

File No. 180651

Committee Item No. \_\_\_\_\_

Board Item No. 23

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: July 17, 2018

#### Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

#### OTHER

(Click on the text of checked items to view documents)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Appeal Letter - Central SoMa Neighbors and SFBu - 6/8/2018</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Appeal Letter - South of Market Community Action Network</u>
		<u>(SOMCAN) - 6/11/2018</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Appeal Letter - Yerba Buena Neighborhood Consortium -</u>
		<u>6/11/2018</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Appeal Letter - One Vassar, LLC - 6/11/2018</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Planning Department Appeal Response with Errata - 7/11/2018</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Supplemental Appeal Letter - One Vassar, LLC - 7/6/2018</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Central SoMa Plan - EIR Errata - 5/9/2018</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Central SoMa Plan - EIR Errata - 4/5/2018</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Central SoMa Plan - EIR Responses to Comments 3/24/2018</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Central SoMa Plan - Environmental Impact Report (EIR) -</u>
		<u>12/14/2016</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Central SoMa Plan - EIR Appendices - December 14. 2016</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Hearing Notice and Clerical Documents</u>

Prepared by: Brent Jalipa

Date: July 12, 2018

Prepared by: \_\_\_\_\_ 2895

Date: \_\_\_\_\_



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BOARD OF SUPERVISORS  
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2018 JUN -8 PM 4:04

BY

A handwritten signature in black ink, appearing to be "ll" or a stylized "Richard".

By Email and Hand Delivery

June 8, 2018

San Francisco Board of Supervisors  
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Lisa M. Gibson, Environmental Review Officer  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
lisa.gibson@sfgov.org  
(By Email only)

RE: Appeal to Board of Supervisors of May 10, 2018 Decisions of the Planning Commission approving Central SoMa Plan and Environmental Impact Report for Central SoMa Plan (SCH NO. 2013042070)

Honorable Members of the Board of Supervisors and Clerk of the Board:

Pursuant to San Francisco Administrative Code section 31.16(c), Central SoMa Neighbors (CSN) and SFBlu, hereby appeal the May 10, 2018 Decisions of the San Francisco Planning Commission approving the Central SoMa Plan and the Environmental Impact Report for the Central SoMa Plan (SCH NO. 2013042070). The specific actions appealed are: Motion No. 20182, and Resolutions Nos. 20183, 20184, 20185, 20186, 20187, and 20188 (attached hereto as Exhibit A, pursuant to SF Admin. Code section 31.16(b)(1).)

The specific reasons for the appeal are that the EIR for the Central SoMa Project (SCH No. 2013042070), does not comply with CEQA, including that it is not adequate, accurate and objective, is not sufficient as an informational document, that its conclusions are incorrect and it does not reflect the independent judgment and analysis of the City, and that the Planning Commission certification findings are incorrect. The reasons for this appeal are set forth more fully in the written comment letters attached hereto as Exhibits B and C.



We submit herewith the appeal fee required by San Francisco Admin. Code section 31.16(b)(1). This appeal is being simultaneously filed with the San Francisco Environmental Review Officer by electronic mail, as allowed by San Francisco Admin. Code section 31.16(b)(1).

Central SoMa Neighbors (CSN) is a community organization composed of residents of the Central SoMa neighborhood. CSN is dedicated to preserving and enhancing the unique character of Central SoMa. CSN seeks to: 1. Help preserve and enhance the character of Central SoMa with its diversity of buildings and architecture; 2. Work towards making Central SoMa a more livable, mixed-use and pedestrian-friendly neighborhood; 3. Advocate for livability - residents need access to light, air, parks, and public open spaces; 4. Ensure the area is affordable and accessible, with the right balance of housing, office space and retail.

SFBlu is a homeowners association whose residents live at 631 Folsom Street. As longtime residents of Central SoMa, the Neighbors are committed to ensuring a safe, livable, family-friendly neighborhood. SFBlu is very much in favor of development and planning for sustainable growth that preserves the character of what this neighborhood is becoming --- a mixed use residential neighborhood where businesses of varied sizes and types can thrive; where people have the opportunity to live in an environmentally sustainable manner; and where the unique existing historic architectural resources are retained and renewed. To accomplish its full potential the neighborhood requires more development, which if properly overseen is something SFBlu welcomes. However, the type of development outlined in the current Plan is quite likely to retard the current transformation of this neighborhood. Rather than developing into high density residential and mixed use neighborhood stretching from Mission Bay to downtown, the current plan proposes to cut the Central SoMa neighborhood off from the neighborhoods to the south and essentially isolate it.

The Central SoMa Plan essentially creates a second Financial District South of Market, creating 63,600 new jobs, but only 14,500 new housing units. (DEIR, pp. IV-6, IV-5)<sup>1</sup>. In other words, the Plan creates 50,000 more jobs than housing units (more than four times more jobs than housing). This only exacerbates the City's jobs-housing imbalance, which will result in even greater demand for limited housing, higher housing prices, more displacement, and more gentrification. Clearly, the City should go back to the drawing board.

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<sup>1</sup> The Planning Commission Staff Report for the May 10, 2018 meeting states that the Plan will create 33,000 jobs and 8,300 housing units (Staff Rept., p. 3), but this statement is inconsistent with the EIR. Even if correct, the Plan clearly four times more jobs than housing, thereby creating the roughly same jobs-housing imbalance.

The Mid-Rise (Reduced Height) Alternative is superior to the High-Rise Alternative in almost every respect. It will create a family-friendly environment with access to light and air. It will create less traffic congestion, and therefore less air pollution and related health effects, and less traffic-related pedestrian injuries. It will allow tall buildings, but clustered near BART on the north side and CalTrain on the south side of the neighborhood, thereby encouraging use of public transportation. The Mid-Rise Alternative would also have reduced greenhouse gas (GHG) impacts since recent research shows that mid-rise buildings are generally more energy efficient than high-rise. By contrast, the High-Rise alternative includes extremely tall buildings (350 feet) on Harrison Street, between Second and Third Streets, which is not close to the CalTrain or BART stations, but is close to the Bay Bridge freeway ramps – thereby encouraging automobile commuting rather than public transit. This contradicts the Plan itself, which “would seek to retain the character of the mid-rise district, limiting the presence of high-rises to areas near transit stations.” (DEIR, p. IV.B-34).

The Mid-Rise Alternative allows for almost as much growth as the High-Rise Alternative. The Initial Study for the Central SoMa Plan (p. 81) shows that the Mid-Rise Alternative is projected to add 52,300 new jobs by 2040, while the High-Rise option is projected to add 56,400 new jobs. The difference in the additional population increments is even smaller, 22,700 versus 23,400 (a 3% difference). Although the DEIR presents slightly different projections, there is still only about a 12-14% difference between the Reduced Height Alternative and the Plan (population growth of 21,900 versus 25,500; job growth of 55,800 versus 63,600). (DEIR p. VI-2, VI-16, IV-6). Thus, the Mid-Rise Alternative would achieve about 90% of the jobs and housing growth, while maintaining the character of Central SoMa as a mid-rise community with access to light and air, avoiding wind-tunnels, and promoting a more family-friendly environment.

Indeed, in 2013 when the Plan was known as the Central Corridor Plan, City Planning staff articulated all of the right reasons for supporting the Mid-Rise Alternative. The Central Corridor Plan stated:

Urban design experience shows that people feel most comfortable on urban streets where the height of buildings is between  $\frac{3}{4}$  and  $1\frac{1}{4}$  times the width of the street, creating an “urban room” that has a pleasing, but not overwhelming, sense of enclosure and intimacy. The Plan proposes that the base height limits along all major streets in the Plan area should be 85 feet, lowering to 65 feet toward the western edge of the Plan area and in historic areas, such as the South End and near South Park. While in some areas the Plan proposes to allow buildings to rise above the 85-foot base height (generally to 130 feet), these upper stories would be required to set back by at least 15 feet in order to maintain the perception of the lower streetwall.... This scale is also consistent with both the traditional form and character of SoMa’s significant commercial and industrial buildings as well as aligning with the desire for larger floorplate, open

floorplan, mid-rise buildings most desired by contemporary new economy companies.<sup>2</sup>

**PRINCIPLE 2:** The predominant character of SoMa as a mid-rise district should be retained, and the presence of high-rises reduced by limiting their distribution and bulk.

The South of Market sits at a critical location in the city's landscape. SoMa is a large expanse of flat land at the center of the east side of the City, sitting as an important balance and counterpoint to the dramatic hills that surround it, including the man-made "hill" of the downtown high-rise district, creating a dramatic amphitheater.

With relatively low buildings in comparison to the hills and high-rises around it, the South of Market allows expansive and cherished views to extend across it to and from the surrounding hills, districts and the major features of the region beyond. In order to preserve this essential characteristic and preserve views across the area, height limits taller than 130 feet are generally kept to the southern portion of the Plan Area (Brannan Street southward), limited in distribution and widely spaced. It is important to note that mid-rise buildings are not necessarily synchronous with low densities... Because the number of potential buildings taller than 130 feet is limited to strategic locations adjacent to transit stations and their locations generously spaced, these buildings will be prominent from all directions and serve as local landmarks.<sup>3</sup>

The Neighbors agree entirely with the opinions set forth by City Planning Staff in 2013 in the Central Corridor Plan. **"The predominant character of SoMa as a mid-rise district should be retained, and the presence of high-rises reduced by limiting their distribution and bulk."** The Mid-Rise Alternative creates an urban neighborhood "that has a pleasing, but not overwhelming sense of enclosure and intimacy." The Mid-Rise Alternative achieves almost all of the housing and job growth, while maintaining a family-friendly, livable neighborhood. We urge the Board of Supervisors to direct staff to revise the DEIR to select the Mid-Rise (Reduced Height Alternative) as the environmentally preferred alternative, consistent with the staff opinions set forth in the Central Corridor Plan only three short years ago.

In the alternative, the Neighbors request that the City consider an alternative that would modify the proposed Plan to eliminate the proposed changes that would allow extremely tall buildings in the block bounded by I-80 and Folsom and Second and Third Streets (including the tallest buildings on Harrison that go up to 350 feet). These buildings are inconsistent with the Plan's own goals to limit taller buildings to areas near

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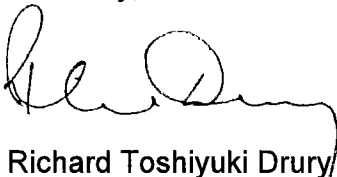
<sup>2</sup> Central Corridor Plan, p. 30.

<sup>3</sup> Id. p. 32.

BART and CalTrain. These properties are close to neither BART nor CalTrain, but are at the foot of the Bay Bridge access ramps. Development would therefore encourage automobile usage, not public transit, violating the fundamental Project goals. These properties should be limited to no more than 130 feet, which would still allow for substantial development on the properties, but maintain the mid-rise character of the neighborhood.

After reviewing the EIR, together with our team of expert consultants, it is evident that the document contains numerous errors and omissions that preclude accurate analysis of the Project. As a result of these inadequacies, the EIR fails as an informational document and fails to impose feasible mitigation measures to reduce the Project's impacts. The Neighbors request the City address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approval of the Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Drury', with a long horizontal flourish extending to the right.

Richard Toshiyuki Drury  
LOZEAU | DRURY LLP  
Counsel for Central SoMa Neighbors and SFBlu

# EXHIBIT A



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. 20182

HEARING DATE: MAY 10, 2018

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Planning  
Information:  
**415.558.6377**

Case No.: 2011.1356E  
Project Address: Central SoMa Plan  
Zoning: Various  
Block/Lot: Various  
Project Sponsor: San Francisco Planning Department  
Steve Wertheim- (415) 558-6612  
[steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)  
Staff Contact: Elizabeth White- (415) 575-6813  
[elizabeth.white@sfgov.org](mailto:elizabeth.white@sfgov.org)

### ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CENTRAL SOMA PLAN.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2011.1356E, the "Central SoMa Plan" (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 April 24, 2013.
  - B. The Department held a public scoping meeting on May 15, 2013 in order to solicit public comment on the scope of the Project's environmental review.
  - C. On December 14, 2016, 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.
  - D. On December 14, 2016, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

- E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on December 14, 2016.
2. The Commission held a duly advertised public hearing on said DEIR on January 26, 2017 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 February 13, 2017.
  3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 60-day public review period, prepared revisions to the text of the DEIR in responses 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 the Responses to Comments document, published on March 28, 2018, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
  4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Responses to Comments document all as required by law.
  5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
  6. On May 10, 2018, the Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
  7. The project sponsor has indicated that the presently preferred alternative is the Central SoMa Plan.
  8. The Planning Commission hereby does find that the FEIR concerning File No. 2011.1356E: Central SoMa Plan reflects the independent judgement and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Responses to Comments document and the errata dated April 5, 2018 and May 9, 2018 contains no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
  9. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the Environmental Impact Report:
    - A. Will result in the following significant and unavoidable project-specific environmental impacts, which cannot be mitigated to a level of insignificance:

- a. Central SoMa Plan development, including proposed open space improvements and street network changes, would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating and environmental effect. Specifically, the Plan could result in traffic noise along Howard Street (under the two-way option for Howard and Folsom streets) that exceeds the noise standards in the General Plan's Environmental Protection Element.
- b. Central SoMa Plan development would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5.
- c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.
- d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in crosswalk overcrowding at the following intersections:
  - i. Third/Mission
  - ii. Fourth/Mission
  - iii. Fourth/Townsend
- e. Central SoMa Plan development would result in an increased demand for on-street commercial and passenger loading and a reduction in on-street loading supply such that the loading demand during the peak hour of loading activities would not be accommodated within on-street loading supply, would impact existing passenger loading/unloading zones, and may create hazardous conditions or significant delay that may affect transit, other vehicles, bicycles, or pedestrians.
- f. Construction activities associated with Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would result in potentially hazardous conditions.
- g. Central SoMa Plan development, including the proposed street network changes, would generate noise that would result in exposure of persons to noise levels in excess of standards in the *San Francisco General Plan* or Noise Ordinance (Article 29 of the *Police Code*), and would result in a substantial permanent increase in ambient noise above existing levels.



- h. Central SoMa Plan development, including the proposed street network changes and open space improvements, would result in construction activities in the Plan Area that could expose persons to substantial temporary or periodic increase in noise levels substantially in excess of ambient levels.
  - i. The operation of subsequent individual development projects in the Central SoMa Plan Area and the proposed street network changes (but not the proposed open space improvements) would violate an air quality standard, contribute to an existing or projected air quality violation, and/or result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.
  - j. Central SoMa Plan development, including the proposed street network changes, would result in operational emissions of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants that would result in exposure of sensitive receptors to substantial pollutant concentrations.
  - k. Subsequent future development under the Plan could alter wind in a manner that substantially affects public areas.
- B. Will contribute considerably to the following cumulative environmental impacts, which cannot be mitigated to a level of insignificance:
- a. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative land use impact. Specifically, one-way and two-way options for Folsom and Howard Streets could make a considerable contribution to cumulative traffic noise levels, which would exceed the noise standards in the General Plan's Environmental Protection Element.
  - b. Central SoMa Plan development would contribute considerably to significant cumulative historical resources impacts because the Plan could result in demolition and/or alteration of historical resources.
  - c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative transit impacts on local and regional transit providers.
  - d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative pedestrian impacts.
  - e. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative loading impacts.

- f. Central SoMa development, including the proposed street network changes and open space improvements, would result in cumulative noise impacts.
- g. Central SoMa development, including the proposed street network changes, but not open space improvements, would contribute considerably to criteria air pollutant impacts under cumulative 2040 conditions.
- h. Central SoMa Plan development, including the proposed street network changes but not open space improvements, would result in exposure of sensitive receptors to substantial levels of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants under 2040 cumulative conditions.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of May 10, 2018.



Jonas P. Iorin  
Commission Secretary

AYES: Moore, Koppel, Johnson, Richards, Hillis, Melgar, and Fong  
NOES: None  
ABSENT: None  
ADOPTED: May 10, 2018



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 20183 HEARING DATE MAY 10, 2018

1650 Mission St.  
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Reception:  
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**415.558.6377**

*Project Name:* Central SoMa Plan – CEQA Findings  
*Record No.:* **2011.1356EMTZU**  
*Staff Contact:* Steve Wertheim, Principal Planner, Citywide Planning  
(415) 558-6612; [steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)

ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT IMPACTS AND SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND A STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO APPROVALS FOR THE CENTRAL SOUTH OF MARKET AREA PLAN ("CENTRAL SOMA PLAN").

### PREAMBLE

The San Francisco Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA"), has undertaken a planning and environmental review process for the proposed Central SoMa Plan and related approval actions ("Project") and provided appropriate public hearings before the Planning Commission.

The desire for a Central SoMa Plan began during the Eastern Neighborhoods planning process. In 2008 the City adopted the Eastern Neighborhoods Plan, including new land use controls and proposed community improvements for the eastern part of the South of Market neighborhood (SoMa), as well as the Central Waterfront, Mission, and Showplace Square/Potrero Hill neighborhoods. At that time, the City determined that the development potential of the industrially zoned part of East SoMa, coupled with the improved transit to be provided by the Central Subway, necessitated a subsequent, focused planning process that took into account the city's growth needs and City and regional environmental goals. The Central SoMa Plan is the result of that subsequent process.

The Western SoMa Area Plan, adopted in 2013, also explicitly recognized the need to increase development capacity near transit in Objective 1.5, which states that the City should "Support continued evaluation of land uses near major transit infrastructure in recognition of citywide and regional sustainable growth needs." The explanatory text in Objective 1.5 concludes that "The City must continue evaluating how it can best meet citywide and regional objectives to direct growth to transit-oriented locations and whether current controls are meeting identified needs."

The Objective's implementing Policy 1.5.1 states that the City should "Continue to explore and re-examine land use controls east of 6th Street, including as part of any future evaluation along the 4th Street corridor." The Central SoMa Plan is intended to fulfill the Western SoMa Plan's Objective 1.5 and Policy 1.5.1.

The process of creating the Central SoMa Plan began in 2011. Throughout the process, the Central SoMa Plan has been developed based on robust public input, including ten public open houses; ten public hearings at the Planning Commission; two public hearings at the Board of Supervisor's Land Use & Transportation Committee; additional hearings at the Historic Preservation Commission, Arts Commission, and Youth Commission; a "technical advisory committee" consisting of multiple City and regional agencies; a "storefront charrette" (during which the Planning Department set up shop in a retail space in the neighborhood to solicit community input on the formulation of the plan); two walking tours, led by community members; two community surveys; an online discussion board; meetings with over 30 neighborhoods groups and other community stakeholders; and thousands of individual meetings, phone calls, and emails with stakeholders.

The Central SoMa Plan Area runs from 2nd Street to 6th Street, Market Street to Townsend Street, exclusive of those areas that are part of the Downtown Plan that comprise much of the area north of Folsom Street. The vision of the Central SoMa Plan is to create a sustainable neighborhood by 2040, where the needs of the present are met without compromising the ability of future generations to meet their own needs. The Central SoMa Plan seeks to achieve sustainability in each of its aspects – social, economic, and environmental. The Plan's philosophy is to keep what is already successful about the neighborhood, and improve what is not. Utilizing the Plan's philosophy to achieve the Plan's vision will require implementing the following three strategies:

- Accommodate growth;
- Provide public benefits; and
- Respect and enhance neighborhood character.

Implementing the Plan's strategies will require addressing all the facets of a sustainable neighborhood. To do so, the Plan seeks to achieve eight Goals:

1. Accommodate a Substantial Amount of Jobs and Housing
2. Maintain the Diversity of Residents
3. Facilitate an Economically Diversified and Lively Jobs Center
4. Provide Safe and Convenient Transportation that Prioritizes Walking, Bicycling, and Transit
5. Offer an Abundance of Parks and Recreational Opportunities
6. Create an Environmentally Sustainable and Resilient Neighborhood
7. Preserve and Celebrate the Neighborhood's Cultural Heritage
8. Ensure that New Buildings Enhance the Character of the Neighborhood and the City.

The Plan would implement its vision, philosophy, and goals by:

- Accommodating development capacity for up to 33,000 jobs and 8,300 housing units by removing much of the area's industrially-protective zoning and increasing height limits on many of the area's parcels;
- Maintaining the diversity of residents by requiring that over 33% of new housing units are affordable to low- and moderate-income households and requiring that these new units are built in SoMa;
- Facilitating an economically diversified and lively jobs center by requiring most large sites to be jobs-oriented, by requiring production, distribution, and repair uses in many projects, and by allowing retail, hotels, and entertainment uses in much of the Plan Area;
- Providing safe and convenient transportation by funding capital projects that would improve conditions for people walking, bicycling, and taking transit;
- Offering an abundance of parks and recreational opportunities by funding the construction and improvement of parks and recreation centers in the area and requiring large non-residential projects to provide publicly-accessible open space;
- Creating an environmentally sustainable and resilient neighborhood by requiring green roofs and use of non-greenhouse gas energy sources, while funding projects to improve air quality, provide biodiversity, and help manage stormwater;
- Preserving and celebrating the neighborhood's cultural heritage by helping fund the rehabilitation and maintenance of historic buildings and funding social programs for the neighborhood's existing residents and organizations; and
- Ensuring that new buildings enhance the character of the neighborhood and the city by implementing design controls that would generally help protect the neighborhood's mid-rise character and street fabric, create a strong street wall, and facilitate innovative yet contextual architecture.

These core policies and supporting discussion have been incorporated into the Central SoMa Plan, which is proposed to be added as an Area Plan in the General Plan. The Central SoMa Plan and conforming amendments to the General Plan, together with proposed Planning Code, Administrative Code, and Zoning Map Amendments and an Implementation Document, provide a comprehensive set of policies and implementation programming to realize the vision of the Plan. The Implementation Document describes how the Plan's policies will be implemented, outlines public improvements, funding mechanisms, and interagency coordination that the City must pursue to implement the Plan, and provides controls for key development sites and key streets and design guidance for new development.

Since the Central SoMa Plan process began in 2011, the Planning Department has undertaken the environmental review process required by CEQA. Pursuant to and in accordance with the requirements of Section 21083.9 of the Public Resources Code and Section 15082 of the CEQA Guidelines, the Department, as lead agency, published and circulated a Notice of Preparation ("NOP") on April 24, 2013, which notice solicited comments regarding the scope of the environmental impact report ("EIR") for the proposed project. The NOP and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential

impacts of the proposed project. The Department held a public scoping meeting on May 15, 2013 at The Mendelson House, located at 737 Folsom Street, San Francisco, CA 94107.

During the approximately 30-day public scoping period that ended on May 24, 2013, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in preparation of the Draft EIR.

Pursuant to Section 15063 of the CEQA Guidelines, the Department published an Initial Study on February 12, 2014 in order to focus the scope of the EIR. The Department made the Initial Study available for a 30-day public review period beginning on February 12, 2014 and ending on March 14, 2014. The Department considered the comments received on the Initial Study when preparing the Draft EIR.

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

The Department published a Draft EIR on December 14, 2016, and circulated the Draft EIR to local, state, and federal agencies and to interested organizations and individuals for public review. On December 14, 2016, the Department also distributed notices of availability of the Draft EIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the project area. The Commission held a public hearing on January 26, 2017, to solicit testimony on the Draft EIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the Draft EIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the Draft EIR until February 13, 2017.

The Department then prepared the Comments and Responses to Comments on Draft EIR document ("RTC"). The RTC document was published on March 28, 2018, and includes copies of all of the comments received on the Draft EIR and written responses to each comment. In addition to describing and analyzing the physical, environmental impacts of the revisions to the Project, the RTC document provided additional, updated information, clarification, and modifications on issues raised by commenters, as well as Planning Department staff-initiated text changes to the Draft EIR.

The Final Environmental Impact Report ("Final EIR"), which includes the Draft EIR, the RTC document, the errata dated May 3, 2018, the Appendices to the Draft EIR and RTC document, and all of the supporting information, has been reviewed and considered. The RTC documents and appendices and all supporting information do not add significant new information to the Draft EIR that would individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or CEQA Guidelines Section 15088.5 so as to require recirculation of the Final EIR (or any portion thereof) under CEQA. The RTC documents and appendices and all supporting information contain no information revealing (1) any new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the project sponsor, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

On May 10, 2018, by Motion No. 20182, the Commission reviewed and considered the Final EIR for the Project and found the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

On May 10, 2018, by Motion No. 20182, the Commission found that the Final EIR was adequate, accurate, and objective, that it reflected the independent analysis and judgment of the Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the completion of the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

The Planning Department prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures, and significant impacts analyzed in the Final EIR, and overriding considerations for approving the Project and a proposed mitigation monitoring and reporting program ("MMRP"), attached as Exhibit B, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration, and actions.

The Commission, in certifying the Final EIR, found that the Project described in the Final EIR:

- A. Will result in the following significant and unavoidable project-specific environmental impacts, which cannot be mitigated to a level of insignificance:
  - a. Central SoMa Plan development, including proposed open space improvements and street network changes, would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating and environmental effect. Specifically, the Plan could result in traffic noise along Howard Street (under the two-way option

for Howard and Folsom streets) that exceeds the noise standards in the General Plan's Environmental Protection Element.

- b. Central SoMa Plan development would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district located in the Plan area, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5.
- c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.
- d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in crosswalk overcrowding at the following intersections:
  - i. Third/Mission
  - ii. Fourth/Mission
  - iii. Fourth/Townsend
- e. Central SoMa Plan development would result in an increased demand for on-street commercial and passenger loading and a reduction in on-street loading supply such that the loading demand during the peak hour of loading activities would not be accommodated within on-street loading supply, would impact existing passenger loading/unloading zones, and may create hazardous conditions or significant delay that may affect transit, other vehicles, bicycles, or pedestrians.
- f. Construction activities associated with Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would result in potentially hazardous conditions.
- g. Central SoMa Plan development, including the proposed street network changes, would generate noise that would result in exposure of persons to noise levels in excess of standards in the *San Francisco General Plan* or Noise Ordinance (Article 29 of the *Police Code*), and would result in a substantial permanent increase in ambient noise above existing levels.



- h. Central SoMa Plan development, including the proposed street network changes and open space improvements, would result in construction activities in the Plan Area that could expose persons to substantial temporary or periodic increase in noise levels substantially in excess of ambient levels.
  - i. The operation of subsequent individual development projects in the Central SoMa Plan Area and the proposed street network changes (but not the proposed open space improvements) would violate an air quality standard, contribute to an existing or projected air quality violation, and/or result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.
  - j. Central SoMa Plan development, including the proposed street network changes, would result in operational emissions of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants that would result in exposure of sensitive receptors to substantial pollutant concentrations.
  - k. Subsequent future development under the Plan could alter wind in a manner that substantially affects public areas.
- B. Will contribute considerably to the following cumulative environmental impacts, which cannot be mitigated to a level of insignificance:
- a. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to a significant cumulative land use impact. Specifically, one-way and two-way options for Folsom and Howard Streets could make a considerable contribution to cumulative traffic noise levels, which would exceed the noise standards in the General Plan's Environmental Protection Element.
  - b. Central SoMa Plan development would contribute considerably to significant cumulative historical resources impacts because the Plan could result in demolition and/or alteration of historical resources.
  - c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative transit impacts on local and regional transit providers.
  - d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative pedestrian impacts.
  - e. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative loading impacts.

- f. Central SoMa development, including the proposed street network changes and open space improvements, would result in cumulative noise impacts.
- g. Central SoMa development, including the proposed street network changes, but not open space improvements, would contribute considerably to criteria air pollutant impacts under cumulative 2040 conditions.
- h. Central SoMa Plan development, including the proposed street network changes but not open space improvements, would result in exposure of sensitive receptors to substantial levels of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants under 2040 cumulative conditions.

The Planning Commission Secretary is the custodian of records for the Planning Department materials, located in the File for Case No. 2011.1356EMTZU, at 1650 Mission Street, Fourth Floor, San Francisco, California, 94103.

On May 10, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.1356EMTZU to consider the various approvals necessary to implement the Project, including approvals of General Plan, Planning Code, Administrative Code, and Zoning Map Amendments, and approval of the Implementation Program. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the Project, the Planning Department staff, expert consultants, and other interested parties.

**MOVED**, that the Planning Commission has reviewed and considered the Final EIR and the entire record of this proceeding, including the comments and submissions made to the Commission and the Department's responses to those comments and submissions, and, based on substantial evidence, hereby adopts these Environmental Findings required by CEQA attached hereto as Exhibit A, including a Statement of Overriding Considerations and rejecting alternatives as infeasible, and adopts the MMRP, included as Exhibit B, as a condition of approval for each and all of the approval actions described above.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 10, 2018.



Jonas P. Iorlin  
Commission Secretary

AYES: Hillis, Melgar, Fong, Johnson, Koppel, Moore, Richards  
NOES: None  
ABSENT: None  
ADOPTED: May 10, 2018



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 20184

HEARING DATE MAY 10, 2018

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*Project Name:* Central SoMa Plan – General Plan Amendments  
*Record No.:* **2011.1356EMTZU**  
*Staff Contact:* Steve Wertheim, Principal Planner, Citywide Planning  
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**RESOLUTION ADOPTING AMENDMENTS TO THE SAN FRANCISCO GENERAL PLAN TO ADD THE CENTRAL SOUTH OF MARKET AREA PLAN, AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE, FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1, AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco mandates that the Planning Commission ("Commission") shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan in response to changing physical, social, economic, environmental, or legislative conditions.

WHEREAS, the Commission, at a duly noticed public hearing on March 1, 2018 and in accordance with Planning Code Section 340(c), initiated the General Plan Amendments for the Central South of Market Area Plan ("Central SoMa Plan") by Planning Commission Resolution No. 20119.

WHEREAS, this Resolution adopting and recommending that the Board of Supervisors approve the General Plan Amendments is a companion to other legislative approvals relating to the Central SoMa Plan, including recommendations that the Board of Supervisors approve Planning Code, Administrative Code, and Zoning Map Amendments.

WHEREAS, the desire for a Central SoMa Plan began during the Eastern Neighborhoods planning process. In 2008 the City adopted the Eastern Neighborhoods Plan, including new land use controls and proposed community improvements for the eastern part of the South of Market neighborhood (SoMa), as well as the Central Waterfront, Mission, and Showplace Square/Potrero Hill neighborhoods. At that time, the City determined that the development potential of the industrially zoned part of East SoMa, coupled with the improved transit to be provided by the Central Subway, necessitated a subsequent, focused planning process that took into account the city's growth needs and City and regional environmental goals. The Central SoMa Plan is the result of that subsequent process.

WHEREAS, the Western SoMa Area Plan, adopted in 2013, also explicitly recognized the need to increase development capacity near transit in Objective 1.5, which states that the City should "Support continued evaluation of land uses near major transit infrastructure in recognition of citywide and regional sustainable growth needs." The explanatory text in Objective 1.5 concludes that "The City must continue evaluating how it can best meet citywide and regional objectives to direct growth to transit-oriented locations and whether current controls are meeting identified needs." The Objective's implementing Policy 1.5.1 states that the City should "Continue to explore and re-examine land use controls east of 6th Street, including as part of any future evaluation along the 4th Street corridor." The Central SoMa Plan is intended to fulfill the Western SoMa Plan's Objective 1.5 and Policy 1.5.1.

WHEREAS, the process of creating the Central SoMa Plan began in 2011. Since that time, the Planning Department released a draft Plan and commenced environmental review as required by the California Environmental Quality Act ("CEQA") in April 2013, released an Initial Study in February of 2014, released a revised Draft Plan and Implementation Strategy in August 2016, released the Draft Environmental Impact Report in December 2016, and released Responses to Comments on the Draft Environmental Impact Report in March 2018.

WHEREAS, throughout the process, the Central SoMa Plan has been developed based on robust public input, including ten public open houses; fourteen public hearings at the Planning Commission; two public hearings at the Board of Supervisor's Land Use & Transportation Committee; additional hearings at the Historic Preservation Commission, Arts Commission, and Youth Commission; a "technical advisory committee" consisting of multiple City and regional agencies; a "storefront charrette" (during which the Planning Department set up shop in a retail space in the neighborhood to solicit community input on the formulation of the plan); two walking tours, led by community members; two community surveys; an online discussion board; meetings with over 30 neighborhoods groups and other community stakeholders; and thousands of individual meetings, phone calls, and emails with stakeholders.

WHEREAS, the Central SoMa Plan Area runs from 2nd Street to 6th Street, Market Street to Townsend Street, exclusive of those areas that are part of the Downtown Plan that comprise much of the area north of Folsom Street. The vision of the Central SoMa Plan is to create a sustainable neighborhood by 2040, where the needs of the present are met without compromising the ability of future generations to meet their own needs. The Central SoMa Plan seeks to achieve sustainability in each of its aspects – social, economic, and environmental. The Plan's philosophy is to keep what is already successful about the neighborhood, and improve what is not. Utilizing the Plan's philosophy to achieve the Plan's vision will require implementing the following three strategies:

- Accommodate growth;
- Provide public benefits; and
- Respect and enhance neighborhood character.

WHEREAS, implementing the Central SoMa Plan's strategies will require addressing all the facets of a sustainable neighborhood. To do so, the Plan seeks to achieve eight Goals:

1. Accommodate a Substantial Amount of Jobs and Housing
2. Maintain the Diversity of Residents
3. Facilitate an Economically Diversified and Lively Jobs Center
4. Provide Safe and Convenient Transportation that Prioritizes Walking, Bicycling, and Transit
5. Offer an Abundance of Parks and Recreational Opportunities
6. Create an Environmentally Sustainable and Resilient Neighborhood
7. Preserve and Celebrate the Neighborhood's Cultural Heritage
8. Ensure that New Buildings Enhance the Character of the Neighborhood and the City

WHEREAS, these core policies and supporting discussion have been incorporated into the Central SoMa Plan, which is proposed to be added as an Area Plan in the General Plan. The General Plan Amendments, together with proposed Planning Code, Administrative Code, and Zoning Map Amendments and an Implementation Document, provide a comprehensive set of policies and implementation programming to realize the vision of the Plan. The Implementation Document describes how the Plan's policies will be implemented, outlines public improvements, funding mechanisms, and interagency coordination that the City must pursue to implement the Plan, and provides controls for key development sites and key streets and design guidance for new development.

WHEREAS, policies envisioned for the Central SoMa Plan are consistent with the existing General Plan. However, a number of conforming amendments to the General Plan are required to further achieve and clarify the vision and goals of the Central SoMa Plan, to reflect its concepts throughout the General Plan, and to generally update the General Plan to reflect changed physical, social, and economic conditions in this area.

WHEREAS, a draft ordinance, substantially in the form attached hereto as Exhibit II.3, and approved as to form by the City Attorney's office, would add the Central SoMa Area Plan to the General Plan and make a number of conforming amendments to various elements of the General Plan, including the East SoMa Area Plan, Western SoMa Area Plan, Commerce and Industry Element, Housing Element, and Urban Design Element. The Central SoMa Plan is attached hereto as Exhibit II.4. An updated map of the Eastern Neighborhoods Planning Areas is attached hereto as Exhibit II.5. A memo summarizing proposals to amend the Central SoMa Plan since consideration by the Planning Commission on March 1, 2018 is attached hereto as Exhibit II.6.

WHEREAS, on May 10, 2018, after a duly noticed public hearing, the Commission reviewed and considered the Final Environmental Impact Report for the Central SoMa Plan ("FEIR") and found the FEIR to be adequate, accurate, and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and by Motion No. 20182 certified the FEIR for the Central SoMa Plan as accurate, complete, and in compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

WHEREAS, on May 10, 2018, by Resolution No. 20183, the Commission approved CEQA Findings, including a statement of overriding considerations, and adoption of a Mitigation

Monitoring and Reporting Program ("MMRP"), under Case No. 2011. 1356E, for approval of the Central SoMa Plan.

WHEREAS, on May 10, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on General Plan Amendments.

WHEREAS, Planning Department staff recommends adoption of this Resolution adopting the General Plan Amendments.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Planning Code Section 340(d), the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed General Plan Amendments for the following reasons:

1. The General Plan Amendments would add the Central SoMa Plan, which will accommodate development capacity for up to 33,000 jobs and 8,300 housing units by removing much of the Plan Area's industrially-protective zoning and increasing height limits on many of the Plan Area's parcels.
2. The General Plan Amendments would add the Central SoMa Plan, which will maintain the diversity of residents by requiring that more than 33% of new housing units are affordable to low- and moderate-income households, and by requiring that these new units be built in SoMa.
3. The General Plan Amendments would add the Central SoMa Plan, which will facilitate an economically diversified and lively jobs center by requiring most large sites to be jobs-oriented, by requiring production, distribution, and repair uses in many projects, and by allowing retail, hotels, and entertainment uses in much of the Plan Area.
4. The General Plan Amendments would add the Central SoMa Plan, which will provide safe and convenient transportation by funding capital projects that will improve conditions for people walking, bicycling, and taking transit.
5. The General Plan Amendments would add the Central SoMa Plan, which will offer parks and recreational opportunities by funding the construction and improvement of parks and recreation centers in the area and requiring large, non-residential projects to provide publicly-accessible open space.
6. The General Plan Amendments would add the Central SoMa Plan, which will create an environmentally sustainable and resilient neighborhood by requiring green roofs and use of non-greenhouse gas emitting energy sources. A proposal to include a Mello-Roos Community Facilities District (CFD) in the Central SoMa Plan is also under consideration. This CFD would provide funding for environmental sustainability and resilience strategies to improve air quality, provide biodiversity, and help manage stormwater. The CFD would also help to create an environmentally sustainable and resilient neighborhood.

7. The General Plan Amendments would add the Central SoMa Plan, which will preserve and celebrate the neighborhood's cultural heritage by helping to fund the rehabilitation and maintenance of historic buildings. The CFD under consideration in the Central SoMa Plan would provide funding to help preserve the Old Mint for cultural and social programming for the neighborhood's existing residents and organizations. The CFD would also help to preserve and celebrate the neighborhood's cultural heritage.
8. The General Plan Amendments would add the Central SoMa Plan, which will ensure that new buildings enhance the character of the neighborhood and the City by implementing design controls that would generally help protect the neighborhood's mid-rise character and street fabric, create a strong street wall, and facilitate innovative yet contextual architecture.

**AND BE IT FURTHER RESOLVED**, that the Commission finds the General Plan Amendments, on balance, consistent with the General Plan as proposed for amendment and with the eight priority policies of Planning Code Section 101.1(b), as follows (note, staff comments are in *italics*):

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

*The Plan will have positive effects on neighborhood-serving retail uses. The Plan will provide a large market for existing and new businesses by supporting the creation of new office space, hotel uses, and housing units in a high-density environment. The Plan will support pedestrian traffic by facilitating improvements to walking conditions by widening sidewalks, increasing and improving crossings, and limiting curb cuts. The Plan will require ground floor commercial uses on many of the Plan Area's major streets, and will prohibit competing non-neighborhood serving uses, such as office, from the ground floor. The Plan will increase opportunity for neighborhood-serving retail in retail space by limiting formula retail uses and requiring "micro-retail" uses of 1,000 square feet or less in large new developments.*

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

*The Plan will not affect existing City regulations and programs to protect existing housing, including the City's substantial existing restrictions on evictions and demolitions. Additionally, the Plan will ensure that at least 33% of all new housing developed in the Central SoMa Plan area is affordable to low- and moderate-income households, thereby helping to maintain the area's economic diversity. The Plan will further protect the neighborhood's economic diversity by reinforcing the area's existing mixed land use pattern. The Plan will facilitate the development of a mix of residential and non-residential buildings whose ground floors will consist of a mix of retail, community services, and production, distribution, and repair uses. The CFD under consideration for inclusion in the Central SoMa Plan would provide funding for cultural programming and the creation and rehabilitation of important cultural facilities, such as Yerba Buena Gardens, which will help protect the cultural diversity of the neighborhood.*

*The Plan will protect neighborhood character by imposing physical development standards, such as the creation of height and bulk limits that maintain a largely mid-rise neighborhood. Under the Plan, the perceived height of most buildings will be the same as the width of the street, and a limited number of towers will be permitted in appropriate locations at important intersection nodes, such as adjacent to Downtown/Rincon Hill and near the Caltrain Station. The Plan will also direct development away from existing historic districts in the southeastern part of the Plan Area (e.g., South Park and the South End Historic District) and the established residential neighborhood in the northwestern part of the Plan Area. The Plan will also protect neighborhood character by preserving historic buildings and restricting consolidation of small lots on "fine-grained blocks" containing character-enhancing buildings.*

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

*The Plan will ensure that over 33% of new or rehabilitated housing built in the Plan Area would be affordable to low- and moderate-income households by directing nearly \$1 billion in public benefits towards this need, including \$400 million in direct funding to the Mayor's Office of Housing and Community Development. This will result in construction of more than 2,500 affordable housing units within SoMa. Up to 10% of the fee revenue collected from in-lieu and Jobs-Housing Linkage fees may be spent on acquisition and rehabilitation of existing affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*On balance, the Plan will not result in commuter traffic impeding Muni transit service or overburdening the streets or neighborhood parking. Given the expected density of jobs, commuter traffic is expected to increase in the Plan Area. However, the Plan Area is served by a wealth of local and regional transit, including BART, Caltrain, and Muni Metro (including the new Central Subway). The City expects to allocate as much as \$500 million to transit improvements to support the area. The City will allocate approximately two-thirds of this funding to Muni. If adopted, the CFD under consideration for inclusion in the Central SoMa Plan would provide approximately one-third of this funding to enhance regional transit systems and support extensive improvements to pedestrian and bicycle infrastructure. The Plan is designed to shift the way people travel away from use of private vehicles to more sustainable modes of transportation.*

*In addition to supporting the development of public transit, the Plan substantially decreases the amount of parking required for both residential and office uses, which will discourage commuter traffic, in conjunction with the City's existing Transportation Demand Management requirements.*

*The Plan will also support growth in one of the most transit-oriented locations in the region, thereby accommodating growth in a place where people can take transit in lieu of driving. If this growth is not accommodated in Central SoMa, it will occur in areas of the region that are not as well served by transit systems. This would increase citywide and regional auto traffic, congestion, and related impacts on safety, public health, and environmental quality.*



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

*The Plan will protect the industrial or service sectors. The Plan includes a "no net loss" policy for production, distribution, and repair (PDR) uses in those areas where the industrially protective zoning is being removed. The Plan requires that large office projects provide new PDR space, either on-site, off-site, or by preservation of existing spaces otherwise at risk of displacement. The Plan also includes incentives for new developments to provide PDR space at below-market rents, thereby serving a wider range of businesses and employees.*

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

*The Plan will improve preparedness to protect against injury and loss of life in an earthquake. The Plan will facilitate a substantial amount of new construction that will comply with all current Building Code, Fire Code, and other applicable safety standards. The Plan will also facilitate the sale of Transferable Development Rights from historic buildings, which will generate funding that may be used to upgrade the structural resiliency of those buildings.*

7. That landmarks and historic buildings be preserved.

*The Plan will support preservation of over sixty structures not currently protected by local ordinance through designation under Articles 10 and 11 of the Planning Code. The buildings proposed for protection under the Central SoMa Plan are the best representation of the architectural, historical, and cultural contributions of the people of Central SoMa, today and of generations past. Recognition and preservation of these properties supports the distinct vibrancy and economy of Central SoMa's built environment and its residents. The Plan will provide access to process- and financial-based incentives for designated properties to help maintain the historic character of the Plan Area. Local designation will require the Historic Preservation Commission and other decision-making entities to review changes that affect the historic character of these buildings and ensure that only appropriate, compatible alterations are made. The CFD under consideration for inclusion in the Central SoMa Plan would provide funding for rehabilitation of the Old Mint.*

8. That our parks and open space and their access to sunlight and vistas be protected from development.

*On balance, the Plan would not negatively affect the area's existing parks and open space or their access to sunlight. The Plan imposes height limits to direct the construction of the highest new buildings away from the existing parks in and around the Plan Area, including Yerba Buena Gardens, South Park, Gene Friend Recreation Center, and Victoria Manalo Draves Park. Any new shadow will be limited and would not substantially affect the use and enjoyment of parks and open spaces in the Plan Area. Because the area is flat, there are no long-range City vistas from the*

*area's parks and open spaces, and the Plan will not adversely affect public views. The Plan would require large, non-residential projects to provide publicly-accessible open space, and will result in a net increase of public open space and recreational facilities in an area of the city substantially lacking such amenities. The CFD under consideration for inclusion in the Central SoMa Plan would provide an estimated \$25 million towards the creation and enhancement of open space and recreational facilities.*

AND BE IT FURTHER RESOLVED, that the Commission finds that the General Plan Amendments, including the Central SoMa Plan and associated approvals, are in general conformity with the General Plan as it is proposed to be amended. The General Plan Amendments, including the new Central SoMa Plan and proposed amendments to applicable zoning controls, will articulate and implement many of the Goals, Objectives, and Policies described in the General Plan, including the Air Quality, Commerce and Industry, Environmental Protection, Housing, Recreation and Open Space, Transportation, and Urban Design Elements. The General Plan Amendments are consistent with the following Objectives and Policies of the General Plan, as it is proposed to be amended, as follows (note, staff comments are in *italics*):

#### AIR QUALITY ELEMENT

- Objective 3: Decrease the air quality impacts of development by coordination of land use and transportation decisions.
  - Policy 3.1: Take advantage of the high density development in San Francisco to improve the transit infrastructure and also encourage high density and compact development where an extensive transportation infrastructure exists.
  - Policy 3.2: Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.
  - Policy 3.4: Continue past efforts and existing policies to promote new residential development in and close to the downtown area and other centers of employment, to reduce the number of auto commute trips to the city and to improve the housing/job balance within the city.
  - Policy 3.6: Link land use decision making policies to the availability of transit and consider the impacts of these policies on the local and regional transportation system.

*The Plan supports this Objective and these Policies by directing substantial growth to an area with some of the region's best transit, including BART, Caltrain, and Muni Metro (including the new Central Subway).*

#### COMMERCE AND INDUSTRY ELEMENT

- Objective 1: Manage economic growth and change to ensure enhancement of the total city living and working environment.

- Policy 1.3: Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The Plan supports this Objective and Policy by continuing to locate commercial and industrial activity in an area of the City where such activities have historically occurred and been permitted by zoning controls, in an area that is accessible by many modes of transportation from throughout the City and region.*

- Objective 2: Maintain and enhance a sound and diverse economic base and fiscal structure for the City.
  - Policy 2.1: Seek to retain existing commercial and industrial activity and to attract new such activity to the city.
  - Policy 2.3: Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

*The Plan supports this Objective and these Policies by enabling the growth of commercial activity, the preservation of industrial activity, and a range of other economic activities, all in a socially and culturally diverse and attractive area.*

#### ENVIRONMENTAL PROTECTION ELEMENT

- Objective 12: Establish the City and County of San Francisco as a model for energy management.
  - Policy 12.1: Incorporate energy management practices into building, facility, and fleet maintenance and operations.
- Objective 15: Increase the energy efficiency of transportation and encourage land use patterns and methods of transportation which use less energy.
  - Policy 15.1: Increase the use of transportation alternatives to the automobile.
  - Policy 15.3: Encourage an urban design pattern that will minimize travel requirements among working, shopping, recreation, school and childcare areas.
- Objective 16: Promote the use of renewable energy sources.
  - Policy 16.1: Develop land use policies that will encourage the use of renewable energy sources.

*The Plan supports these Objectives and Policies by facilitating the efficient and intelligent use of energy for both of buildings and transportation. For buildings, the Plan requires that 100% of their electricity comes from renewable sources, and increases the number of buildings that are required to utilize solar power. For transportation, the Plan locates new development in an area where a high percentage of trips will be taken by energy efficient modes of transportation, including walking, bicycling, and transit.*

#### HOUSING ELEMENT

- Objective 1: Identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing.

- Policy 1.1: Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.
- Policy 1.2 Focus housing growth and infrastructure-necessary to support growth according to community plans.
- Policy 1.3: Work proactively to identify and secure opportunity sites for permanently affordable housing.
- Policy 1.4: Ensure community based planning processes are used to generate changes to land use controls.
- Policy 1.8: Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.
- Policy 1.10: Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

*The Plan supports this Objective and these Policies by substantially increasing the amount of housing potential through a community based planning process, ensuring that over 33% of new units created pursuant to the Plan are affordable to low- and moderate-income households, and doing so in a location where new residents can rely on public transportation, walking, and bicycling for the majority of daily trips. Additionally, the Plan includes multiple strategies to secure permanently affordable housing sites, including as part of new large commercial developments.*

- Objective 2: Retain existing housing units, and promote safety and maintenance standards, without jeopardizing affordability.
  - Policy 2.1: Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.
- Objective 3: Protect the affordability of the existing housing stock, especially rental units.
  - Policy 3.2: Promote voluntary housing acquisition and rehabilitation to protect affordability for existing occupants.
- Objective 7: Secure funding and resources for permanently affordable housing, including innovative programs that are not solely reliant on traditional mechanisms or capital.
  - Policy 7.4: Facilitate affordable housing development through land subsidy programs, such as land trusts and land dedication.
  - Policy 7.6: Acquire and rehabilitate existing housing to maximize effective use of affordable housing resources.

*The Plan supports these Objectives and Policies by maintaining existing prohibitions and limitations on housing demolition, facilitating and funding acquisition and rehabilitation of existing housing to create permanently affordable housing, and facilitating land dedication for affordable housing.*

- Objective 10: Ensure a streamlined, yet thorough, and transparent decision-making process.

- Policy 10.1: Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.
- Policy 10.2: Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.
- Policy 10.3: Use best practices to reduce excessive time or redundancy in local application of CEQA.

*The Plan supports this Objective and these Policies by creating clear controls for housing, by limiting discretionary actions and streamlining the approval process for typical code-conforming projects, removing some requirements for Conditional Use permits, and enabling projects to utilize Community Plan Evaluations under CEQA.*

- Objective 11: Support and respect the diverse and distinct character of San Francisco's neighborhoods.
  - Policy 11.1: Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.
  - Policy 11.7: Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

*The Plan supports this Objective and these Policies by including design requirements and guidelines for new development, as well as protections for both historic buildings and districts. The Plan also restricts consolidation of small lots in "fine-grained" areas containing character-enhancing buildings.*

- Objective 12: Balance housing growth with adequate infrastructure that serves the City's growing population.
  - Policy 12.1: Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.
- Objective 13: Prioritize sustainable development in planning for and constructing new housing.
  - Policy 13.1: Support "smart" regional growth that locates new housing close to jobs and transit.
  - Policy 13.3: Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.
  - Policy 13.4: Promote the highest feasible level of "green" development in both private and municipally-supported housing.

*The Plan supports these Objectives and Policies by locating housing and job growth in an area with some of the best transit access in the region, by funding improvements for people walking and bicycling, and by proactively supporting environmental sustainability and resilience in new buildings and on publicly-owned rights-of-way and parks. The CFD under consideration for*

*inclusion in the Central SoMa Plan would also help fund these environmental sustainability and resilience improvements on publicly-owned rights of way.*

#### RECREATION AND OPEN SPACE ELEMENT

- Objective 1: Ensure a well-maintained, highly utilized, and integrated open space system.
  - Policy 1.1: Encourage the dynamic and flexible use of existing open spaces and promote a variety of recreation and open space uses, where appropriate.
  - Policy 1.2: Prioritize renovation in highly-utilized open spaces and recreational facilities and in high needs areas.
- Objective 2: Increase recreational and open space to meet the long-term needs of the City and Bay region.
  - Policy 2.1: Prioritize acquisition of open space in high needs areas.
  - Policy 2.12: Expand the Privately-owned Public Open Spaces (POPOS) requirement to new mixed-use development areas and ensure that spaces are truly accessible, functional and activated.

*The Plan supports these Objectives and Policies by helping to fund the operations and improvement of existing parks and recreation centers while facilitating the development of new parks, recreation centers, and POPOS in this high-need area. The CFD under consideration for inclusion in the Central SoMa Plan would provide \$25 million to fund the development of new parks, recreation centers, and open spaces and would provide \$20 million to fund the rehabilitation, operations, and maintenance of existing parks and recreation centers.*

- Objective 3: Improve access and connectivity to open space.
  - Policy 3.1: Creatively develop existing publicly-owned right-of-ways and streets into open space.

*The Plan supports this Objective and Policy by transforming part of an existing public right-of-way (Bluxome Street) into open space. The Plan requires mid-block alleys that will facilitate the creation of a network of new pedestrian connections that are not accessible to motor vehicles.*

- Objective 5: Engage communities in the stewardship of their recreation programs and open spaces.
  - Policy 5.1: Engage communities in the design, programming and improvement of their local open spaces, and in the development of recreational programs.

*The Plan supports this Objective and Policy by continuing to ensure the role of community members in the design and programming of local open spaces, as well as creating new open spaces that would require community stewardship.*

- Objective 6: Secure long-term resources and management for open space acquisition, and renovation, operations, and maintenance of recreational facilities and open space.
  - Policy 6.1: Pursue and develop innovative long-term funding mechanisms for maintenance, operation, renovation and acquisition of open space and recreation.

*The Plan supports this Objective and Policy by using impact fees to fund the acquisition, construction, and improvement of new open space and recreational facilities. If adopted, the CFD under consideration for inclusion in the Central SoMa Plan would also help fund the acquisition, construction, programming, and maintenance of these open spaces and recreational facilities.*

#### TRANSPORTATION ELEMENT

- Objective 1: Meet the needs of all residents and visitors for safe, convenient and inexpensive travel within San Francisco and between the city and other parts of the region while maintaining the high quality living environment of the Bay Area.
  - Policy 1.3: Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.
  - Policy 1.6: Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.
  - Policy 1.8: Develop a flexible financing system for transportation in which funds may be allocated according to priorities and established policies without unnecessary restriction.
- Objective 2; Use the transportation system as a means for guiding development and improving the environment.
  - Policy 2.1: Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.
- Objective 11: Establish public transit and the primary mode of transportation in San Francisco and as a means through which to guide future development and improve regional mobility and air quality.
  - Policy 11.2: Continue to favor investment in transit infrastructure and services over investment in highway development and other facilities that accommodate the automobile.
  - Policy 11.3: Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*The Plan supports these Objectives and Policies by directing development to an area with one of the region's best transit networks, including BART, Caltrain, and Muni Metro (including the new Central Subway), as well as myriad bus lines serving all parts of the City and region. The City expects to allocate an estimated \$500 million in revenues collected under the Plan to enhancement and further expansion of the transit system. If adopted, the CFD under*

*consideration for inclusion in the Central SoMa Plan would provide approximately one-third of this funding to enhance regional transit systems and support extensive improvements to pedestrian and bicycle infrastructure. The Plan supports walking and bicycling by facilitating improvements to all of the neighborhood's major streets. The Plan discourages driving by reducing lanes and giving priority for the limited rights-of-way to other modes of transportation.*

- Objective 16: Develop and implement programs that will efficiently manage the supply of parking at employment centers throughout the city so as to discourage single-occupant ridership and encourage ridesharing, transit and other alternatives to the single-occupant automobile.
  - Policy 16.5: Reduce parking demand through limiting the absolute amount of spaces and prioritizing the spaces for short-term and ride-share uses.

*The Plan supports this Objective and Policy by strictly limiting parking in new residential and non-residential development and requiring the full implementation of the City's Transportation Demand Management strategies, which will discourage parking and prioritize other means of transportation.*

- Objective 18: Achieve street safety for all.
  - Policy 18.1: Prioritize safety in decision making regarding transportation choices, and ensure safe mobility options for all in line with the City's commitment to eliminate traffic fatalities and severe injuries.
- Objective 19: Establish a street hierarchy system in which the function and design of each street are consistent with the character and use of adjacent land.
  - Policy 19.2: Design streets for a level of traffic that serves, but will not cause a detrimental impact on adjacent land uses, nor eliminate the efficient and safe movement of transit vehicles and bicycles.
- Objective 24: Design every street in San Francisco for safe and convenient walking.
  - Policy 24.1: Every surface street in San Francisco should be designed consistent with the Better Streets Plan for safe and convenient walking, including sufficient and continuous sidewalks and safe pedestrian crossings at reasonable distances to encourage access and mobility for seniors, people with disabilities and children.
  - Policy 24.2: Widen sidewalks where intensive commercial, recreational, or institutional activity is present, sidewalks are congested, where sidewalks are less than adequately wide to provide appropriate pedestrian amenities, or where residential densities are high.
  - Policy 24.6: Ensure convenient and safe pedestrian crossings by minimizing the distance pedestrians must walk to cross a street.
  - Policy 24.7: Ensure safe pedestrian crossings at signaled intersections by providing sufficient time for pedestrians to cross streets at a moderate pace.



*The Plan supports these Objectives and Policies by facilitating improvements that will transform an area that is unpleasant and often unsafe for people walking, bicycling, and taking transit into an area that is safe and comfortable for all. This includes strategies to widen sidewalks, add mid-block crossings, decrease the length of crosswalks, create protected bicycle lanes, and create protected bus lanes. The CFD under consideration for inclusion in the Central SoMa Plan would also help fund improvements to pedestrian and bicycle infrastructure. The Plan also includes the "Key Streets Guidance" that helps prioritize street improvements where they are most needed.*

- Objective 25: Improve the ambience of the pedestrian environment.
  - Policy 25.2: Maintain and expand the planting of street trees and the infrastructure to support them.
  - Policy 25.3: Install pedestrian-serving street furniture where appropriate.
  - Policy 25.4: Preserve pedestrian-oriented building frontages.

*The Plan supports this Objective and these Policies by requiring street trees and funding other greening and street furniture improvements. The CFD under consideration for inclusion in the Central SoMa Plan would provide additional funding for these improvements. Additionally, the Plan includes multiple strategies to preserve and enhance pedestrian-oriented building frontages, including requiring active commercial uses on many streets, banning and limiting curb cuts, and restricting lot consolidation in fine-grained, pedestrian-oriented areas.*

- Objective 29: Ensure that bicycles can be used safely and conveniently as a primary means of transportation, as well as for recreational purposes.
  - Policy 29.1: Expand and improve access for bicycles on city streets and develop a well-marked, comprehensive system of bike routes in San Francisco.

*The Plan supports this Objective and Policy by facilitating the creation of a number of protected bicycle lanes within and adjacent to the Plan Area, thereby helping to expand and increase the safety of the City's bicycle network. The CFD under consideration for inclusion in the Central SoMa Plan would provide additional funding for improvements to pedestrian and bicycle infrastructure.*

- Objective 42: Enforce a parking and loading strategy for freight distribution to reduce congestion affecting other vehicular traffic and adverse impacts on pedestrian circulation.
  - Policy 42.1: Provide off-street facilities for freight loading and service vehicles on the site of new buildings sufficient to meet the demands generated by the intended uses. Seek opportunities to create new off-street loading facilities for existing buildings.
  - Policy 42.5: Loading docks and freight elevators should be located conveniently and sized sufficiently to maximize the efficiency of loading and unloading activity and to discourage deliveries into lobbies or ground floor locations except at freight-loading facilities.

*The Plan supports this Objective and these Policies by requiring new development to plan for parking and loading through development of a Driveway and Loading Operations Plan and coordinating with City agencies on management strategies for movement of goods and people, both on-site and off-site.*

#### URBAN DESIGN ELEMENT

- Objective 1: Emphasis of the characteristic pattern which gives to the city and its neighborhoods an image, a sense of purpose, and a means of orientation.
  - Policy 1.3: Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

*The Plan supports this Objective and Policy through establishment of height and bulk limits that harmonize and reinforce the larger City context – including the evolving skyline, centers of activity and access, and natural and manmade landmarks – by supporting the area’s existing mid-rise form with the addition of a limited number of towers in appropriate locations. Additionally, the Plan supports maintaining the neighborhood character through guidance on form and materials provided in the “Guide to Urban Design.”*

- Objective 2: Conservation of resources which provide a sense of nature, continuity with the past, and freedom from overcrowding.
  - Policy 2.4: Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

*The Plan supports this Objective and Policy by supporting the preservation of notable landmarks and restricting lot consolidation in areas where buildings are historic or are otherwise deemed to enhance neighborhood character.*

- Objective 3: Moderation of major new development to complement the city pattern, the resources to be conserved, and the neighborhood environment.
  - Policy 3.6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.
  - Policy 3.7: Recognize the special urban design problems posed in development of large properties.

*The Plan supports this Objective and Policy through establishment of height and bulk limits that harmonize and reinforce the larger City context – including the evolving skyline, centers of activity and access, and natural and manmade landmarks – by supporting the area’s existing mid-rise form with the addition of a limited number of towers in appropriate locations. Additionally, the Plan specifically addresses development on the area’s largest sites through the “Key Development Sites Guidelines.”*

AND BE IT FURTHER RESOLVED, that the Commission adopts and incorporates by reference as though fully set forth herein the CEQA Findings set forth in Commission Motion No. 20182.

AND BE IT FURTHER RESOLVED, that the Commission adopts and incorporates by reference as though fully set forth herein the Mitigation Monitoring and Reporting Program, the requirements of which are made conditions of this approval.

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 340(d), the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendments to the General Plan.

AND BE IT FURTHER RESOLVED, that the Commission adopts the General Plan Amendments, the Central SoMa Plan, and the updated map of the Eastern Neighborhoods Planning Areas as reflected in an ordinance approved as to form by the City Attorney attached hereto as Exhibits II.3, II.4, and II.5, respectively, and incorporated herein by reference, and recommends their approval by the Board of Supervisors.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 10, 2018.



Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Melgar, Fong, Johnson, Koppel, Moore, Richards  
NOES: None  
ABSENT: None  
ADOPTED: May 10, 2018



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 20185 HEARING DATE MAY 10, 2018

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*Project Name:* Central SoMa Plan – Planning Code and Administrative Code Amendments  
*Record No.:* 2011.1356EMTZU [Board File. No 180184]  
*Staff Contact:* Steve Wertheim, Principal Planner, Citywide Planning  
(415) 558-6612; [steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)

RESOLUTION ADOPTING AND RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AMENDMENTS WITH MODIFICATIONS TO THE SAN FRANCISCO PLANNING CODE AND ADMINISTRATIVE CODE TO GIVE EFFECT TO THE CENTRAL SOUTH OF MARKET AREA PLAN, AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE, FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1, AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, on February 27, 2018, Mayor Mark Farrell and Supervisor Jane Kim introduced an ordinance for Planning Code and Administrative Code Amendments pursuant to the Central South of Market Plan ("Central SoMa Plan").

WHEREAS, pursuant to Planning Code Section 302(b), on February 27, 2018, the San Francisco Board of Supervisors initiated the aforementioned Planning Code and Administrative Code Amendments.

WHEREAS, on April 10, 2018, Mayor Mark Farrell and Supervisor Jane Kim introduced a substitute ordinance for Planning Code and Administrative Code Amendments pursuant to the Central South of Market Plan ("Central SoMa Plan").

WHEREAS, pursuant to Planning Code Section 302(b), on April 10, 2018, the San Francisco Board of Supervisors initiated the aforementioned Planning Code and Administrative Code Amendments.

WHEREAS, this Resolution adopting and recommending that the Board of Supervisors approve the Planning Code and Administrative Code Amendments is a companion to other legislative approvals relating to the Central SoMa Plan, including recommendations that the Board of Supervisors approve General Plan Amendments, Zoning Map Amendments, and an Implementation Program.

WHEREAS, The Planning Code and Administrative Code Amendments, together with proposed General Plan and Zoning Map Amendments and the Implementation Program document, provide a comprehensive set of policies and implementation programming to realize the vision of the Plan. The Planning Commission incorporates by reference the general findings and overview concerning the Central SoMa Plan as set forth in Planning Commission Resolution No. 20184 governing General Plan Amendments.

WHEREAS, the Planning Code governs permitted land uses and planning standards in the City. The main function of the Administrative Code is to provide for the legislative basis for, direction to, and limitations on executive agencies of the City and the performance of their duties that are not addressed in the Charter or other City codes. Thus, conforming amendments to the Planning Code and Administrative Code are required in order to implement the Plan. An ordinance, attached hereto as Exhibit III.3, has been drafted to revise the Administrative Code and Planning Code to implement the proposed Central SoMa Plan and its related documents. This ordinance amends Administrative Code Section 35; adds Planning Code Sections 128.1, 132.4, 175.1, 249.78, 263.32, 263.33, 263.34, 413.7, 432, 433, and 848; amends Sections 102, 124, 134, 135, 135.3, 138, 140, 145.1, 145.4, 151.1, 152, 152.1, 153, 155, 163, 169.3, 181, 182, 201, 206.4, 207.5, 208, 211.2, 249.36, 249.40, 249.45, 260, 261.1, 270, 270.2, 303.1, 304, 307, 329, 401, 411A.3, 413.10, 415.3, 415.5, 415.7, 417.5, 419, 419.6, 423.1, 423.2, 423.3, 423.5, 426, 427, 429.2, 603, 608.1, 802.1, 802.4, 803.3, 803.4, 803.5, 803.9, 809, 813, 825, 840, 841, 842, 843, 844, 845, 846, 847, 890.37, 890.116, and 890.124; and removes Sections 263.11, 425, 802.5, 803.8, 815, 816, 817, and 818, to implement the Area Plan. The City Attorney's Office has reviewed the draft ordinance and approved it as to form. A memorandum summarizing additional proposals to amend the Planning Code and Administrative Code Amendments since consideration by the Planning Commission on March 1, 2018 is attached hereto as Exhibit III.6.

WHEREAS, on May 10, 2018, after a duly noticed public hearing, the Commission reviewed and considered the Final Environmental Impact Report for the Central SoMa Plan ("Final EIR") and found the Final EIR to be adequate, accurate, and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and by Motion No. 20182 certified the Final EIR for the Central SoMa Plan as accurate, complete, and in compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

WHEREAS, on May 10, 2018, by Resolution No. 20183, the Commission approved CEQA Findings, including a statement of overriding considerations, and adoption of a Mitigation Monitoring and Reporting Program ("MMRP"), under Case No. 2011. 1356E, for approval of the Central SoMa Plan.

WHEREAS, on May 10, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Planning Code and Administrative Code Amendments.

WHEREAS, Planning Department staff recommends adoption of this Resolution adopting and recommending that the Board of Supervisors approve the Planning Code and Administrative Code Amendments.

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed Planning Code and Administrative Code Amendments for the following reasons:

1. The Planning Code and Administrative Code Amendments will help implement the Central SoMa Plan, which will accommodate development capacity for up to 33,000 jobs and 8,300 housing units by removing much of the Plan Area's industrially-protective zoning and increasing height limits on many of the Plan Area's parcels.
2. The Planning Code and Administrative Code Amendments will help implement the Central SoMa Plan, which will maintain the diversity of residents by requiring that more than 33% of new housing units are affordable to low- and moderate-income households, and by requiring that these new units be built in SoMa.
3. The Planning Code and Administrative Code Amendments will help implement the Central SoMa Plan, which will facilitate an economically diversified and lively jobs center by requiring most large sites to be jobs-oriented, by requiring production, distribution, and repair uses in many projects, and by allowing retail, hotels, and entertainment uses in much of the Plan Area.
4. The Planning Code and Administrative Code Amendments will help implement the Central SoMa Plan, which will provide safe and convenient transportation by funding capital projects that will improve conditions for people walking, bicycling, and taking transit.
5. The Planning Code and Administrative Code Amendments will help implement the Central SoMa Plan, which will offer parks and recreational opportunities by funding the construction and improvement of parks and recreation centers in the area and requiring large, non-residential projects to provide publicly-accessible open space.
6. The Planning Code and Administrative Code Amendments will help implement the Central SoMa Plan, which will create an environmentally sustainable and resilient neighborhood by requiring green roofs and use of non-greenhouse gas emitting energy sources. A proposal to include a Mello-Roos Community Facilities District ("CFD") in the Central SoMa Plan is also under consideration. This CFD would provide funding for environmental sustainability and resilience strategies to improve air quality, provide biodiversity, and help manage stormwater. The CFD would also help to create an environmentally sustainable and resilient neighborhood.
7. The Planning Code and Administrative Code Amendments will help implement the Central SoMa Plan, which will preserve and celebrate the neighborhood's cultural heritage by helping to fund the rehabilitation and maintenance of historic buildings. The CFD under consideration for addition to the Central SoMa Plan would provide funding to help preserve the Old Mint and for cultural and social programming for the neighborhood's existing residents and organizations. The CFD would also help to preserve and celebrate the neighborhood's cultural heritage.

8. The Planning Code and Administrative Code Amendments will help implement the Central SoMa Plan, which will ensure that new buildings enhance the character of the neighborhood and the City by implementing design controls that would generally help protect the neighborhood's mid-rise character and street fabric, create a strong street wall, and facilitate innovative yet contextual architecture.

**AND BE IT FURTHER RESOLVED**, that the Commission adopts and incorporates by reference as though fully set forth herein the CEQA Findings set forth in Commission Resolution No. 20183.

**AND BE IT FURTHER RESOLVED**, that the Commission adopts and incorporates by reference as though fully set forth herein the Mitigation Monitoring and Reporting Program, the requirements of which are made conditions of this approval.

**AND BE IT FURTHER RESOLVED**, that the Commission finds the Planning Code and Administrative Code Amendments are in general conformity with the General Plan as set forth in Planning Commission Resolution No. 20184.

**AND BE IT FURTHER RESOLVED**, that the Commission finds the Planning Code and Administrative Code Amendments are in general conformity with Planning Code Section 101.1 as set forth in Planning Commission Resolution No. 20184.

**AND BE IT FURTHER RESOLVED**, that the Commission adopts the Planning Code and Administrative Code Amendments as reflected in an ordinance approved as to form by the City Attorney attached hereto as Exhibit III.3, and incorporated herein by reference, and recommends their approval with modifications by the Board of Supervisors. The proposed modifications are as follows:

- 128.1(c): Reverse the terms "Development Lot" and "Transfer Lot".
- 132.4(d)(1)(B)(iv): Increase allowed streetwall architectural modulation from five feet to eight feet.
- 135.3: Clarify that satisfaction of POPOS under 138 satisfies the open space requirements of 135.3.
- 138(a)(2): Eliminate the requirement for retail uses to provide POPOS.
- 138(d)(2), (2)(A), (2)(B), and (e)(2): Update references to point to appropriate subsections.
- 138(d)(2)(E)(i): Allow up to 10% of outdoor POPOS to be under a cantilevered portion of the building if the building is at least 20 feet above grade.
- 138(d)(2)(F)(ii): Allow up to 25% of indoor POPOS to have ceiling height of less than 20 feet.
- 140(a): In the Central SoMa SUD, allow units above 85' in height to meet exposure requirements if they are 15' back from the property line; allow 10% of units at or below 85' to have an exposure of 15'x15' instead of 25'x25'; and do not require the increase in setback at every horizontal dimension that increases of 5' at each subsequent floor.
- 154 and 155: Allow approval of the "Driveway and Loading Operations Plans" (DLOP) per Section 155(u) to meet the freight loading requirements of Sections 152.1, 154. And 155.
- 155(r)(2)(JJ): Update reference to point to 329(e)(3)(B).
- 155(u): Require a Passenger Loading Plan, per the MMRP.

- 169.3: Amend the TDM language to require projects that submitted applications before September 4, 2016 to meet 75% of the TDM requirements.
- 249.78(c)(1) and 329(d): Allow "active uses" to only be to a depth of 10 feet from the street (as opposed to the current standard of 25 feet) for 1) micro-retail uses on minor streets, 2) along minor streets as there is a doorway every 25 feet, and 3) at corners for lots less than 50 feet in width
- 249.78(c)(1)(D): Add that hotels are allowed as an active commercial use per 145.4(c).
- 249.78(c)(5)(B): Expand the uses allowed to fulfill the PDR requirements of large office projects to also include nonprofit community services, city-owned public facilities, and Legacy Businesses.
- 263.32, 263.33, 263.34: Clarify that projects that comply with these sections do not need a Conditional Use approval.
- 263.32(b)(1): Clarify that sites that donate land for affordable housing are eligible for this Special Height Exception
- 263.32(c)(3): Clarify that sites that utilize this Special Height Exception to exceed 160 feet are still subject to controls in Section 270 for mid-rise projects and not towers.
- Table 270(h): For Perry Street, make the Base Height "none".
- 329(d): Add a subsection referencing the ability to grant exceptions for wind per the controls contained in Section 249.78(d)(7).
- 329(d): Add a subsection referencing the ability to grant tower separation exceptions per the controls contained in Section 132.4(d)(3)(B).
- 329(d): Add a subsection enabling exceptions for the freight loading requirements of Sections 154 and 155.
- 329(d): Add a subsection allowing for exceptions for exposure requirements under Section 140.
- 329(e)(2): Add Block 3786 Lot 322 as a Key Site .
- 329(e)(3): Clarify that Key Sites may utilize the exceptions granted in 329(d).
- 329(e)(3)(A): Include donation of land for affordable housing and construction of affordable units as qualified amenity.
- 329(e)(3)(B): Limit certain exceptions to specific Key Development Sites, as discussed in the Key Development Sites Guidelines.
- 406: Include a waiver that allows land dedication of space for and construction of a public park on Block 3777 to count against various fees, including the TSF and Central SoMa Fee (such a waiver already exists for the Eastern Neighborhoods Infrastructure Impact Fees).
- 411A: Provide a \$5/gsf exception from the Transportation Sustainability Fee (TSF) for projects within the Central SoMa SUD (pending the adoption of a \$5/gsf increase by proposed legislation contained in Board File No. 180117).
- 418.7(a): Update SoMa Stabilization Fund to allow funding to accrue from the Central SoMa Community Facilities District.
- 434: Add a Section that describes the purpose, applicability, and requirements of the Central SoMa Mello-Roos Community Facilities District (CFD). This CFD should be applicable to projects that (1) includes new construction or net additions of more than 40,000 gross square feet, (2) the project site includes residential development in Central SoMa Development Tiers B and C and non-residential development in Central SoMa Development Tier C, and (3) the project proposed project is greater, in terms of square footage, than what would have been allowed without the Central SoMa Plan.
- 848: Add a cross-reference in the CMUO table to the residential lot coverage requirements in 249.78.



- Administrative Code 10E.2: Amend the Eastern Neighborhoods CAC to create two CACs - one for the three SoMa Plan Areas (East SoMa, Central SoMa, and Western SoMa) and one for the other three Plan Areas (Mission, Showplace Square/Potrero Hill, and Central Waterfront).

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 10, 2018.



Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Melgar, Fong, Johnson, Koppel, Moore, Richards  
NOES: None  
ABSENT: None  
ADOPTED: May 10, 2018



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 20186 HEARING DATE MAY 10, 2018

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*Project Name:* Central SoMa Plan – Zoning Map Amendments  
*Record No.:* **2011.1356EMTZU [Board File. No 180185]**  
*Staff Contact:* Steve Wertheim, Principal Planner, Citywide Planning  
(415) 558-6612; [steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)

**RESOLUTION APPROVING AMENDMENTS TO THE SAN FRANCISCO ZONING MAP OF THE PLANNING CODE TO GIVE EFFECT TO THE CENTRAL SOUTH OF MARKET AREA PLAN, AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE, FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1, AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

WHEREAS, on February 27, 2018, Mayor Mark Farrell and Supervisor Jane Kim introduced an ordinance for Zoning Map Amendments pursuant to the Central South of Market Plan ("Central SoMa Plan").

WHEREAS, pursuant to Planning Code Section 302(b), on February 27, 2018, the San Francisco Board of Supervisors initiated the aforementioned Zoning Map Amendments.

WHEREAS, on April 10, 2018, Mayor Mark Farrell and Supervisor Jane Kim introduced a substitute ordinance for Zoning Map Amendments pursuant to the Central South of Market Plan ("Central SoMa Plan").

WHEREAS, pursuant to Planning Code Section 302(b), on April 10, 2018, the San Francisco Board of Supervisors initiated the aforementioned Zoning Map Amendments.

WHEREAS, this Resolution adopting and recommending that the Board of Supervisors approve the Zoning Map Amendments is a companion to other legislative approvals relating to the Central SoMa Plan, including recommendations that the Board of Supervisors approve General Plan Amendments, Planning Code and Administrative Code Amendments, and an Implementation Program.

WHEREAS, The Zoning Map Amendments, together with proposed General Plan Amendments, Planning Code and Administrative Code Amendments, and the Implementation Program document, provide a comprehensive set of policies and implementation programming to realize the vision of the Plan. The Planning Commission incorporates by reference the general findings

and overview concerning the Central SoMa Plan as set forth in Planning Commission Resolution No. 20184 governing General Plan Amendments.

WHEREAS, as a means to implement the goals of the General Plan that are specific to the Central SoMa Plan, the Department is proposing Zoning Map Amendments that would generally reclassify areas currently zoned M-1, MUO, RED, SLI, SSO, WSMUG, and one parcel zoned P to the new Central SoMa Mixed Use Office zoning district (CMUO); most of the areas zoned SALI to CMUO, and areas zoned MUR to CMUO and MUG. Areas currently zoned C-3-O, NCT-SoMa, SPD, and the remainder of the P and SALI zoned areas would remain unchanged. These amendments would also add a new Central SoMa Special Use District to the Plan Area and remove the Western SoMa Special Use District from a subset of the Plan Area, and amend certain height limits and bulk districts. These changes correspond to conforming amendments to Sectional Maps ZN01, ZN08, HT01, HT08, SU01, and SU08 of the Zoning Maps of the City and County of San Francisco. A draft ordinance, substantially in the form attached hereto as Exhibit IV.3, approved as to form by the City Attorney's office, reflects these Zoning Map Amendments. A memorandum summarizing revisions made to the Zoning Map Amendments since consideration by the Planning Commission on March 1, 2018 is attached hereto as Exhibit IV.4.

WHEREAS, on May 10, 2018, after a duly noticed public hearing, the Commission reviewed and considered the Final Environmental Impact Report for the Central SoMa Plan ("Final EIR") and found the Final EIR to be adequate, accurate, and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and by Motion No. 20182 certified the Final EIR for the Central SoMa Plan as accurate, complete, and in compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

WHEREAS, on May 10, 2018, by Resolution No. 20183, the Commission approved CEQA Findings, including a statement of overriding considerations, and adoption of a Mitigation Monitoring and Reporting Program ("MMRP"), under Case No. 2011. 1356E, for approval of the Central SoMa Plan.

WHEREAS, on May 10, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Zoning Map Amendments.

WHEREAS, Planning Department staff recommends adoption of this Resolution adopting and recommending that the Board of Supervisors approve the Zoning Map Amendments.

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed Zoning Map Amendments for the following reasons:

1. The Zoning Map Amendments will help implement the Central SoMa Plan, which will accommodate development capacity for up to 33,000 jobs and 8,300 housing units by removing much of the Plan Area's industrially-protective zoning and increasing height limits on many of the Plan Area's parcels.

2. The Zoning Map Amendments will help implement the Central SoMa Plan, which will maintain the diversity of residents by requiring that more than 33% of new housing units are affordable to low- and moderate-income households, and by requiring that these new units be built in SoMa.
3. The Zoning Map Amendments will help implement the Central SoMa Plan, which will facilitate an economically diversified and lively jobs center by requiring most large sites to be jobs-oriented, by requiring production, distribution, and repair uses in many projects, and by allowing retail, hotels, and entertainment uses in much of the Plan Area.
4. The Zoning Map Amendments will help implement the Central SoMa Plan, which will provide safe and convenient transportation by funding capital projects that will improve conditions for people walking, bicycling, and taking transit.
5. The Zoning Map Amendments will help implement the Central SoMa Plan, which will offer parks and recreational opportunities by funding the improvement of parks and recreation centers in the area and requiring large, non-residential projects to provide publicly-accessible open space.
6. The Zoning Map Amendments will help implement the Central SoMa Plan, which will create an environmentally sustainable and resilient neighborhood by requiring green roofs and use of non-greenhouse gas emitting energy sources. A proposal to include a Mello-Roos Community Facilities District ("CFD") in the Central SoMa Plan is also under consideration. This CFD would provide funding for environmental sustainability and resilience strategies to improve air quality, provide biodiversity, and help manage stormwater. The CFD would also help to create an environmentally sustainable and resilient neighborhood.
7. The Zoning Map Amendments will help implement the Central SoMa Plan, which will preserve and celebrate the neighborhood's cultural heritage by helping to fund the rehabilitation and maintenance of historic buildings. The CFD under consideration for addition to the Central SoMa Plan would provide funding to help preserve the Old Mint and for cultural and social programming for the neighborhood's existing residents and organizations. The CFD would also help to preserve and celebrate the neighborhood's cultural heritage.
8. The Zoning Map Amendments will help implement the Central SoMa Plan, which will ensure that new buildings enhance the character of the neighborhood and the City by implementing design controls that would generally help protect the neighborhood's mid-rise character and street fabric, create a strong street wall, and facilitate innovative yet contextual architecture.

**AND BE IT FURTHER RESOLVED**, that the Commission adopts and incorporates by reference as though fully set forth herein the CEQA Findings set forth in Commission Resolution No. 20183.


**AND BE IT FURTHER RESOLVED**, that the Commission adopts and incorporates by reference as though fully set forth herein the Mitigation Monitoring and Reporting Program, the requirements of which are made conditions of this approval.

**AND BE IT FURTHER RESOLVED**, that the Commission finds that the Zoning Map Amendments are in general conformity with the General Plan as set forth in Planning Commission Resolution No. 20184.

**AND BE IT FURTHER RESOLVED**, that the Commission finds that the Zoning Map Amendments are in general conformity with Planning Code Section 101.1 as set forth in Planning Commission Resolution No. 20184.

**AND BE IT FURTHER RESOLVED**, that the Commission approves the Zoning Map Amendments as reflected in an ordinance approved as to form by the City Attorney attached hereto as Exhibit IV.3, and incorporated herein by reference, and recommends their approval by the Board of Supervisors.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 10, 2018.



Jonas P. Ionin  
Commission Secretary

**AYES:** Hillis, Melgar, Fong, Johnson, Koppel, Moore, Richards

**NOES:** None

**ABSENT:** None

**ADOPTED:** May 10, 2018



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 20187

HEARING DATE MAY 10, 2018

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Project Name:* Central SoMa Plan – Implementation Program  
*Record No.:* **2011.1356EMTZU**  
*Staff Contact:* Steve Wertheim, Principal Planner, Citywide Planning  
(415) 558-6612; [steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)

RESOLUTION ADOPTING AND RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE THE IMPLEMENTATION PROGRAM TO GIVE EFFECT TO THE CENTRAL SOUTH OF MARKET AREA PLAN AND MAKING VARIOUS FINDINGS, INCLUDING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1, AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, this Resolution adopting and recommending that the Board of Supervisors approve the Implementation Program is a companion to other legislative approvals relating to the Central SoMa Plan, including recommendations that the Board of Supervisors approve General Plan Amendments, Planning Code and Administrative Code, and Zoning Map Amendments.

WHEREAS, the Implementation Program, together with proposed General Plan Amendments, Planning Code and Administrative Code Amendments, and Zoning Map Amendments, provide a comprehensive set of policies and implementation programming to realize the vision of the Plan. The Planning Commission incorporates by reference the general findings and overview concerning the Central SoMa Plan as set forth in Planning Commission Resolution No. 20184 governing General Plan Amendments.

WHEREAS, the Implementation Program contains several components, each intended to facilitate the Plan's implementation, including:

- (1) an "Implementation Matrix" document conveying how each of the Plan's policies would be implemented, including implementation measures, mechanisms, timelines, and lead agencies;
- (2) a "Public Benefits Program" document containing the Plan's proposed public benefits package, including a description of the range of infrastructure and services that will serve new growth anticipated under the Plan, a summary of how those benefits will be funded, and a description of how this program will be administered and monitored. The revenue allocations shown in the Public Benefits Program are for projection purposes only and represent proportional allocation to the various public improvements based on the revenues projected at

the time of Plan adoption. Actual revenues will vary from these projections based on many factors, including the amount and timing of new development, which cannot be predicted. The Board of Supervisors, with input from the Interagency Plan Implementation Committee and Eastern Neighborhoods Citizens Advisory Committee (or its successor), shall monitor and allocate revenues according to these proportional allocations based on actual revenues over time and the readiness of the various public improvements for expenditure. No improvement project listed in the Public Benefits Program is guaranteed to receive the absolute amounts shown in the Public Benefits Program. Allocations for all projects will be increased or decreased proportionally based on actual revenues received or revised projections over time;

(3) a "Guide to Urban Design" document containing design guidance that is specific to Central SoMa and complements and supplements the requirements of the Planning Code and citywide Urban Design Guidelines;

(4) a "Key Development Sites Guidelines" document that includes greater direction than available in the Planning Code for the development of the Plan Area's large, underutilized development opportunity sites, in an effort to maximize public benefits and design quality; and a "Key Streets Guidelines" document that includes greater policy direction for each of the major streets in the Plan Area.

WHEREAS, the proposed Implementation Program is attached hereto as Exhibit V.3. A memorandum summarizing revisions made to the proposed Implementation Program since consideration by the Planning Commission on March 1, 2018 is attached hereto as Exhibit V.4.

WHEREAS, on May 10, 2018, after a duly noticed public hearing, the Commission reviewed and considered the Final Environmental Impact Report for the Central SoMa Plan ("Final EIR") and found the Final EIR to be adequate, accurate, and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and by Motion No. 20182 certified the Final EIR for the Central SoMa Plan as accurate, complete, and in compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

WHEREAS, on May 10, 2018, by Resolution No. 20183, the Commission approved CEQA Findings, including a statement of overriding considerations, and adoption of a Mitigation Monitoring and Reporting Program ("MMRP"), under Case No. 2011. 1356E, for approval of the Central SoMa Plan.

WHEREAS, on May 10, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Implementation Program.

WHEREAS, Planning Department staff recommends adoption of this Resolution adopting and recommending that the Board of Supervisors approve the Implementation Program.

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission adopts and incorporates by reference as though fully set forth herein the CEQA Findings set forth in Commission Resolution No. 20183.

**AND BE IT FURTHER RESOLVED**, that the Commission adopts and incorporates by reference as though fully set forth herein the Mitigation Monitoring and Reporting Program, the requirements of which are made conditions of this approval.

**AND BE IT FURTHER RESOLVED**, that the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed Implementation Program as set forth in Planning Commission Resolution No. 20188.

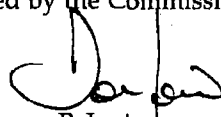
**AND BE IT FURTHER RESOLVED**, that the Commission finds that the proposed Implementation Program is in general conformity with the General Plan as set forth in Planning Commission Resolution No. 20184.

**AND BE IT FURTHER RESOLVED**, that the Commission finds that the proposed Implementation Program is in general conformity with Planning Code Section 101.1 as set forth in Planning Commission Resolution No. 20184.

**AND BE IT FURTHER RESOLVED**, that the Planning Commission finds that the proposed Implementation Program, hereto attached as Exhibit V.3, is necessary to implement the Central SoMa Plan and that the implementation strategies expressed in the document are appropriate based on the Goals, Objectives, and Policies of the Plan.

**AND BE IT FURTHER RESOLVED**, that the Commission recommends that the Board of Supervisors consider the attached Implementation Program as part of its action on legislation related to the Central SoMa Plan.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 10, 2018.

  
Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Melgar, Fong, Johnson, Koppel, Moore, Richards  
NOES: None  
ABSENT: None  
ADOPTED: May 10, 2018





# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 20188 HEARING DATE MAY 10, 2018

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

Reception:  
**415.558.6378**

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*Project Name:* Central SoMa Housing Sustainability District – Planning Code and Business and Tax Regulations Code Amendments  
*Record No.:* **2018-004477PCA**  
*Staff Contact:* Paolo Ikezoe, Senior Planner, Citywide Planning  
(415) 575-9137; [paolo.ikezoe@sfgov.org](mailto:paolo.ikezoe@sfgov.org)

RESOLUTION ADOPTING AND RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE AND BUSINESS AND TAX REGULATIONS CODE TO ESTABLISH THE CENTRAL SOUTH OF MARKET HOUSING SUSTAINABILITY DISTRICT, DELEGATING TO PLANNING DEPARTMENT STAFF CERTAIN REVIEW, AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE, FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1, AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, on May 1, 2018, Mayor Mark Farrell and Supervisor Jane Kim introduced an ordinance for Planning Code and Business and Tax Regulations Code Amendments to establish and implement the Central South of Market Housing Sustainability District ("Central SoMa HSD").

WHEREAS, Assembly Bill 73 ("AB 73"), California Government Code Sections 66200 et seq., which took effect January 1, 2018, authorizes local municipalities to designate by ordinance one or more Housing Sustainability Districts ("HSD") to provide a streamlined, ministerial approval process for residential and mixed use developments meeting certain requirements. AB 73 requires local agencies to prepare an Environmental Impact Report ("EIR") to identify and mitigate the environmental impacts of designating an HSD. Projects approved under an HSD ordinance must implement applicable mitigation measures identified in the EIR.

WHEREAS, the Planning Code and Business and Tax Regulation Code Amendments would establish the Central SoMa HSD, which would provide a streamlined, ministerial process for approval by the Planning Department of developments in the Central South of Market Plan Area meeting the requirements of AB 73 and other eligibility criteria, and the Amendments propose to change the requirement to hold a Planning Commission hearing to consider discretionary review of these development proposals, in order to meet the streamlining requirements of AB 73.

WHEREAS, these amendments contain proposals for changes to standards from those currently established by the Planning Code and Business and Tax Regulations Code, including but not

limited to those for review and approval of residential and mixed-use developments and appeals of permit decisions to the Board of Appeals.

WHEREAS, this Resolution adopting and recommending that the Board of Supervisors approve the Planning Code and Business and Tax Regulation Code Amendments is a companion to other legislative approvals relating to the Central South of Market Plan ("Central SoMa Plan"), including recommendations that the Board of Supervisors approve amendments to the General Plan, Planning Code, Administrative Code, and Zoning Map, and an Implementation Program.

