

File No. 100786*

Committee Item No. _____

Board Item No. 58

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date 06/29/10

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget Analyst Report
- Legislative Analyst Report
- Introduction Form (for hearings)
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

OTHER

(Use back side if additional space is needed)

Appeal of Certification of Final Environmental Impact Report
for 900 Folsom Street

Completed by: Joy Lamug

Date 06/24/10

Completed by: _____

Date _____

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



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 JUN -9 PM 2:22

BY _____

June 9, 2010

Board of Supervisors
Legislative Chamber, Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: EIR appeal to 900 Folsom Street and 260 Fifth Street

Dear Board of Supervisors,

We thank you for your support in passing the Youth and Family SUD in the Eastern Neighborhood plan in 2008. The Youth and Family Zone represents our best thinking about how to develop a comprehensive community plan to ensure that San Francisco land use policies addresses the stark statistic of having the lowest number of children of any American city. One of the goals of the **South of Market (SoMa) Youth and Family Zone Special Use District (SUD)** is intended to **protect and enhance the health and environment of youth and families.**

Since 2008, SOMCAN, including our constituents, and the SoMa Community Coalition (SCC) voiced criticisms about the 900 Folsom Street and 260 - 5th Street project because it does not meet the intent of the SoMa Youth and Family Zone SUD. Though the plan has come a long way, there are still significant issues that our constituents and community are very concerned about. On May 20, 2010, we raised our community concerns one last time at the Planning Commission, and, although the Commissioners raised significant points, especially regarding parking and traffic impacts, they still certified the Final EIR with only minor conditions. We hope through your leadership, you will address our issues by accepting our EIR appeal.

Below are list of our concerns with the project:

Almost 1:1 Parking

Creating "transit-oriented housing opportunities" is so much bunk for a project that exceeds the 1:4 parking ratio and instead seeks to maximize it. This is particularly true for a site with close access to freeway ramps for the Bay Bridge, southbound 1-280, and southbound 1-101. This is an auto-oriented project at an auto-accommodating site. The excessive amount of parking included in this project (221 parking spaces) is necessitated by the type of residents that this project intends to target: young upscale singles that will commute to the Silicon Valley for work and have the excess income that allows them to live in a trendy South of Market neighborhood.

SoMa Community Action Network (SOMCAN)

1070 Howard Street | San Francisco, CA 94103 | phone (415) 348-1945 | website: www.somcan.org

It is best to have a project that will increased access to good transit along a two-way Folsom Street. The addition of the new Central Subway which is one block away (situated a short distance from Caltrain) and within walking distance of Market Street all make this an ideal location for a transit-friendly project.

From EIR Response: As shown in Table B-5, Proposed Project Trip Generation by Mode – Weekday PM Peak Hour, the proposed project would generate 99 inbound and 66 outbound vehicle-trips during the weekday PM peak hour, a total of 165 trips to and from the project site. About 165 trips to and from the project site in one hour translates to about three vehicle trips per minute during the weekday PM peak hour. As stated on p. 62 of DEIR, 55 trips are currently generated by the existing parking use on the project site and 110 of the 165 trips would, therefore, be new vehicle trips.

Facilities for youth & children within Youth & Family Zone

The genesis of the Youth & Family Zone was a recognition of the many families that live in SOMA, in housing in the alley enclaves as well as in existing and planned family affordable housing developments in and near the zone. The SUD plan area, and Folsom Street in particular, is bounded by a new elementary school and a middle school on either end (Bessie 1 and 2), a major new park, and a recreation center, as well as a number of youth-serving organizations such as SOMCAN, United Playaz, and Oasis for Girls. These community organizations led the campaign to create the Youth & Family Zone.

The stated goal of the SUD is to "enhance the health and environment of youth and families" in the area. The community's expectation is that new development within the zone should be designed to achieve the goal of enhancing the health and environment for youth and families, which might be expressed in the proposed ground floor uses and design, mid-block alley design, street enhancements, etc.

- a. *Lack of children's play area:* There are no plans for a playground or other youth activity areas within either project.
- b. *Use of Pass-through for youth activities:* The required mid-block pass-through, should be designed and have activities programmed to serve youth, children, and families, per Youth & Family SUD goals.
- c. *Use of Ground Floor Retail for youth activities:* Of the 14,320 gross sq ft of Common space at 260 - 5th Street, how much is devoted to Youth Activities and how much to adult? Where the project faces a major corridor that community members have been fighting to make safe for youth and families, the commercial frontage should be required to provide youth-serving spaces and amenities.

