin, and Tuolumne counties. The SFPUC has a projected retail supply of 89.9 million gallons per day through the year 2040 from its regional water system and local water supply sources.⁴⁸

WATER SUPPLY RELIABILITY AND DROUGHT PLANNING

In 2008, the SFPUC adopted the Phased Water System Improvement Program (WSIP) to ensure the ability of the regional water system to meet certain level of service goals for water quality, seismic reliability, delivery reliability, and water supply through 2018.⁴⁹ The SFPUC's level of service goals for regional water supply are to meet customer water needs in non-drought and drought periods and to meet dry-year delivery needs while limiting rationing to a maximum of 20 percent system-wide. In approving the WSIP, the SFPUC established a supply limitation of up to 265 million gallons per day (mgd) to be delivered from its water

⁴⁶ SFPUC, 2015 Urban Water Management Plan for the City and County of San Francisco, June 2016 (hereinafter "2015 UWMP"), Section 6.2, p. 6-10,

<https://www.sfwater.org/modules/showdocument.aspx?documentid=9300>, accessed August 10, 2019.

⁴⁷ Ibid, Section 4.1, Table 4-1, p. 4-5. This is the volume of water provided to San Francisco alone; note that there are a small number of additional retail customers outside of the City, including Groveland in the Sierra Nevada foothills.

⁴⁸ Ibid, Section 7.5, Table 7-4, p. 7-10.

⁴⁹ On December 11, 2018, the SFPUC Commission extended the timing of the WSIP water supply decision through 2028 in its Resolution No. 18-0212.

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supply resources in the Tuolumne, Alameda, and Peninsula watersheds in years with normal (average) precipitation.⁵⁰ The SFPUC's water supply agreement with its wholesale customers provides that approximately two-thirds of this total (up to 184 mgd) is available to wholesale purchasers and the remaining one-third (up to 81 mgd) is available to retail customers. The total amount of water the SFPUC can deliver to retail and wholesale customers in any one year depends on several factors, including the amount of water that is available from natural runoff, the amount of water in reservoir storage, and the amount of that water that must be released from the system for purposes other than customer deliveries (e.g., required instream flow releases below reservoirs). A "normal year" is based on historical hydrological conditions that allow the reservoirs to be filled by rainfall and snowmelt, allowing full deliveries to customers; similarly, a "wet year" and a "dry year" is based on historical hydrological conditions with above and below "normal" rainfall and snowmelt, respectively.

For planning purposes, the SFPUC uses a hypothetical drought that is more severe than what has historically been experienced. This drought sequence is referred to as the "design drought" and serves as the basis for planning and modeling of future scenarios. The design drought sequence used by the SFPUC for water supply reliability planning is an 8.5-year period that combines the following elements to represent a drought sequence more severe than historical conditions:

- Historical Hydrology – a 6-year sequence of hydrology from the historical drought that occurred from July 1986 to June 1992
- Prospective Drought – a 2.5-year period which includes the hydrology from the 1976-77 drought
- System Recovery Period – The last six months of the design drought are the beginning of the system recovery period. The precipitation begins in the fall, and by approximately the month of December, inflow to reservoirs exceeds customer demands and SFPUC system storage begins to recover.

While the most recent drought (2012 through 2016) included some of the driest years on record for the SFPUC's watersheds, the design drought still represents a more severe drought in duration and overall water supply deficit. Based on historical records of hydrology and reservoir inflow from 1920 to 2017, current delivery and flow obligations, and fully-implemented infrastructure under the WSIP, normal or wet years occurred 85 out of 97 years. This translates into roughly nine normal or wet years out of every 10 years. Conversely, system-wide rationing is required roughly one out of every 10 years. The frequency of dry years is expected to increase as climate change intensifies, potentially requiring greater levels of rationing, which may change the amount or frequency of rationing required. The exact level of rationing that the SFPUC will impose is not ascertainable at this time because the effect that climate change has on the SFPUC water supply systems are unknown.

2015 URBAN WATER MANAGEMENT PLAN

The California Urban Water Management Planning Act⁵¹ requires urban water supply agencies to prepare *urban water management plans* to plan for the long-term reliability, conservation, and efficient use of California's water supplies to meet existing and future

⁵⁰ SFPUC Resolution No. 08-200, *Adoption of the Water System Improvement Program Phased WSIP Variant*, October 30, 2008.

⁵¹ California Water Code, division 6, part 2.6, sections 10610 through 10656, as last amended in 2015.

demands. The act requires water suppliers to update their plans every five years based on projected growth for at least the next 20 years.

Accordingly, the current urban water management plan for the City and County of San Francisco is the 2015 Urban Water Management Plan update.⁵² The 2015 plan update presents information on the SFPUC's retail and wholesale service areas, the regional water supply system and other water supply systems operated by the SFPUC, system supplies and demands, water supply reliability, Water Conservation Act of 2009 compliance, water shortage contingency planning, and water demand management.

The water demand projections in the 2015 plan reflect anticipated population and employment growth, socioeconomic factors, and the latest conservation forecasts. For San Francisco, housing and employment growth projections are based on the San Francisco Planning Department's Land Use Allocation 2012 (see 2015 Urban Water Management Plan, Appendix E, Table 5, p. 21), which in turn is based on the Association of Bay Area Governments (ABAG) growth projections through 2040.⁵³ The 2015 plan presents water demand projections in five-year increments over a 25-year planning horizon through 2040. Growth associated with the proposed project or its variant was encompassed within the Land Use Allocation 2012. The SFPUC will prepare the next update – the 2020 Urban Water Management Plan update – for adoption in 2021. The 2020 update will consider updated population and employment projections and anticipated water supply and demand through 2045.

The 2015 plan compares anticipated water supplies to projected demand through 2040 for normal, single-dry, and multiple-dry water years. Retail water supplies are comprised of regional water system supply, groundwater, recycled water, and non-potable water. Under normal hydrologic conditions, the total retail supply is projected to increase from 70.1 mgd in 2015 to 89.9 mgd in 2040. According to the plan, available and anticipated future water supplies would fully meet projected demand in San Francisco through 2040 during normal years.

On December 11, 2018, by Resolution No. 18-0212, the SFPUC amended its 2009 Water Supply Agreement between the SFPUC and its wholesale customers. That amendment revised the Tier 1 allocation in the Water Supply Allocation Plan to require a minimum reduction of 5 percent of the regional water system supply for San Francisco retail customers whenever system-wide reductions are required due to dry-year supply shortages.⁵⁴ When accounting for the requirements of this recently amended agreement, existing and planned supplies would meet projected retail water system demands in all years except for an approximately 3.6 to 6.1 mgd or 5.0 to 6.8 percent shortfall during dry years through the year 2040. The 6.8 percent shortfall is expected to occur during years seven and eight of the 8.5-year design drought based on 2040 demand levels. This relatively small shortfall is primarily due to implementation of the amended 2009 water supply agreement. In such an event, the SFPUC would implement the SFPUC's Retail Water Shortage Allocation Plan and could manage this relatively small shortfall by prohibiting certain discretionary outdoor water uses and/or calling for voluntary rationing among all retail customers. Based on experience in past droughts, retail customers could reduce water use to meet this projected level of

⁵² San Francisco Public Utilities Commission, *2015 Urban Water Management Plan for the City and County of San Francisco*, June 2016, <https://sfwater.org/index.aspx?page=75>, accessed August 20, 2019.

⁵³ Association of Bay Area Governments, *Jobs-Housing Connection Strategy*, May 2012.

⁵⁴ SFPUC, Resolution No. 18-0212, December 11, 2018.

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shortfall. The required level of rationing is well below the SFPUC's regional water supply level of service goal of limiting rationing to no more than 20 percent on a system-wide basis.

Based on the 2015 Urban Water Management Plan, as modified by the 2018 amendment to the 2009 Water Supply Agreement, sufficient retail water supplies would be available to serve projected growth in San Francisco through 2040. While concluding supply is sufficient, the 2015 Urban Water Management Plan also identifies projects that are underway or planned to augment local supply. Projects that are underway or recently completed include the San Francisco Groundwater Supply Project and the Westside Recycled Water Project. A more current list of potential regional and local water supply projects that the SFPUC is considering is provided below under Additional Water Supplies.

In addition, the plan describes the SFPUC's ongoing efforts to improve dry-year water supplies, including participation in Bay Area regional efforts to improve water supply reliability through projects such as interagency interties, groundwater management and recharge, potable reuse, desalination, and water transfers. While no specific capacity or supply has been identified, this program may result in future supplies that would benefit SFPUC customers.

2018 BAY-DELTA PLAN AMENDMENT

In December 2018 the state water board adopted the Bay-Delta Plan Amendment, which establishes water quality objectives to maintain the health of the rivers and the Bay-Delta ecosystem.⁵⁵ Implementation of the Bay-Delta Plan Amendment would result in substantial dry-year water supply shortfalls throughout the SFPUC's regional water system service area, including San Francisco. The 2015 Urban Water Management Plan assumes limited rationing for retail customers may be needed in multiple dry years to address an anticipated supply shortage by 2040; the 2018 amendment to the 2009 Water Supply Agreement with wholesale customers would slightly increase rationing levels indicated in the 2015 plan. By comparison, implementation of the Bay-Delta Plan Amendment would result in supply shortfalls in all single dry years and multiple dry years and rationing to a greater degree than previously anticipated to address supply shortages not accounted for in the 2015 Urban Water Management Plan or as a result of the 2018 amendment to the 2009 Water Supply Agreement.

The state water board has stated that it intends to implement the plan amendment by the year 2022, assuming all required approvals are obtained by that time. However, at this time, the implementation of the Bay-Delta Plan Amendment is uncertain for several reasons, as described below.

First, under the federal Clean Water Act, the United States Environmental Protection Agency (U.S. EPA) must approve the water quality standards identified in the plan amendment within 90 days from the date the approval request is received. By letter dated June 11, 2019, the U.S. EPA rejected the state water board's two-page submittal as inadequate under the requirements of the Clean Water Act. Pursuant to the U.S. EPA's letter, the state water board has 90 days to respond with a submittal that complies with the law. At this point, the U.S. EPA has neither approved, nor disapproved, any of the revised water quality objectives. It is

⁵⁵ State Water Resources Control Board Resolution No. 2018-0059, *Adoption of Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Final Substitute Environmental Document*, December 12, 2018, https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf, accessed August 20, 2019.

uncertain what determination the U.S. EPA will make regarding the water quality standards in the future and its decision could result in litigation.

Second, since adoption of the Bay-Delta Plan Amendment, over a dozen lawsuits have been filed in state and federal court, challenging the water board's adoption of the plan amendment, including legal challenges filed by the federal government at the request of the U.S. Bureau of Reclamation. That litigation is in the early stages, and there have been no dispositive court rulings as of this date.

Third, the Bay-Delta Plan Amendment is not self-executing and does not allocate responsibility for meeting its new flow requirements to the SFPUC or any other water rights holders. Rather, the plan amendment merely provides a regulatory framework for flow allocation, which must be accomplished by other regulatory and/or adjudicatory proceedings, such as a comprehensive water rights adjudication or, in the case of the Tuolumne River, the Clean Water Act, section 401 certification process in the Federal Energy Regulatory Commission's relicensing proceeding for Don Pedro Dam. The license amendment process is currently expected to be completed in the 2022-2023 timeframe. This process and other regulatory and/or adjudicatory proceeding would likely face legal challenges and have lengthy timelines, and quite possibly could result in a different assignment of flow responsibility for the Tuolumne River than currently exists (and therefore a different water supply effect on the SFPUC).

Fourth, in recognition of the obstacles to implementation of the Bay-Delta Plan Amendment, the water board directed its staff to help complete a "Delta watershed-wide agreement, including potential flow measures for the Tuolumne River" by March 1, 2019, and to incorporate such agreements as an "alternative" for a future amendment to the Bay-Delta Plan to be presented to the [water board] as early as possible after December 1, 2019." In accordance with the water board's instruction, on March 1, 2019, the SFPUC, in partnership with other key stakeholders, submitted a proposed project description for the Tuolumne River that could be the basis for a voluntary agreement with the state water board that would serve as an alternative path to implementing the Bay-Delta Plan's objectives. On March 26, 2019, the SFPUC adopted Resolution No. 19-0057 to support its participation in the voluntary agreement negotiation process. In a written progress report to the Voluntary Agreement Plenary Participants dated July 1, 2019, the California secretaries for Environmental Protection and for Natural Resources stated that the collective state agencies should be able "to determine the adequacy" of the various proposed voluntary agreements, including the proposed Tuolumne Voluntary Agreement, by October 15, 2019, and that if the state team recommends the voluntary agreements to the state water board, then (1) scientific peer review of the voluntary agreements would be completed by the spring of 2020, and (2) a draft CEQA document would be released for public comment in the summer of 2020, with a finalized CEQA document completed the following year.

For these reasons, whether, when, and the form in which the Bay-Delta Plan Amendment will be implemented, and how those amendments will affect the SFPUC's water supply, is currently unknown.

Additional Water Supplies

In light of the adoption of the Bay-Delta Plan Amendment and the resulting potential limitation to the SFPUC's regional water system supply during dry years, the SFPUC is expanding and accelerating its efforts to develop additional water supplies and explore other projects that would improve overall water supply resilience. Developing these supplies would

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reduce water supply shortfalls and reduce rationing associated with such shortfalls. The SFPUC has taken action to fund the study of additional water supply projects, which are listed below:

- Daly City Recycled Water Expansion
- Alameda County Water District Transfer Partnership
- Brackish Water Desalination in Contra Costa County
- Alameda County Water District-Union Sanitary District Purified Water Partnership
- Crystal Springs Purified Water
- Eastside Purified Water
- San Francisco Eastside Satellite Recycled Water Facility
- Additional Storage Capacity in Los Vaqueros Reservoir from Expansion
- Calaveras Reservoir Expansion

The capital projects that are under consideration would be costly and are still in the early feasibility or conceptual planning stages. One or more of these projects may require additional environmental review. These projects would take 10 to 30 or more years to implement and would require environmental permitting negotiations, which may reduce the amount of water that can be developed. The yield from these projects is unknown and not currently incorporated into SFPUC's supply projections.

In addition to capital projects, the SFPUC is also considering developing related water demand management policies and ordinances, such as funding for innovative water supply and efficiency technologies and requiring potable water offsets for new developments.

APPROACH TO ANALYSIS

Under sections 10910 through 10915 of the California Water Code, urban water suppliers like the SFPUC must prepare water supply assessments for certain large projects, as defined in CEQA Guidelines section 15155.⁵⁶ Water supply assessments rely on information contained in the water supplier's urban water management plan and on the estimated water demand of both the proposed project and projected growth within the relevant portion of the water supplier's service area. As a residential development with 558 or 744 dwelling units, the project or its variant, meets the definition of a water demand project under CEQA and

⁵⁶ Pursuant to CEQA Guidelines section 15155(1), "a water-demand project" means:

(A) A residential development of more than 500 dwelling units.

(B) A shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.

(C) A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor area.

(D) A hotel or motel, or both, having more than 500 rooms, (e) an industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

(F) A mixed-use project that includes one or more of the projects specified in subdivisions (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(G) of this section.

(G) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

requires a water supply assessment. The project-specific analysis of impacts on water supply facilities is provided below.

On June 13, 2017, the SFPUC approved a water supply assessment for the proposed project and determined that it has adequate supplies to meet project demand.⁵⁷ Due to the adoption of the Bay-Delta Plan Amendment in December 2018, the water supply assessment for the project has been updated and the analysis for Utilities and Service Systems has been supplemented to account for this action. In addition, the revised water supply assessment accounts for the project and variant revisions described in detail in RTC Section 2 on pp. 2.2-2.29. The water demand estimates for the proposed project and its variant increased from those provided in the water supply assessment approved by the SFPUC on June 13, 2017. On June 11, 2019, the SFPUC approved a revised water supply assessment prepared for the modified project.^{58,59}

The analysis of water supply capacity is based on review of SFPUC data on water supply (principally the commission's current 2015 Urban Water Management Plan); demand is calculated largely based on SFPUC-generated demand factors (furnished by SFPUC's district-scale non-potable water calculator version 7.1). The water supply assessment for the proposed project and its variant identifies the total water demand under either scenario, including a breakdown of potable and non-potable water demands. The proposed project and its variant are subject to San Francisco's Non-potable Water Ordinance (article 12C of the San Francisco Health Code). The Non-potable Water Ordinance requires new commercial, mixed-use, and multi-family residential development projects with 250,000 square feet or more of gross floor area to install and operate an onsite non-potable water system. Such projects must meet their toilet and urinal flushing and irrigation demands through the collection, treatment, and use of available graywater, rainwater, and foundation drainage.

The proposed project and project variant would be designed to incorporate water-conserving measures, such as low-flush toilets and urinals, as required by California State Building Code section 402.0(c); residential submetering, as required by California Water Code sections 537-537.5 as added in 2016 by Senate Bill No.7;^{60,61} and a rainwater and graywater system, as required by San Francisco's Non-Potable Water Ordinance, that would supply up to 30 percent of the total water demand.⁶² These measures have been included in the revised water supply assessment calculations.

⁵⁷ SFPUC, Water Supply Assessment for the 3333 California Street Project, June 13, 2017.

⁵⁸ SFPUC, Revised Water Supply Assessment for the 3333 California Street Project, June 11, 2019.

⁵⁹ After the SFPUC approved the revised water supply assessment on June 11, 2019, SFPUC staff identified minor discrepancies related to non-residential square footages in the water demand estimate calculations. Subsequently, the project sponsor prepared updated water demand estimate calculations for SFPUC staff review. On July 26, 2019, Steven R. Ritchie, Assistant General Manager for the SFPUC Water Enterprise, confirmed that a revised Water Supply Assessment is not required because the Water Supply Assessment approved by the SFPUC on June 11, 2019 continues to apply to the project variant. The updated water demands are slightly lower than previously estimated, but the difference is not discernible when reported in units of million gallons per day (mgd).

⁶⁰ SFPUC, Residential Water Submetering Webpage, 2019, <https://sfwater.org/index.aspx?page=1186>, accessed August 20, 2019.

⁶¹ California Legislative Information, SB-7 Housing: water meters: multiunit structures, Chapter 623, 2016, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB7, accessed August 20, 2019.

⁶² SFPUC, Non-Potable Water Program, <https://sfwater.org/index.aspx?page=686>, accessed August 20, 2019.

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Because the project variant would have more residents and use more water than the proposed project, it would have the most conservative water demand estimate and would encompass the demands estimated for the proposed project because it includes additional residential units. Therefore, this discussion uses the water demand estimates for the project variant. The project variant's total water demand would be 0.084 mgd, (of which 0.020 mgd could be met by non-potable water). Accordingly, approximately 24.3 percent of the project variant's total water demand would be met by non-potable water in 2040.

Impact UT-1: Sufficient water supplies are available to serve the proposed project or its variant 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 proposed project or its variant would not make a considerable contribution to impacts from increased rationing. (Less than Significant)

Construction Water

During construction, water would be required for dust control during grading and demolition, concrete curing, pressure washing, and other uses. The project sponsor and general contractor would minimize the use of potable water to the extent feasible, and would comply with Ordinance 175-91, which requires that non-potable water be used for dust-control activities when feasible.⁶³ Non-potable water may not be used for demolition, pressure washing, or dust control through aerial spraying. Water use during construction would be short term and temporary and would not require the SFPUC to develop new or expanded water supply resources or entitlements. This impact would be less than significant.

Operational Water Demand Estimates

The project variant's anticipated potable water demand would contribute 0.07 percent to the projected total retail demand in 2040. Similarly, the project's total water demand, which does not account for savings anticipated through compliance with the non-potable water ordinance, would represent 0.09 percent of the total retail demand in 2040. Thus, the project variant represents a small fraction of the total projected water demand in San Francisco in 2040.

Future retail (citywide) water demand through 2040 is estimated based on the population and employment growth projections contained in the planning department's Land Use Allocation 2012. The proposed project or its variant represents a portion of the planned growth accounted for in Land Use Allocation 2012. Therefore, the proposed project's or its variant's demand is incorporated in the 2015 Urban Water Management Plan.

Due to the 2018 Bay Delta Plan Amendment, the project variant's water demand estimates are considered under three water supply scenarios. The following scenarios evaluate the ability of the water supply system to meet the demand of the project variant, in combination with both existing development and projected growth in San Francisco.

⁶³ City and County of San Francisco, San Francisco Public Works Code, Article 21: Restriction of Use of Potable Water for Soil Compaction and Dust Control Activities, 1991, <https://www.sfwater.org/modules/showdocument.aspx?documentid=1295>, accessed August 20, 2019.

- Scenario 1: Current Water Supply
- Scenario 2: Bay-Delta Plan Voluntary Agreement
- Scenario 3: 2018 Bay-Delta Plan Amendment

As discussed below, water supplies would be available to meet the demand of the project variant in combination with both existing development and projected growth in San Francisco through 2040 under each of these water supply scenarios with varying levels of rationing during dry years.

Scenario 1 – Current Water Supply

Scenario 1 assumes no change to the way in which water is supplied, and that neither the Bay-Delta Plan Amendment nor a Bay-Delta Plan Voluntary Agreement would be implemented. Thus, the water supply and demand assumptions contained in the 2015 Urban Water Management Plan and the 2009 Water Supply Agreement as amended would remain applicable for the proposed project and its variant. As stated above, the proposed project or its variant is accounted for in the demand projections in the 2015 Urban Water Management Plan.

Under Scenario 1, water supplies would be available to meet the demand of the project variant during normal, single dry, and multiple dry years.

Scenario 2 – Bay-Delta Plan Voluntary Agreement

Under Scenario 2, a voluntary agreement would be implemented as an alternative to the adopted Bay-Delta Plan Amendment. The March 1, 2019, proposed voluntary agreement submitted to the state water board has yet to be accepted, and the shortages that would occur with its implementation are not known. The voluntary agreement proposal contains a combination of flow and non-flow measures that are designed to benefit fisheries at a lower water cost, particularly during multiple dry years, than would occur under the Bay-Delta Plan Amendment. The resulting regional water system supply shortfalls during dry years would be less than those under the Bay-Delta Plan Amendment and would require rationing of a lesser degree and closer in alignment to the SFPUC's adopted level of service goal for the regional water system of rationing of no more than 20 percent system-wide during dry years. The SFPUC Resolution No. 19-0057, which authorized the SFPUC staff to participate in voluntary agreement negotiations, stated its intention that any final voluntary agreement allow the SFPUC to maintain both the water supply and sustainability level of service goals and objectives adopted by the SFPUC when it approved the WSIP. Accordingly, it is reasonable to conclude that if the SFPUC enters into a voluntary agreement, the supply shortfall under such an agreement would be of a similar magnitude to those that would occur under Scenario 1. In any event, the supply shortfall of water supplies would be of a similar magnitude to those that would occur under Scenario 1. Rationing under Scenario 2, with implementation of the Voluntary Agreement, would be to a lesser degree than that under Scenario 3, with implementation of the Bay-Delta Plan Amendment.

Scenario 3 – Bay-Delta Plan Amendment

Under Scenario 3, the 2018 Bay-Delta Plan Amendment would be implemented as it was adopted by the state water board without modification. As discussed above, there is considerable uncertainty whether, when, and in what form the plan amendment will be implemented. However, because implementation of the plan amendment cannot be ruled out at this time, an analysis of the cumulative impact of projected growth on water supply resources under this scenario is included in this document to provide a worst-case impact analysis.

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Under this scenario, which is assumed to be implemented after 2022, water supplies would be available to meet projected demands through 2040 in wet and normal years with no shortfalls. However, under Scenario 3 the entire regional water system—including both the wholesale and retail service areas—would experience significant shortfalls in single dry and multiple dry years, which over the past 97 years occur on average just over once every 10 years. Significant dry-year shortfalls would occur in San Francisco, regardless of whether the proposed project or its variant is approved. Except for the currently anticipated shortfall to retail customers of about 6.1 mgd (6.8 percent) that is expected to occur under Scenario 1 during years seven and eight of the 8.5-year design drought based on 2040 demand levels, these shortfalls to retail customers would exclusively result from supply reductions resulting from implementation of the Bay-Delta Plan Amendment. The retail supply shortfalls under Scenario 3 would not be attributed to the incremental demand associated with the proposed project or its variant, because this demand is incorporated already in the growth and water demand/supply projections contained in the 2015 Urban Water Management Plan.

Under the Bay-Delta Plan Amendment, existing and planned dry-year supplies would be insufficient for the SFPUC to satisfy its regional water system supply level of service goal of no more than 20 percent rationing system-wide. The Water Shortage Allocation Plan does not specify allocations to retail supply during system-wide shortages above 20 percent. However, the plan indicates that if a system-wide shortage greater than 20 percent were to occur, regional water system supply would be allocated between retail and wholesale customers per the rules corresponding to a 16 to 20 percent system-wide reduction, subject to consultation and negotiation between the SFPUC and its wholesale customers to modify the allocation rules. These allocation rules result in shortfalls of 15.6 to 49.8 percent across the retail service area as a whole under Scenario 3. Total shortfalls under Scenario 3 would range from 12.3 mgd (15.6 percent) in a single dry year to 36.1 mgd (45.7 percent) in years seven and eight of the 8.5-year design drought based on 2025 demand levels and from 21 mgd (23.4 percent) in a single dry year to 44.8 mgd (49.8 percent) in years seven and eight of the 8.5-year design drought based on 2040 demand.⁶⁴

Water Supply Impact Analysis

As described above, the supply capacity of the Hetch Hetchy regional water system that provides the majority of the city's drinking water far exceeds the potential demand of any single development project in San Francisco. No single development project alone in San Francisco would require the development of new or expanded water supply facilities or require the SFPUC to take other actions, such as imposing a higher level of rationing across the city in the event of a supply shortage in dry years. Therefore, a separate project-only analysis is not provided for this topic. The following analysis instead considers whether the proposed project or its variant, in combination with both existing development and other projected growth through 2040 would require new or expanded water supply facilities, the construction or relocation of which could have significant cumulative impacts on the environment. It also considers whether a high level of rationing would be required that could have significant cumulative impacts. It is only under this cumulative context that development in San Francisco could have the potential to require new or expanded water supply facilities or require the SFPUC to take other actions, which in turn could result in significant physical environmental impacts related to water supply. If significant cumulative

⁶⁴ Technical Memorandum from Steven Ritchie, SFPUC Water Enterprise to Lisa Gibson, San Francisco Planning Department, May 31, 2019, Table 3, p. 10.

impacts could result, then the analysis considers whether the project would make a considerable contribution to the cumulative impact.

Impacts Related to New or Expanded Water Supply Facilities

The SFPUC's adopted water supply level of service goal for the regional water system is to meet customer water needs in non-drought and drought periods. The system performance objective for drought periods is to meet dry-year delivery needs while limiting rationing to a maximum of 20 percent system-wide reduction in regional water service during extended droughts. As the SFPUC has designed its system to meet this goal, it is reasonable to assume that to the extent the SFPUC can achieve its service goals, sufficient supplies would be available to serve existing development and planned growth accounted for in the 2015 Urban Water Management Plan (which includes the proposed project or its variant) and that new or expanded water supply facilities are not needed to meet system-wide demand. While the focus of this analysis is on the SFPUC's retail service area and not the regional water system as a whole, this cumulative analysis considers the SFPUC's regional water supply level of service goal of rationing of not more than 20 percent in evaluating whether new or expanded water supply facilities would be required to meet the demands of existing development and projected growth in the retail area through 2040. If a shortfall would require rationing more than 20 percent to meet system-wide dry-year demand, the analysis evaluates whether as a result, the SFPUC would develop new or expanded water supply facilities that result in significant physical environmental impacts. It also considers whether such a shortfall would result in a level of rationing that could cause significant physical environmental impacts. If the analysis determines that there would be a significant cumulative impact, then per CEQA Guidelines section 15130, the analysis considers whether the project's incremental contribution to any such effect is "cumulatively considerable."

With the implementation of the proposed project or its variant, existing and planned dry-year supplies would meet projected retail demands through 2040 under Scenario 1 within the SFPUC's regional water system adopted water supply reliability level of service goal. Therefore, the SFPUC could meet the water supply needs for the proposed project or its variant, in combination with existing development and other projected growth in San Francisco through 2040 from the SFPUC's existing system. The SFPUC would not be expected to develop new or expanded water supply facilities for retail customers under Scenario 1 and there would be no significant cumulative environmental impact.

The effect of Scenario 2 cannot be quantified at this time, but as explained previously, if it can be designed to achieve the SFPUC's level of service goals and is adopted, it would be expected to have effects similar to Scenario 1. Given the SFPUC's stated goal of maintaining its level of service goals under Scenario 2, it is expected that Scenario 2 effects would be more similar to Scenario 1 than to Scenario 3. In any event, any shortfall effects under Scenario 2 that exceed the SFPUC's service goals would be expected to be less than those under Scenario 3. Therefore, the analysis of Scenario 3 would encompass any effects that would occur under Scenario 2 if it were to trigger the need for increased water supply or rationing in excess of the SFPUC's regional water system level of service goals.

Under Scenario 3, the SFPUC's existing and anticipated water supplies would be sufficient to meet the demands of existing development and projected growth in San Francisco, including the proposed project or its variant, through 2040 in wet and normal years, which have historically occurred in approximately nine out of 10 years on average. During dry and multiple dry years, retail supply shortfalls of 15.6 to 49.8 percent could occur.

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As a result of the adoption of the Bay-Delta Plan Amendment and the resulting potential limitations on supply to the regional water system during dry years, the SFPUC is increasing and accelerating its efforts to develop additional water supplies and explore other projects that would increase overall water supply resilience. The SFPUC is beginning to study water supply options, but it has not determined the feasibility of the possible projects, has not made any decision to pursue any particular supply projects, and has determined that the identified potential projects would take anywhere from 10 to 30 years or more to implement. One or more of these projects may require additional environmental review.

There is also a substantial degree of uncertainty associated with the implementation of the Bay-Delta Plan Amendment and its ultimate outcome; and therefore, there is substantial uncertainty in the amount of additional water supply that may be needed, if any. Moreover, there is uncertainty and lack of knowledge as to the feasibility and parameters of the possible water supply projects the SFPUC is beginning to explore. Consequently, the physical environmental impacts that could result from future supply projects is quite speculative at this time and would not be expected to be reasonably determined for a period of time ranging from 10 to 30 years. Although it is not possible at this time to identify the specific environmental impacts that could result, this analysis assumes that if new or expanded water supply facilities, such as those listed above under “Additional Water Supplies,” were developed, the construction and/or operation of such facilities could result in significant adverse environmental impacts, and that this would be a significant cumulative impact.

As discussed above, the project variant would represent 0.09 percent of total retail demand in San Francisco in 2040, whereas implementation of the Bay Delta Plan Amendment would result in a retail supply shortfall of up to 49.8 percent.

Thus, new or expanded dry-year water supplies would be needed under Scenario 3 regardless of whether the proposed project or its variant is approved or constructed, and regardless to which the frequency of dry years may increase due to climate change. As such, any physical environmental impacts related to the construction and/or operation of new or expanded water supplies would occur with or without the proposed project or its variant. Therefore, neither the proposed project, nor the project variant, would have a considerable contribution to any significant cumulative impacts that could result from the construction or operation of new or expanded water supply facilities developed in response to the Bay-Delta Plan Amendment.

Impacts Related to Rationing

Given the long lead times associated with developing additional water supplies, in the event the Bay-Delta Plan Amendment were to take effect sometime after 2022 and result in a dry-year shortfall, the expected action of the SFPUC for the next 10 to 30 years (or more) would be limited to requiring increased rationing. The remaining analysis therefore focuses on whether rationing at the levels that might be required under the Bay-Delta Plan Amendment could result in any cumulative impacts, and if so, whether the proposed project or its variant would make a considerable contribution to these impacts.

The SFPUC has established a process through its Retail Water Shortage Allocation Plan for actions it would take under circumstances requiring rationing. Rationing at the level that might be required under the Bay-Delta Plan Amendment would require changes to how businesses operate, changes to water use behaviors (e.g., shorter and/or less-frequent showers), and restrictions on irrigation and other outdoor water uses (e.g., car washing), all of which could lead to undesirable socioeconomic effects. Any such effects would not constitute physical environmental impacts under CEQA.

High levels of rationing could however lead to adverse physical environmental effects, such as the loss of vegetation cover resulting from prolonged restrictions on irrigation. Prolonged high levels of rationing within the city could also make San Francisco a less desirable location for residential and commercial development compared to other areas of the state not subject to such substantial levels of rationing, which, depending on location, could lead in turn to increased urban sprawl. Sprawl development is associated with numerous environmental impacts, including, for example, increased greenhouse gas emissions and air pollution from longer commutes and lower density development, higher energy use, loss of farmland, and increased water use from less water-efficient suburban development.⁶⁵ In contrast, as discussed in the transportation section of the EIR, the project site is located in an area where VMT per capita is well below the regional average; development projects in San Francisco are required to comply with numerous regulations that would reduce greenhouse gas emissions, as discussed in the greenhouse gas section of this initial study, and San Francisco's per capita water use is among the lowest in the state. Thus, the higher levels of rationing on a citywide basis that could be required under the Bay-Delta Plan Amendment could lead directly or indirectly to significant cumulative impacts. The question, then, is whether the proposed project or its variant would make a considerable contribution to impacts that may be expected to occur in the event of high levels of rationing.

While the levels of rationing described above apply to the retail service area as a whole (i.e., 5.0 to 6.8 percent under Scenario 1, 15.6 to 49.8 percent under Scenario 3), the SFPUC may allocate different levels of rationing to individual retail customers based on customer type (e.g., dedicated irrigation, single-family residential, multi-family residential, commercial, etc.) to achieve the required level of retail (citywide) rationing. Allocation methods and processes that have been considered in the past and may be used in future droughts are described in the SFPUC's current Retail Water Shortage Allocation Plan.⁶⁶ However, additional allocation methods that reflect existing drought-related rules and regulations adopted by the SFPUC during the recent drought are more pertinent to current and foreseeable development and water use in San Francisco and may be included in the SFPUC's update to its Retail Water Shortage Allocation Plan.⁶⁷ The Retail Water Shortage Allocation Plan will be updated as part of the 2020 Urban Water Management Plan update in 2021. The SFPUC anticipates that the updated Retail Water Shortage Allocation Plan would include a tiered allocation approach that imposes lower levels of rationing on customers who use less water than other customers in the same customer class and would require higher levels of rationing by customers who use more water. This approach aligns with the state water board's statewide emergency conservation mandate imposed during the recent drought, in which urban water suppliers who used less water were subject to lower reductions than those who used more water. Imposing lower rationing requirements on customers who already conserve more water is also consistent with the implementation of prior rationing programs based on past water use in which more efficient customers were allocated more water.

The SFPUC anticipates that, as a worst-case scenario under Scenario 3, the multi-family mixed-use residential, commercial, and office land uses that would be developed under the

⁶⁵ Pursuant to the SFPUC 2015 Urban Water Management Plan, San Francisco's per capita water use is among the lowest in the state.

⁶⁶ San Francisco Public Utilities Commission, *2015 Urban Water Management Plan for the City and County of San Francisco, Appendix L – Retail Water Shortage Allocation Plan*, June 2016, <https://sfwater.org/index.aspx?page=75>, accessed August 20, 2019.

⁶⁷ SFPUC, *2015-2016 Drought Program*, adopted by Resolution 15-0119, May 26, 2015.

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proposed project or its variant could be subject to up to 38 percent rationing during a severe drought.⁶⁸ In accordance with the Retail Water Shortage Allocation Plan, the level of rationing that would be imposed on individual development projects/customers would be determined at the time of a drought or other water shortage and cannot be established with certainty prior to the shortage event. However, newly-constructed buildings, such as those that would be constructed as part of the proposed project or its variant, have water-efficient fixtures and non-potable water systems that comply with the latest regulations. Thus, if the proposed project or its variant demonstrates below-average water use, either of them would likely be subject to a lower level of rationing than other retail customers that meet or exceed the average water use for the same customer class.

While any substantial reduction in water use in a new, water efficient building likely would require behavioral changes by building occupants that are inconvenient, temporary rationing during a drought is expected to be achievable through actions that would not cause or contribute to significant environmental effects. The effect of such temporary rationing would likely cause occupants to change behaviors but would not cause the substantial loss of vegetation because vegetation on this urban infill site would be limited to ornamental landscaping, and non-potable water supplies would remain available for landscape irrigation in dry years. The proposed project or its variant would primarily consist of multi-family residential uses along with some institutional, commercial, and office use, and it is not anticipated to include uses that would be forced to relocate because of temporary water restrictions, such as a business that relies on significant volumes of water for its operations. While high levels of rationing that would occur under Scenario 3 could result in future development locating elsewhere, existing residents, office workers, and businesses within the project site would be expected to tolerate rationing for the temporary duration of a drought.

