

File No. 100443*

Committee Item No. _____

Board Item No. 30

COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date 04/20/10

Cmte Board

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OTHER

(Use back side if additional space is needed)
**Appeal of Final Environmental Impact Report for 555
Washington Street (aka 545 Sansome Street)**

(Other materials were distributed to each member of the Board upon receipt by the
Clerk's Office, and available in File No. 100382)

Completed by: Joy Lamug

Date 04/15/10

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

SUE C. HESTOR

Attorney at Law

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(415) 362-2778 · FAX (415) 362-8048

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BY 

April 2, 2010

David Chiu, President of the Board
San Francisco Board of Supervisors
City Hall
San Francisco CA 94102

Appeal of Certification of Final Environmental Impact Report - 555 Washington Street

Planning Commission Action - March 18, 2010

Motion 18046 - Certification of Final Environmental Impact Report

Motion 18047 - CEQA Findings

**Appellant: San Franciscans for Reasonable Growth, 870 Market St Suite 1128, SF 94102.
SFRG participation in challenging EIR - Comment letter by SFRG May 18, 2010 incl.**

**Allan Jacobs description of history of Transamerica development, and
comments at all hearings**

San Franciscans for Reasonable Growth (SFRG) was founded in the late 1970s to participate in issues dealing with downtown growth. I am the attorney for SFRG and authorized to file this appeal on SFRG's behalf. SFRG actively participated, indeed was a major force, in matters of changing development standards for downtown growth. SFRG actively worked with other community organizations to limit the boundaries AND EFFECTS of downtown highrise development so that the development did not overwhelm adjacent residential neighborhoods - North Beach, Telegraph Hill, Chinatown to the north, the Tenderloin to the west, South of Market residential and commercial communities to the south. A key part of SFRG and community actions focused on strict height limits so that downtown highrises could not sprawl into those areas.

SFRG actively participated in every hearing on the Downtown Plan, and on the predecessor studies which had various names. The Downtown Plan had explicitly shifted the greatest heights and building density so that it went TOWARDS BART stations and the Transbay Terminal, and REDUCED them as they got further from those points, specifically, the heights were REDUCED as they approached the northern boundary (Washington Street) and the northwest boundary (Kearny and Montgomery) of the financial district. SFRG's litigation on the sufficiency of the Downtown Plan EIR resulted in the City finding that it had done a legally insufficient analysis of transportation impacts. As a direct result of SFRG's suit the City abandoned tiering transit impact analyses from the Downtown Plan EIR and re-worked their transit model using the vehicle of the Mission Bay EIR. Downtown Plan and related efforts went on from 1979 through 1985, although the litigation extended to 1986.

As part of its actions on downtown development and highrises SFRG also challenged the analysis of impacts of shadow impacts on City parks, in particular parks at the northern edge of the financial district as well as Union Square which provide "breathing space" for residents and

workers in those dense areas and neighborhoods. SFRG actively supported adoption of Proposition K, which severely limited addition of new shadows on city parks, which was passed overwhelmingly by the voters in June 1984.

As part of its efforts SFRG was the main author of Proposition M, which passed on the November 1986 San Francisco ballot. Through that Proposition San Francisco voters adopted Priority Policies which guide development in San Francisco and instituted an annual limit on the amount of new office development which may be approved.

The proposed 555 Washington project required gutting of the Downtown Plan and Prop K via myriad changes in the law particularly doubling the height limit from 200 feet to 400 feet. The EIR was required to set out in full the impacts of changing the integrity of the height scheme in the Downtown Plan. That Plan had reduced allowable height for new buildings on the blocks between Washington and Clay including the 555 Washington site to 200 feet. Further, the EIR was required to analyze shadows on parks, limits for which had been incorporated as Prop K LAW prior to adoption of the Downtown Plan and strengthened by policies in the Downtown Plan itself, but failed to do so. SFRG made extensive challenges to the sufficiency of the 555 Washington Street DEIR and to the sufficiency of the responses that were incorporated into the FEIR.

The FEIR is legally insufficient in the following manner, among many others -

The EIR does not analyze a project that can be built without major changes to governing law - a project that uses the site which the developer OWNS without assuming expansion of the project site by acquisition of City property via abandonment of a City Street which abandonment is contrary to adopted City Policy. **PLUS** simultaneously doubling the height limit from 200' to 400' - a height limit that otherwise only applies very near to BART stations. There is a grossly insufficient analysis of the effects on adopted City policy by not describing an alternative which FULLY COMPLIES to all City laws. The impacts on existing City policies, including policies adopted by the voters, is grossly inadequate.

The EIR does not analyze Redwood Park as a Prop K park, i.e. one for which existing shadows are described and the impacts of additional shadows measured. The project proposes to transfer Redwood Park, which was built adjacent to the Transamerica Pyramid as an amenity for that building, to the Recreation and Park Department as a CITY park, but ignores the Prop K provision which requires analysis of SHADOW IMPACTS on parks proposed for Rec Park acquisition. The EIR attempts to dance on the head of a pin to avoid description of the existing shadow conditions and proposed conditions. The shadow impact analysis is grossly inadequate.

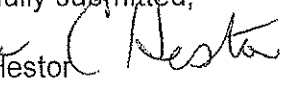
The EIR fails to provide adequate visual perspectives to describe aesthetic impacts of the project.

There is inadequate analysis of impacts of the excessive parking, in particular the impacts on the nearby fire station.

April 2, 2010 - 555 Washington FEIR appeal - page 3

There is an inadequate analysis of the historical context of this site.

Respectfully submitted,

Sue C. Hestor 

Cc: SFRG Board
Nannie Turrell, Planning Department MEA
Bill Wycko, Planning Department MEA



**SAN FRANCISCO
PLANNING DEPARTMENT**

Planning Commission Motion No. 18046

HEARING DATE: March 18, 2010

Hearing Date: March 18, 2010
Case No.: 2002.0133E
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: C-3-O (Downtown Office)
 120-X and 200-S Height and Bulk District
Block/Lot: 0207/33, 35, & 36
Project Sponsor: AEGON USA Realty Advisors, Inc.
 455 Market Street, Suite 640
 San Francisco, CA 94105
Staff Contact: Nannie R. Turrell - (415) 575-9047
 Nannie.turrell@sfgov.org

1650 Mission St.
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ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PROJECT WHICH INCLUDE DEMOLITION OF TWO BUILDINGS AT 501-505 WASHINGTON STREET AND 545 SANSOME STREET, AND CONSTRUCTION OF A 38-STORY, APPROXIMATELY 390 FOOT-TALL BUILDING TOPPED WITH A MECHANICAL PENTHOUSE AND ARCHITECTURAL SCREENING REACHING IN HEIGHT TO APPROXIMATELY 430 FEET. THE NEW BUILDING WOULD CONTAIN APPROXIMATELY 332,000 GROSS SQUARE FEET OF FLOOR AREA, INCLUDING 248 RESIDENTIAL UNITS, 4,640 SQUARE FEET OF GROUND-FLOOR RETAIL SPACE, AND FOUR LEVELS OF SUBSURFACE PARKING WITH 215 PARKING SPACES PLUS 2 CAR SHARE SPACES. THE PROJECT ALSO WOULD INCLUDE VACATION OF MARK TWAIN ALLEY AND CONVEYANCE OF REDWOOD PARK TO THE CITY AND COUNTY OF SAN FRANCISCO.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2002.0133E, 555 Washington Street (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on November 27, 2007.
 - B. On March 25, 2009, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public

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hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

- C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on March 25, 2009.
 - D. On March 25, 2009, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
 - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on March 25, 2009.
2. The Commission held a duly advertised public hearing on said DEIR on May 7, 2009 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on May 18, 2009, as extended by the Commission.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 54-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document, published on January 7, 2010, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at Department offices.
 4. A Final Environmental Impact Report has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.
 5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1650 Mission Street, and are part of the record before the Commission.
 6. On March 18, 2010, the Commission reviewed and considered the Final Environmental Impact Report and hereby does find that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
 7. The project sponsor has indicated that the presently preferred alternative is the Proposed Project, described in the Final Environmental Impact Report.
 8. The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2002.0133E - 555 Washington Street Project reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY

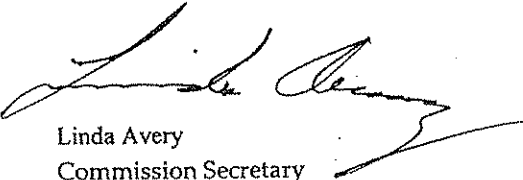
Motion No. 18046
Hearing Date: March 18, 2010

CASE NO. 2002.0133E
555 Washington Street

THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

9. The Commission, in certifying the completion of said Final Environmental Impact Report, hereby does find that the project described in the Environmental Impact Report [and the project preferred by the project sponsor, described as the Proposed Project in the Final Environmental Impact Report]:
 - A. Will have a project-specific unavoidable significant effect on the environment on historical resources in that it would demolish a potentially significant historic building at 545 Sansome Street.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of March 18, 2010.


Linda Avery
Commission Secretary

AYES: Miguel, Borden, Lee, Antonini
NOES: Sugaya, Moore, Olague
ABSENT:
ADOPTED: March 18, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing
- Childcare Requirement
- Jobs Housing Linkage Program
- Downtown Park Fee
- Public Art
- Public Open Space
- First Source Hiring (Admin. Code)
- Transit Impact Development Fee
- Other

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Planning Commission Motion 18047 CEQA Findings

HEARING DATE: MARCH 18, 2010

Date: January 21, 2010
Case No.: 2002.0133EZMRKXV
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: Downtown, Office (C-3-O)
 200-S Height and Bulk Districts
Block/Lot: Block 0207/Lots 33, 35, and 36
Applicant: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group
 West, Inc. for AEGON USA Realty Advisors, Inc.
 455 Market Street, Suite 640
 San Francisco, CA 94105
Staff Contact: Rick Crawford - (415) 558-6358
 rick.crawford@sfgov.org

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT TO CONSTRUCT A NEW APPROXIMATELY 390-FOOT-TALL (PLUS A MECHANICAL PENTHOUSE REACHING IN HEIGHT TO APPROXIMATELY 410 FEET AND AN ARCHITECTURAL SCREEN REACHING IN HEIGHT TO APPROXIMATELY 430 FEET), 38-STORY BUILDING CONTAINING 248 RESIDENTIAL UNITS ABOVE APPROXIMATELY 4,635 GROSS SQUARE FEET OF RETAIL USE ON THE GROUND FLOOR, AND PROVIDING 215 PARKING SPACES PLUS 2 CAR SHARE SPACES (THE "PROJECT"). THE PROJECT IS LOCATED AT 555 WASHINGTON STREET ON ASSESSOR'S BLOCK 0207, LOTS 33, 35 AND 36 IN A C-3-O (DOWNTOWN, OFFICE) ZONING DISTRICT AND WITHIN A 200-S HEIGHT AND BULK DISTRICT.

In its determination to approve the proposed project located at 555 Washington Street (aka 545 Sansome Street) (Assessor's Block 0207, Lots 33, 35, and 36), the San Francisco Planning Commission ("Commission") makes and adopts the following findings of fact regarding the Project and mitigation measures based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the

Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), particularly Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

I. Introduction

The San Francisco Planning Commission hereby adopts the following findings for the Project approval of 555 Washington Street Project (the "Project") pursuant to the California Environmental Quality Act, California Public Resources Code, Sections 21000 et seq. ("CEQA"), the Guidelines for Implementation of CEQA, Title 15 California Code of Regulations Sections 15000 et seq. ("Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"), entitled Environmental Quality:

II. Project Description

A. 555 Washington Street Project

545 Sansome Street, 501-505 Washington Street and 517 Washington will be developed with a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse reaching a height of approximately 410 feet and an architectural screen reaching a height of approximately 430 feet, containing approximately 331,640 gross square feet and approximately 4,635 square feet of ground-floor retail space. The main entrance on Washington Street will provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark Twain Alley, which will consist of 213 parking spaces plus 2 car share spaces that will be available as a combination of independently accessible and car stacker spaces accessed by ingress and egress on Washington Street. As part of the Project, Redwood Park, currently a private area not required to be made available to the public, would be expanded, renovated and the surface area of the expanded park, sufficient for park purposes, would be conveyed to the City on completion of the Project to create a permanent downtown public park. The sponsor would continue to own the subsurface and air rights to the property. Mark Twain Alley also would be vacated, landscaped and undergo substantial improvements at grade-level as part of the Project. This area would serve as public open space for the Project and would create an inviting street level environment for all users. The revitalized Redwood Park would be connected to Mark Twain Alley, which would create a more pedestrian friendly atmosphere for users of the Project and the surrounding neighborhoods.

B. Project Sponsor Objectives

The Final Environmental Impact Report (FEIR) discusses several Project objectives identified by the Project Sponsor. The objectives are as follows:

- To own and operate in San Francisco's Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space.
- To construct a project that complements the iconic Transamerica Pyramid.

- To create a project that does not detract from the significance of the adjacent Jackson Square Historic District.
- To increase the area's pedestrian appeal so as to draw more customers to local businesses within and outside the Project site.
- To create more public space and to make the publicly accessible space in Redwood Park and Mark Twain Alley more functional and usable.

C. Planning and Environmental Review Process

The Project Sponsor applied for environmental review on February 6, 2002. The San Francisco Planning Department (the "Department") determined that an Environmental Impact Report was required and provided public notice of the preparation of such on November 27, 2007. The Department published a Draft Environmental Impact Report (DEIR) on March 25, 2009. The San Francisco Planning Commission held a public hearing to solicit testimony on the DEIR on May 7, 2009. The Department received written comments on the DEIR from March 25, 2009 to May 18, 2009. The Department published the Comments and Responses on January 7, 2010. The DEIR, together with the Comments and Responses document constitute the Final Environmental Impact Report (FEIR.) The Commission certified the FEIR on March 18, 2010 in Motion No 18047.

D. Location and Custodian of Records.

The public hearing transcript, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Linda Avery, is the custodian of records for the Planning Department and the Planning Commission.

III. Alternatives

A. Alternatives Analyzed in the FEIR

The FEIR analyzed four alternatives to the Project: the No Project Alternative, the Driveway Alternative, the Code-Complying Alternative, and the Preservation Alternative. The No Project Alternative analyzes no immediate change to the Project site, including no demolition of the two buildings on the Project site and no construction of the new residential and/or office building with ground floor retail and underground parking. The Code Complying Alternative analyzes the construction of a shorter building (200 feet tall) that would not require an amendment to the Planning Code or General Plan. The Preservation Alternative analyzes a project that would involve the construction of a new 9-story addition to the 545 Sansome Street building. The No Project Alternative, the Code Complying Alternative and the Preservation Alternative are rejected for the reasons explained below. The Driveway Alternative is almost identical to the preferred project analyzed in the FEIR in every way, except that it analyzes

construction of a project that contemplates inbound ingress to the parking garage to be via a driveway entrance on Washington Street and outbound egress from the parking garage to be via a driveway exit on Sansome Street, rather than having both ingress and egress occur via a single driveway on Washington Street. The Driveway Alternative is incorporated into the Project to the extent vehicular traffic is allowed on Sansome Street by the Metropolitan Transportation Agency.

B. Alternatives Rejected and Reasons for Rejection

(1) No Project Alternative. The No Project Alternative would not be desirable or meet the Project Sponsor's goals. The No Project Alternative would amount to a continuation of the existing conditions at the Project site, which is underutilized. The No Project Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The No Project Alternative would not meet any of the Project Sponsor's objectives.
- (b) The No Project Alternative would not provide opportunities for new sources of jobs, fees, taxes and revenues.
- (c) The No Project Alternative would not expand, renovate and convey Redwood Park to the City for use as a new public park. Redwood Park would remain a privately owned park that would continue to be open to the public at the Project Sponsor's discretion.
- (d) The Project site would remain underutilized.
- (e) The No Project Alternative would not include the vacation and purchase at fair market value of Mark Twain Alley from the City and Mark Twain Alley would not be renovated as a publicly accessible open space.

(2) Code Complying Alternative. The Code Complying Alternative would not be desirable or meet the Project Sponsor's goals. The Code Complying Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The code-complying alternative would meet some but not all of the Project Sponsor's objectives.
- (b) The Code Complying Alternative would have a significant unavoidable impact on the 545 Sansome building.
- (c) The Code-Complying Alternative would be less successful at meeting the Project Sponsor's objective of visually complementing the iconic Transamerica Pyramid and expanding the publicly accessible open space on the block.

(3) Preservation Alternative. The Preservation Alternative would not be desirable or meet the Project Sponsor's goals. This alternative would not expand, renovate or convey to the City Redwood Park for use as a new public park and Mark Twain Alley would not be vacated and purchased at fair market value from the City and renovated as publicly accessible open space.

- (a) The preservation alternative would not produce a Class A residential or office and retail building in the Financial District with at least 200 units or 300,000 square feet of commercial space.
- (b) The preservation alternative would not create more public open space and would result in the closure of the existing private Redwood Park to the public.

IV. Significant Impacts and Mitigation Measures

In the course of the project planning and design, mitigation measures were identified that would reduce or eliminate potential significant environmental impacts. The significant impacts and the mitigation measures to reduce the significant impacts are described in chapters 3 and 4 of the FEIR. The Project Sponsor has agreed to implement and comply with all mitigation measures identified in the FEIR. Therefore, the mitigation measures that have been incorporated into the Project will avoid or substantially lessen the potential significant environmental effects identified in the FEIR. To assure the implementation of these measures, they are included in the mitigation monitoring and reporting program for the Project, which is attached as exhibit C to the Commission's Section 309 motion for case 2002.0133EZMKXV and incorporated herein by this reference. Implementation of all the mitigation measures contained in the FEIR will be included as a condition of approval for the Project. All mitigation measures proposed in the FEIR are adopted and the full text of the mitigation measures is set forth in the Mitigation Monitoring and Reporting Program attached as Exhibit A to this motion.

V. Unavoidable Significant Environmental Impacts

The Project, as approved, would have a Project-specific unavoidable significant environmental impact on the 545 Sansome Street building, a historic resource, resulting from its demolition as a part of the Project. There is no feasible or prudent mitigation measure for this impact for the reasons set forth in Section III. However, Mitigation Measure 2 in the Mitigation Monitoring and Reporting Program, which calls for documentation and commemoration of the building would reduce impacts on historical resources, but the impact would remain significant and unavoidable.

VI. Statement of Overriding Considerations

Notwithstanding this significant unavoidable impact noted above, pursuant to CEQA Section 21081(b), the CEQA Guidelines, and Chapter 31 of the Administrative Code, the Commission finds, after considering the FEIR, that specific overriding economic, legal, social and other considerations, as set forth below, outweigh the identified significant effect on the environment. In addition, the Commission finds that the rejected Project Alternatives are also rejected for the following specific economic, social or other considerations, in addition to the specific reasons discussed in Section III above.

1. The Project would provide that Redwood Park, currently a private open area, to be expanded, improved and, on Project completion, dedicated, at no cost to the City, to the City as a public park, and thereafter maintained in perpetuity, at no cost to the City, by the Project and the other privately owned parcels on the Project block.
2. The Project would promote the objectives and policies of the General Plan by creating new housing, improving retail options, providing new public park land and being well located near public transit.
3. The Project would provide housing in the Downtown Core by the development of 248 homes (115 two-bedroom homes and 133 one-bedroom homes), which will be close to an array of public transit alternatives in the Downtown Core, and close to offices and jobs.
4. Although the Project would have a significant, unavoidable impact on the 545 Sansome Street Building, the historic connection of 545 Sansome to San Francisco's printing and publishing industry will be commemorated with an exhibit at the Project site pursuant to the mitigation measures that the Project Sponsor has accepted.
5. The Project would revitalize the Project site and the surrounding neighborhood.
6. The Project would maximize sunlight and open space at the Project site and complement the iconic Transamerica Pyramid.
7. The Project would make a substantial contribution to the creation of affordable housing in the City pursuant to the provisions of Section 315 of the Planning Code.
8. The Project would provide opportunities for new sources of jobs and would over its life result in substantial property taxes and transfer tax revenues for the City.

Motion 18047
March 18, 2010

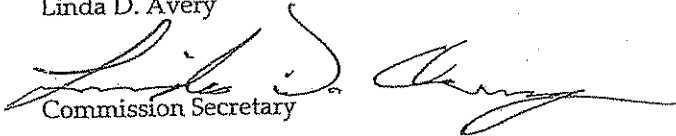
CASE NO. 2002.0133EZMRKXV
555 Washington Street (aka 545 Sansome Street)

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby adopts the foregoing CEQA Findings and the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on Thursday, March 18, 2010.

Linda D. Avery


Commission Secretary

AYES: Antonini, Bordon, Lee and Miguel

NOES: Moore, Olague, and Sugaya

ABSENT: None

ADOPTED: March 18, 2010

EXHIBIT A

Mitigation Monitoring and Reporting Program

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
Cultural and Paleontological Resources Mitigation Measures				
<p>Mitigation Measure 1</p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Section 15064.5(a)(c).</p> <p><i>Archaeological Testing Program.</i> The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of</p>	Project sponsor	Prior to and during construction	The ERO to review and approve the Final Archeological Resources Report	The project archaeologist to consult with the ERO as indicated. Considered complete after review and approval of the Final Archaeological Resources Report by the ERO.

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p><i>Archaeological Monitoring Program (AMP).</i> If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> ▪ The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require 				

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<p>archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> ▪ The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; ▪ The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; ▪ The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; ▪ If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO. <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the</p>				

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<p>monitoring program to the ERO.</p> <p><i>Archaeological Data Recovery Program.</i> The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP, prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and distribution of results. ▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>policies of the curation facilities.</p> <p><i>Human Remains, and Associated or Unassociated Funerary Objects.</i> 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 Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (<i>CEQA Guidelines</i>, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><i>Final Archaeological Resources Report.</i> The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>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 Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. 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.</p>				
<p>Mitigation Measure 2 (a) <i>Documentation.</i> In consultation with a Planning</p>	Project sponsor	Prior to and	Planning Department	Considered complete

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Department Preservation Technical Specialist, the individual project applicant shall have documentation of the affected historical resource and its setting prepared. Generally, this documentation shall be in accordance with Level 3 documentation under the Historic American Building Survey (HABS) or Historic American Engineering Record (HAER).</p> <p>Documentation Level 3</p> <ol style="list-style-type: none"> 1. Drawings: sketch plan. 2. Photographs: photographs with large-format negatives of exterior and interior views. (If large-format photography is not possible, 35mm photography may be deemed acceptable, if the negatives are processed according to HABS standards.) 3. Written data: one-page summary. <p>Material standards regarding reproducibility, durability, and size shall be met. The HABS/HAER standards are:</p> <p>Measured Drawings: Readily Reproducible: Ink on translucent material. Durable: Ink on archivally stable materials. Standard Sizes: Two sizes: 19" x 24" or 24" x 36"</p> <p>Large-Format Photographs: Readily Reproducible: Prints shall accompany all negatives. Durable: Photography must be archivally processed and stored. Negatives are required on safety film only. Resin-coated paper is not accepted. Color photography is not acceptable. Standard Sizes: Three sizes: 4" x 5", 5" x 7", or 8" x 10"</p> <p>Written History and Description: Readily Reproducible: Clean copy for Xeroxing. Durable: Archival bond required. Standard Sizes: 8 1/2" x 11"</p> <p>The agreed-upon documentation shall be filed with the San Francisco History Center at the Main Library, the North Bay Regional and Special Collection of the Sonoma State University Library, and San Francisco Architectural Heritage.</p> <p>(b) <i>Commemoration.</i> If the affected historical resource is to be demolished, the individual project</p>		during construction		upon completion of documentation or installation of commemorative display of historic resource if the resource is to be demolished

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<p>applicant shall, with the assistance of a Planning Department Preservation Technical Specialist or other professionals experienced in creating historical exhibits and meeting the minimum professional qualifications for Historian under the Secretary of the Interior's Guidelines, incorporate a display featuring historic photos of the affected resource and a description of its historical significance into the publically accessible portion of any subsequent development on the site.</p>				
Biological Resources Mitigation Measures				
<p>Mitigation Measure 3</p> <p>The project sponsor shall prepare Tree Protection Guidelines with respect to Redwood Park that the Department of Public Works and the Department of Recreation and Park shall approve prior to any demolition or construction for the project. It shall be composed of the following elements:</p> <p>Paving Stones – The paving stones and patio and walk cement sub-slab shall remain in place during the entirety of the construction process. Plywood or metal plates shall be placed over the paving stones for extra protection and to avoid damaging the pavers. At completion of building construction, the paving stones and patio and walk cement sub-slab may be removed as necessary to accomplish the expansion and renovation of Redwood Park and Mark Twain Alley.</p> <p>Fence Protection – A 10-foot high chain-link type fence is the primary method of protecting the roots and the lower 10 feet of the trees. The fencing shall be placed at the outer edge of all tree planning areas, where possible.</p> <p>Canopy Protection – This would depend upon the equipment and possible impacts that the canopy would be exposed to. Tree protection may require that netting be placed over the canopy of the side exposed to impacts. A scaffold structure shall be built around trees as necessary to protect them.</p> <p>Watering – The irrigation of the redwood trees must be monitored during construction to ensure that the trees thrive. Soil moisture shall be monitored.</p> <p>Mulch and Compost – Organic mulch and good quality compost shall be applied 1-2 inched deep with 4-6 inches of wood chips on top to help retain soil moisture and reduce compaction from inadvertent activities.</p>	Project sponsor	Prior to demolition and during construction	Department of Public Works and Department of Recreation and Park	Considered complete upon completion of construction

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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In addition the Tree Protection Guidelines shall include additional protections as necessary such as root protection, root pruning, trunk protection, foliage protection, and street tree protection, to ensure that no landmark or significant trees would be impacted by construction of the proposed project. Impacts on trees would be less than significant with implementation of these guidelines.				
Hazards and Hazardous Materials Mitigation Measures				
<p>Mitigation Measure 4</p> <p>Step 1: Soil and Groundwater Testing</p> <p>The project sponsor shall, prior to approval of a building permit for the project, hire a consultant to collect soil and groundwater samples (borings) from areas on the site in which soil would be disturbed and test the samples for total lead and petroleum hydrocarbons. The consultant shall analyze the samples as discrete, not composite samples. The consultant shall prepare a report on the testing for petroleum hydrocarbons that includes the results of the testing and a map that shows the locations of samples collected.</p> <p>The project sponsor shall submit the report on the testing for petroleum hydrocarbons and a fee in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee shall cover staff time for report review and administrative handling. If additional review is necessary, the Department of Public Health shall bill the project sponsor on a time and materials basis. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The Department of Public Health shall review the testing report to determine to whether the soils or water of the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels.</p> <p>Step 2: Preparation of Site Mitigation Plan</p> <p>If, based on the results of the tests conducted, the San Francisco Department of Public Health (DPH) determines that the soils or water on the project site are contaminated with contaminants at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan is warranted. If such a plan is requested by the DPH, the Site Mitigation Plan shall include a discussion of the level of</p>	Project sponsor	Prior to approval of building permit and ongoing through DPH approval of Closure / Certification Report	Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon DPH approval of Closure / Certification Report

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<p>contamination of soils and water on the project site and mitigation measures for managing them on the site, including, but not limited to: 1) the alternatives for managing contaminated soils and water on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils or water on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils or water on the site. The Site Mitigation Plan shall be submitted to the DPH for review and approval. A copy of the Site Mitigation Plan shall be submitted to the Planning Department to become part of the case file.</p> <p>Step 3: Handling, Hauling, and Disposal of Contaminated Soils and Water</p> <p>(a) Specific Work Practices: If, based on the results of the soil tests conducted, the Department of Public Health determines that the soils or water on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils and water during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil and water testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils and water appropriately (i.e., as dictated by local, state, and federal regulations) when such soils or water are encountered on the site. If there are excavated materials containing over one percent friable asbestos, they would be treated as hazardous waste, and would be transported and disposed of in accordance with applicable state and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.</p> <p>(b) Dust Suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.</p> <p>(c) Surface Water Runoff Control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.</p> <p>(d) Soils Replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.</p> <p>(e) Hauling and Disposal: Contaminated soils shall be</p>				

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<p>hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.</p> <p>Step 4: Preparation of Closure/Certification Report After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils and water from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.</p>				
<p>Mitigation Measure 5 The project sponsor would ensure that pre-construction building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of demolition. Any hazardous building materials so discovered would be abated according to federal, state, and local laws and regulations.</p>	Project sponsor	Prior to demolition	Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon approval of project
<p>IMPROVEMENT MEASURES FOR 555 WASHINGTON STREET - The Project Sponsor will work with San Francisco Municipal Transportation Agency and with any other relevant City Agencies to implement the following improvement measures.</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>Improvement Measure 1: Construction Traffic</p> <p>Any construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would coincide with peak hour traffic and would temporarily impede traffic and transit flow, although it would not be considered a significant impact. An improvement measure limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by MTA) would minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods. The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of MTA, the Fire Department, Muni, the Planning Department and other City agencies to determine feasible measures to reduce traffic congestion, including temporary bus stop relocation and other potential transit disruption and pedestrian circulation effects during construction of the project.</p>				
<p>Improvement Measure 2: Pedestrian Circulation - Clay and Battery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Battery Streets, such as:</p> <p>Consider installing an exclusive "pedestrian scramble" phase to reduce potential pedestrian/vehicle conflicts where vehicles turn right from Clay to Battery Street.</p> <p>Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a "pedestrian scramble" phase is not feasible at this location, evaluate the feasibility of reducing the double right turn lanes to a single right turn lane.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Increase the size of the pedestrian refuge area within the Battery-to-Clay channelized left-turn area, and evaluate the feasibility of changing the southbound channelized left turn traffic control to yield.</p>				

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<p>Install pedestrian-scale lighting, especially along the northeasterly side of Clay.</p> <p>Install sidewalk pavement art along the northeasterly side of Clay to match other sidewalks at this intersection.</p> <p>Install wayfinding signs to direct pedestrians to the pedestrian overpasses where appropriate.</p> <p>Install "watch for oncoming traffic" sign for pedestrians crossing the southbound channelized left turn, and "yield to pedestrians" signs directed at motor vehicles, in advance of crosswalks.</p>				
<p>Improvement Measure 3: Pedestrian Circulation - Clay and Montgomery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Montgomery Streets, such as</p> <p>Consider installing an exclusive "pedestrian scramble" phase to reduce potential pedestrian/vehicle conflicts where vehicles turn left from Montgomery to Clay Street. Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a "pedestrian scramble" phase is not feasible, consider other measures to reduce pedestrian/vehicle conflicts, such as a protected southbound left turn phase for vehicles turning left from Montgomery to Clay Street and/or replacing the double left-turn lanes with a single left-turn lane. (Note: because of overhead Muni wires, it may be necessary to allow bus-only left turns from the second left lane).</p> <p>Install "yield to pedestrians" sign for vehicle approaching the left-turn movement from Montgomery to Clay.</p> <p>Provide pedestrian-oriented wayfinding signs. The Transamerica Pyramid is a popular tourist destination, and wayfinding signs would assist pedestrians that visit the landmark and then continue</p>				

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<p>on to Chinatown, North Beach, BART or Muni, the Ferry Building, and other nearby areas.</p> <p>Evaluate the feasibility of providing a marked, mid-block crossing across the easterly leg of Clay at the alley. Install supplemental "yield to pedestrians" signs at this crossing.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Provide street trees to enhance comfort and aesthetics.</p> <p>Lengthen bus stop by removing on-street parking.</p>				
<p>Improvement Measure 4: Construction Liaison</p> <p>The project sponsor shall provide a construction liaison, who will provide information about construction activities and their timing to the neighbors (defined as property owners and tenants within a one-block radius of the project site) and community. The liaison will also receive suggestions and complaints from the community and coordinate with the project sponsor to attempt to resolve them. The liaison will arrange regular meetings between the project sponsor's representatives and the neighbors, at least once per month during the construction period.</p>				
<p>Improvement Measure 5: Contribution to Cleaning Fund</p> <p>If neighbors (defined as property owners and tenants within a one-block radius of the project site) create a bank account for holding money to perform cleaning on their properties related to dust or other property damage from project construction, and, if the neighbors administer the account (i.e., allocate the funds among them), the project sponsor has agreed to contribute up to \$25,000 to the account. (This amount would not necessarily be equivalent to neighbors' claims for such reimbursement.)</p>				
<p>Improvement Measure 6: Monitoring Construction Effects on Adjacent Buildings</p> <p>The project sponsor shall establish a monitoring program to evaluate the effects of the construction on the adjacent buildings and surrounding ground. If the project or its variants were to require pile driving, the project sponsor has agreed to:</p> <ul style="list-style-type: none"> ▪ require its geotechnical engineering contractor to conduct pre-construction assessment of existing subsurface conditions and the structural integrity of 				

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<p>nearby buildings subject to pile driving impacts;</p> <ul style="list-style-type: none"> ▪ if recommended by the geotechnical engineer, for structures or facilities within 50 feet of pile driving, require ground-borne vibration monitoring of nearby structures; ▪ require its construction contractor to use noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration, including pre-drilling of pile holes (if feasible, based on soils) to a maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible; and ▪ require contractors to use construction equipment with state-of-the-art noise shielding and muffling devices. <p>The purpose of the monitoring program would be to evaluate and, by evaluating, avoid any damage to adjacent buildings.</p>				
<p>Improvement Measure 7: Queuing for Parking Garage</p> <p>The project sponsor has agreed to resolve any queuing on the streets during times of backups using valets to move the queued vehicles directly to the first subsurface level, which would have space available for queuing.</p>				

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May 18, 2009

Joy Navarrete
Planning Department
1650 Mission St 4th fl
San Francisco CA 94103

RE: 2002.0133 - 555 Washington St DEIR comments

Dear Ms. Navarrete:

I am submitting the following comments on behalf of San Franciscans for Reasonable Growth and Aaron Peskin.

You have already received excellent comments from the Telegraph Hill Dwellers. Rather than duplicate their comments, I am adding to them.

Lack of Historical analysis re development of Transamerica

A single owner owns this entire block, with the exception with Mark Twain Alley which it proposes to acquire and use as part of its development. One of the most glaring deficiencies of the DEIR is the lack of discussion of the development of the Transamerica Building. There is not the slightest indication in the DEIR of the intense controversy surrounding the development of that block, the vacation of a major portion of Merchant Street on this block and the development of Redwood Park as a sop to the community because of that controversy. The DEIR is correct that Redwood Park was not developed as required open space for the Transamerica Building, because the Urban Design Plan was adopted after, and to a large part because of the controversy surrounding, approval of the Transamerica Building. A competent historian - not necessarily someone who focuses on architectural history, but someone who sees the sweep of history on land use issues, should be retained BY THE CITY, to do a proper history of this block to adequately put this proposal into context. Someone of the stature of Michael Corbett. The DEIR should not get its "history" from project sponsor, its architect, its "preservation consultants," or anyone else allied with project sponsor. It must be INDEPENDENT.

I am attaching a large chunk of Allan Jacobs book, Making City Planning Work. (pp. 158-223) Mr. Jacobs was San Francisco Planning Director when the Transamerica Building was approved and built. He also was in charge of the San Francisco Urban Design Plan, which was developed contemporaneously with the approval of the Transamerica Building. Information from that book, a full copy of which I believe is in the Planning Department library, should be considered to be one source for a historical study. City and Planning Department files for the Transamerica Building, the vacation of Merchant Street, the construction of Redwood Park, and other actions on this block other than approval of 505 Sansome which is NOT part of this site, should also be reviewed. I ordered the Planning files a month ago, but they were only made available Friday afternoon (5/15) and I have not had a chance to review them. They should be also be reviewed. Plus the files at the Board of Supervisors and DPW

regarding the vacation of Merchant Street. The Chronicle and Examiner also covered this extensively and should be reviewed.

The EIR will be inadequate unless a thorough history of the development on this block - including its relationship to establishment of height limits and protection of Jackson Square - is included. Please also explain the origin of the Chinatown Garment District zoning which still exists on part of this block. What was the nature of the uses on this block BEFORE construction of the Transamerica Building?

History of Planning Department discussion of THIS proposed change in height needed

This block was rezoned to a height limit of 200 feet as part of the Downtown Plan. This project proposes to discard the policies and heights established by that plan. The proposal for increased heights on this site resulted from discussions with senior people in the Planning Department, including former Planning Director Dean Macris (who was in that position when the Notice of EIR preparation was issued 11/27/07) and possibly former Planning Director Gerald Green. Please add into the file, and summarize in the Comments & Responses, emails, meeting notes, correspondence and other evidence of discussions back and forth between the developer/its agents and all Planning staff involved in the discussion of the proposed increase in height limits on this site. This may also involve Amit Ghosh, David Alumbaugh, Craig Nikitas and other senior staff. To the extent that representatives of the Mayor's office, or the Office of Economic and Workforce Development were involved, please add that into the file, and summarize it, as well. This height is a major increase on an important site. There should be documents tracing the evolution of this proposed height increase.

Shadow impact and the curious omission of the proposed 8 Washington project

At various points in the DEIR (e.g. cumulative aesthetic impacts 3-20) the DEIR states that 555 Washington PLUS 8 Washington will have (in the eyes of the DEIR author) no impact (i.e. no *cumulative* impact) on that particular environmental issue. 8 Washington Street is proposed to be developed directly north and across Washington Street from Sue Bierman park. It is rather curious that there was no attempt to include information on shadows that may be cast by 8 Washington Street. When I last asked about it 3-4 weeks ago, MEA staff handling the 8 Washington DEIR was expecting the shadow study to be filed shortly. Please include information on how shadows from 8 Washington will affect the cumulative shadows to be cast on Sue Bierman park.

Cumulative issues re Muni Metro extension into Chinatown and 555 Washington

The proposed extension of underground Muni Metro into Chinatown is not discussed in either the transit Setting, nor transit Impacts. This omission is serious for in at least two EIR areas: cumulative pressure to increase heights in this area, and changed pedestrian routes in the area.

The history of land use pressures and changes in Chinatown is partially set out in the DEIR. However, the community-driven rezoning adopted in 1987 - which rezoning was driven in part as a protective measure against further encroachment by the financial district - has a delicate balance to protect uses that serve the mostly low-income residents of Chinatown.

If a height increase is allowed for 555 Washington, this effectively would be the SECOND height increase in one year. Because the Community College District is a state agency, they are not bound to

comply with local height limits. The project they approved on the north side of Washington and Kearny exceeds the height limit in the Planning Code.

The proposed Muni Metro extension has already resulted in pressure to increase allowable heights on the 4th Street corridor. When the Eastern SOMA zoning and heights were proposed in 2008, the Office of Economic and Workforce Development put pressure on the Planning Department to rather dramatically increase allowable heights and uses along 4th Street, on the grounds that that extension was too valuable to have lower heights and less dense uses. Adding underground rail MUST be accompanied by dramatic increases in height and density.

Have similar plans, or a similar rationale, been developed for CHINATOWN? Please include in MEA files - and summarize in the C&R - all communications from Michael Cohen, Michael Yarne, any other representative of the Mayor's Office or MTA in this regard. If there have been communications from SPUR or other groups advocating increased density and heights in that underground Muni corridor, they should also be included.

This pressure to rezone and increase heights is much more likely to occur, and be strengthened, by allowing increased height at 555 Washington. It must be discussed.

Secondly, if the northern terminus of the underground line is at or near Washington Street, pedestrian flow to that station could change as persons wanting to go to the south of Market, for a transit connection or a destination, walk to that station. Please include the location of the proposed station on the transit map and factor in people walking to/from that station.

Omission of information comparing Transamerica to 555 Washington

Please refer to page 210 of Mr. Jacobs' book. He illustrates how unusual shapes for tall buildings compete for your eye: "The juxtaposition of several such unusual shapes may create visual disorder." Both of the proposed designs for this site are such "unusual shapes," in fact other than maxing out the height of this site, that seems to be their raison d'etre. Please discuss the issue of visual distraction.

I could not find anywhere in the EIR a comparison of the volume of the top of the proposed project to the volume of the Transamerica building at the same point. As we all know the shape of Transamerica is greatly reduced the higher it goes. Therefore the relative "slenderness" of 555 Washington (which is claimed, but which we dispute) compared to Transamerica may be so at the ground level, but as the height increases Transamerica gets narrower but the volume/bulk of 555 remains the same.

Page 2-23 Are there no variances for the office variant?

Page 2-25 I concur with the THD comments re the acquisition of Mark Twain Alley (formerly Merchant Street). A project WITHOUT that acquisition should be assumed. Please include a thorough explanation of the history regarding street abandonment downtown downtown. It was common when the City was redeveloping this area. But after the Urban Design Plan, and even the Downtown Plan, which recognized the importance of these alleys, this became disfavored.

Page 2-25 The increased pedestrian appeal is not a rationale for this project. The sponsor already owns the entire block (minus Mark Twain). Every bit of the ground floor improvement is within its power TODAY. The Transamerica building is a beneficiary of a Prop 13 property tax freeze. They do

not face the greatly increased taxes that other properties that have sold in the past 30 years face. They should have the money to do those improvements, which would benefit THEIR property as well as the public. They should be a good corporate citizen.

Graphics and text description

Page 3-2 This graphic is extremely hard to understand. If you only do one color graphic, this should be it. If you do two, add 3-6.

The text that explains the land use is on page 3-4 and 3-5. Text on page 3-4 mentions the Jackson Square Historic District, without giving any clue, up to that point, of the boundaries of that district. Similarly on 3-5. At least a page reference telling where it is set out would be helpful. An EIR is not supposed to be a puzzle.

If you want to help people understand an EIR, it would be helpful to have the map and its explanation on facing pages. The current layout is disempowering. In general the text of this section is VERY HARD TO SCAN.

3-5 Building heights. There is no context for the tall buildings set out in paragraph one. The 4 Embarcadero Center buildings (Embarcadero FOUR lacks its title) are all in a Redevelopment Area that preceded the development of height limits for downtown. Their pattern of increased heights to the waterfront is contrary to Urban Design and Downtown Plan policy. They could not be built today. Please discuss WHEN each was approved to give context on their height.

3-6 This map shows parking on lots with no indication whether it is SURFACE or UNDERGROUND parking. Please don't do that.

3-7 Plans and Policies

Please discuss current and historical policies re street vacation here.

3-8 Jackson Square

There should be a discuss of the timing of the adoption of the Jackson Square Historic District in the context of the evolving procedures for the General Plan. AFTER Jackson Square was adopted, and after the Urban Design Plan was adopted, the Planning Department started incorporating policies for historic districts and sub-areas into the Master Plan. The lack of Jackson Square in that Plan shows how much of a precedent it set. If it was adopted TODAY there would be General Plan policies setting out the City's intent in designating it.

3-8 Residence Element

There is no policy in the Residence Element calling for construction of even more luxury high-rise, steel frame housing. Please set out how many UNBUILT high-rise luxury housing projects the City has approved. How many units are in those buildings? Please set out the City's housing targets by INCOME LEVEL.

3-9 Spot Zoning

As is discussed above re growth-inducing impacts of this project, please discuss the pressure the City will face if this height increase is granted. Height limits are supposedly established after the City evaluates the entire context of an area, appropriate uses and appropriate heights. If a developer can successfully propose a one-off height increase because "his project has superior design," or "his project can be a greener project," it means that San Francisco has effectively become Houston, because in the real world THERE ARE NO HEIGHT LIMITS. When height limits are established the City/Planning has made a conscientious decision to say BUILD WITHIN THESE LIMITS. Spot rezoning then becomes a game. With negotiations (mostly) between the Planning Director/Mayor's Office and the developer. That is not Planning.

Has the Department concluded that it is impossible to design a meritorious building within the constraints (height and design) of the Downtown Plan provisions for this site?

If it has, please set out what changes in the zoning/height limits for other sites in this area are contemplated.

3-11 Significance Criteria

This should also include discuss of effect on policies regarding street abandonment, AND

Impact on voter adopted policies regarding shadowing public parks - Proposition K

3-13 Conflicts with Plans, Policies, Regulations

CEQA becomes meaningless if a project can CHANGE the rules and then say, no conflict because there are new rules. This applies to both the POLICIES regarding height and urban design, as well as the VOTER ADOPTED policies regarding shadowing parks. This project would absolutely have significant land use impacts re those conflicts.

3-17 Scenic Views

Impacts on one major historic landmark is totally ignored - the CABLE CARS. Many tourists and residents get their views to the east from the cable cars going along Powell Street. They see the Bay and the Pyramid at California and Powell, at Sacramento and Powell, at Clay and Powell, at Washington and Powell, etc. Muni riders on the 1-California have similar views coming east on Clay Street. Please include "before and after" shots showing how the Transamerica building is currently seen and the result when this project is added. This should also be changed in 3-20 - Visual impacts on historic resources.

There are really no view perspectives from the west/Nob Hill. This must be corrected.

3-19 Aesthetic impacts

See earlier comments citing Allan Jacobs book. The developer/architect want a new iconic development on this site, a development that will compete with the by-now iconic Transamerica Building. It will definitely be visually inconsistent.

3-41 The claim is made that this additional height will help delineate the Financial District. Why is that necessary, or even desirable. YEARS were spent developing the policies, including district boundaries and heights, in the Downtown Plan. Is that Plan to be discarded? What policies regarding HEIGHTS are in the Downtown plan, which of them are no longer relevant for *this area*? (Don't reply with comments for areas such as Transbay which is undergoing a through study of a larger area.) Is it because of the extension of underground Muni Metro to Chinatown? Please explain why all of a sudden Washington Street needs delineation.

3-43 **Redwood Park.** Again, this developer has it within its power to expand, renovate and improve the park. Explain WHY it cannot. The history of the development, the reason for being, of the Redwood Park is missing here.

3-61 **Chinatown Historic District** The DEIR explains that the original mapping of Chinatown is still evident in the block and street layout in Chinatown. There is more than Chinatown to that original mapping. The City has obliterated the street and block layout in the Golden Gateway and Embarcadero Center Redevelopment areas and in the development of the Embarcadero Freeway and its feeder system. Please explain the street and block layout - and how much of it remains - for not only Chinatown, but also for Jackson Square and for the area south of Washington and east of Chinatown.

Please discuss what was eliminated by the closing of part of Merchant for Transamerica and the more complete obliteration that will occur if this project succeeds in closing the rest of Merchant (Mark Twain). Please also explain the still existing notation of Garment District on this block and its relation to Chinatown.

Park shadows and usage

The DEIR pooh-poohs the shadows on Maritime Plaza - which has an ABSOLUTE CUMULATIVE LIMIT OF ZERO on the grounds that no one really uses it in the early evening. While the current tenants/owner may not be creative about activation of that open space, and people may not know of its existence, Prop K did not say, it's okay to shadow parks if no one is using it RIGHT NOW. Please explain where the DEIR derives *that* as the standard from the language of Prop K. The shadows cast on Maritime Plaza on 3-113 are substantial.

Shadows are looked at in a rather mechanical manner. EIRs for projects in San Francisco should also discuss shadows in the context of FOG. When fog is rolling in - even if it a mile away - the winds are COLD and shadows exacerbate the chilling affect of fog. If the fog is starting to roll in and those shadows are cast, people leaving the Alcoa building will now be exiting into a cold hostile environment.

Similarly on Sue Bierman Park. The shadows will be cast not only on the area next to Washington Street, but also on the public sidewalk that runs along that Park reducing the pleasure of walking there in late afternoon. The people of San Francisco voted to adopt Prop M. Prop K is not limited to "active recreational use." Please explain how the DEIR concludes that the voters chose to limit its application to "active recreational use."

5-1 Growth Inducing Impacts

This section needs a total overhaul, to discuss (a) cumulative height increases with Chinatown Community College and any proposal to increase heights in conjunction with the extension of light rail into Chinatown.

The second aspect of growth-inducing impacts is that this project - along with the proposal for increased heights at 110 The Embarcadero and the proposal at 1634 Pine - has as its underlying rationale that SPOT-ZONING is allowed/a good idea whenever a developer feel "constrained" by the existing height limit. Height limits that were adopted after years of planning study, environmental review and policy discussion. Height increases can be granted for "a better design." This is very subjective.

Which leads to the next point.

6.4 - Code Complying Alternative

The developer has offered a poorly designed box that is NOT totally code-complying. It needs vacation of Merchant Street so the garage can be built under it. It violates Prop K shadow limits. It doesn't make even a pretense of trying to comply with the building design standards under the Downtown Plan. This Alternative is included to take up space and give nominal "compliance" with CEQA. If this architect is not competent to design a 200 foot building that adds grace to the neighborhood and provides desirable housing, another architect should be retained. 200' is NOT a short building, particularly right next to Jackson Square.

The existence of this design telegraphs that the ONLY goal of the developer (6-19) is to maximize development and profit. It is definitely NOT to build a project that is an asset to the City.

NOTE: The renderings on 6-6 et seq need building ADDRESSES on them. This is a generic problem throughout the DEIR. Street names - in particular MERCHANT Street - are missing. Please overhaul labels on the graphics.

There needs to be a totally new Code Complying Alternative designed and analyzed.

Respectfully submitted,

Sue C. Hestor

Attached - Allan B Jacobs, Making City Planning Work - pp. 158-223

Cc: Brad Paul
Georgia Brittan
Dave Jones
Aaron Peskin
Telegraph Hill Dwellers, Vedica Puri

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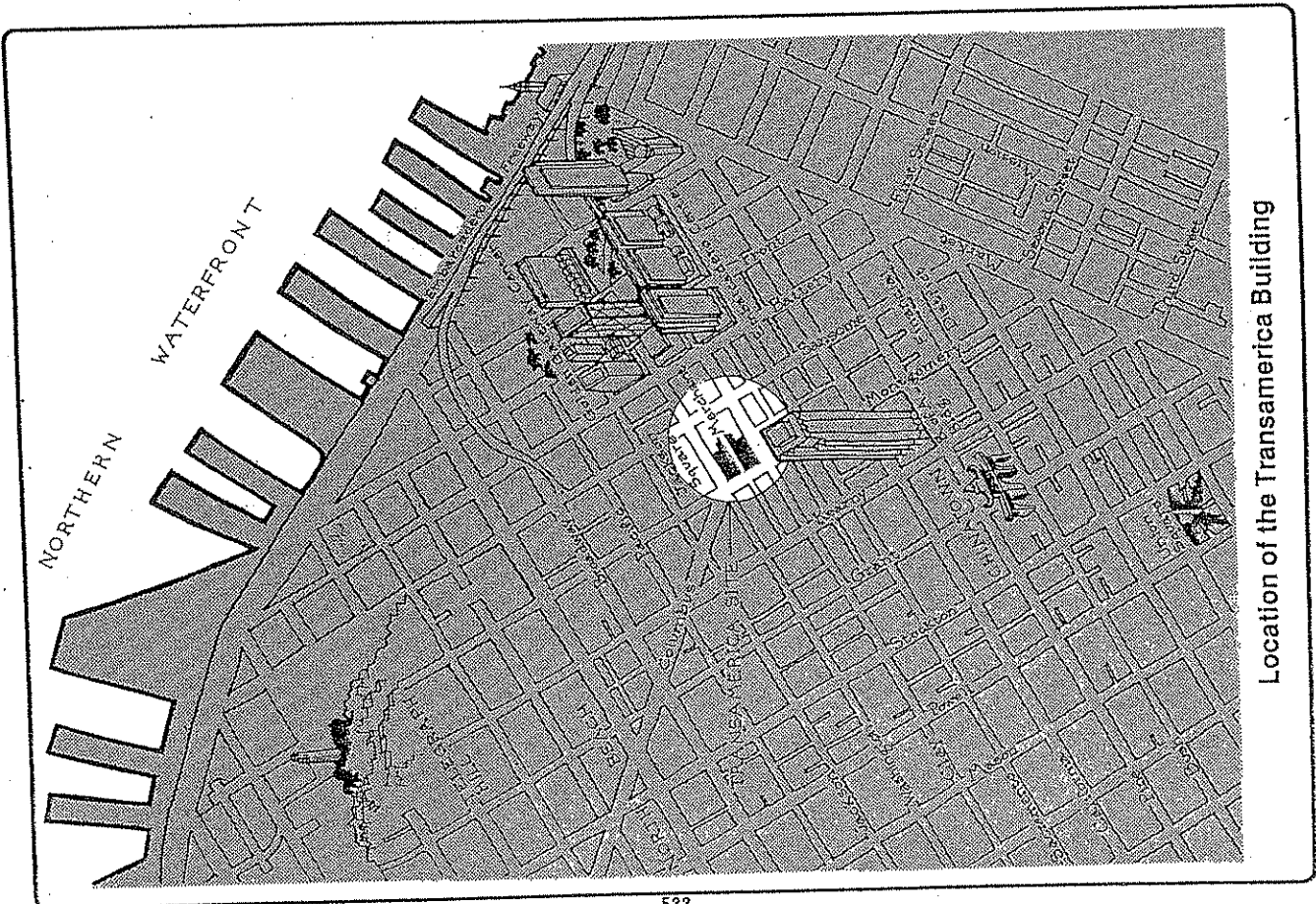
Chapter 7

Case Study: The Transamerica Building—An Ad Hoc Development Issue and the City Planning Process

On January 6, 1969, Tom Mellon, San Francisco's chief administrative officer, called the planning director and requested him to meet that afternoon with officials of the Transamerica Corporation to see designs for the new headquarters building they were considering.¹ Mellon had already seen a model of the building. The meeting was to take place at the Transamerica offices, which were located in a four-story, turn-of-the-century building in the historic Jackson Square area. The planning director, rather uneasy about being informed in this abrupt way about an apparently well-advanced proposal, adjusted his schedule to go to see the designs. The chief administrative officer was, after all, one of the planning commissioners.

The Transamerica Corporation is a conglomerate whose holdings include Occidental Life Insurance Company of California, United Artists, Budget Rent-A-Car, Lyon Moving and Storage, Transamerica Insurance Group, Transamerica Title Insurance Company, and much else. It was once the holding company for the Bank of America. Between Mellon's morning call and the afternoon meeting, his staff had advised the planning director that there had been one or two meetings some months earlier with architects representing Transamerica but that no serious designs had been put forth and that future meetings were to be held before that occurred. None had been called.

Approaching the old Transamerica building that afternoon, together with several key staff members, the planning director was a bit surprised to see the Public Works director, the city engineer, and the head of the Bureau of Building Inspection heading in the same direction. Since they all worked under the chief administrative officer, it was



Location of the Transamerica Building

reasonable to assume he had sent them. The city officials were met by a Mr. Butts of the Transamerica Corporation, who led them to an upper floor meeting room. There they met among others, Edward L. Scarff, Transamerica's president, and Gin D. Wong and Peter Kirby, representing the office of William Pereira, the architect. Introductions accomplished, the group proceeded to a meeting room, where, resting on a table in the center of the room, there was a model of an office building.

The model was in the shape of an elongated pyramid. It was a miniature of a building that would be 55 stories, approximately 1,000 feet high. By way of contrast, consider that the tallest building in San Francisco at that time was the Bank of America building at 52 stories, 778 feet. The site of the proposed building was the end of Columbus Avenue, one of San Francisco's two diagonal boulevards; the building was to face Montgomery Street, the most prestigious financial address in the city. To the south, across Clay Street, was the financial district. To the north, across Washington Street, was the Jackson Square area with its low brick buildings and narrow streets—and of course the Transamerica headquarters. Beyond that was the Broadway entertainment district. Three blocks to the east were the Clay-Washington ramps to the Embarcadero Freeway and the Golden Gateway Redevelopment Project. To the west lay Chinatown. In short, the site was strategically located at the edge of downtown in an area known as the Portsmouth Corridor. It was an extremely visible location.

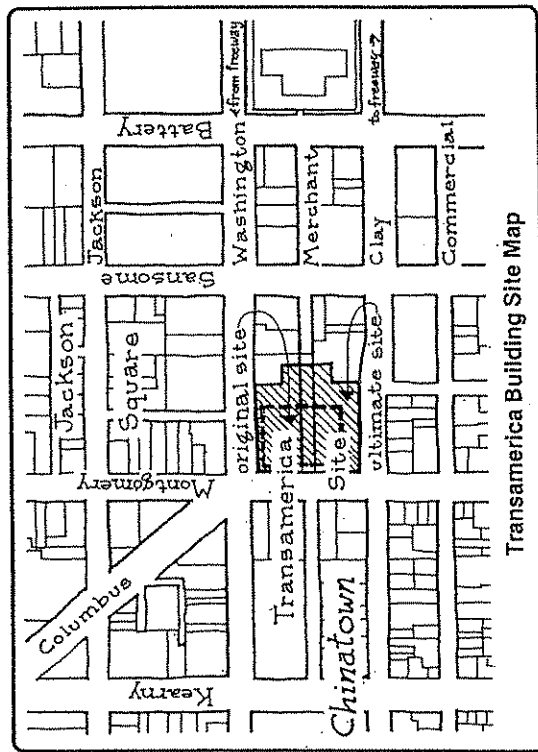
Scarff told the city officials that the Transamerica board of directors had just chosen that particular building for the new headquarters. It seems the directors had rejected four other designs, and now they wanted to get the required approvals for this one. There seemed to be no question in their minds as to the propriety of their proposal; their main objective was to get on with the job as quickly and efficiently as possible.

The planning director advised the Transamerica representatives of four probable concerns that would have to be addressed. First, to discourage traffic problems and congestion, the planning code (zoning) required special approval as a conditional use for any structure in that location whose parking space amounted to more than seven per cent of the total floor space of the building. This building appeared to fall into that category.

Second, Transamerica was proposing to build over an alley called Merchant Street, and the propriety of giving up the city's air rights to

this public right-of-way would have to come before the planning commission for a finding of conformity with the city's master plan. Third, on June 29, 1967, the planning commission had declared its intention to exercise its powers of discretionary review over any building that was proposed for the Portsmouth Corridor to assure its compatibility with the surrounding structures and land uses; and the corporation had been advised of this policy. The planning director found both the shape and great height of the proposal to be incompatible with the surrounding area.

Finally, the planners advised the Transamerica officials that the planning department had a standard policy for cases in which a proposed use or building was not a matter of right, where instead the owner-developer sought something out of the ordinary from the city, such as the use of air rights or a conditional use permit. If the planning department were prepared to consider such a matter in the first place, the planners explained, it was in the public interest that the development achieve urban design standards as defined by the city agency responsible for such matters. The same would hold true for development proposals at particularly sensitive locations. Developers and their architects were therefore invited to work with the city planning staff early in the design stages so that "urban design terms of reference"



issues are dealt with by city planners and the city planning process established by local government is therefore of some importance.

Buildings like Transamerica often become issues because they attract attention. They may be unforeseen or a departure from what has existed in the past or different from other buildings in their vicinity. Often they become issues because they break an unwritten rule of a community, such as "Don't build tall buildings on the waterfront." They are usually large and visible. They may offend someone or do damage to a neighbor, at least in the neighbor's eyes. When the proposals are large, there is often a good deal of money involved, and money attracts attention. Corporate egos also seek, and get, attention, and the same holds true for their architects. But perhaps the most important, at least as far as city planning is concerned, is that realization of the proposal may depend upon the developers' getting something from the city, something they do not have, something without which a proposal may not move forward. The "something" may be a subsidy, a change in a law (such as zoning), permission to buy or use public land, or special approval for something out of the ordinary. In any case, official and often public attention is called to such proposals because the getting or giving of that something requires public scrutiny as part of an established process of government, the city planning process.

The Transamerica proposal provides an opportunity to examine an ad hoc development issue within the larger framework of the substance and process of city planning as determined by local government. The case permits an assessment of the effectiveness of that process in dealing with this kind of issue. To do so, a number of questions require answers and explanations: How did the planning department respond to the issue? Was it related to the concerns of other city agencies? Who were the most relevant actors? How was the issue resolved? Did precedent play a role in the resolution? Could it have been resolved in some other way and what might it have taken to do so? What were its consequences for the development of the city, for the people who live and work there, for city planning? Before we attempt to answer these questions, it is important to define the issue in relation to city planning in San Francisco and to explain how the matter became an issue in the first place.

It should be kept in mind that cases of this type can only serve as the basis for limited generalizations; every case is at least a little bit different from the next. However, the Transamerica case is similar to a

could be established for any given site. If the architects and the city planners were in agreement, they could go before the planning commission and other official bodies as joint advocates instead of as adversaries. The planners reminded the Transamerica representatives that their architect was aware of the policy. In 1968 Peter Kirby had been associated with the architectural firm that had prepared designs for a controversial International Market Center at the foot of Telegraph Hill. That building did not get built.

The meeting ended indecisively. While it seemed clear that Transamerica wanted to move ahead as quickly as possible, no one said in so many words that the design chosen was already cast in concrete. There appeared to be some possibility of change, although the Transamerica representatives probably had a different view of what change might mean than the planners did. The planners hoped that Transamerica would choose to follow the consultation procedure they had outlined and that the building would not be announced publicly until additional meetings had been held. If the corporation wanted specific information about making official application for its building, that information would be forthcoming on request, just as it would for any other applicant.

The Transamerica building is typical of the type of ad hoc development proposal—a building or a complex of buildings proposed for a limited site—that can become a major issue in American cities, with a direct relationship to city planning. San Francisco offers many examples of such proposals: a proposal for a high-rise apartment development on the waterfront, an office-hotel-shopping-port proposal next to the Bay Bridge, another high-rise apartment building on Russian Hill, the Bank of America building. In New York City, the World Trade Center or the major developments over the Grand Central and Pennsylvania railroad stations might be examples. A Chicago example might involve the demolition of the Stock Exchange. In other cities, the issue might center on a redevelopment project, a subdivision, or a proposal to construct a public building in a park. Neither the public nor city officials always see such proposals as controversial when they are first put forth. For some, it is not until after they are up—when someone says, "How did that happen?"—that these buildings become issues. Some are never thought of as problems at all. But when such building proposals are issues, before, during, or after the fact, the effectiveness of city planning and of city planners is often judged by the outcome. How well or poorly these

number of others in San Francisco in the way it became an issue in the first place, in the nature of the substantive matters that were at stake, and in the official and unofficial procedures by which it was resolved. The Fontana Towers on the waterfront and the proposal for the International Market Center at the foot of Telegraph Hill are two of the many such cases that came before the Transamerica proposal. A proposal by United States Steel, a Holiday Inn, and a high-rise apartment building on Russian Hill are three that followed. The Transamerica case stands out from the others mainly because it was the subject of so many articles and so much national publicity. There are similarities (and differences) between this case and dozens of others in other cities.

Whether or not to vacate Merchant Street and to give up the air rights over the street and whether or not to permit extra off-street parking there were issues with which the planning department had to deal. They are directly related to the formal responsibilities of the department as these are defined by the San Francisco charter.² A procedure has been established to deal with these kinds of issues: referral to the master plan in the case of the street vacation and conditional use zoning in the case of the parking. The parking question was considered minor by everyone involved, both because the site was close to freeway entry and exit ramps and because the Transamerica Corporation was assumed to be flexible on this matter.

The matter of the planning commission's consideration of this or any other building proposal under what is termed the power or right of discretionary review is a bit less clear, but it is no less real in relation to the formal responsibilities of the city planning department. Fundamentally, the power of discretionary review allows the planning commission to exercise its discretion concerning any permit application when the general welfare requires review.³ It says, in effect, that the terms of the city's zoning ordinance are to be considered *minimum* requirements and permits the commission to determine whether the broader guidelines of the ordinance are complied with in specific cases. This means that in specific cases and for sound reasons the commission may place more stringent requirements on a project than the zoning otherwise calls for. San Francisco is unique among California cities and perhaps in the nation in its use of the discretionary review power. The fact that the planning commission had announced its intention to use

this power meant that a public hearing would be required for the Transamerica building. After a hearing, the commission would have the option of permitting the building, denying it, or permitting it with conditions. Its negative finding could be overruled, on appeal, by a vote of four of the five members of the Board of Permit Appeals.⁴

Decisions on vacating the street and on the discretionary review would have to be based in major part on some substantive city planning concerns, including in this case something called "urban design" or "urban aesthetics." Urban design has been a significant city planning concern since the "City Beautiful" movement of the early 1900s. In the post-World War II years, some planning professionals and academicians tended to frown on urban design as an elitist concern that was irrelevant to critical urban issues. The people of San Francisco, however, often have been concerned about the design characteristics of their city. In 1969 this concern was growing. San Franciscans did not have an urban design plan at the time—a plan that might have provided policies, guidelines, and answers to questions of how a particular building should relate to the design of the city as a whole—but its planners had made known their general design concerns about this Portsmouth Corridor area.

City policy, exemplified in a recent major rezoning of the downtown area, was to direct significant new office development southward, away from the Portsmouth Corridor. The corridor was to be a transition area between the intense downtown and the Jackson Square and North Beach areas with their many small, fine-scaled, and often historic buildings. The intent of city policy was to minimize development pressures on these areas. A 65-foot height limit was in effect in large sections of both of these areas and in the Portsmouth Corridor. This limit was intended to provide a transition to the unlimited heights that were then permitted in the downtown. The issue of height also arose in relation to nearby Telegraph, Russian, and Nob Hills. It had been long-standing city policy that these hills should remain distinct features of the skyline, separate from the man-made hill of downtown. In sum, the location and height of the proposed Transamerica building were major issues, the former because city policy was to direct major new development away from this area, and the latter because of urban design considerations that dictated the desirability of keeping new development at a scale compatible with its surroundings and of maintaining the city's visible topographic forms.

The shape of the proposed building was of major concern to the city planners, although the issue here did not relate to a previously articulated policy or principle. They viewed San Francisco as a fine-scaled city, primarily composed of small, rectangular buildings on small, rectangular lots, tightly developed and with few stand-out, "look-at-me" buildings. Except for major public structures, it was the *wibole* that was important to them rather than any outstanding, individual piece. The shape would have been of much less concern to the city planners had the building been located in the middle of the downtown area where it would have been less visible. A nonpublic, extremely high, pyramidal structure at the end of the Columbus Avenue vista, directly adjacent to low, brick, small buildings was not their idea of a building that fit in at this location.

The planning process itself could be viewed as an issue in the Transamerica case. Assuming that both parties have legitimate concerns in relation to a building proposal, it is important that the developer and his architect and the planners employed by the city communicate their intentions and concerns to one another as early as possible, preferably even before design work starts. The purpose is to let the developer know, as precisely as possible at any stage, what the public interest is concerning the project. The developer lets the city know his special needs and, in turn, knows what he might or might not do without a conflict. Experience had shown the city planners that, at least regarding building design issues, conflicts where investments of time, money, and egos are involved do not produce considered decisions. Rather, when such conflicts took place, it was usually the combatant with the most effective political resources who won. The planners felt it was important to have an established process to minimize conflict and had set up an informal design review procedure for these kinds of proposals. To some extent, the stature, or effectiveness of the commission and staff were related to it.

The review process had been in operation for over a year and most developers and their architects had chosen to follow it. During that period the few who had ignored the process had fared badly in the ensuing conflict. The planners didn't know whether the Transamerica Corporation, even at this late date, would choose to participate or whether it would choose to bypass the established procedure. Would the corporation try to go over their heads, to the mayor or to the Board of Supervisors or to individual planning commissioners? If Trans-

america did successfully bypass the planning department, there was a bigger danger to face: that others would also choose to go that route. How would that, the planners wondered, affect the stature of city planning in San Francisco.

These, then, were the major issues presented by Transamerica's proposal as seen by city planners: the street vacation and discretionary review issues, the issue of urban design, and the issues relating to the planning process and the stature of city planning. It is hard to know how these issues were defined by all the others involved, except perhaps by interpreting their subsequent actions. Certainly, speed was of the essence for the Transamerica Corporation. A state law permitting insurance companies that established headquarters buildings in California to deduct their property taxes from their premium taxes was to expire at the end of the year. California companies that owned headquarters buildings before January 1, 1970, or had them under construction by that date, could continue the practice. Transamerica owned more than one insurance company, and, depending on which company it registered the building under, it could deduct \$500,000 to \$1 million a year from its taxes.⁵

Any assessment of the Transamerica case should begin with the 1967 approval by the planning commission of the zoning proposals for the whole downtown area. At that time, there was strong sentiment on the part of downtown property owners in favor of including the Portsmouth Corridor in the most intense "Downtown Office District" classification rather than in a less intense classification as had been proposed by the staff. The planning director said then that he was willing to recommend the zoning change so long as the planning commission would establish a policy of discretionary review in the corridor. The commission agreed—in the words of its resolution, "looking toward maximum flexibility for new development in these blocks consistent with good design and studied relationships to other properties."⁶

At the time of the commission's action, Thomas Feeney, who was the attorney for owners of at least three of the lots that later were included in the Transamerica site, was asked by Commission President William Brinton whether he had any objection to a discretionary review policy. Feeney, according to the minutes of the June 29 meeting, replied in the negative and indicated that he was "of the opinion that his clients should work with the commission in an effort to achieve the best development of their properties in any case."

Transamerica was aware of the discretionary review policy at least from the time the downtown zoning proposals came before the Board of Supervisors in September 1967. On September 12, the planning department wrote to Transamerica to confirm the commission's decision and enclosed a copy of the resolution establishing the discretionary review policy. In response, John Beckett, chairman of Transamerica, sent a letter the next day endorsing the commission's proposals, especially as they related to preservation of Jackson Square and North Beach. Beckett also noted that "as the financial community expands, it appears only logical that the expansion will follow the now established eastward trend toward the Golden Gateway and the Embarcadero Center." The Transamerica site was northward, not eastward.

On September 6, 1968, a representative of the Pereira firm came to the planning department to disclose to the staff concerned with zoning and downtown development that Transamerica was acquiring property in the Portsmouth Corridor. He indicated that he recognized the importance of working with the department in the development of such a large building (he mentioned 30 stories). As he described the designs that were being considered, he seemed to pass quickly over a pyramid form, treating it almost as a joke. He was advised that the department would like to have further meetings in which "urban design terms of reference" for the site could be considered prior to the commission's discretionary review. As has been noted, no such meetings were held.

Transamerica's unwillingness to follow the design review process set up by the city planning staff is one reason why the building became an issue. Another related explanation may be found in the sense of stature or power held by both the corporation and its architect. It did not necessarily ascribe high value to the opinions or expertise of a bureaucracy's city planners. Other explanations may be found in the zoning that would permit the building in the first place and in the failure of the planning staff to prepare and disseminate specific design criteria for this site and for the corridor as a whole immediately upon passage of the new ordinance. A reasonable conclusion would be that the issue could have been, and in fact was, foreseen and that the planners failed to take the steps necessary to prevent the controversy. In its defense, the department would hold that it could not prepare realistic guidelines without first knowing who owned what land and that the planners' meeting with Transamerica's architects was geared precisely to the end of avoiding conflict. In any case, the proposed

Transamerica building was now an issue that would require the city planners' attention.

On January 7, 1969, the day after the planning director saw the Transamerica proposal for the first time, he met with Mayor Alioto to request his intervention, if that proved necessary, in persuading the Transamerica Corporation to change its design approach. The mayor had previously been helpful in getting the backers of another major development to change their designs to meet the planners' objections. Such was not to be the case this time. The mayor appeared to be already familiar with the proposal. In this meeting he sounded rather like an advocate for Transamerica. He made no commitment to support the city staff if there should be a fight. The director left the meeting with a sinking feeling that the issue was already decided, but he knew that the cards would have to be played out.

It took about six months for the matter to be heard and acted upon by the planning commission. During this period, staff of the planning department would attempt to convince the Transamerica Corporation to respond to the planners' concerns and redesign the building. Failing that, the planners would seek to gain support for their position from the general public and from public officials.

Immediately after seeing the mayor, the planning director met with key staff members to advise them of his concern, to direct that urban design terms of reference for the site be prepared as soon as possible, and to remind them of the importance of encouraging other departments to be firm in dealing with the issue. The closing of Merchant Street would, after all, affect the Fire Department, the Division of Traffic Engineering, and the Bureau of Building Inspection (which would be concerned with the safety of a building over a public right-of-way).

During January, the planning staff attempted to keep the mayor from publicly advocating the project. The director made efforts, through the mayor's staff, to suggest that the mayor might not be on the right side of the issue and that nothing would be gained by public advocacy. It was suggested, too, that the planning commission should have the opportunity to come to its decision without appearing to be directed by the mayor. The director also advised the planning commissioners of the developing problem. He told them that gaining public support was likely to be an uphill struggle. For one thing, the top

editorial personnel of the two daily newspapers were for the Transamerica proposal. Before the next month was out, Herb Caen, San Francisco's style-setting columnist, was to write about the building in positive terms.⁷

The meetings that took place between the planners and Transamerica representatives were of little substance. A conflict was in the making and the potential combatants were keeping their own counsel rather than dealing directly with the differences between them.