Amount of Ground Floor Retail

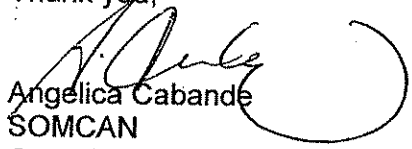
Project should emulate the block of Folsom Street immediately to the east which included a vibrant mix of restaurants, retail and commercial establishments. The contrast between the side of Folsom Street with the dead frontage of Yerba Buena Lofts to the south is clear: new development should not be allowed to destroy the pedestrian experience again. Project sponsor claims that commercial brokers caution against putting commercial uses along Folsom Street. They ignore the recommendations of the South of Market Redevelopment Project Area Committee, the Eastern Neighborhoods Plan, the Western SoMa Plan, the Rincon Area Plan, numerous neighborhood associations and the SoMa Leadership Council. Major resources are about to be poured into the Folsom Street corridor to create a pedestrian-friendly transit-oriented ceremonial center to the community that ties together the entire South of

Market, yet this project intends to create a blank wall along half the block. the developer wishes to exploit the additional 5' in allowable height (85' instead of a maximum allowed via CU of 80'), while at the same time not really using the space as intended for ground floor commercial use (commented by Jim Meko, September 18, 2009)

Note Eastern Neighborhoods Mixed Use – Residential (MUR): “as a buffer between the higher density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of Sixth Street... The district is again designed to encourage the expansion of neighborhood commercial, retail, business service and cultural arts activities. Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged.”

We spoke about our issues by writing letters, speaking at hearings and meeting with the developer, but our concerns have still not been address. Additional environmental analysis and citizen’s review needs to be done, especially around parking impacts and lack of open space. We hope through your leadership you will hear our concerns and we ask you to please accept our EIR appeal.

Thank you,



Angelica Cabande
SOMCAN
Organizational Director



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion 18086

HEARING DATE: May 20, 2010

Case No.: 2007.0689E
Project Address: 900 Folsom Street
Zoning: Mixed Use - Residential (MUR) District
45-X and 85-X Height and Bulk District
Block/Lots: 3732/009, 018, 048, and 147
Project Sponsor: AGI Capital Group
100 Bush Street, 22nd Floor
San Francisco, CA 94104
Staff Contact: Brett Bollinger – (415) 575-9024
brett.bollinger@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED-USE PROJECT AT 900 FOLSOM STREET WITH 271 DWELLING UNITS, 4,279 SQUARE FEET OF RETAIL USE, AND 229 PARKING SPACES.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2007.0689E, 900 Folsom 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 June 11, 2008.
 - B. On July 29, 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 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 July 29, 2009.
 - D. On July 29, 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 July 29, 2009.
2. The Commission held a duly advertised public hearing on said DEIR on September 10, 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 September 15, 2009.
3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 45-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 May 6, 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 May 20, 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 Alternative B, No Subsurface Parking, described in the Final Environmental Impact Report.
8. The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2007.0689E, 900 Folsom Street 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:
 - A. Will not have a project-specific significant effect on the environment.
 - B. Will not have a cumulative significant effect on the environment.

Motion No. 18086
Hearing Date: May 20, 2010

CASE NO. 2007.0689E
900 Folsom Street

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of May 20, 2010.



Linda Avery
Commission Secretary

AYES: 7
NOES: 0
ABSENT: 0
ADOPTED: May 20, 2010



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: ANGELICA CABANDE	Address of Project: 900 FOLSON ST. # 260 FIFTH ST.
Neighborhood Organization: SOMCAN	Planning Case No: 2007.0639E & 2007.0690E
Applicant's Address: 1070 HOWARD ST., SF 94103	Building Permit No:
Applicant's Daytime Phone No (415) 946-9904	Date of Decision: 5/20/2010
Applicant's Email Address: acabande@somcan.org	

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



MANILATOWN

HERITAGE FOUNDATION

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 JUN -9 PM 2:22
BY [Signature]
June 8 2010

Dear Secretary of the Board of Supervisors:

The Manilatown Heritage Foundation would like to submit this appeal letter in opposition to the final Environmental Impact Review findings at the San Francisco Planning Commission's decision and approval of the proposed 900 Folsom Street and 260 Fifth Street sites that were voted on at its May 20, 2010 meeting.

We strongly feel that issues and concerns that we previously raised were not adequately addressed. Information and analysis was not brought forward and examined to properly and formally refute our claims. Therefore, we urge the Board of Supervisors to appeal the decision of the Planning Commission and investigate with accuracy the true basis of our objections to this development.

1. Manilatown strongly feels that increased traffic will occur in conjunction with addition of over 250 new dwellings.
2. Pedestrian safety concerns will be heightened due to the impact of the underground parking and increased traffic, thus causing the increase of potential danger and possibly accidents to students of the nearby Filipino Education Center.
3. Manilatown feels that the new development will not be fitting into the neighborhood, particularly as it will be positioned directly across from the new Fire House on Fifth St. We feel that quality of life concerns will be sacrificed.
4. Manilatown believes that the projected 130 parking places allocated to the tenants will negate the impact and effectiveness of the proposed Central Subway that is slated to run down nearby Third Street.
5. Manilatown believes that a planned courtyard / alleyway of 40 x 100 feet is not enough open space to accommodate the recreational and leisure needs of the residents and the community in correspondence with the new and existing community there. It is not enough space to properly enjoy an individual's "quality of life."