As discussed above, implementation of the Bay-Delta Plan Amendment would result in substantial system-wide water supply shortfalls in dry years. These shortfalls would occur with or without implementation of the proposed project or its variant. The proposed project's or its variant's incremental increase in potable water demand (0.09 percent of total retail demand) would have a negligible effect on the levels of rationing that would be required throughout San Francisco under Scenario 3 in dry years.

As such, temporary rationing that could be imposed on the proposed project or its variant would not cause or contribute to significant environmental effects associated with the high levels of rationing that may be required on a city-wide basis under Scenario 3, even if that rationing is more frequent due the effects of climate change. Thus, the proposed project or its variant would not make a considerable contribution to any significant cumulative impacts that may result from increased rationing that may be required with implementation of the Bay-Delta Plan Amendment, were it to occur.

Conclusion

As stated above, there is considerable uncertainty as to whether the Bay-Delta Plan Amendment will be implemented. If the plan amendment is implemented, the SFPUC will

⁶⁸ This worst-case rationing level for San Francisco multi-family residential was estimated for the purpose of preparing comments on the Draft Substitute Environmental Document in Support of Potential Changes to the Bay-Delta Plan (SED), dated March 16, 2017. See comment letter Attachment 1, Appendix 3, Page 5, Table 3. The comment letter and attachments are available at https://www.waterboards.ca.gov/public_notices/comments/2016_baydelta_plan_amendment/docs/dennis_herrera.pdf, accessed August 20, 2019.

need to impose higher levels of rationing than its regional water system level of service goal of no more than 20 percent rationing during drought years by 2025 and for the next several decades. Implementation of the plan amendment would result in a shortfall beginning in years two and three of multiple dry-years in 2025 of 33.2 percent, and dry year shortfalls by 2040 ranging from 23.4 percent in a single dry year and year one of multiple dry years to up to 49.8 percent in years seven and eight of the 8.5-year design drought. While the SFPUC may seek new or expanded water supply facilities, it has not made any definitive decision to pursue particular actions and there is too much uncertainty associated with this potential future decision to identify environmental effects that would result. One or more of these projects may require additional environmental review. Such effects are therefore speculative at this time. In any case, the need to develop new or expanded water supplies in response to the Bay Delta Plan Amendment and any related environmental impacts would occur irrespective of the water demand associated with the proposed project or its variant. Given the long lead times associated with developing additional supplies, the SFPUC's expected response to implementation of the Bay-Delta Plan Amendment would be to ration in accordance with procedures in its Retail Water Shortage Allocation Plan.

Both direct and indirect environmental impacts could result from high levels of rationing. However, the proposed project and its variant would be expected to tolerate the levels of rationing imposed on them for the duration of the drought, and thus would not contribute to sprawl development caused by rationing under the Bay-Delta Plan Amendment.

The proposed project or its variant would be subject to the requirements of the Non-potable Water Ordinance. Thus, the proposed project or its variant would not be expected to contribute to a loss of vegetation because project-generated non-potable supplies would remain available for irrigation in dry years.

The small increase in potable water demand attributable to the proposed project or its variant compared to citywide demand would not substantially affect the levels of dry-year rationing that would otherwise be required throughout the city. Thus, the proposed project or its variant would not make a considerable contribution to a cumulative environmental impact caused by implementation of the Bay-Delta Plan Amendment. Therefore, for the reasons described above, under all three scenarios, this impact would be considered less than significant. No mitigation is required.

PUBLIC SERVICES

The comments in this subsection relate to the topic of Public Services evaluated in initial study Section E.11. A corresponding response follows the comments.

COMMENT PS-1: DEMAND FOR POLICE, FIRE, AND LIBRARY SERVICES

“7. I am concerned about safety of the residents in the project and the residents and visitors to the area as there are many proposed open spaces inside the project with public access.” (*Tina Kwok, Email, December 4, 2018 [I-Kwok1-3]*)

“Summary of several concerns raised by nearby residents and citizens of San Francisco:...17. Project's effects on police and fire department services” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-18]*)

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“I have serious reservations about the develop as it stands.

While more residential housing is needed, I believe it must be done without straining current public neighborhood resources. Increasing dwellings by 744 units as proposed could DOUBLE our neighborhood population and the run on public parks, libraries, and other spaces can be overwhelmed. Currently, we do not even have a public meeting hall or a workable recreation center. The one in Laurel Heights park is a small shack - an unusable space for neighborhood and community meetings or deliberations.

If the developers will build that many residential buildings, it must be done by installing more usable public facilities such as libraries, reading rooms / mini-libraries, recreation center, and other spaces which will enhance all of our lives.” (*Abe Lee, Email, December 13, 2018 [I-Lee-1]*)

“Volume 2C: Page 267 on the sheet/Page 283 in “read mode” pdf: From the 5/11/2018 “BkF Letter” on a meeting with SFFD on 3333 California St. project.

How would the SFFD fight a fire at the building as it stands today for the main building where the access is and the division in half of the building is proposed for this project? Why would the change be needed if the fire can be extinguished with the whole building as is?

Below is a portion of text from the “BkF Letter” for the Euclid building portion. For whatever reason, there is a hand-written comment. Are these the final specs?

(*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-45]*) (*See Comment Letter I-Hillson2, p. 24 of 37, in RTC Attachment 2 for the excerpted text referred to in the comment.*)

RESPONSE PS-1: DEMAND FOR POLICE, FIRE, AND LIBRARY SERVICES

Comments raise concerns about the effects of increased demand on police and fire services, as well as parks and other community facilities, such as libraries; and about public safety for both residents and visitors with the development of an on-site network of paths, plazas, and open spaces. One comment requests clarification regarding existing and future emergency access for fire-fighting services and assumes access was the basis for splitting the building in half.

Demand for Parks

Given the variety of parks available in the project vicinity and that project-related growth in demand would not be substantial, the recreation demand generated by the proposed project or project variant would not accelerate the deterioration of existing parks or require the construction of new or expansion of existing recreational facilities; and impacts on parks would be less-than-significant impact. Further, the proposed on-site open space would partially offset some of the project-generated demand for recreational facilities. See Response RE-1: Recreation, RTC pp. 5.J.54-5.J.56, for further information regarding project-generated demand on parks.

Demand for Police and Fire Protection Services and Other Community Facilities

As noted under Impact PS-1, initial study pp. 191-192, the project-related increase in residents and employees would not be considered substantial or unplanned growth and would not result in a substantial increased demand for police services, fire protection, and emergency medical services. Police, fire protection, and emergency medical services are regularly assessed as part of the City's dynamic demand-based deployment of available resources and the need to maintain acceptable service ratios and response times. While demand might increase as a result of the implementation of the proposed project or project variant, the increased demand would not be substantial, nor would it require expansion of existing police or fire stations or construction of new facilities.

Therefore, no significant environmental impacts from construction or operation of new or expanded public service facilities would occur as a result of the proposed project or project variant. Thus, the incremental increase in the demand for police, fire protection, and emergency medical services would be a less-than-significant impact.

The proposed project's or project variant's impacts on public services are evaluated in initial study Section E.11, pp. 189-197 (see EIR Appendix B). As discussed under Impact PS-1, initial study pp. 191-193, implementation of the proposed project or project variant would add 1,261 or 1,681 residents to the neighborhood, an increase of 4.9 or 6.5 percent, respectively, compared with the population living within a quarter-mile radius of the project site (25,866 persons). This increase does not constitute a doubling of the neighborhood population as asserted by one comment. The proposed project or project variant would also add 395 or 206 employees, respectively, to the project site. For more information, see initial study Section E.2, Population and Housing, pp. 112-123.

With respect to libraries, the public services analysis in the initial study determined that the incremental increase in the residential population could be served by existing branch libraries in the vicinity, and would not be substantial enough to generate a need for a new library or result in a significant impact on existing library facilities (initial study pp. 195-196).

Public Safety in Open Spaces

One comment expressed concern for public safety in the open spaces to be constructed in the proposed project or project variant.

While public safety and crime issues are social issues that are not subject to CEQA analysis, insofar as the comment indirectly raises the issue of demand for police services a response is provided here. The proposed project or project variant's open space program is described in Chapter 2, Project Description, EIR pp. 2.83-2.86. The project site, including proposed open

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spaces accessible to the public under existing conditions, would continue to be served by police services from the closest police station, the Richmond Police Station at 461 6th Avenue. The open spaces on the project site that would be accessible to the public would be used by future residents and by visitors to the proposed retail, office, and child care uses as well as by neighborhood residents. The increase in the number of persons on the site would contribute to “eyes on the street,” which is one way to maintain safe public spaces. Furthermore, the proposed open space network would incorporate lighting and other features to promote the safe use of the proposed paths, plazas, and other publicly accessible open spaces. For information about project-related demand on police services, see initial study pp. 189-193 and the discussion above under “Demand for Police and Fire Protection Services and Other Community Facilities.”

Change to the Existing Building and Emergency Access

The BKF letter cited in one of the comments does not state that the existing building must be divided to provide fire access; however, it requests, among other items, that access from the south along the proposed Walnut Walk be provided.⁶⁹

In the July 14, 2016 Preliminary Project Assessment for 3333 California Street (see p. 25), the planning department recommended that the project sponsor further explore providing a meaningful north-south connection of the site to the existing street network. The department noted that, “This north/south pathway may meander through the site and does not need to be a straight axial pathway. Consider accommodating a portal through ‘Building A’ to support north-south public access.” This suggestion was adopted by the project sponsor in an updated project design submitted on March 6, 2017.

Emergency access to the project site for firefighting would continue to be available from surrounding streets on the site’s perimeter, as noted in the initial study Project Description on p. 59, as well as in EIR Chapter 2, Project Description on p. 2.75. New access would be provided to the center of the site on the extension of Walnut Street and Walnut Walk, as well as from the west end of Mayfair Walk; this access would be similar to that now available from the internal parking lots and circulation system. As explained on initial study pp. 70-71 and on EIR p. 2.88, water for firefighting would continue to be available from the three existing fire hydrants adjacent to the project site, as well as two new hydrants on the west side of Masonic Avenue and one new hydrant internal to the site near the intersection of the proposed Mayfair and Walnut walks. All new and adaptively reused buildings would include fire safety features required in the building code and fire code. Therefore, as concluded in the initial study, no new firefighting facilities would be necessary.

⁶⁹ The BKF letter is a summary of meeting notes between the project sponsor team and the San Francisco Fire Department as part of the pre-application consultation related to the fire department’s review of the site and building fire access plan, water flows for firefighting, hydrant locations, etc.

The emergency access impacts analysis is presented in EIR Section 4.C, Transportation and Circulation, under Impact TR-11 (EIR pp. 4.C.99-4.C.101). The design and dimensions of the pedestrian pathways and other elements of the project relevant to emergency access are sufficiently detailed to conclude that the impact would be less than significant.

Supporting documentation for the public services analysis in the initial study and the EIR transportation analysis, including citations to code-required fire access road specifications, are available for review at the planning department offices as part of Case File No. 2015-014028ENV.

BIOLOGICAL RESOURCES

The comments in this subsection relate to the topic of Biological Resources evaluated in initial study Section E.12. The comments are further grouped according to the following biological-resources-related issues that the comments raise:

- BR-1, Loss of Trees
- BR-2, Effects on Birds

A corresponding response follows each grouping of comments.

COMMENT BR-1: LOSS OF TREES

“I -- among other things, removing the trees, almost 200 trees, and saying that they’re going to plant more, those trees that are there now have been there for decades, and it will take many decades for new trees to grow. And we don’t know if they’ll grow. Who’s studied what trees fit there? What if they tear up the sidewalk? And when will they be placed there? After the project is finished? During? Who knows? So we’re going to be losing that resource which helps clear the air.” (*Krisanthy Desby, Draft EIR Hearing Transcript, pp. 31-32, December 13, 2018 [I-Desby-4]*)

“2. 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 Initial Study 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:

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“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, excerpts from CEQA Appendix G; and Ex. C, excerpts from Housing Element EIR, p. V.N-29.

The Initial Study fails to analyze whether the proposed project would conflict with any local policies and only analyzes select provisions of one local ordinance, the San Francisco Urban Forestry Ordinance (SFUFO), which it misinterprets.

The Initial Study fails 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 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 trees) 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(0); 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 Trees) 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 should identify the trees which were present on the Laurel Hill cemetery. Due to this conflict, the proposed removal of Significant Trees is a significant impact that must be 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, 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

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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 should 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 must be analyzed as a significant impact in the EIR.

Mitigation measures imposed as a condition of approval of the proposed project should include the following:

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, 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.” (*Kathryn Devincenzi, Letter and Attachments, June 6, 2018 [I-Devincenzi4-5]*)

“If and when any of the larger remnant trees reach the end of their lifespan or are killed by the development, it would be a good gesture to the community to have parts of it available for sale and to earmark the funds to go into the urban forestry fund so that tree plantings in this area where such large trees are removed will be increased for the benefit of the community since there are not many large mature trees and to combat future added pollution in this area where traffic is getting worse and as more pollution causing activity increases.

Also, it may be prudent to have not only other parts of the larger remnant trees donated to scientific study as the trunk of the larger trees will tell a story of the environment in the area since the Laurel Hill Cemetery days and the trunk slice at the largest diameter can be saved as a display somewhere. It would help with botanical genome study, too. This would be better than to just dump the remnants and mulch it with no scientific findings for the future. For the environmental study students, would this not be a great project?” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-3]*)

“Information from these older growth trees would give scientists a lot of information about climate change and other things as they occurred in this area. Rather than toss out tree cuttings as mulch only, would that the mitigation measures also provide for people to obtain samples for future historic purposes and/or scientific studies? One may not know what they have and rather than do harm first, it may be prudent to study such matters as is done under the “Precautionary Principle.”

In addition, since the Laurel Hill Cemetery contained various rare shrubs like manzanitas, it could be that the area still contains some dormant seeds which may be good to collect for biological study. The range of these rare manzanitas and the conditions could be studied by school children. These seeds accumulate in “seed banks” and would be good to preserve for scientific research.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-5]*)

“Summary of several concerns raised by nearby residents and citizens of San Francisco:... 15. Concerns relating to the loss of mature onsite trees, the loss of landscaped space on the project site, and the potential loss of areas that could contain rare or endangered plant seeds or rare or endangered plants relevant to the historical significance of the site” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-16]*)

“The Project plans to cut down these beautiful street trees and remove all the sidewalk shrubbery as well as much of the other greenery that is now visible from the street. Trees and landscaping are the first items to be removed in construction and the last to be replaced. The California streetscape will be barren for a decade or more, and to be followed eventually by struggling trees on one side of the sidewalk and 4-story buildings with busy ground floor commercial on the other. The ability to walk beneath the trees or view the general greenery of the site will be gone forever.

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The property also currently provides a swath of open grassy area along Euclid Avenue and part of Laurel Street, with views into the shrubbery and trees around the current building from Pine Street, Masonic Avenue and Presidio Avenue, as well as from Euclid and Laurel. The Project will remove most of this greenery, replacing it with 3 or 4 story buildings at street side, flanked by a few trees some of which will be planted on what is now public side walk and road. (The Project incorporates 2,000 sq ft of sidewalk and road for “street improvements” p. 176 and uses it to plant trees that otherwise should go on the property.)” (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-3]*)

“I have lived in the area for **26 years** at the same apartment on Sutter Street. In that time I have come to admire the beautiful trees as well as the open space at the 3333 California site. The open space and trees are extremely valuable not only for myself but for the residents of the area to provide a break from the mad whirlwind of activity that surrounds the site **on a daily basis**. And there are a pair of glorious pair of Coastal Oaks on Laurel that are probably 100 years old, as well as the towering Monterey Pine at Laurel and Euclid (that is one wise old tree.)” (*Steven C. Zeluck, Email, November 10, 2018 [I-Zeluck-1]*)

RESPONSE BR-1: LOSS OF TREES

The comments express concerns for the protection, removal, and replacement of trees on and around the project site; the timeline and details of the project sponsor’s landscaping program considering the phased construction program and its length; and the quality of life effects that redevelopment of the site will have on the neighborhood. One comment asserts that the biological resources impact analysis failed to analyze the conflicts of the proposed project or project variant with relevant local policies and improperly assesses potential conflicts with the San Francisco Urban Forestry Ordinance. The comments also discuss the benefits of the existing trees, the historical significance of the trees from the Laurel Hill Cemetery period, and aesthetic enjoyment of the trees. One comment suggests that tree information or tree parts (such as cross-sections) be made available for interpretive programs, scientific investigations, or available for sale.

Effects on quality of life and the ability to enjoy the aesthetics of open spaces are not related to physical environmental impacts and are not required to be analyzed under CEQA. These comments are interpreted as comments on the merits of the project; therefore, the response below does not address these issues. For a response to comments expressing opinions regarding the merits of the proposed project or project variant see Response ME-1: Merits of the Proposed Project in RTC p. 5.L.6. For a response to comments related to aesthetics effects see Response CEQA-2: Aesthetics/CEQA Section 21099 starting on RTC p. 5.K.9.

Consistency with Local Policies and Permits

One comment states that there is a potential for the proposed project or project variant to conflict with local plans and policies such as the Urban Forestry Ordinance in San Francisco’s Public Works Code. The comment notes the EIR does not identify other ordinances related to this topic.

The comment describes the tree removal permit process (including public notification, comment period, hearings, and appeals) under the Urban Forestry Ordinance, and the potential for discretionary actions. The comment states that the decision to remove a tree is discretionary, but states that the initial study portrays the decision to remove significant trees as automatically granted for construction projects, if replacement trees are provided.

The proposed project or project variant's consistency with applicable plans, policies, and regulations is detailed in initial study Section C, Compatibility with Existing Zoning and Plans, on initial study pp. 99-104, and in Chapter 3, Plans and Policies, on EIR pp. 3.1-3.14. The analysis found that there were no conflicts with local policies related to tree protection as detailed on EIR pp. 3.4-3.13 under the "San Francisco Planning Code" and "Other Local Plans and Policies" headings.

The Urban Forestry Ordinance

Comments contend that the removal of on-site significant trees proposed in the project or variant should be considered a significant impact under CEQA based on an asserted conflict with the Urban Forestry Ordinance. The Urban Forestry Ordinance is described on initial study pp. 202-203, and provides for the protection of landmark trees, significant trees, and street trees located on private or public property. A street tree is defined as any tree growing within the public right-of-way. A significant tree on private property is defined as a tree within 10 feet of the public right-of-way that meets at least one of the following criteria: 1) a diameter greater than 12 inches, 2) a height of greater than 20 feet, or 3) a canopy greater than 15 feet. A landmark tree is one that has been designated as such based on its age, size, shape, species, location, historical association, visual quality, and other contribution to the City's character. Nominations for landmark tree status are made by the property owner whose property contains the subject tree or by the Board of Supervisors, Planning Commission, or Historic Preservation Commission, or the director of any City agency. If a project would result in tree removal subject to the Urban Forestry Ordinance, the ordinance states in San Francisco Public Works Code section 806 that public works shall require that replacement trees be planted (at a one-to-one ratio) by the project sponsor or that an in-lieu fee be paid by the project sponsor. When a street tree removal permit is granted, public works posts a notice on the affected tree 30 days prior to the removal date and notifies neighbors (on the same side and across the street from the affected tree) and interested San Francisco organizations. If within 30 days after the notification, any person files a written objection to the removal with public works, then the Director of Public Works must hold a hearing to consider public testimony concerning the proposed tree removal. The Director's decision is appealable to the Board of Appeals.

For the proposed project or project variant, removal and replacement of street trees and significant trees would be consistent with the standards in the Urban Forestry Ordinance and would be part of the major encroachment permit recommended by public works after a noticed

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public hearing with opportunity for public comment, and adopted by the board of supervisors by ordinance. Substantive standards and requirements for tree removal and replacement, including payment of in lieu fees if necessary, would remain the same as set forth in the Urban Forestry Ordinance.

Information about street trees, significant trees, trees to be protected, and tree planting under the proposed project or variant can be found in initial study Section A, Project Description, under the “Proposed Open Space and Landscaping” subheading on initial study pp. 66-70 and the “Proposed Sustainability Features” subheading on initial study pp. 73-74. The biological resources impact analysis is presented in Section E.12, Biological Resources, initial study pp. 197-203. This information is also presented in EIR Chapter 2, Project Description, on EIR pp. 2.80-2.87. As noted on EIR p. 2.87 the program for on-site trees to be retained would include protective measures during construction as well as other measures aimed at improving survivability during construction.

As noted on EIR pp. 2.86-2.87, there are 195 trees on the project site and 15 street trees along the California Street frontage. The project site does not contain any designated landmark trees, but it does have 19 significant trees as defined in the Urban Forestry Ordinance. As explained on initial study p. 69, the project sponsor intends to preserve 10 mature trees from the 195 existing trees on the project site. To replace 185 onsite trees, including the 19 significant trees, and the 15 street trees that would be removed, the project includes planting approximately 92 street trees along California Street, Presidio Avenue, Masonic Avenue, Euclid Avenue, and Laurel Street and approximately 270 trees (including 20 on each side of the proposed extension of Walnut Street) on the project site, for a net gain of 85 trees.

Additional details about locations of existing street trees, proposed new street trees, and key trees to be preserved can be found in the July 3, 2019 Planning Application Re-Submittal 2, Sheet L01.03 Site Diagram – Street Trees, and Sheets L2.00 to L2.06B. As noted on Sheet L2.01 of Planning Application Re-Submittal 2, the proposed tree species along California Street (olive trees) would be coordinated with the tree planting along California Street associated with the City’s California Laurel Village Improvement Project.

The Urban Forestry Ordinance does not prohibit removal of protected trees; nor does it automatically allow for removal of trees based on a tree replacement program. The Urban Forestry Ordinance requires that a permit be issued by the public works department for removal of protected trees and that replacement trees be planted at a one-to-one ratio or that an in-lieu fee be paid by the project sponsor (see initial study pp. 202-203). For the proposed project or project variant, removal and replacement of street trees and significant trees would be consistent with the standards in the Urban Forestry Ordinance and would be part of the major encroachment permit recommended by public works after a noticed public hearing with opportunity for public comment, and adopted by the board of supervisors by ordinance. Substantive standards and

requirements for tree removal and replacement, including payment of in lieu fees if necessary, would remain the same as set forth in the Urban Forestry Ordinance. The removal of a significant tree in and of itself would not constitute a conflict with the Urban Forestry Ordinance requirements because it is not a prohibited action under the ordinance.

Removal of a significant tree is not in and of itself a significant impact on the environment. Furthermore, there is no requirement under CEQA to analyze whether or not the project could be built while preserving more of the significant trees, as requested in one comment. The analysis includes an evaluation of the effects of the removal of trees as habitat for birds under Impact BI-1; and, under Impact BI-2, as it relates to potential conflicts with an adopted plan or policy that protects biological resources. As stated there, impacts related to conflicts with an adopted plan or policy that protects biological resources such as the Urban Forestry Ordinance would be less than significant. As such, the mitigation measures suggested in one comment (on-site tree monitoring through construction and use of urban forestry staff for review and enforcement of tree protection plans) would not be required as mitigation can only be applied when a significant impact has been identified. Comments have not provided evidence that would change the conclusions of the initial study.

To further clarify that under the proposed project or project variant, removal and replacement of street trees and significant trees would be consistent with the standards in the Urban Forestry Ordinance and would be addressed as part of the major encroachment permit recommended by public works and adopted by the board of supervisors by ordinance, the following text has been added to the end of EIR Section 4.F, Initial Study Supplement, to supplement the initial study project- and cumulative-level impact analysis with respect to conflicts with local policies or ordinances protecting biological resources. New text is double-underlined.

BIOLOGICAL RESOURCES

The Urban Forestry Ordinance

As discussed in the initial study, pp. 202-204, the proposed project's or project variant's removal and replacement of street and significant trees would be consistent with the standards in the Urban Forestry Ordinance and would be part of the major encroachment permit recommended by public works after a noticed public hearing with opportunity for public comment, and adopted by the board of supervisors by ordinance. Substantive standards and requirements for tree removal and replacement, including payment of in lieu fees, if necessary, would remain the same as set forth in the Urban Forestry Ordinance. As a result, the proposed project or project variant would be consistent with Urban Forestry Ordinance requirements regarding protection of biological resources, replacement, and payment of any in-lieu fees. The proposed project or its variant would be consistent with all applicable city policies and ordinances regarding protected trees regarding protection of biological resources, replacement, and payment of any in-lieu fees.

Landscaping and Construction Phasing

The landscaping and tree planting specifications and schedule would be developed in compliance with the Urban Forestry Ordinance as part of the building permit application process. Phasing for the proposed project or project variant is described in initial study Section A, Project Description, on initial study pp. 74-85; the discussion begins under the heading “Construction Schedule and Phasing” on initial study pp. 74-85; the information can also be found on EIR pp. 2.91-2.96. For a response to comments that express concerns with the length of the construction program and the phasing see Response PD-1: Construction Duration, Phasing and Staging, and Development Agreement, on RTC pp. 5.B.9-5.B.15.

Trees as Character-Defining Features of the Historic Resource

Comments suggest that because certain trees were identified as character-defining features of the historic resource at the site, the identified trees would require a higher level of protection. Comments further suggest that a required higher level of protection supports the claim that the project would conflict with the policies of the Urban Forestry Ordinance and result in a significant impact. The historic architectural resources analysis in Section 4.B of the EIR addresses the loss of trees in the context of the portfolio of character-defining features of the site and building and identifies a significant unavoidable impact as it relates to the loss of a historic resource, not because of a perceived conflicts with Urban Forestry Ordinance. As part of that analysis, the mature Monterey Cypress trees on the northern portion of the site are disclosed as possibly being from the period when the site was the Laurel Hill Cemetery (see Section 4.B, Historic Architectural Resources, EIR p. 4.B.5, and EIR Appendix C-2 [Historic Resource Evaluation]). However, those trees are not identified among the 19 on-site significant trees that would be removed, but rather as part of the group of mature trees that the project sponsor would retain with development of the proposed Cypress Square.

One comment suggests reuse and donation of removed trees. This comment is noted, but this is not an issue that is required to be analyzed under CEQA, and therefore is not addressed further in this RTC document. The topic of trees as character-defining features of the historic resource can be found in Section 4.B, Historic Architectural Resources, on EIR pp. 4.B.1-4.B.50 and in Response CR-1: Historic Significance of the Site, on RTC pp. 5.D.7-5.D.11. Suggestions related to components of historic architectural resource mitigation measures, such as the suggested incorporation of trees into the interpretive display, are discussed in Response CR-4: Mitigation Measures, on RTC pp. 5.D.21-5.D.25; for details about the interpretative program, see Mitigation Measure M-CR-1b: Interpretation of the Historical Resource, on EIR pp. 4.B.46-4.B.47.

Special Status Plant Species

A comment's assertion that the site is a potential seedbank source for protected plant species (i.e. candidate, sensitive, or special-status species) is not supported by the data available in the California Natural Diversity Database and the California Native Plant Society inventory used as the basis for the analysis. The California Natural Diversity Database is an inventory of the status and locations of rare plants and animals in California. The California Native Plant Society Inventory of Rare and Endangered Plants is a widely-recognized resource that directly guides rare plant protection, conservation planning, and land acquisition and management in California. These resources are typically used to determine the potential for impacts.

For a discussion of rare or endangered plant species, see initial study Section E.12, Biological Resources, on initial study pp. 197-204. The project site does not contain suitable habitat for 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 there is a very low likelihood of candidate, sensitive, or special-status species occurring on the project site. For a response related to the merits of the proposed project, see ME-1: Merits of the Proposed Project on RTC p. 5.L.6.

COMMENT BR-2: EFFECTS ON BIRDS

“3. 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, 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

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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 must be evaluated as a significant impact in the EIR, along with mitigation measures and alternatives that could reduce or avoid the impact. The Initial Study provides 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-B 1-1 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-B 1-1 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 must be 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, excerpts from Housing Element EIR, p. V.A-35. The EIR should also analyze 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 identify 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." (*Kathryn Devincenzi, Letter and Attachments, June 6, 2018 [I-Devincenzi4-6]*)

RESPONSE BR-2: EFFECTS ON BIRDS

The comment expresses concern for the proposed project's or project variant's effects on birds. The comment discusses information from the initial study pertaining to tree removal, tree planting, and biological resources, as well as information from the San Francisco 2004 and 2009 Housing Element EIR regarding impacts related to biological resources. The comment discusses bird safety, bird habitat, protected birds, and bird-safe buildings, as well as Planning Code Section 139, Standards for Bird-Safe Buildings, and Planning Commission Resolution 9212, Reflective Glass.

Migratory Birds

The proposed project or project variant may result in the displacement of nesting migratory birds and/or the abandonment of active nests should construction and vegetation removal occur during

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the typical nesting season (January 15 through August 15). Implementation of Mitigation Measure M-BI-1: Preconstruction Nesting Bird Surveys and Buffer Areas (initial study pp. 200-201), would reduce this potentially significant impact on nesting birds covered under the Migratory Bird Treaty Act (MBTA)⁷⁰ and California fish and game code to a less-than-significant level by ensuring that project activities do not result in the loss of an active nest or disturb the nest's inhabitants. Migratory birds can be candidate, sensitive, or special status species, but not all migratory birds are in one of these protected categories.

The impact of the loss of habitat was not identified as an impact on candidate, sensitive or special status species because on-site habitat is not suitable for those species and none were identified on the project site based on a review of the California Natural Diversity or California Native Plant Society databases (see initial study p. 199). Therefore, mitigation is not required. Furthermore, the fact that new on-site landscaping would need to mature to provide suitable habitat is not a significant impact of the project; the identified impact is the effect on migratory birds due to the loss of existing habitat. This impact is mitigated to less-than-significant with implementation of Mitigation Measure M-BI-1. Comments did not provide evidence supporting their claim that the site includes suitable habitat for candidate, sensitive or special status species or the occurrence of such species on the site.

Landscaped areas within the project site may provide suitable habitat for resident and migratory birds covered under the MBTA and the fish and game code sections 3503 and 3503.5, as discussed on initial study pp. 199-204. The proposed project or project variant would result in the temporary loss of nesting and foraging habitat through the removal of on-site trees and vegetation during construction; however, nearby parks such as the Presidio of San Francisco and Golden Gate Park offer suitable nesting and foraging habitat for potentially displaced migratory birds. These nearby parks provide a more attractive environment for birds due to more expansive nesting and foraging habitat as well as lower levels of human-related disturbances. Additionally, after construction and incorporation of landscaping (including planting up to 250 new trees on the project site) birds would be expected to inhabit the project site again. The phased construction program would last for 7 years to up to 15 years. Although construction under a seven-year program would be continuous with overlapping phases, as each building or group of buildings is built and landscaping is installed during the buildout period, birds may return to some of the newly landscaped areas while construction occurs elsewhere on the site. Under a longer construction time frame there would be periods of dormancy between phases where birds may return to use on-site habitat for nesting and/or foraging. For more discussion regarding concerns expressed in comments about the length of construction see Response PD-1: Construction Duration, Phasing and Staging, and Development Agreement, on RTC pp. 5.B.9-5.B.15.

⁷⁰ United States Code, Title 16-Conservation, Chapter 7-Protection of Migratory Game and Insectivorous Birds, Subchapter II-Migratory Bird Treaty, sections 703-712.

Bird-Safe Buildings

The project site is subject to planning code section 139(b)(2) Feature-Related Standards, and it is not subject to planning code section 139(b)(1) Location-Related Standards, because it is not an Urban Bird Refuge and is not located within 300 feet of an Urban Bird Refuge.⁷¹ The proposed project or project variant 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. Bird safety is discussed in initial study Section E.12 Biological Resources, on initial study pp. 197-204. The proposed project or project variant could result in an increase in bird injury or mortality in the event of a collision if no measures are taken to make the existing and future hazardous glass features “visible” to birds. San Francisco Planning Code section 139, discussed on initial study pp. 201-204, 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.” As noted on EIR p. 2.26, the proposed project or project variant would use bird-safe glazing treatment on 100 percent of any feature-related hazards (e.g., balconies, free-standing glass walls, or skywalks) that complies with the feature-related standards of Planning Code section 139.

Flexibility is built into the planning code, as the comment states; however, the ability of the Zoning Administrator to waive or modify the requirements of section 139 must be based on the recommendation of a qualified biologist that equivalent bird-safe glazing treatments would be implemented in compliance with this code section. Thus, even if the Zoning Administrator waives or modifies any of the requirements, the proposed project or project variant would be required to implement equivalent treatments and would not result in a significant impact on bird species. Nonetheless, the project sponsor has committed to the use bird-safe glass required under planning code section 139.

The comment expresses concern with planning commission Resolution 9212, which includes the guideline that clear, untinted glass should be used at and near the street level, and the potential for conflict with Planning Code section 139 regarding bird-safe glazing treatments.

These competing directives were taken into account when section 139 of the planning code and the related planning department guidance were written. There are window treatments that comply with both Planning Commission Resolution 9212 and also with Planning Code section 139. For example, Planning Code section 139 allows up to 10 percent untreated glazing and encourages building owners to concentrate permitted transparent glazing on the ground floor and lobby entrances. Additionally, bird-safe glazing treatments may include frosted glass, fritting, or UV patterns visible to birds, for example, as described in the *Design Guide - Standards for Bird-Safe*

⁷¹ San Francisco Planning Department, *Urban Bird Refuge* (Poster), 2014, available online at http://maps.sfplanning.org/Urban_Bird_Refuge_Poster.pdf, accessed July 25, 2019

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Buildings, the planning department's simple design guide to implementing section 139,⁷² and in the more detailed "Standards for Bird-Safe Buildings" adopted July 14, 2011.⁷³

The comment states that renderings in the initial study appear to show clear glass walls, not walls with bird-safe treatments. These façade details would be further developed in the design and building permit phases to ensure that the chosen glazing treatments comply with Planning Code section 139 and implementation of Mitigation Measure M-BI-1. Therefore, no additional mitigation measures are required to mitigate effects on birds.

The significance determinations in the biological resources analysis were based on a project-specific analysis that included a review of the California Natural Diversity and California Native Plant Society databases. Legally required actions have enforcement mechanism that allow lead agencies to factor compliance into the impact analysis determinations. These requirements are considered when determining whether or not a project-related impact would have a significant impact

With the use of bird safe glass that complies with Planning Code section 139 and implementation of Mitigation Measure M-BI-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.

GEOLOGY AND SOILS

The comments and corresponding responses in this subsection relate to the topic of Geology and Soils evaluated in initial study Section E.13. The comments are further grouped according to the following geology and soils-related issues that the comments raise:

- GEO-1, Construction and Geologic Constraints; Soil Settlement, Dewatering and Foundation Stability
- GEO-2, Erosion and Loss of Topsoil
- GEO-3, Loss of Unique Geological Features/Changes to Existing Topography

A corresponding response follows each grouping of comments.

⁷² San Francisco Planning Department, *Design Guide - Standards for Bird-Safe Buildings*, available online at <https://sfplanning.org/resource/standards-bird-safe-buildings-design-guide>. Accessed on April 9, 2019.

⁷³ San Francisco Planning Department, *Standards for Bird-Safe Buildings*, adopted July 14, 2011, available online at <https://sfplanning.org/project/standards-bird-safe-buildings>. Accessed on April 09, 2019.

***COMMENT GEO-1: CONSTRUCTION AND GEOLOGIC CONSTRAINTS;
SOIL SETTLEMENT, DEWATERING & FOUNDATION STABILITY***

“Dewatering/Subsidence. Page 2.99. When the JCCSF building was constructed, it was necessary to pump a significant amount of water to draw down the water table to perform construction. We assume that the Project will face similar water tables issues. In fact, Page 2.99 indicates that groundwater or perched water could be encountered; however, the DEIR does not include any mitigation measures in the event of dewatering. We believe that the DEIR needs to include appropriate mitigation measures addressing potential subsidence in the event of dewatering.”
(Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, January 8, 2019 [O-JCCSF1-4])

“When we built the JCCSF, we pumped a significant amount of water to draw down the water table to perform construction. Please study this issue to confirm if this issue will apply to this project and if so please study the impact on the JCCSF including potential settlement. *(Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, June 8, 2018 [O-JCCSF2-5])*

“Then it virtually destroys all of Laurel Hill itself, with the exception of a small sliver at the southwest corner, by excavating the entire site to depths ranging from 15 to 40 ft. The only area that isn’t excavated is under a portion of the existing building! Not sure how they missed that opportunity!” *(Sal Ahani, Email, January 8, 2019 [I-Ahani-17])*

“As previously stated in my comments of June 8, 2018 on the Initial Study for 3333 California Street, which are incorporated by reference herein, the proposed project would excavate and remove substantial portions of the topography and existing slope of Laurel Hill (a scenic high point known for its scenic vistas,...” *(Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-9])*

“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 (Ex. H “LTR”) constitutes expert evidence supported by fact that all of the aforementioned potentially significant impacts could occur as a result of the proposed project. The Initial Study violates the requirements of CEQA because it fails to analyze these impacts a significant impacts and fails 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, as 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

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debris and excavated soils would be removed from the project site, and approximately 3700 cubic yards of soil would be reused on the project site as fill. IS p. 78.