WHEREAS, These Planning Code and Business and Tax Regulations Code Amendments, together with the proposed General Plan, Planning Code, Administrative Code, and Zoning Map Amendments and the Implementation Program document, provide a comprehensive set of policies and implementation programming to realize the vision of the Plan. The Planning Code and Business and Tax Regulations Code Amendments help to implement the Central SoMa Plan by streamlining approval of residential and mixed-use development projects meeting certain eligibility criteria and thereby encouraging construction of on-site, permanently affordable housing units in the Plan Area. The Planning Code and Business and Tax Regulations Code Amendments will help the City achieve the Central SoMa Plan's goal of 33% affordable units across all new housing produced in the Plan Area, and may qualify the City for incentive payments from the State of California, which the City may use to provide additional community benefits in Central SoMa. The Planning Commission incorporates by reference the general findings and overview concerning the Central SoMa Plan as set forth in Planning Commission Resolution No. 20184 governing General Plan Amendments.

WHEREAS, the Planning Code governs permitted land uses and planning standards in the City. The Business and Tax Regulations Code provides the legislative basis for, direction to, and limitations on the review, approval, denial, and revocation of permits by executive agencies of the City. Thus, conforming amendments to the Planning Code and Business and Tax Regulations Code are required in order to establish and implement the Central SoMa HSD. An ordinance, attached hereto as Exhibit C, has been drafted in order to make revisions to the Business and Tax Regulations Code and Planning Code necessary to implement the proposed Central SoMa HSD. This ordinance amends Business and Tax Regulations Code Section 8 and 26 and adds Planning Code Section 343 to establish and implement the HSD. The City Attorney's Office has reviewed the draft ordinance and approved it as to form.

WHEREAS, on May 10, 2018, after a duly noticed public hearing, the Commission adopted the General Plan, Planning Code, Administrative Code, and Zoning Map Amendments and the Implementation Program document to give effect to the Central SoMa Plan.

WHEREAS, on May 10, 2018, after a duly noticed public hearing, the Commission reviewed and considered the Final Environmental Impact Report for the Central SoMa Plan ("Final EIR") and found the Final EIR to be adequate, accurate, and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and by Motion No. 20182 certified the Final EIR for the Central SoMa Plan as accurate, complete, and in compliance

with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Business and Tax Regulation Code.

WHEREAS, on May 10, 2018, by Motion No. 20183, the Commission approved CEQA Findings, including a statement of overriding considerations, and adoption of a Mitigation Monitoring and Reporting Program ("MMRP"), under Case No. 2011.1356E, for approval of the Central SoMa Plan.

WHEREAS, the Final EIR analyzes the creation of a Housing Sustainability District in the Central SoMa Plan Area. The Planning Code and Business and Tax Regulations Code Amendments are within the scope of the Project evaluated in Final EIR.

WHEREAS, the Planning Code and Business and Tax Regulations Code Amendments would require developments approved under the Central SoMa HSD to implement applicable mitigation measures identified in the Final EIR.

WHEREAS, on May 10, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Planning Code and Business and Tax Regulation Code Amendments.

WHEREAS, Planning Department staff recommends adoption of this Resolution adopting and recommending that the Board of Supervisors approve the Planning Code and Business and Tax Regulation Code Amendments.

**NOW, THEREFORE, BE IT RESOLVED**, that the Commission hereby delegates its authority to the Planning Department to review applications for development eligible for streamlined review as part of under the Central SoMa HSD. The Planning Commission would not hold a public hearing for discretionary review of applications for eligible development under the Central SoMa HSD if the legislation is adopted substantially as proposed.

**AND BE IT FURTHER RESOLVED**, that the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed Planning Code and Business and Tax Regulation Code Amendments for the following reasons:

1. The Planning Code and Business and Tax Regulation Code Amendments establish and implement the Central SoMa HSD, which will streamline approval of residential and mixed-use development projects that provide at least 10% on-site affordable housing and comply with certain prevailing wage and skilled and trained workforce requirements. The Planning Code and Business and Tax Regulations Code Amendments will help the City achieve the Central SoMa Plan's goal of 33% affordable units across all new housing produced in the Plan Area, and may qualify the City for incentive payments from the State of California, which the City may use to provide additional community benefits in Central SoMa.
2. The Planning Code and Business and Tax Regulations Code Amendments will help implement the Central SoMa Plan, which will accommodate development capacity for up

to 33,000 jobs and 8,300 housing units by removing much of the Plan Area's industrially-protective zoning and increasing height limits on many of the Plan Area's parcels.

3. The Planning Code and Business and Tax Regulations Code Amendments will help implement the Central SoMa Plan, which will maintain the diversity of residents by requiring that more than 33% of new housing units are affordable to low- and moderate-income households, and by requiring that these new units be built in SoMa.
4. The Planning Code and Business and Tax Regulations Code Amendments will help implement the Central SoMa Plan, which will facilitate an economically diversified and lively jobs center by requiring most large sites to be jobs-oriented, by requiring production, distribution, and repair uses in many projects, and by allowing retail, hotels, and entertainment uses in much of the Plan Area.
5. The Planning Code and Business and Tax Regulations Code Amendments will help implement the Central SoMa Plan, which will provide safe and convenient transportation by funding capital projects that will improve conditions for people walking, bicycling, and taking transit.
6. The Planning Code and Business and Tax Regulations Code Amendments will help implement the Central SoMa Plan, which will offer parks and recreational opportunities by funding the construction and improvement of parks and recreation centers in the area and requiring large, non-residential projects to provide publicly-accessible open space.
7. The Planning Code and Business and Tax Regulations Code Amendments will help implement the Central SoMa Plan, which will create an environmentally sustainable and resilient neighborhood by requiring green roofs and use of non-greenhouse gas emitting energy sources. A proposal to include a Mello-Roos Community Facilities District ("CFD") in the Central SoMa Plan is also under consideration. This CFD would provide funding for environmental sustainability and resilience strategies to improve air quality, provide biodiversity, and help manage stormwater. The CFD would also help to create an environmentally sustainable and resilient neighborhood.
8. The Planning Code and Business and Tax Regulations Code Amendments will help implement the Central SoMa Plan, which will preserve and celebrate the neighborhood's cultural heritage by helping to fund the rehabilitation and maintenance of historic buildings. The CFD under consideration for addition to the Central SoMa Plan would provide funding to help preserve the Old Mint and for cultural and social programming for the neighborhood's existing residents and organizations. The CFD would also help to preserve and celebrate the neighborhood's cultural heritage.
9. The Planning Code and Business and Tax Regulations Code Amendments will help implement the Central SoMa Plan, which will ensure that new buildings enhance the character of the neighborhood and the City by implementing design controls that would generally help protect the neighborhood's mid-rise character and street fabric, create a strong street wall, and facilitate innovative yet contextual architecture.

**AND BE IT FURTHER RESOLVED**, that the Commission finds the Planning Code and Business and Tax Regulation Code Amendments are in general conformity with the General Plan, as it is proposed to be amended, as set forth in Planning Commission Resolution No. 20184, and for the following reasons:

**HOUSING ELEMENT:**

**Objective 1**

Identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing.

**Policy 1.1**

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

*The proposed Ordinance will require 10% of units in any HSD project to be affordable to households of very low or low income. HSD projects subject to San Francisco's Section 415 inclusionary requirements must satisfy this requirement through the on-site option, and then may choose to provide the rest of the requirement on-site (affordable units at AMI levels required in 415) or through payment of the off-site fee option.*

**Policy 1.2**

Focus housing growth and infrastructure necessary to support growth according to community plans. Complete planning underway in key opportunity areas.

**Policy 1.10**

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

*The proposed Ordinance will accelerate entitlements and require provision of at least 10% on-site affordable housing for eligible projects in the Central SoMa Plan Area. The Central SoMa Plan envisions dense new housing and commercial space in one of the most transit-served areas in the region. Existing regional transit nodes on Market Street and at the 4th and King Caltrain station bookend the Plan Area, and a future Central Subway will connect the neighborhood to the rest of the city and region. The Area Plan also calls for large scale investments in pedestrian and bicycle infrastructure.*

**Objective 2**

Retain existing housing units, and promote safety and maintenance standards, without jeopardizing affordability.

**Policy 2.1**

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

**Policy 2.2**

Retain existing housing by controlling the merger of residential units, except where a merger clearly creates new family housing.

*The proposed Ordinance will not allow projects to participate in the Central SoMa HSD if they propose demolishing or merging any existing residential units.*

Objective 3

Protect the affordability of the existing housing stock, especially rental units.

Policy 3.1

Preserve rental units especially rent controlled units, to meet the City's affordable housing needs.

*The proposed Ordinance will not allow projects to participate in the Central SoMa HSD if they propose demolishing or merging any existing residential units, including rental units subject to Rent Control.*

Objective 4

Foster a housing stock that meets the needs of all residents across lifecycles.

Policy 4.4

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

*The proposed Ordinance will require 10% of units in any HSD project, whether it consist of rental or ownership units, to be permanently affordable to households of very low or low income.*

Policy 4.5

Ensure that new permanently affordable housing is located in all of the city's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

*100% affordable housing projects of any height will be eligible to participate in the proposed HSD and receive ministerial approval, if they meet all criteria of Section 343. All mixed income housing projects developed pursuant to the proposed Ordinance will be required to provide 10% of units on-site permanently affordable to very low or low income households.*

Policy 4.6

Encourage an equitable distribution of growth according to infrastructure and site capacity.

*The proposed Ordinance encourages new housing growth in the Central SoMa Plan Area. The Central SoMa Area Plan plans for new housing and commercial space, orienting major growth around a major transportation investment, the Central Subway. The Central Subway will add to an already dense transit network, in a neighborhood in close proximity to many jobs, services and activities, allowing new residents and employees of the neighborhood to rely on transit to get around. Additionally, the Plan calls for over \$2 billion in infrastructure investments, including open space, childcare and improved sustainable transportation facilities, to serve current and future residents, employees and visitors.*

Objective 7

Secure funding and resources for permanently affordable housing, including innovative programs that are not solely reliant on traditional mechanisms or capital.

Policy 7.5

Encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval process.

*100% affordable housing projects of any height will be eligible to participate in the proposed HSD and receive ministerial approval, if they meet all criteria of Section 343. All mixed income housing projects developed pursuant to the proposed Ordinance will be required to provide 10% of units on-site permanently affordable to very low or low income households.*

Objective 10

Ensure a streamlined, yet thorough, and transparent decision-making process.

Policy 10.1

Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.

*The proposed Ordinance will offer ministerial approval to projects meeting the clear, consistent requirements of proposed Section 343. Ministerial approvals offer an increased degree of certainty in the entitlement process.*

Policy 10.2

Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.

*In addition to offering ministerial approval to qualifying projects, reducing project delay, the proposed Section 343 would require all HSD projects undergo a publicly noticed informational hearing prior to receiving approval. This hearing, which would be held in accordance with the Brown Act, would provide an opportunity for community review of the HSD project.*

Policy 10.3

Use best practices to reduce excessive time or redundancy in local application of CEQA.

Policy 10.4

Support state legislation and programs that promote environmentally favorable projects.

*The proposed Ordinance would implement locally a State Law (AB73) intended to promote environmentally favorable projects, and streamline environmental and entitlement review of such projects.*

Objective 11

Support and respect the diverse and distinct character of San Francisco's neighborhoods.

Policy 11.1

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility and innovative design, and respects existing neighborhood character.

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

*The proposed Ordinance would require all HSD projects to undergo design review, and comply with all adopted design standards in the Urban Design Guidelines as well as the Central SoMa Plan's Guide to Urban Design.*

Policy 11.7

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

*The proposed Ordinance would not allow any project on a parcel containing a building listed in Articles 10 or 11 to participate in the HSD and receive ministerial approvals.*

Objective 12

Balance housing growth with adequate infrastructure that serves the city's growing population.

Policy 12.1

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Policy 12.2

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

Policy 12.3

Ensure new housing is sustainably supported by the City's public infrastructure.

*The proposed Ordinance encourages new housing growth in the Central SoMa Plan Area. The Central SoMa Area Plan plans for new housing and commercial space, orienting major growth around a major transportation investment, the Central Subway. The Central Subway will add to an already dense transit network, in a neighborhood in close proximity to many jobs, services and activities, allowing new residents and employees of the neighborhood to rely on transit to get around. Additionally, the Plan calls for over \$2 billion in infrastructure investments, including open space, childcare and improved sustainable transportation facilities, to serve current and future residents, employees and visitors.*

Objective 13

Prioritize sustainable development in planning for and constructing new housing.



Policy 13.1

Support “smart” regional growth that locates new housing close to jobs and transit.

*The proposed Ordinance will accelerate entitlements of certain qualifying housing projects in the Central SoMa Plan Area. The zoning proposed in the Central SoMa Plan Area is flexible, allowing housing or commercial space on most properties. Any housing developed in Central SoMa will be in very close proximity to the region’s largest job center – both existing jobs as well as new jobs in commercial buildings enabled by the Plan – and transit.*

Policy 13.2

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian and bicycle mode share.

*The proposed Ordinance will accelerate entitlements of certain qualifying housing projects in the Central SoMa Plan Area. The Central SoMa Plan envisions dense new housing and commercial space in one of the most transit-served areas in the region. Existing regional transit nodes on Market Street and at the 4th and King Caltrain station bookend the Plan Area, and a future Central Subway will connect the neighborhood to the rest of the city and region. The Area Plan also calls for large scale investments in pedestrian and bicycle infrastructure.*

CENTRAL SOMA AREA PLAN:

GOAL 1: INCREASE THE CAPACITY FOR JOBS AND HOUSING

Objective 1.1

INCREASE THE AREA WHERE SPACE FOR JOBS AND HOUSING CAN BE BUILT

Policy 1.1.1

Retain existing zoning that supports capacity for new jobs and housing.

Policy 1.1.2

Replace existing zoning that restricts capacity for development with zoning that supports capacity for new jobs and housing.

*The proposed Ordinance would allow housing projects complying with all zoning controls adopted as part of the Central SoMa Plan the option to participate in the HSD, provided all eligibility criteria of Section 343 are met. The proposed Ordinance would not allow mixed-income projects over 160 feet in height to participate in the HSD, however 100% affordable projects of any height would be potentially eligible to participate in the HSD*

Objective 1.2

INCREASE HOW MUCH SPACE FOR JOBS AND HOUSING CAN BE BUILT

Policy 1.2.1

Increase height limits on parcels, as appropriate.

Policy 1.2.2

Allow physical controls for height, bulk, setbacks, and open space to determine density

*The proposed Ordinance would allow projects meeting all height limits and physical controls set by the Central SoMa Area Plan the option to participate in the HSD, provided all other eligibility criteria of Section 343 are met. The proposed Ordinance would not allow mixed-income projects over 160 feet in height to participate in the HSD, however 100% affordable projects of any height would be potentially eligible to participate in the HSD.*

GOAL 2: MAINTAIN THE DIVERSITY OF RESIDENTS

Objective 2.1

MAINTAIN THE EXISTING STOCK OF HOUSING

Policy 2.1.1

Continue implementing controls that maintains the existing supply of housing.

*The proposed Ordinance will not allow projects to participate in the Central SoMa HSD if they propose demolishing or merging any existing residential units, including rental units subject to Rent Control.*

Objective 2.2

MAINTAIN THE AFFORDABILITY OF THE EXISTING HOUSING STOCK

Policy 2.2.1

Continue implementing controls and strategies that help maintain the existing supply of affordable housing.

*The proposed Ordinance will not allow projects to participate in the Central SoMa HSD if they propose demolishing or merging any existing residential units, including rental units subject to Rent Control.*

Objective 2.3

ENSURE THAT AT LEAST 33 PERCENT OF NEW HOUSING IS AFFORDABLE TO VERY LOW, LOW, AND MODERATE-INCOME HOUSEHOLDS

Policy 2.3.1

Set affordability requirements for new residential development at rates necessary to fulfill this objective.

Policy 2.3.3

Ensure that affordable housing generated by the Central SoMa Plan stays in the neighborhood.

*The proposed Ordinance will require 10% of units in any HSD project to be affordable to households of very low or low income. HSD projects subject to San Francisco's Section 415 inclusionary requirements must satisfy this requirement through the on-site option, and then may choose to provide the rest of the requirement on-site (affordable units at AMI levels required in 415) or through payment of the off-site fee*

*option. 100% affordable housing projects of any height are potentially eligible to participate in the HSD if they meet all other eligibility requirements in Section 343.*

Objective 2.4

SUPPORT HOUSING FOR OTHER HOUSEHOLDS THAT CANNOT AFFORD MARKET RATE HOUSING

Policy 2.4.1

Continue implementing strategies that support the development of "gap" housing.

*The proposed Ordinance will require 10% of units in any HSD project to be affordable to households of very low or low income. HSD projects subject to San Francisco's Section 415 inclusionary requirements must satisfy this requirement through the on-site option, and then may choose to provide the rest of the requirement on-site (affordable units at AMI levels required in 415) or through payment of the off-site fee option. 100% affordable housing projects of any height are potentially eligible to participate in the HSD if they meet all eligibility requirements in Section 343.*

GOAL 8: ENSURE THAT NEW BUILDINGS ENHANCE THE CHARACTER OF THE NEIGHBORHOOD AND THE CITY

Objective 8.7

ESTABLISH CLEAR RULES FOR DEVELOPMENT

Policy 8.7.1

Whenever possible, delineate via the Planning Code what is allowed and not allowed in new development.

*The proposed Ordinance would allow housing projects complying with all zoning controls adopted as part of the Central SoMa Plan the option to participate in the HSD, provided all eligibility criteria of Section 343 are met.*

**AND BE IT FURTHER RESOLVED**, that the Commission adopts and incorporates by reference as though fully set forth herein the CEQA Findings set forth in Commission Motion No. 20183.

**AND BE IT FURTHER RESOLVED**, that the Commission adopts and incorporates by reference as though fully set forth herein the Mitigation Monitoring and Reporting Program, the requirements of which are made conditions of this approval.

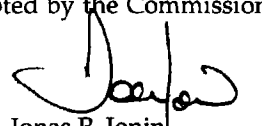
**AND BE IT FURTHER RESOLVED**, that the Commission finds the Planning Code and Business and Tax Regulation Code Amendments are in general conformity with Planning Code Section 101.1 as set forth in Planning Commission Resolution No. 20184.

**AND BE IT FURTHER RESOLVED**, that the Commission adopts the Planning Code and Business and Tax Regulation Code Amendments as reflected in an ordinance approved as to form by the City Attorney attached hereto as Exhibit C, and incorporated herein by reference, and recommends their approval by the Board of Supervisors.

**Resolution No. 20188  
May 10, 2018**

**Case No. 2018-004477PCA  
Planning Code and Business and Tax Regulations**

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 10, 2018.



Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Fong, Johnson, Koppel, Melgar, Moore, Richards

NOES: None

ABSENT: None

ADOPTED: May 10, 2018

[Business and Tax Regulations, Planning Codes - Central South of Market Housing Sustainability District]

Ordinance amending the Business and Tax Regulations and Planning Codes to create the Central South of Market Housing Sustainability District (encompassing an area generally bounded on its western portion by Sixth Street, on its eastern portion by Second Street, on its northern portion by the border of the Downtown Plan Area (an irregular border that generally tracks Folsom, Howard, or Stevenson Streets), and on its southern portion by Townsend Street) to provide a streamlined and ministerial approval process for certain housing projects within the District meeting specific labor, on-site affordability, and other requirements; creating an expedited Board of Appeals process for appeals of projects within the District; and making approval findings under the California Environmental Quality Act, findings of public convenience, necessity, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: Unchanged Code text and uncoded text are in plain Arial font.  
Additions to Codes are in single-underline italics Times New Roman font.  
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.  
Board amendment additions are in double-underlined Arial font.  
Board amendment deletions are in ~~strikethrough Arial font~~.  
Asterisks (\* \* \* \*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental and Planning Code Findings.

(a) On \_\_\_\_\_, 2018 after a duly noticed public hearing, the Planning Commission certified the Final Environmental Impact Report (EIR) for the proposed Central SoMa Area Plan (the Project) by Motion No. \_\_\_\_\_, finding the Final EIR reflects

1 the independent judgment and analysis of the City and County of San Francisco, is adequate,  
2 accurate and objective, and contains no significant revisions to the Draft EIR, and the content  
3 of the report and the procedures through which the Final EIR was prepared, publicized, and  
4 reviewed comply with the provisions of the California Environmental Quality Act (CEQA)  
5 (Public Resources Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Regs.  
6 Sections 15000 et seq.) and Chapter 31 of the Administrative Code. Copies of the Planning  
7 Commission Motion and Final EIR are on file with the Clerk of the Board of Supervisors in File  
8 No. \_\_\_\_\_ and are incorporated herein by reference.

9 (b) The Project evaluated in the Final EIR includes proposed amendments to the  
10 Planning Code, Administrative Code, and Zoning Map, as well as amendments to the General  
11 Plan to adopt the Central South of Market ("Central SoMa") Area Plan and other related  
12 amendments. The proposed Planning Code amendments and Business and Tax Regulations  
13 Code amendments set forth in this ordinance are within the scope of the Project evaluated in  
14 the Final EIR.

15 (c) At the same hearing during which the Planning Commission certified the Final EIR,  
16 the Planning Commission adopted findings under CEQA regarding the Project's  
17 environmental impacts, the disposition of mitigation measures, and project alternatives, as  
18 well as a statement of overriding considerations (CEQA Findings) and adopted a mitigation  
19 monitoring reporting program (MMRP), by Resolution No. \_\_\_\_\_.

20 (d) At the same hearing, the Planning Commission, in Resolution No. \_\_\_\_\_,  
21 recommended the proposed Planning Code amendments for approval and adopted findings  
22 that the actions contemplated in this ordinance creating the Central South of Market Housing  
23 Sustainability District are consistent, on balance, with the City's General Plan and eight  
24 priority policies of Planning Code Section 101.1. The Board adopts these findings as its own.  
25

1 A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.

2 \_\_\_\_\_, and is incorporated herein by reference.

3 (e) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the  
4 Planning Code amendments and Business and Tax Regulations Code amendments will serve  
5 the public necessity, convenience, and welfare for the reasons set forth in Planning  
6 Commission Resolution No. \_\_\_\_\_, and the Board incorporates such reasons herein  
7 by reference.

8 (f) The Board of Supervisors has reviewed and considered the Final EIR and the  
9 environmental documents on file referred to herein. The Board of Supervisors has reviewed  
10 and considered the CEQA Findings, and hereby adopts them as its own and incorporates  
11 them by reference as though such findings were fully set forth herein.

12 (g) The Board of Supervisors adopts the MMRP as a condition of this approval, and  
13 endorses those mitigation measures that are under the jurisdiction of other City Departments,  
14 and recommends for adoption those mitigation measures that are enforceable by agencies  
15 other than City agencies, all as set forth in the CEQA Findings and MMRP.

16 (h) The Board of Supervisors finds that no substantial changes have occurred in the  
17 proposed Project that would require revisions in the Final EIR due to the involvement of new  
18 significant environmental effects or a substantial increase in the severity of previously  
19 identified significant effects; no substantial changes have occurred with respect to the  
20 circumstances under which the proposed Project is to be undertaken that would require major  
21 revisions to the Final EIR due to the involvement of new environmental effects or a substantial  
22 increase in the severity of effects identified in the Final EIR, and no new information of  
23 substantial importance to the proposed Project has become available that indicates that (1)  
24 the Project will have significant effects not discussed in the Final EIR, (2) significant  
25 environmental effects will be substantially more severe, (3) mitigation measures or

1 alternatives found not feasible that would reduce one or more significant effects have become  
2 feasible or (4) mitigation measures or alternatives that are considerably different from those in  
3 the Final EIR would substantially reduce one or more significant effects on the environment.  
4

5 Section 2. The Business and Tax Regulations Code is hereby amended by revising  
6 Sections 8 and 26, to read as follows:  
7

8 **SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.**

9 (a) Except for variance decisions and permits issued by the Entertainment Commission  
10 or its Director, and as otherwise specified in this Section 8, appeals to the Board of Appeals shall  
11 be taken within 15 days from the making or entry of the order or decision from which the  
12 appeal is taken. Appeals of variance decisions shall be taken within 10 days.

13 (b) Appeals to the Board of Appeals of permit decisions made pursuant to Planning Code  
14 Section 343 shall be taken within 10 days of the permit decision. This subsection (b) shall expire on the  
15 Sunset Date of Planning Code Section 343, as defined in that Section. Upon the expiration of this  
16 subsection, the City Attorney shall cause this subsection to be removed from the Business and Tax  
17 Regulations Code.

18 (c) Appeals of actions taken by the Entertainment Commission or its Director on the  
19 granting, denial, amendment, suspension, or revocation of a permit, or on denial of exceptions  
20 from regulations for an Extended-Hours Premises Permit, shall be taken within 10 days from  
21 the making of the decision. Nothing in this Section 8 is intended to require an appeal to the  
22 Board of Appeals if any provision of Article 15, Article 15.1 (Entertainment Regulations Permit  
23 and License Provisions), or Article 15.2 (Entertainment Regulations for Extended-Hours  
24 Premises) of the Police Code governing these permits otherwise provides.  
25



1            (d) Appeals shall be taken by filing a notice of appeal with the Board of Appeals and  
2 paying to said Board at such time a filing fee as follows:

3            (a1) **Zoning Administrator, Planning Department, Director of Planning,**  
4 **and Planning Commission.**

5            (1A) For each appeal from the Zoning Administrator's variance decision,  
6 the fee shall be \$600.

7            (2B) For each appeal from any order, requirement, decision, or other  
8 determination (other than a variance) made by the Zoning Administrator, the Planning  
9 Department or Commission or the Director of Planning, including an appeal from disapproval  
10 of a permit which results from such an action, the fee shall be \$600.

11            (b2) **Department of Building Inspection.**

12            (1A) For each appeal from a Department of Building Inspection denial,  
13 conditional approval, or granting of a residential hotel or apartment conversion permit, the fee  
14 shall be \$525.

15            (2B) For each appeal from the granting or denial of a building demolition,  
16 or other permit (other than residential hotel conversion), the fee shall be \$175.

17            (3C) For each appeal from the imposition of a penalty only, the fee shall  
18 be \$300.

19            (e3) **Police Department and Entertainment Commission.**

20            (1A) For each appeal from the denial or granting of a permit or license  
21 issued by the Police Department, Entertainment Commission, or the Director of the  
22 Entertainment Commission, to the owner or operator of a business, the fee shall be \$375; for  
23 each such permit or license issued to an individual employed by or working under contract to  
24 a business, the fee shall be \$150.  
25

1                   (2B) For each appeal from the revocation or suspension of a permit or  
2 license by the Police Department, Entertainment Commission, or the Director of the  
3 Entertainment Commission, the fee shall be \$375 for an entity or individual.

4                   (d4) **Department of Public Works.** For each appeal from the decision of the  
5 Director of the Department of Public Works concerning street tree removal by a City agency,  
6 commission, or department, the fee shall be \$100.

7                   (e5) For each appeal from any other order or decision, the fee shall be \$300.

8                   (f6) For requests for rehearing under Section 16 of this Article 1, the fee shall  
9 be \$150.

10                  (g7) For requests for jurisdiction, the fee shall be \$150.

11                  (h8) An exemption from paying the full fee specified in Subsections (d)(1)  
12 ~~through (7)(a), (b), (c), (d), (e), (f), and (g)~~ herein may be granted upon the filing under penalty of  
13 perjury of a declaration of indigency on the form provided and approved by the Board. All  
14 agencies of the City and County of San Francisco are exempted from these fees.

15                  (i9) **Additional Requirements.**

16                         (1A) Notice of appeal shall be in such form as may be provided by the  
17 rules of the Board of Appeals.

18                         (2B) On the filing of any appeal, the Board of Appeals shall notify in  
19 writing the department, board, commission, officer or other person from whose action the  
20 appeal is taken of such appeal. On the filing of any appeal concerning a structural addition to  
21 an existing building, the Board of Appeals shall additionally notify in writing the property  
22 owners of buildings immediately adjacent to the subject building.

23                         (3C) Except as otherwise specified in this subsection (d)(9)(C), The Board of  
24 Appeals shall fix the time and place of hearing, which shall be not less than 10 nor more than  
25

1 45 days after the filing of said appeal, and shall act thereon not later than 60 days after such  
2 filing or a reasonable time thereafter.

3 (i) In the case of a permit issued by the Entertainment  
4 Commission or its Director, the Board of Appeals shall set the hearing not less than 15 days  
5 after the filing of said appeal, shall act thereon not more than 30 days after such filing, and  
6 shall not entertain a motion for rehearing.

7 (ii) In the case of a decision on a permit application made pursuant to  
8 Planning Code Section 343, the Board of Appeals shall set the hearing not less than 10 days after the  
9 filing of said appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a  
10 motion for rehearing. This subsection (d)(9)(C)(ii) shall expire on the Sunset Date of Planning Code  
11 Section 343, as defined in that Section. Upon the expiration of this subsection, the City Attorney shall  
12 cause this subsection to be removed from the Business and Tax Regulations Code.

13 (4D) With respect to any decision of the Board of Appeals related to any  
14 "dwelling" in which "protected class members" are likely to reside (each as defined in  
15 Administrative Code Chapter 87), the Board of Appeals shall comply with the requirements of  
16 Administrative Code Chapter 87 which requires, among other things, that the Board of  
17 Appeals not base any decision regarding the development of such units on information which  
18 may be discriminatory to any member of a "protected class."

19 (5E) Pending decision by the Board of Appeals, the action of such  
20 department, board, commission, officer or other person from which an appeal is taken, shall  
21 be suspended, except for: (i) actions of revocation or suspension of permit by the Director of  
22 Public Health when determined by the Director to be an extreme public health hazard; (ii)  
23 actions by the Zoning Administrator or Director of the Department of Building Inspection  
24 stopping work under or suspending an issued permit; (iii) actions of suspension or revocation  
25 by the Entertainment Commission or the Director of the Entertainment Commission when the

1 suspending or revoking authority determines that ongoing operation of the activity during the  
2 appeal to the Board of Appeals would pose a serious threat to public safety; and (iv) actions of  
3 the Director of the Office of Cannabis awarding a Temporary Cannabis Business Permit.  
4

5 **SEC. 26. FACTS TO BE CONSIDERED BY DEPARTMENTS.**

6 (a) Subject to ~~§~~subsection (b) ~~below~~, in the granting or denying of any permit, or the  
7 revoking or the refusing to revoke any permit, the granting or revoking power may take into  
8 consideration the effect of the proposed business or calling upon surrounding property and  
9 upon its residents, and inhabitants thereof; and in granting or denying said permit, or revoking  
10 or refusing to revoke a permit, may exercise its sound discretion as to whether said permit  
11 should be granted, transferred, denied, or revoked.

12 \* \* \* \*

13 (e) Notwithstanding subsection (a), the provisions of Planning Code Section 343 shall govern  
14 actions taken on the granting, denial, amendment, suspension, and revocation of permits regulated  
15 under that Section 343, not the standards set forth in subsection (a) of this Section 26. This subsection  
16 (e) shall become operative upon receipt of preliminary approval of Planning Code Section 343 by the  
17 California Department of Housing and Community Development under California Government Code  
18 Section 66202. This subsection shall expire by the operation of law in accordance with the provisions  
19 of Planning Code Section 343(k). Upon its expiration, the City Attorney shall cause this subsection to  
20 be removed from the Business and Tax Regulations Code.

21  
22  
23 Section 3. The Planning Code is hereby amended by adding Section 343, to read as  
24 follows:

25 **SEC. 343. CENTRAL SOMA HOUSING SUSTAINABILITY DISTRICT.**

1        (a) Purpose. This Section 343 establishes a Housing Sustainability District within the Central  
2 SoMa Plan Area ("Central SoMa Housing Sustainability District" or "Central SoMa HSD") under  
3 California Government Code Sections 66200 et seq. The purpose of the Central SoMa Housing  
4 Sustainability District is to encourage the provision of on-site affordable housing in new residential  
5 and mixed-use projects in Central SoMa by providing a streamlined, ministerial approval process for  
6 such projects. The Central SoMa Plan anticipates that 33% of all new residential units produced  
7 within the Plan Area will be permanently affordable to households of very low, low, or moderate  
8 income. This Section 343 sets forth eligibility criteria, design review standards, and entitlement and  
9 approval procedures for projects seeking approval pursuant to the requirements of the Central SoMa  
10 Housing Sustainability District.

11        (b) Geography. The Central SoMa Housing Sustainability District shall include all parcels  
12 within the Central SoMa Special Use District, which is defined in Section 249.78(b). The entirety of the  
13 Central SoMa Special Use District is an "eligible location," as that term is defined in California  
14 Government Code Section 66200(e).

15        (c) Relationship to Other Planning Code Provisions. Except as otherwise provided in this  
16 Section 343, all provisions of the Planning Code, including Section 249.78, that would be applicable to  
17 projects approved pursuant to this Section 343 shall apply to such projects. In the event of a conflict  
18 between other provisions of the Planning Code and this Section, this Section shall control.

19        (d) Eligibility. Projects seeking approval pursuant to this Section 343 shall meet all of the  
20 following requirements:

21                (1) The project is located in a zoning district that principally permits residential uses.

22                (2) The project proposes no less than 50 dwelling units per acre, and no more than 750  
23 dwelling units per acre.

24                (3) A majority of the project's gross square footage is designated for residential uses.  
25 All non-residential uses must be principally permitted in the underlying zoning district and any

1 applicable special use district(s), and may not include greater than 24,999 gross square feet of office  
2 space that would be subject to the annual limit on office development set forth in Sections 321 et seq.

3 (4) The project does not exceed a height of 160 feet, except that any project whose  
4 principal use is housing, where all such housing is restricted for a minimum of 55 years as affordable  
5 for "persons and families of low or moderate income," as defined in California Health & Safety Code  
6 Section 50093, shall be deemed to satisfy this subsection (c)(4) regardless of height.

7 (5) If the project sponsor seeks a density bonus pursuant to California Government  
8 Code Section 65915 et seq., the project sponsor demonstrates to the satisfaction of the Planning  
9 Department that the project would not result in a significant shadow impact.

10 (6) The project is not located on a lot containing a structure listed as a designated  
11 landmark pursuant to Article 10 of the Planning Code or a contributory or significant structure  
12 pursuant to Article 11 of the Planning Code.

13 (7) The project provides no less than 10% of its dwelling units as units affordable to  
14 very low or low income families, using one of the following methods:

15 (A) For projects subject to Section 415, by electing to comply with Section 415  
16 by choosing the On-Site Affordable Housing Alternative under Sections 415.5(g)(1)(A) or  
17 415.5(g)(1)(D); or

18 (B) For projects not subject to Section 415, by entering into a regulatory  
19 agreement with the City that contains the terms specified in Section 206.6(f).

20 (8) The project does not demolish, remove, or convert to another use any existing  
21 dwelling unit(s).

22 (9) The project complies with all applicable zoning and any adopted design review  
23 standards.

1                   (10) The project sponsor complies with all Mitigation Measures in the Central SoMa  
2                   Environmental Impact Report (Central SoMa EIR) that the Planning Department determines are  
3                   applicable to the project.

4                   (11) The project sponsor certifies that the project will comply with all applicable  
5                   requirements of California Government Code Section 66201(f)(4).

6                   (12) The project shall comply with Government Code Section 66201(f)(5).

7                   (13) A project is not deemed to be for residential use if it is infeasible for actual use as  
8                   a single or multifamily residence.

9                   (e) Approving Authority. The Planning Department is the approving authority designated to  
10                  review permit applications for compliance with this Section 343.

11                  (f) Application.

12                  (1) Prior to submittal of an application for required approvals from the Planning  
13                  Department, a project sponsor seeking to apply pursuant to this Section 343 shall submit an  
14                  application for a preliminary project assessment (PPA), pursuant to Planning Department procedures.

15                  (2) In addition to any requirements under other provisions of this Code for submittal of  
16                  application materials, an application under this Section 343 shall be submitted to the Department on a  
17                  form prescribed by the Department and shall include at minimum the following materials:

18                         (A) A full plan set, including site plan, elevations, sections, and floor plans,  
19                         showing total number of units, and number of and location of units affordable to very low or low  
20                         income households;

21                         (B) All documentation required by the Department in its response to the project  
22                         sponsor's previously-submitted PPA application;

23                         (C) Documentation sufficient to support determinations that:

24                                 (i) the project meets all applicable zoning and any adopted design  
25                                 review standards;

1 (ii) the project sponsor will implement any and all Mitigation Measures  
2 in the Central SoMa EIR that the Planning Department determines are applicable to the project,  
3 including but not limited to the following:

4 a. An agreement to implement any and all Mitigation Measures  
5 in the Central SoMa EIR that the Planning Department determines are applicable to the project; and

6 b. Scope(s) of work for any studies required as part of any and all  
7 Mitigation Measures in the Central SoMa EIR that the Planning Department determines are applicable  
8 to the project. An application pursuant to this Section 343 shall not be deemed complete until such  
9 studies are completed to the satisfaction of the Environmental Review Officer.

10 (iii) the project sponsor will comply with subsections (d)(10) and (d)(11)  
11 of this Section 343.

12 (g) Decision and Hearing. The Department shall exercise ministerial approval of projects that  
13 meet all the requirements in this Section 343. Section 329 of this Code shall not apply to projects that  
14 are approved pursuant to this Section 343.

15 (1) Hearing. The Planning Department shall conduct an informational public hearing  
16 for all projects that are subject to this Section 343 within 100 days of receipt of a complete application,  
17 as defined in subsection (f).

18 (2) Decision. Within 120 days of receipt of a complete application, as defined in  
19 subsection (f), the Planning Director or the Director's designee shall issue a written decision  
20 approving, disapproving, or approving subject to conditions, the project. The applicant and the  
21 Department may mutually agree to extend this 120-day period. If no written decision is issued within  
22 120 days of the Department's receipt of a complete application, or within the period mutually agreed  
23 upon by the Department and applicant, the project shall be deemed approved. The Planning Director  
24 or the Director's designee shall include any certifications required by California Government Code  
25 Section 66205(e) in a copy of the written decision.



1                   (3) Grounds for Permit Denial. The Department may deny a Central SoMa HSD  
2 project application only for one or more of the following reasons:

3                   (A) The proposed project does not fully comply with this Section 343, including  
4 but not limited to meeting all adopted design review standards and demonstrating compliance with all  
5 applicable Mitigation Measures in the Central SoMa EIR that the Department determines are  
6 applicable to the project.

7                   (B) The project sponsor has not submitted all of the information or paid any  
8 application fee required by this Section 343 and necessary for an adequate and timely design review or  
9 assessment of potential impacts on neighboring properties.

10                   (C) The Department determines, based upon substantial evidence in light of the  
11 whole record of the public hearing on the project, that a physical condition on the site of development  
12 that was not known and could not have been discovered with reasonable investigation at the time the  
13 application was submitted would have a specific adverse impact upon the public health or safety and  
14 that there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. As used  
15 in this subsection (g)(3)(C), "specific adverse impact" means a significant, quantifiable, direct, and  
16 unavoidable impact based on identified objective written public health or safety standards, policies, or  
17 conditions, as in existence at the time the application is deemed complete.

18                   (4) Appeal. The procedures for appeal to the Board of Appeals of a decision by the  
19 Department under this Section 343 shall be as set forth in Section 8 of the Business and Tax  
20 Regulations Code.

21                   (5) Discretionary Review. No requests for discretionary review shall be accepted by  
22 the Planning Department or heard by the Planning Commission or Board of Appeals for projects  
23 subject to this Section 343.

24                   (6) Progress Requirement. The project sponsor of any project approved pursuant to  
25 this Section 343 shall obtain the first site or building permit for the project from the Department of

1 Building Inspection within 36 months of the Department's issuance of a written decision pursuant to  
2 subsection (g)(2) of this Section 343. If the project sponsor has not obtained the first site or building  
3 permit from the Department of Building Inspection within 36 months, then as soon as is feasible after  
4 36 months has elapsed, the Planning Director shall hold a hearing requiring the project sponsor to  
5 report on the status of the project, to determine whether the project sponsor has demonstrated good  
6 faith in its effort to obtain the first site or building permit for the project. If the Planning Director finds  
7 that the project sponsor has not demonstrated good faith in its efforts to obtain the first site or building  
8 permit for the project, the Planning Director shall revoke the approvals for the project. Factors in  
9 determining whether the project sponsor has demonstrated good faith in its efforts include, but are not  
10 limited to, whether any delays are the result of conditions outside the control of the project sponsor and  
11 whether changes in the financing of the project are necessary in order for construction to proceed.

12 (h) Design Review Standards. Projects subject to this Section 343 shall be reviewed for  
13 compliance with the design standards set forth in the San Francisco Urban Design Guidelines and the  
14 Central SoMa Plan's Guide to Urban Design, which are on file with the Planning Department, as  
15 approved by the California Department of Housing and Community Development.

16 (i) District Affordability Requirement. At the request of the California Department of Housing  
17 and Community Development, the Planning Department shall demonstrate that at least 20% of the  
18 residential units constructed in the Central SoMa Housing Sustainability District during the life of the  
19 District and pursuant to this Section 343 will be affordable to very low, low-, and moderate-income  
20 households and subject to a recorded affordability restriction for at least 55 years.

21 (j) Monitoring and Enforcement. The Planning Department shall include, as conditions of  
22 approval of all projects approved pursuant to this Section 343, monitoring and enforcement provisions  
23 to ensure that the project meets all labor and wage requirements and complies with all identified  
24 applicable mitigation measures. Projects found to be in violation of any of these conditions shall be  
25 subject to the Administrative Enforcement Procedures in Section 176.1 of this Code, including

1 initiation of abatement proceedings or referral to the City Attorney or District Attorney for prosecution,  
2 if not corrected within 90 days of service of any notice of violation issued under Section 176.1(c).

3 Conditions of approval shall include, but are not limited to:

4 (1) A project sponsor shall submit weekly reports to the Office of Labor Standards  
5 Enforcement, certifying that a project approved pursuant to this Section 343 is complying with  
6 subsections (d)(11) and (d)(12), if applicable to the project. Projects found to be in violation of  
7 subsections (d)(11) and (d)(12) shall be subject to penalties pursuant to Section 1741 of the Labor  
8 Code, in addition to any penalties assessed pursuant to Section 176.1 of this Code. All penalties shall  
9 be paid prior to issuance of the project's First Certificate of Occupancy.

10 (2) The Planning Department shall monitor compliance with Central SoMa EIR  
11 Mitigation Measures.

12 (3) The Planning Department shall monitor and report the construction of affordable  
13 housing units under the Central SoMa Housing Sustainability District in its annual Housing Inventory,  
14 which shall include the following information:

15 (A) Number of projects approved pursuant to this Section 343.

16 (B) Number of projects under construction pursuant to approvals obtained  
17 under this Section 343.

18 (C) Number of projects completed pursuant to approvals obtained under this  
19 Section 343.

20 (D) Number of dwelling units within projects completed pursuant to approvals  
21 obtained under this Section 343.

22 (E) Number of dwelling units affordable to very low, low, moderate, and middle  
23 income households within projects completed pursuant to approvals obtained under this Section 343.

24 (k) Operative and Sunset Dates.  
25

1                   (1) This Section 343 shall become operative upon receipt of preliminary approval by  
2 the California Department of Housing and Community Development under California Government  
3 Code Section 66202 ("Operative Date").

4                   (2) This Section 343 shall expire by operation of law seven years from the Operative  
5 Date, unless this Section 343 is renewed by ordinance pursuant to Government Code Section 66201(g),  
6 in which case this Section 343 shall expire on the date specified in that ordinance ("Sunset Date").

7                   (3) Upon the expiration of this Section 343, the City Attorney shall cause this Section  
8 343 to be removed from the Planning Code. Pursuant to Government Code Section 66205(b), this  
9 Section 343 shall govern the processing and review of any complete application submitted pursuant to  
10 this Section 343 prior to the Sunset Date.

11  
12                   Section 4. Effective Date; Operative Date.

13                   (a) This ordinance shall become effective 30 days after enactment. Enactment occurs  
14 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not  
15 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
16 Mayor's veto of the ordinance.


17                   (b) Consistent with Section 343(k)(1) of the Planning Code, this ordinance in its  
18 entirety shall become operative upon receipt of preliminary approval by the California  
19 Department of Housing and Community Development under California Government Code  
20 Section 66202.

21  
22                   Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:

  
7 PETER R. MILJANICH  
8 Deputy City Attorney

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# EXHIBIT B



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May 9, 2018

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RE: Central SoMa Plan DEIR SCH NO. 2013042070

Dear President Hillis, Planning Commissioners, and Commission Secretary Ionin:

I am writing on behalf of the Central SoMa Neighbors (CSN) concerning the environmental impact report ("EIR") prepared for the Central SoMa Plan ("Project" or "Plan"). (EIR SCH NO. 2013042070). CSN has presented extensive written comments on the Central SoMa Plan and the Environmental Impact Report prepared for the Plan. Unfortunately, the Final EIR ("FEIR") fails to respond adequately to our comments and the EIR remains woefully inadequate. We therefore request that the City prepare a Recirculated Draft EIR ("RDEIR") to respond to our comments and to properly analyze and mitigate the Project's significant impacts.

#### **I. BACKGROUND.**

The Central SoMa plan presents the City with a once in a generation opportunity to remake an entire neighborhood. It is universally accepted that the City is in dire need of housing for all income levels. The City's "jobs-housing" balance is severely out of balance. The City has far more jobs than housing, which creates extreme pressures on the limited housing supply, forcing housing prices up, contributing to displacement and homelessness and fueling gentrification. Central SoMa presents a unique opportunity to create new housing to address the City's extreme housing shortage and to create a livable, family-friendly, pedestrian neighborhood.

Unfortunately, the Central SoMa Plan only makes matters worse. The Plan essentially creates a second Financial District South of Market, creating 63,600 new jobs, but only 14,500 new housing units. (DEIR, pp. IV-6, IV-5)<sup>1</sup>. In other words, the Plan creates 50,000 more jobs than housing units (more than four times more jobs than housing). This only exacerbates the City's jobs-housing imbalance, which will result in even greater demand for limited housing, higher housing prices, more displacement, and more gentrification. Clearly, the City should go back to the drawing board.

Fortunately, the City already has a plan that addresses these issues. Until 2016, the City staff supported the Mid-Rise Alternative rather than the current High-Rise Alternative (called the Reduced Height Alternative in the EIR). The Mid-Rise Alternative is superior to the High-Rise Alternative in almost every respect. It will create a family-friendly environment with access to light and air. It will create less traffic congestion, and therefore less air pollution and related health effects, and less traffic-related pedestrian injuries. It will allow tall buildings, but clustered near BART on the north side and CalTrain on the south side of the neighborhood, thereby encouraging use of public transportation. The Mid-Rise Alternative would reduce greenhouse gas (GHG) impacts since recent research shows that mid-rise buildings are generally more energy efficient than high-rise. By contrast, the High-Rise alternative includes extremely tall buildings (350 feet) on Harrison Street, between Second and Third Streets, which is not close to the CalTrain or BART stations, but is close to the Bay Bridge freeway ramps – thereby encouraging automobile commuting rather than public transit. This contradicts the Plan itself, which “would seek to retain the character of the mid-rise district, limiting the presence of high-rises to areas near transit stations.” (DEIR, p. IV.B-34).

The Mid-Rise Alternative allows for almost as much growth as the High-Rise Alternative. The Mid-Rise Alternative would allow about 90% of the growth of the High-Rise Alternative, but with a better jobs-housing balance (DEIR p. VI-2, VI-16, IV-6), while maintaining the character of Central SoMa as a mid-rise community with access to light and air, avoiding wind-tunnels, and promoting a more family-friendly environment.

CSN agrees entirely with the opinions set forth by City Planning Staff in 2013 in the Central Corridor Plan. **“The predominant character of SoMa as a mid-rise district should be retained, and the presence of high-rises reduced by limiting their distribution and bulk.”** The Mid-Rise Alternative creates an urban neighborhood “that has a pleasing, but not overwhelming sense of enclosure and intimacy.” The Mid-Rise Alternative achieves almost all of the housing and job growth, while maintaining a family-friendly, livable neighborhood. We urge the Planning Commission to direct staff to revise the EIR to select the Mid-Rise (Reduced Height Alternative) as the environmentally

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<sup>1</sup> The Planning Commission Staff Report for the May 10, 2018 meeting states that the Plan will create 33,000 jobs and 8,300 housing units (Staff Rept., p. 3), but this statement is inconsistent with the EIR. Even if correct, the Plan clearly four times more jobs than housing, thereby creating the roughly same jobs-housing imbalance.



preferred alternative, consistent with the staff opinions set forth in the Central Corridor Plan only three short years ago.

In the alternative, CSN requests that the City consider an alternative that would modify the proposed Plan to eliminate the proposed changes that would allow extremely tall buildings in the block bounded by I-80 and Folsom and Second and Third Streets (including the tallest buildings on Harrison that go up to 350 feet). These buildings are inconsistent with the Plan's own goals to limit taller buildings to areas near BART and CalTrain. These properties are close to neither BART nor CalTrain, but are at the foot of the Bay Bridge access ramps. Development would therefore encourage automobile usage, not public transit, violating the fundamental Project goals. These properties should be limited to no more than 130 feet, which would still allow for substantial development on the properties, but maintain the mid-rise character of the neighborhood.

## II. LEGAL STANDARD.

The lead agency must evaluate comments on the draft EIR and prepare written responses in the final EIR. (PRC §21091(d)) The FEIR must include a "detailed" written response to all "significant environmental issues" raised by commenters. As the court stated in *City of Long Beach v. LA USD* (2009) 176 Cal.App.4th 889, 904:

The requirement of a detailed written response to comments helps to ensure that the lead agency will fully consider the environmental consequences of a decision before it is made, that the decision is well informed and open to public scrutiny, and that public participation in the environmental review process is meaningful.

The FEIR's responses to comments must be detailed and must provide a reasoned, good faith analysis. (14 CCR §15088(c)) Failure to provide a substantive response to comment render the EIR legally inadequate. (*Rural Land Owners Assoc. v. City Council* (1983) 143 Cal.App.3d 1013, 1020).

The responses to comments on a draft EIR must state reasons for rejecting suggested mitigation measures and comments on significant environmental issues. "Conclusory statements unsupported by factual information" are not an adequate response. (14 CCR §15088(b, c); *Cleary v. County of Stanislaus* (1981) 118 Cal.App.3d 348) The need for substantive, detailed response is particularly appropriate when comments have been raised by experts or other agencies. (*Berkeley Keep Jets v. Bd. of Port Comm'rs* (2001) 91 Cal.App.4th 1344, 1367; *People v. Kern* (1976) 72 Cal.app.3d 761) A reasoned analysis of the issue and references to supporting evidence are required for substantive comments raised. (*Calif. Oak Found. v. Santa Clarita* (2005) 133 Cal.App.4th 1219).

The FEIR abjectly fails to meet these legal standards, as it is riddled with conclusory statements lacking any factual support or analysis. The FEIR fails to respond

substantively to the extensive expert comment submitted on the DEIR. As such, we repeat and incorporate all of our prior comments herein by reference.

### **III. ANALYSIS.**

#### **A. The City May Not Apply AB 73 Unless it Prepares a New EIR.**

For the first time in the Final EIR, the City states that it intends to invoke recently adopted AB 73. (Pub. Res. Code § 21155.10, et seq.; Gov. Code § 65582.1, et seq.). AB 73 allows the City to declare the area a "Housing Sustainability District." Subsequent projects that meet certain requirements, will then be allowed to proceed without project-level CEQA review. We urge the City to reject reliance on AB 73.

First, The EIR for the Plan relies heavily on a promise to conduct project-level CEQA review to mitigate specific project-level environmental impacts. For example, the Final EIR acknowledges that the Plan will have significant impacts on air quality, but states that individual projects will mitigate air impacts through project level CEQA review. (RTC-205). Similarly, the Final EIR claims that inconsistencies with the General Plan will be addressed in project specific EIRs. (RTC-99). The EIR relies on project-level CEQA review to address shadow impacts. (RTC-233). However, if the City relies on AB 73, there will be no project-level EIRs and these significant impacts will not be mitigated. Thus, reliance on AB 73 at this time will render the EIR legally inadequate.

Second, AB 73 does not allow reliance on the law unless the City first conducts a full EIR to consider the impacts of AB 73. Pub. Res. Code section 21155.10 states:

A lead agency shall prepare an environmental impact report when designating a housing sustainability district pursuant to Section 66201 of the Government Code to identify and mitigate, to the extent feasible, environmental impacts resulting from the designation. The environmental impact report shall identify mitigation measures that may be undertaken by housing projects in the housing sustainability district to mitigate the environmental impacts identified by the environmental impact report.

The City has prepared no such EIR and therefore may not invoke AB 73. The EIR nowhere analyzes the "impact from the designation" under AB 73. The City may contend that the Central SoMa EIR is the EIR required by AB 73, but this would be incorrect. The Central SoMa EIR nowhere analyzes the impacts of reliance upon AB 73 itself, which is the requirement of the law.

The Central SoMa EIR did not even mention AB 73 until the Final EIR. Since AB 73 was not mentioned in the Draft EIR, there was no public comment, response to comments, or discussion on the impacts of reliance on AB 73. The reliance on AB 73 is clearly "significant new information" that requires recirculation of the draft EIR. The reliance on AB 73 renders the Draft EIR fundamentally inadequate since it did not consider AB 73 at

all, and repeatedly relied on project-level CEQA review to mitigate project-level impacts – review that will no longer occur if the City invokes AB 73.

Where the agency adds “significant new information” to an EIR prior to final EIR certification, the lead agency must issue new notice and must recirculate the revised EIR for additional commentary and consultation. The court has explained that after significant changes to an EIR, the revised environmental document must be subjected to the same “critical evaluation that occurs in the draft stage,” so that the public is not denied “an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusion to be drawn therefrom.” (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 131; *Pres. Action Council v. City of San Jose* (2006) 141 Cal. App. 4th 1336, 1357–58). Pursuant to CEQA Guidelines Sections 15087 and 15086, the lead agency must publish a new “notice of availability” and must consult with all responsible agencies, trust agencies, and other agencies and governmental bodies with authority over the resources at issue in the project. The agency should also assume that all other notice and consultation requirements required for DEIRs apply as well.

CEQA Guidelines Section 15088.5 sets the standard for requiring recirculation prior to certification of an EIR. Recirculation of an EIR is required when “significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification [of the Final EIR].” New information added to an EIR is significant when “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” The Guidelines require recirculation when:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

The California Supreme Court has stated that:

the addition of new information to an EIR after the close of the public comment period is not “significant” unless the EIR is changed in a way that (i) deprives the public of a meaningful opportunity to comment upon a substantial adverse

environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.

*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1129. Among the codified exceptions to this rule is where the draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

...

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043.)

(CEQA Guidelines § 15088.5(a), (a)(4).)

In this case, the DEIR was "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." The public could not meaningfully comment on AB 73 because the DEIR plainly stated that there would be project-level CEQA review to mitigate project-level impacts, and never mentioned AB 73.

In *Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043 ("MLC"), the court required recirculation of an FEIR that failed to contain a cumulative impacts analysis for which the trial court had issued a writ of mandate. The case arose from a challenge to Fish and Game's environmental impact document ("EID") to reinstate a mountain lion hunting season in 1987. Environmental groups challenged that the EID did not adequately analyze cumulative impacts. The trial court agreed, and issued a peremptory writ, suspending the hunting season until the cumulative impacts analysis was complete. In 1988, Fish and Game produced a second EID and a final EID for the subsequent hunting season, but did not include a cumulative impacts report, as required by the trial court. Here, the appellate court found that this violated the spirit of CEQA,

because the draft EID overlooked the significant environmental issues that had been brought to appellants' attention through the 1987 commentary process and the writ of mandate. *Id.* at 1051. With regard to the failure to include this information in the final EID, however, the court further noted that:

The cumulative impact analysis contained in the final EID has never been subjected to public review and criticism. If we were to allow the deficient analysis in the draft EID to be bolstered by a document that was never circulated for public comment, we would not only be allowing appellants to follow a procedure which deviated substantially from the terms of the writ [of mandate issued by the trial court], but we would be subverting the important public purposes of CEQA. Only at the stage when the draft EID is circulated can the public and outside agencies have the opportunity to analyze a proposal and submit comment. No such right exists upon issuance of a final EID unless the project is substantially modified or new information becomes available. (See Cal.Code Regs., tit. 14, § 15162.) To evaluate the draft EID in conjunction with the final EID in this case would only countenance the practice of releasing a report for public consumption that hedges on important environmental issues while deferring a more detailed analysis to the final EID that is insulated from public review.

*Id.* at 1052.

Similarly, in *Friends of the Old Trees v. Department of Forestry & Fire Protection* (1997) 52 Cal.App.4th 1383, 1402, the court stated:

In pursuing an approach that "releases a report for public consumption that hedges on important environmental considerations while deferring a more detailed analysis to [a report] that is insulated from public review" the Department pursued a path condemned as inconsistent with the purpose of CEQA in this division's opinion in *Mountain Lion Coalition v. California Fish & Game Com.* (1989) 214 Cal.App.3d 1043, 1052. Certainly, the Department cannot expect the public's access to information after-the-fact to substitute for the opportunity to influence the Department's decisions before they are made.

As in the *Mountain Lion* case, by placing AB 73 in the FEIR, the issue has "never been subjected to public review and criticism." There is no right for the public to comment on the FEIR, and no duty of the City to respond to comments on the FEIR. The City has "insulated the project from public review" by unveiling it for the first time in the FEIR. As such, the City has subverted the procedures required by CEQA and deprived the public of any meaningful opportunity to review and comment upon the project proposed to be adopted.

The City simply may not invoke AB 73 unless it conducts a new CEQA process, including a draft EIR analyzing the impacts of AB 73 and the avoidance of project-level CEQA review.

**B. The Project will Increase VMT. Traffic Impact Analysis is Inadequate. The Project will Have Highly Significant Traffic Impacts.**

In our comments on the Draft EIR, Traffic Engineer Daniel Smith, PE, pointed out that the Plan will actually increase vehicle miles travelled ("VMT"). As a result, the City may not rely on SB 743 to conclude that traffic impacts are less than significant and must instead conduct a standard level of service ("LOS") traffic analysis. Under the LOS analysis, it is clear that the Plan will have highly significant traffic impacts, causing gridlock throughout the Central SoMa area.

In response to comments, the Final EIR admits that the Plan increases VMT per employee ("VMT per capita of 6.8 without the Plan and 7.1 with the Plan for 2040"), but claims this is "within the general margin of error." (RTC-141-142).

The City's position ignores the plain language of the statute. SB 743 contains no "margin of error." The plain fact is that even by the City's own calculation, the Plan will increase, not decrease VMT. Therefore SB 743 simply does not apply. The City's response to comments is plainly inadequate.

In the attached comment letter, Mr. Smith explains how the City fails to respond adequately to most of his comments on traffic. (Exhibit A). Since Mr. Smith is a certified traffic engineer, his comments demand a substantive response. The FEIR fails to meet the legal requirements.

Furthermore, Mr. Smith points out that the EIR wholly fails to analyze the impacts of ride-hailing services such as Uber and Lyft. The EIR assumes that nobody will take Uber/Lyft at all. This is preposterous. It is well-documented that Uber/Lyft account for approximately 20% of traffic in the Central SoMa area. The City may not ignore this traffic entirely. The EIR's exclusion of Uber/Lyft renders the document patently inadequate and misleading.

The FEIR admits that the DEIR does not consider ride hailing. The FEIR claims that there is inadequate data to allow analysis. (RTC-152). But then the FEIR contradicts itself by admitting the existence of several studies. The San Francisco County Transportation Authority in the study, TNCs Today, calculated that there are 220,000 ride-hailing trips made daily in San Francisco, representing 20% of VMT. (RTC-153). A study by University of California at Davis calculated that 24% of adults use TNCs weekly or daily. (RTC-153). The FEIR admits that ride-hailing "could result in some increase in VMT per capita." (RTC-154). Clearly, TNCs will increase VMT. VMT already increases due to the Project. Therefore VMT will increase even more than projected. Therefore the City cannot rely on SB 743 to ignore traffic impacts, and a traffic analysis and mitigation is required.

The City's legal position has been rejected in a similar context in the *Berkeley Jets* case. *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs* (2001) 91 Cal. App. 4th 1344, 1365. Although the facts are different, the legal issue is the same. In that case the Port of Oakland said that they did not have the ability to calculate VOC (toxic chemical) impacts on human health and therefore did not need to include analysis in the EIR. The Court of Appeal roundly rejected that argument, stating that if the agency did not have the in-house ability to conduct the analysis, then it needed to hire outside experts. See discussion starting at page 1365 of the attached decision:

"However, once again the EIR concluded that, "as there are no standards of significance for mobile-source TAC emissions, the significance of this impact after mitigation is unknown."...

Voluminous documentary evidence was submitted to the Port supporting the assertion that an approved and standardized protocol did exist which would enable the Port to conduct a health risk assessment. For instance, the Port was cited to eight studies performed by the EPA on TAC emissions from mobile sources, including an EPA study of TAC emissions generated from aircraft and related vehicular sources at Midway Airport in southwest Chicago....

The fact that a single methodology does not currently exist that would provide the Port with a precise, or "universally accepted," quantification of the human health risk [\*\*\*54] from TAC exposure does not excuse the preparation of any health risk assessment--it requires the Port to do the necessary work to educate itself about the different methodologies that are available. The Guidelines recognize that "drafting an EIR . . . involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." (Guidelines, § 15144, italics added.) "If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the [\*1371] agency should note its conclusion and terminate discussion of the impact." (Guidelines, § 15145, italics added.)

We also find unpersuasive the Port's argument that the absence of a health risk assessment can be excused because the Port Commissioners, in approving the EIR, found that the effect of TAC's would be significant but that overriding considerations warranted proceeding with the project anyway. This approach has the process exactly backward and allows the lead agency to travel the legally impermissible easy road to CEQA compliance. [\*\*\*55] Before one brings about a potentially significant and irreversible change to the environment, an EIR must be prepared that sufficiently explores the significant environmental effects created by the project. The EIR's approach of simply labeling the effect "significant" without accompanying analysis of the project's impact on the health of the Airport's employees and nearby residents is inadequate to meet the environmental assessment requirements of CEQA.

In summary, the defects disclosed by the record in the EIR's treatment of TAC's are substantial. The Port's response fell far short of the "good faith reasoned analysis" mandated by CEQA for responding to significant conflicting information generated by the public. (*Laurel Heights II*, *supra*, 6 Cal. 4th at p. 1124; *Cleary v. County of Stanislaus*, *supra*, 118 Cal. App. 3d at p. 358.) Much information of vital interest to the decision makers and to the public pertaining to toxic air contamination was simply omitted. In other instances, the information provided was either incomplete or misleading. The dispute in this regard goes beyond a disagreement of qualified experts over the reasoned conclusions as to [\*\*\*56] what the data reveals. The EIR failed to acknowledge the opinions of responsible agencies and experts who cast substantial doubt on the adequacy of the EIR's analysis of this subject. The conclusory and evasive nature of the response to comments is pervasive, with the EIR failing to support its many conclusory statements by scientific or objective data. These violations of CEQA constitute an abuse of discretion. The Port must meaningfully attempt to quantify the amount of mobile-source emissions that would be emitted from normal operations conducted as part of the ADP, and whether these emissions will result in any significant health impacts. [\*\*619] If so, the EIR must discuss what mitigation measures are necessary to ensure the project's conformance with all applicable laws, ordinances, standards, and regulations related to public health protection."

Similarly, although there may be no standard methodology to analyze the impacts of ride-hailing services, there is ample data on the services clearly showing that they are major contributors to traffic congestion. Ride-hailing services represent about 20% of traffic in the Central SoMa area. In addition VMT is higher for ride-hailing services than for private vehicles since they "drive around" in between rides, creating VMT that would not otherwise exist. The City is required to make a good faith effort to analyze the impacts of ride-hailing services which will clearly increase traffic congestion and increase VMT. The failure of the EIR to analyze ride-hailing impacts render the EIR inadequate.

### **C. The EIR Improperly Analyzes the Project's Shadow Impacts.**

The DEIR erroneously conducted its shadow analysis assuming a 300 foot building for One Vassar at Harrison east of Fourth St. When corrected to 350 feet, it results in more shadow at the POPOS at 303 Second Street. (FEIR RTC 78-9) The FEIR admits for the heavily used POPOS at 303 Second Street, "new shading could cover most of the plaza, especially between approximately noon and 2 p.m." (RTC-233). This is a significant new impact not disclosed in the DEIR. Therefore, as discussed above, a recirculated DEIR is required.

City improperly states that shadow impact to POPOS are not significant, stating that the only significant impacts under CEQA are shadows on parks under the control of San Francisco Recreation and Parks Department. City Planning Department's own Policy document states the opposite. (See also RTC-230).



The Planning Department's own 2014 memorandum regarding shadow analyses ("Memorandum") acknowledges that the need shadow analysis under CEQA can arise even where the land impacted would not require a shadow analysis under Planning Code Section 295. See, "Shadow Analysis Procedures and Scope Requirements," Memorandum from SF Planning Department to Planning Department Staff (July 2014), attached hereto as Exhibit B. The Memorandum states: "there are two circumstances which could trigger the need for a shadow analysis":

- (1) If the proposed project would be over 40 feet tall, and could potentially cast new shadow on a property under the jurisdiction of the Recreation and Park Department, per San Francisco Planning Code Section 295; and/or
- (2) If the proposed project is subject to review under the California Environmental Quality Act (CEQA) and would potentially cast new shadow on a park or open space such that the use or enjoyment of that park or open space could be adversely affected.

Memorandum, p. 1 (attached hereto as Exhibit B).

The Memorandum goes on to explain that:

[I]f the project is over 40 feet in height and has potential to cast new shadow on a park or open space that is not protected by Section 295 of the Planning Code . . . a shadow analysis may also be required for the purposes of CEQA review.

Id.

It goes on to say that "In order to inform the CEQA analysis, the Planning Department may require a detailed quantitative analysis for non-Section 295 properties." Memorandum, p. 3. In other words, they City itself acknowledges that the scope of impacts is broader under CEQA than it is under Planning Code Section 295.

The EIR includes substantial evidence that the Project's shadow will substantially effect the 303 Second Street POPOS, and other POPOS. The impact is admittedly greater in the Final EIR than in the Draft EIR. This impact must be acknowledged, analyzed and mitigated in a new draft EIR.

#### **D. The EIR Inadequately Mitigates Air Pollution Impacts and Related Cancer Risks.**

The Final EIR admits that the Plan will increase cancer risks in the area by 226 per million. (RTC-206). This is a startling admission since the CEQA significance threshold for airborne cancer risk is 10 per million. In other words the Plan will create 22 times greater cancer risk than what is considered significant by the Bay Area Air Quality

Management District ("BAAQMD"). To put this in perspective, the Phillips 66 refinery, one of the largest oil refineries in the State, creates a cancer risk of 23 per million.

[http://www.aqmd.gov/docs/default-source/planning/risk-assessment/annual\\_report\\_2014.pdf](http://www.aqmd.gov/docs/default-source/planning/risk-assessment/annual_report_2014.pdf). In other words, the Plan subjects Central SoMa residents to as much cancer risk as 10 massive oil refineries.

Despite this significant airborne cancer risk, the EIR fails to impose all feasible mitigation measures, including measures suggested by the Office of the Attorney General, such as solar panels on all buildings, solar water heaters, solar energy storage, programs to replace high-polluting vehicles, etc. Instead the EIR relies on only four weak mitigation measures. The EIR refuses even to require the retrofit of existing buildings with air filtration to reduce indoor cancer risk. (RTC-212).

CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project's potentially significant environmental impacts (Pub. Res. Code §§ 21002, 21081(a)), and describe those mitigation measures in the CEQA document. (Pub. Res. Code § 21100(b)(3); CEQA Guidelines § 15126.4.) A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines § 15364.) Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. (Id. at § 15126.4(a)(2).) A lead agency may not conclude that an impact is significant and unavoidable without requiring the implementation of all feasible mitigation measures to reduce the impacts of a project to less than significant levels. (CEQA Guidelines §§ 15126.4, 15091.)

The City has clearly failed to impose all feasible mitigation measures to reduce airborne cancer risks. The City is therefore legally prohibited from adopting a statement of overriding considerations and may not approve the Plan until all mitigation measures are imposed.

#### **E. The EIR Fails to Analyze and Mitigate Impacts Related to Gentrification and Displacement.**

Since the Plan creates four times more jobs than housing, it will create jobs-housing imbalance, which will increase pressure on the limited housing stock, will increase home prices, and will lead to gentrification and displacement. The EIR refuses to analyze or mitigate this impact, erroneously concluding that gentrification is not an environmental impact under CEQA. (RTD-250). The city is mistaken.

CEQA requires the lead agency to determine whether the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or

indirectly,” (PRC § 21083(b)(3), (d)), and to “take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.” See PRC §21000 et seq.

CEQA Guidelines Appendix G, Section XII provides that a project will have significant impacts where it will:

- Induce substantial population growth or concentration of population in an area, either directly (for example, by proposing new housing or businesses), or indirectly (for example, through extension of roads or other infrastructure);
- Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere; or
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. See CEQA Guidelines Appendix G, Section XII.

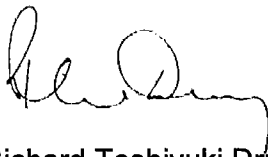
Here, the Plan will create four times more jobs than housing, which will drive up prices for limited housing, causing massive displacement and dislocation. See Kalama D. Harris, Attorney General, “Environmental Justice at the Local and Regional Level,” May 8, 2012, available at [http://oag.ca.gov/sites/all/files/pdfs/environment/ej\\_fact\\_sheet\\_final\\_050712.pdf](http://oag.ca.gov/sites/all/files/pdfs/environment/ej_fact_sheet_final_050712.pdf).

A Revised Draft EIR is required to analyze displacement impacts and to propose feasible mitigation measures and alternatives. One obvious alternative is the Mid-Rise Alternative, which would have a more balanced mix of housing compared to jobs.

## CONCLUSION

For the reasons set forth above and in our earlier comments, we urge the City to reject the EIR as legally inadequate, refuse to rely upon AB 73, and adopt the Mid-Rise Alternative. Thank you for considering our comments.

Sincerely,



Richard Toshiyuki Drury  
LOZEAU | DRURY LLP  
Counsel for Central SoMa Neighbors and SFBlu

# **ATTACHMENT A**



SMITH ENGINEERING & MANAGEMENT

April 12, 2018

Mr. Richard Drury  
Lozeau Drury  
410 12th Street, Suite 250  
Oakland, CA 94607

**Subject: Central SoMa Plan Project FEIR (SCN 2013042070 P17003**

Dear Mr. Drury:

At your request, I have reviewed the Final Environmental Impact Report (the "FEIR") for the Central SoMa Plan Project ("the Project") in the City and County of San Francisco (the "City"). My review is specific to the traffic and transportation section of the FEIR and its supporting documentation. I previously commented on the Draft Environmental Impact Report (the "DEIR") for this Project in a letter dated February 13, 2017

My qualifications to perform this were thoroughly documented in my letter of February 13, 2017 and my professional resume was attached thereto. They are incorporated herein by reference.

Findings of my current review are summarized below.

**Comment O-CSN-1.59 and Response TR-3**

My comments now labeled O-CSN-1.59 in the FEIR response concerned whether the Project's transportation impacts are eligible to be evaluated under the provisions of SB 743 and that the metric adopted, VMT per capita, is not a reasonable one because a) it fails to measure the effects of people traveling through the study area and b) because it provides no measure of when the

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aggregate effects of the numbers of people living, working and passing through the study area is too great for the functionality of the transportation system and the quality, livability and safety of the study area. The FEIR replies with a mind-numbing 2 and 2/3 page assertion that the DEIR can and does comply with the terms of SB 743 despite the fact that the Sustainable Community Strategy did not set any VMT per employee target, despite the fact that the DEIR analysis discloses that the Project would cause an increase in VMT generated per employee and nonsensically claiming that considering net VMT in the Project area "is essentially arguing for an automobile capacity metric". In addition to revealing the responder's bias toward unlimited development and manhattanization of San Francisco, the statement that considering net VMT in the Project area is essentially arguing for an automobile capacity metric is factually incorrect. Reasonable people understand that one cannot jam unlimited numbers of rats into a cage or goldfish into a bowl without adverse consequences. However, using *efficiency standards* like average VMT per capita and average VMT per employee as a sole measure of sustainability is like saying one *can jam an unlimited number of rats into a cage or goldfish into a bowl except in this case the matter involves stuffing people into a limited area*. What is needed in addition to the VMT efficiency metric is a VMT ceiling for the area. And this in no way like an automobile capacity metric such as Level of Service (LOS) because LOS tends to be a point specific metric (i.e. a particular street intersection, road segment, freeway ramp or freeway segment) whereas a net VMT metric is a Project area-wide metric.

Moreover, Response TR-3 attempts to weasel out from the DEIR's disclosure that under the Project, the VMT per employee would *increase* over the existing condition. It states "*These increases in the employment category are within the general margin of error inherent in efforts to model travel behavior into the future*", apparently referring to the error range in the validation of the SFMTA's SF-CHAMP transportation model that was relied upon in the analysis. However, the DEIR and the FEIR response has not disclosed any statistics on the SF-CHAMP's validation statistics, particularly on screen lines or cordons close to the Central SoMA. This begs the question whether the VMT reductions claimed per capita among future residents in the Central SoMa area are also within the margin of error of the SF-CHAMP model. Cherry-picking results favorable to the Project while dismissing results unfavorable to the Project is inconsistent with the good faith effort to disclose impact required by CEQA.

The response is inadequate and unreasonable.

#### **Comment O-CSN-1.60 and Response TR-5**

This comment concerned the fact that the DEIR did perform a typical traffic LOS analysis of intersections and freeway ramps in the SoMa study area but, other than a generalized summary, withheld the detailed results from the public.

Response TR-5 repeats the information that in March 2016, the City Planning Commission adopted a resolution to replace vehicular delay and LOS as a criterion for determining significant impacts pursuant to CEQA with a criterion based on VMT. However, the Notice of Preparation (NOP) for the Central SoMa Plan Project EIR was published on April 24, 2013, just about a month short of 3 years prior to the Planning Commission resolution revising the impact criterion. This is akin to changing the rules of the game at half-time. This EIR should have been completed under the criteria that were in effect at the time of the NOP.

Furthermore, the City snuck the Transportation Impact Study (the "TIS")<sup>1</sup> into the Administrative Record rather than publishing it as an Appendix to the DEIR and posting it on the Planning Department's web site as the DEIR and its other appendices were. This is an impropriety that parallels the deletion of portions of footnotes from tables drawn from the City Planning Department's May 15<sup>th</sup> 2015 memorandum *Transit Data For Transportation Impact Studies* in order to conceal the outdated nature of data contained therein, an impropriety that Response GC-2 now essentially admits and purports to remedy by restoring the deleted footnote language.<sup>2</sup> Since the DEIR clearly relies upon the LOS/delay analyses in the TIS as the basis for its conclusions about the consequences of street network changes on transit operations, it obviously should have made this study open and obvious to the public by publishing it as an appendix to the DEIR.

The final section of Comment O-CSN-1.60 concerns the fact that the DEIR transportation analysis does not distinguish how much of the operational deterioration is generated by Project land uses versus that caused by street network changes and versus consequences of growth in nearby areas. Response TR-5 claims that the analysis of Alternative 5 (Land Use Plan Only) in Chapter VI, Alternatives, addresses this issue. However, the analysis of this Alternative is only generalized, qualitative, narrative and conclusory in nature. Furthermore, it only attempts to analyze in this general way what would happen if the land use portion of the Project were implemented without the street network changes; it fails to address the consequences of growth in nearby areas. The response is inadequate.

#### **Comment O-CSN-1.61 and Response GC-2**

This comment pointed out that much of the transportation data relied on in the analysis is stale. It also pointed out that, as noted above, the DEIR presentation

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<sup>1</sup> *Central SoMa Plan Transportation Impact Study*, Advant Consulting/Fehr & Peers/LCW Consulting, December 2016.

<sup>2</sup> See Responses To Comments pages 377 and 378.

of the transportation data it relied on deleted certain footnotes from the original City document. The deleted footnotes made evident how stale the data is.

Without any apology for the impropriety of deleting the footnotes indicating the dates the transportation data was collected, Response GC-2 simply restores the portion of the footnotes indicating the age of the data.

The larger issue is the adequacy of relying on data as dated as 2010. In 2010, the City, region and nation were in the early stages of recovery from the Great Bush Recession that had depressing effects on usage of most forms of transportation. By 2013 when the NOP was released, it was already evident that employment and transportation statistics had substantially changed since 2010. Moreover, by the time the DEIR was circulated, it was about 2 years and 8 months subsequent to the NOP and 6 years distant from 2010. Now, as the FEIR is being considered for certification, it is fully 5 years from the date of the NOP and 8 years subsequent to 2010. The City could have updated the regional population/employment/transportation data it relied upon to 2013 or to the anticipated release date of the DEIR by interpolation. Updating transportation ridership data is even easier. For example, Caltrain issues ridership data every month based on paid fares in the packet for its Board meeting the next month and does manual passenger counts in January or February of each year and analyzes them in a report that is normally available sometime in July. BART posts average weekday, Saturday and Sunday ridership statistics by station for each month, usually by the fifth day of the subsequent month. So it is not an unreasonable expectation to have baseline data in an EIR that is relatively current. Unfortunately, the City and its consultants apparently have no interest in making the baseline data as current as practical. This undermines the findings of the EIR.

#### **Comment O-CSN-1.62 and Response TR-6**

This comment concerns the DEIR's failure to disclose and mitigate BART's problems with platform capacity in some downtown San Francisco stations and the likelihood that the Project would intensify those problems. The Response to Comment directs the commenter to Response TR-6. However, Response TR-6 concerns the adequacy of certain figures in the DEIR and nothing to do with our comment O-CSN-1.62.

After searching through other responses, it is evident that the topic of Comment O-CSN-1.62 is replied to in Response TR-8. This response deceptively and untruthfully claims that the comment is "incorrect". It does so based on the assertion that another City EIR, that for the Transit Center District Plan, did disclose impacts on the downtown BART stations. However, the comment is concerned about what is in this EIR; not some other EIR that was not even



referenced in this context in this EIR. This irrelevant and misleading response is inadequate.

Further, the response attempts to divert focus from the subject DEIR's failure to disclose and mitigate this Project's impacts on the Montgomery Street BART station's capacity problems by noting that the Project's BART patrons would likely be split between the Powell and Montgomery stations. Because Montgomery Street BART Station is already capacity- and safety-challenged, even a split contribution of Project patrons would be a significant impact.

The response also attempts to divert attention from the failure to disclose impact by stating that because more of the development is located west of Third Street, much of the BART patronage split would be toward Powell Street BART Station, using Muni's Central Subway. However, this ignores the fact that for many, the side-track or backtrack walk to the 4<sup>th</sup> and Clementina or 4<sup>th</sup> and Brannan stations, the wait for a train, the ride and then the 1,000-foot connector tunnel backtrack walk to get to Powell BART (or the reverse in the opposite direction), many patrons will just walk to the nearest BART station.

This response is clearly inadequate.

### **Comment O-CSN-1.63 and Response CU-3**

Response CU-3 satisfactorily replies to this commenter's question as to whether and how certain large projects near Central SoMa are included in the transportation analysis. However, its conclusion that the Project would not have significant construction impacts on traffic, pedestrian and bicyclist operations and safety is unsubstantiated, speculative and illogical. The assumption supporting this conclusion makes no sense. That assumption is that because of the relatively short period of individual project construction and long duration of Plan build out, there is little likelihood of projects undergoing concurrent construction close enough to one-another to have cumulative impacts. In fact, with development projects typically taking 2 to 3 years to construct as the subject response discloses at page RTC 303, in order to house the projected 25,500 new residents and 62,600 jobholders plus additional numbers whose places of residence or work are displaced by the new developments that are to take place in a 17 block area over a period of 22 years, there is every likelihood that several projects close to one another will be simultaneously under construction at any point in time.

### **Comment O-CSN-1.64 and Response TR-9**

This comment concerned increased hazard of collisions due increased numbers of conflict movements between pedestrians, bicyclists and motor vehicle traffic.

The DEIR admits that the Project will increase potential conflicts between all forms of traffic - pedestrians, bicyclists and motor vehicles. But it falsely asserts that increase in exposure to conflict does not constitute a traffic hazard. In fact, all meaningful collision statistics are expressed in collisions per units of exposure.

The DEIR makes the unsupported assertion on page IV.D-41 that street network changes would reduce the incidence of conflict to levels such that would make the traffic hazards of implementation of the plan less than significant. However, neither the DEIR nor Response TR-9 present no analysis of conflict incidence with and without the Project's land use component and with and without the Project's purported improvements to traveled ways. Consequently, the assumption that physical improvements to roadways, sidewalks, bikeways and intersections will offset the increases in conflicts among pedestrians, bicyclists and motorized traffic remains an unsupported speculation extremely favorable to the Project and inconsistent with CEQA's demand of a good faith effort to disclose impact. Hence, Response TR-9, like the DEIR's conclusion on this issue, is inadequate.

#### **Comment O-CSN-1.65 and Response TR-12**

This comment concerned emergency vehicle response. It took issue with the DEIR's attempt to gloss over the significant impacts on emergency response that it discloses increased traffic congestion caused by the Project would create. Like the DEIR, Response TR-12 asserts, without foundation, that vaguely defined mitigation measure M-TR-8 would somehow allow emergency responders to get through blocks of extensively queued and gridlocked traffic unimpeded when, in fact, that queued traffic would have nowhere to go to get out of emergency vehicles' way.

Following is the description of mitigation measure M-TR-8 from the DEIR page IV.D-81:

**Mitigation Measure M-TR-8: Emergency Vehicle Access Consultation.** During the design phase of each street network project, SFMTA shall consult with emergency service providers, including the San Francisco Fire Department and the San Francisco Police Department. Through the consultation process, the street network design shall be modified as needed to maintain emergency vehicle access. SFMTA shall identify design modifications through this process, as needed to meet the following performance criteria:

- No physical barriers shall be introduced that would preclude emergency vehicle access. Street design modifications should achieve the goals of the project without precluding emergency vehicle access. Design modifications selected by SFMTA, as needed to meet the performance criteria, shall be incorporated into the final design of each street network project and could include, but shall not be limited to: mountable concrete buffers, mountable curbs and corner or sidewalk bulbs, modification of corner or sidewalk bulbs and curb locations to accommodate turning emergency vehicles, and emergency vehicle

signal priority. Any subsequent changes to the streetscape designs shall be subject to a similar consultation process.

**Significance after Mitigation:** Implementation of **Mitigation Measure M-TR-8** would ensure that the significant emergency vehicle access impact would be reduced to a *less-than-significant* level.

This mitigation measure says or does nothing about getting blocks of gridlocked peak hour traffic queues out of the way of emergency vehicles. Like mitigation measure M-TR-8, Response TR-12 is inadequate.

### Response TR-7

While reviewing the responses to our own comments, our attention was drawn to Response TR-7 which replies to the comments of others regarding the impacts of Transportation Network Companies ("TNCs"). The response devotes four and two-thirds pages discussing research on TNCs (two San Francisco Municipal Transportation Authority documents and one elsewhere) and then concludes that a) while TNC reliance might cause an increase in VMT over that predicted in the study, there would have to be an enormous use of TNCs to impact VMT significantly, b) traffic congestion in the area would naturally limit TNC use and c) the City doesn't know enough about TNCs yet at the time the response was written to more substantively address the impacts of TNCs in this EIR. This facile dodge ignores several salient pieces of evidence in the research it cites.

Considering all auto mode trips that have origin, destination or both in San Francisco, TNCs went from 0 percent in 2013 to 1 percent in 2014, jumped to 2 percent in 2016 and doubled to 4 percent in 2017<sup>3</sup>. So the trend is that use of this mode in San Francisco is continuing increase.

TNCs (9%) and taxis (1%) account for 10 percent of all weekday person trips that are internal to San Francisco<sup>4</sup>. In the AM and PM weekday commute peak hours, they account for 25 and 26 percent respectively of all vehicle trips internal to San Francisco that originate or are destined in SoMa<sup>5</sup>. On weekdays 21 percent of all TNC VMT is out-of-service travel<sup>6</sup>. In other words, a trip by TNC generates 21 percent more VMT than if the passenger drove them self.

Some 22 percent of TNC travel is induced; that is to say, 22 percent of trips by TNC wouldn't be made at all if services by TNC were not available. And 39

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<sup>3</sup> 2013-2017 Travel Decision Survey Data Analysis and Comparison Report, SFMTA, Fehr & Peers, July, 2017, page 10.

<sup>4</sup> TNCs Today: A Profile of San Francisco Transportation Company Activity, San Francisco County Transportation Authority, June 2017, page 9.

<sup>5</sup> Id., page 12.

<sup>6</sup> Id., page 15.

percent of TNC trips are ones that otherwise would have been made by walking, bicycle or transit<sup>7</sup>.

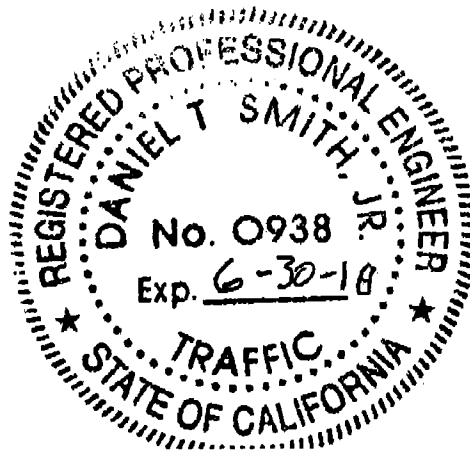
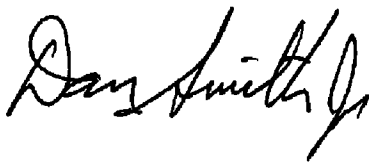
In summary, there is substantial evidence that the proliferation of reliance on TNC services could substantially alter the subject EIR's findings and conclusions with respect to transportation impacts. Rather than pleading insufficient information and ignoring the issue as Response TR-7 proposes and rushing to certify the EIR, the City should take the time to draw measured conclusions about TNC service impacts.

### Conclusion

This concludes my current comments on the Central SoMa Plan Project FEIR. The comments herein demonstrate the inadequacy of the FEIR responses to comments on the flaws in the DEIR and why the FEIR is currently unsuited for certification.

Sincerely,

Smith Engineering & Management  
A California Corporation



Daniel T. Smith Jr., P.E.  
President

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<sup>7</sup> *Disruptive Transportation,, The Adoption, Utilization and Impacts of Ride-Hailing in the United States*, Chewlow, Regina R. and Mishra, Gouri S., University of California Davis Institute of Transportation Studies, October 2017, page 26.

# **ATTACHMENT B**



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** July 2014  
**TO:** Planning Department Staff, Shadow Analysis Consultants  
**FROM:** Rachel Schuett, Kevin Guy, SF Planning Department  
**RE:** Shadow Analysis Procedures and Scope Requirements

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Suite 400  
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In the City and County of San Francisco, there are two circumstances which could trigger the need for a shadow analysis:

- (1) If the proposed project would be over 40 feet tall, and could potentially cast new shadow on a property under the jurisdiction of the Recreation and Park Department, per *San Francisco Planning Code Section 295*; and/or
- (2) If the proposed project is subject to review under the California Environmental Quality Act (CEQA) and would potentially cast new shadow on a park or open space such that the use or enjoyment of that park or open space could be adversely affected.

This memorandum documents the Planning Department's standard procedures for conducting a shadow analysis both for the purposes of CEQA review and for the purposes of *Section 295* review. A complete Shadow Analysis has three main components: (1) Shadow Diagrams, (2) Shadow Calculations, and (3) a Technical Memorandum. In some cases, survey information may also be required.

A shadow analysis should be completed in five sequential steps:

- Step 1. Preliminary Shadow Fan
- Step 2. Project Initiation
- Step 3. Shadow Diagrams
- Step 4. Shadow Calculations
- Step 5. Technical Memorandum

Each of these steps is described, in detail, below.

## **Step 1. Preliminary Shadow Fan**

The Planning Department typically prepares a preliminary shadow fan as part of the Preliminary Project Assessment (PPA) process for projects which exceed 40 feet in height. If the preliminary shadow fan indicates that the proposed project has the potential to cast new shadow on a park or open space which is protected by Section 295 of the *Planning Code*, a shadow analysis will be required for the purposes of Section 295 review.

Typically, this information is included in the PPA Letter. For projects not subject to the PPA process, and/or if the project is over 40 feet in height and has potential to cast new shadow on a park or open space that is not protected by Section 295 of the *Planning Code*, or if the project is less than 40 feet in height and could cast new shadow on any park or open space a shadow analysis may also be required for the purposes of CEQA review. This would be determined on a case-by-case basis as part of the scoping process for the environmental review. A preliminary shadow fan would be prepared by Planning Department staff at that time.

## Step 2. Project Initiation

If the preliminary shadow fan indicates that there is potential for the proposed project to cast new shadow on a park or open space, and the Planning Department requests the preparation of a shadow analysis by a qualified consultant, the project sponsor should initiate the analysis by (1) filing a Shadow Analysis Application, (2) retaining the services of a qualified consultant, and (3) providing a scope of work for the shadow analysis.