These are the concerns that the Manilatown Heritage Foundation would like to bring forward and kindly ask that San Francisco Board of Supervisors engage in a hearing that will properly mitigate our claims. And, if they do not see that this planned development does not fit the criteria of the Environmental Impact Report, then perhaps the planned development should be scrapped. In addition, Manilatown believes that this type of housing does not meet the needs of the existing working-class community.

Thank you in advance for your time and consideration

Sincerely,

Roy Recio

Board President, Manilatown Heritage Foundation

953 MISSION STREET, SUITE 30, SAN FRANCISCO, CA 94103
(415) 777-1130

INTERNATIONAL HOTEL MANILATOWN CENTER, 868 KEARNY STREET, SAN FRANCISCO, CA 94108
(415) 399-9580 FAX (415) 399-9581

EMAIL: MHF@MANILATOWN.ORG | WEB: WWW.MANILATOWN.ORG





SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion 18086

HEARING DATE: May 20, 2010

Case No.: 2007.0689E
Project Address: 900 Folsom Street
Zoning: Mixed Use - Residential (MUR) District
45-X and 85-X Height and Bulk District
Block/Lots: 3732/009, 018, 048, and 147
Project Sponsor: AGI Capital Group
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Motion No. 18086
Hearing Date: May 20, 2010

CASE NO. 2007.0689E
900 Folsom Street

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of May 20, 2010.



Linda Avery
Commission Secretary

AYES: 7
NOES: 0
ABSENT: 0
ADOPTED: May 20, 2010



SAN FRANCISCO PLANNING DEPARTMENT

NEIGHBORHOOD ORGANIZATION FEE WAIVER REQUEST FORM

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APPELLANT & PROJECT INFORMATION [to be completed by applicant]	
Name of Applicant: <u>Roy Recio</u>	Address of Project: <u>900 Folsom St. - 2007, 0689 E</u>
Neighborhood Organization: <u>SOMA / Manila</u>	Planning Case No: <u>260 Fifth St. 2007, 0690 E</u>
Applicant's Address: <u>953 Mission St. Suite 30</u>	Building Permit No:
Applicant's Daytime Phone No: <u>415-777-1130</u>	Date of Decision: <u>May 20, 2010</u>
Applicant's Email Address: <u>roy.recio@Manila.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 type="checkbox"/> WAIVER APPROVED <input type="checkbox"/> WAIVER DENIED	

Internal Revenue Service

Date: July 7, 2005

MANILATOWN HERITAGE FOUNDATION
% EMIL DEGUZMAN
953 MISSION ST STE 30
SAN FRANCISCO CA 94103-2975

**Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201**

Person to Contact:

Kathy Masters ID# 31-04015
Customer Service Representative

Toll Free Telephone Number:

8:30 a.m. to 5:30 p.m. ET
877-829-5500

Fax Number:

513-263-3756

Federal Identification Number:

94-3288180

Dear Sir or Madam:

This is in response to your request of July 7, 2005, regarding your organization's tax-exempt status.

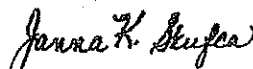
In July 1997 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records indicate that your organization is also classified as a public charity under sections 509(a)(1) and 170(b)(1)(A)(vi) of the Internal Revenue Code.

Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Janna K. Skufca, Director, TE/GE
Customer Account Services



SAN FRANCISCO
PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

JUN 22 AM 11:05

MEMO

BY AK

EIR Certification Appeal

900 Folsom Street

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

Reception:
415.558.6378

Fax:
415.558.5409

Planning
Information:
415.558.6377

DATE: June 21, 2010
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Bill Wycko, Environmental Review Officer - (415) 558-9048
Brett Bollinger, Case Planner - Planning Department (415) 575-9024
RE: BOS File No. 10-0786 [Planning File Case No. 2007.0689E1
Appeal of Categorical Exemption for 900 Folsom Street
HEARING DATE: June 29, 2010
ATTACHMENTS:

**Document is available
at the Clerk's Office
Room 244, City Hall**

- A. Final Environmental Impact Report
- B. Planning Commission Motion No. 18086 (Certifying FEIR)
- C. Planning Commission Motion No. 18088 (Approving Large Project Authorization (Planning Code Section 329))
- D. Photographs, plans, etc. of project site

PROJECT SPONSOR: Eric Tao, AGI Capital
APPELLANT: No. 1: Roy Recio on behalf of the Manilatown Heritage Foundation
No. 2: Angelica-Cabande on behalf of SoMa Community Action Network (SOMCAN)

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 900 Folsom Street (the "Project"), Case No. 2007.0689E, under the California Environmental Quality Act ("CEQA"). The Appeals to the Board were filed on June 9, 2010. The Final Environmental Impact Report (FEIR) is being provided to the Board with this Memorandum as Attachment A.

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.

SITE DESCRIPTION & PRESENT USE

The project site is comprised of four contiguous lots that form a 56,000 square foot rectangle and is bounded by Folsom Street to the south, 5th Street to the west, and Clementina Street (a one-way eastbound alley) to the north. The project site is currently occupied by a 270-space surface parking lot divided into two parts: a private area with parking spaces leased to neighborhood businesses, and a

Memo

public parking area where drivers can pay to park. The entire parking area is surrounded by a chain-link fence. The site also contains two 40-foot tall billboards. There are no trees, open space, or other vegetation on the site.