LTR advises that adverse effects could occur onsite that could result in damage from the following conditions that could result from project activities:

- the presence of fill and loose sand will affect foundation support and excavation support (~P. 9).

- the new building to be constructed adjacent to the parking garage may impose surcharge on the basement wall of the parking garage; to avoid surcharging the wall, the western perimeter wall of the new building may need to be supported on drilled piers that gain support in the bedrock below the elevation of the bottom of the parking garage. (LTR, p. 10).

- the proposed single basement will require an excavation of approximately 12 feet below the ground surface; the primary considerations related to the selection of the shoring system are the presence of fill and loose to medium-dense sand and the potential settlement of adjacent structures and improvements caused by movement of temporary shoring (LTR, p. 10).

- to retain the excavation sides for the multi-level basements, a retaining system with tiebacks may have been used; therefore, tiebacks may be encountered during basement excavation for new structure located east of the parking garage (LTR, p. 10).

- drilling of shafts for the soldier piles will likely require casing and/or use of drilling mud (slurry) to prevent caving; to prevent settlement of adjacent improvements, soldier piles should not be installed by driving or vibratory methods; a monitoring program should be established to evaluate the effects of the construction on the adjacent buildings and surrounding ground (LTR, p. 10-11).

- sand with low fines content was encountered within the zone of excavation.; to reduce caving, lagging boards should be placed with every foot of excavation to limit caving; voids that result from caving soil behind wood lagging should be grouted before proceeding to the next row of lagging (LTR, p. 11).

- the bottom of the excavation should be above the groundwater level; during drilling of the soldier-pile holes, groundwater or perched water may be encountered; to keep the holes from caving, casing and/or drilling slurry may be needed; alternatively, the soldier piles may be installed using auger-case method (LTR, p. 11).

- generally, soldier piles can be installed under the City's sidewalk provided that the top 3 feet of the soldier piles are removed after the permanent basement wall is cast; if tiebacks are needed, it has been our experience that using hollow-stem augers to install tiebacks in sand will result in loss of ground; therefore, tiebacks, if required, should be installed using smooth-cased method (such as a Klemm rig) to reduce loss of ground (LTR, p. 11).

- the soil at subgrade should consist of stiff to very stiff clay, medium dense sand, and bedrock; therefore, the slabs may be supported on grade; if weak soil is present at subgrade level, the weak soil should be removed and replaced as engineered fill (LTR, p. 11).

- the near surface soil was determined to be moderately corrosive; the corrosive soil will adversely affect below grade improvements, such as foundations and utilities; recommendations for protection of buried structures presented in Appendix D are that all steel, iron, etc, should be properly protected against corrosion depending upon the critical nature of the structure; all buried metallic pressure piping should be protected against corrosion (LTR, p. 11).

- if the site grading is scheduled for the rainy season, the near-surface soil may be too wet to achieve adequate compaction during site preparation and fill placement and may deflect significantly under the weight of construction equipment; for these conditions, moisture conditioning of the material and the use of lightweight equipment may be required to lower the soil to a moisture level that will promote proper compaction; methods of moisture conditioning include mixing and turning (aerating) the soil to naturally dry the soil and lower the moisture content to an acceptable level; aeration typically requires at least a few days of warm, dry weather to effectively dry the material (LTR, p. 12).

- if localized soft or wet areas are encountered, it may be necessary to over-excavate to a depth of 18 to 24 inches, place a layer of stabilizing geo-synthetic, and backfill with granular material to stabilize the subgrade and bridge the soft material (LTR, p. 12)

- bedrock encountered in the borings consists of serpentinite and sandstone; serpentinite contains naturally occurring asbestos; therefore a Site Mitigation Plan may be needed to be prepared prior to construction; bedrock handling and disposal should be performed in accordance with the Site Mitigation Plan. (LTR, p. 12)

- inclinations of temporary slopes should not exceed those specified in local, state or federal safety regulations; at a minimum the requirements of the current OSHA Health and Safety Standards for Excavations (29 CFR Part 1926) should be followed; temporary slopes less than 10 feet high should be inclined no steeper than 1.5: 1 (horizontal to vertical); in addition, all vehicles and other surcharge loads should be kept at least 10 feet away from the tops of temporary slopes (LTR, p. 13).

- all areas to receive improvements should be stripped of vegetation and organic topsoil; voids resulting from the demolition activities should be properly backfilled with lean concrete or engineered fill as described in the LTR recommendations (LTR, p. 14).

- prior to placement of any engineered fill, the onsite soil exposed by stripping should be scarified to a depth of at least 12 inches, moisture-conditioned to at least three percent above optimum moisture content, and compacted to at least 95 and 90 percent relative compaction for sand and clay, respectively; the soil subgrade should be kept moist until it covered by select fill (LTR, p. 14).

- if soft areas are encountered during site preparation and grading, the soft material should be removed and replaced with engineered fill; if the soft material is deeper than 24 inches, LTR recommends over-excavating to a depth of 18 to 24 inches, placing a geotextile fabric at the bottom of the excavation, and backfilling with granular material (LTR, p. 14).

- fill should consist of onsite or imported soil that is non-corrosive, free of organic matter or other deleterious material, contains no rocks or lumps larger than four inches in greatest dimension, has a liquid limit of less than 25 and a plasticity index lower than 8, and is approved by the geotechnical engineer (LTR, p. 14).

- fill should be placed in horizontal lifts not exceeding eight inches before compacted, moisture-conditioned to above optimum moisture content, and compacted to at least 90 percent relative compaction; fill thicker than five feet and-or consisting of clean sand or gravel should be compacted to at least 95 percent relative compaction (LTR, p. 14).

- LTR should be provided with samples of proposed fill at least three days before use at the site; the grading contractor should provide analytical test results or other suitable environmental documentation indicating the imported fill is free of hazardous materials at least

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three days before use at the site; a bulk sample of approved fill should be provided to LTR at least three working days before use at the site so a compaction curve can be prepared (LTR, p. 14-15)

- where necessary, trench excavations should be shored and braced to prevent cave-ins and/or in accordance with safety regulations; if trenches extend below the groundwater level, it will be necessary to temporarily dewater them to allow for placement of the pipe and/or conduits and backfill (LTR, p. 15).

- if fill with less than 10 percent fines is used, the entire depth of the fill should be compacted to at least 95 percent relative compaction; jetting of trench backfill should not be permitted; special care should be taken when backfilling utility trenches in pavement areas; poor compaction may cause excessive settlements resulting in damage to the pavement section (LTR, p. 15).

- to reduce the potential for water to become trapped in trenches beneath the building or pavements, which trapped water can cause heaving of soils beneath slabs and softening of subgrade soil beneath pavements, an impermeable plug consisting of either native clay or lean concrete, at least five feet in length, should be installed where the trenches enter the building or cross planter areas and pass below asphalt or concrete pavements (LTR, p. 15).

- to reduce the potential for differential movement and cracking, exterior concrete slabs should be underlain by at least 4 inches of Class 2 aggregate base, and the upper 12 inches of the soil subgrade should be compacted to at least 95 and 90 percent relative compaction for sand and clay, respectively (LTR, p. 15).

- the foundation subgrade should be free of standing water, debris, and disturbed materials prior to placing concrete; if fill, soft, or loose soil is present at the foundation subgrade, it should be removed to expose competent material and be replaced by lean concrete (LTR, p. 17).

- to avoid surcharging the basement wall of the parking garage, the western perimeter wall of the new building may need to be supported on drilled piers that gain support in the bedrock below the elevation of the parking garage (LTR, p. 17).

- drilled piers should be installed by a qualified contractor with demonstrated experience in this type of foundation; loose material may potentially cave during drilling, thus casing and/or drilling fluid may be required (LTR, p. 18).

- where space does not permit a sloped excavation, shoring will be required, and a cantilever soldier pile and lagging shoring system is the most appropriate for the depth of the excavation planned and types of soil present; penetration of soldier piles should be sufficient to provide lateral stability (LTR, p. 18).

- a soldier pile and lagging system is relatively flexible, and movement should be anticipated; if the shoring system is properly designed and installed, movements at the top of the shoring should not exceed one inch (LTR, p. 19).

- because the site is in a seismically active region, the wall design should be checked for seismic condition; seismic design parameters recommended for areas in the northwest portion of the site where bedrock is relatively deep or in the eastern and southern portions of the site where bedrock is relatively shallow, should be followed (LTR, p. 21-22).

Significantly, LTR concludes by recommending 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.” (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.

In addition, the Initial Study recognizes that in the event of an earthquake that exhibits strong to very strong seismic ground shaking, “considerable damage could occur to buildings on the project site, potentially injuring building occupants and neighbors.” IS p. 209.

In order to reduce the severity of the aforementioned significant impacts, the following mitigation measures should be imposed in the EIR as conditions of approval of the project:

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.”

MITIGATION MEASURE. Since bedrock encountered in the borings consists of serpentinite and sandstone and serpentinite contains naturally occurring asbestos, a Site Mitigation Plan to reduce or eliminate any exposures of workers or nearby residents to asbestos will be prepared prior to excavation by a qualified, licensed professional and reviewed by LTR prior to excavation; such Site Mitigation Plan will be included in the Draft EIR and will be released for public comment; bedrock handling and disposal must be performed in accordance with the Site Mitigation Plan.

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MITIGATION MEASURE. Since up to 15 feet of loose to medium dense sand was encountered above the water table, and loose and medium dense sand may densify during an earthquake (IS p. 210), most of the soil susceptible to seismic densification must be removed during excavation; at the conclusion of excavation, LTR will perform any necessary or advisable investigation of the site and verify in writing that most of the soil subject to seismic densification has been removed from the site.

MITIGATION MEASURE. Project sponsor will be required to maintain a water truck on site during all excavation, demolition, filling and other activities that could cause dust and will wet down dust sufficiently to prevent its blowing onto residences across the street from the site on Laurel, Euclid, Presidio and California streets.

Residents are very concerned that the 7-10 year proposed duration of construction would be too impactful for this residential area, especially since there would be substantial excavation from 7 to 40 feet below grade to accommodate underground garages and foundations. Residents recently learned of this proposed duration, and the developers stated that they would seek a development agreement that would permit them to construct the project over a 15 year period so that “if conditions do not exist to build out the entire project, we can phase construction in order to align with market conditions and financing availability.” (See Ex. I, October 12, 2017 email from Dan Safier) Since the Initial Study indicates that the developers would seek the right to apply for additional zoning changes after a certain period, the developers could seek approval for increases in the project from the Board of Supervisors, so the project could become more impactful. *Ibid.* The EIR must address all phases of the project, including foreseeable future expansion that could increase impacts of the project.” (*Kathryn Devincenzi, Letter and Attachments, June 6, 2018 [I-Devincenzi4-4]*)

“- There is a concern in the community about excavation and the water table under the land -the water table survey was done during one the of the driest periods of SF and may not reflect the true measurement” (*Tina Kwok, Email, January 8, 2019 [I-Kwok3-4 and Tina Kwok, Email, January 9, 2019 [I-Kwok4-5]*)

“Summary of several concerns raised by nearby residents and citizens of San Francisco:...4. Effect of ground settlement on adjacent buildings” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-5]*)

“What is the impact on the...water-table while digging the foundation the foundations are dug and concrete poured?” (*Gilda Poliakin, Email, December 30, 2018 [I-Poliakin-5]*)

“Then it virtually destroys all of Laurel Hill itself, with the exception of a small sliver at the southwest corner, by excavating the entire site to depths ranging from 15 to 40 ft. The only area that isn’t excavated is under a portion of the existing building! Not sure how they missed that opportunity!” (*Laura Rubenstein, Email, January 2, 2019 [I-Rubenstein-12]*)

RESPONSE GEO-1: CONSTRUCTION AND GEOLOGIC CONSTRAINTS; SOIL SETTLEMENT, DEWATERING & FOUNDATION STABILITY

Ground Settlement

One comment expresses concern over the effect of ground settlement as a result of the project on nearby buildings. One comment generally asserts that compliance with regulatory requirements such as those in the building code is not sufficient to determine that impacts are less than significant because it cannot be guaranteed, and thus mitigation measures must be imposed. The comment refers to the Langan Preliminary Geotechnical Investigation, quoting several geotechnical recommendations provided for the proposed site plan, such as foundation specifications, temporary shoring and retaining systems, replacement of loose soils with engineered fill, water and saturation controls, slope requirements, and project plan review and characterizes the geotechnical recommendations as mitigation measures.

As required by California Building Code Chapter 18, Soils and Foundations, the preliminary geotechnical investigation assessed geological and seismic hazards including the existing elevation of the water table, and potential for slope instability, liquefaction, total and differential settlement, and surface displacement due to faulting or seismically induced lateral spreading or lateral flow (see initial study pp. 209-210). The investigation includes recommendations for foundation type and design criteria; waterproofing, pumping, and drainage; stabilization and dewatering; and, if necessary, underpinning or protecting the structural integrity of adjacent structures. In addition, as required by California Building Code Chapter 18, the geotechnical investigation incorporates the results of exploration and testing, evaluation of site suitability for the development proposed, load criteria, method and material recommendations, and provides the qualifications of geotechnical engineering professionals that performed the investigation. A design-level geotechnical investigation would be performed as part of the building permit process to develop site- and building-specific recommendations to address the potential for geotechnical hazards during excavation, foundation installation, and shoring pursuant to building code requirements.

The project sponsor would work with Langan or other qualified geotechnical engineers on a design-level geotechnical report as part of the building permit process. The report would reflect the latest iteration of the proposed project, and would update geotechnical recommendations where necessary to comply with the building code. The building department staff would review the construction plans for conformance with the recommendations in the geotechnical report as part of the building permit review process. The project sponsor and the design team would be required to follow the geotechnical report recommendations as part of the building permit process. Thus, mitigation measures are not necessary to ensure compliance with the geotechnical recommendations.

5. Comments and Responses

J. Initial Study Topics

Suggested mitigations in the comment letter include, among others, legally required actions such as the development of a site mitigation plan, which has been described in the initial study under the topic of Hazards and Hazardous Materials, initial study Section E.15, p. 230, and which is implemented not as part of the geotechnical investigation pursuant to California Building Code Chapter 18, but instead to comply with Article 22A of the San Francisco Health Code, the Maher Ordinance. Other mitigations suggested by the comments are not required, or would be implemented in compliance with applicable laws and regulations, such as the request for a Langan or equivalently qualified professional to observe excavation, temporary shoring, foundation installation. Thus, no mitigation measures are necessary to ensure compliance with the building code or other laws and ordinances.

One comment states that mitigation measures should be imposed pertaining to naturally occurring asbestos, and identify the legally required development of site mitigation, construction dust control, and asbestos dust control plans as mitigation. As discussed in Section 4.J, Initial Study Supplement, on EIR pp. 4.F.7-4.F.10, the project sponsor would be required to comply with the City's Construction Dust Control Ordinance as well as the Asbestos Airborne Toxic Control Measure with oversight from the regional air district,⁷⁴ which would ensure that significant exposure to airborne asbestos would not occur. Further discussion of concerns pertaining to compliance with applicable hazards and hazardous materials regulatory requirements is provided in Response HZ-1: Exposure to Hazardous Materials on RTC pp. 5.J.120-5.J.125.

One comment states that mitigation measures should be imposed to maintain a water truck to wet down construction areas to prevent dust. As discussed in EIR Section 3.E, Air Quality, on p. 4.E.39, the building department will not issue a building permit without written notification from the Director of Public Health that the applicant has an approved site-specific dust control plan pursuant to the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008). As noted on initial study p. 182, Ordinance 175-91 requires that non-potable water be used for dust-control activities when feasible. Further discussion of concerns pertaining to compliance with applicable dust control regulatory requirements is provided in Response AQ-1 on pp. 5.G.3-5.G.11.

Topography, Proposed On-Site Excavation, and Construction Duration

Comments express concern that the project would significantly alter the topography of Laurel Hill. One comment expresses concern regarding the proposed duration of construction, stating that an extensive amount of excavation is proposed.

As discussed in the initial study under Section E.3, Cultural Resources, p. 127, the project area has been developed a number of times during modern and historic times. This development has

⁷⁴ Bay Area Air Quality Management District, Naturally Occurring Asbestos Program, available online at <http://www.baaqmd.gov/permits/asbestos/naturally-occurring-asbestos>, accessed July 19, 2019.

included importing fill and grading and excavation for new structures. As such, both the modern and the historic ground surface are and were highly disturbed. Laurel Hill encompasses a larger area than the project site. The highest point on the project site is located at Laurel Street and Euclid Avenue at approximately 320 feet SFVD13⁷⁵, and the hill continues to rise to approximately 340 feet SFVD13 on Lupine Avenue south of the project site toward Geary Boulevard. As discussed in the initial study under Impact GE-5, p. 212, although portions of the project site would be excavated and terraced, the general topography of the site would remain similar to existing conditions, and the presence of Laurel Hill as characterizing topography would remain evident. Comments have not provided any evidence that the proposed excavation would result in a significant environmental impact not already identified in the EIR and analyzed. For a general discussion of comments associated with the proposed construction duration and phasing, refer to Response PD-1: Construction Duration, Phasing and Staging, and Development Agreement, on RTC pp. 5.B.9-5.B.15. Response GEO-3: Loss of Unique Geological Features/Changes to Existing Topography, pp. 5.J.108-5.J.109, discusses comments concerned with the geological significance of the project site and comments concerned with the project site topography.

Groundwater Table

One comment expresses concern regarding the existing groundwater table, stating that surveying occurred during drought conditions rather than normal-year conditions and resulted in a flawed analysis. Another comment expresses a desire to better understand the effect of construction on the groundwater table.

The groundwater conditions at the project site are sufficiently detailed in the initial study for the purposes of analyzing the proposed project's and project variant's geology and soils impacts under CEQA. The potential to encounter groundwater is expected to vary based on activities needed in particular locations within the project site, seasonal conditions, and multi-year climactic events. As stated on initial study p. 206, the information in Section E.13, Geology and Soils, is based on Langan's 2014 Preliminary Geotechnical Investigation prepared for the proposed project. This study is comprised of the best available information at the time the project

⁷⁵ SFVD13 is the new San Francisco Vertical Datum. Vertical Datum is a measure of vertical height of the ground above a specified zero point and is used to describe the topography of a site. Old San Francisco Datum in use until about 2014, was based on the National Geodetic Vertical Datum of 1929 (NGVD29). NGVD29 uses mean sea level as the zero point; the zero point for the old SF Datum was approximately 8.6 feet above mean sea level. The City began revising its database in 2013, and completed the new vertical datum in 2014. SFVD13 is based on the North American Vertical Datum of 1988 (NAVD88), and was established using more precise measurements than the Old San Francisco Datum. The draft EIR states that the highest point on the project site, at Laurel Street and Euclid Avenue, is at about 308 feet SF Datum (see EIR p. 2.13). The new SFVD13 was used in a revised topographic survey of the project site, and places the same location at 320 feet SFVD13. SFVD13 is approximately 11.35 feet above the old SF Datum: $320 - 11.25 = 308.65$. Thus, both values reported in the EIR and the RTC are correct but have different zero points.

5. Comments and Responses

J. Initial Study Topics

was initiated. As stated on initial study pp. 211-212, although portions of the proposed excavation (approximately 7 to 40 feet below ground surface) are expected to be above the identified groundwater level, dewatering may be needed during project construction in localized areas. Dewatering would be conducted in accordance with City requirements (such as San Francisco Public Utility Commission's batch wastewater discharge requirements) and the effects would be temporary. A design-level geotechnical investigation would be prepared as part of the building permit process and would include information regarding groundwater conditions at the site and requirements for excavation, foundations, and any necessary shoring, pursuant to building code requirements. Thus, the proposed project or its variant would result in a less-than-significant impact with respect to geology and soils.

Other Topics

Some comments oppose the proposed site plan excavation plan, building heights and topographical changes.

Comments pertaining to the merits of the proposed project do not raise issues concerning the adequacy or accuracy of the EIR's coverage of environmental impacts under CEQA. Such comments may be considered and weighed by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project or project variant independently of the environmental review process.

One comment expresses concern that the developers could seek approvals for additional changes to the project at a later time that could result in significant environmental impacts not identified in the EIR and initial study. Under the CEQA process, the EIR analyzes the environmental impacts of the project as applied for by the project sponsor. The analysis provided in the EIR is not required to consider speculative changes to the project description that have not been proposed. If substantial revisions to the project are proposed in the future after approval actions have been taken, those revisions would be reviewed by the planning department to determine whether additional environmental review is needed. Further discussion of issues pertaining to the project approvals is provided in Response PD-7: Project Approvals on pp. 5.B.38-5.B.39.

COMMENT GEO-2: EROSION AND LOSS OF TOPSOIL

“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. Evidence of the method used to calculate the amounts of excavated soils was not included

in the IS and must be provided in the Draft EIR to afford an opportunity for public comment on the accuracy of the calculation and severity of resulting impacts.

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, San Francisco 2004 and 2009 Housing Element EIR. p. V.O-46.

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 Initial Study fails 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.* An EIR must analyze the changes which the project would have to the existing environment.

The EIR must 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." (*Kathryn Devincenzi, Letter and Attachments, June 6, 2018 [I-Devincenzi4-2]*)

RESPONSE GEO-2: EROSION AND LOSS OF TOPSOIL

The comment expresses concern that the project would result in substantial soil erosion or loss of topsoil. In particular, the comment states that a substantial amount of topsoil would be removed to construct underground parking garages. Loss of topsoil as a resource is an environmental concern pertaining to the conservation of soils necessary to support habitat, open space, or agriculture, generally the most shallow strata of soil composition. As discussed in initial study in sections E.12, Biological Resources, and E.17, Agriculture and Forestry Resources, the site does not currently support sensitive habitat or any existing agricultural use. Existing on-site open

5. Comments and Responses

J. Initial Study Topics

spaces and topsoil have been heavily modified to support ornamental landscaping and grass lawn areas. For these reasons, initial study Section E.13, Geology and Soils, correctly did not identify significant impacts associated with loss of topsoil.

Removal of vegetated or established topsoil may result in inadvertent erosion or instability of exposed subsurface soils without proper control measures. Under the proposed project or project variant, existing soils would be left in place where possible in areas with existing uses to be retained, as for portions of the existing office building and Euclid Green. However, much of the proposed site plan would require grading and installation of new landscaping features with replacement of soils suitable for ornamental plantings. The project is subject to regulatory requirements to prevent inadvertent loss of soils from erosion and sedimentation from storm events during project construction, the establishment of landscaping, and the ongoing maintenance of open space as described below.

As discussed in the initial study under Impact GE-2, pp. 210-211, construction effects on soil are regulated by the National Pollutant Discharge Elimination System requirement that the project sponsor would prepare an Erosion and Sediment Control Plan for construction, as set out in article 4.2 of the San Francisco Public Works Code. Operational stormwater controls are regulated by adherence to Stormwater Design Guidelines for on-site and off-site improvements discussed on initial study pp. 174-177. The proposed project or project variant would comply with these laws and regulations. As a result, the proposed project or project variant would not result in a significant impact with respect to soils erosion or loss of topsoil.

The comment expresses concern regarding the method used to calculate the amount of excavated soils analyzed in the initial study. Nonetheless, the comment does not provide any evidence indicating that the soil excavation calculations are inaccurate or inadequate.

The soils calculations of approximately 241,300 net cubic yards of excavated soils were generated based on the proposed site plan, in which approximately 274,000 square feet of the 446,479-square-foot project site would be modified at depths ranging from 7 to 40 feet below the existing grade (including the elevators and automobile stacker pits), as discussed on initial study p. 78 and illustrated in Figure 31: Preliminary Excavation Plan on initial study p. 79. This estimation remained consistent throughout the draft EIR. The excavation model generated by Webcor Builders is included in the project file. Subsequent to the publication of the draft EIR, the net amount of excavated soil that would be required to be exported from the site for the proposed project has been reduced slightly from 241,300 cubic yards to 241,000 cubic yards (a reduction of approximately 300 cubic yards). The reduction in the amount of excavated soil to be off-hauled was a result of the change to the parking program and changes to the Masonic and Euclid building's basement level for below-grade parking and off-street loading, as described in RTC Section 2, Revisions and Clarifications to the Project Description, p. 2.24, and a change in the amount of excavated soil that could be used as fill on other parts of the project site. This change

in the net amount of excavated soils to be exported would not result in any substantial changes in the conclusions reached in the EIR.

COMMENT GEO-3: LOSS OF UNIQUE GEOLOGICAL FEATURES/CHANGES TO EXISTING TOPOGRAPHY

“Then it virtually destroys all of Laurel Hill itself, with the exception of a small sliver at the southwest corner, by excavating the entire site to depths ranging from 15 to 40 ft.

The only area that isn’t excavated is under a portion of the existing building!

Not sure how they missed that opportunity!” (*Richard Frisbie, Letter, January 7, 2019 [I-FrisbieR1-14]* and *Tina Kwok, Letter, January 7, 2019 [I-Kwok4-20]*)

“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, 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, 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, Nomination p. 28)

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J. Initial Study Topics

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, photographs of areas of Laurel Hill proposed for excavation)

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 must 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 significant impact and analyze alternatives and mitigation measures that would avoid or reduce the impact." (*Kathryn Devincenzi, Letter and Attachments, June 6, 2018 [I-Devincenzi4-3]*)

RESPONSE GEO-3: LOSS OF UNIQUE GEOLOGICAL FEATURES/CHANGES TO EXISTING TOPOGRAPHY

The comments state that Laurel Hill is a unique scenic, geological or physical feature, and that the project would substantially alter the existing slopes resulting in a significant environmental impact. The comment refers to the site's nomination for listing on the National Register of Historic Places which describes the site as being part of a cluster of low hills with distant views to various locations throughout the City, and the site's status as California Historical Landmark #760 (Former Site of Laurel Hill Cemetery).

As detailed on initial study pp. 212-215, a unique geologic or physical feature embodies distinctive characteristics of any regional or local geologic principles, provides a key piece of information important to geologic history, contains minerals not known to occur elsewhere in the county, and/or is used as a teaching tool. No unique geologic features exist at the project site; therefore, no impacts on unique geological features would occur. Although portions of the project site would be excavated and terraced, the general topography of the site would remain similar to existing conditions with minor changes at the site as part of the site grading and terracing for the

adaptive reuse of the existing building and development of the Masonic and Euclid buildings. Furthermore, the site would continue to provide open space with expansive views, as described on EIR pp. 2.83-2.86. Such features include the Presidio Overlook, which would be located at the eastern terminus of Mayfair Walk, and Euclid Green, as shown on Figure 2.10, EIR p. 2.30, and Figure 2.12, EIR p. 2.32.

To the extent that the proposed project or its variant would impact the project site's historic resources, those impacts are discussed in EIR Section 4.B, Historic Architectural Resources. As discussed on EIR pp. 4.B.17-4.B.18, the property was listed in the California Register of Historical Resources and was determined to be eligible for listing in the National Register of Historic Resources based on the site's embodiment of Midcentury Modern design principles and as the work of three master architects. As discussed on EIR p. 4.B.16, the California Registered Historical Landmark No. 760 refers to the former site of the Laurel Hill Cemetery for its historical significance. Although both the listing and the landmark note the site's topography and openness in its character-defining features, neither status pertained specifically to the site's geological significance. As discussed in initial study Section E.3, Cultural Resources, p. 127, the project area has been developed a number of times during modern and historic times. This development has included importing fill and grading and excavation for new structures. As such, both the modern and the historic ground surface are and were highly disturbed.

To the extent that this comment expresses concern with the proposed project's changes to the aesthetic, visual, or scenic quality, the project would meet each of the criteria provided by Public Resources Code section 21099(d), and thus the determination of significance of project impacts under CEQA does not consider aesthetics, as discussed in EIR Chapter 1, Introduction, pp. 1.11-1.12. To the extent that urban form may be reviewed during subsequent local design review processes, these approvals are separate from CEQA.

HYDROLOGY AND WATER QUALITY

The comment in this subsection relates to the topic of Hydrology and Water Quality evaluated in initial study Section E.14. A corresponding response follows the comment.

COMMENT HWQ-1: ALTERATION OF EXISTING DRAINAGE PATTERNS

“On page 216 of the Initial Study (IS), reference 1, the IS states that the project could have significant impact if it could:

c) ‘Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?’

This is restated in Impact HY-3 on page 222 of reference 1.

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J. Initial Study Topics

An underground stream or flow of water is equally as relevant (and potentially more impactful) as a more visible surface stream. There is no indication in the Initial Study that this has been considered.

Planning nevertheless checked 'Less Than Significant Impact.'

d) '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 increased the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?'

This is also restated In Impact HY-3 on page 222.

Again, as noted above, underground flow of water is equally as important and requires equal consideration.

Planning checked 'Less Than Significant Impact.'

As discussed below these conclusions are not supported by substantial evidence inasmuch as the factual data and analysis upon which they are based are insufficient to support the determination of 'no-significant impact.'

The City failed to use best efforts to investigate and disclose all that it reasonably can with respect to the project's potential adverse impacts.

The IS's analysis failed to consider the impact of the project on underground flows of water and did not make a finding as to whether the existing underground drainage patterns of the site or area could be affected.

DISCUSSION

The Preliminary Geotechnical Investigation conducted (FN40) by Langan Treadwell Rollo dated 3 Dec. 2014 (Reference 2), page 5, table 1 shows 5 borings with Depth to Groundwater varying from 18.8 feet to 38.8 feet.

However the Phase I Environmental Site Assessment (FN244) by Langan Treadwell Rollo dated 3 Dec. 2014 (Reference 3) page 8 states 'However, two borings at the Firemen's Credit Union site (northeast of the site) encountered groundwater levels as shallow as 13 feet bgs.'

The Firemen's Credit Union is immediately adjacent to 3333, and is part of the same block. It is not a separate site geologically or hydrologically.

Reference 3 further states 'The direction of groundwater flow is assumed (italics and underlining added) to be to the northeast, based on topography and the groundwater monitoring reports for 3201 California Street; however the site is located near the boundary between the Downtown and Westside Groundwater Basins, so it is possible that the groundwater flow direction varies across the site.' It is clear from the above that Langan Treadwell Rollo, as well as Planning, has not conducted an investigation that would be adequate to assess the hydrology of the site, including the direction to which the groundwater flows.

The IS states that dewatering the groundwater would likely be required during construction because the depth of excavation would be up as much as 40 feet below ground surface and the groundwater level at the project site is 'about 18 to 39 feet below ground surface (IS, page 219).

Actually the groundwater is almost certainly much closer to the surface as noted in reference 3 above as well as for reasons that will be discussed in this section.

There is clearly a subsurface flow of this groundwater. What is it, what is its flow rate and in what direction does it flow?

It would appear prudent to better understand the situation before beginning to excavate up to 40 feet bgs as well as essentially building a concrete dam in the form of underground garages that would stretch from Laurel St. to Presidio Ave., and completely block off any flow across the entire site.

At present there is only minimal obstruction, as the underground garage is a very small portion of the Laurel to Presidio distance and the buildings foundations present a minimal barrier to this subsurface flow.

What is the underground water going to do if this project is constructed?

We know the groundwater under the site will be diverted.

It is reasonable (if we had better data it would probably show with certainty) to conclude that the groundwater diverted by the below ground construction will have considerably higher flow velocities and energy at whatever points) it departs the site as the flow will be concentrated at the ends) of the underground concrete barrier (parking garages).

We know that these higher subsurface flow rates and energies will create higher erosion rates and could lead to flooding at a downstream location due to these higher flow rates.

What are these higher erosion rates going to do to the foundations of buildings exposed to an entirely new flow regime, none of which existed when they were constructed?

What analysis has been done concerning these potential impacts on the buildings along the lower portion of Laurel Stand Presidio Ave.?

Unfortunately these are not the only shortcomings of the data presented in the Initial Study.

Nor are they the most damaging to the conclusions reached as to Impact HY-3.

A review of the boring logs indicates the borings were carried out August 20-26, 2014 and generated the groundwater bgs data that appears in table 1, page 5 of FN40, reference 2.

The August 2014 date leaps out like a red flag; as it should have for everyone associated with FN 40 and the Initial Study.

California entered the most severe drought in its history in 2011 and did not exit it until 2017.

August 2014 is the approximate midpoint in this period so any of the FN40 groundwater levels quoted are those determined three years into a prolonged severe drought.

Essentially such data are irrelevant for a normal years) and consequentially egregiously understate the hydrological condition of the site.

According to Wikipedia (with additional support in the article's references), "2011-2017 California Drought" (reference 4) page 2: 'By February 1, 2014, Felicia Marcus, the chairwoman of the State Water Resources Control Board, claimed the 2014 drought is the most serious drought we've faced in modern times.'

On the same page; 'According to NASA, tests published in January 2014 have shown that the twelve months prior to January 2014 were the driest on record, since record-keeping began in 1885.'

The references included in this document further reinforce the historic shortfalls of rain during this drought.

Per weather.com/science/environment/news/california-drought-seconds-20141009 (reference 5) page 1: 'As a result, 2013 was California's **driest year ever recorded** (emphasis in the report).

5. Comments and Responses

J. Initial Study Topics

San Francisco, which usually averages 23.65 inches of rain a year, only experienced 5.60.’ This is approximately 24% of a normal year.

The map on page 16 of ‘275 California drought maps show deep drought and recovery’ LA Times April 7, 2017 (reference 6), included at the end of this document, shows the extent and severity of the drought as of Aug.3, Aug. 12, Aug. 19, Aug. 26, Sept.2 —which is the precise period in which the borings took place.

So, in the midst of a record drought, one that was already three years in extent; after the driest year on record (2013); after a year that produced less than 24% of the normal rainfall; and then after five months of a normal zero rainfall dry season the developer commissioned Langan Treadwell and Rollo to carry out borings with one of the specific objectives to determine the depth of groundwater below surface!

It is inconceivable, literally, to conjure up a more perfect set of circumstances to produce a more misleading series of conclusions more amenable and favorable to the developers’ plan.

It is also perplexing that Planning has accepted these results on face value, has done no analysis or research of its own to validate the reasonableness of these results; and has used these results as the basis for a finding of “Less Than Significant.”

As a minimum, the conclusions of Impact HY-3 are inaccurate, inadequate, incomplete and invalid. Due to the total absence of relevant analysis and data, the IS failed to consider the impact on the existing underground drainage patterns of the site. The IS discusses impacts on surface runoff and fails to analyze the impact of the construction of the project on the alteration of the existing drainage pattern of the site, including through the alteration of the course of a subsurface stream or river. The EIR should analyze whether the project could alter the existing drainage pattern of groundwater or alter the course and/or characteristics of the underground water flows. It should also analyze the potential impact on existing buildings in the vicinity of the site as a result of the alterations to underground water flows.

The Initial Study and the DEIR Lack Substantive Evidence that the “Less than Significant” finding for Hydrology and Water Quality, Section E-14 of the Initial Study, is correct, complete and accurate. In fact the evidence shows that there is no basis for this conclusion and it must be re-studied and re-concluded using credible evidence.” (*Richard Frisbie, Letter and Attachments, January 8, 2019 [I-FrisbieR2-4]*)

RESPONSE HWQ-1: ALTERATION OF EXISTING DRAINAGE PATTERNS

The comment states that the information in the initial study about groundwater depth is inaccurate because it relies on information developed during a severe drought year. The comment further asserts the inaccuracy of the underlying evidence based on information on page 8 of the Langan geotechnical investigation which states that “two borings at the Firemen’s Credit Union site (northeast of the site) encountered groundwater levels as shallow as 13 feet bgs.” The comment also expresses concern that altering groundwater flow patterns was not considered in the initial study, requesting information regarding the flow rate and direction of subsurface groundwater flow.

As stated on EIR p. 2.13, the highest elevation on the project site is 308 feet San Francisco City Datum⁷⁶ at the southwest corner (Euclid Avenue and Laurel Street), sloping downward to the north and east toward California Street and Presidio Avenue with a grade change of approximately 65 feet. Although not part of the project site, the SF Fire Credit Union building at the corner of California Street and Presidio Avenue is the lowest elevation of the project block. For these reasons, depth of groundwater at this location could be expected to be shallower than for the majority of the project site. The information included in the initial study, which is based on Langan's 2014 Preliminary Geotechnical Investigation prepared for the proposed project, is comprised of the best available information at the time the environmental review of the project was initiated.