- (1) Shadow Analysis Application. Filing a shadow analysis application initiates the process of shadow analysis review. The Shadow Analysis Application Packet can be found here: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8442>. The fee is currently \$525.00, payable to the San Francisco Planning Department. Once the Shadow Analysis Application is received, a technical specialist will be assigned.
- (2) Qualified Consultant. The project sponsor should retain the services of a qualified shadow consultant. Currently, the Planning Department does not maintain a list of qualified consultants for the purposes of Shadow Analysis preparation. Thus, consultant selection should be based on the consultant's demonstrated capacity to prepare a Shadow Analysis as outlined in Steps 3 – 5, below.
- (3) Scope of Work. Once a technical specialist is assigned, the consultant should prepare and submit a scope of work for the Shadow Analysis. The scope of the Shadow Analysis should be based on the preliminary shadow fan, and Steps 3 – 5, below. Once the technical specialist has approved the scope of work the Shadow Analysis may be initiated.

## Step 3. Shadow Diagrams

The preliminary shadow fan prepared by the Planning Department indicates whether or not there is any possibility that a project may cast new shadow on a park or open space. However, the shadow fan does not take into consideration intervening shadow that is cast by existing buildings and/or permanent infrastructure (such as elevated roadways, on- and off-ramps, etc.). Further, the preliminary shadow fan is typically based on full build out of the zoning envelope including; complete lot coverage and maximum height plus a penthouse allowance (typically 16 feet). Therefore, shadow diagrams should be prepared for the building as defined in the project description for environmental review, which should be determined in consultation with the Planning Department.

**Please note:** shadow cast by vegetation should not be included as part of existing or net new shadow.

Diagrams of shadows cast by the proposed project should be provided for the following four days of the year:

- Winter Solstice (December 21) - midday sun is lowest and shadows are at their longest.
- Summer Solstice (June 21) - midday sun is at its highest and shadows are at their shortest.
- Spring/Fall Equinox (March 21/September 21) - shadows are midway through a period of lengthening.
- The "worst case" shadow day – the day on which the net new shadow is largest/longest duration.

On the days the graphical depictions are required, the shadows should be shown on an hourly basis, from one hour after sunrise (Sunrise + 1 hour) to one hour before sunset (Sunset - 1 hour) and at the top of each hour in between.

**Example:** On June 21, the sun rises at 5:48 a.m. and sets at 8:35 p.m. Therefore shadow graphics should be included at the following times:

- A.M.: 6:48, 7:00, 8:00, 9:00, 10:00, 11:00
- P.M.: 12:00, 1:00, 2:00, 3:00, 4:00, 5:00, 6:00, 7:00, 7:35

All shadow diagrams should clearly indicate the outline of the project site and any parks or open spaces that may be affected including a generalized layout of park features such as seating areas, landscaped areas, playgrounds, recreational courts, and walking paths. The shadow diagrams should clearly indicate the shadow outline from the proposed project and should graphically distinguish between existing shadows versus net new shadow being cast by the project.

Shadow diagrams should also include the following, at a minimum:

- A north arrow
- A legend
- A figure number
- The project name (Ex. 555 Lyon Street)
- The date and time depicted (Ex. June 21 Sunset – 1 hr. or June 21 6:00 p.m.)

Shadow diagrams should be submitted as one file in .pdf format with a technical memorandum described in Step 5, below.

#### **Step 4. Shadow Calculations**

In order to obtain the information needed for a determination under Section 295, a detailed quantitative study of the new shadow cast upon an open space or park under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission is required. The quantitative study must include spreadsheets and/or tables that indicate the amount of existing shadow and net new shadow, measured in square foot hours (sfh), in 15 minute increments throughout the day during the hours regulated by Section 295 " on each day where the proposed project would result in net new shadow on the park.

The hours regulated by Section 295 occur between one hour after sunrise through one hour prior to sunset. Each 15 minute entry should expressly indicate the date, the time of sunrise, and the time of sunset. It is important to indicate the corresponding amount of existing shadow on the subject open space or park, as this amount is key in determining the relative effect of any new shadow.

In order to inform the CEQA analysis, the Planning Department may also require a detailed quantitative analysis for non-Section 295 properties, or in cases where Section 295 does not apply due to the project's height, or based on some other circumstance. This will be determined on a case-by-case basis.

These spreadsheets and tables should be summarized in the Technical Memorandum, as described in Step 5 below, and appended, in their entirety, to the report.



### Step 5. Technical Memorandum

The shadow diagrams, shadow calculations, and any other supporting materials should be accompanied by a technical memorandum which includes (at a minimum) the following information:

- **Project Description.** Include the location of the project site (neighborhood, address, Assessor's Block/Lot, nearby landmarks), general topography, and project boundaries. Describe existing building(s) and land use(s) on and around the project site, including building height(s). Include proximity to parks, open spaces, and community gardens. Describe the proposed project including demolition and new construction. Describe the physical characteristics of the proposed building(s) as well as the proposed use(s). Include and refer to building elevations.
- **Modeling Assumptions.** The shadow graphics and calculations should be accompanied by clear documentation of the assumptions for the modeling including:
  - The height assumed for each of the buildings (or building envelopes).  
**Please note:** Please contact the Planning Department for specific direction in how to model intervening shadow cast from buildings between the proposed project site and the affected park or open space.
  - The allowance for penthouses and parapets (which should be determined in consultation with Planning Department staff).  
**Please note:** the Planning Department typically requires that final building designs be modeled rather than building envelopes, or hypothetical building forms based on existing or proposed zoning. However, building envelopes may be substituted in some circumstances as directed by Planning Department staff.
  - Building sections and elevations (for the proposed project).
  - If the project site is steep and/or has varied topography the documentation should identify where the height of the envelope of the building was measured from.
- **Potentially Affected Properties.** Potentially affected properties including: parks, publicly-accessible open spaces, and community gardens identified in the graphical depictions should be listed and described. The description of these properties should include the physical features and uses of the affected property, including but not limited to: topography, vegetation, structures, activities, and programming. Each identified use should be characterized as 'active' or 'passive.' Aerial photographs should be included, along with other supporting photos or graphics. The programming for each property should be verified with the overseeing entity, such as the Port of San Francisco, the Recreation and Parks Department, etc. Any planned improvements should also be noted.
- **Shadow Methodology and Results.** Describe how the analysis was conducted, what assumptions were made? Describe the "solar year", the "solar day" and define any other terms, as needed. Refer to shadow diagrams and describe results.
- **Quantitative Analysis (for properties subject to Section 295, and as required by the Planning Department).** The Technical Memorandum should include a narrative summary of the quantitative shadow effects that would result from the project, and discuss how these effects relate to the quantitative criteria set forth in the "Proposition K – Implementation Memo" as jointly adopted by the Planning and Recreation and Park Commissions in 1989.

The quantitative analysis discussion should (1) Identify the theoretical annual available sunlight (T.A.A.S.) for any/all affected Section 295 protected properties (and/or other properties identified by the Planning Department), calculated in square-foot-hours (sfh) by multiplying the area of the park by 3,721.4 (the number of hours in the year subject to Section 295), (2) Identify the amount of existing shadow on the park or open space (in sfh), (3) Identify the amount of net new shadow cast on the park or open space by the proposed project (in sfh), and (4) Where applicable for Section 295 properties, identify the park's 'shadow budget'. Compare (1) to (2) and (3), and (4) if applicable.

Summary tables and graphics should be included.

It should be noted that accurate park or open space boundaries are germane to an accurate calculation of the theoretical annual available sunlight hours (T.A.A.S.). It is advised that the shadow consultant verify park boundaries and area with Planning Department staff prior to initiating the calculation. Similarly, the assumptions for calculating the existing shadow load should also be verified with Planning Department staff prior to initiating the calculation.

- Shadow Characterization. The Technical Memorandum should include a narrative, qualitative summary of the effects of net new shadow on each park or open space on which new shadow would be cast. This narrative summary should be based on the following shadow characteristics:
  - Size
  - Times of year
  - Times/duration within a given day
  - Location of new shadow in relation to park features
  - Relationship of new shadow to surveyed<sup>1</sup> usage patterns in the park

The narrative description should clearly characterize the net new shadow that would occur over the course of the year.

**Example:** "the proposed project would cast net new shadow on Jackson Playground and Tennis Courts between March 3 and October 14, with the largest area of shadow being cast on July 27. . ."

Then go on to characterize the times of day during which the shadow would occur, and identify what is occurring in that area of the park or open space at that time.

- Cumulative Shadow Analysis. In the event that the proposed project would cast net new shadow on a park or open space that would also be affected by other proposed projects, the Planning Department may require a cumulative shadow analysis in addition to the 'existing plus project' analysis that is described above. The cumulative scenario should be developed in cooperation with Planning Department staff. The cumulative analysis requirement could potentially include all of the information required for the 'existing plus project' analysis, but would be determined on a case-by-case basis in consultation with Planning Department staff.

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<sup>1</sup> Note: the scope and approach for a use survey should be vetted in advance with Planning Department staff.

- **Proposed Project-Related Public Good.** Under Section 295 of the Planning Code decision-makers may weigh the amount and duration of shadow cast by the proposed project against the public good or public benefits associated with the proposed project. This section should identify (1) the public interest in terms of a needed use, (2) building design and urban form, (3) impact fees, and (4) other public benefits.

The Technical Memorandum should include summary tables and graphics to inform decision makers of the potential effects of net new shadow. The Technical Memorandum should only document facts and observations related to the amount and duration of shadow and the use of the park or open space and should not include a conclusion as to whether or not an impact(s) would occur.

### **Work Plan**

The scope of work identified in Steps 2 – 5 is a complete scope of work meeting the requirements of a shadow analysis for the purposes of a Section 295 determination and/or in support of an impact determination under CEQA, where net new shadow on a park or open space would be associated with a proposed project.

In some cases the Planning Department may wish to review the shadow diagrams, shadow calculations, and the descriptions of the use(s) of the affected properties, in advance of making further recommendations on the shadow analysis scope. Therefore, the graphics and descriptions may be requested in advance of the preparation of the full Technical Memorandum.

For example, the Planning Department may make a recommendation for the scope of a park survey(s) after reviewing the shadow diagrams, shadow calculations, and the descriptions of the use(s) of the affected properties. Therefore, the work plan for the shadow analysis should be developed in consultation with Planning Department staff.

### **Fees**

The current application fee for a shadow analysis (K Case) is \$ 525.00 (adjusted annually). Please note, any time spent by Planning Department staff over and above the initial application fee will be billed on a time and materials basis. Recreation and Park Department staff will also bill time spent on the shadow analysis; including, but not limited to; providing information about park properties, review of the shadow analysis, preparation of the staff report, presentation to the Capital Committee and/or Recreation and Park Commission.

### **Recreation and Park Commission and Planning Commission Hearings**

Projects which require a shadow analysis for the purpose of Section 295 compliance and which result in net new shadow on a park or open space under the jurisdiction of the Recreation and Park Department also require a hearing before the Recreation and Park Commission and the Planning Commission.

Recreation and Park Commission Hearings consist of two steps:

- (1) Capital Committee Hearing (meets 1<sup>st</sup> Wednesday of each month)
- (2) Recreation and Park Commission Hearing (meets 3<sup>rd</sup> Thursday of each month)

At the second hearing, the Recreation and Park Commission issues a recommendation, and the proposed project may then be heard by the Planning Commission.

The environmental review document should be final (not certified) prior to the Capital Committee Hearing. This means that a Categorical Exemption, or Community Plan Exemption, or Mitigated Negative Declaration should be signed, for an EIR the Responses to Comments and changes to the DEIR should be finalized. Recreation and Park Department staff should be consulted on how far in advance of the Capital Committee Hearing the environmental review document should be finalized.

The shadow analysis should be finalized at least three weeks prior to the Capital Committee Hearing for inclusion in the staff report. Recreation and Park Department staff typically review one or two drafts of the shadow analysis prior to finalizing the document. Recreation and Park staff should be consulted as early in the process as possible.

It should be noted that in some cases, a joint hearing before the Planning Commission and the Recreation and Park Commission is required. If a joint hearing is required, you will be notified by Planning Staff. Joint hearings are scheduled on a case-by-case basis through the respective Commission Secretaries.

Please do not hesitate to contact Rachel Schuett at [Rachel.Schuett@sfgov.org](mailto:Rachel.Schuett@sfgov.org) or (415) 575.9030 or Kevin Guy at [Kevin.Guy@sfgov.org](mailto:Kevin.Guy@sfgov.org) or (415) 558.6163 with any questions, or if you need further clarification.

# EXHIBIT C



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RE: Comments of Central SoMa Neighbors and SFBlu on Central SoMa Plan  
DEIR SCH NO. 2013042070  
SUPPORT FOR MID-RISE ALTERNATIVE (Reduced Height Alternative)

Dear President Hillis, Honorable Planning Commissioners, and Ms. Gibson:

## I. INTRODUCTION

I am writing on behalf of the Central SoMa Neighbors (CSN) and SFBlu concerning the draft environmental impact report (DEIR) for the Central SoMa Plan. CSN and SFBlu (collectively, "Neighbors") urge the Planning Commission to adopt the Reduced Height Alternative, (known as the Mid-Rise Alternative in the Central Corridor Plan). The Mid-Rise Alternative would allow for a dramatic increase in residential and office development in the area, while still maintaining building heights of 130 feet or less (with some exceptions at transit hubs), thus retaining a pedestrian scale, livability, access to light, air and open space, and creating a family-friendly neighborhood. By contrast, the High-Rise alternative (identified simply as the "Plan" in the DEIR ("Plan" or "Project")), would create vastly higher building heights of up to 350 feet, which would be out-of-scale with a mixed-use residential neighborhood, casting shadows, blocking

views, creating wind tunnels and essentially transforming the neighborhood into a second financial district. As longtime residents of Central SoMa, the Neighbors urge the Planning Commission to adopt the Mid-Rise Alternative since it protects neighborhood character, while allowing for almost as much job growth and housing as the High-Rise Alternative.

Central SoMa Neighbors (CSN) is a community organization composed of residents of the Central SoMa neighborhood. CSN is dedicated to preserving and enhancing the unique character of Central SoMa. CSN seeks to: 1. Help preserve and enhance the character of Central SoMa with its diversity of buildings and architecture; 2. Work towards making Central SoMa a more livable, mixed-use and pedestrian-friendly neighborhood; 3. Advocate for livability - residents need access to light, air, parks, and public open spaces; 4. Ensure the area is affordable and accessible, with the right balance of housing, office space and retail.

SFBlu is a homeowners association whose residents live at 631 Folsom Street. As longtime residents of Central SoMa, the Neighbors are committed to ensuring a safe, livable, family-friendly neighborhood. We are very much in favor of development and planning for sustainable growth that preserves the character of what this neighborhood is becoming --- a mixed use residential neighborhood where businesses of varied sizes and types can thrive; where people have the opportunity to live in an environmentally sustainable manner; and where the unique existing historic architectural resources are retained and renewed. To accomplish its full potential the neighborhood requires more development, which if properly overseen is something we welcome. However, the type of development outlined in the current Plan is quite likely to retard the current transformation of this neighborhood. Rather than developing into high density residential and mixed use neighborhood stretching from Mission Bay to downtown, the current plan proposes to cut the Central SoMa neighborhood off from the neighborhoods to the south and essentially isolate it.

The Mid-Rise (Reduced Height) Alternative is superior to the High-Rise Alternative in almost every respect. It will create a family-friendly environment with access to light and air. It will create less traffic congestion, and therefore less air pollution and related health effects, and less traffic-related pedestrian injuries. It will allow tall buildings, but clustered near BART on the north side and CalTrain on the south side of the neighborhood, thereby encouraging use of public transportation. The Mid-Rise Alternative would also have reduced greenhouse gas (GHG) impacts since recent research shows that mid-rise buildings are generally more energy efficient than high-rise. By contrast, the High-Rise alternative includes extremely tall buildings (350 feet) on Harrison Street, between Second and Third Streets, which is not close to the CalTrain or BART stations, but is close to the Bay Bridge freeway ramps – thereby encouraging automobile commuting rather than public transit. This contradicts the Plan itself, which “would seek to retain the character of the mid-rise district, limiting the presence of high-rises to areas near transit stations.” (DEIR, p. IV.B-34).

The Mid-Rise Alternative allows for almost as much growth as the High-Rise Alternative. The Initial Study for the Central SoMa Plan (p. 81) shows that the Mid-Rise Alternative is projected to add 52,300 new jobs by 2040, while the High-Rise option is projected to add 56,400 new jobs. The difference in the additional population increments is even smaller, 22,700 versus 23,400 (a 3% difference). Although the DEIR presents slightly different projections, there is still only about a 12-14% difference between the Reduced Height Alternative and the Plan (population growth of 21,900 versus 25,500; job growth of 55,800 versus 63,600). (DEIR p. VI-2, VI-16, IV-6). Thus, the Mid-Rise Alternative would achieve about 90% of the jobs and housing growth, while maintaining the character of Central SoMa as a mid-rise community with access to light and air, avoiding wind-tunnels, and promoting a more family-friendly environment.

Indeed, in 2013 when the Plan was known as the Central Corridor Plan, City Planning staff articulated all of the right reasons for supporting the Mid-Rise Alternative. The Central Corridor Plan stated:

Urban design experience shows that people feel most comfortable on urban streets where the height of buildings is between  $\frac{3}{4}$  and  $1\frac{1}{4}$  times the width of the street, creating an “urban room” that has a pleasing, but not overwhelming, sense of enclosure and intimacy. The Plan proposes that the base height limits along all major streets in the Plan area should be 85 feet, lowering to 65 feet toward the western edge of the Plan area and in historic areas, such as the South End and near South Park. While in some areas the Plan proposes to allow buildings to rise above the 85-foot base height (generally to 130 feet), these upper stories would be required to set back by at least 15 feet in order to maintain the perception of the lower streetwall.... This scale is also consistent with both the traditional form and character of SoMa’s significant commercial and industrial buildings as well as aligning with the desire for larger floorplate, open floorplan, mid-rise buildings most desired by contemporary new economy companies.<sup>1</sup>

PRINCIPLE 2: The predominant character of SoMa as a mid-rise district should be retained, and the presence of high-rises reduced by limiting their distribution and bulk.

The South of Market sits at a critical location in the city’s landscape. SoMa is a large expanse of flat land at the center of the east side of the City, sitting as an important balance and counterpoint to the dramatic hills that surround it, including the man-made “hill” of the downtown high-rise district, creating a dramatic amphitheater.

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<sup>1</sup> Central Corridor Plan, p. 30.



With relatively low buildings in comparison to the hills and high-rises around it, the South of Market allows expansive and cherished views to extend across it to and from the surrounding hills, districts and the major features of the region beyond. In order to preserve this essential characteristic and preserve views across the area, height limits taller than 130 feet are generally kept to the southern portion of the Plan Area (Brannan Street southward), limited in distribution and widely spaced. It is important to note that mid-rise buildings are not necessarily synchronous with low densities... Because the number of potential buildings taller than 130 feet is limited to strategic locations adjacent to transit stations and their locations generously spaced, these buildings will be prominent from all directions and serve as local landmarks.<sup>2</sup>

The Neighbors agree entirely with the opinions set forth by City Planning Staff in 2013 in the Central Corridor Plan. **"The predominant character of SoMa as a mid-rise district should be retained, and the presence of high-rises reduced by limiting their distribution and bulk."** The Mid-Rise Alternative creates an urban neighborhood "that has a pleasing, but not overwhelming sense of enclosure and intimacy." The Mid-Rise Alternative achieves almost all of the housing and job growth, while maintaining a family-friendly, livable neighborhood. We urge the Planning Commission to direct staff to revise the DEIR to select the Mid-Rise (Reduced Height Alternative) as the environmentally preferred alternative, consistent with the staff opinions set forth in the Central Corridor Plan only three short years ago.

In the alternative, the Neighbors request that the City consider an alternative that would modify the proposed Plan to eliminate the proposed changes that would allow extremely tall buildings in the block bounded by I-80 and Folsom and Second and Third Streets (including the tallest buildings on Harrison that go up to 350 feet). These buildings are inconsistent with the Plan's own goals to limit taller buildings to areas near BART and CalTrain. These properties are close to neither BART nor CalTrain, but are at the foot of the Bay Bridge access ramps. Development would therefore encourage automobile usage, not public transit, violating the fundamental Project goals. These properties should be limited to no more than 130 feet, which would still allow for substantial development on the properties, but maintain the mid-rise character of the neighborhood.

The City should also consider creating a park at 350 Second Street. This property is currently a parking lot, and provides a prime opportunity for the City to address the acknowledged need for more parks and open space in the area. In the alternative, development on this parcel should be limited to no more than 130 feet since it is close to neither BART nor CalTrain.

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<sup>2</sup> Id. p. 32.

After reviewing the DEIR, together with our team of expert consultants, it is evident that the document contains numerous errors and omissions that preclude accurate analysis of the Project. As a result of these inadequacies, the DEIR fails as an informational document and fails to impose feasible mitigation measures to reduce the Project's impacts. The Neighbors request the City address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approval of the Project. The Neighbors have submitted expert comments from:

- Urban Planner Terrell Watt, AICP (Exhibit A);
- Environmental Scientists Matthew Hagemann, P.G., C. Hg., and Jessie Jaeger (Exhibit B);
- Traffic Engineer Daniel T. Smith, PE (Exhibit C), and
- Wildlife Biologist Shawn Smallwood, Ph.D. (Exhibit D).

All of these experts conclude that the Plan has numerous impacts that are not adequately analyzed or mitigated in the DEIR. The expert comments are submitted herewith and incorporated by reference in their entirety. Each of the comments requires separate responses in the Final EIR. For these reasons, a revised DEIR should be prepared prior to Project approval to analyze all impacts and require implementation of all feasible mitigation measures.

## II. BACKGROUND

The Central SoMa Plan (formerly, Central Corridor Plan) is a comprehensive plan for the area surrounding much of southern portion of the Central Subway transit line. The Plan Area includes roughly 230 acres that comprise 17 city blocks, as well as the streets and thoroughfares that connect SoMa to its adjacent neighborhoods: Downtown, Mission Bay, Rincon Hill, and the Mission District. The Plan Area is bounded by Second Street on the east, Sixth Street on the west, Townsend Street on the south, and by an irregular border that generally jogs along Folsom, Howard and Stevenson Streets to the north (see DEIR, Figure II-1, Central SoMa Plan Area Boundaries, in Chapter II, Project Description).

The Plan would fundamentally transform the Central SoMa area. It would **triple** the resident population of the area from a current population of 12,000 to 37,500<sup>3</sup> -- an increase of 25,500 additional residents. It would more than **double** employment in the area from a current level of 45,600 jobs to 109,200 -- an increase of 63,600 additional jobs. (DEIR, pp. IV-6, IV-5).

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<sup>3</sup> Actual current population is closer to 10,000, so the Plan will almost quadruple resident population. This points out the importance of using an accurate baseline population number.

For at least three years, the City presented a plan to the public that extended from Market Street to Townsend and from Second Street to Sixth Street. The plan was called the Central Corridor plan. The plan proposed a Mid-Rise option, in which almost all buildings would be capped at no more than 130 feet or less. The plan also included a High-Rise option. Then, in late 2016, without explanation, the City drastically altered the plan, lopping off 11 blocks at the north from Folsom to Market (with a narrow exception from Fifth to Sixth Street). Critically, at the same time the City dropped the Mid-Rise option and included only the High-Rise option in the analysis. The Mid-Rise Option was relegated to a small section at the back of the alternatives analysis of the DEIR, and renamed the "Reduced-Height Alternative." The City released the DEIR for the completely new project just before the Christmas and New Year holidays, on December 14, 2016.

### III. LEGAL STANDARD

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR"). See, e.g., Pub. Res. Code § 21100. The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Comms. for a Better Env't v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 Cal. Code Regs. ("CEQA Guidelines") § 15002(a)(1). "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'" *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564. The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal. App. 4th 1344, 1354 ("Berkeley Jets"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures. CEQA Guidelines § 15002(a)(2) and (3); see also *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564. The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." CEQA Guidelines §15002(a)(2). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or

substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” Pub.Res.Code (“PRC”) § 21081; CEQA Guidelines § 15092(b)(2)(A) & (B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 391 409, fn. 12. A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Mgmt. Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946.

#### IV. THE DEIR INCLUDES AN INADEQUATE BASELINE.

The DEIR fails to adequately describe baseline conditions in the Plan area. In several areas there is no baseline analysis at all. In others, the baseline data is far out of date, from 2010. 2010 data is inherently unrepresentative since the City and nation was in the midst of the worst recession since the great depression. Therefore, using 2010 baseline data will inherently bias the entire DEIR analysis.

Every CEQA document must start from a “baseline” assumption. The CEQA “baseline” is the set of environmental conditions against which to compare a project’s anticipated impacts. *Communities for a Better Environment v. So Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency’s environmental review under CEQA:

“...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.”

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 (“*Save Our Peninsula*.”) As the court of appeal has explained, “the impacts of the project must be measured against the ‘real conditions on the ground.’” (*Save Our Peninsula*, 87 Cal.App.4th 99, 121-123.) As the court has explained, using such a skewed baseline “mislead(s) the public” and “draws a red herring across the path of

public input.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711.)

SoMa is among the most ethnically and economically diverse neighborhoods in the City. The neighborhood is home to 15% of the City’s minority and women owned businesses, and 8% of the City’s green businesses, which is significant given that the area makes up only 1% of the City’s land area.<sup>4</sup> The neighborhood has a slightly higher level of racial diversity than the City as a whole, with about 60% of the population being people of color.<sup>5</sup> Although the median household income is slightly higher than the City average, the neighborhood also has one of the highest levels poverty with 31% of the population living at or below 200% of the poverty threshold.<sup>6</sup>

The neighborhood faces extreme environmental challenges. As the San Francisco Department of Public Health (DPH) stated in a 2012 report:

due to close proximity to freeways and high traffic roads, the area has some of the poorest air quality in the City, with 13% of households living in an area exposed to greater than 10ug/m3 of fine particulate matter (PM 2.5) and 16% living in areas with ambient air pollution cancer risks greater than 100 in a million.<sup>7</sup>

Asthma and chronic obstructive pulmonary disease hospitalizations are approximately twice as high in Central SoMa as in the rest of the City.<sup>8</sup>

The neighborhood has one of the highest incidences of pedestrian injuries in the City. As DPH stated, “The incidence of severe injuries and deaths related to collisions between vehicles and pedestrians, cyclists, and other vehicles is amongst the highest in the City. The situation for pedestrians is especially troubling, as the average annual number of pedestrian injuries and fatalities per 100 road miles is six times higher in the Plan area compared to the City as a whole (48 vs. 8).”<sup>9</sup> The neighborhood also faces “amongst the highest violent and property crime rates in the City. During that time period, the number of assaults per 1,000 residents was 210 in the plan area and 44 for the City as a whole. Likewise, the property crime rate was 900 in the Plan area and 177 for the whole City.”<sup>10</sup>

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<sup>4</sup> San Francisco Department of Public Health, Environmental Health, Sustainable Communities Health Assessment: Central Corridor Plan, p. 6 (Nov. 30, 2012) (Exhibit F).

<sup>5</sup> Id. p. 21.

<sup>6</sup> Id. p. 3.

<sup>7</sup> Id. p. 3.

<sup>8</sup> Id. p. 22.

<sup>9</sup> Id. p. 3.

<sup>10</sup> Id. p. 4.

Finally, the neighborhood faces a severe lack of open space and parks. The same DPH report stated:

Public infrastructure areas that the Plan area performs more poorly in include public health facilities and parks and open space. The Recreational Area Access Score assesses relative access to park acreage at any point in the City. Here again the Plan area was one of the lowest performers. Currently 67% of residents live within 1/2 mile of a public recreational facility compared to 91% for the City as a whole. Additionally, only 16% of residents are within 1/4 mile of a community garden compared to 26% across the City.<sup>11</sup>

Thus, while Central SoMa is a robust, ethnically and economically diverse community, it also faces serious challenges in terms of a lack of open space, high levels of pollution, pedestrian safety and extreme traffic congestion. Solving these problems is the key to making the neighborhood livable and family friendly. Very little of this critical baseline information is included in the DEIR, making the document inadequate as a public information document.

Urban Planner Terrell Watt, AICP, explains that the DEIR's baseline data is out of date in many respects, for population, jobs-housing balance, public services and other impacts. (Watt Comment pp. 7-8).

## **V. THE EIR AND INITIAL STUDY HAVE AN INCONSISTENT AND INADEQUATE PROJECT DESCRIPTION.**

### **A. Initial Study is Inadequate Because it Describes an Entirely Different Project than in the DEIR.**

The Initial Study is patently inadequate because it describes an entirely different project from the Plan set forth in the DEIR. The Initial Study must accurately describe the Project in order to identify impacts to be analyzed in the EIR. The Initial Study fails to perform this task because it does not describe the Plan at all. The Initial Study was prepared in 2014. It describes a rectangular project area that extends from Market Street to Townsend and from Second Street to Sixth Street. The Plan set forth in the DEIR is entirely different, with most of the three blocks from Market Street to Folsom excluded from the Plan area. Clearly the Plan will have entirely different impacts than the project described in the Initial Study in all respects, including, but not limited to, traffic, air quality, pedestrian safety, jobs-housing balance, etc. A new initial study is required to analyze the Project actually proposed by the City and to identify impacts requiring analysis in an EIR. The DEIR relies on the Initial Study to conclude that eleven environmental impacts are less than significant. This makes no sense. The City

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<sup>11</sup> Id. p. 4.

may not rely on an Initial Study prepared for one project to conclude that a very different project has less than significant impacts. (See, Terrell Watt, AICP, Comments).

The purpose of an initial study is to briefly describe the proposed project and its impacts, and to identify significant impacts requiring analysis in an EIR. 14 CCR §15063. The initial study must contain an accurate description of the proposed project. 14 CCR §15063(d), 15071(a); *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180. For example, in *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.*, 215 Cal. App. 4th 1013, 1049 (2013), the court found an initial study to be inadequate because it did not disclose the number of football games to be held at a proposed stadium and it was therefore impossible to calculate the amount of traffic that would be generated by the project. ("Without a reasonable determination of the expected attendance at Hoover evening football games on completion of the Project, District may be unable to adequately compare the baseline attendance to expected attendance in determining whether there is a fair argument the Project may have a significant impact on traffic and/or parking.n22 (Guidelines, §§ 15125, subd. (a), 15126.2, subd. (a); *Communities*, at p. 320 & fn. 5.)")

The project description must include a description of the environmental setting of the Project. A CEQA document "must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, from both a local and a regional perspective." 14 CCR § 15125; see *Environmental Planning and Info. Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document]." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193; *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.*, 215 Cal. App. 4th 1013, 1049 (initial study must describe baseline conditions).

"[T]he Guidelines contemplate that "only one initial study need be prepared for a project. If a project is modified after the study has been prepared, the [lead] agency need not prepare a second initial study." *Gentry v. City of Murrieta*, 36 Cal. App. 4th 1359, 1384 (1995), citing, 1 Kostka & Zischke, supra, § 6.15, at p. 263; see also *Uhler v. City of Encinitas* (1991) 227 Cal. App. 3d 795, 803, disapproved on other grounds in *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1603; Guidelines, § 15063, subd. (a), 15070. However, when changes are made to a project after the initial study, the agency must have substantial evidence to show that the changes are not significant. *Building Code Action v. Energy Resources Conservation & Dev. Com.*, 102 Cal. App. 3d 577, 592 (1980). The City lacks substantial evidence to support its conclusion that a second initial study is not required.

**1. The DEIR Project Has a Vastly Different Geographic Scope, Populations and Jobs Projections, and Other Elements than the Initial Study.**

In this case, the 2014 Initial Study does not describe the Project at all. It describes an entirely different project with different project boundaries that is 11 square blocks larger than the Project set forth in the EIR. The project described in the Initial Study clearly has a different baseline than the Project set forth in the EIR, including population, traffic, existing office space, transit ridership, pedestrian safety history, etc. The project described in the Initial Study will also have different impacts in all respects from the Project set forth in the EIR. The Initial Study therefore fails to perform its basic function to describe the Project and its impacts and to identify issues requiring study in the EIR.

Urban Planner Terrell Watt, AICP, describes major differences between the various iterations of the project description. (Watt Comment, p. 5). Growth assumptions in the DEIR, Initial Study and Central SOMA Plan are vastly different:

Table IV-1, Summary of Growth Projections, presents the population and employment growth assumed in the Plan Area between 2010 (the base year for the analysis) and 2040 ("buildout year" or "planning horizon"). This growth amounts to approximately 14,400 additional households, approximately 25,500 additional residents and about 63,600 additional jobs under the Plan. DEIR at page IV-5.

Growth projected in the Initial Study includes up to 13,200 housing units (IS at page 85) and 56,400 new jobs (IS at page 81). In contrast, the Central SOMA Plan states: "With adoption of the Central SOMA Plan, there would be potential to build space for approximately to 45,000 jobs and 7,500 housing units. The Plan therefore represents an increase in development capacity of 450 percent for jobs and 300 percent for housing." Central SOMA Plan at page 7. The Financial Analysis of San Francisco's Central Soma Plan<sup>12</sup> (December 2016) is based on different growth assumptions than presented in DEIR, Initial Study and Plan: "The vision of the Central Soma Plan is to create a sustainable and vital neighborhood in the area immediately surrounding the Central Subway (expected to open in 2019) in San Francisco's South of Market District. The Plan is projected to bring 40,000 jobs and 7,500 housing units to the area over the next 25 years."

Clearly, the population, jobs and growth projections are entirely inconsistent throughout the environmental analysis. Will the Plan results in 7,500 housing units (Central SOMA Plan, p.7), or 14,400 (DEIR, p. IV-5), or 13,200 (IS, p. 85)? Will it create 40,000 new jobs (Financial Analysis), or 63,600 jobs (DEIR, p. IV-5), or 56,400 jobs (IS,

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<sup>12</sup> The Financial Analysis is intended to implement the Plan's public benefits and as such it is of critical importance it be based on a stable and finite Project description that is consistent throughout the Plan, DEIR and other related documents. That is not the case and as such, a revised DEIR and revised policy papers and financial analyses must be completed based on a consistent, stable, complete and finite Project description.



p. 81)? Since these figures are fundamental to analysis of almost all other impacts (air pollution, traffic, public services, etc.), this wildly inconsistent project description renders the entire CEQA analysis inadequate. The City simply cannot rely on an Initial Study that assumed 56,400 new jobs, to conclude that a Plan that creates 63,600 new jobs has insignificant impacts.

## **2. The DEIR Project Has Entirely Different Goals than the Initial Study.**

Also, the project described in the Initial Study has very different project goals. The Initial Study project has five project goals:

1. Support transit-oriented growth, particularly workplace growth, in the Central SoMa area.
2. Shape the Central SoMa's urban form recognizing both City and neighborhood contexts.
3. Maintain the Central SoMa's vibrant economic and physical diversity.
4. Support growth with improved streets, additional open space, and other elements of "complete communities."
5. Create a model of sustainable growth.

(Central SOMA Plan Initial Study, p.3, [http://sfmea.sfplanning.org/2011.1356E\\_IS.pdf](http://sfmea.sfplanning.org/2011.1356E_IS.pdf)).

By contrast, the DEIR Project has eight very different goals:

1. Increase the capacity for jobs and housing;
2. Maintain the diversity of residents;
3. Facilitate an economically diversified and lively jobs center;
4. Provide safe and convenient transportation that prioritizes walking, bicycling, and transit;
5. Offer an abundance of parks and recreational opportunities;
6. Create an environmentally sustainable and resilient neighborhood;
7. Preserve and celebrate the neighborhood's cultural heritage; and
8. Ensure that new buildings enhance the character of the neighborhood and the city.

(Central SOMA DEIR, p. S-2, [http://sfmea.sfplanning.org/CentralSoMaPlanDEIR\\_2016-12-14.pdf](http://sfmea.sfplanning.org/CentralSoMaPlanDEIR_2016-12-14.pdf)).

Nowhere does the DEIR explain why the Project goals were so dramatically changed. Nor does the DEIR explain why the Project boundaries were so drastically altered. Clearly, the two projects are entirely different given that the basic project goals differ. A new Initial Study is therefore required to properly describe the Project and its impacts and to identify issues for analysis in a recirculated draft EIR.

### **3. The DEIR Eliminates the Mid-Rise Option that was Favored by the Central Corridor Plan.**

The DEIR also differs from the 2013 Draft Central Corridor Plan in that it “eliminate[s] the ‘mid-rise’ height limit option (Option A); this option is considered in this EIR as the Reduced Heights Alternative.” (DEIR p. II-4). The Mid-Rise Option limited building heights to no more than 130 feet throughout most of the plan area. By contrast, the DEIR Project allows building heights of 350 feet or more at many areas that were formerly limited. This is a drastic change from the Initial Study and Central Corridor Plan since those prior documents strongly favored the Mid-Rise Option. Indeed, in 2013 when the Plan was known as the Central Corridor Plan, City Planning staff articulated all of the right reasons for supporting the Mid-Rise Alternative. The Central Corridor Plan stated:

Urban design experience shows that people feel most comfortable on urban streets where the height of buildings is between  $\frac{3}{4}$  and  $1\frac{1}{4}$  times the width of the street, creating an “urban room” that has a pleasing, but not overwhelming, sense of enclosure and intimacy. The Plan proposes that the base height limits along all major streets in the Plan area should be 85 feet, lowering to 65 feet toward the western edge of the Plan area and in historic areas, such as the South End and near South Park. While in some areas the Plan proposes to allow buildings to rise above the 85-foot base height (generally to 130 feet), these upper stories would be required to set back by at least 15 feet in order to maintain the perception of the lower streetwall.... This scale is also consistent with both the traditional form and character of SoMa’s significant commercial and industrial buildings as well as aligning with the desire for larger floorplate, open floorplan, mid-rise buildings most desired by contemporary new economy companies.<sup>13</sup>

**PRINCIPLE 2: *The predominant character of SoMa as a mid-rise district should be retained, and the presence of high-rises reduced by limiting their distribution and bulk.***

The South of Market sits at a critical location in the city’s landscape. SoMa is a large expanse of flat land at the center of the east side of the City, sitting as an important balance and counterpoint to the dramatic hills that surround it, including the man-made “hill” of the downtown high-rise district, creating a dramatic amphitheater.

With relatively low buildings in comparison to the hills and high-rises around it, the South of Market allows expansive and cherished views to extend across it to and from the surrounding hills, districts and the major features of the region

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<sup>13</sup> Central Corridor Plan, p. 30.

beyond. In order to preserve this essential characteristic and preserve views across the area, height limits taller than 130 feet are generally kept to the southern portion of the Plan Area (Brannan Street southward), limited in distribution and widely spaced. It is important to note that mid-rise buildings are not necessarily synchronous with low densities... Because the number of potential buildings taller than 130 feet is limited to strategic locations adjacent to transit stations and their locations generously spaced, these buildings will be prominent from all directions and serve as local landmarks.<sup>14</sup>

#### **4. Initial Study and DEIR Use Out-of-Date Baseline Data.**

Also, the 2014 Initial Study uses out-of-date baseline data. Population, housing, traffic and other data used for the baseline analysis in the Initial Study was taken in 2010. Of course, 2010 was the height of the last recession. As a result, much of this data does not represent actual current baseline conditions, in which traffic, population, air pollution, and other impacts are all much higher. CEQA requires that the baseline reflect actual current conditions on the ground, not an unrepresentative time period, such as the greatest recession since the great depression. *Communities for a Better Environment v. So Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321; *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 ("Save Our Peninsula.") As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground.'" *Save Our Peninsula*, 87 Cal.App.4th 99, 121-123. As the court has explained, using such a skewed baseline "mislead(s) the public" and "draws a red herring across the path of public input." *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711.

Urban Planner Terrell Watt, AICP, explains that baseline data for employment, housing, population, public services, jobs-housing balance, and many other factors are either absent or out of date.

#### **5. City Staff Refused to Grant an Extension of the Comment Period Despite Massive Project Revisions and Two Federal Holidays.**

Exacerbating this problem is the fact that for at least three years, City staff led the public to believe that the project was as described in the Initial Study. In particular, the 2013 Central Corridor plan document strongly favored the Mid-Rise Alternative over the High-Rise Alternative, and described a project extending all the way to Market Street. Then, just a week before the holidays, on December 14, 2016, the City released the DEIR for a short 60-day comment period, for the first time unveiling the very different Project in the DEIR. CEQA does not countenance such "bait-and-switch"

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<sup>14</sup> Id. p. 32.

tactics which serve only to confuse and mislead the public and short-circuit the public process embodied in CEQA. "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 (rejecting an EIR that changed the project description over the course of the CEQA review process). The City has done the opposite – radically changing the project description after years of processes and public meetings in which an entirely different project was presented to the public. Despite this sleight of hand, the City flatly refused any extension of the public comment period, despite admitting that the situation met all of the City's criteria for an extension, particularly given that the comment period fell over both the Christmas and New Year's holidays. The City's Environmental Review Officer responded to three separate requests for extension by stating:

The Planning Department has identified a number of situations that may warrant longer public review' periods, such as those including projects affecting multiple sites in various locations, or an area larger than a single site; or in situations where multiple federally recognized holidays occur within a DEIR's 45-day the public review period. Both situations apply to the Central SoMa Plan DEIR.

(Letter from Lisa M. Gibson, San Francisco Environmental Review Officer (Feb. 3, 2017). Despite admitting that the criteria for an extension had been met, the City proceeded to reject the extension request.

The City makes a mockery of CEQA and the public process. "Public participation is an essential part of the CEQA process." (CEQA Guidelines §15201). "Environmental review derives its vitality from public participation." (*Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400). By dramatically altering the Project after years of public review, on the eve of the holiday season, and then refusing to extend the public comment period, the City "mislead(s) the public" and "draws a red herring across the path of public input." *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711.

## **VI. THE PROJECT IS FATALLY INCONSISTENT WITH THE GENERAL PLAN AND OTHER APPLICABLE PLANNING DOCUMENTS.**

The DEIR incorrectly concludes that the Project is consistent with the General Plan and other applicable planning documents. In fact, the proposed Plan is plainly inconsistent with these planning documents, resulting in significant adverse environmental impacts.

The City must treat its analysis of conflicts with the General Plan seriously and land use decisions must be consistent with the plan. (CEQA Guidelines, App. G, Evaluation of Environmental Impacts, Item 6; Guidelines § 15125(d); Gov. Code §

65860(a)) The General Plan is intended to be the "constitution for all future developments," a "charter for future development," that embodies "fundamental land use decisions that guide the future growth and development of cities and counties." (*Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors of El Dorado County* (1998) 62 Cal.App.4th 1334, 1335; *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 54; *City of Santa Ana v. City of Garden Grove* (1979) 100 Cal.App.3d 521, 532) The "propriety of virtually any local decision affecting land use and development depends upon consistency with applicable general plan and its elements." (*Citizens of Goleta Valley v. Board of Supervisors of County of Santa Barbara* (1990) 52 Cal.3d 553, 570) The consistency doctrine has been described as the "linchpin of California's land use and development laws; it is the principal which infuses the concept of planned growth with the force of law." *Corona-Norco Unified School District v. City of Corona* (1993) 17 Cal.App.4th 985, 994.

A project's impacts may be deemed significant if they are greater than those deemed acceptable in a general plan or other applicable planning documents. (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1416). A significant impact on land use and planning would occur if the project would "[c]onflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect." (CEQA Guidelines Appendix G, § IX(b))

According to the CEQA Guidelines, "environmental effects" include direct and indirect impacts to land use and planning. Where the plan or policy was adopted to avoid negative environmental effects, conflicts with the plan or policy constitutes a significant negative impact. (*Oro Fino Gold Mining Corp. v. Co. of el Dorado* (1990) 225 Cal.App.3d 872, 881-882; see also *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4; *County of El Dorado v. Dept. of Transp.* (2005) 133 Cal.App.4th 1376; CEQA Guidelines, App. G., § IX(b)). Thus, under CEQA, a project results in a significant effect on the environment if the project is inconsistent with an applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating one or more of these environmental effects.

The DEIR fails to conduct a complete and forthright consistency analysis with the General Plan and other applicable planning documents. The DEIR must be revised to analyze inconsistencies identify appropriate mitigations or set the foundation for a finding of overriding considerations.

The Plan is inconsistent with Policy 3.5 of the General Plan, which states, "Ensure that growth will not outpace improvements to transit of the circulation system." (DEIR P. III-9). The DEIR admits that the Plan would "result in substantial delays to a number of MUNI routes serving the area," (DEIR, p. IV.D-49), and "Development under the Plan ... would result in a substantial increase in transit demand that would not be

accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.” (DEIR, p. IV.D-43). This impact to transit is not only a significant impact under CEQA, it is prohibited by the General Plan. The DEIR’s conclusion that the Plan does not conflict with this General Plan Policy is arbitrary and capricious.

The Plan is inconsistent with the Urban Design Element of the General Plan, which states:

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

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

(DEIR p. III-10). The Plan allows buildings of 350 feet or more in an area that the City admits is a mid-rise neighborhood. As noted in the Central Corridor Plan, such tall buildings are inconsistent with the mid-rise character of the neighborhood. The City stated in the Central Corridor Plan, at page 32, “The predominant character of SoMa as a mid-rise district should be retained, and the presence of high-rises reduced by limiting their distribution and bulk.” Having made these statements in the Central Corridor Plan, the City cannot not simply ignore them. The court in the case *Stanislaus Audobon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4<sup>th</sup> 144 rejected a county’s argument that a revised initial study prepared by the county which contradicted the findings of the first initial study had not “relegated the first initial study to oblivion.” *Id.* at 154. The court stated, “We analogize such an untenable position to the **unringing of a bell**. The first initial study is part of the record. The fact that a revised initial study was later prepared does not make the first initial study any less a record entry nor does it diminish its significance, particularly when the revised study does not conclude that the project would not be growth inducing but instead simply proceeds on the assumption that evaluation of future housing can be deferred until such housing is proposed.” (*Id.* at 154 (emphasis added)). The City cannot conclude that a project may have significant impacts and then, when such admission is no longer convenient, simply change its conclusion to better suit its needs. The City conclusion of “no inconsistencies” with the General Plan (DEIR, p. III-10) are refuted by its own statements in the Central Corridor Plan.

The Plan is inconsistent with the Recreation and Open Space Element of the General Plan, Policy 1.9: Preserve sunlight in public open spaces. (DEIR, p. III-11). The DEIR admits that the Plan will create new shadow on several parks under the jurisdiction of the Recreation and Park Department, including South Park, Victoria Manalo Draves Park and Gene Friend Recreation Center, as well as several public open spaces. (DEIR, p. III-11). For example the DEIR admits that the Plan will create new shadows on the only Rec & Park property in the Plan area, South Park, and “could

increase shadow on portions of South Park during early morning and late afternoon hours from the spring equinox to the fall equinox (March through September). (DEIR, p. IV.H-35). In other words, the Plan will cast shadows on South Park for half of the year! Similarly, the DEIR admits that the Plan will cast shadows on the heavily used privately owned public open space (POPOS) located at 303 Second Street from noon "through much of the afternoon," and shading up to one-third of the POPOS. (DEIR p. IV.H-38). Given these admissions, the DEIR's finding that the Plan is somehow consistent with the General Plan Policy to "preserve sunlight in public open spaces" is arbitrary and capricious and lacks substantial evidence. Casting additional shadows for half of the year simply cannot be considered consistent with the policy of "preserving sunlight in public open spaces."

The Plan is also inconsistent with the General Plan Objective 9: Reduce transportation-related noise, and Policy 11.1, Discourage new uses in areas in which the noise level exceeds the noise compatibility guidelines for that use. (DEIR p. III-12). The DEIR admits that "Development under the Plan, including the proposed street network changes, would generate noise that would result in exposure of persons to noise in excess of standards in the San Francisco General Plan or Noise Ordinance (Article 29 of the Police Code), and would result in a substantial permanent increase in ambient noise above existing levels." (DEIR, p. S-71). Thus, the Plan will increase transportation-related noise and place new uses in areas that exceed noise guidelines, in direct violation of the General Plan. The DEIR's conclusion of General Plan consistency is therefore arbitrary and capricious.

The Plan is plainly inconsistent with the Western SoMa Plan, yet the DEIR inexplicably concludes that the Plan would "not be demonstrably inconsistent with the Western SoMa Plan." (DEIR, p. III-8). Most obviously, the Western SoMa Plan Policy 1.2.4 is to "Prohibit housing outside of designated Residential Enclave Districts (RED) south of Harrison Street." (DEIR, p. III-6). The Plan is flatly inconsistent with this Policy, thereby resulting in a significant environmental impact that is not addressed in the DEIR.

A revised DEIR is required to acknowledge, address and mitigate these plan inconsistencies.

## **VII. THE DEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE SIGNIFICANT IMPACTS OF THE PLAN.**

At its core, CEQA requires the lead agency to identify all significant adverse impacts of a project and adopt all feasible mitigation measures or alternatives to reduce those impacts. 14 Cal. Code Regs. § 15002(a)(1). A prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722]; *Galante Vineyards v. Monterey Peninsula Water Management*

*Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946). The DEIR fails to meet these basic requirements.

**A. The Plan will have Significant Adverse Traffic Impacts that are not Disclosed or Analyzed in the DEIR.**

**1. The Plan will Increase Employee VMT, Resulting in a Significant Traffic Impact Under SB 743.**

The Plan will place thousands of cars each day into an area that already has unacceptable levels of traffic congestion. At rush hour, traffic is at a standstill in the Plan area. The Plan will add over 63,000 new jobs and 25,000 new residents to the area – more than doubling the number of jobs and tripling the number of residents in the area. (DEIR, p. IV-6). While many of these workers and residents may take public transit, there can be no dispute that many will drive cars, thereby adding to already unacceptable levels of traffic. The DEIR glosses over this obvious fact and makes the preposterous conclusion that the Plan will have less than significant traffic impacts. This conclusion simply fails the straight-face test. Anyone who has spent any time on roadways in this area will recognize that tripling the population of the area will have significant traffic impacts.

The DEIR relies on the recently passed SB 743 (Pub.Res.Code § 21099(b)(1)) for its counterfactual conclusion of not traffic impacts. However, even under the vehicle miles travelled (VMT) approach set forth in SB 743, the Plan will have significant traffic impacts. The SB743 regulations, 14 Cal.Code Regs. §15064.3, specify that a land use plan may have a significant impact on transportation if it is not consistent with the relevant sustainable community strategy (SCS). To be consistent with the SCS, the development must lead to VMT equal to or less than the VMT per capita *and* VMT per employee specified in the SCS. Plan Bay Area is the SCS (DEIR, p. VI.D-36), and it sets VMT target per capita at 10% below the 2005 Bay Area average. However, it does not set any target for employee VMT. (DEIR, p. IV.D-21, IV.D-36) Therefore, the city cannot claim that the development meets employee VMT targets in the SCS -- there are none. Even worse, the DEIR concludes that the plan will *increase* employment VMT from 8.2 to 8.7 in 2012 and from 6.8 to 7.1 in 2040. (DEIR p. IV.D-38). "With Plan implementation, VMT per capita would ... increase slightly in the office category." (DEIR, p. IV.D-38). This should be no surprise since the Plan creates 63,000 new jobs, but only 25,000 new residents, so about 40,000 of the new employees will have to commute long distances. Since the plan will *increase* employee VMT, it has a significant traffic impacts even under the new VMT methodology set forth in SB 743. As a result, the City' conclusion that the Plan has less than significant traffic impacts is arbitrary and capricious and the City has failed to proceed in a manner required by law. The City must acknowledge a significant traffic impact in a revised DEIR, analyze the



traffic impact, and implement all feasible mitigation measures and alternative to reduce this impact and consider all feasible alternatives.

Also, as discussed by Traffic Engineer Daniel T. Smith, PE, the Plan will drastically increase VMT in the Plan area. Mr. Smith explains:

DEIR Table IV-1 indicates that in the baseline (2010) condition, the Central SoMA population was 12,000, that in 2040 without the Project it would be 28,200, and in 2040 with the Project it would be 37,500. The same table also indicates that in the baseline year employment in Central SoMa was 45,600, that in 2040 without the Project it would be 72,800 and that in 2040 with the Project employment would be 109,200 jobs. At the VMT per capita rates disclosed in DEIR Table IV.D-6, the following would be total VMT generated in Central SoMa:

	<u>Baseline</u>	<u>2040 No Project</u>	<u>2040 With Project</u>
Population	25,200	50,760	60,000
<u>Employment</u>	<u>373,920</u>	<u>495,040</u>	<u>775,320</u>
Total	399,120	545,800	935,320

As can be seen from the above compilations, the 2030 No Project scenario generates almost 37 percent more net VMT than the Baseline; **the 2040 With Project scenario generates over 134 percent more net VMT than the Baseline and over 71 percent more than the 2040 No Project Scenario.** Since the public knows from information presented in this DEIR and from other recent DEIR's for projects having transportation effects on the Central SoMa area that there are already problems impacting motor vehicle traffic, bicyclists, pedestrians, the safety of all of the aforementioned, and transit operations. In that situation adding development to the area that generates 134 percent more than existing uses and 71 percent more than development to 2040 under existing plans and zoning is significantly impactful on transportation

(Smith Comment, p. 2). Since the Plan will increase VMT, the City must conclude that it will have significant impacts even under SB 743.

## 2. The Plan will have Highly Significant Traffic Impacts.

Traffic Engineer Daniel T. Smith, P.E. shows that the Plan will have highly significant traffic impacts and will create massive delays and traffic congestion in the plan area. Mr. Smith concludes (Smith Comment pp. 3-4):

- With the Project traffic and the Howard/Folsom one-way street configuration option, in the AM peak, intersections experiencing delay levels at LOS E or worse (55 seconds or more average delay per vehicle) would increase from 3 of the 36 studied under the existing condition to 21 of 36. In the PM peak, with the

Project and the Howard/Folsom one-way street configuration, the number of intersections operating at LOS E or worse would increase from 19 of 80 in the existing condition to 39 of 80 with the Project traffic and subject street configuration

- With the Howard/Folsom two-way street configuration option, in the AM peak, the number of intersections operating at LOS E or worse would increase from 3 of 36 in the existing condition to 17 of 36 with the plan and the subject street configuration. In the pm peak the number of intersections operating at LOS E or worse would increase from 19 of 80 in the existing condition to 37 of 80 with Project traffic and the two way street configuration.
- As to the freeway ramp analysis, 8 of the 11 ramps analyzed operate at vehicle densities of 35 passenger cars per mile per lane (volumes reflecting breakdown conditions) in the AM and/or PM peak in the existing condition. With the addition of Project related traffic and the proposed street network changes, 10 of the 11 ramps would operate at vehicle densities of 35 passenger cars per mile per lane in the AM and/or Pm peak hour.

### **3. The Traffic Analysis Uses an Improper Baseline.**

As discussed above, CEQA requires the agency to use a baseline that represents real conditions on the ground at the time of CEQA review. Mr. Smith concludes that the DEIR fails to use a representative traffic baseline. The DEIR relies on traffic baseline data from 2011 and earlier. This data reflects a recessionary period. It does not reflect much higher traffic currently found in the area.

### **4. The Plan Will Have Significant Adverse Impacts to Emergency Vehicle Access.**

Mr. Smith concludes that the Plan will have significant adverse impacts to emergency vehicle access that are not disclosed or analyzed in the DEIR. (Smith Comment, p. 7). The DEIR asserts without foundation that although traffic congestion would occur, that the California Vehicle Code requires that other motor vehicles get out of the way of emergency vehicles and because emergency vehicles primarily use arterial streets where there is purportedly room to get out of the way of emergency vehicles, despite the fact that the DEIR admits there would be increased traffic congestion with the Project, it asserts without sound foundation that there would be no significant impact on emergency vehicle traffic. This assertion is inconsistent with the information in the DEIR's traffic impact analysis at DEIR pages IV.D-41 through 43 which indicate that:

- With the Project, 10 of 11 freeway ramps serving the Project area would be at "breakdown levels" during the AM and/or PM peak periods. Breakdown levels on the on ramps causes extensive queuing on City surface streets that would impair emergency vehicle traffic even on arterials because other drivers may not have

the room to comply with the Vehicle Code and get out of the way quickly. "Breakdown levels" on the off ramps involves queues onto the freeway mainlines. The confined ramps provide motorists little opportunity to comply with the vehicle code and get out of the way and motorists at the critical ramp exit points will not even know that an emergency vehicle is coming until it has slowly worked its way toward the head of the exit queue.

- With the Project, up to 21 of the 36 study area intersections that were analyzed for the AM peak hour and up to 39 of the 80 study area intersections that were analyzed for the PM peak hour are reported to experience highly deficient delay conditions. At these traffic delay levels that imply significant queuing, even on arterial width roadways, traffic is likely to be too congested to comply with the Vehicle Code mandate to get out of the way of emergency vehicles.

The DEIR's unsubstantiated and conclusory statements about emergency vehicle access impacts of the Project must be revised and made consistent with findings made elsewhere in the DEIR.

#### **5. The Plan will have Significant Parking Impacts that are Not Disclosed or Mitigated in the DEIR.**

Parking impacts are significant under CEQA. In *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.*, 215 Cal. App. 4th 1013, 1051 (2013), the court rejected the City of San Francisco's position that parking impacts are not significant impacts under CEQA, holding, "Therefore, as a general rule, we believe CEQA considers a project's impact on parking of vehicles to be a physical impact that could constitute a significant effect on the environment." "To the extent the lack of parking affects humans, that factor may be considered in determining whether the project's effect on parking is significant under CEQA." *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.*, 215 Cal. App. 4th 1013, 1053.

The Plan will have significant parking impacts. The DEIR admits that the Plan will create a shortfall of parking of 15,500 parking spaces. (DEIR, p. IV.D-77). The DEIR states:

there could be a shortfall in parking spaces provided relative to the projected demand (i.e., a shortfall of about 15,550 parking spaces). This shortfall could be greater if development projects provide less than the maximum permitted parking spaces. It is anticipated that a portion of the shortfall would be accommodated on-street, particularly the overnight residential parking demand, and a portion of the shortfall could potentially be accommodated off-street in public parking facilities serving the daytime non-residential parking demand (e.g., the SFMTA Fifth & Mission/Yerba Buena Garage). As a result of the parking shortfall, some

drivers may circle around the neighborhood in search of parking, which would increase traffic congestion on the local street network.

Id. Despite these statement, the DEIR concludes that parking impacts would be less than significant. (DEIR, p. IV.D-78). This conclusion simply does not logically follow from the DEIR's own analysis. As such it is arbitrary and capricious.

## **6. The Traffic Analysis Fails to Analyze Cumulative Impacts.**

Traffic Engineer Smith concludes that the traffic analysis fails to include many reasonably foreseeable future projects, such as Pier 70 in the nearby Dogpatch neighborhood, and many others. These projects will have cumulative traffic impacts together with the Project, which are not analyzed or mitigated in the DEIR.

### **B. The Plan will have Significant Adverse Air Quality Impacts that are not Disclosed or Analyzed in the DEIR.**

As discussed by environmental consultants, Matthew Hagemann, C.Hg., and Jessie Jaeger, B.S., or Soil Water Air Protection Enterprise (SWAPE), the air quality analysis is woefully inadequate. SWAPE states:

The DEIR concludes that the Plan would have a less than significant air quality impact (p. IV.F-33). This conclusion, however, is incorrect for several reasons. First, the air quality analysis conducted within the DEIR is based on outdated baseline data that do not accurately reflect current traffic, air quality, pedestrian safety, and population within the Plan area. Second, the DEIR fails to account for all major development projects currently being considered within the area. As a result, the Plan's net increase in criteria air pollutants within the area, as well as it's cumulative air quality impact, are misrepresented. Due to these reasons, we find the DEIR's air quality analysis and resultant significance determination to be inadequate, and require that an updated DEIR be prepared to adequately evaluate the Plan's air quality impact. (Exhibit B, p.1).

While the DEIR admits that individual projects built pursuant to the Plan may have significant impacts, (DEIR, p. IV.F-34), it fails to acknowledge that these individual projects are made possible only because of the Plan and it is therefore the Plan itself that has significant impacts, as well as the individual projects. In essence, the City acknowledges individual impacts of specific projects, while ignoring cumulative impacts of the Plan.

### **1. Air Quality Baseline Analysis is Inadequate.**

First the air quality analysis cannot be adequate if it uses an erroneous baseline. *CBE v. SCAQMD*, *supra*. The DEIR fails to disclose that the San Francisco Department

of Public Health has determined Plan area has among the worst air quality in the City, due primarily to extreme traffic congestion. An SFDPH 2012 report states:

due to close proximity to freeways and high traffic roads, the area has some of the poorest air quality in the City, with 13% of households living in an area exposed to greater than 10ug/m<sup>3</sup> of fine particulate matter (PM 2.5) and 16% living in areas with ambient air pollution cancer risks greater than 100 in a million.<sup>15</sup>

Asthma and chronic obstructive pulmonary disease hospitalizations are approximately twice as high in Central SoMa as in the rest of the City.<sup>16</sup> Almost the entire Plan area is in an Air Pollution Exposure Zone (APEZ), meaning that airborne cancer risks exceed 100 per million. (DEIR, Figure IV.F-1). Without this critical baseline information, the DEIR analysis is meaningless. *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.*, 215 Cal. App. 4th 1013, 1049 (Cal. App. 4th Dist. 2013) (“Without a reasonable determination of the expected attendance at Hoover evening football games on completion of the Project, District may be unable to adequately compare the baseline attendance to expected attendance in determining whether there is a fair argument the Project may have a significant impact on traffic and/or parking.”<sup>22</sup> (Guidelines, §§ 15125, subd. (a), 15126.2, subd. (a); *Communities*, at p. 320 & fn. 5.)”)

In *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d at 718, the court concluded that an EIR inadequately considered an air pollution (ozone) cumulative impact. The court said: “The [ ] EIR concludes the project’s contributions to ozone levels in the area would be immeasurable and, therefore, insignificant because the [cogeneration] plant would emit relatively minor amounts of [ozone] precursors compared to the total volume of [ozone] precursors emitted in Kings County. The EIR’s analysis uses the magnitude of the current ozone problem in the air basin in order to trivialize the project’s impact.” The court concluded: “The relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but **whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin.**” (Emphasis added). The *Kings County* case was reaffirmed in *Communities for a Better Environment v. Cal. Res. Agency*, 103 Cal.App.4th at 116, where the court rejected cases with a narrower construction of “cumulative impacts.”

As in Kings County, given the already extreme air pollution problems facing the Plan area, the Project’s air quality impacts are even more significant. The DEIR glosses over this issue by failing to acknowledge the air pollution baseline.

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<sup>15</sup> Id. p. 3.

<sup>16</sup> Id. p. 22.

## **2. Plan Exceeds Applicable CEQA Significance Thresholds.**

The DEIR erroneously concludes that the Plan will have less than significant air quality impacts. (DEIR, p. IV.F-33). The DEIR bases this conclusion on the allegation that growth in VMT will be less than growth in population. *Id.* However, as discussed above, employee VMT will actually increase under the Plan. Therefore, this conclusion is contradicted by the facts and is arbitrary and capricious.

### **a. DEIR Violates SB 743 by Basing Air Quality Impacts on VMT.**

SB 743, expressly states that even if VMT is reduced (which it is not), the agency must still analyze air quality impacts and pedestrian safety impacts, among others. Pub. Res. Code §21099(b) states:

(3) This subdivision does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation. The methodology established by these guidelines shall not create a presumption that a project will not result in significant impacts related to air quality, noise, safety, or any other impact associated with transportation. Notwithstanding the foregoing, the adequacy of parking for a project shall not support a finding of significance pursuant to this section.<sup>17</sup>

The City has done precisely what is prohibited by SB 743. The City concludes (erroneously) that since the Plan reduces VMT, it does not have significant air pollution impacts. SB 743 prohibits this type of analysis and requires an independent analysis of air quality impacts. Therefore, the City has failed to proceed in a manner required by law and has thereby abused its discretion.

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<sup>17</sup> OPR Draft Regulations for SB 743, p. III:15 (Jan. 20, 2016) state:

Models can work together. For example, agencies can use travel demand models or survey data to estimate existing trip lengths and input those into sketch models such as CalEEMod to achieve more accurate results. Whenever possible, agencies should input localized trip lengths into a sketch model to tailor the analysis to the project location. However, in doing so, agencies should be careful to avoid double counting if the sketch model includes other inputs or toggles that are proxies for trip length (e.g. distance to city center). Generally, if an agency changes any sketch model defaults, it should record and report those changes for transparency of analysis. Again, trip length data should come from the same source as data used to calculate thresholds, to be sure of an "apples-to-apples" comparison.

**b. Plan Has Highly Significant Air Quality Impacts Related to Criteria Air Pollutants.**

The DEIR acknowledges that the BAAQMD has established CEQA significance thresholds for air pollution, and that these thresholds apply to the Plan. (DEIR, p. IV.F.1; IV.F-7; IV.F-35).

- Under BAAQMD CEQA Guidelines, a CEQA project with more than 510 apartments or condominiums will have significant emissions of the ozone precursor, reactive organic gases (ROGs). (DEIR, p. IV.F-35). The Plan will result in 14,400 new housing units in the Plan area – 28 times above the BAAQMD CEQA significance threshold!
- Under the BAAQMD CEQA Guidelines, a project with more than 346,000 square feet of office space will have significant emission of the ozone-precursor, nitrogen oxides (NO<sub>x</sub>). (DEIR, p. IV.F-35). The Plan will allow 10,430,000 square feet of office space – 30 times above the BAAQMD CEQA Threshold.

When an impact exceeds a duly adopted CEQA significance threshold, as here, the agency abuses its discretion if it refuses to acknowledge a significant impact. Indeed, in many instances, such air quality thresholds are the only criteria reviewed and treated as dispositive in evaluating the significance of a project's air quality impacts. See, e.g. *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 (County applies BAAQMD's "published CEQA quantitative criteria" and "threshold level of cumulative significance"). See also *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 110-111 ("A 'threshold of significance' for a given environmental effect is simply that level at which the lead agency finds the effects of the project to be significant"). The California Supreme Court recently made clear the substantial importance that a BAAQMD significance threshold plays in providing substantial evidence of a significant adverse impact. *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327 ("As the [South Coast Air Quality Management] District's established significance threshold for NO<sub>x</sub> is 55 pounds per day, these estimates [of NO<sub>x</sub> emissions of 201 to 456 pounds per day] constitute substantial evidence supporting a fair argument for a significant adverse impact"). The City has abused its discretion by failing to disclose the Plan's significant criteria air pollutant impacts. A recirculated DEIR is required to disclose this impact and propose all feasible mitigation measures.

**c. Plan Has Highly Significant Air Quality Impacts Related to Toxic Air Contaminants.**

Almost the entire Plan area is already listed as an Air Pollution Exposure Zone (APEZ), meaning air pollution-related cancer risk already exceeds 100 per million. (DEIR Figure VI.F-1). Under BAAQMD CEQA significance thresholds, any increase in cancer risk above 10 per million is considered significant. (DEIR, p. IV.F.23). The DEIR admits that "as a result of Plan-generated traffic ... excess cancer risk within the Air Pollutant Exposure Zone would increase by as much as 226 in a million and PM-2.5 concentrations would increase by up to 4.54 ug/m<sup>3</sup> at individual receptor points. These levels substantially exceed the thresholds identified in the Approach and Analysis subsection." (DEIR p. IV.F.-48). In other words, the Plan will cause cancer risk to almost triple in the Plan area, from 100 per million to 326 per million. The increase of 226 per million exceeds the CEQA significance threshold by 22 times. Of particular concern to the Neighbors is the fact that the property at 631 Folsom, is currently not with the APEZ. (DEIR Figure VI.F-1). However, with Plan implementation, the property will exceed the cancer risk threshold and it will be re-designated as part of the APEZ. (DEIR, Figure IV.F-3). This is a particular concern to the Neighbors because the building is not equipped with high efficiency air filtration (MERV-13), and the DEIR includes no mitigation measure to require retrofitting of existing buildings with filtration.

**d. The DEIR Contains Inadequate Air Pollution Mitigation and Alternatives.**

While the DEIR acknowledges that the Plan has significant impacts related to toxic air contaminants (TACs), it does not impose all feasible mitigation measures to reduce such impacts. The DEIR contains only four weak mitigation measures to reduce air quality impacts: 1) electrical hook-ups for diesel trucks at refrigerated warehouses; 2) low-VOC paints; 3) best available control technology for diesel back-up generators; and 4) "other measures" to reduce air pollutant emissions.

**i. DEIR Improperly Relies on Deferred Air Mitigation.**

The fourth mitigation measure is a clear example of deferred mitigation that is prohibited by CEQA. CEQA requires mitigation measures to be clearly set forth in the EIR so that the public may analyze them and their adequacy. "Other" undefined measures provides not specificity. Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead agency's decision makers and the public before certification of the EIR and approval of a project. The formulation of mitigation measures generally cannot be deferred until after certification of the EIR and approval of a project. Guidelines, section 15126.4(a)(1)(B) states: "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way."



"A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307.) "[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 (Communities).)

The fourth mitigation measure is a clear example of deferred mitigation prohibited by CEQA. A new DEIR is required to clearly identify specific mitigation measures that will be required to reduce air pollution impacts.

**ii. DEIR Fails to Analyze or Require all Feasible Mitigation Measures.**

There are numerous feasible mitigation measures that should be required to reduce the Plan's air quality impacts. The California Attorney General has published a list of feasible measures to reduce greenhouse gas emissions from projects and area plans. (Addressing Climate Change at the Project Level, California Attorney General's Office, Available at [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf), Exhibit E). These same measures would reduce the Plans emissions of NOx, ROGs and TACs. All of the measures in the Attorney General document should be analyzed in a revised DEIR and imposed a mandatory mitigation measures. These measures include, but are not limited to:

- Energy efficiency audits of existing buildings.
- Energy efficiency upgrades to existing buildings not otherwise required by law, including heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization (perhaps targeted to specific communities, such as low-income or senior residents).
- Programs to encourage the purchase and use of energy efficient vehicles, appliances, equipment and lighting.
- Programs that create incentives to replace or retire polluting vehicles and engines.
- Programs to expand the use of renewable energy and energy storage.
- Preservation and/or enhancement of existing natural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) that provide carbon sequestration benefits.
- Improvement and expansion of public transit and low- and zero-carbon transportation alternatives.
- Requiring solar photo-voltaic panels on all new and existing buildings.

- Require Energy Star Appliances in all new buildings.
- Require energy efficient lighting in all new buildings, particularly LED.
- Require all new buildings to be LEED certified.
- Require solar hot water heaters.
- Require water-efficiency measures.
- Require energy storage facilities to store solar energy.
- Require electric vehicle charging stations to encourage use of the clean cars.

All of these measures are feasible and should be analyzed in a revised DEIR.

**C. The Plan will have Significant Adverse Visual Impacts that are not Disclosed or Analyzed in the DEIR.**

The Plan will have significant adverse visual impacts because it conflicts with height and bulk prevailing in the area. As discussed above, the Plan is inconsistent with the Urban Design Element of the General Plan, which states:

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

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

(DEIR p. III-10). The Plan allows buildings of 350 feet or more in an area that the City admits is a mid-rise neighborhood. This is not only inconsistent with the General Plan, but also with the Plan's own Goal 8.3: "Reinforce the character of Central SoMa as a mid-rise district with tangible 'urban rooms.'" (DEIR, p. II-23). The DEIR states, "some observers could be more keenly aware of any increase in building height or overall density, and these observers could find these changes substantially disruptive." (DEIR, p. IV-B.32). The DEIR states that the "Plan would seek to retain the character of the mid-rise district, limiting the presence of high-rises to areas near transit stations," (DEIR, p. IV.B-34), yet by allowing 350 buildings on Second and Harrison, the Plan violates this principle.

As noted in the Central Corridor Plan, such tall buildings are inconsistent with the mid-rise character of the neighborhood. The City stated in the Central Corridor Plan, at page 32, "The predominant character of SoMa as a mid-rise district should be retained, and the presence of high-rises reduced by limiting their distribution and bulk." The Central Corridor Plan also stated:

Given the amount of high-rise space recently enabled through the Transit Center District Plan and goals to build on and complement the character of SoMa, this Plan does not envision high rise development as a major component of the Central Corridor Plan. Rather, it promotes the kind of mid-rise development that

is more in line with SoMa's current character and can also enable the large floorplate work spaces that are in high demand, yet difficult to find and secure, in central City locations.

In general, the mid-rise heights set by the plan provide for the same, and in some cases even more, density that would be provided with taller buildings. The large floor-plates possible on large development sites, combined with heights ranging from 8 to 12 stories, enables a significant amount of density. Conversely, the combination of necessary bulk limitations, tower separation requirements for high rise buildings and the realities of designing elegant tall buildings that maximize light, air and views to both tenants and the neighborhood, limits the amount of incremental additional development possible with a tower prototype. For instance, on a 100,000 square foot site, a mid-rise building at 130 feet in height would yield more development space than two 200-foot towers constructed above an 85-foot base on the same site.

However, to enable the option for more high-rise buildings, the Plan does include a High Rise Alternative, which amplifies height limits in certain areas, expanding opportunities for buildings taller than 130 feet.

Central Corridor Plan, p. 116. Having made these statements in the Central Corridor Plan, the City cannot not simply "unring the bell." *Stanislaus Audobon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4<sup>th</sup> 144. The DEIR's conclusion that the Plan has no significant visual impacts is arbitrary and capricious and ignore the conflicts with the General Plan. (DEIR, p. IV.B-33).

By allowing very tall buildings throughout the Plan area, the Plan conflicts with the Urban Design Element, and creates a significant aesthetic impact on the neighborhood. This impact must be disclosed and mitigated in a revised DEIR. The most obvious way to reduce this impact is for the City to adopt the Reduced Height (Mid-Rise) alternatives.

**D. The Plan will have Significant Adverse Growth-Inducing Impacts that are Inadequately Analyzed in the DEIR.**

CEQA requires that an EIR include a detailed statement setting forth the growth-inducing impacts of a proposed project. Pub. Res. Code Section 21100(b)(5). A proposed project is either directly or indirectly growth inducing if it: (1) fosters economic or population growth or requires additional housing; (2) removes obstacles to growth; (3) taxes community services or facilities to such an extent that new services or facilities would be necessary; or (4) encourages or facilitates other activities that cause significant environmental effects. CEQA Guidelines Section 15126.2(d). While growth inducing impacts of a project need not be labeled as adverse, the secondary impacts of growth (e.g., traffic, air pollution, etc.) may be significant and adverse. In such cases,

the secondary impacts of growth inducement must be disclosed as significant secondary or indirect impacts of the project. The analysis required is similar in some respects to the analysis required to analyze impacts associated with population and housing.

Urban Planner Terrell Watt, AICP, explains that the DEIR contains a discussion of Growth Inducement at Section V.D. The discussion acknowledges the proposed zoning changes under the Project would expand the Plan Area's capacity for growth through a planning horizon year of 2040, during which time up to an additional 14,500 residential units and up to an additional 63,600 jobs could be accommodated in the Plan Area. The discussion provides no analysis of the Project's potential to induce growth in accordance with CEQA, nor does the discussion reach any conclusions as to the significance of growth inducing impacts instead relying on the assertion that the growth allowed by the Project is simply an accommodation of growth projected for the region.

Watt states:

There is no question the Project will allow substantial growth in the Central SOMA neighborhood; more than an increase of 450 percent for jobs and at least 300 percent for housing. Due to the Project's high employment to housing ratio regardless of which jobs growth assumption, the Project will result in additional demand for housing in the Project area or beyond. In addition, substantial new non-residential and residential growth will require additional public services, likely including expansion and therefore construction of facilities in the neighborhood or adjacent neighborhoods. Yet the DEIR neither discloses or analyzes these impacts. CEQA requires that if new construction of housing will occur to accommodate the Project's employees or services expanded, then the EIR must analyze the environmental impacts of that construction. The appropriate components for an adequate analysis include: (1) estimating the amount, location and time frame for growth that may result from the implementation of the Project (e.g., additional housing); (2) considering whether the new population would place additional demands on public services such as fire, police, recreation, emergency, health, childcare or schools; (3) applying impact assessment methodology to determine the significance of secondary or indirect impacts as a result of growth inducement; and (4) identifying mitigation measures or alternatives to address significant secondary or indirect impacts. CEQA Guidelines Appx. G Section XIII(a). The DEIR must be revised to provide this analysis.

**E. The DEIR's Analysis of Population, Employment and Housing Impacts is Inadequate.**

The DEIR concludes that population, employment and housing impacts of the Plan will be less than significant. (DEIR Appendix B, Initial Study at page 82, DEIR in

reliance on the Initial Study at page I-2). As discussed by Urban Planner Terrell Watt, AICP, this conclusion is untenable and not supported by substantial evidence. Watt explains:

Instead of providing an adequate analysis of these impacts based on the current Project, the DEIR refers to the discussion of Population and Housing in the Initial Study in reaching its conclusion that impacts will be less than significant. There are many reasons this approach is flawed. First, accurate and consistent existing and projected population, housing and job growth are essential facts to support this conclusion. The Project addressed in the Initial Study and the DEIR are different and therefore the Initial Study cannot adequately analyze the Project as currently proposed. See e.g., Table 4, 5 and 6 in the Initial Study and Table IV-1 in the DEIR at page IV-6. Second, the conclusion that impacts associated with both direct and indirect population growth in the area will be less than significant is not supported by analysis, facts or evidence as required. The Project (Plan) clearly will add significantly to the population and employment of the Project area, changing the character of the area and increasing the jobs to housing imbalance. The Initial Study states that the Project (Plan) allows up to 56,400 new jobs by 2040 and an increase in population of 23,400. New housing units under the Project (Plan) total approximately 13,200 according to the Initial Study. DEIR Appendix B, Initial Study at page 85.<sup>18</sup> Despite this substantial increase in jobs, residents and housing, the Initial Study dismisses impacts as less than significant based on the assertion the growth is within projected growth for the City as a whole and that the Plan itself “would not result in direct physical changes to population or housing.” DEIR Appendix B, Initial Study at page 80. This is simply wrong. The Project (Plan) by allowing substantial development in the area including development projects proposed in reliance on the Plan and “that would be allowed under the Plan” will result in changes to the physical environment; changes that must be analyzed in the DEIR. (DEIR at page IV-8 to IV-10). The argument that the Project will result in less than significant impacts because growth is within regional and/or City-wide growth projections is contrary to CEQA’s requirement to analyze the significant impacts of a Project against existing conditions (setting) and for the project area. By any measure, the increase in growth as a result of the adoption of the Project is substantial and the numerous impacts associated with substantial new growth of jobs and housing significant as well.

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The additional of 25,000 new residents and 63,000 jobs will certainly increase need for a full range of services including schools, day care, police, fire, medical

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<sup>18</sup> It is noteworthy these growth assumptions are vastly different than presented in the Central SOMA Plan, DEIR, Financial Analysis and policy papers. See discussion of Growth Inducement in this letter for examples of the vastly different descriptions of growth under the Project.

and more. This increased demand would also further induce businesses to expand and new businesses would crop up to serve the larger population. This would require new employees and draw new residents to the area, who in addition to the direct employment generated by the Project, would also need housing. Neither DEIR nor Initial Study analyze these impacts. In addition, the Project includes Plan objectives implemented through zone changes to favor non-residential development over other kinds of growth and favoring office space and hotels. DEIR at II-13. The result of favoring non-residential over residential development is likely to be an even greater than disclosed jobs housing imbalance. The direct and indirect impacts of this growth must be disclosed and analyzed in a revised and recirculated DEIR.

**F. The Plan will have Significant Adverse Open Space Impacts that are not Disclosed or Analyzed in the DEIR.**

The DEIR admits that the Plan area suffers from an extreme lack of open space. South Park is the only Rec and Park property in the Plan area. (DEIR, p. II-31). However, the Plan creates almost no new open space area. Worse, it degrades existing open space areas by casting shadows on existing parks and POPOS throughout the Plan area, in violation of the General Plan. (See discussion above). Therefore the DEIR's conclusion that the Plan has no adverse open space impacts is arbitrary and capricious.

The DEIR should be revised to propose specific new open space areas. One prime opportunity for a new open space area is the parking lot located at 350 Second Street. The DEIR should consider other potential open space areas and parks, and also new POPOS throughout the area. This would support the Plan's own Objective, 5.2, "Create new public parks." (DEIR, p. II-31).

The DEIR should also require implantation of the Reduced Height Alternative as a way to reduce shadow impacts on South Park and other public open spaces in the Plan area.

**G. The Plan will have Significant Adverse Shadow Impacts that are not Disclosed or Analyzed in the DEIR.**

The DEIR erroneously concludes that the Plan does not have significant shadow impacts. (DEIR, p. IV.H-21). This finding ignores the Plan's inconsistency with the General Plan. As discussed above, The Plan is inconsistent with the Recreation and Open Space Element of the General Plan, Policy 1.9: Preserve sunlight in public open spaces. (DEIR, p. III-11). The DEIR admits that the Plan will create new shadow on several parks under the jurisdiction of the Recreation and Park Department, including South Park, Victoria Manalo Draves Park and Gene Friend Recreation Center, as well as several public open spaces. (DEIR, p. III-11). For example the DEIR admits that the

Plan will create new shadows on the only Rec & Park property in the Plan area, South Park, and “could increase shadow on portions of South Park during early morning and late afternoon hours from the spring equinox to the fall equinox (March through September). (DEIR, p. IV.H-35). In other words, the Plan will cast shadows on South Park for half of the year! Similarly, the DEIR admits that the Plan will cast shadows on the heavily used privately owned public open space (POPOS) located at 303 Second Street from noon “through much of the afternoon,” and shading up to one-third of the POPOS. (DEIR p. IV.H-38).

Given these conflicts with the General Plan, the DEIR’s finding that the Plan has no significant shadow impacts is arbitrary and capricious. The Reduced Height Alternative would reduce this impact and is feasible and would achieve all project goals.

**H. The Plan will have Significant Adverse Pedestrian Safety Impacts that are not Disclosed or Analyzed in the DEIR.**

The DEIR erroneously concludes that the Plan would have less than significant impacts related to pedestrian safety. (DEIR, p. IV.D-57). This conclusion is arbitrary and capricious and lacks substantial evidence. The Plan would triple the population and number of jobs in the Plan area, adding 25,000 new residents and 63,000 new jobs. This increase alone will increase the number of vehicles and pedestrians in the area, directly increasing the number of conflicts leading to pedestrian safety issues (accidents).

As a threshold matter, the DEIR fails to analyze the already severe pedestrian safety problem in the area that forms the CEQA baseline. The neighborhood has one of the highest incidences of pedestrian injuries in the City. As DPH stated, “The incidence of severe injuries and deaths related to collisions between vehicles and pedestrians, cyclists, and other vehicles is amongst the highest in the City. The situation for pedestrians is especially troubling, as the average annual number of pedestrian injuries and fatalities per 100 road miles is six times higher in the Plan area compared to the City as a whole (48 vs. 8).”<sup>19</sup> Tripling the number of pedestrians and increasing the number of vehicles will clearly increase pedestrian injuries.

The table on pages IV.D-58-59 of the DEIR clearly shows that the number of pedestrian at certain intersections in the Plan area will increase by as much as 6 times – 600%. For example the number of pedestrians at Fourth and King Streets will increase from a current level of 246 at peak hour to 1680. (DEIR, p. IV.D-58). Several other intersections will see increases in pedestrian traffic ranging from 2 to 7 times. At the same time, the Plan will drastically increase traffic congestion. The DEIR states, “The average delay per vehicle at the study intersections would increase with the addition of vehicle trips associated with development under the Plan... more vehicles

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<sup>19</sup> Id. p. 3.

would use Mission, Harrison, Fifth, and Sixth Streets, thereby increasing congestion on these streets.” (DEIR, p. IV.D-42). Increasing both pedestrian traffic and vehicle congestion is a recipe for increased pedestrian injuries. The DEIR conclusion to the contrary defies logic and is arbitrary and capricious. (See, SWAPE comment, p. 4-5). As pointed out by SWAPE, pedestrian safety impacts will be much worse than set forth in the DEIR because the document fails to consider all reasonably foreseeable projects, such as Pier 70, and 72 other specific project, all of which will add traffic to the area. Id.

Traffic Engineer Daniel T. Smith, PE, concludes that the Plan will have significant impacts on pedestrian and bicycle safety that are not disclosed or analyzed in the DEIR. Mr. Smith concludes that the Plan will drastically increase vehicle, bicycle and pedestrian traffic in the Plan area. As a direct result, it will increase risks to pedestrian safety. The EIR’s conclusion to the contrary is untenable. Mr. Smith states:

All these hazards clearly increase with the increase of incidence of conflicts, a product of motor vehicle, bike, and pedestrian volumes. These are ultimately a function of the intensity of resident and employment population in the Project area. The DEIR is flat wrong in concluding that increased potential for conflict does not represent a hazard in the study area, especially when the areas of conflict are also areas of undisclosed increases in traffic congestion that intensify the failure to perceive the conflict or induce behavior that results in crashes.

The DEIR is further unreasonable and unsupported in its assertion on page IV.D-41 that street network changes would reduce the potential for conflicts to the extent that it would reduce the incidence of conflict to levels such that would make the traffic hazards of implementation of the plan less than significant. It has conducted no analysis of conflict incidence with and without the Plan Project and with and without the Project’s purported roadway improvements. In fact, it has not relied in any way on the statistical records of accidents by location, type, movement pattern, and participant actions and impairments that are readily available to the City<sup>20</sup>. The entire analysis on this topic is inadequate and must be revised and recirculated in draft status. (Smith Comment, pp. 6-7).

**I. The Plan will have Significant Adverse Displacement Impacts that are not Disclosed or Analyzed in the DEIR.**

The DEIR erroneously concludes that displacement is not an environmental impact under CEQA. (DEIR, p. V-10). As a result, the DEIR does not analyze this impact. As discussed by Urban Planner Terrell Watt, AICP, the Plan is likely to result in

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<sup>20</sup> We refer to the Statewide Integrated Traffic Records System (SWITRS) in which the California Highway Patrol receives all traffic reports from all jurisdictions in the state and produces summaries by jurisdiction, by road segment and intersection location, by types of vehicle involved, movements, and causal factors including operator impairments or road deficiencies.



the displacement of large numbers of low and moderate income residents of the Plan area. These residents will be forced to move elsewhere, perhaps replacing short current commutes with long commutes to distant suburbs. This is an environmental impact that must be analyzed under CEQA.

CEQA requires the lead agency to determine whether the "environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly," (PRC § 21083(b)(3), (d)), and to "take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." See PRC §21000 et seq.

CEQA Guidelines Appendix G, Section XII provides that a project will have significant impacts where it will:

- Induce substantial population growth or concentration of population in an area, either directly (for example, by proposing new housing or businesses), or indirectly (for example, through extension of roads or other infrastructure);
- **Displace substantial numbers of existing housing** necessitating the construction of replacement housing elsewhere; or
- **Displace substantial numbers of people**, necessitating the construction of replacement housing elsewhere. See CEQA Guidelines Appendix G, Section XII.

Therefore, contrary to the DEIR's position, displacement is an environmental impact that must be analyzed under CEQA. See also, See Kalama D. Harris, Attorney General, "Environmental Justice at the Local and Regional Level," May 8, 2012, [http://oag.ca.gov/sites/all/files/pdfs/environment/ej\\_fact\\_sheet\\_final\\_050712.pdf](http://oag.ca.gov/sites/all/files/pdfs/environment/ej_fact_sheet_final_050712.pdf). (Exhibit E).

Here, the Plan is likely to displace numerous residents and commuters who currently live, work, commute, and recreate in the area. These residents will move to other areas, resulting in longer commutes and suburban sprawl. This impact must be analyzed in a revised DEIR. Mitigation measures should be considered, such as requiring additional low income housing.

Urban Planner Terrell Watt, AICP, concludes that the Plan will displace low-income current residents. Watt states:

The Project will inevitably lead to the displacement of low and moderate income residents because of the incentives provided through zoning and other mechanisms for new non-residential development in the Project area. Currently over 10,000 people live in the Central SOMA neighborhood or Project area in approximately 7800 housing units. These residents are among the most ethically

and economically diverse in the City with about 60% of residents people of color.<sup>21</sup> Although the median household income is slightly higher than the City average, the neighborhood has one of the highest levels of poverty with 31% of the population living at or below 200% of the poverty threshold.<sup>22</sup> Yet, the DEIR concludes that the Project (Plan) would not displace a large number of housing units or necessitate construction of replacement housing outside the Plan area finding this impact less than significant. DEIR Appendix B, Initial Study at page 86. The DEIR reaches this conclusion despite acknowledgement that the Project (Plan) could require the demolition of existing housing units within the Plan Area. The basis of the DEIR's conclusion is in short:

“From the perspective of the City's housing stock, the loss of housing units as a result of development under the Plan would be offset by the production of up to approximately 13,200 net new housing units (Initial Study page 86) within the Plan area in addition to residential development elsewhere in San Francisco as has been occurring and is expected to occur in the future, in addition to the fees paid for the jobs/housing linkage program and Inclusionary Affordable Housing.” DEIR Appendix B, Initial Study at pages 86-87.

The Initial Study contradicts this statement at page 85, noting that the project demand for housing created by the Project would be about 19,900 units, far surpassing the potential addition of about 11,700 units projected to be created in the Plan area by 2040. The current Project is projected to produce fewer housing units – approximately 7,500 – resulting in an even larger gap between new employees in the Project area and new housing units. There is no question the Project will generate a demand for housing beyond that proposed by the Project. A revised DEIR must acknowledge this impact and provide further evidence housing need will be met and where.