PROJECT DESCRIPTION

The Project includes the construction of a nine-story, 85-foot tall building containing up to 269 dwelling units, approximately 4,146 square feet of ground floor commercial space along 5th Street, and up to 221 off-street parking spaces (including stackers and the ground and basement level). Eight units on the ground floor fronting Folsom Street are designed to be "Flexible-Occupancy" units that may contain certain commercial uses on the ground floor, while the remainder of the unit is residential. Open space is provided on private balconies, an inner courtyard, rooftop decks, and a new publicly-accessible mid-block pedestrian pathway connecting Folsom and Clementina Streets. This public pathway would be more than 30 feet wide and would serve as a park. The building would have a rectangular footprint with four functioning facades. The 5th Street façade includes ground floor commercial space with 7 stories of residential use above. The Folsom Street façade includes the "Flexible-Occupancy" units on the ground and 2nd floor, with six floors of residential uses above. The Clementina Street façade includes a four story building element containing a combination of dwelling units, including townhouse units that directly access the street. The remaining façade would face the newly created park connecting Folsom and Clementina Streets, and would include townhouse units that directly access the park. The Project would seek a Leadership in Energy and Environmental Design (LEED) Gold certification or equivalent rating as determined by the Planning Department.

BACKGROUND

2007 – Project Applications

On July 6, 2007, Eric Tao (hereinafter "Project Sponsor") filed Environmental Review Application No. 2007.0689E with the Planning Department (hereinafter "Department"), and on January 24, 2008, filed Conditional Use Application No. 2007.0689C that was subsequently updated to Large Project Authorization Application No. 2007.0689X (hereinafter "Application") per Planning Code Section 329.

2008 Notice of Preparation of an Environmental Impact Report

The Department determined that an Environmental Impact Report ("EIR") was required and the Department printed and circulated a Notice of Preparation on June 11, 2008, that solicited comments regarding the content of the proposed EIR for the Project. The Department accepted comments on the EIR content through July 11, 2008.

2009 Draft Environmental Impact Report

The Department published the Draft EIR on July 29, 2009, on which comments were accepted until September 15, 2009. A public hearing on the Draft EIR was held on September 10, 2009. Following the close of the public review and comment period, the Department prepared written responses that addressed all of the substantive written and oral comments on the Draft EIR, and the EIR was revised accordingly.

2010 Comments & Responses Document

Several comments on the Draft EIR were made both in writing and at a public hearing in front of the Planning Commission (hereinafter "Commission") on September 10, 2009, and those comments were incorporated in the Final EIR with a response. The comments and responses did not substantially revise the Draft EIR and therefore no recirculation was required under the State CEQA Guidelines Section 15073.3.

2010 Environmental Impact Report Certification and Large Project Authorization (Section 329)

On May 20, 2010, the Commission certified the final EIR (FEIR) for the Project and approved the Project under Large Project Authorization pursuant to Section 329 of the *Planning Code*. Both Motions are included as Attachment B and C, and sets forth the necessary California Environmental Quality Act (CEQA) and Section 329- Large Project Authorization findings.

CEQA GUIDELINES

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA), as established under the Public Resources Code 21000 et seq., the *CEQA Guidelines* (a part of the California Code of Regulations), and local CEQA procedures under Chapter 31 of the San Francisco *Administrative Code*. The purpose of this EIR is to disclose any potential impacts on the physical environment resulting from implementation of the proposed project, and allow a time for public review and comment, before decision makers decide to approve or deny the project.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES

The concerns raised in the June 9, 2010 Appeal Letters are cited in a summary below and are followed by the Department's responses.

Issue 1: "Manilatown strongly feels that increased traffic will occur in conjunction with addition of over 250 new dwellings."

Response 1: The Appellants' have not provided evidence that has identified a potential traffic impact of the proposed Project nor have they explained how the increased use and intensification of the Project site would contribute to a specific traffic impact in a significant way.

Section III.B: Transportation of the FEIR (pg. 49), states that the proposed project would not result in any significant traffic, transit, parking, bicycle, or loading impacts. The six *Transportation Study*¹ intersections were evaluated using the 2000 Highway Capacity Manual methodology (HCM), which is the standard used by the Planning Department in its transportation studies conducted under CEQA. The level of service (LOS) is calculated based on an average of the total vehicular delay per approach and weighted by the number of vehicles at each approach. As described in the EIR, "The transportation study prepared for the proposed project, under the direction of the Planning Department, reviewed existing conditions

¹ CHS Consulting Group, *900 Folsom Street and 260 Fifth Street Projects Transportation Study*, May 2009. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case No. 2007.0690E.

and project effects for traffic, transit, pedestrians, bicyclists, parking, loading, and construction operations. The study also considered the potential effects of the adjacent proposed 260 Fifth Street project and cumulative (year 2025) effects.”