Hydrology and water quality impacts were determined to be less than significant (see initial study Section E.14, Hydrology and Water Quality, pp. 216-227). The hydrology and water quality analysis concluded that hydrology and water quality impacts would be less than significant, contrary to what was asserted in the comment. As discussed on initial study p. 219 (as well as in Section E.13, Geology and Soils, on pp. 206 and 211), groundwater depths were determined to be relatively deep (between 18 to 39 feet below ground surface). The greatest depth of excavation expected to occur to accommodate the connection of the proposed California Street Garage to the retained portions of the existing three-level parking garage⁷⁷ would be up to 40 feet below the ground surface, which would be below the groundwater depths found during site investigations. Therefore, groundwater is likely to be encountered during excavation in this location and potentially other locations on the site as stated on initial study p. 219. Excavation on other portions of the site would range from 7 to 40 feet below the ground surface with more limited excavation on the western portion of the site along Laurel Street and Euclid Avenue. City requirements for discharging groundwater would be enforced. Groundwater levels typically fluctuate, depending on the amount of rainfall, the infiltration levels both on the project site and on other nearby soils, and for other reasons; however, the specific depths to groundwater would not affect how groundwater discharge is handled during excavation for the proposed project or project variant, and encountering groundwater at different depths than reported does not change the conclusions in the initial study. Similarly, the direction of groundwater flow from the site would not affect how groundwater discharge is handled during construction and does not change the analysis of impacts and the conclusions in the initial study. Additional testing of soils and groundwater would be done as part of the building permit process. The construction-related groundwater discharges would be temporary and, because they would meet applicable regulatory

⁷⁶ Old San Francisco City Datum established the City's zero point for surveying purposes at approximately 8.6 feet above the mean sea level established by the 1929 U.S. Geological Survey datum. New SF Vertical Datum 2013 (SFVD13) revised the zero point using updated measuring techniques, as explained above in footnote 75 in Response GEO-1 on p. 5.J.103. The amount of grade change discussed here would not change with use of SFVD13; only the elevation values would change.

⁷⁷ The northeast portion of the site, closest to the SF Fire Credit Union Building, was previously excavated to accommodate the parking garage under the north wing of the existing building.

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requirements, would not result in impacts on water quality; impacts of the discharges would be less than significant.

The effects of redevelopment of the site with more underground parking garages and less pervious surface area would be a reduction in groundwater recharge, as discussed under Impacts HY-2 and HY-3 on initial study pp. 221-223. Based on borings, their review and understanding of site-specific conditions, and their professional expertise, Langan did not observe any underground streams or flows of water other than groundwater encountered in borings during the 2014 Preliminary Geotechnical Investigation.

As discussed on initial study pp. 219-224, the change to the project site would alter the amount of surface area available for infiltration of rainwater into groundwater due to the proposed development, but would not substantially interfere with groundwater recharge or groundwater flows within the project site, as some recharge would still occur with the proposed open space and additional recharge would occur with the proposed low-impact design features. Other stormwater would be metered and discharged to the combined sewer system and conveyed to the Southeast Water Pollution Control Plant. Proposed measures to control stormwater discharges to the combined sewer system would be designed to reduce the peak flow and volume for a 2-year, 24-hour design storm⁷⁸ event by at least 25 percent, as required in the Stormwater Management Ordinance. This would include the use of on-site cisterns to temporarily hold stormwater prior to releasing to the combined sewer system. The stormwater management system combined with infiltration from pervious open space and the low-impact design features would not substantially interfere with the existing patterns of groundwater recharge and redevelopment of the site would not alter any streams.

As discussed on initial study pp. 209-212, below-grade work related to the construction of the proposed buildings would be designed in accordance with recommendations in a site-specific design-level geotechnical investigation, as required by California Building Code Chapter 18. The geotechnical investigation would be prepared to assess geotechnical and seismic hazards. This is a required step in the building permit process and is intended to provide site- and building-specific recommendations for excavation, installation of foundations, and any necessary shoring, as well as groundwater conditions, pursuant to the building code requirements. This study would include information on the elevation of the water table and flood hazards in its recommendations for design, such as waterproofing, pumping and drainage; stabilization and dewatering; and, if necessary, underpinning or protecting the structural integrity of adjacent structures. See Response

⁷⁸ San Francisco Public Utilities Commission, San Francisco Stormwater Management Requirements and Design Guidelines, May 2016, Glossary. A design storm is a hypothetical storm defined by a given return period (which refers to the frequency of a storm) and the storm duration [in this case a frequency of once every 2 years and a duration of 24 hours]. Together, these characteristics yield the storm's rainfall depth. The rainfall depth is used in the analysis of existing drainage, design of new stormwater controls, or assessment of impacts of a proposed project on runoff flows and volumes.

GEO-1: Construction and Geologic Constraints; Soil Settlement; Dewatering and Foundation Stability on RTC pp. 5.J.101-5.J.104 for further discussion in response to comments regarding the effects of the proposed earthwork activities.

Development of the underground parking garages would not substantially alter the flow of groundwater across the entire site as no surface or below-surface rivers, streams, or other flows of water were identified other than the groundwater encountered in borings during the 2014 Preliminary Geotechnical Investigation, and stormwater would be managed to maximize infiltration to the groundwater basin. Erosion or siltation would not occur as a result of groundwater flows as these are surficial impacts. As stated on initial study pp. 222-213, the project site is not currently in an area that is prone to flooding, and the nearest block identified as an area of flooding interest is south of Geary Boulevard between Masonic Avenue and Lyon Street, over 1,000 feet south of the project site.⁷⁹

The comment does not provide evidence indicating that the supporting information regarding groundwater depths or groundwater flow patterns is insufficient to use as the basis for determining the project would have less-than-significant impacts. Concerns expressed in the comments regarding reliance on the information at the time the project was initiated (i.e., the 2014 drought year) and the site studied would not result in a different conclusion related to water quality impacts related to dewatering during construction because the same regulations regarding controlling sediments and contaminants prior to discharge of any groundwater pumped from the site during excavation would apply regardless of any changes to groundwater depth during non-drought years. Differences in groundwater levels during drought years compared to “normal” rainfall years would primarily affect the amount of dewatering necessary during construction. Nor does the comment provide any support for claims regarding the presence of an underground stream or flow of water and the potential for erosion, siltation, or flooding on or off site. As stated above, the information used as supporting evidence for the geology and hydrology and water quality analysis was the best available information at the time that the environmental review process began, and the existing regulatory requirements would ensure that these impacts would be less than significant.

HAZARDS AND HAZARDOUS MATERIALS

The comments in this subsection relate to the topic of Hazards and Hazardous Materials evaluated in initial study Section E.16. A corresponding response follows the comments.

COMMENT HZ-1: EXPOSURE TO HAZARDOUS MATERIALS

⁷⁹ City and County of San Francisco, Bulletin No. 4, Review of Projects in Identified Areas Prone to Flooding, 2007, http://default.sfplanning.org/publications_reports/DB_04_Flood_Zones.pdf, accessed March 26, 2019.

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“I am very, very concerned that when the building is taken down, when the UC is cleared – I’m extremely concerned about asbestos contamination. I do not know how that is going to be handled, but I just wanted to let you know.” (*Donna Alschueler, Draft EIR Hearing Transcript, p. 72, December 13, 2018 [I-Alschueler-1]*)

“6. 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 it create a significant hazard to the public or the environment. IS p. 227-228.

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, p. V.Q-42.

The Initial Study does 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 Ca1.App.4th 327, 332. Since the Initial Study has not disclosed the mitigation measures that would be used, the EIR must analyze the project's impact from hazardous materials as a significant impact, and analyze mitigation measures. The Initial Study has not disclosed 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. The Initial Study has not explained the effect of regulatory compliance, identified methods the agencies will consider for mitigating the impact or indicated the expected outcome. By relying on a hope of compliance with regulations that apply to transitory conditions, such as excavation or construction activities that could release hazardous substances, and do not require onsite monitoring to determine compliance, the IS failed to perform a careful analysis that would be sufficient to find the impact not significant. Thus, the impact remains significant and must be fully analyzed in the EIR, with review and mitigation approved by all agencies with jurisdiction over the nature of any identified contaminants.

Since LTR compares soil gas results to the Environmental Screening levels published by the San Francisco Regional Water Quality Control Board, review and approval of mitigation plans by DTSC and the SFBRWQCB may be required in addition to review and approval by the San Francisco Department of Public Health. The EIR should analyze the whether the soil gas detections are under the jurisdiction of DTSC and the SFBRWQCB or other agencies besides the San Francisco Department of Public Health and whether the mitigation plan conforms with the supplemental vapor intrusion guidance document for conducting uniform vapor intrusion evaluations in California expected to be released in mid-2018 by the State Water Resources Control Board, the San Francisco Bay Regional Water Quality Control Board, and the Department of Toxic Substances Control. IS, FN302.

Moreover, the Initial Study evaluates only whether the low levels of volatile organic compounds which were detected in soil gas would pose a vapor intrusion concern for commercial or residential residents at the Plaza A building. However, the impact could be significant if a member of the public, such as a resident across the street from the project site, could be exposed to such soil gas released during construction. The EIR should analyze potential impacts on the public and nearby residents of release into the air of such soil gas and also analyze whether such emissions could be emitted within one-quarter mile of a school.

In addition to contamination from the USTs, the Initial Study discloses that "the site may contain onsite hazardous waste associated with medical uses, such as radioactive materials or other contaminants that may be contained within the existing onsite fume hoods, centrifuges, refrigerators, and waste storage containers. There is also the potential for contaminants, including minor radioactive contamination, in the facility plumbing system from disposal of secondary washes. Currently this hazardous waste is properly disposed of offsite under manifest." IS p. 233.

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While UCSF would remove much of the chemicals and radioactive materials as part of their relocation, the date of their relocation is uncertain, as is the manner of disposal of the remaining materials. What is the date on which UCSF employees would be relocated from the site? The Initial Study states that any remaining medical hazardous waste would be disposed of in an approved facility during building demolition or reuse and would not pose a significant hazard to the public or the environment if applicable federal, state and local regulations are followed. IS 233. The Initial Study does not indicate the identified methods the agencies will consider for mitigating the impact, adopt specific mitigation measures, explain the effect of regulatory compliance or indicate the expected outcome. Thus, the potentially significant impact from medical hazardous waste, including radioactive contamination in the plumbing system from disposal of secondary washes, must be analyzed as a potentially significant effect in the EIR, together with all appropriate mitigation measures. The EIR should include as a mitigation measure the preclusion of connection of the piping system used for disposal of secondary washes containing minor radioactive contamination with the proposed graywater recycling system proposed to be installed and used on the property. Without such mitigation, water containing radioactive waste contamination could be used for irrigation onsite and the radioactive materials could be spread onsite.

MITIGATION MEASURE. No piping onsite which was used for medical uses, including disposal of secondary washes containing radioactive material, may be connected with any piping used in the graywater recycling system proposed to be installed on the property and used for onsite irrigation and other uses. The project proponent will be required to execute a binding agreement to implement such mitigation measure as a condition of approval of the project.

In addition, the Initial Study states that the building may contain hazardous building materials such as asbestos, lead-based paint, electrical transformers containing PCBs, fluorescent light ballasts containing PCBs or other contaminants, and fluorescent light tubes containing mercury vapors, which could escape in the environment and pose concerns for construction workers and the public if not properly handled or disposed of in accordance with applicable regulations. Again, the impact must be evaluated as a significant impact in the EIR because the Initial Study does not indicate the identified methods the agencies will consider for mitigating the impact, adopt specific mitigation measures, explain the effect of regulatory compliance or indicate the expected outcome. The project proponent proposes to expose substantial amounts of such materials, as it proposes to demolish substantial portions of the existing building and cut a large hole in the building for a passageway.

Also, the Initial Study states that bedrock which would be encountered during site excavation includes serpentinite, which contains naturally occurring asbestos, and during project excavation, naturally occurring asbestos minerals may present a human health hazard if they become airborne and are inhaled. IS p. 235. The Initial Study states that the construction contractor would be required to prepare an asbestos dust mitigation plan specifying measures that would be taken to ensure that no “visible” dust crosses the property boundary during construction. However, the Initial Study indicates that the 17 California Code of Regulations section 93105 requires the use of best available dust mitigation measures to prevent the offsite migration of asbestos-containing dust. Again, the impact must be evaluated as a significant impact in the EIR because the Initial Study does not indicate the identified methods the agencies will consider for mitigating the impact, adopt specific mitigation measures, explain the effect of regulatory compliance or indicate the expected outcome.

Also, under Appendix G of the CEQA Guidelines project hazards and hazardous materials would be significant impact if the project would:

‘Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.’ Ex. B.

The Housing Element EIR uses the same significance standard Ex. C, p. V.Q-40.

The Initial Study identifies several schools/daycare centers are located within a quarter mile of the project site, that states that demolition and construction activities would require handling and transport of hazardous wastes. However, the IS improperly relies upon unspecified future regulatory compliance as the basis for a conclusion that ‘there would be limited potential for such materials to affect the nearest school.’ IS p. 237. The significance standard is triggered by a release within one-quarter mile of an existing school. For the reasons stated above, reliance upon unspecified future regulatory compliance is not sufficient to mitigate the adverse impact, and the potential that such materials could be emitted within one-quarter mile of a school requires the potentially significant impact to be analyzed in the EIR as a significant impact, together with specified mitigation measures that will be incorporated as conditions of approval of the proposed project.

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 must disclose each such site which lists the project site and the nature of the listing so that potential impacts from hazards and hazardous materials can 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 will not further address the issue of hazardous materials or waste. Ex. S, CEB, Practice Under CEQA, section 13.65 p. 13-74. The City has failed to include in the IS the information ‘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. The City must state all information contained in the listings on such other sites in the Draft EIR.” (*Kathryn Devincenzi, Letter and Attachments, June 6, 2018 [I-Devincenzi4-9]*)

“Also, there is serpentine rock on this site which, if disturbed, can release asbestos dust, clearly a documented health hazard.” (*Janet Frisbie, Email, December 12, 2018 [I-FrisbieJ1-7]*)

“Also, for HYDROLOGY/WATER, the DEIR does not have any mitigation measure for the potential groundwater contamination from disruption of found bodies which in past were embalmed in toxic chemicals toxic. What would be done if it gets into the aquifer or small underground stream that supposedly fed the Laurel Hill Cemetery and provided very clean drinkable water? It would be good for the city to ensure their “Precautionary Principle” is supported by not having anybody take action to contaminate potential clean drinking water sources for the residents of this city.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-65]*)

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“Summary of several concerns raised by nearby residents and citizens of San Francisco:...2. Effects of construction of the project, including excavation of contaminated soils containing petroleum, polychlorinated biphenyls, and other contaminants; excavation and effects of undiscovered human remains and contaminated soils on public health” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-3]*)

“Summary of several concerns raised by nearby residents and citizens of San Francisco:...3. Potential for airborne contamination from office building demolition” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-4]*)

“Summary of several concerns raised by nearby residents and citizens of San Francisco:...5. Potential for contamination from leaking underground storage tanks and the use of chemicals for water treatment,” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-6]*)

“This proposal will destroy Laurel Hill with the excessive demolition and excavation including removal of serpentine rock which has asbestos. There have been no mention. Of plans of management of this toxic substance.” (*Ann Prato, Email, January 7, 2019 [I-Prato-6]*)

RESPONSE HZ-1: EXPOSURE TO HAZARDOUS MATERIALS

Comments express concern regarding hazardous materials potentially being released into air and water during project demolition activities, specifically naturally-occurring asbestos, asbestos-containing building materials, lead-based paint, PCBs, mercury from fluorescent lighting, petroleum and volatile organic compounds (VOCs) such as those from leaking underground storage tanks (LUSTs), remains from the Laurel Hill Cemetery, and wastes associated with prior medical uses.

Potential impacts associated with hazardous materials emissions are discussed in initial study Section E.15, Hazards and Hazardous Materials, on pp. 231-237. These impacts are discussed, as applicable, as they relate to emissions in soil, air, and water. Following publication of the initial study, comments were submitted relating to hazards and hazardous materials issues, as summarized in EIR Chapter 1, Introduction, pp. 1.5-1.17. Many of the comments received on the initial study either were addressed in initial study Section E.15, Hazards and Hazardous Materials; however, Section 4.F of the EIR was provided to clarify and supplement the initial study analysis.

The proposed project or project variant would comply with all applicable regulations intended to prevent or minimize hazardous materials from being released into air and water as discussed in the environmental analysis provided in initial study Sections E.12, Geology and Soils, E.14, Hydrology and Water Quality, and E.15, Hazards and Hazardous Materials and further explained in EIR Section 4.F, Initial Study Supplement. The lead agency may rely on these laws and

regulations in determining whether a project would result in a significant impact. Therefore, as concluded in the initial study, hazards and hazardous materials impacts on the environment (soil, air, and water) and people (construction workers, nearby residents, visitors, and workers) would be less than significant with the required adherence to all regulatory requirements.

Regulatory Compliance Measures

The comments generally assert that regulatory compliance measures are unspecified, and because specific mitigation measures have not been disclosed or adopted as a condition of approval for the proposed project, the potentially significant impacts from hazards and hazardous materials have not been mitigated. A comment asserts that the initial study has not explained the effect of regulatory compliance with respect to hazards and hazardous materials.

As discussed on initial study pp. 228-240 and in EIR Section 4.F, Initial Study Supplement, the proposed project or project variant would comply with the laws and regulations intended to prevent or minimize hazardous materials from being released into air and water. These laws and regulations would require the implementation of site mitigation, construction dust control, and asbestos dust mitigation plans to manage potentially contaminated soils and to control dust. The site mitigation, construction dust control, and asbestos dust control plans are available for review at the planning department offices as part of Case File 2015-014028ENV.⁸⁰ The San Francisco Department of Public Health has approved the site mitigation and construction dust plans. The lead agency may rely on these laws or regulations in determining whether a project would result in a significant impact. Because the initial study found that project would result in a less-than-significant impact, no mitigation measures are needed to supplement implementation of laws, ordinances, and regulations.

Review by the Department of Toxic Substances Control and the San Francisco Bay Regional Water Quality Control Board, and Other Agencies

A comment also states that review and approval of mitigation plans by the Department of Toxic Substances Control (DTSC) and the San Francisco Bay Regional Water Quality Control Board (regional water board) may be required in addition to review from the San Francisco Department of Public Health (health department).

Separate approval from the DTSC or regional water board would not be required. As explained on EIR pp. 4.F.6-4.F.7, the California Environmental Protection Agency certified the San Francisco Department of Public Health as a Certified Unified Program Agency, consolidating six state environmental programs (hazardous materials storage, hazardous waste generation,

⁸⁰ Langan, Site Mitigation Plan, 3333 California Street, San Francisco, California, May 20, 2019; Dust Monitoring Plan, 3333 California Street, San Francisco, California, May 20, 2019; and Asbestos Dust Monitoring Plan, 3333 California Street, San Francisco, California, May 20, 2019

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hazardous waste treatment, underground tanks, above ground petroleum storage, and regulated substances) and two local programs (chlorofluorocarbon recycling and medical waste) to be implemented by the health department under the Hazardous Materials and Waste Program, which is the state-designated enforcement program in San Francisco for the Hazardous Materials Unified Program Agency (HMUPA). As explained on initial study pp. 218-219, SFPUC has review, approval, and enforcement authority of local and regional water quality requirements such as those provided by the regional water board.

In addition to the enforcement authority granted to these local agencies, EIR p. 2.108 lists required review and approval actions that are administered to ensure compliance with state and regional hazardous materials management requirements as follows:

- San Francisco Department of Public Health – Review and approval of a Site Mitigation Plan and Construction Dust Control Plan
- San Francisco Department of Building Inspection – Review and approval of demolition and excavation permits,
- San Francisco Public Utilities Commission – Review and approval of an Erosion and Sediment Control Plan
- Bay Area Air Quality Management District – Approval of asbestos dust mitigation plan

One comment asks whether soil gas detections are under the jurisdiction of agencies other than the San Francisco Department of Public Health (health department).

As explained above, the health department is the oversight agency responsible for enforcing regulatory requirements set forth by federal and state agencies including the California Environmental Protection Agency's Department of Toxic Substances Control. As discussed on EIR p 4.F.3, the health department facilitated soil gas evaluation conducted by Langan, reviewed the documentation of on-site contamination related to the current and past site uses, and, based on their assessment and the associated documentation, determined that a site mitigation plan would be required. The health department concurred with Langan's assessment that vapor intrusion related to the presence of volatile organic compounds in soil gas under the Plaza A Building footprint would not be a concern due to the proposed depth of the basement excavation (40 feet), with occupied residential uses on the upper floors above a podium and separated from the ground with a ventilated garage.⁸¹ As part of the project sponsor's finalization of the required site mitigation plan, the health department requested that additional subsurface investigation be conducted to fill data gaps in areas where samples could not be collected previously due to site

⁸¹ San Francisco Department of Public Health, Memorandum re: SFHC Article 22 Compliance, prepared by Stephanie Cushing, Director of Environmental Health, for Don Bragg, Prado Group, August 8, 2017.

access constraints and the presence of existing structures proposed for demolition.⁸² The purpose of the additional subsurface investigation is to characterize the soil within the excavation areas for off-site disposal or reuse and to assess the quality of the groundwater for any potential dewatering. If the results of the additional subsurface investigation indicate that hazardous materials are present in soil and are anticipated to be encountered during site redevelopment, the health department will require that these materials be handled per the site mitigation plan. Because low levels of hazardous materials, including volatile organic compounds, have been detected on the project site, a health and safety plan will also be required by the health department.

Hazardous Materials Sites Under Government Code Section 65962.5

A comment expresses concern that the EIR does not properly list hazardous materials sites compiled pursuant to Government Code section 65962.5.

Government Code section 65962.5 requires agencies to compile, publish, and update hazard sites including the Department of Toxic Substances Control, the State Department of Health Services, and the State Water Resources Control Board. A complete list of databases reviewed in the Phase 1 Environmental Site Assessment is provided on EIR p. 4.F.6. As disclosed in the Notice of Preparation of an Environmental Impact Report distributed on September 20, 2017, and on initial study p. 238, the project site is currently on the Leaking Underground Storage Tank Sites list maintained by the State Water Resources Control Board List (Geotracker ID T0607501246) pursuant to Government Code section 65962.5. The comment does not specify which sites, uses, or materials, if any, are missing from the analysis in the initial study.

Site Remediation

One comment notes that the site would be required to undergo remediation and cleanup prior to initiation of construction. The comment asks when UCSF would relocate employees and dispose of remaining hazardous medical materials remaining on site. One comment also proposes a mitigation measure to ensure no existing onsite piping used for medical uses may be connected to proposed graywater recycling systems during adaptive reuse of the existing building.

Remediation and cleanup activities would commence prior to, and as part of, site preparation in anticipation of the demolition and excavation components of each of the four phases of the construction program. As discussed in EIR Section 4.F, Initial Study Supplement, on p. 4.F.13, construction of the proposed project or project variant would begin only after decommissioning and removal of hazardous materials and the move of all UCSF uses to other campuses. These

⁸² San Francisco Department of Public Health, letter re: Article 22A Compliance, signed by Stephanie Cushing, Director of Environmental Health, to Laurel Heights Partners, LLC, c/o Don Bragg, June 10, 2019.

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decommissioning and hazardous materials removal activities would occur prior to the start of Phase 1 for the proposed project or project variant. As discussed on EIR pp. 4.F.5-4.F.6, the University of California Office of Environmental Health and Safety is required to decommission the laboratories and other portions of the premises where hazardous materials have been used or stored prior to vacating the site. Closure of all hazardous materials licenses and use permits would include inspections and approvals from applicable regulatory agencies, as well as transportation and disposal of all hazardous chemical, radioactive, and biohazardous materials in accordance with regulations that minimize the potential for releases and off-site exposure. All closure protocols related to the laboratory uses would be completed prior to any site disturbance. As described on EIR p. 2.93, all equipment, including fume hoods, centrifuges, sinks, pipes, and storage containers associated with laboratory uses (which could contain residual radioactive substances) would be decommissioned or removed in accordance with these regulations.

Vaporized Volatile Organic Compounds

One comment states that vaporized volatile organic compounds could pose a concern for residents across the street from the project site, asserting that the initial study did not analyze the proposed project's and project variant's potential impacts on the public and off-site receptors. A comment also posits that the CEQA Guidelines use a standard of significance based specifically on whether release of hazardous emissions would occur, including within one-quarter mile of schools.

As explained on EIR p. 4.F.13, demolition, excavation and construction would be performed in accordance with the site mitigation, construction dust control, and asbestos dust mitigation plans that have been reviewed and approved by the responsible regulatory agencies. Compliance with regulations ensure that materials are handled safely and would not be released offsite. These measures would reduce the impact on construction workers, neighbors, and sensitive receptors (such as residents, daycare facilities, schools), as well as future occupants of the project site. During operation of proposed on-site land uses, the project would involve the use of minor amounts of routine household and commercial hazardous materials but would not result in emission of hazardous waste or handling of hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

Groundwater Contamination

A comment expresses specific concern regarding groundwater contamination from disruption of existing subsurface contamination such as remains from the Laurel Hill Cemetery.

As detailed in the initial study, the risk of encountering infectious disease is low as existing remains are nearly 70 years old or more, and disease causative agents are unable to survive long in the human body following death. As described on initial study p. 232, the site mitigation plan

would require any excavated soils found to be contaminated to be removed from the project site and transported to a regulated hazardous waste disposal site under the oversight of the health department. Contaminated groundwater encountered from this construction site would be handled in accordance with the requirements of an approved batch wastewater discharge permit under oversight of the San Francisco Public Utilities Commission.

Conclusion

In summary, conformance with regulations are assumed as part of the project as they are legal requirements and are discussed, where applicable, in the environmental analysis provided in initial study Sections E.12, Geology and Soils, E.14, Hydrology and Water Quality, and E.15, Hazards and Hazardous Materials and further explained in Section 4.F, Initial Study Supplement, of the EIR. Therefore, as concluded in the initial study, hazards and hazardous materials impacts on the environment (soil, air, and water) and people (construction workers, nearby residents, visitors, and workers) would be less than significant with the required adherence to all regulatory requirements.

ENERGY RESOURCES

The comment in this section relates to the topic of Energy Resources evaluated in initial study Section E.16. A corresponding response follows the comment.

COMMENT EN-1: ENERGY RESOURCES

“Summary of several concerns raised by nearby residents and citizens of San Francisco:...18. Concerns about the project’s demand on energy supplies and potential effects on utility service in the project vicinity.” (*Ian Lawlor, Email, December 13, 2018 [I-Lawlor-19]*)

RESPONSE EN-1: ENERGY RESOURCES

The comment raises a general concern about the proposed project or project variant’s energy demand and effects on utility services.

As described in Section E.16, Mineral and Energy Resources, initial study pp. 240-246, the proposed project or project variant would not encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner. An energy assessment with calculations for the proposed project’s or project variant’s estimated contribution to regional energy demand was prepared to support the analysis in the initial study. The report, titled 3333 California Street Mixed-Use Project Energy Assessment and Calculations, Case No. 2015-014028ENV, is available for review at the planning department offices as part of Case File No.

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J. Initial Study Topics

2015-014028ENV.⁸³ Minor revisions to the 3333 California Street Mixed-Use Project Energy Assessment and Calculations were provided and disclosed in the EIR in Section 4.F, Initial Study Supplement (EIR p. 4.F.17). The updated 3333 California Street Mixed-Use Project Energy Assessment and Calculations, Case No. 2015-014028ENV is available in the project file.

While statewide efforts are being made to increase power supply and to encourage energy conservation, the project-generated demand for energy would be negligible in the context of overall demand within San Francisco, the greater Bay Area, and the state, and would not in and of itself require any expansion of power facilities. The proposed project's or project variant's demand for energy resources would not result in a significant energy impact. The proposed project or project variant, combined with past, present, and reasonably foreseeable future projects in the project vicinity, would not result in a significant cumulative impact on mineral and energy resources.

Additionally, the proposed project or project variant would be required to comply with the energy efficiency requirements of the City's Green Building Code, Stormwater Management Ordinance, Water Efficient Irrigation Ordinance, Residential Water Conservation Ordinance, Commercial Water Conservation Ordinance, and Residential Energy Conservation Ordinance, which would promote energy and water use efficiency (see Section E.7, Greenhouse Gas Emissions, initial study p. 149). Additionally, the proposed project and project variant would be required to meet the renewable energy criteria of the Green Building Code, including renewable energy generation or green roof installation. As discussed in the Project Description (initial study pp. 70-74; EIR pp. 2.88-2.89), the project sponsor would incorporate non-potable rainwater and graywater systems into the proposed development; and would develop the majority of the rooftops of the proposed new buildings and the adaptively reused office building at the center of the site with a mix of green roofs, solar photovoltaic systems, and/or roof-mounted solar thermal hot water systems.

The San Francisco Public Utilities Commission has accounted for demand growth resulting from the proposed project or its variant in its water demand and wastewater service projections, and the City has implemented various programs to achieve its zero waste goals by 2020, as stated in Section E.10 Utilities and Service Systems, initial study pp. 173-188. Additional detail regarding water supply is provided in Response UT-1: Adequacy of Water Supply Entitlements on RTC pp. 5.J.57-5.J.75, above, and in RTC Section 6, Draft EIR Revisions in text to be added to EIR Section 4.F, Initial Study Supplement. See also initial study Appendix A: Water Supply Assessment for the 3333 California Street Project. Nearby cumulative development projects would be subject to the same water conservation, wastewater discharge, recycling and composting, and construction demolition and debris ordinances applicable to the proposed project and project variant. The proposed project and project variant would have less-than-significant impacts on utilities and service systems.

⁸³ The administrative record is also online at <https://www.ab900record.com/3333cal>.

5.K CEQA PROCESS

The comments and corresponding responses in this section relate to the California Environmental Quality Act (CEQA) Process. The comments are grouped according to the following CEQA process issues that the comments raise:

- CEQA-1, Public Outreach
- CEQA-2, Aesthetics/CEQA Section 21099
- CEQA-3, AB 900 Process
- CEQA-4, CEQA Process

A corresponding response follows each grouping of comments.

COMMENT CEQA-1: PUBLIC OUTREACH

“So I guess on the process, scoping document goes out, shows what the project sponsor’s programming needs or programming desires are for the site, it has the layout and the map proposed. That’s what we have here.” (*Commissioner Dennis Richards, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 84, December 13, 2018 [A-CPC-Richards-1]*)

“So we’ve worked successfully with the Lucky Penny and the CPMC, and we had a role there. But despite all the meetings with this developer, when we asked him in the supervisor’s office what the project was before he went public with it, he said, “This is not a negotiation.” And the community is supposed to have a role in planning when there is a major rezoning asked for.” (*Kathryn Devincenzi, President, Laurel Heights Improvement Association of San Francisco, Inc., Draft EIR Hearing Transcript, p. 45, December 13, 2018 [O-LHIA3-3]*)

“And what disturbs me, and it was said again by the developer earlier this afternoon, that they’ve had some 140 meetings from some kind of count they keep with the neighborhood. That has just not been our experience, for many people.

In fact, it’s just the opposite. I don’t believe the developers have engaged with the neighborhood in a meaningful way to come to agreement and not delay this housing we so desperately need.” (*Joe Scaroni, Draft EIR Hearing Transcript, pp. 41-42, December 13, 2018 [I-Speaker2-4]*)

“I should note that I provided some details on these concerns to Julie Moore (see thread included below) in the summer -- although some of my notes are new -- so even though I’m late on the comment period, I want to register that I had already provided the input -- and don’t feel like I’ve heard it addressed in this report.” (*Nathan Stoll, Email, January 18, 2019 [I-Stoll-4]*)

“The Notice of Public Hearing was posted at the corners of the 3333 California location, but both pages failed to be posted providing informative and critical information to the public.

1. Your name and email contact address and phone number
2. The Planning Department’s website address in order to download the Draft EIR document assessment

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3. The Notice of a Public Hearing before the Historic Preservation Commission on Wednesday December 5th at 12:30 p.m. at which the Historic Commission is to make its comments on the Draft EIR.
4. Notice to the Public that public comments to the Historic Preservations will be accepted from 11/8/2018 –12/24/2018.”
(Victoria Underwood, Letter, December 4, 2018 [I-UnderwoodVI-1])

“I wanted to reach out in hopes that I can get a status update on this project. I believe it had an environmental meeting last year but I was wondering if this project have move forward at all since then. Just trying to get a grasp on how the application process is for these type of projects.”
(Tony Vega, Email, January 8, 2019 [I-Vega-1])

RESPONSE CEQA-1: PUBLIC OUTREACH

The comments describe concerns about the public outreach process for the project, including meetings held by the project sponsor and also outreach and noticing conducted by the planning department for the environmental review process pursuant to CEQA. One comment raises specific issues related to the adequacy of the site poster noticing the availability of the draft EIR, asserting that the notice was missing contact information, the planning department’s website address, information regarding the public hearing before the Historic Preservation Commission, and the duration of the public review period. Another comment asks about the status of the project and application process. The comments also describe general concerns with the role of neighborhoods in planning a major project with a developer prior to, and during, the public review process. Some state that the public outreach efforts carried out by the project sponsor were not adequate.

Public Outreach and Notice Requirements under CEQA

As discussed in Chapter 1, Introduction, on EIR pp. 1.4-1.17, the environmental review process for the proposed project is comprised of the following required notices, publications, and public review periods under CEQA and chapter 31 of the San Francisco Administrative Code: (1) a Notice of Preparation (NOP) of an EIR and Notice of Public Scoping Meeting, published on September 20, 2017, for which the 30-day public review and comment period ended on October 20, 2017, and a public scoping meeting was held on October 16, 2017; (2) a Notice of Availability of an Initial Study, published on April 25, 2018, and circulated for public comment for 30 days, on which a total of 15 comment letters and e-mails were received; (3) a Notice of Public Hearing and Availability of a Draft EIR, published on November 7, 2018, with an original public comment period ending December 24, 2018, extended to January 8, 2019, resulting in a 62-day public review and comment period, and a public hearing was held on December 13, 2018; and (4) this Responses to Comments document, which will be issued two weeks prior to consideration by the planning commission in a public meeting on September 5, 2019, and then certified as a Final EIR, if deemed adequate.

In addition, the planning department mailed Notices of Availability at the time of publication of the NOP, the initial study, and the EIR to the State Clearinghouse and relevant state and regional agencies; owners and occupants of the site and properties within 300 feet of the project site; and other potentially interested parties, including neighborhood organizations that have requested such notice. Legal notices in a newspaper of general circulation were also published. Each of these notices, publications, and public review periods satisfies the requirements of CEQA Guidelines sections 15082 through 15088, as well as chapter 31 of the San Francisco Administrative Code. Thus, the environmental review process for the proposed project has met all applicable public notice and public comment requirements under CEQA, the CEQA Guidelines, and chapter 31 of the administrative code. The project sponsor's community outreach process is a separate matter from the environmental review process and is not required as part of the CEQA process.

None of the information asserted by a comment to be missing from the posted notices was missing. The notice contained the following information: a brief description of the project; the dates of the public review period; information about how to submit comments, including the phone number and email address of the planning department's assigned staff person and the department's street address; the dates for the scheduled public meetings at the Historic Preservation Commission and the Planning Commission; a list of significant environmental effects anticipated; and the website address and physical address where copies of the EIR and documents referenced in the EIR are available. The comment identified the Historic Preservation Commission as the receiver of comments on the draft EIR. That is not correct. As stated on the notice that was mailed and posted on the site on November 7, 2018, public comments on the draft EIR are to be submitted to the planning department's EIR coordinator for the project not to members of the Historic Preservation Commission.

As required under CEQA Guidelines section 15087(a)(2) and (c) and chapter 31 of the administrative code, notices were timely posted on the project site and vicinity in accordance with the required posting period and checked throughout the public review period to ensure that they were still in place. The affidavit of posting indicates that nine locations (six 36-by-48-inch posters mounted on the perimeter of the site and three 24-by-36-inch laminated posters placed at primary building entrances) were posted at the beginning of the public review process (November 7, 2018), and the posters remained at these locations throughout the public review period as required by the planning department pursuant to chapter 31 of the administrative code. Copies of the "Notice of a Public Hearing and Availability of a Draft Environmental Impact Report" and the signed Affidavit of Posting are available for review at the planning department offices as part of Case File No. 2015-014028ENV.