For these reasons the approach the DEIR takes to analysis of this potential impact falls short of CEQA's requirements for analysis, facts and evidence to support conclusions concerning impact significance.

**J. The Plan will have Significant Adverse Public Service Impacts that are not Disclosed or Analyzed in the DEIR.**

The DEIR concludes that the Plan will not have significant public service impacts on police, fire protection, and other public services. (DEIR, p. S-46). The DEIR states:

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<sup>21</sup> SF Dept of Public Health, Environmental Health, Sustainable Communities Health Assessment: Central Corridor Plan, page 6 (11-30-12).

<sup>22</sup> Id. p. 21

Development under the Plan and proposed street network changes would not increase the demand for police service or fire protection service such that new or physically altered facilities, the construction of which could cause significant environmental impacts, would be required in order to maintain acceptable levels of service. (DEIR, p. S-46).

The DEIR relies on the Initial Study for this conclusion. However, as discussed above, the project described in the Initial Study was entirely different from the Plan. It therefore provides no basis for the DEIR's conclusion.

This conclusion defies reason and is arbitrary and capricious. The Plan will triple the resident population if the area, and more than double the number of workers – adding 25,000 permanent residents and 63,000 workers. This is essentially like adding a population the size of a medium suburb to the City. It is preposterous to conclude that these 90,000 new workers and residents will not require any police, fire or other social services.

Urban Planner Terrell Watt explains, that the Plan will have highly significant public service impacts. The Initial Study acknowledges that specific development projects allowed under the Plan and associated increases in population and land use intensity would result in an increased demand for public services noting that the Southern Station (in 2013) receives approximately 25 % of the City's call for service. (Initial Study at page 120). The Central SOMA Neighborhood (Project area) faces "amongst the highest violent and property crime rates in the City"<sup>23</sup>. There is no question the addition of over 63,000 new jobs and 23,400 residents will result in significant demand for additional police and fire personnel and likely facilities and equipment. In addition, increased congestion on the Project area roads will likely result in reduced response times unless additional resources are provided in the area (e.g., sub-stations, other). A revised analysis of these impacts must be prepared and recirculated in a new DEIR.

#### **K. The DEIR Fails to Adequately Mitigate Significant Adverse Impacts to Public Transit.**

The DEIR admits that:

Transportation and Circulation, growth pursuant to the Plan would result in Muni ridership that would exceed Muni's capacity utilization standard on one corridor crossing the southeast screenline, as well as on two corridors crossing Plan-specific cordon lines. As described in Chapter II, Project Description, the Plan would also result in transit delay on a number of Muni lines, due to increased congestion. (DEIR, p. III-9).

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<sup>23</sup> SF Department of Public Health, Environmental Health, Sustainable Communities Health Assessment: Central Corridor Plan, p. 4.

The DEIR admits that the Plan would have significant and unavoidable impacts to public transit, and that “substantial increase in transit demand that would not be accommodated by local transit capacity.” (DEIR, p. IV.D-43).

Despite admitting this impact, the DEIR improperly defers mitigation. The DEIR states that “during the design phase, the SFMTA shall review each street network project ... and incorporate feasible street network design modifications.” (DEIR, p. IV.D-53). The DEIR also states that the City will “establish fee-based sources of revenue such as parking benefit district,” and shall “establish a congestion-charge scheme for downtown San Francisco.” (Id.) None of these mitigation measures are defined in the least. There is no way for the public to review the adequacy of these measures. They are classic deferred mitigation that is prohibited under CEQA. (See section above on deferred mitigation).

In addition, the “fee-based” mitigation has been held inadequate under CEQA, unless the specific source of the fee is identified and the specific measures to be funded are set forth in the EIR. The DEIR fails both of these tests. Mitigation fees are not adequate mitigation unless the lead agency can show that the fees will fund a specific mitigation plan that will actually be implemented in its entirety. *Napa Citizens for Honest Gov. v. Bd. Of Supervisors* (2001) 91 Cal.App.4th 342 (no evidence that impacts will be mitigated simply by paying a fee); *Anderson First Coal. v. City of Anderson* (2005) 130 Cal.App.4th 1173 (traffic mitigation fee is inadequate because it does not ensure that mitigation measure will actually be implemented); *Kings Co. Farm Bureau v. Hanford* (1990) 221 Cal.App.3d 692. But see, *Save Our Peninsula Comm v. Monterey Co.* (2001) 87 Cal.App.4th 99 (mitigation fee allowed when evidence in the record demonstrates that the fee will fund a specific mitigation plan that will actually be implemented in its entirety). *California Native Plant Society v. County of El Dorado et al.* (2009) 170 Cal. App. 4th 1026, held that the fee program had to have gone through CEQA review for an agency to say that the payment of the fee alone is adequate CEQA mitigation.

The DEIR fails to describe any specific mitigation measures to reduce the acknowledged impact to public transit, and fails to specify what measures will be funded. A revised DEIR is required to provide specific mitigation measures to reduce the Plan’s transit impacts.

**L. The Plan will have Significant Biological Impacts Related to Bird Strikes that are Inadequately Analyzed in the DEIR.**

The DEIR concludes that the Plan will not have significant biological impacts. Wildlife biologist, Dr. Shawn Smallwood, Ph.D. concludes that the DEIR’s conclusion ignores substantial evidence and that the Plan will have significant impacts on several species. (Smallwood Comment). In particular, placing large number of buildings,

particularly tall buildings, in the Plan area will result in thousands of bird deaths due to building collisions.

First, Dr. Smallwood concludes that the DEIR uses an improper baseline. The Initial Study and DEIR conclude that there will be insignificant impacts because the area is already urbanized. Dr. Smallwood points out that many protected species live in urbanized areas, and will have conflicts with the tall buildings proposed by the Plan. The DEIR ignores these impacts. The Initial Study relies on the California Natural Diversity Database to conclude that many species are not present in the area. Dr. Smallwood points out that the database is only used to confirm the presence of species, not the absence. Dr. Smallwood points out that the eBird database confirms the presence in the area of several protected bird species, including yellow warbler, brown pelican, and California gull, as well as multiple other species protected by the International Migratory Bird Treaty Act. A review of eBird also reveals the use of the area by many species of bird, including additional special-status species such as double-crested cormorant, tricolored blackbird, Peregrine falcon and Cooper's hawk. The eBird records reveal what any biologist should expect of San Francisco, and that is the use of the peninsula as a migration route by many species of bird. Building glazed or glass-facaded high-rises in the middle of this migration route will obviously destroy many migrating birds, and those birds not colliding with the buildings will have to exert extra energy during migration to fly around the buildings. Dr. Smallwood concludes that thousands of birds will be killed by collisions with buildings proposed to be built under the Plan, as well as by house cats owned by residents. These impacts are neither analyzed nor mitigated in the DEIR.

Dr. Smallwood concludes that while the San Francisco bird ordinance is laudatory, it is not sufficient to mitigate the bird-strike impact to less than significant. This impact should be analyzed in a revised DEIR to determine feasible mitigation measures and alternatives. A plainly feasible alternative would be to limit the number of very tall buildings, or to adopt the Reduced Height alternative.

#### **M. DEIR Fails to Adequately Analyze Cumulative Impacts.**

The DEIR has a patently inadequate cumulative impact section because it fails to consider the Plan's impacts together with almost 72 other projects that are reasonably foreseeable in the area. Clearly, the Plan's impacts will be much more significant when viewed together with these 72 other projects. SWAPE identifies 72 projects that are not accounted for in the DEIR, including the massive Pier 70 project, which will be in very close proximity to the Plan area (Dogpatch). Failure to analyze these cumulative projects renders the DEIR inadequate. (SWAPE Comment, p. 6-8).

An EIR must discuss significant cumulative impacts. CEQA Guidelines section 15130(a). This requirement flows from CEQA section 21083, which requires a finding that a project may have a significant effect on the environment if "the possible effects of

a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines section 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." CEQA Guidelines section 15355(a).

"The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." *Communities for a Better Environment v. Cal. Resources Agency* ("CBE v. CRA"), (2002) 103 Cal.App.4th 98, 117. A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." CEQA Guidelines § 15355(b).

As the court stated in *CBE v. CRA*, 103 Cal. App. 4th at 114:

Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

(Citations omitted).

In *Friends of Eel River v. Sonoma County Water Agency*, (2003) 108 Cal. App. 4th 859, the court recently held that the EIR for a project that would divert water from the Eel River had to consider the cumulative impacts of the project together with other past, present and reasonably foreseeable future projects that also divert water from the same river system. The court held that the EIR even had to disclose and analyze projects that were merely proposed, but not yet approved. The court stated, CEQA requires "the Agency to consider 'past, present, and probable future projects producing related or cumulative impacts . . .'" (Guidelines, § 15130, subd. (b)(1)(A).) The Agency must interpret this requirement in such a way as to 'afford the fullest possible protection of the environment.'" *Id.*, at 867, 869. The court held that the failure of the EIR to analyze the impacts of the project together with other proposed projects rendered the

document invalid. "The absence of this analysis makes the EIR an inadequate informational document." *Id.*, at 872.

A revised DEIR is required to consider the impacts of the Plan together with other reasonably foreseeable projects, including Pier 70.

### **VIII. THE DEIR ALTERNATIVES ANALYSIS IS LEGALLY DEFICIENT.**

The DEIR's alternatives analysis is legally deficient because it fails to acknowledge that the Reduced Height Alternative is the environmentally superior alternative. The Reduced Height Alternative would reduce almost all of the Plan's significant impacts, while still achieving all of the Plan's objectives. It is therefore the environmentally superior alternative.

An EIR must describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. "An EIR's discussion of alternatives must contain analysis sufficient to allow informed decision making." (*Laurel Heights I*, 47 Cal.3d at 404.) An EIR must also include "detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Id.* at 405.)

One of CEQA's fundamental requirements is that the DEIR must identify the "environmentally superior alternative," and require implementation of that alternative unless it is infeasible. (14 Cal.Code Regs. §1526.6(e)(2); Kostka & Zischke, *Practice Under the California Environmental Quality Act* §15.37 (Cont. Educ. Of the Bar, 2008).) Typically, a DEIR identifies the environmentally superior alternative, which is analyzed in detail, while other project alternatives receive more cursory review.

The analysis of project alternatives must contain an accurate quantitative assessment of the impacts of the alternatives. In *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733-735, the court found the EIR's discussion of a natural gas alternative to a coal-fired power plant project to be inadequate because it lacked necessary "quantitative, comparative analysis" of air emissions and water use.

A "feasible" alternative is one that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (Pub. Res. Code § 21061.1; 14 Cal. Code Regs. § 15364.) California courts provide guidance on how to apply these factors in determining whether an alternative or mitigation measure is economically feasible.

The lead agency is required to select the environmentally preferable alternative unless it is infeasible. As explained by the Supreme Court, an environmentally superior alternative may not be rejected simply because it is more expensive or less profitable:

The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.

(*Citizens of Goleta Valley v. Bd. of Supervisors* (1988) 197 Cal.App.3d 1167, 1180-81; see also, *Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322 (county's approval of 80 unit hotel over smaller 64 unit alternative was not supported by substantial evidence).)

The expert consultants at SWAPE conclude that the Reduced Heights Alternative is environmentally superior in that it reduces almost all of the Plan's significant impacts while still achieving all project goals. (SWAPE Comment, pp. 9-10). SWAPE includes a chart of impacts:

A summary of the impacts and percent reduction (if applicable) the Alternative would result in are provided in the table below.

Reduced Heights Alternative Impact Reductions	
Impact	Percent Reduction from Proposed Plan
Transit Ridership	(8%)
Pedestrian and Bicycle Operations	(8%)
Pedestrian Crowding in Crosswalks	Significantly Reduced
Bicycle Travel	Significantly Reduced
Demand for Off-Street Freight Loading Spaces	Significantly Reduced
On-Street Commercial Loading Spaces	Significantly Reduced
Curb Space for Passenger Loading/Unloading Zones	Significantly Reduced
Parking Demand	(10%)
Construction Activities	Significantly Reduced
Emissions of Criteria Air Pollutants, Greenhouse Gases (GHGs), and Traffic-Generated Toxic Air Contaminants (TACs)	Significantly Reduced

We have prepared the analysis below showing that the Reduced Heights Alternative is environmentally superior to all other alternatives. The chart relies on the DEIR's own conclusions for each impact.

DEIR: S-55		CENTRAL SOMA	NO PROJECT ALT by 2040	REDUCED HEIGHT	MODIFIED TODCO	LANDUSE VAR Excludes Residential Uses	LANDUSE ONLY Excludes street network
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JOBS + HOUSING	HOUSEHOLDS	14,400	9,200	12,400	12,700	12,900	14,400
	RESIDENTS	25,500	16,300				25,500
	JOBS	63,600	27,200	55,800	56,700	66,200	63,600
	TOTAL FLOOR AREA	31.7M SqFt	17.7M SqFt	27.6M SqFt	28.2M SqFt	30.5M SqFt	31.7M SqFt
GOALS	ABILITY TO MEET OBJECTIVES	ALL	SOME	MOST	MOST	MOST	MOST
LAND USE	PHYSICAL DIV OF COMMUNITY	LTS	=	=	=	=	=
	LAND USE CONFLICT	SUM	<	=	=	=	<
	CUM. LAND USE CONFLICT	SUM	<	=	=	=	<
AESTHETICS	VISUAL CHARACTER	LTS	<	=	=	=	=
	VIEWS / VISTAS	LTS	<	=	=	=	=
	LIGHT / GLARE	LTS	<	=	=	=	=
	CUM. AESTHETICS	LTS	<	=	=	=	=
CULTURAL	HISTORICAL RESOURCES	SUM	<	=	<	=	=
	HISTORICAL RESOURCES	LTS	NI	=	<	=	<
	HISTORICAL RESOURCES	LTSM	<	=	=	=	=
	ARCHEOLOGICAL RESOURCES	LTSM	<	=	=	=	=
	TRIBAL CULTURAL RESOURCES	LTSM	<	=	=	=	=
	PALEONTOLOGICAL RESOURCES	LTS	<	=	=	=	=
	HUMAN REMAINS	LTS	<	=	=	=	=
	CUM. HISTORICAL RESOURCES	SUM	<	=	=	=	=
	CUM. HISTORICAL RESOURCES	LTS	NI	=	<	=	<
	CUM. ARCH. RESOURCES	LTSM	<	=	=	=	=
	CUM. PALEONTOLOGICAL RES	LTS	<	=	=	=	=

TRANSPORT ATION + CIRCULATIO N	VMT	LTS	<	<	<	=	>
	TRAFFIC HAZZARDS	LTS	<	<	<	=	>
	TRANSIT	SUM	<	<	<	=	=
	PEDESTRIANS	SUM	<	<	<	=	=
	BICYCLISTS	LTS	>	=	=	=	>
	LOADING	SUM	<	<	=	=	=
	PARKING	LTS	<	<	<	=	=
	EVERGENCY VEHICLE ACCESS	LTSM	<	<	<	=	<
	CONSTRUCTI ON	SUM	<	<	<	=	<
	CUM. VMT	LTS	<	<	<	=	>
	CUM. TRAFFIC HAZZARD	LTS	<	<	<	=	>
	CUM. TRANSIT	SUM	<	<	<	=	=
	CUM. PEDESTRIANS	SUM	<	<	<	=	=
	CUM. BICYCLISTS	LTS	>	=	=	=	>
	CUM. LOADING	SUM	<	<	<	=	=
	CUM. PARKING	LTS	<	<	<	=	=
	CUM. EMERGENCY VEH. ACCESS	LTSM	<	<	<	=	<
	CUM. CONSTRUCTI ON	LTS	<	<	<	=	<
NOISE + VIBRATION	TRAFFIC NOISE	SUM	<	<	<	=	<
	CONSTRUCTI ON NOISE	SUM	<	<	<	<	=
	CONSTRUCTI ON VIBRATION	LTSM	<	<	<	<	=
	CUM TRAFFIC NOISE	SUM	<	<	<	<	<
AIR QUALITY	CONFLICT WITH CLEAN AIR PLAN	LTS	<	<	<	<	=
	CRITERIA AIR POLLUTANTS (PLAN)	LTS	<	<	<	<	=
	CRITERIA AIR POLLUTANTS (DEV)	SUM	<	<	<	<	=
	CRITERIA AIR POLLUTANTS (CONSTR)	LTSM	<	<	<	<	=
	PM2.5 + TACS (OPERATIONA	SUM	<	<	<	<	=

	L)						
	PM2.5 + TACS (CONSTRUCTI ON)	LTSM	<	<	<	<	=
	ODORS	LTS	<	=	=	=	=
	CUM. CRITERIA AIR POLLUTANTS	SUM	<	<	<	<	=
	CUM. PM2.5 + TACS	SUM	<	<	<	<	=
WIND	WIND	SUM	<	<	<	=	=
	CUM. WIND	LTS	<	<	<	=	=
SHADOW	SHADOW	LTS	<	<	=	=	=
	CUM. SHADOW	LTS	<	<	<	=	=
HYDROLOG Y + WATER QUALITY	FLOODING	LTS	=	=	=	=	=
	CUM. WASTEWATER	LTS	=	=	=	=	=
	CUM. FLOODING	LTS	=	=	=	=	=

Since the Reduced Heights Alternative reduces most Project impacts, while achieving almost all Project goals, the DEIR is arbitrary and capricious for failing to identify the Reduced Heights Alternative as environmentally superior.

#### IX. A REVISED DRAFT EIR MUST BE PREPARED AND RECIRCULATED FOR PUBLIC COMMENT.

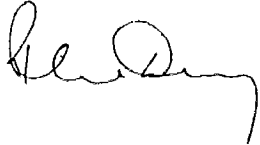
Recirculation of an EIR prior to certification is required "when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented (cf. Guidelines, § 15162, subd. (a)(1), (3)(B)(1)); (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance (cf. Guidelines, § 15162, subd. (a)(3)(B)(2)); (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project's proponents decline to adopt (cf. Guidelines, § 15162, subd. (a)(3)(B)(3), (4)); or (4) **that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless.**" *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal. 4th 1112, 1130, citing *Mountain Lion Coalition v. Fish & Game Comm'n* (1989) 214 Cal.App.3d 1043.

The DEIR is so fundamentally and basically inadequate, that recirculation of a new draft EIR will be required to allow the public to meaningfully review and comment on the proposed project.

## **X. CONCLUSION.**

The DEIR is woefully inadequate. A revised and recirculated draft EIR will be required to remedy the myriad defects in the document. The revised draft EIR should identify the Reduced Height (Mid-Rise) Alternative as the environmentally superior alternative, and consider it on equal footing to the Plan, as was done in the Central Corridor Plan. The City should also consider an alternative that limits building height to no more than 130 feet in the block bounded by I-80 and Folsom, and Second and Third Streets, and places a park at the current parking lot located at 350 Second Street. This modification will make the Plan much more consistent with the goals to limit tall buildings to the area near CalTrain and BART, while maintaining the mid-rise character of the rest of the neighborhood, and increasing much needed open space.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Drury', with a long horizontal flourish extending to the right.

Richard Toshiyuki Drury  
LOZEAU | DRURY LLP  
Counsel for Central SoMa Neighbors and SFBLU

# EXHIBIT A

Terrell Watt Planning Consultants  
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415-377-6280

February 13, 2017

Richard Drury  
Lozeau Drury, LLP  
410 12<sup>th</sup> Street, Suite 250  
Oakland, CA 94607

RE: Comments on Draft Environmental Impact Report for Proposed Central SOMA Plan, State Clearinghouse No. 2013042070

Dear Mr. Drury,

At your request, I have reviewed the Draft Environmental Impact Report ("DEIR") for the Proposed Central SOMA Plan ("Project" or "Plan").<sup>1</sup> My review focused on the DEIR's treatment of:

- Population, Employment and Housing
- Growth Inducement
- Shadows
- Open Space, Parks and Recreation
- Public Services
- Plan/Policy Consistency

In preparing these comments, I have reviewed the following information:

1. Draft Environmental Impact Report for the Central Soma Plan
2. Draft Environmental Impact Report Appendices
3. Draft Central SOMA Plan and Policy Papers
4. Financial Analysis of San Francisco's Central SOMA Plan

After carefully reviewing the DEIR for the Project including its Appendices, proposed Central SOMA Plan, and relevant policy papers, and Financial Analysis, I have concluded the DEIR fails in numerous respects to comply with CEQA and to fulfill CEQA's fundamental mandate. As

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<sup>1</sup> See Appendix A for Watt Qualifications

described below, the DEIR violates this law because it fails to analyze adequately the significant environmental impacts of the Project or propose sufficient mitigation measures in the form of Plan policies, provisions and land use designations to address those impacts. Where, as here, the EIR fails to fully and accurately inform decision-makers and the public of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute. Because of the DEIR's numerous and serious inadequacies, the City of San Francisco must revise and recirculate the document to permit an adequate understanding of the environmental issues and potential solutions (mitigation and alternatives). Consideration should also be given to preparing a revised NOP and Initial Study prior to a revised DEIR because the 2014 Initial Study is patently inadequate and describes a completely different project from the Plan set forth in the DEIR.

#### I. Context and Introduction

The Project (Plan) is described in many different documents and in each differently. Thus, it is difficult to fully understand the Project and impossible for the DEIR to adequately analyze the Project. Making it even more challenging to get a clear understanding of the Project are the numerous plan provisions that provide flexibility for future development of the Project Area such as transfer of development rights and state density bonus law as well as other considerations that could allow more development in the Area than reflected in the Project description or impact discussions. For these and other reasons below, there is no complete, stable and finite description of the Project (Plan) to guide the DEIR's analysis of impacts.

What is clear, despite the vastly different and changing Project descriptions throughout the Project record, is that the Project is expected to bring up to 63,600 jobs and up to 7,500 housing units to the Central SOMA Neighborhood over the next 25 years, doubling the employment population and tripling the resident population.<sup>2</sup> What is clear, is the Project will seriously exacerbate the Project area's and City's severe jobs-housing imbalance; an imbalance made worse by the fact that San Francisco now serves as a "bedroom community" for the Peninsula cities and San Jose.<sup>3</sup> What is clear is the Project's myriad community benefits are not certain and even if certain, will not offset the impacts of the Project. What is also clear is that the Project calls for extending the Financial District type High Rise development to the neighborhood -- not limited just to the sites adjacent to transit centers and hubs -- resulting in significant impacts including traffic congestion, shadows, declining air quality and displacement,

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<sup>2</sup> Assuming population figures provided in the DEIR, the Project would triple the resident population of 12,000 to 37,500; possibly quadruple as resident population may be closer to 10,000. The Project would more than double the employment in the area from a current level of approximately 45,600 jobs to 109,200 jobs. DEIR at page IV-6 and IV-5.

<sup>3</sup> Between 2000 and 20016, San Francisco reportedly added 88,000 new jobs and only 37,000 new housing units, many of which were not suited for families or accessible to the local workforce due to high prices and rents. Mayor's Office of Housing. During the same period, San Francisco has experienced an increase in high wage residents who commute daily to the Peninsula cities and Silicon Valley, furthering increasing the gap in San Francisco housing available to the local workforce.

among other impacts. Many of Project's stated goals<sup>4</sup> and anticipated results<sup>5</sup> are laudatory. However, the Project lacks the necessary policies, provisions and land use and designations to ensure those goals and results are in fact the outcome of adoption of the Project.<sup>6</sup>

At stake is one of the most diverse and vital neighborhoods in San Francisco. It is at the Area Plan stage that CEQA requirements fulfilled correctly can have the best result. Deferring further analysis and mitigation to project by project evaluation simply does not work for issues such as Plan Consistency, Population and Housing and Public Services, where it is at the planning stage appropriate and feasible mitigation must be made certain.

The DEIR's flaws are described in detail below. It is important to note here that the Project (Area Plan) is also flawed. As described the Plan as proposed departs from clear City policy, and although this Plan will guide development for 25 years until 2040, it fails to recognize rapidly changing times or present policy direction to deal with changes.<sup>7</sup> Examples of omissions in the Plan include but are not limited to the rapid increase in UBER, LYFT and other ride sharing services that have swamped our roads and provided an alternative to transit, the loss of families due to spiraling costs of housing and competition from high wage sectors, rapid increase in high wage jobs displacing existing jobs but also creating demand for services including a dramatic rise in delivery services and related fulfillment centers. In addition, the Plan does not take into consideration leading edge substantive policy solutions emerging from City Hall such as a required mix of housing units with a fixed minimum percent family "sized." Within the plans 25-year horizon, the City will also see self-driving cars and other vehicles. Some of these changes – including the advent of self-driving cars – could accelerate the reduction in land needed for vehicles and parking. These are but a few of the changes that have been occurring and are accelerating that must be addressed in the Area Plan. The City should pause both to revise the DEIR and to re-engage the public and experts and get this plan right.

## II. The Project Violates the California Environmental Quality Act

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<sup>4</sup> increase capacity for jobs and housing, maintain diversity of residents, prioritize walking, biking and transit, offer abundance of parks and recreational opportunities, preserve the neighborhoods cultural heritage, ensure new buildings enhance the character of the neighborhood. Central SOMA Plan at page 6.

<sup>5</sup> 33 percent of total units produced after the Plan adoption are affordable, no net loss of PDR, space for services, cultural preservation, etc. Central SOMA Plan at page 7.

<sup>6</sup> Such as reducing heights except adjacent to major transit hubs, certainty for production of affordable housing in the neighborhood prior to, or concurrent with job growth (policy link for certain number of housing units before jobs), certainty for more than one significant new park, emergency access improvements in place rather than deferred to a future street design, and the like.

<sup>7</sup> For example, substantive policy changes by the Board of Supervisors are taking aim at ensuring the City is for all families – "Family Friendly SF." Between 2005 and 2015, 61 percent of the 23,200 new units of market rate housing were studios and one bedrooms. SF Planning Department. The proposed Central SOMA Plan does not include policies with a required unit mix. A revised Plan that will purportedly guide growth until 2040 should start out being leading edge and a family friendly goal and implementing policies would be an essential component of that revised Plan.



A. The DEIR Provides an Incomplete and Inconsistent Description of the Project and the Project Setting (Baseline)

A fundamental requirement of CEQA is that an EIR contain an accurate and complete project description. Without a complete project description, an agency and the public cannot be assured that all the project's environmental impacts have been revealed and mitigated. Further, CEQA and the CEQA Guidelines mandate that an EIR include a description of the "physical environmental conditions . . . from both a local and a regional perspective. . . Knowledge of the regional setting is critical to the assessment of environmental impacts." CEQA Guidelines Section 15125(a) and (c). This requirement derives from the principle that without an adequate description of the project's local and regional context, the EIR – and thus the decision-makers, agencies and public who rely on the EIR – cannot accurately assess the potentially significant impacts of the proposed Project.

The Project in this case is the Central SOMA Plan (formerly the Central Corridor Plan), which purports to be a comprehensive plan for the area including important local and regional transit lines and hubs connecting Central SOMA to adjacent neighborhoods including Downtown, Mission Bay, Rincon Hill, Mission District as well as the broader region via freeways and the light rail that will link to the Caltrain Depot. The Plan's goals are laudatory including Central SOMA becoming a sustainable neighborhood, accommodating anticipated population and job growth, providing public benefits including parks and recreation, respecting and enhancing neighborhood character, preserving the neighborhoods cultural heritage, and maintaining the diversity of residents. DEIR at page S-1 and Goals S-2. Unfortunately, the Projects approach to achieving these goals -- including but not limited to emphasizing office uses, increasing heights throughout the neighborhood, and removing restrictions in the current Central Corridor Plan, accepting in-lieu and community benefits fees instead of requiring new parks, affordable housing and essential services and infrastructure be provided in the Plan Area concurrent with or prior to non-residential and market rate development -- will result in significant impacts to the Central SOMA Neighborhood and take the community farther from these goals.

1. Incomplete and Inconsistent Project Description

CEQA requires an EIR to be based on an accurate, stable and finite project description: "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. The DEIR lacks a complete and consistent description of the Project in numerous respects.

First, the DEIR relies on the Initial Study for the analysis of 11 environmental topics even though the DEIR and Initial Study contain two distinctly different descriptions of the Project. The Initial Study was published on February 12, 2014 (Appendix B to the DEIR). According to the DEIR, based on the Initial Study, the Project (Plan) could not result in significant environmental impacts for the following topics:

- Population and Housing
- Greenhouse Gas Emissions
- Recreation
- Utilities and Service Systems (except for wastewater treatment and storm drainage addressed in the DEIR)
- Public Services
- Biological Resources
- Geology and Soils
- Hydrology and Water Quality (except for sewer system operations and sea level rise addressed in the DEIR)
- Hazardous Materials
- Mineral and Energy Resources
- Agricultural Resources

See DEIR at page I-2. Based on the Initial Study, the DEIR provides no further substantive analysis of these impacts despite significant changes to the Project (Plan) summarized below.

The DEIR explains:

“Because the Initial Study analysis was based on a previous draft of the Plan circulated for review in 2013, the current 2016 draft of the Plan has been reviewed to ensure the Initial Study’s conclusions reached on the 2013 draft remain valid. No new information related to the draft 2016 Plan has come to light that would necessitate changing any of the Initial Study’s significance conclusions reached for the 11 topics that would be less than significant or less than significant with mitigation measures, which are included in the topical sections of Chapter IV, Environmental Setting, Impacts and Mitigation Measures, of this EIR. **As such, no further environmental analysis of these Initial Study topics is required in this EIR.” [emphasis added].**

This approach is fatally flawed since the 2014 Initial Study does not describe the current proposed Project (Plan) that is the subject of the DEIR. In addition to completely different project boundaries,<sup>8</sup> the Initial Study describes an entirely different project with respect to baseline (setting) than the current Project (Plan), and Project in terms of growth, employment and housing. Baseline data in the Initial Study is woefully out of date with respect to population and housing, traffic, air pollution as well as regional conditions. Also, the project described in the Initial Study has very different project goals. The Initial Study project has five goals:

1. Support transit-oriented growth, particularly workplace growth, in the Central Soma area.

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<sup>8</sup> The Initial Study describes a rectangular project area that extends from Market Street to Townsend and from Second Street to Sixth Street. The Central SOMA Plan and DEIR exclude about 11 square blocks and therefore completely different assumptions concerning growth and development, among other fundamental differences in Project description.

2. Shape the Central SoMa's urban form recognizing both City and neighborhood contexts.
3. Maintain the Central SoMa's vibrant economic and physical diversity.
4. Support growth with improved streets, additional open space, and other elements of "complete communities."
5. Create a model of sustainable growth.

By contrast, the DEIR Project has eight goals:

1. Increase the Capacity for Jobs and Housing
2. Maintain the Diversity of Residents
3. Facilitate an Economically Diversified and Lively Jobs Center
4. Provide Safe and Convenient Transportation that Prioritizes Walking, Bicycling and Transit
5. Offer an Abundance of Parks and Recreational Opportunities
6. Create an Environmentally Sustainable and Resilient Neighborhood
7. Preserve and Celebrate the Neighborhood's Cultural Heritage
8. Ensure that New Buildings Enhance the Character of the Neighborhood and the City

The Project's described respectively in the Initial Study and DEIR are entirely different given that the basic project goals are plainly different in respects that implicate substantively different physical and policy objectives.

Second and compounding the situation is that almost no two descriptions of the Project are the same in the documents in the Project record (e.g., Central SOMA Plan, DEIR, Initial Study, Policy Papers, Financial Analysis). Topical sections of the DEIR thus are based on inconsistent descriptions of the Project. Examples include, but are not limited to, the growth assumptions that are essential to accurately analyzing Project impacts across all environmental topics. Growth assumptions in the DEIR, Initial Study, Central SOMA Plan and Financial Analysis are vastly different:

Table IV-1 [DEIR], Summary of Growth Projections, presents the population and employment growth assumed in the Plan Area between 2010 (the base year for the analysis) and 2040 ("buildout year" or "planning horizon"). This growth amounts to approximately 14,400 additional households, approximately 25,500 additional residents and about 63,600 additional jobs under the Plan. DEIR at page IV-5.

Growth projected in the Initial Study includes up to 13,200 housing units (IS at page 85) and 56,400 new jobs (IS at page 81). In contrast, the Central SOMA Plan states: "With adoption of the Central SOMA Plan, there would be potential to build space for approximately to 45,000 jobs and 7,500 housing units. The Plan therefore represents an increase in development capacity of 450 percent for jobs and 300 percent for housing."

Central SOMA Plan at page 7. The Financial Analysis of San Francisco's Central Soma Plan<sup>9</sup> (December 2016) is based on different growth assumptions than presented in DEIR, Initial Study and Plan: "The vision of the Central Soma Plan is to create a sustainable and vital neighborhood in the area immediately surrounding the Central Subway (expected to open in 2019) in San Francisco's South of Market District. The Plan is projected to bring 40,000 jobs and 7,500 housing units to the area over the next 25 years."

Different growth assumptions are but one example of vastly different Project description information throughout the DEIR record. A revised DEIR must be completed with topical discussions based on a complete, finite and stable description of the Project. Ideally, the revised DEIR would be preceded by a revised NOP and Initial Study so that all descriptions of the Project in the record are the same.

Finally, the Project Description section of the DEIR is incomplete and lacks details critical to supporting adequate impact analyses including but not limited to information about the type of housing and jobs the Project will allow. To compensate for the lack of detail, some topical discussions essentially create Project description details to support analysis. Examples include the spatial representation of growth in the Shadow analysis, TAZ detail in the Transportation section and the prototypical development projects invented in the Financial Analysis. These more detailed topical representations of the Project also vary from one another. A revised DEIR with a complete description of the Project is essential to support revised topical analyses. The revised Project description should also describe in detail the policy and financial (community benefits) proposals in the Plan that the DEIR and Initial Study rely on to reach conclusions concerning impact significance. For example, the DEIR and Initial Study conclude that impacts associated with displacement of units and households will be less than significant based on a suite of affordable housing programs that purportedly will offset what otherwise would be a significant impact. (e.g., Project Area tailored fees, offset requirements, among others included in the proposed community benefits program for the Project and in the Plan). These are not described in the Project description, nor is there any analysis to demonstrate exactly how these programs and fees will result in mitigating Project impacts associated with growth inducement and jobs-housing imbalance, among other significant impacts of the Project.

## **2. The DEIR Includes an Inadequate Baseline**

The DEIR fails to adequately describe baseline conditions in the Plan Area, including information about the Project area and regional setting. Setting or environmental baseline information is as essential to adequately disclosing and analyzing project-related and cumulative impacts as a complete and consistent Project description. Without adequate and complete information

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<sup>9</sup> The Financial Analysis is intended to implement the Plan's public benefits and as such it is of critical importance it be based on a stable and finite Project description that is consistent throughout the Plan, DEIR and other related documents. That is not the case and as such, a revised DEIR and revised policy papers and financial analyses must be completed based on a consistent, stable, complete and finite Project description.

about the setting, it is not possible to determine whether the Project improves or makes worse existing environmental conditions.

Examples of regional baseline setting information that is missing from the DEIR includes but is not limited to the following.

a. Affordable, Workforce and Family Friendly Housing

The DEIR must analyze the potential for the Project to displace existing housing, create demand for additional housing and displace people requiring construction of replacement housing elsewhere. To perform this analysis, it is essential the DEIR include in the description of the Project baseline (setting) details concerning existing affordable units, including deed restricted housing, family housing, senior housing and housing affordable to the workforce<sup>10</sup> in the Project area. Information concerning affordable housing in the Project area is incomplete, consisting only of the following:

“The Plan area contains approximately 7,800 residential units, approximately 6,800 households, and a population of approximately 12,000 people, according to Planning Department data. This accounts for just two percent of the City’s total number of households. According to the Plan, South of Market and the Plan area in particular, are home to a large amount of deed restricted affordable housing; about 15 percent of the housing is deed-restricted for low income residents, compared to 4.5 percent citywide.”  
DEIR Appendix B, Initial Study at page 78.

Without current and complete information about the existing housing stock in the Project Area, the DEIR cannot adequately analyze the Project’s impact on affordable, workforce, senior and family friendly housing and households and conclusions concerning the significance of Project-related and cumulative impacts cannot be supported by facts and evidence. The DEIR must be revised to include this and other baseline information.

b. Existing Jobs-Housing Balance and Fit with the Project Area, City and Region

The DEIR must analyze the potential for the Project to make worse the existing imbalance of jobs and housing in the Project area as well as the City and region. Finding the right jobs-housing balance has long been an important concern for urban planners and an important policy consideration for general and area plans. More recently, attention has turned to jobs-housing fit – the extent to which housing price and rent is well matched to local job salary and quality. Both the Initial Study and DEIR are silent on the matter of jobs housing fit and fail to adequately address the issue of jobs housing balance. The DEIR should be revised to describe the existing job-housing balance and fit for the Project area, adjacent planning areas, the City

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<sup>10</sup> Workforce housing is housing at the lower end of market rate serving households with up to 200% of median income and often referred to as the “missing middle” or gap in affordable housing in San Francisco. Voters recently approved funding to build more housing, including for the SF workforce.

and region. Updated baseline information must include a description of changes in demand for housing in San Francisco due to the choice by Peninsula and Silicon Valley employees to reside in San Francisco and relevant to the DEIR's analysis, how this change is increasing housing costs, increasing competitive for scarce housing stock and displacing existing residents. This information is not only necessary to adequately analyze environmental topics such as displacement and Project demand for new housing, but it is also essential to determining the extent to which the Project will increase commuting, traffic and vehicle miles traveled. Therefore, without this information, the full impacts associated with air quality and greenhouse gas emissions, among other impacts cannot be adequately analyzed and conclusions concerning the significance of Project-relation and cumulative impacts cannot be supported by facts and evidence. The DEIR must be revised to include this and other baseline information.

**c. Public Services**

The DEIR must analyze the Project's impacts on a wide array of essential public services, including but not limited to fire, police, emergency, health-care, child-care as well as schools. Neither the DEIR nor the Initial Study contain the information needed to support an adequate analysis of the Project's impacts to public services. Information about public services is out of date and incomplete. For example, the scant information on police and fire services dates back to 2012 and 2013, and lacks any information about the City's service standards, existing capacity and unmet needs. See DEIR Appendix B, Initial Study at pages 118 and 119. A great deal has changed in a very few years since the incomplete baseline information on services was presented in the Initial Study due to rapid growth in the City post-recession that has not been accounted for in the Initial Study setting information concerning services. The DEIR must be revised to include this and other baseline information. Without this information, adequate analysis of the Project's impacts is impossible and conclusions concerning impact significance cannot be supported by facts and evidence.

**B. The DEIR's Analysis of, and Mitigation for, the Impacts of the Project Are Inadequate**

The discussion of a project's environmental impacts is at the core of an EIR. See CEQA Guidelines Section 15126(a). As explained below, the DEIR's analysis of the Project's environmental impacts are deficient under CEQA because the DEIR fails to provide the necessary facts and analysis to allow the City and the public to make informed decisions about the Project, mitigation measures and alternatives. An EIR must contain facts and analysis, not just bare conclusions. A conclusion regarding the significance of an environmental impact that is not based on analysis of the relevant facts fails to fulfill CEQA's information mandate.

Additionally, an EIR must identify feasible mitigation measures to mitigate significant environmental impacts. CEQA Guidelines Section 15126.4. Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation

measures available which would substantially lessen the significant environmental effects of such projects. . . .” Pub. Res. Code Section 21002.

As explained below, the DEIR fails to provide decision-makers and the public with detailed, accurate information about the full breadth of the Project’s potentially significant impacts with respect to growth inducement, population and housing, shadows, parks and recreation, public services and plan consistency. The DEIR’s cumulative analysis of these impacts is also deficient. Where the DEIR fails to adequately analyze the Project-related impacts, the cumulative analysis cannot be adequate. Further, the DEIR does not identify and analyze feasible mitigation measures that would reduce or avoid such impacts.

#### 1. The DEIR’s Analysis of the Project’s Growth-Inducing Impacts is Flawed

CEQA requires that an EIR include a detailed statement setting forth the growth-inducing impacts of a proposed project. Pub. Res. Code Section 21100(b)(5). A proposed project is either directly or indirectly growth inducing if it: (1) fosters economic or population growth or requires additional housing; (2) removes obstacles to growth; (3) taxes community services or facilities to such an extent that new services or facilities would be necessary; or (4) encourages or facilitates other activities that cause significant environmental effects. CEQA Guidelines Section 15126.2(d). While growth inducing impacts of a project need not be labeled as adverse, the secondary impacts of growth (e.g., displacement of households, demand for additional housing and services, traffic, air pollution, etc.) may be significant and adverse. In such cases, the secondary impacts of growth inducement must be disclosed as significant secondary or indirect impacts of the project. The analysis required is similar in some respects to the analysis required to analyze impacts associated with population and housing.

The DEIR contains a discussion of Growth Inducement at Section V.D. The discussion acknowledges the proposed zoning changes under the Project would expand the Plan Area’s capacity for growth through a planning horizon year of 2040, during which time up to an additional 14,500 residential units and up to an additional 63,600 jobs could be accommodated in the Plan Area.<sup>11</sup> The discussion provides no analysis of the Project’s potential to induce growth in accordance with CEQA, nor does the discussion reach any conclusions as to the significance of growth inducing impacts instead relying on the assertion that the growth allowed by the Project is simply an accommodation of growth projected for the region.<sup>12</sup>

The DEIR presents growth assumptions at page IV-5 as follows:

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<sup>11</sup> Growth directly allowed by the Project is equivalent in scale to a new town, small suburb or city. Under no reasonable interpretation could the growth proposed by the Project be considered insignificant and therefore, by extension, the impacts of that growth – on services, housing demand, air quality, etc. -- are also significant.

<sup>12</sup> It goes without saying that even if the growth reflects projected growth for the region, that growth had the potential to significantly impact the Project area; impacts not adequately considered or analyzed in the regional plans and accompanying environmental documents.

“Citywide growth forecasts prepared by the Planning Department are part of the basis of the analysis in this EIR. The Department regularly updates citywide growth forecasts that are based on Association of Bay Area Governments’ (ABAG) regional projections of housing and employment growth. The Department allocates the regional growth forecasts to 981 Traffic Analysis Zones (TAZs) in San Francisco by first accounting for in-city growth that is already anticipated (both individual projects and planning efforts) in the so-called development pipeline, subtracting pipeline growth from the City’s share of the regionally forecast growth, and allocating the residual amount of ABAG-forecast growth on the basis of weighting factors developed from analysis of both development capacity and existing development. **To establish baseline numbers for the Plan, the Planning Department relied on a 2010 Dun & Bradstreet database for employment numbers and the 2010 Census and the Department’s Land Use Database for existing housing units. It is noted that the growth forecasts for the No Project condition (2040 Baseline) and for the Plan differ somewhat from those shown in the Initial Study due to modifications to the Plan since the Initial Study was published.** Footnote 60.

Table IV-1, Summary of Growth Projections, presents the population and employment growth assumed in the Plan Area between 2010 (the base year for the analysis) and 2040 (“buildout year” or “planning horizon”). This growth amounts to approximately 14,400 additional households, approximately 25,500 additional residents and about 63,600 additional jobs under the Plan. It is noted that a certain amount of development and growth in the Plan Area would be expected to occur even without implementation of the Plan. In many cases, existing development does not reach its full potential under current building height limits, and those parcels could be developed regardless of future changes in land use policies and zoning controls. Development that could occur without project implementation is shown in the table below under the No Project scenario.” DEIR at page IV-5.

Footnote 60 explains: “Since publication of the Initial Study, Plan development assumptions have been modified to add development capacity to a portion of the block bounded by Bryant, Fifth, Brannan, and Sixth Streets (location of the San Francisco Flower Mart) and allow for approximately 430 units of affordable housing at Fifth and Howard Streets. In addition, development forecasts were adjusted to move the approved 5M Project and the under-construction Moscone Center Expansion from Plan-induced growth to cumulative growth. These modifications to the growth assumptions would not result in substantial or more severe physical impacts for topics evaluated in the Initial Study.” [DEIR at page IV-5]

Vastly different growth assumptions are presented elsewhere in the Central SOMA Plan, DEIR, Appendices and Policy Papers. For example, the Central SOMA Plan states: “With adoption of the Central SOMA Plan, there would be potential to build space for approximately to 45,000 jobs and 7,500 housing units. The Plan therefore represents an increase in development capacity of 450 percent for jobs and 300 percent for housing.” Central SOMA Plan at page 7.



The Financial Analysis of San Francisco's Central Soma Plan<sup>13</sup> (December 2016) is based on different growth assumptions than presented in DEIR, Initial Study and Plan: "The vision of the Central Soma Plan is to create a sustainable and vital neighborhood in the area immediately surrounding the Central Subway (expected to open in 2019) in San Francisco's South of Market District. The Plan is projected to bring 40,000 jobs and 7,500 housing units to the area over the next 25 years."

There is no question the Project will generate substantial growth in the Central SOMA neighborhood; more than an increase of 450 percent for jobs and at least 300 percent for housing. Due to the Project's high employment to housing ratio, regardless of which jobs growth assumption is used, the Project will result in additional demand for housing in the Project area or beyond. In addition, substantial new non-residential and residential growth will require additional public services, likely including expansion and therefore construction of facilities in the neighborhood or adjacent neighborhoods of a myriad of services. Yet the DEIR neither discloses or analyzes these impacts. CEQA requires that if new construction of housing will occur to accommodate the Project's employees or services expanded, then the EIR must analyze the environmental impacts of that construction. The appropriate components for an adequate analysis include: (1) estimating the amount, location and time frame for growth that may result from the implementation of the Project (e.g., additional housing); (2) considering whether the new population would place additional demands on public services such as fire, police, recreation, emergency, health, childcare or schools; (3) applying impact assessment methodology to determine the significance of secondary or indirect impacts as a result of growth inducement; and (4) identifying mitigation measures or alternatives to address significant secondary or indirect impacts. CEQA Guidelines Appx. G Section XIII(a). The DEIR must be revised to provide this analysis and based on this analysis, to revise other environmental analyses including but not limited to population and housing, transportation, air quality, among other topics where impacts are derived in part from direct and indirect growth assumptions.

## 2. The DEIR's Analysis of and Mitigation for the Project's Population, Employment and Housing Impacts is Inadequate

The DEIR's approach to analysis of population and housing does not adequately analyze Project-related impacts associated with changes that would occur with Project (Plan) implementation to the population, including employment and residential growth. Instead of actually analyzing the Project's impacts related to population and housing, the DEIR, in reliance on the Initial Study, asserts that all impacts both direct and indirect will be less than significant. Neither the DEIR or the Initial Study contain facts or evidence to support this conclusion. The result is a lack

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<sup>13</sup> The Financial Analysis is intended to implement the Plan's public benefits and as such it is of critical importance it be based on a stable and finite Project description that is consistent throughout the Plan, DEIR and other related documents. That is not the case and as such, a revised DEIR and revised policy papers and financial analyses must be completed based on a consistent, stable, complete and finite Project description.

of information about the actual severity and extent of impacts associated with significant growth in population, jobs and housing. For a Project (Plan) that will guide development of the Area for 25 years (until 2040) and likely be the basis of streamlined permitting for development projects (see e.g., DEIR at page 1-7), it is especially important that the DEIR comprehensively identify and analyze its impacts on growth, population, housing and employment.

In reaching the conclusion that impacts related to population and housing are less than significant, the DEIR points to the following documents: Initial Study (DEIR Appendix B at pages 77 to 88); DEIR Chapter II, Project Description; and Section IV.A Land Use and Land Use Planning. DEIR at page I-3. The Initial Study notes that the population growth accommodated in the Plan could result in physical changes related to transportation, air quality, noise and public services and utilities, as well as other environmental resource areas and suggests these impacts are addressed in the respective environmental topic sections, but finds impacts to be less than significant.

In determining impact significance associated with growth in population, employment and housing, CEQA requires analysis of the following topics (see Appendix B, Initial Study at page 77):

- Would the project induce substantial population growth in the area, either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?
- Would the project displace substantial number of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?
- Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

In addition to these questions, the DEIR must also answer the question would the project result in a greater imbalance between jobs and housing, including jobs housing fit,<sup>14</sup> to address potentially significant impacts associated with increased vehicle miles traveled (greenhouse gas, air quality, traffic, etc.), as well as to analyze the potential for the Project to generate increased demand for housing, services and infrastructure.

The DEIR's analysis of these potential impacts associated with population, employment and housing is inadequate for all of the following reasons.

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<sup>14</sup> Jobs-Housing fit means the extent to which housing prices or rents are matched to the local job salary ranges. Jobs-Housing balance provides a general sense of how in or out of balance housing to fit the local workforce may be. Jobs-Housing fit provides an essential and more granular sense of whether – even if in balance – local employees are able to reside locally or must commute long distances for housing affordable to them and their families. Without jobs-housing fit information, readily available using Census and other data, it is not possible for the DEIR to adequately analyze many Project-related and cumulative impacts including demand for new housing and vehicle miles traveled, among others.

First, as described above, there is no consistent, stable and finite Project description as to the growth allowed by the Project. For this topic, the DEIR relies on the Initial Study for analysis. Here, as noted above, the Initial Study is based on a different Project in terms of Project Area boundary, allowed growth and other project details. Discussions in the Initial Study are based on out date, inconsistent and incomplete setting (environmental baseline) information including but not limited to information about the number of existing housing units and affordable housing units, the number and type of jobs in the Project area, as well as other information necessary for an adequate analysis of impacts associated with population and housing. For these reasons alone, a revised DEIR must evaluate the impacts of the Project with respect to population and housing and identify mitigation for impacts as they are likely significant.

Second, the DEIR errs in relying on the Initial Study's discussion of impacts related to population and housing as the required analysis of these impacts. The Initial Study fails to adequately consider the direct and indirect environmental impacts from the Project's increased housing and job creation. The Initial Study's discussion of impacts related to population and housing is incomplete and conclusory in specific respects as described by impact topic below.

- Would the project induce substantial population growth in the area, either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?

The DEIR concludes that development under the Project would not induce substantial population growth, either directly or indirectly and therefore this impact is Less than Significant. DEIR Appendix B, Initial Study at page 82, DEIR in reliance on the Initial Study at page I-2.

The basis for this conclusion is that although development under the Project (Plan) would result in greater development density within the Plan area compared to existing zoning, the development projects that could be proposed and approved pursuant to the proposed zoning controls would accommodate population and job growth already identified for San Francisco, and projected to occur within City boundaries, and thus would not induce substantial population growth, either directly or indirectly. DEIR Appendix B, Initial Study at page 82. According to the Initial Study:

“Regardless of the scenario and associated population projections, none of the Plan options or variants would stimulate new population or job growth within San Francisco that is not already projected to occur by regional growth forecasts and regional air quality planning efforts. For San Francisco, this includes a projected increase of approximately 101,000 households and 191,000 jobs during the period from 2010 to 2040 (see Growth Anticipated in Local and Regional Plans, above). The Plan policies would not trigger the need for roadway expansions or result in the extension of infrastructure into previously unserved areas. Rather by allowing for more density

within the Plan area, and accommodating growth that is projected to occur within San Francisco, development under the plan would have the effect of alleviating development pressure elsewhere in the City and promoting density in the already urbanized and transit-rich Plan area. Therefore, the Plan would not induce substantial population growth beyond that anticipated by regional forecasts, either directly or indirectly, and this impact would be less than significant.” DEIR Appendix B, Initial Study at page 84.

Instead of providing an adequate analysis of these impacts based on the current Project, the DEIR refers to the discussion of population and housing in the Initial Study in reaching its conclusion that impacts will be less than significant. There are many reasons this approach is flawed. First, accurate and consistent existing and projected population and housing and job growth are essential facts to support this conclusion. The Project addressed in the Initial Study and the DEIR are different and therefore the Initial Study cannot adequately analyze the Project as currently proposed. See e.g., Table 4, 5 and 6 in the Initial Study and Table IV-1 in the DEIR at page IV-6. Second, the conclusion that impacts associated with both direct and indirect population growth in the area will be less than significant is not supported by analysis, facts or evidence as required. The Project (Plan) clearly will add significantly to the population and employment of the Project area, changing the character of the area and increasing the jobs to housing imbalance. The Initial Study states that the Project (Plan) allows up to 56,400 new jobs by 2040 and an increase in population of 23,400. New housing units under the Project (Plan) total approximately 13,200 according to the Initial Study. DEIR Appendix B, Initial Study at page 85.<sup>15</sup> Despite this substantial increase in jobs, residents and housing, the Initial Study dismisses impacts as less than significant based on the assertion the growth in within projected growth for the City as a whole and that the Plan itself “would not result in direct physical changes to population or housing.” DEIR Appendix B, Initial Study at page 80. This is simply wrong. The Project (Plan) by allowing substantial development in the area including development projects proposed in reliance on the Plan and “that would be allowed under the Plan” will result in changes to the Project Area’s physical environment; changes that must be analyzed in the DEIR and were not analyzed in City-wide or regional plans or related environmental documents. (DEIR at page IV-8 to IV-10). The argument that the Project will result in less than significant impacts because growth is within regional and/or City-wide growth projections is contrary to CEQA’s requirement to analyze the significant impacts of a Project against existing conditions (setting) and for the project area. By any measure, the increase in growth as a result of the adoption of the Project is substantial and the numerous impacts associated with substantial new growth of jobs and housing significant as well.

A revised analysis must be completed and recirculated with the following elements:

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<sup>15</sup> It is noteworthy these growth assumptions are vastly different than presented in the Central SOMA Plan, DEIR, Financial Analysis and policy papers. See discussion of Growth Inducement in this letter for examples of the vastly different descriptions of growth under the Project.

- A complete, stable and consistent description of the Project in terms of growth allowed and broken out by potential new housing units, housing affordability, potential new households, population and employment (employment by general category of job and employees by general salary range), among other information necessary to undertake the analysis. To resolve the inconsistencies and confusion between the Initial Study and DEIR, a revised NOP/IS should be recirculated in advance of a new Draft EIR.
- Complete, consistent and up to date baseline (setting information) including but not limited to existing population and demographical information, housing, housing affordability, deed restricted units, type of units (e.g., senior, family, other) households, population and employment (by general category of jobs; e.g., service, tech, and general salary ranges).<sup>16</sup>
- Analysis of the impacts associated with growth of housing, population and employment within the Project Area in terms of both direct (new homes or businesses) and indirect impacts (demand for infrastructure or services). The California Courts have established a framework for considering population-related impacts. When analyzing these impacts, an EIR should identify the number and type of housing units that persons working in the project area can be anticipated to require, and identify the probable location of those units. The EIR also should consider whether the Project includes sufficient services and public facilities to accommodate the anticipated increase in population. If it is concluded that the Project area lack sufficient units and/or services, the EIR should identify that fact and explain that action will need to be taken and what that action entails so that indirect impacts can be disclosed and analyzed. Once the EIR determines the action needed to provide sufficient housing, services and public facilities, CEQA then requires an examination of the environmental consequences of such action.

A complete analysis of population growth thus requires two distinct and logical steps. First, an EIR must accurately and completely estimate the population growth that a project would cause, both directly and indirectly. Specifically, in this case, the DEIR must estimate the population growth accommodated by the new housing and the number of employees the Project will require as compared with existing baseline conditions, including whether those employees are likely to be new to the area and region and generally what the types of employment and commensurate salary ranges may be.<sup>17</sup> Guidelines Appx. G Section XII(a) directing analysis of whether project would induce substantial population growth. The DEIR also must consider the

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<sup>16</sup> All available by census and other readily accessible data sources.

<sup>17</sup> The Central SOMA Plan provides parameters for new development that provide a clear sense of the type of new growth in employment that will result from Plan adoption. That is how the Financial Analysis prepared by Seifel Consulting, Inc., was able to derive detailed prototypical developments for the Plan Area based on the Central SOMA Plan. This same approach needs to be taken to developing a complete Project description.

growth that a project would indirectly cause, whether through stimulating the local economy so that new employment opportunities draw new population or by providing infrastructure that allows new residential construction. Guidelines Section 15126.2(d) ("Discuss the ways in which the proposed project could foster economic or population growth. . . .").

Step two in analyzing the impacts of population growth is to consider the environmental impacts of serving that estimated new direct and indirect population. Thus, the EIR must not only evaluate whether a project would induce substantial growth, but also whether such growth would require construction of new housing, infrastructure or services, including roadway improvements for emergency vehicle passage,<sup>18</sup> child care and schools. Guidelines Appx. G Section XII(a). (c). If new construction will occur, then the EIR must analyze the environmental impacts of that construction. The EIR must also consider whether the new population would place demands on public services, including schools and roads. Guidelines Appx. G Section XIII(a). The EIR then must consider the environmental impacts of providing such facilities if they are necessary.

Here the Initial Study relied on by the DEIR for the analysis failed to consistently and accurately estimate and analyze direct and indirect population growth caused by the Project. The DEIR does not disclose that the Project would also indirectly induce additional people to move to the area, which could result in additional potentially significant environmental impacts. In fact, as described in detail above, the Project description fails to provide consistent and complete information about the Project's population, employment and housing. Nonetheless, the Initial Study and DEIR conclude that Project impacts associated with population and housing will be less than significant.

This is too simplistic a conclusion, as no single factor determines whether a project will indirectly trigger population growth. For example, in this case, the population increase would almost certainly require new and expanded services and would inject new money into the local economy inducing additional growth and development. A larger population in this neighborhood, would surely increase demand on schools and generate increased demand for restaurants, grocery stores, medical care and the like that do not currently exist to serve the planned growth. The additional of 25,000 new residents and over 63,000 jobs will certainly increase need for a full range of services including schools, day care, police, fire, medical and more. This increased demand would also further induce businesses to expand and new businesses would crop up to serve the larger population and businesses. This would require new employees and draw new residents to the area, who in addition to the direct employment generated by the Project, would also need housing. Neither DEIR nor Initial Study analyze these

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<sup>18</sup> The DEIR defers the plan for emergency vehicle access to a future design of roadway projects and review by SFFD and SFPD. A Project Area-wide and complete design of roadway projects necessary to serve the development allowed by the Plan must be completed and analyzed in a revised DEIR. Deferring this essential element of the Project until later renders unlikely the City's ability to create the necessary emergency vehicle access to overcome the increased traffic congestion the Project will create.

impacts. In addition, the Project includes Plan objectives implemented through zone changes to favor non-residential development over other kinds of growth and favoring office space and hotels<sup>19</sup>. DEIR at II-13. The result of favoring non-residential over residential development is likely to be an even greater than disclosed jobs-housing imbalance and jobs-housing fit. The direct and indirect impacts of this growth must be disclosed and analyzed in a revised and recirculated DEIR.

The DEIR's failure to adequately evaluate the Project's impacts on population, employment and housing constitutes a serious flaw. The DEIR should be revised to include a comprehensive analysis of these impacts and identify effective and enforceable mitigation for those impacts that are determined to be significant. In addition, a revised DEIR must identify feasible mitigation measures to address the likely significant impacts associated with the demand for new housing affordable to the new workforce and with the provision of new services. Examples of the kinds of mitigation that should be considered include, but are not limited to, the following:

- In combination with strict policies prohibiting displacement of senior, deed restricted and affordable housing, and lowering the total allowable amount of new non-residential uses (e.g., cap on non-residential uses), addition of policies and programs requiring affordable housing to be built concurrent with or prior to new non-residential development in the Project Area (examples include provisions in the Treasure Island and Shipyard projects, among other local and regional policy and regulatory examples).
- Approval and implementation of the Project Area street network plan to serve the Project and review and approval by SFFD and SFPD prior to new development allowed under the Plan proceeding. This should be completed and included in a revised DEIR.
- SFFD and SFPD service reviews and plans to accommodate the proposed growth completed and approved prior to new non-residential development allowed by the Plan occurring.
- Policy, program and regulation(s) in place for a required housing mix in all new residential projects to provide family housing prior to new development allowed by the Plan. The policy and program should be completed and included in a revised DEIR.

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<sup>19</sup> Hotels notorious for lower paying hospitality jobs; jobs that currently are difficult to fill in San Francisco due to the astronomically high housing costs and lack of sufficient housing. The revised DEIR must analyze the Project-related and cumulative impacts associated with the projected increase in San Francisco of hospitality and service jobs since it is the workforce associated with these lower paying jobs that likely will be traveling the farthest from work and home. There is currently no analysis of this in the DEIR.

- Up to three new sites identified and acquired for new parks prior to new development and fees assured for development of those parks. At least one new park under construction concurrent with or prior to new development allowed under the Plan.
- Reduction of the amount of new employment under the Plan through among other revisions, adoption of the reduced height alternative and prohibition of high rises except where immediately adjacent to transit hubs. A cap should also be placed on total new employment until plan expiration in 2040.

These and other feasible mitigation measures must be identified in a revised DEIR to address the significant population, employment and housing impacts of the Project and cumulative development on the Project area. A revised Financial Analysis should accompany the revised Plan and DEIR setting forth costs associated with housing, services and other community benefits of the Project and laying out a revised approach to funding implementation of these Project elements.

- Would the project create demand for additional housing, necessitating the construction of housing?

The DEIR concludes that development under the Project (Plan) would not generate housing demand beyond projected housing forecasts. DEIR Appendix B, Initial Study at page 84. In reaching this conclusion, the DEIR changes the question to include “beyond projected housing forecasts” and therefore fails to respond to the key question – would the project create demand for additional housing – thereby avoiding the required analysis.

The basis for the Initial Study’s (and DEIR’s) conclusion that demand for new housing is less than significant is twofold: First the plan would not result in physical effects directly and second, the plan merely accommodates planned growth. According to the Initial Study:

“As a regulatory program, the Plan would not result in direct physical effects but rather would result in new planning policies and controls to accommodate additional jobs and housing.” DEIR Appendix B, Initial Study at page 84. “The goal of the Plan is to accommodate regional growth projections for San Francisco and to shape and accommodate regional growth to projections for San Francisco and to shape and direct that growth toward appropriate locations. Because San Francisco is a regional job center, and because the Plan area is near regional transit lines, the Plan area represents one of the locations appropriate for new office development. As described below, the potential housing demand generated by expected office development would be offset by new housing development forecast both within the Plan area and for the City as a whole, as well as through the City’s affordable housing programs.” DEIR Appendix B, Initial Study at pages 84-85.



“Overall, the conservatively estimated housing demand resulting from Plan-generated employment would be accommodated by increases in housing supply, primarily within the Plan area and elsewhere in San Francisco, and the impact would be less-than-significant.” DEIR Appendix B, Initial Study at page 86.

Instead of providing an adequate analysis of these impacts based on the current Project (Plan), the DEIR simply defers to the discussion of population and housing in the Initial Study.

There are many reasons the DEIR’s approach to the analysis of housing demand generated by the Project (Plan) is flawed. First, accurate and consistent existing and projected population, housing and job growth figures are essential facts to support this conclusion. Yet, the Initial Study and DEIR contain vastly different figures as discussed in this letter. See e.g., Table 4, 5 and 6 in the Initial Study and Table IV-1 in the DEIR at page IV-6. Second, the conclusion that impacts associated with employment growth and associated demand for housing in the Project area will be less than significant is not supported by analysis, facts or evidence as required. To the contrary, the Project (Plan) will add significantly to the population and employment of the Project area, changing the character of the area and increasing the jobs to housing imbalance. Specifically, the Project (Plan) allows over 56,400<sup>20</sup> new jobs by 2040 and an increase in population of 23,400. Source Initial Study. New housing units under the Project (Plan) total approximately 13,200 according to the Initial Study (page 85) and 7,500 housing units according to the DEIR. Thus, there is no question the Project (Plan) will result in much more job growth than housing, exacerbating an already extreme jobs-housing imbalance in both the Project area and the City and Region, causing workers to commute farther and in turn increasing vehicle miles traveled above that described in the DEIR. Increased vehicle miles in turn will result in greater demand for transit, increased traffic congestion, air pollution and greenhouse gas emissions. A revised DEIR must analyze these impacts.

A revised analysis in a dedicated DEIR section called must be completed and recirculated with the following elements:

- A complete, stable and consistent description of the Project in terms of growth in housing, housing affordability, deed restricted units, households, population and employment (by general category of job), among other information necessary to undertake the analysis. To resolve the inconsistencies and confusion between the Initial Study and DEIR, a revised NOP/IS should be recirculated in advance of a new Draft EIR.
- Complete, consistent and up to date baseline or setting information including but not limited to existing population and demographical information, housing, housing affordability, deed restricted units, households, population and employment (by general category of jobs; e.g., service, tech, salary ranges, etc.).

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<sup>20</sup> The Central SOMA Plan allows even more jobs – 63,600 – rendering the jobs-housing imbalance even greater than described in the Initial Study.

- Description of existing job-housing fit and projected jobs-housing fit under the Project (Plan) based on a breakdown of new jobs (employment) in terms of general type and salary ranges and existing and projected housing rents and prices.
- Analysis of the impacts associated with new employment generated demand for housing within the Project area. This analysis must be based on facts and evidence.

The DEIR's failure to adequately evaluate the Project's impacts on population, employment and housing constitutes a serious flaw. In this case, it is clear the Project will generate significant demand for housing beyond that allowed by the Project in the Plan Area. The revised DEIR must address how much new housing will be needed to accommodate new employees and their families? Where will that housing need be met either in existing housing or new housing? If new housing is needed, which it likely is, where will that new housing be constructed – in the Project Area or beyond? What are the physical environmental impacts associated with construction of the new housing? Will indirect or induced growth from the Project result in a demand for additional housing, beyond that required to house new Project employees? If so, where will that housing be located? And so on. The DEIR should be revised to include a comprehensive analysis of these impacts and identify effective and enforceable mitigation for those impacts that are determined to be significant. In addition, a revised DEIR must identify feasible mitigation measures to address the likely significant impacts associated with the demand for new housing affordable to the new workforce and with the provision of new services. See above discussion of feasible mitigation measures that should be considered in a revised DEIR.

- Would the project displace substantial number of existing housing units or create demand for additional housing, necessitating the construction of replacement housing?

The Project will inevitably lead to the displacement of low and moderate income residents because of the incentives provided through zoning and other mechanisms for new non-residential development in the Project area. Currently over 10,000 people live in the Central SOMA neighborhood or Project area in approximately 7800 housing units. These residents are among the most ethnically and economically diverse in the City with about 60% of residents people of color.<sup>21</sup> Although the median household income is slightly higher than the City average, the neighborhood has one of the highest levels of poverty with 31% of the population living at or below 200% of the poverty threshold.<sup>22</sup> Yet, the DEIR concludes that the Project (Plan) would not displace a large number of housing units or necessitate construction of replacement housing outside the Plan area finding this impact less than significant. DEIR Appendix B, Initial Study at page 86. The DEIR reaches this conclusion despite

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<sup>21</sup> SF Dept of Public Health, Environmental Health, Sustainable Communities Health Assessment: Central Corridor Plan, page 6 (11-30-12).

<sup>22</sup> Id. p. 21

acknowledgement that the Project (Plan) could require the demolition of existing housing units within the Plan Area. The basis of the DEIR's conclusion is in short:

"From the perspective of the City's housing stock, the loss of housing units as a result of development under the Plan would be offset by the production of up to approximately 13,200 net new housing units (Initial Study page 86) within the Plan area in addition to residential development elsewhere in San Francisco as has been occurring and is expected to occur in the future, in addition to the fees paid for the jobs/housing linkage program and Inclusionary Affordable Housing." DEIR Appendix B, Initial Study at pages 86-87.

The Initial Study contradicts this statement at page 85, noting that the project demand for housing created by the Project would be about 19,900 units, far surpassing the potential addition of about 11,700<sup>23</sup> units projected to be created in the Plan area by 2040. The current Project is projected to produce fewer housing units – approximately 7,500 -- resulting in an even larger gap between new employees in the Project area and new housing units. There is no question the Project will generate a demand for housing beyond that proposed by the Project. A revised DEIR must acknowledge this impact and provide further evidence housing need will be met and where and depending on where, the impact associated with the development of that new housing.

The Initial Study also argues that the potential number of units that could be displaced by the Project (Plan) **as too speculative** and not necessary to concluding impacts would be less than significant, reasoning that the Plan is intended to promote additional density along with Planning Code requirements for replacement and conservation would offset displaced units, a. DEIR Appendix B, Initial Study at page 87. The number of units or range of units potentially displaced by the Project is not speculative. In fact, the information exists to determine the possible range of housing units in the Project area that could be displaced as demonstrated by detailed modeling supporting the shadow discussion in the DEIR and the equally detailed development scenarios presented in the Financial Analysis. Subsequent development projects that "would occur under the Plan" listed at pages IV-8 to IV-10 plus cumulative projects listed at IV-11 to IV-12 also provide a basis for determining the potential range of units displaced by the adoption and implementation of the Project.

For these reasons the approach the DEIR takes to analysis of this potential impact falls short of CEQA's requirements for analysis, facts and evidence to support conclusions concerning impact significance. A revised analysis in a dedicated DEIR section must be completed and recirculated with the following elements:

- A map and text displaying the location, number and affordability (e.g., affordable, deed restricted and senior) housing units in the Project area. This information should disclose the number of affordable units that could revert to

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<sup>23</sup> The Central SOMA Plan would create only 7,500 housing units.

market rate due to limited duration of the affordability of those units under agreement or other terms.

- An overlay of proposed zoning indicating potential incentive new development overlap or conflict with existing housing units.
- An analysis of potential (worst case) displacement of units broken down by market rate, affordable and deed restricted based on the two inputs above. In addition, estimate of the total number of residents potentially displaced.
- Description of how specifically City planning policies and code provisions would result in avoidance (conservation) or replacement of units displaced by new development and neighborhood gentrification due to a likely rise in the number of high income wage earners occupying the new jobs.

The DEIR's failure to adequately evaluate the Project's impacts on population, employment and housing constitutes a serious flaw. In this case, it is clear the Project will displace housing in the Project area. The revised DEIR must address how much, where and whether housing displaced is affordable or serving special needs. The revised DEIR must also describe specifically how these units will be replaced if displaced and where. The DEIR should be revised to include a comprehensive analysis of these impacts and identify effective and enforceable mitigation for those impacts that are determined to be significant. In addition, a revised DEIR must identify feasible mitigation measures to address the likely significant impacts associated with the demand for new housing affordable to the new workforce and with the provision of new services. See above discussion of feasible mitigation measures that should be considered in a revised DEIR.

### 3. The DEIR's Analysis of and Mitigation for Public Services Impacts is Inadequate

Instead of actually analyzing the Project's impacts on public services, in reliance on the Initial Study, the DEIR concludes that the Project (Plan) impacts to public services including police, fire and schools will be less than significant. DEIR Appendix B, Initial Study at pages 118 to 124, DEIR at page I-2. As stated above, the DEIR errs in relying on the Initial Study for the analysis of public service impacts since the Project described in the Initial Study is materially different than that described in the DEIR. Nonetheless, neither the Initial Study or the DEIR contain facts or analysis to support the conclusion that across the board, impacts to public services will be less than significant. The result is a lack of information about the severity and extent of the Project's impacts on public services including police, fire, emergency services, child care and health services, among others.

The Initial Study acknowledges that specific development projects allowed under the Plan and associated increases in population and land use intensity would result in an increased demand for public services noting that the Southern Station (in 2013) receives approximately 25 % of the City's call for service. Initial Study at page 120. This level of calls for service has likely gone up since 2013 due to growth in and around the Project area.

The Initial Study's conclusion that impacts to police, fire and emergency services is circular, incomplete and unsupported by analysis and facts. Without any analysis of the need for additional fire, police or emergency services, the Initial Study concludes:

"...development under the Plan would not result in the need for new or physically altered police protection facilities, and this impact would be less than significant. The potential significant effects of any new or physically altered fire facilities are analyzed in other sections of this Initial Study or will be further analyzed and included in the EIR." DEIR Appendix B, Initial Study at page 121.

The Initial Study notes that the SFFD conducts ongoing assessments of its service capacity and response times and would continue to do so in response to projected growth over the lifetime of the Plan; as another excuse for excluding meaningful analysis. The limited discussion in the Initial Study also ignores the likely significant impacts to these services associated with increased traffic congestion noting that facilities are in the district and presumably unaffected by traffic gridlock.

This approach falls short of CEQA's requirements for analysis, facts and evidence to support conclusions concerning impact significance. A revised analysis in a new DEIR section must be completed and recirculated with the following elements:

- Setting (baseline) information including up to date calls and response times for police, fire and emergency services as well as the SFFD and SFPD's standards for personal per capita, equipment and facilities. This description should include a current assessment of the capacity of these services and assessment of unmet demands for services, facilities and funding.
- Accurate project description information including but not limited to the growth in population by residents and employment allowed by the Project and a breakdown of the types of development projected as service needs vary by development type.
- A clear articulation of the City's adopted standards for all public services impacted by the Project (e.g., acceptable response times, personnel per population, etc.).
- Based on projections for new development under the Project, projected increases in calls, types of call based on proposed development and associated need for additional personnel and facilities based on adopted and recognized standards.

The Central SOMA Neighborhood (Project area) faces "amongst the highest violent and property crime rates in the City<sup>24</sup>. – characterize the crime. There is no question the addition of over 63,000 new jobs and 23,400 residents will result in significant demand for additional police and fire personnel and likely facilities and equipment. In addition, increased congestion on the Project area roads will likely result in reduced response times unless additional

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<sup>24</sup> SF Department of Public Health, Environmental Health, Sustainable Communities Health Assessment: Central Corridor Plan, p. 4.

resources are provided in the area (e.g., sub-stations, additional personnel, equipment and equipment storage, emergency lanes and pull outs, etc.).<sup>25</sup> A revised analysis of these impacts must be prepared and recirculated in a new DEIR and feasibility mitigation measures identified.

#### 4. The DEIR Errs in Concluding Project Potential Shadow Effects Will Be Less than Significant

The Central SOMA Neighborhood (Project area) is currently characterized by mid-rise buildings affording the neighborhood good natural sunlight and light as compared with the Financial District. The changes proposed by the Project (Plan) allow for approximately eight towers between 200 and 400 feet in height, five buildings of 160-feet in height and six of 130 feet in height as well as others ranging from 200 to 350 feet in height. Developments of 100% affordable housing could achieve greater heights by right using the State's affordable housing density bonus. DEIR at 11-22. According to the Central Soma Plan and DEIR: "The proposed height limits are intended to minimize shadow impacts on South Park, Yerba Buena Gardens, and the Bessie Carmichael School schoolyard." DEIR at page 11-23.

Unlike many other topics where the DEIR relies on the Initial Study, in this case, the DEIR addresses the Project's potential shadow effects on publicly accessible areas, including public parks, publicly accessible private open spaces, and sidewalks using computer modeling and detailed graphics displaying shading in DEIR Section IV.H..<sup>26</sup> The conclusion reached concerning shadow impacts is as follows:

"...development pursuant to the Plan would not create new shadow in a manner that substantially affects the use of existing outdoor recreation facilities or other public areas. Additionally, the specific massing and design of a subsequent development project would be reviewed to determine whether the project could have shadow impacts not identified

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<sup>25</sup> The DEIR's discussion of Cumulative Emergency Vehicle Access Impacts is instructive. DEIR at page IV.D-108. The discussion acknowledges the traffic congestion in the Project Area and that the Project and cumulative development will make it worse: "Development under the Plan and the proposed street network changes would contribute considerably to these significant impacts on emergency vehicle access." DEIR at IV.D-108. The DEIR errs in concluding an Emergency Vehicle Access Consultation would mitigate these impacts. The consultation is deferred to the future and requires review of each street network project to be sure that private vehicles would not be precluded from yielding right of way to emergency vehicles. That plan must be completed now, reviewed and approved as part of a revised DEIR and not deferred until there is no longer flexibility to improve the road system to allow for emergency vehicle access and movement as needed. Such improvements may require additional physical space, pull-outs and other modifications to address an already dire situation due to existing congestion, the DEIR admits will be made worse by the Project plus cumulative projects.

<sup>26</sup> It is instructive that the analysis is qualitative. Specifically, according to the DEIR, the analysis is qualitative and not quantitative since quantitative analysis is typically required for analysis of individual buildings under section 295 or as part of a project specific review. DEIR at page IV.H-11. A revised DEIR should provide quantitative analysis of the Project as well since numerous specific development projects listed in the DEIR will proceed with Plan adoption.

at this programmatic level of analysis. Therefore, the impact would be less than significant.” DEIR at page IV.H-38.

The DEIR’s own analysis supports a different conclusion. Specifically, the DEIR’s modeling clearly indicates that the Project will result in significant shading of South Park, Victoria Manalo Draves Park and Gene Friend Recreation Center, as well as several other public open spaces and neighborhood sidewalks. See for example, Figures IV.H-13 and 14 showing shadow on South Park during most of the day during seasons of shorter day length [when sunlight in the limited open spaces in this neighborhood is even more important]. The DEIR states in this regard:

“During the seasons of shorter day length and longer mid-day shadows, the Plan could result in an increase in shadow on South Park during most of the day. At the winter solstice, small bits of new shadow could be added to shadow from existing buildings over various parts of the park throughout the day, as shown in Figure IV.H-13 and Figure IV.H-14.”

Contrary to the model results and description of the impact above, the DEIR finds the new shadows, despite coverage of one of the few public open spaces, of limited extent and therefore less than significant. This conclusion is laughable given the clear proof in the DEIR that the Project will cast shadows on South Park for nearly half the year. These impacts are compounded by the fact that the neighborhood is so underserved by public parks and recreation spaces.

Similarly, the extent and duration of shadows cast on public sidewalks will increase as taller buildings are developed, as shown in DEIR Figures IV.H-2 through Figure IV.H-10. Casting shadows for nearly half the year clearly requires a conclusion of significant impact warranting consideration of mitigation and alternatives. Mitigation and alternatives that must be considered to reduce these impacts include but are not limited to:

- Adoption of the reduced height alternative and prohibition of high rises except where immediately adjacent to transit hubs.
- Lower height limits on sites where shadow impacts are shown by the DEIR’s analysis to extend into existing open space, park and recreation areas.

#### 5. The DEIR Errs in Concluding Impacts to Open Space and Recreation Will Be Less Than Significant

The Central SOMA Plan area has very limited public open spaces and facilities. While a robust, ethnically and economically diverse community, Central SOMA faces serious challenges in terms of lack of open space and recreational opportunities. Currently 67% of residents live within ½ miles of a public recreational facility compared to 91% for the City as a whole<sup>27</sup>. South Park is

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<sup>27</sup> SF Department of Public Health, Environmental Health, Sustainable Communities Health Assessment: Central Corridor Plan, p. 4.

the only large-scale open space in the Plan Area and the only Recreation and Park Department property. While there are open spaces adjacent to the Area including Yerba Buena Gardens, the uneven distribution of open spaces and lack of them leaves the area underserved. The General Plan Recreation and Open Space Element (ROSE), adopted in 2014, identifies portions of the Plan Area as in need of new open space. DEIR at page II-31.

The DEIR relies on the Initial Study for the required analysis of impacts to open space and recreation. DEIR at page I-2. According to the Initial Study, development under the Plan would have an adverse environmental impact if it were to cause the deterioration of existing recreational resources through increased use or require the construction or expansion of recreational facilities that may have an adverse effect on the environment. DEIR Appendix B, Initial Study at page 104. The Initial Study notes that any existing unmet demand for parks and recreational resources that currently exist in the Plan area is not in and of itself considered to be a significant impact on the environment noting that the Plan area is deficient in these resources. Id.

Based on the Project's proposed network of new open spaces, including POPOS, and a potential new park,<sup>28</sup> the Initial Study concludes that impacts to open space and recreational resources will be less than significant. This conclusion is unsupported by facts, analysis and evidence. The Initial Study briefly alludes to the City's minimum standards for open space and recreational resources per capita, but nowhere in the Initial Study or DEIR is there a quantitative analysis of the need for new open space and recreational resources based on the substantial growth in employee, resident and tourist populations in the area. Given the current lack of adequate resources, growth not accompanied by adequate new development of parks and recreational resources is clearly a significant impact of the Project. Moreover, the Project's proposed new open spaces is far from sufficient to accommodate the new growth based on the City's own standards. A revised DEIR must analyze the Projects quantitative impacts on parks, open space and recreational resources. Feasible mitigation measures should also be identified including the addition of more than one substantial new park in the Central SOMA area. If such facilities are not identified now at the Area Plan stage, it will be too late to identify potential sites and determine how costs of implementation can be shared by new development. The revised DEIR must also include an adequate analysis of the physical environmental impacts associated with construction of new facilities and cannot defer this analysis to a later project specific environmental analysis.

#### 6. The Project is Inconsistent with the General Plan and Other Applicable Planning Documents

The DEIR must include a complete and forthright analysis of the Projects consistency with the General Plan and other applicable planning documents, ordinances and regulations.

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<sup>28</sup> It is far from clear that the proposed new park will ever be a reality. New development should be conditioned on certainty for all essential services to accommodate growth, not limited to new parks and recreational resources.



Inconsistencies between the Project and the General Plan or other applicable planning documents that were enacted to protect the environment may constitute significant impacts in themselves and can also be evidence of other significant impacts that must be analyzed in the DEIR. In addition, where a Project is inconsistent with the General Plan it may not be lawfully adopted or approved.

In this case, after discussing only some of the applicable plans, the DEIR incorrectly concludes across the board that the Project will not substantially conflict with any of the plans, policies or other provisions discussed, noting that the Planning Commission and Board of Supervisors would review the Plan for consistency with the General Plan and consider possible amendments to achieve conformity. See DEIR Chapter III and page III-1.

Some examples of the Project's glaring inconsistency with the General Plan include, but are not limited to, the following:

Plan Provision	Inconsistency
<p>Urban Design Element, General Plan:</p> <p>Policy 3.5: Relate the height of building to important attributes of the city pattern and to the height and character of existing development; and</p> <p>Policy 3.6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.</p> <p>DEIR at page III-10</p>	<p>The DEIR incorrectly concludes the Project would not conflict with the objectives and policies of the Urban Design Element.</p> <p>There is a clear inconsistency between the Project and the Urban Design Element. The Project (Plan) allows building of 350 feet or more in a neighborhood that is currently mid-rise and planned to remain mid-rise in the Central Corridor Plan. According to the Central Corridor Plan, "[t]he predominant character of Soma as a mid-rise district should be retained, and the presence of high-rises reduced by limiting their distribution and bulk." Central Soma Plan at page 32. Holding up this policy direction in the Central Soma Plan are numerous reasons mid-rises rather than high rises are a better fit for the neighborhood and would result in fewer significant impacts. The DEIR's assertion the Project would not be inconsistent with the General Plan (DEIR at page III-10) is undermined by the statements and facts in the Central Corridor Plan and its supporting documents.</p>
<p>Recreation and Open Space Element</p> <p>Policy 1.9: Preserve sunlight in public open</p>	<p>The DEIR incorrectly concludes the project will not conflict with this policy.</p>

spaces. DEIR at page III-II.	There is a clear inconsistency between the Project and this Policy as documented by the DEIR section on Shadows. Specifically, the DEIR states that the Project will create new shadow on several parks in the area. DEIR at page III-II; see also discussion of Shadow section in this letter). In addition, the DEIR Figures show significant new shadows on public streets and POPOS. DEIR pages IV.H-35, IV.H-38, Figures in Section IV.H of the DEIR. Based on evidence in the DEIR, the DEIR incorrectly concludes the Project will no conflict with this Policy.
<p>Western SOMA Plan</p> <p>Policy 1.2.4: Prohibit housing outside of designated Residential Enclave Districts (RED) south of Harrison Street.” DEIR at page III-6</p> <p>As well as other provisions of the Western SOMA Plan</p>	The DEIR incorrectly concludes that the Project would not be demonstrably inconsistent with the Western Soma Plan. DEIR at page III-8. The Project is clearly inconsistent with this policy and therefore clearly inconsistent.
Eastern SOMA Plan	<p>The DEIR incorrectly states that the Project would not be demonstrably inconsistent with the East Soma Plan in part because the applicable parcels in the Plan would be incorporated into the Central Soma Plan.</p> <p>The Project’s preference for employment (non-residential) uses is in stark contrast to the objectives (1.2 and 1.2) of the Eastern Soma Plan. Moreover, the Project’s proposed substantial growth in employment without a commensurate plan for housing will put significant pressure on the East Soma Plan for additional housing growth not anticipated by the Plan.</p>

A revised DEIR must include expanded and forthright analysis of the Projects potential inconsistencies with all applicable plans including voter approved propositions, San Francisco’s Urban Design Guidelines and the newly adopted TDM Ordinance. Where an inconsistency with a Plan or policy would result in an environmental impact (e.g., shadows, public services,

housing demand), those impacts must be analyzed in the appropriate sections of the revised DEIR in a manner consistent with the policy analysis.

C. The DEIR Must be Recirculated

Decision makers and the public cannot possibly assess the Project's impacts through the present DEIR which is riddled with omissions, errors and inconsistencies. Among other fundamental deficiencies, the DEIR repeatedly understates the Project's significant environmental impacts and therefore fails to formulate feasible mitigation to reduce these impacts. To resolve these issues, the City must prepare a revised DEIR that would necessarily include substantial new information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terry Watt".

Terry Watt, ACIP

Appendix A: Terry Watt Qualifications

## Appendix A

### Terry Watt Qualifications

**Terry Watt, AICP**

**Terry Watt Planning Consultants**

**1937 Filbert Street - San Francisco, CA 94123**

**[terrywatt@att.net](mailto:terrywatt@att.net)      Cell: 415-377-6280**

Terry Watt, AICP, owns Terry Watt Planning Consultants. Ms. Watt's firm specializes in planning and implementation projects with a focus on regionally-significant land use and conservation work that advances sustainable development patterns and practices. Prior to forming her own consulting group, she was the staff planning expert with the environmental and land use law firm Shute, Mihaly & Weinberger. She is an expert in general and specific planning and zoning, open space and agricultural land conservation strategies and approaches and environmental compliance, including CEQA and NEPA. Her skills also include facilitation and negotiation, public outreach and project management. Terry is a frequent presenter at regional, national and statewide workshops and symposiums. She holds a Master's Degree in City and Regional Planning from the University of Southern California and a multi-disciplinary Bachelor's Degree in Urban Studies from Stanford University.

Terry works with a wide variety of clients throughout California including non-profit organizations, government agencies and foundations. She volunteers up to half her professional time on select projects. Recent projects and roles include:

- Project Manager and Governor's Office Liaison for San Joaquin Valley: Least Conflict Lands for Solar PV project. Project funding came from the Hewlett and Energy Foundation's, matched by environmental organizations, the California Energy Commission and other private parties. The objective of the project was to identify areas in the Valley that had very low resource values for renewable energy to serve as an incentive for development of least conflict lands rather than valuable resource lands. Watt was responsible for overall project management and day to day coordination, multi-stakeholder (150 stakeholders) and agency (57 federal, local and agency advisors) outreach and participation, facilitation of meetings, Governor's Office convening's, all project logistics and project report. Link to Collaboration Platform – Data Basin San Joaquin Valley: <http://sjvp.databasin.org/>
- Governor's Office Liaison and Outreach Coordinator for the State's portion of the Desert Renewable Energy Conservation Plan (DRECP). As outreach coordinator, worked closely with local governments on DRECP related consistency issues with local general plans.
- Planning Consultant to California Attorney General's Office - Environment Section focusing on climate change, CEQA and general plans. (2007- 2010). While working with the Environment Section, assisted with settlements (Stockton General Plan, Pleasanton Housing Element and CEQA litigation); identified locally based best practices for local government planning to address climate change issues; and managed government outreach and consultation on general plans and climate action plans/energy elements/sustainability planning efforts. Post 2010 continue to provide periodic consulting services to the Environment Section related to select cases.
- Strategic Advisor and Planning Consultant to the Santa Clara Valley Open Space Authority, Greenbelt Alliance and Committee for Green Foothills for the Coyote Valley Project focused on developing a conservation and development plan for the Valley. Watt was responsible for preparing the group's early CEQA comment letter on the negative declaration for a proposed Warehouse Project and assisting with scoping comments for the EIR.
- Measure M-2 Sales Tax and Environmental Mitigation Measure. (2009-). Terry was the Co-project

manager/facilitator of a 30+-member environmental coalition that through a unique partnership with the Orange County Transportation Authority (OCTA) and state and federal wildlife agencies generated nearly \$500 million in funding for programmatic environmental mitigation (conservation land acquisition and stewardship) in Measure M2, Orange County Transportation Sales Tax.