A project is typically considered to have a significant effect on the environment if it would cause traffic at an intersection to deteriorate to an unacceptable level, interfere with existing transportation systems, or cause major traffic hazards. Project effects on transit capacity, pedestrian conditions, bicycle facilities or movement, parking supply, loading, and construction conditions were determined to not be a significant impact under CEQA.

The transportation analysis for 900 Folsom found that the proposed project would not have significant adverse effects on operations at the six intersections studied as a part of the EIR; all intersections would remain at Level of Service (LOS) D or better under project conditions (including with 260 Fifth Street project). In 2025, the Sixth/Howard and Fifth/Harrison intersections would operate at LOS E, but the proposed project would not have significant contribution to those cumulative adverse impacts.

In general, the addition of Project-generated traffic would result in relatively small changes in the average delay per vehicle at the intersections as shown in the EIR Table B-8 below, all study intersections would continue to operate at the same service levels as under existing conditions. It should be noted that at some of the study intersections, the average delay per vehicle would remain constant or slightly decrease with the addition of Project related traffic. Increases in traffic volumes at an intersection usually result in increases in the overall intersection delay. However, if there are increases in the number of vehicles completing traffic movements, where these movements can currently be made with low delays, the average weighted delay per vehicle may remain the same or decrease. In the case of the proposed Project, the delay times at the study intersections vary; but these variations are too minor to result in any change in intersection service levels. As analyzed in the transportation study for the proposed Project, there would be no significant traffic impacts as a result of the proposed Project.

**TABLE B-8
INTERSECTION LEVEL OF SERVICE:
EXISTING PLUS PROJECT WEEKDAY PM PEAK HOUR**

Intersection	Existing		Existing plus 900 Folsom Street Project	
	Delay	LOS	Delay	LOS
Fifth/Howard	22.7	C	22.8	C
Fifth/Clementina*	1.2/18.6	A/C	1.4/19.9	A/C
Fifth/Folsom	17.6	B	17.8	B
Fifth/Harrison	41.2	D	42.2	D
Sixth/Folsom	17.2	B	17.4	B
Sixth/Howard	22.3	C	22.4	C

Source: CHS Consulting Group

In conclusion, the FEIR determined that the proposed Project would not result in any significant change to current traffic patterns in the vicinity of the project site.

Issue 2: "Pedestrian Safety concerns will be heightened due to the impact of the underground parking and increased traffic, thus causing the increase of potential danger and possibly accidents to students of nearby Filipino Education Center."

Response 2: The EIR analysis concluded that the project would not have adverse effects on pedestrian conditions. The Project at 900 Folsom would generate new pedestrian trips and include improvements that would enhance pedestrian safety at the Project site and immediate vicinity. The Project would include improvements to the surrounding pedestrian environment and activate under-utilized portions of Clementina and Tehama Streets, including ground level dwelling units, a new mid-block pedestrian pathway, street trees, sidewalk upgrades, crosswalk improvements, and improved sidewalk access for disabled persons and other pedestrians.

Currently, pedestrian volumes on Fifth Street along the project site lot lines are relatively higher than on other streets in the area. The Project would install new sidewalk paving on Fifth, Folsom, Clementina, and Tehama Streets. Given that the addition of pedestrian and vehicular traffic generated by the proposed Project would not substantially affect pedestrian conditions in the vicinity of the Project site, and given that the proposed project includes enhancements to existing pedestrian facilities, the EIR concluded that the proposed Project would not have significant adverse impacts on pedestrian conditions or safety.

Issue 3: "Manilatown feels that the new development will not be fitting into the neighborhood, particularly as it will be positioned directly across from the new Fire House on Fifth St. We feel that quality of life concerns will be sacrificed."

Response 3: The Appellants' have not offered credible factual support for the claim that the Project would create a burden on the "quality of life" in immediate area nor explained how "quality of life concerns" would contribute to a specific impact in any significant way. The FEIR acknowledges that the Project would entail an increase in use of the site through new residential and commercial uses, evidence has not been provided showing that such an increase in use would have an impact on the "quality of life."

Issue 4: "Manilatown believes that the projected 130 parking spaces allocated to the tenants will negate the impact and effectiveness of the proposed Central Subway that is slated to run down nearby Third Street."

Response 4: The Appellants' have not offered credible factual support for the claim that the Project proposed parking would create a burden on future transit services relevant to the EIR analysis. The Project includes the addition of off-street residential parking. Evidence has not been provided showing that such parking would impact the proposed Central Subway. The Appellants have not identified a

potential impact relating to the Department's review of the Project and has not explained how the proposed Project parking would contribute to a specific impact in a significant way on the proposed Central Subway. The Appellants' have not identified a potential impact relating to the Department's review of the proposed Project and has not explained how the proposed Project parking would contribute to a specific impact in a significant way on the proposed Central Subway.

Issue 5: "Manilatown believes that a planned courtyard/alleyway of 40x100 feet is not enough open space to accommodate the recreational and leisure needs of the residents and the community in correspondence with the new and existing community there. It is not enough space to properly enjoy an individual's 'quality of life'."