Because the proposed project or variant would result in a significant historic resource impact and preservation alternatives were proposed to reduce or eliminate this impact, the Historic Preservation Commission received the draft EIR for review and comment to the planning department and the

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planning commission. The Historic Preservation Commission practice is to formulate its comments on EIRs at one of its regular public hearings and notice of such hearing is provided by publication of the preservation commission agenda. These hearings are not required by CEQA and there is no noticing requirement under CEQA, the CEQA Guidelines, or chapter 31 of the administrative code for this hearing. As noted in Chapter 1, Introduction, on EIR p. 1.18, “public comments at the historic preservation commission hearing will not be treated as comments on the Draft EIR and will not be responded to in the Responses to Comments document.” However, the comments made by the Historic Preservation Commission on the draft EIR are part of the CEQA environmental review process for historic architectural resources impacts and for alternatives to the proposed project or project variant developed to reduce or eliminate the identified significant historic architectural resource impact, i.e., two full and two partial preservation alternatives. The Historic Preservation Commission’s comments on the draft EIR have been submitted by Historic Preservation Commission President Andrew Wolfram as an official comment (see Comment Letter A-HPC in RTC Attachment B). For a response to public comments regarding the range of alternatives and the selection process, see Response AL-1: Range of Project Alternatives, on RTC pp. 5.H.8-5.H.10.

One comment states that their input has not been addressed in the EIR. The referenced comment pertains to concerns regarding existing and project-generated traffic volumes on traffic hazards and pedestrian safety, and the loss of existing open space. Comments in response to the Notice of Preparation and initial study are available for review at the planning department offices as part of Case File No. 2015-014028ENV. A summary of comments received on the Notice of Preparation was provided in the initial study in Section G, Public Notice and Comment, on pp. 256-259 (see EIR Appendix B). Comments received on the initial study are also summarized in EIR Chapter 1, Introduction, on pp. 1.13-1.17. The environmental analysis in the initial study and EIR considered public comments made during the public scoping process as well as those received on the initial study, and was conducted consistent with planning department guidelines and approaches for analysis depending on topic.

Neighborhood Participation

The environmental review process and entitlement process have separate community engagement requirements. To the extent that meetings between the project sponsor and the public have occurred, the project sponsor has indicated that it has considered issues identified in those meetings in the development of the proposed project and project variant. However, community outreach outside of the environmental review process is not required under CEQA. Requirements for community outreach during the entitlement process are specified in the planning code and may include neighborhood notifications, opportunities to request discretionary review, and an appeals process. In addition, other outreach may be conducted as community meetings or informational hearings before the planning commission or other agencies. The number and results of community meetings

between the project sponsor and the public that are required for the entitlement process will be summarized in the planning department's staff report as part of the review for project entitlements. On the other hand, the analysis of environmental impacts is based on the proposed project and project variant as submitted to the City in applications for environmental review and consideration of project approvals, and, as explained above, does not include a summary of the project sponsor's community outreach efforts outside of the environmental review process.

Conclusion

The comments do not identify any inadequacies or errors in the environmental analysis. As such the comments do not require any further response in this RTC document. To the extent that the topics raised in the comment letters pertain to physical environmental impacts, these issues are addressed either in the initial study or the EIR. Information about the existing circulation surrounding the project site is discussed in EIR Chapter 2 on pp. 2.15-2.17 and proposed streetscape improvements of the proposed project or project variant are described on EIR pp. 2.61-2.77. An analysis of impacts associated with project and cumulative traffic hazard and pedestrian and bicycle safety impacts is provided in EIR Section 4.C under Impacts TR-3 and C-TR-3 on pp. 4.C.81-4.C.83 and 4.C.104-105 (traffic hazards), Impacts TR-7 and C-TR-7 on pp. 4.C.92-4.C.94 and 4.C.112 (pedestrian safety), Impacts TR-8 and C-TR-8 on pp. 4.C.94-4.C.96 and 4.C.112-4.C.113 (bicycle safety), Impacts TR-10 and C-TR-10 on pp. 4.C.98-4.C.99 and 4.C.114 (pedestrian loading safety).

Comments raised during the public comment period for the EIR are addressed in this RTC document. Responses to comments pertaining to concerns about traffic hazards and pedestrian safety are provided in RTC Section 5.E, Transportation and Circulation, under Response TR-7: Traffic Hazards, on RTC pp. 5.E.64-5.E.69, Response TR-8: Pedestrian/Bicycle Hazards, on RTC pp. 5.E.74-5.E.80, and Response TR-10: Loading, on RTC pp. 5.E.91-5.E.96. A response to comments pertaining to the loss of existing open space is provided in RTC Section 5.B, Project Description, under Response PD-3: Project Characteristics, on pp. 5.B.19-5.B.24.

COMMENT CEQA-2: AESTHETICS/CEQA SECTION 21099

“LOSS OF OPEN SPACE AND OBSTRUCTION OF HORIZON

Our neighborhood will also lose the existing open space in front of our homes and the entire view of the horizon that many in our neighborhood enjoy. The Developer takes this open space from us and sequesters it inside the Project's walls.

The open space we now enjoy is framed by 100 year old cypress trees, and our horizon extends more than a mile away. (See view below taken from 3320 California St.)” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-14]*) [*See Comment Letter O-CSHG1, p. 5, in RTC Attachment B for the photograph referenced in this comment excerpt.*]

“The Draft EIR does not address, nor does it adequately mitigate because it doesn’t address, the effect of taking the streetscape away and taking the view you see in the overhead and putting it behind the project’s walls.” (*Joe Catalano, California Street Homeowners Group, Draft EIR Hearing Transcript, p. 62, December 13, 2018 [O-CSHG2-5]*)

“Architecture is not in line with existing neighborhood character.” (*Barbara and Jim Brenner, Email, January 3, 2019 [I-Brenner-2]*)

“The Draft EIR does not mention, much less adequately address, the loss of horizon the Project will create.” (*Joe Catalano and Joan Varrone, Email, January 8, 2019 [I-Catalano-5]*)

“2. The DEIR Is Inadequate Because It Fails to Analyze and Mitigate the Proposed Project’s Significant Adverse Impact on a Scenic Vista, Substantial Damage to Scenic Resources and Substantial Degradation of the Existing Visual Character or Quality of the Site and Its Surroundings.

Page V.C-11 of the Final EIR for the 2004 and 2009 Housing Element states that a project would have a significant effect on the environment is it would:

1. Have a substantial adverse effect on a scenic vista;
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcropping, and other features of the built or natural environment which contribute to a scenic public setting;
3. Substantially degrade the existing visual character or quality of the site and its surroundings, or
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties.

Since the project site was determined eligible for the National Register of Historic Places and has been listed in the California Register of Historical Resources, its aesthetic qualities are protected by CEQA and are not exempt from CEQA review. Both the existing office building and its integrated landscaping are historically significant resources. (Ex. A, final version of nomination that was approved by State Historical Resources Commission)

A. The Proposed Project Would Have a Substantial Impact on Scenic Vistas.

The project site is atop Laurel Hill and commands valued scenic vistas of the downtown and eastern portion of the City and also of the Golden Gate Bridge and other neighborhoods of the City to the northwest. During my years living in the neighborhood, I have seen innumerable members of the public enjoy these views during daytime as well as during nighttime. I have seen jubilant crowds of people view lunar eclipses from the sidewalks atop Laurel Hill at the corner of Laurel Street and Euclid Avenue and from the landscaped green spaces surrounding the main office building. Some photographs I have taken which show the existing condition of some of these views are attached hereto. (Ex. B, photographs taken on October 24, 2017 and January 7, 2019) These photographs show that the portions of the Bank of America Building, Transamerica Pyramid, Salesforce Building and Golden Gate Bridge can be seen from the high ground at Laurel Street and Euclid Avenue, from the landscaped green spaces surrounding the main office building

and from public sidewalks along Laurel Street and Euclid Avenue.” (*Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-2]*)

“The proposed project would construct new buildings on the south site of the site near Euclid Avenue and Masonic Avenue and on the western portion of the site near Laurel Street that would obstruct these public scenic vistas and obstruct the public view of the historically significant main building as viewed from the surrounding landscaping. Also, the proposed new buildings constructed on the landscaped areas surrounding the site would block public access to such vistas. In addition, the project proposes to add new trees/shrubs near the perimeter of the south side of the site and also street trees at this location that would also impair and/or obstruct these scenic vistas. (Ex. E, developer’s renderings)

The Final EIR for the 2004 and 2009 Housing Element acknowledges that new residential housing could result in an impact related to scenic vistas if it would be developed in a manner that obstructs views from a scenic vista from a public area or introduces a visual element that would dominate or upset the quality of a view. (Ex. F. p. V.C-11) Figure V.C-1 shows street views of an important building in the area of the 3333 California site. Does this Figure describe a streetview of the main building at 3333 California Street as an important building?” (*Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-5]*)

“B. The Proposed Project Would Substantially Damage Scenic Resources, Including but not Limited to Trees, Slopes of Laurel Hill and other Features of the Built or Natural Environment Which Contribute to a Scenic Public Setting.

The Final EIR for the 2004 and 2009 Housing Element acknowledges that: “New construction could result in impacts related to damaging scenic resources if new housing would directly affect environmental features, such as topographic features, landscaping, or a built landmark that contributes to a scenic public setting,” and that “2009 Housing Element Policy 11.6 preserves landmark buildings, some of which could be considered a scenic resource of the built environment.” Ex. F, p. V.C-24-25.” (*Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-8]*)

“C. The Proposed Project Would Substantially Degrade the Existing Visual Character or Quality of the Site and Its Surroundings.

The Final EIR for the 2004 and 2009 Housing Element acknowledges that new construction could result in impacts related to visual character if new housing would be developed with greater densities or heights than surrounding land uses or introduce incompatible uses in such a way as to substantially degrade the character or quality of the site. (Ex., p. 25.)

The proposed density of the project would be over twice the predominant density of the surrounding residential areas (which are predominantly RH-2 areas) and would add two-three stories to the main building to increase its height to 80 and 92 feet, which would be over twice the scale of the existing neighborhood, which has a predominant 40-foot height limit. The proposed project would fail to comply with 2009 Housing Element Policy 1.1, that requires housing projects to respect existing neighborhood character. (See, for example, Ex. G, photographs of residences along western side of Laurel Street). For the reasons stated above, the proposed project would develop the site with densities and heights that are substantially greater than the densities and heights of the surrounding land uses and would construct new buildings where historically significant landscaping integrated with the main building now exists, thereby substantially

degrading the connection between the building and the existing landscaping. The Mitigation Measure set forth above would avoid this significant impact on the environment. [The “mitigation measure” referenced in this comment is one suggested earlier in the comment letter and involves preserving the existing landscaped areas to the south and west of the existing building]

D. The Proposed Project Could Create a New Source of Glare or Substantial Light Which Could Adversely Affect Day or Nighttime Views in the Area or Which Could Substantially Impact Other People or Properties.

The Final EIR for the 2004 and 2009 Housing Element acknowledges that new housing could result in impacts related to glare and light if new housing would introduce new sources of glare or light that are unusual for an urban area, and that new housing could introduce new sources of glare and glare if reflective glass or if bright, decorative or security lighting is used. Renderings of the project show a predominant glass-design, and security lighting would be needed along the proposed pathways and other areas on site. Since the exact type of materials and lighting is not known, the project has the potential to produce significant impacts on light and glare, which the DEIR failed to address. The following mitigation measures would reduce the potential impacts if incorporated as conditions of approval of the proposed project.

MITIGATION MEASURE. The project must comply with City Resolution 9212 (or any successor or similar regulation adopted to reduce glare), which prohibits the use of highly reflective or mirrored glass in new construction.

MITIGATION MEASURE. The project will not use bright, decorative or security lighting.”
(*Kathryn Devincenzi, Letter and Attachments, January 8, 2019 [I-Devincenzi3-11]*)

“Unfortunately, since the new finished materials and details have not yet been told to the public, and since they are lacking in the DEIR, we cannot comment on them as affecting any of the CEQA categories.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-52]*)

“Many mature trees are not only HISTORIC RESOURCES. They are also part of the AESTHETICS of the site – the building structures *and* the landscaping go hand-in-glove. The trees are rated in the arborist report as poor, fair or good for relocation. Yet, some of the good condition trees are potentially slated for removal. A couple of the trees were from the original Laurel Hill Cemetery and were incorporated into the Firemen’s Fund Building landscaping that went with the building structure.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-69]*)

“The Firemen’s Fund Building is aesthetically pleasing due to its lines that appear to hug the hill. In fact, over four decades ago in *The Chronicle*, the reason the building is not so jarring on the slope may have to do with its “low lines”:

[*See Comment Letter I-Hillson2, p. 33 of 37, in RTC Attachment B for the excerpt from the Chronicle article that follows this comment.*]

(*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-71]*)

RESPONSE CEQA-2: AESTHETICS/CEQA SECTION 21099

Comments express concern about development of the project site and state that it would change existing views of and from the site; would block access to existing views from the project site; would degrade the existing visual character of the project site with new construction and removal of existing trees; and would not conform to the existing neighborhood character, resulting in significant impacts and failing to conform with Housing Element policies regarding neighborhood character.

Comments also state that the exemption from aesthetics analysis allowed under CEQA section 21099 is not the proper application of CEQA when a project includes a historic resource identified in the California Register of Historical Resources. In particular, another comment states that because the existing building and its landscaping were determined to be eligible for the National Register and the California Register, aesthetics are not exempt from review under CEQA. Some comments state that because visual impacts were discussed in the planning department's EIR for the 2004 and 2009 Housing Element, listing the significance criteria used in that EIR, similar analysis should have been presented regarding the proposed project's or project variant's impact on neighborhood character and regarding the loss of scenic vistas from a public area (suggesting that a portion of the project site is a public property). A comment states that the Housing Element EIR found that new housing could introduce new sources of light and glare, and that the proposed new housing may also produce significant light and glare impacts, and presents potential measures to mitigate this alleged significant impact. A comment states that the mature trees on the site are part of the aesthetic qualities of the site.

Aesthetics and CEQA Section 21099

A discussion of aesthetics impacts is required in some EIRs but not in all EIRs. For the proposed project or project variant, a discussion of aesthetics impacts is not required under CEQA based on CEQA section 21099: Modernization of Transportation Analysis for Transit-Oriented Projects as stated in the initial study (see Section D, Summary of Environmental Effects, pp. 105-106), reiterated in Chapter 1, Introduction, on EIR p. 1.3, and Section 4.A, Introduction to Chapter 4, on EIR pp. 4.A.4-4.A.5, and summarized below.

On December 18, 2017, the planning department completed an "Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis" for the proposed project. The cited document (Footnote 71 of the initial study and Footnote 3 of EIR Chapter 1, Introduction) is available for review at the planning department offices as part of Case File No. 2015-014028ENV. The planning department determined that the project and variant meet the definition of a mixed-use residential project and that the site is located in a transit priority area on an urban infill site. For these reasons and pursuant to section 21099(d), this EIR does not include a discussion and analysis of the topic of aesthetics, such as effects on scenic vistas and visual character of the site within its

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surroundings or effects of light and glare. Likewise, this RTC document construes comments related to aesthetics to be comments on the merits of the proposed project.

CEQA section 21099(d) applies to all qualifying residential, mixed-use residential, or employment center projects that meet the defined criteria for an infill site within a transit priority area. It eliminates the environmental topic of aesthetics from impacts that can be considered in determining the significance of physical environmental effects of such projects under CEQA. Further, CEQA section 21099(d)(2)(A) states that a lead agency maintains the authority to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers, and CEQA section 21099(d)(2)(B) states that aesthetics impacts do not include impacts on historical or cultural resources.

Contrary to the assertion in the comment, the fact that the existing building and its landscape have been determined eligible for the National Register, and therefore listed on the California Register, does not alter the applicability of the above-noted CEQA statute and require a discussion of aesthetics impacts. Thus, the analysis of the project-related changes to the identified character-defining features of the site is properly limited to the cultural resources section of the EIR. As described under Impact CR-1 the material changes to the site and building were determined to be adverse changes to the historic architectural resource and a significant and unavoidable impact even with mitigation (see EIR Section 4.B, Historic Architectural Resources).

For informational purposes, project elevations and renderings are included in the project description. EIR Chapter 2, Project Description, presents seven renderings (see Figure 2.7 through Figure 2.13, EIR pp. 2.27-2.33) that show views of the proposed project's buildings and open spaces. Further, the proposed project would be required to comply with Planning Commission Resolution 9212 regarding the use of reflective or mirrored glass and would include outdoor lighting typical of residential, retail, office, and child care uses in the project vicinity. Furthermore, the proposed lighting would not be unusual or atypical for an urban infill project in a residential neighborhood. As explained above, the topic of aesthetics is no longer considered in determining the significance of physical environmental effects of eligible projects under CEQA. For purposes of CEQA, mandatory compliance with code provisions and other required actions are not identified as "mitigation measures." Required actions are disclosed in the impact analyses and adherence is mandatory and is overseen by responsible departments and agencies. Thus, the measures suggested as mitigation for asserted aesthetics impacts are not CEQA mitigation because there is no identified significant aesthetics impact that would be addressed. For the analysis of impacts on historic architectural resources, see EIR Section 4.B, Historic Architectural Resources, pp. 4.B.41-4.B.50.

For information on existing trees, the proposed tree retention program, and the trees that were part of the Laurel Hill Cemetery and would be retained, see EIR Chapter 2, Project Description, pp. 2.18 and 2.86-2.87, and EIR Section 4.B, Historic Architectural Resources, pp. 4.B.5 and 4.B.40. For

responses to comments related to trees, see Response CR-1: Historic Significance of Site, on RTC pp. 5.D.7-5.D.11, and Response BR-1: Loss of Trees, starting on RTC p. 5.J.84.

Aesthetics and the San Francisco Housing Element EIR

An analysis of aesthetics impacts could not be and was not eliminated from the Housing Element EIR because neither the 2004 nor 2009 Housing Element was qualified as a residential, mixed-use residential or employment center project meeting the criteria for an infill site within a transit priority area. The 2004 and 2009 Housing Elements are planning documents, not development proposals with specific development sites. Furthermore, development of the Housing Element and the Housing Element EIR in 2011 predates the adoption of section 21099 and changes to the CEQA analysis of aesthetics impacts in 2013. The 2004 and 2009 Housing Element EIR included an analysis of aesthetics using the questions from Appendix G of the CEQA Guidelines and acknowledged that some development consistent with the Housing Element could have a substantial adverse effect on a scenic vista, substantially damage scenic resources, substantially degrade the existing visual character or quality of the site, or create a new source of substantial light or glare, and identified a significant impact. However, these criteria do not apply to projects that qualify under section 21099. Thus, the statement does not apply to the proposed project or its variant, which meet the criteria under section 21099, and, as a result, an analysis of aesthetics impacts is not required in this EIR.

For a discussion of issues raised by comments related to the historic significance of the site or the historic architectural resources impacts on character-defining features of the site, e.g., the large trees in a designed landscape, see Response CR-1: Historic Significance of the Site, and Response CR-2: Impacts on Historic Architectural Resources, on RTC pp. 5.D.7-5.D.11 and RTC pp. 5.D.14-5.D.16, respectively.

As discussed in EIR Chapter 3, Plans and Policies, the analysis considered all applicable Elements in the San Francisco General Plan, including the 2014 Housing Element. The analysis did not find that the proposed project or project variant would obviously conflict with the policies contained therein. It found that the proposed project or project variant would further policies of the Housing Element aimed at the production of housing, including affordable housing. Height increases up to 92 feet on the easternmost portion of the adaptively reused building and to 45 feet along California Street (67 feet for the Walnut Building under the project variant) would not substantially alter the existing neighborhood character.

The topography of the project site and nearby area affects how building heights are perceived in relation to the existing neighborhood character and the heights of surrounding buildings, e.g., the 65-foot-tall Jewish Community Center and 40-foot-tall buildings along the north side of California Street are similar to the proposed heights of the new buildings proposed along California Street and Laurel Street. Under the proposed project the Plaza A, Plaza B, and Walnut buildings along

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California Street would be 45 feet tall and the Laurel Duplexes and Mayfair Building along Laurel Street would be up to 40 feet tall. Under the project variant the only difference would be the increased height for the Walnut Building (67 feet). At the center of the site, the existing building (approximately 55 feet tall) would be adaptively reused as two separate residential buildings (80 feet tall for Center Building A and 80 to 92 feet tall for Center Building B). Additionally, Laurel Hill encompasses a larger area than the project site and continues to rise to the south and west. The approximately 20-foot rise in elevation of the ground to the south of the project site across Euclid Avenue toward Geary Boulevard (approximately 340 feet in elevation in the new San Francisco Vertical Datum 2013 on Lupine Avenue directly south of the project site, approximately 20 feet above the 320-foot elevation at the corner of Laurel Street and Euclid Avenue on the project site)¹ creates a backdrop where proposed heights of buildings on the project site would not be substantially out of character with the surrounding buildings to the south and west. The development of new residential land uses at the proposed density which is allowed under the planning code, i.e., 558 units under the RM-1 zoning controls and up to 744 residential units with the project variant using a conditional use/planned unit development authorization, would not be considered a substantial change to the prevailing residential character of the neighborhood even if the proposed densities of approximately 56 units per acre would be slightly greater than the existing residential densities in the neighborhood. The disclosure of any potential inconsistencies with Housing Element Policy 11.7 (incorrectly identified in the comment as 2009 Housing Element Policy 11.6) related to the preservation of landmark buildings is covered in the EIR. See EIR pp. 3.11-3.12 for a discussion of San Francisco Priority Policy 7 (preservation of landmark and historic building) and EIR Section 4.B, Historic Architectural Resources, for the historic resources analysis.

Conclusion

Although aesthetics impacts are not required to be analyzed under section 21099(d), comments about the design of the proposed project or variant continue to be issues that may be considered by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process. As stated above, section 21099(d)(2) acknowledges the lead agency's design review authority over the proposed project with respect to the design of all structures and open space areas. Thus, the planning department and City decision-makers will consider the aesthetics of the proposed project pursuant to applicable design review ordinances and urban design standards and guidelines, including the Urban Design Element and the Residential Design Guidelines, as part of the design review

¹ The new San Francisco Vertical Datum 2013 (SFVD13) established an updated zero point for measuring topography in the City in 2013-2014, as explained in footnote 75 in RTC Section 5.J, Initial Study, p. 5.J.103]. The relative heights and the difference between the corner of Laurel Street/Euclid Avenue and the top of the hill to the south and southwest of the project site described here do not change, only the value assigned to each elevation changes, compared to the old San Francisco Datum.

approvals. These comments are acknowledged and, as discussed above, are appropriately not considered in the EIR analysis.

COMMENT CEQA-3: AB 900 PROCESS

“The developer is trying the same challenge path as the Chase Center stadium. The difference is huge here though - this is in the middle of a residential area effectively, versus the Chase center surrounded by high rise buildings mostly.” (*Ankur Luthra, Email, January 2, 2019 [I-Luthra-2]*)

RESPONSE CEQA-3: AB 900 PROCESS

The comment correctly notes that the project sponsor, Laurel Heights Partners, LLC, applied to the Governor of California for certification of the 3333 California Street Mixed-Use Project as an Environmental Leadership Development Project (ELDP), pursuant to Assembly Bill 900, the Jobs and Economic Improvement through Environmental Leadership Act of 2011, as amended effective January 1, 2018, and codified in Public Resources Code section 21178 et. seq. The comment asserts that the neighborhood surrounding the 3333 California Street site is predominantly residential and thus qualitatively different from the high-rise neighborhood (Mission Bay) in which the Golden State Warriors Event Center and Mixed-Use Development project (also known as the Chase Center) is located.

As described in Chapter 1, Introduction, EIR pp. 1.19-1.21, the project sponsor submitted their ELDP application for the 3333 California Street Mixed-Use Project on August 23, 2018, with public review commencing on August 24, 2018. The AB900 process included a public comment period from August 24, 2018, to September 24, 2018. The ELDP application is available at <http://opr.ca.gov/ceqa/california-jobs.html> (see “2017092053 – 3333 California Street Project”). The AB 900 Record of Proceedings is available at <https://www.ab900record.com/3333cal>. On January 30, 2019, the California Air Resources Board (CARB) issued Executive Order G-18-101 determining that the proposed project or project variant would not result in any net additional GHGs with payment of offsets for purposes of certification under AB 900. On June 7, 2019, Governor Gavin Newsom, with assistance from the Governor’s Office of Planning and Research, certified the proposed project or project variant as an eligible project under AB 900, and the Governor’s Office of Planning and Research forwarded the Governor’s determination to the Joint Legislative Budget Committee. On June 13, 2019 the San Francisco Planning Department published a notice in a local newspaper of record, mailed a public notice of certification of an environmental leadership development project to owners and occupants within 300 feet of the project site and other interested parties including an e-mail notice to all interested persons requesting such a communication. In addition, the site was posted as required with copies of the notice. The State Legislative Analyst’s Office indicated that the project aligns with the intent of AB 900, and recommended to the Joint Legislative Budget Committee that they concur with the Governor’s

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determination. On July 8, 2019, the Joint Legislative Budget Committee concurred with the Governor's determination that the project is an eligible project under AB 900.

Although codified within CEQA, the process for certification of the proposed project as an ELDP is separate from the environmental review process. The planning department's environmental review process is not affected by the Governor's decision to designate the project an ELDP. The comment does not identify any inadequacies or errors in the environmental analysis. As such the comment does not require any further response in this RTC document.

COMMENT CEQA-4: CEQA PROCESS

"And I will repeat what I have said in different circumstances. I think projects of this size have been recommended to be introduced to the public and to the commission in public hearings with soft presentations and introductions of the project which, in this particular case, again, has not occurred.

I'd like to remind the commission and the public how smoothly 1 Oak, the Goodwill site, India Basin, Shipyard 2, Schlage Lock, Lucky Penny and CPMC ultimately were in these huge EIRs because they were properly introduced to this commission and to the public who were interested in a manner that let public dialogue, commissioners' feedback of questions shape alternatives in a manner that they are not as clashing sitting here as today's comments indicate.

While many of the comments are not necessarily in response to the customary questions that DEIR hearings require, it was quite obvious that the community has comments and concerns that should have been fleshed out in meetings where the commission themselves would have participated in hearing them." (*Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, pp. 75-76, December 13, 2018 [A-CPC-Moore-2]*)

"Moving on -- sounds like a negative comment – I'd like to speak about process and encourage people in the future with large projects to bring these projects as they develop, because this is the most futile ground to get what you ultimately need to go through the EIR and the environmental process, which is complicated. This department knows how to do that, except they cannot fully respond to the community's feelings that you so very much brought to the table today." (*Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 77, December 13, 2018 [A-CPC-Moore-5]*)

"I spoke...generally about process. But that is not as much a specific DEIR comment, but is an invitation for you to invite that as we move into the future and hear other EIRs." (*Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 80, December 13, 2018 [A-CPC-Moore-15]*)

"The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 24, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

“A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.”

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.” (*Scott Morgan, Director, State Clearinghouse, State of California Office of Planning and Research, Letter, December 26, 2018 [A-OPR1-1]*)

“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 sections 21068, 21100(d). 14 California Code of Regulations (“CCR”) section 15382 defines a “significant effect on the environment” as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” Under 14 CCR section 15064(a)(1), if there is substantial evidence in light of the whole record before an agency that a project may have a significant effect on the environment, the agency must prepare a draft EIR.

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In preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project irrespective of whether an established threshold of significance has been met with respect to any given effect. *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1106-07. As used in this submission, “project” will mean the proposed project as well as the proposed project variant, unless otherwise indicated.” (*Kathryn Devincenzi, Letter and Attachments, June 6, 2018 [I-Devincenzi4-1]*)

RESPONSE CEQA-4: CEQA PROCESS

A comment states that a project the size of 3333 California Street should have been introduced to the Planning Commission and the neighborhood similar to other large projects to (1) solicit constructive feedback on project details, (2) allow the Planning Commission to opine on project alternatives, and (3) allow the community to raise concerns in front of the Planning Commission ahead of the CEQA process.

There is no requirement for informational hearings before the planning commission to occur as part of the CEQA process, including informational hearings on alternatives development, which is informed by consideration of significant and unavoidable environmental impacts. The planning commission comments that an informational hearing on this project should have been held are noted.

EIR Chapter 1, Introduction, pp. 1.4-1.15, details the environmental review process starting with the submission of the environmental evaluation application on March 29, 2016, and its subsequent revision and resubmission on March 6, 2017 following the planning department’s preliminary project assessment. The summary includes the publication of the Notice of Preparation on September 20, 2017; the Public Scoping Meeting at the Jewish Community Center of San Francisco, held on October 16, 2017; the publication of the initial study on April 25, 2018; and the publication of the draft EIR on November 7, 2018 with a Section 4.F, Initial Study Supplement, to respond to public comments on the initial study and clarify information.

Early public consultation prior to the Notice of Preparation of an EIR is not required under CEQA. For further discussion regarding the scoping process for alternatives to the proposed project or project variant, see Chapter 6, Alternatives (EIR pp. 6.5-6.10). For responses to public comments on the draft EIR regarding the range of alternatives, see Response AL-1: Range of Project Alternatives, on RTC pp. 5.H.6-5.H.17.

Another comment states that pertinent information, such as reference materials, were not provided as of June 4, 2018, and that the initial study is incomplete, inaccurate, and/or inadequate to support impact determinations.

As stated in the Notice of Availability of an Initial Study, published April 25, 2018, referenced materials are available for review at the planning department's office on the fourth floor of 1650 Mission Street. Additionally, planning department staff responded to requests for information following publication of the initial study on April 25, 2018. Since then, as described on EIR pp. 1.19-1.21, the planning department has provided a record of proceedings for the proposed project and project variant that can be accessed and downloaded from the following website: www.ab900record.com/3333cal. The record of proceedings includes the EIR and all other documents and materials submitted to, or relied upon by, the lead agency in the preparation of the EIR and initial study, or the approval of the project.

One comment cites various sections of the Public Resources Code that define a significant effect on the environment, when an agency must prepare a draft EIR, and when an agency must resolve fair arguments regarding possible significant environmental effects. Significant environmental impacts, as defined under the Public Resources Code, have been disclosed and analyzed for historic architectural resources, transportation and circulation, and noise and vibration in Chapter 4 of the EIR. In addition, the proposed project and its variant would result in less-than-significant impacts or impacts that would be less than significant with mitigation with respect to the other topics listed in the initial study, and these impacts have been disclosed in the initial study and EIR. Comments presenting information regarding potentially significant environmental impacts have been received through the public comment processes described above, and each of those comments has been considered when developing the scope of analysis in the initial study and EIR. Comments received on the draft EIR have been addressed in their respective environmental issue areas of this RTC document.

The planning department acknowledges receipt of the Governor's Office of Planning and Research (State Clearinghouse) letter (Comment Letter A-OPR1 in RTC Attachment B) confirming receipt of the draft EIR for public agency review and its attached comment letter, which duplicates the official agency comment letter from the Native American Heritage Commission (Comment Letter A-NAHC in RTC Attachment B). The comments in the letter from the Native American Heritage Commission are responded to in Response CR-3: Impacts on Archaeological and Tribal Cultural Resources (RTC pp. 5.D.17-5.D.19).

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5.L MERITS OF THE PROPOSED PROJECT

The comments and corresponding response in this section relate to the merits of the proposed project or project variant.

COMMENT ME-1: MERITS OF THE PROPOSED PROJECT

Many comments express support for, or opposition to, the proposed project or project variant, or particular aspects of it. Many of those expressing opposition also express support for the LHIA Alternative described in a comment letter (see Letter O-LHIA4 in RTC Attachment B). Listed below are the names of the organizations and individuals who provided such comments. For the full text of these comments, please use the comment code provided after each name to locate the corresponding set of comments in RTC Attachments A and B and refer to comments therein labeled “ME-1.” A response follows the list.

A number of written comments regarding only the merits of the project were submitted after the close of the public comment period. The names of the organizations and individuals who provided such comments are provided on RTC p. 5.L.5. For the full text of these comments, please see RTC Attachment C. Two comment letters received after the close of the public comment period, from Richard Frisbie and from the San Francisco Bay Area Planning and Urban Research Association, also included comments on environmental issues covered in the EIR; these comments are already addressed in the RTC Section 4 and Section 5 responses and they do not raise any new points not already addressed.

Draft EIR Public Hearing Transcript (December 13, 2018 [in order of speakers])

- Roger Miles (I-Miles1-3, p. 20)
- Eileen Boken (I-Boken-3, p. 24)
- Bill Cutler (I-Cutler1-2, pp. 25-26)
- Judy Doane (I-Doane-2, p. 29)
- Krisanthy Desby (I-Desby-3, p. 31)
- David Goldbrenner (I-Goldbrenner1-1, p. 32)
- Adam McMichael (I-McMichael-1-2, pp. 33-34)
- Laura Clark, SF YIMBY Action (O-YIMBY1-1, p. 35)
- Alex Yuen (I-Yuen-1, pp. 36-37)
- Colleen Ryan (I-RyanC-1, -3, and -4, pp. 38-39)
- Unidentified Speaker (I-Speaker1-1, p. 40)
- Unidentified Speaker (I-Speaker2-3, p. 41)
- Chris Johnson (I-JohnsonCh-1, p. 42)

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- Joanna Thomson (I-Thomson-1 and -3, pp. 42-43)
- Kathryn Devincenzi, President, Laurel Heights Improvement Association (O-LHIA3-2, pp. 44-45)
- Rose Hillson (I-Hillson1-4, p. 48)
- Rose Hillson (I-Hillson1-6, Draft EIR Transcript Handout)
- Kelly Roberson (I-Roberson1-5, p. 50)
- M. J. Thomas, Laurel Heights Improvement Association of San Francisco, Inc. (O-LHIA7-4, p. 51)
- Sonja Dolan (I-Dolan-3, p. 52)
- Tina Kwok (I-Kwok2-2, p. 53; -7, p. 54)
- Debra Seglund (I-Seglund-3, pp. 57-58)
- Ann Harvey (I-Harvey2-1 and -2, pp. 58-59; -4, pp. 59-60)
- Arielle Mouller (I-Mouller-1, p. 60)
- Ed Munnich, SF YIMBY Action (O-YIMBY2-2, pp. 63-64; -5, p. 65)
- Maryann Massenberg (I-Massenberg-1, pp. 65-66)
- Cory Smith, San Francisco Housing Action Coalition (O-SFHAC-1, pp. 67-68; -3, p. 69)

Written Comments

- Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group (O-CSHG1-11)
- Craig Salgado, JCCSF Chief Operating Officer (O-JCCSF2-7)
- Craig Salgado, JCCSF Chief Operating Officer (O-JCCSF3-10)
- Craig Salgado, JCCSF Chief Operating Officer (O-JCCSF4-7)
- Sal Ahani (I-Ahani-3, -5, and -12)
- James Bassuk (I-Bassuk-3)
- David Bercovich (I-Bercovich-1)
- Daniel Berkley (I-Berkley-1)
- Gail Boyer (I-Boyer-3)
- Robert Bransten (I-Bransten-1)
- Barbara Brenner (I-Brenner-1)
- Michael Coholan (I-Coholan-1)
- Michael Coholan (I-Coholan-3)
- Adam Cole (I-Cole-1)
- Bill Cutler and Judy Doane (I-Cutler2-1, -2, and -7)

- Evelyn Davidson (I-Davidson-1, -4, -6, and -8)
- Linda Day (I-Day-1)
- Shanan Delp (I-Delp-1)
- Jon Dishotsy (I-Dishotsky1-1)
- Jane Drake (I-Drake-1 and -3)
- Sharon Esker (I-Esker-3)
- Zhubin Fardis (I-Fardis-3)
- Arlene Filippi (I-Filippi2-1)
- Shannon Fong (I-Fong-3)
- Jane Fridlyand (I-Fridlyand-8)
- Janet Frisbie (I-FrisbieJ2-2)
- Robert Frisbie (I-FrisbieR1-4 and -9)
- Holly Galbrecht (I-Galbrecht2-2 and -4)
- Ron Giampaoli (I-Giampaoli-2 and -4)
- Linda Glick (I-Glick2-3)
- David Goldbrenner (I-Goldbrenner2-3)
- David Goldbrenner (I-Goldbrenner3-7)
- Theodore Gordon (I-Gordon-1 and -3)
- M. E. Gwynn (I-Gwynn-4, -6, and -9)
- Anne Harvey (I-Harvey3-2)
- Rose Hillson, (I-Hillson2-33)
- William Holleran (I-Holleran-1)
- Corey Johnson (I-JohnsonCo-1)
- Henry N. Kuechler IV (I-Kuechler IV-1, -4, and -6)
- Tina Kwok (I-Kwok1-2)
- Tina Kwok (I-Kwok3-6)
- Tina Kwok (I-Kwok4-7, -10, and -15)
- Gary Laufman (I-Laufman-2)
- Ankur Luthra (I-Luthra-1 and -4)
- Larry Mathews (I- Mathews1-1, -4, and -6)
- Larry Mathews (I-Mathews2-1 and -3)
- Adam McDonough (I-McDonough2-1 and -10)

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- Marie McNulty (I-McNulty-4)
- Kevin M. Meehan (I-Meehan-1)
- Ellen Miller (I-MillerE-2)
- Liz Miller (I-MillerL-1)
- Cristina Morris (I-Morris1-2 and -4)
- Ed Munnich (I-Munnich-2 and -5)
- Anne Neill (I-Neill-1)
- Marsha and Wolfgang Nonn (I-Nonn2-2)
- Phillip H. Paul (I-Paul-3 and -5)
- Donald Piombo (I-Piombo1-1)
- Donald Piombo (I-Piombo2-1)
- Gilda Poliakin (I-Poliakin-10)
- Cornelia Powers (I-Powers-1)
- Ann Prato (I-Prato-2)
- Sandra Price (I-Price-2)
- Zarin E. Randeria (I-Randeria1-4)
- Kelly Roberson (I-Roberson2-2)
- Stefanie Rosenberg (I-Rosenberg-1)
- Laura Rubenstein (I-Rubenstein-3 and -8)
- Jim Ryan (I-RyanJ-2)
- Rita Sater (I-Sater-1 and -4)
- Sebastiano Scarampi (I-Scarampi-3 and -5)
- Nathan Stoll (I-Stoll-2, -6, and -9)
- Andrew Sullivan (I-Sullivan-1)
- Zachary Thomas (I-ThomasZ-1)
- Adrienne Underwood (I-UnderwoodA-1)
- Victoria Underwood (I-UnderwoodV1-9 and -11)
- Victoria Underwood (I-UnderwoodV2-5 and -7)
- Victoria Underwood (I-UnderwoodV3-1)
- Steven C. Zeluck (I-Zeluck-2 and -4)

Written Comments Received After the Close of the Public Comment Period on the Draft EIR

- Terry McGuire, President, Pacific Heights Residents Association
- Charles Ferguson, President, Presidio Heights Association of Neighbors
- Kristy Wang, Community Planning Policy Director, San Francisco Bay Area Planning and Urban Research Association (SPUR), for Charmaine Curtis and Diane Filippi, Co-Chairs, SPUR Project Review Advisory Board
- William Bartlett
- Suzanne Blumenthal
- Lynn Burrows Bunim
- Ryan Chatley
- Richard Frisbie
- Bella Shen Garnett
- Massimiliana Boyer Glynn
- Shanon Delp
- Jeremiah Hallisey
- William Holleran
- Dennis Hong
- Martine Krumholz
- David Levine
- Daniel S. Mason
- Anna Morfit
- David L. Morse
- Tyler Norsworthy
- Marie Que
- Francis Scarpulla
- Karen Scarpulla
- Kristina Scarpulla
- Stephen Scarpulla
- Jeff Schlarb
- Frances Stark
- Zachary Thomas

RESPONSE ME-1: MERITS OF THE PROPOSED PROJECT

Comments express support for, opposition to, or concern about particular aspects of the proposed project or project variant based on its merits. Comments include suggestions for modifying the project and express support for the LHIA Alternative presented in a comment letter (see Letter O-LHIA4 in RTC Attachment B) as a better choice for achieving the project objectives and completing construction within a shorter timeframe. Comments also include general statements about environmental issues such as traffic congestion, construction noise, dirt, pollution, and parking loss, but did not provide specific details or substantial evidence regarding asserted deficiencies in the environmental analysis. For a response to comments to specific concerns related to those environmental topics, see RTC Section 4, Master Response – Transportation and Circulation; RTC Section 5.E, Transportation; RTC Section 5.F, Noise; and RTC Section 5.G, Air Quality. For a response to comments regarding the LHIA Alternative, see RTC Section 5.H in Response AL-2. Also see the relevant analyses/findings in EIR Section 4.C, Transportation and Circulation; EIR Section 4.D, Noise and Vibration; and EIR Section 4.E, Air Quality.