- State Office of Planning and Research Special Projects (2011 – ongoing). Advisor to OPR on General Plan Guidelines, Infill and Renewable Energy Templates as part of the required update of the General Plan Guidelines. Expert panelist for workshops on SB 743.
- Marin Countywide General Plan and Environmental Impact Report (2004 to 2007). Project Manager for the award-winning Marin Countywide Plan Update and its Environmental Impact Report. The General Plan was among the first to incorporate leading edge climate change, greenhouse gas emissions reduction and sustainability policies as well as monitoring, tracking and implementation measures to measure success.
- Staff to the Martis Fund, a joint project of five environmental groups and a Business Group (Highlands Group and DMB Inc.). (2008 – ongoing). The Fund was created as a result of litigation settlement. The Fund has distributed over \$15 million dollars since its inception to a range of conservation (acquisition of over 5,000 acres of open space), stewardship and restoration projects and workforce housing projects (emergency rental housing support, down payment assistance and low income apartments). Funding comes from a permanent transfer fee on all real estate sales at Martis Camp. <http://www.martisfund.org/PDFs/Martis-Fund-Brochure.pdf>
- Tejon Ranch Land Use and Conservation Agreement. (2006 – ongoing). Project coordinator for a dialogue process between environmental groups (Natural Resources Defense Council, Sierra Club, Endangered Habitats League, Planning and Conservation League, Audubon California) and The Tejon Ranch Company that resulted in a major Land Use and Conservation Agreement for the permanent protection of 240,000+ acres (90%) of the 270,000 acre Tejon Ranch. Secretary John Laird refers to the Agreement as a “miracle” agreement. In return for permanent conservation of 240,000+ acres, environmental groups agreed not to oppose projects within the development footprints; but can comment on regional planning efforts and the projects. Terry has an ongoing role overseeing implementation of the Agreement, including early role forming and managing the Conservancy formed by the Agreement. The Agreement provided the cornerstone of the Habitat Conservation Plan for a major portion of the Ranch; the Tejon Multi-Species Habitat Conservation Plan, TUMSHP, approved in April 2013. She recently joined the Board of the Tejon Ranch Conservancy created and funded by the Agreement.
- Orange County Wildlife Corridor. Project coordinator and architect for dialogue process between environmental and conservation organizations, City of Irvine and Lennar/Five Points development team that resulted in an 8 party Agreement, related general plan amendment and full funding to build an urban wildlife corridor to the specifications of the science team (6-member team jointly selected by all groups) connecting two high value conservation areas in central Orange County (Coastal and Eastern NCCP/HCP lands). Watt provides some ongoing implementation support. Recently (2017) coordinated DEIR comments letters on two Orange County County Project proposals that could adversely impact the 5 Point/Irvine Wildlife Corridor.
- Ongoing assistance and authorship of expert comments on projects with recent letters on the proposed draft Amador County General Plan on behalf of the Foothill Conservancy and the proposed Squaw Valley Resort on behalf of a coalition of environmental and labor organizations.
- Facilitator to the Bolsa Chica Land Trust for recent agreement with Landowners to purchase remaining private acres of the Bolsa Chica uplands. Currently assisting with fundraising for the property.
- Advisor to the Nature Conservancy, the American Farmland Trust, Center for Law, Energy and Environment on numerous publications concerning urban infill and conservation.

## **PROFESSIONAL MEMBERSHIPS AND BOARDS**

- Lambda Alpha International - Golden Gate Chapter
- American Institute of Certified Planners (AICP)
- American Planning Association (APA)
- Tahoe Fund Founding Board Member
- Tejon Ranch Conservancy Board Member
- Santa Lucia Conservancy Board Member
- Founder Council of Infill Builders
- Board Member, Planning and Conservation League

## **AWARDS**

- State and National APA Awards for Marin County General Plan
- APA Awards for South Livermore Valley Plans
- Carla Bard Award for Individual Achievement PCI

## **PUBLICATIONS**

Contributor to the Award Winning Textbook:

Ecosystems of California, 2016, Chapter 40:

Land Use Regulation for Resource Conservation

# EXHIBIT B





Technical Consultation, Data Analysis and  
Litigation Support for the Environment

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February 8, 2017

Richard Drury  
Lozeau | Drury LLP  
410 12th Street, Suite 250  
Oakland, CA 94607

**Subject:        Comments on the Central SoMa (South of Market) Plan**

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Dear Mr. Drury,

We have reviewed the Draft Environmental Impact Report (DEIR) for the Central SoMa (South of Market) Plan ("Plan") located in the City of San Francisco. The Central SoMa Plan (formerly, Central Corridor Plan) is a comprehensive plan for the area surrounding much of southern portion of the Central Subway transit line, a 1.7-mile extension of the Third Street light rail line that will link the Caltrain Depot at Fourth and King Streets to Chinatown and provide service within the South of Market (SoMa) area. The Plan Area includes roughly 230 acres that comprise 17 city blocks, as well as the streets and thoroughfares that connect SoMa to its adjacent neighborhoods: Downtown, Mission Bay, Rincon Hill, and the Mission District. The Plan seeks to encourage and accommodate housing and employment growth by (1) removing land use restrictions to support a greater mix of uses while also emphasizing office uses in portions of the Plan Area; (2) amending height and bulk districts to allow for taller buildings; (3) modifying the system of streets and circulation within and adjacent to the Plan Area to meet the needs and goals of a dense, transit-oriented, mix-use district; and (4) creating new, and improving existing, open spaces.

Our review concludes that the DEIR fails to adequately evaluate the Plan's impact on local and regional air quality, pedestrian safety, and traffic. As a result, air emissions and health impacts associated with construction and operation of the proposed Plan are underestimated and inadequately addressed. An updated DEIR should be prepared to adequately assess and mitigate these potential impacts.

## Air Quality

### Failure to Adequately Assess the Plan's Air Quality Impact

The DEIR concludes that the Plan would have a less than significant air quality impact (p. IV.F-33). This conclusion, however, is incorrect for several reasons. First, the air quality analysis conducted within the DEIR is based on outdated baseline data that do not accurately reflect current traffic, air quality, pedestrian safety, and population within the Plan area. Second, the DEIR fails to account for all major development projects currently being considered within the area. As a result, the Plan's net increase in criteria air pollutants within the area, as well as its cumulative air quality impact, are misrepresented. Due to these reasons, we find the DEIR's air quality analysis and resultant significance determination to be inadequate, and require that an updated DEIR be prepared to adequately evaluate the Plan's air quality impact.

### *Use of Outdated Baseline Data*

According to the Bay Area Air Quality Management District's (BAAQMD) CEQA Air Quality Guidelines,<sup>1</sup> and as stated in the DEIR,

"The significance thresholds for assessment of a planning document, such as the proposed Plan, involve an evaluation of whether:

- The plan would be consistent with the control measures contained in the current regional air quality plan (the 2010 Clean Air Plan), would support the primary objectives of that plan and would not hinder implementation of that plan; the plan's growth in vehicle miles traveled (VMT) do not exceed the plan's population growth; and the plan would not cause localized CO impacts.

If the foregoing questions can be answered in the affirmative, the proposed Plan would not:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation; nor
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)" (p. IV.F-21, IV.F-22).

Using these thresholds, the DEIR concludes that because "the Plan would be consistent with the control measures contained in the current regional air quality plan (the 2010 Clean Air Plan), would support the

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<sup>1</sup> Air Quality Guidelines, BAAQMD, June 2010, *available at*: [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/draft\\_baaqmd\\_ceqa\\_guidelines\\_may\\_2010\\_final.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/draft_baaqmd_ceqa_guidelines_may_2010_final.pdf?la=en), p. 9-2

primary objectives of the 2010 Clean Air Plan and would not hinder implementation of the 2010 Clean Air Plan,” and because “the rate of growth in VMT with implementation of the Plan would not exceed the Plan’s rate of population growth and the Plan would not cause localized CO impacts,” “the Plan would not violate an air quality standard or contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase of any non-attainment criteria pollutant” (p. IV.F-34).

This conclusion, however, is incorrect, as the DEIR’s air quality analysis is based on outdated baseline data that do not accurately reflect current traffic, air quality, pedestrian safety, and population within the Plan area. For example, the DEIR conducts an analysis to determine whether or not the rate of growth in vehicle miles traveled (VMT) with implementation of the Plan would exceed the Plan’s rate of population growth. This analysis, however, relies upon outdated 2010 baseline data, which is more than five years old. The DEIR states,

“Growth projections prepared by the San Francisco Planning Department (and discussed under Analysis Assumptions in the Overview subsection of Chapter IV, Environmental Setting, Impacts, and Mitigation Measures) indicate that with implementation of the Plan, Plan Area residential population would increase from approximately 12,000 in 2010 to 37,500, by 2040, the analysis horizon year. This represents an increase of 213 percent. Additionally, employment is projected to grow from about 45,600 under existing conditions to approximately 109,200 by 2040, an increase of 139 percent. The combined population-employment (“service population”) increase with implementation of the Plan, would therefore be approximately 154 percent  $((37,500 + 109,200) \div [12,000 + 45,600] = 2.54$ , or an increase of 154 percent from existing). Based on output from the County Transportation Authority travel demand model, daily VMT to and from the Plan Area would increase by approximately 77 percent by 2040, from approximately 987,000 to about 1.751 million” (p. IV.F-33).

The use of 2010 population and traffic projections to determine the Plan’s incremental net increase in criteria air pollutants is inadequate, as it does not accurately represent the current baseline conditions within the Plan area. As stated by the BAAQMD in their 2009 Justification Report, the use of outdated population growth estimates can result in inconsistencies within a Plan’s air quality analysis.<sup>2</sup> Therefore, by relying upon baseline data that is more than five years old, the Plan’s air quality impact is inadequately evaluated.

Not only does the DEIR rely upon outdated traffic and population projections to determine the Plan’s air quality impact, but it also fails to consider recent changes in the Plan area’s air quality and pedestrian safety. According to the Sustainable Communities Health Assessment conducted for the proposed Plan, “due to close proximity to freeways and high traffic roads, the area has some of the poorest air quality

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<sup>2</sup> Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance, BAAQMD, 2009, *available at*: <http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/revised-draft-ceqa-thresholds-justification-report-oct-2009.pdf?la=en>

in the City, with 13% of households living in an area exposed to greater than 10 µg/m<sup>3</sup> of fine particulate matter (PM 2.5) and 16% living in areas with ambient air pollution cancer risks greater than 100 in a million” (p. 2). The report continues on to state that while “residents in the Plan area own fewer cars, drive less, and spend more time walking and cycling,” the area still has “among the highest densities of traffic in the city” (p. 3). The report also indicates that the Plan area’s current pedestrian injuries and traffic congestion are among the highest in the city, stating,

“The incidence of severe injuries and deaths related to collisions between vehicles and pedestrians, cyclists, and other vehicles is amongst the highest in the City. The situation for pedestrians is especially troubling, as the average annual number of pedestrian injuries and fatalities per 100 road miles is six times higher in the Plan area compared to the City as a whole (48 vs. 8). Compared to other neighborhoods, the Plan area also has a higher proportion of drivers who are driving over the speed limit. While more residents who live in the Plan area may not be driving themselves, the traffic density, a general proxy for adverse environmental exposures and health hazards from traffic, is among the highest in the City due to the large arterials that carry traffic to and from freeways. Additionally, 100% of the current population in the plan area lives within 150 meters of a designated truck route (research suggests that the concentration of emitted motor vehicle pollutants may be highest within 150 meters of roadways)” (p. 3).

As you can see in the excerpt above, the Plan area’s current air quality, traffic conditions, and pedestrian safety are among the worst in the city – something that the DEIR fails to address or even consider when evaluating the Plan’s air quality impact. Once implemented, the Central SoMa Plan, which proposes to develop 17,280,000 square feet of residential uses, 10,430,000 square feet of office uses, and 4,007,000 square feet of retail and other uses, will only exacerbate these already significant health and environmental issues (Table VI-1, p. VI-3, pp. 627). Therefore, we find the DEIR’s conclusion of a less than significant air quality impact to be incorrect, and maintain that the Plan would have a significant air quality impact, as our analysis provides substantial evidence to support this significance determination.

#### *Failure to Consider Impacts from Other Projects Within the Area*

Not only does the DEIR rely upon outdated baseline data to determine the Plan’s air quality impacts, but it also fails to account for impacts from other development projects within the area. As a result, the Plan’s net increase in criteria air pollutants within the area, as well as its cumulative air quality impact, are misrepresented.

The proposed Pier 70 Mixed-Use District Project, which is adjacent to the Central SoMa Plan area, comprises a project site of an approximately 35-acre area bounded by Illinois Street to the west, 20th Street to the north, San Francisco Bay to the east, and 22nd Street to the south.<sup>3</sup> The project site

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<sup>3</sup> Pier 70 Mixed-Use District Project DEIR, p. 2.1-2.2, available at: <http://sf-planning.org/environmental-impact-reports-negative-declarations>

contains two development areas: the 28-Acre Site and the Illinois Parcels. Development of the 28-Acre Site would include up to a maximum of approximately 3,422,265 gross square feet (gsf) of construction in new buildings and improvements to existing structures (excluding square footage allocated to accessory parking). Development of the Illinois Parcels would include up to a maximum of approximately 801,400 gsf in new buildings; these new buildings would not exceed a height of 65 feet, which is the existing height limit along Illinois Street on both the Port-owned and the western portion of the Hoedown Yard.

According to the Pier 70 Mixed-Use District Project's DEIR, the Pier 70 Project would result in ten significant and unavoidable impacts. "It would:

- Cause one individual Muni route (48 Quintara/24th Street bus routes) to exceed 85 percent capacity utilization in the a.m. and p.m. peak hours in both the inbound and outbound directions;
- Cause loading demand during the peak loading hour to not be adequately accommodated by proposed on-site/off-street loading supply or in proposed on-street loading zones, which may create hazardous conditions or significant delays for transit, bicycles, or pedestrians;
- Contribute considerably to significant cumulative transit impacts on the 48 Quintara/24<sup>th</sup> Street and 22 Fillmore bus routes;
- Cause a substantial temporary or periodic increase in ambient noise levels during construction in the project vicinity above levels existing without the project;
- Cause substantial permanent increases in ambient noise levels in the project vicinity (22<sup>nd</sup> Street [east of Tennessee Street to east of Illinois Street]; and Illinois Street [20th Street to south of 22nd Street]);
- Combine with cumulative development to cause a substantial permanent increase in ambient noise levels in the project vicinity (22nd Street [east of Tennessee Street to east of Illinois Street] and Illinois Street [20th Street to south of 22nd Street]);
- Generate fugitive dust and criteria air pollutants during construction, which would violate an air quality standard, contribute substantially to an existing or projected air quality violation, and result in a cumulatively considerable net increase in criteria air pollutants;
- Result in operational emissions of criteria air pollutants at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, and result in a cumulatively considerable net increase in criteria air pollutants; and
- Combine with past, present, and reasonably foreseeable future development in the project area to contribute to cumulative regional air quality impacts."<sup>4</sup>

As you can see in the excerpt above, the Pier 70 Project would result in significant and unavoidable impacts to air quality, pedestrian safety, and traffic. These significant and unavoidable impacts, combined with the proposed Plan's significant air quality, pedestrian safety, and traffic impacts, would

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<sup>4</sup> Pier 70 Mixed-Use District Project DEIR, p. S.5-S.6, *available at*: <http://sf-planning.org/environmental-impact-reports-negative-declarations>

result in significant and unavoidable cumulative air quality, pedestrian safety, and traffic impacts, something that the DEIR fails to adequately address. In addition to the Pier 70 Project, there are approximately 72 additional development projects in San Francisco that are currently being considered by the Planning Commission, some of which would also contribute to the Plan's already significant impacts (see table below).<sup>5</sup>

<b>List of Major Development Projects in San Francisco</b>	
<b>Project</b>	<b>Address</b>
1629 Market Street Mixed-Use Project	1629 Market Street
1027 Market Street Project	1028 Market Street
950-974 Market Street Project	950-974 Market Street
One Oak Street Project	1500-1540 Market Street
1499 Mission Street Project	1500 Mission Street
299 Grant Avenue Project	300 Grant Avenue
1000 Van Ness Avenue Project	1001 Van Ness Avenue
1269 Mission Street Project	1270 Mission Street
India Basin Mixed-use Project	700-900 Innes Avenue
1979 Mission Street Mixed-Use Project	1979 Mission Street
901 16th Street & 1200 17th Street Project	901 16th Street & 1200 17th Street
1828 Egbert Avenue Project	1828 Egbert Avenue
Better Market Street Project	Market Street & Octavia Boulevard
Candlestick Point-Hunters Point Shipyard Phase II Development Plan Project	East of US-101
1065 Market Street Project	1066 Market Street
240-290 Pacific Avenue / 720 Battery Street Project	240-290 Pacific Avenue / 720 Battery Street
837 Pacific Avenue Project	838 Pacific Avenue
2293-2299 Powell Street/309-311 Bay Street Project	2293-2299 Powell Street/309-311 Bay Street
Golden State Warriors Event Center and Mixed-Use Development	Mission Bay Blocks 29-32
1601 Mariposa Street Mixed Use Project	1602 Mariposa Street
400 Bay Street Hotel Project	401 Bay Street
1074 Market Street Project	1075 Market Street
5M Project	925-967 Mission Street
Jewish Home of San Francisco	302 Silver Avenue
525 Harrison Street (Case No. 2000.1081E; State Clearinghouse No. 1984061912)	525 Harrison Street
West Wing Project	501 Tunnel Avenue
75 Howard Street Project	75 Howard Street
949 Gough Street Project	950 Gough Street
1546-1564 Market Street Project	1546-1564 Market Street

<sup>5</sup> <http://sf-planning.org/environmental-impact-reports-negative-declarations>

100 Hyde Street Project	101 Hyde Street
1499 Mission Street Project	1500 Mission Street
Mason and Turk Residential Mixed-Use Project	19-25 Mason Street
2501 California Street Project	2501 California Street
800 Indiana Street Project	800 Indiana Street
689 Market Street Project	690 Market Street
109 The Embarcadero/115 Steuart Street Project	110 The Embarcadero/115 Steuart Street
1480 Post Street/ 1333 Gough Street Project	1481 Post Street/ 1333 Gough Street
1527-1545 Pine Street Mixed-Use Project	1527-1545 Pine Street
1634-1690 Pine Street Project	1634-1690 Pine Street
Seawall Lot 337 and Pier 48 Mixed-Use Project	Pier 48 & Seawall Lot 37
465 Tehama/468 Clementina Street Project	465 Tehama/468 Clementina Street
651-655 Dolores Street Project	651-655 Dolores Street
199 Paul Avenue Project	200 Paul Avenue
74 Howard Street Project	75 Howard Street
200-214 6th Street Project	200-214 6th Street
1784 15th Street Project	1785 15th Street
927 Toland Street Project	928 Toland Street
The Mexican Museum and Residential Tower Project	706 Mission Street
100 Polk Street Project	101 Polk Street
344 Brannan Street Project	345 Brannan Street
248-252 9th Street Project	248-252 9th Street
Seawall Lot 351 Project	8 Washington Street
801 Brannan and One Henry Adams Streets Project	801 Brannan & 1 Henry Adams Streets
1320 Mission Street Project	1321 Mission Street
2550-2558 Mission Street Project	2550-2558 Mission Street
1510-1540 Market Street Project	1510-1540 Market Street
Strand Theater	1127 Market Street
479 Potrero Avenue Project	480 Potrero Avenue
2894 San Bruno Avenue Project	2895 San Bruno Avenue
751 Carolina Street Project	752 Carolina Street
1000-1020 Broadway & 1629 Taylor Street Project	1000-1020 Broadway & 1629 Taylor Street
Chinese Hospital Replacement Project	835-845 Jackson Street
3151-3155 Scott Street Project	3151-3155 Scott Street
Booker T. Washington Community Center Mixed Use Project	800 Presidio Avenue
Restaurant Depot	2121 and 2045 Evans Street
2001 Market Street Mixed-Use Development	2001 Market Street
748 Wisconsin Street Project	749 Wisconsin Street
221 Second Street Project	222 Second Street

49 First Street Project	50 First Street
739 Washington Street Project	740 Washington Street
690 Stanyan Street (Mixed Residential/Retail Project)	690 Stanyan Street
255 Seventh Street Project	255 Seventh Street

Our analysis demonstrates that the proposed Plan, in combination with the various development projects currently being considered by the City, would result in a cumulatively considerable significant air quality, pedestrian safety, and traffic impact. As a result, we find the DEIR's conclusion of a less than significant air quality impact to be incorrect, and maintain that the proposed Plan, in combination with other development projects within the area, would have a significant impact on local and regional air quality.

#### Reduced Heights Alternative Would Reduce Plan's Significant Impacts

As discussed in the sections above, our analysis demonstrates that the Plan would have a significant impact on air quality, pedestrian safety, and traffic. Therefore, in an effort to reduce these impacts to a potentially less than significant level, alternatives to the Plan should be considered.

The Reduced Heights Alternative, for example, would permit fewer tall buildings south of the elevated Interstate 80 freeway than would be allowable under the Plan (p. VI-16). The Reduced Heights Alternative would include the same street network changes and open spaces improvements that are proposed under the Plan. This alternative assumes the same sites would be developed as under the Plan, although at a lower intensity, resulting in marginally less development than that assumed under the Plan. Growth projections for the Reduced Heights Alternative estimate an increase of 12,400 households and approximately 55,800 jobs, reflecting 14 percent fewer households and 12 percent fewer jobs than the Plan. Total floor area developed under the Reduced Heights Alternative would be about 13 percent less than with implementation of the Plan (see table below) (p. VI-3, VI-16).



**TABLE VI-1 DEVELOPMENT ASSUMPTIONS FOR ALTERNATIVES TO THE CENTRAL SOMA PLAN**

	Central SoMa Plan <sup>a</sup>	No Project Alternative	Reduced Heights Alternative	Modified TODCO Plan	Land Use Variant
Household Growth (Increase from Baseline) <sup>b</sup>	14,400	9,200	12,400	12,700	12,900
<i>Difference from Plan</i>	—	(5,200)	(2,000)	(1,700)	(1,500)
Population Growth (Increase from Baseline) <sup>c</sup>	25,500	16,300	21,900	22,500	22,800
<i>Difference from Plan</i>	—	(9,200)	(3,600)	(3,000)	(2,700)
Residential Square Feet (Increase from Baseline)	17,280,000	10,800,000	14,880,000	15,240,000	15,480,000
<i>Difference from Plan</i>	—	(6,480,000)	(2,400,000)	(2,040,000)	(1,800,000)
Employment Growth (Jobs) (Increase from Baseline)	63,600	27,200	55,800	56,700 <sup>d</sup>	66,200
<i>Difference from Plan</i>	—	(36,400)	(7,800)	(6,900)	2,600
Office Square Feet (Increase from Baseline)	10,430,000	5,000,000	9,151,000	9,299,000 <sup>e</sup>	10,857,000
<i>Difference from Plan</i>	—	(5,430,000)	(1,279,000)	(1,131,000)	427,000
Non-Office Square Feet (Increase from Baseline)	4,007,000	1,900,000	3,515,000	3,572,000 <sup>d</sup>	4,171,000
<i>Difference from Plan</i>	—	(2,107,000)	(492,000)	(435,000)	164,000

SOURCES: San Francisco Planning Department, 2013, 2016; TODCO, 2013; ESA, 2016.

**NOTES:**

Values rounded to nearest 100; some columns and rows do not add due to rounding.

Values in parentheses represent a reduction from the Plan.

The Land Use Plan Only Alternative would have the same growth and building development characteristics as that presented for the Plan in this table. See text for additional discussion.

- The 2016 Central SoMa Plan is contained entirely within the boundaries of the 2013 draft Plan Area. The Department analyzed projected growth in employment and residential uses for the 2013 draft Plan and determined that 95 to 97 percent of this projected growth is anticipated to occur in the 2016 draft Plan Area. Thus, the numbers presented in this table, are conservative (i.e., higher) and would not substantively alter the conclusions reached in this EIR. These modifications to the growth assumptions would not result in substantial or more severe physical impacts for topics evaluated in the Initial Study.
- Assumes 95 percent occupancy of housing units.
- Assumes 1.77 persons per household.
- Based on same factors as in Planning Department projections.
- From TODCO Plan, p. 9, with addition of Planning Department projected growth north of Folsom Street (primarily in C-3 use districts).

As you can see in the excerpt above, the Reduced Heights Alternative would have 14 percent fewer households, 12 percent fewer jobs, and would have a total floor area of about 13 percent less than the proposed Plan. This slight decrease in development would reduce the Project's traffic, air quality, and pedestrian safety impacts, and in some cases, this Alternative would reduce the Plan's significant impacts to a less than significant level. For example, as stated in the DEIR, the Reduced Heights Alternative would reduce the Plan's transit ridership by about eight percent (p. VI-24). This relative reduction in ridership would avoid the Plan's significant impact on Muni capacity utilization on some screenlines and corridors under existing plus Plan and 2040 cumulative conditions (p. VI-24). Similarly, in terms of pedestrian and bicycle operations, the Reduced Heights Alternative would result in about eight percent less travel by these modes in 2040, compared to the Plan, and would implement the same proposed street network changes, including new bicycle lanes and cycle tracks, widened sidewalks, and new mid-block crosswalks (p. VI-25). With incrementally less development in the Plan Area by 2040, the Reduced Heights Alternative would significantly reduce the Plan's significant impacts with respect to pedestrian crowding in crosswalks under existing plus Plan and 2040 cumulative conditions. Bicycle travel would also be incrementally less frequent under the Reduced Heights Alternative, compared to conditions with the Plan, and the facilities that would be provided would be similar (p. VI-25).

The Reduced Heights Alternative would result in less growth in demand for off-street freight loading spaces, on-street commercial loading spaces, and curb space for passenger loading/unloading zones, and would reduce the Plan's parking demand by 10 percent (p. VI-25, VI-26). Furthermore, the construction activities for this Alternative would be less intensive than the proposed Plan, due to the fewer tall buildings that would be constructed (p. VI-26). This reduction in construction activities would significantly reduce the air quality and traffic impacts when compared to the proposed Plan. Finally, as stated in the DEIR, "emissions of criteria air pollutants, GHGs, and traffic-generated TACs would be incrementally reduced within the Plan Area, compared to those with the Plan, because the Reduced Heights Alternative would result in about 14 percent less residential growth and about 12 percent less employment growth in the Plan Area by 2040 than is assumed under the Plan" (p. VI-27, VI-28). A summary of the impacts and percent reduction (if applicable) the Alternative would result in are provided in the table below.

<b>Reduced Heights Alternative Impact Reductions</b>	
<b>Impact</b>	<b>Percent Reduction from Proposed Plan</b>
Transit Ridership	(8%)
Pedestrian and Bicycle Operations	(8%)
Pedestrian Crowding in Crosswalks	<i>Significantly Reduced</i>
Bicycle Travel	<i>Significantly Reduced</i>
Demand for Off-Street Freight Loading Spaces	<i>Significantly Reduced</i>
On-Street Commercial Loading Spaces	<i>Significantly Reduced</i>
Curb Space for Passenger Loading/Unloading Zones	<i>Significantly Reduced</i>
Parking Demand	(10%)
Construction Activities	<i>Significantly Reduced</i>
Emissions of Criteria Air Pollutants, Greenhouse Gases (GHGs), and Traffic-Generated Toxic Air Contaminants (TACs)	<i>Significantly Reduced</i>

Our analysis demonstrates that the Reduced Heights Alternative would significantly reduce many of the Plan's air quality, traffic, and pedestrian safety impacts. While this Alternative proposes less development, it would still satisfy all of the Plan's eight goals. In fact, due to the Reduced Heights Alternative's reductions in air quality, traffic, and pedestrian safety impacts, it can be reasonably assumed that this alternative would better satisfy these eight goals when compared to the proposed Plan. This Alternative would still "increase the capacity for jobs and housing," but would better "provide safe and convenient transportation that prioritizes walking, bicycling, and transit," and would create a more "environmentally sustainable and resilient neighborhood" when compared to the proposed Plan (p. II-5, II-6). Due to these reasons, we find that implementation of the Reduced Heights Alternative would significantly reduce the Plan's air quality, traffic, and pedestrian safety impacts, and would better satisfy the Plan's goals and objectives. Therefore, this Alternative should be considered in an updated DEIR in order to reduce the severity of the Plan's significant and unavoidable impacts.

Sincerely,

A handwritten signature in cursive script, appearing to read "M Hagemann".

Matt Hagemann, P.G., C.Hg.

A handwritten signature in cursive script, appearing to read "JJ".

Jessie Jaeger



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

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**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

**Geologic and Hydrogeologic Characterization**  
**Industrial Stormwater Compliance**  
**Investigation and Remediation Strategies**  
**Litigation Support and Testifying Expert**  
**CEQA Review**

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certification:**

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

**Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – present;
- Senior Environmental Analyst, Komex H<sub>2</sub>O Science, Inc (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of numerous environmental impact reports under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions and geologic hazards.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

#### **Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

#### **Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

#### **Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

### **Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

### **Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt currently teaches Physical Geology (lecture and lab) to students at Golden West College in Huntington Beach, California.

### **Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F., 2008.** Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F., 2008.** Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F., 2005.** Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F., 2004.** Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F., 2004.** Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.



Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

**Hagemann, M.F.**, 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F.**, 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F.**, 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F.**, 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F.**, 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F.**, 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

**Hagemann, M.F., 2001.** Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F., 2001.** Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F., and VanMouwerik, M., 1999.** Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F., 1999,** Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F., 1997,** The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F., and Gill, M., 1996,** Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F., Fukunaga, G.L., 1996,** The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M. F., Fukunaga, G. L., 1996,** Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F., 1994.** Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.F. and Sabol, M.A., 1993.** Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F., 1993.** U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

**Hagemann, M.F., 1992.** Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

## JESSIE MARIE JAEGER

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Los Angeles CA, 90049

530-867-6202  
jaegerjessie600@gmail.com

### ***SUMMARY***

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Innovative, energetic, driven, and a results oriented leader, with proven success producing quality results in research, student government, and academia. A recipient of the UCLA Bruin Advantage Scholarship, Dean's List honoree, and a leader amongst peers, who uses ambition and passion to effectively develop the skills needed to assess and solve major environmental and conservation issues.

Skills include:

- Execution of Laboratory Techniques (DNA extraction, Tissue Cataloging etc.)
- Understanding of Statistical Models used in Ecology and Conservation Biology
- Experience with programs such as Excel, Microsoft Access, QuickBooks, ArcGIS, AERMOD, CalEEMod, AERSCREEN, and ENVI
- Knowledge of California policies and municipal codes
- Experience in Field Work, including capture of Amphibian species and water sampling within Ballona Watershed
- Steering Committee Coordination and Working Group Management
- Organizational Skills
- Effective Communication Abilities
- Customer Service Experience

### ***PROFESSIONAL EXPERIENCE***

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**SOIL WATER AIR PROTECTION ENTERPRISE, SANTA MONICA, CA**  
**SWAPE Technical Consultation, Data Analysis, and Litigation Support**

**2014 – Present**

#### **Project Analyst**

**<http://www.swape.com/staff/jessie-jaeger/>**

Maintain and update national public water system database through use of Microsoft Excel and Access. Other responsibilities include cancer risk assessment calculations, in depth research of environmental issues such as fracking, Leaking Underground Storage Tanks (LUST) and their associated funding programs, groundwater contamination, Proposition 65 formaldehyde test methods, polychlorinated biphenyl (PCB) contamination within schools, and environmental modeling using AERMOD, CalEEMod, AERSCREEN, and ArcGIS.

- Expert understanding of Microsoft Excel and Access, with the ability to manipulate, analyze, and manage large sets of data. Expertise include the creation of queries via Access, utilization of Pivot Tables and statistical functions within Excel, and proficiency in formatting large datasets for use in final reports.
- Mastery of modeling programs such as CalEEMod, AERSCREEN, ArcGIS, as well as the ability to prepare datasets for use within these programs. For example, the conversion of addresses into geographical coordinates through the utilization of Geocode programs.
- Experience in the composition and compilation of final analytical reports and presentations, with proficiency in technical writing, organization of data, and creation of compelling graphics.
- Knowledge of federal and California EPA policies, such as CEQA, accepted methods, and reporting limits, as well as experience with city and county personnel and municipal codes.

**Undergraduate Research Assistant**

Responsible for phylogenetic prioritization within the Turtles of the World project (TOTW). Methods include obtaining 2-3 tissue samples of every species of turtle on earth, and sequencing them for ~20 independent genes. The results of the TOTW project are being used to create a phylogenetic tree of as many currently existing turtle species as possible. This will allow evolutionary biologists and herpetologists to better understand how turtle taxa are interrelated, and will aid in efforts to conserve threatened turtle species.

- Expert understanding of laboratory techniques, including the amplification of DNA through the method of polymerase chain reactions (PCR), extraction of DNA from tissue, cataloging of tissue samples etc.
- Proficiency in programs such as Excel, Google Earth, and Specify.
- Mastery of laboratory equipment usage, including but not limited to, Thermocyclers, Centrifuges, Nanodrop Machines, Autoclave Devices, and Vortexes.
- Experience in fieldwork, including capture of salamander, turtle, and newt specimens to add to the Shaffer Lab tissue database.

**LOS ANGELES REGIONAL COLLABORATIVE, LOS ANGELES, CA**  
**Climate Action and Sustainability, Institute of the Environment, UCLA****2011-2012****Work Group and Event Manager**

Responsibility for organization of steering committee meetings, as well as for the organization of the working groups within the collaborative. Maintaining and updating the website, as well as sending out weekly newsletters on behalf of the Collaborative to its members.

- Organized the first Solar Planning working group within the steering committee, which consisted of representatives from universities, government agencies, and private sectors within LA County.
- Coordinated monthly steering committee meetings as well as assisted in the organization of Quarterly Meetings and Sustainability Forums.
- Managed membership, weekly newsletters, website updates, general assistance, and clerical duties.

**UNDERGRADUATE STUDENTS ASSOCIATION COUNCIL, UCLA****2012-2013****Academic Wellness Director, Academic Affairs Commissioner (2013)****Student Groups Support Committee Member, Internal Vice President (2012)**

USAC's programs offer an invaluable service to the campus and surrounding communities by providing an opportunity for thousands of students to participate in and benefit from these services. Two to three thousand undergraduates participate annually in the more than 20 outreach programs.

- Directed the organization of academic campus programs that provide tools and resources to manage the academic rigors experienced by university students.
- Oversight control of and responsibility for the Academic Wellness committee and all its members.
- Created a Universal Funding application for student groups that facilitates the process of requesting funds to support philanthropic activities.

**EDUCATION**

---

**Bachelor of Science, Environmental Science****Minor in Conservation Biology****Senior Project, Ballona Watershed Phytoplankton and Water Quality Assessment**

University of California Los Angeles, Los Angeles, CA

**High School Diploma****Valedictorian, June 2010**

Pioneer High School, Woodland, CA

**ACCOMPLISHMENTS**

---

**Recipient**, Bruins Advantage Scholarship, 2010-2014

**Academic Honoree**, Dean's List, 2013-2014

**Life Member**, National Honor Society & California Scholarship Federation, 2006-2010

**Valedictorian**, Pioneer High School, 2010

# EXHIBIT C



SMITH ENGINEERING & MANAGEMENT

February 13, 2017

Mr. Richard Drury  
Lozeau Drury  
410 12th Street, Suite 250  
Oakland, CA 94607

**Subject: Central SoMa Plan Project DEIR (SCN 2013042070 P17003**

Dear Mr. Drury:

At your request, I have reviewed the Draft Environmental Impact Report (the "DEIR") for the Central SoMa Plan Project ("the Project") in the City and County of San Francisco (the "City"). My review is specific to the traffic and transportation section of the DEIR and its supporting documentation.

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and over 48 years professional consulting engineering practice in the traffic and transportation industry. I have both prepared and performed adequacy reviews of numerous transportation and circulation sections of environmental impact reports prepared under the California Environmental Quality Act (CEQA). I am very familiar with the Project area. My professional resume is attached.

Findings of my review are summarized below.

**The Project May Not Be Eligible To Analyze Traffic Impacts Solely Under the VMT per Capita Metric**

The DEIR has attempted to evaluate Project traffic impacts solely under the Vehicle Miles Traveled (VMT) per Capita metric provision of SB 743, eschewing

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the conventional delay/Level of Service (LOS) analysis. The SB 743 regulations embodied in CEQA § 15064.3 specify that a land use plan may have a significant impact on transportation if it is not consistent with the relevant sustainable community strategy (SCS). To be consistent with the SCS, the development must lead to VMT equal to or less than the VMT per capita and VMT per employee specified in the SCS. *Plan Bay Area* is the relevant SCS (per DEIR page IV.D-36), and it sets the VMT per capita target at 10 percent below the 2005 Bay Area average. However, it does not set any target for VMT per employee (DEIR pages IV.D-21 and IV.D-36). Therefore, the City cannot claim that the development meets VMT targets per employee since there are none. Worse yet, the DEIR concludes that the Project will *increase* VMT per employee in the Project area from 8.2 to 8.7 in 2012 and from 6.8 to 7.1 in 2040 (DEIR page IV.D-38) stating, "*With Plan implementation, VMT per capita would...increase slightly in the office category*". Since the Project will increase VMT per employee in the study area, it does not comply with the terms of SB 743.

#### **VMT Per Capita Generated in the Project Area Is an Incomplete Metric for Measuring Traffic Impacts in the Subject Plan Area**

The VMT (vehicle miles traveled) per Capita (referring hereinafter to both VMT per unit population and VMT per employee as a single phrase while still recognizing that each has a separate rate) metric is a useful indicator when planning for a broad area or region, such as where generally identifying areas where development should be encouraged or discouraged, particularly when concentrating on considerations such as Air Quality pollutant and Greenhouse Gas emissions since these have a rather direct correlation to VMT. However, when planning for a discrete area, VMT per Capita as the sole traffic metric gives absolutely no indication when a plan has packed so much development into an area as to make the streets unlivable for bicyclists, pedestrians, motorists and their passengers and transit patrons alike - the VMT per Capita values will just stay the same or perhaps even improve (become lower) somewhat. To draw any some inference about how much development is sustainable based on VMT, Total VMT generated by the plan and total VMT experienced within the subject area must be considered.

DEIR Table IV-1 indicates that in the baseline (2010) condition, the Central SoMA population was 12,000, that in 2040 without the Project it would be 28,200, and in 2040 with the Project it would be 37,500. The same table also indicates that in the baseline year employment in Central SoMa was 45,600, that in 2040 without the Project it would be 72,800 and that in 2040 with the Project employment would be 109,200 jobs. At the VMT per capita rates disclosed in DEIR Table IV.D-6, the population and employment totals disclosed in DEIR Table 1V-1 would generate the following VMT totals in Central SoMa:



<u>VTM Gen By</u>	<u>Baseline</u>	<u>2040 No Project</u>	<u>2040 With Project</u>
Population	25,200	50,760	60,000
Employment	<u>373,920</u>	<u>495,040</u>	<u>775,320</u>
Total	399,120	545,800	835,320

As can be seen from the above compilations, the 2040 No Project scenario generates almost 37 percent more net VMT than the Baseline; the 2040 With Project scenario generates over 109 percent more net VMT than the Baseline and over 53 percent more than the 2040 No Project Scenario. Since the public knows from information presented in this DEIR and from other recent DEIR's for projects having transportation effects on the Central SoMa area that there are already problems impacting motor vehicle traffic, bicyclists, pedestrians, the safety of all of the aforementioned, and transit operations. In that situation adding development to the area that generates 109 percent more VMT than existing uses and 53 percent more VMT than development to 2040 under existing plans and zoning is significantly impactful on transportation

But even this is just the tip of the iceberg. As noted in the DEIR, the streets of the Central SoMa serve as a gateway between elements of the regional highway system and greater downtown San Francisco, Mission Bay, and the greater SoMa and nearby areas as well as thoroughfares for movements between these areas. To make judgments about the functionality of and livability around the streets of the Central SoMa, that burden of VMT must be quantified and assessed. The DEIR has considered neither the total VMT that would be generated in Central SoMa nor the other VMT that traverses it and therefore is inadequate.

#### **The DEIR Has Actually Performed a Traffic LOS Analysis. But It Conceals the Detailed Findings From the Public**

Ironically, the DEIR did perform a typical traffic LOS analysis of intersections and freeway ramps in the SoMa study area. It did so to calculate differences in *transit delay* under the various plan land use development alternatives and the alternative street configuration scenarios considered in the DEIR. However, other than a very generalized and non-location-specific summary of the LOS/delay study findings regarding what ordinarily would be considered traffic impacts that is presented at DEIR pages IV.D-41 through IV.D-43, it withholds from the public the location-specific measures of the severity of traffic impacts. We understand that elements of the San Francisco planning and political establishment (and others elsewhere) like eliminating traffic delay as a CEQA impact criteria because it eliminates the need to make findings of overriding significance about traffic impacts they have no intention of mitigating and avoids having to put up with the members of the public who actually care about traffic congestion and delay. However, CEQA requires that the Lead Agency make available all analyses that have been relied upon in the DEIR available for public

review. It must do so with the details of the Highway Capacity Manual based LOS/delay analysis it performed to estimate transit delay.

What the generalized summary of the DEIR's studies of traffic delay under *Highway Capacity Manual* procedures shows is that:

- Within the Central SoMa transportation study area, 36 intersections were evaluated for the AM peak hour and 80 intersections for the PM peak hour.
- Five freeway off ramps and six freeway on-ramps from/to I-80 and I-280 were evaluated.
- With the Project traffic and the Howard/Folsom one-way street configuration option, in the AM peak, intersections experiencing delay levels at LOS E or worse (55 seconds or more average delay per vehicle) would increase from 3 of the 36 studied under the existing condition to 21 of 36. In the PM peak, with the Project and the Howard/Folsom one-way street configuration, the number of intersections operating at LOS E or worse would increase from 19 of 80 in the existing condition to 39 of 80 with the Project traffic and subject street configuration
- With the Howard/Folsom two-way street configuration option, in the AM peak, the number of intersections operating at LOS E or worse would increase from 3 of 36 in the existing condition to 17 of 36 with the plan and the subject street configuration. In the pm peak the number of intersections operating at LOS E or worse would increase from 19 of 80 in the existing condition to 37 of 80 with Project traffic and the two way street configuration.
- As to the freeway ramp analysis, 8 of the 11 ramps analyzed operate at vehicle densities of 35 passenger cars per mile per lane (volumes reflecting breakdown conditions) in the AM and/or PM peak in the existing condition. With the addition of Project related traffic and the proposed street network changes, 10 of the 11 ramps would operate at vehicle densities of 35 passenger cars per mile per lane in the AM and/or Pm peak hour.

The results of this analysis as generally summarized in the DEIR reflect a deterioration of operations on the study area street and freeway ramp system in the AM and PM peak hours that would ordinarily be considered significantly impactful. But the results as presented do not distinguish how much of the deterioration is due to traffic generated by the Project land uses, that due to the street configuration changes, and that due to land use and traffic growth in nearby areas.

### **The Transit Analysis is Based on Data Not Representative of Current Conditions**

The DEIR's transit impact analysis relative to the capacity of the transit operations serving the area are reported on DEIR Tables IV.D-8, IV.D-9, IV.D-10, IV.D-18, IV.D-19 and IV.D-20, respectively on DEIR pages IV.D-45, IV.D-46, IV.D-48, IV.D-90, IV.D-92- IV.D-94. By footnotes, the Tables are said to be based on the San Francisco Planning Department's Memorandum, *Transit Data for Transportation Impact Studies*, dated May 2015. However, if the referenced DEIR tables are compared to the ones in the subject SF Planning Department memo (actually dated May 15, 2015), the following things become evident:

- The tables are reformatted to facilitate comparison of the existing ridership and capacity utilization condition to that when the added ridership of the Project is combined with the existing ridership - an entirely legitimate act.
- The existing ridership numbers are modified to correct very small addition errors in the transference of individual SF MUNI line counts to the screen line totals on the tables or addition errors on the tables themselves - again entirely legitimate.
- In tables IV.D-9 and IV.D-19, the SF MUNI data is reconfigured into screen lines that make more sense with respect to the Project area - again a legitimate action.
- The 2040 cumulative ridership data (the 2040 No Project data) in the DEIR is apparently compiled from a later run of San Francisco's travel model than that in the cited Planning Department memo - a legitimate act but one that should have been mentioned in the DEIR.
- The DEIR consultants actually updated the existing conditions ridership data for one regional transit service provider, BART, in 2016 -a legitimate and commendable action.
- The DEIR tables fail to reproduce footnotes on the original existing conditions tables from the cited SF Planning Department memo that indicate the actual collection date of the data and fail to enter footnotes that convey data dates indicated in the text of the cited memo - a misleading act that conceals the outdated nature of some of the existing conditions data.

In fact, the cited San Francisco Planning Department memo makes clear that the SF MUNI data was collected in the Fall of 2013. Data on the ridership on the regional transit service providers is sourced by footnote to a secondary source document produced by the San Francisco Municipal Transportation Agency (SFMTA) in 2012. Ridership collected by the actual regional transit service providers obviously predates that document and is most likely collected in 2011 or earlier. Given the extent of changes affecting transit ridership demand that have taken place in San Francisco and the region since 2011 and 2013, no reasonable person can argue that the data employed in the transit ridership versus capacity impact analysis is representative of existing conditions.

**The Regional Transit Analysis Is Also Flawed Because It Fails To Disclose System Deficiencies In San Francisco That San Francisco Development Should Take a Major Role In Mitigating**

Over capacity deficiencies on BART are not limited to the Transbay Corridor line capacity which the DEIR does disclose. Platform capacity deficiencies also exist on BART at the Embarcadero and Montgomery stations - too many people attempting to board and alight on the platforms at the same time. This affects both the movements to and from the San Francisco Southwest corridor and Peninsula Corridor as well as the Transbay Corridor. The platform capacity deficiencies are fundamentally the result of development in San Francisco. This DEIR and other prior DEIRs in San Francisco are deficient in failing to disclose this impact and failing to propose effective measures to mitigate it.

**It Is Unclear What Recent and Concurrent Projects Are Included In the Transportation Analysis of the Existing and 2040 Project and No Project Analysis Scenarios**

The DEIR fails to identify how or whether large recent and concurrent projects are included in the 2040 analyses. Examples concern such projects as the massive *Pier 70 Project*, the *Salesforce Tower*, the *Warriors Arena Project* and the *Project, additional development in Mission Bay* and many other projects near the Central SoMa. The DEIR must clarify how each project that is approved and recently occupied or approved but still under construction or still under review but at a stage of reasonable certainty is (or is not and why not) treated in the analysis

**The DEIR's Traffic Hazards Analysis (Impact TR-2) Is Contrary To Fundamental Engineering Principles**

The DEIR Traffic Analysis runs contrary to fundamental engineering principles. It narrowly defines traffic hazard as "*a structure, object, or vegetation that obstructs, hinders, or impairs reasonable and safe view by drivers of other vehicles, pedestrians or bicyclists traveling on the same street and restricts the ability of the driver to stop the motor vehicle without danger of an ensuing collision.*" It acknowledges that "*new development under the plan would bring more people into the area, which would result in an increase in the potential for conflicts between vehicles, bicyclists and pedestrians,*" while explaining that "*conflicts are located where pedestrians, bicyclists, and/or drivers cross, merge, or diverge*". However, it unreasonably claims that increases in the rate of potential for conflicts by itself does not represent a traffic hazard (as so narrowly defined by the DEIR).

In fact, exposure to conflict is fundamental to defining accident hazard in engineering practice. Intersection accident rates and expected rates for the

intersection type are defined in crashes per million annual vehicle crossings (theoretically including, as defined in the California Vehicle Code, bicycles as a vehicle). Road segment accident rates are defined as crashes per million vehicle-miles. The reasons why incidence of conflict is directly related to incidence of conflict are many. Urban roads are normally designed to meet the various design standards cited in the DEIR at page IV.D-41 or, when they don't and result in high accident occurrence or particularly severe accidents are subjected to remedial measures. The principal reason for urban motor vehicle-motor vehicle, motor vehicle - bicycle, motor vehicle - pedestrian or bicycle - pedestrian collisions is actions or omissions on the part of the driver, bicyclist or pedestrian (the principals) or both parties. Increases in the incidence of conflicts such as the Project would cause increase the hazard that actions or omissions of the principals would occur at a conflict point, hence increasing crashes. For example, in traffic congested situations, all of the principals may take actions where the potential for crashes is increased. For instance, where there is heavy queuing and blockages, pedestrians and bicyclists may be induced to cross against the indications of the traffic signal. Drivers may be motivated to make sudden movements without considering all the possible conflicts (for example but not limited to, the driver attempting to make a right-turn-on-red that perceives a limited gap in oncoming traffic to their left that attempts to make the move without checking for the pedestrian entering the crosswalk on their right or the bicyclist overtaking them on their right). Other types of crash hazards that increase with conflict incidence are, but are not limited to ones involving the bicyclist or pedestrian oblivious to traffic conflicts because of music playing on their head phones or the pedestrian or driver focused on reading (or sending) text messages or e-mails on their smart phone. All these hazards clearly increase with the increase of incidence of conflicts, a product of motor vehicle, bike, and pedestrian volumes. These are ultimately a function of the intensity of resident and employment population in the Project area. The DEIR is flat wrong in concluding that increased potential for conflict does not represent a hazard in the study area, especially when the areas of conflict are also areas of undisclosed increases in traffic congestion that intensify the failure to perceive the conflict or induce behavior that results in crashes.

The DEIR is further unreasonable and unsupported in its assertion on page IV.D-41 that street network changes would reduce the potential for conflicts to the extent that it would reduce the incidence of conflict to levels such that would make the traffic hazards of implementation of the plan less than significant. It has conducted no analysis of conflict incidence with and without the Plan Project and with and without the Project's purported roadway improvements. In fact, it has not relied in any way on the statistical records of accidents by location, type, movement pattern, and participant actions and impairments that are readily

available to the City<sup>1</sup>. The entire analysis on this topic is inadequate and must be revised and recirculated in draft status.

### **The DEIR's Emergency Vehicle Impact Analysis Is Unreasonable In the Face of Facts Disclosed Elsewhere in the DEIR**

The DEIR asserts without foundation that although traffic congestion would occur, that the California Vehicle Code requires that other motor vehicles get out of the way of emergency vehicles and because emergency vehicles primarily use arterial streets where there is purportedly room to get out of the way of emergency vehicles, despite the fact that the DEIR admits there would be increased traffic congestion with the Project, it asserts without sound foundation that there would be no significant impact on emergency vehicle traffic. This assertion is inconsistent with the information in the DEIR's traffic impact analysis at DEIR pages IV.D-41 through 43 which indicate that:

- With the Project, 10 of 11 freeway ramps serving the Project area would be at "breakdown levels" during the AM and/or PM peak periods. Breakdown levels on the on ramps causes extensive queuing on City surface streets that would impair emergency vehicle traffic even on arterials because other drivers may not have the room to comply with the Vehicle Code and get out of the way quickly. "Breakdown levels" on the off ramps involves queues onto the freeway mainlines. The confined ramps provide motorists little opportunity to comply with the vehicle code and get out of the way and motorists at the critical ramp exit points will not even know that an emergency vehicle is coming until it has slowly worked its way toward the head of the exit queue.
- With the Project, up to 21 of the 36 study area intersections that were analyzed for the AM peak hour and up to 39 of the 80 study area intersections that were analyzed for the PM peak hour are reported to experience highly deficient delay conditions. At these traffic delay levels that imply significant queuing, even on arterial width roadways, traffic is likely to be too congested to comply with the Vehicle Code mandate to get out of the way of emergency vehicles.

The DEIR's unsubstantiated and conclusory statements about emergency vehicle access impacts of the Project must be revised and made consistent with findings made elsewhere in the DEIR.

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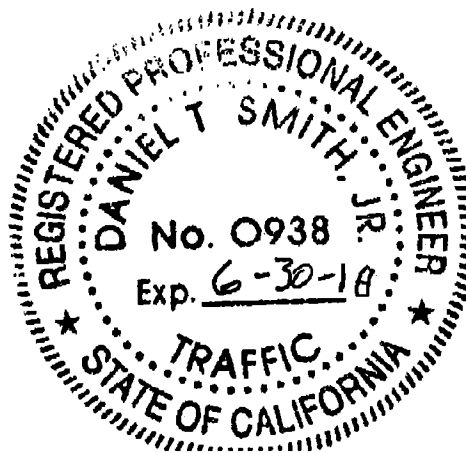
<sup>1</sup> We refer to the Statewide Integrated Traffic Records System (SWITRS) in which the California Highway Patrol receives all traffic reports from all jurisdictions in the state and produces summaries by jurisdiction, by road segment and intersection location, by types of vehicle involved, movements, and causal factors including operator impairments or road deficiencies.

## Conclusion

This concludes my current comments on the Central SoMa Plan Project DEIR. For the reasons stated above, the traffic analysis is inadequate and revised transportation analyses should be performed. Results should be recirculated in draft status for a full 45 day review period.

Sincerely,

Smith Engineering & Management  
A California Corporation



Daniel T. Smith Jr., P.E.  
President

Mr. Richard Drury  
February 13, 2017  
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**Attachment 1**  
**Resume of Daniel T. Smith Jr., P.E.**





SMITH ENGINEERING & MANAGEMENT

**DANIEL T. SMITH, Jr.**  
**President**

**EDUCATION**

Bachelor of Science, Engineering and Applied Science, Yale University, 1967  
Master of Science, Transportation Planning, University of California, Berkeley, 1968

**PROFESSIONAL REGISTRATION**

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)  
California No. 938 (Traffic) Arizona No. 22131 (Civil)

**PROFESSIONAL EXPERIENCE**

Smith Engineering & Management, 1993 to present, President.  
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.  
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.  
Personal specialties and project experience include:

**Litigation Consulting.** Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

**Urban Corridor Studies/Alternatives Analysis.** Principal-in-charge for State Route (SR) 101 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

**Area Transportation Plans.** Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21<sup>st</sup> century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

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**Transportation Centers.** Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

**Campus Transportation.** Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

**Special Event Facilities.** Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

**Parking.** Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking.

**Transportation System Management & Traffic Restraint.** Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

**Bicycle Facilities.** Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

#### **MEMBERSHIPS**

Institute of Transportation Engineers Transportation Research Board

#### **PUBLICATIONS AND AWARDS**

*Residential Street Design and Traffic Control*, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

*Residential Traffic Management, State of the Art Report*, U.S. Department of Transportation, 1979.

*Improving The Residential Street Environment*, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

*Strategic Concepts in Residential Neighborhood Traffic Control*, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

*Planning and Design of Bicycle Facilities: Pitfalls and New Directions*, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

# EXHIBIT D

Shawn Smallwood, Ph.D.  
3108 Finch Street  
Davis, CA 95616

Lisa M. Gibson, Acting Environmental Review Officer  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

12 February 2017

RE: Central SoMa Plan DEIR

Dear Ms. Gibson,

I write to comment on the Central SoMa Plan DEIR (San Francisco Planning Department 2016), which I understand is to cover development on 230 acres of residential and commercial use, including eight buildings between 200 feet and 400 feet high.

My qualifications for preparing expert comments are the following. I earned a Ph.D. degree in Ecology from the University of California at Davis in 1990, where I subsequently worked for four years as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, habitat restoration, interactions between wildlife and human infrastructure and activities, conservation of rare and endangered species, and on the ecology of invading species. I have authored numerous papers on special-status species issues, including "Using the best scientific data for endangered species conservation," published in *Environmental Management* (Smallwood et al. 1999), and "Suggested standards for science applied to conservation issues" published in the *Transactions of the Western Section of The Wildlife Society* (Smallwood et al. 2001). I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and the Raptor Research Foundation, and I've been a part-time lecturer at California State University, Sacramento. I was also Associate Editor of wildlife biology's premier scientific journal, *The Journal of Wildlife Management*, as well as of *Biological Conservation*, and I was on the Editorial Board of *Environmental Management*.

I have performed wildlife surveys in California for thirty-two years. Over these years, I studied the impacts of human activities and human infrastructure on wildlife, including on golden eagle, Swainson's hawk, burrowing owl, mountain lion, San Joaquin kangaroo rat, and other species. I have performed wildlife surveys at many proposed project sites. I have also performed hundreds of hours of diurnal and nocturnal flight behavior surveys of birds and bats. I also collaborate with colleagues worldwide on the underlying science and policy issues related to anthropogenic impacts on wildlife.

My CV is attached.

## BIOLOGICAL IMPACTS ASSESSMENT

The DEIR did not include an analysis of impacts and mitigation on biological resources. One of the key arguments for the DEIR's omission of a biological resources impacts assessment was given in the Initial Study (page 125), "*The occasional areas of ruderal, or weedy, vegetation generally provide habitat only for species habituated to urban life and high disturbance levels.*" The argument is that because the site is already urbanized and because the wildlife species that occur there are adapted to urban conditions, the proposed project poses no potential adverse impacts to wildlife. Using this logic, however, there would be no reason to perform biological resource assessments for any proposed projects in California because one can readily find anthropogenic conditions to which local species might have habituated. Whether species of wildlife might have habituated to local conditions is a contrived standard and not one that appears in CEQA, the CEQA guidelines, or in the judicial record.

A second key argument for omitting a biological resources impacts assessment was the Initial Study's assertion (page 126), that "*...none of the reported occurrences of species documented in the CNDDDB [California Natural Diversity Data Base] are within the Plan area.*" The Initial Study, and now the DEIR, inappropriately relies on CNDDDB to screen special-status species for occurrence likelihood. CNDDDB is useful only for confirming the presence of a species, but cannot be used to conclude absence because the reporting to CNDDDB is voluntary and not based on scientific sampling or equal access to properties. The limitations of CNDDDB are well-known, and they are summarized in a warning presented by CDFW on the CNDDDB web site (<https://www.wildlife.ca.gov/Data/CNDDDB/About>): "*We work very hard to keep the CNDDDB and the Spotted Owl Database as current and up-to-date as possible given our capabilities and resources. However, we cannot and do not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our customers...*" Lack of CNDDDB records on the project area is an invalid reason for omitting the biological resources assessment.

In other words, the reason for omitting a biological impacts assessment is that the Initial Study concluded: (1) There would be no significant impacts to wildlife caused by the construction of multiple high-rise and low-rise buildings, (2) There is no substantial change in conditions between the project reviewed in the 2013 Initial Study and the new project reviewed in the 2016 DEIR, and (3) The individual building projects would adhere to the San Francisco Planning Department's (2011) building design guidelines. The first reason is flawed because the Initial Study incorrectly used CNDDDB and incorrectly assumed that habituated wildlife will be safe wildlife in the face of transparent and reflective building facades. The second reason is flawed because the new project is obviously very different from the project that was subjected to the 2013 Initial Study. The buildings are much taller. The third reason is more compelling, but it still does not justify omission of a biological resources impacts assessment in the DEIR. The DEIR needs to include reasonable predictions of likely bird-window collision fatality rates. The discussion needs to be had about how many birds of special-status species and species protected by the International Migratory Bird Treaty Act are likely to

perish each year after these high-rises are thrust into the aerial habitat space of migrating and resident birds.

A quick review of eBird (<http://ebird.org/ebird/explore>) revealed 12 August 2016 nocturnal visits on the project site by special-status species including yellow warbler, brown pelican, and California gull, as well as multiple other species protected by the International Migratory Bird Treaty Act. A review of eBird also reveals the use of the area by many species of bird, including additional special-status species such as double-crested cormorant, tricolored blackbird, Peregrine falcon and Cooper's hawk. The eBird records reveal what any biologist should expect of San Francisco, and that is the use of the peninsula as a migration route by many species of bird. Building glazed or glass-façaded high-rises in the middle of this migration route will obviously destroy many migrating birds, and those birds not colliding with the buildings will have to exert extra energy during migration to fly around the buildings.

Beginning on page 129, the Initial Study discusses bird collisions with windows, inappropriately citing the San Francisco Planning Department's 2011 Standards for Bird Safe Buildings as the source of the estimated annual 100 million to 1 billion birds killed by windows across the USA. In fact, this estimate comes from Klem (1990), which was based on extremely limited survey effort and multiple assumptions and is likely long since obsolete (more on this later). Whereas the Initial Study discusses the bird-window collision issue, its conclusions about the likely impacts are inconsistent with the Precautionary Principle in risk assessment and unrealistic, and therefore do not justify the omission of a biological resources assessment in the DEIR. If anything, the discussion of bird-window collisions in the Initial Study should have prompted a focused and much-expanded biological resources assessment in the DEIR.

The existing developed area is causing significant numbers of injuries and deaths of birds every year. For example, if there are homes or commercial buildings with windows, then there are ongoing impacts to birds. Window collisions are often characterized as either the second or third largest source or anthropogenic-caused bird mortality. The numbers behind these characterizations are often attributed to Klem's (1990) and Dunn's (1993) estimates of about 100 million to 1 billion bird fatalities in the USA, or more recently Loss et al.'s (2014) estimate of 365-988 million bird fatalities in the USA or Calvert et al.'s (2013) and Machtans et al.'s (2013) estimates of 22.4 million and 25 million bird fatalities in Canada, respectively. However, these estimates and their interpretation warrant examination because they were based on opportunistic sampling, volunteer study participation, and fatality monitoring by more inexperienced than experienced searchers.

Klem's (1990) estimate was based on speculation that 1 to 10 birds are killed per building per year, and this speculated range was extended to the number of buildings estimated by the US Census Bureau in 1986. Klem's speculation was supported by fatality monitoring at only two houses, one in Illinois and the other in New York. Also, the basis of his fatality rate extension has changed greatly since 1986. Whereas his estimate served the need to alert the public of the possible magnitude of the bird-window collision issue, it was highly uncertain at the time and undoubtedly outdated

more than three decades hence. Indeed, by 2010 Klem (2010) characterized the upper end of his estimated range – 1 billion bird fatalities – as conservative. Furthermore, the estimate lumped species together as if all birds are the same and the loss of all birds to windows has the same level of impact.

Homes with birdfeeders are associated with higher rates of window collisions than are homes without birdfeeders (Kummer and Bayne 2015, Kummer et al. 2016a), so the developed area might pose even greater hazard to birds if it includes numerous birdfeeders. Another factor potentially biasing national or North American estimates low was revealed by Bracey et al.'s (2016) finding that trained fatality searchers found 2.6× the number of fatalities found by homeowners on the days when both trained searchers and homeowners searched around homes. The difference in carcass detection was 30.4-fold when involving carcasses volitionally placed by Bracey et al. (2016) in blind detection trials. This much larger difference in trial carcass detection rates likely resulted because their placements did not include the sounds that typically alert homeowners to actual window collisions, but this explanation also raises the question of how often homeowner participants with such studies miss detecting window-caused fatalities because they did not hear the collisions.

By the time Loss et al. (2014) performed their effort to estimate annual USA bird-window fatalities, many more fatality monitoring studies had been reported or were underway. Loss et al. (2014) were able to incorporate many more fatality rates based on scientific monitoring, and they were more careful about which fatality rates to include. However, they included estimates based on fatality monitoring by homeowners, which in one study were found to detect only 38% of the available window fatalities (Bracey et al. 2016). Loss et al. (2014) excluded all fatality records lacking a dead bird in hand, such as injured birds or feather or blood spots on windows. Loss et al.'s (2014) fatality metric was the number of fatalities per building (where in this context a building can include a house, low-rise, or high-rise structure), but they assumed that this metric was based on window collisions. Because most of the bird-window collision studies were limited to migration seasons, Loss et al. (2014) developed an admittedly assumption-laden correction factor for making annual estimates. Also, only two of the studies included adjustments for carcass persistence and searcher detection error, and it was unclear how and to what degree fatality rates were adjusted for these factors. Although Loss et al. (2014) attempted to account for some biases as well as for large sources of uncertainty mostly resulting from an opportunistic rather than systematic sampling data source, their estimated annual fatality rate across the USA was highly uncertain and vulnerable to multiple biases, most of which would have resulted in fatality estimates biased low.

In my review of bird-window collision monitoring, I found that the search radius around homes and buildings was very narrow, usually 2 meters. Based on my experience with bird collisions in other contexts, I would expect that a large portion of bird-window collision victims would end up farther than 2 m from the windows, especially when the windows are higher up on tall buildings. In my experience, searcher detection rates tend to be low for small birds deposited on ground with vegetation cover or woodchips or other types of organic matter. Also, vertebrate scavengers entrain on

anthropogenic sources of mortality and quickly remove many of the carcasses, thereby preventing the fatality searcher from detecting these fatalities. Adjusting fatality rates for these factors – search radius bias, searcher detection error, and carcass persistence rates – would greatly increase nationwide estimates of bird-window collision fatalities.

The existing conditions – the developed area – is undoubtedly killing many birds each year. Not only are windows killing many birds, but so too are house cats, feral cats, electrocution distribution lines, electric power poles, and autos. This said, the proposed project will add a level of impact that is entirely missing from the CEQA review. Constructing buildings to 400 feet above ground will not only take aerial habitat from birds, but it will also interfere with the movement of birds in the region and it will result in large numbers of annual window collision fatalities.

High-rise buildings intercept many nocturnal migrants as well as birds flying in daylight. Johnson and Hudson (1976) found 266 bird fatalities of 41 species within 73 months of monitoring of a four-story glass walkway at Washington State University (no adjustments attempted). Somerlot (2003) found 21 bird fatalities among 13 buildings on a university campus within only 61 days. Monitoring twice per week, Hager et al. (2008) found 215 bird fatalities of 48 species, or 55 birds/building/year, and at another site they found 142 bird fatalities of 37 species for 24 birds/building/year. Gelb and Delacretaz (2009) recorded 5,400 bird fatalities under buildings in New York City, based on a decade of monitoring only during migration periods, and some of the high-rises were associated with hundreds of fatalities each. Klem et al. (2009) monitored 73 building facades in New York City during 114 days of two migratory periods, tallying 549 collision victims, nearly 5 birds per day. Borden et al. (2010) surveyed a 1.8 km route 3 times per week during 12-month period and found 271 bird fatalities of 50 species. Parkins et al. (2015) found 35 bird fatalities of 16 species within only 45 days of monitoring under 4 building facades. From 24 days of survey over 48 day span, Porter and Huang (2015) found 47 fatalities under 8 buildings on a university campus. Sabo et al. (2016) found 27 bird fatalities 61 days of searches under 31 windows. In San Francisco, Kahle et al. (2016) found 355 collision victims within 1,762 days under a 5-story building. Ocampo-Peñuela et al. (2016) searched the perimeters of 6 buildings on a university campus, finding 86 fatalities after 63 days of surveys. One of these buildings produced 61 of the 86 fatalities, and another building with collision-deterrent glass caused only 2 of the fatalities. There is ample evidence available to support my prediction that the proposed 200-foot to 400-foot tall buildings will result in many collision fatalities of birds.

## **COLLISION FACTORS**

Below is a list of collision factors I found in the scientific literature. Following this list are specific notes and findings taken from the literature and my own experience.

- (1) Inherent hazard of a structure in the airspace used for nocturnal migration or other flights
- (2) Window transparency, falsely revealing passage through structure or to indoor plants



- (3) Window reflectance, falsely depicting vegetation, competitors, or open airspace
- (4) Black hole or passage effect
- (5) Window or façade extent, or proportion of façade consisting of window or other reflective surface
- (6) Size of window
- (7) Type of glass
- (8) Lighting, which is correlated with window extent and building operations
- (9) Height of structure (collision mechanisms shift with height above ground)
- (10) Orientation of façade with respect to winds and solar exposure
- (11) Structural layout causing confusion and entrapment
- (12) Context in terms of urban-rural gradient, or surrounding extent of impervious surface vs vegetation
- (13) Height, structure, and extent of vegetation grown near home or building
- (14) Presence of birdfeeders or other attractants
- (15) Relative abundance
- (16) Season of the year
- (17) Ecology, demography and behavior
- (18) Predatory attacks or cues provoking fear of attack
- (19) Aggressive social interactions

(1) Inherent hazard of structure in airspace.—Not all of a structure's collision risk can be attributed to windows. Overing (1938) reported 576 birds collided with the Washington Monument in 90 minutes on one night, 12 September 1937. The average annual fatality count had been 328 birds from 1932 through 1936. Gelb and Delacretaz (2009) and Klem et al. (2009) also reported finding collision victims at buildings lacking windows, although many fewer than they found at buildings fitted with windows.

(2) Window transparency.—Widely believed as one of the two principal factors contributing to avian collisions with buildings is the transparency of glass used in windows on the buildings (Klem 1989). Gelb and Delacretaz (2009) felt that many of the collisions they detected occurred where transparent windows revealed interior vegetation.

(3) Window reflectance.—Widely believed as one of the two principal factors contributing to avian collisions with buildings is the reflectance of glass used in windows on the buildings (Klem 1989). Reflectance can deceptively depict open airspace, vegetation as habitat destination, or competitive rivals as self-images (Klem 1989). Gelb and Delacretaz (2009) felt that many of the collisions they detected occurred toward the lower parts of buildings where large glass exteriors reflected outdoor vegetation. Klem et al. (2009) and Borden et al. (2010) also found that reflected outdoor vegetation associated positively with collisions.

(4) Black hole or passage effect.—Although this factor was not often mentioned in the bird-window collision literature, it was suggested in Sheppard and Phillips (2015). The black hole or passage effect is the deceptive appearance of a cavity or darkened ledge that certain species of bird typically approach with speed when seeking roosting sites. The deception is achieved when shadows from awnings or the interior light conditions

give the appearance of cavities or protected ledges. This factor appears potentially to be nuanced variations on transparency or reflectance or possibly an interaction effect of both of these factors.

(5) Window or façade extent.—Klem et al. (2009), Borden et al. (2010), Hager et al. (2013), and Ocampo-Peñuela et al. (2016) reported increased collision fatalities at buildings with larger reflective facades or higher proportions of facades composed of windows. However, Porter and Huang (2015) found a negative relationship between fatalities found and proportion of façade that was glazed.

(6) Size of window.—According to Kahle et al. (2016), collision rates were higher on large-pane windows compared to small-pane windows.

(7) Type of glass.—Klem et al. (2009) found that collision fatalities associated with the type of glass used on buildings. Otherwise, little attention has been directed towards the types of glass in buildings.

(8) Lighting.—Parkins et al. (2015) found that light emission from buildings correlated positively with percent glass on the façade, suggesting that lighting is linked to the extent of windows. Zink and Eckles (2010) reported fatality reductions, including an 80% reduction at a Chicago high-rise, upon the initiation of the Lights-out Program. However, Zink and Eckles (2010) provided no information on their search effort, such as the number of searches or search interval or search area around each building.

(9) Height of structure.—I found little if any hypothesis-testing related to high-rise buildings, including whether another suite of factors might relate to collision victims of high-rises. Are migrants more commonly the victims of high-rises? I would expect that some of the factors noted in other contexts will not be important with the upper portions of high-rises, such as birds attacking reflected self-images, or the extent of vegetation cover nearby, or the presence or absence of birdfeeders nearby.

(10) Orientation of façade.—Some studies tested façade orientation, but not convincingly. Confounding factors such as the extent and types of windows would require large sample sizes of collision victims to parse out the variation so that some portion of it could be attributed to orientation of façade.

(11) Structural layout.—Bird-safe building guidelines have illustrated examples of structural layouts associated with high rates of bird-window collisions, but little attention has been towards hazardous structural layouts in the scientific literature. An exception was Johnson and Hudson (1976), who found high collision rates at 3 stories of glassed-in walkways atop an open breezeway, located on a break in slope with trees on one side and open sky on the other, Washington State University.

(12) Context in urban-rural gradient.—Numbers of fatalities found in monitoring have associated negatively with increasing developed area surrounding the building (Hager et al. 2013), and positively with more rural settings (Kummer et al. 2016a). However, these relationships might not hold when it comes to high-rises.

(13) Height, structure and extent of vegetation near building.—Correlations have sometimes been found between collision rates and the presence or extent of vegetation near windows (Hager et al. 2008, Borden et al. 2010, Kummer et al. 2016a, Ocampo-Peñuela et al. 2016). However, Porter and Huang (2015) found a negative relationship between fatalities found and vegetation cover near the building.

(14) Presence of birdfeeders.—Dunn (1993) reported a weak correlation ( $r = 0.13$ ,  $P < 0.001$ ) between number of birds killed by home windows and the number of birds counted at feeders. However, Kummer and Bayne (2015) found that experimental installment of birdfeeders at homes increased bird collisions with windows 1.84-fold.

(15) Relative abundance.—Collision rates have often been assumed to increase with local density or relative abundance (Klem 1989), and positive correlations have been measured (Dunn 1993, Hager et al. 2008). However, Hager and Craig (2014) found a negative correlation between fatality rates and relative abundance near buildings.

(16) Season of the year.—Borden et al. (2010) found 90% of collision fatalities during spring and fall migration periods. The significance of this finding is magnified by 7-day carcass persistence rates of 0.45 and 0.35 in spring and fall, rates which were considerably lower than during winter and summer (Hager et al. 2012). In other words, the concentration of fatalities during migration seasons would increase after applying seasonally-explicit adjustments for carcass persistence.

(17) Ecology, demography and behavior.—Klem (1989) noted that certain types of birds were not found as common window-caused fatalities, including soaring hawks and waterbirds. Cusa et al. (2015) found that species colliding with buildings surrounded by higher levels of urban greenery were foliage gleaners, and species colliding with buildings surrounded by higher levels of urbanization were ground foragers. Sabo et al. (2016) found no difference in age class, but did find that migrants are more susceptible to collision than resident birds.

(18) Predatory attacks.—Panic flights caused by raptors were mentioned in 16% of window strike reports in Dunn's (1993) study. I have witnessed Cooper's hawks chasing birds into windows, including house finches next door to my home and a northern mocking bird chased directly into my office window.

(19) Aggressive social interactions.—I found no hypothesis-testing of the roles of aggressive social interactions in the literature other than the occasional anecdotal account of birds attacking their self-images reflected from windows. However, I have witnessed birds chasing each other and sometimes these chases resulting in one of the birds hitting a window.

## **SOLUTIONS**

Given the magnitude of bird-window collision impacts, there are obviously great opportunities for reducing and minimizing these impacts going forward. Existing

structures can be modified or retrofitted to reduce impacts, and proposed new structures can be more carefully sited and designed to minimize impacts. However, the costs of some of these measures can be high and can vary greatly, but most importantly the efficacies of many of these measures remain uncertain. Both the costs and effectiveness of all of these measures can be better understood through experimentation and careful scientific investigation. Post-construction fatality monitoring should be an essential feature of any new building project. Below is a listing of mitigation options, along with some notes and findings from the literature.

### ***(1) Retrofitting to reduce impacts***

- (1A) Marking windows
- (1B) Managing outdoor landscape vegetation
- (1C) Managing indoor landscape vegetation
- (1D) Managing nocturnal lighting

(1A) Marking windows.—Whereas Klem (1990) found no deterrent effect from decals on windows, Johnson and Hudson (1976) reported a fatality reduction of about 67% after placing decals on windows. Many external and internal glass markers have been tested experimentally, some showing no effect and some showing strong deterrent effects (Klem 1989, 1990, 2009, 2011; Klem and Saenger 2013; Rössler et al. 2015). In an experiment of opportunity, Ocampo-Peñuela et al. (2016) found only 2 of 86 fatalities at one of 6 buildings – the only building with windows treated with a bird deterrent film.

### ***(2) Siting and Designing to minimize impacts***

- (2A) Deciding on location of structure
- (2B) Deciding on façade and orientation
- (2C) Selecting type and sizes of windows
- (2D) Designing to minimize transparency through two parallel facades
- (2E) Designing to minimize views of interior plants
- (2F) Landscaping to increase distances between windows and trees and shrubs

## **GUIDELINES ON BUILDING DESIGN**

If the project goes forward, it should at a minimum adhere to available guidelines on building design intended to minimize collision hazards to birds. The American Bird Conservancy (ABC) produced an excellent set of guidelines recommending actions to: (1) Minimize use of glass; (2) Placing glass behind some type of screening (grilles, shutters, exterior shades); (3) Using glass with inherent properties to reduce collisions, such as patterns, window films, decals or tape; and (4) Turning off lights during migration seasons (Sheppard and Phillips 2015). The City of San Francisco (San Francisco Planning Department 2011) also has a set of building design guidelines, based on the excellent guidelines produced by the New York City Audubon Society (Orff et al. 2007). The ABC document and both the New York and San Francisco documents provide excellent alerting of potential bird-collision hazards as well as many visual examples. The San Francisco Planning Department's (2011) building design guidelines are more comprehensive than those of New York City, but they could have gone further. For example, the San Francisco guidelines probably should have also covered scientific

monitoring of impacts as well as compensatory mitigation for impacts that could not be avoided, minimized or reduced.

Although the San Francisco Planning Department deserves to be commended for its building design guidelines, some of its guidelines are in need of further review and consideration. Scientific research and understanding of the bird-window collision impacts remain low on the learning-curve, so we should expect rapid advances in understanding and solutions as scientific investigations are better funded and monitoring efforts expand and experimentation is implemented. At the time of the 2011 guidelines, only one building had been scientifically monitored for bird-window collisions (Kahle et al. 2016), so very few local scientific data on the impacts were available in San Francisco. As a result, too many of the guidelines are based on anecdotes and speculation. For example, the bird collision zone of 0-60 feet above ground (San Francisco Planning Department 2011:28) appears to have been based on speculation. No doubt low-rise buildings can kill many birds annually, but the evidence of this does not preclude high-rises from also killing many birds annually. When it comes to high-rises, it has often been difficult to determine how high a bird was flying when it collided with the building. Collision victims are found at the base of the building and could have fallen from 1 to 6 stories up, or perhaps from 7 to 40 stories up. It needs to be recognized that although the guidelines are commendable as a starting point, much remains to be learned about bird-window collisions, and flexibility for considering other measures or revised measures is warranted.

In another example of a standard that could perhaps use more foundation, the urban bird refuge standard (San Francisco Planning Department 2011:28) includes thresholds of 300 feet and 2 acres of open space. These thresholds appear to have been arbitrarily derived. What scientific evidence supports either of them? How would these standards bear on nocturnal migrants encountering large glass windows at 390 feet above ground? I am not arguing that these standards are incorrect, but rather that they might be arbitrary and therefore bear opportunities for improvement.

The DEIR should be revised to address some of the San Francisco Planning Department's (2011) building design guidelines for the project as a whole. There is no reason why the DEIR could not address macro-setting guidelines in the forms of checklist and text discussion. To be consistent with its own guidelines, the San Francisco Planning Department also might not want to follow through on its plan to amend the Planning Code to require greening of at least 50% of each site area and to construct at least 50% of roof area as living roofs (DEIR page II-34).

## **MITIGATION**

The bird-collision impacts potentially caused by the project could be mitigated to less than significant levels by implementing three measures:

1. Adhere to the San Francisco Planning Department's (2011) building design guidelines and to any other avoidance and minimization measures that have been learned additional or since the 2011 guidelines document was produced;

2. Fund long-term scientific monitoring of the impact so that lessons learned can be applied to future projects or perhaps to effective retrofit solutions; and,
3. Offset impacts that could not be avoided, minimized or reduced by compensating for the impacts. Compensation can include habitat protections elsewhere or donations to wildlife rehabilitation facilities that will likely receive and care for injured birds.

## CONCLUSION

The proposed project would impose 200- to 400-foot tall high-rises in the aerial habitat of many birds. Birds migrating through San Francisco at night, in route north or south along the coast, would encounter these high-rises. Many of these nocturnal migrants would be attracted to light emissions from the buildings or would encounter the buildings by chance, and many of these birds would perish due to collision with these buildings. Other birds would encounter the high-rises during daylight hours and would be deceived by the transparency or reflected images in the glass of windows. Many of these birds would perish. At lower stories – those near the ground – windows reflecting planted trees would deceive birds into flying toward the reflected images and to their deaths. The numbers of collision fatalities could be very large, and some of the collision victims could be members of species that are rare or declining, and some could be special-status species, such as Sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperi*), Olive-sided flycatcher (*Contopus cooperi*), Least Bell's vireo (*Vireo belli pusillus*), yellow warbler (*Setophaga petechia*), and Lawrence's goldfinch (*Spinus lawrencei*). However, it should be remembered that nearly all birds in California are protected by the international Migratory Bird Treaty Act. The EIR should be revised to address these potential impacts. Available bird-safe building guidelines should be followed where appropriate, but additional measures will be needed where the guidelines are either wrong or based on poor foundation.

The EIR should be revised to include a biological resources assessment, which should report reasonable predictions of collision mortality. The EIR should also provide more detail about which building design guidelines will be implemented under which conditions. For example, macro-setting guidelines could be addressed in the EIR. The EIR should also provide details about fatality monitoring needed to quantify collision mortality. Finally, it should provide details about compensatory mitigation to offset the collision fatalities that cannot be prevented in building design.

Thank you for your consideration,



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Shawn Smallwood, Ph.D.

## REFERENCES CITED

- Borden, W. C., O. M. Lockhart, A. W. Jones, and M. S. Lyons. 2010. Seasonal, taxonomic, and local habitat components of bird-window collisions on an urban university campus in Cleveland, OH. *Ohio Journal of Science* 110(3):44-52.
- Bracey, A. M., M. A. Etterson, G. J. Niemi, and R. F. Green. 2016. Variation in bird-window collision mortality and scavenging rates within an urban landscape. *The Wilson Journal of Ornithology* 128:355-367.
- Calvert, A. M., C. A. Bishop, R. D. Elliot, E. A. Krebs, T. M. Kydd, C. S. Machtans, and G. J. Robertson. 2013. A synthesis of human-related avian mortality in Canada. *Avian Conservation and Ecology* 8(2): 11. <http://dx.doi.org/10.5751/ACE-00581-080211>
- Cusa M, Jackson DA, Mesure M. 2015. Window collisions by migratory bird species: urban geographical patterns and habitat associations. *Urban Ecosystems* 18(4):1-20. DOI 10.1007/s11252-015-0459-3.
- Dunn, E. H. 1993. Bird mortality from striking residential windows in winter. *Journal of Field Ornithology* 64:302-309.
- Gelb, Y. and N. Delacretaz. 2009. Windows and vegetation: Primary factors in Manhattan bird collisions. *Northeastern Naturalist* 16:455-470.
- Hager, S. B., and M. E. Craig. 2014. Bird-window collisions in the summer breeding season. *PeerJ* 2:e460 DOI 10.7717/peerj.460.
- Hager, S. B., H. Trudell, K. J. McKay, S. M. Crandall, and L. Mayer. 2008. Bird density and mortality at windows. *Wilson Journal of Ornithology* 120:550-564.
- Hager, S. B., B. J. Cosentino, and K. J. McKay. 2012. Scavenging effects persistence of avian carcasses resulting from window collisions in an urban landscape. *Journal of Field Ornithology* 83:203-211.
- Hager S. B., B. J. Cosentino, K J. McKay, C. Monson, W. Zuurdeeg, and B. Blevins. 2013. Window area and development drive spatial variation in bird-window collisions in an urban landscape. *PLoS ONE* 8(1): e53371. doi:10.1371/journal.pone.0053371
- Johnson, R. E., and G. E. Hudson. 1976. Bird mortality at a glassed-in walkway in Washington State. *Western Birds* 7:99-107.
- Kahle, L. Q., M. E. Flannery, and J. P. Dumbacher. 2016. Bird-window collisions at a west-coast urban park museum: analyses of bird biology and window attributes from Golden Gate Park, San Francisco. *PLoS ONE* 11(1):e144600 DOI 10.1371/journal.pone.0144600.

- Klem, D., Jr. 1989. Bird-window collisions. *Wilson Bulletin* 101:606-620.
- Klem, D., Jr. 1990. Collisions between birds and windows: mortality and prevention. *Journal of Field Ornithology* 61:120-128.
- Klem, D., Jr. 2009. Preventing bird-window collisions. *The Wilson Journal of Ornithology* 121:314-321.
- Klem, D., Jr. 2010. Avian mortality at windows: the second largest human source of bird mortality on earth. Pages 244-251 in *Proc. Fourth Int. Partners in Flight Conference: Tundra to Tropics*.
- Klem, D., Jr. 2011. Evaluating the effectiveness of Acopian Birdsavers to deter or prevent bird-glass collisions. Unpublished report.
- Klem, D., Jr. and P. G. Saenger. 2013. Evaluating the Effectiveness of Select Visual Signals to Prevent Bird-window Collisions. *The Wilson Journal of Ornithology* 125:406-411.
- Klem, D. Jr., C. J. Farmer, N. Delacretaz, Y. Gelb and P. G. Saenger. 2009. Architectural and Landscape Risk Factors Associated with Bird-Glass Collisions in an Urban Environment. *Wilson Journal of Ornithology* 121:126-134.
- Kummer J. A., and E. M. Bayne. 2015. Bird feeders and their effects on bird-window collisions at residential houses. *Avian Conservation and Ecology* 10(2):6 DOI 10.5751/ACE-00787-100206.
- Kummer, J. A., E. M. Bayne, and C. S. Machtans. 2016a. Use of citizen science to identify factors affecting bird-window collision risk at houses. *The Condor: Ornithological Applications* 118:624-639. DOI: 10.1650/CONDOR-16-26.1
- Loss, S. R., T. Will, S. S. Loss, and P. P. Marra. 2014. Bird-building collisions in the United States: Estimates of annual mortality and species vulnerability. *The Condor: Ornithological Applications* 116:8-23. DOI: 10.1650/CONDOR-13-090.1
- Machtans, C. S., C. H. R. Wedeles, and E. M. Bayne. 2013. A first estimate for Canada of the number of birds killed by colliding with building windows. *Avian Conservation and Ecology* 8(2):6. <http://dx.doi.org/10.5751/ACE-00568-080206>
- Ocampo-Peñuela, N., R. S. Winton, C. J. Wu, E. Zambello, T. W. Wittig and N. L. Cagle . 2016. Patterns of bird-window collisions inform mitigation on a university campus. *PeerJ*4:e1652;DOI10.7717/peerj.1652
- Orff, K., H. Brown, S. Caputo, E. J. McAdams, M. Fowle, G. Phillips, C. DeWitt, and Y. Gelb. 2007. *Bird-safe buildings guidelines*. New York City Audubon, New York.
- Overing, R. 1938. High Mortality at the Washington Monument. *The Auk* 55:679.



- Parkins, K. L., S. B. Elbin, and E. Barnes. 2015. Light, Glass, and Bird–building Collisions in an Urban Park. *Northeastern Naturalist* 22:84-94.
- Porter, A., and A. Huang. 2015. Bird Collisions with Glass: UBC pilot project to assess bird collision rates in Western North America. UBC Social Ecological Economic Development Studies (SEEDS) Student Report. Report to Environment Canada, UBC SEEDS and UBC BRITE.
- Rössler, M., E. Nemeth, and A. Bruckner. 2015. Glass pane markings to prevent bird-window collisions: less can be more. *Biologia* 70: 535–541. DOI: 10.1515/biolog-2015-0057
- Sabo, A. M., N. D. G. Hagemeyer, A. S. Lahey, and E. L. Walters. 2016. Local avian density influences risk of mortality from window strikes. *PeerJ* 4:e2170; DOI 10.7717/peerj.2170
- San Francisco Planning Department. 2011. Standards for bird-safe buildings. San Francisco Planning Department, City and County of San Francisco, California.
- San Francisco Planning Department. 2016. Draft Environmental Impact Report, Central SoMa Plan. State Clearinghouse No. 2013042070.
- Sheppard, C., and G. Phillips. 2015. Bird-friendly building Design, 2nd Ed., American Bird Conservancy, The Plains, Virginia.
- Smallwood, K.S., J. Beyea and M. Morrison. 1999. Using the best scientific data for endangered species conservation. *Environmental Management* 24:421-435.
- Smallwood, K.S., A. Gonzales, T. Smith, E. West, C. Hawkins, E. Stitt, C. Keckler, C. Bailey, and K. Brown. 2001. Suggested standards for science applied to conservation issues. *Transactions of the Western Section of the Wildlife Society* 36:40-49.
- Somerlot, K. E. 2003. Survey of songbird mortality due to window collisions on the Murray State University campus. *Journal of Service Learning in Conservation Biology* 1:1–19.
- Urban Planning Partners, Inc. 2016. MacArthur Station – Modified 2016 Project CEQA Analysis. Prepared for City of Oakland, California.
- Zink, R. M., and J. Eckles. 2010. Twin cities bird-building collisions: a status update on “Project Birdsafe.” *The Loon* 82:34-37.

# EXHIBIT E



**Environmental Justice at the Local and Regional Level**  
**Legal Background**

Cities, counties, and other local governmental entities have an important role to play in ensuring environmental justice for all of California's residents. Under state law:

"[E]nvironmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(Gov. Code, § 65040.12, subd. (e).) Fairness in this context means that the *benefits* of a healthy environment should be available to everyone, and the *burdens* of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects.

Many local governments recognize the advantages of environmental justice; these include healthier children, fewer school days lost to illness and asthma, a more productive workforce, and a cleaner and more sustainable environment. Environmental justice cannot be achieved, however, simply by adopting generalized policies and goals. Instead, environmental justice requires an ongoing commitment to identifying existing and potential problems, and to finding and applying solutions, both in approving specific projects and planning for future development.

There are a number of state laws and programs relating to environmental justice. This document explains two sources of environmental justice-related responsibilities for local governments, which are contained in the Government Code and in the California Environmental Quality Act (CEQA).

**Government Code**

Government Code section 11135, subdivision (a) provides in relevant part:

No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state....

While this provision does not include the words "environmental justice," in certain circumstances, it can require local agencies to undertake the same consideration of fairness in the distribution of environmental benefits and burdens discussed above. Where, for example, a general plan update is funded by or receives financial assistance from the state or a state agency, the local government should take special care to ensure that the plan's goals, objectives, policies and implementation measures (a) foster equal access to a clean environment and public health benefits (such as parks, sidewalks, and public transportation); and (b) do not result in

concentration of polluting activities near communities that fall into the categories defined in Government Code section 11135.<sup>1</sup> In addition, in formulating its public outreach for the general plan update, the local agency should evaluate whether regulations governing equal “opportunity to participate” and requiring “alternative communication services” (*e.g.*, translations) apply. (See Cal. Code Regs., tit. 22, §§ 98101, 98211.)

Government Code section 11136 provides for an administrative hearing by a state agency to decide whether a violation of Government Code section 11135 has occurred. If the state agency determines that the local government has violated the statute, it is required to take action to “curtail” state funding in whole or in part to the local agency. (Gov. Code, § 11137.) In addition, a civil action may be brought in state court to enforce section 11135. (Gov. Code, § 11139.)