Response 5: The Appellant's comment is not relevant to the adequacy of the EIR. Comments regarding the merits of and concerns about the Project should have been directed to the Planning Commission to assist with its decision of whether or not to approve the project under the Large Project Authorization pursuant to Section 329 of the *Planning Code*, a decision that was made at a public hearing following the certification (determination of completeness) of the Final EIR on May 20, 2010.

Planning Code Section 135 requires that usable open space be located on the same lot as the dwelling units it serves. At least 80 square feet of usable open space per dwelling unit, or 54 square feet per dwelling unit of publicly accessible open space, is required. The Project has a residential open space requirement of up to 21,520 square feet of usable open space. The proposed mid-block pathway and inner courtyard combine to provide approximately 13,900 square feet. Private decks and the large roof deck combine to provide more than 13,000 additional square feet of usable open space. Therefore, the proposed Project would meet *Planning Code* requirements for usable open space for the residential component.

Merits and concerns of the project are not before the Board, whereas, the adequacy of the Final EIR is before the Board. The Appellants' have not identified a potential impact relating to the Department's review of the proposed Project and have not explained how the proposed open space for the Project would contribute to a specific impact in a significant way.

Issue 6: "Almost 1:1 Parking: Creating 'transit-orientated housing opportunities' is so much bunk for a project that exceeds the 1:4 parking ration and instead seek to maximize it. This is particularly true for a site with close access to freeway ramps for the Bay Bridge, southbound I-280, and southbound I-101. This is an auto-orientated project at an auto-accommodating site. The excessive amount of parking included in this project (221 parking space) is necessitated by the type of residents that this project intends to target: young upscale singles that will commute to the Silicon Valley for work and have the excess income that allows them to live in the trendy South of Market neighborhood."

Response 6: The EIR analysis is accurate with regards to transportation impacts as they relate to parking. The Appellant is concerned about the amount of parking proposed for the project and the type of residents this type of project intends to target.

San Francisco does not consider parking supply to be part of the permanent physical environment and does not consider increased parking demand to constitute a significant impact pursuant to CEQA. That said, the issue of parking was analyzed in the FEIR. A traffic study was prepared for the project by a qualified transportation consultant whose analysis included an evaluation of the proposed Project's parking effects.

The DEIR analysis is accurate with regards to transportation impacts as they relate to parking. The Appellant is concerned about the amount of parking proposed for the Project and the type of residents this type of Project intends to target. As described in the FEIR, the Project would now include 221 parking spaces, compared to 229 as presented in the DEIR. The Project would still require an exception for providing off-street parking in excess of one space per four residential units, under *Planning Code* Section 151.1. *Planning Code* Section 151.1 (Off-Street Parking Spaces) would permit up to 0.25 parking spaces per unit, or 45 spaces. Additional spaces can be approved as an exception under Section 329, at 0.75 space for each studio or one-bedroom unit, and one space per two-bedroom or larger unit. The Project would have 193 studio or one-bedroom units eligible for the 0.75 spaces per unit exception, permitting 145 spaces, and 76 two bedroom or larger units eligible for the one space per unit exception, permitting 76 spaces for a total of 221 spaces. Under MUR zoning (Mixed Use Residential District), the parking in excess of 0.25 parking spaces per unit would need an exception under Code Sections 151.1(f) and 329. The total number of proposed parking spaces would be less than the maximum permitted with an exception.

The residential uses for the proposed project would generate a demand for 350 spaces, and the retail uses would generate a parking demand for about 39 spaces. The peak residential parking demand would occur primarily overnight, although a portion of the residential demand would also occur during the day. Overall, the proposed project would generate a parking demand for about 389 spaces, of which 350 spaces would be long-term demand and 36 spaces would be short-term demand. The proposed project would provide 229 on-site parking spaces. Thus, the proposed project would not meet demand by approximately 160 spaces. In addition, the proposed project would displace the 270-space public parking on the project site. A field survey showed that 246 vehicles occupy the lot during a typical weekday at midday. Overall, based on a parking survey conducted on October 11, 2007, the proposed project would cause a parking shortage of approximately 406 parking spaces (160-space project deficit plus 246 vehicles parked on site).

As noted above, San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Therefore, the creation of or an increase in parking resulting from the proposed Project would not by itself be considered a significant environmental effect under CEQA. Therefore, the proposed Project would not have a significant impact on the environment regarding parking.

The comment regarding occupation of units near freeway ramps by persons who work in Silicon Valley is not relevant to the adequacy of the EIR.

Issue 7: "Facilities for youth & children within Youth & Family Zone: The genesis of the Youth & Family Zone was a recognition of the many families that live in SOMA, in housing in the alley enclaves as well as in existing and planned family affordable housing developments in and near the zone.....The stated goal of the SUD is to 'enhance the health and environment of youth and families' in the area. The community's expectation is that new development within the zone should be designed to achieve the goal of enhancing the health and environment for youth and families, which might be expressed in the proposed ground floor uses and design, mid-block alley design, street enhancements, etc."