These comments, in and of themselves, do not raise specific environmental issues about the adequacy or accuracy of the EIR’s coverage of physical environmental impacts that require a response in this RTC document under CEQA Guidelines section 15088. CEQA directs public agencies to treat EIRs as “full disclosure” documents to ensure that the public is aware that public agencies have considered potential adverse environmental effects in their decision-making processes. In addition to the physical environmental effects disclosed in the EIR, all comments provided to the planning department on the proposed project or project variant through the CEQA process, whether on the EIR analysis or the merits of the proposed project or project variant, are included in their entirety in this RTC document. Although general comments in opposition to, or in support of, the proposed project or project variant do not raise specific issues concerning the adequacy or accuracy of the EIR under CEQA, such comments, including recommendations for modifications to the project, may be considered and weighed by the decision-makers prior to rendering a final decision to approve, modify, or disapprove the proposed project or project variant. This consideration is carried out independent of the environmental review process.

5.M GENERAL COMMENTS

The comments and corresponding responses in this section relate to general comments on the draft EIR. The general comments are grouped according to the following issues they raise:

- GC-1, Disclosure of Impacts and Mitigation Measures/Adequacy of EIR Analysis
- GC-2, Request for Economic Feasibility Study for Retail
- GC-3, Request for Draft EIR Public Comment Period Extension
- GC-4, General Comments

A corresponding response follows each grouping of comments.

Documents and other information cited in this RTC section are available at the planning department offices as part of Case File No. 2015-014028ENV and electronically on the project's AB900 Record of Proceedings at <https://www.ab900record.com/3333cal>.

COMMENT GC-1: DISCLOSURE OF IMPACTS AND MITIGATION MEASURES/ADEQUACY OF EIR ANALYSIS

“Just on the -- I mean, one, on the EIR, I hope folks know the EIR is a tool for us and you to help evaluate this project. I think this EIR is one of the better ones we've seen. Any issue anybody brought up here is addressed in an alternative of the EIR. From no preservation to historic preservation, to partial historic preservation, it really gives us the flexibility to do almost anything as a result of this. And it analyzes the impacts, and it's meant as a tool to tell us and you what these impacts are going to be. So I wouldn't get too hung up on the EIR. I know Ms. Devincenzi's an expert on it and she can guide you, but the EIR works. I mean, the EIR is complete.” (*Commissioner Rich Hillis, President, San Francisco Planning Commission, Draft EIR Hearing Transcript, pp. 86-87, December 13, 2018 [A-CPC-Hillis-1]*)

“There are some things about the proposed project that I do like, you know. I know that we're commenting now on the accuracy of the EIR and the adequacy. I do think it's adequate and it's thorough.” (*Commissioner Myrna Melgar, Vice-President, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 82, December 13, 2018 [A-CPC-Melgar-4]*)

“The document as constructed is accurate and well set up. It follows pretty much of what the department has done. I think it is thorough, except where it comes to process.” (*Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, p. 75, December 13, 2018 [A-CPC-Moore-1]*)

“While we agree with some of the comments provided by others, the most severe, proximate and prolonged adverse environmental impact from this Project falls uniquely and disproportionately on our neighborhood, and the EIR fails to address or provide adequate mitigation for them.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-2]*)

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“As the immediate “neighbors” of this Project, this unfairly imposes the construction noise, dirt, disruption, personal risk and displacement on us for as many extra years.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-7]*)

“Nor does it assess the environmental impact of changing our streetscape from a walkway in front of open space to a 45-foot high wall the Developer seeks to build through a zoning change. The Developer’s plan has an unmitigated and severe environmental impact on our neighborhood.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-10]*)

“As the State Legislature noted in enacting the California Environmental Quality Act, it is the Policy of the state to: “...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...” CEQA Section 21001.

Each of the above environmental impacts directly across from our front doors violates state policy, and any one of them would compel us to challenge the Draft EIR. Together, they threaten a significant loss of the peaceful enjoyment of our homes.” (*Joseph J. Catalano and Joan M. Varrone, California Street Homeowners Group, Letter, December 11, 2018 [O-CSHG1-15]*)

“My wife and I represent a group of 40 homeowners and residents who live on that block between Laurel and Walnut, on California Street.

The Draft EIR fails completely to recognize the impact of this project on our group. The developer has been attentive to our interests. We have met with him on several occasions. They have listened to us. Now is the time for the developer, the commission, the department, and the city to recognize the specific and unaddressed impacts that this project, in its current form, will have on our neighborhood.” (*Joe Catalano, California Street Homeowners Group, Draft EIR Hearing Transcript, p. 61, December 13, 2018 [O-CSHG2-1]*)

“As a result, our primary concerns relate to safety - e.g., traffic, air quality, construction and noise - and our continued ability to use our outdoor areas (roof and courtyards) for programming. Your scope likely already includes these general issues, so this letter explains the specifics as they pertain to the JCCSF.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, October 20, 2017 [O-JCCSF3-1]*)

“**B. Shadow, Wind and Noise** - The EIR should examine Project shadow, wind and noise impacts on outdoor program use of the JCCSF roof and courtyard spaces. We understand that a project of this scale and magnitude has a longer than typical construction period and, therefore, we anticipate that you will be examining the impacts of the seven-year construction period on such issues as air quality, toxic waste removal, ingress and egress, staging, traffic and noise.” (*Craig Salgado, Chief Operating Officer, Jewish Community Center of San Francisco, Letter, October 20, 2017 [O-JCCSF3-9]*)

“What I understand of the EIR, I think it’s a very thorough process. There’s been much public comment on the EIR,…”(Ed Munnich, *SF YIMBY Action, Draft EIR Hearing Transcript, p. 63, December 13, 2018 [O-YIMBY2-1]*)

“The draft EIR is insufficient in identifying the environmental impacts of the Project and the impacts identified are largely unmitigated.” (Jim and Jessica Bassuk, *Email, January 7, 2019 [I-Bassuk-1]*)

“The Draft EIR fails to recognize the disproportionate adverse impact the addition of 750 residential units on a 10 acre site will have on the site’s immediate neighbors. The Draft EIR only adopts a citywide density metric, and fails to incorporate mitigation for the more local adverse impact. The Draft EIR disregards the immediate adversity such a massive influx of units will have on property owners who chose their homes based on the neighborhood’s characteristics.” (Joe Catalano and Joan Varrone, *Email, January 8, 2019 [I-Catalano-1]*)

“The high density of the proposed project as described in the Draft Environmental Impact Report, will increase traffic flow and congestion, increase noise and pollution,…” (Bill Cutler and Judy Doane, *Email, January 5, 2019 [I-Cutler2-3]*)

“Apart from the incredibly drawn out length of such a project, the negative effects (such as dust, noise, diminished parking, danger to children, seniors and others), such a development does not fit within the natural, historic, familial, social and aesthetic contours of our community. Not to mention the environmental risks.” (Evelyn Davidson, *Email, January 8, 2019 [I-Davidson-3]*)

“The DEIR must be revised to correct the inadequacies described herein, and the revised EIR circulated for public comment.” (Kathryn Devincenzi, *Letter and Attachments, January 8, 2019 [I-Devincenzi3-25]*)

“I would like to voice my concerns regarding this development which will affect myself, the neighborhood, and future generations.” (Sharon Esker, *Email, January 5, 2019 [I-Esker-1]*)

“I have very strong concerns about the impacts to the neighborhood mentioned in the draft EIR. The huge increase in traffic, the impact on parking, the ridiculous length of time to complete this project, and environmental/pollution impact are all MAJOR concerns.” (Zhubin Fardis, *Email, January 8, 2019 [I-Fardis-1]*)

“The environmental report is very concerning. This has been for the most part a quite, residential neighborhood with a lot of families. Pollution, traffic, noise, etc....all have huge, negative impacts on our community.” (Zhubin Fardis, *Email, January 8, 2019 [I-Fardis-5]*)

“I have strong concerns about the impacts to the neighborhood mentioned in the draft EIR.” (Shannon Fong, *Email, January 8, 2019 [I-Fong-1]*)

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“I am writing to express my deep concerns over the current proposal for 3333 California...”
(Jane Fridlyand, Email, January 7, 2019 [I-Fridlyand-1])

“We are concerned that the proposed project would affect us in numerous ways, the most important of which I outline below:...” (Jane Fridlyand, Email, January 7, 2019 [I-Fridlyand-3])

“The amount of dirt, dust, noise and congestion is unimaginable.” (Janet Frisbie, Email, December 12, 2018 [I-FrisbieJ1-6])

“In general the DEIR is rife with inaccuracies, incorrectness and incompleteness.”
(Richard Frisbie, Letter, January 7, 2019 [I-FrisbieR1-1])

“I live about 6 blocks from the site with my wife and daughter, and I am deeply concerned about the size and scale of the project. It looks like the creation of a mini-city in our neighborhood.”
(David Goldbrenner, Email, December 18, 2018 [I-Goldbrenner2-1])

“I am writing to express my deep concerns over the current proposal for 3333 California...”
(David Goldbrenner and Zhenya Fridlyand, Email, January 4, 2019 [I-Goldbrenner3-1])

“The DEIR does not address the impact on the neighborhood of a 15 year construction project and all the resulting affects on the surrounding neighborhoods and thus it is incomplete and inaccurate.” (Mary Gwynn, Email, January 7, 2019 [I-Gwynn-2])

“One can imagine the noise, traffic, congestion, dirt, pollution in the air and on the ground that this would make the neighborhood go through.” (Tina Kwok, Draft EIR Hearing Transcript, p. 53, December 13, 2018 [I-Kwok2-4])

“The amount of excavation of earth, generating air, noise pollution is unimaginable for this long period of construction.” (Tina Kwok, Email, January 8, 2019 [I-Kwok3-1] and Tina Kwok, Email, January 9, 2019 [I-Kwok4-2])

“Turning now to the EIR, I share the concerns about the construction noise, the air pollution...”
(Maryann Massenburg, Draft EIR Hearing Transcript, p. 66, December 13, 2018 [I-Massenburg-2])

“I believe the DEIR is inadequate in a number of ways,...” (Adam McDonough, Email, January 7, 2019 [I-McDonough2-3])

“It underestimates the negative impacts of retail, office and commercial space to the local community (traffic, pollution, noise, etc.);...” (Adam McDonough, Email, January 7, 2019 [I-McDonough2-5])

“**Environmental impact:** Noise level, increased traffic and pollution.” (*Gilda Poliakin, Email, December 30, 2018 [I-Poliakin-3]*)

“...the negative effects (such as dust, noise, parking, danger to children, seniors and others), such a development does not fit within the natural, historic, familial, social and aesthetic contours of our community. Not to mention the environmental risks.” (*Rita Sater, Email, January 8, 2019 [I-Sater-3]*)

“...the negative effects (such as dust, noise, parking, danger to children, seniors and others), such a development does not fit within the natural, historic, familial, social and aesthetic contours of our community. Not to mention the environmental risks.” (*Sebastiano Scarampi, Email, January 8, 2019 [I-Scarampi-2]*)

“I have read the EIR and find that almost nowhere does it address the effect on people. People make their homes in the neighborhood, they raise children or retire in the area, they work nearby, and they are ignored in this report. Further, the EIR does not address the cumulative effect on people’s everyday lives of all the incremental changes from construction and operation of the Project on their general wellbeing. There is a tipping point when a little more of everything—noise, air pollution, traffic, general congestion and crowding—makes a place substantially less livable. I live 1 ½ blocks east of the Project on the north side of California Street.” (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-1]*)

“D. **Conclusion.** The EIR is inadequate with many flawed assumptions and analyses.

This Project will bring a more of everything—noise, air pollution, traffic, general congestion and crowding, will reduce street side greenery and open space, and will make the area substantially less livable. The only way to reduce the negative impacts of the Project is to reduce its size, maintain more street side and street view open space, and eliminate most of the office and commercial uses with their related traffic.” (*Michele D. Stratton, Letter, January 8, 2019 [I-Stratton-14]*)

“The DEIR claims that project impacts on air quality, geology, hydrology, vegetation and other matters would be less than significant.” (*Victoria Underwood, Letter, December 4, 2018 [I-UnderwoodVI-7]*)

“However, I also believe that the Draft EIR sufficiently studies the potential environmental impacts to the neighborhood while providing housing for a city sorely lacking it, while also providing an urban amenity that would be of use for the adjacent neighborhoods and the city at large.” (*Alex Yuen, Draft EIR Hearing Transcript, p. 37, December 13, 2018 [I-Yuen-3]*)

RESPONSE GC-1: DISCLOSURE OF IMPACTS AND MITIGATION MEASURES/ADEQUACY OF EIR ANALYSIS

General Comments

Several comments pose general concerns or opinions about the project. Some comments state that the EIR's impact analysis and range of alternatives is thorough, complete, adequate, and accurate. Many comments assert that the EIR's impact analysis is inaccurate, incorrect, or incomplete, and that the EIR fails to impose all feasible mitigation measures to reduce the proposed project's impacts; responses addressing more specific comments pertaining to the same CEQA issues are provided elsewhere in this RTC document.

The comments are general in nature and do not present new information that would require changes or updates to the analysis provided in the EIR. Pursuant to CEQA Guidelines section 15088(c) general comments that do not contain or specifically reference readily available information may receive a general response. The impacts and mitigation measures identified in EIR Chapter 4 and in the initial study are summarized in two tables in the EIR Summary chapter: Table S.1: Summary of Impacts of Proposed Project or Project Variant Identified in the EIR, beginning on EIR p. S.6, and Table S.2: Summary of Significant Impacts of Proposed Project or Project Variant Identified in the initial study (EIR Appendix B), beginning on EIR p. S.26. Tables S.1 and S.2 provide an overview of (1) the environmental impacts that could occur as a result of the proposed project or project variant; (2) the level of significance of the environmental impacts before implementation of any applicable mitigation measures; (3) mitigation measures that would avoid or reduce significant environmental impacts; (4) improvement measures that would reduce less-than-significant impacts; and (5) the level of significance for each impact after implementation of the mitigation measures.

The significant environmental impacts of the proposed project or project variant have been fully evaluated and presented in the 3333 California Street Mixed-Use Project EIR. CEQA requires public agencies to identify all potential direct or indirect effects on the environment that could result from a project. Therefore, the EIR addresses both the direct physical effects of the project as well as the indirect physical effects. Direct effects are effects that are caused by a project and occur in the same time and place. An indirect environmental effect is a change in the physical environment that is caused by the project but occurs later in time or further away from the project site and is still reasonably foreseeable.

Many comments express general concern about the magnitude and duration of construction-related project impacts on traffic and safety, noise, and pollution. A response to concerns regarding the duration of proposed construction and the burden of environmental impacts on the neighborhood is provided in RTC Section 5.B, Project Description, under Response PD-1: Construction Duration, Phasing and Staging, and Development Agreement on RTC pp. 5.B.9-5.B.15. A response to

concerns with construction-related transportation impacts is provided in RTC Section 5.E, Transportation and Circulation, under Response TR-6: Construction Impacts starting on RTC p. 5.E.57.

Environmental Impact Report Topics

Comments raise issues pertaining to historic resources, transportation and circulation, noise, and air quality. To the extent that physical environmental impacts would occur under the proposed project or project variant, these impacts are addressed in Chapter 4, Environmental Setting and Impacts, of the EIR. Commenters are directed to this EIR chapter for a detailed description of the environmental setting, regulatory framework, significance thresholds, methodological approaches to impact analyses, and the impact analyses and findings for each of these topics. The transportation, noise, and air quality analyses compare the future conditions after full implementation of the proposed project or project variant with existing or baseline conditions without the proposed project. As appropriate and recommended by planning department practice, the noise and air quality analyses in the EIR also evaluate the effects of the phased construction on off-site and on-site receptors. The EIR identifies three significant and unavoidable impacts with mitigation related to historic architectural resources (Impact CR-1, on pp. 4.B.41-4.B.47), transportation and circulation (Impact TR-4, on pp. 4.C.83-4.C.88), and construction noise (Impact NO-1, on pp. 4.D.36-4.D.-4.D.51). No significant air quality impacts were identified.

Initial Study Topics

Comments also call out concerns regarding public hazards, water quality, and biological resources. These impacts are analyzed in initial study Sections E.12, Biological Resources; E.14, Hydrology and Water Quality; and E.15, Hazards and Hazardous Materials. No significant and unavoidable direct or indirect environmental impacts were identified for these impact areas. Information in the initial study regarding Hazards and Hazardous Materials was clarified in the EIR in Section 4.F, Initial Study Supplement.

One comment states that the project's residential units would increase local density and create a local population and housing impact. As discussed in initial study Section E.2, Population and Housing, the project site, at approximately 10.25 acres (or 446,490 square feet), would allow for up to 558 units by lot area. The proposed project would conform to the residential unit limitation provided by the RM-1 Zoning District. For the project variant, the project sponsor would seek approval of a conditional use authorization/planned unit development to allow for more units than principally permitted in the RM-1 Zoning District. For these reasons, the residential component of the proposed project is within the existing allowable density of the project site and would be comparable to the existing allowable density of other parcels zoned RM-1 in the project vicinity. The proposed project or project variant would increase the local residential population on the project site by approximately 1,260 to 1,680 persons, as discussed on initial study pp. 113-114. To

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assess growth-inducing impacts of adding housing, a city-wide approach is appropriate, as presented on initial study pp.115-116. The analysis there shows that the additional residents on the project site would represent about 0.6 or 0.9 percent of the projected citywide growth between 2020 and 2040 for the proposed project or project variant, respectively. An analysis of population growth within a quarter-mile radius of the project site was also prepared, and presented on initial study pp. 116-117. As explained there, the project site residents would result in an increase of 4.9 or 6.5 percent of the residential population in the census tracts near the project site. In both cases, the analysis supports the finding in the initial study that the increase in residents would not constitute unplanned growth and would not result in a significant impact.

Open Space

Comments also express concern over the changes to existing on-site open space and the displacement of existing public parking facilities. A response to concerns regarding the proposed project's open space and the use of existing on-site open space is provided in RTC Section 5.B, Project Description, under Response PD-3: Project Characteristics, and Response PD-4: Site Access, on RTC pp. 5.B.19-5.B.24 and RTC pp. 5.B.25-5.B.28, respectively. With respect to parking, as stated in EIR Section 4.C, Transportation and Circulation, p. 4.C.115, the proposed project and project variant would meet the CEQA section 21099 criteria as a residential mixed-use infill project in a transit priority area, and therefore parking is not an environmental impact for the purposes of CEQA. However, issues associated with parking are discussed on EIR pp. 4.C.115-4.C.120 for informational purposes.

Height, Bulk and Massing

One comment states that the EIR does not address the impact of the height and bulk of the project as compared to existing open space, or impacts related to shadow, wind, scenic resources, and aesthetics. As stated in EIR Chapter 2, Project Description, on pp. 2.105-2.108, the project would involve actions by the Planning Commission, including an amendment to the Planning Code 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, and 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. In addition, the project would require a conditional use/planned unit development authorization to permit development of buildings with heights in excess of 50 feet (under the amended height and bulk map) and provide for minor deviations from the planning code provision for measurement of height. Under the project variant, the proposed height and bulk map amendment would result in increased height limits along California Street from 40 to 67 feet to accommodate the height of the proposed Walnut Building. All other height changes under the project variant would be the same as those for the proposed project and, like the proposed project, a conditional use/planned unit development authorization would be required to permit development of buildings with heights in

excess of 50 feet (under the amended height and bulk map) and provide for minor deviations from the planning code provision for measurement of height.

To the extent that the height and massing of the proposed new buildings and vertical additions to existing buildings under the proposed project or project variant could result in physical environmental impacts associated with wind and shadow, these impacts have been fully analyzed in initial study Section E.8, Wind and Shadow, on IS pp. 151-162. In regard to aesthetics, as discussed in EIR Section 4.A, Introduction, pp. 4.A.4-4.A.5 and Response CEQA-2: Aesthetics/CEQA Section 21099, RTC pp. 5.K.9-5.K.13, the proposed project or project variant meet the criteria in CEQA section 21099 for infill sites within a transit priority area which removes the environmental topic of aesthetics as well as the transportation and circulation subtopic of parking from the impact analysis.

Impacts Analysis, Mitigation Measures, and Public Comment in the CEQA Document

As required under CEQA Guidelines section 15126.4(a)(1), all feasible measures that could minimize the significant adverse impacts of the proposed project or project variant are detailed in the EIR. As provided by CEQA Guidelines section 15097, the Mitigation Monitoring and Reporting Program for the proposed project or project variant is required to identify each mitigation measure that is included in the project or imposed as a condition of approval and the parties responsible for its implementation; the schedule for implementation of the measures; the parties responsible for monitoring and reporting on the implemented mitigation measures; and the monitoring actions schedule and verification of compliance. The final Mitigation Monitoring and Reporting Program will be included in the packet of materials submitted to the Planning Commission for consideration as part of the project's approvals.

CEQA directs public agencies to treat EIRs as "full disclosure" documents to ensure that the public is aware that public agencies have considered potential adverse environmental effects in their decision-making processes. In addition to the physical environmental effects disclosed in the EIR, all comments provided to the planning department on the proposed project or project variant through the CEQA process, whether on the draft EIR analysis or the merits of the proposed project or project variant, are included in their entirety in this RTC document, and will be considered by the decision makers prior to certifying the EIR or rendering a final decision on the project.

For a response to comments regarding the environmental review process under CEQA, see Response CEQA-4: CEQA Process on RTC pp. 5.K.16-5.K.17.

COMMENT GC-2: REQUEST FOR ECONOMIC FEASIBILITY STUDY FOR RETAIL

"I believe that single-sided retail on, for example, the Euclid Street side -- on the Euclid Avenue side, is very questionable. The site itself is more or less a freeway. I'm sorry to use that word, but

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that's just what it is. And single-sided retail on very busy commercial corridors have a very small survival factor.

I see Commissioner Fong nod. And I like to use that empirical experience of where retail is strategically placed. That goes all around the site with a decline in retail corridors. Putting that much retail on all street frontages in this block is a question to me that I think creates a risk, a front end risk of retail of not succeeding.

So there should be a backup strategy, where we really want to support retail. Do we like to support retail intensification in Laurel shopping center, which is in front of this commission frequently? And do we expect more successful retail to be in the Sacramento and Presidio Avenue corridor? I'm just raising it as questions. I've spent quite a bit of time there. But the way at this moment the site is bordered in areas where it doesn't work, I would like the EIR to take a closer look at the realities of how we look at retail.” (*Commissioner Kathrin Moore, San Francisco Planning Commission, Draft EIR Hearing Transcript, pp. 79-80, December 13, 2018 [A-CPC-Moore-10]*)

“Finally, a detailed economic study should be conducted to see:

1. The impact on existing commercial areas (Sacramento Street, California Street and Masonic Street, if commercial development is allowed at 3333 California Street. The study should take into account the number of current empty commercial properties in those areas. This neighborhood may not support any further commercial development, especially given the congested corridor of Masonic and Geary (Trader Joes, Target, etc.)” (*Cristina Morris, Email, December 10, 2018 [I-Morris1-5]*)

RESPONSE GC-2: REQUEST FOR ECONOMIC FEASIBILITY STUDY FOR RETAIL

Some comments request an economic feasibility study regarding retail-market-related concerns. Comments request additional analysis regarding the economic viability of retail proposed by the project, particularly on Euclid Avenue; the effects of the project on existing retail and commercial areas nearby (Sacramento and California streets and Masonic Avenue); and the seeming trend of declining retail corridors.

CEQA does not require analysis of socioeconomic issues such as real estate market conditions; thus, these issues are typically not addressed in environmental review documents. The focus of CEQA is to address whether and how a proposed project's physical changes to the environment could result in adverse physical impacts on the environment, such as impacts of a project on air quality, water quality, or wildlife habitat. CEQA Guidelines section 15360 defines “environment” for the purposes of CEQA as “the *physical* conditions which exist within the area which will be affected by the proposed project...” (emphasis added). As stated in CEQA Guidelines section 15131(a),

Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by economic or social changes.

The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

Thus, the CEQA Guidelines provide that social or economic impacts may not themselves be treated as significant effects on the environment.

Evidence of economic impacts (e.g., retail vacancy) that do not contribute to, or are not caused by, adverse physical changes to the environment is not substantial evidence of a significant effect on the environment. However, a social or economic change related to a physical change may be considered in determining whether the physical change is a significant environmental impact. Additionally, an EIR or other CEQA document must consider the reasonably foreseeable indirect environmental consequences or physical changes resulting from a project's economic or social changes. In short, social and economic effects are only relevant under CEQA if they would result in or are caused by an adverse physical impact on the environment.

These comments, in themselves, do not raise specific issues about the adequacy or accuracy of the EIR's coverage of physical environmental impacts that require a response in this RTC document under CEQA Guidelines section 15088. To the extent that physical environmental impacts would occur as a result of construction and operation of the proposed project, these impacts have been analyzed in detail in the EIR. The comments do not present any evidence that the construction and operation of the proposed project would result in any significant environmental impacts not disclosed in the EIR or lead to any economic or social changes that would in turn result in a significant adverse physical environmental impact.

To the extent that the comments express opposition to the proposed project site plan and to the proposed retail uses on the site, such comments, including recommendations for modifications to the project, may be considered and weighed by the decision-makers prior to rendering a final decision to approve, modify, or disapprove the proposed project or project variant. This consideration is carried out independent of the environmental review process. These merit-related comments are included in their entirety in this document in RTC Attachments A and B. It is also noted that the proposed project and its variant have been revised such that the amount of retail under the revised project or revised variant is reduced including the elimination of retail in the proposed Euclid Building near the corner of Euclid Avenue and Masonic Avenue. This change would not result in any changes to the conclusions presented in the EIR. See RTC Section 2, Revisions and Clarifications to the Project Description, for further detail.

COMMENT GC-3: REQUEST FOR DRAFT EIR PUBLIC COMMENT PERIOD EXTENSION

The following commenters expressed an interest in having the public comment period on the draft EIR extended. For the full text of these comments, please use the commenter code provided after

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each name to locate the corresponding set of comments in RTC Attachment A: Draft EIR Hearing Transcript or RTC Attachment B: Draft EIR Comment Letters and Emails and refer to comments therein labeled “GC-3.”

Public Hearing Transcript Comments (in order of speakers)

- Roger Miles (I-Miles1-1, pp. 19-20)
- Adam McDonough (I-McDonough1-1, p. 22)
- Eileen Boken (I-Boken-1, p. 24)
- Bill Cutler (I-Cutler1-1 and I-Cutler1-4, pp. 25 and 27, respectively)
- Richard Frisbie, Laurel Heights Improvement Association (O-LHIA5-1, p. 27)
- Judy Doane (I-Doane-1, p. 29)
- Krisanthy Desby (I-Desby-1, pp. 30-31)
- David Goldbrenner (I-Goldbrenner1-4, p. 33)
- Laura Clark, SF YIMBY Action (O-YIMBY1-2, pp. 35-36)¹
- Alex Yuen (I-Yuen-2, p. 37)
- Colleen Ryan (I-RyanC-2, p. 38)
- Perviz Randeria, Laurel Heights Improvement Association (O-LHIA6-1, p. 39)
- Susan McConkey (I-McConkey, p. 40)
- Joe Scaroni (I-Scaroni, p. 41)
- Chris Johnson (I-JohnsonCh-2, p. 42)
- Joanna Thomson (I-Thomson-2 and I-Thomson-4, pp. 43 and 44, respectively)
- Kathryn Devincenzi, President, Laurel Heights Improvement Association (O-LHIA3-1 and O-LHIA3-10, pp. 44 and 46, respectively)
- Holly Galbrecht (I-Galbrecht1-1, pp. 46-47)
- Rose Hillson (I-Hillson1-1, p. 47)
- Kelly Roberson (I-Roberson1-1, pp. 48-49)
- M. J. Thomas, Laurel Heights Improvement Association (O-LHIA7-1, p. 51)
- Sonja Dolan (I-Dolan-1, p. 52)
- Tina Kwok (I-Kwok2-1 and -8, pp. 53 and 55, respectively)
- Linda Glick (I-Glick1-1, p. 55)
- Debra Seglund (I-Seglund-1, p. 57)
- Ann Harvey (I-Harvey2-3, p. 59)
- Joseph J. Catalano, California Street Homeowners Group (O-CSHG2-7, p. 63)

¹ This commenter expressed a desire to not extend the public comment period.

- Ed Munnich, SF YIMBY Action (O-YIMBY2-6, p. 65)

Written Comments

- Kathryn Devincenzi, Laurel Heights Improvement Association of San Francisco, Inc. (O-LHIA1-2)
- Arlene Filippi (I-Filippi1-2)
- Ann Harvey (I-Harvey1-1)
- Cristine Morris (I-Morris2-1)
- Anne Neill (I-Neill-2)
- Marsha and Wolfgang Nonn (I-Nonn1-1)
- Victoria Underwood (I-UnderwoodV2-11)

RESPONSE GC-3: REQUEST FOR DRAFT EIR PUBLIC COMMENT PERIOD EXTENSION

Many of the organizations and individuals who provided oral testimony at the public hearing about the draft EIR, held by the San Francisco Planning Commission on December 13, 2018, as well as organizations and individuals who provided written comments, requested an extension of the public comment period for the draft EIR, although there were also a few people who did not support the extension.

The planning commission, in consultation with the Environmental Review Officer, agreed to the request as allowed under the CEQA Guidelines and chapter 31 of the administrative code and, at the hearing, extended the comment period for 15 days. The close of the public comment was therefore extended from December 24, 2018, to January 8, 2019 (see Draft EIR Hearing Transcript pp. 91-93 in RTC Attachment A).

COMMENT GC-4: GENERAL COMMENTS

“Page 4.E.17: Under the AIR QUALITY part of the DEIR is this statement: “...The closest nonresidential sensitive receptors include Laurel Hill Nursery School, San Francisco University High School – South Campus, Little School, Havurah Youth Center, the Helen Diller Family Preschool at the Jewish Community Center of San Francisco, the Menorah Park Assisted Living Senior Housing Complex, and the Chibi Chan Preschool at the Booker T. Washington Community Center...” What are the comments from these groups on this project?” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-42]*)

“Table NO-8, Page 12 by RAMBOLL should say “Bush Street” rather than “Bust (sic) Street.” Please correct.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-46]*)

5. Comments and Responses
M. General Comments

“Page 546 of 776 (pdf page count – would help if the document had page numbers *on* the document) has a DBI violations letter dated 6/19/62 to Edwin & Joanna Roberts, 1149 Dolores St., for the location 3515-1/2 – 3519 24th St. but I do not see the connection to 3333 California St. in this DEIR. I do not understand why it is included. This should have been and be stricken from the DEIR as being irrelevant to 3333 California.” (*Rose Hillson, Letter, January 8, 2019 [I-Hillson2-53]*)

“2. Whether the San Francisco economy supports the number of units being proposed by the developer, as it current trends indicate that there is an over supply of housing units, young working people leaving San Francisco (and California) and an eventual downturn in the tech bubble, on which San Francisco over-relies for its economy at present.” (*Cristina Morris, Email, December 10, 2018 [I-Morris1-6]*)

RESPONSE GC-4: GENERAL COMMENTS

One comment asks if comments were received from nonresidential sensitive receptors identified in EIR Section 4.E, Air Quality – local schools and preschools, a youth center, and a senior housing facility.

All comments received on the draft EIR are presented in RTC Attachment A: Public Hearing Transcript Comments, RTC Attachment B: Draft EIR Comment Letters and Emails, and Attachment C: Comment Letters and E-mails Received After Close of Public Comment Period. Among them are letters from Craig Salgado representing the Jewish Community Center of San Francisco, which operates the Hellen Diller Family Preschool and Havurah Youth Center (see Letters O-JCCSF-1, 2, 3, and 4 in RTC Attachment B). No other comments were received from representatives of the facilities listed in the comment.

One comment presents an editorial text correction on Table NO-8 of Appendix E, Noise Measurement and Calculation Data prepared by Ramboll, and another questions the relevance of a building permit record in Appendix C, Historic Architectural Resources Evaluations, pertaining to 1149 Dolores Street. These comments do not pertain to the factual accuracy and adequacy of the environmental impact analysis presented in the EIR.

One comment requests an analysis of whether the city’s economy would support the number of units being proposed by the developer, asserting that current trends indicate there is an oversupply of housing units, young workers are leaving the city, and economic downturns may happen in the future. The comment does not present any evidence in support of the assertion that the city has an oversupply of housing units. As stated, in the initial study on p. 118, the City’s projected housing need from 2014 to 2022 is 28,869 residential units according to the ABAG’s Regional Housing Needs Plan for the San Francisco Bay Area: 2014-2022. The proposed project would contribute 558 units and the project variant would contribute 744 units, fulfilling a portion of the City’s overall Regional Housing Needs Allocation goal.