On January 27 and 28, Transamerica presented the designs for the new building at two lunch meetings. A flurry of newspaper publicity accompanied the announcement.⁸ The second lunch was attended by city officials, most of whom had little to say about the building except for asking a few technical questions. Mortimer Fleishhacker, the new president of the commission, foresaw problems with Transamerica's proposal and sent a letter to Scarff on February 5 requesting a meeting of Transamerica officials with the planning staff. The meeting was held on February 14, but no higher level Transamerica or Pereira representatives attended. The planners told the developers what the major problems of the proposal were and said that if changes were not made, the planning department would oppose it. When it became apparent that Pereira's office was not going to work with the planners, the draft urban design terms of reference were put on paper and sent to Pereira's representative, Peter Kirby, on February 24. The terms set a maximum height of 400 feet, or about 28 stories, and they called for intensive, pedestrian-oriented uses at the lower levels, an architectural scale that would be harmonious with buildings in the adjacent historic area, and a rectangular shape.

In late February the planning director met with the director of the San Francisco Planning and Urban Renewal Association (SPUR), a prestigious general membership organization that was concerned with city planning. With a group of interested SPUR members, mostly architects and planners, they discussed possible strategies for opposing the building.

The planners attempted to meet with Beckett, on the theory that the chief executive of a large corporation is likely to be more flexible and easier to negotiate with than people lower on the corporate ladder. The attempts were unsuccessful. Later, a note from Edward Scarff, dated April 17, made it clear that he was to be in charge.

At a March 11 meeting attended by Scarff and Pereira, the director

was asked if he would approve the building if its height were reduced. He said he would not so long as it was basically the same building. In turn, he asked Scarff and Pereira if they were going to change the building in major ways, redesigning it in accord with the department's concerns. They said no, and the director told them he would recommend against the proposal. On that same day Transamerica applied for a site permit for the building. It turned out that the application was incorrectly filed because Transamerica did not yet own the air rights over Merchant Street and because there was a conflict with the building code.

As time passed, some changes were indeed made in the building's design, albeit none that satisfied the planners' objections. The height was lowered. But the site got larger and larger as Transamerica purchased more property. Eventually, the developers were no longer asking for an air rights vacation over Merchant Street. The street was no longer to pass through the building. Instead, they wanted a total vacation and purchase of the street as it passed through their property. They wanted the street to be closed so that they could build on the land it occupied.

Total vacation of the western end of Merchant Street was not a minor matter to the city planners. The narrow (only 31 feet) one-way street might not be needed for general traffic circulation, but it provided service access to the abutting properties, which included restaurants, offices, showrooms, and wholesalers. Creating a dead end would mean that vehicles would no longer be able to proceed down the street after servicing those properties. Trucks would block each other; to get out, they would have to back into a major street. The prospect of traffic jams on Merchant Street might well encourage truckers to provide service from abutting, faster moving traffic streets rather than from Merchant Street as was intended. This would lead to traffic conflicts on streets that were meant only to handle normal traffic, not deliveries. A closing would interfere with fire department vehicles and impede access to fire escapes. Finally, the city planners were aware that streets, in addition to providing light and air, played a major role in determining the scale of the city. Small blocks, simply because of their size, hindered the largest developments and were consistent with fine-scaled San Francisco. For all of these reasons, the city planners were opposed to the street closing.

A few meetings were held with the architects during March and

April, but they were not considering any major changes. While the planners were concerned with the overall concept of the building, the architects seemed interested mainly in details. At one of the meetings, in his office, Pereira seemed concerned mostly with the problem of designing the windows on the sloping facade.

The planning staff met with a couple of neighborhood groups to solicit their support at the inevitable public hearings. The planners also met with any number of architects, most of whom objected to the building's design. After a meeting with columnist Herb Caen, his tone changed from approbation to neutrality, even mild disapproval.⁹

Many of the discussions with the mayor between January and June included an exchange of views about the Transamerica building, which the mayor likened to the Eiffel Tower. The planning director was trying to minimize the mayor's involvement.

During this period it appeared likely that the planning commission would support the negative recommendation that was expected from the department. Only Commissioner Mellon, the chief administrative officer, appeared to be a certain vote in favor of the building. The votes of Jim Kearney and Walter Newman, who were tagged the labor and downtown business representatives, were harder to predict. But Fleishacker, William Brinton, Julia Porter, and Jim Carr seemed strongly opposed. Carr, the general manager of the Public Utilities Commission, said that he disliked the building and would instruct his alternate to vote against it. (Carr rarely came to the commission meetings himself.) It seemed reasonable to anticipate a four-to-three or five-to-two vote in support of the staff recommendation. There were frequent discussions with commissioners to get and keep their support.

The planners held a number of meetings with owners of property that had direct access from Merchant Street in order to make them fully aware of their access rights and of the difficulties that would result if one end of the street were to be blocked by a building. It was difficult to imagine the city vacating and selling any part of the right-of-way without their agreement. The meetings disclosed that Transamerica representatives were also speaking to the owners and were busy buying or leasing key parcels.

On May 5 the planning department sent a letter to Transamerica outlining the hearing procedure that would be followed. Meetings at Pereira's office on May 12 and 14 were without major substance. After one of these meetings Pereira called the director to ask whether making

major changes to the first two floors of the building—the planners had called for such changes—would produce a positive staff recommendation. The answer was that by themselves they would not.

The street vacation issue was placed on the planning commissioner's calendar for June 12 and was then taken off at Transamerica's request. Revised plans were submitted for a site permit application on June 19. On June 23, the planning director sent a memo to the commission outlining the issues related to the street closing matter. Both the street closing and discretionary review of the building were considered and decided by the commission on June 26, at a regularly scheduled public meeting.

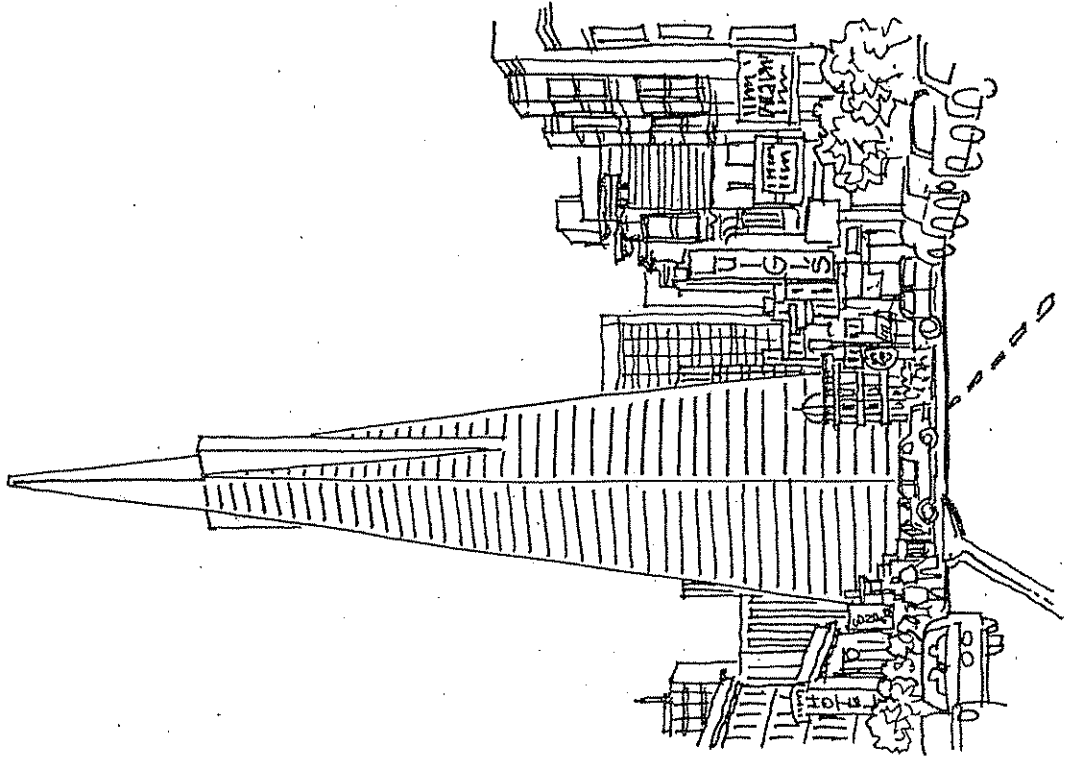
On the morning of June 26, the planning director received a copy of a letter the mayor had just sent to the commission, giving his opinion that the building should be approved.¹⁰ Since Mayor Alioto had never before communicated his views to the commission in this way, the letter came as a complete surprise to the staff. Later, some of the commissioners and one of the mayor's assistants confided that the mayor and possibly his deputy for development, John Tolan, had called selected commissioners to relay the mayor's wish that they vote for the building. This was another first.

The hearing, by San Francisco standards, was small and relatively quiet. The planning commission minutes show that there were fewer than 50 people in the room. Seven people, three of them affiliated with Transamerica, spoke for the street closing, and ten spoke against. The staff recommended that the commission find the closing not in conformity with the master plan for reasons of access, congestion, and fire safety. The staff recommendation on the street vacation issue was overruled by a four-to-three vote. The three supporting votes came from Fleishacker, Brinton, and Newman. The vote was five to two against the staff recommendation of disapproval of the building based on discretionary review. In late August, the street closing matter came before the Board of Supervisors at a meeting that was much better attended and where more people spoke in opposition. Either more people were becoming concerned or they felt that the board was a more effective place to make their wishes known. Even so, the vote was nine to one in favor of vacating and selling the street.

Other departments besides city planning had a direct stake in the outcome of Transamerica's proposal. Public Works and Fire were usually opposed to street closings, and at first they were concerned about the safety hazards and congestion that could result from closing Merchant Street. Later, though, they found these to be no great problems. It will be recalled that the Department of Public Works and the Bureau of Building Inspection are responsible to the chief administrative officer, who appeared to favor the building from the start. The Bureau of Building Inspection was primarily concerned with building safety, and that concern may well have been responsible for changes in the structure—most notably eliminating the street passage through the building in favor of a street closing.

The city attorney and the Real Estate Department played little or no part in the initial public decisions to vacate the street and to grant a building permit, although these offices were to prove significant later. At another level of local government, the Board of Supervisors was not involved with the issue until after the planning commission took action. The mayor's office obviously played a major role. It was Mayor Alioto who proved to be the most significant public actor in obtaining the building's ultimate acceptance.

Transamerica's role, like that of the planning department, went well beyond those official acts and technical-professional assessments and proposals that are necessary to get a building designed and under construction. An article by Transamerica's public relations manager, John Krizek—"How to Build a Pyramid"—in the December 1970 issue of *Public Relations Journal* not only describes the "kit of PR tools [that helped] win San Francisco's approval of a new high-rise office building," but clarifies the roles of other actors. It is clear that the corporation knew the building would create controversy. Its corporate relations staff was planning the announcement of the new building even before the board of directors had made a final decision to go ahead. The mayor and the chief administrative officer were the first city officials to see the building. The first press conference to announce the building was coordinated with a chamber of commerce banquet so that the chamber could share in the announcement. A special lunch was held for all publishers and general managers of the city's newspapers and television stations, and another lunch was held for labor leaders. Private briefings were held for supervisors. Corporation representatives went to neighborhood meetings held in opposition to the building. (They went



"surreptitiously" and "incognito," according to Krizek's article.) The corporation conducted its own letter-writing campaign in favor of the building to offset the letters from opponents. Krizek's article implies that it was at the corporation's instigation that "a few hippie-looking young men brandishing an 'Artists for the Pyramid' sign" passed out "a leaflet of their own, which included a cartoon showing two ancient Egyptians in a raging argument over the construction of pyramids."

It is doubtful that the chamber of commerce needed any convincing from Transamerica to support the building. It was enough for the chamber to note the revenue it would raise and the number of new construction jobs it would provide. Labor and the chamber were on the same side in this development issue, as in most others, although labor interests were less vociferous than usual in this case.

The role played by the Telegraph Hill Dwellers, a prestigious organization of the neighbors to the immediate north of the proposed building, was not as strong as expected. Perhaps the "incognito" efforts of Transamerica's public relations staff had been effective. More likely, though, the Telegraph Hill residents were piqued at the planning commission for allowing the most intense downtown zone to penetrate this close to them in the first place. As one influential member of the organization confided to the planning director, the members were a bit fearful of a totally negative public image. They did not want to appear to be against everything.

SPUR was also not a particularly active campaigner against the building. Instead, the most active opposition came from a new group, The Environmental Workshop, composed of young environmentalists and urban designers. In 1969 they put out a brochure—*San Francisco and the Transamerica Pyramid*—that described, with cartoons, the urban design issues at stake and, with photographs, showed what the building would look like in that setting. They got petitions signed, picketed Transamerica's headquarters, and tried their utmost to line up public support for their position and to encourage public officials to express their opposition to the project as well. They were not very successful. It is probably accurate to say that at that time not very many San Franciscans were concerned about this particular matter. Individual architects were concerned, but they were generally ineffective in expressing their opposition; ethical considerations prevented them from criticizing the building, except in the privacy of the planning director's office.

Support for the planning department's position came from an unexpected and unsolicited source—private economic consultants. Three or four consultants from Chicago and New York had heard of the pyramid and stopped in to express their dismay at the prospect of such an uneconomical building. Aside from noting the obviously low ratio of usable floor space to total floor space, especially on the most desirable upper floors, they pointed out that drapes, hanging vertically from the ceiling, would be quite some distance from the sloping walls by the time they reached the floor, thereby creating more uneconomical space. They were urged to voice their concerns to the corporation.

While these consultants might have been aware of the tax break Transamerica would receive at the state level, they were probably unaware of a similar tax advantage then being created at the federal level, an advantage that could help offset the uneconomical design. As would later be reported by Donald Canter in the *San Francisco Examiner*, "Transamerica . . . had initiated the writing of a special provision into the federal tax reform bill aimed at giving the company a tax break for its planned . . . headquarters building. . . . Transamerica was one of 14 companies . . . that would benefit from special legislation written into the tax measure on their behalf. . . . One of those special provisions, [Senator Edward] Kennedy said, would allow Transamerica rapid depreciation of a new nonresidential building."¹¹ According to the news story, Transamerica's corporate relations manager said that the assumption that the nonresidential building referred to was the San Francisco pyramid was correct.

Krizek's article documents some of Transamerica's efforts to influence the news media on behalf of its building. It is fair to say that the efforts were successful. The major dailies advocated the building from the start. A clear indication of this was a letter to the editor by a former reporter, lamenting the passing of old San Francisco; the *Chronicle* reprinted it as a lead editorial—leaving out the part that damned the Transamerica pyramid.¹² No criticism of the building appeared in print locally.

Precedent favored granting permission for the building, although it certainly did not require it. Few major buildings, once proposed, had been stopped in San Francisco, and fewer still halted for reasons of urban design. The Fontana Towers, built on the city's waterfront some years earlier, had broken an unwritten San Francisco rule that buildings on the waterfront should be low and non-view blocking. Laws had since

tax advantages that would disappear if construction did not start by the end of 1969.

In the end, the official process was followed, and it provided a number of opportunities to approve or disapprove the building. The public had a chance to express its point of view. If the public had cared enough, it could have influenced the outcome, perhaps to the extent of overcoming the influence of the mayor and chief administrative officer. But the public was not sufficiently aroused. Either people did not know about the proposal and its implications, or they did not feel the issue was of major concern, or, alternatively, they may have known about the proposal and favored it. It seems reasonable to conclude that at that particular time in San Francisco not enough people considered one oddly shaped building in a questionable location enough of an issue to merit greater involvement.

If the city planners' assessment of the proposed Transamerica building was correct, then its effects on the city and immediate area will be negative. The planners most involved in the case continue to believe their recommendations were sound. While it is not likely that one building is strong enough to set the character of a city or to make or break it in terms of city design and development, each building adds or detracts. The Portsmouth Corridor, with a strangely shaped Holiday Inn, an almost black Alcoa building—an anomaly in light-colored San Francisco—and finally the pyramid, has developed into an architectural sample box of unrelated shapes, sizes, and colors. The city has always welcomed variety, but in the past it has been expressed within a generally unified overall structure and scale.

San Francisco has not been undone by the Transamerica building, but the resolution of the issue and its immediate consequences were disheartening to the planning department. Some developers and architects concluded, correctly, that they could bypass the process established by the planning staff to develop urban design guidelines for particularly sensitive projects. Instead, developers could go to the mayor, or to some of the commissioners, or perhaps to the chief administrative officer and get early backing. While there is nothing new about this practice, it invariably leaves the city planning staff on the losing side, and it had not been common for two years in San Francisco. The informal but effective design review process had been weakened considerably.

In the longer run, the resolution of the issue may have been

been passed to reestablish the precedent and prevent similar occurrences, but the Fontana was permitted. As a generally frowned upon building its example might have, but did not, provide a precedent to refuse the pyramid.

There was also a precedent attached to the selling of a street. In the 1960s, San Franciscans attached little value to streets either as open space or as factors that determine the scale of development. If streets weren't needed for traffic or for access, they could be disposed of. However, the Real Estate Department, with approval of the city attorney, did attach value to streets. When a street was to be sold, the Real Estate Department generally charged *one-half* the market value established by property appraisals. Why only one-half? The rationale of the real estate and legal experts was that since the owner had some rights to the street originally, he should not have to pay the full market value, that in fact he had rights to half the value of the street even though it might have been held in fee by the city. This precedent made the purchase of streets attractive to developers in general and to the Transamerica Corporation for the purchase of Merchant Street in particular. No one can know if the corporation would have asked for the street vacation and purchase if the price had been twice the \$535,000 it agreed to pay. A taxpayer's suit would decide the correct price in the courts after the street had been closed and sold.¹³

It is useful to look briefly at the resolution of the Transamerica issue in two ways: in terms of substance, and in relation to the city planning process. Substantively, the issue was resolved quite clearly. The street was closed. The building exists. The city planners lost. Transamerica and the mayor won. In regard to the city planning process, the unofficial design review procedure established by the planning staff was bypassed. When any matter of significance came up, Transamerica simply ignored it. On the other hand, the official, legally prescribed process was followed, and this process in itself slowed and might have stopped the building. Some of Transamerica's early applications for site permits, excavation permits, and the street closing apparatus did not meet the precise requirements of the law, and they had to be retracted and resubmitted. Since time was critical for the developer, a string of these delays could have affected the resolution of the issue. Transamerica might not have insisted on the original design without the

responsible for a heightened awareness of urban design and downtown growth issues. In 1970, the proponents of the U.S. Steel development on the waterfront used the same high-powered tactics as Transamerica. The planning commission approved that proposal, too, but in the face of strong citizen opposition, the Board of Supervisors voted to reject the proposal and to support the recommendation of the planning staff.¹⁴ Also, the anti-high-rise initiatives that surfaced in 1971 and 1972 may in part have been outgrowths of the Transamerica issue.

An immediate consequence of the Transamerica issue was the split that developed between the planning commission and its staff. Heretofore, they had agreed on most major issues, but for a period of at least two years after, they agreed less often, and at times the staff itself was unable to support the commission's actions before the Board of Supervisors. There were also times when the staff actively argued against the commission at the board. This breach lasted until a citywide urban design plan was produced in 1971.

Perhaps more significant was the split that occurred within the commission and between at least one of its members and the mayor. Commissioner Brinton was incensed that Mayor Alioto had written to the commissioners in favor of the building. To him, the mayor's letter constituted unwarranted interference in the commission's business, and he said so many times. When his term expired in 1970, he was not reappointed, primarily because of his outspoken criticism of the mayor. Ultimately, Brinton was to become a major force in the fight against the massive, downtown Yerba Buena redevelopment project, a favorite of San Francisco's business interests and of the mayor.

The Transamerica case teaches us a number of lessons. Some fall into the category of political judgment or strategy. Under this heading, one might question the planning director's wisdom in waiting so long before publicly airing his concerns about the proposal. By going directly to the public through the media immediately after he learned of the proposal and before Transamerica could gain the initiative, he might have aroused enough public opinion to ultimately defeat it. But, as fruitful as this area of inquiry might be, of primary interest here is what the case implies for the city planning process.

First, the case underlines the importance of having a plan that addresses, as specifically as possible, the kinds of issues that the com-

munity will face. San Francisco had no such plan to provide guidelines for relating individual buildings to the design of the city as a whole, although one was in preparation. Without such an explicit plan, the planners were, to a considerable extent, "winging it." It would also have been desirable for the plan to have been endorsed at the highest policy-making level of the government.

Even without a plan, zoning could have prohibited the building. It is unimaginable that an 853-foot building in the Portsmouth Corridor would have been permitted if there had been height limitations. On the theory that if anything bad can happen, it will, the planners should have proposed a reasonable height restriction for the area at the time of the downtown rezoning. They had not done so. Instead, the planning commission relied on its discretionary review powers to guard against undesirable development. Its vote on the Transamerica building would indicate that it did not consider the pyramid to fall into that category. Nevertheless, the case underlines the desirability of using zoning as a part of the city planning process to achieve what the community wishes and to prohibit what it does not.

Transamerica's successful avoidance of the design review process only confirmed what the planners already knew—the importance of making the design review process a legal requirement. Developers and architects will not voluntarily become involved in a procedure that limits their options unless they can see a clear connection between doing so and succeeding with their project. The more significant the project and the higher the status of those involved, the more likely it is that someone will try, successfully, to skirt any voluntary process. Transamerica still might have bypassed a more formal procedure and used political clout to win acceptance for its building, but it would have been harder to do so.

The case, like many others, further confirms what many have said: that political pressures will be at least as important and probably more important than technical or urban design criteria in deciding development issues. The more discretion there is in the review process, the less likely that the decisions will be made using the city planners' criteria.

The case further suggests that the planners could have asserted their claims better if they had prepared design guidelines for the area and the site much faster than they did. Such guidelines, especially if they have been considered by planning commissioners or legislative bodies, put the interested parties on notice. If precise ownership patterns are

commission appointed by the mayor instead of making it a part of the mayor's office, where, according to the opinion of many, it would be most effective. Is it likely that city planning would have been more effective in the Transamerica case if the Department of City Planning had been a part of the mayor's office? Given the political structure of large cities and the forces that usually elect their chief executives, how reasonable is it to expect the mayor to be opposed to major downtown buildings of any kind? If it is also true, that, historically, downtown business interests have had a great stake in electing mayors and that those mayors have in turn found business support to their advantage, then it is also unlikely that mayors will oppose downtown office buildings, on any grounds. If a city requires that recommendations be made on development matters by professionally trained city planners, and if those recommendations are to be made in public, is a mayor's office the best place from which to make them? Isn't it likely that even if the mayor and planner agree on one or more cases, sooner or later there will be major disagreement? And won't it be difficult to ensure the survival of impartial professional recommendations—if the community does indeed want such recommendations? The answers to these questions suggest that for handling cases like Transamerica, city planning would not have been any more effective if it were located under the chief executive instead of under a planning commission or the legislative body. Indeed, either of the last two would seem preferable.

The Transamerica case cannot be counted a success for city planning in San Francisco. Those most responsible for doing city planning and for making recommendations about the physical development of the city were not supported. Professionally, they had not prepared for the case as well as they might. Politically, they were less than effective.

Regardless of the outcome of the Transamerica proposal, the case points to the difficulty that city planning has in dealing with such ad hoc development matters when they become major issues. Conflict situations, especially those centered on large building development issues, make good copy for the press, but they do not necessarily produce considered decisions. The outcome of such conflicts is usually decided in favor of the parties with the most power, fiscal or political. Even if city planners win their share of such battles, and sometimes they do, it is as often by luck as by planning. More discretion in the hands of the

unknown or in flux, then more general or preliminary guidelines might be in order, but the planners will at least have established their presence in the development process.

The case also raises some questions about the master plan referral process. In San Francisco, a master plan referral must be decided at a regular public meeting of the commission. It does not, however, require a public hearing, since a factual finding of whether or not the matter at hand conforms to the master plan is all that is required. In practice, referrals are often decided after considerable public testimony, but the discussion may have nothing to do with the master plan. Quite often, master plans contain no direct policies or guidelines that address the issue at hand anyway. There was very little in the San Francisco master plan that was in effect at the time that could be cited as being directly applicable to the vacation of Merchant Street.

If clear policies and directives were set forth in a master plan, issues such as this one might arise less frequently and, when they did, decisions could be made more easily. Not only should there be no need for a public hearing for most cases, there should also be no need for commission action. Except when appeals or a proposed change in policy are being requested, the staff of the planning department could handle referrals administratively. Public hearings would be required to consider changes in policy, which would be the same as changes in the master plan. It would be reasonable to require more than a simple majority of the legislative body to overrule a finding of nonconformance by the planners, similar to the practice in zoning cases. In fact, master plan referrals, as a means of controlling the uses of *public* property and development, are somewhat analogous to zoning as it is related to the use and development of *private* property. The approach is similar to that under which some state-created regional agencies operate. For example, the San Francisco Bay Conservation and Development Commission and the state legislature adopted a Bay Plan that guides BCDC in its granting of shoreline permits. BCDC has control, via the permit system, of public as well as private projects.¹⁸ The process will only work well, however, when there is something reasonably specific for it to apply to and when it has some teeth.

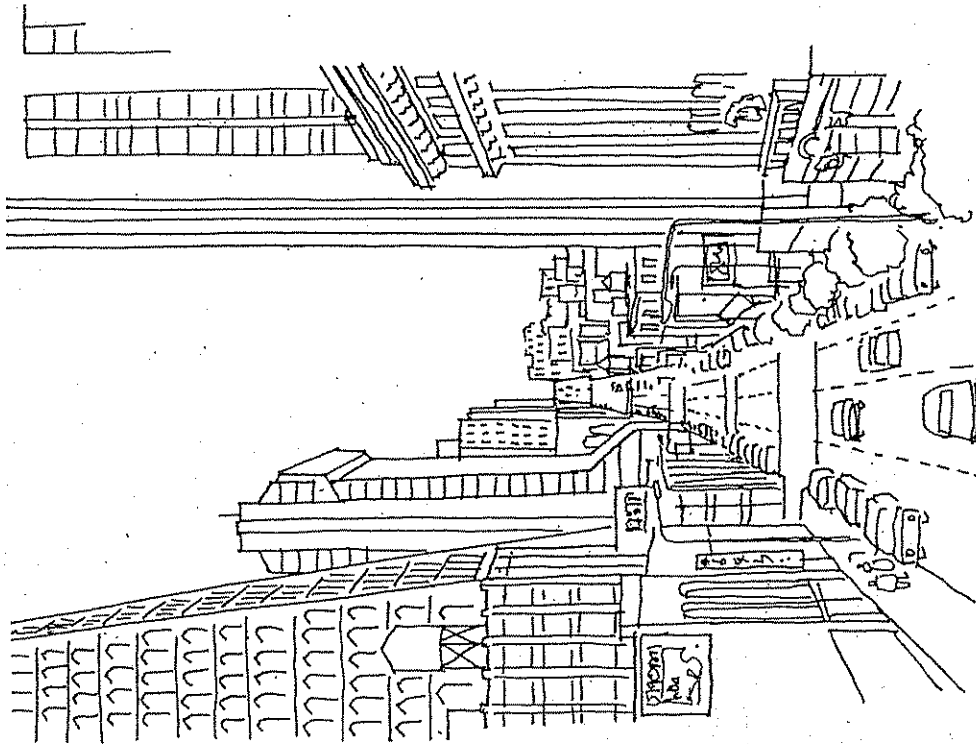
It is difficult to draw conclusions about the best location for city planning within the governmental framework based on the experience of one case. Nevertheless, the Transamerica example does raise some questions in this regard. San Francisco locates city planning under a

An Epilogue

In May 1972, the Supreme Court of California upheld a lower court's finding, in response to the taxpayer's suit (*Harman v. City and County of San Francisco*), to the effect that San Francisco's policy of charging half the market value of any public right-of-way it was selling was unlawful and that 90 per cent of the full market value would have to be charged. Transamerica was ordered to pay an additional \$535,000 for the portion of Merchant Street it had purchased earlier. An unexpected consequence of the issue, then, was to change city policy and to make it more costly, and perhaps less likely, for city streets to be vacated for private use. But it is doubtful that the extra cost, if known beforehand, would have stopped Transamerica from going ahead with its building.

Communication, however, might have prevented the Transamerica building.

On September 19, 1969, well after the planning commission and Board of Supervisors had approved the building and long after I had any desire to meet Transamerica's chairman, John Beckett, we met. The meeting, requested by Beckett through Mortimer Fleishacker, president of the planning commission, took place in Beckett's office. The essence of it was that Transamerica wanted to build its pyramid 10 stories higher than had been requested and approved. Beckett knew that this would require a new hearing before the commission. But, he said, a taller, more slender building would be more handsome, more deserving of our support. My position was that the best that could be said would be that the building would be less ugly, that I would not change my position, and that I wondered why Beckett cared what I thought, since he had the commission "wired" in any case. Beckett responded that it was important to have the planning director in favor of the building, that it would look better, especially in the public eye. He didn't want another fight. He also observed that well before the initial approval of the building his staff had advised him that if Transamerica came in with a building that was 10 stories lower than the initial conception, I might approve it. I told Beckett he had been misinformed and proceeded to list my reasons for opposing the building, concluding that I would never recommend in favor of it. Beckett had not known my views and said that it was too bad we hadn't met earlier. He said he wanted to give San Francisco "a valentine."



professionals will not necessarily help, because in the toughest cases, especially when the professionals are opposed to the project, they are likely to be overruled in the political arena. Many would say properly so. For city planning to be most effective on these kinds of issues it is important to minimize the frequency of Transamerica conflicts. To do that requires relevant, clear, well-aided, and thorough plans in the first place, followed by implementing legislation, and a governmental process that maximizes the possibility of considered decisions.

The meeting continued, and after some time Fleishhacker and I, wondering what further purpose would be served, started to excuse ourselves. Beckett, however, had something else on his mind. What if Transamerica came in with a different building of more modest height? I responded that two of the five original designs had looked quite good, and although they were higher than desirable, over 30 floors, I would probably recommend their approval if they were designed sensitively in relation to the site and its surroundings. The problem of speed, really Transamerica's need to have at least a hole in the ground by the first of the year to realize its tax advantages, could be handled, I felt, by everyone working overtime. Beckett seemed interested. The meeting ended cordially. Beckett said that he would think about this new alternative and get back to me early the following week. I recall that as we were leaving, Beckett said something to the effect that it was unfortunate that we had not met earlier.

Early the following week Beckett called. He felt it was too late now to turn around. Too much was involved, the matter had gone too far.

Transamerica officially asked for the greater height on November 13, 1969. The staff recommended against the building. The planning commission voted four to three for it. Excavation started in December 1969. The building was first occupied in the summer of 1972.

Notes

1. The source of this date, as of many others in this chapter, is the author's appointment calendar for 1969.
2. Mandatory referrals come under section 3.527 of the San Francisco Charter, zoning under sections 7.500 to 7.503. See chapter 2 for a description of mandated responsibilities of the planning department.
3. The power of discretionary review is derived from part III, section 26 of the San Francisco Municipal Code and from the San Francisco Charter. For a description of the discretionary review power

see Patrick J. O'Hern, "Reclaiming the Urban Environment: The San Francisco Urban Design Plan," *Ecology Law Quarterly*, vol. 3 (1973).

4. San Francisco Charter, section 3.651.
5. The law is part of the California Revenue and Taxation Code, part 7, chapter 3, article 4, paragraph 12241. Also see Donald Canter, "Insurance Buildings Rush for Tax Savings," *San Francisco Examiner*, December 15, 1969.
6. San Francisco City Planning Commission Resolution 6112, June 29, 1967.
7. Herb Caen, "Good-Good-Good," *San Francisco Chronicle*, February 2, 1969.
8. "Spire Makes It the Tallest," *San Francisco Examiner*, January 27, 1969; "A Pyramid for San Francisco: Plans for City's Tallest Building," *San Francisco Chronicle*, January 28, 1969.
9. *San Francisco Chronicle*, April 4 and April 27, 1969.
10. A copy of this letter is also in the planning commission minutes of June 26, 1969.
11. Donald Canter, "Tax Bill Contains Break for Transamerica," *San Francisco Examiner*, December 10, 1969.
12. The letter from L.S. Thompson appeared in the *San Francisco Chronicle* on April 4, 1969, the editorial on April 7. Also see "San Francisco's Renaissance," lead editorial in *San Francisco Chronicle*, January 29, 1969; and "Pyramidal Anchor," editorial in *San Francisco Examiner*, same date.
13. *Harman v. City and County of San Francisco*, 7 Cal. 3d 150, 101 Cal. Rptr. 880, 496 P. 2d 1248.
14. For a sense of the developing tenor of the times, see *San Francisco Chronicle* articles by Scott Blakey ("Tower Plan Restudied,"

July 28, 1970) and Jerry Burns ("A Height Formula for Waterfront," November 11, 1970; "San Francisco Supervisors Block the U.S. Steel Tower," February 13, 1971). Also see "Skylines v. Skyscrapers," *Time*, March 8, 1971.

15. Paul Sedway and Thomas Cooke, *Land and the Environment: Planning in California Today* (Los Altos, California: William Kaufmann, Inc., 1975), p. 74.

Chapter 8

Case Study: The Urban Design Plan

San Francisco is generally accepted as one of the more handsome American cities. Views, hills, fog, water, charm, urbanity, diversity, intimacy, activity, Victorians, cable cars, Chinatown, Golden Gate Bridge, Fisherman's Wharf, Golden Gate Park—all evoke images of a special urban place. And San Franciscans seem to be aware of their immediate physical environment and of their good fortune. If long association or experience have no effect, then visitors remind them that their city is different.

By the late 1960s, there was a growing list of conflicts over individual building projects that represented, to some, threats to valued physical traditions. The Fontana Towers, a high-rise apartment complex in a very visible location, had broken a long-standing tradition of building only low buildings along the waterfront. The possibility that another project, the International Market Center, would dwarf Coit Tower on Telegraph Hill and block views of the Bay raised an enormous controversy. The "freeway revolt" in 1966 had been as much a reaction to the ugliness of the existing freeways and the disruption they caused as to their questionable functional value in intensely developed urban areas.

The visual quality of some of the redevelopment projects that were proposed had aroused public opinion, and so had the design of the rapid transit stations downtown. In the neighborhoods, complaints were beginning to be heard about the "plastic" apartment buildings that were replacing the Victorians and about the way that the new buildings ignored long-established setback traditions. The issues that were at stake were underlined in the late sixties by the imaginative conversion into a shopping complex of the old Ghirardelli chocolate factory, which was next to the Fontana Towers.

loss of Victorians (that often housed low-income minorities), widened or one-way streets that divided neighborhoods, increased traffic and decreased safety, development on land that people associated with open space, billboards, insensitive remodeling, loss of a landmark—these are but a few of the kinds of cases that might bring protests or law suits. On one occasion neighbors observed that construction of an addition to the San Francisco Art Institute might be slightly higher than legally permitted. Their protests brought construction to a halt and, after a long public hearing, the institute was required to remove some already poured concrete and part of one floor from the structure.³

Putting all the individual concerns together, one might well deduce the existence of an issue: how to maintain the physical attractiveness, charm, and pleasantness of San Francisco in the face of mounting pressures for drastic change. Put another way, the problem was to moderate and direct growth and change in a desirable and pleasing way. The design of the city had become an issue both because of the controversies over individual developments and because it was a concern that had not been dealt with effectively at a citywide level at a time when many residents found rapid physical change threatening.

There were some pressures and some support for urban design planning at a citywide scale. A joint committee of architects, planners, and landscape architects was pressing for such a plan. The planning commission, sensitive to criticism that it was overly concerned with two-dimensional land-use matters, was sympathetic, and the staff of the planning department long had seen a need for a plan and was interested in preparing one. In 1967, Mayor Shelley and the Board of Supervisors had responded favorably to requests by the planning department to hire new staff members with urban design expertise.

Before moving on to an accounting of the way in which the planning department dealt with the issue, it is useful to consider, however briefly, the relationship of urban design to city planning as a whole and to the governmental process associated with city planning. To some, urban design, city planning, land-use planning, urban physical planning, and urban environmental planning are all pretty much the same thing. Professional city planners as well as the lay public often use the terms interchangeably, and if the public's contact with city planning is limited to matters of design or transportation or housing, then it might well think of those single activities as constituting city planning. But to the planners involved in preparing the urban design plan, the

The conflicts were the result of strong pressures for development and change, pressures that were likely to accelerate. Most of the city's land was already built upon; new development invariably meant replacing small buildings with large ones that would often alter the character of existing areas. The size, the nature, and the rapidity of new development threatened to harm the very qualities that made the city attractive to so many people. In short, the physical image of the city was changing rapidly, and the change produced public conflicts over individual development proposals.

On such occasions, regardless of whether the proposal was large (like the Transamerica building) or small, there was no citywide plan against which it could be measured and decided. More important, there was no design plan to serve as a guide for such development in the first place. San Francisco, considered by its own residents to be a very special place, was without a public statement of what the city should look like.

The urban design plan represents a successful effort in comprehensive plan preparation.⁴ The plan, and its preparation, may be viewed as a response to issues that fall within the framework of urban design. If the Transamerica building represents a failure for city planning in San Francisco, then the urban design plan represents a city planning success. The Transamerica issue, decided during the period that the urban design plan was being prepared, underlined the importance of having some kind of plan that addresses the issues that a community is likely to face. The city planning process begins (if there is a specific point of beginning) with a comprehensive or master plan. A purpose of this case study is to illustrate that first step.

In June 1967, Robert Weaver, Secretary of the U.S. Department of Housing and Urban Development, is reported to have said in San Francisco that, "This city and every city long ago should have documented for itself and its citizenry a clear and unequivocal physical design for how the city should look and live and feel and breathe."⁵ It is doubtful that many San Franciscans perceived the need so clearly.

More likely, they were concerned with individual development proposals and realities that offended them and that they might contest. A new building that might block familiar views and create only shadow where sunlight was normal, vacation of a street in favor of development,

activities are quite different. Urban design, to them, is a part of city planning.

City planning may be defined as "a continuing and deliberate effort to arrange the physical fabric of an urban settlement in such a way as to meet the social, economic, and political needs of people, within the constraints of the natural environment."⁴ It is the determination of what goes where, why, how, and when in urban environments in relation to the people who live in and use those environments and to the environment itself. That definition, in no way unique, but considered by some in the field to be too limited in scope, is consistent with the thrust of city planning that is found in San Francisco's charter—a basic concern with the physical development of the city.

Urban design has been viewed as a subfield of city planning, dealing primarily with the sensuous, aesthetic, and visual qualities of the urban environment. It is concerned with the "visual and other sensory relationships between people and their environments, with their feeling of time and place, and their sense of well-being."⁵ That is how the city planners in San Francisco viewed urban design in relation to their more encompassing city planning mandate. It was a definition that included most of the design-related issues expressed by the people of the city.

As early as Daniel Burnham's 1905 plan for San Francisco, urban design considerations had been a part of the city's planning efforts.⁶ Visionary in its system of parkways, diagonal streets, quiet plazas, and open space, the Burnham plan was considered too ambitious for a city intent on rebuilding after the earthquake and fire of 1906. Urban design considerations had also played a part in the enactment of the special height districts that had existed in San Francisco since 1927. The master plan that was in effect in the late 1960s contained some design-related policies. Recent zoning efforts in and around downtown also had addressed some design issues, and plans completed after 1965 for at least two different city districts dealt with urban design as a subject matter. Nevertheless, urban design considerations were rarely made explicit in the plans that were adopted, and they did not exist at a citywide, comprehensive level.

It is not always understood by those concerned with the visual and sensory relationships between people and their environment, especially by those offended by the design qualities of new development, that city planning departments are rarely responsible for the direct

design of anything. City planners in public planning departments are not normally responsible for the design of private or public objects, from buildings, to signs, to parks. Designers working for private or public clients, other than planning departments, design such objects. Similarly, physical development projects that involve a definite area, client, building program, and completion date are usually designed by architects in private employ rather than by people working in city planning departments.⁷ Employees of redevelopment agencies sometimes come close to having direct design responsibilities for projects, but they, of course, are seldom combined with the staffs of city planning departments. The designers in a city planning department may be part of a team with responsibility for the design of a public system, such as roads, parks, or lighting, but they will rarely have direct design control or overall responsibility for it.

On the other hand, city planners are often responsible for preparing general plans for road, transit, open space, walkway, and even lighting systems. Here there is often overlap in regard to who designs what, but the final design authority usually rests with an operating agency.

The public planner/designer is likely to have most direct influence at the level of city or area design involving the general spatial arrangement of objects over an extended area. There are usually many clients to satisfy. It is also likely that the public planner/designer will have only partial control and that he will be involved with a design that is never complete. Since public planners may influence and regulate whatever is built but rarely design it themselves, the importance of setting a framework for legislation and influence becomes clear, if the public wishes to recognize and deal with urban design issues.

In 1967, the staff of the planning department decided to undertake a citywide urban design study and plan that would, "become a major part of the city's comprehensive plan."⁸ Other approaches had been considered. For instance, a comprehensive revision of the city's master plan might have included urban design considerations. But the likelihood of getting funds for such a large undertaking, estimated at well over \$1 million, was less than remote. Alternatively, urban design factors could have been included in an element-by-element revision of the

county, was eligible for "701" planning funds, although San Francisco as a city (over the 25,000 population limit) was not.

Acting on the possibility of the 701 funds to cover two-thirds of the planning effort, the city planners prepared more detailed study outlines and cost estimates. They knew they would want to study and to analyze the city's natural and man-made physical elements, including topography, views, landmarks, building height, land coverage, open space, and transportation systems. The planners were prepared to work at citywide, district, and neighborhood scales to produce a design plan with accompanying objectives, policies, and principles and to investigate all relevant means of carrying it out.

HUD also required a "social plan reconnaissance survey." One of its purposes was to define what a social plan for San Francisco might attempt to accomplish. The planners were more concerned that it provide sociological input into the design plan they hoped to produce. The total effort was estimated to take two years and to cost about \$270,000, of which \$180,000 was to come from HUD. The planners would have to come up with \$90,000 of local funds.

The planning staff felt that there was no possibility of getting \$90,000 from local coffers. Instead, they proposed to assign existing staff to the extent of \$70,000 and to seek \$20,000 from the mayor and Board of Supervisors. It proved difficult to obtain even this amount from the board. It was necessary for some of the planning commissioners to speak with some of the supervisors to get support. (For instance, Commissioner Julia Porter spoke to Supervisors Peter Tamara and John Ertola.) In pursuing the matter before the board, the planning director stressed that the plan would provide a framework for private development that would help to eliminate the costly and divisive conflicts that were becoming characteristic of major building proposals. The board approved the \$20,000 budget request in early 1968.

Getting a small amount of money from the Board of Supervisors was difficult, but doable. Getting absolutely nothing from the state was almost disastrous. Although funding for the plan was assured by HUD's verbal approval, and although no state funds were involved, federal monies had to be channeled through a state agency. On March 22, 1968, the Planning Advisory Committee of the state office of planning denied the application for reasons that were never made entirely clear. However, there was some indication that the city's own Redevelopment Agency might have been involved in influencing the turnaround. (A note

master plan (as part of the individual elements that dealt with housing, transportation, commerce and industry, public facilities and services, open space, and so on). Aside from the funding difficulties associated with this approach, the planners saw the possibility of considerable redundancy, since a single design consideration, such as views, might relate to any number of separate plan elements. Further, this approach might bury urban design as a subject within other areas of concern.

Other approaches included separate design studies and plans for small areas most susceptible to rapid change and conflicts, design plans for larger districts that could serve as examples for the rest of the city, and plans for the design, use, and expansion of public lands and buildings, including new publicly sponsored projects. The initial work outline of the planning department, embodied in a document called "purpose of the Urban Design Plan and Study," embraced the most central features of these other approaches within the proposal for a comprehensive citywide urban design study and plan.

Whether or not the proposal would be carried out depended in large measure on the planners' ability to obtain funds. In 1967, there was no chance of the mayor or Board of Supervisors approving the \$200,000 to \$300,000 that the study would cost. Besides, a previous planning effort, the Community Renewal Program, had left them with a bad taste as far as major city planning studies were concerned.⁹ Federal support seemed a possibility although the HUD officials, too, felt burned by the Community Renewal Program. On the other hand, HUD Secretary Weaver had spoken to the need for the kind of planning that was being proposed.

Early meetings with local HUD officials were promising if not definitive. They seemed to recognize that new people were on the scene, and they did not want to punish them for earlier problems. The federal officials were more encouraging about a comprehensive urban design study than about a second possibility, the "South of Market (Street) Study" that had been proposed by the planning department at the same time as the urban design plan. That proposal envisioned a comprehensive plan undertaking, including participation of residents, for a large area south of downtown. It was a district with myriad physical, social, and economic problems but also of much potential. It was home to a large number of low-income minorities. For many years, the area had been eyed for downtown and industrial expansion.

The federal officials came to understand that San Francisco as a

The staff had made an effort to choose people who might be expected to know the city. It became evident that few did. When they were asked to draw the city or to locate problem areas on a map, they displayed greatest familiarity with the northeast—downtown, Telegraph Hill, Nob Hill, Russian Hill, Fisherman's Wharf, Pacific Heights—the areas most commonly associated with San Francisco. Aside from the districts where they lived, they tended not to know other parts of the city very well. An all-day field trip was arranged in order for them to become more familiar with all of the city and for committee members and staff to get to know each other better.

At one point early on the committee was given a design exercise. Large sheets of paper were tacked on the walls of the meeting room. The committee members were divided into two groups. One was given the assignment of designing an entirely new city in the wake of a devastating earthquake. The second group was to assume that the city had been bought—lock, stock, and barrel—by Howard Hughes, who had hired this group to change it as it saw fit. Money was no object. To the planners, the conclusions and designs of the two teams were less significant than the fact that the committee members were beginning to think about the city in different ways and learning to communicate their concerns and desires.

Planners and committee members alike soon became aware that the committee, chosen by the planning department staff for the most part, was not representative of San Francisco's major interest groups. There were only two black members and one of these, a representative from the Economic Opportunity Council, dropped out in favor of another member of his organization, who was white. One of the two Chinese members, a high school student, became so involved with school activities that he, too, dropped out. There were no Chicano members and only three women. The poor were underrepresented. Unfortunately, the attempts that were made to broaden the committee were never too successful. The staff hoped to compensate for the deficiencies by direct contacts with diverse community groups. Such contact would come through detailed community studies, the ongoing neighborhood planning program, the interviews that were to be conducted as part of the overall study, and the responses to preliminary reports that would be distributed in the community. Nevertheless, from a look at committee membership alone, one might well conclude that the urban design study was in the hands of a somewhat elitist group.

in the planning director's files records a discussion with Jack Tolan of the mayor's office that took place on March 25, 1968. Apparently, Justin Herman, the director of the Redevelopment Agency, had said to Tolan, "You can get in trouble with those things." It was also reported that a representative of the state office of planning had spoken with the Redevelopment Agency director about the proposal.)

It took three months of telegrams, saber rattling, and explanatory and face-saving letters to get the matter back on track. With no significant changes from the original, the application was approved on June 21. It was not until the end of 1968, however, that contracts could be signed and work could commence. Approximately one year had passed between the decision to attempt to undertake an urban design plan and the signal to start.

From the outset it was intended by the city planners that a citizens advisory committee—the Urban Design Advisory Committee—be formed to help guide the study and to review and criticize work as it progressed.¹⁰ The intent was to represent a wide range of interests in a workable group of about 20 people with a good knowledge of the city—architects, landscape architects, neighborhood representatives, economists, racial minorities, conservationists, business interests, members of civic organizations, women, top government officials, planning commissioners. Some department heads were included for their knowledge and because they would be instrumental in carrying out the recommendations. If they participated in preparing the plan, the reasoning went, they would be more disposed to carry it out. The same reasoning was behind the decision to select two to three supervisors and a representative of the mayor. It was hoped, too, that the committee would become a force for carrying out the study's proposals.

The advisory committee had a hard time getting started, even after its first meeting, which was called in December by the planning commission. Few supervisors or department heads were present at the early meetings, and their absence was notable. Some committee members, especially the nonprofessionals, weren't sure what they were to do. Understandably, a few wanted to define their charge in the broadest terms, to encompass traffic, housing, education, and other issues. Some wanted to take positions on such current issues as the Transamerica building. They had to be dissuaded by the planning staff, who convinced them that sort of thing was not what they were there for—it was to work on a plan.

Francisco's planning program. The reports allowed staff planners who were not directly involved with the urban design study to keep abreast of its progress. Reports were completed at an uneven pace, varying from one every six months near the beginning to two in one month at the end.

The first report, *Preliminary Report No. 1: Background*, which appeared in March 1969, was intended to advise people what the city planners were up to. (Like the other seven, it is summarized in the urban design plan.) It presented information on the city's climate, natural features, and man-made environment. It included a map of the boundaries of some 82 city neighborhoods. This map indicated that there was considerable overlap among many of the neighborhood associations, and it gave some idea of their relative importance. Committee members were surprised at how much public property there was in San Francisco; the map showed that much of it existed in the form of public rights-of-way.

The publication provided some lessons that would help the city planners in later reports. For instance, some of the maps were almost impossible to read. And the fact that a glossary of urban design terms had to be included indicated that the planners were using words that were not in general use. Clearly, a change in their language was necessary.

The second report—*Preliminary Report No. 2: Existing Plans and Policies*—came out in July 1969. It was an analysis of the urban design content of the many plans and studies and ordinances that had been produced by public and private agencies. It was an attempt to make explicit the urban design policies that were only implied in the existing plans. The report pointed out that, until recently, natural and topographical features had, more than anything else, shaped San Francisco's form and character. Their influence had diminished with the increase in the scale of man-made structures, made possible by technological and economic inventions. The most important design decision had been the imposition of a gridiron street system over the hills, thereby emphasizing the importance of streets and of public views.

The preliminary report noted that two concerns were predominant in most plans: enhancement of the natural topography, and preservation of the special physical character of the city. Yet, the report concluded, except for a general height and form envelope that was implicit in existing zoning laws, no citywide design elements had been

Once it got under way, the committee met regularly, usually monthly. Eventually, it became influential in determining the outcome of the study. Members helped to enunciate the policies and principles that were to find their way into the plan, and they learned to differentiate between citywide matters that were legitimate concerns of the committee and specific neighborhood issues that were not. In addition, the committee's participation kept the planners' language in line, assuring that they communicated in terms that could be understood. And the mere existence of the committee prodded the planners into meeting deadlines for the simple reason that they had to have something to present at meetings.

There were no major conflicts between committee members, although there were differences of opinion. As might be expected, the chamber of commerce representative tended to resent ideas that might be restrictive of development. The conservation-oriented bloc on the committee may have kept him from pressing his concerns more strongly. On the other hand, the architects played roles that were quite different from those they played when they were representing clients at the planning department. Here they did seem to be wearing public as opposed to private hats. They offered and supported proposals to restrict building height, color, shape, and bulk, as well as the disposition of public property for development purposes. It was as if the architects welcomed a strong, conservative plan, recognizing that the normal development forces at work would force them to settle for less than totally desirable projects when they were representing private clients.

During the early period of the study, the planning staff prepared detailed study outlines and work programs, considered consultants to be hired, started hiring special staff for the project (mostly educated as architects and urban designers), and began work they knew would be required. Between December 1968 and October 1970, eight preliminary reports and three special studies were produced and presented to the committee. From 400 to 500 copies of each report were distributed to elected officials, city departments, design professionals, and neighborhood and business organizations. The point of heavy reliance on preliminary reports was to encourage public response. That response could help later in fashioning a final plan. The preliminary reports allowed the staff to assemble the work in an organized fashion and make it available to the participants. They also provided a means of recording the details of the study, which would be helpful for future use in San

articulated. Further, there was a general preoccupation with the area in and around the downtown and too little attention to design in the rest of the city.

During the early months of the urban design study, considerable time was spent in preparing detailed work outlines, starting field surveys, and learning how to work with each other. Four consultants were hired and so were a number of new staff members. Seven people who were new to the department worked on the first three preliminary reports (two had left after the first year). The new staffers were mostly young city planners, architects, and landscape architects recently graduated from various master's degree programs. Some were still students at the University of California's College of Environmental Design in Berkeley.

As the study proceeded, the members of the committee expressed some uneasiness as to what it was to achieve. They were not reassured by the staff's inability to be specific about the plans and the process of achieving them. Partly in response to the committee's concerns, but also to guide the work to follow, the staff worked with the committee to develop a series of goals, objectives, and policies. These appeared in December 1969 as *Preliminary Report No. 3: Goals, Objectives, and Policies*.

Major objectives and policies were not clearly articulated at this point. It was, in fact, a dull, rather unimaginative report, not the kind that would excite anyone. But still, some general guidelines were elucidated. New development, the report stated, should be compatible with the old, and it should also be in accord with natural land forms. The report noted that there was a relationship between physical safety and the design of the city. It also noted the desirability of achieving a community where people knew with ease where they were and how to get where they were going, in short where orientation was not a problem. One general objective was to maintain the city's physical and social variety. Several items were marked as being especially important: a well-designed street system; open spaces; topography; historic buildings and landmarks; distinctive neighborhoods; appropriate height, bulk, and color of new buildings; public views; the waterfront; and hilltops.

A simple one-page questionnaire asking for comments and suggestions was distributed along with the report. Response was light. Indeed, in its first year the study received little attention. In part this was due to

a lack of publicity. Although committee meetings were open, they were not announced to the public. Reporters attended on occasion, but they reported little, probably because there were no new major proposals forthcoming and no major disagreements among committee members.

Outside of the meetings, neither committee members nor staff did much to publicize their work. Everyone seemed to be feeling out his way and not too rapidly at that. The work at this point was like a very large pot of stew slowly simmering on a back burner, continually being changed by new additions.

The apparent lack of public interest in the study did not mean that urban design had ceased to be an issue. In fact, during this period, there was quite a lot of interest in specific design-oriented issues. There was public debate, for instance, over the plan for the northern waterfront area where height, views, and open space were major considerations. Public versus private use was an issue here, as it was where the future of Alcatraz Island was concerned, another issue that was being decided at this time. The public was making its voice heard over the Army's plans for more housing (and possibly fewer trees) in the Presidio, and the Transamerica controversy was just heating up. In response to public interest, the Board of Supervisors, in early 1970, approved the department's proposal for a 40-foot height limit along most of the ocean front.

The planning director was generally unconcerned with the lack of public attention to the study—he rather liked it that way until he knew there would be a product worthy of notice. Nonetheless, he was concerned at times that the study was not proceeding as well as might be expected. There were any number of meetings with assistant director Macris and chief urban designer and project manager Richard Hedman to resolve differences and get pointed in one direction. Although the director knew Hedman to be a first-rate urban designer, and valued his abilities highly, they did not always communicate too well. But he was willing to wait before pushing any panic buttons. Hedman and he had been in these positions before and knew that quite a bit of muddling around was often necessary before ideas jelled. As time passed, the director gave more and more of his time to the undertaking, as much out of personal interest as out of concern for the outcome.

Although only three preliminary reports had been completed by the end of 1969, detailed research by staff and consultants was under way. Much of it was presented in January 1970 in *Preliminary Report No. 4: Existing Form and Image*, to which consultants Marshall Kaplan,

report concluded that as traffic increased, the livability of the street, as defined by the residents, decreased. "Livability," in this case, included such factors as length of residence, satisfaction with the area, degree of neighborliness, where people spent time in their homes (in relation to the street), and residents' perceptions of features in the street environment. The report may not have told anything new to many city planners and residents, for they had long since come to the same conclusions. But it gave them ammunition to press for a reduction and slowing of neighborhood traffic. It should not be surprising that the city's traffic engineers were none too happy with the report.

The *Street Livability Study* says something about the relative effectiveness of consultants. Generally speaking, the two consultants who were hired directly as individuals and who worked either with a few of their own employees or directly with department staff members were more effective than the two firms that were hired. The problems did not necessarily lie with the firms selected. But the staff had less contact with them, especially with the principals involved. This meant that the department had to be more specific about what the consultants were expected to produce than was necessary with individual consultants. It was not, unfortunately, always possible to be so specific. Also, the firms were less aware when shifts in emphasis took place and therefore less able to adapt their work. Thus, it was more difficult to integrate their efforts into the preliminary reports. The cause of the difficulty may well be that the planning department was not accustomed to working with consultants in an efficient and productive way.

Presentation in July of *Preliminary Report No. 5: Urban Design Principles*, by Tom Aidala, the consultant who prepared it with the staff, marked a turning point in the study. This report used words and sketches to present "certain fundamental rules that govern the measurable and critical urban design relationships among elements in the city's environment." It organized these rules, or principles, into three sections: streets and the qualities of pavement, sidewalks, and furnishings ("Extremely wide streets in residential areas devote excessive space to the automobile at the expense of pedestrians, and encourage speeding, creating a safety hazard as well"); relationship of the streets to building facades ("Blank walls are dead places on the street and should be avoided," and "Intricate entries, traditional in San Francisco, add to the visually habitable space of the street"); and the relationships among

Gans, and Kahn; Okamoto/Liskamm; and Donald Appleyard contributed. This was a 207-page, four-part report. The first part, "Quality of the Environment," evaluated every block in the city, rating the environmental strengths and deficiencies of each according to a scoring system that was developed to achieve consistency and objectivity. Nine factors were considered, including quality of maintenance, views, distance from public open space, presence of trees and other natural features, and the amount of local traffic. This analysis was to help determine what areas of the city needed environmental improvements.

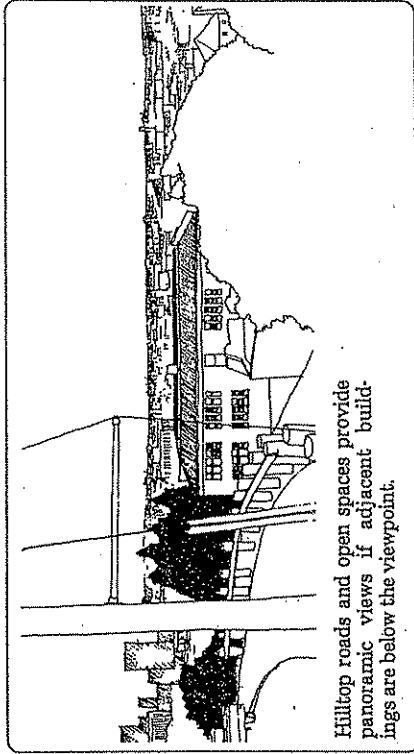
The part of the report called "Internal Pattern and Image" recorded for the city as a whole and for each of its districts the elements that allow pedestrians to perceive the organization of the city, to orient themselves. These include landmarks, views, centers of activity, and movement patterns. The study listed design problems and opportunities in each district.

A study of the "Road Environment," prepared by consultant Donald Appleyard working with the planning department staff, examined the city as it is seen by drivers on arterial roadways in both short- and long-range views. The visual quality of each section of roadway was evaluated in terms of its maintenance, order, and clarity.

Finally, an "External Form and Image" study used photography to analyze the broad panoramic views of the city. The strong form-giving elements—shoreline, hills, prominent tree stands—were identified, as were disrupting influences. Two working reports were prepared by the consultant for this study.

In sum, the fourth preliminary report represented a detailed description and analysis of San Francisco's natural and man-made physical form elements. It borrowed heavily from the ideas and methods of Kevin Lynch, but it also developed its own survey and analysis techniques.¹¹ By the time the report was published in January 1970, much of its content had been presented to the committee. Still, the members had a hard time digesting it and some of them wondered aloud what to do with it. If the staff at that point was none too sure, no one let on.

Of the special reports and studies that were prepared, the *Street Livability Study* is the most significant. It was written by Donald Appleyard, working with the department's staff, and appeared in June 1970. Appleyard studied three separate city blocks with light, moderate, and heavy traffic conditions, in order to determine the effects of traffic volume upon the residents' attitudes and living patterns. The

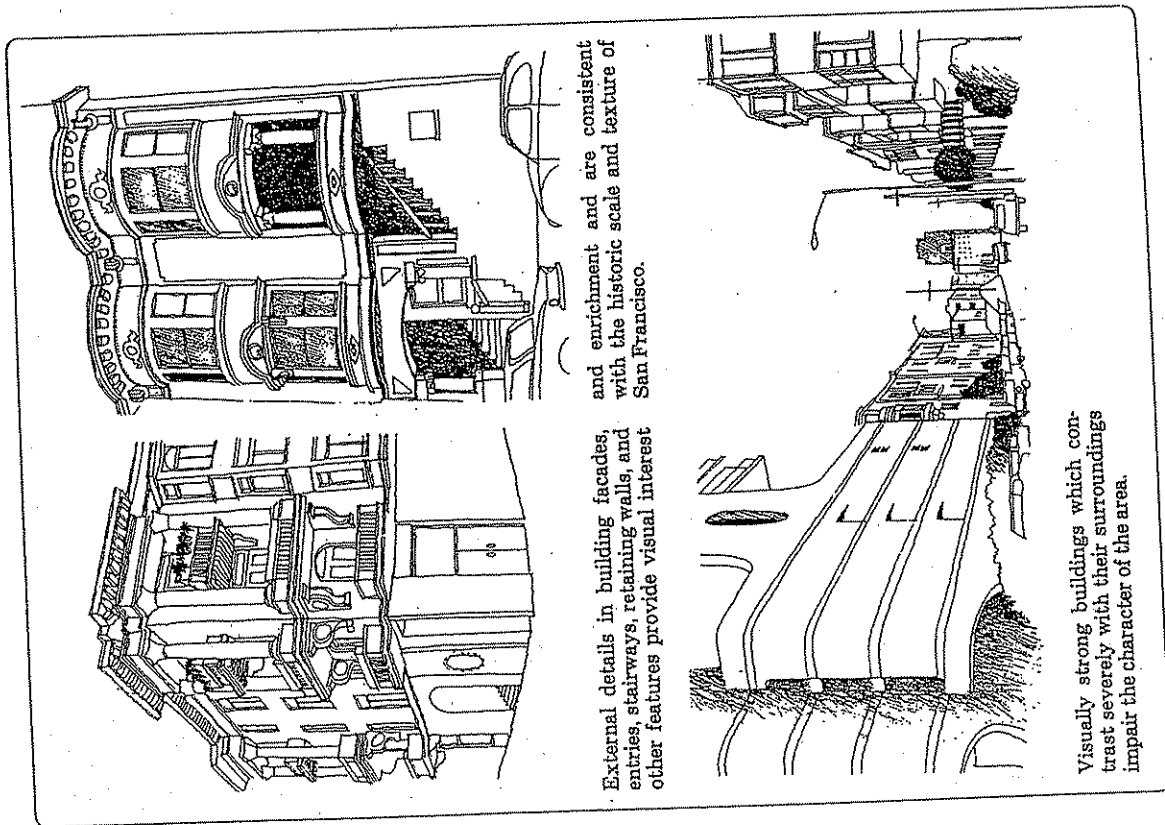


Hilltop roads and open spaces provide panoramic views if adjacent buildings are below the viewpoint.

street patterns, building masses, and topography ("High buildings in a valley obscure the distinction between hills," and "Tall buildings on slopes of hills severely restrict views from above").

The reaction of the committee and of the planning commission was enthusiastic. "The only thing that's missing," said one committee member, "is a principle about overhead wires." A slide presentation of the report at the annual meeting of the San Francisco Planning and Renewal Association met with similar approval. People were responding to these proposals exactly as the staff hoped they would, accepting them as "design truths" about the city.

By the summer of 1970, the planning director sensed that the department had a winner in the making. He could not anticipate the details of a final plan or the form it would take, but he felt sure that it would represent top-notch professional work. The urban design staff was beginning to work as a team. Slowly, the director began to let some of the planning commissioners know that they could expect something good. The Transamerica controversy had soured relations with some of the commissioners. So, also, had the commission's approval, over the planning director's objection, of zoning changes that would have permitted a large U.S. Steel-sponsored development at the waterfront. In a meeting with Julia Porter, a key commissioner, and one with whom his current relations were at an all-time low, the director communicated his expectation that the new plan would help avoid future problems of the sort they had been having, he asked for her help so that the work would not pass without notice or effect. She agreed most readily.



External details in building facades, entries, stairways, retaining walls, and other features provide visual interest and enrichment and are consistent with the historic scale and texture of San Francisco.

Visually strong buildings which contrast severely with their surroundings impair the character of the area.

Above and opposite: Examples of urban design principles related to conservation and city pattern. (From the Urban Design Plan.)

Work continued, and in September, the sixth report, the *Social Reconnaissance Survey*, was ready. It contained the results of interviews with residents in 13 neighborhoods, all with different social characteristics. They had been asked about their satisfaction with the neighborhood, their access to community facilities, the features they desired in the local environment, the trends that they perceived, and the public improvements that they thought should be made. The consultant interpreted the results of the survey in relation to the courses of action that were possible and ranked priorities for various types of neighborhoods. Some of the results provided checks against the environmental surveys. Traffic, distance from open space, and public and private maintenance were seen by the respondents as major problems.

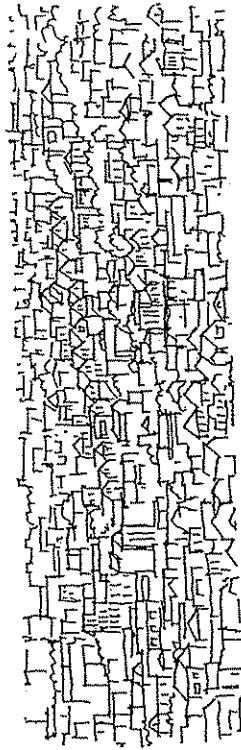
It had always been expected that the studies that would be undertaken would include both large sections of the city and small areas of no more than a few blocks. Seven of these small studies were completed and presented in sketch form in working reports—grouped under the title "Workbook: District and Neighborhood Designs." In the black Divisadero Street area, for example, the staff and an economic consultant known as PACT (Plan of Action for Challenging Times) worked together with a merchants' association on methods for improving a four-block section of the street. Two studies discussed public improvements that might be carried out as part of the Federally Assisted Code Enforcement program. One of these studies presented alternative proposals for air rights development over a rail yard. The studies were valuable in familiarizing staff with the local issues, and the amount of this kind of work increased throughout 1970.

In October, the department released its last two preliminary reports. *Preliminary Report No. 7: Implementation Approaches* described a framework and various means for implementing the proposals being developed. As Peter Svirsky put it in an article in *Planning* magazine in January 1973, the "report took stock of the various city powers in urban design questions, both direct city actions and controls over private development. In the case of each power, the process of public involvement was reviewed and the relevant parties and their decisions identified. This . . . report helped to gear the study to practical actions by which the plan could later be carried out."¹²

Preliminary Report No. 8: Citywide Urban Design Plans was the last of the preliminary reports. It described the major components of a final plan: the principles, policies, maps, and guidelines relating to open

space and landscaping, arterial streets, and street environment in residential areas; the public values inherent in the retention of street space; and height and bulk of buildings. The response to a questionnaire distributed with the report was light, but it did indicate that the policies and guidelines were reasonable and that, if anything, more restrictions than those suggested would be in order.

Toward the end of 1970, about two years after work on the study had started, most of the scheduled research and analysis had been completed and final plan proposals were under way. In anticipation of events to follow, it is worth reviewing the roles, to this point, of significant actors in the planning process.



Without question, the city planners had played the dominant role in the study. It had been their idea in the first place and they had controlled the work. They also had a major say in choosing the committee, which was their brainchild to begin with. But bringing the work to its present stage had not been all tea and crumpets. When one considers that at least 15 professional staff members and a number of consultants had at one time or another spent large amounts of time on the project, it is not surprising that there were disagreements. The subjects of these disagreements ranged from personal style to matters of substance, methods, and relevance. The fact that scarce staff resources were being channeled into the urban design project aroused some animosity among staff members who were not involved.

Disagreements about design were decided at staff meetings, usually with some sort of compromise, but by executive decision when necessary. If bad feelings remained, they seemed minor compared to an overall sense of purpose and expectation that grew as time passed.

The Citizens Advisory Committee had played an important and active role in guiding the work, especially in acting as a sounding board

committee concerned with plan implementation took a strong stand against street vacations and supported restrictive legislation. They also supported an experimental program that was designed to modify residential streets in order to eliminate nonlocal traffic. However, the committee favored a "go slow, wait and see" approach to legislation that would restrict the future height and bulk of buildings. Future events would help to change this position.

Although reporters from the two major dailies had attended some committee meetings, there had been few news stories on the work that had been done to date. The *Street Livability Study* had received a fair amount of coverage, but on the whole there was probably little more public awareness of the study in late 1970 than there had been a year earlier. Nevertheless, public interest in urban design issues continued to grow. In October 1970, the month in which the last two preliminary reports were released, there was a march along the waterfront to protest the U.S. Steel proposal, and on the nineteenth, Alvin Duskin took out another full-page ad in the *San Francisco Chronicle* to object to high-rise development. "Skyscrapers Are Economically Necessary," read the banner, "But Only If You Own One." In November, the Board of Supervisors passed a policy resolution prepared by the planning staff calling for removal of the truncated overhead Embarcadero Freeway and requiring that any new freeway connection to the Golden Gate Bridge be below ground.¹³ Later, the supervisors rejected the U.S. Steel proposal in favor of the much lower height limits that originally had been proposed by the planning staff.

The urban design plan that emerged in 1971 provided a definition of design quality for San Francisco. In it was a set of objectives, principles, and policies (including mapped plans) that dealt with the physical and sensory relationships between San Franciscans and their environment.

The "City Pattern" section emphasized the characteristics that give people an image of the city and its neighborhoods. It talked about the relationships of buildings to land and topography, the street system as an orienting and unifying element, landscaping and lighting, open space, and views. The section on "Conservation" was concerned both with preserving unique natural areas, with maintaining the character of distinctive areas, with preserving historic buildings, and with preserv-

for the ideas of the planners. For the most part, however, the involvement of the committee ended when the meetings ended. The members came to meetings and they did their homework. But then they went there separate, busy ways. To the planning director, the committee still appeared to be more a gathering of individuals than an organized group with a well-defined role. There was no evidence to suggest that it would become a long-term force for advocating the proposals embodied in the study.

In general, it continued to be true that the architects on the committee favored strong public initiatives on the kinds of urban design questions being discussed. They favored decisive public actions and controls. Their views carried weight with other members and were encouraging to the staff, which might well look to the architects for future support. On the whole, most citizen-members took what might be termed urban preservation positions. On one or two occasions they expressed strong misgivings to the director about actions that the planning commission had taken in favor of specific developments. The committee took no strong positions on racial or minority issues.

Citizen interest was matched by noninvolvement of officials. The department heads who were invited rarely appeared themselves, and rarely sent representatives, and the representatives sent by elected officials were generally silent. Perhaps they viewed their function on the committee as primarily information gathering.

To this point, the supervisors had expressed no interest in the study they had helped fund. They and their administrative assistants had been given copies of all preliminary reports, but they had not commented on them. Similarly, the mayor indicated no particular interest or knowledge of the study, and at meetings with the planning director, he was usually preoccupied with more pressing issues. But the director did advise him that the work was progressing and assumed that his representative on the committee did likewise. During 1970 the mayor was considering a race for the governorship, and some of his attention may have been diverted from city affairs.