Response 7: The project site is located in the SoMa Youth and Family Special Use District (SUD). This District requires Conditional Use Authorization for certain land uses and increased affordable housing requirements for properties that front only on smaller streets within the District. Only Lot 048 in the 900 Folsom Street Project is subject to the increased housing affordability requirement of the SUD. Lot 048 fronts on Clementina Street, and as such, is subject to the additional affordability requirements of the District. The Project Sponsor elected to provide 22 percent of the total dwelling units falling within Lot 048 on-site as affordable below-market-rate units ("BMR units") to satisfy its Inclusionary Requirement of the SoMa Youth and Family Special Use District.

Townhomes are located immediately off the mid-block open space and along Clementina Street. The Townhouses flanking the mid-block open ("park") space include patios opening directly onto the space, making it a more active open space. The park is open to the public and provides public seating, shade, trees, and green space, and serves as a pedestrian connection between Folsom Street and Clementina Street. Overall, the proposed Project would provide sufficient outdoor open space through the park, roof terraces and an inner courtyard that would meet Planning Code requirements.

The issue the Appellant raises concerns the merits of the project and does not concern the adequacy of the Final EIR.

Issue 8: "Amount of Ground Floor Retail: Project should emulate the block of Folsom Street immediately to the east which included a vibrant mix of restaurants, retail and commercial establishments. The contrast between the side of Folsom Street with the dead frontage of Yerba Buena Lofts to the south is clear: new development should not be allowed to destroy the pedestrian experience again.....Major resources are about to be poured into the Folsom Street corridor to create a pedestrian-friendly transit-orientated ceremonial center to the community that ties together the entire South of Market, yet this project intends to create a blank wall along half the block. The developer wishes to exploit the additional 5' in allowable height (85' instead of a maximum allowed via CU of 80'), while at the same time not really using the space as intended in the ground floor commercial use."

Response 8: The ground floor character of the building is two-fold; active, commercially oriented and viable space along Folsom and 5th Streets, and an equally active—yet smaller scaled—residential character along the mid-block open space and at the Clementina alleyway. The Project's commercial space is located along 5th Street, with "Flexible-Occupancy" units, that include the option of accessory retail uses, located along Folsom Street.

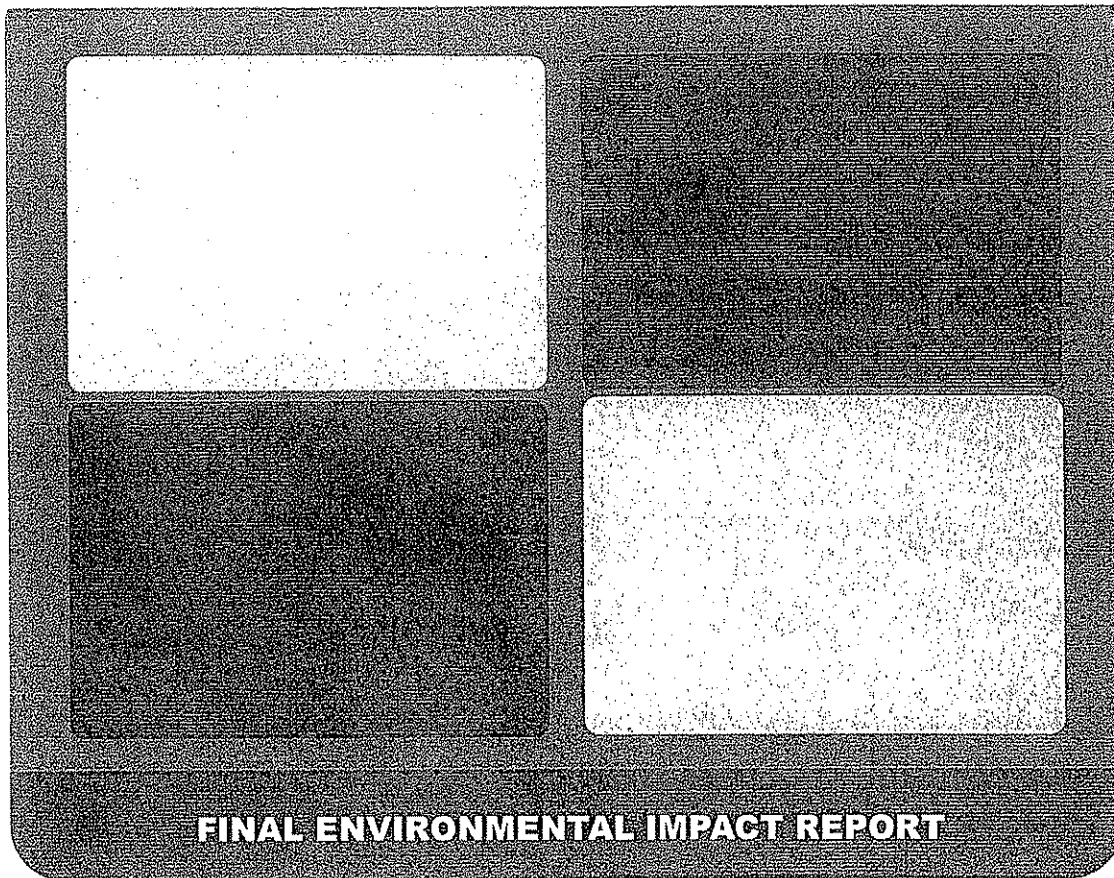
The Appellant's comment is not relevant to the adequacy of the EIR. Comments regarding the merits of and concerns about the project should have been directed to the Planning Commission to assist with its decision of whether or not to approve the project, a decision that was made at a public hearing following the certification (determination of completeness) of the Final EIR on May 20, 2010. Merits and concerns of the project are not before the Board, whereas, the adequacy of the Final EIR is before the Board. The Appellants' have not identified a potential impact relating to the Department's review of the proposed Project and has not explained how the proposed amount of ground floor retail would contribute to a specific impact in a significant way.