### **California Environmental Quality Act (CEQA)**

Under CEQA, “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects ....” (Pub. Res. Code, § 21002.) CEQA does not use the term “environmental justice.” Rather, CEQA centers on whether a project may have a significant effect on the physical environment. Under CEQA, human beings are an integral part of the “environment.” An agency is required to find that a “project may have a ‘significant effect on the environment’” if, among other things, “[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.]” (Pub. Res. Code, § 21083, subd. (b)(3); see also CEQA Guidelines,<sup>2</sup> § 15126.2 [noting that a project may cause a significant effect by bringing people to hazards].) As set out below, by following well-established CEQA principles, local governments can help achieve environmental justice.

#### **CEQA’s Purposes**

The importance of a healthy environment for all of California’s residents is reflected in CEQA’s purposes. In passing CEQA, the Legislature determined:

- “The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.” (Pub. Res. Code, § 21000, subd. (a).)
- We must “identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached.” (*Id.* at subd. (d).)

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<sup>1</sup> To support a finding that such concentration will not occur, the local government likely will need to identify candidate communities and assess their current burdens.

<sup>2</sup> The CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000, et seq.) are available at <http://ceres.ca.gov/ceqa/>.

- “[M]ajor consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.” (*Id.* at subd. (g).)
- We must “[t]ake all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.” (Pub. Res. Code, § 21001, subd. (b).)

Specific provisions of CEQA and its Guidelines require that local lead agencies consider how the environmental and public health burdens of a project might specially affect certain communities. Several examples follow.

### Environmental Setting and Cumulative Impacts

There are a number of different types of projects that have the potential to cause physical impacts to low-income communities and communities of color. One example is a project that will emit pollution. Where a project will cause pollution, the relevant question under CEQA is whether the environmental effect of the pollution is significant. In making this determination, two long-standing CEQA considerations that may relate to environmental justice are relevant – setting and cumulative impacts.

It is well established that “[t]he significance of an activity depends upon the setting.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718 [citing CEQA Guidelines, § 15064, subd. (b)]; see also *id.* at 721; CEQA Guidelines, § 15300.2, subd. (a) [noting that availability of listed CEQA exceptions “are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.”]) For example, a proposed project’s particulate emissions might not be significant if the project will be located in a sparsely populated area, but may be significant if the project will be located in the air shed of a community whose residents may be particularly sensitive to this type of pollution, or already are experiencing higher-than-average asthma rates. A lead agency therefore should take special care to determine whether the project will expose “sensitive receptors” to pollution (see, e.g., CEQA Guidelines, App. G); if it will, the impacts of that pollution are more likely to be significant.<sup>3</sup>

In addition, CEQA requires a lead agency to consider whether a project’s effects, while they might appear limited on their own, are “cumulatively considerable” and therefore significant. (Pub. Res. Code, § 21083, subd. (b)(3).) “[C]umulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” (*Id.*) This requires a local lead agency to determine whether pollution from a

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<sup>3</sup> “[A] number of studies have reported increased sensitivity to pollution, for communities with low income levels, low education levels, and other biological and social factors. This combination of multiple pollutants and increased sensitivity in these communities can result in a higher cumulative pollution impact.” Office of Environmental Health Hazard Assessment, *Cumulative Impacts: Building a Scientific Foundation* (Dec. 2010), Exec. Summary, p. ix, available at <http://oehha.ca.gov/ej/cipa123110.html>.

proposed project will have significant effects on any nearby communities, when considered together with any pollution burdens those communities already are bearing, or may bear from probable future projects. Accordingly, the fact that an area already is polluted makes it *more likely* that any additional, unmitigated pollution will be significant. Where there already is a high pollution burden on a community, the “relevant question” is “whether any additional amount” of pollution “should be considered significant in light of the serious nature” of the existing problem. (*Hanford, supra*, 221 Cal.App.3d at 661; see also *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 [holding that “the relevant issue ... is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing around the schools.”])

### The Role of Social and Economic Impacts Under CEQA

Although CEQA focuses on impacts to the physical environment, economic and social effects may be relevant in determining significance under CEQA in two ways. (See CEQA Guidelines, §§ 15064, subd. (e), 15131.) First, as the CEQA Guidelines note, social or economic impacts may lead to physical changes to the environment that are significant. (*Id.* at §§ 15064, subd. (e), 15131, subd. (a).) To illustrate, if a proposed development project may cause economic harm to a community’s existing businesses, and if that could in turn “result in business closures and physical deterioration” of that community, then the agency “should consider these problems to the extent that potential is demonstrated to be an indirect environmental effect of the proposed project.” (See *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 446.)

Second, the economic and social effects of a physical change to the environment may be considered in determining whether that physical change is significant. (*Id.* at §§ 15064, subd. (e), 15131, subd. (b).) The CEQA Guidelines illustrate: “For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant.” (*Id.* at § 15131, subd. (b); see also *id.* at § 15382 [“A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”])

### Alternatives and Mitigation

CEQA’s “substantive mandate” prohibits agencies from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that would substantially lessen or avoid those effects. (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134.) Where a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should address ways to reduce or eliminate the project’s impacts to that community or subgroup. (See CEQA Guidelines, § 15041, subd. (a) [noting need for “nexus” between required changes and project’s impacts].)

Depending on the circumstances of the project, the local agency may be required to consider alternative project locations (see *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404) or alternative project designs (see *Citizens of Goleta*

*Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1183) that could reduce or eliminate the effects of the project on the affected community.

The lead agency should discuss and develop mitigation in a process that is accessible to the public and the affected community. “Fundamentally, the development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral negotiation between a project proponent and the lead agency after project approval; but rather, an open process that also involves other interested agencies and the public.” (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.) Further, “[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments.” (CEQA Guidelines, § 15126.4, subd. (a)(2).)

As part of the enforcement process, “[i]n order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented,” the local agency must also adopt a program for mitigation monitoring or reporting. (CEQA Guidelines, § 15097, subd. (a).) “The purpose of these [monitoring and reporting] requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (*Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) Where a local agency adopts a monitoring or reporting program related to the mitigation of impacts to a particular community or sensitive subgroup, its monitoring and reporting necessarily should focus on data from that community or subgroup.

#### Transparency in Statements of Overriding Consideration

Under CEQA, a local government is charged with the important task of “determining whether and how a project should be approved,” and must exercise its own best judgment to “balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian.” (CEQA Guidelines, § 15021, subd. (d).) A local agency has discretion to approve a project even where, after application of all feasible mitigation, the project will have unavoidable adverse environmental impacts. (*Id.* at § 15093.) When the agency does so, however, it must be clear and transparent about the balance it has struck.

To satisfy CEQA’s public information and informed decision making purposes, in making a statement of overriding considerations, the agency should clearly state not only the “specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits” that, in its view, warrant approval of the project, but also the project’s “unavoidable adverse environmental effects[.]” (*Id.* at subd. (a).) If, for example, the benefits of the project will be enjoyed widely, but the environmental burdens of a project will be felt particularly by the neighboring communities, this should be set out plainly in the statement of overriding considerations.

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The Attorney General's Office appreciates the leadership role that local governments have played, and will continue to play, in ensuring that environmental justice is achieved for all of California's residents. Additional information about environmental justice may be found on the Attorney General's website at <http://oag.ca.gov/environment>.



# EXHIBIT F

Edwin M. Lee  
*Mayor*

Barbara Garcia MPA  
*Director of Health*

Rajiv Bhatia MD, MPH  
*Director*

## ***Sustainable Communities Health Assessment: Central Corridor Plan***

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**Date:** November 30, 2012

**Project:** The Central Corridor Plan

**Background:** The Planning Department will be developing an area plan for the area surrounding the southern portion of the Central Subway, known as the Central Corridor. The Planning Department has requested that the Department of Public Health review the plan area using its Sustainable Communities Index to support the inclusion of health protective language in the Plan document.

**Requestor:** Steve Wertheim, Planner, San Francisco Planning Department

**Objectives:**

- Conduct an assessment of health-relevant social and environmental conditions in the area between 2<sup>nd</sup>, 6<sup>th</sup>, Market, and Townsend Streets using the Sustainable Communities Index Indicators
- Synthesize priorities for neighborhood health, which could be potentially addressed through the Plan, considering data and stakeholder input during the planning process

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## ***I. Introduction***

Social and environmental conditions are principle determinants of health, well-being, and human development. The San Francisco Department of Public Health is committed to addressing these determinants and develops tools to assess our progress towards creating a healthy and sustainable city. One of those tools, the Sustainable Communities Index, is a system of over 100 performance indicators for livable, equitable and prosperous urban cities. First developed in San Francisco in 2007 by the Department of Public Health in partnership with diverse public and private organizations, the Index provides a model for local health, equity, and sustainability measurement in urban areas. In San Francisco, the SCI has been used to guide and shape land use plans, for the Eastern Neighborhoods, Treasure Island, Western SoMa, and Executive Park.

This assessment will provide a baseline conditions summary for the Central Corridor Plan area, between Market, Townsend, 2<sup>nd</sup>, and 6<sup>th</sup> Streets. We assessed conditions using data from the Department of Public Health's Sustainable Communities Index. The content is organized by the SCI's seven Elements: Environment, Transportation, Community, Public Realm, Education, Housing, and Economy. Within each section a brief summary of the Plan area's performance on the SCI's indicators is provided. The next section provides a brief summary of common community concerns expressed in public workshop questionnaires and the online survey. The analysis concludes with a list of the key challenges that were evident from this analysis, which could be addressed through the Central Corridor Plan. Maps, data, methods, and limitations for the indicators examined can be found at [www.SustainableSF.org](http://www.SustainableSF.org).

## ***II. Highlights from Baseline Conditions Analysis of Central Corridor Plan Area***

**This section briefly summarizes current health related strengths and vulnerabilities in the Central Corridor Plan area.**

### **ENVIRONMENT**

Environmental pollution and access to natural areas have important impacts on human health. Motor vehicle traffic is the predominant source of both air and noise pollution in San Francisco, which can negatively affect respiratory health, sleep, and stress. Trees and green spaces have the potential to mitigate air pollution and noise and also have positive impacts on crime, mental health, and overall well-being.

Currently in the Central Corridor Plan area, only 5% of the land area is open space and 90% of the land is impervious, leading to increased storm water runoff. Compared to the City average of 7 trees per acre, the

Central Corridor only has 1.6. In general, air quality across San Francisco is much better than most major metropolitan areas in the State. However, due to close proximity to freeways and high traffic roads, the area has some of the poorest air quality in the City, with 13% of households living in an area exposed to greater than 10ug/m<sup>3</sup> of fine particulate matter (PM 2.5) and 16% living in areas with ambient air pollution cancer risks greater than 100 in a million. The presence of freeways and high traffic roads also contributes to high traffic noise levels and 98% of households in the Plan area are presently exposed to an average day/night outdoor noise level of greater than 60 decibels, which is a standard set by the Health Department for potential concern and mitigation.

## **TRANSPORTATION**

The transportation system impacts health via environmental quality, road traffic accidents, ability to access important goods and services and neighborhood livability and walkability.

Compared to other neighborhoods in the City, residents in the Plan area own fewer cars, drive less, and spend more time walking and cycling. However, the area also has among the highest densities of traffic in the city. Transit infrastructure and number of bike lanes are above average. However, pedestrian conditions are marginal. Of the street segments in the Plan area that were assessed with the Pedestrian Environmental Quality Index (PEQI), only 12% had reasonable or ideal conditions and only 30% of intersections had reasonable or ideal conditions. The incidence of severe injuries and deaths related to collisions between vehicles and pedestrians, cyclists, and other vehicles is amongst the highest in the City. The situation for pedestrians is especially troubling, as the average annual number of pedestrian injuries and fatalities per 100 road miles is six times higher in the Plan area compared to the City as a whole (48 vs. 8). Compared to other neighborhoods, the Plan area also has a higher proportion of drivers who are driving over the speed limit. While more residents who live in the Plan area may not be driving themselves, the traffic density, a general proxy for adverse environmental exposures and health hazards from traffic, is among the highest in the City due to the large arterials that carry traffic to and from freeways. Additionally, 100% of the current population in the plan area lives within 150 meters of a designated truck route (research suggests that the concentration of emitted motor vehicle pollutants may be highest within 150 meters of roadways).

## **COMMUNITY**

Community organizations, support networks, and political engagement are all elements of community that have impacts on individual overall health, ranging from violence to chronic stress. Chronic stress in particular has been shown to be linked to a number of poor health outcomes like cardiovascular disease and low birth-weight.

The Plan area has above average rates for voting and access to community centers. In contrast, based on data from 2005-2007, the Central Corridor Plan area has amongst the highest violent and property crime rates in the City. During that time period, the number of assaults per 1,000 residents was 210 in the plan area and 44 for the City as a whole. Likewise, the property crime rate was 900 in the Plan area and 177 for the whole City. A high density of off sale alcohol outlets has been found to be associated with higher crime rates, and within the Plan area the density higher than most parts of the City. According to the Controller's Survey, 10% of residents feel unsafe in their neighborhood during the day and 34% feel so at night. Neighborhoods that experience less resident turn-over are more likely to develop lasting, supportive social networks among residents. Compared to other parts of the City, fewer residents in the plan area have lived in their home for more than a year and more than a third are at least somewhat likely to move away from San Francisco in the next three years.

## **PUBLIC REALM**

Public realm includes all of the retail, public service, and aesthetic amenities necessary for individuals to thrive in their communities. Access to healthful resources, like parks, healthy food, and medical care, are important for individuals to be able to meet their basic needs. When important everyday resources are nearby, in walking friendly environments, individuals can increase their physical activity and improve the environment by using non-auto modes of transportation. Aesthetic elements of the public realm, such as art and the maintenance of public spaces, also have the ability to impact the amount of time people spend walking, as well as crime and overall human health.

Currently, the Central Corridor plan area performs well in provision of arts and cultural amenities, as well as libraries. The area also has among the best retail food access in the City. The area boasts 386 eating establishments per square mile compared to 74 for the City as a whole and has the equivalent of 5 supermarkets per square mile. However, there is room for improvement in the percent of food establishments that accept federal food assistance benefits. The area also has a high concentration of other retail establishments, which contribute to the walkability of the neighborhood.

Public infrastructure areas that the Plan area performs more poorly in include public health facilities and parks and open space. The Recreational Area Access Score assesses relative access to park acreage at any point in the City. Here again the Plan area was one of the lowest performers. Currently 67% of residents live within ¼ mile of a public recreational facility compared to 91% for the City as a whole. Additionally, only 16% of residents are within ¼ mile of a community garden compared to 26% across the City. Lastly, there are no public health facilities within the Plan area.

## **EDUCATION**

Education is one of the most consistently strong correlates of human health. Higher educational attainment is associated with higher lifetime earnings, positive health behaviors, and prolonged life expectancy.

The plan area performs poorly with regards to educational infrastructure. The Elementary School Access Score, which considers the quality, proximity, and quantity of all elementary school slots per housing unit within one mile of any point in the City, is amongst the lowest in the City within the Plan area. This is a function of there being both few and poor performing elementary schools in the South of Market area. Parental perceptions of the area's educational options are reflected by the low percent of parents choosing the area's attendance area elementary school, Webster, as their first choice. Webster however, is not actually in the plan area and is closer to the intersection of Potrero Hill/Mission/Bayview. Bessie Carmichael Elementary, a Citywide school that gives no priority based on living near the school, is the only school in the Plan area and, like Webster, performs below state standards (this excludes Five Key's, which is operated by the Sheriff's Department).

The plan area currently has a higher than average number of child care center spots per 0-14 year old living in the Plan area.

## **HOUSING**

The cost and quality of housing have important impacts on human health. When housing costs are high relative to income, families and individuals may struggle to pay for other important expenses like food, transportation, or medical care. Families and individuals struggling to afford housing may also live in overcrowded conditions, which can lead to spread of infectious diseases and poor educational outcomes for children. Lastly low-income individuals may be forced to live in substandard housing that is poorly maintained, thereby being exposed to mold, lead, pests, and other hazards.

Housing affordability and safety are current challenges for the Central Corridor Plan area. Based on the Regional Housing Needs Determination published by ABAG, by 2010 San Francisco had only met 4% of the 2007-2014 housing production targets for individuals living between 50-80% of the Area Median Income (AMI) and 13% for individuals living between 80-120% of the AMI. This contrasts with 26% of targets being met for individuals living below 50% of the AMI and 64% for market rate housing. Within the Central Corridor Plan area, 24% of the households currently pay 50% of their household income to gross rent, making the area among the most rent burdened in the City. Fewer households own their homes and more households are living in overcrowded conditions. While 25% of the total units are inclusionary, public, redevelopment agency assisted, or part of a community land trust, only 24% of the rental housing is subject to rent control, compared to 86% for the City as

a whole. The area also has some of the highest poverty with 31% of the population living at or below 200% of the poverty threshold. Health and building code violations are also amongst the highest in the Plan area, at 19 per 1,000 residents, compared to 5 for the City as a whole. Three of the area's housing related strengths however, are a higher level of ethnic diversity, a lower rate of no-fault evictions, and high residential density to support a walkable neighborhood.

## **ECONOMY**

Income is one of the strongest and most consistent predictors of health and disease in public health research literature. The strong relationship between income and health is not limited to a single illness or disease. When jobs are nearby housing, individuals' commute times may be shorter and use of active transportation may increase. Locally owned businesses generally benefit the local economy more than national chains and green businesses are good for the environment and worker health. Banks and credit unions are important community assets that can facilitate building wealth and avoiding high interest loans from check cashers and payday lenders.

The Central Corridor Plan area has among the highest job densities in the City, yet also has among the lowest proportions of residents who actually work in the City. The plan area contains 15% of the City's minority and women owned local business enterprises and 8% of the City's green businesses, which is significant considering that the plan area only makes up roughly 1% of the City's land area. All residents within the plan area currently live within ½ mile of a savings bank or credit union. Current challenges include potentially lower employment rates within the plan area and a lower number of residents that are covered by health insurance.

## **HEALTH OUTCOMES**

Many population health outcomes are relatively poorer in the zip codes that make up the Plan area (94105, 94103, 94158). Hospitalization rates for asthma, diabetes, chronic obstructive pulmonary disease, alcohol, and mental health are high. The only zip code for which we have premature mortality data is 94103, and within this zip code HIV/AIDS is the leading cause of premature mortality for males and unintentional drug overdose is the leading cause for females. Eleven percent of babies born to women residing in the plan area are born low birth weight and only 89% of mothers receive prenatal care during their first trimester. The health outcomes in this area could in part be influenced by the density of service providers and supportive housing which serve and attract vulnerable populations to the area.

### **III. Stakeholder Input Relevant to Health**

Public comment gathered through the online survey and workshop questionnaires, while not necessarily representative of the area population, identified a number of health-relevant concerns. The following were the most common respondent concerns:

- Pedestrian and cyclist safety
- Crime
- Trash and grime
- Lack of trees and green space

Respondents generally want more housing and work space, but there are mixed opinions on how much of the housing should be affordable and to what income levels it should be affordable. There were frequent requests for wider sidewalks, protected bike lanes, better lighting, more retail and dining, more public seating, trees, and small parks. Similar numbers of respondents felt that there were enough schools (48%) or that there should be more (44%).

### **IV. Recommendations**

Based on this analysis of current conditions in the Plan area, as well as public concerns, we identified several potential opportunity areas for improving neighborhood health. We recommend that Planning work in collaboration with DPH to select Plan policies and implementation actions to address the following challenges.

#### **ENVIRONMENTAL CHALLENGES**

- Few trees
- Few parks and open spaces
- Air pollution
- Noise

#### **TRANSPORTATION CHALLENGES**

- Pedestrian safety
- Bicycle safety
- High traffic density

#### **SOCIAL CHALLENGES**

- Crime
- Residential turnover

#### **PUBLIC REALM NEEDS**

- Lack of health facilities
- Sidewalk maintenance/cleanliness



***EDUCATION CHALLENGES***

- Few/under-performing schools

***HOUSING CHALLENGES***

- Housing affordability
- Housing safety and habitability

***ECONOMIC CHALLENGES***

- Unemployment

## **Health and Sustainability Indicator Performance for the Central Corridor**

### **Background**

The Sustainable Communities Index is a system of over 100 performance indicators for livable, equitable and prosperous urban cities. First developed in San Francisco in 2007 by the Department of Public Health in partnership with diverse public and private organizations, the Index provides a model for local health, equity, and sustainability measurement in urban areas. In San Francisco, the SCI has been used to guide and shape land use plans, for the Eastern Neighborhoods, Treasure Island, Western SoMa, and Executive Park.

### **Methods and Data Sources**

For this study, we used SCI Indicators to assess current conditions in the Central Corridor Plan area (the area bounded by Market, 2<sup>nd</sup>, 6<sup>th</sup>, and Townsend Streets) with the goal of managing environmental and social challenges in the plan area. Indicator maps, methodologies, data sources, and limitations can be found on the SCI website at [www.SustainableSF.org](http://www.SustainableSF.org).

When possible, indicator data was analyzed specifically for the area within the Plan boundaries. In some cases however, data was not available for the specific area of interest. In cases where the Supervisorial District or PUMA (public use micro-data area) were the lowest geographic levels, the values for District 6 or PUMA 2203 were used. When census tracts, zip codes and, transportation districts were the lowest level of geography for an indicator, the proportion of the total Plan area residential square footage that fell within, each district, tract, zip code was calculated. Those proportions were then multiplied by the value for the respective tract, zip code, or district to calculate a “residential distribution” weighted average indicator value for the Plan area. In cases where census tracts, zip codes, or transportation districts are the lowest geographic value, this is noted within the table.

### **Interpretation**

The table lists all of the indicators that are used to measure progress towards each objective. The table includes indicator values for the city as a whole and the Central Corridor Plan area. To determine relative performance, we divided the range of values at the lowest geographic level for each indicator into quintiles. The Plan area was then given a score based on where it fell between the worst and the best quintiles (scores: -2, -1, 0, 1, or 2). In the table, the score for each indicator is also expressed using plus, minus, and tilde signs, with pluses denoting good performance and minuses denoting poor performance.

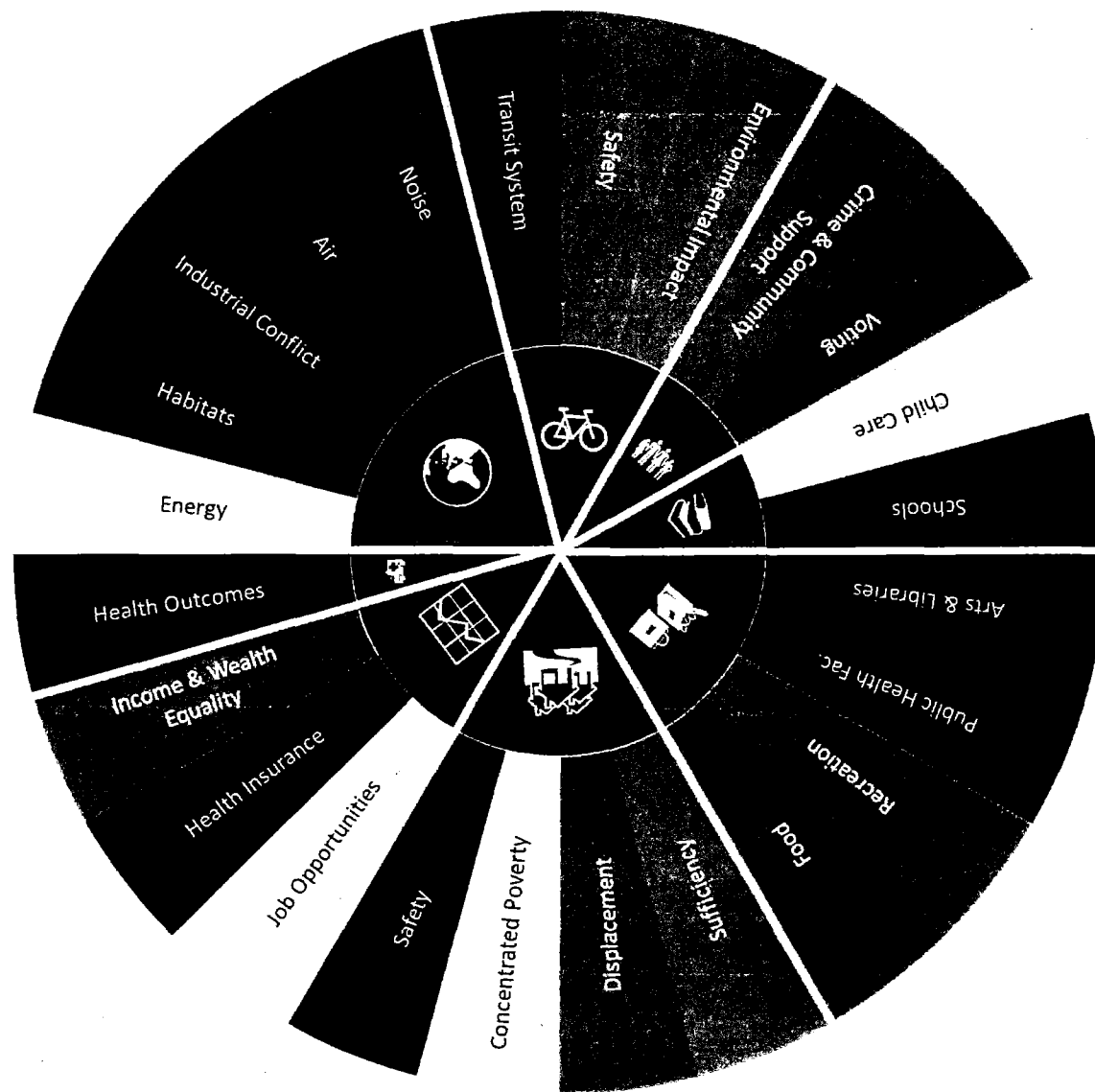
The radial summary chart illustrates how the Plan area currently performs in each Objective in the SCI. Collectively, the objectives achieve a vision of a healthy and sustainable city. In the summary chart, each objective is represented as a piece of the pie and is labeled according to its overall theme, e.g. the objective “Ensure the safety of the transportation system” is labeled as “Safety” and falls within the Transportation chunk of the pie that is represented with a bicycle icon. For the summary radial chart, we

**derived the Central Corridor's performance for each SCI objective by calculating the average of the scores for all of the indicators that fell within each objective.**

**Objectives that perform below average are shaded red, while objectives that perform above average are shaded light blue.**

# Health and Sustainability Indicator Performance

## Central Corridor



-  Environment
-  Transportation
-  Community
-  Public Realm
-  Education
-  Housing
-  Economy
-  Health Outcomes

Performance	Rating
Worst 20%	--
>20% - 40%	-
>40% - 60%	~
>60% - 80%	+
Best 20%	++

<b>En. Environment</b>			
<b>Objectives and Indicators</b>	<b>San Francisco</b>	<b>CC</b>	<b>Performance</b>
<b>En.1 Decrease consumption of energy and natural resources</b>			
<b>Primary Indicators</b>			
En.1.a Annual residential natural gas use per capita (therms)*	186	66	± ±
En.1.b Annual residential electricity use per capita (kilowatt hours)*	1,762	2,416	- -
En.1.c Gross per capita water use (gallons per day)	91.5	NA	NA
En.1.d Annual solid waste disposal and waste diversion (tons per capita)	0.57	NA	NA
En.1.e Renewable energy installed capacity (MWh) in San Francisco and percent energy supplied from renewable sources	NA	NA	NA
<b>En.2 Restore, preserve and protect healthy natural habitats</b>			
<b>Primary Indicators</b>			
En.2.a Total miles of Bay and Coastal Trails completed in San Francisco County (% complete)	Costal Trail: 69% Bay Trail: 44%	NA	NA
En.2.b Distribution of open spaces and natural areas (% of land area that is open space)	22.8%	4.7%	-
En.2.c Number of trees four meters tall or higher	7.0	1.6	- -
En.2.d Proportion of ground covered with impervious surfaces	63.5%	89.8%	- -
<b>En.3 Reduce residential and industrial conflicts</b>			
<b>Primary Indicators</b>			
En.3.a Distribution of brownfields and leaking underground storage tanks (# per square mile)	BF: 2.6 LUST: 2.1	BF: 12.28 LUST: 4.94	- -
<b>En.4 Preserve clean air quality</b>			
<b>Primary Indicators</b>			
En.4.a Proportion of population living in areas with a PM 2.5 concentration of 10 ug/m3 or more and proportion of population living in areas with a cancer risk of 100/1,000,000 or more.	PM2.5: 1.2% Cancer: 3.3%	PM2.5: 13.3% Cancer: 15.9%	- -
En.4.b Proportion households living 300 meters of an air pollution point source	3%	12%	- -
<b>En.5 Maintain safe levels of community noise</b>			
<b>Primary Indicators</b>			
En.5.a Proportion of population exposed to an average day/night outdoor noise level >60dB	70%	97.50%	- -

\* (Zips: 94105, 94103, 94158)

<b>T. Transportation</b>			
<b>Objectives and Indicators</b>	<b>San Francisco</b>	<b>CC</b>	<b>Performance</b>
<b>T.1 Create a resource-efficient, equitable transportation system</b>			
T.1.a Proportion of households without a motor vehicle§	29%	40%	+
T.1.b Proportion of trips made by walking, biking or transit (non-auto modes)‡	51%	82%	++
T.1.c Time spent walking or biking (for utilitarian/non-leisure trips) per capita‡	28 min/day	43 min/day	++
T.1.d Average commute travel time per transit trip‡	39 min	29 min	++
T.1.e Average transit cost for people living at or below the median household income	NA	NA	NA
T.1.f Proximity to frequent transit service (residents and workers)	Res: 21% Jobs: 89%	Res: 75% Jobs: 89%	++
<b>T.2 Ensure the safety of the transportation system</b>			
T.2.a Average annual severe/fatal traffic injuries per 100 roadway miles	Total: 21 Ped: 8 Bike: 2 Vehicle: 11	Total: 70 Ped: 48 Bike: 5 Vehicle: 16	-- -
T.2.b Pedestrian Environmental Quality Index (PEQI) Score: % with Reasonable or Ideal pedestrian conditions	NA	Street segments: 12% Intersections: 30%	●
T.2.c Ratio of Bicycle Path and Lane Miles to All Road Miles	0.1 (109.5 mi.)	0.37 (7.0 mi.)	++
T.2.d Percent of drivers exceeding the speed limit by 5 miles per hour or more	18%	22%	-
<b>T.3 Reduce adverse environmental health impacts of the transportation system</b>			
T.3.a Average daily distance travelled in private autos by residents (miles)‡	11.6	4.3	++
T.3.b Traffic density (% of households living in areas the top two traffic density quintiles)	13%	72%	--
T.3.c Proportion of households living within 150 meters of a designated truck route	44%	100%	--

§ (2000 Tracts: 176.01, 176.02, 178, 179.01, 180, 607)

‡ (TAZD: SOMA & Downtown)

<b>C. Community</b>			
<b>Objectives and Indicators</b>	<b>San Francisco</b>	<b>CC</b>	<b>Performance</b>
<b>C.1 C.1 Promote socially cohesive neighborhoods, free of crime and violence</b>			
<b>Primary Indicators</b>			
C.1.a Number of violent crimes (per 1,000 population)	Homicide: 0.3 Assault: 44 Sexual: 1.7	Homicide: 0.5 Assault: 210 Sexual: 6.2	- -
C.1.b Number of property crimes (per 1,000 population)	177	900	- -
C.1.c Proportion of the population, 1 year and older, living in the same house as one year ago§	84%	71%	- -
C.1.d Proportion of population within 1/2 mile from community center	85%	100%	+ +
C.1.e Density of off-sale alcohol outlets (# per square mile)	17.4	57	- -
<b>Secondary Indicators</b>			
C.1.f Proportion of households that are very or somewhat likely to move away from San Francisco in the next three years*	25%	36%	- -
C.1.g Number of neighborhood block party permits	82	0	- -
C.1.h Number of spiritual and religious centers (per 10,000 residents)	8.3	7.3	-
C.1.i Residents' perceived safety (% who feel unsafe or very unsafe)*	Day: 5% Night: 25%	Day: 10% Night: 34%	- - -
<b>C.2 Increase civic, social, and community engagement</b>			
<b>Primary Indicators</b>			
C.2.a Voting rates	61%	59%	+
<b>Secondary Indicators</b>			
C.2.b Volunteerism	22.6%	NA	NA
C.2.c Public meeting attendance	12.2%	NA	NA
<b>C.3 Assure equitable and democratic participation throughout the planning process</b>			
<b>No Indicators</b>			

§ (2000 Tracts: 176.01, 176.02, 178, 179.01, 180, 607)

\* (Zips: 94105, 94103, 94158)

<b>PR. Public Realm</b>			
<b>Objectives and Indicators</b>	<b>San Francisco</b>	<b>CC</b>	<b>Performance</b>
<b>PR.1 Assure spaces for libraries, performing arts, theatre, museums, concerts, and festivals for personal and educational fulfillment</b>			
<b>Primary Indicators</b>			
PR.1.a Art and cultural facilities by admission fee (# of facilities)	131	11 (8 with general admission \$10 or less)	NA
PR.1.b Per capita public arts funding distributed by the San Francisco Arts Commission	\$40	\$162 (District 6)	± ±
PR.1.c Proportion of population within 1 mile of a public library	1/2 mile: 58% 1 mile: 97%	1/2 mile: 35.4% 1 mile: 100%	-
PR.1.d Locations of public art installations and murals (# public art works and murals per 10,000 residents)	7.5	11.8	± ±
<b>PR.2 Assure affordable and high quality public health facilities</b>			
<b>Primary Indicators</b>			
PR.2.a Public health facilities near major transit corridors (% of facilities by type)	DPH Clinic: 39% Community Clinic: 62% Hospital: 31%	No facilities	- -
PR.2.b Number of hospital beds per 100,000 population and hospital bed occupancy rates	544 - 58.7%	NA	NA
<b>PR.3 Increase park, open space and recreation facilities</b>			
<b>Primary Indicators</b>			
PR.3.a Recreational area access score	56	16.3	- -
PR.3.b Proportion of population within 1/4 mile of a recreation facility	1/4 mile: 47% 1/2 mile: 91%	1/4 mile: 29% 1/2 mile: 67%	-
<b>Secondary Indicators</b>			
PR.3.c Proportion of households with 1/4 mile access to a community garden	26%	16%	-
<b>PR.4 Increase accessibility, beauty, safety, and cleanliness of public spaces</b>			
<b>Primary Indicators</b>			
PR.4.a San Francisco street tree distribution	NA	NA	NA
PR.4.b Streetscape improvements [in process]	NA	NA	NA
PR.4.c Street maintenance scores [in process]	NA	NA	NA
<b>PR.5 Assure access to daily goods and service needs</b>			
<b>Primary Indicators</b>			
PR.5.a Neighborhood completeness indicator for key public services (# of resources per square mile)			
Childcare Center Slots	275.3	260.3	NA
Community Center	4.1	15.5	NA
Community Garden	1.1	0.0	NA
Library	0.6	0.0	NA
Open Space & Park Less Than 1/2 Acre	4.8	10.3	NA
Parks 1/2 Acre or Larger	6.7	6.9	NA
Post Office	0.9	1.7	NA



<i>Public Art Installations</i>	12.8	1.7	NA
<i>Public Health Facility</i>	1.7	0.0	NA
<i>Public School</i>	2.4	1.7	NA
<i>Rec Facility</i>	2.4	1.7	NA
<b>PR.5.b Neighborhood completeness indicator for key retail services (# of resources per square mile)</b>			
<i>Auto Repair Shop</i>	6.5	50.0	NA
<i>Bank and Credit Union</i>	5.7	13.8	NA
<i>Beauty/Barber Shop</i>	23.5	46.6	NA
<i>Bike Shop</i>	1.0	5.2	NA
<i>Dry Cleaner</i>	4.6	6.9	NA
<i>Eating Establishments</i>	73.6	386.2	NA
<i>Gym</i>	4.6	24.1	NA
<i>Hardware Store</i>	1.3	5.2	NA
<i>Healthy Retail Food</i>	2.6	8.6	NA
<i>Laundromat</i>	3.3	1.7	NA
<i>Pharmacy</i>	3.5	3.6	NA
<i>Video Rental/Movie Theater</i>	2.5	8.6	NA

<b>PR.6 Promote affordable and high-quality food access and sustainable agriculture</b>			
<i>Primary Indicators</i>			
<b>PR.6.a Retail Food Access Score</b>	<b>41</b>	<b>56</b>	<b>+ +</b>
Distribution of retail food sources (# of resources per square mile)			
<i>Supermarket</i>	1.7	5.2	+ +
<i>Warehouse Club Stores</i>	0.1	1.7	+ +
<i>Grocery, Other</i>	2.0	3.4	+ +
<i>Fruit/Vegetable Market</i>	1.0	1.7	+
<i>Meat/Fish/Poultry</i>	1.2	0.0	-
<i>Farmers Market</i>	0.4	1.7	+ +
<i>Convenience</i>	9.3	39.7	+ +
<b>PR.6.b Proportion of retail food establishments that accept state/federal food assistance programs</b>	<b>Healthy: 65% Unhealthy: 36%</b>	<b>Healthy: 60% Unhealthy: 15%</b>	<b>-</b>
<b>PR.6.c Proportion of households within 1/2 mile of a farmer's market</b> (Were going to include in food indicator but is it better to break it out because of the social/community cobenefits that farmers' markets have, plus there is notable inequity in their distribution accross the city)	<b>41%</b>	<b>52%</b>	

<b>Ed. Education</b>			
<b>Objectives and Indicators</b>	<b>San Francisco</b>	<b>CC</b>	<b>Performance</b>
<b>Ed.1 Assure affordable and high quality child care for all neighborhoods</b>			
<b>Primary Indicators</b>			
Ed.1.a Maximum capacity of licensed child care facilities and child care population (# slots in licensed child care centers and licensed child care family homes per child, 0-14 years old)	Centers: 0.14 (12,965 slots) Homes: 0.04 (4,035 slots)	Centers: 0.27 (151 slots) Homes: 0 (0 slots)	⚡ ⚡ - -
Ed.1.b Unmet need for child care subsidies	NA	NA	NA
Ed.1.c Average child care costs as a proportion of family budget§	12%	15%	- -
<b>Ed.2 Assure accessible and high quality educational facilities</b>			
<b>Primary Indicators</b>			
Ed.2.a Elementary school access indicator	30	7	- -
Ed.2.b Proportion of students selecting attendance area school as their first choice elementary school	23%	9%	- -
Ed.2.c Proportion of schools achieving an Academic Performance Index Base of 800 or more	49%	0%	- -
<b>Secondary Indicators</b>			- -
Ed.2.d Proportion of public schools with a school garden	52%	0%	- -
Ed.2.e Proportion of students graduating from high school by school	82%	NA	NA
Ed.2.f Ratio of public school population to citywide school-aged population	NA	NA	NA

§ (2000 Tracts: 176.01, 176.02, 178, 179.01, 180, 607)

<b>H. Housing</b>			
<b>Objectives and Indicators</b>	<b>San Francisco</b>	<b>CC</b>	<b>Performance</b>
<b>H.1 Preserve and construct housing in proportion to demand with regards to size, affordability, and tenure</b>			
<b>Primary Indicators</b>			
H.1.a Proportion of housing production to housing need by income category (difference between production targets for 2007-2014, and actual production during 2007-2010)			
Very low (50% AMI)	26%	NA	NA
Low (80% AMI)	4%	NA	NA
Moderate (120% AMI)	13%	NA	NA
Above moderate (Market rate)	64%	NA	NA
H.1.b Proportion of households whose gross rent is 50% or more of their household income§	20%	24%	- -
H.1.c Housing purchasing capacity of the median income household	NA	NA	NA
H.1.d Proportion households that own their homes	36%	23%	-
<b>Secondary Indicators</b>			
H.1.e Proportion of households NOT living in overcrowded conditions§	95%	95%	-
H.1.f Housing wage as a percent of minimum wage	NA	NA	NA
H.1.g Residential density	12.5	20.3	+
<b>H.2 Protect residents from involuntary displacement</b>			
<b>Primary Indicators</b>			
H.2.a Bay Area regional trends in fair market rate rents for a two bedroom unit	NA	NA	NA
H.2.b Number and rate of no-fault evictions	11.2	1.2	+ +
H.2.c Proportion of SF housing that is for rent or purchase that is affordable (% that is public, inclusionary, redevelopment agency affordable, or community land trust; OR rent controlled (built 1979 or earlier)¥)	Affordable: 6% Rent Cont.: 86%	Affordable: 25% Rent Cont: 24%	+ + - -
<b>H.3 Decrease concentrated poverty</b>			
<b>Primary Indicators</b>			
H.3.a Ethnic diversity index (0-100)	63	64	+
H.3.d Proportion living at or below 200% of the Census poverty threshold§	26%	31%	-
<b>H.4 Assure access to healthy quality housing</b>			
<b>Primary Indicators</b>			
H.4.a Health and building code violations for housing and habitability per 1,000 population	4.7	18.8	- -

¥ (2010 Tracts: 176.01, 178.01, 178.02, 180, 607, 615)

§ (2000 Tracts: 176.01, 176.02, 178, 179.01, 180, 607)

<b>Ec. Economy</b>			
<i>Objectives and Indicators</i>	<i>San Francisco</i>	<i>CC</i>	<i>Performance</i>
<b>Ec.1 Increase high-quality employment opportunities for local residents</b>			
<i>Primary Indicators</i>			
Ec.1.a Jobs paying wages greater than or equal to the self-sufficiency wage	NA	NA	NA
Ec.1.b Proportion of residents who both live and work in San Francisco§	76%	70%	- -
Ec.1.c Jobs per square mile	11,519	67,385	± ±
<i>Secondary Indicators</i>			
Ec.1.d Proportion of job openings available to individuals without a college degree	NA	NA	NA
<b>Ec.2 Increase jobs that provide healthy, safe and meaningful work</b>			
<i>Primary Indicators</i>			
Ec.2.a Proportion of population covered by health insurance	88.3%	81.3% (PUMA 2203)	- -
Ec.2.b Occupational non-fatal injury rate by industry	NA	NA	NA
<i>Secondary Indicators</i>			
Ec.2.c Proportion of population receiving paid sick days benefits	100%	100%	± ±
<b>Ec.3 Increase equality in income and wealth</b>			
<i>Primary Indicators</i>			
Ec.3.a Income inequality (Gini coefficient)	0.51 (highest in CA)	NA	NA
Ec.3.b Geographic, ethnic, and annual variations in employment rates (% employed)§	93%	95%	-
Ec.3.c Proportion of population within 1/2 mile of a savings bank or credit union	81%	100%	± ±
Ec.3.d Minority and women owned Local Business Enterprises	813 (100%)	125 (15%)	●
<b>Ec.4 Protects and enhances natural resources and the environment</b>			
<i>Primary Indicators</i>			
Ec.4.a Distribution of green businesses	168 (100%)	14 (8%)	●

§ (2000 Tracts: 176.01, 176.02, 178, 179.01, 180, 607)

<b>D. Demographics</b>		
<i>Indicators</i>	<i>San Francisco</i>	<i>CC</i>
D.1 Population density (population per square mile)	17,081	18,231
D.2 Population by ethnicity		
<i>African American/ Black</i>	6%	7%
<i>Asian / Pacific Islander</i>	33%	40%
<i>Latino/a</i>	15%	8%
<i>Native American/ (non-Latino/a)</i>	0.2%	0.4%
<i>White (non-Latino/a) (non-Latino/a)</i>	42%	41%
<i>Multi-ethnic (non-Latino/a)</i>	3%	3%
<i>Other ethnicity (non-Latino/a) Alaska Native (non-Latino/a)</i>	0.3%	0.3%
D.3 Per capita and household median income\$	Per capita: \$44,373 Household: \$70,040	Per capita: \$72,865 Household: \$82,578
D.4 Proportion living at or below 200% of the Census poverty threshold\$	26%	31%
D.5 Average household size	2.4	1.6
D.6 Employment rate\$	93%	95%
D.7 Proportion of residents, 1 year and older, who are still living in the same house as one year ago\$	84%	71%
D.8 Percent of adults, 25 years and older, with a high school education or more\$	86%	88%
D.9 Proportion of population that is foreign-born\$	34%	37%
D.10 Householder marital status (% of all householders by partnership status)		
<i>Husband-wife married</i>	32%	23%
<i>Partnered (same and opposite sex)</i>	9%	10%
<i>Unpartnered</i>	59%	68%
D.11 Proportion of youth and seniors	Youth: 13.4% Seniors: 13.6%	Youth: 4.9% Seniors: 22.6%
D.12 Proportion of households with children under 18 years old	22%	8%
D.13 San Francisco home sales (average cost per square foot)*	\$590	\$691
D.14 Proportion of households that are linguistically isolated (% households in which all members age 14 years and over speak a non-English language and also speak English less than "very well")\$	13%	15%
D.15 Cost of living by family type over time (Annual income needed for 1 adult, 2011)	\$30,286	NA
HH.1.g Homeless population (# of street homeless per 1,000 residents)	4	11 (District 6)

¥ (2010 Tracts: 176.01, 178.01, 178.02, 180, 607, 615)

§ (2000 Tracts: 176.01, 176.02, 178, 179.01, 180, 607)

\* (Zips: 94105, 94103, 94158)

<b>HO. Health Outcomes</b>			
<i>Indicators</i>	<i>San Francisco</i>	<i>CC</i>	<i>Performance</i>
HO.1 Asthma hospitalization rate per 10,000*	8.9	15.4	- -
HO.2 Diabetes hospitalization rate per 10,000*	12.1	22.7	- -
HO.3 Chronic obstructive pulmonary disease hospitalization rate per 10,000*	11.4	34.7	- -
HO.4 Heart failure hospitalization rate per 10,000*	30.3	72	- -
HO.5 Hospitalization rate for alcohol abuse per 10,000*	7.9	27.1	- -
HO.6 Mental health hospitalization rate per 10,000*	NA	183.7	- -
HO.7 Leading causes of death by age-adjusted death rates per 100,000 (#1 cause)	Ischemic heart disease	NA	NA
HO.8 Leading causes of death by years of life lost (#1 cause)	Ischemic heart disease	NA	NA
HO.9 Leading causes of death by years of life lost by zip code (#1 cause)*	Ischemic heart disease	HIV/AIDS (94103) Ischemic heart disease (94107)	NA
HO.10 Infant mortality rate	3.7	NA	NA
HO.11 Low birth weight births (% of live births that are low birth weight)*	7%	11%	- -
HO.12 Percentage of mothers receiving prenatal care in first trimester*	87%	89%	-

\* (Zips: 94105, 94103, 94158)

# EXHIBIT G



## The seal of the State of California, featuring a grizzly bear, a miner, and the text "THE GREAT SEAL OF THE STATE OF CALIFORNIA".

As appropriate, the measures can be included as design features of a project, required as changes to the project, or imposed as mitigation (whether undertaken directly by the project proponent or funded by mitigation fees). The measures set forth in this package are examples; the list is not intended to be exhaustive. Moreover, the measures cited may not be appropriate for every project. The decision of whether to approve a project – as proposed or with required changes or mitigation – is for the local agency, exercising its informed judgment in compliance with the law and balancing a variety of public objectives.

### Mitigation Measures by Category

## Energy Efficiency

Incorporate green building practices and design elements.	<p>The California Department of Housing and Community Development's Green Building &amp; Sustainability Resources handbook provides extensive links to green building resources. The handbook is available at <a href="http://www.hcd.ca.gov/hpd/green_build.pdf">http://www.hcd.ca.gov/hpd/green_build.pdf</a>.</p> <p>The American Institute of Architects (AIA) has compiled fifty readily available strategies for reducing fossil fuel use in buildings by fifty percent. AIA "50 to 50" plan is presented in both guidebook and wiki format at <a href="http://wiki.aia.org/Wiki%20Pages/Home.aspx">http://wiki.aia.org/Wiki%20Pages/Home.aspx</a>.</p>
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<p>Meet recognized green building and energy efficiency benchmarks.</p>	<p>For example, an ENERGY STAR-qualified building uses less energy, is less expensive to operate, and causes fewer greenhouse gas emissions than comparable, conventional buildings. <a href="http://www.energystar.gov/index.cfm?c=business.bus_index">http://www.energystar.gov/index.cfm?c=business.bus_index</a>.</p> <p>California has over 1600 ENERGY STAR-qualified school, commercial and industrial buildings. View U.S. EPA's list of Energy Star non-residential buildings at <a href="http://www.energystar.gov/index.cfm?fuseaction=labeled_buildings_locator">http://www.energystar.gov/index.cfm?fuseaction=labeled_buildings_locator</a>. Los Angeles and San Francisco top the list of U.S. cities with the most ENERGY STAR non-residential buildings. <a href="http://www.energystar.gov/ia/business/downloads/2008_Top_25_cities_chart.pdf">http://www.energystar.gov/ia/business/downloads/2008_Top_25_cities_chart.pdf</a>.</p> <p>Qualified ENERGY STAR homes must surpass the state's Title 24 energy efficiency building code by at least 15%. Los Angeles, Sacramento, San Diego, and San Francisco-Oakland are among the top 20 markets for ENERGY STAR homes nationwide. <a href="http://www.energystar.gov/ia/new_homes/mil_homes/top_20_markets.html">http://www.energystar.gov/ia/new_homes/mil_homes/top_20_markets.html</a>. Builders of ENERGY STAR homes can be more competitive in a tight market by providing a higher quality, more desirable product. See <a href="http://www.energystar.gov/ia/partners/manuf_res/Horton.pdf">http://www.energystar.gov/ia/partners/manuf_res/Horton.pdf</a>.</p> <p>There are a variety of private and non-profit green building certification programs in use in the U.S. See U.S. EPA's Green Building / Frequently Asked Questions website, <a href="http://www.epa.gov/greenbuilding/pubs/faqs.htm">http://www.epa.gov/greenbuilding/pubs/faqs.htm</a>.</p> <p>Public-Private Partnership for Advancing Housing Technology maintains a list of national and state Green Building Certification Programs for housing. See <a href="http://www.pathnet.org/sp.asp?id=20978">http://www.pathnet.org/sp.asp?id=20978</a>. These include the national Leadership in Energy and Environmental Design (LEED) program, and, at the state level, Build it Green's GreenPoint Rated system and the California Green Builder program.</p> <p>Other organizations may provide other relevant benchmarks.</p>
<p>Install energy efficient lighting (e.g., light emitting diodes (LEDs)), heating and cooling systems, appliances, equipment, and control systems.</p>	<p>Information about ENERGY STAR-certified products in over 60 categories is available at <a href="http://www.energystar.gov/index.cfm?fuseaction=find_a_product">http://www.energystar.gov/index.cfm?fuseaction=find_a_product</a>.</p> <p>The California Energy Commission maintains a database of all appliances meeting either federal efficiency standards or, where there are no federal efficiency standards, California's appliance efficiency standards. See <a href="http://www.appliances.energy.ca.gov/">http://www.appliances.energy.ca.gov/</a>.</p> <p>The Electronic Product Environmental Assessment Tool (EPEAT) ranks computer products based on a set of environmental criteria, including energy efficiency. See <a href="http://www.epeat.net/AboutEPEAT.aspx">http://www.epeat.net/AboutEPEAT.aspx</a>.</p> <p>The nonprofit American Council for an Energy Efficient Economy maintains an Online Guide to Energy Efficient Commercial Equipment, available at <a href="http://www.aceee.org/oqece/ch1_index.htm">http://www.aceee.org/oqece/ch1_index.htm</a>.</p> <p>Utilities offer many incentives for efficient appliances, lighting, heating and cooling. To search for available residential and commercial incentives, visit Flex Your Power's website at <a href="http://www.fypower.org/">http://www.fypower.org/</a>.</p>

Use passive solar design, e.g., orient buildings and incorporate landscaping to maximize passive solar heating during cool seasons, minimize solar heat gain during hot seasons, and enhance natural ventilation. Design buildings to take advantage of sunlight.	<p>See U.S. Department of Energy, Passive Solar Design (website) <a href="http://www.energysavers.gov/your_home/designing_remodeling/index.cfm/mytopic=10250">http://www.energysavers.gov/your_home/designing_remodeling/index.cfm/mytopic=10250</a>.</p> <p>See also California Energy Commission, Consumer Energy Center, Passive Solar Design (website) <a href="http://www.consumerenergycenter.org/home/construction/solardesign/index.html">http://www.consumerenergycenter.org/home/construction/solardesign/index.html</a>.</p> <p>Lawrence Berkeley National Laboratories' Building Technologies Department is working to develop innovative building construction and design techniques. Information and publications on energy efficient buildings, including lighting, windows, and daylighting strategies, are available at the Department's website at <a href="http://btech.lbl.gov">http://btech.lbl.gov</a>.</p>
Install light colored "cool" roofs and cool pavements.	<p>A white or light colored roof can reduce surface temperatures by up to 100 degrees Fahrenheit, which also reduces the heat transferred into the building below. This can reduce the building's cooling costs, save energy and reduce associated greenhouse gas emissions, and extend the life of the roof. Cool roofs can also reduce the temperature of surrounding areas, which can improve local air quality. See California Energy Commission, Consumer Energy Center, Cool Roofs (webpage) at <a href="http://www.consumerenergycenter.org/coolroof/">http://www.consumerenergycenter.org/coolroof/</a>.</p> <p>See also Lawrence Berkeley National Laboratories, Heat Island Group (webpage) at <a href="http://eetd.lbl.gov/HeatIsland/">http://eetd.lbl.gov/HeatIsland/</a>.</p>
Install efficient lighting, (including LEDs) for traffic, street and other outdoor lighting.	<p>LED lighting is substantially more energy efficient than conventional lighting and can save money. See <a href="http://www.energy.ca.gov/efficiency/partnership/case_studies/TechAsstCity.pdf">http://www.energy.ca.gov/efficiency/partnership/case_studies/TechAsstCity.pdf</a> (noting that installing LED traffic signals saved the City of Westlake about \$34,000 per year).</p> <p>As of 2005, only about a quarter of California's cities and counties were using 100% LEDs in traffic signals. See California Energy Commission (CEC), Light Emitting Diode Traffic Signal Survey (2005) at p. 15, available at <a href="http://www.energy.ca.gov/2005publications/CEC_400_2005_003/CEC_400_2005_003.PDF">http://www.energy.ca.gov/2005publications/CEC_400_2005_003/CEC_400_2005_003.PDF</a>.</p> <p>The California Energy Commission's Energy Partnership Program can help local governments take advantage of energy saving technology, including, but not limited to, LED traffic signals. See <a href="http://www.energy.ca.gov/efficiency/partnership/">http://www.energy.ca.gov/efficiency/partnership/</a>.</p>
Reduce unnecessary outdoor lighting.	<p>See California Energy Commission, Reduction of Outdoor Lighting (webpage) at <a href="http://www.energy.ca.gov/efficiency/lighting/outdoor_reduction.html">http://www.energy.ca.gov/efficiency/lighting/outdoor_reduction.html</a>.</p>

Use automatic covers, efficient pumps and motors, and solar heating for pools and spas.	<p>During the summer, a traditional backyard California pool can use enough energy to power an entire home for three months. Efficiency measures can substantially reduce this waste of energy and money. See California Energy Commission, Consumer Energy Center, Pools and Spas (webpage) at <a href="http://www.consumerenergycenter.org/home/outside/pools_spas.html">http://www.consumerenergycenter.org/home/outside/pools_spas.html</a>.</p> <p>See also Sacramento Municipal Utilities District, Pool and Spa Efficiency Program (webpage) at <a href="http://www.smud.org/en/residential/saving-energy/Pages/poolspa.aspx">http://www.smud.org/en/residential/saving-energy/Pages/poolspa.aspx</a>.</p>
Provide education on energy efficiency to residents, customers and/or tenants.	<p>Many cities and counties provide energy efficiency education. See, for example, the City of Stockton's Energy Efficiency website at <a href="http://www.stocktongov.com/energysaving/index.cfm">http://www.stocktongov.com/energysaving/index.cfm</a>. See also "Green County San Bernardino," <a href="http://www.greencountysb.com">http://www.greencountysb.com</a> at pp. 4-6.</p> <p>Businesses and development projects may also provide education. For example, a homeowners' association (HOA) could provide information to residents on energy-efficient mortgages and energy saving measures. See The Villas of Calvera Hills, Easy Energy Saving Tips to Help Save Electricity at <a href="http://www.thevillashoa.org/green/energy/">http://www.thevillashoa.org/green/energy/</a>. An HOA might also consider providing energy audits to its residents on a regular basis.</p>

## Renewable Energy and Energy Storage

Meet "reach" goals for building energy efficiency and renewable energy use.	<p>A "zero net energy" building combines building energy efficiency and renewable energy generation so that, on an annual basis, any purchases of electricity or natural gas are offset by clean, renewable energy generation, either on-site or nearby. Both the California Energy Commission (CEC) and the California Public Utilities Commission (CPUC) have stated that residential buildings should be zero net energy by 2020, and commercial buildings by 2030. See CEC, 2009 Integrated Energy Policy Report (Dec. 2009) at p. 226, available at <a href="http://www.energy.ca.gov/2009publications/CEC-100-2009-003/CEC-100-2009-003-CMF.PDF">http://www.energy.ca.gov/2009publications/CEC-100-2009-003/CEC-100-2009-003-CMF.PDF</a>; CPUC, Long Term Energy Efficiency Strategic Plan (Sept. 2008), available at <a href="http://www.cpuc.ca.gov/PUC/energy/Energy+Efficiency/eesp/">http://www.cpuc.ca.gov/PUC/energy/Energy+Efficiency/eesp/</a>.</p>
Install solar, wind, and geothermal power systems and solar hot water heaters.	<p>The California Public Utilities Commission (CPUC) approved the California Solar Initiative on January 12, 2006. The initiative creates a \$3.3 billion, ten-year program to install solar panels on one million roofs in the State. Visit the one-stop GoSolar website at <a href="http://www.gosolarcalifornia.org/">http://www.gosolarcalifornia.org/</a>. As mitigation, a developer could, for example, agree to participate in the New Solar Homes program. See <a href="http://www.gosolarcalifornia.org/builders/index.html">http://www.gosolarcalifornia.org/builders/index.html</a>.</p> <p>The CPUC is in the process of establishing a program to provide solar water heating incentives under the California Solar Initiative. For more information, visit the CPUC's website at <a href="http://www.cpuc.ca.gov/puc/energy/solar/swh.htm">http://www.cpuc.ca.gov/puc/energy/solar/swh.htm</a>.</p> <p>To search for available residential and commercial renewable energy incentives, visit Flex Your Power's website at <a href="http://www.fypower.org/">http://www.fypower.org/</a>.</p>

<p>Install solar panels on unused roof and ground space and over carports and parking areas.</p>	<p>In 2008 Southern California Edison (SCE) launched the nation's largest installation of photovoltaic power generation modules. The utility plans to cover 65 million square feet of unused commercial rooftops with 250 megawatts of solar technology – generating enough energy to meet the needs of approximately 162,000 homes. Learn more about SCE's Solar Rooftop Program at <a href="http://www.sce.com/solarleadership/solar-rooftop-program/general-faq.htm">http://www.sce.com/solarleadership/solar-rooftop-program/general-faq.htm</a>.</p> <p>In 2009, Walmart announced its commitment to expand the company's solar power program in California. The company plans to add solar panels on 10 to 20 additional Walmart facilities in the near term. These new systems will be in addition to the 18 solar arrays currently installed at Walmart facilities in California. See <a href="http://walmartstores.com/FactsNews/NewsRoom/9091.aspx">http://walmartstores.com/FactsNews/NewsRoom/9091.aspx</a>.</p> <p>Alameda County has installed two solar tracking carports, each generating 250 kilowatts. By 2005, the County had installed eight photovoltaic systems totaling over 2.3 megawatts. The County is able to meet 6 percent of its electricity needs through solar power. See <a href="http://www.acgov.org/gsa/Alameda%20County%20-%20Solar%20Case%20Study.pdf">http://www.acgov.org/gsa/Alameda%20County%20-%20Solar%20Case%20Study.pdf</a>.</p> <p>In 2007, California State University, Fresno installed a 1.1-megawatt photovoltaic (PV)-paneled parking installation. The University expects to save more than \$13 million in avoided utility costs over the project's 30-year lifespan. <a href="http://www.fresnostatenews.com/2007/11/solarwrapup2.htm">http://www.fresnostatenews.com/2007/11/solarwrapup2.htm</a>.</p>
<p>Where solar systems cannot feasibly be incorporated into the project at the outset, build "solar ready" structures.</p>	<p>U.S. Department of Energy, A Homebuilder's Guide to Going Solar (brochure) (2008), available at <a href="http://www.eere.energy.gov/solar/pdfs/43076.pdf">http://www.eere.energy.gov/solar/pdfs/43076.pdf</a>.</p>
<p>Incorporate wind and solar energy systems into agricultural projects where appropriate.</p>	<p>Wind energy can be a valuable crop for farmers and ranchers. Wind turbines can generate energy to be used on-site, reducing electricity bills, or they can yield lease revenues (as much as \$4000 per turbine per year). Wind turbines generally are compatible with rural land uses, since crops can be grown and livestock can be grazed up to the base of the turbine. See National Renewable Energy Laboratory, Wind Powering America Fact Sheet Series, Wind Energy Benefits, available at <a href="http://www.nrel.gov/docs/fy05osti/37602.pdf">http://www.nrel.gov/docs/fy05osti/37602.pdf</a>.</p> <p>Solar PV is not just for urban rooftops. For example, the Scott Brothers' dairy in San Jacinto, California, has installed a 55-kilowatt solar array on its commodity barn, with plans to do more in the coming years. See <a href="http://www.dairyherd.com/directories.asp?pgID=724&amp;ed_id=8409">http://www.dairyherd.com/directories.asp?pgID=724&amp;ed_id=8409</a> (additional California examples are included in article.)</p>

<p>Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.</p>	<p>See National Renewable Energy Laboratory, Energy Storage Basics (webpage) at <a href="http://www.nrel.gov/learning/eds_energy_storage.html">http://www.nrel.gov/learning/eds_energy_storage.html</a>.</p> <p>California Energy Storage Alliance (webpage) at <a href="http://storagealliance.org/about.html">http://storagealliance.org/about.html</a>.</p> <p>Storage is not just for large, utility scale projects, but can be part of smaller industrial, commercial and residential projects. For example, Ice Storage Air Conditioning (ISAC) systems, designed for residential and nonresidential buildings, produce ice at night and use it during peak periods for cooling. See California Energy Commission, Staff Report, Ice Storage Air Conditioners, Compliance Options Application (May 2006), available at <a href="http://www.energy.ca.gov/2006publications/CEC-400-2006-006/CEC-400-2006-006-SF.PDF">http://www.energy.ca.gov/2006publications/CEC-400-2006-006/CEC-400-2006-006-SF.PDF</a>.</p>
<p>Use on-site generated biogas, including methane, in appropriate applications.</p>	<p>At the Hilarides Dairy in Lindsay, California, an anaerobic-lagoon digester processes the run-off of nearly 10,000 cows, generating 226,000 cubic feet of biogas per day and enough fuel to run two heavy duty trucks. This has reduced the dairy's diesel consumption by 650 gallons a day, saving the dairy money and improving local air quality. See <a href="http://www.arb.ca.gov/newsrel/nr021109b.htm">http://www.arb.ca.gov/newsrel/nr021109b.htm</a>; see also Public Interest Energy Research Program, Dairy Power Production Program, Dairy Methane Digester System, 90-Day Evaluation Report, Eden Vale Dairy (Dec. 2006) at <a href="http://www.energy.ca.gov/2006publications/CEC 500 2006 083/CEC 500 2006 083.PDF">http://www.energy.ca.gov/2006publications/CEC 500 2006 083/CEC 500 2006 083.PDF</a>.</p> <p>Landfill gas is a current and potential source of substantial energy in California. See Tom Frankiewicz, Program Manager, U.S. EPA Landfill Methane Outreach Program, Landfill Gas Energy Potential in California, available at <a href="http://www.energy.ca.gov/2009_energypolicy/documents/2009-04-21_workshop/presentations/05-SCS_Engineers_Presentation.pdf">http://www.energy.ca.gov/2009_energypolicy/documents/2009-04-21_workshop/presentations/05-SCS_Engineers_Presentation.pdf</a>.</p> <p>There are many current and emerging technologies for converting landfill methane that would otherwise be released as a greenhouse gas into clean energy. See California Integrated Waste Management Board, Emerging Technologies, Landfill Gas-to-Energy (webpage) at <a href="http://www.ciwmb.ca.gov/LEACentral/TechServices/EmergingTech/default.htm">http://www.ciwmb.ca.gov/LEACentral/TechServices/EmergingTech/default.htm</a>.</p>

<p>Use combined heat and power (CHP) in appropriate applications.</p>	<p>Many commercial, industrial, and campus-type facilities (such as hospitals, universities and prisons) use fuel to produce steam and heat for their own operations and processes. Unless captured, much of this heat is wasted. CHP captures waste heat and re-uses it, e.g., for residential or commercial space heating or to generate electricity. See U.S. EPA, Catalog of CHP Technologies at <a href="http://www.epa.gov/chp/documents/catalog_of_%20chp_tech_entire.pdf">http://www.epa.gov/chp/documents/catalog_of_%20chp_tech_entire.pdf</a> and California Energy Commission, Distributed Energy Resource Guide, Combined Heat and Power (webpage) at <a href="http://www.energy.ca.gov/distgen/equipment/chp/chp.html">http://www.energy.ca.gov/distgen/equipment/chp/chp.html</a>.</p> <p>The average efficiency of fossil-fueled power plants in the United States is 33 percent. By using waste heat recovery technology, CHP systems typically achieve total system efficiencies of 60 to 80 percent. CHP can also substantially reduce emissions of carbon dioxide. <a href="http://www.epa.gov/chp/basic/efficiency.html">http://www.epa.gov/chp/basic/efficiency.html</a>.</p> <p>Currently, CHP in California has a capacity of over 9 million kilowatts. See list of California CHP facilities at <a href="http://www.eea-inc.com/chpdata/States/CA.html">http://www.eea-inc.com/chpdata/States/CA.html</a>.</p> <p>The Waste Heat and Carbon Emissions Reduction Act (Assembly Bill 1613 (2007), amended by Assembly Bill 2791 (2008)) is designed to encourage the development of new CHP systems in California with a generating capacity of not more than 20 megawatts. Among other things, the Act requires the California Public Utilities Commission to establish (1) a standard tariff allowing CHP generators to sell electricity for delivery to the grid and (2) a "pay as you save" pilot program requiring electricity corporations to finance the installation of qualifying CHP systems by nonprofit and government entities. For more information, see <a href="http://www.energy.ca.gov/wasteheat/">http://www.energy.ca.gov/wasteheat/</a>.</p>
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## Water Conservation and Efficiency

<p>Incorporate water-reducing features into building and landscape design.</p>	<p>According to the California Energy Commission, water-related energy use – which includes conveyance, storage, treatment, distribution, wastewater collection, treatment, and discharge – consumes about 19 percent of the State's electricity, 30 percent of its natural gas, and 88 billion gallons of diesel fuel every year. See <a href="http://www.energy.ca.gov/2007publications/CEC_999_2007_008/CEC_999_2007_008.PDF">http://www.energy.ca.gov/2007publications/CEC_999_2007_008/CEC_999_2007_008.PDF</a>. Reducing water use and improving water efficiency can help reduce energy use and greenhouse gas emissions.</p>
<p>Create water-efficient landscapes.</p>	<p>The California Department of Water Resources' updated Model Water Efficient Landscape Ordinance (Sept. 2009) is available at <a href="http://www.water.ca.gov/wateruseefficiency/landscapeordinance/technical.cfm">http://www.water.ca.gov/wateruseefficiency/landscapeordinance/technical.cfm</a>.</p> <p>A landscape can be designed from the beginning to use little or no water, and to generate little or no waste. See California Integrated Waste Management Board, Xeriscaping (webpage) at <a href="http://www.ciwmb.ca.gov/organics/Xeriscaping/">http://www.ciwmb.ca.gov/organics/Xeriscaping/</a>.</p>

<p>Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and use water-efficient irrigation methods.</p>	<p>U.S. Department of Energy, Best Management Practice: Water-Efficient Irrigation (webpage) at <a href="http://www1.eere.energy.gov/femp/program/waterefficiency_bmp5.html">http://www1.eere.energy.gov/femp/program/waterefficiency_bmp5.html</a>.</p> <p>California Department of Water Resources, Landscape Water Use Efficiency (webpage) at <a href="http://www.water.ca.gov/wateruseefficiency/landscape/">http://www.water.ca.gov/wateruseefficiency/landscape/</a>.</p> <p>Pacific Institute, More with Less: Agricultural Water Conservation and Efficiency in California (2008), available at <a href="http://www.pacinst.org/reports/more_with_less_delta/index.htm">http://www.pacinst.org/reports/more_with_less_delta/index.htm</a>.</p>
<p>Make effective use of graywater. (Graywater is untreated household waste water from bathtubs, showers, bathroom wash basins, and water from clothes washing machines. Graywater to be used for landscape irrigation.)</p>	<p>California Building Standards Commission, 2008 California Green Building Standards Code, Section 604, pp. 31-32, available at <a href="http://www.documents.dgs.ca.gov/bsc/2009/part11_2008_calgreen_code.pdf">http://www.documents.dgs.ca.gov/bsc/2009/part11_2008_calgreen_code.pdf</a>.</p> <p>California Department of Water Resources, Dual Plumbing Code (webpage) at <a href="http://www.water.ca.gov/recycling/DualPlumbingCode/">http://www.water.ca.gov/recycling/DualPlumbingCode/</a>.</p> <p>See also Ahwahnee Water Principles, Principle 6, at <a href="http://www.lgc.org/ahwahnee/h2o_principles.html">http://www.lgc.org/ahwahnee/h2o_principles.html</a>. The Ahwahnee Water Principles have been adopted by City of Willits, Town of Windsor, Menlo Park, Morgan Hill, Palo Alto, Petaluma, Port Hueneme, Richmond, Rohnert Park, Rolling Hills Estates, San Luis Obispo, Santa Paula, Santa Rosa, City of Sunnyvale, City of Ukiah, Ventura, Marin County, Marin Municipal Water District, and Ventura County.</p>
<p>Implement low-impact development practices that maintain the existing hydrology of the site to manage storm water and protect the environment.</p>	<p>Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site. See U.S. EPA, Low Impact Development (webpage) at <a href="http://www.epa.gov/nps/lid/">http://www.epa.gov/nps/lid/</a>.</p> <p>Office of Environmental Health Hazard Assessment and the California Water and Land Use Partnership, Low Impact Development at <a href="http://www.coastal.ca.gov/nps/lid-factsheet.pdf">http://www.coastal.ca.gov/nps/lid-factsheet.pdf</a>.</p>
<p>Devise a comprehensive water conservation strategy appropriate for the project and location.</p>	<p>The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.</p>
<p>Design buildings to be water-efficient. Install water-efficient fixtures and appliances.</p>	<p>Department of General Services, Best Practices Manual, Water-Efficient Fixtures and Appliances (website) at <a href="http://www.green.ca.gov/EPP/building/SaveH2O.htm">http://www.green.ca.gov/EPP/building/SaveH2O.htm</a>.</p> <p>Many ENERGY STAR products have achieved their certification because of water efficiency. See California Energy Commission's database, available at <a href="http://www.appliances.energy.ca.gov/">http://www.appliances.energy.ca.gov/</a>.</p>



Offset water demand from new projects so that there is no net increase in water use.	For example, the City of Lompoc has a policy requiring new development to offset new water demand with savings from existing water users. See <a href="http://www.cityoflompoc.com/utilities/pdf/2005_uwmp_final.pdf">http://www.cityoflompoc.com/utilities/pdf/2005_uwmp_final.pdf</a> at p. 29.
Provide education about water conservation and available programs and incentives.	See, for example, the City of Santa Cruz, Water Conservation Office at <a href="http://www.ci.santa-cruz.ca.us/index.aspx?page=395">http://www.ci.santa-cruz.ca.us/index.aspx?page=395</a> ; Santa Clara Valley Water District, Water Conservation at <a href="http://www.valleywater.org/conservation/index.shtm">http://www.valleywater.org/conservation/index.shtm</a> ; and Metropolitan Water District and the Family of Southern California Water Agencies, Be Water Wise at <a href="http://www.bewaterwise.com">http://www.bewaterwise.com</a> . Private projects may provide or fund similar education.

### Solid Waste Measures

Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).	Construction and demolition materials account for almost 22 percent of the waste stream in California. Reusing and recycling these materials not only conserves natural resources and energy, but can also save money. For a list of best practices and other resources, see California Integrated Waste Management Board, Construction and Demolition Debris Recycling (webpage) at <a href="http://www.ciwmb.ca.gov/condemo/">http://www.ciwmb.ca.gov/condemo/</a> .
Integrate reuse and recycling into residential industrial, institutional and commercial projects.	<p>Tips on developing a successful recycling program, and opportunities for cost-effective recycling, are available on the California Integrated Waste Management Board's Zero Waste California website. See <a href="http://zerowaste.ca.gov/">http://zerowaste.ca.gov/</a>.</p> <p>The Institute for Local Government's Waste Reduction &amp; Recycling webpage contains examples of "best practices" for reducing greenhouse gas emissions, organized around waste reduction and recycling goals and additional examples and resources. See <a href="http://www.ca-ilg.org/wastereduction">http://www.ca-ilg.org/wastereduction</a>.</p>
Provide easy and convenient recycling opportunities for residents, the public, and tenant businesses.	Tips on developing a successful recycling program, and opportunities for cost effective recycling, are available on the California Integrated Waste Management Board's Zero Waste California website. See <a href="http://zerowaste.ca.gov/">http://zerowaste.ca.gov/</a> .
Provide education and publicity about reducing waste and available recycling services.	<p>Many cities and counties provide information on waste reduction and recycling. See, for example, the Butte County Guide to Recycling at <a href="http://www.recyclebutte.net">http://www.recyclebutte.net</a>.</p> <p>The California Integrated Waste Management Board's website contains numerous publications on recycling and waste reduction that may be helpful in devising an education project. See <a href="http://www.ciwmb.ca.gov/Publications/default.asp?cat=13">http://www.ciwmb.ca.gov/Publications/default.asp?cat=13</a>. Private projects may also provide waste and recycling education directly, or fund education.</p>

## Land Use Measures

<p>Ensure consistency with "smart growth" principles – mixed-use, infill, and higher density projects that provide alternatives to individual vehicle travel and promote the efficient delivery of services and goods.</p>	<p>U.S. EPA maintains an extensive Smart Growth webpage with links to examples, literature and technical assistance, and financial resources. See <a href="http://www.epa.gov/smartgrowth/index.htm">http://www.epa.gov/smartgrowth/index.htm</a>.</p> <p>The National Oceanic and Atmospheric Administration's webpage provides smart growth recommendations for communities located near water. See Coastal &amp; Waterfront Smart Growth (webpage) at <a href="http://coastalsmartgrowth.noaa.gov/">http://coastalsmartgrowth.noaa.gov/</a>. The webpage includes case studies from California.</p> <p>The California Energy Commission has recognized the important role that land use can play in meeting our greenhouse gas and energy efficiency goals. The agency's website, Smart Growth &amp; Land Use Planning, contains useful information and links to relevant studies, reports, and other resources. See <a href="http://www.energy.ca.gov/landuse/">http://www.energy.ca.gov/landuse/</a>.</p> <p>The Metropolitan Transportation Commission's webpage, Smart Growth / Transportation for Livable Communities, includes resources that may be useful to communities in the San Francisco Bay Area and beyond. See <a href="http://www.mtc.ca.gov/planning/smart_growth/">http://www.mtc.ca.gov/planning/smart_growth/</a>.</p> <p>The Sacramento Area Council of Governments (SACOG) has published examples of smart growth in action in its region. See Examples from the Sacramento Region of the Seven Principles of Smart Growth / Better Ways to Grow, available at <a href="http://www.sacog.org/regionalfunding/betterways.pdf">http://www.sacog.org/regionalfunding/betterways.pdf</a>.</p>
<p>Meet recognized "smart growth" benchmarks.</p>	<p>For example, the LEED for Neighborhood Development (LEED-ND) rating system integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED-ND is a collaboration among the U.S. Green Building Council, Congress for the New Urbanism, and the Natural Resources Defense Council. For more information, see <a href="http://www.usgbc.org/DisplayPage.aspx?CMSPageID=148">http://www.usgbc.org/DisplayPage.aspx?CMSPageID=148</a>.</p>
<p>Educate the public about the many benefits of well-designed, higher density development.</p>	<p>See, for example, U.S. EPA, Growing Smarter, Living Healthier: A Guide to Smart Growth and Active Aging (webpage), discussing how compact, walkable communities can provide benefits to seniors. See <a href="http://www.epa.gov/aging/bhc/guide/index.html">http://www.epa.gov/aging/bhc/guide/index.html</a>.</p> <p>U.S. EPA, Environmental Benefits of Smart Growth (webpage) at <a href="http://www.epa.gov/dced/topics/eb.htm">http://www.epa.gov/dced/topics/eb.htm</a> (noting local air and water quality improvements).</p> <p>Centers for Disease Control and Prevention (CDC), Designing and Building Healthy Places (webpage), at <a href="http://www.cdc.gov/healthyplaces/">http://www.cdc.gov/healthyplaces/</a>. The CDC's website discusses the links between walkable communities and public health and includes numerous links to educational materials.</p> <p>California Department of Housing and Community Development, Myths and Facts About Affordable and High Density Housing (2002), available at <a href="http://www.hcd.ca.gov/hpd/mythsnfacts.pdf">http://www.hcd.ca.gov/hpd/mythsnfacts.pdf</a>.</p>

<p>Incorporate public transit into the project's design.</p>	<p>Federal Transit Administration, Transit-Oriented Development (TOD) (webpage) at <a href="http://www.fta.dot.gov/planning/planning_environment_6932.html">http://www.fta.dot.gov/planning/planning_environment_6932.html</a> (describing the benefits of TOD as "social, environmental, and fiscal.")</p> <p>California Department of Transportation (Caltrans), Statewide Transit-Oriented Development Study: Factors for Success in California (2002), available at <a href="http://transitorienteddevelopment.dot.ca.gov/miscellaneous/StatewideTOD.htm">http://transitorienteddevelopment.dot.ca.gov/miscellaneous/StatewideTOD.htm</a></p> <p>Caltrans, California Transit-Oriented Development Searchable Database (includes detailed information on numerous TODs), available at <a href="http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewHome.jsp">http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewHome.jsp</a>.</p> <p>California Department of Housing and Community Development, Transit Oriented Development (TOD) Resources (Aug. 2009), available at <a href="http://www.hcd.ca.gov/hpd/tod.pdf">http://www.hcd.ca.gov/hpd/tod.pdf</a>.</p>
<p>Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.</p>	<p>U.S. EPA, Smart Growth and Open Space Conservation (webpage) at <a href="http://www.epa.gov/dced/openspace.htm">http://www.epa.gov/dced/openspace.htm</a>.</p>
<p>Develop "brownfields" and other underused or defunct properties near existing public transportation and jobs.</p>	<p>U.S. EPA, Smart Growth and Brownfields (webpage) at <a href="http://www.epa.gov/dced/brownfields.htm">http://www.epa.gov/dced/brownfields.htm</a>.</p> <p>For example, as set forth in the Local Government Commission's case study, the Town of Hercules, California reclaimed a 426-acre brownfield site, transforming it into a transit-friendly, walkable neighborhood. See <a href="http://www.lgc.org/freepub/docs/community_design/fact_sheets/er_case_studies.pdf">http://www.lgc.org/freepub/docs/community_design/fact_sheets/er_case_studies.pdf</a>.</p> <p>For financial resources that can assist in brownfield development, see Center for Creative Land Recycling, Financial Resources for California Brownfields (July 2008), available at <a href="http://www.cclr.org/media/publications/8-Financial_Resources_2008.pdf">http://www.cclr.org/media/publications/8-Financial_Resources_2008.pdf</a>.</p>
<p>Include pedestrian and bicycle facilities within projects and ensure that existing non-motorized routes are maintained and enhanced.</p>	<p>See U.S. Department of Transportation, Federal Highway Administration, Bicycle and Pedestrian Program (webpage) at <a href="http://www.fhwa.dot.gov/environment/bikeped/">http://www.fhwa.dot.gov/environment/bikeped/</a>.</p> <p>Caltrans, Pedestrian and Bicycle Facilities in California / A Technical Reference and Technology Transfer Synthesis for Caltrans Planners and Engineers (July 2005), available at <a href="http://www.dot.ca.gov/hq/traffops/survey/pedestrian/TR_MAY0405.pdf">http://www.dot.ca.gov/hq/traffops/survey/pedestrian/TR_MAY0405.pdf</a>. This reference includes standard and innovative practices for pedestrian facilities and traffic calming.</p>

## Transportation and Motor Vehicles

<p>Meet an identified transportation-related benchmark.</p>	<p>A logical benchmark might be related to vehicles miles traveled (VMT), e.g., average VMT per capita, per household, or per employee. As the California Energy Commission has noted, VMT by California residents increased "a rate of more than 3 percent a year between 1975 and 2004, markedly faster than the population growth rate over the same period, which was less than 2 percent. This increase in VMT correlates to an increase in petroleum use and GHG production and has led to the transportation sector being responsible for 41 percent of the state's GHG emissions in 2004." CEC, <i>The Role of Land Use in Meeting California's Energy and Climate Change Goals</i> (Aug. 2007) at p. 9, available at <a href="http://www.energy.ca.gov/2007publications/CEC-600-2007-008/CEC-600-2007-008-SF.PDF">http://www.energy.ca.gov/2007publications/CEC-600-2007-008/CEC-600-2007-008-SF.PDF</a>.</p> <p>Even with regulations designed to increase vehicle efficiency and lower the carbon content of fuel, "reduced VMT growth will be required to meet GHG reductions goals." <i>Id.</i> at p. 18.</p>
<p>Adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation.</p>	<p>For example, reduce parking for private vehicles while increasing options for alternative transportation; eliminate minimum parking requirements for new buildings; "unbundle" parking (require that parking is paid for separately and is not included in rent for residential or commercial space); and set appropriate pricing for parking.</p> <p>See U.S. EPA, <i>Parking Spaces / Community Places, Finding the Balance Through Smart Growth Solutions</i> (Jan. 2006), available at <a href="http://www.epa.gov/dced/pdf/EPAParkingSpaces06.pdf">http://www.epa.gov/dced/pdf/EPAParkingSpaces06.pdf</a>.</p> <p>Reforming Parking Policies to Support Smart Growth, Metropolitan Transportation Commission (June 2007) at <a href="http://www.mtc.ca.gov/planning/smart_growth/parking_seminar/Toolbox_Handbook.pdf">http://www.mtc.ca.gov/planning/smart_growth/parking_seminar/Toolbox_Handbook.pdf</a>.</p> <p>See also the City of Ventura's Downtown Parking and Mobility Plan, available at <a href="http://www.cityofventura.net/community_development/resources/mobility_parking_plan.pdf">http://www.cityofventura.net/community_development/resources/mobility_parking_plan.pdf</a>, and Ventura's Downtown Parking Management Program, available at <a href="http://www.ci.ventura.ca.us/depts/comm_dev/downtownplan/chapters.asp">http://www.ci.ventura.ca.us/depts/comm_dev/downtownplan/chapters.asp</a>.</p>
<p>Build or fund a major transit stop within or near the development.</p>	<p>"'Major transit stop' means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods." (Pub. Res. Code, § 21064.3.)</p> <p>Transit Oriented Development (TOD) is a moderate to higher density development located within an easy walk of a major transit stop. <a href="http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewWhatisTOD.htm">http://transitorienteddevelopment.dot.ca.gov/miscellaneous/NewWhatisTOD.htm</a>.</p> <p>By building or funding a major transit stop, an otherwise ordinary development can become a TOD.</p>

<p>Provide public transit incentives such as free or low-cost monthly transit passes to employees, or free ride areas to residents and customers.</p>	<p>See U.S. Department of Transportation and U.S. EPA, Commuter Choice Primer / An Employer's Guide to Implementing Effective Commuter Choice Programs, available at <a href="http://www.its.dot.gov/JPODOCS/REPTS_PR/13669.html">http://www.its.dot.gov/JPODOCS/REPTS_PR/13669.html</a>.</p> <p>The Emery Go Round shuttle is a private transportation service funded by commercial property owners in the citywide transportation business improvement district. The shuttle links a local shopping district to a Bay Area Rapid Transit stop. See <a href="http://www.emerygoround.com/">http://www.emerygoround.com/</a>.</p> <p>Seattle, Washington maintains a public transportation "ride free" zone in its downtown from 6:00 a.m. to 7:00 p.m. daily. See <a href="http://transit.metrokc.gov/tops/accessible/paccessible_map.html#fare">http://transit.metrokc.gov/tops/accessible/paccessible_map.html#fare</a>.</p>
<p>Promote "least polluting" ways to connect people and goods to their destinations.</p>	<p>Promoting "least polluting" methods of moving people and goods is part of a larger, integrated "sustainable streets" strategy now being explored at U.C. Davis's Sustainable Transportation Center. Resources and links are available at the Center's website, <a href="http://stc.ucdavis.edu/outreach/ssp.php">http://stc.ucdavis.edu/outreach/ssp.php</a>.</p>
<p>Incorporate bicycle lanes, routes and facilities into street systems, new subdivisions, and large developments.</p>	<p>Bicycling can have a profound impact on transportation choices and air pollution reduction. The City of Davis has the highest rate of bicycling in the nation. Among its 64,000 residents, 17 percent travel to work by bicycle and 41 percent consider the bicycle their primary mode of transportation. See Air Resources Board, Bicycle Awareness Program, Bicycle Fact Sheet, available at <a href="http://www.arb.ca.gov/planning/tsaq/bicycle/factsht.htm">http://www.arb.ca.gov/planning/tsaq/bicycle/factsht.htm</a>.</p> <p>For recommendations on best practices, see the many resources listed at the U.S. Department of Transportation, Federal Highway Administration's Bicycle and Pedestrian website at <a href="http://www.fhwa.dot.gov/environment/bikeped/publications.htm">http://www.fhwa.dot.gov/environment/bikeped/publications.htm</a>.</p> <p>See also Caltrans Division of Research and Innovation, Designing Highway Facilities To Encourage Walking, Biking and Transit (Preliminary Investigation) (March 2009), available at <a href="http://www.dot.ca.gov/research/researchreports/preliminary_investigations/docs/pi-design_for_walking_%20biking_and_transit%20final.pdf">http://www.dot.ca.gov/research/researchreports/preliminary_investigations/docs/pi-design_for_walking_%20biking_and_transit%20final.pdf</a>.</p>
<p>Require amenities for non-motorized transportation, such as secure and convenient bicycle parking.</p>	<p>According to local and national surveys of potential bicycle commuters, secure bicycle parking and workplace changing facilities are important complements to safe and convenient routes of travel. See Air Resources Board, Bicycle Awareness Program, Bicycle Fact Sheet, available at <a href="http://www.arb.ca.gov/planning/tsaq/bicycle/factsht.htm">http://www.arb.ca.gov/planning/tsaq/bicycle/factsht.htm</a>.</p>

<p>Ensure that the project enhances, and does not disrupt or create barriers to, non-motorized transportation.</p>	<p>See, e.g., U.S. EPA's list of transit-related "smart growth" publications at <a href="http://www.epa.gov/dced/publications.htm#air">http://www.epa.gov/dced/publications.htm#air</a>, including Pedestrian and Transit-Friendly Design: A Primer for Smart Growth (1999), available at <a href="http://www.epa.gov/dced/pdf/ptfd_primer.pdf">www.epa.gov/dced/pdf/ptfd_primer.pdf</a>.</p> <p>See also Toolkit for Improving Walkability in Alameda County, available at <a href="http://www.acta2002.com/ped_toolkit/ped_toolkit_print.pdf">http://www.acta2002.com/ped_toolkit/ped_toolkit_print.pdf</a>.</p> <p>Pursuant to the California Complete Streets Act of 2008 (AB 1358, Gov. Code, §§ 65040.2 and 65302), commencing January 1, 2011, upon any substantive revision of the circulation element of the general plan, a city or county will be required to modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users.</p>
<p>Connect parks and open space through shared pedestrian/bike paths and trails to encourage walking and bicycling. Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.</p>	<p>Walk Score ranks the "walkability" of neighborhoods in the largest 40 U.S. cities, including seven California cities. Scores are based on the distance to nearby amenities. Explore Walk Score at <a href="http://www.walkscore.com/">http://www.walkscore.com/</a>.</p> <p>In many markets, homes in walkable neighborhoods are worth more than similar properties where walking is more difficult. See Hoak, <i>Walk appeal / Homes in walkable neighborhoods sell for more: study</i>, Wall Street Journal (Aug. 18, 2009), available at <a href="http://www.marketwatch.com/story/homes-in-walkable-neighborhoods-sell-for-more-2009-08-18">http://www.marketwatch.com/story/homes-in-walkable-neighborhoods-sell-for-more-2009-08-18</a>.</p> <p>By creating walkable neighborhoods with more transportation choices, Californians could save \$31 million and cut greenhouse gas emissions by 34 percent, according to a study released by Transform, a coalition of unions and nonprofits. See Windfall for All / How Connected, Convenient Neighborhoods Can Protect Our Climate and Safeguard California's Economy (Nov. 2009), available at <a href="http://transformca.org/windfall-for-all#download-report">http://transformca.org/windfall-for-all#download-report</a>.</p>
<p>Work with the school districts to improve pedestrian and bike access to schools and to restore or expand school bus service using lower-emitting vehicles.</p>	<p>In some communities, twenty to twenty-five percent of morning traffic is due to parents driving their children to school. Increased traffic congestion around schools in turn prompts even more parents to drive their children to school. Programs to create safe routes to schools can break this harmful cycle. See California Department of Public Health, Safe Routes to School (webpage) and associated links at <a href="http://www.cdph.ca.gov/HealthInfo/injviosa/Pages/SafeRoutesToSchool.aspx">http://www.cdph.ca.gov/HealthInfo/injviosa/Pages/SafeRoutesToSchool.aspx</a>.</p> <p>See also U.S. EPA, Smart Growth and Schools (webpage), available at <a href="http://www.epa.gov/dced/schools.htm">http://www.epa.gov/dced/schools.htm</a>.</p> <p>California Center for Physical Activity, California Walk to School (website) at <a href="http://www.cawalktoschool.com">http://www.cawalktoschool.com</a></p> <p>Regular school bus service (using lower-emitting buses) for children who cannot bike or walk to school could substantially reduce private vehicle congestion and air pollution around schools. See Air Resources Board, Lower Emissions School Bus Program (webpage) at <a href="http://www.arb.ca.gov/msprog/schoolbus/schoolbus.htm">http://www.arb.ca.gov/msprog/schoolbus/schoolbus.htm</a>.</p>

<p>Institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.</p>	<p>There are numerous sites on the web with resources for employers seeking to establish telework or flexible work programs. These include U.S. EPA's Mobility Management Strategies: Commuter Programs website at <a href="http://www.epa.gov/otaq/stateresources/rellinks/mms_commproms.htm">http://www.epa.gov/otaq/stateresources/rellinks/mms_commproms.htm</a>; and Telework, the federal government's telework website, at <a href="http://www.telework.gov/">http://www.telework.gov/</a>.</p> <p>Through a continuing FlexWork Implementation Program, the Traffic Solutions division of the Santa Barbara County Association of Governments sponsors flexwork consulting, training and implementation services to a limited number of Santa Barbara County organizations that want to create or expand flexwork programs for the benefit of their organizations, employees and the community. See <a href="http://www.flexworksba.com/read_more_about_the_fSBp.html">http://www.flexworksba.com/read_more_about_the_fSBp.html</a>. Other local government entities provide similar services.</p>
<p>Provide information on alternative transportation options for consumers, residents, tenants and employees to reduce transportation-related emissions.</p>	<p>Many types of projects may provide opportunities for delivering more tailored transportation information. For example, a homeowner's association could provide information on its website, or an employer might create a Transportation Coordinator position as part of a larger Employee Commute Reduction Program. See, e.g., South Coast Air Quality Management District, Transportation Coordinator training, at <a href="http://www.aqmd.gov/trans/training.html">http://www.aqmd.gov/trans/training.html</a>.</p>
<p>Educate consumers, residents, tenants and the public about options for reducing motor vehicle-related greenhouse gas emissions. Include information on trip reduction; trip linking; vehicle performance and efficiency (e.g., keeping tires inflated); and low or zero-emission vehicles.</p>	<p>See, for example U.S. EPA, SmartWay Transport Partnership: Innovative Carrier Strategies (webpage) at <a href="http://www.epa.gov/smartway/transport/what-smartway/carrier-strategies.htm">http://www.epa.gov/smartway/transport/what-smartway/carrier-strategies.htm</a>. This webpage includes recommendations for actions that truck and rail fleets can take to make ground freight more efficient and cleaner.</p> <p>The Air Resources Board's Drive Clean website is a resource for car buyers to find clean and efficient vehicles. The web site is designed to educate Californians that pollution levels range greatly between vehicles. See <a href="http://www.driveclean.ca.gov/">http://www.driveclean.ca.gov/</a>.</p> <p>The Oregon Department of Transportation and other public and private partners launched the Drive Less/Save More campaign. The comprehensive website contains fact sheets and educational materials to help people drive more efficiently. See <a href="http://www.driveless.savemore.com/">http://www.driveless.savemore.com/</a>.</p>
<p>Purchase, or create incentives for purchasing, low or zero-emission vehicles.</p>	<p>See Air Resources Board, Low-Emission Vehicle Program (webpage) at <a href="http://www.arb.ca.gov/msprog/levprog/levprog.htm">http://www.arb.ca.gov/msprog/levprog/levprog.htm</a>.</p> <p>Air Resource Board, Zero Emission Vehicle Program (webpage) at <a href="http://www.arb.ca.gov/msprog/zevprog/zevprog.htm">http://www.arb.ca.gov/msprog/zevprog/zevprog.htm</a>.</p> <p>All new cars sold in California are now required to display an Environmental Performance (EP) Label, which scores a vehicle's global warming and smog emissions from 1 (dirtiest) to 10 (cleanest). To search and compare vehicle EP Labels, visit <a href="http://www.DriveClean.ca.gov">www.DriveClean.ca.gov</a>.</p>

<p>Create a ride sharing program. Promote existing ride sharing programs e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.</p>	<p>For example, the 511 Regional Rideshare Program is operated by the Metropolitan Transportation Commission (MTC) and is funded by grants from the Federal Highway Administration, U.S. Department of Transportation, the Metropolitan Transportation Commission, the Bay Area Air Quality Management District and county congestion management agencies. For more information, see <a href="http://rideshare.511.org/">http://rideshare.511.org/</a>.</p> <p>As another example, San Bernardino Associated Governments works directly with large and small employers, as well as providing support to commuters who wish to share rides or use alternative forms of transportation. See <a href="http://www.sanbag.ca.gov/commuter/rideshare.html">http://www.sanbag.ca.gov/commuter/rideshare.html</a>.</p> <p>Valleyrides.com is a ridesharing resource available to anyone commuting to and from Fresno and Tulare Counties and surrounding communities. See <a href="http://www.valleyrides.com/">http://www.valleyrides.com/</a>. There are many other similar websites throughout the state.</p>
<p>Create or accommodate car sharing programs, e.g., provide parking spaces for car share vehicles at convenient locations accessible by public transportation.</p>	<p>There are many existing car sharing companies in California. These include City CarShare (San Francisco Bay Area), see <a href="http://www.citycarshare.org/">http://www.citycarshare.org/</a>; and Zipcar, see <a href="http://www.zipcar.com/">http://www.zipcar.com/</a>. Car sharing programs are being successfully used on many California campuses.</p>
<p>Provide a vanpool for employees.</p>	<p>Many local Transportation Management Agencies can assist in forming vanpools. See, for example, Sacramento Transportation Management Association, Check out Vanpooling (webpage) at <a href="http://www.sacramento-tma.org/vanpool.html">http://www.sacramento-tma.org/vanpool.html</a>.</p>
<p>Create local "light vehicle" networks, such as neighborhood electric vehicle systems.</p>	<p>See California Energy Commission, Consumer Energy Center, Urban Options - Neighborhood Electric Vehicles (NEVs) (webpage) at <a href="http://www.consumerenergycenter.org/transportation/urban_options/nev.html">http://www.consumerenergycenter.org/transportation/urban_options/nev.html</a>.</p> <p>The City of Lincoln has an innovative NEV program. See <a href="http://www.lincolnev.com/index.html">http://www.lincolnev.com/index.html</a>.</p>
<p>Enforce and follow limits idling time for commercial vehicles, including delivery and construction vehicles.</p>	<p>Under existing law, diesel-fueled motor vehicles with a gross vehicle weight rating greater than 10,000 pounds are prohibited from idling for more than 5 minutes at any location. The minimum penalty for an idling violation is now \$300 per violation. See <a href="http://www.arb.ca.gov/enf/complaints/idling_cv.htm">http://www.arb.ca.gov/enf/complaints/idling_cv.htm</a>.</p>
<p>Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.</p>	<p>For a list of existing alternative fuel stations in California, visit <a href="http://www.cleancarmaps.com/">http://www.cleancarmaps.com/</a>.</p> <p>See, e.g., Baker, <i>Charging-station network built along 101</i>, S.F. Chron. (9/23/09), available at <a href="http://articles.sfgate.com/2009-09-23/news/17207424_1_recharging-solar-array-tesla-motors">http://articles.sfgate.com/2009-09-23/news/17207424_1_recharging-solar-array-tesla-motors</a>.</p>



## Agriculture and Forestry (additional strategies noted above)

<p>Require best management practices in agriculture and animal operations to reduce emissions, conserve energy and water, and utilize alternative energy sources, including biogas, wind and solar.</p>	<p>Air Resources Board (ARB), Economic Sectors Portal, Agriculture (webpage) at <a href="http://www.arb.ca.gov/cc/ghgsectors/ghgsectors.htm">http://www.arb.ca.gov/cc/ghgsectors/ghgsectors.htm</a>. ARB's webpage includes information on emissions from manure management, nitrogen fertilizer, agricultural offroad equipment, and agricultural engines.</p> <p>"A full 90% of an agricultural business' electricity bill is likely associated with water use. In addition, the 8 million acres in California devoted to crops consume 80% of the total water pumped in the state." See Flex Your Power, Agricultural Sector (webpage) at <a href="http://www.fypower.org/agri/">http://www.fypower.org/agri/</a>.</p> <p>Flex Your Power, Best Practice Guide / Food and Beverage Growers and Processors, available at <a href="http://www.fypower.org/bpg/index.html?b=food_and_bev">http://www.fypower.org/bpg/index.html?b=food_and_bev</a>.</p> <p>Antle et al., Pew Center on Global Climate Change, Agriculture's Role in Greenhouse Gas Mitigation (2006), available at <a href="http://www.pewclimate.org/docUploads/Agriculture's%20Role%20in%20GHG%20Mitigation.pdf">http://www.pewclimate.org/docUploads/Agriculture's%20Role%20in%20GHG%20Mitigation.pdf</a>.</p>
<p>Preserve forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, groundwater recharge areas and other open space that provide carbon sequestration benefits.</p>	<p>"There are three general means by which agricultural and forestry practices can reduce greenhouse gases: (1) avoiding emissions by maintaining existing carbon storage in trees and soils; (2) increasing carbon storage by, e.g., tree planting, conversion from conventional to conservation tillage practices on agricultural lands; (3) substituting bio-based fuels and products for fossil fuels, such as coal and oil, and energy-intensive products that generate greater quantities of CO<sub>2</sub> when used." U.S. EPA, Carbon Sequestration in Agriculture and Forestry, Frequently Asked Questions (webpage) at <a href="http://www.epa.gov/sequestration/faq.html">http://www.epa.gov/sequestration/faq.html</a>.</p> <p>Air Resources Board, Economic Sectors Portal, Forestry (webpage) at <a href="http://www.arb.ca.gov/cc/ghgsectors/ghgsectors.htm">http://www.arb.ca.gov/cc/ghgsectors/ghgsectors.htm</a>.</p>
<p>Protect existing trees and encourage the planting of new trees. Adopt a tree protection and replacement ordinance.</p>	<p>Tree preservation and planting is not just for rural areas of the state; suburban and urban forests can also serve as carbon sinks. See Cal Fire, Urban and Community Forestry (webpage) at <a href="http://www.fire.ca.gov/resource_mgt/resource_mgt_urbanforestry.php">http://www.fire.ca.gov/resource_mgt/resource_mgt_urbanforestry.php</a>.</p>

### Off-Site Mitigation

If, after analyzing and requiring all reasonable and feasible on-site mitigation measures for avoiding or reducing greenhouse gas-related impacts, the lead agency determines that additional mitigation is required, the agency may consider additional off-site mitigation. The project proponent could, for example, fund off-site mitigation projects that will reduce carbon emissions, conduct an audit of its other existing operations and agree to retrofit, or purchase verifiable carbon "credits" from another entity that will undertake mitigation.