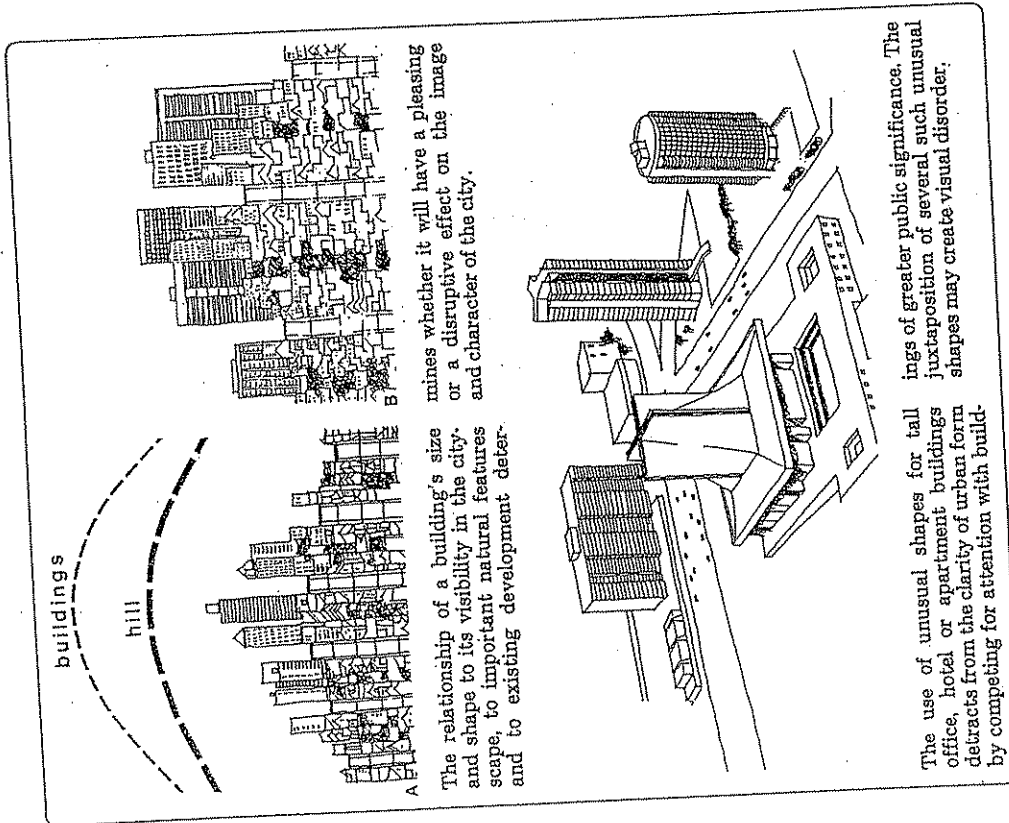
The planning commissioners were also not actively involved in the early months of the study, although they did pay more attention as time passed. On December 1, 1970, for example, Commissioner Porter took time to write a memo reviewing the last preliminary report, commenting on those ideas that she found particularly appealing and one or two that she did not. In late 1970, members of a planning commission

ing streets as valuable public open space. The "Major New Development" section included guidelines for the height, bulk, shape, orientation, and color of new buildings. It included policies to discourage accumulation of large parcels unless their development would fit in with the character of the rest of the city. The last section, "Neighborhood Improvement," dealt with all sorts of improvements that would increase neighborhood livability, including ways to limit traffic in residential areas.

All told, the plan proposed four objectives, 86 principles, and 45 policies for the design of San Francisco. It did not include any illustrative plans that would give an architectural expression of what the city might look like at some future date or from which models could be made. The planners concluded that such efforts are usually counterproductive when the main concern is getting a plan adopted and carried out. They felt that models and site plans represented only one physical expression out of the thousands that are possible and desirable, and that too often planners had a vested interest in a particular design. Besides, such models and drawings often made people hostile and suspicious, and they suggested massive, and often arbitrary, public projects that are preceded by condemnation of someone's private property. Too often, the planners felt, the models drew attention from the basic principles and policies that are central to any citywide plan element.

A great deal of thought went into presentation of the study. What was to be presented of all the research, background studies, and rationale for the plan? And how was the plan to be made known to as many people as possible? Merely publishing an attractive study would have used up the short supply of printing funds and would have left the planners one step and months of discussion shy of a final plan that could be adopted. It was unlikely that available funds would have permitted publication of more than 5,000 copies of a quality publication. The staff wanted to present a document that would be adoptable as a part of the master plan. Too many changes in the draft plan would be time-consuming and costly, yet there had to be public review and comment, and that was sure to bring changes.

The decision in the end was to publish a plan in adoptable form, rather than a study with pieces of a plan in it. It had to be attractive and easy to understand, yet in a form and language that could be adopted as a part of the master plan. Background material would have to go in a



mines whether it will have a pleasing or a disruptive effect on the image and character of the city.

The relationship of a building's size and shape to its visibility in the cityscape, to important natural features and to existing development deter-

ings of greater public significance. The juxtaposition of several such unusual shapes may create visual disorder, detracts from the clarity of urban form by competing for attention with build-

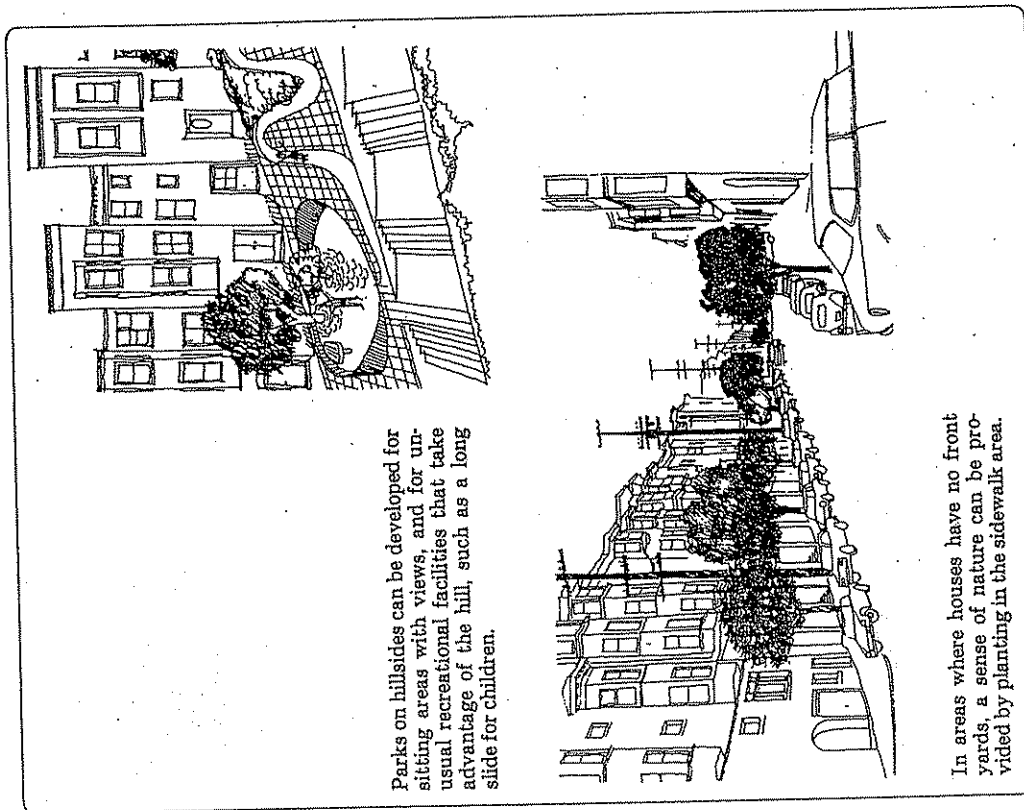
Examples of urban design principles related to new development.
(From the Urban Design Plan.)

short section that could introduce or conclude the plan. Peter Svirsky, the best writer in the department and a lawyer with a dozen years of planning experience was to edit the final text. He had participated in the work. A decision was also made to present the plan to civic leaders with some splash via a multiscreen slide show. The show would take place at a central location that would then be opened for continuous public viewing. Dick Hedman was to orchestrate that presentation. These decisions were being made as 1970 came to a close. It would take five months to carry them out.

During the period immediately prior to publication of the plan, the high-rise issue was heating up.¹⁴ By getting nearly 30,000 signatures, Alvin Duskin had managed to get his first initiative to limit the height of buildings on the ballot in the fall of 1971. The issue that people would be voting on was whether all future buildings should be limited to six stories, or 72 feet. Partially in response to Duskin's proposal, but also as a consequence of recent fights over major development projects, studies were being proposed by the San Francisco Planning and Urban Renewal Association and others to assess the costs and benefits of high-rise construction or, as some put it, to determine the effects of "Manhattanization." On May 18, the Planning and Development Committee of the Board of Supervisors held a hearing on the Duskin initiative and the desirability of studies related to the height issue. In his testimony, the planning director used the opportunity to let people know that the urban design plan, which would be released in two days, would address the issue.

On May 20, 1971, the urban design plan was presented to an invited audience that included the mayor, members of the planning commission, the advisory committee, department heads, and officers of neighborhood associations throughout the city. The supervisors were invited, but only two or three bothered to attend. The four-projector, three-screen presentation was an immediate success. Press coverage was excellent, and by Sunday, after three more presentations, standing-room audiences cheered at the conclusion of each showing. Some people came a second time. An estimated 1,300 people attended the initial four presentations. Copies of the plan were given out free at the showings.

In June and July, public presentations of the plan were made to neighborhood and citywide organizations. The response was good, whether the presentation was to a large neighborhood audience in the



Parks on hillsides can be developed for sitting areas with views, and for unusual recreational facilities that take advantage of the hill, such as a long slide for children.

In areas where houses have no front yards, a sense of mature can be provided by planting in the sidewalk area.

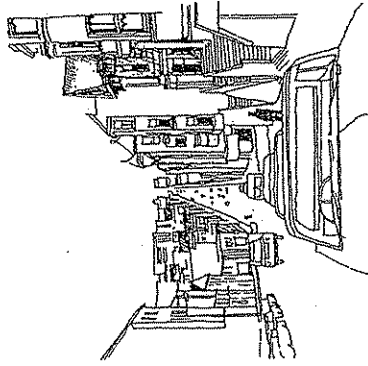
Examples of urban design principles related to neighborhood environment.
(From the *Urban Design Plan*.)

Sunset district or to a downtown luncheon meeting of the prestigious Blyth-Zellerbach Committee, arranged by Commissioner Fleishacker. There was an equally favorable response from over 100 people and organizations who provided written comments or who spoke at the three public hearings held in July or August. Although many minor changes would be made as a result of the hearings, the testimony was not so much concerned with the substance of the plan as it was with implementation. Many people seemed to be saying, "Well of course, but what are you going to do about it? What are you, the commission and staff, going to do to make the plan a reality?" There was a ring of challenge to their words.

The city planners had given a great deal of thought to the question of implementation. The last section of the urban design plan publication, called "Implementing the Plan," contained a checklist of the major actions that would have to be carried out, primarily by public agencies. An answer to the question of where to start was suggested by the progress of Duskin's height initiative. Peter Svitsky suggested immediate action to control, citywide, the height and bulk of buildings. The idea was for the staff to make a formal proposal, to which the commission would agree formally, to hold hearings on zoning proposals that would reflect the plan's height and bulk guidelines. The staff would then be given about six months to prepare specific zoning standards and maps. This proposed action, if taken (by adoption of a simple resolution by the commission), would have the effect of putting the height and bulk guidelines of the plan into immediate force as interim legal standards.

Seven months earlier the planning commissioners had favored a "go slow" policy for legislation to control building height and bulk. In August, possibly due to the favorable reception of the urban design plan, they were much more positive. Fleishacker accepted the idea immediately. Commission President Walter Newman was inclined to approval, but he wanted time to consider the idea, and he wanted to know how other commissioners felt. Only Julia Porter expressed strong misgivings. She was concerned about the rapidity of the proposed action, but she was willing to go along with the rest of the commissioners, and they seemed ready to accept the idea.

At what seemed to the planning director to be the last minute, Newman said that such a major action as interim citywide height and bulk controls should not be taken without the knowledge and approval



of Mayor Alioto. The director, who was then on good terms with Alioto, was nevertheless fearful that the mayor would not approve the action. He, however, was in no position to oppose a meeting. Newman arranged it for the morning of August 26, the same day that the commission was scheduled to take action on the plan and to pass its resolution on the interim controls.

Alioto expressed all sorts of reservation about the proposal. He questioned its legality and the need for such speed. He was worried about the response of labor leaders and about the major developments that might be stopped. Finally, he questioned the need for such an action in the first place. The response was that the action had been found in accord with the law, that it was a step toward implementation of a plan that the mayor himself had praised, that it would provide a meaningful response to the Duskin initiative, that little or no effect on jobs and labor was anticipated, and that it might help stop confrontations over major building proposals. The director added that a long public discussion before interim controls were established would invite a rash of building applications, and if these were filed before the commission acted, the purpose of the legislation would be negated. The discussion went back and forth for about two hours, with no firm decision. Shortly after noon, with the mayor hurrying off to a meeting, Newman asked to see him alone for a minute. He emerged to advise the director that if they informed two labor leaders and got no opposition from them, the mayor would approve the action.

Newman spoke to one of the labor representatives; the director talked to the other, by phone. They had never spoken before. After the director briefly explained the impending action and assured him that

drew heavily from the urban design plan in regard to front and rear yard building setbacks and off-street parking requirements.

Public design review of private building projects falls within the realm of public regulation of private property. The California Environmental Quality Act of 1970 led to the requirement of environmental impact reports for all significant private and public projects. This meant that proposed projects would have to be checked against the environmental plans of local communities; in the case of San Francisco, the urban design plan. By 1975, the planning department's project review section was using the urban design plan as a design manual for review of some 100 projects each year.¹⁵ In all these cases the planners were in a strategic position to help implement their plan.

By 1977, the plan had been less successful in influencing direct public actions than in regulating private development. The mid-1970s were not noted for significant activities in the way of public improvement projects of any kind in San Francisco. Redevelopment had slowed, as had urban beautification, code enforcement, and rehabilitation programs. There were no major road projects. In the face of mounting costs, fewer major public building projects were undertaken. In the mid-1970s the plan's influence seems to have been limited to a few small neighborhood projects, designed in accordance with the protected residential areas concept to limit and control auto traffic and provide small, landscaped play and sitting areas. The largest of the projects, which was under construction control of the the Department of Public Works, took some two years to get started after it was approved and its funding assured. By that time new participants with different views helped bring substantial reduction in the project's scope. In regard to the plan's influence or noninfluence on public projects, it will be recalled that the heads of the major operating departments, though invited, did not participate significantly in the plan's preparation. They were not committed to the results of that work.¹⁶ On a more positive note, various neighborhood groups have drawn heavily on the plan in doing their own plans. In 1977, designers of a major new sewer construction project indicated that they were sensitive to the urban design policies and principles that were incorporated in the plan. The plan also served as a major input to other master plan elements, most notably in the areas of transportation, recreation and open space, and conservation. Both the background studies and the plan itself are reflected in later work.

the effect on jobs would be minimal, the labor leader asked what would happen, by way of example, to one or two specific properties on Mission Street. He seemed satisfied with the answers.

That afternoon, almost three years after the urban design study started and four years after the staff started developing the idea, the planning commission adopted the urban design plan as part of the city's master plan. In a separate action that was not anticipated by the public, the commissioners took the first step toward implementing the plan by putting in force interim controls on the height and bulk of buildings.

Passage of the urban design plan did not in itself solve any of San Francisco's design-related issues or conflicts. A plan can respond to issues but it cannot solve them any more than house plans provide shelter or full-employment policies provide jobs. Solutions come from the decisions and actions that stem from the documents. The plan addressed issues of height and views, but its adoption by the planning commission did not create low buildings or preserve views. On the other hand, the interim controls did limit height, at least temporarily, and they were possible only because there was a plan to work from. The plan provided a basis for choosing among the various alternatives in a given situation and a framework for considering the probable consequences of any action. That is what city planning is supposed to do; it is the city planning process at work.

It is not our purpose here to provide a critique of the plan or to assess its effectiveness in solving immediate and long-range issues and in directing San Francisco's development to desired ends. We can, however, describe briefly some of the uses to which the plan has been put.

The legislative actions taken by the Board of Supervisors to carry out the urban design plan have been notable. We will see that permanent legislation to replace the interim height and bulk standards was passed with dispatch. In 1972 legislation was passed to establish the old, small-scaled, largely brick Jackson Square area immediately adjacent to downtown as an historic district in conformance with the plan. By 1973 there was an ordinance to assure that overhead building projections into public rights-of-way would produce bona fide bay windows consistent with San Francisco traditions and not simple floor-area bonuses for developers. The interim residential zoning controls passed in late 1973

representatives of other departments, and would such participation have insured greater commitment to a final plan? Could the advisory committee have played a stronger role in the process?

As interesting as a pursuit of these questions may be, we are more concerned here in pinpointing the reasons for the plan's successful completion, widespread acceptance, adoption, and early uses. Such an assessment was made by Peter Svirsky in the article quoted earlier, and it will be expanded upon here.¹⁷

From the beginning, the planners had some general idea of what they wanted to end up with. This may sound obvious, but it is not always true. Knowing what you want means having a work program and budget and trying to stay with them. It would have been easy to run out of time, money, and staff and have no place to go.

Both the plan and proposals for implementation were based on a detailed, step-by-step study done in a professional manner. Study methods were documented and recorded. The preliminary reports were impressive in their detail and thus helped to add legitimacy to the final product. The quiet, unpublicized, back-burner nature of some of the early studies and research was probably important: there were minimal external pressures to produce one thing or another and the planners were permitted to feel their way.

If a good professional job has been done all along, community people are likely to respect the work. They will be more prepared to act on it if there are no major gaps in information and knowledge. Professional competence did not go unnoticed by the community. The department was also aided by the fact that its staff had experience in both policy planning and practical zoning administration. This range permitted considerable interchange of knowledge and experience and resulted in many proposals that could be implemented in straightforward ways.

The urban design plan was prepared with the intention that its policies would be carried out. It included a list of measures to be taken to implement the policies, and one preliminary report was devoted entirely to implementation. Throughout the study period, two questions were asked over and over again: "How would you carry it out?" and "How realistic is the proposal in terms of its being implemented?" This does not mean that no proposal could or should be made without a surefire way of carrying it out. It does mean thinking continually about means of achieving desired ends.

The urban design plan came at a time when there was a rediscovery in California of comprehensive planning as a basis for decisions about development and preservation. In 1968, when work on the urban design study started, state laws had prescribed three elements for local master plans. By late 1971, nine elements had been mandated. It is unlikely that San Francisco would have prepared an urban design plan to address concerns held to be important locally had the planners not started the work when they did.

The plan is significant as an educational document; it was widely distributed and apparently widely read. Following its adoption it was quoted in detail by citizens at public meetings to support or to oppose all sorts of planning proposals and new projects. It proved to be a worthwhile aid to citizens in helping to determine the kind of community they wanted.

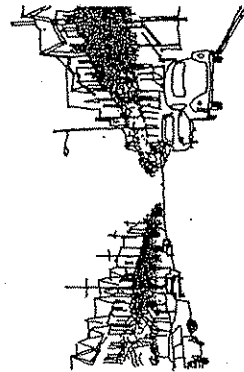
A problem with all of this lay in the propensity to view the urban design plan as synonymous with the master plan. People forgot, or never knew, that city planning was more than urban design, that an element dealing with housing had been passed and was at least as important, and that elements covering such matters as transportation, open space, public facilities and services, commerce and industry, seismic safety, and changes to citywide land-use plans would be forthcoming. The city planners were aware that such misunderstandings have often led to charges that city planning is an elitist concern. But, on the whole, in late 1971, the planners might be excused the feeling of satisfaction that comes with widespread acceptance of their work.

This account of the preparation and adoption of the urban design plan gives rise to a number of observations and questions: What if urban design had not been the public issue that it was? Would that mean that no urban design plan should have been undertaken, or if attempted, might not have been successful? Did the location of the planning department under a semi-autonomous commission have a significant bearing on the preparation of the plan and on its nature? Would a plan be more oriented toward public works and projects if it were prepared in a mayor's office, or under the legislative body? Would the plan have been significantly different if prepared in conjunction with other elements, or with greater citizen participation? In what ways could the planning department have attracted greater participation by repre-

It was important to focus on the plan as a policy document. Specific project designs might have diverted attention from the debate about visual aspects of the environment. Even detailed examples of ways to divert or slow neighborhood traffic were placed in a policy context. As controversies over such matters as the Duskun initiative and individual building proposals continued, the plan was quoted, misquoted, and ridiculed. But it was also given symbolic importance by many and, most important, it was used as a basis for one or another position. The public was aware of the policy-setting role of the plan and indicated an expectation that it would be implemented.

Timeliness, public awareness, and understanding of the political climate, and a recognition of opportunities and willingness to use them—all were important to the plan's adoption and to early measures toward implementation. The planners were aware of the nature of the times, and they were convinced that urban design was an issue in 1967. Their plan emerged as public concern peaked. This does not mean that plan preparation would have been a meaningless effort had the timing been less fortunate and awareness less developed. Other times (and other places) with less, or more, public awareness and with different participants would have dictated other approaches to the design of the city. In this case, a responsive and a soundly based set of policies was at hand, to be adopted and implemented when the time was right. What if there had been no plan at this time? The city planners were ready.

Timing was important to the reception of the urban design plan and to its early adoption. There is no assurance that in the future, planners, commissioners, elected officials, or community residents will look as kindly on this plan as those who were present during its early years. But it now exists and must be dealt with, and there is every indication that the plan will indeed be used as a guide for a great variety of design decisions about the city's future.



Notes

1. The "urban design plan" became the urban design element of the San Francisco master plan upon adoption by the city planning commission on August 26, 1971. The plan was published by the San Francisco Department of City Planning in May 1971. The complete title is *The Urban Design Plan for the Comprehensive Plan of San Francisco*.
2. San Francisco Department of City Planning, "Descriptive Summary of the Proposed Urban Design Study and Plan for the City and County of San Francisco," February 26, 1968, p. 1.
3. San Francisco City Planning Commission minutes of August 22, 1968, Conditional Use 68.20, Resolution 6255.
4. Student Land-Use Group, University of California, Berkeley, "Position Paper on Land Use," May 6, 1976.
5. *Urban Design Plan*, p. 3. See also Kevin Lynch, "City Design and City Appearance," in W. J. Goodman and Eric C. Freund, eds., *Principles and Practice of Urban Planning* (Washington, D.C.: International City Managers Association, 1968, pp. 249-76.)
6. Daniel H. Burnham, *Report on a Plan for San Francisco* (San Francisco: Sunset Press, 1905).
7. See Lynch, "City Design and City Appearance," p. 249, for a discussion of the kinds of design that are a part of city development.
8. San Francisco Department of City Planning, "Descriptive Summary of the Proposed Urban Design Study and Plan for the City and County of San Francisco," February 26, 1968, p. 3.
9. Arthur D. Little, *San Francisco Community Renewal Program*, October 1965.

more to citywide policies and principles than to the design specifics of public works. It was concerned with the process of all development and with moderating private development, which the planners could not design themselves. An orientation toward influence and legislation, matters that could be controlled by the San Francisco planners, is therefore understandable. To contrast the Boston and San Francisco plans, see Boston Redevelopment Authority, *1965/1975 General Plan for the City of Boston and the Regional Core*, March 1965.

17. Svirsky, "San Francisco Limits the Buildings."

10. Letter from San Francisco City Planning Commission President William Brinton to David Mayes, a landscape architect on the committee.

11. Kevin Lynch, *The Image of the City* (Cambridge: Technology Press and Harvard University Press, 1960).

12. "San Francisco Limits the Buildings to See the Sky," *Planning*, January 1973, p. 10. Peter Svirsky is a lawyer and planner who was on the staff of the San Francisco Department of City Planning.

13. San Francisco Board of Supervisors Resolution 673-70, November 9, 1970. See also Jerry Burns, "Tough City Stand on a Freeway," *San Francisco Chronicle*, November 10, 1970.

14. Svirsky, "San Francisco Limits the Buildings," pp. 10-11. Also see Patrick J. Hern, "Reclaiming the Urban Environment: the San Francisco Urban Design Plan," *Ecology Law Quarterly*, vol. 3, 1973, p. 539. For a partisan description of major planning controversies, see Bruce Brugmann and Gregar Sletteland, eds., *The Ultimate Highrise: San Francisco's Mad Rush Toward the Sky* (San Francisco: San Francisco Bay Guardian Books, 1971).

15. Dean L. Macris, "Design Review Process," memo to San Francisco City Planning Commission, March 13, 1975. Macris was then city planning director.

16. To some extent, the relative success of the legislative efforts to carry out the urban design plan as opposed to the limited success of programs and actions requiring more direct public action was determined by the nature of the plan and the people who prepared it. In this regard, the urban design plan can be contrasted with the Boston General Plan of 1965, an urban design-inspired plan. The Boston plan has a strong orientation toward public projects and improvements. It places some dependency upon a "capital web" to shape the city and to influence future development. It was prepared in an era of large and expensive federally funded redevelopment projects by the staff of the Boston Redevelopment Authority. Direct public design or control of projects could thus be anticipated. The San Francisco plan was oriented



SAN FRANCISCO PLANNING DEPARTMENT

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors

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

This form is to be used by neighborhood organizations to request a fee waiver for CEQA and conditional use appeals to the Board of Supervisors.

Should a fee waiver be sought, an appellant must present this form to the Clerk of the Board of Supervisors or to Planning Information Counter (PIC) at the ground level of 1660 Mission Street along with relevant supporting materials identified below. Planning staff will review the form and may sign it 'over-the-counter' or may accept the form for further review.

Should a fee waiver be granted, the Planning Department would not deposit the check, which was required to file the appeal with the Clerk of the Board of Supervisors. The Planning Department will return the check to the appellant.

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

[Check only one and attach decision document to this form]

- Conditional Use Authorization Appeals to the Board of Supervisors
- Environmental Determination Appeals to the Board of Supervisors (including EIR's, NegDec's, and CatEx's, GREs)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of that organization. Authorization may take the form of a letter signed by the president or other officer of an organization.
- The appellant is appealing on behalf of a neighborhood organization which is registered with the Planning Department and which appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of a neighborhood organization, which was in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, and rosters.
- The appellant is appealing on behalf of a neighborhood organization, which is affected by the project, which is the subject of the appeal.

APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: <u>SUE HESTOR</u>	Address of Project: <u>555 WASHINGTON ST</u>
Neighborhood Organization: <u>SAN FRANCISCO'S FOR REASONABLE COUNCIL</u>	Planning Case No: <u>2002-0133E</u>
Applicant's Address: <u>870 MARKET #1128 SF 94107</u>	Building Permit No:
Applicant's Daytime Phone No: <u>415 846-1021</u>	Date of Decision: <u>3/18/10</u>
Applicant's Email Address: <u>hestor@earthlink.net</u>	

DCP STAFF USE ONLY	
<input type="checkbox"/> Appellant authorization	Planner's Name: _____
<input type="checkbox"/> Current organization registration	Date: _____
<input type="checkbox"/> Minimum organization age	Planner's Signature: _____
<input type="checkbox"/> Project impact on organization	
<input type="checkbox"/> WAIVER APPROVED <input type="checkbox"/> WAIVER DENIED	



Rec'd.
4/2/10
3:42P
[Signature]

April 2, 2010

By Hand Delivery

Ms. Angela Calvillo
Clerk of the San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: **Appeal of Certification of Final EIR and Adoption of CEQA Findings**
Planning Commission Motions Nos. 18046 and 18047
555 Washington Street (aka 545 Sansome Street)
Case No. 2002.0133E

Dear Ms. Calvillo:

The Telegraph Hill Dwellers appeal the Planning Commission's certification of the Environmental Impact Report (EIR) and its adoption of CEQA findings for the proposed project at 555 Washington Street. Copies of Motion numbers 18046 and 18046 adopted on March 18th are attached as Exhibits A and B. This letter summarizes the grounds for appeal; further documentation will follow.

The Telegraph Hill Dwellers request that the Board grant this appeal, reverse the approvals made by the Planning Commission, and make the following findings:

- 1) The EIR requires revision prior to further consideration of certification because it is fundamentally flawed and meaningful public review and comment were precluded. (CEQA Guideline §15088.5(a)(4).)
- 2) The project description in the EIR is not sufficiently "stable and finite" because it contains three "variants."
- 3) The fundamental project objectives are inadequately described in the EIR. The project sponsor's primary objective "*to own and operate in San Francisco's*

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Founded in 1954 to perpetuate the historic traditions of San Francisco's Telegraph Hill and to represent the community interests of its residents and property owners.

Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space” is inappropriate. An objective to achieve a certain square footage is part of the project description rather than an objective. An appropriate objective would be for an economically viable office and retail building in San Francisco’s financial district or an economically residential building in San Francisco’s financial district.

- 4) The EIR is inadequate because it fails to adequately analyze or respond to comments on the project’s impacts on housing, inconsistency with the Housing Element of the General Plan, and urban sprawl.
- 5) The EIR is inadequate because it fails to analyze the land use impacts of the inclusion of Mark Twain Alley (a public right-of way) and Redwood Park (proposed for donation to the City) in the Floor Area Ratio (FAR) calculations to increase the development envelope.
- 6) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts based on inconsistencies with City plans, policies, land use & zoning adopted for the purpose of avoiding environmental impacts, including those regulating height limits and protecting historic resources.
- 7) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on aesthetics, causing material degradation in the quality of the City’s significant visual resources including the Transamerica Pyramid and Jackson Square Historic District.
- 8) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on cultural resources.
- 9) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant cumulative impacts on transportation and parking because of the excessive number of off-street parking spaces, a second garage entrance, off street loading exceptions, and impacts from queuing that have not been adequately mitigated.

- 10) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant cumulative shadow impacts on parks and open spaces including Sue Bierman (Ferry) Park, Maritime Plaza, Redwood Park, Sidney Walton Plaza, as well as on Jackson Square sidewalks. Further analysis of quantitative shadows impacts to Redwood and nearby LEED certified buildings should occur to support any contrary findings.
- 11) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant wind impacts in conflict with data included in the EIR. The conclusion that wind speeds, which exceed the pedestrian comfort levels by almost 200%, are not significant is not supported by evidence in the record.
- 12) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on biological resources related to bird deaths and serious damage to the redwood trees. The final EIR's response to comments regarding potential bird deaths, even with the staff's most recent additions, is inadequate. The mitigation measure addressing significant impacts to the redwood trees is inadequate to reduce this impact to a less than significant level.
- 13) The EIR should not be certified because it does not include or consider a reasonable range of project alternatives and is non-responsive to extensive and specific comments on the draft EIR by Planning Commissioners and members of the public. The current EIR alternatives are inappropriate attempts to justify the preferred alternative and its variants.
 - The Code-Complying Alternative is inadequate. It does not comply with the Planning Code or General Plan in that it exceeds the height limit by 200 feet, casts new shadows on public parks protected by Proposition K (section 295 of the Planning Code), includes both Mark Twain Alley and Redwood Park in FAR calculations, and assumes the Board of Supervisors will agree to sell a public right of way and to accept the offer of Redwood Park.
 - The EIR fails to analyze a potentially feasible Preservation Alternative although the EIR concedes that the demolition of the historic California Red Ink Building at

545 Sansome Street, the birthplace of the California printing industry, is a significant environmental impact of the project.

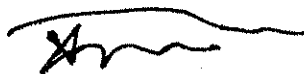
- 14) No substantial evidence supports findings that the Code-Complying and Preservation Alternatives are infeasible.

In sum, as noted by Planning Commission President Ron Miguel in his written comments on the Draft EIR, *"the [EIR] language and semantics are less than subjective – they are judgments rather than facts and are arguments rather than dispassionate information."* (App. A, Comment Letters, Letter C.) And as stated by Commissioner Hisashi Sugaya during the March 18, 2010, Planning Commission hearing on the certification of the final EIR, *"The EIR is supposed to be an objective document and not riddled with value judgments as this one is . . . It is difficult to take the Comments and Responses and the Draft EIR and arrive at what you would call an objective look at the project."* The EIR is not an objective document. Further, the very significant changes between the Draft and Final EIRs made it impossible for the public or the Planning Commission to make any sense of the project or its impacts.

Thus, this appeal should be granted. These arguments will be supplemented prior to the appeal hearing with details and citation to regulations, statutes, and case law. The Telegraph Hill Dwellers ask that the deeply flawed EIR be revised and recirculated for public comment, incorporating this Board's findings as to the already-apparent significant project impacts, and including a reasonable range of project alternatives and mitigations based on legally appropriate project objectives.

Thank you for your consideration of this appeal.

Sincerely,



Vedica Puri
President

Enclosures

cc: Bill Wyco, Environmental Review Officer
Elaine Warren, Deputy City Attorney
Sue C. Hestor, Esq., San Franciscans for Reasonable Growth



**SAN FRANCISCO
PLANNING DEPARTMENT**

Planning Commission Motion No. 18046

HEARING DATE: March 18, 2010

Hearing Date: March 18, 2010
Case No.: 2002.0133E
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: C-3-O (Downtown Office)
 120-X and 200-S Height and Bulk District
Block/Lot: 0207/33, 35, & 36
Project Sponsor: AEGON USA Realty Advisors, Inc.
 455 Market Street, Suite 640
 San Francisco, CA 94105
Staff Contact: Nannie R. Turrell – (415) 575-9047
 Nannie.turrell@sfgov.org

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

Reception:
 415.558.6378

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Planning
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 415.558.6377

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PROJECT WHICH INCLUDE DEMOLITION OF TWO BUILDINGS AT 501-505 WASHINGTON STREET AND 545 SANSOME STREET, AND CONSTRUCTION OF A 38-STORY, APPROXIMATELY 390 FOOT-TALL BUILDING TOPPED WITH A MECHANICAL PENTHOUSE AND ARCHITECTURAL SCREENING REACHING IN HEIGHT TO APPROXIMATELY 430 FEET. THE NEW BUILDING WOULD CONTAIN APPROXIMATELY 332,000 GROSS SQUARE FEET OF FLOOR AREA, INCLUDING 248 RESIDENTIAL UNITS, 4,640 SQUARE FEET OF GROUND-FLOOR RETAIL SPACE, AND FOUR LEVELS OF SUBSURFACE PARKING WITH 215 PARKING SPACES PLUS 2 CAR SHARE SPACES. THE PROJECT ALSO WOULD INCLUDE VACATION OF MARK TWAIN ALLEY AND CONVEYANCE OF REDWOOD PARK TO THE CITY AND COUNTY OF SAN FRANCISCO.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2002.0133E, 555 Washington Street (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on November 27, 2007.
 - B. On March 25, 2009, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public

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 Updated 12/3/08

EXHIBIT A

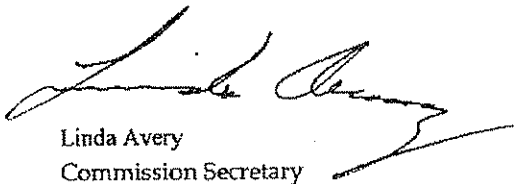
hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

- C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on March 25, 2009.
 - D. On March 25, 2009, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
 - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on March 25, 2009.
2. The Commission held a duly advertised public hearing on said DEIR on May 7, 2009 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on May 18, 2009, as extended by the Commission.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 54-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document, published on January 7, 2010, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at Department offices.
 4. A Final Environmental Impact Report has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.
 5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1650 Mission Street, and are part of the record before the Commission.
 6. On March 18, 2010, the Commission reviewed and considered the Final Environmental Impact Report and hereby does find that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
 7. The project sponsor has indicated that the presently preferred alternative is the Proposed Project, described in the Final Environmental Impact Report.
 8. The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2002.0133E - 555 Washington Street Project reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY

THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

9. The Commission, in certifying the completion of said Final Environmental Impact Report, hereby does find that the project described in the Environmental Impact Report [and the project preferred by the project sponsor, described as the Proposed Project in the Final Environmental Impact Report]:
- A. Will have a project-specific unavoidable significant effect on the environment on historical resources in that it would demolish a potentially significant historic building at 545 Sansome Street.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of March 18, 2010.



Linda Avery
Commission Secretary

AYES: Miguel, Borden, Lee, Antonini
NOES: Sugaya, Moore, Olague
ABSENT:
ADOPTED: March 18, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing
- Childcare Requirement
- Jobs Housing Linkage Program
- Downtown Park Fee
- Public Art
- Public Open Space
- First Source Hiring (Admin. Code)
- Transit Impact Development Fee
- Other

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Planning Commission Motion 18047 CEQA Findings

HEARING DATE: MARCH 18, 2010

Date: January 21, 2010
Case No.: 2002.0133EZMRKXV
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: Downtown, Office (C-3-O)
 200-S Height and Bulk Districts
Block/Lot: Block 0207/Lots 33, 35, and 36
Applicant: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group
 West, Inc. for AEGON USA Realty Advisors, Inc.
 455 Market Street, Suite 640
 San Francisco, CA 94105
Staff Contact: Rick Crawford - (415) 558-6358
 rick.crawford@sfgov.org

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT TO CONSTRUCT A NEW APPROXIMATELY 390-FOOT-TALL (PLUS A MECHANICAL PENTHOUSE REACHING IN HEIGHT TO APPROXIMATELY 410 FEET AND AN ARCHITECTURAL SCREEN REACHING IN HEIGHT TO APPROXIMATELY 430 FEET), 38-STORY BUILDING CONTAINING 248 RESIDENTIAL UNITS ABOVE APPROXIMATELY 4,635 GROSS SQUARE FEET OF RETAIL USE ON THE GROUND FLOOR, AND PROVIDING 215 PARKING SPACES PLUS 2 CAR SHARE SPACES (THE "PROJECT"). THE PROJECT IS LOCATED AT 555 WASHINGTON STREET ON ASSESSOR'S BLOCK 0207, LOTS 33, 35 AND 36 IN A C-3-O (DOWNTOWN, OFFICE) ZONING DISTRICT AND WITHIN A 200-S HEIGHT AND BULK DISTRICT.

In its determination to approve the proposed project located at 555 Washington Street (aka 545 Sansome Street) (Assessor's Block 0207, Lots 33, 35, and 36), the San Francisco Planning Commission ("Commission") makes and adopts the following findings of fact regarding the Project and mitigation measures based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the

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EXHIBIT B

Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), particularly Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

I. Introduction

The San Francisco Planning Commission hereby adopts the following findings for the Project approval of 555 Washington Street Project (the "Project") pursuant to the California Environmental Quality Act, California Public Resources Code, Sections 21000 et seq. ("CEQA"), the Guidelines for Implementation of CEQA, Title 15 California Code of Regulations Sections 15000 et. seq. ("Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"), entitled Environmental Quality:

II. Project Description

A. 555 Washington Street Project

545 Sansome Street, 501-505 Washington Street and 517 Washington will be developed with a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse reaching a height of approximately 410 feet and an architectural screen reaching a height of approximately 430 feet, containing approximately 331,640 gross square feet and approximately 4,635 square feet of ground-floor retail space. The main entrance on Washington Street will provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark Twain Alley, which will consist of 213 parking spaces plus 2 car share spaces that will be available as a combination of independently accessible and car stacker spaces accessed by ingress and egress on Washington Street. As part of the Project, Redwood Park, currently a private area not required to be made available to the public, would be expanded, renovated and the surface area of the expanded park, sufficient for park purposes, would be conveyed to the City on completion of the Project to create a permanent downtown public park. The sponsor would continue to own the subsurface and air rights to the property. Mark Twain Alley also would be vacated, landscaped and undergo substantial improvements at grade-level as part of the Project. This area would serve as public open space for the Project and would create an inviting street level environment for all users. The revitalized Redwood Park would be connected to Mark Twain Alley, which would create a more pedestrian friendly atmosphere for users of the Project and the surrounding neighborhoods.

B. Project Sponsor Objectives

The Final Environmental Impact Report (FEIR) discusses several Project objectives identified by the Project Sponsor. The objectives are as follows:

- To own and operate in San Francisco's Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space.
- To construct a project that complements the iconic Transamerica Pyramid.

- To create a project that does not detract from the significance of the adjacent Jackson Square Historic District.
- To increase the area's pedestrian appeal so as to draw more customers to local businesses within and outside the Project site.
- To create more public space and to make the publicly accessible space in Redwood Park and Mark Twain Alley more functional and usable.

C. Planning and Environmental Review Process

The Project Sponsor applied for environmental review on February 6, 2002. The San Francisco Planning Department (the "Department") determined that an Environmental Impact Report was required and provided public notice of the preparation of such on November 27, 2007. The Department published a Draft Environmental Impact Report (DEIR) on March 25, 2009. The San Francisco Planning Commission held a public hearing to solicit testimony on the DEIR on May 7, 2009. The Department received written comments on the DEIR from March 25, 2009 to May 18, 2009. The Department published the Comments and Responses on January 7, 2010. The DEIR, together with the Comments and Responses document constitute the Final Environmental Impact Report (FEIR.) The Commission certified the FEIR on March 18, 2010 in Motion No 18047.

D. Location and Custodian of Records.

The public hearing transcript, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Linda Avery, is the custodian of records for the Planning Department and the Planning Commission.

III. Alternatives

A. Alternatives Analyzed in the FEIR

The FEIR analyzed four alternatives to the Project: the No Project Alternative, the Driveway Alternative, the Code-Complying Alternative, and the Preservation Alternative. The No Project Alternative analyzes no immediate change to the Project site, including no demolition of the two buildings on the Project site and no construction of the new residential and/or office building with ground floor retail and underground parking. The Code Complying Alternative analyzes the construction of a shorter building (200 feet tall) that would not require an amendment to the Planning Code or General Plan. The Preservation Alternative analyzes a project that would involve the construction of a new 9-story addition to the 545 Sansome Street building. The No Project Alternative, the Code Complying Alternative and the Preservation Alternative are rejected for the reasons explained below. The Driveway Alternative is almost identical to the preferred project analyzed in the FEIR in every way, except that it analyzes

construction of a project that contemplates inbound ingress to the parking garage to be via a driveway entrance on Washington Street and outbound egress from the parking garage to be via a driveway exit on Sansome Street, rather than having both ingress and egress occur via a single driveway on Washington Street. The Driveway Alternative is incorporated into the Project to the extent vehicular traffic is allowed on Sansome Street by the Metropolitan Transportation Agency.

B. Alternatives Rejected and Reasons for Rejection

(1) No Project Alternative. The No Project Alternative would not be desirable or meet the Project Sponsor's goals. The No Project Alternative would amount to a continuation of the existing conditions at the Project site, which is underutilized. The No Project Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The No Project Alternative would not meet any of the Project Sponsor's objectives.
- (b) The No Project Alternative would not provide opportunities for new sources of jobs, fees, taxes and revenues.
- (c) The No Project Alternative would not expand, renovate and convey Redwood Park to the City for use as a new public park. Redwood Park would remain a privately owned park that would continue to be open to the public at the Project Sponsor's discretion.
- (d) The Project site would remain underutilized.
- (e) The No Project Alternative would not include the vacation and purchase at fair market value of Mark Twain Alley from the City and Mark Twain Alley would not be renovated as a publicly accessible open space.

(2) Code Complying Alternative. The Code Complying Alternative would not be desirable or meet the Project Sponsor's goals. The Code Complying Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The code-complying alternative would meet some but not all of the Project Sponsor's objectives.
- (b) The Code Complying Alternative would have a significant unavoidable impact on the 545 Sansome building.
- (c) The Code-Complying Alternative would be less successful at meeting the Project Sponsor's objective of visually complementing the iconic Transamerica Pyramid and expanding the publicly accessible open space on the block.

(3) Preservation Alternative. The Preservation Alternative would not be desirable or meet the Project Sponsor's goals. This alternative would not expand, renovate or convey to the City Redwood Park for use as a new public park and Mark Twain Alley would not be vacated and purchased at fair market value from the City and renovated as publicly accessible open space.

- (a) The preservation alternative would not produce a Class A residential or office and retail building in the Financial District with at least 200 units or 300,000 square feet of commercial space.
- (b) The preservation alternative would not create more public open space and would result in the closure of the existing private Redwood Park to the public.

IV. Significant Impacts and Mitigation Measures

In the course of the project planning and design, mitigation measures were identified that would reduce or eliminate potential significant environmental impacts. The significant impacts and the mitigation measures to reduce the significant impacts are described in chapters 3 and 4 of the FEIR. The Project Sponsor has agreed to implement and comply with all mitigation measures identified in the FEIR. Therefore, the mitigation measures that have been incorporated into the Project will avoid or substantially lessen the potential significant environmental effects identified in the FEIR. To assure the implementation of these measures, they are included in the mitigation monitoring and reporting program for the Project, which is attached as exhibit C to the Commission's Section 309 motion for case 2002.0133EZMKXV and incorporated herein by this reference. Implementation of all the mitigation measures contained in the FEIR will be included as a condition of approval for the Project. All mitigation measures proposed in the FEIR are adopted and the full text of the mitigation measures is set forth in the Mitigation Monitoring and Reporting Program attached as Exhibit A to this motion.

V. Unavoidable Significant Environmental Impacts

The Project, as approved, would have a Project-specific unavoidable significant environmental impact on the 545 Sansome Street building, a historic resource, resulting from its demolition as a part of the Project. There is no feasible or prudent mitigation measure for this impact for the reasons set forth in Section III. However, Mitigation Measure 2 in the Mitigation Monitoring and Reporting Program, which calls for documentation and commemoration of the building would reduce impacts on historical resources, but the impact would remain significant and unavoidable.

VI. Statement of Overriding Considerations

Notwithstanding this significant unavoidable impact noted above, pursuant to CEQA Section 21081(b), the CEQA Guidelines, and Chapter 31 of the Administrative Code, the Commission finds, after considering the FEIR, that specific overriding economic, legal, social and other considerations, as set forth below, outweigh the identified significant effect on the environment. In addition, the Commission finds that the rejected Project Alternatives are also rejected for the following specific economic, social or other considerations, in addition to the specific reasons discussed in Section III above.

1. The Project would provide that Redwood Park, currently a private open area, to be expanded, improved and, on Project completion, dedicated, at no cost to the City, to the City as a public park, and thereafter maintained in perpetuity, at no cost to the City, by the Project and the other privately owned parcels on the Project block.
2. The Project would promote the objectives and policies of the General Plan by creating new housing, improving retail options, providing new public park land and being well located near public transit.
3. The Project would provide housing in the Downtown Core by the development of 248 homes (115 two-bedroom homes and 133 one-bedroom homes), which will be close to an array of public transit alternatives in the Downtown Core, and close to offices and jobs.
4. Although the Project would have a significant, unavoidable impact on the 545 Sansome Street Building, the historic connection of 545 Sansome to San Francisco's printing and publishing industry will be commemorated with an exhibit at the Project site pursuant to the mitigation measures that the Project Sponsor has accepted.
5. The Project would revitalize the Project site and the surrounding neighborhood.
6. The Project would maximize sunlight and open space at the Project site and complement the iconic Transamerica Pyramid.
7. The Project would make a substantial contribution to the creation of affordable housing in the City pursuant to the provisions of Section 315 of the Planning Code.
8. The Project would provide opportunities for new sources of jobs and would over its life result in substantial property taxes and transfer tax revenues for the City.

Motion 18047
March 18, 2010

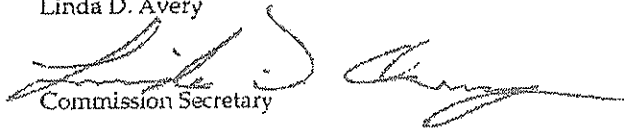
CASE NO. 2002.0133EZMRKXV
555 Washington Street (aka 545 Sansome Street)

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby adopts the foregoing CEQA Findings and the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on Thursday, March 18, 2010.

Linda D. Avery



Commission Secretary

AYES: Antonini, Bordon, Lee and Miguel

NOES: Moore, Olague, and Sugaya

ABSENT: None

ADOPTED: March 18, 2010

EXHIBIT A

Mitigation Monitoring and Reporting Program

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
Cultural and Paleontological Resources Mitigation Measures				
<p>Mitigation Measure 1</p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Section 15064.5(a)(c).</p> <p><i>Archaeological Testing Program.</i> The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of</p>	Project sponsor	Prior to and during construction	The ERO to review and approve the Final Archeological Resources Report	The project archaeologist to consult with the ERO as indicated. Considered complete after review and approval of the Final Archaeological Resources Report by the ERO.

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p><i>Archaeological Monitoring Program (AMP).</i> If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> ▪ The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> ▪ The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; ▪ The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; ▪ The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; ▪ If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO. <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>monitoring program to the ERO.</p> <p><i>Archaeological Data Recovery Program.</i> The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP, prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and distribution of results. ▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>policies of the curation facilities.</p> <p><i>Human Remains, and Associated or Unassociated Funerary Objects.</i> 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 Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (<i>CEQA Guidelines</i>, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><i>Final Archaeological Resources Report.</i> The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>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 Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. 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.</p>				
<p>Mitigation Measure 2 (a) <i>Documentation.</i> In consultation with a Planning</p>	Project sponsor	Prior to and	Planning Department	Considered complete

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Department Preservation Technical Specialist, the individual project applicant shall have documentation of the affected historical resource and its setting prepared. Generally, this documentation shall be in accordance with Level 3 documentation under the Historic American Building Survey (HABS) or Historic American Engineering Record (HAER).</p> <p>Documentation Level 3</p> <ol style="list-style-type: none"> 1. Drawings: sketch plan. 2. Photographs: photographs with large-format negatives of exterior and interior views. (If large-format photography is not possible, 35mm photography may be deemed acceptable, if the negatives are processed according to HABS standards.) 3. Written data: one-page summary. <p>Material standards regarding reproducibility, durability, and size shall be met. The HABS/HAER standards are:</p> <p>Measured Drawings: Readily Reproducible: Ink on translucent material. Durable: Ink on archivally stable materials. Standard Sizes: Two sizes: 19" x 24" or 24" x 36"</p> <p>Large-Format Photographs: Readily Reproducible: Prints shall accompany all negatives. Durable: Photography must be archivally processed and stored. Negatives are required on safety film only. Resin-coated paper is not accepted. Color photography is not acceptable. Standard Sizes: Three sizes: 4" x 5", 5" x 7", or 8" x 10"</p> <p>Written History and Description: Readily Reproducible: Clean copy for Xeroxing. Durable: Archival bond required. Standard Sizes: 8 1/2" x 11"</p> <p>The agreed-upon documentation shall be filed with the San Francisco History Center at the Main Library, the North Bay Regional and Special Collection of the Sonoma State University Library, and San Francisco Architectural Heritage.</p> <p>(b) Commemoration. If the affected historical resource is to be demolished, the individual project</p>		during construction		upon completion of documentation or installation of commemorative display of historic resource if the resource is to be demolished

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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applicant shall, with the assistance of a Planning Department Preservation Technical Specialist or other professionals experienced in creating historical exhibits and meeting the minimum professional qualifications for Historian under the Secretary of the Interior's Guidelines, incorporate a display featuring historic photos of the affected resource and a description of its historical significance into the publically accessible portion of any subsequent development on the site.				
Biological Resources Mitigation Measures				
<p>Mitigation Measure 3</p> <p>The project sponsor shall prepare Tree Protection Guidelines with respect to Redwood Park that the Department of Public Works and the Department of Recreation and Park shall approve prior to any demolition or construction for the project. It shall be composed of the following elements:</p> <p>Paving Stones – The paving stones and patio and walk cement sub-slab shall remain in place during the entirety of the construction process. Plywood or metal plates shall be placed over the paving stones for extra protection and to avoid damaging the pavers. At completion of building construction, the paving stones and patio and walk cement sub-slab may be removed as necessary to accomplish the expansion and renovation of Redwood Park and Mark Twain Alley.</p> <p>Fence Protection – A 10-foot high chain-link type fence is the primary method of protecting the roots and the lower 10 feet of the trees. The fencing shall be placed at the outer edge of all tree planning areas, where possible.</p> <p>Canopy Protection – This would depend upon the equipment and possible impacts that the canopy would be exposed to. Tree protection may require that netting be placed over the canopy of the side exposed to impacts. A scaffold structure shall be built around trees as necessary to protect them.</p> <p>Watering – The irrigation of the redwood trees must be monitored during construction to ensure that the trees thrive. Soil moisture shall be monitored.</p> <p>Mulch and Compost – Organic mulch and good quality compost shall be applied 1-2 inched deep with 4-6 inches of wood chips on top to help retain soil moisture and reduce compaction from inadvertent activities.</p>	Project sponsor	Prior to demolition and during construction	Department of Public Works and Department of Recreation and Park	Considered complete upon completion of construction

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
In addition the Tree Protection Guidelines shall include additional protections as necessary such as root protection, root pruning, trunk protection, foliage protection, and street tree protection, to ensure that no landmark or significant trees would be impacted by construction of the proposed project. Impacts on trees would be less than significant with implementation of these guidelines.				
Hazards and Hazardous Materials Mitigation Measures				
<p>Mitigation Measure 4</p> <p>Step 1: Soil and Groundwater Testing</p> <p>The project sponsor shall, prior to approval of a building permit for the project, hire a consultant to collect soil and groundwater samples (borings) from areas on the site in which soil would be disturbed and test the samples for total lead and petroleum hydrocarbons. The consultant shall analyze the samples as discrete, not composite samples. The consultant shall prepare a report on the testing for petroleum hydrocarbons that includes the results of the testing and a map that shows the locations of samples collected.</p> <p>The project sponsor shall submit the report on the testing for petroleum hydrocarbons and a fee in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee shall cover staff time for report review and administrative handling. If additional review is necessary, the Department of Public Health shall bill the project sponsor on a time and materials basis. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The Department of Public Health shall review the testing report to determine to whether the soils or water of the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels.</p> <p>Step 2: Preparation of Site Mitigation Plan</p> <p>If, based on the results of the tests conducted, the San Francisco Department of Public Health (DPH) determines that the soils or water on the project site are contaminated with contaminants at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan is warranted. If such a plan is requested by the DPH, the Site Mitigation Plan shall include a discussion of the level of</p>	Project sponsor	Prior to approval of building permit and ongoing through DPH approval of Closure / Certification Report	Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon DPH approval of Closure / Certification Report

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>contamination of soils and water on the project site and mitigation measures for managing them on the site, including, but not limited to: 1) the alternatives for managing contaminated soils and water on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils or water on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils or water on the site. The Site Mitigation Plan shall be submitted to the DPH for review and approval. A copy of the Site Mitigation Plan shall be submitted to the Planning Department to become part of the case file.</p> <p>Step 3: Handling, Hauling, and Disposal of Contaminated Soils and Water</p> <p>(a) Specific Work Practices: If, based on the results of the soil tests conducted, the Department of Public Health determines that the soils or water on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils and water during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil and water testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils and water appropriately (i.e., as dictated by local, state, and federal regulations) when such soils or water are encountered on the site. If there are excavated materials containing over one percent friable asbestos, they would be treated as hazardous waste, and would be transported and disposed of in accordance with applicable state and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.</p> <p>(b) Dust Suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.</p> <p>(c) Surface Water Runoff Control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.</p> <p>(d) Soils Replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.</p> <p>(e) Hauling and Disposal: Contaminated soils shall be</p>				

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<p>hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.</p> <p>Step 4: Preparation of Closure/Certification Report After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils and water from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.</p>				
<p>Mitigation Measure 5 The project sponsor would ensure that pre-construction building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of demolition. Any hazardous building materials so discovered would be abated according to federal, state, and local laws and regulations.</p>	Project sponsor	Prior to demolition	Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon approval of project
<p>IMPROVEMENT MEASURES FOR 555 WASHINGTON STREET The Project Sponsor will work with San Francisco Municipal Transportation Agency and with any other relevant City Agencies to implement the following improvement measures</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>Improvement Measure 1: Construction Traffic</p> <p>Any construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would coincide with peak hour traffic and would temporarily impede traffic and transit flow, although it would not be considered a significant impact. An improvement measure limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by MTA) would minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods. The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of MTA, the Fire Department, Muni, the Planning Department and other City agencies to determine feasible measures to reduce traffic congestion, including temporary bus stop relocation and other potential transit disruption and pedestrian circulation effects during construction of the project.</p>				
<p>Improvement Measure 2: Pedestrian Circulation - Clay and Battery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Battery Streets, such as:</p> <p>Consider installing an exclusive "pedestrian scramble" phase to reduce potential pedestrian/vehicle conflicts where vehicles turn right from Clay to Battery Street.</p> <p>Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a "pedestrian scramble" phase is not feasible at this location, evaluate the feasibility of reducing the double right turn lanes to a single right turn lane.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Increase the size of the pedestrian refuge area within the Battery-to-Clay channelized left-turn area, and evaluate the feasibility of changing the southbound channelized left turn traffic control to yield.</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>Install pedestrian-scale lighting, especially along the northeasterly side of Clay.</p> <p>Install sidewalk pavement art along the northeasterly side of Clay to match other sidewalks at this intersection.</p> <p>Install wayfinding signs to direct pedestrians to the pedestrian overpasses where appropriate.</p> <p>Install "watch for oncoming traffic" sign for pedestrians crossing the southbound channelized left turn, and "yield to pedestrians" signs directed at motor vehicles, in advance of crosswalks.</p>				
<p>Improvement Measure 3: Pedestrian Circulation - Clay and Montgomery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Montgomery Streets, such as</p> <p>Consider installing an exclusive "pedestrian scramble" phase to reduce potential pedestrian/vehicle conflicts where vehicles turn left from Montgomery to Clay Street. Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a "pedestrian scramble" phase is not feasible, consider other measures to reduce pedestrian/vehicle conflicts, such as a protected southbound left turn phase for vehicles turning left from Montgomery to Clay Street and/or replacing the double left-turn lanes with a single left-turn lane. (Note: because of overhead Muni wires, it may be necessary to allow bus-only left turns from the second left lane).</p> <p>Install "yield to pedestrians" sign for vehicle approaching the left-turn movement from Montgomery to Clay.</p> <p>Provide pedestrian-oriented wayfinding signs. The Transamerica Pyramid is a popular tourist destination, and wayfinding signs would assist pedestrians that visit the landmark and then continue</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>on to Chinatown, North Beach, BART or Muni, the Ferry Building, and other nearby areas.</p> <p>Evaluate the feasibility of providing a marked, mid-block crossing across the easterly leg of Clay at the alley. Install supplemental "yield to pedestrians" signs at this crossing.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Provide street trees to enhance comfort and aesthetics.</p> <p>Lengthen bus stop by removing on-street parking.</p>				
<p>Improvement Measure 4: Construction Liaison</p> <p>The project sponsor shall provide a construction liaison, who will provide information about construction activities and their timing to the neighbors (defined as property owners and tenants within a one-block radius of the project site) and community. The liaison will also receive suggestions and complaints from the community and coordinate with the project sponsor to attempt to resolve them. The liaison will arrange regular meetings between the project sponsor's representatives and the neighbors, at least once per month during the construction period.</p>				
<p>Improvement Measure 5: Contribution to Cleaning Fund</p> <p>If neighbors (defined as property owners and tenants within a one-block radius of the project site) create a bank account for holding money to perform cleaning on their properties related to dust or other property damage from project construction, and, if the neighbors administer the account (i.e., allocate the funds among them), the project sponsor has agreed to contribute up to \$25,000 to the account. (This amount would not necessarily be equivalent to neighbors' claims for such reimbursement.)</p>				
<p>Improvement Measure 6: Monitoring Construction Effects on Adjacent Buildings</p> <p>The project sponsor shall establish a monitoring program to evaluate the effects of the construction on the adjacent buildings and surrounding ground. If the project or its variants were to require pile driving, the project sponsor has agreed to:</p> <ul style="list-style-type: none"> ▪ require its geotechnical engineering contractor to conduct pre-construction assessment of existing subsurface conditions and the structural integrity of 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>nearby buildings subject to pile driving impacts;</p> <ul style="list-style-type: none"> ▪ if recommended by the geotechnical engineer, for structures or facilities within 50 feet of pile driving, require ground-borne vibration monitoring of nearby structures; ▪ require its construction contractor to use noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration, including pre-drilling of pile holes (if feasible, based on soils) to a maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible; and ▪ require contractors to use construction equipment with state-of-the-art noise shielding and muffling devices. <p>The purpose of the monitoring program would be to evaluate and, by evaluating, avoid any damage to adjacent buildings.</p>				
<p>Improvement Measure 7: Queuing for Parking Garage</p> <p>The project sponsor has agreed to resolve any queuing on the streets during times of backups using valets to move the queued vehicles directly to the first subsurface level, which would have space available for queuing.</p>				



SAN FRANCISCO PLANNING DEPARTMENT

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors

1660 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fac
415.558.6409

Planning
Information:
415.558.6377

This form is to be used by neighborhood organizations to request a fee waiver for CEQA and conditional use appeals to the Board of Supervisors.

Should a fee waiver be sought, an appellant must present this form to the Clerk of the Board of Supervisors or to Planning Information Counter (PIC) at the ground level of 1660 Mission Street along with relevant supporting materials identified below. Planning staff will review the form and may sign it 'over-the-counter' or may accept the form for further review.

Should a fee waiver be granted, the Planning Department would not deposit the check, which was required to file the appeal with the Clerk of the Board of Supervisors. The Planning Department will return the check to the appellant.

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

[Check only one and attach decision document to this form]

- Conditional Use Authorization Appeals to the Board of Supervisors
- Environmental Determination Appeals to the Board of Supervisors (including EIR's, NegDec's, and CatEx's, GREs)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of that organization. Authorization may take the form of a letter signed by the president or other officer of an organization.
- The appellant is appealing on behalf of a neighborhood organization which is registered with the Planning Department and which appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of a neighborhood organization, which was in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, and rosters.
- The appellant is appealing on behalf of a neighborhood organization, which is affected by the project, which is the subject of the appeal.

APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: <u>Vedica Puri</u>	Address of Project: <u>55.5 WASHINGTON ST.</u>
Neighborhood Organization: <u>Telegraph Hill Dwellers</u>	Planning Case No: <u>2002-0133 E</u>
Applicant's Address: <u>P.O. Box 330159, SF CA 94133</u>	Building Permit No:
Applicant's Daytime Phone No: <u>415 986-7070</u>	Date of Decision: <u>MARCH 18, 2010</u>
Applicant's Email Address: <u>planning and zoning@thd.org</u>	

DCP STAFF USE ONLY	
<input type="checkbox"/> Appellant authorization	Planner's Name: _____
<input type="checkbox"/> Current organization registration	Date: _____
<input type="checkbox"/> Minimum organization age	Planner's Signature: _____
<input type="checkbox"/> Project impact on organization	
■ WAIVER APPROVED ■ WAIVER DENIED	



SAN FRANCISCO
PLANNING DEPARTMENT

1/1
File # 10044

RECEIVED C: BOS-11
BOARD OF SUPERVISORS
SAN FRANCISCO
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CA-2

2010 APR 14 AM 11:45

Memo to the Board of Supervisors
Appeal of EIR Certification
HEARING DATE: APRIL 20, 2010

BY AY

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: April 14, 2010
BOS File No.: 10443
Case No.: 2002.0133E
Project Address: 555 Washington Avenue aka 545 Sansome Street
Zoning: C-3-O (Downtown Office) Zoning District
200-S Height and Bulk District
Block/Lot: 207/ 033, 035, and 036
Project Sponsor: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group West
Staff Contact: Nannie Turrell – (415) 575-9047
nannie.turrell@sfgov.org
Recommendation: Uphold Planning Commission Decision to Certify FEIR

President Chiu and Members of the Board:

Attached is the Response to two Appeals that were filed on the Planning Commission's decision to certify the environmental impact report prepared for the proposed project at 555 Washington Street, Case File MNo. 2002.1033E. While staff would normally respond to an appeal in more detail, the timing of the Appeals and the Hearing date prevented this. Most of the comments in the Appeals were addressed in the Comments and Responses document; therefore many of the Appeal responses reference the pages in that document that address specific issues being raised.

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SAN FRANCISCO PLANNING DEPARTMENT

MEMO

APPEAL OF EIR CERTIFICATION

555 Washington Street, Planning Case No. 2002.0133E

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: April 14, 2010

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: Bill Wycko, Environmental Review Officer – (415) 575-9048
Nannie Turrell, Senior Planner – (415) 575-9047

RE: BOS File No. 10443, Planning Department Case No. 2002.0133E
555 Washington Street, aka 545 Sansome Street

HEARING DATE: April 20, 2010

ATTACHMENTS: A – Appeal Letters
B – Final Environmental Impact Report (March 18, 2010)

PROJECT SPONSOR: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group West

APPELLANT No. 1: Vedica Puri, on behalf of Telegraph Hill Dwellers

APPELLANT No. 2: Sue C. Hestor, on behalf of San Franciscans for Reasonable Growth

INTRODUCTION

This memorandum and the attached documents are a response to the letters of appeal to the Board of Supervisors (the "Board") regarding the Planning Commission's certification of a Final Environmental Impact Report ("FEIR") for the proposed project at 555 Washington Street (the "Project", Case No. 2002.0133E, under the California Environmental Quality Act ("CEQA")). The Appeals to the Board were filed on April 2, 2010. The appeal letters are included with this Memorandum as Attachment A. The Final Environmental Impact Report (FEIR) is being provided to the Board with this Memorandum.

The decision before the Board is whether to uphold the Commission's decision to certify the FEIR, or to overturn the Commission's decision to certify the FEIR and return the project to the Planning Department for additional environmental review.

ENVIRONMENTAL REVIEW PROCESS FOR THE PROJECT

The project sponsor, Andrew Segal, representing Lowe Enterprises Real Estate Group-West, Inc. submitted an environmental review application on May 26, 2006. A Draft Environmental Impact Report (DEIR) was issued on March 25, 2009. Written public comment was received during the public comment period March 25 through May 18, 2009, and a public hearing was held on the DEIR on May 7, 2009, at which time public testimony was received. The Planning Department then prepared a Comments and Responses document to address environmental issues raised by

Privileged and Confidential - Draft Subject to Change

written comments received during the public comment period and at the public hearing for the DEIR. The Comments and Responses document, which was issued on January 7, 2010 contained additional analysis and reports that verified and expanded upon the DEIR contents. The Planning Department prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. The FEIR was certified on March 18, 2010.

PROJECT DESCRIPTION

The Project at 555 Washington Street entails the development of 545 Sansome Street, 501-505 Washington Street and 517 Washington Street. The project site consists of approximately 36,830 square-feet at the southwest corner of Sansome Street and Washington Street that is currently occupied by a vacant lot at 517 Washington (with one subsurface capped basement), a single-story retail building at 501-505 Washington Street and a 9-story office over ground floor retail building located at 545 Sansome Street. All structures would be demolished.

The Project would construct a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse reaching a height of approximately 410 feet and an architectural screen reaching a height of approximately 430 feet, containing approximately 331,640 gross square feet and approximately 4,635 square feet of ground-floor retail space. The main entrance on Washington Street would provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark Twain Alley, which will consist of 217 parking spaces plus 2 car share spaces. These spaces would be available as a combination of independently accessible and car stacker spaces accessed by ingress and egress on Washington Street. As part of the Project, Redwood Park (currently a private area not required to be made available to the public) would be expanded and renovated. The surface area of the expanded park would be conveyed to the City on completion of the Project to create a permanent downtown public park. The sponsor would continue to own the subsurface and air rights to the property. In addition, Mark Twain Alley would be vacated, landscaped and undergo improvements at grade-level and would serve as public open space for the Project. Redwood Park would be connected to Mark Twain Alley to create a space for the users of the Project and the surrounding neighborhoods.

CONCERNS RAISED BY VEDICA PURI, REPRESENTING THE TELEGRAPH HILL DWELLERS AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the April 2, 2010 Appeal Letter by Vedica Puri, on behalf of Telegraph Hill Dwellers, may be summarized as follows:

Issue #1: The EIR was fundamentally flawed and meaningful public review and comment were precluded pursuant to CEQA Guidelines 15088.5(a)(4).

Response #1: CEQA Section 15088 concerns the topic of recirculation of an EIR prior to certification. Recirculation is not required when new information added to an EIR clarifies or amplifies to modify an adequate EIR. The Response to Comments document for 555 Washington Street contained no "significant new information." The Draft EIR was published on March 25, 2009. The public comment period began on March 25, 2009 and was scheduled to end on May 11, 2009. The Planning Commission held a public hearing on May 7, 2009 and extended the public comment period until May 18, 2009. The public comment period lasted 54 days. CEQA requires a minimum public comment period of 45 days. Meaningful public review and comment were not precluded in this case.

Issue #2: The project description in the EIR is not sufficiently "stable and finite" because it contains three variants.

Response #2: This issue is discussed on page C&R 39 (Section 3.7, Comment H-1) of the Comments and Responses document. The proposed project and two variants were analyzed equally in the EIR.

Issue #3: The fundamental project objectives are inadequately described in the EIR.

Response #3: The project sponsor's objectives are discussed on pages 2-24 to 2-25 of the DEIR and pages C&R 43 through C&R 45 (Section 3.9) of the Comments and Responses document.

Issue #4: The EIR inadequately fails to analyze or respond to comments on the Project's impacts on housing, inconsistency with the Housing Element of the General Plan, and urban sprawl.

Response #4: Impacts related to housing issues are discussed on pages C&R 137 through C&R 140 (Section 10) of the Comments and Responses document. Any conflict between the proposed project and policies that relate to physical environmental issues are discussed in the EIR under each topic area. The compatibility of the proposed project with General Plan policies that do not relate to physical environmental issues are considered by decision makers as part of their decision whether to approve or disapprove the proposed project, and are not considered in the CEQA review of physical environmental impacts.

Issue #5: The EIR inadequately fails to analyze the land use impacts of the inclusion of Mark Twain Alley (a public right-of-way) and Redwood Park (proposed for donation to the City) in the Floor Area Ratio calculations to increase the development envelope.

Response #5: As described on page C&R 47 of the Comments and Responses document, the Project could have potentially significant environmental impacts on land use if it were to physically divide a community; conflict with policies or plans adopted specifically to avoid or mitigate an environmental effect; or have a substantial impact on existing community character. An analysis of the components of the FAR calculation is not necessary to the evaluation of physical impacts under land use.

Issue #6: The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts based on inconsistencies with City plans, policies, land use & zoning adopted for the purpose of avoiding environmental impacts, including those regulating height limits and projecting historic resources.

Response #6: City policies and regulations are discussed on pages C&R 46 through C&R 60 (Sections 4.1 through 4.4) of the Comments and Responses document. Conflict with land use plans, policies, or regulations does not, in itself, give rise to a significant environmental impact under CEQA.

Issue #7: The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impact on aesthetics, causing material degradation in the quality of the City's significant visual resources including the Transamerica Pyramid and Jackson Square Historic District.

Response #7: Impacts on visual resources are discussed on pages C&R 65 through C&R 80 (Sections 5.1 through 5.4) of the Comments and Responses document. The commenter has provided no information or analysis to conclude that the project would have a significant impact on aesthetics.

Issue #8: The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on cultural resources.

Response #8: Impacts on cultural resources, including archaeological resources and architectural resources are discussed on pages 3-44 to 3-65 of the DEIR and on pages C&R 81 through C&R 93 (Sections 6.1 through 6.4) of the Comments and Responses document. The commenter has provided no information or analysis to conclude that the proposed project would have significant impacts on cultural resources.

Issue #9: The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant cumulative impacts on transportation and parking because of the excessive number of off-street parking spaces, a second garage entrance, off street loading exceptions, and impacts from queuing that have not been adequately mitigated.

Response #9: Impacts related to queuing, including an improvement measure, are discussed on pages 3-83 to 3-84 of the DEIR and on pages 3-79 to 3-91 and on pages C&R 100 through C&R 102 (Section 7.3, Comment H-22) of the Comments and Responses document. Cumulative transportation impacts are discussed on pages C&R 106 through C&R 107 (Section 7.6, Comment J-6) of the Comments and Responses document. The commenter has provided no information or analysis to conclude that the proposed project would have significant impacts on transportation.

Issue #10: The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant cumulative impacts on parks and open spaces including Sue Bierman (Ferry) Park, Maritime Plaza, Redwood Park, Sidney Walton Plaza, and Jackson Square sidewalks.

Response #10: Cumulative shadow impacts are discussed on pages 3-96 to 3-120 of the DEIR and on pages C&R 134 through C&R 135 (Section 8.7, Comment I-2) of the Comments and Responses document. Additional information was presented during the FEIR certification hearing on March 18, 2010. The commenter has provided no information or analysis to conclude that the proposed project would have significant impacts on parks and open space.

Issue #11: The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant wind impacts in conflict with the data included in the EIR.

Response #11: The EIR relies on the results of a wind tunnel analysis, and the results are included in a background study prepared by Environmental Science Associates. This topic is discussed on pages 3-121 to 3-125 of the DEIR. As stated on Page C&R 136 (Section 9, Comment J-11) of the Comments and Responses document, the background study is part of the project files and is available for review at the Planning Department.

Issue #12: The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on biological resources related to bird deaths and serious damage to the redwood trees.

Response #12: Impacts on biological resources, including redwood trees and birds, are discussed on pages 3-159 to 3-161 of the DEIR and on pages C&R 154 through C&R 159 (Sections 15.1 and 15.2) of the Comments and Responses document. Additional information related to impacts on birds was presented during the FEIR certification hearing on March 18, 2010. The commenter has presented no evidence to support the conclusion that the proposed project would have a significant impact on birds or the trees in Redwood Park.

Issue #13: The EIR should not be certified because it does not include or consider a reasonable range of project alternative and is non-responsive to extensive and specific comments on the DERI by the Planning Commissioners and members of the public. The current EIR alternatives are inappropriate attempts to justify the preferred alternative and its variants. In particular, the proposed alternatives related to height limits and shadows and historic preservation are inadequate. No substantial evidence supports findings that the Code Complying and Preservation Alternatives are infeasible.