6. DEIR REVISIONS

A. INTRODUCTION

This section presents text changes for the 3333 California Street Mixed-Use Project Draft Environmental Impact Report initiated by planning department staff. Some of these changes are specific revisions identified in the responses in Section 4: Master Response – Transportation and Circulation and in Section 5: Comments and Responses. Other text changes are minor modifications identified in Responses to Comments Section 2: Revisions and Clarifications to the Project Description that clarify material in EIR Chapter 2, Project Description. The remainder are staff-initiated text changes that add minor information or clarification related to the proposed project or project variant and correct minor inconsistencies and errors. The text revisions clarify, expand, or update the information presented in the draft EIR. The revised text does not provide new information that would result in any new significant impact not already identified in the EIR and initial study or any substantial increase in the severity of an impact identified in the EIR and initial study. In addition to the changes called out below, minor changes may be made to the Final EIR to correct typographical errors and small inconsistencies.

In the revisions shown below, new text is double-underlined and deletions are shown in ~~strikethrough~~. Staff-initiated text changes are distinguished from changes called out in the RTC sections by an asterisk (*) in the left margin. EIR figures and tables are marked with “(New)” or “(Revised)” before their title.

B. REVISIONS TO THE SUMMARY CHAPTER

In Table S.1: Summary of Impacts of Proposed Project or Project Variant Identified in the EIR, the last paragraph of Mitigation Measure M-CR-1a: Documentation of Historical Resource, shown on the top of p. S.8, has been revised, as follows (new text is double-underlined and deletions are shown in ~~strikethrough~~):

(Revised) Table S.1: Summary of Impacts of Proposed Project Identified in the EIR
[Excerpt]

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
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Legend: NI = No Impact; LTS = Less than significant or negligible impact, no mitigation required; S = Significant; SM = Significant but mitigable; SU = Significant and unavoidable adverse impact, no feasible mitigation; SUM = Significant and unavoidable impact after mitigation; NA = Not Applicable

Section 4.B, Cultural Resources (Historic Architectural Resources) [EXCERPT]			
CR-1: The proposed project or project variant would cause a substantial adverse change	S	Mitigation Measure M-CR-1a: Documentation of Historical Resource ... The project sponsor shall transmit such documentation to the History Room of the San Francisco Public Library, San Francisco Architectural Heritage, the	SUM

6. DEIR Revisions

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
in the significance of a historical resource as defined in section 15064.5 of the CEQA Guidelines.		Planning Department, and the Northwest Information Center. The HABS/HALS documentation scope will determine the requested documentation type for each facility, and the project sponsor will conduct outreach to identify other interested groups <u>repositories</u> . All documentation will be reviewed and approved by the Planning Department’s Preservation staff before any demolition or site permit is granted for the affected historical resource.	

Legend: NI = No Impact; LTS = Less than significant or negligible impact, no mitigation required; S = Significant; SM = Significant but mitigable; SU = Significant and unavoidable adverse impact, no feasible mitigation; SUM = Significant and unavoidable impact after mitigation; NA = Not Applicable

- * In Table S.1, a new sentence has been added on p. S.12 after the second complete paragraph of Mitigation Measure M-TR-4: Monitor and Provide Fair-Share Contribution to Improve 43 Masonic Capacity, as follows (new text is double-underlined):

(Revised) Table S.1: Summary of Impacts of Proposed Project Identified in the EIR [Excerpt]

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
Section 4.C, Transportation and Circulation [EXCERPT]			
TR-4: The proposed project or project variant would result in an adverse transit capacity utilization impact for Muni route 43 Masonic during the weekday a.m. peak hour under baseline conditions.	S	<p>Mitigation Measure M-TR-4: Monitor and Provide Fair-Share Contribution to Improve 43 Masonic Capacity</p> <p>The fair share contribution as documented in EIR Appendix D shall not exceed the following amounts across all phases. Payment of the following fair share contribution levels would mitigate the impacts of the estimated transit ridership added by full development of the proposed project or project variant.</p> <ul style="list-style-type: none"> • Proposed Project – \$182,227 • Project Variant – \$218,390 <p><u>These amounts shall be increased by consumer price index per year plus a one-time escalation of 0.5 percent.</u></p>	SUM

In Table S.1, the first sentence of the first bullet on p. S.19 (the seventh bullet of Mitigation Measure M-NO-1: Construction Noise Control Measures) has been revised, as follows (new text is double-underlined and deletions are shown in ~~strikethrough~~):

**(Revised) Table S.1: Summary of Impacts of Proposed Project Identified in the EIR
[Excerpt]**

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
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Legend: NI = No Impact; LTS = Less than significant or negligible impact, no mitigation required; S = Significant; SM = Significant but mitigable; SU = Significant and unavoidable adverse impact, no feasible mitigation; SUM = Significant and unavoidable impact after mitigation; NA = Not Applicable

Section 4.D, Noise and Vibration [EXCERPT]			
NO-1: 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.	S	Mitigation Measure M-NO-1: Construction Noise Control Measures ... <ul style="list-style-type: none"> • During the excavation component of all construction phases and during building construction (framing of structure and major exterior work) of the Euclid and Masonic buildings, the Laurel Duplexes, and the Mayfair Building, prepare and implement a daytime construction-noise monitoring program (e.g., 7 a.m. to 7 p.m. during weekdays, and 7 a.m. to 3 p.m. on Saturdays <u>and all other times that excavation or major exterior construction of the identified buildings occurs</u>). ... 	SUM

In Table S.1, the first sentence in the first paragraph under “Plan Review, Implementation, and Reporting” on p. S.20 under Mitigation Measure M-NO-1: Construction Noise Control Measures has been revised, as follows (new text is double-underlined):

**(Revised) Table S.1: Summary of Impacts of Proposed Project Identified in the EIR
[Excerpt]**

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
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Legend: NI = No Impact; LTS = Less than significant or negligible impact, no mitigation required; S = Significant; SM = Significant but mitigable; SU = Significant and unavoidable adverse impact, no feasible mitigation; SUM = Significant and unavoidable impact after mitigation; NA = Not Applicable

Section 4.D, Noise and Vibration [EXCERPT]			
NO-1: 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	S	Mitigation Measure M-NO-1: Construction Noise Control Measures <u>Plan Review, Implementation, and Reporting</u> The Noise Control Plan shall be reviewed and approved by the San Francisco <u>Department of Public Health and Planning Department</u> prior to implementation. Noise monitoring shall be completed by a qualified noise consultant.	SUM

6. DEIR Revisions

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
temporary or periodic increase in ambient noise levels.			

Legend: NI = No Impact; LTS = Less than significant or negligible impact, no mitigation required; S = Significant; SM = Significant but mitigable; SU = Significant and unavoidable adverse impact, no feasible mitigation; SUM = Significant and unavoidable impact after mitigation; NA = Not Applicable

In Table S.1, a new paragraph has been added to the end of Mitigation Measure M-NO-3: Stationary Equipment Noise Controls, on pp. S.22-S-23, as follows (new text is double-underlined):

(Revised) Table S.1: Summary of Impacts of Proposed Project Identified in the EIR [Excerpt]

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
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Legend: NI = No Impact; LTS = Less than significant or negligible impact, no mitigation required; S = Significant; SM = Significant but mitigable; SU = Significant and unavoidable adverse impact, no feasible mitigation; SUM = Significant and unavoidable impact after mitigation; NA = Not Applicable

Section 4.D, Noise and Vibration [EXCERPT]			
<p>NO-3: Operation of the proposed project or project variant 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.</p>	S	<p>Mitigation Measure M-NO-3: Stationary Equipment Noise Controls</p> <ul style="list-style-type: none"> Noise attenuation measures shall be incorporated into all stationary equipment (including HVAC equipment) installed on all buildings that include such stationary equipment as necessary to meet noise limits specified in Section 2909 of the Police Code. Interior noise limits shall be met under both existing and future noise conditions. Noise attenuation measures could include provision of sound enclosures/barriers, addition of roof parapets to block noise, increasing setback distances from sensitive receptors, provision of louvered vent openings, and location of vent openings away from adjacent residential uses. <p><u>After completing installation of the HVAC equipment but before receipt of the Final Certificate of Occupancy for each building, the project sponsor shall conduct noise measurements to ensure that the noise generated by stationary equipment complies with section 2909 (a) and (d) of the San Francisco Noise Ordinance. No Final Certificate of Occupancy shall be issued for any building until the standards in the Noise Ordinance are shown to be met for that building.</u></p>	SM

* In Table S.2: Summary of Significant Impacts of Proposed Project or Project Variant Identified in the Initial Study, the paragraph under “Human Remains and Associated or Unassociated Funerary Objects” on pp. S.32-S.33 under Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reporting has been revised, as follows, to clarify existing procedures and requirements (new text is double-underlined and deletions are shown in ~~strikethrough~~):

(Revised) Table S.2: Summary of Significant Impacts of Proposed Project or Project Variant Identified in the Initial Study [Excerpt]

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
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Legend: NI = No Impact; LTS = Less than significant or negligible impact, no mitigation required; S = Significant; SM = Significant but mitigable; SU = Significant and unavoidable adverse impact, no feasible mitigation; SUM = Significant and unavoidable impact after mitigation; NA = Not Applicable

Cultural Resources [EXCERPT]			
<p>CR-2: Construction activities of the proposed project or project variant could cause a substantial adverse change in the significance of an archaeological resource.</p>	<p>S</p>	<p>Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reporting ... <u>Human Remains and Associated or Unassociated Funerary Objects</u> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the ERO and the Medical Examiner of the City and County of San Francisco, and in the event of the Medical Examiner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC), who <u>which</u> shall appoint a Most Likely Descendant (MLD). <u>The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98).</u> The archaeological consultant, project sponsor, <u>and</u> ERO, and MLD shall make all reasonable efforts to develop a <u>burial agreement with the MLD, as expeditiously as possible,</u> for the treatment <u>and disposition</u> of, with appropriate dignity, <u>of</u> human remains and associated or unassociated funerary objects <u>(as detailed in CEQA Guidelines section 15064.5(d)).</u> The agreement shall take into consideration the appropriate excavation, removal, recordation, <u>scientific</u> analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. <u>If the MLD agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archaeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the</u></p>	<p>SM</p>

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Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
<i>Legend: NI = No Impact; LTS = Less than significant or negligible impact, no mitigation required; S = Significant; SM = Significant but mitigable; SU = Significant and unavoidable adverse impact, no feasible mitigation; SUM = Significant and unavoidable impact after mitigation; NA = Not Applicable</i>			
		<p><u>remains and associated and unassociated funerary objects shall be reinterred or curated as specified in the agreement. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. However, if the ERO, project sponsor and MLD are unable to reach an agreement on scientific treatment of the remains and associated and unassociated funerary objects, the ERO, with cooperation of the project sponsor, shall ensure that the remains and/or mortuary materials are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance.</u></p> <p>Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity will additionally follow protocols laid out in the Archaeological Research Design and Treatment Plan, the ATP, and any agreement established between the project sponsor, Medical Examiner and the ERO.</p>	

C. REVISIONS TO CHAPTER 1, INTRODUCTION

- * To clarify that the descriptions of the proposed project and project variant have been modified a summary paragraph has been added to EIR Chapter 1, Introduction, after the last paragraph under subsection A. Project Summary on p. 1.2, as follows with new text double-underlined.

Since publication of the draft EIR, the proposed project and project variant have been revised. The primary changes relate to the reduction in the amount of gross square footage devoted to ground-floor retail uses in the California Street buildings, the elimination of retail uses in the Euclid Building, a reduction in the number of vehicle parking spaces for commercial uses; and the reduction in the number of proposed curb cuts on Laurel Street. The project sponsor has also proposed minor changes regarding the size of the publicly accessible open space, the overall amount of excavation and soils to be exported from the project site, the residential dwelling unit mix, the total number of dwelling units in some of the proposed buildings, the number of bicycle parking spaces, and other minor design refinements. Overall the scope of the revised project and revised project variant would be slightly less than the proposed project and its variant analyzed in the draft EIR. Details regarding the revised project and revised variant are provided in RTC Section 2, Revisions and Clarifications to the Project Description. As described in that section, these minor revisions do not result in new significant impacts nor do they increase the severity of any significant impacts identified in the EIR.

D. REVISIONS TO CHAPTER 2, PROJECT DESCRIPTION

- * To clarify the information in the EIR regarding the fact that the site is not listed on the California Register as part of the larger Laurel Hill Cemetery, the third sentence in the first full paragraph on EIR p. 2.2 has been modified as follows (new text is double-underlined):

Although the Laurel Hill Cemetery is California Historical Landmark 760, it is not listed in the California Register of Historical Resources as California Historical Landmark 760.⁴

[Footnote 4 on EIR p. 2.2]

- ⁴ Per California Public Resources Code section 5031(a): “All landmark registrations up to and including Register No. 769, which were approved without the benefit of criteria, shall be approved only if the landmark site conforms to the existing criteria as determined by the California Historical Landmarks Advisory Committee or as to approvals on or after January 1, 1975, by the State Historical Resources Commission.”

- * To clarify that the descriptions of the proposed project and project variant have been modified a summary paragraph has been added to EIR Chapter 2, Project Description, after the first partial paragraph under subsection A. Project Overview, Introduction, on p. 2.6, as follows with new text double-underlined.

Since publication of the draft EIR, the proposed project and project variant have been revised. The primary changes relate to the reduction in the amount of gross square footage devoted to ground-floor retail uses in the California Street buildings, the elimination of retail uses in the Euclid Building, a reduction in the number of vehicle parking spaces for commercial uses; and the reduction in the number of proposed curb cuts on Laurel Street. The project sponsor has also proposed minor changes regarding the size of the publicly accessible open space, the overall amount of excavation and soils to be exported from the project site, the residential dwelling unit mix, the total number of dwelling units in some of the proposed buildings, the number of bicycle parking spaces, and other minor design refinements. Overall the scope of the revised project and revised project variant would be slightly less than the proposed project and its variant analyzed in the draft EIR. Details regarding the revised project and revised variant are provided in RTC Section 2, Revisions and Clarifications to the Project Description. As described in that section, these minor revisions do not result in new significant impacts nor do they increase the severity of any significant impacts identified in the EIR.

- * The second bullet under the description of circulation changes at the end of p. 2.74, which continues to EIR p. 2.75, has been revised to correct the width of the existing curb cut on Presidio Avenue as follows (new text is double-underlined and deletions are shown in ~~striketrough~~):

- The existing ~~28, 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 office, retail, child care, and residential parking uses as well as commercial parking.

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- * New text has been added after the first sentence under “Anticipated Approvals” on p. 2.105 to clarify that the project variant would request a different amendment to the height map than the proposed project as follows (new text is double-underlined):

Implementation of the proposed project or project variant would require changes to existing development controls for the project site through planning code, and zoning map amendments including changes to allow office and retail as permitted uses and changes to allow increased heights along California Street (increasing from 40 to 45 feet to accommodate higher ceilings for ground-floor retail uses), and 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. The height map amendment under the project variant would include a request for increased heights along California Street (increasing from 40 to 67 feet to accommodate the proposed Walnut Building). The project sponsor would seek to create a new Special Use District (SUD), which would require a recommendation by the Planning Commission and approval by the Board of Supervisors....

- * To clarify that under the project variant, a different amendment to the height map than that requested under the proposed project would be requested the third bullet under the “Actions by the City Planning Commission” on p. 2.106 has been modified as follows (new text is double-underlined and deletions are shown in ~~striketrough~~):

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, ~~and~~ 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,~~ for the project variant only, along California Street at the location of the Walnut Building east of Walnut Street (from 40 to 67 feet).

- * To clarify that under the proposed project or project variant, removal and replacement of street and significant trees would be consistent with the standards in the Urban Forestry Ordinance and would be addressed as part of the major encroachment permit recommended by public works and adopted by the board of supervisors by ordinance, a new bullet has been added at the end of the list of approval actions under the “Actions by the San Francisco Board of Supervisors” on p. 2.107 as follows (new text is double-underlined):

- Adoption of an ordinance approving a major encroachment permit that would include sidewalk improvements along with the removal and replacement of street and significant trees

E. REVISIONS TO CHAPTER 4, ENVIRONMENTAL SETTING AND IMPACTS

SECTION 4.A, INTRODUCTION TO ENVIRONMENTAL SETTING AND IMPACTS

The second sentence of the last paragraph on p. 4.A.15 has been revised to include the One Fifty Parker Avenue School site as follows (new text is double-underlined):

The nearby daycare facilities include the Hellen Diller Family Preschool at the JCCSF,¹⁸ the Laurel Hill Nursery School and Pre-K at 401 Euclid Avenue, the One Fifty Parker Avenue School at 150 Parker Avenue, and the Chibi Chan Preschool at the Booker T. Washington Community Center.¹⁹

[Footnotes 18 and 19 on EIR p. 4.A.15]

¹⁸ Salgado, Craig, Chief Operating Officer, Jewish Community Center of San Francisco, e-mail correspondence with SWCA Environmental Consultants, October 27, 2017. The preschool serves children under the age of five and has a licensed capacity for 175. Actual enrollment may be greater as not all children are at the center at the same time.

¹⁹ Information available at <http://www.jcyc.org/chibichanpreschool.htm>, accessed May 25, 2018.

SECTION 4.B, CULTURAL RESOURCES (HISTORIC ARCHITECTURAL)

To clarify the outreach component of Mitigation Measure M-CR-1a: Documentation of Historical Resource, the text of the second sentence in the second paragraph under “Softcover Book” on EIR p. 4.B.46 has been modified as follows (new text is double-underlined and deletions are shown in ~~strikethrough~~):

The HABS/HALS documentation scope will determine the requested documentation type for each facility, and the project sponsor will conduct outreach to identify other interested ~~groups~~ repositories.

SECTION 4.C, TRANSPORTATION AND CIRCULATION

Two minor discrepancies between the weekday a.m. peak hour vehicle trips for the proposed project and project variant reported in Table 4.C.14 and in the associated text on EIR p. 4.C.58 exist. To correct the discrepancy related to the proposed project’s weekday a.m. peak hour vehicle-trips, the last sentence of the last paragraph on EIR p. 4.C.57, which continues to EIR p. 4.C.58, has been modified as follows (new text is double-underlined and deletions are shown in ~~strikethrough~~):

...Based on the expected mode share and average vehicle occupancy, the proposed project would generate ~~807~~ 691 vehicle-trips during the weekday a.m. peak hour, and 752 vehicle-trips during the weekday p.m. peak hour.

To correct the discrepancy related to the project variant’s weekday a.m. peak hour vehicle-trips, the last sentence of the first full paragraph on EIR p. 4.C.58 has been modified as follows (new text is double-underlined and deletions are shown in ~~strikethrough~~):

...Based on the expected mode share and average vehicle occupancy, the project variant would generate ~~847~~ 726 vehicle-trips during the weekday a.m. peak hour, and 804 vehicle-trips during the weekday p.m. peak hour.

One minor discrepancy was identified between the parking rate identified for the project transportation analysis zone (TAZ 709) and reported on EIR p. 4.C.77 and the actual parking rate. To correct the discrepancy related to the reported parking rate, in Footnote 82 on EIR p. 4.C.77,

6. DEIR Revisions

the second sentence has been revised to correct this minor discrepancy. This revision is shown below (new text is double-underlined and deletions are shown in ~~striketrough~~):

⁸² The TDM Program assigns points for PKG-4 Parking Supply based upon the multi-unit residential neighborhood parking rate because the residential projects subject to the TDM Program are multi-unit buildings. For TAZ 709, that multi-unit residential neighborhood parking rate is approximately ~~0.90~~ 0.70. For CEQA, the residential neighborhood parking rate accounts for both the single-family and multi-family buildings. Single-family residential buildings tend to have more parking spaces per unit, and TAZ 709 and the surrounding area contain numerous single-family residential buildings. Thus, the CEQA analysis reports a higher residential parking number for TAZ 709 than that used in the TDM Program for assignment of PKG-4 Parking supply points.

- * The second sentence under Impact TR-3 on EIR p. 4.C.81 has been modified to clarify the nature of the potential traffic hazard as follows (new text is double-underlined and deletions are shown in ~~striketrough~~):

...Based on a review of existing conditions, the addition of project-generated traffic could result in queues and potential conflicts with existing traffic operations in the vicinity of the proposed Laurel Street driveway between California Street and Mayfair Drive (see Figure 2.22, p. 2.61). ~~with p~~ Potential conflicts would be between vehicles entering/exiting the Laurel Village Shopping Center surface parking lot and vehicles accessing the proposed project's or project variant's below-grade parking garage from the Laurel Street northernmost driveway could arise. Because of the layout of the Laurel Village Shopping Center surface parking lot, which has a single-lane one-way drive aisle, there is not sufficient room for drivers to bypass queued vehicles waiting to park.

- * To clarify the fair share contribution information in Mitigation Measure M-TR-4: Monitor and Provide Fair-Share Contribution to Improve 43 Masonic Capacity, a new sentence has been added after the two bullets in the third paragraph of the mitigation measure on EIR p. 4.C.87 (new text is shown in double-underline):

The fair share contribution as documented in EIR Appendix D shall not exceed the following amounts across all phases. Payment of the following fair share contribution levels would mitigate the impacts of the estimated transit ridership added by full development of the proposed project or project variant.

- Proposed Project – \$182,227
- Project Variant – \$218,390

These amounts shall be increased by consumer price index per year plus a one-time escalation of 0.5 percent.

SECTION 4.D, NOISE AND VIBRATION

The second sentence of the second paragraph on p. 4.D.11 has been revised to correctly identify the One Fifty Parker Avenue School site as follows (new text is double-underlined):

Although most nearby and adjacent sensitive receptors are residences, there are also several schools/daycare centers within 1,000 feet of the project site, including Laurel Hill Nursery School, San Francisco University High School - South Campus, Little School, Helen Diller

Preschool at the Jewish Community Center of San Francisco, the One Fifty Parker Avenue School, and the Chibi Chan Preschool at the Booker T. Washington Community Center.

To clarify the timing of construction noise monitoring, the text in the seventh bullet in Mitigation Measure M-NO-1: Construction Noise Control Measures, at the end of EIR p. 4.D.42, which continues to EIR p. 4.D.43, has been modified as follows (new text is double-underlined and deletions are shown in ~~strikethrough~~):

- ...During the excavation component of all construction phases and during building construction (framing of structure and major exterior work) of the Euclid and Masonic buildings, the Laurel Duplexes, and the Mayfair Building, prepare and implement a ~~daytime~~ construction-noise monitoring program (e.g., 7 a.m. to 7 p.m. during weekdays, and 7 a.m. to 3 p.m. on Saturdays and all other times that excavation or major exterior construction of the identified buildings occurs).

To clarify that the Noise Control Plan would be reviewed by both the San Francisco Department of Public Health and Planning Department under Mitigation Measure M-NO-1: Construction Noise Control Measures, the first sentence in the first paragraph under “Plan Review, Implementation, and Reporting” on p. 4.D.43 has been revised, as follows (new text is double-underlined):

Plan Review, Implementation, and Reporting

The Noise Control Plan shall be reviewed and approved by the San Francisco Department of Public Health and Planning Department prior to implementation. Noise monitoring shall be completed by a qualified noise consultant.

To clarify the requirements for implementation of Mitigation Measure M-NO-3: Stationary Equipment Noise Controls, on EIR p. 4.D.60, a new second paragraph has been added to the measure as follows (new text is double-underlined):

Noise attenuation measures shall be incorporated into all stationary equipment (including HVAC equipment) installed on all buildings that include such stationary equipment as necessary to meet noise limits specified in Section 2909 of the Police Code. Interior noise limits shall be met under both existing and future noise conditions. Noise attenuation measures could include provision of sound enclosures/barriers, addition of roof parapets to block noise, increasing setback distances from sensitive receptors, provision of louvered vent openings, and location of vent openings away from adjacent residential uses.

After completing installation of the HVAC equipment but before receipt of the Final Certificate of Occupancy for each building, the project sponsor shall conduct noise measurements to ensure that the noise generated by stationary equipment complies with section 2909 (a) and (d) of the San Francisco Noise Ordinance. No Final Certificate of Occupancy shall be issued for any building until the standards in the Noise Ordinance are shown to be met for that building.

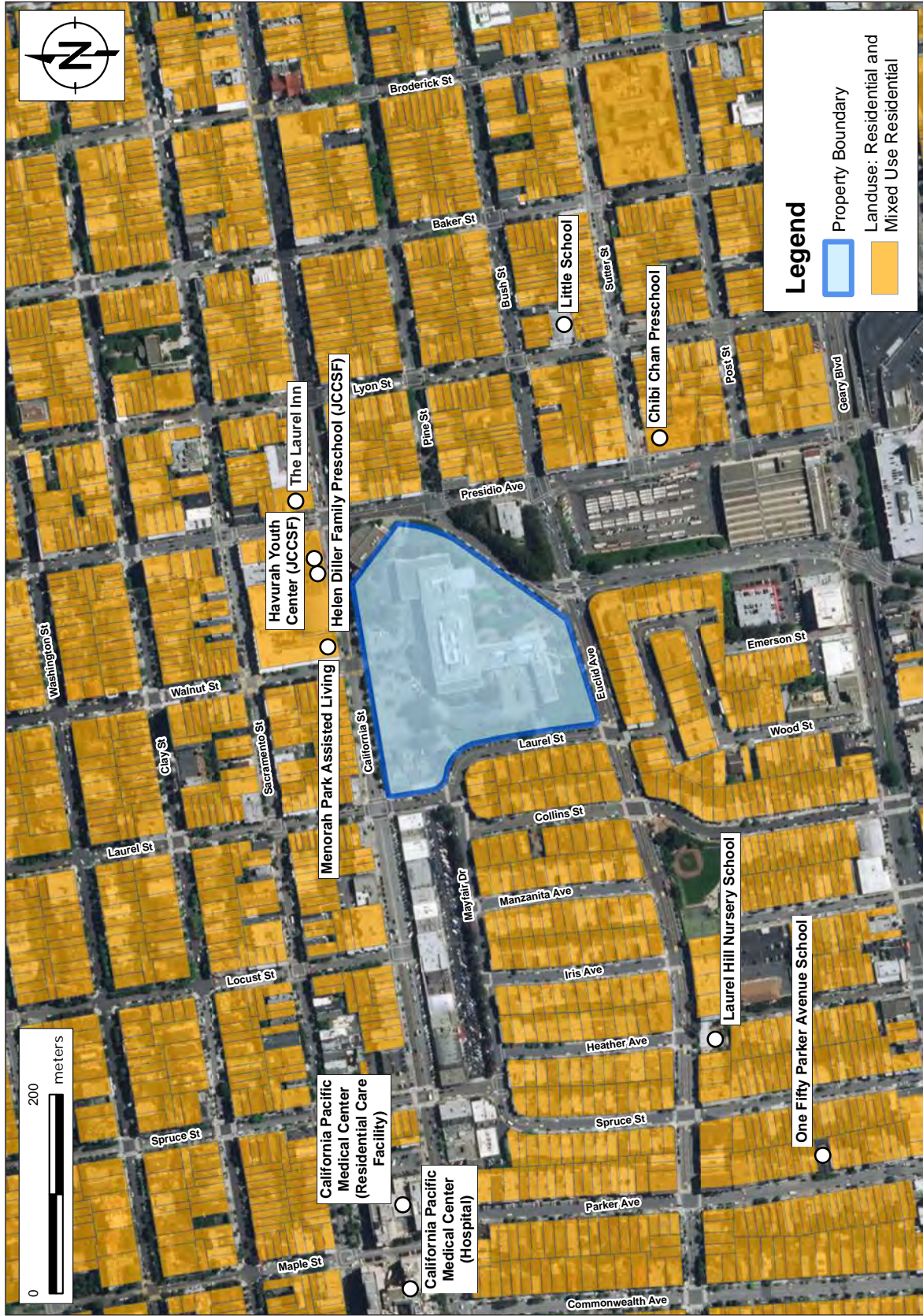
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SECTION 4.E, AIR QUALITY

Figure 4.E.2: Sensitive Receptor Parcels in the Immediate Vicinity of the Project Site, on EIR p. 4.E.30, has been revised to include a label for the One Fifty Parker Avenue School site. The revised figure is shown on the following page.

The fourth sentence of the third paragraph under “Sensitive Receptors” on p. 4.E.17 has been revised to include the One Fifty Parker Avenue School as follows (new text is double-underlined and deletions are shown in ~~striketrough~~):

The closest non-residential sensitive receptors include Laurel Hill Nursery School, San Francisco University High School - South Campus, Little School, Havurah Youth Center, the Helen Diller Family Preschool at the Jewish Community Center of San Francisco, the Menorah Park Assisted Living Senior Housing Complex, the One Fifty Parker Avenue School, and the Chibi Chan Preschool at the Booker T. Washington Community Center.



SOURCE: Ramboll

3333 CALIFORNIA STREET MIXED-USE PROJECT

2015-014028ENV

(REVISED) FIGURE 4.E.2: SENSITIVE RECEPTOR PARCELS IN THE IMMEDIATE VICINITY OF THE PROJECT SITE

SECTION 4.F, INITIAL STUDY SUPPLEMENT

Utilities and Service Systems

To provide information regarding the Bay-Delta Plan Amendment, the uncertainty that emerged after the publication of the draft EIR as to the availability of water supply sources due to the Bay-Delta Plan Amendment, and the plan amendment's ultimate outcome as related to the proposed project and its variant, the following text has been added to the end of EIR Section 4.F, Initial Study Supplement, beginning on p. 4.F.18, to supplement the initial study project- and cumulative-level impact analysis with respect to water supply under the new topic Utilities and Service Systems. Note that in the initial study the project variant's project-level and cumulative water supply impacts are discussed in two separate impact sections. The project-level impacts are discussed under Impact UT-2, on initial study pp. 180-182. The cumulative impacts are discussed under Impact C-UT-1, on initial study pp. 187-188. As noted below, the impact is a cumulative impact. Also, please note that the additional discussion will be added as new text to EIR Section 4.F, Initial Study Supplement, but is not shown with double underline for readability. This text includes new footnotes, which will be renumbered in the final EIR as part of the section.

UTILITIES AND SERVICE SYSTEMS

BACKGROUND ON HETCH HETCHY REGIONAL WATER SYSTEM

San Francisco's Hetch Hetchy regional water system, operated by the SFPUC, supplies water to approximately 2.7 million people. The system supplies both retail customers – primarily in San Francisco – and 27 wholesale customers in Alameda, Santa Clara, and San Mateo counties. The system supplies an average of 85 percent of its water from the Tuolumne River watershed, stored in Hetch Hetchy Reservoir in Yosemite National Park, and the remaining 15 percent from local surface waters in the Alameda and Peninsula watersheds. The split between these resources varies from year to year depending on hydrological conditions and operational circumstances. Separate from the regional water system, the SFPUC owns and operates an in-city distribution system that serves retail customers in San Francisco.

Approximately 97 percent of the San Francisco retail water is supplied by the SFPUC regional water system. The remaining 3 percent is supplied by local water supplies, including recycled water, groundwater and non-potable water.¹

The project site is currently served by this water delivery infrastructure. In 2015, the SFPUC provided an average of approximately 65.6 million gallons per day of water to its in-city retail customers.² The SFPUC considers water users within San Francisco to be its retail customers, served separately from its wholesale customers in Santa Clara, Alameda, San

¹ SFPUC, 2015 Urban Water Management Plan for the City and County of San Francisco, June 2016 (hereinafter "2015 UWMP"), Section 6.2, p. 6-10, <https://www.sfwater.org/modules/showdocument.aspx?documentid=9300>, accessed August 10, 2019.

² Ibid, Section 4.1, Table 4-1, p. 4-5. This is the volume of water provided to San Francisco alone; note that there are a small number of additional retail customers outside of the City, including Groveland in the Sierra Nevada foothills.

Mateo, San Joaquin, and Tuolumne counties. The SFPUC has a projected retail supply of 89.9 million gallons per day through the year 2040 from its regional water system and local water supply sources.³

WATER SUPPLY RELIABILITY AND DROUGHT PLANNING

In 2008, the SFPUC adopted the Phased Water System Improvement Program (WSIP) to ensure the ability of the regional water system to meet certain level of service goals for water quality, seismic reliability, delivery reliability, and water supply through 2018.⁴ The SFPUC's level of service goals for regional water supply are to meet customer water needs in non-drought and drought periods and to meet dry-year delivery needs while limiting rationing to a maximum of 20 percent system-wide. In approving the WSIP, the SFPUC established a supply limitation of up to 265 million gallons per day (mgd) to be delivered from its water supply resources in the Tuolumne, Alameda, and Peninsula watersheds in years with normal (average) precipitation.⁵ The SFPUC's water supply agreement with its wholesale customers provides that approximately two-thirds of this total (up to 184 mgd) is available to wholesale purchasers and the remaining one-third (up to 81 mgd) is available to retail customers. The total amount of water the SFPUC can deliver to retail and wholesale customers in any one year depends on several factors, including the amount of water that is available from natural runoff, the amount of water in reservoir storage, and the amount of that water that must be released from the system for purposes other than customer deliveries (e.g., required instream flow releases below reservoirs). A "normal year" is based on historical hydrological conditions that allow the reservoirs to be filled by rainfall and snowmelt, allowing full deliveries to customers; similarly, a "wet year" and a "dry year" is based on historical hydrological conditions with above and below "normal" rainfall and snowmelt, respectively.

For planning purposes, the SFPUC uses a hypothetical drought that is more severe than what has historically been experienced. This drought sequence is referred to as the "design drought" and serves as the basis for planning and modeling of future scenarios. The design drought sequence used by the SFPUC for water supply reliability planning is an 8.5-year period that combines the following elements to represent a drought sequence more severe than historical conditions:

- Historical Hydrology – a 6-year sequence of hydrology from the historical drought that occurred from July 1986 to June 1992
- Prospective Drought – a 2.5-year period which includes the hydrology from the 1976-77 drought
- System Recovery Period – The last six months of the design drought are the beginning of the system recovery period. The precipitation begins in the fall, and by approximately the month of December, inflow to reservoirs exceeds customer demands and SFPUC system storage begins to recover.

While the most recent drought (2012 through 2016) included some of the driest years on record for the SFPUC's watersheds, the design drought still represents a more severe drought

³ Ibid, Section 7.5, Table 7-4, p. 7-10.

⁴ On December 11, 2018, the SFPUC Commission extended the timing of the WSIP water supply decision through 2028 in its Resolution No. 18-0212.

⁵ SFPUC Resolution No. 08-200, *Adoption of the Water System Improvement Program Phased WSIP Variant*, October 30, 2008.

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in duration and overall water supply deficit. Based on historical records of hydrology and reservoir inflow from 1920 to 2017, current delivery and flow obligations, and fully-implemented infrastructure under the WSIP, normal or wet years occurred 85 out of 97 years. This translates into roughly nine normal or wet years out of every 10 years. Conversely, system-wide rationing is required roughly one out of every 10 years. The frequency of dry years is expected to increase as climate change intensifies, potentially requiring greater levels of rationing, which may change the amount or frequency of rationing required. The exact level of rationing that the SFPUC will impose is not ascertainable at this time because the effect that climate change has on the SFPUC water supply systems are unknown.

2015 URBAN WATER MANAGEMENT PLAN

The California Urban Water Management Planning Act⁶ requires urban water supply agencies to prepare *urban water management plans* to plan for the long-term reliability, conservation, and efficient use of California's water supplies to meet existing and future demands. The act requires water suppliers to update their plans every five years based on projected growth for at least the next 20 years.

Accordingly, the current urban water management plan for the City and County of San Francisco is the 2015 Urban Water Management Plan update.⁷ The 2015 plan update presents information on the SFPUC's retail and wholesale service areas, the regional water supply system and other water supply systems operated by the SFPUC, system supplies and demands, water supply reliability, Water Conservation Act of 2009 compliance, water shortage contingency planning, and water demand management.

The water demand projections in the 2015 plan reflect anticipated population and employment growth, socioeconomic factors, and the latest conservation forecasts. For San Francisco, housing and employment growth projections are based on the San Francisco Planning Department's Land Use Allocation 2012 (see 2015 Urban Water Management Plan, Appendix E, Table 5, p. 21), which in turn is based on the Association of Bay Area Governments (ABAG) growth projections through 2040.⁸ The 2015 plan presents water demand projections in five-year increments over a 25-year planning horizon through 2040. Growth associated with the proposed project or its variant was encompassed within the Land Use Allocation 2012. The SFPUC will prepare the next update – the 2020 Urban Water Management Plan update – for adoption in 2021. The 2020 update will consider updated population and employment projections and anticipated water supply and demand through 2045.