The topic of off-site mitigation can be complicated. A full discussion is outside the scope of this summary document. Issues that the lead agency should consider include:

- The location of the off-site mitigation. (If the off-site mitigation is far from the project, any additional, non-climate related co-benefits of the mitigation may be lost to the local community.)
- Whether the emissions reductions from off-site mitigation can be quantified and verified. (The California Registry has developed a number of protocols for calculating, reporting and verifying greenhouse gas emissions. Currently, industry-specific protocols are available for the cement sector, power/utility sector, forest sector and local government operations. For more information, visit the California Registry's website at <http://www.climateregistry.org/>.)
- Whether the mitigation ratio should be greater than 1:1 to reflect any uncertainty about the effectiveness of the off-site mitigation.

Offsite mitigation measures that could be funded through mitigation fees include, but are not limited to, the following:

- Energy efficiency audits of existing buildings.
- Energy efficiency upgrades to existing buildings not otherwise required by law, including heating, ventilation, air conditioning, lighting, water heating equipment, insulation and weatherization (perhaps targeted to specific communities, such as low-income or senior residents).
- Programs to encourage the purchase and use of energy efficient vehicles, appliances, equipment and lighting.
- Programs that create incentives to replace or retire polluting vehicles and engines.
- Programs to expand the use of renewable energy and energy storage.
- Preservation and/or enhancement of existing natural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) that provide carbon sequestration benefits.
- Improvement and expansion of public transit and low- and zero-carbon transportation alternatives.

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DATE June 8, 2018

PAY TO THE ORDER OF San Francisco Planning Dept.

\$ 597<sup>00</sup>/<sub>100</sub>

Five Hundred Ninety-Seven<sup>00</sup>/<sub>100</sub>

DOLLARS



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Case 675

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## South of Market Community Action Network

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Clerk of the Board of Supervisors  
Environmental Review Officer  
#1 Dr. Carlton B. Goodlett Place  
Room #244  
San Francisco, CA 94102

June 11, 2018

*Via Hand Delivery*

### **RE: Central SoMa Plan – Appeal of the 5/10/18 Planning Commission Decisions**

Dear Clerk of the Board and the Members of the Board of Supervisors:

The South of Market Community Action Network (SOMCAN) appeals the following decisions concerning the Central SoMa Plan (“the Plan”). The Plan Area is bounded by Second Street on the east, Sixth Street on the west, Townsend Street on the south, and an irregular border that goes along Folsom, Howard, and Stevenson Streets to the north.

- 1) Certification of the Environmental Impact Report (EIR) and Adoption of Findings and Evaluation of Mitigation Measures and Alternatives and a Statement of Overriding Considerations

The final resolutions for the relevant appeals are attached as **Exhibit A**. Evidence in support of the appeals is attached as **Exhibits A-D**.

### **I. Citizens appeal the decisions made by the Planning Commission to certify the Environmental Impact Report (EIR) and adopt Findings and Evaluation of Mitigation Measures and Alternatives and a Statement of Overriding Considerations, State Clearinghouse No. 2013042070 (Exhibit A, Resolutions)**

The appeals related to CEQA are filed on the following bases.

- The EIR is inadequate, incomplete, and deficient
- Inadequate and incomplete analysis of and failure to disclose the severity of the level of impact for the following environmental impacts:
  - Creation of a Second Financial District
  - Existing Youth and Family Special Use District
  - Transportation and Ride Hailing Companies
  - State Density Bonus Laws
  - Economic Impacts from Displacement and Increase in Vehicle Miles Travelled

- Residential Units Not Being Used as Traditional Housing
- The 5M Project
- New Office Space and Lack of Local Hiring Requirements
- Consideration of Continued PDR Uses
- Lack of Affordability of Housing Incentivized by the Plan and Socioeconomic Makeup of New Residents
- Open Space
- Stabilization of Non-Profit Organizations
- Health Impacts
- Density of Workers Based on Square Footage of Office Space and Auxiliary Jobs is Under Calculated
- Failure to adopt all feasible mitigations and alternatives
- Strong disagreement with Responses to Comments on the Draft Environmental Impact Report
- Inadequate and incomplete Findings, Evaluation of Mitigation Measures and Alternatives, and Statement of Overriding Considerations

## **II. Exhibits (Attached)**

### **Exhibit A:** Resolutions

20182 EIR Certification

20183 CEQA Findings

**Exhibit B:** Letters (including comments submitted on the Plan EIR during the EIR comment period)

**Exhibit C:** Links to videos of hearings in which testimony was given on the Central SoMa Plan

**Exhibit D:** Transcript Planning Commission Hearing, May 10, 2018 on the Central SoMa Plan

Thank you,



Angelica Cabande

Organizational Director, South of Market Community Action Network

Clerk of the Board of Supervisors  
Environmental Review Officer  
#1 Dr. Carlton B. Goodlett Place  
Room #244  
San Francisco, CA 94102

File # 2011.1356E

I authorize Angelica Cabande, the Organizational Director of the South of Market Community Action Network, to file the appeal of the Central SoMa Plan Final Environmental Impact Report on behalf of the South of Market Community Action Network.

Sincerely,

Joseph Smooke  
Board Chair  
South of Market Community Action Network, SOMCAN

**Exhibit A:**  
**Resolutions**





# SAN FRANCISCO PLANNING DEPARTMENT

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2018 JUN 11 PM 3:29

## Planning Commission Motion No. 20182

HEARING DATE: MAY 10, 2018

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Case No.: 2011.1356E  
Project Address: Central SoMa Plan  
Zoning: Various  
Block/Lot: Various  
Project Sponsor: San Francisco Planning Department  
Steve Wertheim-- (415) 558-6612  
[steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)  
Staff Contact: Elizabeth White-- (415) 575-6813  
[elizabeth.white@sfgov.org](mailto:elizabeth.white@sfgov.org)

### ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CENTRAL SOMA PLAN.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2011.1356E, the "Central SoMa Plan" (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 April 24, 2013.
  - B. The Department held a public scoping meeting on May 15, 2013 in order to solicit public comment on the scope of the Project's environmental review.
  - C. On December 14, 2016, 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.
  - D. On December 14, 2016, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.



- E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on December 14, 2016.
2. The Commission held a duly advertised public hearing on said DEIR on January 26, 2017 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 February 13, 2017.
  3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 60-day public review period, prepared revisions to the text of the DEIR in responses 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 the Responses to Comments document, published on March 28, 2018, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
  4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Responses to Comments document all as required by law.
  5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
  6. On May 10, 2018, the Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
  7. The project sponsor has indicated that the presently preferred alternative is the Central SoMa Plan.
  8. The Planning Commission hereby does find that the FEIR concerning File No. 2011.1356E: Central SoMa Plan reflects the independent judgement and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Responses to Comments document and the errata dated April 5, 2018 and May 9, 2018 contains no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
  9. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the Environmental Impact Report:
    - A. Will result in the following significant and unavoidable project-specific environmental impacts, which cannot be mitigated to a level of insignificance:

- a. Central SoMa Plan development, including proposed open space improvements and street network changes, would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating and environmental effect. Specifically, the Plan could result in traffic noise along Howard Street (under the two-way option for Howard and Folsom streets) that exceeds the noise standards in the General Plan's Environmental Protection Element.
- b. Central SoMa Plan development would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5.
- c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.
- d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in crosswalk overcrowding at the following intersections:
  - i. Third/Mission
  - ii. Fourth/Mission
  - iii. Fourth/Townsend
- e. Central SoMa Plan development would result in an increased demand for on-street commercial and passenger loading and a reduction in on-street loading supply such that the loading demand during the peak hour of loading activities would not be accommodated within on-street loading supply, would impact existing passenger loading/unloading zones, and may create hazardous conditions or significant delay that may affect transit, other vehicles, bicycles, or pedestrians.
- f. Construction activities associated with Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would result in potentially hazardous conditions.
- g. Central SoMa Plan development, including the proposed street network changes, would generate noise that would result in exposure of persons to noise levels in excess of standards in the *San Francisco General Plan* or Noise Ordinance (Article 29 of the *Police Code*), and would result in a substantial permanent increase in ambient noise above existing levels.

- h. Central SoMa Plan development, including the proposed street network changes and open space improvements, would result in construction activities in the Plan Area that could expose persons to substantial temporary or periodic increase in noise levels substantially in excess of ambient levels.
- i. The operation of subsequent individual development projects in the Central SoMa Plan Area and the proposed street network changes (but not the proposed open space improvements) would violate an air quality standard, contribute to an existing or projected air quality violation, and/or result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.
- j. Central SoMa Plan development, including the proposed street network changes, would result in operational emissions of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants that would result in exposure of sensitive receptors to substantial pollutant concentrations.
- k. Subsequent future development under the Plan could alter wind in a manner that substantially affects public areas.

B. Will contribute considerably to the following cumulative environmental impacts, which cannot be mitigated to a level of insignificance:

- a. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative land use impact. Specifically, one-way and two-way options for Folsom and Howard Streets could make a considerable contribution to cumulative traffic noise levels, which would exceed the noise standards in the General Plan's Environmental Protection Element.
- b. Central SoMa Plan development would contribute considerably to significant cumulative historical resources impacts because the Plan could result in demolition and/or alteration of historical resources.
- c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative transit impacts on local and regional transit providers.
- d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative pedestrian impacts.
- e. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative loading impacts.

- f. Central SoMa development, including the proposed street network changes and open space improvements, would result in cumulative noise impacts.
- g. Central SoMa development, including the proposed street network changes, but not open space improvements, would contribute considerably to criteria air pollutant impacts under cumulative 2040 conditions.
- h. Central SoMa Plan development, including the proposed street network changes but not open space improvements, would result in exposure of sensitive receptors to substantial levels of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants under 2040 cumulative conditions.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of May 10, 2018.



Jonas P. Iorin  
Commission Secretary

AYES: Moore, Koppel, Johnson, Richards, Hillis, Melgar, and Fong  
NOES: None  
ABSENT: None  
ADOPTED: May 10, 2018



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 20183

HEARING DATE MAY 10, 2018

*Project Name:* Central SoMa Plan – CEQA Findings  
*Record No.:* 2011.1356EMTZU  
*Staff Contact:* Steve Wertheim, Principal Planner, Citywide Planning  
(415) 558-6612; [steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)

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ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT IMPACTS AND SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND A STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO APPROVALS FOR THE CENTRAL SOUTH OF MARKET AREA PLAN ("CENTRAL SOMA PLAN").

### PREAMBLE

The San Francisco Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA"), has undertaken a planning and environmental review process for the proposed Central SoMa Plan and related approval actions ("Project") and provided appropriate public hearings before the Planning Commission.

The desire for a Central SoMa Plan began during the Eastern Neighborhoods planning process. In 2008 the City adopted the Eastern Neighborhoods Plan, including new land use controls and proposed community improvements for the eastern part of the South of Market neighborhood (SoMa), as well as the Central Waterfront, Mission, and Showplace Square/Potrero Hill neighborhoods. At that time, the City determined that the development potential of the industrially zoned part of East SoMa, coupled with the improved transit to be provided by the Central Subway, necessitated a subsequent, focused planning process that took into account the city's growth needs and City and regional environmental goals. The Central SoMa Plan is the result of that subsequent process.

The Western SoMa Area Plan, adopted in 2013, also explicitly recognized the need to increase development capacity near transit in Objective 1.5, which states that the City should "Support continued evaluation of land uses near major transit infrastructure in recognition of citywide and regional sustainable growth needs." The explanatory text in Objective 1.5 concludes that "The City must continue evaluating how it can best meet citywide and regional objectives to direct growth to transit-oriented locations and whether current controls are meeting identified needs."

The Objective's implementing Policy 1.5.1 states that the City should "Continue to explore and re-examine land use controls east of 6th Street, including as part of any future evaluation along the 4th Street corridor." The Central SoMa Plan is intended to fulfill the Western SoMa Plan's Objective 1.5 and Policy 1.5.1.

The process of creating the Central SoMa Plan began in 2011. Throughout the process, the Central SoMa Plan has been developed based on robust public input, including ten public open houses; ten public hearings at the Planning Commission; two public hearings at the Board of Supervisor's Land Use & Transportation Committee; additional hearings at the Historic Preservation Commission, Arts Commission, and Youth Commission; a "technical advisory committee" consisting of multiple City and regional agencies; a "storefront charrette" (during which the Planning Department set up shop in a retail space in the neighborhood to solicit community input on the formulation of the plan); two walking tours, led by community members; two community surveys; an online discussion board; meetings with over 30 neighborhoods groups and other community stakeholders; and thousands of individual meetings, phone calls, and emails with stakeholders.

The Central SoMa Plan Area runs from 2nd Street to 6th Street, Market Street to Townsend Street, exclusive of those areas that are part of the Downtown Plan that comprise much of the area north of Folsom Street. The vision of the Central SoMa Plan is to create a sustainable neighborhood by 2040, where the needs of the present are met without compromising the ability of future generations to meet their own needs. The Central SoMa Plan seeks to achieve sustainability in each of its aspects – social, economic, and environmental. The Plan's philosophy is to keep what is already successful about the neighborhood, and improve what is not. Utilizing the Plan's philosophy to achieve the Plan's vision will require implementing the following three strategies:

- Accommodate growth;
- Provide public benefits; and
- Respect and enhance neighborhood character.

Implementing the Plan's strategies will require addressing all the facets of a sustainable neighborhood. To do so, the Plan seeks to achieve eight Goals:

1. Accommodate a Substantial Amount of Jobs and Housing
2. Maintain the Diversity of Residents
3. Facilitate an Economically Diversified and Lively Jobs Center
4. Provide Safe and Convenient Transportation that Prioritizes Walking, Bicycling, and Transit
5. Offer an Abundance of Parks and Recreational Opportunities
6. Create an Environmentally Sustainable and Resilient Neighborhood
7. Preserve and Celebrate the Neighborhood's Cultural Heritage
8. Ensure that New Buildings Enhance the Character of the Neighborhood and the City.

The Plan would implement its vision, philosophy, and goals by:

- Accommodating development capacity for up to 33,000 jobs and 8,300 housing units by removing much of the area's industrially-protective zoning and increasing height limits on many of the area's parcels;
- Maintaining the diversity of residents by requiring that over 33% of new housing units are affordable to low- and moderate-income households and requiring that these new units are built in SoMa;
- Facilitating an economically diversified and lively jobs center by requiring most large sites to be jobs-oriented, by requiring production, distribution, and repair uses in many projects, and by allowing retail, hotels, and entertainment uses in much of the Plan Area;
- Providing safe and convenient transportation by funding capital projects that would improve conditions for people walking, bicycling, and taking transit;
- Offering an abundance of parks and recreational opportunities by funding the construction and improvement of parks and recreation centers in the area and requiring large non-residential projects to provide publicly-accessible open space;
- Creating an environmentally sustainable and resilient neighborhood by requiring green roofs and use of non-greenhouse gas energy sources, while funding projects to improve air quality, provide biodiversity, and help manage stormwater;
- Preserving and celebrating the neighborhood's cultural heritage by helping fund the rehabilitation and maintenance of historic buildings and funding social programs for the neighborhood's existing residents and organizations; and
- Ensuring that new buildings enhance the character of the neighborhood and the city by implementing design controls that would generally help protect the neighborhood's mid-rise character and street fabric, create a strong street wall, and facilitate innovative yet contextual architecture.

These core policies and supporting discussion have been incorporated into the Central SoMa Plan, which is proposed to be added as an Area Plan in the General Plan. The Central SoMa Plan and conforming amendments to the General Plan, together with proposed Planning Code, Administrative Code, and Zoning Map Amendments and an Implementation Document, provide a comprehensive set of policies and implementation programming to realize the vision of the Plan. The Implementation Document describes how the Plan's policies will be implemented, outlines public improvements, funding mechanisms, and interagency coordination that the City must pursue to implement the Plan, and provides controls for key development sites and key streets and design guidance for new development.

Since the Central SoMa Plan process began in 2011, the Planning Department has undertaken the environmental review process required by CEQA. Pursuant to and in accordance with the requirements of Section 21083.9 of the Public Resources Code and Section 15082 of the CEQA Guidelines, the Department, as lead agency, published and circulated a Notice of Preparation ("NOP") on April 24, 2013, which notice solicited comments regarding the scope of the environmental impact report ("EIR") for the proposed project. The NOP and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential

impacts of the proposed project. The Department held a public scoping meeting on May 15, 2013 at The Mendelson House, located at 737 Folsom Street, San Francisco, CA 94107.

During the approximately 30-day public scoping period that ended on May 24, 2013, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in preparation of the Draft EIR.

Pursuant to Section 15063 of the CEQA Guidelines, the Department published an Initial Study on February 12, 2014 in order to focus the scope of the EIR. The Department made the Initial Study available for a 30-day public review period beginning on February 12, 2014 and ending on March 14, 2014. The Department considered the comments received on the Initial Study when preparing the Draft EIR.

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

The Department published a Draft EIR on December 14, 2016, and circulated the Draft EIR to local, state, and federal agencies and to interested organizations and individuals for public review. On December 14, 2016, the Department also distributed notices of availability of the Draft EIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the project area. The Commission held a public hearing on January 26, 2017, to solicit testimony on the Draft EIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the Draft EIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the Draft EIR until February 13, 2017.

The Department then prepared the Comments and Responses to Comments on Draft EIR document ("RTC"). The RTC document was published on March 28, 2018, and includes copies of all of the comments received on the Draft EIR and written responses to each comment. In addition to describing and analyzing the physical, environmental impacts of the revisions to the Project, the RTC document provided additional, updated information, clarification, and modifications on issues raised by commenters, as well as Planning Department staff-initiated text changes to the Draft EIR.



The Final Environmental Impact Report ("Final EIR"), which includes the Draft EIR, the RTC document, the errata dated May 3, 2018, the Appendices to the Draft EIR and RTC document, and all of the supporting information, has been reviewed and considered. The RTC documents and appendices and all supporting information do not add significant new information to the Draft EIR that would individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or CEQA Guidelines Section 15088.5 so as to require recirculation of the Final EIR (or any portion thereof) under CEQA. The RTC documents and appendices and all supporting information contain no information revealing (1) any new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the project sponsor, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

On May 10, 2018, by Motion No. 20182, the Commission reviewed and considered the Final EIR for the Project and found the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

On May 10, 2018, by Motion No. 20182, the Commission found that the Final EIR was adequate, accurate, and objective, that it reflected the independent analysis and judgment of the Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the completion of the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

The Planning Department prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures, and significant impacts analyzed in the Final EIR, and overriding considerations for approving the Project and a proposed mitigation monitoring and reporting program ("MMRP"), attached as Exhibit B, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration, and actions.

The Commission, in certifying the Final EIR, found that the Project described in the Final EIR:

- A. Will result in the following significant and unavoidable project-specific environmental impacts, which cannot be mitigated to a level of insignificance:
  - a. Central SoMa Plan development, including proposed open space improvements and street network changes, would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating and environmental effect. Specifically, the Plan could result in traffic noise along Howard Street (under the two-way option

for Howard and Folsom streets) that exceeds the noise standards in the General Plan's Environmental Protection Element.

- b. Central SoMa Plan development would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district located in the Plan area, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5.
- c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.
- d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in crosswalk overcrowding at the following intersections:
  - i. Third/Mission
  - ii. Fourth/Mission
  - iii. Fourth/Townsend
- e. Central SoMa Plan development would result in an increased demand for on-street commercial and passenger loading and a reduction in on-street loading supply such that the loading demand during the peak hour of loading activities would not be accommodated within on-street loading supply, would impact existing passenger loading/unloading zones, and may create hazardous conditions or significant delay that may affect transit, other vehicles, bicycles, or pedestrians.
- f. Construction activities associated with Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would result in potentially hazardous conditions.
- g. Central SoMa Plan development, including the proposed street network changes, would generate noise that would result in exposure of persons to noise levels in excess of standards in the *San Francisco General Plan* or Noise Ordinance (Article 29 of the *Police Code*), and would result in a substantial permanent increase in ambient noise above existing levels.

- h. Central SoMa Plan development, including the proposed street network changes and open space improvements, would result in construction activities in the Plan Area that could expose persons to substantial temporary or periodic increase in noise levels substantially in excess of ambient levels.
  - i. The operation of subsequent individual development projects in the Central SoMa Plan Area and the proposed street network changes (but not the proposed open space improvements) would violate an air quality standard, contribute to an existing or projected air quality violation, and/or result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.
  - j. Central SoMa Plan development, including the proposed street network changes, would result in operational emissions of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants that would result in exposure of sensitive receptors to substantial pollutant concentrations.
  - k. Subsequent future development under the Plan could alter wind in a manner that substantially affects public areas.
- B. Will contribute considerably to the following cumulative environmental impacts, which cannot be mitigated to a level of insignificance:
- a. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to a significant cumulative land use impact. Specifically, one-way and two-way options for Folsom and Howard Streets could make a considerable contribution to cumulative traffic noise levels, which would exceed the noise standards in the General Plan's Environmental Protection Element.
  - b. Central SoMa Plan development would contribute considerably to significant cumulative historical resources impacts because the Plan could result in demolition and/or alteration of historical resources.
  - c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative transit impacts on local and regional transit providers.
  - d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative pedestrian impacts.
  - e. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative loading impacts.

- f. Central SoMa development, including the proposed street network changes and open space improvements, would result in cumulative noise impacts.
- g. Central SoMa development, including the proposed street network changes, but not open space improvements, would contribute considerably to criteria air pollutant impacts under cumulative 2040 conditions.
- h. Central SoMa Plan development, including the proposed street network changes but not open space improvements, would result in exposure of sensitive receptors to substantial levels of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants under 2040 cumulative conditions.

The Planning Commission Secretary is the custodian of records for the Planning Department materials, located in the File for Case No. 2011.1356EMTZU, at 1650 Mission Street, Fourth Floor, San Francisco, California, 94103.

On May 10, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.1356EMTZU to consider the various approvals necessary to implement the Project, including approvals of General Plan, Planning Code, Administrative Code, and Zoning Map Amendments, and approval of the Implementation Program. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the Project, the Planning Department staff, expert consultants, and other interested parties.

**MOVED**, that the Planning Commission has reviewed and considered the Final EIR and the entire record of this proceeding, including the comments and submissions made to the Commission and the Department's responses to those comments and submissions, and, based on substantial evidence, hereby adopts these Environmental Findings required by CEQA attached hereto as Exhibit A, including a Statement of Overriding Considerations and rejecting alternatives as infeasible, and adopts the MMRP, included as Exhibit B, as a condition of approval for each and all of the approval actions described above.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 10, 2018.



Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Melgar, Fong, Johnson, Koppel, Moore, Richards

NOES: None

ABSENT: None

ADOPTED: May 10, 2018

**Exhibit B:**  
**Letters**



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BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 JUN 11 PM 3:29  
BY                     

## South of Market Community Action Network

1110 Howard Street | SF, CA 94103 | phone (415) 255-7693 | [www.somcan.org](http://www.somcan.org)

May 10, 2018

Rich Hillis  
President  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

*Delivered via email: [richhillissf@gmail.com](mailto:richhillissf@gmail.com)*

Dear Commission President Hillis,

The seventeen organizations listed below are writing to express significant concerns about the impact that the Central SoMa Plan as currently written will have on housing, displacement and employment creation for SoMa residents and working class communities city-wide. Our recommendations outlined below are critical steps to address our concerns and protect these communities, and we urge all of the Planning Commissioners to adopt them into the Central SoMa Plan before you approve it.

### **Central SoMa is a Plan for Developers, Not the SoMa Community**

The proposed rezoning under the Central SoMa Plan represents a plan created by and for developers, not the existing community. As it stands, the plan is a recipe for gentrification and displacement in the South of Market and the rest of San Francisco. By upzoning and allowing office and luxury housing uses where they were previously banned, the City is effectively raising the value of land and inviting rampant speculation. These changes will also mean increased rents for both residential and commercial tenants (including vulnerable nonprofit organizations) as new developments create a new and higher comparable value for the area. More needs to be done to ensure that existing community members are able to stay living in the area, access the benefits of employment creation, and thrive as the plan is implemented.

### **Huge Jobs/Housing Imbalance will Impact the Entire City**

The plan proposes adding roughly 35,000 new jobs and 8,300 new housing units (with the majority of those units being luxury market rate units). With most of the new jobs being in the tech sector and majority new market-rate housing, the Plan will benefit wealthier, more highly educated non-residents at the expense of existing low-income

and working-class communities and communities of color in the South of Market and the rest of the City. These proposed changes under the Central SoMa Plan will fuel evictions and displacement across San Francisco, and promote further homogenization of San Francisco in terms of race and class.

While the Planning Department itself has admitted the city-wide impacts of the Plan, it continues to promote false solutions by asserting that the housing needs created by the Plan will be met by new development in other areas of the City such as Treasure Island and Parkmerced. These proposed developments, however, are not yet built and so are not available to address near-term displacement caused by the plan. Furthermore, they have been designed to meet only current housing needs, not the significant increased demand for housing--an estimated approximately 30,000 new housing units-- that Central SoMa would create. There is simply no data to support the assertion that those developments will offset the gentrification and displacement impacts to San Francisco caused by the Central SoMa Plan.

### **No Existing Protections in the Plan**

The Central SoMa plan lacks any strategy to address displacement impacts on existing residents, non-profits, and community serving businesses both in the South of Market and the rest of San Francisco. With the passage of the Central SoMa Plan, the existing pattern of displacement will only intensify. Instead of looking to market-based solutions to address the gentrification and displacement crisis, the City needs to start prioritizing interventions and regulations that can actually keep people in place while development in SoMa continues even without a new plan. In order to combat the negative impacts of the Central SoMa Plan on the existing community and the city at large, emergency controls need to be put in place and serious changes must be made to the Plan, as outlined below.

## **RECOMMENDATIONS**

### **A. Establish Immediate, Interim Emergency Controls in SoMa *until* the Central SoMa Plan is Implemented to Prevent Speculation, Gentrification and Displacement:**

- 1) Aggressive acquisition of existing rent-controlled buildings;
- 2) Aggressive acquisition of new development sites for 100% affordable housing;
- 3) Right of First Refusal for residential renters and/or nonprofits and commercial renters; and a
- 4) Moratorium on the sale of existing rent-controlled buildings, the sale of public land for private or for-profit development, and on new market-rate housing construction for projects not included in the existing Central SoMa Plan.



**B. Adopt strong measures in the Central SoMa Plan to increase affordable housing:**

- 1) Require at least 50% affordable housing for any new market rate housing development. This percentage of affordable housing is consistent with San Francisco's Housing Balance Policy passed in 2015;
- 2) Mandatory land dedication of sites for affordable housing for any development that is 1 acre or larger

**C. Adopt strong measures in the Central SoMa Plan to support job creation for local residents.** For development under the Central SoMa Plan to be accountable and equitable, SoMa residents must be employed with living wages and fair working conditions. Specifically, the Commission should adopt the following as part of the Central SoMa Plan:

- 1) For all residential development more than 10 units and all commercial development over 25,000 square feet, require the developer to provide a Community Good Jobs Employment Plan for public review and comment prior to consideration of project approval by the Planning Department that details the goals for all the permanent jobs within the future development for hiring South of Market and Central City residents, especially disadvantaged persons, at good living wages with benefits, and that details how those goals will be addressed through the future project's employers through engagement with concerned community, civic, and labor organizations.
- 2) Unless the following community accountability targets are met, hotels should be excluded from the Central SoMa Plan:
  - a) **Targeted Hiring for End Use Jobs:** Employers commit to hiring targets for vulnerable residents of Central Soma and the region;
  - b) **Retention and Promotion:** Employers commit to retention and promotion targets;
  - c) **Workforce Development:** Developer fees will fund workforce development programs;
  - d) **Monitoring and Compliance:** Employers shall provide monthly hiring and retention data to the SF Office of Economic & Workforce Development (OEWD) and Central SoMa groups;
  - e) **Living Wages, Stable Schedules & Fair Working Conditions:** Employers shall pay living wages, provide fair work schedules and respect employees' right to form a union by signing a card check neutrality agreement with the respective unions.

The Planning Commission has a responsibility to residents of SoMa and San Francisco overall to ensure that development is accountable to residents and community members. Adopting the above recommendations is a minimum necessary step towards stabilizing and protecting the existing community in the South of Market, especially



those who are most vulnerable to displacement. As such, we urge you to adopt these recommendations before your final approval of the plan.

Sincerely,

Angelica Cabande  
Director, South of Market Community Action Network

Gordon Mar  
Director, Jobs with Justice San Francisco

Susan Solomon  
Executive Vice President, United Educators of San Francisco

Sheila R. Tully  
Lecturer Vice-President, California Faculty Association – SF State University Chapter

Kim Tavaglione  
Director, Community and Political Organizing, National Union of Healthcare Workers

James Tracy  
Director, Community Organizing & Resident Engagement, Community Housing Partnership

Sarah “Fred” Sherburn-Zimmer  
Executive Director, Housing Rights Committee of San Francisco

Shaw San Liu  
Organizing Director, Chinese Progressive Association

Antonio Diaz  
Organizational Director, People Organized to Demand Environmental and Economic Rights

Jessica Lehman,  
Executive Director, Senior and Disability Action

Hong Mei Pang  
Director of Advocacy, Chinese for Affirmative Action

Tony Robles  
Board President, Manilatown Heritage Foundation

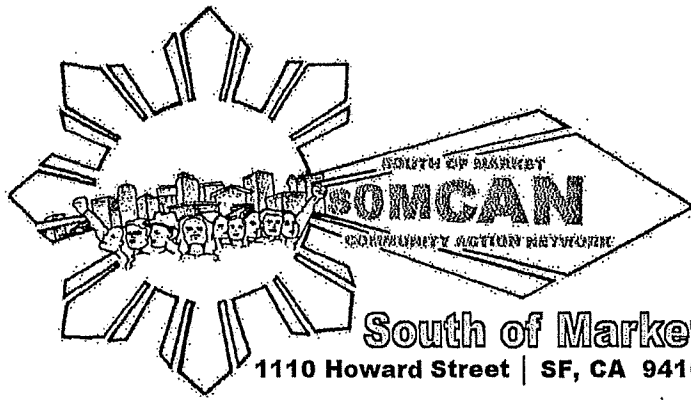
Carlos Gutierrez  
Co-Founder, Homies Organizing the Mission to Empower Youth (HOMEY)

Shanti Singh  
Steering Committee Member, Yes to Affordable Housing (YAH!)

Erina Alejo  
Site Coordinator, Galing Bata Bilingual Program

Jen Snyder  
Coordinator, Neighbors United

Spike Kahn  
Founder, Pacific Felt Factory



**South of Market Community Action Network**  
1110 Howard Street | SF, CA 94103 | phone (415) 255-7693 | [www.somcan.org](http://www.somcan.org)

May 3, 2018

San Francisco Planning Commission  
City Hall, 1 Dr. Carlton B. Goodlett Place

Re: Central SoMa Plan

Dear Planning Commissioners,

The public is just hearing about the creation of a Housing Sustainability District. If this is going to be incorporated into and implemented within the Central SoMa Plan, the Central SoMa Plan cannot be adopted by the Planning Commission next week and no action should be taken yet by the Planning Commission on the plan. The public needs time to actually assess this new component of the plan, this is the first time that we are hearing about it. There was no public outreach or notification regarding this informational hearing on AB73 that I was aware of. Regarding the plan as a whole, we are very concerned that the public still needs more time for input and conversation on this plan that will impact not just the South of Market but the entire city - this new Housing Sustainability District just adds to the need for more time and discussion.

While the Central SoMa Plan focuses on maximizing profits for developers by upzoning and streamlining the development process, the plan does not create any new policies aimed at addressing eviction, displacement, and gentrification pressures that will come as a result of the plan. SOMCAN has outlined the following emergency steps for the Central SoMa Plan in order to address the built in components of gentrification and displacement and to stabilize the existing community now before the plan is implemented:

Before the plan is passed there must be:

1. Aggressive acquisition of rent-controlled buildings
2. Aggressive site acquisition for new 100% affordable housing
3. Right of First Refusal for residential renters, commercial renters, and nonprofits
4. Moratorium on the sale of existing rent-controlled buildings, the sale of public land for private or for-profit development, and on new market-rate housing construction for projects not included in the existing Central SoMa Plan

Additionally, the following changes must also be made to the Central SoMa Plan before the plan is implemented:

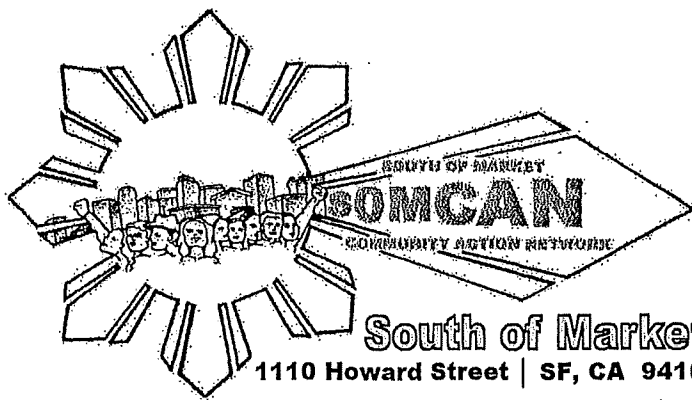
1. 50% affordable housing for any new market rate housing development, with an AMI range of 30%-90% for new affordable units
  - a) This percentage of affordable housing is consistent with San Francisco's Housing Balance Policy passed in 2015
2. Mandatory land dedication of sites for affordable housing for any development that is 1 acre or larger

The public needs more time for conversation, input, and discussion on this plan that will impact the entire city, not just the South of Market. We look forward to the opportunity to work with you to address these issues.

Sincerely,

David Woo  
SOMCAN  
Community Development Coordinator

A handwritten signature in black ink, appearing to read 'David Woo', is written over the printed name and title.



**South of Market Community Action Network**

**1110 Howard Street | SF, CA 94103 | phone (415) 255-7693 | [www.somcan.org](http://www.somcan.org)**

April 12, 2018

San Francisco Planning Commission  
City Hall, 1 Dr. Carlton B. Goodlett Place

Re: Central SoMa Plan

Dear Planning Commissioners,

We are very concerned that the public still needs more time for input and conversation on this plan that will impact not just the South of Market but the entire city. On March 28th the response to comments to the Central SoMa Plan EIR was released, with the adoption hearing scheduled for just two weeks later on April 12th. Even though numerous hearings have been held on the plan, the plan cannot and should not be rushed because of the serious impact it will have on the South of Market and the rest of San Francisco.

The plan is nowhere near where it needs to be for it to take into account and seriously address gentrification and displacement that will come with the plan. The gentrification and displacement that will occur will not just be in the South of Market, but across the entire city. The planning department itself admits that the plan will have a citywide impact, they have repeatedly said that the housing needs produced by the plan will be met by new development across the rest of the city citing developments such as Treasure Island and Park Merced. However, these are just proposed developments, they are not yet built. This plan simply lacks a detailed strategy of addressing displacement impacts on existing residents both in the South of Market and the rest of the city.

Further, the Planning Department and the city are already operating as though the plan has been passed and certified when no vote has yet been taken. Planning Department public hearing notices are already including the Central SoMa Plan as an existing area plan that new developments are subject to, while the reality is that the plan has not even passed. Further, notices are also citing developments as being in conformance with the Central SoMa Plan before the plan has passed. This is extremely problematic and further shows how the city and the Planning Department are promoting a predefined plan that was and is created for private development interests at the expense of the existing community in the South of Market. There seems to be more interest in getting the plan approved as soon as possible to satisfy development needs rather than take the time to seriously address the gentrification and displacement aspects of the plan in a neighborhood and citywide context.

SOMCAN outlines the following emergency steps for the Central SoMa Plan in order to address gentrification and displacement:

In order to minimize displacement now, the following actions must be taken before the plan is passed:

1. Aggressive acquisition of rent-controlled buildings
2. Aggressive site acquisition for new 100% affordable housing
3. Institute a Right of First Refusal for residential and commercial renters
4. Institute a moratorium on the sale of existing rent-controlled buildings, the sale of public land for private or for-profit development, and on new market-rate housing construction for projects not included in the existing Central SoMa Plan

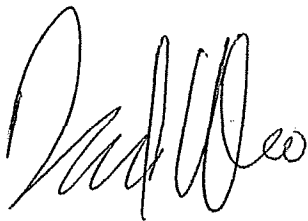
Additionally, the following changes must be made to the Central SoMa Plan before the plan is implemented:

1. 50% affordable housing for any new market rate housing development, with an AMI range of 30%-90% for new affordable units
  - a. This percentage of affordable housing is consistent with San Francisco's Housing Balance Policy passed in 2015
2. Mandatory land dedication of sites for affordable housing for any development that is 1 acre or larger

We look forward to the opportunity for the department to address these issues.

Sincerely,

David Woo  
SOMCAN  
Community Development Coordinator

A handwritten signature in black ink, appearing to read 'David Woo', is positioned below the typed name and title.



## South of Market Community Action Network

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February 13, 2017

Lisa M. Gibson  
Acting Environmental Review Officer  
1650 Mission Street  
Suite 400  
San Francisco, CA 94103  
and via e-mail [Lisa.Gibson@sfgov.org](mailto:Lisa.Gibson@sfgov.org)

Re: Planning Department Case 2011.1356E  
State Clearinghouse No. 2013042070

Dear Ms. Gibson:

The South of Market Community Action Network ("SOMCAN") is a multi-racial, community organization that educates, organizes, and mobilizes immigrant and low-income South of Market ("SoMa") residents to fight for improvements to their quality of life by engaging in the decision making processes that affect their neighborhood and greater San Francisco. Our mission is to build and support a strong, organized community that takes collective action to achieve equity, and social and economic justice. SOMCAN works to address gentrification and displacement issues in SoMa and San Francisco.

We respectfully submit this comment letter on the Central SoMa Plan Draft Environmental Impact Report (the "DEIR"), which encompasses the area of South of Market bounded by 2nd Street (east); 6th Street (west); Townsend Street (south); and an irregular border jogging between Folsom, Howard and Stevenson Streets (north).

### **Comment Period Extension Period Should Have Been Granted**

Firstly, we object again on the grounds that there has been insufficient time for the public to review this nearly 700 page long technical document. We, along with other community members, submitted a letter dated February 3, 2017 requesting for an extension of the comment period, which Planning denied.

Since 2000, SOMCAN has worked to educate and organize the community particularly around land use issues. With only 60 days from the release of the DEIR to the closing of the comment period, and the fact that the DEIR was released on December 14, 2016 just prior to the holidays, there has not been enough time for our organization to complete a thorough review, technical and otherwise, of the DEIR, as well as present the contents to community members, and compile their feedback. This a fatal flaw and fundamental deficiency of this DEIR that it has not sufficiently been available to the public for review and comment.

### **A More Extensive and Thorough Public Review Needed of DEIR Given Relaxing of Project Level Reviews**

This is not a project level EIR. This is a Plan Area EIR that comes to us in the new era of “by-right” development encouraged at the State level (there is once again legislation pending at the State level to allow development “by-right” without any project level environmental review or public hearings) and at our local level, with this Central SoMa Plan proposing a radical relaxing of development controls.

In the past, Area Plans have been written with the presumption that more detailed environmental review will be done as projects are proposed by developers during the implementation of the Area Plans. This will almost certainly not be the case here, yet the public has not been allowed a reasonable time to review this DEIR and provide comment; and Planning has ignored the fact that the City is reducing the public’s ability to comment on implementation of the Central SoMa Plan going forward.

The following are SOMCAN’s comments to the DEIR as we have best been able to compile them given the insufficient time Planning has afforded our organization to engage residents of SoMa in a thorough review and understanding of the contents of this DEIR.

#### **SOMCAN’s areas of concern are:**

- 1. The Central SoMa Plan Creates a Second Financial District at the Expense of Families, Youth and Seniors Living, Working and Going to School in SoMa.**
- 2. The Central SoMa Plan Disregards the *SoMa Youth and Family Special Use District***
- 3. The Inadequate Transportation Infrastructure and Impact of Ride Hailing Companies Within and Adjacent to the Plan Area of the DEIR are Not Fully Considered**
- 4. The Proposed Intensity of Development and Relaxing of Development Controls Have Not Been Evaluated With Respect to State Density Bonus Laws in the DEIR**
- 5. The Economic Impacts From Displacement Were Not Analyzed in the DEIR**
- 6. The DEIR Omits Analyses of the Current Trend of Residential Units Not Being Used as Traditional Housing**
- 7. The 5M Project Must be Included in the DEIR Analysis**
- 8. The Impacts of New Office Space and Lack of Local Hiring Requirements are Not Properly Presented or Studied in the DEIR**



9. Consideration of Continued PDR Uses in Central SoMa is Inadequate
10. The DEIR Does Not Address the Lack of Affordability of Housing Incentivized By the Plan and the Socioeconomic Makeup of New Residents That Will Result
11. The Plan Continues to Provide an Inadequate Amount of Open Space in SoMa By Relying on POPOS
12. The Plan Does Not Address the Stabilization of SoMa based Non-Profit Organizations
13. The DEIR Does Not Adequately Study the Health Impacts from Increased Noise, Degraded Air Quality, Pedestrian Safety Hazards, and Increased Wind Speeds

#### **EXPLANATION OF CONCERNS:**

##### **1. The Central SoMa Plan Creates a Second Financial District at the Expense of Families, Youth and Seniors Living, Working and Going to School in SoMa**

The area defined as the Central SoMa Plan Area is a neighborhood. While we are not opposed to further growth, we are opposed to Planning's proposed transformation of this neighborhood into a new Financial District. The scale of development and the mix of commercial, office and high end luxury development described in the Plan are not conducive to a healthy neighborhood.

There are many established aspects to what constitutes a healthy neighborhood that the DEIR should be studied against. We demand that this DEIR be studied against the City's Healthy Development Measurement Tool (HDMT), which was developed by Planning in partnership with the Department of Public Health and community organizations during the Eastern Neighborhoods rezoning<sup>1</sup>. Please refer to the Eastern Neighborhoods Community Health Impact Assessment (ENCHIA)<sup>2,3</sup>.

Youth, families and seniors in SoMa demand a family-friendly neighborhood, human scale, safety for pedestrians of all ages and abilities, with access to light and air, and neighborhood services close by. The Plan as proposed is completely out of character with the goal of sustaining Central SoMa as a neighborhood and a dynamic employment center co-existing in a mutually supportive way. Instead of building towards the long-established community and City goal of creating a family-friendly neighborhood in Central SoMa, the DEIR proposes a second Financial District, which will harm the health of existing and future populations.

##### **2. The Central SoMa Plan Disregards the *SoMa Youth and Family Special Use District***

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<sup>1</sup> [http://www.who.int/hia/conference/poster\\_bhatia\\_2.pdf](http://www.who.int/hia/conference/poster_bhatia_2.pdf)

<sup>2</sup> <http://www.pewtrusts.org/en/multimedia/data-visualizations/2015/hia-map/state/california/eastern-neighborhoods-community>

<sup>3</sup> <http://www.pewtrusts.org/~media/assets/2007/09/hiareportenchia.pdf?la=en>

The Central SoMa Plan incorporates areas that are covered under the *SoMa Youth and Family Special Use District*<sup>4</sup> was adopted by the Board of Supervisors in January 2009. The *SoMa Youth and Family Special Use District*'s purpose is to expand the stock of affordable housing, as well as protect and enhance the health and environment of youth and families in SoMa. The Central SoMa Plan does not adequately take into account the *SoMa Youth and Family Special Use District* and instead of strengthening its controls, the DEIR undermines its goals.

We demand that as part of the Central SoMa Plan, projects within the *SoMa Youth and Family Special Use District* are required to undergo review and approval by resident groups and community organizations before they are considered by the Planning Department. We are demanding that this community approval process function similarly to other Special Use Districts in the City such as the *Bernal Heights Special Use District*.<sup>5</sup>

Planning has abused the *SoMa Youth and Family Special Use District* since it was established during the Eastern Neighborhood rezoning. These abuses including the re-mapping of the *SoMa Youth and Family Special Use District* by the Hearst and Forest City's 5M development, which covers five city blocks near 5th and Mission Streets. The 5M project gained approval in December 2015 for a large office tower by re-mapping the boundaries of the *SoMa Youth and Family Special Use District* with justifications by the Planning Department that this Special Use District does not have strong controls. SOMCAN, along with several other community-based organizations, have been demanding strong controls since *before* 2009 for the *SoMa Youth and Family Special Use District* so we can protect youth, families and seniors in the neighborhood. Planning has ignored our calls to strengthen this *SoMa Youth and Family Special Use District* through the Central SoMa rezoning process. The Central SoMa Plan must be revised to address this deficiency.

The environmental impact of displacement is clear and further criticized in our point #5 below. As long as Planning continues to promote the displacement of youth, families and seniors from Central SoMa in favor of large scale office and luxury housing developments, there will be an increasing and compounding environmental impact which has not been studied or reported in the DEIR. We demand that Planning revises the Central SoMa Plan in partnership with the community to strengthen the controls of the *SoMa Youth and Family Special Use District* in order to stabilize and grow our economically and racially diverse community.

### **3. The Inadequate Transportation Infrastructure and Impact of Ride Hailing Companies Within and Adjacent to the Plan Area of the DEIR are Not Fully Considered**

The transportation infrastructure within and adjacent to the plan area of the Central SoMa DEIR lags far behind the infrastructure needs of both past and current growth. This is true, even if you factor in the transportation improvements that are underway, such as the Central Subway.

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<sup>4</sup> [http://sf-planning.org/sites/default/files/FileCenter/Documents/1479-SoMa\\_YFZ\\_SUD\\_Legislation.pdf](http://sf-planning.org/sites/default/files/FileCenter/Documents/1479-SoMa_YFZ_SUD_Legislation.pdf)

<sup>5</sup> [http://masonkirby.com/wp-content/uploads/2010/03/nwbhdrb\\_infopacket.pdf](http://masonkirby.com/wp-content/uploads/2010/03/nwbhdrb_infopacket.pdf)

The Central SoMa Plan is predicated on the construction of the Central Subway that connects Central SoMa with Chinatown. The Central Subway addresses a transit need that is long overdue as public transit for SoMa has been inadequate for decades. Because of years of lack of infrastructure improvements, the Central Subway is addressing a past need, not a present or future need. As State Senator Scott Wiener has said, "San Francisco's unfunded transportation needs are billions and billions of dollars" because "MTA has a long history of not moving quickly enough on important capital projects"<sup>6</sup> Thus, even with the new Central Subway, the transportation infrastructure will continue to be inadequate.

There is also mention of the construction of the new Transbay Terminal just to the east of the Central SoMa Plan Area. However, Transbay Terminal won't be completed for some time, and it is unclear whether it will connect with CalTrain. Also, proximity to BART should not factor into the Central SoMa Plan because it runs down Market Street which is two to three long blocks north of the Central SoMa Plan Area. BART is not only far from the Plan Area, it has its own issues with capital obsolescence, and is hardly in condition to accommodate dramatic growth.

The DEIR is also negligent in assessing the new impacts of ride-hailing/ Transportation Network Company (TNC) services like Uber and Lyft. The references in the DEIR on pages IV.D-65 and IV.D-76 are completely inadequate. Their impact can in no way be equated with bicycles in terms of traffic or environmental impact. Their vehicles circle endlessly as they aim to be proximate to the next person who orders their services such as rides and food deliveries. As more office space and more residences are built in the Plan Area, the volume and impacts from these services will increase dramatically. The DEIR completely ignores this environmental impact.

The increase in ride-hailing/ TNC traffic not only increases "Vehicle Miles Traveled" (the new CEQA standard in assessing traffic impacts) it will also impact the "Level of Service" (the CEQA previous standard) at many intersections. It will also impact pedestrian safety in ways that have not been studied. All of these omissions-- inadequately evaluating the transportation infrastructure needs of the current and increased future population and the lack of proper analysis of ride-sharing traffic-- make the DEIR dangerously deficient.

#### **4. The Proposed Intensity of Development and Relaxing of Development Controls Have Not Been Evaluated With Respect to State Density Bonus Laws in the DEIR**

In 2016, the City passed the "Density Done Right" legislation allowing 100% affordable housing developments to apply for a significant increase in height and number of units without any rezoning. Also during 2016, legislation passed at the State level to enable developers throughout California to more easily take advantage of State Density Bonus incentives.

The DEIR references these laws on p. II-22 but only in reference to increased heights. It's unclear how the State Density Bonus will or will not be applied to heights and to unit counts for

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<sup>6</sup> <http://www.sfoxaminer.com/wiener-proposes-major-fundraising-legislation-for-transportation-agencies-statewide/>

market rate developments, especially in light of Planning's approval of the project at 333 12th Street, the first housing development in San Francisco to be approved with applying the State Density Bonus. The DEIR also references the Density Bonus for affordable housing projects on p. VI-2 but says that the increased number of units has not been considered for the DEIR. The DEIR is incomplete if it does not completely study the impacts of increased heights and increased number of units for both affordable and market rate housing.

The DEIR must also completely disclose to the public where developers are eligible to use either the State Density Bonus Program, or the San Francisco "Density Done Right" program. The DEIR must clearly indicate on maps where those sites are located, and must compare the new proposed zoning and its resulting intensity of use with the potential intensity of use if developers take either the State or Local density bonus. The DEIR must compare the relative impacts of these two scenarios on the environment. Without these analyses for each project within the plan area, as well as the overall impacts, the DEIR is inadequate.

## **5. The Economic Impacts From Displacement Were Not Analyzed in the DEIR**

Regardless of the assertions in the DEIR, there are environmental impacts due to displacement of residents from their homes or small businesses in SoMa, especially when considering the huge increase in "Vehicle Miles Traveled" that will result with this proposed Central SoMa Plan.

There are several ways that the Central SoMa Plan encourages displacement in an area already suffering from increased no-fault evictions and skyrocketing rents. A UC Berkeley study in collaboration with UCLA shows that SoMa is undergoing "advanced gentrification."<sup>7</sup> Gentrification happens when more affluent people replace less wealthy people. The DEIR encourages luxury, high end housing in SoMa, which in turn encourages the price of other housing to increase. Landlords of adjacent properties begin to charge more rent to cash in on the new populations in the nearby luxury condos or new high-end shops.

The DEIR upzones large swaths of Central SoMa. Upzoning of property increases the values of the underlying land, which leads to increased costs for residential and commercial tenancies and increased sale prices. Therefore existing residents or small businesses that are paying less than the new market rate will be forced out. Upzoning incentivizes tearing down existing housing and existing small businesses so that developers can maximize the new build-out potential of that property. Coupled with the relaxing of local controls and push to have less local approval hearings, there will be less incentive for developers to provide "right to return" or provide increased levels of affordability to existing residents or businesses that will be forced out when the buildings are torn down.

There are no new protections being implemented by the DEIR for existing tenants and community serving institutions and businesses. Other than the push to preserve certain historic areas and buildings, there are no new protections in place to prevent displacement that the City

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<sup>7</sup> <http://www.urbandisplacement.org/map/sf>

knows will occur due to the new development that will be incentivized by this Central SoMa Plan (as exhibited in Plan Bay Area “Communities of Concern”). As shown in a University of California Berkeley report on transit oriented development and gentrification<sup>89</sup>, areas in the Bay Area that have convenient access to transit are areas most likely to suffer gentrification and displacement, including SoMa.<sup>10</sup> The Central SoMa Plan talks about increasing land values as a primary reason for the underlying elements of the Central SoMa Plan, yet it does not adequately take into account the fact that increased land values cause speculation and displacement. The increased land values presented in the Central SoMa Plan’s various “menu” options is a recipe for massive displacement of existing residents and small businesses.

Large-scale displacement creates a significant environmental impact when considering CEQA’s “Vehicle Miles Travelled” standard. Working class and lower income households get displaced outside San Francisco and their commutes increase, increasing their “Vehicle Miles Travelled.” When people who work in SoMa are displaced, they will often retain their employment in SoMa, therefore their “Vehicle Miles Travelled” will increase. Many existing residents in SoMa can not afford the luxury homes that are and will be built in SoMa and access to affordable housing is extremely limited, so if for any reason they need to move out, it’s highly unlikely they will move be able to stay in the neighborhood.

Furthermore, much of the luxury housing that gets built doesn’t provide housing even though it’s approved by Planning to be residential housing units. When these units are used as “pied-a-terres” or “short term rentals” or “corporate rentals” or “student housing”, they are not helping to alleviate any housing shortage, because although they are approved by Planning as residential use, they are not in fact used for residential purposes. Therefore people are being displaced and commuting farther for work, meanwhile the new housing units aren’t necessarily supporting residents being able to live in homes close to their work.

Replacing low income residents with higher income residents replaces a population with lower car ownership with a population that has a higher rate of car ownership.<sup>11 12</sup> More affluent people are also more likely to use ride-hailing/ TNC services than public transit. They have access to the smartphone-based apps and can pay more for a ride than public transit riders. This puts more single vehicles on the road that are idling and circling in their competition for fare-paying customers. There are also tech shuttles that service SoMa residents to take them to their offices on the Peninsula. The impacts of the increased “Vehicle Miles Travelled” caused by the new, more affluent populations which is encouraged in the DEIR is not considered in the document.

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<sup>8</sup> <http://ucconnect.berkeley.edu/transit-oriented-development-and-commercial-gentrification-exploring-linkages>

<sup>9</sup> <http://www.urbandisplacement.org/map/sf>

<sup>10</sup> <http://communityinnovation.berkeley.edu/reports/Gentrification-Report.pdf>

<sup>11</sup> <http://socrates.berkeley.edu/~raphael/BerubeDeakenRaphael.pdf>

<sup>12</sup> <http://www.sciencedirect.com/science/article/pii/S09658556400000185>

This means that gentrification has a “quadruple” environmental impact by lengthening the commute times of people working in SoMa from their new place of residence outside of San Francisco; replacing these people with a population more likely to own and use automobiles; increasing the number of people living in SoMa as a “bedroom” community for their commute on a shuttle to the Peninsula; and increasing use of ride-hailing/ TNC services whose vehicles constantly idle and circle in competition for rides. None of these impacts of gentrification on the environment have been studied, which is a significant flaw in the DEIR.

## **6. The DEIR Omits Analyses of the Current Trend of Residential Units Not Being Used as Traditional Housing**

Cities across the US and even Canada are learning that developers are not producing housing units to be used for housing people. Many cities are now fully realizing the negative impacts of the push to “build, build, build”, an ideology fully embraced by this Central SoMa Plan. Footnoted here are examples of Vancouver<sup>13</sup> and New York City<sup>14</sup> that show that in world where real estate is solely developed as a commodity and home-sharing is corporatized, often new condos are not being occupied by local residents, or any people at all. Also footnoted is a map of vacant units in San Francisco indicating that many of our City’s vacant units are in SoMa.<sup>15</sup>

We are not opposed to building new housing, but we feel that it is environmentally important to ask the question, who are we building new housing for? Without adequate controls and enforcement in place:

- SRO’s in SoMa will not continue to be used as open and accessible affordable housing options;
- new condos will be affordable only as high end luxury housing or sitting vacant because they are owned by investors who have no intention of living in these units;
- new condos will be used as commercial “short term rentals” instead of as residential use;
- new condos will be used as “corporate rentals” instead of as residential use; and
- other buildings will be used as “student housing” instead of residential use.

The inadequacy of the DEIR is that it studies the impacts of residential development as though it will be used for residences. The environmental impacts of corporate rentals, short term rentals and other commercial uses are different from residential uses. Without sufficient controls and enforcement, there is no way to ensure that new housing that is incentivized to be built under this new land use Plan will be used as housing.

## **7. The 5M Project Must be Included in the DEIR Analysis**

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<sup>13</sup> <http://www.theglobeandmail.com/real-estate/vancouver/dark-windows-illuminate-problems-in-vancouvers-real-estate-market/article31822833/>

<sup>14</sup> <https://www.nytimes.com/2015/02/08/nyregion/stream-of-foreign-wealth-flows-to-time-warner-condos.html>

<sup>15</sup> <http://www.antievictionmappingproject.net/vacant.html>

The DEIR has moved 5M from being “Plan-induced growth to cumulative growth” per footnote on p. IV-5. The problem is that 5M is the largest single development within the boundaries of the Central SoMa Plan Area. It created new rules for development (its own Special Use District) that were based on recommendations from a draft version of the Central SoMa Plan.

Furthermore, new development in the Central SoMa Plan Area is being proposed in this Plan at a scale that is conversely driven by the scale of development that Planning pushed to approve for 5M. With 5M being the largest single development in Central SoMa, they must be considered together in the Central SoMa Plan. They have linked, not dissociated as separate, cumulative impacts. 5M is not built and its construction timeline is not clear. 5M should be studied as a principal contributor to the environmental impacts of the Central SoMa Plan. The omission of any analyses of the impacts of the 5M project in the DEIR is a critical flaw of the DEIR.

#### **8. The Impacts of New Office Space and Lack of Local Hiring Requirements are Not Properly Presented or Studied in the DEIR**

The DEIR is inadequate on the grounds that it does not incorporate all the City’s policies with respect to office space development controls. Page III-19 of the DEIR details the City’s pipeline of office developments with respect to Planning Code Section 321, which caps large office construction at 950,000 square feet per year. The way that this section III.C.2 is presented is unclear since there is additional office space development that is not subject to this cap because the cap only applies to “large office.” Furthermore, this section of the DEIR fails to incorporate the voter approved Proposition O passed in November of 2016, which significantly increased the large office cap to include an increased amount of office space at the Shipyard. The Plan is focused on constructing a massive amount of new office space and essentially makes SoMa a second Financial District (this is true for all the Project Alternatives as well). The DEIR’s lack of clarity on how it will comply with Prop M requirements, especially in light of the passage of Proposition O, is a critical flaw.

Given the intensity of new high-end office space that is being proposed, the fact that “local hiring and training goals” are still in the section of the DEIR called “Areas of Controversy and Issues to be Resolved” (p. S-79) is not only offensive to the community, but is potentially very damaging environmentally. With this approach, Planning is saying that new jobs in SoMa will be for people who are not current residents which indicates an in-migration of new people. Planning is also saying that current residents of SoMa will have to move somewhere else to find work. What are the environmental impacts of all this forced migration? This is not analyzed in the DEIR. Also, as new, more affluent people move into SoMa displacing current residents who live and work in SoMa, how much farther will those displaced workers have to travel and what is the resulting environmental impact? Again this is not analyzed in the DEIR.

#### **9. Consideration of Continued PDR Uses in Central SoMa is Inadequate**

Page S-4 of the DEIR clearly indicates that Planning has not created an actual plan for Production, Distribution and Repair (PDR) uses in its vision for Central SoMa. This has historically been one of San Francisco's most important areas for PDR uses, which ensured a diversification of the economic base of the city and job opportunities for people with trade credentials, not just advanced university degrees.

The DEIR indicates that it is removing "protective zoning" for PDR, but there is no complete report of how much PDR has been lost since the implementation of the Eastern SoMa Plan, which was in part intended to protect against the loss of PDR. Creating "incentives to fund, build, and protect PDR uses" is problematic since features that appear to be incentives today will quickly not be incentives tomorrow depending on land use, financial, and capitalization macro conditions that are driving the development market at any particular time.

There are many innovative mixed-use building types, but the prospect of "require(ing) PDR space as part of large commercial developments" seems to be a limited application. It would be important to understand what precedent there is for such a mix of uses in new developments and how likely it would be to have PDR on the ground level of a large commercial tower. What kind of PDR would it be? Who would be employed?

For all PDR, we are concerned that there be increasing job opportunities for SoMa residents and diversification of San Francisco's economy. This will protect San Francisco against "boom and bust" cycles; it will ensure that there is less regional impact on the environment that comes when sectors of the economy are segregated geographically; and will therefore result in less "Vehicle Miles Traveled."

The Plan calls for adding technology jobs to SoMa, yet these jobs are largely inaccessible to existing community residents. SoMa needs a diversity of job types in the neighborhood that are not only accessible to community residents but provide a living wage that can support workers to stay in the neighborhood. This is highlighted especially in the types of jobs provided by production, distribution, and repair businesses that provide jobs for working class residents and are jobs that cannot afford to be lost. PDR businesses also provide essential support to other industries and sectors so should be proximate to those other functions for them to be viable and effective. More consideration of continued PDR use is required in the DEIR.

#### **10. There is No Proof that the Plan will Accomplish its Goal of Alleviating Housing Prices or Maintaining a Diversity of Residents**

The Plan states as one of its main goals accommodating housing demand and addressing such demand to alleviate housing prices. The Plan, however, does not provide any studies or figures that support the claim that new development will drive down housing costs. As a result, the goal of the Plan of maintaining the diversity of residents, here in terms of socioeconomic makeup, appears empty. The Plan would cause a greater increase in the number of people living and working in the area than would be seen without the Plan, as shown in the DEIR. As the DEIR states on page V-10, "what effect development under the Plan would have on housing



affordability is a matter of considerable controversy,” and that “the influx of real estate investment and higher income, residents may increase gentrification of a neighborhood, with displacement of households being a negative outcome.”

Further study must be done regarding what effects new housing development will have on housing prices if the Plan is serious about its commitment to maintaining a diversity of residents in the area. If new housing development under the Plan-- the majority of which is market-rate-- cannot be proven to bring down housing prices, the Plan will then only work to exacerbate the gentrification and displacement crisis in the area. Studies must be done to address these facts if the Plan is to move forward in meeting its core goals, especially as they relate to affordability and maintaining a diversity of residents.

### **11. The Plan Continues to Provide an Inadequate Amount of Open Space in SoMa By Relying on POPOS**

The SoMa is the most open space deficient neighborhood in San Francisco<sup>16</sup>, along with the neighboring Tenderloin. Instead of providing sufficient, green and publicly accessible open space, Planning has been defaulting to providing new open space for SoMa through Privately Owned Public Open Spaces (POPOS)<sup>17</sup>. POPOS have a negative impact on the community for many reasons:

- These spaces aren't truly open to the public, activity is discouraged and hours are limited;
- POPOS are not protected by the Proposition K Shadow Ordinance because they are not open spaces owned by the City's Rec and Park Department;
- Because there's no Prop K protection, it's difficult to establish a standard of shadow protection for these open spaces because CEQA is not specific on this matter;
- These spaces do not represent the type of open space that is public and accessible for use by youth, families, and seniors (like a public park); and
- POPOS overly regulate the types of activities allowed and have restrictive hours that limit access;

SoMa has such a lack of places for public recreation and truly accessible open spaces that there must be a clear plan for creating new public open spaces that are owned and managed by Rec and Park.

### **12. The Plan Does Not Address the Stabilization of SoMa based Non-Profit Organizations**

The Central SoMa Plan has no provision for stabilizing nonprofit organizations in the neighborhood. As studied by Supervisor Kim, MOHCD, and the Northern California Community

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<sup>16</sup> [http://default.sfplanning.org/publications\\_reports/library\\_of\\_cartography/OpenSpaceMap.pdf](http://default.sfplanning.org/publications_reports/library_of_cartography/OpenSpaceMap.pdf)

<sup>17</sup> <http://sf-planning.org/privately-owned-public-open-space-and-public-art-popos>

Loan Fund, the escalation in property values, and the lack of commercial rent control has put nonprofit organizations at imminent risk of displacement.<sup>1819</sup>

By encouraging the construction of a second financial district, commercial rents will become increasingly more expensive placing nonprofit organizations even more at risk. Low income and immigrant communities in SoMa rely on many of these nonprofit organizations for basic services and to be able to survive in the community. Without these organizations, SoMa residents will be further at risk for displacement.

As noted elsewhere in this letter, displacement does result in environmental impacts. Therefore, the DEIR is deficient in that it does not recommend strategies for stabilizing nonprofit organizations in SoMa.

### **13. The DEIR Does Not Adequately Study the Health Impacts from Increased Noise, Degraded Air Quality, Pedestrian Safety Hazards, and Increased Wind Speeds**

On page V-3, section V.B.6 "Wind" it says that "Subsequent future development anticipated under the Plan could alter wind in a manner that substantially affects public areas."

Organizations that work with seniors and people with disabilities in SoMa are concerned that any increase in wind speeds caused by the heights and bulk of the proposed buildings in Central SoMa will cause a hardship and injury to seniors and people with disabilities at both public open spaces and in the public rights of way.

Noise in SoMa is already the worst in the City.<sup>20</sup> Any increase in noise levels from construction incentivized by the Central SoMa Plan (p. VI-44 says it would be "significant" and that Mitigation Measure M-NO-2a "would be insufficient to reduce the construction-related noise impacts to a less than significant level" on p VI-45). Noise levels especially from construction activity have not been studied in the DEIR. Also after construction, the degraded air quality from increased traffic, increased idling from vehicles stuck in traffic or increased ride-hailing vehicles, or from increased truck traffic will all have detrimental impacts.

We are also concerned about the vulnerability of seniors and people with disabilities while walking in the neighborhood to injury from vehicle collisions. Providing sidewalk extensions may help in some areas, but the extent of increase in automobile traffic is under-reported in the DEIR, and the potential incidents of pedestrian injuries from automobiles is also under-estimated. These environmental impacts are not sufficiently studied in the DEIR.

### **Conclusion: Preparation of the DEIR Did Not Sufficiently Allow for Public Input**

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<sup>18</sup> <https://www.ncclf.org/npdmitigation/>

<sup>19</sup> <https://sfgov.legistar.com/View.ashx?M=F&ID=2730532&GUID=77CFF0CE-7AC6-4569-ACEE-D2568711018F>

<sup>20</sup> [http://default.sfplanning.org/publications\\_reports/library\\_of\\_cartography/Noise.pdf](http://default.sfplanning.org/publications_reports/library_of_cartography/Noise.pdf)

The Central SoMa Plan DEIR is inadequate and should be revised with the additional suggested studies and recirculated to address the critical flaws we outlined above. Going forward, a version of the Central SoMa Plan that creates a family-friendly neighborhood would be SOMCAN's preferred alternative. We are recommending that Planning study a new alternative that supports growth of SoMa in a way that supports the needs of current and future youth, families and seniors. None of the alternatives currently outlined in the plan supports this vision or these needs, and instead will reshape SoMa to be San Francisco's second Financial District with little regard to the protection of the environment of existing residents, small businesses, non-profits and PDR spaces.

The preparation of this DEIR did not adequately allow for incorporation of community input. For example, the boundaries of the Central SoMa Plan changed significantly during 2016, and the public was not sufficiently noticed. Despite SOMCAN's history in engaging with a diverse and large constituency in SoMa, SOMCAN was not provided an opportunity to participate in TODCO's "community alternative", and therefore we can not endorse this alternative. While the Mid-Rise Alternative has intriguing elements, it does not come close to being a vision that we can embrace. The changes in boundaries, the brief public comment on the published DEIR all make it impossible for the SOMCAN, its members and the larger SoMa community to adequately assess the Plan or any of its proposed alternatives.

As a public disclosure document, the Central SoMa DEIR is wholly insufficient and a new alternative should be studied that fully supports families and seniors in SoMa, and the DEIR should be recirculated for public input and review.

*Sincerely,*

Angelica Cabande  
SOMCAN  
Organizational Director

Joseph Smooke  
SOMCAN  
Board Chair



## South of Market Community Action Network

1110 Howard Street | SF, CA 94103 | phone (415) 255-7693 | [www.somcan.org](http://www.somcan.org)

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August 11, 2016

San Francisco Planning Commission  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Planning Commissioners,

The South of Market Community Action Network ("SOMCAN") is a multi-racial, community organization that educates, organizes, and mobilizes immigrant and low-income South of Market ("SoMa") residents to fight for improvements to their quality of life by engaging in the decision making process that affects their neighborhood and greater San Francisco. Our mission is to build and support a strong, organized community that takes collective action to achieve social and economic justice and equity. SOMCAN works to address gentrification and displacement issues in SoMa and San Francisco.

We respectfully submit this comment letter on the Central SoMa Plan (the "Plan") that encompasses the area of South of Market bounded by Market Street, Townsend Street, Second Street, and Sixth Street.

After reviewing the Plan, we are raising serious concerns about several sections of the Plan (as presented in the 2013 "Central Corridor Plan Draft for Public Review"):

### **1. The Central SoMa Plan Does Not Adequately Address and Take Into Account the SoMa Youth and Family Special Use District**

The Central SoMa Plan incorporates areas that are covered under the Youth and Family Special Use District. The Youth and Family Special Use District's purpose is to expand the stock of affordable housing as well as protect and enhance the health and environment of youth and families in SoMa. The Central SoMa Plan does not adequately take into account the Youth and Family Special Use District. We demand that as part of the Central SoMa Plan, projects within the Youth and Family Special Use District are required to undergo review and approval by resident groups and community organizations before they are considered by the Planning Department. This process we demand would function similarly to other Special Use Districts in the City such as the Bernal Heights Special Use District.

## **2. The Central SoMa Plan Does Not Adequately Address Displacement**

There are no new protections being implemented by the Plan for existing tenants and community serving institutions and businesses. Other than the push to preserve certain historic areas and buildings, there are no new protections in place to prevent displacement that the city knows will occur due to the new development that will be incentivized by this Central SoMa Plan (as exhibited in Plan Bay Area "Communities of Concern"). Further, as shown in a University of California Berkeley report on transit oriented development and gentrification, areas in the Bay Area that have convenient access to transit are areas most likely to suffer gentrification and displacement, including SoMa. The Plan cites increased land values as a core driver for the Plan, yet does not adequately take into account the fact that increased land values cause speculation and displacement.

## **3. The Central SoMa Plan Does Not Provide A Fair Balance of Housing Types**

The Plan states the goal of providing a variety of housing types, yet the overwhelming majority of new housing will be market-rate housing. This is unaffordable and out of reach to the people who live and work in the South of Market. While the Plan states the goal of increasing the number of below market-rate units required in new developments, this is still inadequate and below market-rate units are not necessarily affordable to working class people. Further, the 2009 Palmer ruling led to changes in San Francisco's Inclusionary Affordable Housing Program (Section 415 of the Planning Code) that prevent the City from requiring on-site below market-rate rental units in new developments. This allows developers to pay a fee instead that goes towards below-market rate units that get built outside of SoMa.

The new housing development proposals under the Plan do not reach the target of accommodating different levels of housing types as described in the Regional Housing Need Allocation which calls for a higher percentage of affordable housing than is currently being discussed under the Plan. The Regional Housing Need Allocation calls for only 42% of new housing to be market-rate or "Above Moderate" (above 120% AMI). Additionally, as shown in the most recent Housing Balance Report, San Francisco is losing affordable housing at the same time it is being created. Without controls in the Central SoMa Plan to prevent the loss of affordable housing, measures to create affordable housing will be ineffectual. Further, the Plan calls for removing density controls to allow taller buildings; however these density controls are needed and necessary in order to maintain current heights in SoMa that respect youth, families and seniors; moderate environmental impacts including traffic, pedestrian safety, wind and shadow; and ensure that SoMa grows as a livable community for all.

## **4. The Central SoMa Plan Lacks a Diversity of Job Types**

The Plan calls for adding technology jobs to SoMa, yet these jobs are largely inaccessible to existing community residents. SoMa needs a diversity of job types in the neighborhood that are not only accessible to community residents but provide a living wage that can support workers to stay in the neighborhood. This is highlighted especially in the types of jobs provided by production, distribution, and repair businesses that provide jobs for working class residents and are jobs that cannot afford

to be lost. PDR businesses also provide essential support to other industries and sectors so should be proximate to those other functions for them to be viable and effective.

#### **5. The Central SoMa Plan Does Not Provide Truly Public Open Space and the Plan Allows for Shading From New Development**

There needs to be concrete proposals for truly public open space. Much of the new open space is reliant on private development to directly produce this “open space.” For example, Privately Owned Public Open Spaces (POPOS) are presented as a form of Open Space, yet these spaces do not represent the type of open space that is public and accessible for use by youth, families, and seniors (like a public park). POPOS overly regulate the types of activities allowed, have restrictive hours that limit access, and do not have the same shadow protections under the City’s shadow ordinance due to the fact that the ordinance only protects open space that is owned by the Recreation and Parks Department.

It is unclear what specific areas will receive new shading from development as the Plan says that “modest shading” should be allowed to accommodate new development.

#### **6. The Central SoMa Plan Lacks Specifics on Safety and Street Improvements**

There are many proposals in the Plan to make streets safer and to improve the quality of street life. However, it is unclear which areas will receive priority in these improvements. The Plan needs to clearly state which areas are to receive priority in safety and street improvements. For example, which streets will receive priority in widening sidewalks?

#### **7. The Central SoMa Plan Treats SoMa As a Place to Pass Through, Not as a Neighborhood**

New plans for transit (new bike paths, new dedicated transit lanes) work to create SoMa as an area to rapidly pass through. This does not take into account pedestrian safety and the pedestrian experience. More focus needs to be given to current residents of SoMa and the pedestrian experience especially in terms of safety. SoMa is a neighborhood of residents and contains youth, families, and seniors who live and work in the area. This needs to be taken into account as SoMa is a neighborhood and not a simply a thoroughfare.

#### **8. Parts of the Central SoMa Plan as Presented in the “Central Corridor Plan Draft for Public Review” Are Confusing and Not Clear**

Many of the maps are confusing and are not clear. For example, in the Plan, maps that show current and proposed zoning (pages 18-19 in the 2013 “Central Corridor Plan Draft for Public Review”), maps that show existing and proposed height limits (pages 40-42 in the 2013 “Central Corridor Plan Draft for Public Review”), and maps in the appendix (pages 118-119 in the 2013 “Central Corridor Plan Draft for Public Review”) are nearly impossible to understand without a clear description of abbreviations (for examples zoning abbreviations). In order for the public to better understand the Plan, abbreviations need to be explained and defined either in the map itself or in a glossary.

The Plan highlights areas on various maps that are supposed to take on new growth (largely through new zoning and increased height limits), yet specific site projects and proposals are not discussed. Specific site projects and proposals need to be clearly identified (either as they exist now or as they develop) so that the public can be made aware of such proposals.

## **Conclusion**

As Discussed above, the Central SoMa Plan is inadequate and lacking in several areas: it does not adequately take into account the SoMa Youth and Family Special Use District, it does not present new measures to prevent displacement, it does not provide a fair balance of housing and jobs, it lacks plans for truly public open space, it lacks specifics on safety and street improvements, it treats SoMa as a place to pass through as opposed to a neighborhood, and parts of the 2013 Plan Report are confusing. At a minimum, these issues should be incorporated into new proposals for the Central SoMa Plan moving forward.

Thank you for this opportunity to comment on the Central SoMa Plan. We will have additional feedback when we go through and analyze the revised "Central SoMa Plan and Implementation Strategy" that Dept. staff shared to the Commissioners today.

We look forward to having more in depth discussion with dept. Staff to address these concerns and any additional ones that may arise from the presentation.

Sincerely,

  
Angelica Cabande  
SOMCAN  
Organizational Director

**Exhibit C:**  
**Links to Videos**



- June 25, 2015 at the Planning Commission -  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=20&clip\\_id=23166](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=23166)
- December 10, 2015 at the Planning Commission -  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=20&clip\\_id=24294](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=24294)
- August 11, 2016 at the Planning Commission -  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=20&clip\\_id=25976](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=25976)
- July 27, 2017 at the Planning Commission -
- August 31, 2017 at the Planning Commission -  
[http://sanfrancisco.granicus.com/ViewPublisher.php?%20%20%20%20view\\_id=20](http://sanfrancisco.granicus.com/ViewPublisher.php?%20%20%20%20view_id=20)
- October 23, 2017 at the Land Use and Transportation Committee -  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=177&clip\\_id=29037](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=177&clip_id=29037)
- December 11, 2017 at the Land Use and Transportation Committee -  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=177&clip\\_id=29368](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=177&clip_id=29368)
- February 1, 2018 at the Planning Commission -  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=20&clip\\_id=29695](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=29695)
- March 1, 2018 at the Planning Commission -  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=20&clip\\_id=29909](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=29909)
- March 22, 2018 at the Planning Commission -  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=20&clip\\_id=30100](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=30100)
- April 12, 2018 at the Planning Commission -  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=20&clip\\_id=30263](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=30263)
- May 10, 2018 at the Planning Commission -  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=20&clip\\_id=30502](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=20&clip_id=30502)

**Exhibit D:**  
**Transcript Planning Commission Hearing**



## City and County of San Francisco

THURSDAY, MAY 10, 2018

>> san francisco planning commission regular hearing for

thursday, May 10, 2018.

I will remind members of the public that the commission does

not tolerate outbursts of any

kind and to please silence your mobile devices. And when speaking before the commission, if you care to,

state your name for the record.

We will not take up the central SoMa plan matter before 2:00 P.M., so you have a good hour and a half. There May be persons who would

like to be in the chambers for

other items before central SoMa.

Unfortunately, commissioners, I

tried to arrange for an overflow

room, but they're occupied.

We can arrange for the cafeteria

in an emergency situation, but only as needed basis.

So again, if the members of the

public who are standing, could

you please find a seat?

The sheriffs will get upset at

me for causing a fire hazard.

You cannot block the doorway and

you need to find a seat.

Commission, roll?

Hillis here, melgar here, fong here. Johnson, here. Koppel here. Moore here.

And richards is expected shortly.

Item 1, case number 2009-1011 drp.

1863 mission treat,

discretionary review, and both

are continuance to May 17, 2018.

2014-0014, 275019th street,

continuance to June 7, 2018.

Item 3, the mint-mission conservation district for review

and comment is continued to June 7, 2018.

is the fail of my business and well-being of my

family but it's not just me it's

for them.

Please do not approve the conditional use so we can work

and provide a great product to

our customer.

>> **speaker 1:** thank you very much.

>> **speaker 1:** name is victoria

and we are owners of -- coffee.

In this situation our coffee

shop -- from our window we see

starbucks and pete's coffee. In my opinion it doesn't look

like competition, it looks like

killing a small business and now a small business is going to die.

I want to ask you to don't

approve phil's coffee because there is a very huge company

with huge markets and budget and

for pete's it's

-- >> speaker 1: --

>> **speaker 1:** I am here to share my opinion about this project.

If you know a block between --

there are six coffee shops and like a star

starbucks and pete's so

right now we have a balance and

I don't understand why another

growing

test test.

>>**Speaker:** good afternoon,

evening, whatever times the, steve -- department staff.

This is the 16th hearing for

the central

mitigation measure mt465 on the street loading spaces and

loading zone.