Response #13: The EIR discusses six different alternatives. This topic is discussed on pages 6-1 to 6-30 of the DEIR. In response to public comments on the Draft EIR, the Code-complying Alternative and the Preservation Alternative are discussed on pages C&R 164 through C&R 175 (Sections 18.1 and 18.2) of the Comments and Responses document.

Issue #14: The very significant changes between the Draft and Final EIRs make it impossible for the public or the Planning Commission to make sense of the project or its impacts.

Response #14: The Final EIR consists of the Draft EIR and the Response to Comments document. These documents together disclose the potentially significant impacts of the proposed project, and mitigate impacts where feasible. The public comments on the Draft EIR were extensive and detailed, and the responses required a significant number of text changes. The Planning Commission found the Final EIR to be sufficient as an information document, and therefore certified it.

CONCERNS RAISED BY SUE HESTOR, REPRESENTING SAN FRANCISCANS FOR A REASONABLE GROWTH AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the April 2, 2010 Appeal Letter by Sue Hestor, representing San Franciscans for Reasonable Growth are cited in a summary below and are followed by the Planning Department's responses.

Issue #1: The EIR does not analyze a project that can be built without major changes to governing law – a project that uses the site which the developer OWNS.....

Response #1: The CEQA Guidelines require a description of a reasonable range of feasible alternatives to the project that could feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the significant environmental impacts of the proposed project. CEQA Guidelines do not require analysis of a Code-complying alternative, although one is discussed on pages C&R 164 through C&R 175 (Sections 18.1 and 18.2) of the Comments and Responses document. The FEIR also analyzed five other alternatives, including the Preservation Alternative

Issue #2: The impacts on existing City policies, including policies adopted by voters, is grossly inadequate.

Response #2: Plans and policies are discussed on C&R 46 through C&R 56 (Sections 4.1 through 4.4) of the Comments and Responses document.. 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 conflicts with plans and policies, such impacts are analyzed in the EIR in specific topical sections.

Issue #3: The EIR fails to analyze Redwood Park as a Prop K park.

Response #3: Redwood Park is currently not a Prop K park; it is a privately owned, publicly accessible park. Please see pages C&R 128 through C&R 130 (Section 8.5, Comment H-28) of the Comments and Responses document.

Issue #4: The EIR fails to provide adequate visual perspectives to describe aesthetic impacts of the project.

Response #4: The visual perspectives were revised to address comments from the public. See pages C&R 24 through C&R 30 of the Comments and Responses document.

Issue #5: There is an inadequate analysis of impacts of the excessive parking, in particular the impacts on the nearby fire station.

Response #5: The impacts of excessive parking are discussed on pages 3-85 to 3-86 of the DEIR, and on page C&R 103 (Section 7.3, Comment H-25) and pages C&R 110 through C&R 111 (Section 7.10, Comment H-19) of the Comments and Responses document.

Issue #5: There is inadequate analysis of the historical context of this site.

Response #5: The historical context of the project site is discussed on pages 3-44 to 3-63 of the DEIR and on pages C&R 56 through C&R 60 (Section 4.4) of the Comments and Responses document.

Issue #6: There is inadequate analysis of City policies.

Response #6: City policies and regulations are discussed on pages 3-7 to 3-14 of the DEIR and pages C&R46-64 of the Comments and Responses document.

CONCLUSION

For all the reasons provided in this appeal response, we believe that the FEIR complies with the requirements of CEQA and the CEQA Guidelines, provides an adequate, accurate, and objective analysis of the potential impacts of the proposed project. Therefore, the Planning department respectfully recommends that the Board uphold the Planning commission's certification of the Final EIR.

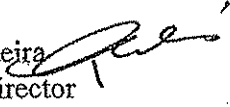
BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

April 2, 2010

To: Cheryl Adams
Deputy City Attorney

From: Rick Caldeira 
Deputy Director

Subject: Appeal of Certification of Final Environmental Impact Report –
555 Washington Street

An appeal of certification of final environmental impact report for property located at 555 Washington Street was filed with the Office of the Clerk of the Board on April 2, 2010, by Vedica Puri, on behalf of Telegraph Hill Dwellers.

I am forwarding this appeal, with attached documents, to the City Attorney's Office to determine if the appeal has been filed in a timely manner. The City Attorney's determination should be made within 3 working days of receipt of this request.

If you have any questions, you can contact me at (415) 554-7711.

c: Angela Calvillo, Clerk of the Board
Elaine Warren, Deputy City Attorney
Kate Stacy, Deputy City Attorney
John Rahaim, Director, Planning Department
Elaine Forbes, Chief Administrative Officer, Planning Department
Larry Badiner, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
Nannie Turrell, Planning Department
AnMarie Rodgers, Planning Department
Tara Sullivan, Planning Department
Mary Hobson, Planning Department



April 2, 2010

By Hand Delivery

Ms. Angela Calvillo
Clerk of the San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: Appeal of Certification of Final EIR and Adoption of CEQA Findings
Planning Commission Motions Nos. 18046 and 18047
555 Washington Street (aka 545 Sansome Street)
Case No. 2002.0133E

Dear Ms. Calvillo:

The Telegraph Hill Dwellers appeal the Planning Commission's certification of the Environmental Impact Report (EIR) and its adoption of CEQA findings for the proposed project at 555 Washington Street. Copies of Motion numbers 18046 and 18047 adopted on March 18th are attached as Exhibits A and B. This letter summarizes the grounds for appeal; further documentation will follow.

The Telegraph Hill Dwellers request that the Board grant this appeal, reverse the approvals made by the Planning Commission, and make the following findings:

- 1) The EIR requires revision prior to further consideration of certification because it is fundamentally flawed and meaningful public review and comment were precluded. (CEQA Guideline §15088.5(a)(4).)
- 2) The project description in the EIR is not sufficiently "stable and finite" because it contains three "variants."
- 3) The fundamental project objectives are inadequately described in the EIR. The project sponsor's primary objective "*to own and operate in San Francisco's*

P.O. BOX 330159 SAN FRANCISCO, CA 94133 - 415.273.1004 www.thd.org

Founded in 1954 to perpetuate the historic traditions of San Francisco's Telegraph Hill and to represent the community interests of its residents and property owners.

Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space” is inappropriate. An objective to achieve a certain square footage is part of the project description rather than an objective. An appropriate objective would be for an economically viable office and retail building in San Francisco’s financial district or an economically residential building in San Francisco’s financial district.

- 4) The EIR is inadequate because it fails to adequately analyze or respond to comments on the project’s impacts on housing, inconsistency with the Housing Element of the General Plan, and urban sprawl.
- 5) The EIR is inadequate because it fails to analyze the land use impacts of the inclusion of Mark Twain Alley (a public right-of way) and Redwood Park (proposed for donation to the City) in the Floor Area Ratio (FAR) calculations to increase the development envelope.
- 6) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts based on inconsistencies with City plans, policies, land use & zoning adopted for the purpose of avoiding environmental impacts, including those regulating height limits and protecting historic resources.
- 7) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on aesthetics, causing material degradation in the quality of the City’s significant visual resources including the Transamerica Pyramid and Jackson Square Historic District.
- 8) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on cultural resources.
- 9) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant cumulative impacts on transportation and parking because of the excessive number of off-street parking spaces, a second garage entrance, off street loading exceptions, and impacts from queuing that have not been adequately mitigated.

- 10) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant cumulative shadow impacts on parks and open spaces including Sue Bierman (Ferry) Park, Maritime Plaza, Redwood Park, Sidney Walton Plaza, as well as on Jackson Square sidewalks. Further analysis of quantitative shadows impacts to Redwood and nearby LEED certified buildings should occur to support any contrary findings.
- 11) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant wind impacts in conflict with data included in the EIR. The conclusion that wind speeds, which exceed the pedestrian comfort levels by almost 200%, are not significant is not supported by evidence in the record.
- 12) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on biological resources related to bird deaths and serious damage to the redwood trees. The final EIR's response to comments regarding potential bird deaths, even with the staff's most recent additions, is inadequate. The mitigation measure addressing significant impacts to the redwood trees is inadequate to reduce this impact to a less than significant level.
- 13) The EIR should not be certified because it does not include or consider a reasonable range of project alternatives and is non-responsive to extensive and specific comments on the draft EIR by Planning Commissioners and members of the public. The current EIR alternatives are inappropriate attempts to justify the preferred alternative and its variants.
 - The Code-Complying Alternative is inadequate. It does not comply with the Planning Code or General Plan in that it exceeds the height limit by 200 feet, casts new shadows on public parks protected by Proposition K (section 295 of the Planning Code), includes both Mark Twain Alley and Redwood Park in FAR calculations, and assumes the Board of Supervisors will agree to sell a public right of way and to accept the offer of Redwood Park.
 - The EIR fails to analyze a potentially feasible Preservation Alternative although the EIR concedes that the demolition of the historic California Red Ink Building at

545 Sansome Street, the birthplace of the California printing industry, is a significant environmental impact of the project.

- 14) No substantial evidence supports findings that the Code-Complying and Preservation Alternatives are infeasible.

In sum, as noted by Planning Commission President Ron Miguel in his written comments on the Draft EIR, *"the [EIR] language and semantics are less than subjective – they are judgments rather than facts and are arguments rather than dispassionate information."* (App. A, Comment Letters, Letter C.) And as stated by Commissioner Hisashi Sugaya during the March 18, 2010, Planning Commission hearing on the certification of the final EIR, *"The EIR is supposed to be an objective document and not riddled with value judgments as this one is . . . It is difficult to take the Comments and Responses and the Draft EIR and arrive at what you would call an objective look at the project."* The EIR is not an objective document. Further, the very significant changes between the Draft and Final EIRs made it impossible for the public or the Planning Commission to make any sense of the project or its impacts.

Thus, this appeal should be granted. These arguments will be supplemented prior to the appeal hearing with details and citation to regulations, statutes, and case law. The Telegraph Hill Dwellers ask that the deeply flawed EIR be revised and recirculated for public comment, incorporating this Board's findings as to the already-apparent significant project impacts, and including a reasonable range of project alternatives and mitigations based on legally appropriate project objectives.

Thank you for your consideration of this appeal.

Sincerely,



Vedica Puri
President

Enclosures

cc: Bill Wyco, Environmental Review Officer
Elaine Warren, Deputy City Attorney
Sue C. Hestor, Esq., San Franciscans for Reasonable Growth



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 18046

HEARING DATE: March 18, 2010

Hearing Date: March 18, 2010
Case No.: 2002.0133E
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: C-3-O (Downtown Office)
 120-X and 200-S Height and Bulk District
Block/Lot: 0207/33, 35, & 36
Project Sponsor: AEGON USA Realty Advisors, Inc.
 455 Market Street, Suite 640
 San Francisco, CA 94105
Staff Contact: Nannie R. Turrell - (415) 575-9047
 Nannie.turrell@sfgov.org

1650 Mission St.
Suite 400
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ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PROJECT WHICH INCLUDE DEMOLITION OF TWO BUILDINGS AT 501-505 WASHINGTON STREET AND 545 SANSOME STREET, AND CONSTRUCTION OF A 38-STORY, APPROXIMATELY 390 FOOT-TALL BUILDING TOPPED WITH A MECHANICAL PENTHOUSE AND ARCHITECTURAL SCREENING REACHING IN HEIGHT TO APPROXIMATELY 430 FEET. THE NEW BUILDING WOULD CONTAIN APPROXIMATELY 332,000 GROSS SQUARE FEET OF FLOOR AREA, INCLUDING 248 RESIDENTIAL UNITS, 4,640 SQUARE FEET OF GROUND-FLOOR RETAIL SPACE, AND FOUR LEVELS OF SUBSURFACE PARKING WITH 215 PARKING SPACES PLUS 2 CAR SHARE SPACES. THE PROJECT ALSO WOULD INCLUDE VACATION OF MARK TWAIN ALLEY AND CONVEYANCE OF REDWOOD PARK TO THE CITY AND COUNTY OF SAN FRANCISCO.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2002.0133E, 555 Washington Street (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on November 27, 2007.
 - B. On March 25, 2009, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public

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Updated 12/3/08

EXHIBIT A

- hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.
- C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on March 25, 2009.
 - D. On March 25, 2009, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
 - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on March 25, 2009.
2. The Commission held a duly advertised public hearing on said DEIR on May 7, 2009 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on May 18, 2009, as extended by the Commission.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 54-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document, published on January 7, 2010, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at Department offices.
 4. A Final Environmental Impact Report has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.
 5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1650 Mission Street, and are part of the record before the Commission.
 6. On March 18, 2010, the Commission reviewed and considered the Final Environmental Impact Report and hereby does find that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
 7. The project sponsor has indicated that the presently preferred alternative is the Proposed Project, described in the Final Environmental Impact Report.
 8. The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2002.0133E - 555 Washington Street Project reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY

Motion No. 18046
Hearing Date: March 18, 2010

CASE NO. 2002.0133E
555 Washington Street

THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

9. The Commission, in certifying the completion of said Final Environmental Impact Report, hereby does find that the project described in the Environmental Impact Report (and the project preferred by the project sponsor, described as the Proposed Project in the Final Environmental Impact Report):
 - A. Will have a project-specific unavoidable significant effect on the environment on historical resources in that it would demolish a potentially significant historic building at 545 Sansome Street.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of March 18, 2010.


Linda Avery
Commission Secretary

AYES: Miguel, Borden, Lee, Antonini
NOES: Sugaya, Moore, Olague
ABSENT:
ADOPTED: March 18, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing
- Childcare Requirement
- Jobs Housing Linkage Program
- Downtown Park Fee
- Public Art
- Public Open Space
- First Source Hiring (Admin. Code)
- Transit Impact Development Fee
- Other

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Fac:
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Planning
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Planning Commission Motion 18047 CEQA Findings

HEARING DATE: MARCH 18, 2010

Date: January 21, 2010
Case No.: 2002.0133EZMRKXV
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: Downtown, Office (C-3-O)
 200-S Height and Bulk Districts
Block/Lot: Block 0207/Lots 33, 35, and 36
Applicant: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group
 West, Inc. for AEGON USA Realty Advisors, Inc.
 455 Market Street, Suite 640
 San Francisco, CA 94105
Staff Contact Rick Crawford - (415) 558-6358
 rick.crawford@sfgov.org

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT TO CONSTRUCT A NEW APPROXIMATELY 390-FOOT-TALL (PLUS A MECHANICAL PENTHOUSE REACHING IN HEIGHT TO APPROXIMATELY 410 FEET AND AN ARCHITECTURAL SCREEN REACHING IN HEIGHT TO APPROXIMATELY 430 FEET), 38-STORY BUILDING CONTAINING 248 RESIDENTIAL UNITS ABOVE APPROXIMATELY 4,635 GROSS SQUARE FEET OF RETAIL USE ON THE GROUND FLOOR, AND PROVIDING 215 PARKING SPACES PLUS 2 CAR SHARE SPACES (THE "PROJECT"). THE PROJECT IS LOCATED AT 555 WASHINGTON STREET ON ASSESSOR'S BLOCK 0207, LOTS 33, 35 AND 36 IN A C-3-O (DOWNTOWN, OFFICE) ZONING DISTRICT AND WITHIN A 200-S HEIGHT AND BULK DISTRICT.

In its determination to approve the proposed project located at 555 Washington Street (aka 545 Sansome Street) (Assessor's Block 0207, Lots 33, 35, and 36), the San Francisco Planning Commission ("Commission") makes and adopts the following findings of fact regarding the Project and mitigation measures based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the

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EXHIBIT B

Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), particularly Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

I. Introduction

The San Francisco Planning Commission hereby adopts the following findings for the Project approval of 555 Washington Street Project (the "Project") pursuant to the California Environmental Quality Act, California Public Resources Code, Sections 21000 et seq. ("CEQA"), the Guidelines for Implementation of CEQA, Title 15 California Code of Regulations Sections 15000 et seq. ("Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"), entitled Environmental Quality:

II. Project Description

A. 555 Washington Street Project

545 Sansome Street, 501-505 Washington Street and 517 Washington will be developed with a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse reaching a height of approximately 410 feet and an architectural screen reaching a height of approximately 430 feet, containing approximately 331,640 gross square feet and approximately 4,635 square feet of ground-floor retail space. The main entrance on Washington Street will provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark Twain Alley, which will consist of 213 parking spaces plus 2 car share spaces that will be available as a combination of independently accessible and car stacker spaces accessed by ingress and egress on Washington Street. As part of the Project, Redwood Park, currently a private area not required to be made available to the public, would be expanded, renovated and the surface area of the expanded park, sufficient for park purposes, would be conveyed to the City on completion of the Project to create a permanent downtown public park. The sponsor would continue to own the subsurface and air rights to the property. Mark Twain Alley also would be vacated, landscaped and undergo substantial improvements at grade-level as part of the Project. This area would serve as public open space for the Project and would create an inviting street level environment for all users. The revitalized Redwood Park would be connected to Mark Twain Alley, which would create a more pedestrian friendly atmosphere for users of the Project and the surrounding neighborhoods.

B. Project Sponsor Objectives

The Final Environmental Impact Report (FEIR) discusses several Project objectives identified by the Project Sponsor. The objectives are as follows:

- To own and operate in San Francisco's Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space.
- To construct a project that complements the iconic Transamerica Pyramid.

- To create a project that does not detract from the significance of the adjacent Jackson Square Historic District.
- To increase the area's pedestrian appeal so as to draw more customers to local businesses within and outside the Project site.
- To create more public space and to make the publicly accessible space in Redwood Park and Mark Twain Alley more functional and usable.

C. Planning and Environmental Review Process

The Project Sponsor applied for environmental review on February 6, 2002. The San Francisco Planning Department (the "Department") determined that an Environmental Impact Report was required and provided public notice of the preparation of such on November 27, 2007. The Department published a Draft Environmental Impact Report (DEIR) on March 25, 2009. The San Francisco Planning Commission held a public hearing to solicit testimony on the DEIR on May 7, 2009. The Department received written comments on the DEIR from March 25, 2009 to May 18, 2009. The Department published the Comments and Responses on January 7, 2010. The DEIR, together with the Comments and Responses document constitute the Final Environmental Impact Report (FEIR.) The Commission certified the FEIR on March 18, 2010 in Motion No 18047.

D. Location and Custodian of Records.

The public hearing transcript, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Linda Avery, is the custodian of records for the Planning Department and the Planning Commission.

III. Alternatives

A. Alternatives Analyzed in the FEIR

The FEIR analyzed four alternatives to the Project: the No Project Alternative, the Driveway Alternative, the Code-Complying Alternative, and the Preservation Alternative. The No Project Alternative analyzes no immediate change to the Project site, including no demolition of the two buildings on the Project site and no construction of the new residential and/or office building with ground floor retail and underground parking. The Code Complying Alternative analyzes the construction of a shorter building (200 feet tall) that would not require an amendment to the Planning Code or General Plan. The Preservation Alternative analyzes a project that would involve the construction of a new 9-story addition to the 545 Sansome Street building. The No Project Alternative, the Code Complying Alternative and the Preservation Alternative are rejected for the reasons explained below. The Driveway Alternative is almost identical to the preferred project analyzed in the FEIR in every way, except that it analyzes

construction of a project that contemplates inbound ingress to the parking garage to be via a driveway entrance on Washington Street and outbound egress from the parking garage to be via a driveway exit on Sansome Street, rather than having both ingress and egress occur via a single driveway on Washington Street. The Driveway Alternative is incorporated into the Project to the extent vehicular traffic is allowed on Sansome Street by the Metropolitan Transportation Agency.

B. Alternatives Rejected and Reasons for Rejection

(1) No Project Alternative. The No Project Alternative would not be desirable or meet the Project Sponsor's goals. The No Project Alternative would amount to a continuation of the existing conditions at the Project site, which is underutilized. The No Project Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The No Project Alternative would not meet any of the Project Sponsor's objectives.
- (b) The No Project Alternative would not provide opportunities for new sources of jobs, fees, taxes and revenues.
- (c) The No Project Alternative would not expand, renovate and convey Redwood Park to the City for use as a new public park. Redwood Park would remain a privately owned park that would continue to be open to the public at the Project Sponsor's discretion.
- (d) The Project site would remain underutilized.
- (e) The No Project Alternative would not include the vacation and purchase at fair market value of Mark Twain Alley from the City and Mark Twain Alley would not be renovated as a publicly accessible open space.

(2) Code Complying Alternative. The Code Complying Alternative would not be desirable or meet the Project Sponsor's goals. The Code Complying Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The code-complying alternative would meet some but not all of the Project Sponsor's objectives.
- (b) The Code Complying Alternative would have a significant unavoidable impact on the 545 Sansome building.
- (c) The Code-Complying Alternative would be less successful at meeting the Project Sponsor's objective of visually complementing the iconic Transamerica Pyramid and expanding the publicly accessible open space on the block.

(3) Preservation Alternative. The Preservation Alternative would not be desirable or meet the Project Sponsor's goals. This alternative would not expand, renovate or convey to the City Redwood Park for use as a new public park and Mark Twain Alley would not be vacated and purchased at fair market value from the City and renovated as publicly accessible open space.

- (a) The preservation alternative would not produce a Class A residential or office and retail building in the Financial District with at least 200 units or 300,000 square feet of commercial space.
- (b) The preservation alternative would not create more public open space and would result in the closure of the existing private Redwood Park to the public.

IV. Significant Impacts and Mitigation Measures

In the course of the project planning and design, mitigation measures were identified that would reduce or eliminate potential significant environmental impacts. The significant impacts and the mitigation measures to reduce the significant impacts are described in chapters 3 and 4 of the FEIR. The Project Sponsor has agreed to implement and comply with all mitigation measures identified in the FEIR. Therefore, the mitigation measures that have been incorporated into the Project will avoid or substantially lessen the potential significant environmental effects identified in the FEIR. To assure the implementation of these measures, they are included in the mitigation monitoring and reporting program for the Project, which is attached as exhibit C to the Commission's Section 309 motion for case 2002.0133EZMKXV and incorporated herein by this reference. Implementation of all the mitigation measures contained in the FEIR will be included as a condition of approval for the Project. All mitigation measures proposed in the FEIR are adopted and the full text of the mitigation measures is set forth in the Mitigation Monitoring and Reporting Program attached as Exhibit A to this motion.

V. Unavoidable Significant Environmental Impacts

The Project, as approved, would have a Project-specific unavoidable significant environmental impact on the 545 Sansome Street building, a historic resource, resulting from its demolition as a part of the Project. There is no feasible or prudent mitigation measure for this impact for the reasons set forth in Section III. However, Mitigation Measure 2 in the Mitigation Monitoring and Reporting Program, which calls for documentation and commemoration of the building would reduce impacts on historical resources, but the impact would remain significant and unavoidable.

VI. Statement of Overriding Considerations

Notwithstanding this significant unavoidable impact noted above, pursuant to CEQA Section 21081(b), the CEQA Guidelines, and Chapter 31 of the Administrative Code, the Commission finds, after considering the FEIR, that specific overriding economic, legal, social and other considerations, as set forth below, outweigh the identified significant effect on the environment. In addition, the Commission finds that the rejected Project Alternatives are also rejected for the following specific economic, social or other considerations, in addition to the specific reasons discussed in Section III above.

1. The Project would provide that Redwood Park, currently a private open area, to be expanded, improved and, on Project completion, dedicated, at no cost to the City, to the City as a public park, and thereafter maintained in perpetuity, at no cost to the City, by the Project and the other privately owned parcels on the Project block.
2. The Project would promote the objectives and policies of the General Plan by creating new housing, improving retail options, providing new public park land and being well located near public transit.
3. The Project would provide housing in the Downtown Core by the development of 248 homes (115 two-bedroom homes and 133 one-bedroom homes), which will be close to an array of public transit alternatives in the Downtown Core, and close to offices and jobs.
4. Although the Project would have a significant, unavoidable impact on the 545 Sansome Street Building, the historic connection of 545 Sansome to San Francisco's printing and publishing industry will be commemorated with an exhibit at the Project site pursuant to the mitigation measures that the Project Sponsor has accepted.
5. The Project would revitalize the Project site and the surrounding neighborhood.
6. The Project would maximize sunlight and open space at the Project site and complement the iconic Transamerica Pyramid.
7. The Project would make a substantial contribution to the creation of affordable housing in the City pursuant to the provisions of Section 315 of the Planning Code.
8. The Project would provide opportunities for new sources of jobs and would over its life result in substantial property taxes and transfer tax revenues for the City.

Motion 18047
March 18, 2010

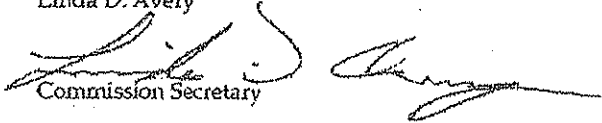
CASE NO. 2002.0133EZMRKXV
555 Washington Street (aka 545 Sansome Street)

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby adopts the foregoing CEQA Findings and the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on Thursday, March 18, 2010.

Linda D. Avery


Commission Secretary

AYES: Antonini, Bordon, Lee and Miguel

NOES: Moore, Olague, and Sugaya

ABSENT: None

ADOPTED: March 18, 2010

EXHIBIT A

Mitigation Monitoring and Reporting Program

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
Cultural and Paleontological Resources Mitigation Measures				
<p>Mitigation Measure 1</p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Section 15064.5(a)(c).</p> <p><i>Archaeological Testing Program.</i> The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of</p>	Project sponsor	Prior to and during construction	The ERO to review and approve the Final Archeological Resources Report	The project archaeologist to consult with the ERO as indicated. Considered complete after review and approval of the Final Archaeological Resources Report by the ERO.

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p><i>Archaeological Monitoring Program (AMP).</i> If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> ▪ The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; ▪ The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; ▪ The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; ▪ If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO. <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>monitoring program to the ERO.</p> <p><i>Archaeological Data Recovery Program.</i> The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP, prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and distribution of results. ▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>policies of the curation facilities.</p> <p><i>Human Remains, and Associated or Unassociated Funerary Objects.</i> 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 Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><i>Final Archaeological Resources Report.</i> The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>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 Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. 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.</p>				
<p>Mitigation Measure 2 (a) <i>Documentation.</i> In consultation with a Planning</p>	Project sponsor	Prior to and	Planning Department	Considered complete

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Department Preservation Technical Specialist, the individual project applicant shall have documentation of the affected historical resource and its setting prepared. Generally, this documentation shall be in accordance with Level 3 documentation under the Historic American Building Survey (HABS) or Historic American Engineering Record (HAER).</p> <p>Documentation Level 3</p> <ol style="list-style-type: none"> 1. Drawings: sketch plan. 2. Photographs: photographs with large-format negatives of exterior and interior views. (If large-format photography is not possible, 35mm photography may be deemed acceptable, if the negatives are processed according to HABS standards.) 3. Written data: one-page summary. <p>Material standards regarding reproducibility, durability, and size shall be met. The HABS/HAER standards are:</p> <p>Measured Drawings: Readily Reproducible: Ink on translucent material. Durable: Ink on archivally stable materials. Standard Sizes: Two sizes: 19" x 24" or 24" x 36"</p> <p>Large-Format Photographs: Readily Reproducible: Prints shall accompany all negatives. Durable: Photography must be archivally processed and stored. Negatives are required on safety film only. Resin-coated paper is not accepted. Color photography is not acceptable. Standard Sizes: Three sizes: 4" x 5", 5" x 7", or 8" x 10"</p> <p>Written History and Description: Readily Reproducible: Clean copy for Xeroxing. Durable: Archival bond required. Standard Sizes: 8 1/2" x 11"</p> <p>The agreed-upon documentation shall be filed with the San Francisco History Center at the Main Library, the North Bay Regional and Special Collection of the Sonoma State University Library, and San Francisco Architectural Heritage.</p> <p>(b) <i>Commemoration.</i> If the affected historical resource is to be demolished, the individual project</p>		during construction		upon completion of documentation or installation of commemorative display of historic resource if the resource is to be demolished

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
applicant shall, with the assistance of a Planning Department Preservation Technical Specialist or other professionals experienced in creating historical exhibits and meeting the minimum professional qualifications for Historian under the Secretary of the Interior's Guidelines, incorporate a display featuring historic photos of the affected resource and a description of its historical significance into the publically accessible portion of any subsequent development on the site.				
Biological Resources Mitigation Measures				
<p>Mitigation Measure 3</p> <p>The project sponsor shall prepare Tree Protection Guidelines with respect to Redwood Park that the Department of Public Works and the Department of Recreation and Park shall approve prior to any demolition or construction for the project. It shall be composed of the following elements:</p> <p>Paving Stones – The paving stones and patio and walk cement sub-slab shall remain in place during the entirety of the construction process. Plywood or metal plates shall be placed over the paving stones for extra protection and to avoid damaging the pavers. At completion of building construction, the paving stones and patio and walk cement sub-slab may be removed as necessary to accomplish the expansion and renovation of Redwood Park and Mark Twain Alley.</p> <p>Fence Protection – A 10-foot high chain-link type fence is the primary method of protecting the roots and the lower 10 feet of the trees. The fencing shall be placed at the outer edge of all tree planning areas, where possible.</p> <p>Canopy Protection – This would depend upon the equipment and possible impacts that the canopy would be exposed to. Tree protection may require that netting be placed over the canopy of the side exposed to impacts. A scaffold structure shall be built around trees as necessary to protect them.</p> <p>Watering – The irrigation of the redwood trees must be monitored during construction to ensure that the trees thrive. Soil moisture shall be monitored.</p> <p>Mulch and Compost – Organic mulch and good quality compost shall be applied 1-2 inched deep with 4-6 inches of wood chips on top to help retain soil moisture and reduce compaction from inadvertent activities.</p>	Project sponsor	Prior to demolition and during construction	Department of Public Works and Department of Recreation and Park	Considered complete upon completion of construction

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
In addition the Tree Protection Guidelines shall include additional protections as necessary such as root protection, root pruning, trunk protection, foliage protection, and street tree protection, to ensure that no landmark or significant trees would be impacted by construction of the proposed project. Impacts on trees would be less than significant with implementation of these guidelines.				
Hazards and Hazardous Materials Mitigation Measures				
<p>Mitigation Measure 4</p> <p>Step 1: Soil and Groundwater Testing</p> <p>The project sponsor shall, prior to approval of a building permit for the project, hire a consultant to collect soil and groundwater samples (borings) from areas on the site in which soil would be disturbed and test the samples for total lead and petroleum hydrocarbons. The consultant shall analyze the samples as discrete, not composite samples. The consultant shall prepare a report on the testing for petroleum hydrocarbons that includes the results of the testing and a map that shows the locations of samples collected.</p> <p>The project sponsor shall submit the report on the testing for petroleum hydrocarbons and a fee in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee shall cover staff time for report review and administrative handling. If additional review is necessary, the Department of Public Health shall bill the project sponsor on a time and materials basis. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The Department of Public Health shall review the testing report to determine to whether the soils or water of the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels.</p> <p>Step 2: Preparation of Site Mitigation Plan</p> <p>If, based on the results of the tests conducted, the San Francisco Department of Public Health (DPH) determines that the soils or water on the project site are contaminated with contaminants at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan is warranted. If such a plan is requested by the DPH, the Site Mitigation Plan shall include a discussion of the level of</p>	Project sponsor	Prior to approval of building permit and ongoing through DPH approval of Closure / Certification Report	Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon DPH approval of Closure / Certification Report

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>contamination of soils and water on the project site and mitigation measures for managing them on the site, including, but not limited to: 1) the alternatives for managing contaminated soils and water on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils or water on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils or water on the site. The Site Mitigation Plan shall be submitted to the DPH for review and approval. A copy of the Site Mitigation Plan shall be submitted to the Planning Department to become part of the case file.</p> <p>Step 3: Handling, Hauling, and Disposal of Contaminated Soils and Water</p> <p>(a) Specific Work Practices: If, based on the results of the soil tests conducted, the Department of Public Health determines that the soils or water on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils and water during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil and water testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils and water appropriately (i.e., as dictated by local, state, and federal regulations) when such soils or water are encountered on the site. If there are excavated materials containing over one percent friable asbestos, they would be treated as hazardous waste, and would be transported and disposed of in accordance with applicable state and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.</p> <p>(b) Dust Suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.</p> <p>(c) Surface Water Runoff Control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.</p> <p>(d) Soils Replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.</p> <p>(e) Hauling and Disposal: Contaminated soils shall be</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.</p> <p>Step 4: Preparation of Closure/Certification Report</p> <p>After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils and water from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.</p>				
<p>Mitigation Measure 5</p> <p>The project sponsor would ensure that pre-construction building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of demolition. Any hazardous building materials so discovered would be abated according to federal, state, and local laws and regulations.</p>	Project sponsor	Prior to demolition	Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon approval of project
<p>IMPROVEMENT MEASURES FOR 555 WASHINGTON STREET The Project Sponsor will work with San Francisco Municipal Transportation Agency and with any other relevant City Agencies to implement the following improvement measures.</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Improvement Measure 1: Construction Traffic</p> <p>Any construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would coincide with peak hour traffic and would temporarily impede traffic and transit flow, although it would not be considered a significant impact. An improvement measure limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by MTA) would minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods. The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of MTA, the Fire Department, Muni, the Planning Department and other City agencies to determine feasible measures to reduce traffic congestion, including temporary bus stop relocation and other potential transit disruption and pedestrian circulation effects during construction of the project.</p>				
<p>Improvement Measure 2: Pedestrian Circulation - Clay and Battery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Battery Streets, such as:</p> <p>Consider installing an exclusive "pedestrian scramble" phase to reduce potential pedestrian/vehicle conflicts where vehicles turn right from Clay to Battery Street.</p> <p>Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a "pedestrian scramble" phase is not feasible at this location, evaluate the feasibility of reducing the double right turn lanes to a single right turn lane.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Increase the size of the pedestrian refuge area within the Battery-to-Clay channelized left-turn area, and evaluate the feasibility of changing the southbound channelized left turn traffic control to yield.</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Install pedestrian-scale lighting, especially along the northeasterly side of Clay.</p> <p>Install sidewalk pavement art along the northeasterly side of Clay to match other sidewalks at this intersection.</p> <p>Install wayfinding signs to direct pedestrians to the pedestrian overpasses where appropriate.</p> <p>Install "watch for oncoming traffic" sign for pedestrians crossing the southbound channelized left turn, and "yield to pedestrians" signs directed at motor vehicles, in advance of crosswalks.</p>				
<p>Improvement Measure 3: Pedestrian Circulation - Clay and Montgomery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Montgomery Streets, such as</p> <p>Consider installing an exclusive "pedestrian scramble" phase to reduce potential pedestrian/vehicle conflicts where vehicles turn left from Montgomery to Clay Street. Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a "pedestrian scramble" phase is not feasible, consider other measures to reduce pedestrian/vehicle conflicts, such as a protected southbound left turn phase for vehicles turning left from Montgomery to Clay Street and/or replacing the double left-turn lanes with a single left-turn lane. (Note: because of overhead Muni wires, it may be necessary to allow bus-only left turns from the second left lane).</p> <p>Install "yield to pedestrians" sign for vehicle approaching the left-turn movement from Montgomery to Clay.</p> <p>Provide pedestrian-oriented wayfinding signs. The Transamerica Pyramid is a popular tourist destination, and wayfinding signs would assist pedestrians that visit the landmark and then continue</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>on to Chinatown, North Beach, BART or Muni, the Ferry Building, and other nearby areas.</p> <p>Evaluate the feasibility of providing a marked, mid-block crossing across the easterly leg of Clay at the alley. Install supplemental "yield to pedestrians" signs at this crossing.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Provide street trees to enhance comfort and aesthetics.</p> <p>Lengthen bus stop by removing on-street parking.</p>				
<p>Improvement Measure 4: Construction Liaison</p> <p>The project sponsor shall provide a construction liaison, who will provide information about construction activities and their timing to the neighbors (defined as property owners and tenants within a one-block radius of the project site) and community. The liaison will also receive suggestions and complaints from the community and coordinate with the project sponsor to attempt to resolve them. The liaison will arrange regular meetings between the project sponsor's representatives and the neighbors, at least once per month during the construction period.</p>				
<p>Improvement Measure 5: Contribution to Cleaning Fund</p> <p>If neighbors (defined as property owners and tenants within a one-block radius of the project site) create a bank account for holding money to perform cleaning on their properties related to dust or other property damage from project construction, and, if the neighbors administer the account (i.e., allocate the funds among them), the project sponsor has agreed to contribute up to \$25,000 to the account. (This amount would not necessarily be equivalent to neighbors' claims for such reimbursement.)</p>				
<p>Improvement Measure 6: Monitoring Construction Effects on Adjacent Buildings</p> <p>The project sponsor shall establish a monitoring program to evaluate the effects of the construction on the adjacent buildings and surrounding ground. If the project or its variants were to require pile driving, the project sponsor has agreed to:</p> <ul style="list-style-type: none"> ▪ require its geotechnical engineering contractor to conduct pre-construction assessment of existing subsurface conditions and the structural integrity of 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>nearby buildings subject to pile driving impacts;</p> <ul style="list-style-type: none"> ▪ if recommended by the geotechnical engineer, for structures or facilities within 50 feet of pile driving, require ground-borne vibration monitoring of nearby structures; ▪ require its construction contractor to use noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration, including pre-drilling of pile holes (if feasible, based on soils) to a maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible; and ▪ require contractors to use construction equipment with state-of-the-art noise shielding and muffling devices. <p>The purpose of the monitoring program would be to evaluate and, by evaluating, avoid any damage to adjacent buildings.</p>				
<p>Improvement Measure 7: Queuing for Parking Garage</p> <p>The project sponsor has agreed to resolve any queuing on the streets during times of backups using valets to move the queued vehicles directly to the first subsurface level, which would have space available for queuing.</p>				



SAN FRANCISCO PLANNING DEPARTMENT

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors

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

Reception:
415.558.6378

Fac:
415.558.6409

Planning
Information:
415.558.6377

This form is to be used by neighborhood organizations to request a fee waiver for CEQA and conditional use appeals to the Board of Supervisors.

Should a fee waiver be sought, an appellant must present this form to the Clerk of the Board of Supervisors or to Planning Information Counter (PIC) at the ground level of 1660 Mission Street along with relevant supporting materials identified below. Planning staff will review the form and may sign it 'over-the-counter' or may accept the form for further review.

Should a fee waiver be granted, the Planning Department would not deposit the check, which was required to file the appeal with the Clerk of the Board of Supervisors. The Planning Department will return the check to the appellant.

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

[Check only one and attach decision document to this form]

- Conditional Use Authorization Appeals to the Board of Supervisors
- Environmental Determination Appeals to the Board of Supervisors (including EIR's, NegDec's, and CatEx's, GREs)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of that organization. Authorization may take the form of a letter signed by the president or other officer of an organization.
- The appellant is appealing on behalf of a neighborhood organization which is registered with the Planning Department and which appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of a neighborhood organization, which was in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, and rosters.
- The appellant is appealing on behalf of a neighborhood organization, which is affected by the project, which is the subject of the appeal.

APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: <u>Vedica Puri</u>	Address of Project: <u>55.5 WASHINGTON ST.</u>
Neighborhood Organization: <u>Telegraph Hill Dwellers</u>	Planning Case No: <u>2002.0133 E</u>
Applicant's Address: <u>P.O. Box 530159, SF CA 94133</u>	Building Permit No:
Applicant's Daytime Phone No: <u>415 986-7070</u>	Date of Decision: <u>MARCH 18, 2010</u>
Applicant's Email Address: <u>planning and zoning@thd.org</u>	

DCP STAFF USE ONLY	
<input type="checkbox"/> Appellant authorization	Planner's Name: _____
<input type="checkbox"/> Current organization registration	Date: _____
<input type="checkbox"/> Minimum organization age	Planner's Signature: _____
<input type="checkbox"/> Project impact on organization	
<input checked="" type="checkbox"/> WAIVER APPROVED <input type="checkbox"/> WAIVER DENIED	


BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

April 2, 2010

To: Cheryl Adams
Deputy City Attorney

From: Rick Caldeira 
Deputy Director

Subject: Appeal of Certification of Final Environmental Impact Report –
555 Washington Street

An appeal of certification of final environmental impact report for property located at 555 Washington Street was filed with the Office of the Clerk of the Board on April 2, 2010, by Sue Hester, on behalf of San Franciscan's for Reasonable Growth.

I am forwarding this appeal, with attached documents, to the City Attorney's Office to determine if the appeal has been filed in a timely manner. The City Attorney's determination should be made within 3 working days of receipt of this request.

If you have any questions, you can contact me at (415) 554-7711.

c: Angela Calvillo, Clerk of the Board
Elaine Warren, Deputy City Attorney
Kate Stacy, Deputy City Attorney
John Rahaim, Director, Planning Department
Elaine Forbes, Chief Administrative Officer, Planning Department
Larry Badiner, Zoning Administrator, Planning Department
Bill Wycko, Environmental Review Officer, Planning Department
Nannie Turrell, Planning Department
AnMarie Rodgers, Planning Department
Tara Sullivan, Planning Department
Mary Hobson, Planning Department

SUE C. HESTOR

Attorney at Law

870 Market Street, Suite 1128 · San Francisco, CA 94102
(415) 362-2778 · FAX (415) 362-8048

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BY 

April 2, 2010

David Chiu, President of the Board
San Francisco Board of Supervisors
City Hall
San Francisco CA 94102

Appeal of Certification of Final Environmental Impact Report - 555 Washington Street

Planning Commission Action - March 18, 2010

Motion 18046 - Certification of Final Environmental Impact Report

Motion 18047 - CEQA Findings

Appellant: San Franciscans for Reasonable Growth, 870 Market St Suite 1128, SF 94102

SFRG participation in challenging EIR - Comment letter by SFRG May 18, 2010 incl.

**Allan Jacobs description of history of Transamerica development, and
comments at all hearings**

San Franciscans for Reasonable Growth (SFRG) was founded in the late 1970s to participate in issues dealing with downtown growth. I am the attorney for SFRG and authorized to file this appeal on SFRG's behalf. SFRG actively participated, indeed was a major force, in matters of changing development standards for downtown growth. SFRG actively worked with other community organizations to limit the boundaries AND EFFECTS of downtown highrise development so that the development did not overwhelm adjacent residential neighborhoods - North Beach, Telegraph Hill, Chinatown to the north, the Tenderloin to the west, South of Market residential and commercial communities to the south. A key part of SFRG and community actions focused on strict height limits so that downtown highrises could not sprawl into those areas.

SFRG actively participated in every hearing on the Downtown Plan, and on the predecessor studies which had various names. The Downtown Plan had explicitly shifted the greatest heights and building density so that it went TOWARDS BART stations and the Transbay Terminal, and REDUCED them as they got further from those points, specifically, the heights were REDUCED as they approached the northern boundary (Washington Street) and the northwest boundary (Kearny and Montgomery) of the financial district. SFRG's litigation on the sufficiency of the Downtown Plan EIR resulted in the City finding that it had done a legally insufficient analysis of transportation impacts. As a direct result of SFRG's suit the City abandoned tiering transit impact analyses from the Downtown Plan EIR and re-worked their transit model using the vehicle of the Mission Bay EIR. Downtown Plan and related efforts went on from 1979 through 1985, although the litigation extended to 1986.

As part of its actions on downtown development and highrises SFRG also challenged the analysis of impacts of shadow impacts on City parks, in particular parks at the northern edge of the financial district as well as Union Square which provide "breathing space" for residents and

workers in those dense areas and neighborhoods. SFRG actively supported adoption of Proposition K, which severely limited addition of new shadows on city parks, which was passed overwhelmingly by the voters in June 1984.

As part of its efforts SFRG was the main author of Proposition M, which passed on the November 1986 San Francisco ballot. Through that Proposition San Francisco voters adopted Priority Policies which guide development in San Francisco and instituted an annual limit on the amount of new office development which may be approved.

The proposed 555 Washington project required gutting of the Downtown Plan and Prop K via myriad changes in the law particularly doubling the height limit from 200 feet to 400 feet. The EIR was required to set out in full the impacts of changing the integrity of the height scheme in the Downtown Plan. That Plan had reduced allowable height for new buildings on the blocks between Washington and Clay including the 555 Washington site to 200 feet. Further, the EIR was required to analyze shadows on parks, limits for which had been incorporated as Prop K LAW prior to adoption of the Downtown Plan and strengthened by policies in the Downtown Plan itself, but failed to do so. SFRG made extensive challenges to the sufficiency of the 555 Washington Street DEIR and to the sufficiency of the responses that were incorporated into the FEIR.

The FEIR is legally insufficient in the following manner, among many others -

The EIR does not analyze a project that can be built without major changes to governing law - a project that uses the site which the developer OWNS without assuming expansion of the project site by acquisition of City property via abandonment of a City Street which abandonment is contrary to adopted City Policy. **PLUS** simultaneously doubling the height limit from 200' to 400' - a height limit that otherwise only applies very near to BART stations. There is a grossly insufficient analysis of the effects on adopted City policy by not describing an alternative which FULLY COMPLIES to all City laws. The impacts on existing City policies, including policies adopted by the voters, is grossly inadequate.

The EIR does not analyze Redwood Park as a Prop K park, i.e. one for which existing shadows are described and the impacts of additional shadows measured. The project proposes to transfer Redwood Park, which was built adjacent to the Transamerica Pyramid as an amenity for that building, to the Recreation and Park Department as a CITY park, but ignores the Prop K provision which requires analysis of SHADOW IMPACTS on parks proposed for Rec Park acquisition. The EIR attempts to dance on the head of a pin to avoid description of the existing shadow conditions and proposed conditions. The shadow impact analysis is grossly inadequate.

The EIR fails to provide adequate visual perspectives to describe aesthetic impacts of the project.

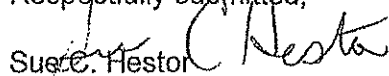
There is inadequate analysis of impacts of the excessive parking, in particular the impacts on the nearby fire station.

April 2, 2010 - 555 Washington FEIR appeal - page 3

There is an inadequate analysis of the historical context of this site.

Respectfully submitted,

Sue C. Hestor



Cc: SFRG Board
Nannie Turrell, Planning Department MEA
Bill Wycko, Planning Department MEA



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 18046

HEARING DATE: March 18, 2010

Hearing Date: March 18, 2010
Case No.: 2002.0133E
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: C-3-O (Downtown Office)
120-X and 200-S Height and Bulk District
Block/Lot: 0207/33, 35, & 36
Project Sponsor: AEGON USA Realty Advisors, Inc.
455 Market Street, Suite 640
San Francisco, CA 94105
Staff Contact: Nannie R. Turrell - (415) 575-9047
Nannie.turrell@sfgov.org

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

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Information:
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ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PROJECT WHICH INCLUDE DEMOLITION OF TWO BUILDINGS AT 501-505 WASHINGTON STREET AND 545 SANSOME STREET, AND CONSTRUCTION OF A 38-STORY, APPROXIMATELY 390 FOOT-TALL BUILDING TOPPED WITH A MECHANICAL PENTHOUSE AND ARCHITECTURAL SCREENING REACHING IN HEIGHT TO APPROXIMATELY 430 FEET. THE NEW BUILDING WOULD CONTAIN APPROXIMATELY 332,000 GROSS SQUARE FEET OF FLOOR AREA, INCLUDING 248 RESIDENTIAL UNITS, 4,640 SQUARE FEET OF GROUND-FLOOR RETAIL SPACE, AND FOUR LEVELS OF SUBSURFACE PARKING WITH 215 PARKING SPACES PLUS 2 CAR SHARE SPACES. THE PROJECT ALSO WOULD INCLUDE VACATION OF MARK TWAIN ALLEY AND CONVEYANCE OF REDWOOD PARK TO THE CITY AND COUNTY OF SAN FRANCISCO.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2002.0133E, 555 Washington Street (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on November 27, 2007.
 - B. On March 25, 2009, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public

www.sfplanning.org

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Updated 12/3/08

- hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.
- C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on March 25, 2009.
 - D. On March 25, 2009, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
 - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on March 25, 2009.
2. The Commission held a duly advertised public hearing on said DEIR on May 7, 2009 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on May 18, 2009, as extended by the Commission.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 54-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document, published on January 7, 2010, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at Department offices.
 4. A Final Environmental Impact Report has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.
 5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1650 Mission Street, and are part of the record before the Commission.
 6. On March 18, 2010, the Commission reviewed and considered the Final Environmental Impact Report and hereby does find that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
 7. The project sponsor has indicated that the presently preferred alternative is the Proposed Project, described in the Final Environmental Impact Report.
 8. The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2002.0133E - 555 Washington Street Project reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY

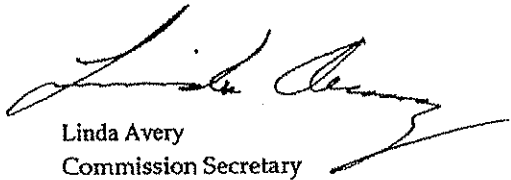
Motion No. 18046
Hearing Date: March 18, 2010

CASE NO. 2002.0133E
555 Washington Street

THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

9. The Commission, in certifying the completion of said Final Environmental Impact Report, hereby does find that the project described in the Environmental Impact Report [and the project preferred by the project sponsor, described as the Proposed Project in the Final Environmental Impact Report]:
 - A. Will have a project-specific unavoidable significant effect on the environment on historical resources in that it would demolish a potentially significant historic building at 545 Sansome Street.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of March 18, 2010.



Linda Avery
Commission Secretary

AYES: Miguel, Borden, Lee, Antonini
NOES: Sugaya, Moore, Olague
ABSENT:
ADOPTED: March 18, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing
- Childcare Requirement
- Jobs Housing Linkage Program
- Downtown Park Fee
- Public Art
- Public Open Space
- First Source Hiring (Admin. Code)
- Transit Impact Development Fee
- Other

1650 Mission St.
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San Francisco,
CA 94103-2479

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Information:
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Planning Commission Motion 18047 CEQA Findings

HEARING DATE: MARCH 18, 2010

Date: January 21, 2010
Case No.: 2002.0133EZMRKXCV
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: Downtown, Office (C-3-O)
 200-S Height and Bulk Districts
Block/Lot: Block 0207/Lots 33, 35, and 36
Applicant: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group
 West, Inc. for AEGON USA Realty Advisors, Inc.
 455 Market Street, Suite 640
 San Francisco, CA 94105
Staff Contact Rick Crawford - (415) 558-6358
 rick.crawford@sfgov.org

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT TO CONSTRUCT A NEW APPROXIMATELY 390-FOOT-TALL (PLUS A MECHANICAL PENTHOUSE REACHING IN HEIGHT TO APPROXIMATELY 410 FEET AND AN ARCHITECTURAL SCREEN REACHING IN HEIGHT TO APPROXIMATELY 430 FEET), 38-STORY BUILDING CONTAINING 248 RESIDENTIAL UNITS ABOVE APPROXIMATELY 4,635 GROSS SQUARE FEET OF RETAIL USE ON THE GROUND FLOOR, AND PROVIDING 215 PARKING SPACES PLUS 2 CAR SHARE SPACES (THE "PROJECT"). THE PROJECT IS LOCATED AT 555 WASHINGTON STREET ON ASSESSOR'S BLOCK 0207, LOTS 33, 35 AND 36 IN A C-3-O (DOWNTOWN, OFFICE) ZONING DISTRICT AND WITHIN A 200-S HEIGHT AND BULK DISTRICT.

In its determination to approve the proposed project located at 555 Washington Street (aka 545 Sansome Street) (Assessor's Block 0207, Lots 33, 35, and 36), the San Francisco Planning Commission ("Commission") makes and adopts the following findings of fact regarding the Project and mitigation measures based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the

Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), particularly Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

I. Introduction

The San Francisco Planning Commission hereby adopts the following findings for the Project approval of 555 Washington Street Project (the "Project") pursuant to the California Environmental Quality Act, California Public Resources Code, Sections 21000 et seq. ("CEQA"), the Guidelines for Implementation of CEQA, Title 15 California Code of Regulations Sections 15000 et seq. ("Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"), entitled Environmental Quality:

II. Project Description

A. 555 Washington Street Project

545 Sansome Street, 501-505 Washington Street and 517 Washington will be developed with a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse reaching a height of approximately 410 feet and an architectural screen reaching a height of approximately 430 feet, containing approximately 331,640 gross square feet and approximately 4,635 square feet of ground-floor retail space. The main entrance on Washington Street will provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark Twain Alley, which will consist of 213 parking spaces plus 2 car share spaces that will be available as a combination of independently accessible and car stacker spaces accessed by ingress and egress on Washington Street. As part of the Project, Redwood Park, currently a private area not required to be made available to the public, would be expanded, renovated and the surface area of the expanded park, sufficient for park purposes, would be conveyed to the City on completion of the Project to create a permanent downtown public park. The sponsor would continue to own the subsurface and air rights to the property. Mark Twain Alley also would be vacated, landscaped and undergo substantial improvements at grade-level as part of the Project. This area would serve as public open space for the Project and would create an inviting street level environment for all users. The revitalized Redwood Park would be connected to Mark Twain Alley, which would create a more pedestrian friendly atmosphere for users of the Project and the surrounding neighborhoods.

B. Project Sponsor Objectives

The Final Environmental Impact Report (FEIR) discusses several Project objectives identified by the Project Sponsor. The objectives are as follows:

- To own and operate in San Francisco's Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space.
- To construct a project that complements the iconic Transamerica Pyramid.

- To create a project that does not detract from the significance of the adjacent Jackson Square Historic District.
- To increase the area's pedestrian appeal so as to draw more customers to local businesses within and outside the Project site.
- To create more public space and to make the publicly accessible space in Redwood Park and Mark Twain Alley more functional and usable.

C. Planning and Environmental Review Process

The Project Sponsor applied for environmental review on February 6, 2002. The San Francisco Planning Department (the "Department") determined that an Environmental Impact Report was required and provided public notice of the preparation of such on November 27, 2007. The Department published a Draft Environmental Impact Report (DEIR) on March 25, 2009. The San Francisco Planning Commission held a public hearing to solicit testimony on the DEIR on May 7, 2009. The Department received written comments on the DEIR from March 25, 2009 to May 18, 2009. The Department published the Comments and Responses on January 7, 2010. The DEIR, together with the Comments and Responses document constitute the Final Environmental Impact Report (FEIR.) The Commission certified the FEIR on March 18, 2010 in Motion No 18047.

D. Location and Custodian of Records.

The public hearing transcript, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Linda Avery, is the custodian of records for the Planning Department and the Planning Commission.

III. Alternatives

A. Alternatives Analyzed in the FEIR

The FEIR analyzed four alternatives to the Project: the No Project Alternative, the Driveway Alternative, the Code-Complying Alternative, and the Preservation Alternative. The No Project Alternative analyzes no immediate change to the Project site, including no demolition of the two buildings on the Project site and no construction of the new residential and/or office building with ground floor retail and underground parking. The Code Complying Alternative analyzes the construction of a shorter building (200 feet tall) that would not require an amendment to the Planning Code or General Plan. The Preservation Alternative analyzes a project that would involve the construction of a new 9-story addition to the 545 Sansome Street building. The No Project Alternative, the Code Complying Alternative and the Preservation Alternative are rejected for the reasons explained below. The Driveway Alternative is almost identical to the preferred project analyzed in the FEIR in every way, except that it analyzes

construction of a project that contemplates inbound ingress to the parking garage to be via a driveway entrance on Washington Street and outbound egress from the parking garage to be via a driveway exit on Sansome Street, rather than having both ingress and egress occur via a single driveway on Washington Street. The Driveway Alternative is incorporated into the Project to the extent vehicular traffic is allowed on Sansome Street by the Metropolitan Transportation Agency.

B. Alternatives Rejected and Reasons for Rejection

(1) No Project Alternative. The No Project Alternative would not be desirable or meet the Project Sponsor's goals. The No Project Alternative would amount to a continuation of the existing conditions at the Project site, which is underutilized. The No Project Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The No Project Alternative would not meet any of the Project Sponsor's objectives.
- (b) The No Project Alternative would not provide opportunities for new sources of jobs, fees, taxes and revenues.
- (c) The No Project Alternative would not expand, renovate and convey Redwood Park to the City for use as a new public park. Redwood Park would remain a privately owned park that would continue to be open to the public at the Project Sponsor's discretion.
- (d) The Project site would remain underutilized.
- (e) The No Project Alternative would not include the vacation and purchase at fair market value of Mark Twain Alley from the City and Mark Twain Alley would not be renovated as a publicly accessible open space.

(2) Code Complying Alternative. The Code Complying Alternative would not be desirable or meet the Project Sponsor's goals. The Code Complying Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The code-complying alternative would meet some but not all of the Project Sponsor's objectives.
- (b) The Code Complying Alternative would have a significant unavoidable impact on the 545 Sansome building.
- (c) The Code-Complying Alternative would be less successful at meeting the Project Sponsor's objective of visually complementing the iconic Transamerica Pyramid and expanding the publicly accessible open space on the block.

(3) Preservation Alternative. The Preservation Alternative would not be desirable or meet the Project Sponsor's goals. This alternative would not expand, renovate or convey to the City Redwood Park for use as a new public park and Mark Twain Alley would not be vacated and purchased at fair market value from the City and renovated as publicly accessible open space.

- (a) The preservation alternative would not produce a Class A residential or office and retail building in the Financial District with at least 200 units or 300,000 square feet of commercial space.
- (b) The preservation alternative would not create more public open space and would result in the closure of the existing private Redwood Park to the public.

IV. Significant Impacts and Mitigation Measures

In the course of the project planning and design, mitigation measures were identified that would reduce or eliminate potential significant environmental impacts. The significant impacts and the mitigation measures to reduce the significant impacts are described in chapters 3 and 4 of the FEIR. The Project Sponsor has agreed to implement and comply with all mitigation measures identified in the FEIR. Therefore, the mitigation measures that have been incorporated into the Project will avoid or substantially lessen the potential significant environmental effects identified in the FEIR. To assure the implementation of these measures, they are included in the mitigation monitoring and reporting program for the Project, which is attached as exhibit C to the Commission's Section 309 motion for case 2002.0133EZMRKXV and incorporated herein by this reference. Implementation of all the mitigation measures contained in the FEIR will be included as a condition of approval for the Project. All mitigation measures proposed in the FEIR are adopted and the full text of the mitigation measures is set forth in the Mitigation Monitoring and Reporting Program attached as Exhibit A to this motion.

V. Unavoidable Significant Environmental Impacts

The Project, as approved, would have a Project-specific unavoidable significant environmental impact on the 545 Sansome Street building, a historic resource, resulting from its demolition as a part of the Project. There is no feasible or prudent mitigation measure for this impact for the reasons set forth in Section III. However, Mitigation Measure 2 in the Mitigation Monitoring and Reporting Program, which calls for documentation and commemoration of the building would reduce impacts on historical resources, but the impact would remain significant and unavoidable.

VI. Statement of Overriding Considerations

Notwithstanding this significant unavoidable impact noted above, pursuant to CEQA Section 21081(b), the CEQA Guidelines, and Chapter 31 of the Administrative Code, the Commission finds, after considering the FEIR, that specific overriding economic, legal, social and other considerations, as set forth below, outweigh the identified significant effect on the environment. In addition, the Commission finds that the rejected Project Alternatives are also rejected for the following specific economic, social or other considerations, in addition to the specific reasons discussed in Section III above.

1. The Project would provide that Redwood Park, currently a private open area, to be expanded, improved and, on Project completion, dedicated, at no cost to the City, to the City as a public park, and thereafter maintained in perpetuity, at no cost to the City, by the Project and the other privately owned parcels on the Project block.
2. The Project would promote the objectives and policies of the General Plan by creating new housing, improving retail options, providing new public park land and being well located near public transit.
3. The Project would provide housing in the Downtown Core by the development of 248 homes (115 two-bedroom homes and 133 one-bedroom homes), which will be close to an array of public transit alternatives in the Downtown Core, and close to offices and jobs.
4. Although the Project would have a significant, unavoidable impact on the 545 Sansome Street Building, the historic connection of 545 Sansome to San Francisco's printing and publishing industry will be commemorated with an exhibit at the Project site pursuant to the mitigation measures that the Project Sponsor has accepted.
5. The Project would revitalize the Project site and the surrounding neighborhood.
6. The Project would maximize sunlight and open space at the Project site and complement the iconic Transamerica Pyramid.
7. The Project would make a substantial contribution to the creation of affordable housing in the City pursuant to the provisions of Section 315 of the Planning Code.
8. The Project would provide opportunities for new sources of jobs and would over its life result in substantial property taxes and transfer tax revenues for the City.

Motion 18047
March 18, 2010

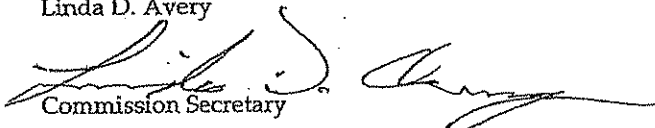
CASE NO. 2002.0133EZMRKXV
555 Washington Street (aka 545 Sansome Street)

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby adopts the foregoing CEQA Findings and the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on Thursday, March 18, 2010.

Linda D. Avery


Commission Secretary

AYES: Antonini, Bordon, Lee and Miguel

NOES: Moore, Olague, and Sugaya

ABSENT: None

ADOPTED: March 18, 2010

EXHIBIT A

Mitigation Monitoring and Reporting Program

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<i>Cultural and Paleontological Resources Mitigation Measures</i>				
<p>Mitigation Measure 1</p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in <i>CEQA Guidelines</i> Section 15064.5(a)(c).</p> <p><i>Archaeological Testing Program.</i> The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of</p>	<p>Project sponsor</p>	<p>Prior to and during construction</p>	<p>The ERO to review and approve the Final Archeological Resources Report</p>	<p>The project archaeologist to consult with the ERO as indicated. Considered complete after review and approval of the Final Archaeological Resources Report by the ERO.</p>

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p><i>Archaeological Monitoring Program (AMP).</i> If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> ▪ The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; ▪ The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; ▪ The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; ▪ If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO. <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>monitoring program to the ERO.</p> <p><i>Archaeological Data Recovery Program.</i> The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP, prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and distribution of results. ▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>policies of the curation facilities.</p> <p><i>Human Remains, and Associated or Unassociated Funerary Objects.</i> 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 Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (<i>CEQA Guidelines</i>, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><i>Final Archaeological Resources Report.</i> The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>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 Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. 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.</p>				
<p>Mitigation Measure 2 (a) <i>Documentation.</i> In consultation with a Planning</p>	Project sponsor	Prior to and	Planning Department	Considered complete

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Department Preservation Technical Specialist, the individual project applicant shall have documentation of the affected historical resource and its setting prepared. Generally, this documentation shall be in accordance with Level 3 documentation under the Historic American Building Survey (HABS) or Historic American Engineering Record (HAER).</p> <p>Documentation Level 3</p> <ol style="list-style-type: none"> 1. Drawings: sketch plan. 2. Photographs: photographs with large-format negatives of exterior and interior views. (If large-format photography is not possible, 35mm photography may be deemed acceptable, if the negatives are processed according to HABS standards.) 3. Written data: one-page summary. <p>Material standards regarding reproducibility, durability, and size shall be met. The HABS/HAER standards are:</p> <p>Measured Drawings: Readily Reproducible: Ink on translucent material. Durable: Ink on archivally stable materials. Standard Sizes: Two sizes: 19" x 24" or 24" x 36"</p> <p>Large-Format Photographs: Readily Reproducible: Prints shall accompany all negatives. Durable: Photography must be archivally processed and stored. Negatives are required on safety film only. Resin-coated paper is not accepted. Color photography is not acceptable. Standard Sizes: Three sizes: 4" x 5", 5" x 7", or 8" x 10"</p> <p>Written History and Description: Readily Reproducible: Clean copy for Xeroxing. Durable: Archival bond required. Standard Sizes: 8 1/2" x 11"</p> <p>The agreed-upon documentation shall be filed with the San Francisco History Center at the Main Library, the North Bay Regional and Special Collection of the Sonoma State University Library, and San Francisco Architectural Heritage.</p> <p>(b) Commemoration. If the affected historical resource is to be demolished, the individual project</p>		during construction		upon completion of documentation or installation of commemorative display of historic resource if the resource is to be demolished

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>applicant shall, with the assistance of a Planning Department Preservation Technical Specialist or other professionals experienced in creating historical exhibits and meeting the minimum professional qualifications for Historian under the Secretary of the Interior's Guidelines, incorporate a display featuring historic photos of the affected resource and a description of its historical significance into the publically accessible portion of any subsequent development on the site.</p>				
Biological Resources Mitigation Measures				
<p>Mitigation Measure 3</p> <p>The project sponsor shall prepare Tree Protection Guidelines with respect to Redwood Park that the Department of Public Works and the Department of Recreation and Park shall approve prior to any demolition or construction for the project. It shall be composed of the following elements:</p> <p>Paving Stones – The paving stones and patio and walk cement sub-slab shall remain in place during the entirety of the construction process. Plywood or metal plates shall be placed over the paving stones for extra protection and to avoid damaging the pavers. At completion of building construction, the paving stones and patio and walk cement sub-slab may be removed as necessary to accomplish the expansion and renovation of Redwood Park and Mark Twain Alley.</p> <p>Fence Protection – A 10-foot high chain-link type fence is the primary method of protecting the roots and the lower 10 feet of the trees. The fencing shall be placed at the outer edge of all tree planning areas, where possible.</p> <p>Canopy Protection – This would depend upon the equipment and possible impacts that the canopy would be exposed to. Tree protection may require that netting be placed over the canopy of the side exposed to impacts. A scaffold structure shall be built around trees as necessary to protect them.</p> <p>Watering – The irrigation of the redwood trees must be monitored during construction to ensure that the trees thrive. Soil moisture shall be monitored.</p> <p>Mulch and Compost – Organic mulch and good quality compost shall be applied 1-2 inched deep with 4-6 inches of wood chips on top to help retain soil moisture and reduce compaction from inadvertent activities.</p>	Project sponsor	Prior to demolition and during construction	Department of Public Works and Department of Recreation and Park	Considered complete upon completion of construction

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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In addition the Tree Protection Guidelines shall include additional protections as necessary such as root protection, root pruning, trunk protection, foliage protection, and street tree protection, to ensure that no landmark or significant trees would be impacted by construction of the proposed project. Impacts on trees would be less than significant with implementation of these guidelines.				
Hazards and Hazardous Materials Mitigation Measures				
<p>Mitigation Measure 4</p> <p>Step 1: Soil and Groundwater Testing</p> <p>The project sponsor shall, prior to approval of a building permit for the project, hire a consultant to collect soil and groundwater samples (borings) from areas on the site in which soil would be disturbed and test the samples for total lead and petroleum hydrocarbons. The consultant shall analyze the samples as discrete, not composite samples. The consultant shall prepare a report on the testing for petroleum hydrocarbons that includes the results of the testing and a map that shows the locations of samples collected.</p> <p>The project sponsor shall submit the report on the testing for petroleum hydrocarbons and a fee in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee shall cover staff time for report review and administrative handling. If additional review is necessary, the Department of Public Health shall bill the project sponsor on a time and materials basis. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The Department of Public Health shall review the testing report to determine to whether the soils or water of the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels.</p> <p>Step 2: Preparation of Site Mitigation Plan</p> <p>If, based on the results of the tests conducted, the San Francisco Department of Public Health (DPH) determines that the soils or water on the project site are contaminated with contaminants at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan is warranted. If such a plan is requested by the DPH, the Site Mitigation Plan shall include a discussion of the level of</p>	Project sponsor	Prior to approval of building permit and ongoing through DPH approval of Closure / Certification Report	Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon DPH approval of Closure / Certification Report

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>contamination of soils and water on the project site and mitigation measures for managing them on the site, including, but not limited to: 1) the alternatives for managing contaminated soils and water on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils or water on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils or water on the site. The Site Mitigation Plan shall be submitted to the DPH for review and approval. A copy of the Site Mitigation Plan shall be submitted to the Planning Department to become part of the case file.</p> <p>Step 3: Handling, Hauling, and Disposal of Contaminated Soils and Water</p> <p>(a) Specific Work Practices: If, based on the results of the soil tests conducted, the Department of Public Health determines that the soils or water on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils and water during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil and water testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils and water appropriately (i.e., as dictated by local, state, and federal regulations) when such soils or water are encountered on the site. If there are excavated materials containing over one percent friable asbestos, they would be treated as hazardous waste, and would be transported and disposed of in accordance with applicable state and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.</p> <p>(b) Dust Suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.</p> <p>(c) Surface Water Runoff Control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.</p> <p>(d) Soils Replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.</p> <p>(e) Hauling and Disposal: Contaminated soils shall be</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.</p> <p>Step 4: Preparation of Closure/Certification Report</p> <p>After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils and water from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.</p>				
<p>Mitigation Measure 5</p> <p>The project sponsor would ensure that pre-construction building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of demolition. Any hazardous building materials so discovered would be abated according to federal, state, and local laws and regulations.</p>	Project sponsor	Prior to demolition	Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon approval of project
<p>IMPROVEMENT MEASURES FOR 555 WASHINGTON STREET - The Project Sponsor will work with San Francisco Municipal Transportation Agency and with any other relevant City Agencies to implement the following improvement measures.</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Improvement Measure 1: Construction Traffic</p> <p>Any construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would coincide with peak hour traffic and would temporarily impede traffic and transit flow, although it would not be considered a significant impact. An improvement measure limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by MTA) would minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods. The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of MTA, the Fire Department, Muni, the Planning Department and other City agencies to determine feasible measures to reduce traffic congestion, including temporary bus stop relocation and other potential transit disruption and pedestrian circulation effects during construction of the project.</p>				
<p>Improvement Measure 2: Pedestrian Circulation - Clay and Battery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Battery Streets, such as:</p> <p>Consider installing an exclusive "pedestrian scramble" phase to reduce potential pedestrian/vehicle conflicts where vehicles turn right from Clay to Battery Street.</p> <p>Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a "pedestrian scramble" phase is not feasible at this location, evaluate the feasibility of reducing the double right turn lanes to a single right turn lane.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Increase the size of the pedestrian refuge area within the Battery-to-Clay channelized left-turn area, and evaluate the feasibility of changing the southbound channelized left turn traffic control to yield.</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>Install pedestrian-scale lighting, especially along the northeasterly side of Clay.</p> <p>Install sidewalk pavement art along the northeasterly side of Clay to match other sidewalks at this intersection.</p> <p>Install wayfinding signs to direct pedestrians to the pedestrian overpasses where appropriate.</p> <p>Install "watch for oncoming traffic" sign for pedestrians crossing the southbound channelized left turn, and "yield to pedestrians" signs directed at motor vehicles, in advance of crosswalks.</p>				
<p>Improvement Measure 3: Pedestrian Circulation - Clay and Montgomery Intersection</p> <p>Provide pedestrian improvements at the Intersection of Clay and Montgomery Streets, such as</p> <p>Consider installing an exclusive "pedestrian scramble" phase to reduce potential pedestrian/vehicle conflicts where vehicles turn left from Montgomery to Clay Street. Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a "pedestrian scramble" phase is not feasible, consider other measures to reduce pedestrian/vehicle conflicts, such as a protected southbound left turn phase for vehicles turning left from Montgomery to Clay Street and/or replacing the double left-turn lanes with a single left-turn lane. (Note: because of overhead Muni wires, it may be necessary to allow bus-only left turns from the second left lane).</p> <p>Install "yield to pedestrians" sign for vehicle approaching the left-turn movement from Montgomery to Clay.</p> <p>Provide pedestrian-oriented wayfinding signs. The Transamerica Pyramid is a popular tourist destination, and wayfinding signs would assist pedestrians that visit the landmark and then continue</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>on to Chinatown, North Beach, BART or Muni, the Ferry Building, and other nearby areas.</p> <p>Evaluate the feasibility of providing a marked, mid-block crossing across the easterly leg of Clay at the alley. Install supplemental "yield to pedestrians" signs at this crossing.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Provide street trees to enhance comfort and aesthetics.</p> <p>Lengthen bus stop by removing on-street parking.</p>				
<p>Improvement Measure 4: Construction Liaison</p> <p>The project sponsor shall provide a construction liaison, who will provide information about construction activities and their timing to the neighbors (defined as property owners and tenants within a one-block radius of the project site) and community. The liaison will also receive suggestions and complaints from the community and coordinate with the project sponsor to attempt to resolve them. The liaison will arrange regular meetings between the project sponsor's representatives and the neighbors, at least once per month during the construction period.</p>				
<p>Improvement Measure 5: Contribution to Cleaning Fund</p> <p>If neighbors (defined as property owners and tenants within a one-block radius of the project site) create a bank account for holding money to perform cleaning on their properties related to dust or other property damage from project construction, and, if the neighbors administer the account (i.e., allocate the funds among them), the project sponsor has agreed to contribute up to \$25,000 to the account. (This amount would not necessarily be equivalent to neighbors' claims for such reimbursement.)</p>				
<p>Improvement Measure 6: Monitoring Construction Effects on Adjacent Buildings</p> <p>The project sponsor shall establish a monitoring program to evaluate the effects of the construction on the adjacent buildings and surrounding ground. If the project or its variants were to require pile driving, the project sponsor has agreed to:</p> <ul style="list-style-type: none"> ▪ require its geotechnical engineering contractor to conduct pre-construction assessment of existing subsurface conditions and the structural integrity of 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>nearby buildings subject to pile driving impacts;</p> <ul style="list-style-type: none"> ▪ if recommended by the geotechnical engineer, for structures or facilities within 50 feet of pile driving, require ground-borne vibration monitoring of nearby structures; ▪ require its construction contractor to use noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration, including pre-drilling of pile holes (if feasible, based on soils) to a maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible; and ▪ require contractors to use construction equipment with state-of-the-art noise shielding and muffling devices. <p>The purpose of the monitoring program would be to evaluate and, by evaluating, avoid any damage to adjacent buildings.</p>				
<p>Improvement Measure 7: Queuing for Parking Garage</p> <p>The project sponsor has agreed to resolve any queuing on the streets during times of backups using valets to move the queued vehicles directly to the first subsurface level, which would have space available for queuing.</p>				

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May 18, 2009

Joy Navarrete
Planning Department
1650 Mission St 4th fl
San Francisco CA 94103

RE: 2002.0133 - 555 Washington St DEIR comments

Dear Ms. Navarrete:

I am submitting the following comments on behalf of San Franciscans for Reasonable Growth and Aaron Peskin.