The 2015 plan compares anticipated water supplies to projected demand through 2040 for normal, single-dry, and multiple-dry water years. Retail water supplies are comprised of regional water system supply, groundwater, recycled water, and non-potable water. Under normal hydrologic conditions, the total retail supply is projected to increase from 70.1 mgd in 2015 to 89.9 mgd in 2040. According to the plan, available and anticipated future water supplies would fully meet projected demand in San Francisco through 2040 during normal years.

⁶ California Water Code, division 6, part 2.6, sections 10610 through 10656, as last amended in 2015.

⁷ San Francisco Public Utilities Commission, *2015 Urban Water Management Plan for the City and County of San Francisco*, June 2016, <https://sfwater.org/index.aspx?page=75>, accessed August 20, 2019.

⁸ Association of Bay Area Governments, *Jobs-Housing Connection Strategy*, May 2012.

On December 11, 2018, by Resolution No. 18-0212, the SFPUC amended its 2009 Water Supply Agreement between the SFPUC and its wholesale customers. That amendment revised the Tier 1 allocation in the Water Supply Allocation Plan to require a minimum reduction of 5 percent of the regional water system supply for San Francisco retail customers whenever system-wide reductions are required due to dry-year supply shortages.⁹ When accounting for the requirements of this recently amended agreement, existing and planned supplies would meet projected retail water system demands in all years except for an approximately 3.6 to 6.1 mgd or 5.0 to 6.8 percent shortfall during dry years through the year 2040. The 6.8 percent shortfall is expected to occur during years seven and eight of the 8.5-year design drought based on 2040 demand levels. This relatively small shortfall is primarily due to implementation of the amended 2009 water supply agreement. In such an event, the SFPUC would implement the SFPUC's Retail Water Shortage Allocation Plan and could manage this relatively small shortfall by prohibiting certain discretionary outdoor water uses and/or calling for voluntary rationing among all retail customers. Based on experience in past droughts, retail customers could reduce water use to meet this projected level of shortfall. The required level of rationing is well below the SFPUC's regional water supply level of service goal of limiting rationing to no more than 20 percent on a system-wide basis.

Based on the 2015 Urban Water Management Plan, as modified by the 2018 amendment to the 2009 Water Supply Agreement, sufficient retail water supplies would be available to serve projected growth in San Francisco through 2040. While concluding supply is sufficient, the 2015 Urban Water Management Plan also identifies projects that are underway or planned to augment local supply. Projects that are underway or recently completed include the San Francisco Groundwater Supply Project and the Westside Recycled Water Project. A more current list of potential regional and local water supply projects that the SFPUC is considering is provided below under Additional Water Supplies.

In addition, the plan describes the SFPUC's ongoing efforts to improve dry-year water supplies, including participation in Bay Area regional efforts to improve water supply reliability through projects such as interagency interties, groundwater management and recharge, potable reuse, desalination, and water transfers. While no specific capacity or supply has been identified, this program may result in future supplies that would benefit SFPUC customers.

2018 BAY-DELTA PLAN AMENDMENT

In December 2018 the state water board adopted the Bay-Delta Plan Amendment, which establishes water quality objectives to maintain the health of the rivers and the Bay-Delta ecosystem.¹⁰ Implementation of the Bay-Delta Plan Amendment would result in substantial dry-year water supply shortfalls throughout the SFPUC's regional water system service area, including San Francisco. The 2015 Urban Water Management Plan assumes limited rationing for retail customers may be needed in multiple dry years to address an anticipated supply shortage by 2040; the 2018 amendment to the 2009 Water Supply Agreement with wholesale customers would slightly increase rationing levels indicated in the 2015 plan. By comparison, implementation of the Bay-Delta Plan Amendment would result in supply shortfalls in all

⁹ SFPUC, Resolution No. 18-0212, December 11, 2018.

¹⁰ State Water Resources Control Board Resolution No. 2018-0059, *Adoption of Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Final Substitute Environmental Document*, December 12, 2018, https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf, accessed August 20, 2019.

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single dry years and multiple dry years and rationing to a greater degree than previously anticipated to address supply shortages not accounted for in the 2015 Urban Water Management Plan or as a result of the 2018 amendment to the 2009 Water Supply Agreement.

The state water board has stated that it intends to implement the plan amendment by the year 2022, assuming all required approvals are obtained by that time. However, at this time, the implementation of the Bay-Delta Plan Amendment is uncertain for several reasons, as described below.

First, under the federal Clean Water Act, the United States Environmental Protection Agency (U.S. EPA) must approve the water quality standards identified in the plan amendment within 90 days from the date the approval request is received. By letter dated June 11, 2019, the U.S. EPA rejected the state water board's two-page submittal as inadequate under the requirements of the Clean Water Act. Pursuant to the U.S. EPA's letter, the state water board has 90 days to respond with a submittal that complies with the law. At this point, the U.S. EPA has neither approved, nor disapproved, any of the revised water quality objectives. It is uncertain what determination the U.S. EPA will make regarding the water quality standards in the future and its decision could result in litigation.

Second, since adoption of the Bay-Delta Plan Amendment, over a dozen lawsuits have been filed in state and federal court, challenging the water board's adoption of the plan amendment, including legal challenges filed by the federal government at the request of the U.S. Bureau of Reclamation. That litigation is in the early stages, and there have been no dispositive court rulings as of this date.

Third, the Bay-Delta Plan Amendment is not self-executing and does not allocate responsibility for meeting its new flow requirements to the SFPUC or any other water rights holders. Rather, the plan amendment merely provides a regulatory framework for flow allocation, which must be accomplished by other regulatory and/or adjudicatory proceedings, such as a comprehensive water rights adjudication or, in the case of the Tuolumne River, the Clean Water Act, section 401 certification process in the Federal Energy Regulatory Commission's relicensing proceeding for Don Pedro Dam. The license amendment process is currently expected to be completed in the 2022-2023 timeframe. This process and other regulatory and/or adjudicatory proceeding would likely face legal challenges and have lengthy timelines, and quite possibly could result in a different assignment of flow responsibility for the Tuolumne River than currently exists (and therefore a different water supply effect on the SFPUC).

Fourth, in recognition of the obstacles to implementation of the Bay-Delta Plan Amendment, the water board directed its staff to help complete a "Delta watershed-wide agreement, including potential flow measures for the Tuolumne River" by March 1, 2019, and to incorporate such agreements as an "alternative" for a future amendment to the Bay-Delta Plan to be presented to the [water board] as early as possible after December 1, 2019." In accordance with the water board's instruction, on March 1, 2019, the SFPUC, in partnership with other key stakeholders, submitted a proposed project description for the Tuolumne River that could be the basis for a voluntary agreement with the state water board that would serve as an alternative path to implementing the Bay-Delta Plan's objectives. On March 26, 2019, the SFPUC adopted Resolution No. 19-0057 to support its participation in the voluntary agreement negotiation process. In a written progress report to the Voluntary Agreement Plenary Participants dated July 1, 2019, the California secretaries for Environmental Protection and for Natural Resources stated that the collective state agencies should be able

“to determine the adequacy” of the various proposed voluntary agreements, including the proposed Tuolumne Voluntary Agreement, by October 15, 2019, and that if the state team recommends the voluntary agreements to the state water board, then (1) scientific peer review of the voluntary agreements would be completed by the spring of 2020, and (2) a draft CEQA document would be released for public comment in the summer of 2020, with a finalized CEQA document completed the following year.

For these reasons, whether, when, and the form in which the Bay-Delta Plan Amendment will be implemented, and how those amendments will affect the SFPUC’s water supply, is currently unknown.

Additional Water Supplies

In light of the adoption of the Bay-Delta Plan Amendment and the resulting potential limitation to the SFPUC’s regional water system supply during dry years, the SFPUC is expanding and accelerating its efforts to develop additional water supplies and explore other projects that would improve overall water supply resilience. Developing these supplies would reduce water supply shortfalls and reduce rationing associated with such shortfalls. The SFPUC has taken action to fund the study of additional water supply projects, which are listed below:

- Daly City Recycled Water Expansion
- Alameda County Water District Transfer Partnership
- Brackish Water Desalination in Contra Costa County
- Alameda County Water District-Union Sanitary District Purified Water Partnership
- Crystal Springs Purified Water
- Eastside Purified Water
- San Francisco Eastside Satellite Recycled Water Facility
- Additional Storage Capacity in Los Vaqueros Reservoir from Expansion
- Calaveras Reservoir Expansion

The capital projects that are under consideration would be costly and are still in the early feasibility or conceptual planning stages. One or more of these projects may require additional environmental review. These projects would take 10 to 30 or more years to implement and would require environmental permitting negotiations, which may reduce the amount of water that can be developed. The yield from these projects is unknown and not currently incorporated into SFPUC’s supply projections.

In addition to capital projects, the SFPUC is also considering developing related water demand management policies and ordinances, such as funding for innovative water supply and efficiency technologies and requiring potable water offsets for new developments.

APPROACH TO ANALYSIS

Under sections 10910 through 10915 of the California Water Code, urban water suppliers like the SFPUC must prepare water supply assessments for certain large projects, as defined in

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CEQA Guidelines section 15155.¹¹ Water supply assessments rely on information contained in the water supplier's urban water management plan and on the estimated water demand of both the proposed project and projected growth within the relevant portion of the water supplier's service area. As a residential development with 558 or 744 dwelling units, the project or its variant, meets the definition of a water demand project under CEQA and requires a water supply assessment. The project-specific analysis of impacts on water supply facilities is provided below.

On June 13, 2017, the SFPUC approved a water supply assessment for the proposed project and determined that it has adequate supplies to meet project demand.¹² Due to the adoption of the Bay-Delta Plan Amendment in December 2018, the water supply assessment for the project has been updated and the analysis for Utilities and Service Systems has been supplemented to account for this action. In addition, the revised water supply assessment accounts for the project and variant revisions described in detail in RTC Section 2 on pp. 2.2-2.29. The water demand estimates for the proposed project and its variant increased from those provided in the water supply assessment approved by the SFPUC on June 13, 2017. On June 11, 2019, the SFPUC approved a revised water supply assessment prepared for the modified project.^{13,14}

The analysis of water supply capacity is based on review of SFPUC data on water supply (principally the commission's current 2015 Urban Water Management Plan); demand is calculated largely based on SFPUC-generated demand factors (furnished by SFPUC's district-scale non-potable water calculator version 7.1). The water supply assessment for the proposed project and its variant identifies the total water demand under either scenario, including a breakdown of potable and non-potable water demands. The proposed project and its variant are subject to San Francisco's Non-potable Water Ordinance (article 12C of the San Francisco Health Code). The Non-potable Water Ordinance requires new commercial, mixed-use, and multi-family residential development projects with 250,000 square feet or

¹¹ Pursuant to CEQA Guidelines section 15155(1), "a water-demand project" means:

(A) A residential development of more than 500 dwelling units.

(B) A shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.

(C) A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor area.

(D) A hotel or motel, or both, having more than 500 rooms, (e) an industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

(F) a mixed-use project that includes one or more of the projects specified in subdivisions (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(G) of this section.

(G) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

¹² SFPUC, Water Supply Assessment for the 3333 California Street Project, June 13, 2017.

¹³ SFPUC, Revised Water Supply Assessment for the 3333 California Street Project, June 11, 2019.

¹⁴ After the SFPUC approved the revised water supply assessment on June 11, 2019, SFPUC staff identified minor discrepancies related to non-residential square footages in the water demand estimate calculations. Subsequently, the project sponsor prepared updated water demand estimate calculations for SFPUC staff review. On July 26, 2019, Steven R. Ritchie, Assistant General Manager for the SFPUC Water Enterprise, confirmed that a revised Water Supply Assessment is not required because the Water Supply Assessment approved by the SFPUC on June 11, 2019 continues to apply to the project variant. The updated water demands are slightly lower than previously estimated, but the difference is not discernible when reported in units of million gallons per day (mgd).

more of gross floor area to install and operate an onsite non-potable water system. Such projects must meet their toilet and urinal flushing and irrigation demands through the collection, treatment, and use of available graywater, rainwater, and foundation drainage.

The proposed project and project variant would be designed to incorporate water-conserving measures, such as low-flush toilets and urinals, as required by California State Building Code section 402.0(c); residential submetering, as required by California Water Code sections 537-537.5 as added in 2016 by Senate Bill No.7;^{15,16} and a rainwater and graywater system, as required by San Francisco's Non-Potable Water Ordinance, that would supply up to 30 percent of the total water demand.¹⁷ These measures have been included in the revised water supply assessment calculations.

Because the project variant would have more residents and use more water than the proposed project, it would have the most conservative water demand estimate and would encompass the demands estimated for the proposed project because it includes additional residential units. Therefore, this discussion uses the water demand estimates for the project variant. The project variant's total water demand would be 0.084 mgd, (of which 0.020 mgd could be met by non-potable water). Accordingly, approximately 24.3 percent of the project variant's total water demand would be met by non-potable water in 2040.

Impact UT-1: Sufficient water supplies are available to serve the proposed project or its variant 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 proposed project or its variant would not make a considerable contribution to impacts from increased rationing. (Less than Significant)

Construction Water

During construction, water would be required for dust control during grading and demolition, concrete curing, pressure washing, and other uses. The project sponsor and general contractor would minimize the use of potable water to the extent feasible, and would comply with Ordinance 175-91, which requires that non-potable water be used for dust-control activities when feasible.¹⁸ Non-potable water may not be used for demolition, pressure washing, or dust control through aerial spraying. Water use during construction would be short term and temporary and would not require the SFPUC to develop new or expanded water supply resources or entitlements. This impact would be less than significant.

¹⁵ SFPUC, Residential Water Submetering Webpage, 2019, <https://sfwater.org/index.aspx?page=1186>, accessed August 20, 2019.

¹⁶ California Legislative Information, SB-7 Housing: water meters: multiunit structures, Chapter 623, 2016, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB7, accessed August 20, 2019.

¹⁷ SFPUC, Non-Potable Water Program, <https://sfwater.org/index.aspx?page=686>, accessed August 20, 2019.

¹⁸ City and County of San Francisco, San Francisco Public Works Code, Article 21: Restriction of Use of Potable Water for Soil Compaction and Dust Control Activities, 1991, <https://www.sfwater.org/modules/showdocument.aspx?documentid=1295>, accessed August 20, 2019.

Operational Water Demand Estimates

The project variant's anticipated potable water demand would contribute 0.07 percent to the projected total retail demand in 2040. Similarly, the project's total water demand, which does not account for savings anticipated through compliance with the non-potable water ordinance, would represent 0.09 percent of the total retail demand in 2040. Thus, the project variant represents a small fraction of the total projected water demand in San Francisco in 2040.

Future retail (citywide) water demand through 2040 is estimated based on the population and employment growth projections contained in the planning department's Land Use Allocation 2012. The proposed project or its variant represents a portion of the planned growth accounted for in Land Use Allocation 2012. Therefore, the proposed project's or its variant's demand is incorporated in the 2015 Urban Water Management Plan.

Due to the 2018 Bay Delta Plan Amendment, the project variant's water demand estimates are considered under three water supply scenarios. The following scenarios evaluate the ability of the water supply system to meet the demand of the project variant, in combination with both existing development and projected growth in San Francisco.

- Scenario 1: Current Water Supply
- Scenario 2: Bay-Delta Plan Voluntary Agreement
- Scenario 3: 2018 Bay-Delta Plan Amendment

As discussed below, water supplies would be available to meet the demand of the project variant in combination with both existing development and projected growth in San Francisco through 2040 under each of these water supply scenarios with varying levels of rationing during dry years.

Scenario 1 – Current Water Supply

Scenario 1 assumes no change to the way in which water is supplied, and that neither the Bay-Delta Plan Amendment nor a Bay-Delta Plan Voluntary Agreement would be implemented. Thus, the water supply and demand assumptions contained in the 2015 Urban Water Management Plan and the 2009 Water Supply Agreement as amended would remain applicable for the proposed project and its variant. As stated above, the proposed project or its variant is accounted for in the demand projections in the 2015 Urban Water Management Plan.

Under Scenario 1, water supplies would be available to meet the demand of the project variant during normal, single dry, and multiple dry years.

Scenario 2 – Bay-Delta Plan Voluntary Agreement

Under Scenario 2, a voluntary agreement would be implemented as an alternative to the adopted Bay-Delta Plan Amendment. The March 1, 2019, proposed voluntary agreement submitted to the state water board has yet to be accepted, and the shortages that would occur with its implementation are not known. The voluntary agreement proposal contains a combination of flow and non-flow measures that are designed to benefit fisheries at a lower water cost, particularly during multiple dry years, than would occur under the Bay-Delta Plan Amendment. The resulting regional water system supply shortfalls during dry years would be less than those under the Bay-Delta Plan Amendment and would require rationing of a lesser degree and closer in alignment to the SFPUC's adopted level of service goal for the regional water system of rationing of no more than 20 percent system-wide during dry years. The SFPUC Resolution No. 19-0057, which authorized the SFPUC staff to participate in

voluntary agreement negotiations, stated its intention that any final voluntary agreement allow the SFPUC to maintain both the water supply and sustainability level of service goals and objectives adopted by the SFPUC when it approved the WSIP. Accordingly, it is reasonable to conclude that if the SFPUC enters into a voluntary agreement, the supply shortfall under such an agreement would be of a similar magnitude to those that would occur under Scenario 1. In any event, the supply shortfall of water supplies would be of a similar magnitude to those that would occur under Scenario 1. Rationing under Scenario 2, with implementation of the Voluntary Agreement, would be to a lesser degree than that under Scenario 3, with implementation of the Bay-Delta Plan Amendment.

Scenario 3 – Bay-Delta Plan Amendment

Under Scenario 3, the 2018 Bay-Delta Plan Amendment would be implemented as it was adopted by the state water board without modification. As discussed above, there is considerable uncertainty whether, when, and in what form the plan amendment will be implemented. However, because implementation of the plan amendment cannot be ruled out at this time, an analysis of the cumulative impact of projected growth on water supply resources under this scenario is included in this document to provide a worst-case impact analysis.

Under this scenario, which is assumed to be implemented after 2022, water supplies would be available to meet projected demands through 2040 in wet and normal years with no shortfalls. However, under Scenario 3 the entire regional water system—including both the wholesale and retail service areas—would experience significant shortfalls in single dry and multiple dry years, which over the past 97 years occur on average just over once every 10 years. Significant dry-year shortfalls would occur in San Francisco, regardless of whether the proposed project or its variant is approved. Except for the currently anticipated shortfall to retail customers of about 6.1 mgd (6.8 percent) that is expected to occur under Scenario 1 during years seven and eight of the 8.5-year design drought based on 2040 demand levels, these shortfalls to retail customers would exclusively result from supply reductions resulting from implementation of the Bay-Delta Plan Amendment. The retail supply shortfalls under Scenario 3 would not be attributed to the incremental demand associated with the proposed project or its variant, because this demand is incorporated already in the growth and water demand/supply projections contained in the 2015 Urban Water Management Plan.

Under the Bay-Delta Plan Amendment, existing and planned dry-year supplies would be insufficient for the SFPUC to satisfy its regional water system supply level of service goal of no more than 20 percent rationing system-wide. The Water Shortage Allocation Plan does not specify allocations to retail supply during system-wide shortages above 20 percent. However, the plan indicates that if a system-wide shortage greater than 20 percent were to occur, regional water system supply would be allocated between retail and wholesale customers per the rules corresponding to a 16 to 20 percent system-wide reduction, subject to consultation and negotiation between the SFPUC and its wholesale customers to modify the allocation rules. These allocation rules result in shortfalls of 15.6 to 49.8 percent across the retail service area as a whole under Scenario 3. Total shortfalls under Scenario 3 would range from 12.3 mgd (15.6 percent) in a single dry year to 36.1 mgd (45.7 percent) in years seven and eight of the 8.5-year design drought based on 2025 demand levels and from 21 mgd (23.4 percent) in

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a single dry year to 44.8 mgd (49.8 percent) in years seven and eight of the 8.5-year design drought based on 2040 demand.¹⁹

Water Supply Impact Analysis

As described above, the supply capacity of the Hetch Hetchy regional water system that provides the majority of the city's drinking water far exceeds the potential demand of any single development project in San Francisco. No single development project alone in San Francisco would require the development of new or expanded water supply facilities or require the SFPUC to take other actions, such as imposing a higher level of rationing across the city in the event of a supply shortage in dry years. Therefore, a separate project-only analysis is not provided for this topic. The following analysis instead considers whether the proposed project or its variant, in combination with both existing development and other projected growth through 2040 would require new or expanded water supply facilities, the construction or relocation of which could have significant cumulative impacts on the environment. It also considers whether a high level of rationing would be required that could have significant cumulative impacts. It is only under this cumulative context that development in San Francisco could have the potential to require new or expanded water supply facilities or require the SFPUC to take other actions, which in turn could result in significant physical environmental impacts related to water supply. If significant cumulative impacts could result, then the analysis considers whether the project would make a considerable contribution to the cumulative impact.

Impacts Related to New or Expanded Water Supply Facilities

The SFPUC's adopted water supply level of service goal for the regional water system is to meet customer water needs in non-drought and drought periods. The system performance objective for drought periods is to meet dry-year delivery needs while limiting rationing to a maximum of 20 percent system-wide reduction in regional water service during extended droughts. As the SFPUC has designed its system to meet this goal, it is reasonable to assume that to the extent the SFPUC can achieve its service goals, sufficient supplies would be available to serve existing development and planned growth accounted for in the 2015 Urban Water Management Plan (which includes the proposed project or its variant) and that new or expanded water supply facilities are not needed to meet system-wide demand. While the focus of this analysis is on the SFPUC's retail service area and not the regional water system as a whole, this cumulative analysis considers the SFPUC's regional water supply level of service goal of rationing of not more than 20 percent in evaluating whether new or expanded water supply facilities would be required to meet the demands of existing development and projected growth in the retail area through 2040. If a shortfall would require rationing more than 20 percent to meet system-wide dry-year demand, the analysis evaluates whether as a result, the SFPUC would develop new or expanded water supply facilities that result in significant physical environmental impacts. It also considers whether such a shortfall would result in a level of rationing that could cause significant physical environmental impacts. If the analysis determines that there would be a significant cumulative impact, then per CEQA Guidelines section 15130, the analysis considers whether the project's incremental contribution to any such effect is "cumulatively considerable."

¹⁹ Technical Memorandum from Steven Ritchie, SFPUC Water Enterprise to Lisa Gibson, San Francisco Planning Department, May 31, 2019, Table 3, p. 10.

With the implementation of the proposed project or its variant, existing and planned dry-year supplies would meet projected retail demands through 2040 under Scenario 1 within the SFPUC's regional water system adopted water supply reliability level of service goal. Therefore, the SFPUC could meet the water supply needs for the proposed project or its variant, in combination with existing development and other projected growth in San Francisco through 2040 from the SFPUC's existing system. The SFPUC would not be expected to develop new or expanded water supply facilities for retail customers under Scenario 1 and there would be no significant cumulative environmental impact.

The effect of Scenario 2 cannot be quantified at this time, but as explained previously, if it can be designed to achieve the SFPUC's level of service goals and is adopted, it would be expected to have effects similar to Scenario 1. Given the SFPUC's stated goal of maintaining its level of service goals under Scenario 2, it is expected that Scenario 2 effects would be more similar to Scenario 1 than to Scenario 3. In any event, any shortfall effects under Scenario 2 that exceed the SFPUC's service goals would be expected to be less than those under Scenario 3. Therefore, the analysis of Scenario 3 would encompass any effects that would occur under Scenario 2 if it were to trigger the need for increased water supply or rationing in excess of the SFPUC's regional water system level of service goals.

Under Scenario 3, the SFPUC's existing and anticipated water supplies would be sufficient to meet the demands of existing development and projected growth in San Francisco, including the proposed project or its variant, through 2040 in wet and normal years, which have historically occurred in approximately nine out of 10 years on average. During dry and multiple dry years, retail supply shortfalls of 15.6 to 49.8 percent could occur.

As a result of the adoption of the Bay-Delta Plan Amendment and the resulting potential limitations on supply to the regional water system during dry years, the SFPUC is increasing and accelerating its efforts to develop additional water supplies and explore other projects that would increase overall water supply resilience. The SFPUC is beginning to study water supply options, but it has not determined the feasibility of the possible projects, has not made any decision to pursue any particular supply projects, and has determined that the identified potential projects would take anywhere from 10 to 30 years or more to implement. One or more of these projects may require additional environmental review.

There is also a substantial degree of uncertainty associated with the implementation of the Bay-Delta Plan Amendment and its ultimate outcome; and therefore, there is substantial uncertainty in the amount of additional water supply that may be needed, if any. Moreover, there is uncertainty and lack of knowledge as to the feasibility and parameters of the possible water supply projects the SFPUC is beginning to explore. Consequently, the physical environmental impacts that could result from future supply projects is quite speculative at this time and would not be expected to be reasonably determined for a period of time ranging from 10 to 30 years. Although it is not possible at this time to identify the specific environmental impacts that could result, this analysis assumes that if new or expanded water supply facilities, such as those listed above under "Additional Water Supplies," were developed, the construction and/or operation of such facilities could result in significant adverse environmental impacts, and that this would be a significant cumulative impact.

As discussed above, the project variant would represent 0.09 percent of total retail demand in San Francisco in 2040, whereas implementation of the Bay Delta Plan Amendment would result in a retail supply shortfall of up to 49.8 percent.

Thus, new or expanded dry-year water supplies would be needed under Scenario 3 regardless of whether the proposed project or its variant is approved or constructed, and regardless to

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which the frequency of dry years may increase due to climate change. As such, any physical environmental impacts related to the construction and/or operation of new or expanded water supplies would occur with or without the proposed project or its variant. Therefore, neither the proposed project, nor the project variant, would have a considerable contribution to any significant cumulative impacts that could result from the construction or operation of new or expanded water supply facilities developed in response to the Bay-Delta Plan Amendment.

Impacts Related to Rationing

Given the long lead times associated with developing additional water supplies, in the event the Bay-Delta Plan Amendment were to take effect sometime after 2022 and result in a dry-year shortfall, the expected action of the SFPUC for the next 10 to 30 years (or more) would be limited to requiring increased rationing. The remaining analysis therefore focuses on whether rationing at the levels that might be required under the Bay-Delta Plan Amendment could result in any cumulative impacts, and if so, whether the proposed project or its variant would make a considerable contribution to these impacts.

The SFPUC has established a process through its Retail Water Shortage Allocation Plan for actions it would take under circumstances requiring rationing. Rationing at the level that might be required under the Bay-Delta Plan Amendment would require changes to how businesses operate, changes to water use behaviors (e.g., shorter and/or less-frequent showers), and restrictions on irrigation and other outdoor water uses (e.g., car washing), all of which could lead to undesirable socioeconomic effects. Any such effects would not constitute physical environmental impacts under CEQA.

High levels of rationing could however lead to adverse physical environmental effects, such as the loss of vegetation cover resulting from prolonged restrictions on irrigation. Prolonged high levels of rationing within the city could also make San Francisco a less desirable location for residential and commercial development compared to other areas of the state not subject to such substantial levels of rationing, which, depending on location, could lead in turn to increased urban sprawl. Sprawl development is associated with numerous environmental impacts, including, for example, increased greenhouse gas emissions and air pollution from longer commutes and lower density development, higher energy use, loss of farmland, and increased water use from less water-efficient suburban development.²⁰ In contrast, as discussed in the transportation section of the EIR, the project site is located in an area where VMT per capita is well below the regional average; development projects in San Francisco are required to comply with numerous regulations that would reduce greenhouse gas emissions, as discussed in the greenhouse gas section of this initial study, and San Francisco's per capita water use is among the lowest in the state. Thus, the higher levels of rationing on a citywide basis that could be required under the Bay-Delta Plan Amendment could lead directly or indirectly to significant cumulative impacts. The question, then, is whether the proposed project or its variant would make a considerable contribution to impacts that may be expected to occur in the event of high levels of rationing.

While the levels of rationing described above apply to the retail service area as a whole (i.e., 5.0 to 6.8 percent under Scenario 1, 15.6 to 49.8 percent under Scenario 3), the SFPUC may allocate different levels of rationing to individual retail customers based on customer type (e.g., dedicated irrigation, single-family residential, multi-family residential, commercial,

²⁰ Pursuant to the SFPUC 2015 Urban Water Management Plan, San Francisco's per capita water use is among the lowest in the state.

etc.) to achieve the required level of retail (citywide) rationing. Allocation methods and processes that have been considered in the past and may be used in future droughts are described in the SFPUC's current Retail Water Shortage Allocation Plan.²¹ However, additional allocation methods that reflect existing drought-related rules and regulations adopted by the SFPUC during the recent drought are more pertinent to current and foreseeable development and water use in San Francisco and may be included in the SFPUC's update to its Retail Water Shortage Allocation Plan.²² The Retail Water Shortage Allocation Plan will be updated as part of the 2020 Urban Water Management Plan update in 2021. The SFPUC anticipates that the updated Retail Water Shortage Allocation Plan would include a tiered allocation approach that imposes lower levels of rationing on customers who use less water than other customers in the same customer class and would require higher levels of rationing by customers who use more water. This approach aligns with the state water board's statewide emergency conservation mandate imposed during the recent drought, in which urban water suppliers who used less water were subject to lower reductions than those who used more water. Imposing lower rationing requirements on customers who already conserve more water is also consistent with the implementation of prior rationing programs based on past water use in which more efficient customers were allocated more water.

The SFPUC anticipates that, as a worst-case scenario under Scenario 3, the multi-family mixed-use residential, commercial, and office land uses that would be developed under the proposed project or its variant could be subject to up to 38 percent rationing during a severe drought.²³ In accordance with the Retail Water Shortage Allocation Plan, the level of rationing that would be imposed on individual development projects/customers would be determined at the time of a drought or other water shortage and cannot be established with certainty prior to the shortage event. However, newly-constructed buildings, such as those that would be constructed as part of the proposed project or its variant, have water-efficient fixtures and non-potable water systems that comply with the latest regulations. Thus, if the proposed project or its variant demonstrates below-average water use, either of them would likely be subject to a lower level of rationing than other retail customers that meet or exceed the average water use for the same customer class.

While any substantial reduction in water use in a new, water efficient building likely would require behavioral changes by building occupants that are inconvenient, temporary rationing during a drought is expected to be achievable through actions that would not cause or contribute to significant environmental effects. The effect of such temporary rationing would likely cause occupants to change behaviors but would not cause the substantial loss of vegetation because vegetation on this urban infill site would be limited to ornamental landscaping, and non-potable water supplies would remain available for landscape irrigation

²¹ San Francisco Public Utilities Commission, *2015 Urban Water Management Plan for the City and County of San Francisco, Appendix L – Retail Water Shortage Allocation Plan*, June 2016, <https://sfwater.org/index.aspx?page=75>, accessed August 20, 2019.

²² SFPUC, *2015-2016 Drought Program*, adopted by Resolution 15-0119, May 26, 2015.

²³ This worst-case rationing level for San Francisco multi-family residential was estimated for the purpose of preparing comments on the Draft Substitute Environmental Document in Support of Potential Changes to the Bay-Delta Plan (SED), dated March 16, 2017. See comment letter Attachment 1, Appendix 3, Page 5, Table 3. The comment letter and attachments are available at https://www.waterboards.ca.gov/public_notices/comments/2016_baydelta_plan_amendment/docs/dennis_herrera.pdf, accessed August 20, 2019.

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in dry years. The proposed project or its variant would primarily consist of multi-family residential uses along with some institutional, commercial, and office use, and it is not anticipated to include uses that would be forced to relocate because of temporary water restrictions, such as a business that relies on significant volumes of water for its operations. While high levels of rationing that would occur under Scenario 3 could result in future development locating elsewhere, existing residents, office workers, and businesses within the project site would be expected to tolerate rationing for the temporary duration of a drought.

As discussed above, implementation of the Bay-Delta Plan Amendment would result in substantial system-wide water supply shortfalls in dry years. These shortfalls would occur with or without implementation of the proposed project or its variant. The proposed project's or its variant's incremental increase in potable water demand (0.09 percent of total retail demand) would have a negligible effect on the levels of rationing that would be required throughout San Francisco under Scenario 3 in dry years.

As such, temporary rationing that could be imposed on the proposed project or its variant would not cause or contribute to significant environmental effects associated with the high levels of rationing that may be required on a city-wide basis under Scenario 3, even if that rationing is more frequent due the effects of climate change. Thus, the proposed project or its variant would not make a considerable contribution to any significant cumulative impacts that may result from increased rationing that may be required with implementation of the Bay-Delta Plan Amendment, were it to occur.

Conclusion

As stated above, there is considerable uncertainty as to whether the Bay-Delta Plan Amendment will be implemented. If the plan amendment is implemented, the SFPUC will need to impose higher levels of rationing than its regional water system level of service goal of no more than 20 percent rationing during drought years by 2025 and for the next several decades. Implementation of the plan amendment would result in a shortfall beginning in years two and three of multiple dry-years in 2025 of 33.2 percent, and dry year shortfalls by 2040 ranging from 23.4 percent in a single dry year and year one of multiple dry years to up to 49.8 percent in years seven and eight of the 8.5-year design drought. While the SFPUC may seek new or expanded water supply facilities, it has not made any definitive decision to pursue particular actions and there is too much uncertainty associated with this potential future decision to identify environmental effects that would result. One or more of these projects may require additional environmental review. Such effects are therefore speculative at this time. In any case, the need to develop new or expanded water supplies in response to the Bay Delta Plan Amendment and any related environmental impacts would occur irrespective of the water demand associated with the proposed project or its variant. Given the long lead times associated with developing additional supplies, the SFPUC's expected response to implementation of the Bay-Delta Plan Amendment would be to ration in accordance with procedures in its Retail Water Shortage Allocation Plan.

Both direct and indirect environmental impacts could result from high levels of rationing. However, the proposed project and its variant would be expected to tolerate the levels of rationing imposed on them for the duration of the drought, and thus would not contribute to sprawl development caused by rationing under the Bay-Delta Plan Amendment.

The proposed project or its variant would be subject to the requirements of the Non-potable Water Ordinance. Thus, the proposed project or its variant would not be expected to

contribute to a loss of vegetation because project-generated non-potable supplies would remain available for irrigation in dry years.

The small increase in potable water demand attributable to the proposed project or its variant compared to citywide demand would not substantially affect the levels of dry-year rationing that would otherwise be required throughout the city. Thus, the proposed project or its variant would not make a considerable contribution to a cumulative environmental impact caused by implementation of the Bay-Delta Plan Amendment. Therefore, for the reasons described above, under all three scenarios, this impact would be considered less than significant. No mitigation is required.

Biological Resources

To further clarify that under the proposed project or project variant, removal and replacement of street trees and significant trees would be consistent with the standards in the Urban Forestry Ordinance and would be addressed as part of the major encroachment permit recommended by public works and adopted by the board of supervisors by ordinance, the following text has been added to the end of EIR Section 4.F, Initial Study Supplement, to supplement the initial study project- and cumulative-level impact analysis with respect to conflicts with local policies or ordinances protecting biological resources (because all is new text, it is not shown in double underlining for readability) .

BIOLOGICAL RESOURCES

The Urban Forestry Ordinance

As discussed in the initial study, pp. 202-204, the proposed project or project variant removal and replacement of street and significant trees would be consistent with the standards in the Urban Forestry Ordinance and would be part of the major encroachment permit recommended by public works after a noticed public hearing with opportunity for public comment, and adopted by the board of supervisors by ordinance. Substantive standards and requirements for tree removal and replacement, including payment of in lieu fees if necessary, would remain the same as set forth in the Urban Forestry Ordinance. As a result, the proposed project or project variant would be consistent with ordinance requirements with Urban Forestry Ordinance requirements regarding protection of biological resources, replacement, and payment of any in-lieu fees. The proposed project would be consistent with all applicable city policies and ordinances regarding protected trees regarding protection of biological resources, replacement, and payment of any in-lieu fees.

F. REVISIONS TO CHAPTER 6, ALTERNATIVES

The last paragraph on EIR p. 6.78 incorrectly identifies a two-story vertical addition. This paragraph has been corrected as follows (new text is double-underlined and deletions are shown in ~~strikethrough~~):

Rehabilitation Standard 1 states that the “property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.” As described above, the glass curtain wall system would be replaced with a system compatible with the historic resource. Other changes to the building’s historic

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features would be minimal, i.e., ~~two~~ one-story, stepped vertical addition and removal of the northerly extension of the east wing.