The issue the Appellant raises concerns the merits of the project and does not concern the adequacy of the Final EIR.

CONCLUSION

The Department conducted an in-depth and thorough analysis of 900 Folsom Street project under the CEQA Guidelines. The Appellants' have not provided any substantial evidence to refute the conclusion of the Department.

For the reasons provided in this appeal response, the Department believes 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 Project. Therefore, the Planning department respectfully recommends that the Board uphold the Planning commission's certification of the FEIR.



FINAL ENVIRONMENTAL IMPACT REPORT

900 FOLSOM STREET

San Francisco Planning Department

City and County of San Francisco

Case No. 2007.0689E

State Clearinghouse No. 2008062037

Draft EIR Publication Date: July 29, 2009

Draft EIR Public Hearing Date: September 10, 2009

Draft EIR Public Comment Period: July 29, 2009 - September 15, 2009

FEIR Certification Date: May 20, 2010

File No. 100786
100790

6-14-10

Angela:

I hope all is well!

It's Roy Vecio here. I wanted ask if you can delay the hearing for an E.I.R. appeal at 900 Folsom St. and 260 94 to be heard in late July or early Aug.

We were surprised that the appeal was scheduled so soon, especially since we filed only last week. We need a bit more time for the pro-bono lawyer to prepare the case.

Thank you,
- Roy

415-676-1967 roy.vecio@manitafarm.org

File 1001790
CAB

The Yerba Buena Consortium

182 Howard Street, Suite 519, San Francisco, CA 94105
A Council of the Yerba Buena Neighborhood's Residents and Community Organizations

San Francisco Board of Supervisors
Room 235 City Hall
San Francisco, CA 94102

June 15, 2009

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BOARD OF SUPERVISORS
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BY _____
/s/

RE: Appeal of 900 Folsom St. Project EIR

Honorable Supervisors:

We are writing in opposition to the current Appeal of the 900 Folsom St. Project's Environmental Impact Report and urge the Board to reject the Appeal.

Our Consortium has been a strong community advocate for our Yerba Buena Neighborhood since 1980. All these 30 years we have envisioned and supported responsible new residential development in our Neighborhood so that it can evolve into a true residential community as well as a center of the City's vital Visitor Industry. The 900 Folsom Project will be an important addition to our community and further that vision.

Over the course of the last 3 years the Project's developer has met with our diverse SOMA communities numerous times and significantly modified the Project in response to their goals and concerns. As an outcome:

- The Project includes a new community park, a safe place for local residents and children.
- The Project includes innovative new "flex space" units (rather than excessive and empty retail storefronts like other projects).
- The Project's parking access has been configured to minimize its impact (as much as the City will allow).
- The Project will provide its inclusionary affordable housing on-site rather than simply pay a fee, to further the future economic/social integration of our Neighborhood.

In addition, the Project complies with the newly adopted requirements of the Eastern Neighborhoods Rezoning that include at community request:

- Height reduction for the building along the alley.

- A very substantial Community Benefit Fee payment to the Eastern Neighborhoods Community Benefit Fund.

In view of these very important good faith efforts by the Project developer to respond to community goals, we do not understand the purpose of the current Appeal. The stated EIR concerns are, frankly, nit-picking and pointless. Further traffic analysis is not going to tell anyone anything new that we don't already know about traffic in this part of SOMA.

There *are* further improvements in both the Fifth Street and Folsom Street pedestrian and traffic environments needed. We already know that. Our communities want that. But these extend the length and breadth of SOMA, and will require a full plan/implementation process by the City MTA that will take several years - including a comprehensive EIR. In fact, this Project's Community Benefit Fee may very well prove a funding source for ultimately implementing those improvements!!

Thus rather than unfairly impede the 900 Folsom Project and all that it offers our Neighborhood, we would ask the Board of Supervisors to instead urge the MTA to now undertake a comprehensive traffic/pedestrian improvement planning process for Folsom St. and Fifth St. (the Bicycle Plan component is already done).

That would help everyone. That would matter.

Sincerely,



John Elberling
Chair

Cc: SOMCAN