You have already received excellent comments from the Telegraph Hill Dwellers. Rather than duplicate their comments, I am adding to them.

Lack of Historical analysis re development of Transamerica

A single owner owns this entire block, with the exception with Mark Twain Alley which it proposes to acquire and use as part of its development. One of the most glaring deficiencies of the DEIR is the lack of discussion of the development of the Transamerica Building. There is not the slightest indication in the DEIR of the intense controversy surrounding the development of that block, the vacation of a major portion of Merchant Street on this block and the development of Redwood Park as a sop to the community because of that controversy. The DEIR is correct that Redwood Park was not developed as required open space for the Transamerica Building, because the Urban Design Plan was adopted after, and to a large part because of the controversy surrounding, approval of the Transamerica Building. A competent historian - not necessarily someone who focuses on architectural history, but someone who sees the sweep of history on land use issues, should be retained BY THE CITY, to do a proper history of this block to adequately put this proposal into context. Someone of the stature of Michael Corbett. The DEIR should not get its "history" from project sponsor, its architect, its "preservation consultants," or anyone else allied with project sponsor. It must be INDEPENDENT.

I am attaching a large chunk of Allan Jacobs book, Making City Planning Work. (pp. 158-223) Mr. Jacobs was San Francisco Planning Director when the Transamerica Building was approved and built. He also was in charge of the San Francisco Urban Design Plan, which was developed contemporaneously with the approval of the Transamerica Building. Information from that book, a full copy of which I believe is in the Planning Department library, should be considered to be one source for a historical study. City and Planning Department files for the Transamerica Building, the vacation of Merchant Street, the construction of Redwood Park, and other actions on this block other than approval of 505 Sansome which is NOT part of this site, should also be reviewed. I ordered the Planning files a month ago, but they were only made available Friday afternoon (5/15) and I have not had a chance to review them. They should be also be reviewed. Plus the files at the Board of Supervisors and DPW

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regarding the vacation of Merchant Street. The Chronicle and Examiner also covered this extensively and should be reviewed.

The EIR will be inadequate unless a thorough history of the development on this block - including its relationship to establishment of height limits and protection of Jackson Square - is included. Please also explain the origin of the Chinatown Garment District zoning which still exists on part of this block. What was the nature of the uses on this block BEFORE construction of the Transamerica Building?

History of Planning Department discussion of THIS proposed change in height needed

This block was rezoned to a height limit of 200 feet as part of the Downtown Plan. This project proposes to discard the policies and heights established by that plan. The proposal for increased heights on this site resulted from discussions with senior people in the Planning Department, including former Planning Director Dean Macris (who was in that position when the Notice of EIR preparation was issued 11/27/07) and possibly former Planning Director Gerald Green. Please add into the file, and summarize in the Comments & Responses, emails, meeting notes, correspondence and other evidence of discussions back and forth between the developer/its agents and all Planning staff involved in the discussion of the proposed increase in height limits on this site. This may also involve Amit Ghosh, David Alumbaugh, Craig Nikitas and other senior staff. To the extent that representatives of the Mayor's office, or the Office of Economic and Workforce Development were involved, please add that into the file, and summarize it, as well. This height is a major increase on an important site. There should be documents tracing the evolution of this proposed height increase.

Shadow impact and the curious omission of the proposed 8 Washington project

At various points in the DEIR (e.g. cumulative aesthetic impacts 3-20) the DEIR states that 555 Washington PLUS 8 Washington will have (in the eyes of the DEIR author) no impact (i.e. no *cumulative* impact) on that particular environmental issue. 8 Washington Street is proposed to be developed directly north and across Washington Street from Sue Bierman park. It is rather curious that there was no attempt to include information on shadows that may be cast by 8 Washington Street. When I last asked about it 3-4 weeks ago, MEA staff handling the 8 Washington DEIR was expecting the shadow study to be filed shortly. Please include information on how shadows from 8 Washington will affect the cumulative shadows to be cast on Sue Bierman park.

Cumulative issues re Muni Metro extension into Chinatown and 555 Washington

The proposed extension of underground Muni Metro into Chinatown is not discussed in either the transit Setting, nor transit Impacts. This omission is serious for in at least two EIR areas: cumulative pressure to increase heights in this area, and changed pedestrian routes in the area.

The history of land use pressures and changes in Chinatown is partially set out in the DEIR. However, the community-driven rezoning adopted in 1987 - which rezoning was driven in part as a protective measure against further encroachment by the financial district - has a delicate balance to protect uses that serve the mostly low-income residents of Chinatown.

If a height increase is allowed for 555 Washington, this effectively would be the SECOND height increase in one year. Because the Community College District is a state agency, they are not bound to

comply with local height limits. The project they approved on the north side of Washington and Kearny exceeds the height limit in the Planning Code.

The proposed Muni Metro extension has already resulted in pressure to increase allowable heights on the 4th Street corridor. When the Eastern SOMA zoning and heights were proposed in 2008, the Office of Economic and Workforce Development put pressure on the Planning Department to rather dramatically increase allowable heights and uses along 4th Street, on the grounds that that extension was too valuable to have lower heights and less dense uses. Adding underground rail MUST be accompanied by dramatic increases in height and density.

Have similar plans, or a similar rationale, been developed for CHINATOWN? Please include in MEA files - and summarize in the C&R - all communications from Michael Cohen, Michael Yarne, any other representative of the Mayor's Office or MTA in this regard. If there have been communications from SPUR or other groups advocating increased density and heights in that underground Muni corridor, they should also be included.

This pressure to rezone and increase heights is much more likely to occur, and be strengthened, by allowing increased height at 555 Washington. It must be discussed.

Secondly, if the northern terminus of the underground line is at or near Washington Street, pedestrian flow to that station could change as persons wanting to go to the south of Market, for a transit connection or a destination, walk to that station. Please include the location of the proposed station on the transit map and factor in people walking to/from that station.

Omission of information comparing Transamerica to 555 Washington

Please refer to page 210 of Mr. Jacobs' book. He illustrates how unusual shapes for tall buildings compete for your eye: "The juxtaposition of several such unusual shapes may create visual disorder." Both of the proposed designs for this site are such "unusual shapes," in fact other than maxing out the height of this site, that seems to be their raison d'etre. Please discuss the issue of visual distraction.

I could not find anywhere in the EIR a comparison of the volume of the top of the proposed project to the volume of the Transamerica building at the same point. As we all know the shape of Transamerica is greatly reduced the higher it goes. Therefore the relative "slenderness" of 555 Washington (which is claimed, but which we dispute) compared to Transamerica may be so at the ground level, but as the height increases Transamerica gets narrower but the volume/bulk of 555 remains the same.

Page 2-23 Are there no variances for the office variant?

Page 2-25 I concur with the THD comments re the acquisition of Mark Twain Alley (formerly Merchant Street). A project WITHOUT that acquisition should be assumed. Please include a thorough explanation of the history regarding street abandonment downtown downtown. It was common when the City was redeveloping this area. But after the Urban Design Plan, and even the Downtown Plan, which recognized the importance of these alleys, this became disfavored.

Page 2-25 The increased pedestrian appeal is not a rationale for this project. The sponsor already owns the entire block (minus Mark Twain). Every bit of the ground floor improvement is within its power TODAY. The Transamerica building is a beneficiary of a Prop 13 property tax freeze. They do

not face the greatly increased taxes that other properties that have sold in the past 30 years face. They should have the money to do those improvements, which would benefit THEIR property as well as the public. They should be a good corporate citizen.

Graphics and text description

Page 3-2 This graphic is extremely hard to understand. If you only do one color graphic, this should be it. If you do two, add 3-6.

The text that explains the land use is on page 3-4 and 3-5. Text on page 3-4 mentions the Jackson Square Historic District, without giving any clue, up to that point, of the boundaries of that district. Similarly on 3-5. At least a page reference telling where it is set out would be helpful. An EIR is not supposed to be a puzzle.

If you want to help people understand an EIR, it would be helpful to have the map and its explanation on facing pages. The current layout is disempowering. In general the text of this section is VERY HARD TO SCAN.

3-5 Building heights. There is no context for the tall buildings set out in paragraph one. The 4 Embarcadero Center buildings (Embarcadero FOUR lacks its title) are all in a Redevelopment Area that preceded the development of height limits for downtown. Their pattern of increased heights to the waterfront is contrary to Urban Design and Downtown Plan policy. They could not be built today. Please discuss WHEN each was approved to give context on their height.

3-6 This map shows parking on lots with no indication whether it is SURFACE or UNDERGROUND parking. Please don't do that.

3-7 Plans and Policies

Please discuss current and historical policies re street vacation here.

3-8 Jackson Square

There should be a discuss of the timing of the adoption of the Jackson Square Historic District in the context of the evolving procedures for the General Plan. AFTER Jackson Square was adopted, and after the Urban Design Plan was adopted, the Planning Department started incorporating policies for historic districts and sub-areas into the Master Plan. The lack of Jackson Square in that Plan shows how much of a precedent it set. If it was adopted TODAY there would be General Plan policies setting out the City's intent in designating it.

3-8 Residence Element

There is no policy in the Residence Element calling for construction of even more luxury high-rise, steel frame housing. Please set out how many UNBUILT high-rise luxury housing projects the City has approved. How many units are in those buildings? Please set out the City's housing targets by INCOME LEVEL.

3-9 Spot Zoning

As is discussed above re growth-inducing impacts of this project, please discuss the pressure the City will face if this height increase is granted. Height limits are supposedly established after the City evaluates the entire context of an area, appropriate uses and appropriate heights. If a developer can successfully propose a one-off height increase because "his project has superior design," or "his project can be a greener project," it means that San Francisco has effectively become Houston, because in the real world THERE ARE NO HEIGHT LIMITS. When height limits are established the City/Planning has made a conscientious decision to say BUILD WITHIN THESE LIMITS. Spot rezoning then becomes a game. With negotiations (mostly) between the Planning Director/Mayor's Office and the developer. That is not Planning.

Has the Department concluded that it is impossible to design a meritorious building within the constrains (height and design) of the Downtown Plan provisions for this site?

If it has, please set out what changes in the zoning/height limits for other sites in this area are contemplated.

3-11 Significance Criteria

This should also include discuss of effect on policies regarding street abandonment,
AND

Impact on voter adopted policies regarding shadowing public parks - Proposition K

3-13 Conflicts with Plans, Policies, Regulations

CEQA becomes meaningless if a project can CHANGE the rules and then say, no conflict because there are new rules. This applies to both the POLICIES regarding height and urban design, as well as the VOTER ADOPTED policies regarding shadowing parks. This project would absolutely have significant land use impacts re those conflicts.

3-17 Scenic Views

Impacts on one major historic landmark is totally ignored - the CABLE CARS. Many tourists and residents get their views to the east from the cable cars going along Powell Street. They see the Bay and the Pyramid at California and Powell, at Sacramento and Powell, at Clay and Powell, at Washington and Powell, etc. Muni riders on the 1-California have similar views coming east on Clay Street. Please include "before and after" shots showing how the Transamerica building is currently seen and the result when this project is added. This should also be changed in 3-20 - Visual impacts on historic resources.

There are really no view perspectives from the west/Nob Hill. This must be corrected.

3-19 Aesthetic impacts

See earlier comments citing Allan Jacobs book. The developer/architect want a new iconic development on this site, a development that will compete with the by-now iconic Transamerica Building. It will definitely be visually inconsistent.

3-41 The claim is made that this additional height will help delineate the Financial District. Why is that necessary, or even desirable. YEARS were spent developing the policies, including district boundaries and heights, in the Downtown Plan. Is that Plan to be discarded? What policies regarding HEIGHTS are in the Downtown plan, which of them are no longer relevant for *this area*? (Don't reply with comments for areas such as Transbay which is undergoing a through study of a larger area.) Is it because of the extension of underground Muni Metro to Chinatown? Please explain why all of a sudden Washington Street needs delineation.

3-43 **Redwood Park.** Again, this developer has it within its power to expand, renovate and improve the park. Explain WHY it cannot. The history of the development, the reason for being, of the Redwood Park is missing here.

3-61 **Chinatown Historic District** The DEIR explains that the original mapping of Chinatown is still evident in the block and street layout in Chinatown. There is more than Chinatown to that original mapping. The City has obliterated the street and block layout in the Golden Gateway and Embarcadero Center Redevelopment areas and in the development of the Embarcadero Freeway and its feeder system. Please explain the street and block layout - and how much of it remains - for not only Chinatown, but also for Jackson Square and for the area south of Washington and east of Chinatown.

Please discuss what was eliminated by the closing of part of Merchant for Transamerica and the more complete obliteration that will occur if this project succeeds in closing the rest of Merchant (Mark Twain). Please also explain the still existing notation of Garment District on this block and its relation to Chinatown.

Park shadows and usage

The DEIR pooh-poohs the shadows on Maritime Plaza - which has an ABSOLUTE CUMULATIVE LIMIT OF ZERO on the grounds that no one really uses it in the early evening. While the current tenants/owner may not be creative about activation of that open space, and people may not know of its existence, Prop K did not say, it's okay to shadow parks if no one is using it RIGHT NOW. Please explain where the DEIR derives *that* as the standard from the language of Prop K. The shadows cast on Maritime Plaza on 3-113 are substantial.

Shadows are looked at in a rather mechanical manner. EIRs for projects in San Francisco should also discuss shadows in the context of FOG. When fog is rolling in - even if it a mile away - the winds are COLD and shadows exacerbate the chilling affect of fog. If the fog is starting to roll in and those shadows are cast, people leaving the Alcoa building will now be exiting into a cold hostile environment.

Similarly on Sue Bierman Park. The shadows will be cast not only on the area next to Washington Street, but also on the public sidewalk that runs along that Park reducing the pleasure of walking there in late afternoon. The people of San Francisco voted to adopt Prop M. Prop K is not limited to "active recreational use." Please explain how the DEIR concludes that the voters chose to limit its application to "active recreational use."

5-1 Growth Inducing Impacts

This section needs a total overhaul, to discuss (a) cumulative height increases with Chinatown Community College and any proposal to increase heights in conjunction with the extension of light rail into Chinatown.

The second aspect of growth-inducing impacts is that this project - along with the proposal for increased heights at 110 The Embarcadero and the proposal at 1634 Pine - has as its underlying rationale that SPOT-ZONING is allowed/a good idea whenever a developer feel "constrained" by the existing height limit. Height limits that were adopted after years of planning study, environmental review and policy discussion. Height increases can be granted for "a better design." This is very subjective.

Which leads to the next point.

6.4 - Code Complying Alternative

The developer has offered a poorly designed box that is NOT totally code-complying. It needs vacation of Merchant Street so the garage can be built under it. It violates Prop K shadow limits. It doesn't make even a pretense of trying to comply with the building design standards under the Downtown Plan. This Alternative is included to take up space and give nominal "compliance" with CEQA. If this architect is not competent to design a 200 foot building that adds grace to the neighborhood and provides desirable housing, another architect should be retained. 200' is NOT a short building, particularly right next to Jackson Square.

The existence of this design telegraphs that the ONLY goal of the developer (6-19) is to maximize development and profit. It is definitely NOT to build a project that is an asset to the City.

NOTE: The renderings on 6-6 et seq need building ADDRESSES on them. This is a generic problem throughout the DEIR. Street names - in particular MERCHANT Street - are missing. Please overhaul labels on the graphics.

There needs to be a totally new Code Complying Alternative designed and analyzed.

Respectfully submitted,

Sue C. Hestor

Attached - Allan B Jacobs, Making City Planning Work - pp. 158-223

Cc: Brad Paul
Georgia Brittan
Dave Jones
Aaron Peskin
Telegraph Hill Dwellers, Vedica Puri

Chapter 7

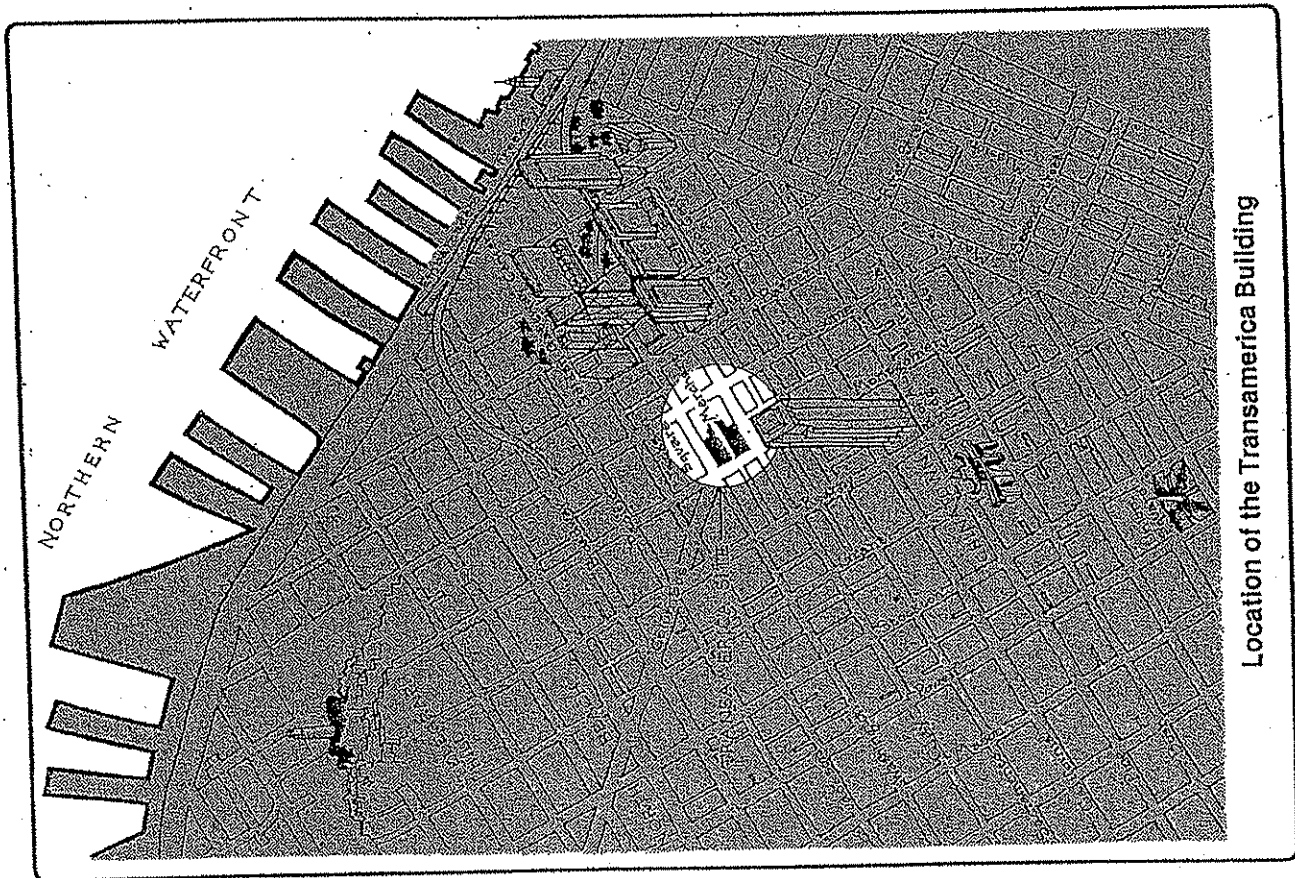
Case Study: The Transamerica Building—An Ad Hoc Development Issue and the City Planning Process

On January 6, 1969, Tom Mellon, San Francisco's chief administrative officer, called the planning director and requested him to meet that afternoon with officials of the Transamerica Corporation to see designs for the new headquarters building they were considering. Mellon had already seen a model of the building. The meeting was to take place at the Transamerica offices, which were located in a four-story, turn-of-the-century building in the historic Jackson Square area. The planning director, rather uneasy about being informed in this abrupt way about an apparently well-advanced proposal, adjusted his schedule to go to see the designs. The chief administrative officer was, after all, one of the planning commissioners.

The Transamerica Corporation is a conglomerate whose holdings include Occidental Life Insurance Company of California, United Artists, Budget Rent-A-Car, Lyon Moving and Storage, Transamerica Insurance Group, Transamerica Title Insurance Company, and much else. It was once the holding company for the Bank of America. Between Mellon's morning call and the afternoon meeting, his staff had advised the planning director that there had been one or two meetings some months earlier with architects representing Transamerica but that no serious designs had been put forth and that future meetings were to be held before that occurred. None had been called.

Approaching the old Transamerica building that afternoon, together with several key staff members, the planning director was a bit surprised to see the Public Works director, the city engineer, and the head of the Bureau of Building Inspection heading in the same direction. Since they all worked under the chief administrative officer, it was

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Location of the Transamerica Building

reasonable to assume he had sent them. The city officials were met by a Mr. Butts of the Transamerica Corporation, who led them to an upper floor meeting room. There they met among others, Edward L. Scarff, Transamerica's president, and Gin D. Wong and Peter Kirby, representing the office of William Pereira, the architect. Introductions accomplished, the group proceeded to a meeting room, where, resting on a table in the center of the room, there was a model of an office building.

The model was in the shape of an elongated pyramid. It was a miniature of a building that would be 55 stories, approximately 1,000 feet, high. By way of contrast, consider that the tallest building in San Francisco at that time was the Bank of America building at 52 stories, 778 feet. The site of the proposed building was the end of Columbus Avenue, one of San Francisco's two diagonal boulevards; the building was to face Montgomery Street, the most prestigious financial address in the city. To the south, across Clay Street, was the financial district. To the north, across Washington Street, was the Jackson Square area with its low brick buildings and narrow streets—and of course the Transamerica headquarters. Beyond that was the Broadway entertainment district. Three blocks to the east were the Clay-Washington ramps to the Embarcadero Freeway and the Golden Gateway Redevelopment Project. To the west lay Chinatown. In short, the site was strategically located at the edge of downtown in an area known as the Portsmouth Corridor. It was an extremely visible location.

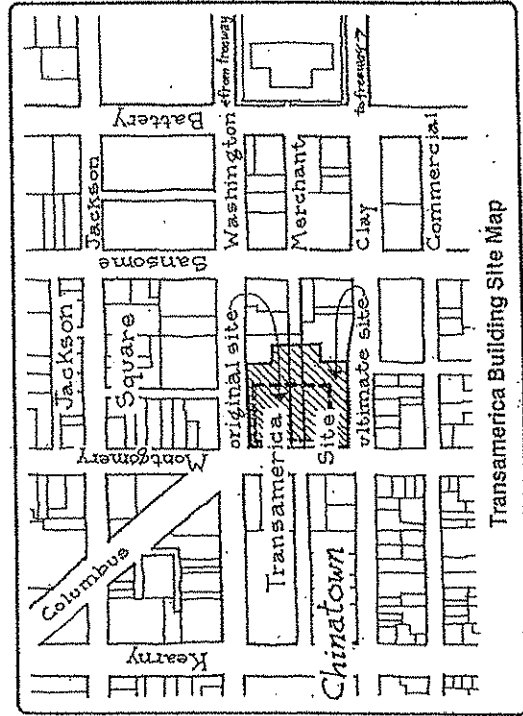
Scarff told the city officials that the Transamerica board of directors had just chosen that particular building for the new headquarters. It seems the directors had rejected four other designs, and now they wanted to get the required approvals for this one. There seemed to be no question in their minds as to the propriety of their proposal; their main objective was to get on with the job as quickly and efficiently as possible.

The planning director advised the Transamerica representatives of four probable concerns that would have to be addressed. First, to discourage traffic problems and congestion, the planning code (zoning) required special approval as a conditional use for any structure in that location whose parking space amounted to more than seven per cent of the total floor space of the building. This building appeared to fall into that category.

Second, Transamerica was proposing to build over an alley called Merchant Street, and the propriety of giving up the city's air rights to

this public right-of-way would have to come before the planning commission for a finding of conformity with the city's master plan. Third, on June 29, 1967, the planning commission had declared its intention to exercise its powers of discretionary review over any building that was proposed for the Portsmouth Corridor to assure its compatibility with the surrounding structures and land uses; and the corporation had been advised of this policy. The planning director found both the shape and great height of the proposal to be incompatible with the surrounding area.

Finally, the planners advised the Transamerica officials that the planning department had a standard policy for cases in which a proposed use or building was not a matter of right, where instead the owner-developer sought something out of the ordinary from the city, such as the use of air rights or a conditional use permit. If the planning department were prepared to consider such a matter in the first place, the planners explained, it was in the public interest that the development achieve urban design standards as defined by the city agency responsible for such matters. The same would hold true for development proposals at particularly sensitive locations. Developers and their architects were therefore invited to work with the city planning staff early in the design stages so that "urban design terms of reference"



issues are dealt with by city planners and the city planning process established by local government is therefore of some importance.

Buildings like Transamerica often become issues because they attract attention. They may be unforeseen or a departure from what has existed in the past or different from other buildings in their vicinity. Often they become issues because they break an unwritten rule of a community, such as "Don't build tall buildings on the waterfront." They are usually large and visible. They may offend someone or do damage to a neighbor, at least in the neighbor's eyes. When the proposals are large, there is often a good deal of money involved, and money attracts attention. Corporate egos also seek, and get, attention, and the same holds true for their architects. But perhaps the most important, at least as far as city planning is concerned, is that realization of the proposal may depend upon the developers' getting something from the city, something they do not have, something without which a proposal may not move forward. The "something" may be a subsidy, a change in a law (such as zoning), permission to buy or use public land, or special approval for something out of the ordinary. In any case, official and often public attention is called to such proposals because the getting or giving of that something requires public scrutiny as part of an established process of government, the city planning process.

The Transamerica proposal provides an opportunity to examine an ad hoc development issue within the larger framework of the substance and process of city planning as determined by local government. The case permits an assessment of the effectiveness of that process in dealing with this kind of issue. To do so, a number of questions require answers and explanations: How did the planning department respond to the issue? Was it related to the concerns of other city agencies? Who were the most relevant actors? How was the issue resolved? Did precedent play a role in the resolution? Could it have been resolved in some other way and what might it have taken to do so? What were its consequences for the development of the city, for the people who live and work there, for city planning? Before we attempt to answer these questions, it is important to define the issue in relation to city planning in San Francisco and to explain how the matter became an issue in the first place.

It should be kept in mind that cases of this type can only serve as the basis for limited generalizations; every case is at least a little bit different from the next. However, the Transamerica case is similar to a

could be established for any given site. If the architects and the city planners were in agreement, they could go before the planning commission and other official bodies as joint advocates instead of as adversaries. The planners reminded the Transamerica representatives that their architect was aware of the policy. In 1968 Peter Kirby had been associated with the architectural firm that had prepared designs for a controversial International Market Center at the foot of Telegraph Hill. That building did not get built.

The meeting ended indecisively. While it seemed clear that Transamerica wanted to move ahead as quickly as possible, no one said in so many words that the design chosen was already cast in concrete. There appeared to be some possibility of change, although the Transamerica representatives probably had a different view of what change might mean than the planners did. The planners hoped that Transamerica would choose to follow the consultation procedure they had outlined and that the building would not be announced publicly until additional meetings had been held. If the corporation wanted specific information about making official application for its building, that information would be forthcoming on request, just as it would for any other applicant.

The Transamerica building is typical of the type of ad hoc development proposal—a building or a complex of buildings proposed for a limited site—that can become a major issue in American cities, with a direct relationship to city planning. San Francisco offers many examples of such proposals: a proposal for a high-rise apartment development on the waterfront, an office-hotel-shopping-port proposal next to the Bay Bridge, another high-rise apartment building on Russian Hill, the Bank of America building. In New York City, the World Trade Center or the major developments over the Grand Central and Pennsylvania railroad stations might be examples. A Chicago example might involve the demolition of the Stock Exchange. In other cities, the issue might center on a redevelopment project, a subdivision, or a proposal to construct a public building in a park. Neither the public nor city officials always see such proposals as controversial when they are first put forth. For some, it is not until after they are up—when someone says, "How did that happen?"—that these buildings become issues. Some are never thought of as problems at all. But when such building proposals are issues, before, during, or after the fact, the effectiveness of city planning and of city planners is often judged by the outcome. How well or poorly these

this power meant that a public hearing would be required for the Transamerica building. After a hearing, the commission would have the option of permitting the building, denying it, or permitting it with conditions. Its negative finding could be overruled, on appeal, by a vote of four of the five members of the Board of Permit Appeals.⁴

Decisions on vacating the street and on the discretionary review would have to be based in major part on some substantive city planning concerns, including in this case something called "urban design" or "urban aesthetics." Urban design has been a significant city planning concern since the "City Beautiful" movement of the early 1900s. In the post-World War II years, some planning professionals and academicians tended to frown on urban design as an elitist concern that was irrelevant to critical urban issues. The people of San Francisco, however, often have been concerned about the design characteristics of their city. In 1969 this concern was growing. San Franciscans did not have an urban design plan at the time—a plan that might have provided policies, guidelines, and answers to questions of how a particular building should relate to the design of the city as a whole—but its planners had made known their general design concerns about this Portsmouth Corridor area.

City policy, exemplified in a recent major rezoning of the downtown area, was to direct significant new office development southward, away from the Portsmouth Corridor. The corridor was to be a transition area between the intense downtown and the Jackson Square and North Beach areas with their many small, fine-scaled, and often historic buildings. The intent of city policy was to minimize development pressures on these areas. A 65-foot height limit was in effect in large sections of both of these areas and in the Portsmouth Corridor. This limit was intended to provide a transition to the unlimited heights that were then permitted in the downtown. The issue of height also arose in relation to nearby Telegraph, Russian, and Nob Hills. It had been long-standing city policy that these hills should remain distinct features of the skyline, separate from the man-made hill of downtown. In sum, the location and height of the proposed Transamerica building were major issues, the former because city policy was to direct major new development away from this area, and the latter because of urban design considerations that dictated the desirability of keeping new development at a scale compatible with its surroundings and of maintaining the city's visible topographic forms.

number of others in San Francisco in the way it became an issue in the first place, in the nature of the substantive matters that were at stake, and in the official and unofficial procedures by which it was resolved. The Fontana Towers on the waterfront and the proposal for the International Market Center at the foot of Telegraph Hill are two of the many such cases that came before the Transamerica proposal. A proposal by United States Steel, a Holiday Inn, and a high-rise apartment building on Russian Hill are three that followed. The Transamerica case stands out from the others mainly because it was the subject of so many articles and so much national publicity. There are similarities (and differences) between this case and dozens of others in other cities.

Whether or not to vacate Merchant Street and to give up the air rights over the street and whether or not to permit extra off-street parking there were issues with which the planning department had to deal. They are directly related to the formal responsibilities of the department as these are defined by the San Francisco charter.⁵ A procedure has been established to deal with these kinds of issues: referral to the master plan in the case of the street vacation and conditional use zoning in the case of the parking. The parking question was considered minor by everyone involved, both because the site was close to freeway entry and exit ramps and because the Transamerica Corporation was assumed to be flexible on this matter.

The matter of the planning commission's consideration of this or any other building proposal under what is termed the power or right of discretionary review is a bit less clear, but it is no less real in relation to the formal responsibilities of the city planning department. Fundamentally, the power of discretionary review allows the planning commission to exercise its discretion concerning any permit application when the general welfare requires review.⁶ It says, in effect, that the terms of the city's zoning ordinance are to be considered *minimum* requirements and permits the commission to determine whether the broader guidelines of the ordinance are complied with in specific cases. This means that in specific cases and for sound reasons the commission may place more stringent requirements on a project than the zoning otherwise calls for. San Francisco is unique among California cities and perhaps in the nation in its use of the discretionary review power. The fact that the planning commission had announced its intention to use

The shape of the proposed building was of major concern to the city planners, although the issue here did not relate to a previously articulated policy or principle. They viewed San Francisco as a fine-scaled city, primarily composed of small, rectangular buildings on small, rectangular lots, tightly developed and with few stand-out, "look-at-me" buildings. Except for major public structures, it was the *whole* that was important to them rather than any outstanding, individual piece. The shape would have been of much less concern to the city planners had the building been located in the middle of the downtown area where it would have been less visible. A nonpublic, extremely high, pyramidal structure at the end of the Columbus Avenue vista, directly adjacent to low, brick, small buildings was not their idea of a building that fit in at this location.

The planning process itself could be viewed as an issue in the Transamerica case. Assuming that both parties have legitimate concerns in relation to a building proposal, it is important that the developer and his architect and the planners employed by the city communicate their intentions and concerns to one another as early as possible, preferably even before design work starts. The purpose is to let the developer know, as precisely as possible at any stage, what the public interest is concerning the project. The developer lets the city know his special needs and, in turn, knows what he might or might not do without a conflict. Experience had shown the city planners that, at least regarding building design issues, conflicts where investments of time, money, and egos are involved do not produce considered decisions. Rather, when such conflicts took place, it was usually the combatant with the most effective political resources who won. The planners felt it was important to have an established process to minimize conflict and had set up an informal design review procedure for these kinds of proposals. To some extent, the stature, or effectiveness of the commission and staff were related to it.

The review process had been in operation for over a year and most developers and their architects had chosen to follow it. During that period the few who had ignored the process had fared badly in the ensuing conflict. The planners didn't know whether the Transamerica Corporation, even at this late date, would choose to participate or whether it would choose to bypass the established procedure. Would the corporation try to go over their heads, to the mayor or to the Board of Supervisors or to individual planning commissioners? If Trans-

america did successfully bypass the planning department, there was a bigger danger to face: that others would also choose to go that route. How would that, the planners wondered, affect the stature of city planning in San Francisco.

These, then, were the major issues presented by Transamerica's proposal as seen by city planners: the street vacation and discretionary review issues, the issue of urban design, and the issues relating to the planning process and the stature of city planning. It is hard to know how these issues were defined by all the others involved, except perhaps by interpreting their subsequent actions. Certainly, speed was of the essence for the Transamerica Corporation. A state law permitting insurance companies that established headquarters buildings in California to deduct their property taxes from their premium taxes was to expire at the end of the year. California companies that owned headquarters buildings before January 1, 1970, or had them under construction by that date, could continue the practice. Transamerica owned more than one insurance company, and, depending on which company it registered the building under, it could deduct \$500,000 to \$1 million a year from its taxes.*

Any assessment of the Transamerica case should begin with the 1967 approval by the planning commission of the zoning proposals for the whole downtown area. At that time, there was strong sentiment on the part of downtown property owners in favor of including the Portsmouth Corridor in the most intense "Downtown Office District" classification rather than in a less intense classification as had been proposed by the staff. The planning director said, then that he was willing to recommend the zoning change so long as the planning commission would establish a policy of discretionary review in the corridor. The commission agreed—in the words of its resolution, "looking toward maximum flexibility for new development in these blocks consistent with good design and studied relationships to other properties."⁸

At the time of the commission's action, Thomas Feeney, who was the attorney for owners of at least three of the lots that later were included in the Transamerica site, was asked by Commission President William Brinton whether he had any objection to a discretionary review policy. Feeney, according to the minutes of the June 29 meeting, replied in the negative and indicated that he was "of the opinion that his clients should work with the commission in an effort to achieve the best development of their properties in any case."

Transamerica was aware of the discretionary review policy at least from the time the downtown zoning proposals came before the Board of Supervisors in September 1967. On September 12, the planning department wrote to Transamerica to confirm the commission's decision and enclosed a copy of the resolution establishing the discretionary review policy. In response, John Beckett, chairman of Transamerica, sent a letter the next day endorsing the commission's proposals, especially as they related to preservation of Jackson Square and North Beach. Beckett also noted that "as the financial community expands, it appears only logical that the expansion will follow the now established eastward trend toward the Golden Gateway and the Embarcadero Center." The Transamerica site was northward, not eastward.

On September 6, 1968, a representative of the Pereira firm came to the planning department to disclose to the staff concerned with zoning and downtown development that Transamerica was acquiring property in the Portsmouth Corridor. He indicated that he recognized the importance of working with the department in the development of such a large building (he mentioned 30 stories). As he described the designs that were being considered, he seemed to pass quickly over a pyramid form, treating it almost as a joke. He was advised that the department would like to have further meetings in which "urban design terms of reference" for the site could be considered prior to the commission's discretionary review. As has been noted, no such meetings were held.

Transamerica's unwillingness to follow the design review process set up by the city planning staff is one reason why the building became an issue. Another related explanation may be found in the sense of stature or power held by both the corporation and its architect. It did not necessarily ascribe high value to the opinions or expertise of a bureaucracy's city planners. Other explanations may be found in the zoning that would permit the building in the first place and in the failure of the planning staff to prepare and disseminate specific design criteria for this site and for the corridor as a whole immediately upon passage of the new ordinance. A reasonable conclusion would be that the issue could have been, and in fact was, foreseen and that the planners failed to take the steps necessary to prevent the controversy. In its defense, the department would hold that it could not prepare realistic guidelines without first knowing who owned what land and that the planners' meeting with Transamerica's architects was geared precisely to the end of avoiding conflict. In any case, the proposed

Transamerica building was now an issue that would require the city planners' attention.

On January 7, 1969, the day after the planning director saw the Transamerica proposal for the first time, he met with Mayor Alioto to request his intervention, if that proved necessary, in persuading the Transamerica Corporation to change its design approach. The mayor had previously been helpful in getting the backers of another major development to change their designs to meet the planners' objections. Such was not to be the case this time. The mayor appeared to be already familiar with the proposal. In this meeting he sounded rather like an advocate for Transamerica. He made no commitment to support the city staff if there should be a fight. The director left the meeting with a sinking feeling that the issue was already decided, but he knew that the cards would have to be played out.

It took about six months for the matter to be heard and acted upon by the planning commission. During this period, staff of the planning department would attempt to convince the Transamerica Corporation to respond to the planners' concerns and redesign the building. Failing that, the planners would seek to gain support for their position from the general public and from public officials.

Immediately after seeing the mayor, the planning director met with key staff members to advise them of his concern, to direct that urban design terms of reference for the site be prepared as soon as possible, and to remind them of the importance of encouraging other departments to be firm in dealing with the issue. The closing of Merchant Street would, after all, affect the Fire Department, the Division of Traffic Engineering, and the Bureau of Building Inspection (which would be concerned with the safety of a building over a public right-of-way).

During January, the planning staff attempted to keep the mayor from publicly advocating the project. The director made efforts, through the mayor's staff, to suggest that the mayor might not be on the right side of the issue and that nothing would be gained by public advocacy. It was suggested, too, that the planning commission should have the opportunity to come to its decision without appearing to be directed by the mayor. The director also advised the planning commissioners of the developing problem. He told them that gaining public support was likely to be an uphill struggle. For one thing, the top

was asked if he would approve the building if its height were reduced. He said he would not so long as it was basically the same building. In turn, he asked Scarff and Pereira if they were going to change the building in major ways, redesigning it in accord with the department's concerns. They said no, and the director told them he would recommend against the proposal. On that same day Transamerica applied for a site permit for the building. It turned out that the application was incorrectly filed because Transamerica did not yet own the air rights over Merchant Street and because there was a conflict with the building code.

As time passed, some changes were indeed made in the building's design, albeit none that satisfied the planners' objections. The height was lowered. But the site got larger and larger as Transamerica purchased more property. Eventually, the developers were no longer asking for an air rights vacation over Merchant Street. The street was no longer to pass through the building. Instead, they wanted a total vacation and purchase of the street as it passed through their property. They wanted the street to be closed so that they could build on the land it occupied.

Total vacation of the western end of Merchant Street was not a minor matter to the city planners. The narrow (only 31 feet) one-way street might not be needed for general traffic circulation, but it provided service access to the abutting properties, which included restaurants, offices, showrooms, and wholesalers. Creating a dead end would mean that vehicles would no longer be able to proceed down the street after servicing those properties. Trucks would block each other; to get out, they would have to back into a major street. The prospect of traffic jams on Merchant Street might well encourage truckers to provide service from abutting, faster moving traffic streets rather than from Merchant Street as was intended. This would lead to traffic conflicts on streets that were meant only to handle normal traffic, not deliveries. A closing would interfere with fire department vehicles and impede access to fire escapes. Finally, the city planners were aware that streets, in addition to providing light and air, played a major role in determining the scale of the city. Small blocks, simply because of their size, hindered the largest developments and were consistent with fine-scaled San Francisco. For all of these reasons, the city planners were opposed to the street closing.

A few meetings were held with the architects during March and

editorial personnel of the two daily newspapers were for the Transamerica proposal. Before the next month was out, Herb Caen, San Francisco's style-setting columnist, was to write about the building in positive terms.⁷

The meetings that took place between the planners and Transamerica representatives were of little substance. A conflict was in the making and the potential combatants were keeping their own counsel rather than dealing directly with the differences between them.

On January 27 and 28, Transamerica presented the designs for the new building at two lunch meetings. A flurry of newspaper publicity accompanied the announcement.⁸ The second lunch was attended by city officials, most of whom had little to say about the building except for asking a few technical questions. Mortimer Fleishacker, the new president of the commission, foresaw problems with Transamerica's proposal and sent a letter to Scarff on February 5 requesting a meeting of Transamerica officials with the planning staff. The meeting was held on February 14, but no higher level Transamerica or Pereira representatives attended. The planners told the developers what the major problems of the proposal were and said that if changes were not made, the planning department would oppose it. When it became apparent that Pereira's office was not going to work with the planners, the draft urban design terms of reference were put on paper and sent to Pereira's representative, Peter Kirby, on February 24. The terms set a maximum height of 400 feet, or about 28 stories, and they called for intensive, pedestrian-oriented uses at the lower levels, an architectural scale that would be harmonious with buildings in the adjacent historic area, and a rectangular shape.

In late February the planning director met with the director of the San Francisco Planning and Urban Renewal Association (SPUR), a prestigious general membership organization that was concerned with city planning. With a group of interested SPUR members, mostly architects and planners, they discussed possible strategies for opposing the building.

The planners attempted to meet with Beckett, on the theory that the chief executive of a large corporation is likely to be more flexible and easier to negotiate with than people lower on the corporate ladder. The attempts were unsuccessful. Later, a note from Edward Scarff, dated April 17, made it clear that he was to be in charge.

At a March 11 meeting attended by Scarff and Pereira, the director

major changes to the first two floors of the building—the planners had called for such changes—would produce a positive staff recommendation. The answer was that by themselves they would not.

The street vacation issue was placed on the planning commission's calendar for June 12 and was then taken off at Transamerica's request. Revised plans were submitted for a site permit application on June 19. On June 23, the planning director sent a memo to the commission outlining the issues related to the street closing matter. Both the street closing and discretionary review of the building were considered and decided by the commission on June 26, at a regularly scheduled public meeting.

On the morning of June 26, the planning director received a copy of a letter the mayor had just sent to the commission, giving his opinion that the building should be approved.¹⁰ Since Mayor Alioto had never before communicated his views to the commission in this way, the letter came as a complete surprise to the staff. Later, some of the commissioners and one of the mayor's assistants confided that the mayor and possibly his deputy for development, John Tolan, had called selected commissioners to relay the mayor's wish that they vote for the building. This was another first.

The hearing, by San Francisco standards, was small and relatively quiet. The planning commission minutes show that there were fewer than 50 people in the room. Seven people, three of them affiliated with Transamerica, spoke for the street closing, and ten spoke against. The staff recommended that the commission find the closing not in conformity with the master plan for reasons of access, congestion, and fire safety. The staff recommendation on the street vacation issue came overruled by a four-to-three vote. The three supporting votes came from Fleishacker, Brinton, and Newman. The vote was five to two against the staff recommendation of disapproval of the building, based on discretionary review. In late August, the street closing matter came before the Board of Supervisors at a meeting that was much better attended and where more people spoke in opposition. Either more people were becoming concerned or they felt that the board was a more effective place to make their wishes known. Even so, the vote was nine to one in favor of vacating and selling the street.

April, but they were not considering any major changes. While the planners were concerned with the overall concept of the building, the architects seemed interested mainly in details. At one of the meetings, in his office, Pereira seemed concerned mostly with the problem of designing the windows on the sloping facade.

The planning staff met with a couple of neighborhood groups to solicit their support at the inevitable public hearings. The planners also met with any number of architects, most of whom objected to the building's design. After a meeting with columnist Herb Caen, his tone changed from approbation to neutrality, even mild disapproval.⁹

Many of the discussions with the mayor between January and June included an exchange of views about the Transamerica building, which the mayor likened to the Eiffel Tower. The planning director was trying to minimize the mayor's involvement.

During this period it appeared likely that the planning commission would support the negative recommendation that was expected from the department. Only Commissioner Mellon, the chief administrative officer, appeared to be a certain vote in favor of the building. The votes of Jim Kearney and Walter Newman, who were tagged the labor and downtown business representatives, were harder to predict. But Fleishacker, William Brinton, Julia Porter, and Jim Carr seemed strongly opposed. Carr, the general manager of the Public Utilities Commission, said that he disliked the building and would instruct his alternate to vote against it. (Carr rarely came to the commission meetings himself.) It seemed reasonable to anticipate a four-to-three or five-to-two vote in support of the staff recommendation. There were frequent discussions with commissioners to get and keep their support.

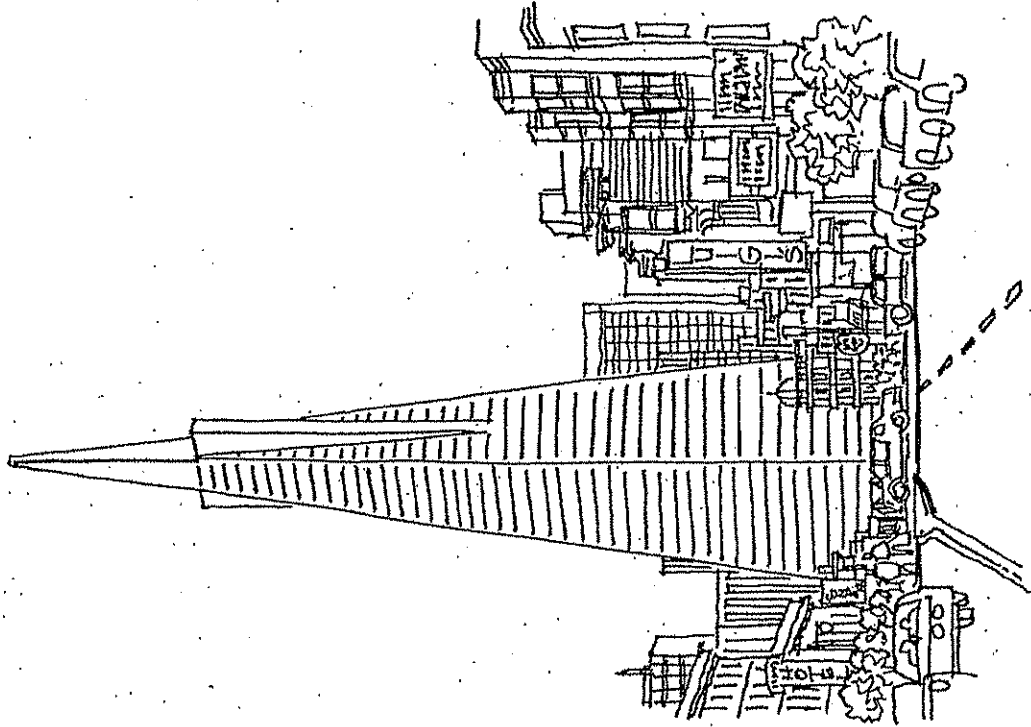
The planners held a number of meetings with owners of property that had direct access from Merchant Street in order to make them fully aware of their access rights and of the difficulties that would result if one end of the street were to be blocked by a building. It was difficult to imagine the city vacating and selling any part of the right-of-way without their agreement. The meetings disclosed that Transamerica representatives were also speaking to the owners and were busy buying or leasing key parcels.

On May 5 the planning department sent a letter to Transamerica outlining the hearing procedure that would be followed. Meetings at Pereira's office on May 12 and 14 were without major substance. After one of these meetings Pereira called the director to ask whether making

Other departments besides city planning had a direct stake in the outcome of Transamerica's proposal. Public Works and Fire were usually opposed to street closings, and at first they were concerned about the safety hazards and congestion that could result from closing Merchant Street. Later, though, they found these to be no great problems. It will be recalled that the Department of Public Works and the Bureau of Building Inspection are responsible to the chief administrative officer, who appeared to favor the building from the start. The Bureau of Building Inspection was primarily concerned with building safety, and that concern may well have been responsible for changes in the structure—most notably eliminating the street passage through the building in favor of a street closing.

The city attorney and the Real Estate Department played little or no part in the initial public decisions to vacate the street and to grant a building permit, although these offices were to prove significant later. At another level of local government, the Board of Supervisors was not involved with the issue until after the planning commission took action. The mayor's office obviously played a major role. It was Mayor Alioto who proved to be the most significant public actor in obtaining the building's ultimate acceptance.

Transamerica's role, like that of the planning department, went well beyond those official acts and technical-professional assessments and proposals that are necessary to get a building designed and under construction. An article by Transamerica's public relations manager, John Krizek—"How to Build a Pyramid"—in the December 1970 issue of *Public Relations Journal* not only describes the "kit of PR tools [that helped] win San Francisco's approval of a new high-rise office building," but clarifies the roles of other actors. It is clear that the corporation knew the building would create controversy. Its corporate relations staff was planning the announcement of the new building even before the board of directors had made a final decision to go ahead. The mayor and the chief administrative officer were the first city officials to see the building. The first press conference to announce the building was coordinated with a chamber of commerce banquet so that the chamber could share in the announcement. A special lunch was held for all publishers and general managers of the city's newspapers and television stations, and another lunch was held for labor leaders. Private briefings were held for supervisors. Corporation representatives went to neighborhood meetings held in opposition to the building. (They went



"surreptitiously" and "incognito," according to Krizek's article.) The corporation conducted its own letter-writing campaign in favor of the building to offset the letters from opponents. Krizek's article implies that it was at the corporation's instigation that "a few hippie-looking young men brandishing an 'Artists for the Pyramid' sign" passed out "a leaflet of their own, which included a cartoon showing two ancient Egyptians in a raging argument over the construction of pyramids."

It is doubtful that the chamber of commerce needed any convincing from Transamerica to support the building. It was enough for the chamber to note the revenue it would raise and the number of new construction jobs it would provide. Labor and the chamber were on the same side in this development issue, as in most others, although labor interests were less vociferous than usual in this case.

The role played by the Telegraph Hill Dwellers, a prestigious organization of the neighbors to the immediate north of the proposed building, was not as strong as expected. Perhaps the "incognito" efforts of Transamerica's public relations staff had been effective. More likely, though, the Telegraph Hill residents were piqued at the planning commission for allowing the most intense downtown zone to penetrate this close to them in the first place. As one influential member of the organization confided to the planning director, the members were a bit fearful of a totally negative public image. They did not want to appear to be against everything.

SPUR was also not a particularly active campaigner against the building. Instead, the most active opposition came from a new group, The Environmental Workshop, composed of young environmentalists and urban designers. In 1969 they put out a brochure—*San Francisco and the Transamerica Pyramid*—that described, with cartoons, the urban design issues at stake and, with photographs, showed what the building would look like in that setting. They got petitions signed, picketed Transamerica's headquarters, and tried their utmost to line up public support for their position and to encourage public officials to express their opposition to the project as well. They were not very successful. It is probably accurate to say that at that time not very many San Franciscans were concerned about this particular matter. Individual architects were concerned, but they were generally ineffective in expressing their opposition; ethical considerations prevented them from criticizing the building, except in the privacy of the planning director's office.

Support for the planning department's position came from an unexpected and unsolicited source—private economic consultants. Three or four consultants from Chicago and New York had heard of the pyramid and stopped in to express their dismay at the prospect of such an uneconomical building. Aside from noting the obviously low ratio of usable floor space to total floor space, especially on the most desirable upper floors, they pointed out that drapes, hanging vertically from the ceiling, would be quite some distance from the sloping walls by the time they reached the floor, thereby creating more uneconomical space. They were urged to voice their concerns to the corporation.

While these consultants might have been aware of the tax break Transamerica would receive at the state level, they were probably unaware of a similar tax advantage then being created at the federal level, an advantage that could help offset the uneconomical design. As would later be reported by Donald Canter in the *San Francisco Examiner*, "Transamerica... had initiated the writing of a special provision into the federal tax reform bill aimed at giving the company a tax break for its planned... headquarters building.... Transamerica was one of 14 companies... that would benefit from special legislation written into the tax measure on their behalf.... One of those special provisions, [Senator Edward] Kennedy said, would allow Transamerica rapid depreciation of a new nonresidential building."¹¹ According to the news story, Transamerica's corporate relations manager said that the assumption that the nonresidential building referred to was the San Francisco pyramid was correct.

Krizek's article documents some of Transamerica's efforts to influence the news media on behalf of its building. It is fair to say that the efforts were successful. The major dailies advocated the building from the start. A clear indication of this was a letter to the editor by a former reporter, lamenting the passing of old San Francisco; the *Chronicle* reprinted it as a lead editorial—leaving out the part that damned the Transamerica pyramid.¹² No criticism of the building appeared in print locally.

Precedent favored granting permission for the building, although it certainly did not require it. Few major buildings, once proposed, had been stopped in San Francisco, and fewer still halted for reasons of urban design. The Fontana Towers, built on the city's waterfront some years earlier, had broken an unwritten San Francisco rule that buildings on the waterfront should be low and non-view blocking. Laws had since

tax advantages that would disappear if construction did not start by the end of 1969.

In the end, the official process was followed, and it provided a number of opportunities to approve or disapprove the building. The public had a chance to express its point of view. If the public had cared enough, it could have influenced the outcome, perhaps to the extent of overcoming the influence of the mayor and chief administrative officer. But the public was not sufficiently aroused. Either people did not know about the proposal and its implications, or they did not feel the issue was of major concern, or, alternatively, they may have known about the proposal and favored it. It seems reasonable to conclude that at that particular time in San Francisco not enough people considered one oddly shaped building in a questionable location enough of an issue to merit greater involvement.

If the city planners' assessment of the proposed Transamerica building was correct, then its effects on the city and immediate area will be negative. The planners most involved in the case continue to believe their recommendations were sound. While it is not likely that one building is strong enough to set the character of a city or to make or break it in terms of city design and development, each building adds or detracts. The Portsmouth Corridor, with a strangely shaped Holiday Inn, an almost black Alcoa building—an anomaly in light-colored San Francisco—and finally the pyramid, has developed into an architectural sample box of unrelated shapes, sizes, and colors. The city has always welcomed variety, but in the past it has been expressed within a generally unified overall structure and scale.

San Francisco has not been undone by the Transamerica building, but the resolution of the issue and its immediate consequences were disheartening to the planning department. Some developers and architects concluded, correctly, that they could bypass the process established by the planning staff to develop urban design guidelines for particularly sensitive projects. Instead, developers could go to the mayor, or to some of the commissioners, or perhaps to the chief administrative officer and get early backing. While there is nothing new about this practice, it invariably leaves the city planning staff on the losing side, and it had not been common for two years in San Francisco. The informal but effective design review process had been weakened considerably.

In the longer run, the resolution of the issue may have been

been passed to reestablish the precedent and prevent similar occurrences, but the Fontana was permitted. As a generally frowned upon building its example might have, but did not, provide a precedent to refuse the pyramid.

There was also a precedent attached to the selling of a street. In the 1960s, San Franciscans attached little value to streets either as open space or as factors that determine the scale of development. If streets weren't needed for traffic or for access, they could be disposed of. However, the Real Estate Department, with approval of the city attorney, did attach value to streets. When a street was to be sold, the Real Estate Department generally charged *one-half* the market value established by property appraisals. Why only one-half? The rationale of the real estate and legal experts was that since the owner had some rights to the street originally, he should not have to pay the full market value, that in fact he had rights to half the value of the street even though it might have been held in fee by the city. This precedent made the purchase of streets attractive to developers in general and to the Transamerica Corporation for the purchase of Merchant Street in particular. No one can know if the corporation would have asked for the street vacation and purchase if the price had been twice the \$535,000 it agreed to pay. A taxpayer's suit would decide the correct price in the courts after the street had been closed and sold.¹³

It is useful to look briefly at the resolution of the Transamerica issue in two ways: in terms of substance, and in relation to the city planning process. Substantively, the issue was resolved quite clearly: The street was closed. The building exists. The city planners lost. Transamerica and the mayor won. In regard to the city planning process, the unofficial design review procedure established by the planning staff was bypassed. When any matter of significance came up, Transamerica simply ignored it. On the other hand, the official, legally prescribed process was followed, and this process in itself slowed and might have stopped the building. Some of Transamerica's early applications for site permits, excavation permits, and the street closing apparently did not meet the precise requirements of the law, and they had to be retracted and resubmitted. Since time was critical for the developer, a string of these delays could have affected the resolution of the issue. Transamerica might not have insisted on the original design without the

responsible for a heightened awareness of urban design and downtown growth issues. In 1970, the proponents of the U.S. Steel development on the waterfront used the same high-powered tactics as Transamerica. The planning commission approved that proposal, too, but in the face of strong citizen opposition, the Board of Supervisors voted to reject the proposal and to support the recommendation of the planning staff.¹⁴ Also, the anti-high-rise initiatives that surfaced in 1971 and 1972 may in part have been outgrowths of the Transamerica issue.

An immediate consequence of the Transamerica issue was the split that developed between the planning commission and its staff. Heretofore, they had agreed on most major issues, but for a period of at least two years after, they agreed less often, and at times the staff itself was unable to support the commission's actions before the Board of Supervisors. There were also times when the staff actively argued against the commission at the board. This breach lasted until a citywide urban design plan was produced in 1971.

Perhaps more significant was the split that occurred within the commission and between at least one of its members and the mayor. Commissioner Brinton was incensed that Mayor Alioto had written to the commissioners in favor of the building. To him, the mayor's letter constituted unwarranted interference in the commission's business, and he said so many times. When his term expired in 1970, he was not reappointed, primarily because of his outspoken criticism of the mayor. Ultimately, Brinton was to become a major force in the fight against the massive, downtown Yerba Buena redevelopment project, a favorite of San Francisco's business interests and of the mayor.

The Transamerica case teaches us a number of lessons. Some fall into the category of political judgment or strategy. Under this heading, one might question the planning director's wisdom in waiting so long before publicly airing his concerns about the proposal. By going directly to the public through the media immediately after he learned of the proposal and before Transamerica could gain the initiative, he might have aroused enough public opinion to ultimately defeat it. But, as fruitful as this area of inquiry might be, of primary interest here is what the case implies for the city planning process.

First, the case underlines the importance of having a plan that addresses, as specifically as possible, the kinds of issues that the com-

munity will face. San Francisco had no such plan to provide guidelines for relating individual buildings to the design of the city as a whole, although one was in preparation. Without such an explicit plan, the planners were, to a considerable extent, "winging it." It would also have been desirable for the plan to have been endorsed at the highest policy-making level of the government.

Even without a plan, zoning could have prohibited the building. It is unimaginable that an 853-foot building in the Portsmouth Corridor would have been permitted if there had been height limitations. On the theory that if anything bad can happen, it will, the planners should have proposed a reasonable height restriction for the area at the time of the downtown rezoning. They had not done so. Instead, the planning commission relied on its discretionary review powers to guard against undesirable development. Its vote on the Transamerica building would indicate that it did not consider the pyramid to fall into that category. Nevertheless, the case underlines the desirability of using zoning as a part of the city planning process to achieve what the community wishes and to prohibit what it does not.

Transamerica's successful avoidance of the design review process only confirmed what the planners already knew—the importance of making the design review process a legal requirement. Developers and architects will not voluntarily become involved in a procedure that limits their options unless they can see a clear connection between doing so and succeeding with their project. The more significant the project and the higher the status of those involved, the more likely it is that someone will try, successfully, to skirt any voluntary process. Transamerica still might have bypassed a more formal procedure and used political clout to win acceptance for its building, but it would have been harder to do so.

The case, like many others, further confirms what many have said: that political pressures will be at least as important and probably more important than technical or urban design criteria in deciding development issues. The more discretion there is in the review process, the less likely that the decisions will be made using the city planners' criteria.

The case further suggests that the planners could have asserted their claims better if they had prepared design guidelines for the area and the site much faster than they did. Such guidelines, especially if they have been considered by planning commissioners or legislative bodies, put the interested parties on notice. If precise ownership patterns are

commission appointed by the mayor instead of making it a part of the mayor's office, where, according to the opinion of many, it would be most effective. Is it likely that city planning would have been more effective in the Transamerica case if the Department of City Planning had been a part of the mayor's office? Given the political structure of large cities and the forces that usually elect their chief executives, how reasonable is it to expect the mayor to be opposed to major downtown buildings of any kind? If it is also true, that, historically, downtown business interests have had a great stake in electing mayors and that those mayors have in turn found business support to their advantage, then it is also unlikely that mayors will oppose downtown office buildings, on any grounds. If a city requires that recommendations be made on development matters by professionally trained city planners, and if those recommendations are to be made in public, is a mayor's office the best place from which to make them? Isn't it likely that even if the mayor and planner agree on one or more cases, sooner or later there will be major disagreement? And won't it be difficult to ensure the survival of impartial professional recommendations—if the community does indeed want such recommendations? The answers to these questions suggest that for handling cases like Transamerica, city planning would not have been any more effective if it were located under the chief executive instead of under a planning commission, or the legislative body. Indeed, either of the last two would seem preferable.

The Transamerica case cannot be counted a success for city planning in San Francisco. Those most responsible for doing city planning and for making recommendations about the physical development of the city were not supported. Professionally, they had not prepared for the case as well as they might. Politically, they were less than effective.

Regardless of the outcome of the Transamerica proposal, the case points to the difficulty that city planning has in dealing with such ad hoc development matters when they become major issues. Conflict situations, especially those centered on large building development issues, make good copy for the press, but they do not necessarily produce considered decisions. The outcome of such conflicts is usually decided in favor of the parties with the most power, fiscal or political. Even if city planners win their share of such battles, and sometimes they do, it is as often by luck as by planning. More discretion in the hands of the

unknown or in flux, then more general or preliminary guidelines might be in order, but the planners will at least have established their presence in the development process.

The case also raises some questions about the master plan referral process. In San Francisco, a master plan referral must be decided at a regular public meeting of the commission. It does not, however, require a public hearing, since a factual finding of whether or not the matter at hand conforms to the master plan is all that is required. In practice, referrals are often decided after considerable public testimony, but the discussion may have nothing to do with the master plan. Quite often, master plans contain no direct policies or guidelines that address the issue at hand anyway. There was very little in the San Francisco master plan that was in effect at the time that could be cited as being directly applicable to the vacation of Merchant Street.

If clear policies and directives were set forth in a master plan, issues such as this one might arise less frequently and, when they did, decisions could be made more easily. Not only should there be no need for a public hearing for most cases, there should also be no need for commission action. Except when appeals or a proposed change in policy are being requested, the staff of the planning department could handle referrals administratively. Public hearings would be required to consider changes in policy, which would be the same as changes in the master plan. It would be reasonable to require more than a simple majority of the legislative body to overrule a finding of nonconformance by the planners, similar to the practice in zoning cases. In fact, master plan referrals, as a means of controlling the uses of public property and development, are somewhat analogous to zoning as it is related to the use and development of private property. The approach is similar to that under which some state-created regional agencies operate. For example, the San Francisco Bay Conservation and Development Commission and the state legislature adopted a Bay Plan that guides BCDC in its granting of shoreline permits. BCDC has control, via the permit system, of public as well as private projects.¹⁸ The process will only work well, however, when there is something reasonably specific for it to apply to and when it has some teeth.

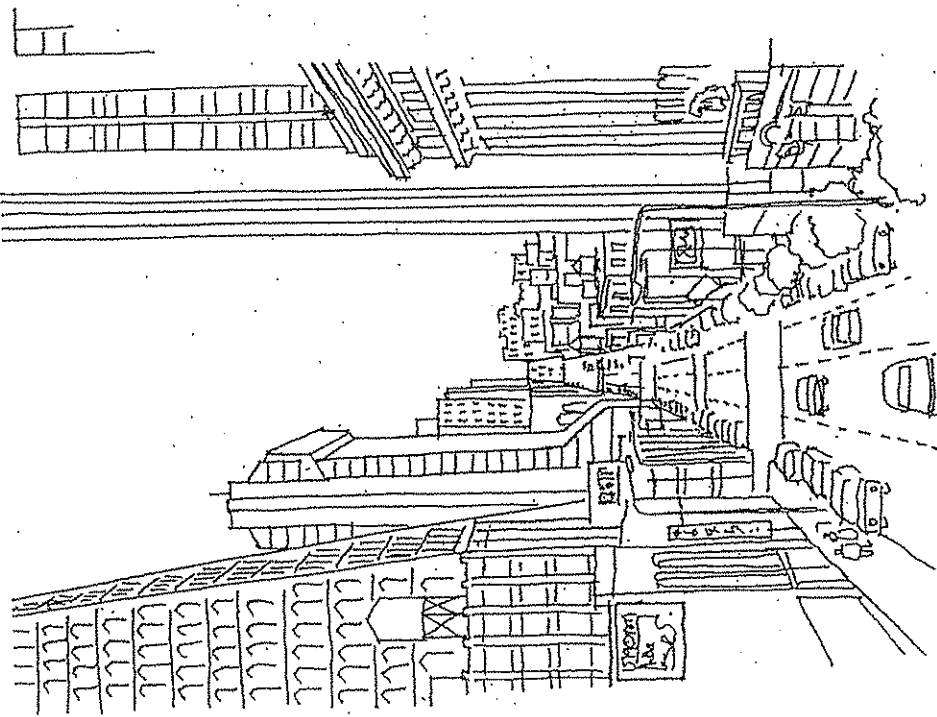
It is difficult to draw conclusions about the best location for city planning within the governmental framework based on the experience of one case. Nevertheless, the Transamerica example does raise some questions in this regard. San Francisco locates city planning under a

An Epilogue

In May 1972, the Supreme Court of California upheld a lower court's finding, in response to the taxpayer's suit (*Hammann v. City and County of San Francisco*), to the effect that San Francisco's policy of charging half the market value of any public right-of-way it was selling was unlawful and that 90 per cent of the full market value would have to be charged. Transamerica was ordered to pay an additional \$535,000 for the portion of Merchant Street it had purchased earlier. An unexpected consequence of the issue, then, was to change city policy and to make it more costly, and perhaps less likely, for city streets to be vacated for private use. But it is doubtful that the extra cost, if known beforehand, would have stopped Transamerica from going ahead with its building.

Communication, however, might have prevented the Transamerica building.

On September 19, 1969, well after the planning commission and Board of Supervisors had approved the building and long after I had any desire to meet Transamerica's chairman, John Beckett, we met. The meeting, requested by Beckett through Mortimer Fleishacker, president of the planning commission, took place in Beckett's office. The essence of it was that Transamerica wanted to build its pyramid 10 stories higher than had been requested and approved. Beckett knew that this would require a new hearing before the commission. But, he said, a taller, more slender building would be more handsome, more deserving of our support. My position was that the best that could be said would be that the building would be less ugly, that I would not change my position, and that I wondered why Beckett cared what I thought, since he had the commission "wired" in any case. Beckett responded that it was important to have the planning director in favor of the building, that it would look better, especially in the public eye. He didn't want another fight. He also observed that well before the initial approval of the building his staff had advised him that if Transamerica came in with a building that was 10 stories lower than the initial conception, I might approve it. I told Beckett he had been misinformed and proceeded to list my reasons for opposing the building, concluding that I would never recommend in favor of it. Beckett had not known my views and said that it was too bad we hadn't met earlier. He said he wanted to give San Francisco "a valentine."



professionals will not necessarily help, because in the toughest cases, especially when the professionals are opposed to the project, they are likely to be overruled in the political arena. Many would say properly so. For city planning to be most effective on these kinds of issues it is important to minimize the frequency of Transamerica conflicts. To do that requires relevant, clear, well-aided, and thorough plans in the first place, followed by implementing legislation, and a governmental process that maximizes the possibility of considered decisions.

see Patrick J. O'Hern, "Reclaiming the Urban Environment: The San Francisco Urban Design Plan," *Ecology Law Quarterly*, vol. 3 (1973).

4. San Francisco Charter, section 3.651.
5. The law is part of the California Revenue and Taxation Code, part 7, chapter 3, article 4, paragraph 12241. Also see Donald Canter, "Insurance Buildings Rush for Tax Savings," *San Francisco Examiner*, December 15, 1969.
6. San Francisco City Planning Commission Resolution 6112, June 29, 1967.
7. Herb Caen, "Good-Good-Good," *San Francisco Chronicle*, February 2, 1969.
8. "Spire Makes It the Tallest," *San Francisco Examiner*, January 27, 1969; "A Pyramid for San Francisco: Plans for City's Tallest Building," *San Francisco Chronicle*, January 28, 1969.
9. *San Francisco Chronicle*, April 4 and April 27, 1969.
10. A copy of this letter is also in the planning commission minutes of June 26, 1969.
11. Donald Canter, "Tax Bill Contains Break for Transamerica," *San Francisco Examiner*, December 10, 1969.
12. The letter from L.S. Thompson appeared in the *San Francisco Chronicle* on April 4, 1969, the editorial on April 7. Also see "San Francisco's Renaissance," lead editorial in *San Francisco Chronicle*, January 29, 1969; and "Pyramidal Anchor," editorial in *San Francisco Examiner*, same date.
13. *Harman v. City and County of San Francisco*, 7 Cal. 3d 150, 101 Cal. Rptr. 880, 496 P. 2d 1248.
14. For a sense of the developing tenor of the times, see *San Francisco Chronicle* articles by Scott Blakely ("Tower Plan Restudied,"

The meeting continued, and after some time Fleishacker and I, wondering what further purpose would be served, started to excuse ourselves. Beckett, however, had something else on his mind. What if Transamerica came in with a different building of more modest height? I responded that two of the five original designs had looked quite good, and although they were higher than desirable, over 30 floors, I would probably recommend their approval if they were designed sensitively in relation to the site and its surroundings. The problem of speed, really Transamerica's need to have at least a hole in the ground by the first of the year to realize its tax advantages, could be handled, I felt, by everyone working overtime. Beckett seemed interested. The meeting ended cordially. Beckett said that he would think about this new alternative and get back to me early the following week. I recall that as we were leaving, Beckett said something to the effect that it was unfortunate that we had not met earlier.

Early the following week Beckett called. He felt it was too late now to turn around. Too much was involved, the matter had gone too far. Transamerica officially asked for the greater height on November 13, 1969. The staff recommended against the building. The planning commission voted four to three for it. Excavation started in December 1969. The building was first occupied in the summer of 1972.

Notes

1. The source of this date, as of many others in this chapter, is the author's appointment calendar for 1969.
2. Mandatory referrals come under section 3.527 of the San Francisco Charter, zoning under sections 7.500 to 7.503. See chapter 2 for a description of mandated responsibilities of the planning department.
3. The power of discretionary review is derived from part III, section 26 of the San Francisco Municipal Code and from the San Francisco Charter. For a description of the discretionary review power

July 28, 1970) and Jerry Burns ("A Height Formula for Waterfront," November 11, 1970; "San Francisco Supervisors Block the U.S. Steel Tower," February 13, 1971). Also see "Skylines v. Skyscrapers," *Time*, March 8, 1971.

15. Paul Sedway and Thomas Cooke, *Land and the Environment: Planning in California Today* (Los Altos, California: William Kaufmann, Inc., 1975), p. 74.

Chapter 8 Case Study: The Urban Design Plan

San Francisco is generally accepted as one of the more handsome American cities. Views, hills, fog, water, charm, urbanity, diversity, intimacy, activity, Victorians, cable cars, Chinatown, Golden Gate Bridge, Fisherman's Wharf, Golden Gate Park—all evoke images of a special urban place. And San Franciscans seem to be aware of their immediate physical environment and of their good fortune. If long association or experience have no effect, then visitors remind them that their city is different.

By the late 1960s, there was a growing list of conflicts over individual building projects that represented, to some, threats to valued physical traditions. The Fontana Towers, a high-rise apartment complex in a very visible location, had broken a long-standing tradition of building only low buildings along the waterfront. The possibility that another project, the International Market Center, would dwarf Coit Tower on Telegraph Hill and block views of the Bay raised an enormous controversy. The "freeway revolt" in 1966 had been as much a reaction to the ugliness of the existing freeways and the disruption they caused as to their questionable functional value in intensely developed urban areas.

The visual quality of some of the redevelopment projects that were proposed had aroused public opinion, and so had the design of the rapid transit stations downtown. In the neighborhoods, complaints were beginning to be heard about the "plastic" apartment buildings that were replacing the Victorians and about the way that the new buildings ignored long-established setback traditions. The issues that were at stake were underlined in the late sixties by the imaginative conversion into a shopping complex of the old Ghirardelli chocolate factory, which was next to the Fontana Towers.

loss of Victorians (that often housed low-income minorities), widened or one-way streets that divided neighborhoods, increased traffic and decreased safety, development on land that people associated with open space, billboards, insensitive remodeling, loss of a landmark—these are but a few of the kinds of cases that might bring protests or law suits. On one occasion neighbors observed that construction of an addition to the San Francisco Art Institute might be slightly higher than legally permitted. Their protests brought construction to a halt and, after a long public hearing, the institute was required to remove some already poured concrete and part of one floor from the structure.³

Putting all the individual concerns together, one might well deduce the existence of an issue: how to maintain the physical attractiveness, charm, and pleasantness of San Francisco in the face of mounting pressures for drastic change. Put another way, the problem was to moderate and direct growth and change in a desirable and pleasing way. The design of the city had become an issue both because of the controversies over individual developments and because it was a concern that had not been dealt with effectively at a citywide level at a time when many residents found rapid physical change threatening.

There were some pressures and some support for urban design planning at a citywide scale. A joint committee of architects, planners, and landscape architects was pressing for such a plan. The planning commission, sensitive to criticism that it was overly concerned with two-dimensional land-use matters, was sympathetic, and the staff of the planning department long had seen a need for a plan and was interested in preparing one. In 1967, Mayor Shelley and the Board of Supervisors had responded favorably to requests by the planning department to hire new staff members with urban design expertise.

Before moving on to an accounting of the way in which the planning department dealt with the issue, it is useful to consider, however briefly, the relationship of urban design to city planning as a whole and to the governmental process associated with city planning. To some, urban design, city planning, land-use planning, urban physical planning, and urban environmental planning are all pretty much the same thing. Professional city planners as well as the lay public often use the terms interchangeably, and if the public's contact with city planning is limited to matters of design or transportation or housing, then it might well think of those single activities as constituting city planning. But to the planners involved in preparing the urban design plan, the

The conflicts were the result of strong pressures for development and change, pressures that were likely to accelerate. Most of the city's land was already built upon; new development invariably meant replacing small buildings with large ones that would often alter the character of existing areas. The size, the nature, and the rapidity of new development threatened to harm the very qualities that made the city attractive to so many people. In short, the physical image of the city was changing rapidly, and the change produced public conflicts over individual development proposals.

On such occasions, regardless of whether the proposal was large (like the Transamerica building) or small, there was no citywide plan against which it could be measured and decided. More important, there was no design plan to serve as a guide for such development in the first place. San Francisco, considered by its own residents to be a very special place, was without a public statement of what the city should look like.

The urban design plan represents a successful effort in comprehensive plan preparation. The plan, and its preparation, may be viewed as a response to issues that fall within the framework of urban design. If the Transamerica building represents a failure for city planning in San Francisco, then the urban design plan represents a city planning success. The Transamerica issue, decided during the period that the urban design plan was being prepared, underlined the importance of having some kind of plan that addresses the issues that a community is likely to face. The city planning process begins (if there is a specific point of beginning) with a comprehensive or master plan. A purpose of this case study is to illustrate that first step.

In June 1967, Robert Weaver, Secretary of the U.S. Department of Housing and Urban Development, is reported to have said in San Francisco that, "This city and every city long ago should have documented for itself and its citizenry a clear and unequivocal physical design for how the city should look and live and feel and breathe."⁴ It is doubtful that many San Franciscans perceived the need so clearly.

More likely, they were concerned with individual development proposals and realities that offended them and that they might contest. A new building that might block familiar views and create only shadow where sunlight was normal, vacation of a street in favor of development,

activities are quite different. Urban design, to them, is a part of city planning.

City planning may be defined as "a continuing and deliberate effort to arrange the physical fabric of an urban settlement in such a way as to meet the social, economic, and political needs of people, within the constraints of the natural environment."⁴ It is the determination of what goes where, why, how, and when in urban environments in relation to the people who live in and use those environments and to the environment itself. That definition, in no way unique, but considered by some in the field to be too limited in scope, is consistent with the thrust of city planning that is found in San Francisco's charter—a basic concern with the physical development of the city.

Urban design has been viewed as a subfield of city planning, dealing primarily with the sensuous, aesthetic, and visual qualities of the urban environment. It is concerned with the "visual and other sensory relationships between people and their environments, with their feeling of time and place, and their sense of well-being."⁵ That is how the city planners in San Francisco viewed urban design in relation to their more encompassing city planning mandate. It was a definition that included most of the design-related issues expressed by the people of the city.

As early as Daniel Burnham's 1905 plan for San Francisco, urban design considerations had been a part of the city's planning efforts.⁶ Visionary in its system of parkways, diagonal streets, quiet plazas, and open space, the Burnham plan was considered too ambitious for a city intent on rebuilding after the earthquake and fire of 1906. Urban design considerations had also played a part in the enactment of the special height districts that had existed in San Francisco since 1927. The master plan that was in effect in the late 1960s contained some design-related policies. Recent zoning efforts in and around downtown also had addressed some design issues, and plans completed after 1965 for at least two different city districts dealt with urban design as a subject matter. Nevertheless, urban design considerations were rarely made explicit in the plans that were adopted, and they did not exist at a citywide, comprehensive level.

It is not always understood by those concerned with the visual and sensory relationships between people and their environment, especially by those offended by the design qualities of new development, that city planning departments are rarely responsible for the direct

design of anything. City planners in public planning departments are not normally responsible for the design of private or public objects, or from buildings, to signs, to parks. Designers working for private or public clients, other than planning departments, design such objects. Similarly, physical development projects that involve a definite area, client, building program, and completion date are usually designed by architects in private employ rather than by people working in city planning departments.⁷ Employees of redevelopment agencies sometimes come close to having direct design responsibilities for projects, but they, of course, are seldom combined with the staffs of city planning departments. The designers in a city planning department may be part of a team with responsibility for the design of a public system, such as roads, parks, or lighting, but they will rarely have direct design control or overall responsibility for it.

On the other hand, city planners are often responsible for preparing general plans for road, transit, open space, walkway, and even lighting systems. Here there is often overlap in regard to who designs what, but the final design authority usually rests with an operating agency.

The public planner/designer is likely to have most direct influence at the level of city or area design involving the general spatial arrangement of objects over an extended area. There are usually many clients to satisfy. It is also likely that the public planner/designer will have only partial control and that he will be involved with a design that is never complete. Since public planners may influence and regulate whatever is built but rarely design it themselves, the importance of setting a framework for legislation and influence becomes clear, if the public wishes to recognize and deal with urban design issues.

In 1967, the staff of the planning department decided to undertake a citywide urban design study and plan that would, "become a major part of the city's comprehensive plan."⁸ Other approaches had been considered. For instance, a comprehensive revision of the city's master plan might have included urban design considerations. But the likelihood of getting funds for such a large undertaking, estimated at well over \$1 million, was less than remote. Alternatively, urban design factors could have been included in an element-by-element revision of the

country, was eligible for "701" planning funds, although San Francisco as a city (over the 25,000 population limit) was not.

Acting on the possibility of the 701 funds to cover two-thirds of the planning effort, the city planners prepared more detailed study outlines and cost estimates. They knew they would want to study and to analyze the city's natural and man-made physical elements, including topography, views, landmarks, building height, land coverage, open space, and transportation systems. The planners were prepared to work at citywide, district, and neighborhood scales to produce a design plan with accompanying objectives, policies, and principles and to investigate all relevant means of carrying it out.

HUD also required a "social plan reconnaissance survey." One of its purposes was to define what a social plan for San Francisco might attempt to accomplish. The planners were more concerned that it provide sociological input into the design plan they hoped to produce. The total effort was estimated to take two years and to cost about \$270,000, of which \$180,000 was to come from HUD. The planners would have to come up with \$90,000 of local funds.

The planning staff felt that there was no possibility of getting \$90,000 from local coffers. Instead, they proposed to assign existing staff to the extent of \$70,000 and to seek \$20,000 from the mayor and Board of Supervisors. It proved difficult to obtain even this amount from the board; it was necessary for some of the planning commissioners to speak with some of the supervisors to get support. (For instance, Commissioner Julia Porter spoke to Supervisors Peter Tamaras and John Ertola.) In pursuing the matter before the board, the planning director stressed that the plan would provide a framework for private development that would help to eliminate the costly and divisive conflicts that were becoming characteristic of major building proposals. The board approved the \$20,000 budget request in early 1968.

Getting a small amount of money from the Board of Supervisors was difficult, but doable. Getting absolutely nothing from the state was almost disastrous. Although funding for the plan was assured by HUD's verbal approval, and although no state funds were involved, federal monies had to be channeled through a state agency. On March 22, 1968, the Planning Advisory Committee of the state office of planning denied the application for reasons that were never made entirely clear. However, there was some indication that the city's own Redevelopment Agency might have been involved in influencing the turnaround. (A note

master plan (as part of the individual elements that dealt with housing, transportation, commerce and industry, public facilities and services, open space, and so on). Aside from the funding difficulties associated with this approach, the planners saw the possibility of considerable redundancy, since a single design consideration, such as views, might relate to any number of separate plan elements. Further, this approach might bury urban design as a subject within other areas of concern.

Other approaches included separate design studies and plans for small areas most susceptible to rapid change and conflicts, design plans for larger districts that could serve as examples for the rest of the city, and plans for the design, use, and expansion of public lands and buildings, including new publicly sponsored projects. The initial work outline of the planning department, embodied in a document called "Purpose of the Urban Design Plan and Study," embraced the most central features of these other approaches within the proposal for a comprehensive citywide urban design study and plan.

Whether or not the proposal would be carried out depended in large measure on the planners' ability to obtain funds. In 1967, there was no chance of the mayor or Board of Supervisors approving the \$200,000 to \$300,000 that the study would cost. Besides, a previous planning effort, the Community Renewal Program, had left them with a bad taste as far as major city planning studies were concerned.⁸ Federal support seemed a possibility although the HUD officials, too, felt burned by the Community Renewal Program. On the other hand, HUD Secretary Weaver had spoken to the need for the kind of planning that was being proposed.

Early meetings with local HUD officials were promising if not definitive. They seemed to recognize that new people were on the scene, and they did not want to punish them for earlier problems. The federal officials were more encouraging about a comprehensive urban design study than about a second possibility, the "South of Market (Street) Study" that had been proposed by the planning department at the same time as the urban design plan. That proposal envisioned a comprehensive plan undertaking, including participation of residents, for a large area south of downtown. It was a district with myriad physical, social, and economic problems but also of much potential. It was home to a large number of low-income minorities. For many years, the area had been eyed for downtown and industrial expansion.

The federal officials came to understand that San Francisco as a

The staff had made an effort to choose people who might be expected to know the city. It became evident that few did. When they were asked to draw the city or to locate problem areas on a map, they displayed greatest familiarity with the northeast—downtown, Telegraph Hill, Nob Hill, Russian Hill, Fisherman's Wharf, Pacific Heights—the areas most commonly associated with San Francisco. Aside from the districts where they lived, they tended not to know other parts of the city very well. An all-day field trip was arranged in order for them to become more familiar with all of the city and for committee members and staff to get to know each other better.

At one point early on the committee was given a design exercise. Large sheets of paper were tacked on the walls of the meeting room. The committee members were divided into two groups. One was given the assignment of designing an entirely new city in the wake of a devastating earthquake. The second group was to assume that the city had been bought—lock, stock, and barrel—by Howard Hughes, who had hired this group to change it as it saw fit. Money was no object. To the planners, the conclusions and designs of the two teams were less significant than the fact that the committee members were beginning to think about the city in different ways and learning to communicate their concerns and desires.

Planners and committee members alike soon became aware that the committee, chosen by the planning department staff for the most part, was not representative of San Francisco's major interest groups. There were only two black members and one of these, a representative from the Economic Opportunity Council, dropped out in favor of another member of his organization, who was white. One of the two Chinese members, a high school student, became so involved with school activities that he, too, dropped out. There were no Chicano members and only three women. The poor were underrepresented. Unfortunately, the attempts that were made to broaden the committee were never too successful. The staff hoped to compensate for the deficiencies by direct contacts with diverse community groups. Such contact would come through detailed community studies, the ongoing neighborhood planning program, the interviews that were to be conducted as part of the overall study, and the responses to preliminary reports that would be distributed in the community. Nevertheless, from a look at committee membership alone, one might well conclude that the urban design study was in the hands of a somewhat elitist group.

in the planning director's files records a discussion with Jack Tolian of the mayor's office that took place on March 25, 1968. Apparently, Justin Herman, the director of the Redevelopment Agency, had said to Tolian, "You can get in trouble with those things." It was also reported that a representative of the state office of planning had spoken with the Redevelopment Agency director about the proposal.)

It took three months of telegrams, saber rattling, and explanatory and face-saving letters to get the matter back on track. With no significant changes from the original, the application was approved on June 21. It was not until the end of 1968, however, that contracts could be signed and work could commence. Approximately one year had passed between the decision to attempt to undertake an urban design plan and the signal to start.

From the outset it was intended by the city planners that a citizens advisory committee—the Urban Design Advisory Committee—be formed to help guide the study and to review and criticize work as it progressed.¹⁹ The intent was to represent a wide range of interests in a workable group of about 20 people with a good knowledge of the city—architects, landscape architects, neighborhood representatives, economists, racial minorities, conservationists, business interests, members of civic organizations, women, top government officials, planning commissioners. Some department heads were included for their knowledge and because they would be instrumental in carrying out the recommendations. If they participated in preparing the plan, the reasoning went, they would be more disposed to carry it out. The same reasoning was behind the decision to select two to three supervisors and a representative of the mayor. It was hoped, too, that the committee would become a force for carrying out the study's proposals.

The advisory committee had a hard time getting started, even after its first meeting, which was called in December by the planning commission. Few supervisors or department heads were present at the early meetings, and their absence was notable. Some committee members, especially the nonprofessionals, weren't sure what they were to do. Understandably, a few wanted to define their charge in the broadest terms, to encompass traffic, housing, education, and other issues. Some wanted to take positions on such current issues as the Transamerica building. They had to be dissuaded by the planning staff, who convinced them that sort of thing was not what they were there for—it was to work on a plan.

Francisco's planning program. The reports allowed staff planners who were not directly involved with the urban design study to keep abreast of its progress. Reports were completed at an uneven pace, varying from one every six months near the beginning to two in one month at the end.

The first report, *Preliminary Report No. 1: Background*, which appeared in March 1969, was intended to advise people what the city planners were up to. (Like the other seven, it is summarized in the urban design plan.) It presented information on the city's climate, natural features, and man-made environment. It included a map of the boundaries of some 82 city neighborhoods. This map indicated that there was considerable overlap among many of the neighborhood associations, and it gave some idea of their relative importance. Committee members were surprised at how much public property there was in San Francisco; the map showed that much of it existed in the form of public rights-of-way.

The publication provided some lessons that would help the city planners in later reports. For instance, some of the maps were almost impossible to read. And the fact that a glossary of urban design terms had to be included indicated that the planners were using words that were not in general use. Clearly, a change in their language was necessary.

The second report—*Preliminary Report No. 2: Existing Plans and Policies*—came out in July 1969. It was an analysis of the urban design content of the many plans and studies and ordinances that had been produced by public and private agencies. It was an attempt to make explicit the urban design policies that were only implied in the existing plans. The report pointed out that, until recently, natural and topographical features had, more than anything else, shaped San Francisco's form and character. Their influence had diminished with the increase in the scale of man-made structures, made possible by technological and economic inventions. The most important design decision had been the imposition of a gridiron street system over the hills, thereby emphasizing the importance of streets and of public views.

The preliminary report noted that two concerns were predominant in most plans: enhancement of the natural topography, and preservation of the special physical character of the city. Yet, the report concluded, except for a general height and form envelope that was implicit in existing zoning laws, no citywide design elements had been

Once it got under way, the committee met regularly, usually monthly. Eventually, it became influential in determining the outcome of the study. Members helped to enunciate the policies and principles that were to find their way into the plan, and they learned to differentiate between citywide matters that were legitimate concerns of the committee and specific neighborhood issues that were not. In addition, the committee's participation kept the planners' language in line, assuring that they communicated in terms that could be understood. And the mere existence of the committee prodded the planners into meeting deadlines for the simple reason that they had to have something to present at meetings.

There were no major conflicts between committee members, although there were differences of opinion. As might be expected, the chamber of commerce representative tended to resent ideas that might be restrictive of development. The conservation-oriented bloc on the committee may have kept him from pressing his concerns more strongly. On the other hand, the architects played roles that were quite different from those they played when they were representing clients at the planning department. Here they did seem to be wearing public as opposed to private hats. They offered and supported proposals to restrict building height, color, shape, and bulk, as well as the disposition of public property for development purposes. It was as if the architects welcomed a strong, conservative plan, recognizing that the normal development forces at work would force them to settle for less than totally desirable projects when they were representing private clients.

During the early period of the study, the planning staff prepared detailed study outlines and work programs, considered consultants to be hired, started hiring special staff for the project (mostly educated architects and urban designers), and began work they knew would be required. Between December 1968 and October 1970, eight preliminary reports and three special studies were produced and presented to the committee. From 400 to 500 copies of each report were distributed to elected officials, city departments, design professionals, and neighborhood and business organizations. The point of heavy reliance on preliminary reports was to encourage public response. That response could help later in fashioning a final plan. The preliminary reports allowed the staff to assemble the work in an organized fashion and make it available to the participants. They also provided a means of recording the details of the study, which would be helpful for future use in San

a lack of publicity. Although committee meetings were open, they were not announced to the public. Reporters attended on occasion, but they reported little, probably because there were no new major proposals forthcoming and no major disagreements among committee members.

Outside of the meetings, neither committee members nor staff did much to publicize their work. Everyone seemed to be feeling out his way and not too rapidly at that. The work at this point was like a very large pot of stew slowly simmering on a back burner, continually being changed by new additions.

The apparent lack of public interest in the study did not mean that urban design had ceased to be an issue. In fact, during this period, there was quite a lot of interest in specific design-oriented issues. There was public debate, for instance, over the plan for the northern waterfront area where height, views, and open space were major considerations. Public versus private use was an issue here, as it was where the future of Alcatraz Island was concerned, another issue that was being decided at this time. The public was making its voice heard over the Army's plans for more housing (and possibly fewer trees) in the Presidio, and the Transamerica controversy was just heating up. In response to public interest, the Board of Supervisors, in early 1970, approved the department's proposal for a 40-foot height limit along most of the ocean front.

The planning director was generally unconcerned with the lack of public attention to the study—he rather liked it that way until he knew there would be a product worthy of notice. Nonetheless, he was concerned at times that the study was not proceeding as well as might be expected. There were any number of meetings with assistant director Machis and Chief urban designer and project manager Richard Hedman to resolve differences and get pointed in one direction. Although the director knew Hedman to be a first-rate urban designer, and valued his abilities highly, they did not always communicate too well. But he was willing to wait before pushing any panic buttons. Hedman and he had been in these positions before and knew that quite a bit of muddling around was often necessary before ideas jelled. As time passed, the director gave more and more of his time to the underdaking, as much out of personal interest as out of concern for the outcome.

Although only three preliminary reports had been completed by the end of 1969, detailed research by staff and consultants was under way. Much of it was presented in January 1970 in *Preliminary Report No. 4: Existing Form and Image*, to which consultants Marshall Kaplan,

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articulated. Further, there was a general preoccupation with the area in and around the downtown and too little attention to design in the rest of the city.

During the early months of the urban design study, considerable time was spent in preparing detailed work outlines, starting field surveys, and learning how to work with each other. Four consultants were hired and so were a number of new staff members. Seven people who were new to the department worked on the first three preliminary reports (two had left after the first year). The new staffers were mostly young city planners, architects, and landscape architects recently graduated from various master's degree programs. Some were still students at the University of California's College of Environmental Design in Berkeley.

As the study proceeded, the members of the committee expressed some uneasiness as to what it was to achieve. They were not reassured by the staff's inability to be specific about the plans and the process of achieving them. Partly in response to the committee's concerns, but also to guide the work to follow, the staff worked with the committee to develop a series of goals, objectives, and policies. These appeared in December 1969 as *Preliminary Report No. 3: Goals, Objectives, and Policies*.

Major objectives and policies were not clearly articulated at this point. It was, in fact, a dull, rather unimaginative report, not the kind that would excite anyone. But still, some general guidelines were elucidated. New development, the report stated, should be compatible with the old, and it should also be in accord with natural land forms. The report noted that there was a relationship between physical safety and the design of the city. It also noted the desirability of achieving a community where people knew with ease where they were and how to get where they were going, in short where orientation was not a problem. One general objective was to maintain the city's physical and social variety. Several items were marked as being especially important: a well-designed street system; open spaces; topography; historic buildings and landmarks; distinctive neighborhoods; appropriate height, bulk, and color of new buildings; public views; the waterfront; and hilltops.

A simple one-page questionnaire asking for comments and suggestions was distributed along with the report. Response was light. Indeed, in its first year the study received little attention. In part this was due to

report concluded that as traffic increased, the livability of the street, as defined by the residents, decreased. "Livability," in this case, included such factors as length of residence, satisfaction with the area, degree of neighborliness, where people spent time in their homes (in relation to the street), and residents' perceptions of features in the street environment. The report may not have told anything new to many city planners and residents, for they had long since come to the same conclusions. But it gave them ammunition to press for a reduction and slowing of neighborhood traffic. It should not be surprising that the city's traffic engineers were none too happy with the report.

The *Street Livability Study* says something about the relative effectiveness of consultants. Generally speaking, the two consultants who were hired directly as individuals and who worked either with a few of their own employees or directly with department staff members were more effective than the two firms that were hired. The problems did not necessarily lie with the firms selected. But the staff had less contact with them, especially with the principals involved. This meant that the department had to be more specific about what the consultants were expected to produce than was necessary with individual consultants. It was not, unfortunately, always possible to be so specific. Also, the firms were less aware when shifts in emphasis took place and therefore less able to adapt their work. Thus, it was more difficult to integrate their efforts into the preliminary reports. The cause of the difficulty may well be that the planning department was not accustomed to working with consultants in an efficient and productive way.

Presentations in July of *Preliminary Report No. 5: Urban Design Principles*, by Tom Aida, the consultant who prepared it with the staff, marked a turning point in the study. This report used words and sketches to present "certain fundamental rules that govern the measurable and critical urban design relationships among elements in the city's environment." It organized these rules, or principles, into three sections: streets and the qualities of pavement, sidewalks, and furnishings ("Extremely wide streets in residential areas devote excessive space to the automobile at the expense of pedestrians, and encourage speeding, creating a safety hazard as well"); relationship of the streets to building facades ("Blank walls are dead places on the street and should be avoided," and "Intricate entries, traditional in San Francisco, add to the visually habitable space of the street"); and the relationships among

Gans, and Kahn; Okamoto/Liskamm, and Donald Appleyard contributed. This was a 207-page, four-part report. The first part, "Quality of the Environment," evaluated every block in the city, rating the environmental strengths and deficiencies of each according to a scoring system that was developed to achieve consistency and objectivity. Nine factors were considered, including quality of maintenance, views, distance from public open space, presence of trees and other natural features, and the amount of local traffic. This analysis was to help determine what areas of the city needed environmental improvements.

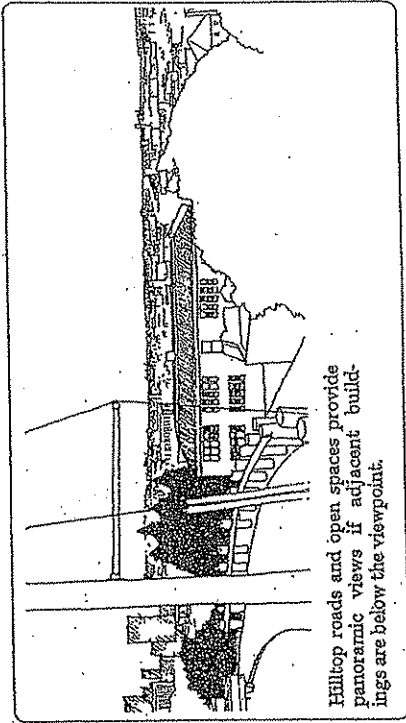
The part of the report called "Internal Pattern and Image" recorded for the city as a whole and for each of its districts the elements that allow pedestrians to perceive the organization of the city, to orient themselves. These include landmarks, views, centers of activity, and movement patterns. The study listed design problems and opportunities in each district.

A study of the "Road Environment," prepared by consultant Donald Appleyard working with the planning department staff examined the city as it is seen by drivers on arterial roadways in both short- and long-range views. The visual quality of each section of roadway was evaluated in terms of its maintenance, order, and clarity.

Finally, an "External Form and Image" study used photography to analyze the broad panoramic views of the city. The strong form-giving elements—shoreline, hills, prominent tree stands—were identified, as were disrupting influences. Two working reports were prepared by the consultant for this study.

In sum, the fourth preliminary report represented a detailed description and analysis of San Francisco's natural and man-made physical form elements. It borrowed heavily from the ideas and methods of Kevin Lynch, but it also developed its own survey and analysis techniques.¹¹ By the time the report was published in January 1970, much of its content had been presented to the committee. Still, the members had a hard time digesting it and some of them wondered aloud what to do with it. If the staff at that point was none too sure, no one let on.

Of the special reports and studies that were prepared, the *Street Livability Study* is the most significant. It was written by Donald Appleyard, working with the department's staff, and appeared in June 1970. Appleyard studied three separate city blocks with light, moderate, and heavy traffic conditions, in order to determine the effects of traffic volume upon the residents' attitudes and living patterns. The

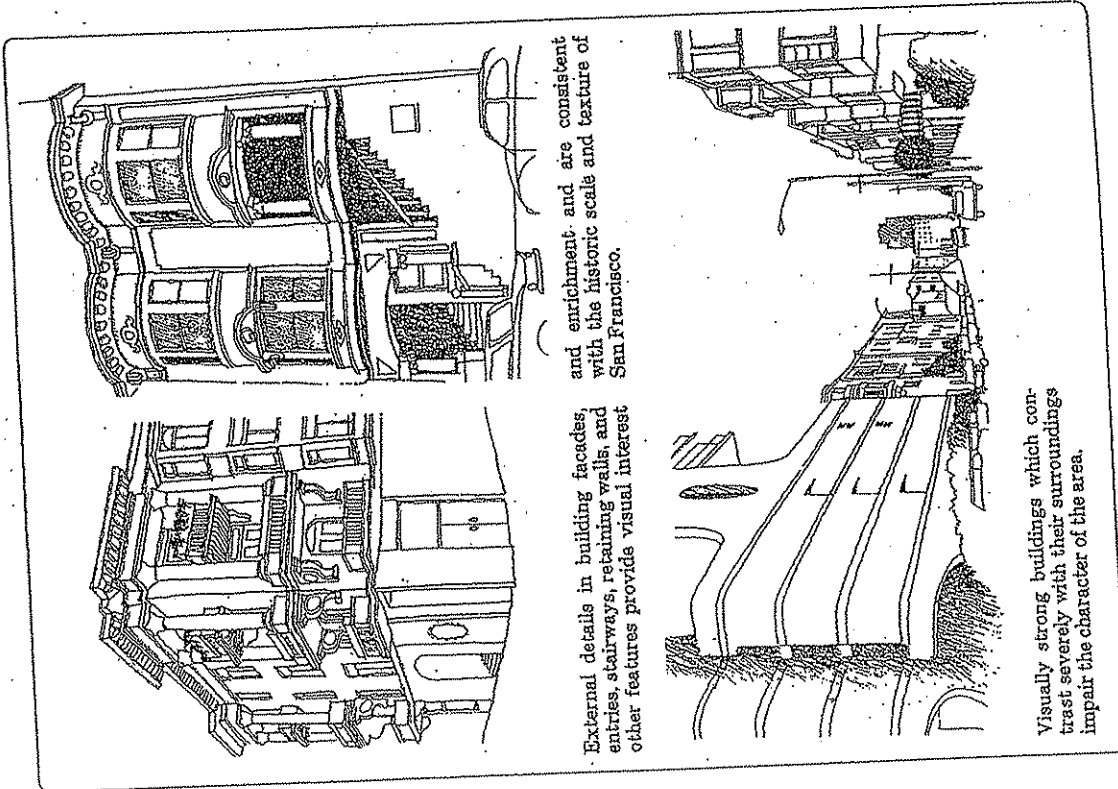


Hilltop roads and open spaces provide panoramic views if adjacent buildings are below the viewpoint.

street patterns, building masses, and topography ("High buildings in a valley obscure the distinction between hills," and "Tall buildings on slopes of hills severely restrict views from above").

The reaction of the committee and of the planning commission was enthusiastic. "The only thing that's missing," said one committee member, "is a principle about overhead wires." A slide presentation of the report at the annual meeting of the San Francisco Planning and Renewal Association met with similar approval. People were responding to these proposals exactly as the staff hoped they would, accepting them as "design truths" about the city.

By the summer of 1970, the planning director sensed that the department had a winner in the making. He could not anticipate the details of a final plan or the form it would take, but he felt sure that it would represent top-notch professional work. The urban design staff was beginning to work as a team. Slowly, the director began to let some of the planning commissioners know that they could expect something of good. The Transamerica controversy had soured relations with some of the commissioners. So, also, had the commission's approval, over the planning director's objection, of zoning changes that would have permitted a large U.S. Steel-sponsored development at the waterfront. In a meeting with Julia Porter, a key commissioner, and one with whom his current relations were at an all-time low, the director communicated his expectation that the new plan would help avoid future problems of the sort they had been having; he asked for her help so that the work would not pass without notice or effect. She agreed most readily.



External details in building facades, entries, stairways, retaining walls, and other features provide visual interest and enrichment and are consistent with the historic scale and texture of San Francisco.

Visually strong buildings which contrast severely with their surroundings impair the character of the area.

Above and opposite: Examples of urban design principles related to conservation and city pattern. (From the Urban Design Plan)

Work continued, and in September, the sixth report, the *Social Renaissance Survey*, was ready. It contained the results of interviews with residents in 13 neighborhoods, all with different social characteristics. They had been asked about their satisfaction with the neighborhood, their access to community facilities, the features they desired in the local environment, the trends that they perceived, and the public improvements that they thought should be made. The consultant interpreted the results of the survey in relation to the courses of action that were possible and ranked priorities for various types of neighborhoods. Some of the results provided checks against the environmental surveys. Traffic, distance from open space, and public and private maintenance were seen by the respondents as major problems.

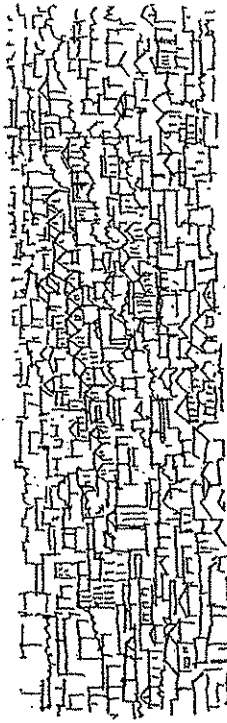
It had always been expected that the studies that would be undertaken would include both large sections of the city and small areas of no more than a few blocks. Seven of these small studies were completed and presented in sketch form in working reports—grouped under the title "Workbook: District and Neighborhood Designs." In the black Divisadero Street area, for example, the staff and an economic consultant known as PACT (Plan of Action for Challenging Times) worked together with a merchants' association on methods for improving a four-block section of the street. Two studies discussed public improvements that might be carried out as part of the Federally Assisted Code Enforcement program. One of these studies presented alternative proposals for air rights development over a rail yard. The studies were valuable in familiarizing staff with the local issues, and the amount of this kind of work increased throughout 1970.

In October, the department released its last two preliminary reports. *Preliminary Report No. 7: Implementation Approaches* described a framework and various means for implementing the proposals being developed. As Peter Swirsky put it in an article in *Planning* magazine in January 1973, the "report took stock of the various city powers in urban design questions, both direct city actions and controls over private development. In the case of each power, the process of public involvement was reviewed and the relevant parties and their decisions identified. This . . . report helped to gear the study to practical actions by which the plan could later be carried out."¹²

Preliminary Report No. 8: Citywide Urban Design Plans was the last of the preliminary reports. It described the major components of a final plan: the principles, policies, maps, and guidelines relating to open

space and landscaping, arterial streets, and street environment in residential areas; the public values inherent in the retention of street space; and height and bulk of buildings. The response to a questionnaire distributed with the report was light, but it did indicate that the policies and guidelines were reasonable and that, if anything, more restrictions than those suggested would be in order.

Toward the end of 1970, about two years after work on the study had started, most of the scheduled research and analysis had been completed and final plan proposals were under way. In anticipation of events to follow, it is worth reviewing the roles, to this point, of significant actors in the planning process.



Without question, the city planners had played the dominant role in the study. It had been their idea in the first place and they had controlled the work. They also had a major say in choosing the committee, which was their brainchild to begin with. But bringing the work to its present stage had not been all tea and crumpets. When one considers that at least 15 professional staff members and a number of consultants had at one time or another spent large amounts of time on the project, it is not surprising that there were disagreements. The subjects of these disagreements ranged from personal style to matters of substance, methods, and relevance. The fact that scarce staff resources were being channeled into the urban design project aroused some animosity among staff members who were not involved.

Disagreements about design were decided at staff meetings, usually with some sort of compromise, but by executive decision when necessary. If bad feelings remained, they seemed minor compared to an overall sense of purpose and expectation that grew as time passed.

The Citizens Advisory Committee had played an important and active role in guiding the work, especially in acting as a sounding board

committee concerned with plan implementation took a strong stand against street vacations and supported restrictive legislation. They also supported an experimental program that was designed to modify residential streets in order to eliminate nonlocal traffic. However, the committee favored a "go slow, wait and see" approach to legislation that would restrict the future height and bulk of buildings. Future events would help to change this position.

Although reporters from the two major dailies had attended some committee meetings, there had been few news stories on the work that had been done to date. The *Street Livability Study* had received a fair amount of coverage, but on the whole there was probably little more public awareness of the study in late 1970 than there had been a year earlier. Nevertheless, public interest in urban design issues continued to grow. In October 1970, the month in which the last two preliminary reports were released, there was a march along the waterfront to protest the U.S. Steel proposal, and on the nineteenth, Alvin Duskin took out another full-page ad in the *San Francisco Chronicle* to object to high-rise development. "Skyscrapers Are Economically Necessary," read the banner, "But Only If You Own One." In November, the Board of Supervisors passed a policy resolution prepared by the planning staff calling for removal of the truncated overhead Embarcadero Freeway and requiring that any new freeway connection to the Golden Gate Bridge be below-ground.¹⁸ Later, the supervisors rejected the U.S. Steel proposal in favor of the much lower height limits that originally had been proposed by the planning staff.

The urban design plan that emerged in 1971 provided a definition of design quality for San Francisco. In it was a set of objectives, principles, and policies (including mapped plans) that dealt with the physical and sensory relationships between San Franciscans and their environment.

The "City Pattern" section emphasized the characteristics that give people an image of the city and its neighborhoods. It talked about the relationships of buildings to land and topography, the street system as an orienting and unifying element, landscaping and lighting, open space, and views. The section on "Conservation" was concerned both with preserving unique natural areas, with maintaining the character of distinctive areas, with preserving historic buildings, and with preserv-

for the ideas of the planners. For the most part, however, the involvement of the committee ended when the meetings ended. The members came to meetings and they did their homework. But then they went their separate, busy ways. To the planning director, the committee still appeared to be more a gathering of individuals than an organized group with a well-defined role. There was no evidence to suggest that it would become a long-term force for advocating the proposals embodied in the study.

In general, it continued to be true that the architects on the committee favored strong public initiatives on the kinds of urban design questions being discussed. They favored decisive public actions and controls. Their views carried weight with other members and were encouraging to the staff, which might well look to the architects for future support. On the whole, most citizen-members took what might be termed urban preservation positions. On one or two occasions they expressed strong misgivings to the director about actions that the planning commission had taken in favor of specific developments. The committee took no strong positions on racial or minority issues.

Citizen interest was matched by noninvolvement of officials. The department heads who were invited rarely appeared themselves, and rarely sent representatives, and the representatives sent by elected officials were generally silent. Perhaps they viewed their function on the committee as primarily information gathering.

To this point, the supervisors had expressed no interest in the study they had helped fund. They and their administrative assistants had been given copies of all preliminary reports, but they had not commented on them. Similarly, the mayor indicated no particular interest or knowledge of the study, and at meetings with the planning director, he was usually preoccupied with more pressing issues. But the director did advise him that the work was progressing and assumed that his representative on the committee did likewise. During 1970 the mayor was considering a race for the governorship, and some of his attention may have been diverted from city affairs.

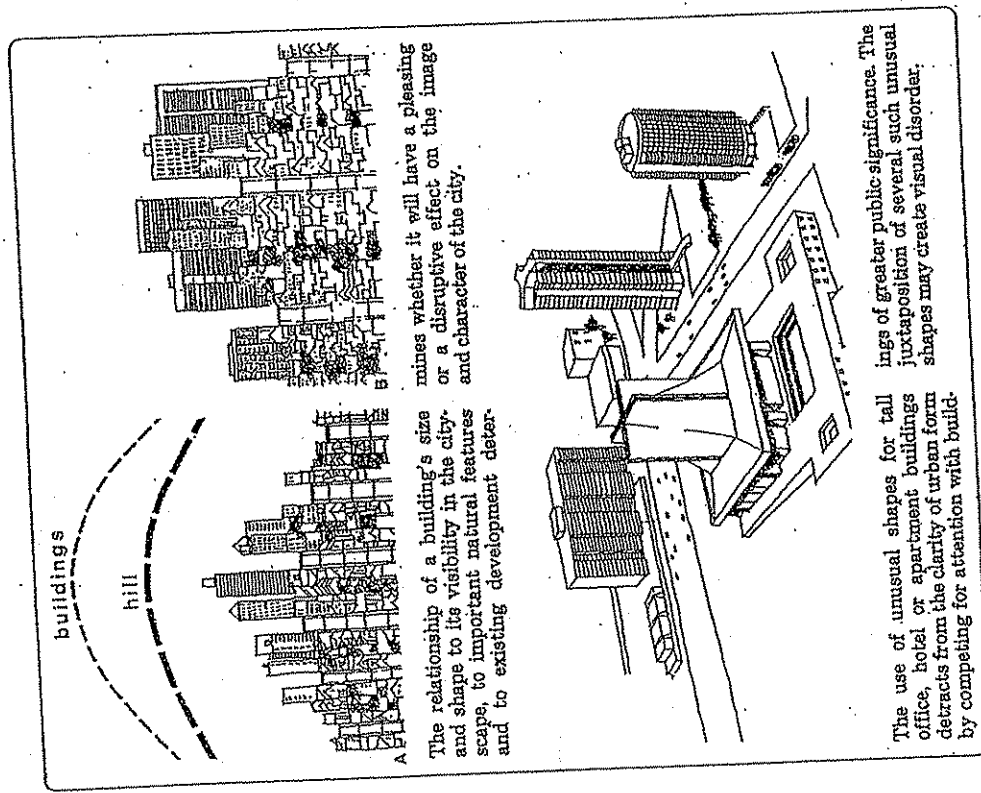
The planning commissioners were also not actively involved in the early months of the study, although they did pay more attention as time passed. On December 1, 1970, for example, Commissioner Porter took time to write a memo reviewing the last preliminary report, commenting on those ideas that she found particularly appealing and one or two that she did not. In late 1970, members of a planning commission

ing streets as valuable public open space. The "Major New Development" section included guidelines for the height, bulk, shape, orientation, and color of new buildings. It included policies to discourage accumulation of large parcels unless their development would fit in with the character of the rest of the city. The last section, "Neighborhood Improvement," dealt with all sorts of improvements that would increase neighborhood livability, including ways to limit traffic in residential areas.

All told, the plan proposed four objectives, 86 principles, and 45 policies for the design of San Francisco. It did not include any illustrative plans that would give an architectural expression of what the city might look like at some future date or from which models could be made. The planners concluded that such efforts are usually counterproductive when the main concern is getting a plan adopted and carried out. They felt that models and site plans represented only one physical expression out of the thousands that are possible and desirable, and that too often planners had a vested interest in a particular design. Besides, such models and drawings often made people hostile and suspicious, and they suggested massive, and often arbitrary, public projects that are preceded by condemnation of someone's private property. Too often, the planners felt, the models drew attention from the basic principles and policies that are central to any citywide plan element.

A great deal of thought went into presentation of the study. What was to be presented of all the research, background studies, and rationale for the plan? And how was the plan to be made known to as many people as possible? Merely publishing an attractive study would have used up the short supply of printing funds and would have left the planners one step and months of discussion shy of a final plan that could be adopted. It was unlikely that available funds would have permitted publication of more than 5,000 copies of a quality publication. The staff wanted to present a document that would be adoptable as a part of the master plan. Too many changes in the draft plan would be time-consuming and costly, yet there had to be public review and comment, and that was sure to bring changes.

The decision in the end was to publish a plan in adoptable form, rather than a study with pieces of a plan in it. It had to be attractive and easy to understand, yet in a form and language that could be adopted as a part of the master plan. Background material would have to go in a



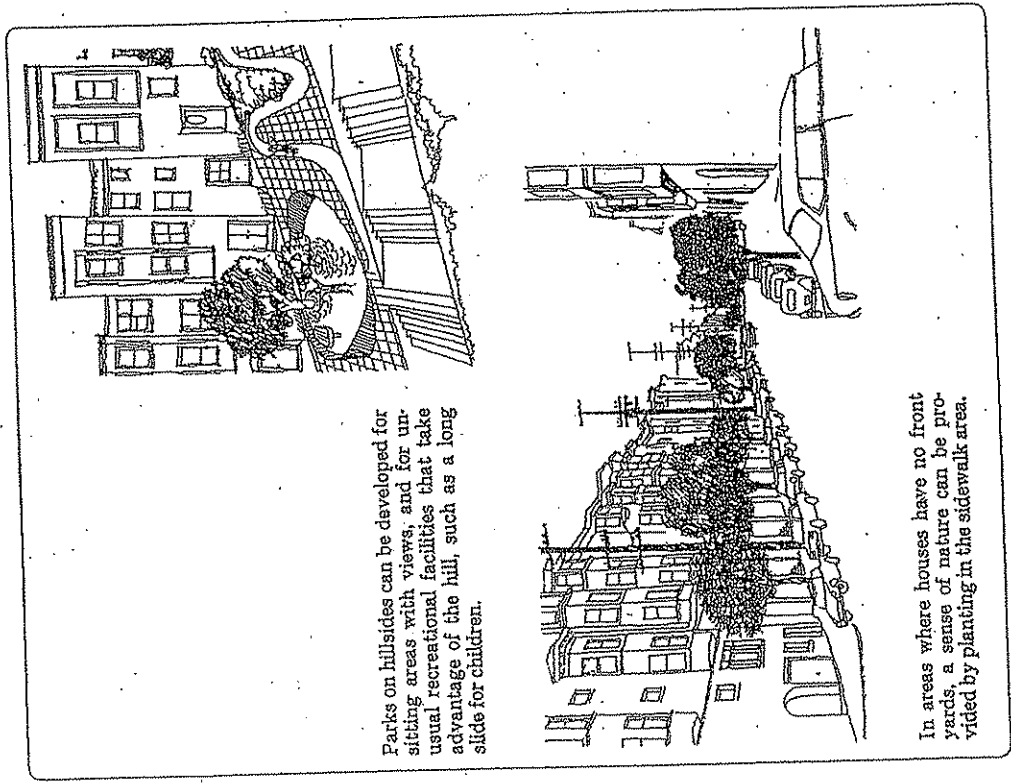
Examples of urban design principles related to new development.
(From the Urban Design Plan.)

short section that could introduce or conclude the plan. Peter Svirsky, the best writer in the department and a lawyer with a dozen years of planning experience was to edit the final text. He had participated in the work. A decision was also made to present the plan to civic leaders with some splash via a multiscreen slide show. The show would take place at a central location that would then be opened for continuous public viewing. Dick Hedman was to orchestrate that presentation. These decisions were being made as 1970 came to a close. It would take five months to carry them out.

During the period immediately prior to publication of the plan, the high-rise issue was heating up.¹⁴ By getting nearly 30,000 signatures, Alvin Duskin had managed to get his first initiative to limit the height of buildings on the ballot in the fall of 1971. The issue that people would be voting on was whether all future buildings should be limited to six stories, or 72 feet. Partially in response to Duskin's proposal, but also as a consequence of recent fights over major development projects, studies were being proposed by the San Francisco Planning and Urban Renewal Association and others to assess the costs and benefits of high-rise construction or, as some put it, to determine the effects of "Manhattanization." On May 18, the Planning and Development Committee of the Board of Supervisors held a hearing on the Duskin initiative and the desirability of studies related to the height issue. In his testimony, the planning director used the opportunity to let people know that the urban design plan, which would be released in two days, would address the issue.

On May 20, 1971, the urban design plan was presented to an invited audience that included the mayor, members of the planning commission, the advisory committee, department heads, and officers of neighborhood associations throughout the city. The supervisors were invited, but only two or three bothered to attend. The four-projector, three-screen presentation was an immediate success. Press coverage was excellent, and by Sunday, after three more presentations, standing-room audiences cheered at the conclusion of each showing. Some people came a second time. An estimated 1,300 people attended the initial four presentations. Copies of the plan were given out free at the showings.

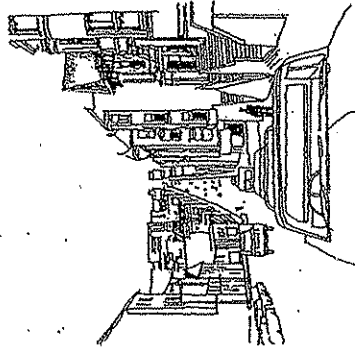
In June and July, public presentations of the plan were made to neighborhood and citywide organizations. The response was good, whether the presentation was to a large neighborhood audience in the



Parks on hillsides can be developed for sitting areas with views, and for unusual recreational facilities that take advantage of the hill, such as a long slide for children.

In areas where houses have no front yards, a sense of nature can be provided by planting in the sidewalk area.

Examples of urban design principles related to neighborhood environment. (From the Urban Design Plan.)



Sunset district or to a downtown luncheon meeting of the prestigious Blyth-Zellerbach Committee, arranged by Commissioner Fleishacker. There was an equally favorable response from over 100 people and organizations who provided written comments or who spoke at the three public hearings held in July or August. Although many minor changes would be made as a result of the hearings, the testimony was not so much concerned with the substance of the plan as it was with implementation. Many people seemed to be saying, "Well of course, but what are you going to do about it? What are you, the commission and staff, going to do to make the plan a reality?" There was a ring of challenge to their words.

The city planners had given a great deal of thought to the question of implementation. The last section of the urban design plan publication, called "Implementing the Plan," contained a checklist of the major actions that would have to be carried out, primarily by public agencies. An answer to the question of where to start was suggested by the progress of Duskin's height initiative. Peter Svirsky suggested immediate action to control, citywide, the height and bulk of buildings. The idea was for the staff to make a formal proposal, to which the commission would agree formally, to hold hearings on zoning proposals that would reflect the plan's height and bulk guidelines. The staff would then be given about six months to prepare specific zoning standards and maps. This proposed action, if taken (by adoption of a simple resolution by the commission), would have the effect of putting the height and bulk guidelines of the plan into immediate force as interim legal standards.

Seven months earlier the planning commissioners had favored a "go slow" policy for legislation to control building height and bulk. In August, possibly due to the favorable reception of the urban design plan, they were much more positive. Fleishacker accepted the idea immediately. Commission President Walter Newman was inclined to approval, but he wanted time to consider the idea, and he wanted to know how other commissioners felt. Only Julia Porter expressed strong misgivings. She was concerned about the rapidity of the proposed action, but she was willing to go along with the rest of the commissioners, and they seemed ready to accept the idea.

At what seemed to be the last minute, Newman said that such a major action as interim citywide height and bulk controls should not be taken without the knowledge and approval

of Mayor Alioto. The director, who was then on good terms with Alioto, was nevertheless fearful that the mayor would not approve the action. He, however, was in no position to oppose a meeting. Newman arranged it for the morning of August 26, the same day that the commission was scheduled to take action on the plan and to pass its resolution on the interim controls.

Alioto expressed all sorts of reservation about the proposal. He questioned its legality and the need for such speed. He was worried about the response of labor leaders and about the major developments that might be stopped. Finally, he questioned the need for such an action in the first place. The response was that the action had been found in accord with the law, that it was a step toward implementation of a plan that the mayor himself had praised, that it would provide a meaningful response to the Duskin initiative, that little or no effect on jobs and labor was anticipated, and that it might help stop confrontations over major building proposals. The director added that a long public discussion before interim controls were established would invite a rash of building applications, and if these were filed before the commission acted, the purpose of the legislation would be negated. The discussion went back and forth for about two hours, with no firm decision. Shortly after noon, with the mayor hurrying off to a meeting, Newman asked to see him alone for a minute. He emerged to advise the director that if they informed two labor leaders and got no opposition from them, the mayor would approve the action.

Newman spoke to one of the labor representatives; the director talked to the other, by phone. They had never spoken before. After the director briefly explained the impending action and assured him that

drew heavily from the urban design plan in regard to front and rear yard building setbacks and off-street parking requirements.

Public design review of private building projects falls within the realm of public regulation of private property. The California Environmental Quality Act of 1970 led to the requirement of environmental impact reports for all significant private and public projects. This meant that proposed projects would have to be checked against the environmental plans of local communities; in the case of San Francisco, the urban design plan. By 1975, the planning department's project review section was using the urban design plan as a design manual for review of some 100 projects each year.¹⁸ In all these cases the planners were in a strategic position to help implement their plan.

By 1977, the plan had been less successful in influencing direct public actions than in regulating private development. The mid-1970s were not noted for significant activities in the way of public improvement projects of any kind in San Francisco. Redevelopment had slowed, as had urban beautification, code enforcement, and rehabilitation programs. There were no major road projects. In the face of mounting costs, fewer major public building projects were undertaken. In the mid-1970s the plan's influence seems to have been limited to a few small neighborhood projects, designed in accordance with the protected residential areas concept to limit and control auto traffic and provide small, landscaped play and sitting areas. The largest of the projects, which was under construction control of the Department of Public Works, took some two years to get started after it was approved and its funding assured. By that time new participants with different views helped bring substantial reduction in the project's scope. In regard to the plan's influence or noninfluence on public projects, it will be recalled that the heads of the major operating departments, though invited, did not participate significantly in the plan's preparation. They were not committed to the results of that work.¹⁹ On a more positive note, various neighborhood groups have drawn heavily on the plan in doing their own plans. In 1977, designers of a major new sewer construction project indicated that they were sensitive to the urban design policies and principles that were incorporated in the plan. The plan also served as a major input to other master plan elements, most notably in the areas of transportation, recreation and open space, and conservation. Both the background studies and the plan itself are reflected in later work.

the effect on jobs would be minimal, the labor leader asked what would happen, by way of example, to one or two specific properties on Mission Street. He seemed satisfied with the answers.

That afternoon, almost three years after the urban design study started and four years after the staff started developing the idea, the planning commission adopted the urban design plan as part of the city's master plan. In a separate action that was not anticipated by the public, the commissioners took the first step toward implementing the plan by putting in force interim controls on the height and bulk of buildings.

Passage of the urban design plan did not in itself solve any of San Francisco's design-related issues or conflicts. A plan can respond to issues but it cannot solve them any more than house plans provide shelter or full-employment policies provide jobs. Solutions come from the decisions and actions that stem from the documents. The plan addressed issues of height and views, but its adoption by the planning commission did not create low buildings or preserve views. On the other hand, the interim controls did limit height, at least temporarily, and they were possible only because there was a plan to work from. The plan provided a basis for choosing among the various alternatives in a given situation and a framework for considering the probable consequences of any action. That is what city planning is supposed to do; it is the city planning process at work.

It is not our purpose here to provide a critique of the plan or to assess its effectiveness in solving immediate and long-range issues and in directing San Francisco's development to desired ends. We can, however, describe briefly some of the uses to which the plan has been put.

The legislative actions taken by the Board of Supervisors to carry out the urban design plan have been notable. We will see that permanent legislation to replace the interim height and bulk standards was passed with dispatch. In 1972 legislation was passed to establish the old, small-scaled, largely brick Jackson Square area immediately adjacent to downtown as an historic district in conformance with the plan. By 1973 there was an ordinance to assure that overhead building projections into public rights-of-way would produce bona fide bay windows consistent with San Francisco traditions and not simple floor-area bonuses for developers. The interim residential zoning controls passed in late 1973

The urban design plan came at a time when there was a rediscovery in California of comprehensive planning as a basis for decisions about development and preservation. In 1968, when work on the urban design study started, state laws had prescribed three elements for local master plans. By late 1971, nine elements had been mandated. It is unlikely that San Francisco would have prepared an urban design plan to address concerns held to be important locally had the planners not started the work when they did.

The plan is significant as an educational document; it was widely distributed and apparently widely read. Following its adoption it was quoted in detail by citizens at public meetings to support or to oppose all sorts of planning proposals and new projects. It proved to be a worthwhile aid to citizens in helping to determine the kind of community they wanted.

A problem with all of this lay in the propensity to view the urban design plan as synonymous with the master plan. People forgot, or never knew, that city planning was more than urban design, that an element dealing with housing had been passed and was at least as important, and that elements covering such matters as transportation, open space, public facilities and services, commerce and industry, seismic safety, and changes to citywide land-use plans would be forthcoming. The city planners were aware that such misunderstandings have often led to charges that city planning is an elitist concern. But, on the whole, in late 1971, the planners might be excused the feeling of satisfaction that comes with widespread acceptance of their work.

This account of the preparation and adoption of the urban design plan gives rise to a number of observations and questions: What if urban design had not been the public issue that it was? Would that mean that no urban design plan should have been undertaken, or if attempted, might not have been successful? Did the location of the planning department under a semi-autonomous commission have a significant bearing on the preparation of the plan and on its nature? Would a plan be more oriented toward public works and projects if it were prepared in a mayor's office, or under the legislative body? Would the plan have been significantly different if prepared in conjunction with other elements, or with greater citizen participation? In what ways could the planning department have attracted greater participation by repre-

sentatives of other departments, and would such participation have insured greater commitment to a final plan? Could the advisory committee have played a stronger role in the process?

As interesting as a pursuit of these questions may be, we are more concerned here in pinpointing the reasons for the plan's successful completion, widespread acceptance, adoption, and early uses. Such an assessment was made by Peter Svirsky in the article quoted earlier, and it will be expanded upon here.¹⁷

From the beginning, the planners had some general idea of what they wanted to end up with. This may sound obvious, but it is not always true. Knowing what you want means having a work program and budget and trying to stay with them. It would have been easy to run out of time, money, and staff and have no place to go.

Both the plan and proposals for implementation were based on a detailed, step-by-step study done in a professional manner. Study methods were documented and recorded. The preliminary reports were impressive in their detail and thus helped to add legitimacy to the final product. The quiet, unpublicized, back-burner nature of some of the early studies and research was probably important: there were minimal external pressures to produce one thing or another and the planners were permitted to feel their way.

If a good professional job has been done all along, community people are likely to respect the work. They will be more prepared to act on it if there are no major gaps in information and knowledge. Professional competence did not go unnoticed by the community. The department was also aided by the fact that its staff had experience in both policy planning and practical zoning administration. This range permitted considerable interchange of knowledge and experience and resulted in many proposals that could be implemented in straightforward ways.

The urban design plan was prepared with the intention that its policies would be carried out. It included a list of measures to be taken to implement the policies, and one preliminary report was devoted entirely to implementation. Throughout the study period, two questions were asked over and over again: "How would you carry it out?" and "How realistic is the proposal in terms of its being implemented?" This does not mean that no proposal could or should be made without a surefire way of carrying it out. It does mean thinking continually about means of achieving desired ends.

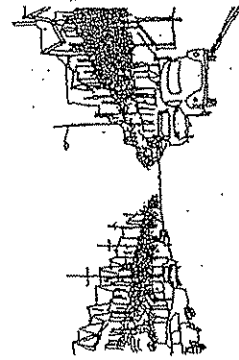
Notes

1. The "urban design plan" became the urban design element of the San Francisco master plan upon adoption by the city planning commission on August 26, 1971. The plan was published by the San Francisco Department of City Planning in May 1971. The complete title is *The Urban Design Plan for the Comprehensive Plan of San Francisco*.
2. San Francisco Department of City Planning, "Descriptive Summary of the Proposed Urban Design Study and Plan for the City and County of San Francisco," February 26, 1968, p. 1.
3. San Francisco City Planning Commission minutes of August 22, 1968, Conditional Use 68.20, Resolution 6255.
4. Student Land-Use Group, University of California, Berkeley, "Position Paper on Land Use," May 6, 1976.
5. *Urban Design Plan*, p. 3. See also Kevin Lynch, "City Design and City Appearance," in W. J. Goodman and Eric C. Freund, eds., *Principles and Practice of Urban Planning* (Washington, D.C.: International City Managers Association, 1968, pp. 249-76.)
6. Daniel H. Burnham, *Report on a Plan for San Francisco* (San Francisco: Sunset Press, 1905).
7. See Lynch, "City Design and City Appearance," p. 249, for a discussion of the kinds of design that are a part of city development.
8. San Francisco Department of City Planning, "Descriptive Summary of the Proposed Urban Design Study and Plan for the City and County of San Francisco," February 26, 1968, p. 3.
9. Arthur D. Little, *San Francisco Community Renewal Program*, October 1965.

It was important to focus on the plan as a policy document. Specific project designs might have diverted attention from the debate about visual aspects of the environment. Even detailed examples of ways to divert or slow neighborhood traffic were placed in a policy context. As controversies over such matters as the Duskini initiative and individual building proposals continued, the plan was quoted, misquoted, and ridiculed. But it was also given symbolic importance by many and, most important, it was used as a basis for one or another position. The public was aware of the policy-setting role of the plan and indicated an expectation that it would be implemented.

Timeliness, public awareness, and understanding of the political climate, and a recognition of opportunities and willingness to use them—all were important to the plan's adoption and to early measures toward implementation. The planners were aware of the nature of the times, and they were convinced that urban design was an issue in 1967. Their plan emerged as public concern peaked. This does not mean that plan preparation would have been a meaningless effort had the timing been less fortunate and awareness less developed. Other times (and other places) with less, or more, public awareness and with different participants would have dictated other approaches to the design of the city. In this case, a responsive and a soundly based set of policies was at hand, to be adopted and implemented when the time was right. What if there had been no plan at this time? The city planners were ready.

Timing was important to the reception of the urban design plan and to its early adoption. There is no assurance that in the future, planners, commissioners, elected officials, or community residents will look as kindly on this plan as those who were present during its early years. But it now exists and must be dealt with, and there is every indication that the plan will indeed be used as a guide for a great variety of design decisions about the city's future.



more to citywide policies and principles than to the design specifics of public works. It was concerned with the process of all development and with moderating private development, which the planners could not design themselves. An orientation toward influence and legislation, matters that could be controlled by the San Francisco planners, is therefore understandable. To contrast the Boston and San Francisco plans, see Boston Redevelopment Authority, *1965/1975 General Plan for the City of Boston and the Regional Core*, March 1965.

10. Letter from San Francisco City Planning Commission President William Brinton to David Mayes, a landscape architect on the committee.
11. Kevin Lynch, *The Image of the City* (Cambridge: Technology Press and Harvard University Press, 1960).
12. "San Francisco Limits the Buildings to See the Sky," *Planning*, January 1973, p. 10. Peter Swirsky is a lawyer and planner who was on the staff of the San Francisco Department of City Planning.
13. San Francisco Board of Supervisors Resolution 673-70, November 9, 1970. See also Jerry Burns, "Tough City Stand on a Freeway," *San Francisco Chronicle*, November 10, 1970.
14. Swirsky, "San Francisco Limits the Buildings," pp. 10-11. Also see Patrick J. Hern, "Reclaiming the Urban Environment: the San Francisco Urban Design Plan," *Ecology Law Quarterly*, vol. 3, 1973, p. 539. For a partisan description of major planning controversies, see Bruce Brugmann and Gregg Sletteland, eds., *The Ultimate Highrise: San Francisco's Mad Rush Toward the Sky* (San Francisco: San Francisco Bay Guardian Books, 1971).
15. Dean L. Macris, "Design Review Process," memo to San Francisco City Planning Commission, March 13, 1975. Macris was then city planning director.
16. To some extent, the relative success of the legislative efforts to carry out the urban design plan as opposed to the limited success of programs and actions requiring more direct public action was determined by the nature of the plan and the people who prepared it. In this regard, the urban design plan can be contrasted with the Boston General Plan of 1965, an urban design-inspired plan. The Boston plan has a strong orientation toward public projects and improvements. It places some dependency upon a "capital web" to shape the city and to influence future development. It was prepared in an era of large and expensive federally funded redevelopment projects by the staff of the Boston Redevelopment Authority. Direct public design or control of projects could thus be anticipated. The San Francisco plan was oriented

17. Swirsky, "San Francisco Limits the Buildings."



SAN FRANCISCO PLANNING DEPARTMENT

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

Appeals to the Board of Supervisors

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

This form is to be used by neighborhood organizations to request a fee waiver for CEQA and conditional use appeals to the Board of Supervisors.

Should a fee waiver be sought, an appellant must present this form to the Clerk of the Board of Supervisors or to Planning Information Counter (PIC) at the ground level of 1660 Mission Street along with relevant supporting materials identified below. Planning staff will review the form and may sign it 'over-the-counter' or may accept the form for further review.

Should a fee waiver be granted, the Planning Department would not deposit the check, which was required to file the appeal with the Clerk of the Board of Supervisors. The Planning Department will return the check to the appellant.

TYPE OF APPEAL FOR WHICH FEE WAIVER IS SOUGHT

[Check only one and attach decision document to this form]

- Conditional Use Authorization Appeals to the Board of Supervisors
- Environmental Determination Appeals to the Board of Supervisors (including EIR's, NegDec's, and CatEx's, GREs)

REQUIRED CRITERIA FOR GRANTING OF WAIVER

[All criteria must be satisfied. Please check all that apply and attach supporting materials to this form]

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of that organization. Authorization may take the form of a letter signed by the president or other officer of an organization.
- The appellant is appealing on behalf of a neighborhood organization which is registered with the Planning Department and which appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of a neighborhood organization, which was in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications, and rosters.
- The appellant is appealing on behalf of a neighborhood organization, which is affected by the project, which is the subject of the appeal.

APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: <u>SUE HESTOR</u>	Address of Project: <u>555 WASHINGTON ST</u>
Neighborhood Organization: <u>SAN FRANCISCANS FOR REASONABLE C. BOUND</u>	Planning Case No: <u>2002-0133E</u>
Applicant's Address: <u>870 MARKET #1128 SF 94107</u>	Building Permit No:
Applicant's Daytime Phone No: <u>415 846-1021</u>	Date of Decision: <u>3/18/10</u>
Applicant's Email Address: <u>hestor@earthlink.net</u>	

DCP STAFF USE ONLY	
<input type="checkbox"/> Appellant authorization	Planner's Name: _____
<input type="checkbox"/> Current organization registration	Date: _____
<input type="checkbox"/> Minimum organization age	Planner's Signature: _____
<input type="checkbox"/> Project impact on organization	
■ WAIVER APPROVED ■ WAIVER DENIED	

CONFIDENTIAL - SECURITY INFORMATION



April 15, 2010

By Hand Delivery

Ms. Angela Calvillo
Clerk of the San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102

BY
[Signature]

RECEIVED
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2010 APR 15 PM 2:15

RE: Further Documentation in Support of the
Appeal of the Certification of Final EIR and Adoption of CEQA Findings
Planning Commission Motions Nos. 18046 and 18047
555 Washington Street -- Case No. 2002.0133E

Dear Ms. Calvillo:

This letter is a supplement to the Telegraph Hill Dwellers' (THD) appeal dated April 2, 2010, attached as **Tab 1** to this supplement. Planning Commission Motions Nos. 18046 and 18047 are attached as **Tab 2** and **Tab 3**.

The proposed project at 555 Washington Street would require a site specific upzoning from 200 feet to 400 feet, necessitate the abandonment and sale of a city street, create additional shadow on 4 parks, require exceptions from Proposition K (the Park Shadow Ban Ordinance), result in the demolition of an historic building, and require exemptions from numerous other provisions of the Planning Code. As set forth below, the EIR is deeply flawed in failing to analyze the significant project impacts and include a reasonable range of project alternatives and mitigation measures. The record shows that the project sponsor's influence over the Planning Department's decisions have resulted in a less than objective EIR which does not reflect the Department's own independent judgment as required by CEQA. As stated by project planner Rick Crawford in his email Planning Director John Rahaim on November 2, 2009:

"It seems to me they are asking for quite a bit extra from the City and giving very little that benefits the public. Almost all the items on their list of benefits are required under the Code anyway. The more I see of this project (and its design) the less I like it."

P.O. BOX 330159 SAN FRANCISCO, CA 94133 - 415.273.1004 www.thd.org

Founded in 1954 to perpetuate the historic traditions of San Francisco's Telegraph Hill and to represent the community interests of its residents and property owners.

The following supplemental material is numbered to correspond with each of the grounds for appeal set forth in our April 2, 2010 Appeal:

- 1) **The EIR requires revision prior to further consideration of certification because it is fundamentally flawed and meaningful public review and comment were precluded. (CEQA Guideline §15088.5(a)(4).)**

The Final Environmental Impact Report (EIR) is so fundamentally flawed, inadequate and conclusory in nature that meaningful public review and comment were precluded. As a result, the standard approach of using the Draft EIR combined with the Comments & Responses document (C&R) did not fulfill the requirements of the California Environmental Quality Act (CEQA) for a sufficient informational document. CEQA Guidelines Section 15088.5(a)(4) requires that an EIR be re-circulated precisely for this reason. The inadequacy of this EIR is underscored by the fact that the Draft EIR was prepared by one consultant (Sally Maxwell) and the C&R was prepared by a completely different consultant (Turnstone). The Draft EIR was so flawed that staff initiated an unprecedented 44 pages of text changes in the C&R document. The change of EIR consultants and the staff initiated text changes render the final document virtually meaningless for decision makers and the public.

As noted by Planning Commission President Ron Miguel in his written comments on the Draft EIR, *"the [EIR] language and semantics are less than subjective – they are judgments rather than facts and are arguments rather than dispassionate information."* (App. A, Comment Letters, Letter C.) And as stated by Commissioner Hisashi Sugaya in his written comments and again during the March 18, 2010, Planning Commission hearing on the certification of the final EIR, *"the EIR, in my mind, is supposed to be an objective document and not riddled with value judgments as this one is" and further that: "—it's difficult to take the comments and responses and the Draft EIR and arrive at what you might call an objective look at the project. And that's why I made the motion last time to not certify the EIR."* (Transcript of Proceedings, Thursday March 18, 2010, pgs 101-102.) The EIR is not an objective document. Further, the very significant changes between the Draft and Final EIR have made it impossible to make any sense of the project or its impacts.

- 2) **The project description in the EIR is not sufficiently "stable and finite" because it contains three "variants."**

"An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185. Here, the EIR describes the project as being three separate project "variants" – two residential variants (one with fewer but larger units) and an office variant. Because of the significant differences between the office and the residential variants relating to their environmental impacts, code requirements and benefits, the project description in this EIR fails to meet this requirement.

One of the most significant differences between the residential variants and the office variant relates to Redwood Park. As a residential variant, the *donation* of the surface of the park to the City is being touted in the EIR as the primary “public benefit” of the project in exchange for doubling the height limit and casting shadows on our public parks. However, if the project sponsor chooses to proceed with the office variant, Planning Code Sec. 138 would *require* that approximately 7,000 square feet of public open space be provided for the proposed office tower, representing a significant portion of Redwood Park. The code further requires that such open space be maintained by the project sponsor and remain open to the public during all daylight hours. Yet the project would still benefit from doubling the height limit and casting shadows on our public parks. The difference between complying with a code “requirement” to provide open space vs. a “donation” of a park is not addressed in the EIR in relation to the variants.

Another significant difference between the office and residential variants that is not addressed in the EIR relates to affordable housing impact fees. The office variant would produce substantially less funding for affordable housing than the residential variant (approximately \$8 million vs. \$12 million). Other differences not adequately addressed relate to parking and traffic, wind and shadow impacts, and to aesthetics since the proposed office building has a distinctively different shape and design from the residential variants.

The C&R admits that CEQA does not provide for “variants” and further states that these are being pioneered in this EIR to provide “flexibility” to the project sponsor so it can later choose to build either an office building or one of the two residential projects, depending on their relative economic advantage at the time, without further environmental review. (See C&R 17-18).

- 3) **The fundamental project objectives are inadequately described in the EIR. The project sponsor’s primary objective “to own and operate in San Francisco’s Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space” is inappropriate. An objective to achieve a certain square footage is part of a project description rather than an objective. An appropriate objective would be to construct an economically viable residential building in San Francisco’s financial district.**

The objectives of the project assist in developing the EIR’s range of project alternatives, in determining which project alternatives are feasible, and in formulating a statement of overriding considerations, if required. Guideline § 15124(b). Reasonable project alternatives are those that “would feasibly obtain most of the basic objectives of the project.” Guideline § 15126.6(a). Where, as here, the EIR does not contain an adequate statement of the objectives or underlying purposes of the project, a reasonable range of feasible alternatives is foreclosed.

The EIR describes the project sponsor’s primary project objective as “[t]o own and operate in San Francisco’s Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space.” (Draft EIR 2-24; C&R 187.) It is clear that the objective is *not* to provide housing, nor is it to provide additional office

space in the C-3 district. Rather, the primary objective is to build a large building, regardless of its use. The EIR effectively concedes there is no purpose to this development, except to reap economic benefits for the project sponsor. To achieve a certain square footage is a part of a project description rather than a project objective. An appropriate objective would be to construct an economically viable residential building in San Francisco's financial district.

The EIR lists the following four additional objectives (at C&R 187):

- (a) to obtain and improve Mark Twain alley,
- (b) to expand, renovate and subsequently dedicate Redwood park to the City,
- (c) to compliment the Transamerica Pyramid, and
- (d) not detract from Jackson Square Historic district.

These are inappropriate project objectives or purposes and should be deleted. They are either: (a) necessary in order to build the proposed building (i.e. acquiring the land within Mark Twain Alley to increase the FAR, partially satisfy the project's open space requirements and increase the size of the project's underground parking garage by extending under the Alley"); (b) trade offs (i.e. expanding and dedicating the surface of Redwood Park to the City in exchange for being allowed to double the height limit and add new shadows to existing public parks); or (c) conclusions and judgments relating to the impacts of the project's design on aesthetics, consistency with neighborhood character, and relationship to the adjacent Jackson Square Historic District and Transamerica Pyramid.

- 4) **The EIR is inadequate because it fails to adequately analyze or respond to comments on the project's impacts on housing, inconsistency with the Housing Element of the General Plan, and urban sprawl.**

During the Planning Commission's hearings on the Certification of the EIR, Commissioner O'lague stated that the EIR fails to adequately analyze the Project's potential impacts on population and housing. (Transcript of Proceedings, February 11, 2010, pgs 150-151; March 18, 2010, pgs 101-102.) She further pointed out that the project is inconsistent with core objectives of the Housing Element in a number of ways including the following:

The General Plan calls for higher residential density in areas adjacent to downtown, but states that it should be provided: "*where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households.*" (Objective 1, Policy 1.1).

The Housing Element also provides a policy to "*Include affordable housing units in larger housing projects*" such as this one (Objective 4, policy 4.2).

The EIR failed to adequately respond to the issues raised by Gordon Chin, Executive Director of Chinatown Community Development Center (CCDC), in his written comments on the draft EIR (C&R 138). He stated that an analysis of the housing needs to be fulfilled by this

project is critical to determining whether this project impacts the City's housing supply given the significant overproduction of market rate housing in SF from 1999 to 2006.

The EIR also failed to respond to the following questions raised in THD's letter dated May 14, 2009, commenting on a judgment and conclusion in the Draft EIR that the proposed new condos "will reduce urban sprawl" (C&R Appendix A, Comment Letter H-31(a)):

- Although the project sponsor claims that these new condos will reduce urban sprawl, how can this be shown?
- What is the potentially significant impact upon the cost of existing housing in the surrounding neighborhoods that may result from adding 248 new, market-rate, luxury condos to the area's housing supply?
- Why wouldn't the higher costs and values resulting from this project, together with other new market rate housing in the area, exacerbate sprawl if working-class people have to go elsewhere to find housing they can afford?
- The EIR should present factual buyer profile information from sprawl areas (such as Antioch, Brentwood, etc.) to be compared to: 1) the buyer profile of the proposed project; and 2) housing production in San Francisco available to "sprawl" area buyers.
- What would prevent these condos from being sold to foreign investors and/or as second homes as has occurred in other luxury condo projects in San Francisco?

The EIR must respond in writing to written comments received during the EIR formal comment period. *Browning-Ferris Industries v. City Council* (1986) 181 Cal.App.3d 852.

- 5) **The EIR is inadequate because it fails to analyze the land use impacts of the inclusion of Mark Twain Alley (a public right-of way) and Redwood Park (proposed for donation to the City) in the Floor Area Ratio (FAR) calculations to increase the development envelope.**

The unusual way the Floor Area Ratio (FAR) has been calculated in this case may result in a significant cumulative land use impact. Here, given the project's proposed **331,640 square feet**, the only way the project sponsor can meet the 9-to-1 FAR requirement is by assuming the addition of both Mark Twain Alley (aka Merchant Street) and Redwood Park (Lot 33) into the basic development site (Lots 35 & 36). (See **Tab 4** showing the project site and FAR calculations and Planning Department staff Joshua Switzky's email.) Without the addition of the square footage of Merchant Street and Redwood Park, the development site would only allow a building of **130,371 square feet**, which would not "require" the Board to consider doubling the height limit.

The land use impact of allowing the publicly owned right-of-way *and* the surface of Redwood Park to be included in the project site for determining the development envelope is not clearly or adequately discussed in the Draft EIR or the C&R document. In spite of Planning Department staff recommendation to direct the project sponsor to delete the land area of Redwood Park from their FAR calculations because "*it is being donated to the City and will not be part of the project property in the future,*" (see attached Project Coordination Meeting Agenda for Tuesday November 3, 2009 **Tab 5**) the EIR simply *assumes* the inclusion of both sites as a given (just like the assumption that this Board will double the height limit and sell a public street) instead of examining the potentially significant land use impact of allowing this type of calculation of FAR to more than double the development envelope.

The EIR is also inadequate in failing to disclose and discuss the potential land use impact on historic resources of the project sponsor's unwillingness to purchase transferable development rights (TDR's) as the mechanism to increase the development potential of the site. Under the Downtown Plan, TDRs from identified historic buildings to a site such as this would allow an increase in allowable FAR from 9-1 to 18-1 as an incentive to preserve designated downtown historic buildings. The impact of allowing a project to increase density by including Redwood Park and Mark Twain Alley in the site in lieu of using TDRs could be a significant cumulative impact on historic resources if TDRs from historic buildings are no longer required to increase density.

- 6) **The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts based on inconsistencies with City plans, policies, land use & zoning adopted for the purpose of avoiding environmental impacts, including those regulating height limits and protecting historic resources.**

In this case, the City's general plan policies, land use & zoning, including those regulating height limits, protecting public open spaces from shadow, and protecting historic resources, would be impacted by this project because they were adopted for the very purpose of avoiding the significant impacts this project will have.

The EIR's conclusion that **rezoning of this single site to 400 feet to accommodate the project** does not constitute an impact on land use because the 1985 Downtown Plan is "old" and therefore "a request for an amendment to height limits may be considered on a case-by-case basis" is not supported by substantial evidence. (C&R 56.) As explained below, the zoning code was adopted to implement the policies of the Downtown Plan. Absent a comprehensive examination of whether the plans and policies continue to be valid, a single property should not be rezoned to accommodate one project. This constitutes *ad hoc* planning and provides no basis for the EIR to conclude that the project does not impact existing and planned land use. This site-specific up zoning degrades the entire planning process and sets a precedent that could have significant cumulative impacts.

As explained by Commissioner Sugaya during the Planning Commission's hearing on the Certification of the final EIR, "*the project is clearly inconsistent with the Downtown Plan.*" Among the inconsistencies are the following:

(a) **Height and density:** Doubling the height limit of this single site to accommodate the project conflicts with the zoning and general plan policies adopted for the very purpose of avoiding environmental impacts on adjacent historic neighborhoods. The entire Downtown Plan is predicated on increasing densities, be they office or residential, in the "heart" of downtown nearest Market Street (not a half a mile north where this project is proposed). This is set forth in numerous Downtown Plan Objectives and Policies. The Downtown Plan, adopted over 15 years after the permitting of the Transamerica Pyramid, was predicated on heights of buildings tapering down to its northern edge adjacent to the low-rise historic neighborhoods of the Jackson Square, North Beach and Chinatown. Attached is the zoning map that accompanies the Downtown Plan which CLEARLY show that the highest zoning is clustered in the blocks most proximate to Market Street. (Tab 6) These maps show that the zoning was designed to step down from the heart of downtown along Market Street, with heights at 500 feet, to its northern edge at Washington Street where the heights are limited to 200 feet. And only a few years ago, the Board of Supervisors rezoned the southern edge of Jackson Square (on the other side of Washington Street) to 65 feet (Ordinance 159-05) to reinforce the policies of the General Plan regarding appropriate height limits for this area in order to protect the transition between downtown and the low rise historic neighborhoods.

(b) **Protecting sunlight on public open space:** The additional shade that will be cast by the project on parks and open spaces conflicts with the zoning and general plan policies adopted for the very purpose of avoiding these environmental impacts. The proposed project conflicts with Objective 9 of the Downtown Plan which provides that: "*The height of new buildings adjacent to major spaces would be controlled by the provisions of Proposition K and similar criteria to protect sunlight.*" Objective 14, Policy 14.1 of the Downtown Plan enforces this objective: "Promote[s] building forms that will maximize the sun access to open spaces and other public areas." The height limits were also created to maximize this sun access. This project adds additional shade to Redwood Park, Sydney Walton Park and two parks protected by Proposition K's "Zero Shadow Limits," Sue Bierman and Maritime Plaza, as well as the public sidewalks of Jackson Square, causing the exact environmental impacts the general plan objectives were adopted to avoid.

(c) **Regulating Wind Speeds:** The wind speeds that will be caused by the project conflict with the general plan policies adopted for the very purpose of avoiding this environmental impact. The proposed project also conflicts with Policy 14.2 of the Downtown Plan which provides that: "As a general rule, a building form should not be used which causes wind speeds to exceed eleven miles per hour in areas where people are walking and seven miles per hour where people are sitting." This project will exceed both, even in the middle of Redwood Park.

- 7) **The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on aesthetics, causing material degradation in the quality of the City's significant visual resources including the Transamerica Pyramid and Jackson Square Historic District.**

The final EIR does not adequately respond to the comments of THD and others as to the project's impacts on aesthetics and there is no substantial evidence in the EIR to support its conclusion that the project would have no "*material degradation in the quality of a significant visual resource.*"

Both the Transamerica Pyramid and Jackson Square Historic District are significant visual resources that will be degraded in quality by the construction of the proposed project. For example, views of the iconic Transamerica Pyramid from the east will be degraded. These views are not considered in the EIR. The Transamerica Pyramid is an internationally recognized landmark on the San Francisco skyline that has been determined to be eligible for listing on the California Register of Historic Places and as such is an historic resource (Draft EIR 3-54 to 3-57). From many vantage points far and wide, the proposed new building would dominate and obscure views of the Pyramid Building would, therefore, constitute a substantial degradation of scenic vistas and views of this icon on San Francisco's skyline that could be mitigated through a code compliant design within the existing 200-foot height limit.

As to Jackson Square Historic District, the size and design of the proposed project would contrast significantly with the smaller, finer-scale character of development in Jackson Square, and in particular with the historic buildings across Washington Street from the subject site, all of which are between 30-36 feet in height. Such a contrast in height between these historic buildings and a 430-foot tall glass structure would cause a substantial degradation of the visual character of the adjacent historic area, an impact that could potentially be mitigated through a code compliant design within the existing height limit.

The EIR repeats several times another biased and nonobjective statement that to the effect that the project's inconsistency with existing height limit and with the General Plan "*would not detract from the significance of Jackson Square.*" (C&R 51-52) That is an opinion of the preparers of the EIR, which is not supported by substantial evidence. A building of this shape and height in its location could degrade the visual character of the area. As stated by Commissioner Sugaya in his comments on the Draft EIR, the Urban Design Element contains the following statement, which applies here, but was not adequately addressed in the EIR:

Buildings of unusual shape stand out in the skyline. They call attention to themselves and correspondingly reduce the visual significance of other features in the city pattern. Such buildings may also create a jarring disharmony that counteracts the traditional blending of regular rectilinear forms in the San Francisco skyline. Unusual shapes, especially large buildings, should therefore be reserved for structures of broad public significance such as those providing community-wide services." (C&R 65, paragraph 3)

- 8) **The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts to offsite cultural resources, which are not mitigated.**

Although the EIR identifies potentially significant impacts to off-site historic buildings from dewatering or pile driving during project construction (C&R 92-93), such impacts are not mitigated. Instead of including a mitigation measure that is enforceable under CEQA, the EIR proposes a voluntary "improvement measure." (C&R 93) Absent an enforceable mitigation measure, the conclusion of the EIR that the construction activities would not have significant impacts to off-site historic buildings is not supported by substantial evidence.

- 9) **The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant cumulative impacts on transportation and parking because of the excessive number of off-street parking spaces, a second garage entrance, off street loading exceptions, and impacts from queuing that have not been adequately mitigated.**

The following impacts of the project on transportation and parking are cumulatively significant and have not been adequately mitigated:

(a) **Tripling the number of off-street parking spaces allowed by code will impact traffic.** Planning Code Section 151.1 allows for 62 off-street parking spaces for this project. The project sponsor is requesting an exemption to allow between 215 and 230 parking spaces -- more than tripling the number of parking spaces provided "as of right" for this project. This conflicts with the City's Transit First Policy as well as purposes of Planning Code Section 151.1, which were adopted by the City to avoid the impacts on traffic that this project will cause.

The rationale of the EIR for why these additional parking spaces will not have an impact on traffic contradicts City policy and matters of fact, stating that "*lowering the amount of parking would not reduce the amount of parking demand. Car owners would seek to lease or use existing parking off-site.*" (C&R 176) As Tom Radulovich of Livable Cities stated in his testimony to the Planning Commission, "*this rationale does not hold up in downtown San Francisco where there are many transit options that are not even talked about in the EIR.*" The project sponsor's desire for an excessive amount of off street parking spaces undermines the City's Transit First policy as well as the purposes of Section 151.1, which was enacted by the Board of Supervisors *specifically* for the purpose of limiting new residential parking (and automobile traffic) in the C-3 district. Limiting the number of parking spaces in this project to those allowed by Planning Code Section 151.1 could mitigate these impacts.

(b) **A second garage entrance on Sansome (the "Driveway Alternative") will impact traffic.** The "Driveway Alternative" described in the final EIR (at C&R 204) is actually a second entrance to the project's underground parking garage from Sansome Street (the primary

garage entrance is on Washington Street), which would impact emergency vehicles entering and exiting from the fire station located on Sansome Street right across the street from this proposed second driveway.

The EIR discloses the fact that *“the southbound lane on Sansome St. is limited to use by buses and commercial vehicles only.”* Rather than assessing the potentially significant impacts of the Driveway Alternative on buses and commercial vehicles under this limitation, the EIR simply informs the reader that in order for the Driveway Alternative to be approved, a special exception to this restriction from MTA would be necessary.

Sansome Street is also covered by the requirements of Section 155(r) of the Planning Code which provides that in C-3 Districts, *“no curb cuts accessing off-street parking or loading may be created or utilized on street frontages identified along any Neighborhood Commercial Street as designated in the Transportation Element of the General Plan or official City bicycle routes or bicycle lanes.”* The EIR fails to mention or consider the requirements of Section 155(r) and ignores the impacts to emergency vehicles, pedestrians and the bicycle lane that would result from a curb cut in this location for the proposed second driveway (the “Driveway Alternative”).

Requiring the elimination of the “Driveway Alternative” from the project would mitigate these potentially significant impacts on emergency vehicles, buses, commercial vehicles and bicycle routes.

(c) Queuing of cars waiting to get into the parking garage will impact traffic.

The EIR does not adequately respond to the concerns expressed by MTA on potential impacts to traffic caused by the “queuing” of cars waiting to get into the project garage. Remarkably, the EIR says that:

“...since the queuing space would be limited at the proposed project, the valet service would operate at a faster pace, more consistent with industry standards for space-constrained garages both by moving faster and by hiring additional valet attendants, as necessary.” (C&R 101)

The EIR then suggests the following “improvement measure” agreed to by the project sponsor (C&R 101):

“The project sponsor has agreed to resolve any queuing on the streets during backups by using valets (hiring additional valets as necessary) to move the queued vehicles to the first subsurface level, which would have space available for queuing.”

This is not an adequate mitigation for the impacts of queuing and is not even enforceable under CEQA. It is but another example of the inadequacy of this EIR to properly identify and mitigate potentially significant impacts of the project.

Requiring the reduction in the number of parking places requested would mitigate the potentially significant impacts of queuing on traffic.

(d) **Granting an exception from off-street loading requirements will impact traffic.** The project also seeks an exception to off-street loading requirements, including the elimination of the off street loading dock currently serving the adjacent building at 505 Sansome from Mark Twain Alley, the impacts of which are not adequately addressed in the EIR. The EIR says that the eliminated off street loading space is to be replaced within the project through a “*below grade passageway under Mark Twain Alley.*” Trash collection for 505 Sansome is also to move through this below grade passageway under Mark Twain Alley. The EIR fails to address how these internal loading areas will interfere with the garage entry/exiting and the queuing impacts from parking. Given the obvious difficulty of loading and carrying goods and trash through an underground passageway, it would seem that deliveries to 505 Sansome would be forced to load and unload from surrounding streets, which would add to the traffic impacts on surrounding streets.

In summary, the conclusion of the EIR that the impacts of the proposed project on transportation and parking would be less than significant is not supported by substantial evidence. The EIR must be revised to find that the proposed project would have significant **cumulative** impacts on transportation and parking because of the excessive number of off-street parking spaces, a second garage entrance, off street loading exceptions, and impacts from queuing that have not been adequately mitigated.

- 10) **The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant cumulative shadow impacts on parks and open spaces including Sue Bierman (Ferry) Park, Maritime Plaza, Redwood Park, Sidney Walton Square, as well as on Jackson Square sidewalks.**

In addition:

- **The EIR is inadequate because it fails to analyze Redwood Park as a Prop K park and to include quantitative analysis of the project’s shadow impacts to Redwood Park.**
- **The EIR is inadequate because it fails to analyze the impacts of the proposed amendment of the City’s adopted criteria for determinations of significant shadows in City parks, pursuant to Proposition K.**

(a) **Cumulative Shadow Impacts:** The conclusion of the EIR that the project’s shadow impacts are insignificant is not supported by the evidence contained in the EIR, which clearly shows that the proposed project would have significant **cumulative** shadow impacts on parks and open spaces including Sue Bierman (Ferry) Park, Maritime Plaza, Redwood Park and Sidney Walton Square, as well as on Jackson Square sidewalks. The C&R further reveals that the proposed project at 8 Washington St, a project currently undergoing environmental review, would also “*shadow the northwest corner of Sue Bierman Park (Block 0203) along the sidewalk during the early morning from mid-May through mid-July.*” (C&R 135.) CEQA requires that all of these shadow impacts be considered **cumulatively**.

(b) **Redwood Park is a Prop K Park:** Proposition K (Sec. 295 of the Planning Code, attached as **Tab 7**) applies to “*any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission.*” Although the EIR assumes that Redwood Park will be dedicated to the City as a new “*Proposition K park,*”¹ the EIR evaluates the project’s shadows on Redwood Park in a different manner than it evaluates the project’s shadows on Sue Bierman (Ferry) Park and Maritime Plaza.

Instead of providing a quantitative analysis of the project’s shadows on Redwood Park before and after the project, the EIR presents data showing how much sun will be on the Redwood Park *after* the project is constructed called “*New Sun*” which the EIR assumes will be “traded” for shadows the project will cast on parks currently under the jurisdiction of *the Recreation and Park Commission* -- Sue Bierman (Ferry) Park and Maritime Plaza.

In fact, Planning Department staff members raised this exact issue to no avail. Through public records requests, we are in possession of staff emails, which have serious policy implications relating to the way project sponsors appear to influence the City’s legal responsibility to “*subject the document to its own review and analysis, so that the DEIR sent out for public review reflects its own independent judgment*” as to the environmental impacts of projects. (Public Resources Code, § 21082.1, subd. (c); CEQA Guidelines, § 15084, subd. (e)) We quote several of these emails below (Planning Department emails are attached as **Tab 8**):

An email dated 10-21-08 from Neighborhood Planner Kevin Guy to EIR consultant Sally Maxwell states:

“As for Redwood Park, Code Section 295 also applies to ALL properties being considered for acquisition by Rec and Park. It seems completely reasonable for us to know how shady Redwood Park would be in a post-project condition. This is especially important since the conveyance of Redwood Park is being portrayed as an off-set for shadow impacts elsewhere.”

Subsequently, on 1-13-09, Neighborhood Planner Guy emails Angela Heitter, Craig Nikitas, Kelly Amdur and Daniel LaForte (of Rec & Park staff) that:

“...we need to emphasize the importance of shadow...on Redwood Park. The sponsor has resisted our requests to analyze both baseline shadow conditions at the park, as well as post-project conditions. To put it bluntly, we need to know whether they are proposing to give us a “lemon” of a heavily-shadowed park space to justify off-site shadow impacts.”

An email dated 7-31-09, from MEA Planner Joy Navarrette to Neighborhood Planners Rick Crawford and Kevin Guy states:

¹ At the joint Planning Commission and Recreation & Park Commission hearing on March 18, 2010, upon staff’s recommendation, the Recreation and Park Commission adopted a resolution urging the Board of Supervisors to accept the dedication of Redwood Park to the City.

“As a part of the EIR comments and responses, I’ve asked the consultants to do a shadow fan analysis for Redwood Park under two scenarios: existing conditions with existing buildings and proposed renovation of the park with the three new designs... The only analysis that was done on Redwood Park was the “sunlight analysis” which is not usually what we put in our EIRs and frankly, was a confusing discussion, as we couldn’t compare apples to apples as to shadow. The EIR has to treat Redwood Park as if it were a Section 295 Park, because that is the intent of the Project. I am certain that the project sponsors don’t want to run this additional shadow fan, but if Neighborhood Planning would also like this information it would further justify my request.” [emphasis added]

Kevin Guy responds to Joy Navarrette on 7-31-09:

“Joy – I agree with you. This was a huge point of contention with the Project Sponsor prior to the Joint Hearing, but I would certainly welcome your alliance in pushing them to do this. I think this is a completely reasonable expectation and request.”

What these emails reveal is that despite the valiant efforts of the Planning Department staff, the project sponsor never provided the requested information analyzing the project’s shadow impacts to Redwood Park. There is no question that these impacts of the project have not been adequately analyzed in the EIR.

(c) **EIR is inadequate for Amending Prop K Criteria.** Most significantly, the EIR fails to analyze the impacts of the Planning Commission’s Motions 18048 (**Tab 9**) and 18049 (**Tab 10**) and the Recreation & Park Commission Resolution adopted on March 18, 2010, amending the City’s adopted criteria for determinations of significant shadows in City parks pursuant to Proposition K. These criteria are set forth in the Memorandum dated February 3, 1989, regarding “Proposition K – The Sunlight Ordinance” adopted by Planning Commission Resolution No. 11595 on February 7, 1989. (**Tab 11**)

The Planning Commission’s amendment of cumulative additions to shadows for particular parks is equivalent to spot zoning; it cannot be allowed without EIR analysis of the cumulative impacts of altering long-adopted shadow significance criteria.

(d) **Impact to LEED Buildings:** Although not a park or open space, a comment letter submitted by the Public Policy Institute of California, the owner of the building at 500 Washington St., reveals that the shadows cast by the project will also significantly impact the building at **500 Sansome**, which is obtaining LEED certification. (C&R Appendix A, Comment Letter N-3). The EIR does not adequately respond to this comment, but it is clear that a building constructed within the existing height limit would reduce or eliminate the project’s impact on the energy efficiency of surrounding buildings. Given our City policies regarding solar power and incentives for buildings to become energy efficient, upholding the height limits will provide certainty to those seeking to obtain LEED certification and will avoid this kind of negative impact on the environmental efficiency of nearby buildings.

- 11) **The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant wind impacts in conflict with data included in the EIR. The conclusion that wind speeds, which exceed the pedestrian comfort levels by almost 200%, are not significant is not supported by evidence in the record.**

The conclusion of the EIR that wind impacts of the project are insignificant is not supported by evidence in the EIR.

Planning Code Section 148 establishes ground-level wind current comfort levels of 11 mph wind speed in areas of substantial pedestrian use and 7 mph in public seating areas that should not be exceeded more than 10 % of the time year round, between 7 am and 6 pm. It further provides that no exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

According to the EIR, wind in Redwood Park is already above the wind comfort criteria of 11 mph (Draft EIR 3-122) and the Project will raise hazard wind speeds in the middle of Redwood Park by 10 mph from 17 mph to 27 mph (See Appendix C-2 in the Draft EIR).

According to the Wind Comfort Analysis for the project in the ESA Technical Memorandum dated November 17, 2008, average wind speeds caused by the project would increase by 5 mph -- from 8 mph to 13 mph -- in Redwood Park (See monitoring site #27 on Appendix C-1). The EIR states that: "winds from 8-13 mph will disturb hair, cause clothing to flap, and extend a flag mounted on a pole." (Draft EIR 3-122)

Given that Redwood Park is a "public seating" area, with the proposed project there would be exceedences of the 7 mph limit in almost every monitoring location with the park.

- 12) **The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on biological resources related to bird deaths and serious damage to the redwood trees. The EIR's response to comments regarding potential bird deaths, even with the staff's most recent additions, is inadequate. The mitigation measure addressing significant impacts to the redwood trees is inadequate to reduce this impact to a less than significant level.**

As described below, the project's potentially significant impacts on birds and on the redwood trees in Redwood Park were not objectively analyzed.

(a) **Bird Strikes:** The EIR does not adequately or objectively respond to THD's comment (C&R Appendix A, Comment Letter H-35), which raised the potentially significant impact of this project on birds flying into the building described in the EIR as follows: "*When either the proposed project or office variant would be visible, the glass skin on the building*

would appear a transparent grey-blue/green on a sunny day – the color of sky – or grey/green on an overcast day.” (Draft EIR, pg 3-20) The response to THD’s comment, while appropriately stating that such a building *would* present an obstacle for migratory birds along the Pacific Flyway which *would* result in increased injury and death from bird strikes (C&R pg 157-159), no mitigation measure(s) were proposed. It merely stated that the “*applicant should consult with a qualified biologist experienced with bird strikes and building/lighting design issues... to minimize...the risk of bird strikes.*”

Thereafter, at the March 18th Planning Commission EIR hearing, following comments made by Commissioner Olague at the February 11th EIR hearing, the Planning Department staff introduced revisions to the C&R document which deleted the above recommendation that the “*applicant should consult with a qualified biologist experienced with bird strikes...* ” and revised the EIR to state that the project site is not, after all, on the migratory flight path (based on a single phone conversation with Booker Holton, of Hanson RM, who is *not* a recognized bird expert) and added a list of suggestions for reducing bird deaths including such absurd, unenforceable features as “an awareness campaign for residents encouraging the reduction of interior lights... and the elimination of interior house plants by the windows” to reduce bird strikes.

This response is inadequate and inaccurate. First, a letter submitted to the Planning Commission during the March 18th EIR hearing from Alan Hopkins,² establishes the fact that the project site is located within the area where small urban parks oasises for migrating birds and will be impacted by shading of our parks, including Sue Bierman Park. (Tab 12) Second, the response is inadequate in simply failing to consider any of the professional information in existence today on this topic, even on the Internet including the Audubon Guidelines for NY City to name only one. The EIR fails to mitigate the potentially significant impact to birds by recommending specific changes to building design that would reduce this significant hazard.

Without mitigation measures involving changes in project design, this “all glass” tower at very edge of downtown *will have a potentially significant adverse impact on birds*. The recently approved Exploratorium EIR did not ignore this issue for a building one-tenth of the height. If for no other reason, we urge you to reject the final EIR as inadequate for failing to address this impact with mitigation measures involving changes in project design.

(b) **Redwood Trees:** The EIR does not adequately or objectively respond to comments, which raised the potentially significant impact of this project on the 54 coast redwood trees in Redwood Park. As explained in the EIR, one of the primary, fundamental “public benefits” of the project is the transfer of these trees to the City as a trade-off for the height increase, the City’s vacation of Mark Twain Alley and new shadows on Prop K parks and other open spaces.

² Alan Hopkins is the founder and co-compiler of the San Francisco Christmas Bird Count, founder of the Save The Quail Campaign, past president of the Golden Gate Audubon Society, and the author of chapters on birdwatching in San Francisco published in *A Birder’s Guide to Metropolitan Areas of North America* and *San Francisco Peninsula Birdwatching*. He served as an appointed representative on Mayor Brown’s Ocean Beach Task Force.

The EIR identifies potentially significant adverse health impacts on the trees that will be caused by the excavation for the proposed 4-level underground garage and construction of the proposed project -- including root loss, bark and crown damage, broken branches, mechanical injury, soil compaction -- and concludes that the "*construction activity in Redwood Park could be harmful to the Redwood Trees.*" (Draft EIR pgs 3-160 -161; C&R 154-157) The EIR then finds these impacts would be less than significant, based on a proposed mitigation measure providing that the project sponsor "*shall prepare*" "Tree Protection Guidelines" (C&R 199).

Not only does the EIR fail to accurately consider the magnitude of the likely significant impacts to the trees, but the mitigation measure addressing these impacts is inadequate to reduce this impact to a less than significant level.

The EIR references an arborist report titled "*Redwood Tree Survey And Site Analysis*" dated May 26, 2006, prepared by Stephen Batchelder. A review of the report reveals that the threat to the redwood trees is actually much more serious than disclosed by the EIR. As pointed out by Commissioner Olague during the March 18th EIR hearing, the conclusion in the EIR is inconsistent with, and is not supported by, the arborist report. We offer the following quotations from the Batchelder report:

"Due to the proximity of the new structure and the space requirements of the construction, it is unlikely that the trees closest to the proposed construction project will remain unscathed." (Batchelder, pg 5)

"The park trees will be severely impacted by both the construction project and as being used as a staging area." (Batchelder, pg 6)

"Some of the trees may have to serve as a buffer to protect the others from the many possible impacts." (Batchelder, pg 6)

Not only is the project impact on the trees much more serious than disclosed by the EIR, but it is very likely that the trees closest to the project will not make it. The report identifies 16 out of the 54 redwood trees as being "closest," which represents almost 1/3 of the existing Redwood Trees.

The Batchelder report concludes that:

"Final designation of the treatments and areas of treatment cannot be provided without construction planning input."

Because this report was prepared in 2006, it is unlikely that the arborist knew what the extent of the project as it is proposed today -- whether he knew, for example, that the height grew from 300-430 feet. And whether he knew that the site would be excavated for a 4-level underground garage in the immediate proximity to many of the redwood trees.

The EIR also fails to address potential damage to the redwood trees from **future** construction activity on the Transamerica block, especially since the proposed documentation by

which the City would take title to the Park allows construction activity to occur upon only a few days notice to the City. Not only is the proposed mitigation measure inadequate for the current project, but it fails to address future construction activity that will be staged in the park.

13) The EIR should not be certified because it does not include or consider a reasonable range of project alternatives and is non-responsive to extensive and specific comments on the draft EIR by Planning Commissioners and members of the public. The current EIR alternatives are inappropriate attempts to justify the preferred alternative and its variants.

(a) The Code-Complying Alternative is not a reasonable project alternative. It does not comply with the Planning Code or General Plan in that it exceeds the height limit by over 200 feet, casts new shadows on public parks protected by Proposition K (section 295 of the Planning Code), includes both Mark Twain Alley and Redwood Park in its FAR calculations, and assumes that the Board of Supervisors will agree to sell a public right of way and to accept the offer of Redwood Park in trade for shading parks and open spaces.

Extensive comments regarding the inadequacy of the Code-Complying Alternative are summarized at C&R 164 through 168 and are contained in THD's May 14, 2009 letter commenting on the Draft EIR (C&R Comment Letter H, pg 13-14). The EIR's responses to these extensive and specific comments are "non-responsive" and are obvious attempts to justify the preferred alternative. We note specifically that Commissioners and members of the public asked for a well-designed Code-Complying Alternative within the existing 200-foot height limit that would:

- Not assume that the public right-of-way is for sale and would **not** include Mark Twain Alley in the projects Floor Area Ratio (FAR) calculations,
- Not be a bulky box-like structure, but would be consistent with design principles for downtown buildings as set forth in the Urban Design Element of the Downtown Plan,
- Not cast shadows on public parks and open spaces, especially not on parks protected by Proposition K – Maritime Plaza, Sue Bierman Park and Redwood Park,
- Substantially reduce the amount of requested off street parking,
- Have a well-designed base that would have pedestrian appeal,
- Be designed to contribute more sunlight to surrounding buildings,
- Reduce wind impacts for pedestrians and park users, and
- Compliment the iconic Transamerica Pyramid and Jackson Square Historic District.

Yet, in spite of these comments by the Commissioners and the members of the public, the EIR assumes that both the Preferred Alternative (and its variants) and the Code-Complying alternative would be built to the maximum basic floor area of 9-1 on a development site

consisting of Lots 35, 36, 33 (Redwood Park) and Mark Twain Alley (which assumes that the City will approve the street vacation and sale of the street to the project sponsor) (C&R 170).

No substantial evidence supports findings that the Code-Complying Alternative is infeasible. Even without an adequately developed Code-Complying Alternative, the conclusions of the EIR and the findings contained in the Planning Commission's Motion No. 18047 do not justify its rejection. (See page 4 of Motion No. 18047.)

Specifically referring to the reasons listed on page 4, under B (2) of Motion No. 18047 for finding that the Code-Complying Alternative is infeasible:

- (a) The finding that the Code-Complying Alternative would meet "*some but not all*" of the Project Sponsor's objectives conflicts with the conclusion reached in the final EIR that says that the Code-Complying Alternative would meet **ALL** of the Project Sponsor's objectives.
- (b) The finding that the Code-Complying Alternative is infeasible because it would have a significant unavoidable impact on the 545 Sansome Street building [i.e. the demolition of the historic California Red Ink Building] does not make logical sense as a reason to reject the Code-Complying Alternative since the sponsor's Preferred Alternative has the same "unavoidable impact."
- (c) The finding that the Code-Complying Alternative "*would be less successful at visually complementing the Transamerica building*" is clearly not supported by the final EIR. In fact the EIR conflicts directly with this finding. As stated in the final EIR (at C&R 172) in reference to the Code-Complying Alternative, "*depending on the architectural design, the code-complying alternative could meet the project sponsor's objectives of visually complementing the iconic Transamerica Pyramid.*" So no substantial evidence supports this finding.

(b) The EIR fails to analyze a potentially feasible Preservation Alternative although the EIR concedes that the demolition of the historic California Red Ink Building at 545 Sansome Street, the birthplace of the California printing industry, is a significant environmental impact of the project.

The Public Resources Code as definitively interpreted by the California Supreme Court requires agencies to condition land use decisions on the "implementation of feasible mitigation measures that will avoid or substantially lessen ... potential environmental impact" to historic resources. (*Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 184.) This rule does not include the caveat "...unless the developer – here the project sponsor – does not want those mitigations imposed." Such a caveat would render EIR analysis of alternatives meaningless. (See *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 602.) Thus, demolition of an historic building is unlawful if there are feasible alternatives that accomplish "most" rather than "all" of the project's objectives.

Here, the EIR fails to analyze a potentially feasible Preservation Alternative in spite of written comments from the Commission Historic Preservation, Planning Commissioner Sugaya and THD (C&R Appendix A, Comment Letter H-46), as well as others specifically addressing this failure and urging the inclusion and consideration of an adequate Preservation Alternative in the EIR:

- The Historic Preservation Commission suggested a version of the preservation alternative whereby a portion of the historic building is preserved and the project's main objectives, such as public open space, be incorporated into the design. (C&R Appendix A, Comment Letter B-4 & B-5)
- Commissioner Sugaya said that the retention of the historic building and adding to it would be more consistent with the neighborhood aesthetic and complement Jackson Square. (C&R Appendix A, Comment Letter D-38 and C&R 173-174)

In spite of these requests, the EIR fails to include a reasonable preservation alternative that could meet most of the project sponsor's objectives. This is unlawful under CEQA.

No substantial evidence supports findings that the Preservation Alternatives are infeasible. Even without an adequate Preservation Alternative, the conclusions of the EIR and the findings contained in the Planning Commission's Motion No. 18047 do not justify its rejection. (Motion No. 18047, pg 4-5.)

The reasons listed on pgs 4-5, under B (3) of Motion No. 18047 state that the Preservation Alternative would not be desirable or meet the project sponsor's goals in that:

- “(a) *The preservation alternative would not produce a Class A residential or office and retail building in the Financial District with at least 200 units or 300,000 square feet of commercial space.*”
- “(b) *The preservation alternative would not create more public open space and would result in the closure of the existing private Redwood Park to the public.*”

By defining the project sponsor's primary objective as “*to own and operate in San Francisco's Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space*” the EIR effectively precludes the development of any reasonable preservation alternative since it assumes the existing building could not be renovated into a Class A building. As stated above, an objective to achieve a certain square footage is not properly a park of a project *objective*.

The conclusion that the preservation alternative “*would result the closure of Redwood Park to the public*” and that the Park “*would become private common open space for the project and for users of the health club*” is not based on any evidence in the EIR. After all, the project sponsor is asking for a significant Variance of more than 6,000 sq ft from the open space

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requirements under Planning Code Section 135 for its preferred project. There is no basis for a conclusion that Park would have to be closed or that the project sponsor could not ask for a similar open space Variance in connection with a Preservation Alternative. These findings are simply not based on substantial evidence.

Conclusion: The Telegraph Hill Dwellers respectfully request that the deeply flawed EIR be revised and recirculated for public comment, incorporating this Board's findings as to the already-apparent significant project impacts, and including a reasonable range of project alternatives and mitigation measures based on legally appropriate project objectives.

We attach a copy of the groups, representing thousands of City residents, which have united in their stand against the 555 Washington Street project. (Tab 13)

Thank you for your consideration of this appeal.

Sincerely,



Vedica Puri
President

cc: Bill Wyco, Environmental Review Officer
Elaine Warren, Deputy City Attorney
Sue C. Hestor, Esq., San Franciscans for Reasonable Growth
Susan Brandt-Hawley, Esq.



April 2, 2010

By Hand Delivery

Ms. Angela Calvillo
Clerk of the San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: Appeal of Certification of Final EIR and Adoption of CEQA Findings
Planning Commission Motions Nos. 18046 and 18047
555 Washington Street (aka 545 Sansome Street)
Case No. 2002.0133E

Dear Ms. Calvillo:

The Telegraph Hill Dwellers appeal the Planning Commission's certification of the Environmental Impact Report (EIR) and its adoption of CEQA findings for the proposed project at 555 Washington Street. Copies of Motion numbers 18046 and 18047 adopted on March 18th are attached as Exhibits A and B. This letter summarizes the grounds for appeal; further documentation will follow.

The Telegraph Hill Dwellers request that the Board grant this appeal, reverse the approvals made by the Planning Commission, and make the following findings:

- 1) The EIR requires revision prior to further consideration of certification because it is fundamentally flawed and meaningful public review and comment were precluded. (CEQA Guideline §15088.5(a)(4).)
- 2) The project description in the EIR is not sufficiently "stable and finite" because it contains three "variants."
- 3) The fundamental project objectives are inadequately described in the EIR. The project sponsor's primary objective "*to own and operate in San Francisco's*

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Founded in 1954 to perpetuate the historic traditions of San Francisco's Telegraph Hill and to represent the community interests of its residents and property owners.

Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space” is inappropriate. An objective to achieve a certain square footage is part of the project description rather than an objective. An appropriate objective would be for an economically viable office and retail building in San Francisco’s financial district or an economically residential building in San Francisco’s financial district.

- 4) The EIR is inadequate because it fails to adequately analyze or respond to comments on the project’s impacts on housing, inconsistency with the Housing Element of the General Plan, and urban sprawl.
- 5) The EIR is inadequate because it fails to analyze the land use impacts of the inclusion of Mark Twain Alley (a public right-of way) and Redwood Park (proposed for donation to the City) in the Floor Area Ratio (FAR) calculations to increase the development envelope.
- 6) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts based on inconsistencies with City plans, policies, land use & zoning adopted for the purpose of avoiding environmental impacts, including those regulating height limits and protecting historic resources.
- 7) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on aesthetics, causing material degradation in the quality of the City’s significant visual resources including the Transamerica Pyramid and Jackson Square Historic District.
- 8) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on cultural resources.
- 9) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant cumulative impacts on transportation and parking because of the excessive number of off-street parking spaces, a second garage entrance, off street loading exceptions, and impacts from queuing that have not been adequately mitigated.

- 10) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant cumulative shadow impacts on parks and open spaces including Sue Bierman (Ferry) Park, Maritime Plaza, Redwood Park, Sidney Walton Plaza, as well as on Jackson Square sidewalks. Further analysis of quantitative shadows impacts to Redwood and nearby LEED certified buildings should occur to support any contrary findings.
- 11) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant wind impacts in conflict with data included in the EIR. The conclusion that wind speeds, which exceed the pedestrian comfort levels by almost 200%, are not significant is not supported by evidence in the record.
- 12) The conclusions of the EIR as to significant impacts are not supported by substantial evidence and should be revised to find that the proposed project would have significant impacts on biological resources related to bird deaths and serious damage to the redwood trees. The final EIR's response to comments regarding potential bird deaths, even with the staff's most recent additions, is inadequate. The mitigation measure addressing significant impacts to the redwood trees is inadequate to reduce this impact to a less than significant level.
- 13) The EIR should not be certified because it does not include or consider a reasonable range of project alternatives and is non-responsive to extensive and specific comments on the draft EIR by Planning Commissioners and members of the public. The current EIR alternatives are inappropriate attempts to justify the preferred alternative and its variants.
 - The Code-Complying Alternative is inadequate. It does not comply with the Planning Code or General Plan in that it exceeds the height limit by 200 feet, casts new shadows on public parks protected by Proposition K (section 295 of the Planning Code), includes both Mark Twain Alley and Redwood Park in FAR calculations, and assumes the Board of Supervisors will agree to sell a public right of way and to accept the offer of Redwood Park.
 - The EIR fails to analyze a potentially feasible Preservation Alternative although the EIR concedes that the demolition of the historic California Red Ink Building at

545 Sansome Street, the birthplace of the California printing industry, is a significant environmental impact of the project.

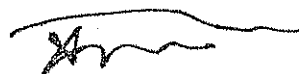
- 14) No substantial evidence supports findings that the Code-Complying and Preservation Alternatives are infeasible.

In sum, as noted by Planning Commission President Ron Miguel in his written comments on the Draft EIR, "*the [EIR] language and semantics are less than subjective – they are judgments rather than facts and are arguments rather than dispassionate information.*" (App. A, Comment Letters, Letter C.) And as stated by Commissioner Hisashi Sugaya during the March 18, 2010, Planning Commission hearing on the certification of the final EIR, "*The EIR is supposed to be an objective document and not riddled with value judgments as this one is . . . It is difficult to take the Comments and Responses and the Draft EIR and arrive at what you would call an objective look at the project.*" The EIR is not an objective document. Further, the very significant changes between the Draft and Final EIRs made it impossible for the public or the Planning Commission to make any sense of the project or its impacts.

Thus, this appeal should be granted. These arguments will be supplemented prior to the appeal hearing with details and citation to regulations, statutes, and case law. The Telegraph Hill Dwellers ask that the deeply flawed EIR be revised and recirculated for public comment, incorporating this Board's findings as to the already-apparent significant project impacts, and including a reasonable range of project alternatives and mitigations based on legally appropriate project objectives.

Thank you for your consideration of this appeal.

Sincerely,



Vedica Puri
President

Enclosures

cc: Bill Wyco, Environmental Review Officer
Elaine Warren, Deputy City Attorney
Sue C. Hestor, Esq., San Franciscans for Reasonable Growth

2



**SAN FRANCISCO
PLANNING DEPARTMENT**

Planning Commission Motion No. 18046

HEARING DATE: March 18, 2010

Hearing Date: March 18, 2010
Case No.: 2002.0133E
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: C-3-O (Downtown Office)
 120-X and 200-S Height and Bulk District
Block/Lot: 0207/33, 35, & 36
Project Sponsor: AEGON USA Realty Advisors, Inc.
 455 Market Street, Suite 640
 San Francisco, CA 94105
Staff Contact: Nannie R. Turrell – (415) 575-9047
 Nannie.turrell@sfgov.org

1650 Mission St.
 Suite 400
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Planning
 Information:
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ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PROJECT WHICH INCLUDE DEMOLITION OF TWO BUILDINGS AT 501-505 WASHINGTON STREET AND 545 SANSOME STREET, AND CONSTRUCTION OF A 38-STORY, APPROXIMATELY 390 FOOT-TALL BUILDING TOPPED WITH A MECHANICAL PENTHOUSE AND ARCHITECTURAL SCREENING REACHING IN HEIGHT TO APPROXIMATELY 430 FEET. THE NEW BUILDING WOULD CONTAIN APPROXIMATELY 332,000 GROSS SQUARE FEET OF FLOOR AREA, INCLUDING 248 RESIDENTIAL UNITS, 4,640 SQUARE FEET OF GROUND-FLOOR RETAIL SPACE, AND FOUR LEVELS OF SUBSURFACE PARKING WITH 215 PARKING SPACES PLUS 2 CAR SHARE SPACES. THE PROJECT ALSO WOULD INCLUDE VACATION OF MARK TWAIN ALLEY AND CONVEYANCE OF REDWOOD PARK TO THE CITY AND COUNTY OF SAN FRANCISCO.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2002.0133E, 555 Washington Street (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Adm. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 3I of the San Francisco Administrative Code (hereinafter "Chapter 3I").
 - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on November 27, 2007.
 - B. On March 25, 2009, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public

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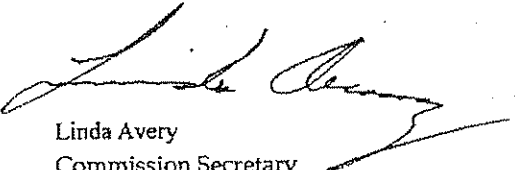
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 Updated 12/3/08

- hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.
- C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on March 25, 2009.
 - D. On March 25, 2009, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
 - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on March 25, 2009.
2. The Commission held a duly advertised public hearing on said DEIR on May 7, 2009 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on May 18, 2009, as extended by the Commission.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 54-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document, published on January 7, 2010, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at Department offices.
 4. A Final Environmental Impact Report has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.
 5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department offices at 1650 Mission Street, and are part of the record before the Commission.
 6. On March 18, 2010, the Commission reviewed and considered the Final Environmental Impact Report and hereby does find that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
 7. The project sponsor has indicated that the presently preferred alternative is the Proposed Project, described in the Final Environmental Impact Report.
 8. The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2002.0133E - 555 Washington Street Project reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY

THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

9. The Commission, in certifying the completion of said Final Environmental Impact Report, hereby does find that the project described in the Environmental Impact Report [and the project preferred by the project sponsor, described as the Proposed Project in the Final Environmental Impact Report]:
 - A. Will have a project-specific unavoidable significant effect on the environment on historical resources in that it would demolish a potentially significant historic building at 545 Sansome Street.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of March 18, 2010.


Linda Avery
Commission Secretary

AYES: Miguel, Borden, Lee, Antonini
NOES: Sugaya, Moore, Olague
ABSENT:
ADOPTED: March 18, 2010

3



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing
- Childcare Requirement
- Jobs Housing Linkage Program
- Downtown Park Fee
- Public Art
- Public Open Space
- First Source Hiring (Admin. Code)
- Transit Impact Development Fee
- Other

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Planning Commission Motion 18047 CEQA Findings

HEARING DATE: MARCH 18, 2010

Date: January 21, 2010
Case No.: 2002.0133EZMRKXV
Project Address: 555 Washington Street (aka 545 Sansome Street)
Zoning: Downtown, Office (C-3-O)
 200-S Height and Bulk Districts
Block/Lot: Block 0207/Lots 33, 35, and 36
Applicant: Andrew Segal, on behalf of Lowe Enterprises Real Estate Group
 West, Inc. for AEGON USA Realty Advisors, Inc.
 455 Market Street, Suite 640
 San Francisco, CA 94105
Staff Contact Rick Crawford - (415) 558-6358
 rick.crawford@sfgov.org

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT TO CONSTRUCT A NEW APPROXIMATELY 390-FOOT-TALL (PLUS A MECHANICAL PENTHOUSE REACHING IN HEIGHT TO APPROXIMATELY 410 FEET AND AN ARCHITECTURAL SCREEN REACHING IN HEIGHT TO APPROXIMATELY 430 FEET), 38-STORY BUILDING CONTAINING 248 RESIDENTIAL UNITS ABOVE APPROXIMATELY 4,635 GROSS SQUARE FEET OF RETAIL USE ON THE GROUND FLOOR, AND PROVIDING 215 PARKING SPACES PLUS 2 CAR SHARE SPACES (THE "PROJECT"). THE PROJECT IS LOCATED AT 555 WASHINGTON STREET ON ASSESSOR'S BLOCK 0207, LOTS 33, 35 AND 36 IN A C-3-O (DOWNTOWN, OFFICE) ZONING DISTRICT AND WITHIN A 200-S HEIGHT AND BULK DISTRICT.

In its determination to approve the proposed project located at 555 Washington Street (aka 545 Sansome Street) (Assessor's Block 0207, Lots 33, 35, and 36), the San Francisco Planning Commission ("Commission") makes and adopts the following findings of fact regarding the Project and mitigation measures based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the

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Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), particularly Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

I. Introduction

The San Francisco Planning Commission hereby adopts the following findings for the Project approval of 555 Washington Street Project (the "Project") pursuant to the California Environmental Quality Act, California Public Resources Code, Sections 21000 et seq. ("CEQA"), the Guidelines for Implementation of CEQA, Title 15 California Code of Regulations Sections 15000 et seq. ("Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"), entitled Environmental Quality:

II. Project Description

A. 555 Washington Street Project

545 Sansome Street, 501-505 Washington Street and 517 Washington will be developed with a new 38 story, approximately 390-foot-tall building topped with a mechanical penthouse reaching a height of approximately 410 feet and an architectural screen reaching a height of approximately 430 feet, containing approximately 331,640 gross square feet and approximately 4,635 square feet of ground-floor retail space. The main entrance on Washington Street will provide access to 248 residential units with a mix of one and two bedroom units. Four levels of subsurface parking will be developed beneath the building and Mark Twain Alley, which will consist of 213 parking spaces plus 2 car share spaces that will be available as a combination of independently accessible and car stacker spaces accessed by ingress and egress on Washington Street. As part of the Project, Redwood Park, currently a private area not required to be made available to the public, would be expanded, renovated and the surface area of the expanded park, sufficient for park purposes, would be conveyed to the City on completion of the Project to create a permanent downtown public park. The sponsor would continue to own the subsurface and air rights to the property. Mark Twain Alley also would be vacated, landscaped and undergo substantial improvements at grade-level as part of the Project. This area would serve as public open space for the Project and would create an inviting street level environment for all users. The revitalized Redwood Park would be connected to Mark Twain Alley, which would create a more pedestrian friendly atmosphere for users of the Project and the surrounding neighborhoods.

B. Project Sponsor Objectives

The Final Environmental Impact Report (FEIR) discusses several Project objectives identified by the Project Sponsor. The objectives are as follows:

- To own and operate in San Francisco's Financial District a Class A residential or office and retail building with at least 200 units or 300,000 square feet of commercial space.
- To construct a project that complements the iconic Transamerica Pyramid.

- To create a project that does not detract from the significance of the adjacent Jackson Square Historic District.
- To increase the area's pedestrian appeal so as to draw more customers to local businesses within and outside the Project site.
- To create more public space and to make the publicly accessible space in Redwood Park and Mark Twain Alley more functional and usable.

C. Planning and Environmental Review Process

The Project Sponsor applied for environmental review on February 6, 2002. The San Francisco Planning Department (the "Department") determined that an Environmental Impact Report was required and provided public notice of the preparation of such on November 27, 2007. The Department published a Draft Environmental Impact Report (DEIR) on March 25, 2009. The San Francisco Planning Commission held a public hearing to solicit testimony on the DEIR on May 7, 2009. The Department received written comments on the DEIR from March 25, 2009 to May 18, 2009. The Department published the Comments and Responses on January 7, 2010. The DEIR, together with the Comments and Responses document constitute the Final Environmental Impact Report (FEIR.) The Commission certified the FEIR on March 18, 2010 in Motion No 18047.

D. Location and Custodian of Records.

The public hearing transcript, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Linda Avery, is the custodian of records for the Planning Department and the Planning Commission.

III. Alternatives

A. Alternatives Analyzed in the FEIR

The FEIR analyzed four alternatives to the Project: the No Project Alternative, the Driveway Alternative, the Code-Complying Alternative, and the Preservation Alternative. The No Project Alternative analyzes no immediate change to the Project site, including no demolition of the two buildings on the Project site and no construction of the new residential and/or office building with ground floor retail and underground parking. The Code Complying Alternative analyzes the construction of a shorter building (200 feet tall) that would not require an amendment to the Planning Code or General Plan. The Preservation Alternative analyzes a project that would involve the construction of a new 9-story addition to the 545 Sansome Street building. The No Project Alternative, the Code Complying Alternative and the Preservation Alternative are rejected for the reasons explained below. The Driveway Alternative is almost identical to the preferred project analyzed in the FEIR in every way, except that it analyzes

construction of a project that contemplates inbound ingress to the parking garage to be via a driveway entrance on Washington Street and outbound egress from the parking garage to be via a driveway exit on Sansome Street, rather than having both ingress and egress occur via a single driveway on Washington Street. The Driveway Alternative is incorporated into the Project to the extent vehicular traffic is allowed on Sansome Street by the Metropolitan Transportation Agency.

B. Alternatives Rejected and Reasons for Rejection

(1) No Project Alternative. The No Project Alternative would not be desirable or meet the Project Sponsor's goals. The No Project Alternative would amount to a continuation of the existing conditions at the Project site, which is underutilized. The No Project Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The No Project Alternative would not meet any of the Project Sponsor's objectives.
- (b) The No Project Alternative would not provide opportunities for new sources of jobs, fees, taxes and revenues.
- (c) The No Project Alternative would not expand, renovate and convey Redwood Park to the City for use as a new public park. Redwood Park would remain a privately owned park that would continue to be open to the public at the Project Sponsor's discretion.
- (d) The Project site would remain underutilized.
- (e) The No Project Alternative would not include the vacation and purchase at fair market value of Mark Twain Alley from the City and Mark Twain Alley would not be renovated as a publicly accessible open space.

(2) Code Complying Alternative. The Code Complying Alternative would not be desirable or meet the Project Sponsor's goals. The Code Complying Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The code-complying alternative would meet some but not all of the Project Sponsor's objectives.
- (b) The Code Complying Alternative would have a significant unavoidable impact on the 545 Sansome building.
- (c) The Code-Complying Alternative would be less successful at meeting the Project Sponsor's objective of visually complementing the iconic Transamerica Pyramid and expanding the publicly accessible open space on the block.

(3) Preservation Alternative. The Preservation Alternative would not be desirable or meet the Project Sponsor's goals. This alternative would not expand, renovate or convey to the City Redwood Park for use as a new public park and Mark Twain Alley would not be vacated and purchased at fair market value from the City and renovated as publicly accessible open space.

- (a) The preservation alternative would not produce a Class A residential or office and retail building in the Financial District with at least 200 units or 300,000 square feet of commercial space.
- (b) The preservation alternative would not create more public open space and would result in the closure of the existing private Redwood Park to the public.

IV. Significant Impacts and Mitigation Measures

In the course of the project planning and design, mitigation measures were identified that would reduce or eliminate potential significant environmental impacts. The significant impacts and the mitigation measures to reduce the significant impacts are described in chapters 3 and 4 of the FEIR. The Project Sponsor has agreed to implement and comply with all mitigation measures identified in the FEIR. Therefore, the mitigation measures that have been incorporated into the Project will avoid or substantially lessen the potential significant environmental effects identified in the FEIR. To assure the implementation of these measures, they are included in the mitigation monitoring and reporting program for the Project, which is attached as exhibit C to the Commission's Section 309 motion for case 2002.0133EZMRKXV and incorporated herein by this reference. Implementation of all the mitigation measures contained in the FEIR will be included as a condition of approval for the Project. All mitigation measures proposed in the FEIR are adopted and the full text of the mitigation measures is set forth in the Mitigation Monitoring and Reporting Program attached as Exhibit A to this motion.

V. Unavoidable Significant Environmental Impacts

The Project, as approved, would have a Project-specific unavoidable significant environmental impact on the 545 Sansome Street building, a historic resource, resulting from its demolition as a part of the Project. There is no feasible or prudent mitigation measure for this impact for the reasons set forth in Section III. However, Mitigation Measure 2 in the Mitigation Monitoring and Reporting Program, which calls for documentation and commemoration of the building would reduce impacts on historical resources, but the impact would remain significant and unavoidable.

VI. Statement of Overriding Considerations

Notwithstanding this significant unavoidable impact noted above, pursuant to CEQA Section 21081(b), the CEQA Guidelines, and Chapter 31 of the Administrative Code, the Commission finds, after considering the FEIR, that specific overriding economic, legal, social and other considerations, as set forth below, outweigh the identified significant effect on the environment. In addition, the Commission finds that the rejected Project Alternatives are also rejected for the following specific economic, social or other considerations, in addition to the specific reasons discussed in Section III above.

1. The Project would provide that Redwood Park, currently a private open area, to be expanded, improved and, on Project completion, dedicated, at no cost to the City, to the City as a public park, and thereafter maintained in perpetuity, at no cost to the City, by the Project and the other privately owned parcels on the Project block.
2. The Project would promote the objectives and policies of the General Plan by creating new housing, improving retail options, providing new public park land and being well located near public transit.
3. The Project would provide housing in the Downtown Core by the development of 248 homes (115 two-bedroom homes and 133 one-bedroom homes), which will be close to an array of public transit alternatives in the Downtown Core, and close to offices and jobs.
4. Although the Project would have a significant, unavoidable impact on the 545 Sansome Street Building, the historic connection of 545 Sansome to San Francisco's printing and publishing industry will be commemorated with an exhibit at the Project site pursuant to the mitigation measures that the Project Sponsor has accepted.
5. The Project would revitalize the Project site and the surrounding neighborhood.
6. The Project would maximize sunlight and open space at the Project site and complement the iconic Transamerica Pyramid.
7. The Project would make a substantial contribution to the creation of affordable housing in the City pursuant to the provisions of Section 315 of the Planning Code.
8. The Project would provide opportunities for new sources of jobs and would over its life result in substantial property taxes and transfer tax revenues for the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby adopts the foregoing CEQA Findings and the Mitigation Monitoring and Reporting Program attached hereto as Exhibit A.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on Thursday, March 18, 2010.

Linda D. Avery

Commission Secretary

AYES: Antonini, Bordon, Lee and Miguel

NOES: Moore, Olague, and Sugaya

ABSENT: None

ADOPTED: March 18, 2010

EXHIBIT A

Mitigation Monitoring and Reporting Program

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
Cultural and Paleontological Resources Mitigation Measures				
<p>Mitigation Measure 1</p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in <i>CEQA Guidelines</i> Section 15064.5(a)(c).</p> <p><i>Archaeological Testing Program.</i> The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of</p>	Project sponsor	Prior to and during construction	The ERO to review and approve the Final Archeological Resources Report	The project archaeologist to consult with the ERO as indicated. Considered complete after review and approval of the Final Archaeological Resources Report by the ERO.

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. <p><i>Archaeological Monitoring Program (AMP).</i> If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> ▪ The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> ▪ The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource; ▪ The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; ▪ The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; ▪ If an intact archaeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO. <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>monitoring program to the ERO.</p> <p><i>Archaeological Data Recovery Program.</i> The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP, prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. ▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. ▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. ▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program. ▪ <i>Security Measures.</i> Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities. ▪ <i>Final Report.</i> Description of proposed report format and distribution of results. ▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>policies of the curation facilities.</p> <p><i>Human Remains, and Associated or Unassociated Funerary Objects.</i> 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 Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (<i>CEQA Guidelines</i>, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><i>Final Archaeological Resources Report.</i> The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>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 Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. 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.</p>				
<p>Mitigation Measure 2 (a) <i>Documentation.</i> In consultation with a Planning</p>	Project sponsor	Prior to and	Planning Department	Considered complete

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Department Preservation Technical Specialist, the individual project applicant shall have documentation of the affected historical resource and its setting prepared. Generally, this documentation shall be in accordance with Level 3 documentation under the Historic American Building Survey (HABS) or Historic American Engineering Record (HAER).</p> <p>Documentation Level 3</p> <ol style="list-style-type: none"> 1. Drawings: sketch plan. 2. Photographs: photographs with large-format negatives of exterior and interior views. (If large-format photography is not possible, 35mm photography may be deemed acceptable, if the negatives are processed according to HABS standards.) 3. Written data: one-page summary. <p>Material standards regarding reproducibility, durability, and size shall be met. The HABS/HAER standards are:</p> <p>Measured Drawings: Readily Reproducible: Ink on translucent material. Durable: Ink on archivally stable materials. Standard Sizes: Two sizes: 19" x 24" or 24" x 36"</p> <p>Large-Format Photographs: Readily Reproducible: Prints shall accompany all negatives. Durable: Photography must be archivally processed and stored. Negatives are required on safety film only. Resin-coated paper is not accepted. Color photography is not acceptable. Standard Sizes: Three sizes: 4" x 5", 5" x 7", or 8" x 10"</p> <p>Written History and Description: Readily Reproducible: Clean copy for Xeroxing. Durable: Archival bond required. Standard Sizes: 8 1/2" x 11"</p> <p>The agreed-upon documentation shall be filed with the San Francisco History Center at the Main Library, the North Bay Regional and Special Collection of the Sonoma State University Library, and San Francisco Architectural Heritage.</p> <p>(b) <i>Commemoration.</i> If the affected historical resource is to be demolished, the individual project</p>		during construction		upon completion of documentation or installation of commemorative display of historic resource if the resource is to be demolished

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
applicant shall, with the assistance of a Planning Department Preservation Technical Specialist or other professionals experienced in creating historical exhibits and meeting the minimum professional qualifications for Historian under the Secretary of the Interior's Guidelines, incorporate a display featuring historic photos of the affected resource and a description of its historical significance into the publically accessible portion of any subsequent development on the site.				
Biological Resources Mitigation Measures				
<p>Mitigation Measure 3</p> <p>The project sponsor shall prepare Tree Protection Guidelines with respect to Redwood Park that the Department of Public Works and the Department of Recreation and Park shall approve prior to any demolition or construction for the project. It shall be composed of the following elements:</p> <p>Paving Stones – The paving stones and patio and walk cement sub-slab shall remain in place during the entirety of the construction process. Plywood or metal plates shall be placed over the paving stones for extra protection and to avoid damaging the pavers. At completion of building construction, the paving stones and patio and walk cement sub-slab may be removed as necessary to accomplish the expansion and renovation of Redwood Park and Mark Twain Alley.</p> <p>Fence Protection – A 10-foot high chain-link type fence is the primary method of protecting the roots and the lower 10 feet of the trees. The fencing shall be placed at the outer edge of all tree planning areas, where possible.</p> <p>Canopy Protection – This would depend upon the equipment and possible impacts that the canopy would be exposed to. Tree protection may require that netting be placed over the canopy of the side exposed to impacts. A scaffold structure shall be built around trees as necessary to protect them.</p> <p>Watering – The irrigation of the redwood trees must be monitored during construction to ensure that the trees thrive. Soil moisture shall be monitored.</p> <p>Mulch and Compost – Organic mulch and good quality compost shall be applied 1-2 inched deep with 4-6 inches of wood chips on top to help retain soil moisture and reduce compaction from inadvertent activities.</p>	Project sponsor	Prior to demolition and during construction	Department of Public Works and Department of Recreation and Park	Considered complete upon completion of construction

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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In addition the Tree Protection Guidelines shall include additional protections as necessary such as root protection, root pruning, trunk protection, foliage protection, and street tree protection, to ensure that no landmark or significant trees would be impacted by construction of the proposed project. Impacts on trees would be less than significant with implementation of these guidelines.				
Hazards and Hazardous Materials Mitigation Measures				
<p>Mitigation Measure 4</p> <p>Step 1: Soil and Groundwater Testing</p> <p>The project sponsor shall, prior to approval of a building permit for the project, hire a consultant to collect soil and groundwater samples (borings) from areas on the site in which soil would be disturbed and test the samples for total lead and petroleum hydrocarbons. The consultant shall analyze the samples as discrete, not composite samples. The consultant shall prepare a report on the testing for petroleum hydrocarbons that includes the results of the testing and a map that shows the locations of samples collected.</p> <p>The project sponsor shall submit the report on the testing for petroleum hydrocarbons and a fee in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee shall cover staff time for report review and administrative handling. If additional review is necessary, the Department of Public Health shall bill the project sponsor on a time and materials basis. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. The Department of Public Health shall review the testing report to determine to whether the soils or water of the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels.</p> <p>Step 2: Preparation of Site Mitigation Plan</p> <p>If, based on the results of the tests conducted, the San Francisco Department of Public Health (DPH) determines that the soils or water on the project site are contaminated with contaminants at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan is warranted. If such a plan is requested by the DPH, the Site Mitigation Plan shall include a discussion of the level of</p>	Project sponsor	Prior to approval of building permit and ongoing through DPH approval of Closure / Certification Report	Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon DPH approval of Closure / Certification Report

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>contamination of soils and water on the project site and mitigation measures for managing them on the site, including, but not limited to: 1) the alternatives for managing contaminated soils and water on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils or water on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils or water on the site. The Site Mitigation Plan shall be submitted to the DPH for review and approval. A copy of the Site Mitigation Plan shall be submitted to the Planning Department to become part of the case file.</p> <p>Step 3: Handling, Hauling, and Disposal of Contaminated Soils and Water</p> <p>(a) Specific Work Practices: If, based on the results of the soil tests conducted, the Department of Public Health determines that the soils or water on the project site are contaminated at or above potentially hazardous levels, the construction contractor shall be alert for the presence of such soils and water during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil and water testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils and water appropriately (i.e., as dictated by local, state, and federal regulations) when such soils or water are encountered on the site. If there are excavated materials containing over one percent friable asbestos, they would be treated as hazardous waste, and would be transported and disposed of in accordance with applicable state and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.</p> <p>(b) Dust Suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.</p> <p>(c) Surface Water Runoff Control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.</p> <p>(d) Soils Replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.</p> <p>(e) Hauling and Disposal: Contaminated soils shall be</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.</p> <p>Step 4: Preparation of Closure/Certification Report After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils and water from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.</p>				
<p>Mitigation Measure 5 The project sponsor would ensure that pre-construction building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of demolition. Any hazardous building materials so discovered would be abated according to federal, state, and local laws and regulations.</p>	Project sponsor	Prior to demolition	Planning Department, in consultation with DPH. Where a site mitigation plan is required, project sponsor or contractor shall submit a monitoring report to DPH, with a copy to Planning Department and DBI, at end of construction	Considered complete upon approval of project
<p>IMPROVEMENT MEASURES FOR 555 WASHINGTON STREET - The Project Sponsor will work with San Francisco Municipal Transportation Agency and with any other relevant City Agencies to implement the following improvement measures:</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Improvement Measure 1: Construction Traffic</p> <p>Any construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would coincide with peak hour traffic and would temporarily impede traffic and transit flow, although it would not be considered a significant impact. An improvement measure limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by MTA) would minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods. The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of MTA, the Fire Department, Muni, the Planning Department and other City agencies to determine feasible measures to reduce traffic congestion, including temporary bus stop relocation and other potential transit disruption and pedestrian circulation effects during construction of the project.</p>				
<p>Improvement Measure 2: Pedestrian Circulation - Clay and Battery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Battery Streets, such as:</p> <p>Consider installing an exclusive "pedestrian scramble" phase to reduce potential pedestrian/vehicle conflicts where vehicles turn right from Clay to Battery Street.</p> <p>Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a "pedestrian scramble" phase is not feasible at this location, evaluate the feasibility of reducing the double right turn lanes to a single right turn lane.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Increase the size of the pedestrian refuge area within the Battery-to-Clay channelized left-turn area, and evaluate the feasibility of changing the southbound channelized left turn traffic control to yield.</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Install pedestrian-scale lighting, especially along the northeasterly side of Clay.</p> <p>Install sidewalk pavement art along the northeasterly side of Clay to match other sidewalks at this intersection.</p> <p>Install wayfinding signs to direct pedestrians to the pedestrian overpasses where appropriate.</p> <p>Install "watch for oncoming traffic" sign for pedestrians crossing the southbound channelized left turn, and "yield to pedestrians" signs directed at motor vehicles, in advance of crosswalks.</p>				
<p>Improvement Measure 3: Pedestrian Circulation - Clay and Montgomery Intersection</p> <p>Provide pedestrian improvements at the intersection of Clay and Montgomery Streets, such as</p> <p>Consider installing an exclusive "pedestrian scramble" phase to reduce potential pedestrian/vehicle conflicts where vehicles turn left from Montgomery to Clay Street. Provide signage specifying that pedestrian crossings should be limited to the pedestrian phase.</p> <p>If a "pedestrian scramble" phase is not feasible, consider other measures to reduce pedestrian/vehicle conflicts, such as a protected southbound left turn phase for vehicles turning left from Montgomery to Clay Street and/or replacing the double left-turn lanes with a single left-turn lane. (Note: because of overhead Muni wires, it may be necessary to allow bus-only left turns from the second left lane).</p> <p>Install "yield to pedestrians" sign for vehicle approaching the left-turn movement from Montgomery to Clay.</p> <p>Provide pedestrian-oriented wayfinding signs. The Transamerica Pyramid is a popular tourist destination, and wayfinding signs would assist pedestrians that visit the landmark and then continue</p>				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
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<p>on to Chinatown, North Beach, BART or Muni, the Ferry Building, and other nearby areas.</p> <p>Evaluate the feasibility of providing a marked, mid-block crossing across the easterly leg of Clay at the alley. Install supplemental "yield to pedestrians" signs at this crossing.</p> <p>Re-stripe crosswalks where paint has faded.</p> <p>Provide street trees to enhance comfort and aesthetics.</p> <p>Lengthen bus stop by removing on-street parking.</p>				
<p>Improvement Measure 4: Construction Liaison</p> <p>The project sponsor shall provide a construction liaison, who will provide information about construction activities and their timing to the neighbors (defined as property owners and tenants within a one-block radius of the project site) and community. The liaison will also receive suggestions and complaints from the community and coordinate with the project sponsor to attempt to resolve them. The liaison will arrange regular meetings between the project sponsor's representatives and the neighbors, at least once per month during the construction period.</p>				
<p>Improvement Measure 5: Contribution to Cleaning Fund</p> <p>If neighbors (defined as property owners and tenants within a one-block radius of the project site) create a bank account for holding money to perform cleaning on their properties related to dust or other property damage from project construction, and, if the neighbors administer the account (i.e., allocate the funds among them), the project sponsor has agreed to contribute up to \$25,000 to the account. (This amount would not necessarily be equivalent to neighbors' claims for such reimbursement.)</p>				
<p>Improvement Measure 6: Monitoring Construction Effects on Adjacent Buildings</p> <p>The project sponsor shall establish a monitoring program to evaluate the effects of the construction on the adjacent buildings and surrounding ground. If the project or its variants were to require pile driving, the project sponsor has agreed to:</p> <ul style="list-style-type: none"> ▪ require its geotechnical engineering contractor to conduct pre-construction assessment of existing subsurface conditions and the structural integrity of 				

MITIGATION MEASURES FOR 555 WASHINGTON STREET				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>nearby buildings subject to pile driving impacts;</p> <ul style="list-style-type: none"> ▪ if recommended by the geotechnical engineer, for structures or facilities within 50 feet of pile driving, require ground-borne vibration monitoring of nearby structures; ▪ require its construction contractor to use noise-reducing pile driving techniques if nearby structures are subject to pile driving noise and vibration, including pre-drilling of pile holes (if feasible, based on soils) to a maximum feasible depth, installing intake and exhaust mufflers on pile driving equipment, vibrating piles into place when feasible, and installing shrouds around the pile driving hammer where feasible; and ▪ require contractors to use construction equipment with state-of-the-art noise shielding and muffling devices. <p>The purpose of the monitoring program would be to evaluate and, by evaluating, avoid any damage to adjacent buildings.</p>				
<p>Improvement Measure 7: Queuing for Parking Garage</p> <p>The project sponsor has agreed to resolve any queuing on the streets during times of backups using valets to move the queued vehicles directly to the first subsurface level, which would have space available for queuing.</p>				

4

Joshua
Switzky/CTYPLN/SFGOV
08/12/2009 04:25 PM

To Mark Luellen/CTYPLN/SFGOV@SFGOV
cc Rick Crawford/CTYPLN/SFGOV@SFGOV
bcc
Subject Re: 555 Washington

there's the problem -- they're counting the development lot as including both the alley and the park. I think that's a lot of chutzpah.
If you excluded those public parcels, the FAR jumps up to 26:1.

We've already expressed doubt about the public benefit of vacating Mark Twain alley, or even the necessity of it. Clearly one of the reasons they're doing it is to add to the lot size for the purpose of FAR. That's not at all consistent with any of the allowable General Plan reasons for selling a public right of way to a private party.

Equally, I don't see the rationale for including the park in the lot calculations. First of all, part of the whole program is to transfer the park to the city, so the park lot won't even be part of their property. Second, the park may have already been counted as part of the lot for FAR calcs for the original entitlements for the Transamerica Pyramid or the other building (I forgot the address), though the FAR rules were different back then. Someone should look into the history of this block and the calculations involved in those entitlements. Property owners can't just pass around ownership of a piece of property so that each can count it as part of their lot for the purpose of FAR calculations for subsequent developments. That seems kind of fishy, if that's the practical effect of what's being done.

-j

Mark Luellen/CTYPLN/SFGOV


Mark
Luellen/CTYPLN/SFGOV
08/12/2009 02:56 PM

To Joshua Switzky/CTYPLN/SFGOV@SFGOV
cc Rick Crawford/CTYPLN/SFGOV@SFGOV
Subject 555 Washington

Lot area 36,831± (appears to include Mark Twain Alley and Redwood Park) The two lots themselves total 14,485
Floor area 377,000 (appears to exclude non-retail floor area on ground floor.)

Mark Luellen
Northeast Team Manager
San Francisco Planning Department
1650 Mission Street, San Francisco, CA 94103
415 558 6478

Rick
Crawford/CTYPLN/SFGOV
08/12/2009 02:51 PM

To Mark Luellen/CTYPLN/SFGOV@SFGOV
cc
bcc
Subject Re: 555 Washington 

Lot area 36,831± (appears to include Mark Twain Alley and Redwood Park) The two lots themselves total 14,485

Floor area 377,000 (appears to exclude non-retail floor area on ground floor.)

Mark I have a real problem with including the alley and the park as lot area for FAR purposes but that is an issue for John. I have to tell you that the more I look into this project the worse it looks for the City from any benefit perspective.

555 Washington Site
Floor Area Ratio (FAR) Calculations

PROPOSED PROJECT - 331,640 sq ft (USING ALL 3 SITES)

Basic development site (Lots 35 & 36)

14,485 sq ft (105.35 x 137.5)

Allowable development for basic site

130,371 sq ft (14,485 sq ft X 9:1 FAR)

Mark Twain Alley (a.k.a. Merchant St.) - VACATED PUBLIC STREET

4,365 sq ft (137.5 x 31.77)

Allowable development on Mark Twain

39,315 sq ft (4,368 x 9:1 FAR)

Redwood Park (Lot 33) - TO BE DEDICATED TO THE CITY

17,981 sq ft

Allowable development on Redwood Park

161,793 sq ft (17,981 x 9:1 FAR)

IF the City vacates Mark Twain Alley AND accepts the "gift" of the surface of Redwood Park, the allowable square feet of development on this "merged" entitlement is:

130,371 sq ft - from basic site (Lots 35 & 36)

39,315 sq ft - from Mark Twain Alley (a.k.a. Merchant St.)

161,793 sq ft - from surface of Redwood Park (Lot 33)

331,479 sq ft - TOTAL ALLOWABLE sq ft

vs.

331,640 sq ft - PROPOSED PROJECT (so it exceeds the merged entitlement)

ABOVE LOT AREA/DIMENSIONS FROM SPONSORS' PLANS, SHEET 34


5

PROJECT COORDINATION MEETING AGENDA

TUESDAY, NOVEMBER 3, 2009, 10:30 A.M. IN ROOM 505 (Director's Conference Room)

Planners/Addresses/Zoning/Height District

Background/Issues/Recommendation

<p>Rahaim/Badiner/Nikitas/Amdur/Wertheim/Teague/Dischinger/Forbes</p> <p>Address: Area Plan Impact Fees Cross St(s): Block/Lot: Zoning/Ht Dist:</p>	<p>1. Background: Currently we are working on legislation to make the Department's four Area Plan Impact Fees internally consistent.</p> <p>Case Issues: The Department has four Area Plan Impact Fees (Rincon Hill, Market and Octavia, Eastern Neighborhoods, and Balboa Park). These were authored at different times by different people, and thus contain a range of subtle-to-not-so-subtle differences. What started as an effort to clean up the Eastern Neighborhoods Impact Fees has now grown into a larger effort to also create consistency across all four Impact Fees. Such consistency will benefit both staff and the public. The purpose of this meeting will be to resolve any remaining inconsistencies on which staff have not reached consensus.</p> <p>Recommendations: None at this time.</p>
<p>Rahaim/Badiner/Nikitas/Amdur/Alumbaugh/Crawford/Navarrete</p> <p>Address: 545 Sansome/555 Washington Cross St(s): Block/Lot: 0207/035 & 036 Zoning/Ht Dist: C-3-O / 200-S</p> 	<p>2. Background: The proposal is to demolish the existing building and construct 400-foot tall residential tower with ground floor commercial.</p> <p>Case Issues: FAR calculations for the project include the land area of the subject lots 35 and 36 in addition the land area of proposed Redwood Park and the portion of Merchant Alley proposed to be vacated for the project.</p> <p>Recommendations: Staff recommends that the Department direct the project sponsor to delete the land area of Redwood Park from their FAR calculations but continue to use the land area of Merchant Alley. The inclusion of the park is in appropriate as it is being donated to the City and will not be part of the project property in the future. Inclusion of this lot would cause the building to be out of conformity with the Planning Code. Inclusion of the alley is appropriate as, upon vacation and transfer to the sponsor the alley segment will be part of the project property.</p>
<p>Rahaim/Badiner/Nikitas/Amdur/Washington/Smith/Poling</p> <p>Address: 11 Phelan Avenue Cross St(s): Ocean Avenue Block/Lot: 3180/001 Zoning/Ht Dist: Ocean Ave. NCT / 55-X</p>	<p>3. Background: Requested by ZA. Informational meeting for management following project review and follow up meeting with sponsor. No plans/application submitted to Department. Project: mixed-use building with 70 affordable housing units, joint development with OEWD and BHNC and Mercy Housing.</p> <p>Case Issues: Shading of proposed adjacent park; PUD for project; and general project design.</p> <p>Recommendations:</p>
<p>Rahaim/Badiner/Nikitas/Amdur/Lindsay/Sullivan/Rodgers</p> <p>Address: N/A</p>	<p>4. Background: Legislation is pending that would propose to codify a condition of approval for formula retail stores. It would require the project sponsor to have a</p>

6

Columbus Ave.

Washington St.

200-S

250-S

300-S

74-X

350-S

75-X FRONT

350-S

200-S

250-S

350-S

150-X

300-S

400-S

300-S

200-S

50-X

150-S

450-S

Market St.

150-X

300-S

84-X

250-S

350-S

500-S

400-S

300-S

200-S

65-X

220-X

300-S

550-S

330-S

30-X

80-X

350-S

200-S

150-S

150-S

450-S

400-S

200-S

200-S

150-S

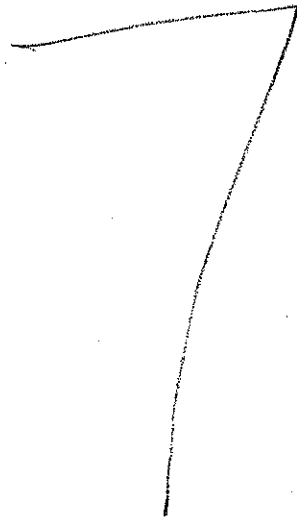
250-S

350-S

200-S

200-S

200-S



SEC. 295. – HEIGHT RESTRICTIONS ON STRUCTURES SHADOWING PROPERTY UNDER THE JURISDICTION OF THE RECREATION AND PARK COMMISSION.

(a) No building permit authorizing the construction of any structure that will cast any shade or shadow upon **any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission** may be issued except upon prior action of the City Planning Commission pursuant to the provisions of this Section; provided, however, that the provisions of this Section shall not apply to building permits authorizing:

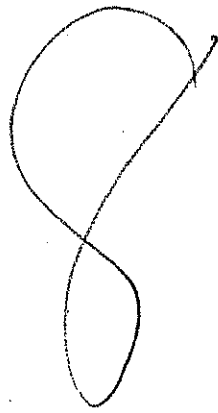
- (1) Structures which do not exceed 40 feet in height;
- (2) Structures which cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission only during the first hour after sunrise and/or the last hour before sunset;
- (3) Structures to be constructed on property under the jurisdiction of the Recreation and Park Commission for recreational and park-related purposes;
- (4) Structures of the same height and in the same location as structures in place on June 6, 1984;
- (5) Projects for which a building permit application has been filed and either (i) a public hearing has been held prior to March 5, 1984 on a draft environmental impact report published by the Department of City Planning, or (ii) a Negative Declaration has been published by the Department of City Planning prior to July 3, 1984;
- (6) Projects for which a building permit application and an application for environmental evaluation have been filed prior to March 5, 1984 and which involve physical integration of new construction with rehabilitation of a building designated as historic either by the San Francisco Board of Supervisors as a historical landmark or by the State Historic Preservation Officer as a State Historic Landmark, or placed by the United States Department of the Interior on the National Register of Historic Places and which are located on sites that, but for separation by a street or alley, are adjacent to such historic building.

(b) The City Planning Commission shall conduct a hearing and shall disapprove the issuance of any building permit governed by the provisions of this Section if it finds that the proposed project will have any adverse impact on the use of the property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant. The City Planning Commission shall not make the determination required by the provisions of this Subsection until the general manager of the Recreation and Park Department in consultation with the Recreation and Park Commission has had an opportunity to review and comment to the City Planning Commission upon the proposed project.

(c) The City Planning Commission and the Recreation and Park Commission, after a joint meeting, shall adopt criteria for the implementation of the provisions of this Section.

(d) The Zoning Administrator shall determine which applications for building permits propose structures which will cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. As used in this Section, "property designated for acquisition by the Recreation and Park Commission" shall mean property which a majority of each of the Recreation and Park Commission and the City Planning Commission, meeting jointly, with the concurrence of the Board of Supervisors, have recommended for acquisition from the Open Space Acquisition and Park Renovation Fund; which property is to be placed under the jurisdiction of the Recreation and Park Commission.

(Added Ord. 62-85, App. 1/31/85)



bold face mine

----- Original Message -----

Subject: Fw: 555 Washington - Shadow Memorandum Comments

Date: Mon, 8 Feb 2010 13:24:43 -0800

From: Kevin Guy <Kevin.Guy@sfgov.org>

To: hestor@earthlink.net

CC: Brian Smith <Brian.Smith@sfgov.org>

Kevin Guy
San Francisco Planning Department
Northeast Quadrant
1650 Mission Street, Suite 400
San Francisco, CA 94103
P: (415) 558-6163
F: (415) 558-6049
Kevin.Guy@sfgov.org

----- Forwarded by Kevin Guy/CTYPLN/SFGOV on 02/08/2010 01:24 PM -----
Kevin Guy/CTYPLN/SFGOV

10/21/2008 04:14 PM

To Sally Maxwell <sally@maxwell.net>

cc asegal@libertyhilldevelopment.com, Daniel LaForte <Daniel.LaForte@sfgov.org>, Joy Navarrete <Joy.Navarrete@sfgov.org>, rachel.horsch@pillsburylaw.com, sally@maxwell.net

Subject Re: 555 Washington - Shadow Memorandum Comments [Link](#)

Hi Sally - Regarding the original shadow fan prepared by staff.. I inherited this project from a previous planner. My file seems to be missing the original shadow fan, but I would be glad to recreate one if you feel this is necessary. Since Portsmouth Square lies only two blocks west of the project site, I am fairly confident that it would fall within the bounds of the initial shadow fan. Perhaps ESA already performed a "triage-level" analysis to eliminate certain parks from further analysis... however, this is not discussed or demonstrated in the shadow memo.

As for Redwood Park, Code Section 295 also applies to all properties being considered for acquisition by Rec & Park. It seems completely reasonable for us to know how shady Redwood Park would be in a post-project condition.. this is especially important since the conveyance of Redwood Park is being portrayed as an off-set for shadow impacts elsewhere.

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Kevin.Guy@sfgov.org

Sally Maxwell <sally_maxwell@earthlink.net>

10/21/2008 12:48 PM

To Kevin Guy <Kevin.Guy@sfgov.org>, sally@maxwell.net

cc Joy Navarrete <Joy.Navarrete@sfgov.org>, Daniel LaForte <Daniel.LaForte@sfgov.org>, asegal@libertyhilldevelopment.com, rachel.horsch@pillsburylaw.com

Subject Re: 555 Washington - Shadow Memorandum Comments

Please respond to
Sally Maxwell <sally@maxwell.net>

Hi Kevin,

Thank you for your comments. I forwarded them to Adam. I have also attached the ERP project team list for your information.

Regarding the 12 shadow graphics, these were prepared by ESA but I reproduced them three to a page as is standard. I will make them larger and then run them by you again to see if you think they are large enough. If not, then we may have to add more pages to the DEIR.

I asked Tim Blomgren for the shadow fan that the sponsor paid the City for, but have not yet received it. It would help us to know which parks could potentially be hit by shadow although I am confident that ESA carefully analyzed these parks that could potentially be hit. I may need to bring them on board to answer this question. We ended up using Adam for the final analysis, as ESA could not provide the quantitative numbers that were necessary to figure out new sunlight on the park compared to new shadow on the Prop K properties.

I am somewhat concerned by the request to provide information about new shadow on Redwood Park as this is irrelevant under CEQA. The park is a private park and any shadow on it would not be significant under the City's significance criteria. It would not be until after the City accepted the park that this information would be a CEQA concern. The net sunlight gain is included in the analysis. All sunlit space on Redwood Park would be new sunlight on Prop K property. We worked this all out with Paul Maltzer for the 350 Bush Street project, which had an identical analysis. Perhaps we should discuss this in more detail along with Rachel Horsch who was also involved in 350 Bush.

Thank you again for reviewing the project. I really appreciate receiving your comments.

Sally Maxwell\
(510) 883-0133

-----Original Message-----

>From: Kevin Guy <Kevin.Guy@sfgov.org>
>Sent: Oct 20, 2008 5:03 PM
>To: sally@maxwell.net
>Cc: Joy Navarrete <Joy.Navarrete@sfgov.org>, Daniel LaForte <Daniel.LaForte@sfgov.org>
>Subject: 555 Washington - Shadow Memorandum Comments

>
>Hi Sally - Per our phone conversation, I have discussed the draft shadow
>analysis for the 555 Washington Street project with Craig Nikitas, as well
>as Daniel LaForte with Rec & Park. We would like to provide you with the
>following comments... could you please also forward these to Adam Noble?:

>1. Because the project would impact at least two zero-tolerance parks
>(Maritime Plaza and Sue Bierman), the project would need to be heard before
>a joint meeting with both the Rec & Park Commission and the Planning
>Commission. We anticipate that we will hold a joint hearing in late
>2008/early 2009, so it may be possible to include this project on that
>agenda.

>2. The memo discusses potential impacts only to parks to the east, near the
>Embarcadero. We need to have a clearer sense of the total potential sweep
>of shadow from the project, and the potential to impact other parks. Based
>on our calculations, the tallest variant (at 390 feet) could cast a shadow
>of up to 2,500 feet. This could potentially capture a number of parks
>protected by Sec. 295, including: Portsmouth Square, Saint Mary's Square,
>Wong Playground, Woh Hei Yuen Park, and southerly portions of
>Embarcadero/Justin Herman Plaza (including the grassy area south of
>Market). I realize that intervening buildings and topography may capture
>the project shadow before it reaches these points, but we need to be able
>to demonstrate this to the decisionmakers.

>3. Include some analysis of project impacts to Redwood Park. I realize that
>the conveyance of Redwood Park is intended to mitigate the shadow impacts
>to the other zero-tolerance properties. It would be helpful to know the
>extent of shadow that the project would actually cast on Redwood Park, so
>we have a clearer sense of the net sunlight gain to park properties.

>4. Please provide clearer, larger graphics showing the new project shadow
>being cast on the solstice/equinox. Exhibits were provided as attachments
>to your draft memo, showing three different times on each date... but the
>small size of each image makes it difficult to identify details and see
>street name labels.

>I apologize for the delay in getting these comments to you. Please submit a
>revised draft that addresses these issues... feel free to contact me if you
>need any clarification.

>Thank you,
>Kevin

>
>Kevin Guy
>San Francisco Planning Department
>Northeast Quadrant

Kevin Guy/CTYPLN/SFGOV
01/09/2009 05:34 PM

To rachel.horsch@pillsburylaw.com, [REDACTED].net
cc [REDACTED].com,
[REDACTED].com, [REDACTED].com,
joy.navarrete@sfgov.org, [REDACTED].com, Angela
bcc

Subject Re: 555 Washington Street, Shadow memo [REDACTED]

Hi Rachel, Sally - Per our request, you have analyzed potential shadow impacts on a number of parks that were not evaluated in the initial shadow memo:

- * Woh Hei Yuen Rec Center
- * Willie Wong Playground
- * Justin Herman Plaza/Embarcadero Plaza
- * Portsmouth Square

I want to provide you with feedback on the latest draft shadow memorandum:

1. The submitted analysis concludes that, in each case, the proposed project would not cast shadow on these parks due to a variety of factors (distance, topography, intervening buildings, etc.). The text of the memo describes the methodology and conclusion for each park, but you have only provided a graphic for Willie Wong Playground. So that Planning staff and the decisionmakers can readily grasp these complex relationships, similar graphics should be provided for each park. For each park, utilize at least three graphics showing existing conditions, shadow cast by project alone, and all cumulative shadows (with the shadow cast by the project clearly distinguished from the shadows cast by other buildings).

2. We maintain that we need a clear understanding of the existing shadow conditions at Redwood Park, as well as the shadow cast on Redwood Park by the project. I understand that you disagree, based on the fact the Redwood is not currently a Rec & Park property... however, the conveyance of Redwood Park is intended to mitigate the shadow impacts to the other zero-tolerance properties, so we need a clear sense of the net sunlight gain. We can discuss this issue further when we meet in a few weeks.

3. Please call out the project location on Figure 2 - Location Map.

4. Once we have come to an agreement that the analysis is adequate for all of the various park sites, I would ask that you consolidate all of your analysis into a single memorandum.

Rachael - As we discussed earlier today, we should meet in a few weeks to discuss these comments, as well as procedural matters regarding the hearings before the Planning Commission and the Recreation and Parks Commission. Early next week, I will coordinate possible meeting times for the week of January 20.

Thank you for your attention to these matters. Have a good weekend.

-Kevin

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Kevin.Guy@sfgov.org
[REDACTED].net

Kevin Guy/CTYPLN/
SFGOV

01/13/2009 05:30 PM

To Angela F Heitter/CTYPLN/SFGOV@SFGOV, Craig Nikitas/CTYPLN/SFGOV@SFGOV, Kelley Amdur/CTYPLN/SFGOV@SFGOV, Lisa Gibson/CTYPLN/SFGOV@SFGOV, Daniel LaForte/RPD/SFGOV@SFGOV

cc

Subject 555 Washington - Shadow Issues

Hi All - I am trying to assemble a meeting with the project sponsor of 555 Washington to discuss issues regarding shadow impacts to parks. We continue to work with the sponsor to get an adequate technical memo demonstrating the shadow impacts of the proposed project.. there are still a number of items lacking in their latest draft. In addition, we need to emphasize the importance of shadow issues on Redwood Park. As part of the project, they wish to convey Redwood Park to the Rec & Park Department as an offset to some of the shadow impacts to Maritime Plaza and Sue Bierman Park. The sponsor has resisted our requests to analyze both baseline shadow conditions at the park, as well as the post-project conditions. To put it bluntly, we need to know whether they are proposing to give us a "lemon" of a heavily-shadowed park space to justify off-site shadow impacts.

This item is set for Policy Coordination on January 20. I am sure that some of our internal discussion at Policy will inform our approach to these issues in our meeting with the sponsor.

Could you please let me know your availability for the following dates/times next week:

- * Thursday, January 22 (AM)
- * Friday, January 23 (All Day)

Lisa, I am including you here because I understand that you are backup on Joy Navarette's projects. As soon as I hear from everyone, I will coordinate with the sponsor.

Thanks,
Kevin

Lulu -

I found out from an Alumbaugh that 555 Washington has sometimes been called 545 Sansome in the Department, and that MEETINGS have been held using 545 Sansome, instead of 555 Washington.

Could you clarify my request so that it covers 545 Sansome. Also I have no idea whether Kevin Guy is still at the Department. He definitely had a role on this project as well and his emails should be requested.

Sue Hestor

This is a formal Public Records act request for EMAILS, DOCUMENTS, and all agendas, notes, minutes regarding the proposed 555 Washington Street project, including the entire range of reviews and approvals on that project. This request specifically includes all Design Review, Project Review or similar staff reviews of the project, however denominated, and all meetings with project sponsor, its architects or agents.

This request includes all communications of whatever nature regarding Prop K shadows on Maritime Plaza and Bierman Park, and measures to be taken regarding the impacts of those shadows.

This request also includes all communications of whatever nature regarding use or vacation of Merchant Street or any other city street.

I REQUEST THAT EMAILS BE PROVIDED/FORWARDED AS AN EMAIL TO hestor@earthlink.net
<mailto:hestor@earthlink.net>

This request specifically extends to documents/emails involving Dean Macris, Amit Ghosh and others no longer at the Planning Department.

On July 24, 2009 I reviewed the 555 Washington dockets maintained by Rick Crawford and am slated to review the 555 Washington dockets maintained by Joy Navarrete. Material provided for my review in those dockets IS NOT BEING REQUESTED.

Sue Hestor
846-1021

----- Forwarded by Kevin Guy/CTYPLN/SFGOV on 02/08/2010 11:33 AM -----

Joy Navarrete/CTYPLN/SFGOV 07/31/2009 09:43 AM

To Rick Crawford/CTYPLN/SFGOV@SFGOV, Kevin Guy/CTYPLN/SFGOV@SFGOV

cc Mark Luellen/CTYPLN/SFGOV@SFGOV, Craig Nikitas/CTYPLN/SFGOV@SFGOV

Subject 555 Washington Shadow

As part of the EIR Comments & Responses, I've asked the consultants to do a shadow fan analysis for Redwood Park under 2 scenarios: existing conditions with existing buildings, and proposed renovation of the park with the three new designs (residential, office, and code-complying). I think this would make for a better EIR and I'm hoping this information would be helpful for you as well. The only analysis that was done on Redwood Park was the "sunlight analysis" which is not usually what we put in our EIRs and, frankly, was a confusing discussion as we couldn't compare apples in terms of shadow. The EIR has to treat Redwood Park as if it were a Section 295 park, because that is the intent of the project. I am certain that the project sponsors don't want to run this additional shadow fan, but if Neighborhood Planning would also like this information, it would further justify my request. Let me know what you think.

Thanks,
Joy

joy navarrete, senior environmental planner
san francisco planning department
1650 mission street, suite 400, san francisco, ca 94103
t. 415.575.9040 • f. 415.558.6409

www.sfplanning.org <www.sfplanning.org>

----- Forwarded by Kevin Guy/CTYPLN/SFGOV on 02/08/2010 11:33 AM -----

Rick Crawford/CTYPLN/SFGOV 07/31/2009 09:50 AM

To Joy Navarrete/CTYPLN/SFGOV@SFGOV

cc Craig Nikitas/CTYPLN/SFGOV@SFGOV, Kevin Guy/CTYPLN/SFGOV@SFGOV, Mark Luellen/CTYPLN/SFGOV@SFGOV

Subject Re: 555 Washington ShadowLink
<Notes://lnm01a01/882573A2005D945E/292B1229756D0C4E8825760000785045/9FF7407057C9854F88257604005B287F>

I think that information will be very useful to NP, especially considering the concerns surrounding the rezoning request. I look forward to seeing their submittal.

Thanks

----- Forwarded by Kevin Guy/CTYPLN/SFGOV on 02/08/2010 11:33 AM -----

Kevin Guy/CTYPLN/SFGOV 07/31/2009 04:12 PM

To Joy Navarrete/CTYPLN/SFGOV

cc Craig Nikitas/CTYPLN/SFGOV@SFGOV, Mark Luellen/CTYPLN/SFGOV@SFGOV, Rick Crawford/CTYPLN/SFGOV@SFGOV

Subject Re: 555 Washington ShadowLink

<Notes://lnm01a01/882573A2005D945E/292B1229756D0C4E8825760000785045/9FF7407057C9854F88257604005B287F>

Joy - I agree with you. This was a huge point of contention with the project sponsor prior to the joint hearing, but I would certainly welcome you alliance in pushing them to do this. I think this is a completely reasonable expectation and request.

-Kevin

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Kevin.Guy@sfgov.org

Joy Navarrete/CTYPLN/SFGOV 07/31/2009 09:43 AM

To Rick Crawford/CTYPLN/SFGOV@SFGOV, Kevin Guy/CTYPLN/SFGOV@SFGOV

cc Mark Luellen/CTYPLN/SFGOV@SFGOV, Craig Nikitas/CTYPLN/SFGOV@SFGOV

Subject: 555 Washington Shadow

As part of the EIR Comments & Responses, I've asked the consultants to do a shadow fan analysis for Redwood Park under 2 scenarios: existing conditions with existing buildings, and proposed renovation of the park with the three new designs (residential, office, and code-complying). I think this would make for a better EIR and I'm hoping this information would be helpful for you as well. The only analysis that was done on Redwood Park was the "sunlight analysis" which is not usually what we put in our EIRs and, frankly, was a confusing discussion as we couldn't compare apples to apples in terms of shadow. The EIR



has to treat Redwood Park as if it were a Section 295 park, because that is the intent of the project. I am certain that the project sponsors don't want to run this additional shadow fan, but if Neighborhood Planning would also like this information, it would further justify my request. Let me know what you think.

Thanks,
Joy

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san francisco planning department
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----- Forwarded by Kevin Guy/CTYPLN/SFGOV on 02/08/2010 11:33 AM -----

Joy Navarrete/CTYPLN/SFGOV 08/04/2009 11:01 AM

To Kevin Guy/CTYPLN/SFGOV@SFGOV

cc Daniel LaForte/RPD/SFGOV@SFGOV

Subject Re: Redwood Park AnalysisLink
<Notes://Inm01a01/882573A2005D945E/292B1229756D0C4E8825760000785045/2D7AF63BE827BD5388257608005DE03D>

Yes, I think they'll have to wait until next week. I had to concede yesterday, because I wasn't in those meetings and had to take their word that Craig didn't require the studies.

Thanks,
Joy

joy navarrete, senior environmental planner
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www.sfplanning.org <www.sfplanning.org>

Kevin Guy/CTYPLN/SFGOV 08/04/2009 10:06 AM

To Daniel LaForte/RPD/SFGOV@SFGOV

cc Joy Navarrete/CTYPLN/SFGOV@SFGOV

Subject Re: Redwood Park AnalysisLink
<Notes://Inm01a01/88256BE400691B07/38D46BF5E8F08834852564B500129B2C/C8EBD5AF327AF73B882576080057FA09>

Yes, I remember Rachel's argument, and I SEEM to recall that we conceded for some reason. I just can't recall the reason, and I am findining nothing in writing. But, we probably should regroup on this with Craig in light of the joint hearing.

Joy - can the sponsor wait for some feedback next week?

Thanks,
Kevin

Kevin Guy

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Kevin.Guy@sfgov.org

Daniel LaForte/RPD/SFGOV 08/04/2009 09:07 AM

To Kevin Guy/CTYPLN/SFGOV@SFGOV

cc

Joy Navarrete/CTYPLN/SFGOV@SFGOV

Subject

Re: Redwood Park AnalysisLink
<Notes://Inm01a01/882573A2005D945E/38D46BF5E8F08834852564B500129B2C/CC09C7A3F619929388257607008219B2>

Hi Kevin-

I think we should probably revisit this with Craig. I am trying to set up a meeting with him regarding other shadow projects next week. I will add this to the list. My memory around this topic is fuzzy, too. I think Rachel was making the case that the conveyance of Redwood park to the City is a gift rather than an acquisition.

Daniel LaForte
Park Planner
SF Recreation and Parks
McLaren Lodge Annex, 501 Stanyan Street
San Francisco, CA 94117
tel: (415) 831-2742
fax: (415) 831-2099

Kevin Guy/CTYPLN/SFGOV 08/03/2009 04:42 PM

To Daniel LaForte

cc Joy Navarrete/CTYPLN/SFGOV@SFGOV

Subject Redwood Park Analysis

Hi Daniel - Do you recall the final outcome of the discussion on 555 Washington and Redwood Park shadows? Specifically, I recall that Craig made a determination about whether they needed to analyze Redwood Park impacts under Section 295. Because there was so much back and forth, I cannot recall the specific outcome or the rationale behind it. Craig is out of the office for a week, so I am hoping to jog your memory.

Thanks,
Kevin

Kevin Guy
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1650 Mission Street, Suite 400
San Francisco, CA 94103
P: (415) 558-6163

Kevin Guy/CTYPLN/SFGOV 08/03/2009 04:42 PM

To Daniel LaForte

cc Joy Navarrete/CTYPLN/SFGOV@SFGOV

Subject Redwood Park Analysis

Hi Daniel - Do you recall the final outcome of the discussion on 555 Washington and Redwood Park shadows? Specifically, I recall that Craig made a determination about whether they needed to analyze Redwood Park impacts under Section 295. Because there was so much back and forth, I cannot recall the specific outcome or the rationale behind it. Craig is out of the office for a week, so I am hoping to jog your memory.

Thanks,
Kevin

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Kevin.Guy@sfgov.org

----- Forwarded by Kevin Guy/CTYPLN/SFGOV on 02/08/2010 11:33 AM -----

Rick Crawford/CTYPLN/SFGOV 08/12/2009 09:12 AM

To Mark Luellen/CTYPLN/SFGOV@SFGOV, Craig Nikitas/CTYPLN/SFGOV@SFGOV, Kelley Amdur/CTYPLN/SFGOV@SFGOV, David Alumbaugh/CTYPLN/SFGOV@SFGOV, Joshua Switzky/CTYPLN/SFGOV@SFGOV, Kevin Guy/CTYPLN/SFGOV@SFGOV, Angela F Threadgill/CTYPLN/SFGOV@SFGOV, Joy Navarrete/CTYPLN/SFGOV@SFGOV

cc Larry Badiner/CTYPLN/SFGOV@SFGOV

Subject 545 Samsome aka 555 Washington

Jeff Heller has received our comments regarding the design of the base for 545 Samsome and would like to meet with us to review his response. He is asking to meet during the next two weeks or the first week in September. Please let me know your availability for such a meeting during those weeks.

Thanks

----- Forwarded by Kevin Guy/CTYPLN/SFGOV on 02/08/2010 11:33 AM -----

Kevin Guy/CTYPLN/SFGOV 08/12/2009 09:59 AM

To Rick Crawford/CTYPLN/SFGOV

cc Mark Luellen/CTYPLN/SFGOV@SFGOV

Subject Re: 545 Samsome aka 555 WashingtonLink
<Notes://Inm01a01/882573A2005D945E/292B1229756D0C4E8825760000785045/B4189EA8C243375B882576100058938F>

RE: 555 Washington - Shadow Memo

Kevin Guy to: Horsch, Rachel B.

Cc: "Daniel LaForte", "Rick Crawford"

01/07/2010 04:44 PM

Rachel - Thank you for providing the suggestions. I had forgotten about the last-minute numerical tweaks from our previous hearing to the sunlight hours on Sue Bierman Park. So, I updated those figures. I also updated the project description to match Rick's case report... these numbers are more "rounded" than the precise square footages you provide, but they should all be internally consistent.

I did not incorporate the remainder of your suggestions, however. Without responding individually to each of your edits, here are my general responses:

* In this case, the correct finding the Commission would need to make is that the impact is not adverse (not "a significant adverse impact" or "significantly adverse"). Within our Department, Craig Nikitas is the authority on 295-related matters, and he has been clear and unequivocal on this point. I seem to remember some pretty extensive discussion on this before the hearing last May. At the risk of sounding dismissive, which is not my intent, I think it is time to move beyond this issue as we rapidly approach the publication date.

* In various places, you added language emphasizing the imperceptible nature of the newly added shadow, and the benefits of the conveyance of Redwood Park as an offset to the new shadow. These points are already made in the exec sum, reso, and motion. You will certainly want to emphasize these points in your presentation at the hearing. However, the degree of emphasis with the newly suggested language was veering too close to advocacy of the project that I am not comfortable including this in a reso or motion.

I will be out of the office tomorrow (actually, each Friday until October) for paternity leave. When I return on Monday, however, Rick and I will finalize and collate the packets, and I am sure we can make a copy available to you.

-Kevin

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"Horsch, Rachel B."
<rachel.horsch@pillsburylaw.com>

01/07/2010 03:04 PM

To "Kevin Guy" <Kevin.Guy@sfgov.org>
cc "Daniel LaForte" <Daniel.LaForte@sfgov.org>, "Rick Crawford"
<Rick.Crawford@sfgov.org>
Subject: RE: 555 Washington - Shadow Memo
ct

Understood. Did you get our suggestions for some changes from your prior documents for the currently proposed hearing? I can send again if you would like. Also, we would be more than happy to take a look at your revised documents in case we find any clean up items. At any rate we would love to see the current shadow summary, reso and motion as soon as they are available. Thanks.

Best regards,
Rachel

Rachel Horsch | Pillsbury Winthrop Shaw Pittman LLP

Tel: 415.983.1193 | Fax: 415.983.1200
50 Fremont Street | San Francisco, CA 94105-2228

From: Kevin Guy [mailto:Kevin.Guy@sfgov.org]
Sent: Thursday, January 07, 2010 2:47 PM
To: Horsch, Rachel B.
Cc: Daniel LaForte; Rick Crawford
Subject: RE: 555 Washington - Shadow Memo

Rachel - I have produced a standalone Exec Summary, Draft Reso, and Draft Motion (regarding shadow impacts specifically) that will be an attachment within the overall CPC packet, which will be finalized on Monday. These are basically just minor updates of what was distributed for the hearing last May. Rick's Executive Summary will still be the "master document" to describe the overall project.

-Kevin

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Kevin.Guy@sfgov.org

"Horsch, Rachel B."
<rachel.horsch@pillsburylaw.com>

01/07/2010 11:58 AM

To "Kevin Guy" <Kevin.Guy@sfgov.org>
cc "Daniel LaForte" <Daniel.LaForte@sfgov.org>, "Rick Crawford"
<Rick.Crawford@sfgov.org>
Subje RE: 555 Washington - Shadow Memo
cl

9



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> TIDF (Admin. Code) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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

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Planning
Information:
415.558.6377

Planning Commission Resolution No. 18048

HEARING DATE: MARCH 18, 2010

Date: February 5, 2010
Case No.: 2009.0302K (Maritime Plaza and Sue Bierman Park)
Project Address: Maritime Plaza:
 - (bounded by Washington, Davis, Clay, and Battery Streets)
 Sue Bierman Park:
 - (bounded by the Embarcadero and Washington, Davis, and Clay Streets)
 555 Washington Street (between Montgomery and Sansome Streets)
Zoning: Maritime Plaza:
 - C-3-O (Downtown Office) District
 - 200-S/300-S Height and Bulk Districts
 Sue Bierman Park:
 - P (Public)
 - OS Height and Bulk District
 555 Washington:
 - C-3-O (Downtown Office) District
 - 200-S Height and Bulk District
Block/Lot: Maritime Plaza:
 - 0204/020-022
 Sue Bierman Park:
 - 0202/006, 015, 018, 020; 0203/013-014
 555 Washington:
 - 0207/033, 035, 036
Project Sponsor: Andrew Segal
 Lowe Enterprise Real Estate Group-West, Inc.
 455 Market Street
 San Francisco, CA 94105
Staff Contact: Kevin Guy – (415) 558-6163
kevin.guy@sfgov.org
Recommendation: Approval

www.sfplanning.org

RESOLUTION TO RAISE THE ABSOLUTE CUMULATIVE SHADOW LIMIT ON MARITIME PLAZA AND TO ESTABLISH AN ABSOLUTE CUMULATIVE SHADOW LIMIT ON SUE BIERMAN PARK IN ORDER TO ALLOW THE PROPOSED PROJECT AT 555 WASHINGTON STREET.

RECITALS

1. The people of the City and County of San Francisco, in June 1984, adopted an initiative ordinance, commonly known as Proposition K, codified as Section 295 of the Planning Code.
2. Section 295 requires that the Planning Commission disapprove any building permit application to construct a structure that will cast shadow on property under the jurisdiction of the Recreation and Park Department, unless it is determined that the shadow would not be significant or adverse. The Planning Commission and the Recreation and Park Commission must adopt criteria for the implementation of that ordinance.
3. Section 295 is implemented by analyzing park properties that could be shadowed by new construction, including the current patterns of use of such properties, how such properties might be used in the future, and assessing the amount of shadowing, its duration, times of day, and times of year of occurrence. The Commissions may also consider the overriding social or public benefits of a project casting shadow.
4. Pursuant to Planning Code Section 295, the Planning Commission and the Recreation and Park Commission, on February 7, 1989, adopted standards for allowing additional shadows on the greater downtown parks (Resolution No. 11595). The quantitative standard that was established for Maritime Plaza ("Plaza") was zero percent or no net new shadow.
5. Maritime Plaza ("Plaza") is an elevated plaza located on a podium over a parking garage, on a block bounded by Washington, Davis, Clay, and Battery Streets. The Plaza measures 85,997 square feet, and is divided into two symmetrical spaces by the 24-story Alcoa building. The surrounding area is characterized by development at various scales. Building heights generally fall to the north within the Jackson Square area, and to the east toward the waterfront. Taller buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Sunlight reaches the Plaza primarily during the midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the morning and afternoon hours.

On an annual basis, the total potential sunlight available to the Plaza is approximately 320,030,092 square-foot-hours of sunlight if no structures were present. Existing structures in the area cast shadows on the park, so that approximately 112,224,916 square-foot hours of sunlight are available on the Plaza, approximately 35 percent of the potential square-foot-hours of sunlight. An absolute cumulative limit of zero percent was adopted for the Plaza in 1989.

6. Sue Bierman Park ("Park") is located on two blocks bounded by The Embarcadero, and Washington, Davis, Clay, Streets. The two areas measure a total of 189,475 square feet, and are characterized mainly by expanses of grassy lawn threaded with hardscape walking paths. The surrounding area is characterized by development at various scales. Building heights are

generally low to the north and east along the waterfront. Taller buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Sunlight reaches the Park primarily during the morning and midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the afternoon hours. The easterly portion of the Park receives the most sunlight.

On an annual basis, the total potential sunlight available to the Park is approximately 705,110,821 square-foot-hours of sunlight if no structures were present. Existing structures in the area cast shadows on the park, so that approximately 410,460,498 square-foot hours of sunlight fall on the Park, approximately 58.2 percent of the potential square-foot-hours of sunlight. The Park did not exist in its current form, size, and configuration when the absolute cumulative limits were adopted in 1989. At that time, an absolute cumulative limit of zero percent was adopted for "Embarcadero Plaza I (North)", a park which has since been subsumed within the larger Sue Bierman Park. In addition, at the time of the adoption of cumulative limits, Embarcadero Plaza I (North) experienced substantial shading from the Embarcadero Freeway. The freeway has since been demolished following damage in the 1989 Loma Prieta earthquake. Portions of the former freeway right-of-way were acquired and reconfigured into an expanded open space that is now known as Sue Bierman Park. No formal shadow criteria or limits have ever been adopted for Sue Bierman Park, in its present form, size, and configuration.

7. On June 12, 2006, Lowe Enterprises Real Estate Group-West, Inc. ("Project Sponsor") applied for Shadow Analysis Application No. 2002.0133K on the property at 555 Washington Street, Lots 033, 035, and 036 Assessor's Block 0207 for a project to demolish an existing nine-story office building and one-story retail building, and construct a new mixed-use building containing approximately 332,000 gross square feet of floor area, including 248 residential units, 4,640 square feet of ground-floor retail space, and four levels of subsurface parking with 230 residential parking spaces plus 2 car share spaces. The finished roof of the building would reach a height of approximately 390 feet, while the rooftop architectural screen would reach a height of approximately 430 feet. The project site is located within the C-3-O (Downtown Office) Zoning District, and the 200-S Height and Bulk District (collectively, "Project").
8. The Project, as proposed, will cast additional 2,822,513 square-foot hours of shadow onto Maritime Plaza, equivalent to 0.88 percent of the potential sunlight on the Plaza and 2.52 percent of the existing available annual square foot-hours of sunlight on the Plaza.
9. The Project, as proposed, will cast additional 43,682 square-foot hours of shadow onto Sue Bierman Park, equivalent to 0.0062 percent of the potential sunlight on the Park and 0.011 percent of the existing available annual square foot-hours of sunlight on the Park.
10. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on May 7, 2009 to consider the recommendation to increase the absolute cumulative shadow limit for Maritime Plaza from zero percent to 0.88 percent of the potential sunlight, and to establish an absolute cumulative shadow limit for Sue Bierman Park (including as a portion the former "Embarcadero Plaza I (North)" at .0062 percent of the potential sunlight. At that time, the Final Environmental Impact Report had not been completed and was not

available for certification, therefore, the Commissions were not able to take final action on the item.

11. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on March 18, 2010 to consider the recommendation to increase the absolute cumulative shadow limit for Maritime Plaza from zero percent to 0.88 percent of the potential sunlight, and to establish an absolute cumulative shadow limit for Sue Bierman Park (including as a portion the former "Embarcadero Plaza I (North)" at .0062 percent of the potential sunlight.
12. The Planning Commission and the Recreation and Park Commission have reviewed and considered reports, studies, plans and other documents pertaining to the Project.
13. The Planning Commission and the Recreation and Park Commission have heard and considered the testimony presented at the public hearing and have further considered the written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

Therefore, the Commission hereby resolves:

FINDINGS

Having reviewed the materials identified in the recitals above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The foregoing recitals are accurate, and also constitute findings of this Commission.
2. The Planning Commission adopted California Environmental Quality Act findings in its Motion No. 18047, which findings are incorporated by this reference thereto as if fully set forth in this Resolution.
3. The additional shadow cast by the Project would not have an adverse impact on Maritime Plaza for the following reasons: (1) the new shadow would be cast during the late afternoon and early evening hours (varying based on the time of year) when usage of the park is generally low. Sunlight would be preserved during the mid-day hours, which is prioritized by the qualitative criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989; (2) at the specific time of the greatest shadow impact, the maximum new shadow cast by the project would cover approximately 18.4 percent of the area of Maritime Plaza; (3) the presence of the existing Alcoa Building, and the shadows cast by other nearby building within the Financial District preclude the formation of large aggregate areas of sunlight in the afternoon and evening hours. Therefore, the Project would contribute a relatively small increment to newly shaded area to the Plaza; and (4) the Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.

4. The additional shadow cast by the Project would not have an adverse impact on Sue Bierman Park for the following reasons: (1) the new shadow would be cast during the late afternoon and early evening hours (varying based on the time of year) when usage of the park is generally low. Sunlight would be preserved during the mid-day hours, which is prioritized by the qualitative criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989; (2) at the specific time of the greatest shadow impact, the maximum new shadow cast by the project would cover approximately 4.6 percent of the area of Sue Bierman Park; (3) the area to be shaded consists of a narrow strip along the northern edge of the park in areas adjacent to the sidewalk; (4) the Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.
5. The staff of both the Planning Department and the Recreation and Park Department have recommended increasing the limit for additional shadow on Maritime Plaza from zero percent to 0.88 percent of the potential sunlight on the Plaza, or 2.52 percent of the existing available annual square foot-hours of sunlight on the Plaza, equivalent to 2,822,513 square-foot hours of shadow on the Plaza.
6. The staff of both the Planning Department and the Recreation and Park Department have recommended establishing a limit for allowable shadow on Sue Bierman Park at 0.0062 percent of the potential sunlight on the Park, or 0.011 percent of the existing available annual square foot-hours of sunlight on the Park, equivalent to 43,682 square-foot hours of shadow on the Park.
7. A determination by the Planning Commission and the Recreation and Park Commission to raise the absolute cumulative shadow limit for the park in an amount that would accommodate the additional shadow that would be cast by the Project does not constitute a Project approval.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Planning Department, the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, and other interested parties, the oral testimony presented to the Planning Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby ADOPTS, under Shadow Analysis Application No. 2009.0302K, the proposal to raise the absolute cumulative limit for additional shadow on Maritime Plaza from zero percent to 0.88 percent of the potential sunlight on the Plaza, and to establish an absolute cumulative limit for allowable shadow on Sue Bierman Park at 0.0062 percent of the potential sunlight on the Park.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at its regular meeting on March 18, 2010.

Linda Avery
Commission Secretary

Resolution 18048
March 18, 2010

CASE NO. 2009.0302K
Maritime Plaza and Sue Bierman Park

AYES: Miguel, Antonini, Borden, Lee

NAYS: Moore, Olague, Sugaya

ABSENT:

ADOPTED: March 18, 2010

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- TIDF (Admin. Code)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. 18049

HEARING DATE: MARCH 18, 2010

Date: February 5, 2010
Case No.: 2002.0133K (555 Washington Street)
Project Address: Maritime Plaza:
 - (bounded by Washington, Davis, Clay, and Battery Streets)
 Sue Bierman Park:
 - (bounded by the Embarcadero and Washington, Davis, and Clay Streets)
 555 Washington Street (between Montgomery and Sansome Streets)
Zoning: Maritime Plaza:
 - C-3-O (Downtown Office) District
 - 200-S/300-S Height and Bulk Districts
 Sue Bierman Park:
 - P (Public)
 - OS Height and Bulk District
 555 Washington:
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Block/Lot: Maritime Plaza:
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 555 Washington:
 - 0207/033, 035, 036
Project Sponsor: Andrew Segal
 Lowe Enterprise Real Estate Group-West, Inc.
 455 Market Street
 San Francisco, CA 94105
Staff Contact: Kevin Guy - (415) 558-6163
kevin.guy@sfgov.org
Recommendation: Approval

ADOPTING FINDINGS, WITH THE RECOMMENDATION OF THE GENERAL MANAGER OF THE RECREATION AND PARK DEPARTMENT, IN CONSULTATION WITH THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW ON MARITIME PLAZA AND SUE BIERMAN PARK BY THE PROPOSED PROJECT AT 555 WASHINGTON STREET (ASSESSOR'S BLOCK 0207, LOTS 033, 035, AND 036) WOULD NOT BE ADVERSE, AND ALLOCATE NET NEW SHADOW ON MARITIME PLAZA AND SUE BIERMAN PARK TO THE PROPOSED PROJECT.

RECITALS

1. Under Planning Code Section ("Section") 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.
2. February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on 14 downtown parks throughout San Francisco (Planning Commission Resolution No. 11595).
3. Maritime Plaza ("Plaza") is an elevated plaza located on a podium over a parking garage, on a block bounded by Washington, Davis, Clay, and Battery Streets. The Plaza measures 85,997 square feet, and is divided into two symmetrical spaces by the 24-story Alcoa building. The surrounding area is characterized by development at various scales. Building heights generally fall to the north within the Jackson Square area, and to the east toward the waterfront. Taller buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Sunlight reaches the Plaza primarily during the midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the morning and afternoon hours.

On an annual basis, the total potential sunlight available to the Plaza is approximately 320,030,092 square-foot-hours of sunlight if no structures were present. Existing structures in the area cast shadows on the park, so that approximately 112,224,916 square-foot hours of sunlight are available on the Plaza, approximately 35 percent of the potential square-foot-hours of sunlight. An absolute cumulative limit of zero percent was adopted for the Plaza in 1989.

4. Sue Bierman Park ("Park") is located on two blocks bounded by The Embarcadero, and Washington, Davis, Clay, Streets. The two areas measure a total of 189,475 square feet, and are characterized mainly by expanses of grassy lawn threaded with hardscape walking paths. The surrounding area is characterized by development at various scales. Building heights are generally low to the north and east along the waterfront. Taller buildings, such as the Embarcadero Center and the Transamerica Building, are located within the Financial District to the south and to the west. Sunlight reaches the Park primarily during the morning and midday hours, with the Alcoa Building and other buildings in the Financial District casting shade during the afternoon hours. The easterly portion of the Park receives the most sunlight.

On an annual basis, the total potential sunlight available to the Park is approximately 705,110,821 square-foot-hours of sunlight if no structures were present. Existing structures in the area cast shadows on the park, so that approximately 410,460,498 square-foot hours of sunlight fall on the Park, approximately 58.2 percent of the potential square-foot-hours of sunlight.

The Park did not exist in its current form, size, and configuration when the absolute cumulative limits were adopted in 1989. At that time, an absolute cumulative limit of zero percent was adopted for "Embarcadero Plaza I (North)", a park which has since been subsumed within the larger Sue Bierman Park. In addition, at the time of the adoption of cumulative limits, Embarcadero Plaza I (North) experienced substantial shading from the Embarcadero Freeway. The freeway has since been demolished following damage in the 1989 Loma Prieta earthquake. Portions of the former freeway right-of-way were acquired and reconfigured into an expanded open space that is now known as Sue Bierman Park. No formal shadow criteria or limits have ever been adopted for Sue Bierman Park, in its present form, size, and configuration.

5. On June 12, 2006, Lowe Enterprises Real Estate Group-West, Inc. ("Project Sponsor") applied for Shadow Analysis Application No. 2002.0133K on the property at 555 Washington Street, Lots 033, 035, and 036 Assessor's Block 0207 for a project to demolish an existing nine-story office building and one-story retail building, and construct a new mixed-use building containing approximately 332,000 gross square feet of floor area, including 248 residential units, 4,640 square feet of ground-floor retail space, and four levels of subsurface parking with 230 residential parking spaces plus 2 car share spaces. The finished roof of the building would reach a height of approximately 390 feet, while the rooftop architectural screen would reach a height of approximately 430 feet. The project site is located within the C-3-O (Downtown Office) Zoning District, and the 200-S Height and Bulk District (collectively, "Project").
6. The Project, as proposed, will cast additional 2,822,513 square-foot hours of shadow onto Maritime Plaza, equivalent to 0.88 percent of the potential sunlight on the Plaza and 2.52 percent of the existing available annual square foot-hours of sunlight on the Plaza.
7. The Project, as proposed, will cast additional 43,682 square-foot hours of shadow onto Sue Bierman Park, equivalent to 0.0062 percent of the potential sunlight on the Park and 0.011 percent of the existing available annual square foot-hours of sunlight on the Park.
8. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on May 7, 2009 regarding Application No. 2002.0133K. At that time, the Final Environmental Impact Report had not been completed and was not available for certification, therefore, the Commissions were not able to take final action on the item.
9. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on March 18, 2010 and adopted Resolution No 18048 to increase the absolute cumulative shadow limit for Maritime Plaza from zero percent to 0.88 percent of potential sunlight on the Plaza (Case No. 2009.0302K), and to establish an absolute cumulative shadow limit for Sue Bierman Park (including as a portion the former "Embarcadero Plaza I (North)" at 0.011 percent of the potential sunlight on the Park.

10. The Planning Commission and the Recreation and Park Commission held a duly advertised joint public hearing on March 18, 2010 regarding Application No. 2002.0133K, at which time the Commissions reviewed and discussed the findings prepared for its review by Planning Department staff.
11. The Planning Commission and the Recreation and Park Commission have reviewed and considered reports, studies, plans and other documents pertaining to the Project.
12. The Planning Commission and the Recreation and Park Commission have heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

FINDINGS

Having reviewed the materials identified in the recitals above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The foregoing recitals are accurate, and also constitute findings of this Commission.
2. The Planning Commission adopted California Environmental Quality Act findings in its Motion No. 18047, which findings are incorporated by this reference thereto as if fully set forth in this Motion.
3. The additional shadow cast by the Project would not have an adverse impact on Maritime Plaza for the following reasons: (1) the new shadow would be cast during the late afternoon and early evening hours (varying based on the time of year) when usage of the park is generally low. Sunlight would be preserved during the mid-day hours, which is prioritized by the qualitative criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989; (2) at the specific time of the greatest shadow impact, the maximum new shadow cast by the project would cover approximately 18.4 percent of the area of Maritime Plaza; (3) the presence of the existing Alcoa Building, and the shadows cast by other nearby building within the Financial District preclude the formation of large aggregate areas of sunlight in the afternoon and evening hours. Therefore, the Project would contribute a relatively small increment to newly shaded area to the Plaza; and (4) the Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.
4. The additional shadow cast by the Project would not have an adverse impact on Sue Bierman Park for the following reasons: (1) the new shadow would be cast during the late afternoon and early evening hours (varying based on the time of year) when usage of the park is generally low. Sunlight would be preserved during the mid-day hours, which is prioritized by the qualitative criteria adopted by the Planning Commission and the Recreation and Park Commission in 1989; (2) at the specific time of the greatest shadow impact, the maximum new shadow cast by the

project would cover approximately 4.6 percent of the area of Sue Bierman Park; (3) the area to be shaded consists of a narrow strip along the northern edge of the park in areas adjacent to the sidewalk; (4) the Project Sponsor proposes to convey the privately-held "Redwood Park" open space to the City and County of San Francisco, thereby increasing the sunlight available to properties under the jurisdiction of the Recreation and Park Department by 21,441,397 annual square-foot hours. The majority of this sunlight would be available during the mid-day hours, which is favored by the qualitative criteria adopted in 1989.

5. The staff of both the Planning Department and the Recreation and Park Department have recommended allocating to the Project up to 2,822,513 square-foot hours of shadow on Maritime Plaza, equivalent to 0.88 percent of the potential sunlight on the Plaza and 2.52 percent of the existing available annual square foot-hours of sunlight on the Plaza.
6. The staff of both the Planning Department and the Recreation and Park Department have recommended allocating to the Project up to 43,682 square-foot hours of shadow on Sue Bierman Park, equivalent to 0.0062 percent of the potential sunlight on the Park and 0.011 percent of the existing available annual square foot-hours of sunlight on the Park.
7. A determination by the Planning Commission and the Recreation and Park Commission to allocate net new shadow to the Project does not constitute an approval of the Project. The Project would be subject to future approvals by the Planning Commission in association with the other applications related to the 555 Washington Street project (Application No. 2002.0133EZMRKXV).

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Planning Department, the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, and other interested parties, the oral testimony presented to the Planning Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby DETERMINES, under Shadow Analysis Application No. 2002.0133K, that the net new shadow cast by the Project on Maritime Plaza and Sue Bierman Park will not be adverse, and ALLOCATES to the Project up to 2,822,513 square-foot hours of shadow on Maritime Plaza and up to 43,682 square-foot hours of shadow on Sue Bierman Park.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on March 18, 2010.

Linda Avery
Commission Secretary

AYES: Miguel, Antonini, Borden, Lee

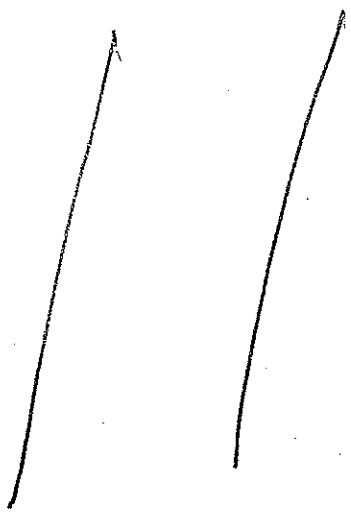
NAYS: Moore, Olague, Sugaya

Motion 18049
March 18, 2010

CASE NO. 2002.0133K
555 Washington Street

ABSENT:

ADOPTED: March 18, 2010



SAN FRANCISCO
CITY PLANNING COMMISSION
RESOLUTION NO. 11595

JOINT RESOLUTION OF THE CITY PLANNING COMMISSION AND RECREATION AND PARK COMMISSION ADOPTING CRITERIA FOR DETERMINATIONS OF SIGNIFICANT SHADOWS IN FOURTEEN DOWNTOWN PARKS WHICH ARE SUBJECT TO BEING SHADOWED BY NEW DEVELOPMENT AND DECLARING THE INTENTION TO APPLY THESE CRITERIA REGARDING SHADOW IMPACTS PRIOR TO CONSIDERATION OF AN APPLICATION FOR A STRUCTURE THAT WOULD SHADOW A PROTECTED PROPERTY.

WHEREAS, The people of the City and County of San Francisco in June 1984 adopted an initiative ordinance, commonly known as Proposition K; and

WHEREAS, Proposition K requires that the City Planning Commission disapprove any building permit application authorizing the construction of any structure that will have any adverse impact on the use of property under the jurisdiction of the Recreation and Park Department because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant; and

WHEREAS, Proposition K provides that the City Planning Commission and the Recreation and Park Commission shall adopt criteria for the implementation of that ordinance; and

WHEREAS, Proposition K can most effectively be implemented by analyzing properties in the City protected by that legislation which could be shadowed by new development, the current patterns of use of such properties, how such properties might be used in the future including considerations of possible future design and redevelopment of the property, and the various shadowing that could be created by various structures, including the amount of shadowing, the duration, and location; and

WHEREAS, The City Planning Commission and Recreation and Park Commission endorsed the submission by the Department of City Planning to the Mayor of a request for a supplemental appropriation in order to fund an analysis of properties that could be shadowed by new development (Resolution No. 13887); and

WHEREAS, A contract was awarded to the University of California at Berkeley's College of Environmental Design to develop a computerized system which could analyze existing shadow conditions on Proposition K properties and provide information to these Commissions necessary to establish rules or guidelines delineating the type of shadowing that can be determined to be significant or insignificant; and

WHEREAS, a computerized system of analysis was developed and used to analyze existing shadow conditions on fourteen downtown parks under the jurisdiction of the Recreation and Park Department; and

WHEREAS, The information developed by this computer analysis was then evaluated jointly by the staffs at the Department of City Planning and the Recreation and Park Department; and

WHEREAS, Recommendations for determinations of significant new shadows based on these staff evaluations were presented jointly to the Commissions in October and November of 1987; and

WHEREAS, Additional presentations were made to both Commissions in 1988 and 1989; and

CITY PLANNING COMMISSION

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Page 2

WHEREAS, A duly advertised public hearing was held on these recommendations; and

THEREFORE BE IT RESOLVED, That the criteria and the staff proposal for consideration by both Commissions presented in the memorandum to the Planning Commission and the Recreation and Park Commission dated February 3, 1989 regarding "Proposition K -- The Sunlight Ordinance" and describing criteria for determining significance be adopted as rules and guidelines for the determinations of significant shadows for the fourteen downtown parks analyzed.

I hereby certify that the foregoing Resolution was ADOPTED by the City Planning Commission on February 7, 1989.

Lori Yakauchi
Secretary

AYES	Commissioners Bierman, Dick, Engmann, Hu, Johnson, Morales and Tom
NOES	None
ABSENT	None
ADOPTED	February 7, 1989

AKG:181



City and County of San Francisco
Department of City Planning

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MEMORANDUM

February 3, 1989*

TO: The City Planning Commission
The Recreation and Parks Commission

FROM: Department of Parks and Recreation
Department of City Planning

RE: Proposition K--The Sunlight Ordinance

BACKGROUND

The Sunlight Ordinance (Section 295 of the City Planning Code) requires the Planning Commission, prior to the issuance of a permit for a project that exceeds 40 feet in height, to make a finding that any shadow on property under the jurisdiction of the Park and recreation Department cast by the project is insignificant.

The Ordinance further requires that the Planning Commission and the Parks and Recreation Commission jointly adopt the criteria to be used by the Planning Commission in the implementation of the Ordinance.

PROPOSED CRITERIA FOR DETERMINING SIGNIFICANCE

The approach recommended by staff involves two steps. The first step is to set an absolute cumulative limit for new shadow allowed in an open space. The Absolute Cumulative Limit is the additional shadow-foot-hours expressed as a percentage of the total foot-hours for each park over a period of one year. The second step is to determine individual building impacts and allocate a portion of the additional allowable shadow among specific projects within the Absolute Cumulative Limit.

Details on the methodology for measuring and modeling shadows are explained in the memorandum to the Recreation and Parks Commission and the Planning Commission on "Proposition K--The Sunlight Ordinance," dated November 1, 1987.

Absolute Limit

It is recommended that a quantitative limit be set on the amount of new shadow (summed up over a period of one year) which could be allowed in each park based on the current shadow conditions in the park and the size of the park. A large park with little shadow could be permitted a larger Absolute Cumulative Limit than a smaller park with a lot of shadow, for example.

This absolute cumulative limit could be used up by one or more new buildings, but, the final determination of how much of this limit could be used by an individual building and what form the new shadow will take should be determined on a case by case basis. However, any shadow cast beyond this limit would be considered significant and could not be allowed.

Allocation of The Absolute Cumulative Limit Among Individual Buildings

Each open space has distinctive characteristics of existing shadows and the shadow that would be created by a new building. Each potential shadow also has distinctive characteristics. Depending on the proposed new building's location the shadow could be fast or slow moving (shadows of buildings near the open space will move through the open space slower than a building farther away from the open space). The proposed new building's height and location will also determine the size and shape of potential new shadow in the park, when (e.g. time of day, time of season) and where in the park the new shadow would be cast. Since a potential shadow may have immensely varied impacts at different times of day, or different seasons, or duration of the shadow, or the size or the location of the shadow, the evaluation of impact depends on a variety of qualitative factors.

The factors to be considered in allocating additional shadow within the Absolute Cumulative Limit will vary from park to park based on the characteristics of that park and the pattern of its existing shadows.

Qualitative criteria for each park should be based on existing shadow profiles, important times of day, important seasons in the year, size and duration of new shadows and the public good served by buildings casting new shadow. These bases are explained below:

Value of the Sunlight

Time of Day (morning, mid-day, afternoon)

Based on existing shadow conditions and location of a given park, the time of day values of sunlight will have to be established. For example, afternoon and morning sun resources may be more important for preservation in neighborhood parks whereas mid-day sun may be more important in downtown parks. Additionally, some parks may have more shadow during certain times of the day when compared with other parks.

Time of Year (Spring, Summer, Fall, Winter)

In the same way that the time of day value of sunlight has to be established, sunlight value during times of year will also have to be determined.

Shadow Characteristics

Size of Shadow

Small shadows will generally be preferred to large shadows unless they last for long periods of time or fall on parts of the park where sunlight is particularly critical to users.

Duration of Shadow

Shadows lasting a short period of time will generally be preferred to shadows which last a long time unless the fleeting shadows fall during a critical time of day or season and/or are so large that they disrupt use of the park.

Location of Shadow

Efforts should be made to avoid shadows in areas of the park where existing or future use of the park is intense and where a new shadow could have detrimental effects on park vegetation.

Building Characteristics

Public Good Served By Shadow Caster

Buildings in the public interest in terms of a needed use or building design and urban form may be allocated a larger portion of the Absolute Cumulative Limit than other buildings. For example, the Civic Center Urban Design Plan calls for a building at the same height as the existing library to continue the cornice on Marshall Square thus completing the gap in the framing of Civic Center Plaza. A new library building to accommodate the growing needs of the Public Library is proposed at that space. This new building would cast new shadows in the morning hours on Civic Center Plaza. If the new building could not cast shadows, the ability to use the site for the library would be severely limited. Most of the Civic Center Plaza shadow "budget" could perhaps be allocated to be used by this library.

STAFF PROPOSAL FOR CONSIDERATION BY BOTH COMMISSIONS

The Proposition K mandate is to minimize new shadow impacts and protect the sun resource on San Francisco open spaces. On the basis of several public hearings on the subject, the objective is to construe Proposition K very strictly in terms of the additional shadow on parks. In order to accomplish this objective an Absolute Cumulative Limit is proposed for each individual park. This limit is the additional amount of shadow-foot-hours expressed as a percentage of total-foot-hours of each park as measured by the Sunlight Access Computer System (SACS) developed for the City by the University of California at Berkeley. Additionally, for each open space, criteria for the approval of new buildings have been proposed to evaluate allocations within the Absolute Cumulative Limit.

There are two major factors affecting the impact of shadow on the use of a park which are relevant to setting standards. One is the size of the park and the other is the amount of existing shadow on the park. Taking these two factors into account the staff recommends that the following standards be adopted.

In smaller parks (less than two acres) which are already shadowed 20% or more of the time during the year, it is recommended that no additional shadow

Union Square

- LOCATION:** Geary, Post, Powell, Stockton
Located in the center of the City's retail district.
- SIZE:** 105,515 square feet
This park ranks as the third largest Downtown park.
- CHARACTERISTICS:** The park is surrounded by tall buildings to the east, west and the south. This relatively flat formal park is slightly elevated from the surrounding streets. Features include park furniture for sitting and lawn areas. The greatest intensity of park use occurs during mid-day hours. Users are downtown workers, shoppers, tourists. Many pedestrians use the park as a mid-block crossing. This park is the location for many civic demonstrations and cultural activities. Union Square is near the Powell Street cable car line and major hotels. A parking facility is located beneath the park.

SUN AND SHADOW CONDITIONS:

Yearly Shadow:

38.3% of the total year round sunshine is used up by existing shadows. The shadow profile for this park is generally a "U" shaped shadow distribution with significant shadows in the morning and even greater shadows in the afternoon hours. The "U" shaped distribution is increasingly flat in the Winter due to increased mid-day shadows.

Seasonal Shadow:

- Summer:** Least shadow impacts - greatest sun resource. Shadowed in early morning and late afternoon with relatively more shadow during the afternoon hours. Approximately 30% of the sun resource is in shadows at the time of the Summer Solstice.
- Spring/Fall:** Major shadow impacts during the early morning and late afternoon hours. Morning shadows increase as Fall approaches. The least shadow impacts occur between 9:30 AM and 2:30 PM. During Equinox approximately 35% of the park sun resource is in shade.
- Winter:** The greatest shadow impacts on Union Square occur during the Winter months. In Winter, nearly 50% of the park is in shadow for the entire day. There is very little sunlight available before 9:30 AM and after 2:30 PM during the winter. The Winter Solstice conditions are such that 60% of the park sun resource is in shadow.

ADDITIONAL SHADOW

Absolute Limit:

Increase of up to 0.1% of total
foot-hours for the park based on size
and amount of existing shadow.
A maximum of 392,663.5 new shadow
foot-hours could be allowed.

Qualitative Criteria:

- Avoid additional shadows during mid-day.

Civic Center Plaza

LOCATION: Polk, Grove, Larkin, McAllister
In the Civic Center, with major government offices, library and Brook Hall surrounding the open space.

SIZE: 222,995 square feet
Civic Center Plaza is the largest downtown park.

CHARACTERISTICS: Heaviest use occurs during mid-day hours. Users are civic center workers, tourists and street people. Features include some park furniture for sitting, lawn area and fountain. This park is the location for many civic demonstrations, assemblies and cultural activities. This is a relatively flat formal park. A parking garage is located beneath the park. Adopted redesign of the park will accommodate more use by neighborhood children and day care providers.

SUN AND SHADOW CONDITIONS:

Yearly Shadow:

7.4% of the total year round sunshine is used up by existing shadows. Civic Center is one of the sunniest of the downtown parks. During most of the year the daily shadow distribution profile is that of a relatively flat "U" shape with greater shadows in the afternoon than in the morning. By Winter the "U" shape has flattened further by decreases in shadows early and late and increased shadows at mid-day.

Seasonal Shadow:

Summer: Sunny all day except in the late afternoon hours when an average of less than 40% of the park is in shade. Some shadows very early in the morning and very late in the afternoon. Almost no shadows from 9 AM to 4 PM. Approximately 5% in shadows during the Summer Solstice.

Spring/Fall: In general summer shadow conditions continue from the Spring and into the Fall. There are however less shadow impacts during the early morning hours and more shadows in the afternoon than occur during the Summer months. Approximately 5% in shadows during the Equinox.

Winter: Nearly 75% of the park remains in sun during the Winter months. In late afternoon hours there are increased shadow impacts on the open space. Approximately 10% in shadows during the Winter Solstice.

ADDITIONAL SHADOW

Absolute Limit:

Increase of up to 1.0% of total foot-hours for the park based on size of the park and the amount of existing shadow.

A maximum of 8,272,486.1 new shadow foot hours could be allowed.

Qualitative Criteria:

Preserve afternoon sun, particularly on seating areas and lawn areas.

Embarcadero Center 2

- LOCATION:** Embarcadero, Clay & Steuart
This open space is located at the Eastern edge of the Financial District.
- SIZE:** 149,698 square feet
The second largest Downtown park.
- CHARACTERISTICS:** This park is a plaza surrounded by large office buildings with many ground floor restaurants opening on to the space. The plaza contains a large fountain, open air cafes and is predominately paved. There is a flat grass area at the South end of the plaza. The space has excellent access from Market Street and South of Market Street. During lunch hour the park is heavily used by workers from the Financial District. Tourist use of the park is also heavy due to its location at the base of Market Street, proximity to the Ferry Building, California Street cable car line and the Hyatt Regency. Noon concerts, fashion shows and performances create a great deal of day use of the park.

SUN AND SHADOW CONDITIONS:

Yearly Shadow: This open space has significant sun resources during the morning hours. Afternoon shadows are heavy. The "J" shape to the shadow profile is consistent throughout the Spring, Fall and Summer due to the morning sun and the heavy afternoon shadows. The "J" shaped shade curve disappears in the Winter. In the Winter no more than 50% of the park is in the sun after the noon hour. The shape of the curve in Winter is represented by a shaft of sun in the morning and a nearly solid block of shadow in the post morning hours. Overall, 37.6% of the annual sun resource is currently in shadow.

Seasonal Shadow:

Summer: Between 8:30 am and noon there are almost no shadows in the plaza. Before 8:30 am nearly 40% of the space is in the shade. After the mid-morning sun the shadows gradually increase until 100% of the park is in shadow at the end of the day. 30% shaded during the Summer Solstice.

Spring/Fall: For two hours in the mid-morning there is 100% sun in the park. After 11:30 am the shadows increase such that mid-afternoon shadows are greater than in Summer but never reach the 100% shadows of late afternoon Summer days. 60% shaded during the Equinox.

Winter: During the Winter there is a brief two hour period where the park is in the sun. After 10 am shadows increase rapidly and by noon in mid-December 90% of the plaza is in the shade. 80% shaded during the Winter Solstice.

ADDITIONAL SHADOW

Absolute Limit: Increase of up to 0.1% of total foot-hours for the park based on size of park and amount of existing shadows. A maximum of 557,086.1 new shadow foot-hours could be allowed.

Qualitative Criteria: Avoid mid-day and Winter shadows.

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March 18, 2010

Alan Hopkins
1200 15 Ave #1
San Francisco, CA 94122
415 664-0983

RE: Migrants

Dear Commissioners,

I wish to comment on the issue of the proposed construction at 555 Washington Street.

I am the founder and co-compiler of the San Francisco Christmas Bird Count, founder of the Save The Quail Campaign, past president of the Golden Gate Audubon Society, and the author of chapters on birdwatching in San Francisco published in *A Birder's Guide to Metropolitan Areas of North America* and *San Francisco Peninsula Birdwatching*. I served as an appointed representative on Mayor Brown's Ocean Beach Task Force.

I find the response to the Bird Strikes issue posed by the Telegraph Hill Dwellers Association very problematic. It appears the statement

"Although San Francisco is located along the Pacific Flyway, the actual proffered migratory pattern through the Bay Area for migratory birds is concentrated along paths with contiguous habitat, which provide potential resting areas. In particular, these migratory patterns are concentrated along the ocean and Bay and through areas like Golden Gate Park, Presidio and Lake Merced."

Apparently this statement was made with little or no field work in the area and no search of the literature regarding the birds in the area. While migrant birds do use the areas described they also use the small urban parks. Urban parks act as an oasis for migratory birds caught in a highly developed environment. In the winter of 2008/2009 a Worm-eating Warbler *Hemitheros vermivorus* spent months at Ferry Park. The Worm-eating Warbler is an extremely rare species in California and is a Review Species by the California Birds Records Committee. The Worm-eating Warbler at Ferry Park was well documented, and people from all over the Bay Area traveled to see it. This park, as well as other urban parks, are visited by many species of warbler, sparrow, as well as by tanagers, vireos, and grosbeaks. Because San Francisco is at the tip of a Peninsula there is a great funneling of migratory birds, of the approximately 820 species of bird found in North America, 400 have been found in San Francisco (not including the Farallone Islands). Migrating birds being funneled through the City may not have the opportunity to get to Golden Gate Park or the other large western parks.

A great deal of the value of Ferry Park for birds (and people) will be lost if more shade is allowed to fall across the area. Most birds prefer areas with sunlight. For many insectivorous birds like warblers, sunlight is essential to feeding.

I cannot speak with any authority on bird collisions with glass, as stated there is an abundance of documentation regarding this problem. I fail to understand why, as stated, this problem should be unique to Midwestern North America. In our region bird collisions with wind turbines are well documented.

Sincerely,

Alan Hopkins

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The following groups, representing thousands of City residents, have united in their stand against the 555 Washington Street project:

Sierra Club

SF Tomorrow (SFT)

San Francisco Neighborhood Network

Cathedral Hill Neighbors Ass'n (CHNA)

Cole Valley Improvement Ass'n (CVIA)

Dolores Heights Improvement Club (DHIC)

East Mission Improvement Ass'n (EMIA)

Excelsior District Improvement Ass'n (EDIA)

Forest Knolls Neighborhood Organization (FKNO)

Inner Sunset Action Committee (ISAC)

Laurel Heights Improvement Ass'n (LHIA)

Middle Polk Neighbors

Marina Civic Improvement & Property Owners Ass'n (MCI/POA)

Miraloma Park Improvement Club (MPIC)

Oceanview, Merced Heights, Ingleside Neighbors in Action (OMINIA)

Pacific Avenue Neighborhood Association

Pacific Heights Residents Ass'n (PHRA)

Panhandle Residents Org. Stanyan/Fulton (PROSF)

Potrero Boosters Neighborhood Assn (PBNA)

Richmond Community Ass'n (RCA)

Rincon Point Neighbors Ass'n (RPNA)

Russian Hill Neighbors (RHN)

Sunset-Parkside Education & Action Committee (SPEAK)

Telegraph Hill Dwellers (THD)