Finally, evaluate as list of

recommended and other potential

changes to the central som a plan.

Aside from the request to set

development capacity to see

sites based on the key sites guidelines the recommended changes to the plan and other

issues for consideration are evaluate

ed in the eir should you

choose to adopt the plan with

these motion.

Regarding certification for the

central soma plan has been revised.

I was extra copies of the plan

to my left. This analyze it is plan with the

exception to the proposed open

space improvements and street network improvements which are

analyzed at a project specific level. The implementation would result

in the following unavoidable environmental impacts that could

not be mitigated below a

significant level.

Jurisdiction over the project

with the purpose of mitt mitigating

an environmental effect.

Related to changes to street

which results in greater traffic noise.

The eir finds this to be a

significant plan level and

cumulative plan use impact.

Plan development would result in

adverse change in the

significance of historical

resources and defined in thified

lines 15064.5.

For transportation and

circulation, central soma plan development including the

proposed open space it proves results in significant plan

level and qume ra live plan impact.

Central soma plan development including the open space improvements and street network

changes result in cross walk overcrowding.

Sen tra soma plan development

results in plan level and

commercial and passenger load impact.

construction activity including

the proposed open space improvements would result in

substantial interference with

pedestrian bicycle or vehicular

circulation and results in

potentially hazardous condition. Construction activities including the proposed street

network changes and open space

improvements result in a

temporary increase in noise level.

For air quality the operation of subsequent projects in the

central soma plan area would violate air quality standard,

contribute to existing or

projected air quality violation and/or results in a considerable net

net increase of pollutants which

the project region is not

attained under federal air quality standard.

Central soma plan development

results in operational emissions

of fine particulate matter and

toxic air contaminants that

results in exposure of potential

receptor.

The air finds this -- impact.

Also could alter wind in a

manner that affects public areas.

The legislative sponsors and the planning department propose modifications to the plan which

were transmitted to the

commission on April 10, 2018 and

April 3, 2018.

These modifications are

addressed in the April 10 errata.

The staff changes will be incorporated but

however, these references are

in correct, and the B.A.R.T.

Ridership data is from 2012.

Therefore references to 2012 B.A.R.T. Ridership as used in the baseline analysis will be

updated to reflect that the

data was based on 2015 B.A.R.T.

Ridership data.

Second, the comment of oscn

1.62 is presented in response

tr-6 when it should be response tr-8.

These errors will be updated in

the final eir but do not constitute new information that requires recirculation under

ceqa guidelines section 10588.5. Staff recommends that you certify the contents of the report before you are accurate,

and the procedures through

which the final eir was

prepared comply with ceqa and

the applicable chapter of the administrative code. That concludes my presentation

on this matter, and I am happy to answer any questions. If there are no questions, I

will turn this presentation back over to steve.

>> thanks, liz.

>> so carrying on, after adoption of the final environmental impact report, the next action for the commission would be the

adoption of the ceqa findings,

and the mitigation monitoring

reporting program. This contains four items.

The packet report, the draft resolution, and specifies the proposed action, which is the adoption of the ceqa findings

and mmrp, the ceqa findings, which includes the rationale for

adopting the eir's alternatives

and the mmrp lists all of the proposed mitigation and

improvement measures broken out in those to be implemented by

the city and those to be implemented by project

sponsors. The third item for you today is adoption of the amendments to

the affiliated plan and general findings. Your general plan packet includes the following findings.

First, your packet report, the

adoption resolution, a draft ordinance, which was initiated

by the planning commission on

March 21, 2018, including the

following, the central soma plan. Additionally it includes amendments to the east and western soma area plans and other elements of the general plan to recognize the creation of a new central soma plan.

And fourth your packet contains

a summary of what has changed

since the planning commission adopted the ordinance earlier this year. As we discussed at the March

22nd hearing, this changes the result of the input received from the commission and from organized labor.

And in a couple of minutes I'll share with you the

proposed commission policy that would help implement this language. The fourth item is adoption of the minutes to the planning code and the administrative code and the affiliated findings. First, the case report which briefly summarizes the actions to be taken as well as a list of recommended modifications

which I'll discuss in a moment. Second, the adoption resolution which includes the adoption action and related findings, fourth, the ordinance, the document summarizing all of the code changes and conveying what code policies.

A document conveying the changes made by the April 10 legislation, and there's an issues for recommendation document that brings issues to our attention that were not brought forth in the April 10 legislation. [Inaudible]

>> as such, aid -- [Inaudible] >> -- largely from input received by community members and stakeholders since the release of our first version of the ordinance as well as further deliberation by staff.

In case report includes most of those modifications as well as the rationale for implementing them.

Today I'd like to highlight those and a few additional modifications that I'd like to call your attention to that were not in the packet.

In terms of land use and zoning, the project requires

that there's pdr space. [Inaudible] >> in terms of physical character, we have one nonsubstantive amendment that I want to call to your attention because it wasn't in your packet, and that's a cross-reference in the cmu table in section 848, the residential lot coverage requirements in 249.78.

We're also recommending for key sites we tailor some of the proposed exceptions. Just for one call out at the tennis club sites, they're adding a lot of public benefits, and one thing we're comfortable with them doing is not providing all the pdr sites.

We would like to start tailoring those, and work with the city attorney on how to do that, but we want your blessing to kind of tighten the key

sites language. The owners are seeking to place an additions on that site to go from 85 feet to 250 feet and to do so would benefit from exceptions around tower

separation and set backs. In addition they would provide beneficial additional benefits. This is a good opportunity to talk about tower separation, since you asked us to share some visuals to help clarify this concept.

As a reminder, the plan proposing a tower separation of 115 feet, which is the width of a soma street plus 215 feet set backs.

This can be reduced under two circumstances, when the buildings are allowed are slimmer and have substantial difference in heights, in some of our key sites, the second



reason is where a reduction task separation can facility

tate other -- [Inaudible]

>> -- that being said, I want

to show you three examples of the tower feet created by the different distances.

Here's a model and example at

115 feet, here's 85 feet, and here's 30 feet. They're pretty different. I'm sure you could find perfectly good and terrible examples of all three somewhere in the city. The key will be in the details as well as the different overall effect on the street. Personally, I think the distance between buildings in

the midblock condition is less

important than their set backs.

If you're in the middle of the

block it's less important than

the street view, but to be talked about. One more item on physical character, one of our process

goals in central soma is to

increase certainty and clarity.

One way to do so it take those things to the commission almost always granted as exceptions

and make them the rules. We're recommending to modify

the code to codify these concepts in three ways.

One that units above 85 feet in height need only a 15 foot

exposure instead of 25 feet since a 15 foot set back on all

properties would give them a 35 foot buffer. [Inaudible]

>> finally, that the interior

courtyards are not required to

expand by 5 feet on every floor because pretty much no project is able to achieve that.

Moving onto parking, loading, and transportation demand management, the first proposed change is to require a

passenger loading plan for new large projects along high injury corridors.

Like elsewhere, we tried to codify relevant mitigation measures because people are more apt to look at the code

than they are the mmrp.

The second strategy is to amend the grandfathering clause for

our transportation demand management program.

The tdm program was passed in

2017, and allowed pronis that

applied before September 4, 2016 to only meet 50% of applicable targets.

The central soma ordinance would have removed this granting provision for

projects benefiting from the up zoning. Project sponsors were significantly upset about this concept until the release of

our language in mid-February,

they had been relying on the

concept design accordingly.

Since April 12, we had about a

million meetings on this topic

internally and with

stakeholders and we think we've

reached an agreement.

Should you -- [Inaudible]

>> -- we have a few proposed modifications. Foremost, the project needs to

include information on the applicability of the proposed language district. First, ones that are

substantial in size and that they involve 40,000 square feet of new construction or additions, this way we can make sure that minor additions in small projects are not captured in the cft.

Second they need to have a

substantial up zoning through the plan and finally, the proposed project is bigger than the one you could do today. For example if you could build

a 65 foot building today in the mixed use office district, and

you -- if you want to build a 65 foot building in the future,

you'd be allowed to and be join

the cfd. That way, we're kind of having

a fairness clause regarding the benefits of participating in

the up zoning. It's worth noting that we previously included in our public benefits program that

the cfd would exist, and the proposed fee rates. Also as a new taxation

district, adoption of the cfd itself will require multiple actions at the board of supervisors.

Few more proposals regarding exactions. First is the recommendation to

add a waiver allows land dedication of space and

construction for land on a

block -- [Inaudible]

>> -- but not for these other fees. This waiver of will if a tate

the timely and cost effective construction of the park on that block, and just an aside, the legislative process

regarding this land swap and

where this language would be effective is slated to move forward at the board later this month. I know a lot of people are tracking this separate legislation.

It's a swap that facilitates our park and the temporary

flower mart site, and

eventually an additional 6.8

acres of land for the puc. As you know our public benefits

package is very aggressive, but also responds to the feasibility of projects. Currently there's legislation

to raise the tsf by \$5 persquare foot. while we are all for transit money and honestly increasing fees in downtown where the fee

burden is lower, I'm fully supportive of but we're

concerned that the increase in

central soma would make

increase of fees infaez [Inaudible] >> we think this'll afford

better oversight and provides

opportunities with the soma

stabilization C.A.C. The second recommendation is to create a

commission policy regarding good jobs.

For background in the last few months, organized labor has

become very involved in the plan and has raised issues of job quality. In recognition we amended the proposed central soma plan as I previously mentioned. The proposal before you would be one way that the commission could bring this issue to the floor.

It states that all nonresidential development over 20,000 square feet shall

provide a community good jobs employment plan for community comment prior to project

approval by the planning

commission. [Inaudible]

>> -- with benefits. The plan must detail how the

strategy would be implemented

including -- [Inaudible] >> the document would be informational only and implementation of jobs program would still be the responsibility of the office of economic and workforce development and the office of labor standards enforcement, and in terms of process since this is a commission policy and

not a change to the code, I believe you would probably want

to have a separate resolution

making this action.

Just a couple more items before

I turn it over to paolo to talk

about the housing sustainability district. Your plan packet includes the

following item. First the case report which

summarizes the actions to be taken. Second, the draft resolution of adoption that includes the

adoption actions and related finding.

Third your packet containing

the ordinance proposed on April 18, 2018.

I will be reiterate the information unless there are questions.

The April 12 hearing I made

comments about the ordinance

that replaced the documentation

made on April 10. . [Inaudible] >> your sixth item for action

today is adoption of the plan's implementation program and affiliated findings, including the following items. First the case report which briefly summarizes the action

to be taken and summarizes the

comments of the implementation

of the plan program.

Second, the adoption action.

The implementation program, which shows a strategy for implementing every policy in the plan, the public benefits program which shows we're going

to collect and expend over \$2 billion in public benefits

generated by the plan. the key development sites guidelines which go into the detail for each of the plan's nine key development sites about design strategies that can improve the project and result in additional public benefits and finally the key streets guidance. Fourth, your packet includes a document detailing the changes made to the implementation packet. There are two changes we didn't discuss at previous hearings.

The first is that the additional of the key development site that I mentioned earlier.

We also added that 1133 mission street could be a candidate for recommendation open space funding should other projects not need their full funding amount. It's 1.5 blocks west of the plan area and was identified as a potential park site by the d-6 open space task force and development of park would benefit the residents of the northwestern part of the plan area. In the public benefits program we have a \$15 million line item for capital for cultural amenities.

We realize that the packet itself doesn't specify yerba buena gardens, so we'd like to add that language in. Finally there's an issue for consideration document that includes the issues brought to the attention of the lengths lay tough officers and office that are not included in the proposed implementation program.

I'm going to turn it over to pauloike ikesoe. >> also for your consideration today is not ordinance amending the business and tax regulation codes to create the central soma housing sustainability district.

If we can get the slide up. In your packet for this consideration are a case report, and a draft for the ordinance under consideration today. I've also handed out some clarifying amendments which I'll discuss, as well.

So I gave an informational presentation last week on ab 73 and its requirements as well as some of the preliminary details on our local ordinance, so once again, our local ordinance would not change any of the under lying zoning regulations or height limits proposed in the central soma plan. It would simply provide the option of a stream lined approval process for projects meeting certain eligibility requirements, including prevailing wage, labor and on-site affordability requirements. Our local ordinance would ensure that we comply with all the requirements in ab 73, the state law, and qualify our city to receive zoning incentive payments from the state.

We'll also create a stricter local eligibility criteria for projects and procedures for review and approval of projects within the district.

So as required by ab 73, the ordinance would require project seeking to participate in the central soma hsd to include at least 10% of units, affordable to lower income households.

It would also require projects to pay skilled wages or used a skilled workforce depending on the size of the project.

The ordinance also sets local eligibility requirements for projects, so these are rules

that we are -- that we have developed.

So projects over 160 feet in height are not eligible unless

they are 100% affordable projects.

Any parcel containing an

article 10 or 11 lifted building is not eligible, and finally, any project which proposed to demolish, convert or remove an existing dwelling unit would not be eligible to

participate in our housing sustainability district. What does it actually mean to participate in the central soma hsd? Qualifying projects would be able to seek entitlement pursuant to a new planning code section, section 343, which this ordinance would create.

Projects seeking entitlement under this new code section in meeting all the requirements of

the hsd as well as the under

lying zoning would receive ministerial approval of permits within 120 days of the

department's receipt of a complete application. Section 343 would require

projects to comply fully with any applicable central soma air mitigation measures.

It would require projects to

undergo design review, like all

other projects, pursuant to the urban design guidelines and the central soma guide to urban design.

As required by ab 73, section

343 would require a public informational hearing on each hsd project, and finally it would introduce a projects requirement to ensure projects

benefiting from stream lined process actually move to ux skr. We have a few topics of

potential discussion for today, including a clarifying amendment to the introduced ordinance which is highlighted

in red in the version that I

just distributed. So the first topic which I believe was raised at last week's informational hearing is our eligibility requirement

that projects up to 160 feet in

height be eligible to participate in the hsd and receive stream lined approval. That is not a requirement of sb 73. It's something we came up with locally on the theory that

larger projects taller towers often require exemptions from

the code and are more complicated from a design perspective, and they would go

through our standard entitlement process. This is a map of proposed height limits on the central soma plan to give you an idea

of how many parcels we're talking about that would potentially be excluded from participation in the hsd if we

went with the 160 foot height limitation that is included

currently in the ordinance. The idea of a progress requirement really came out of this commission, so I'd like to take this -- I think it would be good if we take this opportunity for the commissioners to weigh in on it.

As currently proposed an hsd project would have 36 months to obtain a first site permit or building permit from the department of building inspection. If that deadline is not met, the director then holds a hearing requiring the project sponsor to report on the status of that project. If the sponsor cannot demonstrate a good faith effort to obtain a first site or building permit, then the director must revoke approval for the project. Some of the things that we

think are -- for discussion are, you know, after the project receives approvals from the planning department, it moves onto the department of building inspection, where we

have sort of -- we don't really

know as much what goes on

there, how long permits take.

So to expect a project -- to

obtain a permit within 36 months, we don't necessarily

have as much control over it, so maybe consider if someone has applied for a building or

site permit could be a good threshold.

The ordinance does not make clear what the director is able

to do if the sponsor does not

demonstrate good faith.

We would suggest specifying a renewal period so at that hearing, the director can say

your approvals are extended for 12, 24, 36 months; some period of time to ensure that they

keep moving towards construction.

And finally, we have a clarifying amendment to the legislation. So per our city charter, the planning commission is required

to approve all permitted regulated by the planning code but may delegate its authority to the planning department. So these amendments in red would clarify that the

commission is delegating its approval authority for these hsd projects, meeting all

requirements to the planning department to enable ministerial approval.

That concludes my presentation,

but I'm going to invite our

director, John Rahaim, up.

>> thank you, everyone. Commissioners, for the record,

John Rahaim with planning department staff. It was a long presentation. We understand this has been before you a number of times. We are indeed asking for your

approval today of a seven-year process, and the products of that process. I think I won't spend a long time talking about this, but I

do want to just remind us all

why we did this to begin with.

We came to the idea of doing a

central soma plan during the eastern neighborhoods process when we determined that this corridor was a central subway

and nearby other transit improvements was a valuable corridor to look at for an expansion of jobs and housing in the city. And we, after a lot of initial

discussion with the neighborhood, were very careful

to create a plan that we think

is not an extension of downtown but is kind of a special district of soma that allows high-rise in a number of key places in the neighborhood, but

generally maintains the quality and character of the neighborhood that's there today. In addition, we felt it was

very important to us to make sure that we were maximizing the public benefits to allow

the impacts of that development and other amenities of the neighborhood to be created as a result of this growth.

We have learned a lot over the years from the eastern neighborhood, from the Rincon Hill neighborhood transit center plan, and we think that

the lessons of those plans,

both good and bad lessons are incorporated in a way that

moves us forward in a new planning area of the city.

This plan as a reminder creates

more housing than the rincon

hill and transit districts combined. It will be one of the densest residential neighborhoods in the city. It will also create thousands of new jobs and exactly where they should be, in our opinion.

On a transit line, near a

caltrain station, and within a fairly short walking distance of the transit center terminal. So we believe this is the right plan at the right time, and we are asking for your approval of the plan.

With that, I'd like to turn the

mic over to mores who introduced the legislation with

the mayor as well as a representative from supervisor fewer's office who's here to

make a few comments.

Thank you so much. >> the supervisor would like to thank the staff with the planning department for its

seven year effort to modernize the zoning surrounding the largest transit investment the

city has made this century.

At the top of that list is

steve wertheim, thank you, who

has spent many hard years of collaboration with the

community -- under whose umbrella under the name, we are soma, who are in a very present tense, shaping the central soma

plan to be reflective of the needs of the community now and

for the next 30 years to come. The plan reflects the time in

which it was devised in which

we are exiting, and economic --

when we were exiting an economic slump. We are currently engaged with the discussions in the past few months to make a more complete central soma plan that incorporates the wisdom of our neighborhood leaders and

lessons learned in the past few years. We're still -- there are still a multitude of issues that need to be vetted.

Clearly, we're heard that the

plan needs additional housing, even though it is providing

more housing than other areas that are adjacent.

The type of housing that is affordable to our middle class

and working people. We concur with statements provided at past hearings by the community partners that the

city must aggressively seek

site acquisition for new

development and acquisition of existing rent controlled buildings for this plan to work. We also concur with statements

that steve presented today that make an opportunity for the plan to support job creation in

a way that benefits local residents. In other words, much of what it

was stated in the good jobs for

all plan with jobs for justice. In terms of child care and

school site, the plan encourages a mixture of two

bedroom units, and it behooves

the plan to create more on-site child care.

Parking remains equal to that of downtown, itself a bill outdated in its parking regulations. This transit-rich neighborhood of the future, the future should be one that has less private automobiles as possible. We're deeply concerned about the reservation of pdr uses and jobs within the plan, and we want to ensure that the will of the voters who pass proposition x is respected by this plan. We strongly encourage the planning commission to discuss the issues presented in written correspondence by our community partners, such as we are soma, todd co, the trades, jobs with justice, and we look forward to hearing your considerations and the rich dialogue that will ensure regarding this plan that it will shape our conversations at the board of supervisors. And with that, I'd like to bring up my colleague from supervisor fewer's office. >> good evening, commissioners.

my name is ian fragosi, a legislative aide with supervisor fewer. Supervisor fewer, she's been briefed on the central soma plan and recognizes that this has been in development stages for a long time, seven years now. However, the supervisor is very concerned about the jobs-housing imbalance, that we recognize that the gap between office space and housing has been narrowed after recent amendments. Her biggest concern is that this plan does not include a public school, and this area is already lacking adequate public education facilities to serve the current population, let alone all the families that will move there.

She firmly believed that we are not only building housing, but we are building lively hoods, and that includes public schools. If we're not thinking about where all these families are going to send their kids to school, then, we're not planning, we're just building. Supervisor fewer urges the planning department to work with the school district to identify at least one potential site for a school in soma and that the school fees from this project be dedicated to building schools in the area.

So thank you so much for your consideration.

>> **President Hillis:** all right. Thank you.

Mr. Wertheim, is that all for the presentation?



You want to wrap it up.

>> thanks, everyone.

>> **President Hillis:** thank you. So we will take -- we'll open

it up first for public comment. >> we did receive a late

request for organized opposition.

>> **President Hillis:** so --

from Mr. Drury? [Inaudible]

>> **clerk:** okay. You get three minutes.

>> **President Hillis:** we'll

just call you during public comment, because I know I've got a card for you.

We'll just call names.

[Names read]

>> **President Hillis:** you all can lineup on the screen side

of the room and speak in any order. >> good evening.

Happy bike to workday, commissioners.

My name is yee wan. On behalf of the san francisco bicycle coalition and our more than 10,000 members, we support the central soma plan's goals to prioritize working, biking,

and transit in the central soma plan area. We believe this will help

relieve the traffic in the area

and make all road users, not

just people biking, safer.

At the same time, we are delighted to see there are planny proposed improvements

for people biking on soma streets.

As some of you May know, some of the -- [Inaudible]

>> -- 13% of streets accounting

for 75% of serious for fatal injuries.

As the city has committed to eliminate traffic fatalities by

2024 through vision zero, we believe the improvements

proposed as a part of this plan

are a huge milestone towards

achieving that goal. The central soma plan and its

proposed addition of cycle

tracks along folsom, brannan, fifth and fourth street will

bring us towards our goal of a safe, bikable neighborhood. However while we want to see more improvements for people biking in the area, we also want to make sure that these

improvements and the existing infrastructure are built and

maintained to be of the highest quality. Given the history of serious

and fatal crashes along the

folsom street corridor, we know

that anything that the cycle

tracts protected bike lanes are

sufficient and -- [Inaudible] >> the san francisco bicycle coalition has been working closely with the city

departments and the central soma neighborhood to address safety and local transportation needs over the past few years.

In the future, we look -- about will look forward to working hand in hand with the community

to make central soma a more

life liveable and safe place to live. Thank you.

>> **President Hillis:** thank you.

Next speaker, please.

>> good evening, honorable members of the commission.

Richard drury representing the

central soma neighbors, and we

represent hundreds of residents of central soma.

our letters and positions are

supported by four homeowners associations who collectively represent over 500 residents of central soma. These neighbors are very concerned about this really once in a generation

opportunity to remake a neighborhood of the city. And I want to emphasize that we do not oppose development. We actually support the midrise alternative that was supported

by staff at least until 2013, and until 2016, because it maintains the neighborhood as a

family friendly livable, walkable neighborhood, and most

importantly maintains a jobs-housing balance. Everyone knows san franciscans need more housing, and we support that. But this plan doesn't deliver.

What it delivers is more jobs. 63,000 more jobs, but only 14,000 more housing units. In other words, four times more jobs than housing.

Therefore, it exacerbates the jobs-housing imbalance that we already suffer.

There will be even more employees chasing fewer housing

units in terms of proportion which means it drives up

housing prices, it -- it drives up displacement, and it increases gentrification, all

the things that we should be avoiding. We support the midrise option which has a much better balance between jobs and housing. We urge the board not to certify the environmental impact report. We've filed two extensive

comment letters detailing the detective the

detectives in the eir. I'd like to point some out.

In the final eir staff proposes

creating a housing sustainability district under ab 73.

Ab 73 says you cannot do that

unless you prepare an eir to analyze the impacts of creating

the housing sustainability district. That's ceqa 21155.10.

The eir not only fails to do that, it doesn't mention housing sustainability district at all. The word doesn't appear until

the final eir, so legally, this

creates a serious defect in the analysis. Second, the eir concludes that this plan will have zero impacts on traffic.

Well, that's absurd. You can't add 63,000 jobs and 14,000 residents and have no impact on traffic.

The staff relies on sb 743 for this conclusion.

Well, sb 743 only allows a no

impact analysis if vmt or

vehicle miles travelled is decreased.

The final eir agrees with our

traffic expert that this will trell increase vmt. Therefore, the traffic analysis is legally flawed and makes this document legally vulnerable. I'm out of time.

I -- the other issues are detailed chapter and verse in

our letters, but we urge the commission to send this back to

staff and -- and fix these problems. Thank you.

**>> President Hillis:** thank

you, Mr. Drury.

**>> Stephen Bus** again with mission yimby. I'm also speaking on behalf of

Sonia Trouss who's running as district six supervisor but she

can't be here because she's meeting with future constituents.

So as you know, yimby has been

against the central soma plan due to the jobs-housing imbalance for well over a year, and we maintain that position

that we think there's not

enough housing.

It's it's really a displacement time bomb. We know that we're doing this.

We know that we're going to add

40 something thousand jobs and 10,000-something -- I forget

the number -- housing units. Obviously those people have to live somewhere and they're

going to push somebody out in order to do so. However I would like to express some gratitude that we were able to effectively work together and come to a solution

that while we're not totally

happy with it, at least we got

more housing built or rather more housing included in the plan. I'm hopeful that you'll also approve the hst to make that housing get built.

We've done -- we've put seven years into studying the plan, making eir. We know the impact of what

this -- of what building the housing will be so there's no

reason to drag it through more hearings.

So I urge you to also approve

the hst.

and unfortunately, commissioner Richards walked out of the room, but I want to point out, when he went to Sacramento to

oppose sb 827, because he says

he believes in strong local control. Well, I want -- I want you to

hear that the local control in

Soma is speaking with a united voice to say we need more housing. Everyone who's got a problem with central Soma, it's not because of the jobs, it's not

because of the up zoning, it's

because there's not enough housing.

So hear us, and in the future, local control, if you truly

want it, means building more housing faster. Thanks.

>> **President Hillis:** thank you. Next speaker, please, and I'll

call some additional names.

[Names read]

>> todd david on behalf of the

central housing coalition. I'm going to Miss These -- I think it's the 16, as they said. The san francisco housing action coalition is in favor of the central soma plan.

We like -- we particularly like the housing sustainability district.

We think that's great. We also have clearly expressed concerns about housing, but we

also strongly believe that --

that housing is a regional --

at least an area -- an area issue and that it cannot be solved in any one particular district or one particular area. I hope that we can always agree on whatever our opinions are on

central soma, that one, a great

place to add more housing would

be along the west side of san francisco, along gary boulevard

and housing -- to bring housing

for people to work in central soma.

I was also very pleased to here that supervisor fewer's office is concerned about public schools and us having public schools. As a parent of three children in san francisco's public

schools, and someone who's been paying attention to this issue

for years and years and years, sfusd topographers have been telling us for years that we're

going to need more schools.

I'm kind of curious with

supervisor fewer because while she was on the board of

education, she offered a

resolution to give away excess school district property that could have been used as a school, that it was sold to the city, I believe, for housing.

So glad to see that now, after her term on the board of education, when she was giving away school district property,

she now wants developers to return it to the school district. So I just think that that is

something we're going to be hearing a lot about going

forward as other projects come forward, the question of where people are going to go to school. I just want to say that as a public school parent, it is an issue that has been raised for about 15 years in the school district.

so any way looking forward to getting central soma moving forward, and thank you for your time. Bye.

>> **President Hillis:** thank you.

Next speaker, please. >> hello.

I'm with housing committee. We work with thousands of tenants across the city. This plan continues to be a

disaster waiting to happen for tenants throughout san francisco.

If you don't take full

antidisplacement measures first before construction, building

this many offices is going to

lead to mass displacement.

This plan is going to be known

for years to come as speeding up and causing mass

displacement of seniors and

other people in central soma, finishing the mass displacement

in the mission, and everywhere

accessible by bus, chariot or

scooter is going to be up for

grabs by developers wanting to push tenants out.

This plan is a disaster. It is irresponsible to san francisco in your job as planners in what you're doing

to all of us, to make a plan that is more high-rise offices

in a case that is in a housing crisis.

Please take the displacement

measures early on strongly before construction starts, otherwise, you are just throwing tenants across the city onto the streets. Thank you.

>> **President Hillis:** thank you.

Next speaker, please.

>> good evening, commissioners.

My name is scott feeney. I am a volunteer with yimby action. I'm going to refer to some notes that I have on my phone.

So I just wanted to remind you

that the members of yimby action have voted to oppose the central soma plan largely because due to the lack of housing that's being added to

balance out those jobs, we have very similar concerns to what the previous speaker voiced. We've seen some progress

revising this plan, but it

remains still a 4:1 ratio of

jobs to housing without a real answer of where are the rest of those office workers going to live and who are they

potentially pushing out? Much of what is in the central

soma plan, unfortunately, is

emblematic of some serious problems that affect bay area planning. We have relatively low areas of

five and six stories ostensibly because of the midrise

character of soma, which to me

is really code of let's not annoy the luxury condo owners.

It doesn't plan nearly enough housing for the jobs. It continues a pattern of doing most of our building in former industrial areas with very

little in-fill in affluent

mostly residential neighborhoods, and it allows low-income communities of color

to bear the gentrification caused by the shortage of housing.

Because yimby members and other advocates have complained about the lack of housing, we've gotten some improvements in the plan.

It's good to see the

job-housing ratio was increased

from 6:1 to 4:1, and we applaud

the planning department staff

to propose a housing district, but that's still not quite enough.

If the city's going to pass this, we have to commit to

making significant up zonings

to increase significant and

affordable housing both in soma

and noe valley and along the west side.

We can't continue to prioritize

office space while letting housing get delayed and negotiated to death, which is frankly what we saw today with 430 main street. When we do allow significant amounts of housing, we can't

continue to do that only in

low-income communities, while

letting exclusionary neighborhoods with homeowners continue to say no to growth. This is a large part of the

reason we've seen so many he

vacations, so much gent

gentrification, so much homelessness, and if we're going to do this, we need a plan to do better. Thank you.

>> **President Hillis:** thank you. Next speaker, please. >> hi.

Laura clark, yimby action. We're all exhausted. Half of the planning commissioners have peaced out because this has gone on and

on, and that's how all of these

decisions are made, is after an

extremely difficult protracted

process where we are whittled

down to the last lunatics, myself included, where we are beating the last drum, and that is this massive program that we're talking about. And it looks like it's going to

be the last area plan for a while.

The planning department doesn't have another large area plan in the pipeline, and so the last one that we're looking at in quite a while is one that adds

a lot of jobs without a lot of housing. And we have the capacity to build the amount of housing

that this plan is calling for, but it does involve deciding

that we're actually going to

stop just chattering about upzoning geary and actually do it. It does mean that we're going

to have to take those gentle in-fill two and four unit

projects that get proposed and whittled down to death every

day in especially wealthier communities.

We're going to have to decide that those projects should be approved as submitted as code compliant.

It means that we're going to  
have to up zone places like St. Francis would.  
And we could -- minneapolis is  
examining taking their entire  
city up to rh-4. Every proposal that we have made to say how to address and  
how to have a compence  
-- compensate conversation at the table.  
I've had people telling me, laurie, you're being unreasonable for thinking that  
we would ever really deal with  
this, and if up zoning the west side is unreasonable, then,  
building this amount of jobs is unreasonable. Those are our choices.  
We are signing ourselves up for  
growth, and I am all in on growth.  
Jobs should be good. Having a growing economic  
should not cripple a region, but that is what we have done.  
We have allowed growth to  
cripple a region by being  
unwilling to yes, battle with single-family homeowners.  
But that is what we need to do.  
And I know that it's nutty  
yimby saying we need to go and  
say upzone everything to rh-4. I understand how difficult it feels, but it's time. Thank you.

>> **President Hillis:** thank you.

Next speaker, please.

>> good evening, commissioners.

My name is chris filipino.

I am in favor of the kilroy project for the flower mart. I've been in the business for  
35 years, and I love the flower  
market and its history. And when kilroy bought the property, I got so excited of  
the plan that they're going to  
make it like state of the art,  
and then, one of the most beautiful flower market in the world. We had trans-america building  
as one of our landmark, and we  
have also the golden gate  
bridge, and having and giving  
kilroy really a chance to make  
this -- to design -- you know, their design is amazing.

To do this job of the flower

market will be really -- it

will be like the third landmark of san francisco.

and I'm so excited about this project.

Actually, I've been here, like, 12:00. I left my flower business.

It's mother's day, and it's my first time. I'm sleepy.

I hope you won't hold it

against me that I'm sleepy. I'm just so excited to be in this project. I was telling -- when I say the kilroy people in the flower market, and they're talking to

us, I said I'm already 72 years old.

I hope I can see the unveiling of this new project, and that

will be the exciting part.

So I totally support -- I strongly support the flower

market -- and then, they're

gracious enough to us to move us to marin.

And then, everything is a sacrifice.

I think we can do a sacrifice.

We florists are able to sacrifice. We can design anywhere, and thank you so much. I hope you will consider. >> thank you, Miss Lupia. Next speaker, please. >> good evening.

My name is brittany gray, and I am here tonight representing the tuolumne river trust. We are concerned that the commercial development proposed in this project will increase

water demand and accelerate the

demise of the tuolumne river,

which is where we get our hetch hetchy water.

Because of this, the number of

salmon pawning in the tuolumne has plummeted. The san francisco bay delta is

also on the brink of ecological collapse. The state resources control board is looking to increase fresh water inflows from central rivers in order to

address this crisis, but the sfpu is opposing this plan in part because it feels it needs this water to accommodate this proposed development. We need to prioritize how we use our limited water resources.

There's a strong argument that san francisco needs to build

more housing, but as long as commercial development

continues to out pace housing,

the crisis will only get worse.

The flower market project would

include 2 million square feet

of retail, house 2,000 businesses, and create 8,000

jobs, without expanding housing. [Please stand by for captioner switch]

>> I think that for central soma

the light would be to guarantee that housing in this project

would be 50 % available. -- affordable. And when I say affordable,



really affordable. Those on an extremely low income and no income.

Because, you know, this is a lot

of money, and there is a lot of people who would benefit.

But we need to make sure that

the poor people in the city also get something out of it.

And I don't know if you have

seen that before, but constantly, we see that corporations make promises and

then they don't really do what they promised.

So I don't want, you know, that we approve something with you guys because you guys are responsible for this, if you approve it or not, if you

approve this tack, you know, and

there's nothing, then we will enforce that construction of affordable housing, then it will

be on you. And it's already creating a lot of tension and I think that's

the best way to deal with that is to continue talking about it

and make sure that these will be in place before you start

something that will create more

problems than solutions.

>> next speaker, please. >> for the community that I'm

from, often times the best laid plans are paved with evictions, displacement and gentrification. And many tourists that are

calling for more and more

housing.

The plan appears, to me, to be

more for developers and not for

the central soma community, designed by developers for gentrification and displacement.

The up zoning alone, and allowing office space and luxury

housing that were previously bad

is really a welcoming matt for out-of-control speculation. The plan, of course proposes

nearly 40,000 jobs and less than 10,000 units. Most of the jobs will be intech in the housing will benefit how

your income housing at the expense of low income and

community people like myself.

The proposed changes in the plan will further facilitate the evictions and displacement. Some of the recommendations from

our coalition would be to acquire existing rent-controlled buildings. acquire new development sights

for 100 % affordable housing.

And a moratorium on the sale of existing rent-controlled buildings and also the sale of

public land for private or

for-profit development, and on new newmarket housing construction for projects not included in the

existing kilroy realty -- central soma plan.

Thank you.

>> good evening commissioners.

On behalf of my family, the project sponsors of the 6,361st street project, it is a 250-foot residential tower. Half a block from the transit bay terminal on the subway station. We've been working with supervisor kim's office to explore means to increase the number of units in the project. Within the parameters of a ir and in the proposed height limits. At the same time, we've been cognizant of the tower separation issue that this sight shares with the project next door. To that end we've been working with supervisor kim's office to propose few amendments that I wanted to draw to your attention. First, the amendment would reduce the power setback from fourth street to both increase the unit count and allow the power to shift to the southeast and to the site. This would increase the distance between our tower and the property line we share. Secondly, the amendment would allow a 30,000 square-foot towel floor -- tower floor pate -- plate and a longer dimension that is currently proposed good by doing that we can provide two additional units per floor on 23 floors. Third, the amendment would provide tower separation flexibility when the commission considers approvals for our project capture the five '05 project be entitled first. We believe these amendments will provide significant public benefits and I urge the commission to add them to your recommendations to the board of supervisors. They would assure that it can move forward and give us over 300 new rental units including 54 bmr units to address that housing balance in the central soma plan. That modifications also allow units to meet unit exposure with no need for exceptions. And finally, the amendment addresses the trower -- tower separation issue and a matter that works for urban design and a land use perspective. Secondly, I would like to address the housing sustainability district. As we said, the current proposal is to not allow projects over 160 feet to participate in the district. It seems like an arbitrary cutoff. It's not mandated by state law. I would urge you would recommend to the board of supervisors that that limit not to be in the district but a compliant project such as ours which is 250 feet which is not a particularly tall tower. Also have the benefits of the sustainability district. I can answer any questions you have. >> thank you.

Next speaker, please.

>> good afternoon commissioners.

As we have said over and over again today, this simple ratio of jobs to housing will create without strong measures to mitigate and prevent displacement, will create massive

that is, what kind of housing is it that needs to be built in order to prevent displacement? Well, the answer is well-established.

That is affordable housing.

I would like to ask you to amend

this plan in order to include

the demand that

there be affordability to

accommodate those of us who will inevitably be displaced.

I of course want to say we take strong measures to prevent and

protect our already affordable housing. This includes all of the things

that have been mentioned. Aggressive sight acquisition of uncontrolled buildings and first right of refusal and a number of other measures that were mentioned. Please send this back to staff for amendment. Thank you for your time. >> thank you.

Next speaker, please.

>> good evening commissioners. It has been a long day for

everyone here. I will try to be fast. First of all I wanted to say that we support the proposed

language regarding community and having projects bring community jobs and employment plans for?

urge you to adopt that and use it. When plans are brought back to

you for approval, and we want to thank those responsible for

adding it.

I want to call out a few sights within the plan. There is a key site designation and some questions about exactly how much leverage is gained or lost with those. There is, you've heard talk

about one vassar for example. We remain unconvinced, at least as of right now that the potential benefits would outweigh the impacts of the neighbourhood. But we will beat following it closely and urge you to do so as well. But something such as a development agreement would

typically be included in the sight of this magnitude.

That is one possible way to deal with some of the concerns.

As I said, we will be following it closely. A couple of other sights. It is a site that should be

distinguished for their developer is having proactively

come to us to find her sign an agreement that would protect and ensure that that hotel will be

built and we are in good faith in negotiations with another

project.

On the flip side, a project that we are very concerned about. 565 bryant.

The development company does much of the actual construction for their projects.

And the President Of olson construction is a gentleman, who

was on the board which is an

organization, a very

conservative catholic ceo.

Please look up the record. We have some serious concerns

over the cultural district and

if it is an appropriate location for a development company with ties to an organization with that particular track record.

So, we are also part of a central soma coalition and we want to echo and amplify the concerns about the lack of or the need for proactive steps to be taken to protect tenants before the plan is implemented including acquisition of sites, affordable housing, renter protection, antidisplacement protections and other measures that should be taken. And we echo concerns about whether the plan really does have enough proactive protections in place to mitigate the impacts that will be felt on the community. Those continue to be concerns and I will be sitting in the back as long as I can stand, as long as I cannot lose my focus and really listen closely for how the discussion goes on those protected measures as well. Thank you. >> thank you.

Next speaker, please. >> thank you commissioners. I am here on behalf of the organized construction trades.

First of all I want to echo what Cynthia said. We've been working closely with her on the hotel project to really ensure that those, as well as housing provides employment opportunities both for hotel workers, people who know how to operate these things as well as the men and women who filled these buildings. Similarly I want to echo concerns about incorporating antidisplacement measures on the front end and making sure that we take this stuff seriously. We have seen what has been happening in this city.

I did want to speak on a couple of things. First of all, is a question of job housing.

It is interesting, my attorney at the time, back in about 2,008 we came up with the idea of jobs housing within the context of a very large area plan. Where thousands of jobs, millions of square feet of commercial space and thousands of jobs and thousands of homes that were primarily going to be single-family high high-end operations.

And in our discussions of a job housing, but we always struggled with the scale that you do it at. And one thing I think we generally agreed is a 60 block area plan is not the way to look at it.

If you -- you need to look at it in a broader complex. When you do look at it within the broader context, we have thousands of units that are sitting entitled and undeveloped. Sensibly, it will provide greater impetus to... Lastly, I want to talk about the housing sustainability district. I briefly talked about it last week when it was introduced and I only have a minute to sing its

praises.

But as we started going down this road, the genesis of it was a building trades and doing something that we are pushing for and we have been pushing for it for years. How do we take a look at these massive creations of value both in the residential and commercial side, and how do we make sure that we can incorporate labour standards into it as part of the value

capture mechanism? It is indeed that mechanism. Part of what, in crafting this thing and advocating for it, part of what we have been doing is really trying to echo many of the concerns that we hear from the community and that we have heard from the community throughout our discussions on a project by project basis. What have those been? Is it user provisions? Guaranteed on-site inclusionary housing? Real workforce development

opportunities?

And being at the process to get more housing that we need to.

So we need to do more.

But as this perceives, I urge

you to vote and approve it and make whatever improvements you can. >> thank you.

Next speaker, please. >> good evening.

I am a native san franciscan.

I have lived in san francisco my entire life.

Lately, in the last five years or so, I've noticed a significant decline in my quality of life. So I think the question should

be, which do we need more of? Economic development or concern for the environment?

And I think st. Francis, the

patron saint of ecology and pope francis himself, would agree

that it is the environment, okay? And I'll give you some reasons.

First of all, california is a

biodiversity hotspot.

That means we have an abundance

of naturally occurring species which, many of which are at risk

of extinction because of human activity.

Our demand on water, for example was addressed earlier.

It is threatening entire

ecosystems all along the system

going to the bay.

So I urge you to ensure that the

demand on water art weighed against what the science is --

what the signs has already told us. Me to 60 % unimpaired below

along that water system to avoid ecosystem collapses along the

system.

Not the 20 or 40 % brought on by

the pc or the state water board. Okay? Another reason that the

environment really needs more attention, is that the board of

supervisors here recently passed a biodiversity resolution. Which I doubt the documents

before you have addressed or included. So please take that into consideration when you are reviewing the documents for

approval. Whether the environment and

biodiversity are actually going to be considered peak thank you.

>> next speaker, please. >> good evening commissioners. I am an architectural historian and I have these comments today.

I just wanted to say that the comment on the commitment of public scholars for the

restoration of the old meant,

first of all, to the commission and to the department.

Thank you back thank you for ensuring that at least \$20 million will be dedicated to

the future and now a long overdue restoration of the old meant. It is a national landmark, as you know, the long-term vision

for the mint is being advanced in partnership between the california historical society and the city to realize the

vibrant and colourful history and art and culture.

To date, this commission has seen a strong turnout and as we can see from the restoration,

the city's 20 million-dollar \$20 million commitment is a critical part of

the overall funding strategy and

the projects capital costs which would be significantly higher. Many members of this commission

have expressed a desire for

greater allocation of funds and in addition, on March 21st,

the commission voted unanimously

to request at least \$50 million for the meant. The community would welcome any greater amount of funding for the old meant should you see fit to do that, that is . That is my comment. Thank you so much. >> thank you.

Next speaker, please.

>> good evening.

I am a land-use attorney in san

francisco.

And not much has been said tonight about transfer

development rights in the middle of helping two clients transfer the development rights to historic buildings to new development.

I'm very pleased to read in the plan that the tdr program will be extended off the market and

that new developments will need use of those programs.

I hope tonight you speak a

little bit about it during your testimony so that more people

out there who own older buildings will become aware of this opportunity.

I was a former board member for a nonprofit that try to turn

them into a museum.

I am actually very, very pleased to hear of this new funding through the program.

Finally, I would like to echo the comment of the speaker before.

I represent a lot owner who could very much benefit by the new sustainability district and

its streamlined approach, but I too think the commission should look at exactly why a height

limit of 160 feet was chosen,

the pros and cons and what went into that analysis. Thank you very much. >> thank you.

Next speaker, please.

>> hi, I am a volunteer with

human action. Staff from the planning department said earlier this is the right plan at the right time. And I cannot think of a more sustained way to see what -- say what this plan is.

This plan would add a lot of counters who have that plan wrong.

33,000 jobs and lots of housing.

That is 24,000, 24,700 units of housing we would have to build elsewhere in the city to break even.

If this plan is available we should do that.

We should up some elsewhere in

the city and upsell him the west side westside and inclusionary neighbourhoods that are close to transit. There's a lot to like about this plan. I like the bicycle improvements very much.

I like the hst ordinance although they should not be an

arbitrary limit. But this type of planning where

we plan for 84-1 job housing balance and a housing crisis is extremely irresponsible.

I encourage you to go back to the drawing board and do the right thing and build more housing than jobs, for once, because all the existent housing pipelines are not doing that. They're building more jobs than housing.

We are not on that. We will build more housing than jobs to get out of this crisis. I have not seen plans for that so far and I would like to see some.

If it does pass other areas at the city need to be compensated for this.

And 24,700 is the goal of that is the minimum.

That is to make sure at this plan doesn't create more jobs than housing and I think that is a very low blow. Thank you.

>> next speaker, please.

>> good evening commissioners. A couple of points on the organization. I know we talked at homebuilders

-- to homebuilders in the area

who work for the housing that will get built there. There are residents in

centrosome a, central soma even those who have signed on in

opposition to in opposition. There are residents in the building to support the high-rise option.

They do want the area to grow. I also believe that the

neighbourhood legislation passed

would apply in this area.

So there is a lot of issues certainly that people have raised in one of them specifically is the affordable

housing. I do believe it is my understanding that part of that is untrue.

All of the bmr units that are going to be available in this area in the future, 40 % of

those belong to be set aside for neighbourhood residents.

I do believe that is one fact.

Taking my hat off and talking as an individual, I actually really

want to disagree with the clerk earlier. I don't think we are that far away from the political will to

change the minimum...

I think that politics are going

to control us in the next 30 days. We are all well aware of that.

After that we will have a serious conversation because we May have one leader for ten years. And what that city will look like in ten years is likely

going to be determined by the

people in this room and by the

person who will occupy the room.

We will have perhaps mixed in

the board of supervisors. And so in talking with elected officials and talking with folks that are involved in this and talking with the people who are making this decision, most people seem to think actually it is a decent idea.

I was talking to a President Of the neighbourhood association

and she told me that listen, if there was no height increases

whatsoever and it was just density being controlled, every neighbourhood association would get on board with that. I looked at her sceptically.

I did not necessarily believe it at the time, but when the other

option is eight stories, all of a sudden, four stories really

seems reasonable. And I think those conversations are going to be can's continued at the state level.

Locally, what can we do to help the increases that we need to have? I think that there will be details that need to get worked out. I think perhaps looking at taking out area plans could be something that May work.

I also know a director mentioned one time that rates are higher in the richmond than they are in the mission area.

So there is a complicated aspect and I encourage everybody in front of me and everyone behind me to give that serious thought

and see if we have the will to get that done. Personally I think we don't. Thank you. >> thank you.

Next speaker, please. >> hello I am speaking on behalf

of the united mission here I see you pretty much every thursday for whatever number of projects. I wanted to just clarify one thing.

The mission has the highest number of evictions compliant of any other district in the city.

That information by korey was wrong.

So I want to say something, I am prodevelopment in pro affordable housing.

But I'm not pro-market rate housing over affordable housing. Like this plan has been in the works longer than most people have been in the city. Seven years.

I find it insulting that the mbs carrier to speak on and take

credit for for addressing gentrification and issues of displacement when really you have no understanding of it. I've lived at and done at an been displaced. I've been evicted from my home and I am a second generation san franciscan. I want to go into the plant itself. Fifty % of affordable housing on all the project should be the mandate requirement.

Is consistent with the housing

balance policy passed in 2015.

30-90 % ami as a sliding scale based on the side of the project

and the number of units. Let's get into a local higher.

I'm a tech worker because I have graduated from a workforce development program, mission techies.

That being said, there is going to be 30-60,000 new jobs that are coming in there.

We will only have 8,000218000 new housing units. We need to make sure they are available first or 18th for 18 -- local higher. the community has an employment plan and that will be a good option for that. We need to take it a step forward and -- further and make sure every company in here does that are -- they're part and that means basically we need to have internships and paid programs set up based on the size of the tech company.

1-25 they should have a minimum internship program. Anything other than that they can afford to hire another employee from a number of

different nonprofits -- profits.

I can name on and on. There needs to be a sliding scale so that way we are making sure our community can get into the tech sector to work at a company where we have 25 employees and I'm the only latino. I want to see more of my brothers and sisters and community in the room. That being said there needs to be intermediate emergency controls that are put in place

right away and right of first refusal for residential renters and nonprofit and commercial

renters and rent-controlled buildings within the neighbourhood. Thank you for your time.

>> thank you. Do we have any more speakers at

this time?



>> thank you commissioners.

I am excited to be here after a number of years working on this plan.

I want to thank Steve, my and Josh. We have been working with in great detail of a gloss four or five years on these technical issues and many times do not rise to levels of this commission.

I'm here to speak today about issues that have been caught already. We're working with staff to rectify those. There's a handful of other items that are outstanding and so I want to keep the conversation moving forward, understanding that we are still heading

towards the board of supervisors and to have opportunities to make these corrections.

I will leave this letter that was sent to the commission secretary earlier today.

I just want to make two points,

they are actually reflective of

the ground floor you since.

There is a required ground floor noncommercial ground floor

height of 17 feet, which from our perspective, was somewhat surprising when we saw the legislative amendment.

[Please Standby]

>> **President Hillis:** next speaker, please.

>> good evening -- evening, commissioners.

I just want to make a few quick

comments, and the main one is let's not forget what this plan

is seeking to do.

It's seeking to manage growth

in jobs that is going to happen in the region. We know that growth is going to happen.

The question is where, and on a

major transit corridor like the central subway corridor is where that growth needs to happen. In emergency room it's of jobs versus housing, of course we

all support more housing -- in

terms of jobs versus housing,

of course we all support more housing, but this is one small

slice of the city on a major transit corridor that is being

developed with a huge public investment, and it makes sense to put jobs here.

And in terms of, as you've

heard from several speakers,

preserving the character of the neighborhood, we are absolutely

supportive of that. The flower narcotic is one aspect of that. We want to support the character and those jobs that are there today.

I want to just also thank the

director and the staff for the

proposal for the compromise on

the TDM plan.

75% is a reasonable compromise. Obviously, we had been

preparing for the 50% level, but 75% is certainly better

than the alternative, so thank you for that. Finally, I just want to say thank you to the entire commission and the staff, especially Mr. Wertheim for all the work that they've put

in over seven years. It is truly an achievement, and finally, I have a letter for the board. Thank you.

>> **President Hillis:** thank you. Next speaker. >> commissioners, good afternoon.

Joseph smook with the south of market community action network. Despite many hours of meetings

and hours of testimony and public hearings, we in soma

feel that the plan does fail to

address the very real and persistent problems and

pressures that are facing the south of market community. Excuse me. We keep hearing about the

increase low. We of course would contend that many projects have come before

you in soma already that have created significant impacts

that have been far shorter than

160 feet, and we would argue

that they're not being ministerial approvals. I think what's more concerning

that the housing sustainability district seems to be a late but

significant entry, so we would ask for your consideration of continuing this hearing to fully consider what that means for the whole plan, so thank

you very much.

>> **President Hillis:** thank you.

>> good evening, commissioners.

Angelica cavanada.

I have a letter here for you that's from 17 organizations across the city who expressed significant concerns about the

impact that the central soma plan has currently written will

have on housing, displacement and employment creation for

soma residents and the working class community citywide.

I know we're all tired, but you know -- I know I'm emotional

right now, and it's not to belittle the work that your

staff has done, every time I

hear seven years, ten years

work, that really irks me

because my community, the filipino community has been

advocating time and time again around don't displace our community.

Since the 70's. That's four decades.

We used to have over 5,000 filipinos in soma.

Now it dwindled down to 2500,

and it's still declining.

Every day, we see filipinos

that's being evicted that's the

south of market, and now you're adding on this new plan that will add onto the stress the declining health of our community, and the sustainability of our community.

It's great that we have a soma

pilipinas, a cultural district, but when do we say that we really need to plan for the future of our communities, that will have the people that actually fought and are proud to be in that neighborhood?

We want a cultural district

that has filipinos, not an

after thought, not a plaque that we were here. We want to continue having our

children growing from bessie carmichael and being able to stay here.

Our youth is wondering, are they going to be able to stay

in san francisco, and these are high school youth, these are

8th graders trying to figure out, are they going to be able

to stay in san francisco?

This is our reality every day.

So when I hear that it's been ten, 15, whatever, look at

what's going on in san francisco francisco. We're losing our communities. And yes, we heard numerous times that there's some legislation here that you might not have the authority to add

on or put into this plan as

planning commissions, but you do have the full -- the vote to continue it so we could

continue working to fix this. Thank you.

>> **President Hillis:** thank you.

Next speaker, please, Mr. Wu.

>> hello, commissioners.

David wu with the south of market community action network. I wanted to continue with some measures that we've been

proposing that are seriously needed to address displacement and community concerns that are contained in the letter that

was just submitted to you,

again, signed on by 17 organizations against the city. We demand strong measures be adopted in the central soma plan to support job creation

for local residents for development under the central

soma plan to be accountable and

equitable, residents must be employed with fair wages and working conditions. One, for all residential

development more than ten units and all commercial development over 25,000 square feet require

the developer to provide a community good jobs employment plan for public review and comment prior to consideration of project approval by the planning department that

details the goals of all the permanent jobs within the

future development for hiring south of market and central city residents, especially disadvantaged persons at good living wages with benefits and

that details how those goals

will be reached.

Unless the following community

accountability targets are met,

as will be outlined in one second, hotels should be excluded from the central soma plan. These targets include targeted hiring for end use jobs with employers committing to hiring targets for vulnerable residents of central soma and the region, intention in promotion with employers committing to prevention and promotion targets, workforce development where worker fee will support workforce programs. And living wages, stable schedules and fair working conditions where employers shall pay living wages, provide fair work schedules and respect employees rights to form a union by signing a card check knew electricality agreement with the residents and unions. Adopting the above recommendations is a minimum necessary step towards stabilizing and protecting the existing community in the south of market, especially those who are most vulnerable to displacement. As such, we urge you to adopt these recommendations before your final approval of all of the plan.

All these demanding mustings met to address the very real displacement pressures that will come with this plan.

These demands must be met to sustain this plan.

The planning commission, I urge you, should not adopt the plan today and the adoption hearing should be continued to allow for more time for this confusing component of the plan and for more time to allow understand and impact the displacement and gentrification that will come with it. Thank you.

>> **President Hillis:** thank you.

Next speaker, espla. >> good evening.

My name is Diane Ruiz.

With the central soma plan, the

city had the chance to address

the advanced gentrification of central soma. Instead of plan with its complete lack of strategies to address displacement impacts and its huge imbalance of jobs

and housing will turn up the gentrification and displacement

to warp speedment the city has

a moral impairment -- [Inaudible] >> you as planning commissioners need to direct

the board of supervisors to do so. Yob how many times I've heard this planning commission and the city say we need more

housing to relieve the pressure of the increased population coming for the jobs. While I don't believe in increasing supply of luxury

housing to deal with this problem, I do believe in addressing the demand and the

central soma plan will create unprecedented demand through the whole city.

Soma is one of the few areas in

the city where we can build and we should be building there new

affordable housing and aggressively acquiring land to do so. We should also be buying as many rent controlled buildings as we can. In order to pay for this, we

should be capturing the billions in added land value given to landowners and developers and taxing the

corporations who want to locate in 94103, some of which are the most profitable in the history of the world. We should be using the central

soma plan to address the raise in class and equality in the city and meet the needs of the existing community. Instead of digging us out of the hole we're in, the central soma plan will ensure we will never see the light of day.

Streamlining approvals is not the solution, but this was proposed so soon after the board of supervisors rejected

the state bill sb 827 is crazy. There's already rampant

building in soma.

Up zoning small parcels of land

on the west side where it's already built out means demolition and displacement, so I don't like where that

conversation is going, but this

will be a justification to increase gentrification displacement in other areas which are vulnerable and do experience evictions.

Now is the time to address

inequality in the city.

**>> President Hillis:** thank

you, Miss Ruiz. >> sue hester.

I would like to support what somcan just was talking about. There is a community existing in the south of market, and

they're being ignored in this plan, in legislation because

number h, h as in hester is a housing sustainability

district, and that was just provided a week ago, and this is the first hearing. I'm going to devote all my time

to talking about this.

One of the things that is

missing is the concept of

notice, n-o-t-i-c-e, notice. That is one of the short

comings in the eastern

neighborhoods plan because it

eliminates all environmental notices.

Planning gives the best notices

for two project -- two

**categories:** environmental notice, because environmental

notices go to tenants, t-e-n-a-n-t-s.

311, 312 notices which don't exist south of market because

they are designed for our districts.

So those go to tenants and to

homeowners, occupants, and

unless you have supervision in

this expedited process for housing, there will be no notice for anyone. You have all kinds of timelines and you have no notice requirements in there.

This legislation has all kinds of you get this, you get this, you get this. What notice is there to the people who live there, especially people who live in the residential areas that you just heard from somcan?

I asked -- I challenge Mr.

Wertheim to come up here and

tell me, tell you, what notice

is given to anything in the

south of market when there is

no environmental view, there is no notice.

When everything is expedited, there is no notice.

we're going to have a lot of

projects that will go through and pardon me, I don't really

have a lot of faith in the planning department staff to

understand if there's tenants

in it a property.

Too often, I know from reading plans, there are tenants, and

the planner has no idea there

would be tenant displacement, and so they're not even asking the questions.

So until you really understand what notice is given, you don't

have a plan that's worth approving ever. Thank you.

>> **President Hillis:** thank you, Miss Hester.

Next speaker, please. >> good evening.

Christina lombach.

I'm just following up on Mr.

Vetles testimony and just turn in some documentation.

And also I wanted to say thank you.

We're a family that's been in san francisco for almost 100

years, and we're trying to

build a family residential tower, residential homes,

rental homes, not luxury condominiums for real people,

for real families that can live

in san francisco and use our

wonderful community facilities,

be part of san francisco.

And we wanted to thank Mr. Wertheim, the director, the commissioners.

This must be a thankless, thankless job to sit here day in and day out. But thank you for your attention, and we hope our

project brings joy and hope and happiness to the people and the community of the south of market. Thank you so much for your attention.

Mr. Ionin, jonas, I've known you for God knows how long. We're still looking good, and could you put that on the record, please, and give that to the commissioners and director. Thank you so much from our family to you. Thank you.

**>> President Hillis:** thank you.

Next speaker, please. >> good evening, everyone.

My name is lauren burnham, and you represent the tuolumne river trust.

The central soma act will early

exacerbate the acute imbalance we're facing in san francisco and the bay area.

This will contribute to further

gentrification of our unique neighborhoods, increase traffic

on our already congested roads,

and increase the demand on the

resources that sustain certain things, namely, the tuolumne river.

As you may or may not know, the tuolumne is the main source of

water for san francisco.

This urban demand has negative

impacts on the health of the river and the humans like you

and me that rely on it.

While san franciscans have

shown their commitment to

stewardship of the tuolumne by water conservation in the last drought, the water we use is

being used to facilitate projects like the central soma project. One as secretary is the flower mart.

The flower mart's water supply assessment confirms that the

water supplies for this project

will come from the water that

was conserved by you and me, by

all san franciscans.

This pushes the bay delta and the tuolumne river ecosystem

dangerously closer to collapse. No matter your class, no matter your race, no matter your day-to-day schedule, no matter

your problems, you and I cannot

survive without water. Well, a river cannot survive without water, either.

I urge you to consider the long-term implications this

project will have on our water

resources and on our community. Thank you.

**>> President Hillis:** thank you very much.

Next speaker, please.

>> good evening, commissioners. I also have something for everyone, too. Please. My name is andrew and I am with the we are soma coalition. We have been filled with

numerous soma groups and the demands outlined below are kplektive community demands.

These are not new. We have been talking and

presenting to the planning department for months.

These must be met in order for we are soma to support the plan.

We want to see a plan that

represents the vibrancy and community of soma, and directs funding to the area and goals that are most needed. Schools and child care, to require that child care

facilities and major new developments, facilities should be provided on-site where it is physically possible to do so. Parks and recreation, if there

must be popo, rather than city parks, establish a community review board to create new design guidelines and a

mandatory review process where

the community review board must approve them before they are presented to the planning commission to ensure they are friendly to children, neighborhood families, youth

and seniors.

There

there -- complete streets, soma safety control in order to lead

a community planning process for these changes, alleyways

must be prioritized in

improvements and changes.

Environmental sustainability,

create a pub participation

process via the soma C.A.C.,

and lastly require living laws in new developments. Thank you for your consideration.

**>> President Hillis:** thank you very much.

Any additional public comment? No? Seeing none, we'll close public comment and thank you all for coming here.

I know it's been a long day,

and it's obviously a long time planning this and getting to

this point, and we do truly

value the info we get here in

e-mails and out in the community. It's already considerably

shaped this plan and we look to it to continue shaping it.

So we will open it up, if there

is any commissioner questions

or comments. Commissioner commissioner

commissioner koppel?

**>> Commissioner Koppel:** again,

I want to thank all the staff,

director rahaim, the whole environmental review department, as well as supervisor kim's office for all

the collaboration on this plan.



Been supportive of the plan in the past. I'm still supportive.

Like to see us move forward

with all seven items today. I'm not supportive of the midrise option.

I think this is a time to prioritize office development. This is one of the few remaining locations in the entire city of san francisco where we can develop office.

It's right next to the transbay terminal. It's right next to caltrans. It's right next to the central subway.

This is the right place for this development. I'm looking at a couple of the

big developers involved in this

**plan:** tischman, kilroy, tds, all that have been contributing

to the city and the local tax base. They've hired local contractors, they've hired san

francisco residents, they've

hired skilled and trained workforces. All by choice.

And let me be clear, this is not always the case with all the projects we approve here, so I think this is a very important deal, and it shouldn't be overlooked and if anything, should be rewarded. This plan still has a very

substantial amount of housing in it. there's a number of housing developments that have already been approved in this area that haven't been built.

We're going to be looking at the hub area pretty soon, which

is going to have a massive

amount of housing, as well, so

I am completely supportive of the housing that's existing in the plan today.

I do want to recognize the jobs

with justice request and am looking forward to making this

a policy of ours and using it down the road when we do see projects like hotels that are

going to be here for their conditional conditional uses. As far as the housing sustainability district, I'm absolutely thrilled this is happening.

I want to send my personal thanks to assembly man david chiu.

I think it's completely ironic

that his bill is being

implemented first in his district in san francisco, so

I'm pleased and others have voiced about the inevitable implications of this

plan are affordable housing and our vulnerable populations. And I know that again and again, there's been a call to

see plans to enable aggressively purchasing, stabilizing and protecting existing affordable housing. And so one thing, you know, I'm

new to the commission, and we might have had this conversation before, but I'd really appreciate having a

hearing with the mayor's office of housing that happens

potentially before the board of supervisors hearing on this to

really kind of get into the nitty-gritty of what plans we already have in place to stabilize our housing stock,

acquire new sites and protect our local community organizations from displacement. How that compares to what other

cities are doing, and ultimately what more can we do

to really put protections in

place for the specific corridor, because this is something -- that's something that will not just help the central soma but will help all neighborhoods who are going to

be going through transition.

And then, I'd just finally also want to echo that I'd be interesting in seeing a -- us developing a policy statement around just a continued encouragement of good jobs with all of the employment employers that are -- players that are coming in to work on this plan.

>> **President Hillis:** thanks. Commissioner fong?

>> **Commissioner Fong:** I think this is going in the right direction. I think it's impossible to come up with a perfect plan after seven, eight years, but I think as the needs of the city grows, housing is an important piece, but so is workforce, and workforce will continue to draw population in san francisco and an economic benefit.

As commissioner koppel mentioned, this is the right proximity. If we're going to do any kind of major push for office, this is the place. I share some concerns about displacement. I thought it was interesting, the one comment to try and get out in front of that a little bit. I'm not sure how to do that, but I just want to raise that because I think that's a viable point.

About salmon and water, I don't know if you guys track salmon and water, but it's a significant water, and it's not down to san francisco's problem, and it's not down to

central soma's problem, but it is california's problem, and it's a regional problem, and it's one we should pay attention to. It's whales, it's water temperature -- I've witnessed it personally change the environment in our local waters.

So one quick question, and a general one because I don't want to get into details about it, when we roll out a problem like this, steve, when it comes to infrastructure and anticipating the growth,

whether it's a day use oath growth or evening use growth, school system, fire department, sewer lines, how does all that coordinate from the planning department back into the various agencies and departments of the city.

>> is that more a ceqa question

than a -- hmm...This is a pick up for me because I'm not an environmental expert. I'll let josh take a look at that. >> okay. Josh, sorry.

>> hi, commissioners.

Joshua switzky, planning staff.

just to address the schools questions, supervisor fewer brought that up earlier, and I

thought I'd address that add on. I should address todd david and the hack. The school district has not been talking about increasing schools in the 15 years.

School enrollment was declining steadily for about 20 years

until it bombed out a few years ago. We talked to the school

district and asked them about schools, and they said no way. Our school district enrollment is declining. That has changed since 2009.

Over the course of doing this plan, school enrollment has been rising. We have been working very closely, since times have changed recently and school district enrollment is declining, we have been proactive about that.

We have been meeting almost monthly with the school district during this time to talk about school issues and grapple with that and have them come to terms with schooling in the city.

They are just starting to grapple with that. That said, they actually have two school sites secured in the southeast part of the city, one of which is in mission bay and one of which is in capped will -- candlestick. They just hired a facilities manager to build the mission bay school which would serve mission bay and central soma, so they're well on their way to meeting the demand in this area. There could be more schools needed in the future, and we certainly look forward to working with them on an ongoing basis to identify the need for additional facilities and additional lands.

So sorry, on the schools, we've been very proactive about that.

>> you want to add something? >> yeah. Beyond the school -- our conversations with the school district has actually been in the context of an effort that has been largely invisible to the public to date that we all the southeast framework. We started this on our own volition to deal with the question of critical community facilities in the context of the robust growth that's happening in the southeast from soma all the way down to the county line where about two thirds of the city's growth is happening and will continue to happen.

Because these individual plans, central soma, what have you, we thought it was time to start taking a step back and have a broader look and talk to all these individual agencies, whether it's the library, dcyf and early childhood education, and public health clinics, in terms of fire, police, and the school district particularly to talk about this issue and to get our heads around it.

And we've been forwarding this conversation, working with the city's capital planning department, department of real estate, mayor's office of housing and workforce development, so we're having this robust plan that we've been working on.

>> **Commissioner Fong:** thank you.

I know we've been working on the future, and it's hard to talk about the future as specific as possible, but what

are the planning department's challenges look like in 2026,  
and what about the schools in  
maybe it ends up being on the  
sixth floor of a building, and  
maybe every kid has an ipat,  
and they never leave their  
house, but I think this is a very good plan, and I'm supportive of it.

>> **President Hillis:** thank you.

Commissioner richards?

>> **Commissioner Richards:** I wish you the best, Mr.

Wertheim in your new residence

after the end of this month.

I guess a few things, and I'd

like to, you know, the --

the -- let me take a step back.

I've got four stacks of paper. A lot came in today, and I'm

trying to read it as I go through.

So under the eir, it says unavoidable impact.

Historic resources are going to

be altered and demolished.

Is that a canned sponsor do we

know historic resources that

are slated for destruction?

I have to vote on a statement of overriding considerations.

>> I worked on the historic resource component for the eir.

The plan does identify the historic resources that are

located within the eir and does identify an impact statement that basically acknowledges that historic resources would

be impacted by the development that's occurring within the eir. So it's not necessarily

specific or project specific to specific resources, but it's

basically assuming that on the

whole, historic resource

impacts could occur. >> Commissioner Richards: sure.

So when we did mark and

octavia, we did -- we looked at

what was historic controls and

we downsized that so there was no pressure there.

Is any of that happening there?

>> our strategy around the historic resource has always

been to identify the most  
historic ones and then bring them forward as landmarks so they would be secured.

That's the highest level of security.

The hpc heard some legislation to designate landmark and

landmark districts, in central

soma and closer to downtown we added some conservation districts.

As well, our strategy's always

been to take -- [Inaudible]

>> -- we didn't up zone in that

area, as all, so we've heard comments around lower height

districts, well, it's around

the south park and the south of

market districts.

>> **Commissioner Richards:** I

feel much more comfortable. Thank you.

I think everybody's on board to increase as much housing on

blocks and lot numbers. I think, the other question I

had -- after sitting through, I felt a little uncomfortable because after sitting through

the 430 main, I'm looking here

in the packet about what the role the department May play in relationship in how it feels

with developers in terms of extending permits that are acting in good faith, but I don't really understand what

good faith looks like.

It's kind of mushy gushy, so I

can't imagine the department

would say we're rerevoking

your -- revoking your permit

because you're not operating in good faith. I think you need it. I really do.

It gives you a leg to stand on, director, because you're going

to be making the decisions and

it also gives clarity to the

developer, hey, we've got to do this and perform, rather than

at the end of 36 months, go oh, no, I didn't know I had to do it, and then be on the spot to force a decision.

We just had one that hey, it wasn't feasible. I'd like for you to tighten

that up or at least have some sort of a memorandum that you put forth on what you think

your decision criteria would be based on.

The other one, yeah, a question

for the we are soma folks.

Who speaks for we are soma? There's got to be someone, we  
are soma, somcan? >> I read your letter, and there's some things that are in the letter.  
There's a we are soma letter,  
and there's a s O mcan letter.  
There's someone here that  
looked like they could be accomplished through money from the community benefits package. The question I have is, have  
you identified this with the department on what it would  
cost to acquire sites so when  
the C.A.C. Is formed -- and I  
hope you're a C.A.C. Member,  
and I hope all of you apply because you are soma.  
How much of what's not on your table today do you think you're going to be able to get  
through, the 2.2 billion because you're going to be on the C.B.C. Recommending these things get doled out. >> so definitely, we've been  
working with planning staff in  
terms of where we would like to  
see the 70 million go towards.  
What somcan is raising the issue of the impact that's  
going to happen once this plan is passed. Those things are what we're  
raising the needs to be addressed now, not till -- not  
when the money rolls in five,  
ten years after, because within  
just even a year, the land  
value in soma right now, it's  
about two to 3 million to buy a site for small sites.  
That's going to increase, and the city doesn't have all the  
money in the world to -- to buy  
those sites after the fact. That's why we're saying buy is  
now when the land is still lower.  
So lower -- we've been working with the planning staff on the mitigation. We need the mitigation up front, and there's numerous  
ways the city could do that,  
which was laid out by the speaker they had earlier.  
So those are the things we're  
uplifting right now. >> Commissioner Richards: okay.  
so the benefit, the 2.2 billion, cover me, I think  
there could be man money in  
there to achieve some of those goals.  
>> there could be, but if you read the actual document from staff, it's also money that we don't know that if the developer's going to pay on-site or off-  
site.

It's -- we still don't know

what they're planning to do. >> Commissioner Richards: okay. So having been on a C.A.C.

Myself, having to sit down and

work with staff to make this

more granular, so it's actually kind of the work product of the

C.A.C. To say yeah, we

identified this up front -- especially with the ab 73, you're going to have money rolling in right away, I think

because there's no -- there's no deferment clause. At the scene at the time of the application and permit being pulled and approval, so I think this is going to be something

good to get out this stuff happening pretty quickly. >> yeah, I mean, I actually sat

in the soma stabilization fund. I was in the beginning of that, and it still takes time to actually purchase sites.

It takes six to eight months,

and by that, we actually lost

some sites due to the length of

time for the city to purchase sites, so those are other

things to take into consideration. I would hope, maybe -- and I'd qualify what I just say that

there may be creative ways to

tie up sites until the money comes in by buying up an option

to buy the site, rather than buying the site right way. So those are things that I

think would work with the mayor's office and planning department. >> that's why the right of first refusal is so important to preserve those sites before

it goes on the market. >> Commissioner Richards: that's basically what an option is.

You have to pay for it, though. Nothing's free. Thank you very much.

The other couple of things that

I highlighted here revolved around some of the -- sorry. There's so much up here, some

of the mitigation measures.

Let's see here...Okay.

So in the implementation plan,

7.4, page 20.

It talks about department requiring the development

have -- it's been a long day, folks, sorry. The urban design guidelines applied to projects as a mitigation measure.

Having sat through what we sat through with 430 main, developer after back and forth and back and forth and back and forth and back and forth says hey, I can't do it.

It's not feasible or I can't

meet your -- what do you do?

I mean, are those required?

Do these need to be met or

they're advisory, and if the developer says no oh, it's not

feasible, are we going to have a hearing screaming back and forth at each other. >> 430 main street, if it had

been done at a later time, they would have been required but

they aren't for that project. >> Commissioner Richards: absolutely.

I was drawing a parallel.

How do you say what you do if a developer says I can't do that? >> yeah. I mean, these are -- you know,

as you spoke with david winslow earlier on that particular project, we're working through

the design review process and we're constantly in that kind of conversation with developers about what is feasible, what is not feasible, but they still have to meet the guidelines. They're open to some interpretation on how they work with individuals.

>> **Commissioner Richards:** they can't be way off. You can't violate eight of the ten. >> no, and midblock open spaces

is in the urban design

guidelines under s-2. >> Commissioner Richards:

another flag I have here is

7.5.4 on page 21.

This is designation of historic

buildings not in ten or 11.

Here we go again, demonstrative.

We've been to this rodeo once

before, and we keep relying on what developers tell us and we don't ask for any documentation.

So I really want -- I think we

should have an infeasibility

policy that says if you say

something's not feasible, you

have to did he monstrably prove

it -- demonstrably prove it. I think the introduction of the housing sustainability district is an interesting concept.

I support the 160 foot height.

I do agree with staff because

over 160 feet, there's a lot more things to deal with and you might not be able to meet the timeline.

So let's try it out, and see if it works. And if you want to raise the

height later on because it works well, let's do it. And there's a lot of other stuff that people handed in

that it's hard to even think

about it at this hour, go point

by point by point, so I'll pass. >> President Hillis: commissioner moore?

>> **Commissioner Moore:** the harder you push a button, the later it gets. Thanks to everybody, staff, all

and everybody sitting in that first row there. Thank you to the director,

thank you, ann marie, herculean effort was made.

Thank you inform May -- to mayor farrell, supervisor kim, for introducing the overlay of

the housing sustainability district. Thank you to supervisor fewer

for weighing in with an important, really super

important comment that I had not heard before -- I May not

have paid attention to it.



There were many things which were said today with you clearly resonate with me.

I'm going to try to touch on them so they can be heard when this particular large project

is being heard by the supervisors. It's policy, support, those May

be areas where certain questions could still be worked on and expanded before it moves onto the next stage. so let me take it from the top,

and I'll try to put them

together grouped by where they belong like general plan amendment and our other five areas of consideration.

However, it gets a little too difficult to sort them exactly into those categories.

What resonated with me is good jobs for all policy is

something which we need to

further explore as we move into

more detail on the housing sustainability district. The idea of adding requirements

for on-site child care seems extremely important.

I think we know of two committed sites, but there are

other key sites where that might become something we consider to really ask for, not

just wait for one voluntary participation.

That goes hand in hand with the idea for school -- the child care in schools I think go into the same consideration for family.

It's important of real life

families living in central soma. The idea of the flower mart comes up again. I'm really pleased to here that this has come a long, long way where it was before. Perhaps there could be policy

of considering that replacement pdr and retail uses in that general area could also be in

direct support of the flower

mart because they are

complementary and synergistic

uses in both places.

Those are ideas that I've been thinking of relative to the flower mart will not be in the same surroundings relevant to new development when it comes

on-line in that new location.

The community has expressed large concerns about

displacement and gentrification to consider a policy for preservation of affordable office and other spaces for nonprofits and cultural

district assets I think is an important element when most of this built trend towards new

office, how do we protect those

who traditionally actually have

lived in this area and May now

be threatened for displacement?

We should encourage a discussion we have not just in this district but every where else and other neighborhoods to

make sure or encourage that

off-site bmr units will be built within the plan area so if there is indeed displacement, that people find

replacement within their neighborhoods. Encourage workforce housing,

something we sometimes touch on

but never aggressively pursue  
because there's really not any particular policy -- it is a  
policy, but there's not much  
implementation that speaks to  
that subject. The schools, I talked about  
that -- as you move along,  
everything becomes important, and you want to talk about everything, but you can't.  
I think there is support, and I  
think it's policy, that the  
recently enacted south of  
market the lgbtq community is recognized, and the planning commission strongly supports it.  
I want to call it out because it's something that recess nates with me.  
I have seen struggles on the  
north of market site where lgbtq was not even properly discussed, and these people were standing in front of us,  
and we were struggling to  
figure out how we could really bring them into this project  
and have them claim their district.  
Reduce parking is an issue that  
we should consider, particularly as a central  
soma -- as the central subway  
is maturing. We just unfortunately heard yesterday, I hate to say it, that there is an additional  
delay as we are pitching the transformation of this district  
to greatly depend on public transportation.  
We May have to look at a gradual further reduction in  
parking ratios in this area.  
I agree with the idea of when commissioner richards mentioned it.  
The 160 foot height seemed to be a well thought out idea, and I would suggest that this  
commission supports it.  
I said that, I said that, that  
Not much was talked about, the  
use it or lose it clause to  
prevent land banking, so entitlements automatically expire after certain time.  
We ourselves often are conflicted when projects come in different location that's  
have already been on the books  
for eight or nine or ten years. This May be an opportunity  
because this is such an  
incredible opportunity that a

use it or lose it clause can be successfully utilized.

I want to speak a little bit more to the specific points that came out of the somcan-we are soma letter and just briefly call out basic policies which I'd just like to mention because they are important. That is the eviction and displacement protection. We have -- staff has done a tremendous job in mapping sensitive sites and there are two strong tools in place to control and protect, but to make ourselves aware and shout this out to the board of supervisors I think is extremely important.

The other one is interim emergency controls. There's the attempt, and I think supervisor kim is very well aware and supportive of it is the increase to -- the measures to increase affordable housing in central soma, coupled with the idea to support job creation for local residents in central soma.

This comes obviously out of the housing sustainability -- out of the housing sustainability district legislation, and I believe the way it's being setup, that targets higher fon end use jobs, workforce development, living wage, stable schedules, fair working conditions, can be feathered in because there is a broad labor policy in that particular overlay already.

I think it will require perhaps more time and more detailed work for the community to continue pushing it, and I hope that staff will be receptive to work with the community to more clearly define and develop the specifics of it. Overall, I am supportive of the plan, I do believe there has been an incredibly forth right and valiant effort to standup and answer all questions.

I am in that line of work in my own profession, and I know how hard it is to be in that line of a cross fire, but I do say with appreciation that I think you have done everything possible that you can do that is not to say that you have done everything are, but there's always room for improvement, there's always room for other questions, and I believe that you have stood open to receive and work with those questions, so I am in support of what you're doing.

>> **President Hillis:** thanks. Commissioner melgar? >> Vice President Melgar: thank you.

I will try to be brief because the hour's late, and we're all tired. So I will also thank staff for an outstanding job.

So in the time that I've been

in a commission for a year and

a half, I've seen this plan take shape and be improved. And you Mr. Wertheim in particular have been very open and responsive to all kinds of people with very different agendas, so I appreciate your flexibility and your hard work in doing this.

I am still -- well, so I'm not going to repeat some of the other comments of the commissioners. I, too, am very happy to see the good jobs policy and the language and all of that stuff. I remember a very worried about the potential for displacement.

We still live in a capitalist society where real estate kind of rules the day in san francisco.

And you know, I wanted to point out one thing, though, in the comment, a lot of the folks were talking about the jobs-housing imbalance as if were a 1:1 number, for every job, we need one housing unit, and that's not quite the case.

You know an average household in san francisco is a size of 2.6. It's not like every single person needs one unit. Nevertheless, we do need to look at it as bigger than that.

But the potential for displacement, adding, you know, a class of jobs that, you know, is higher is big, and so I have been talking a lot to the staff at supervisor kim's office.

I do believe that they are working on stuff, but as I say the mayor's office of housing representative here, I really would like to put you on the spot, and if you could come up and talk to specifically if we have a strategy for the central soma plan. We know that it's coming, and so what are you thinking? >> okay. Amy chan from the mayor kazz office of housing and community development. So our office currently has a few programs or tools to address basically antidisplacement.

So we have a small sites acquisition program, loan program. We're very proud of this program. We basically lend funds to housing developers to purchase, acquire and rehab rent controlled units for -- from 5 to 25 units and on the condition that they're deed restricted for the life of the property. It's been a successful program. We've preserved 25 sites to date and have another 15 sites in the pipeline which would

bring us to a total of 300

units that would be preserved.

Some of these units have active ellis act evictions. Actually we would love to

expand and have more resources

to be able to acquire more

small sites and larger rent controlled properties. We are excited that we do have

a new source of funding for

small sites.

Housing funding candidates have

made a movement to repurpose

the only side mistake -- the old seismic resource funding, and we intend as we roll out this program to largely use a

lot of these funds for small sites. So we are excited about that,

and we absolutely -- this is, you know, a citywide program, but we would absolutely have a

focus, a laser focus on soma and central soma.

In addition, we also fund about \$6 million in eviction

prevention defense and rental

subsidies annually and we fund nonprofit organizations to

basically provide these services. And the south of market is one of the most served communities. So we have -- and we also know

that there's pending

legislation and a ballot

measure that would scale up the eviction defense program to a right to counsel program where

we would be basically serving

any resident who would be

served with an -- a non -- no fault eviction.

So there could be potentially an expansion of our eviction

defense -- our eviction defense program.

And again, it would be a citywide program, but the south of market and central soma would be served.

We would love, again, if with additional resources, we would love to do more both in terms of acquiring the rent controlled properties and in

terms of making sure that we

are providing tenants with the eviction prevention and

services that they need. >> Vice President Melgar: thank you, Miss Chan and you're doing good work. So I guess my question was

more, so it -- you -- it sounds like from your description that

it's -- the aquesignificance program is more of an opportunity driven, you know, program.

There's, you know, a site that

comes up, as, you know, a nonprofit developer, but I'm

wondering if there's an actual strategy to prioritize central

soma because we know that, you

know, this plan will exacerbate the possibility of eviction.

So it's not the same, right, in

central soma that it would be in St. Francis woods.

So we are in terms of a long-term strategy prioritizing that in any way? >> yeah.

And I think we're very

committed to working closely with the community members and

the members of the we are soma

coalition to identify the sites that we should be targeting and

looking at both in terms of the acquisition rehab for

preservation and in terms of sites for new construction of

affordable housing. >> Vice President Melgar: okay. Thank you, Miss Chan. >> thank you.

>> so just to add to that to revisit a point we made

earlier, all of the money that we made from central soma projects has to say in soma, right? So maybe other -- maybe the

city could prioritize other

funding sources for soma, as well, but we know this is one of the lynch pins of the

affordable housing plan, that

the funding will be in soma. >> Vice President Melgar:

thank you.

>> **President Hillis:** just a couple questions, Mr. Wertheim, and thank you for all

of your work on this.

I don't understand why it's so hot in here.

'cause they turned off the air conditioning.

>> about an hour ago.

>> **President Hillis:** but I mean my two biggest issues as we look through this, and I think they've been adequately

voiced -- I'm not sure we have

all the answers for them are one, the jobs-housing balance.

We've landed in the right place.

I'm glad we've -- through modification to the legislation

kind of expanded the number of housing units that can be built

here and capped out on the eir.

But I think director rahaim's

comments have to be getting

that this is the right place for additional office space as

well as housing given the fact

that the city is investing in

infrastructure -- that the city

is investing in infrastructure.

I think it is one of the places

that we can sensibly build offices. I think this is the right decision for the city, it's the right decision for the region. So I think we've landed in a good place on this. On displacement, which I think

is the other kind of big issue, gentrification and displacement, and obviously this is happening here in soma. It's happening in bernal heights, it's happening in the

inner sunset, it's happening in

areas where there aren't plan areas.

Certainly as there's new jobs being created, it'll -- you

know, if we don't keep housing

production at a rapid pace, we'll impact prices and

displacement as values go up. So there were a couple things that I think came up through this.

I mean, this issue of kind of maximizing neighborhood preference for every dollar, it

seems like we're doing that with the fees. And I mean I think it would be good to add to the board of

supervisors that, you know, we try to prioritize as much as possible. I know there's other neighborhoods that have priorities, too, but

neighborhoods that are facing increased gentrification pressures, that they get priority for housing dollars,

and small sites acquisition program which I think is happening, but I don't think

it -- it can't hurt to state it again here and make sure we do that.

There was a question about

public -- publicly owned sites

and prioritizing those for housing.

Are there many publicly-owned sites here in the central soma area. >> there's basically south

park, a fire station and Bessie Carmichael school. In addition to the freeway

right-of-way, we're putting navigation centers, for example. We're making best use of the

land, but there is not a highly public land area. So that's basically why we've been asking the large sites that have been privately held.

They've been great working with us to carve off affordable housing sites. We almost know that land is

going to be almost more of a challenge here than the money.

So that's why the tennis club side and fourth and Harrison side for example are all large sites that have proposed to

dedicate part of their land to affordable housing to us.

>> **President Hillis:** that came

up a couple times here, housing proposals.

>> right now, in eastern

neighborhoods only in the urban

mixed district parcel is there other dedicated used.

It's one of the many tools we can have.

You can pay the housing and

linkage fee, and how, you can have land dedication as well.

>> **President Hillis:** it's

worked in places and we've

encouraged people to do it.

But the plan is sort of agnostic, whether you do that or fee out -- skbl that's right

but we have created incentives to fee out the land. We know that some of the bulk

controls, etcetera, while ner ae really valuable, a slight amendment to a bulk control can free up a piece of land that I feel is a priority for

affordable housing versus a

minor set back or some angle.

We've been very cognizant of that in all these designs to

make sure we can create as many affordable housing sites as possible, and those are the projects that would come before you, and the key sites would be

for you to weigh the pros and

cons, is this affordable housing site worth set backs in the alley and stuff.

**>> President Hillis:** and questions came up on the C.A.C. I know you made the recommendation to split the current C.A.C. Are you recommending kind of

how that's -- how members are

selected for that C.A.C. Or who are kind of -- >> I'm not.

The notion of having two C.A.C.'s. I think it's a good idea.

It's always been an unwieldy stick.

It's twice as big as market and octavia. That being said, one of the

most challenging things is to determine the appointments and then what seats individually

are filled by that.

so it's not ra-ely my place to

say in that negotiation, so I'd

rather we propose there be a C.A.C. And if legislation is

written as part of this plan,

it's worked out at the board and mayoral level where that back and forth has to happen. It can certainly be a trailing piece of legislation as well.

Even though the money isn't

coming in -- the C.A.C. Is

going to work with money that's

not going to come in until the

project kicks in.

**>> President Hillis:** okay.

And then, I think -- I appreciate that the

recommendations on kind of,

again, back to land dedication

and acquiring city owned

parcels which I think go beyond

central soma. My own neighborhood, I couldn't

buy in now, and I don't think

my kids -- I fear they probably can't, either, unless they become -- own their own companies or something. I get that, and it's a big issue, and it's a big issue for us citywide.



I think to some extent we make the mistake of addressing it on a project by project basis in some cases or a plan by plan basis. I don't know why we're not seeing -- we're creating more people in the city, more condominiums, more housing units. I don't know why we're not advancing a parcel tax or something that's a regular source of income that we can bond off and provide much more affordable housing that we can kind of tinkering around the one-time edges.

i think we're doing the most we can in this plan clue -- inclusionary, but I think you can get something around a tax in this city that people will keep paying and keep generating for more affordable housing. When you were talking about how we can acquire more and there's limited resources for small sites programs, with the values that are being paid for housing around the city and how they keep increasing, I mean, I think things like a parcel tax should be looked aand

t and can do much more than these impact fees that we have, although we should do them also. I'm supportive of the housing and sustainability district. I think the period of extension should be kind of on a yearly basis, and it would be good to have the director kind of notify the commission, whether it's during -- you know, notify the commission during director's report or at a hearing about projects that are getting this approval.

I like the notion of having kind of entitlements lapse but I'm worried that we'll hit a down area, no housing is built and we'll not terminating everybody's entitlement, which is the wrong thing to do, but if there's a mechanism for review by the department every year, I think that's appropriate. Commissioner richards? >>.

**>> Commissioner Richards:** just a point of clarification.

I support the recommended modification but that's for the employer in the building, not the construction of the building, correct? >> that's specific to the permitance employers -- the permit jobs in place. >> Commissioner Richards: okay. The question is for residential buildings, couldn't we extend that to the people that actually support the residential building that work there, the doorman, the -- >> yeah.

So this -- this was one of the challenges that we had in the conversations with labor I'm having for the last week is we're concerned. On one hand we're saying faster housing, etcetera, on the other hand we're saying we have to have some kind of hearing on the good, you know, of the permit workers inside. The relative number of workers in a housing development is so much less than jobs, and with ab 73, you're getting the workers that matter which are the construction workers.

And so it's just kind of a bit of a trade off around the value, and that was why labor, talking out to the good jobs

for all folks, agreed to the proposal we put forward which was to not include residential and to just do it for the businesses, knowing that we're solving for labor for the most part with ab 73. >> Commissioner Richards: okay. One other point that's kind of dawned on me.

As the plan gets approved and

rolled out and things start happening, we have a really good way of collecting live data in terms of all the things we're trying to report.

You did the math on 5-m. We're going to be doing a

housing survey or whatever.

Should prop s pass, we would

have a rich trove of information on people who are

getting evicted and have no idea where they're going to live. I think it's going to be good

to have a plan in real-time. Here's what happened. Let devote some big time data to it. And finally, I know we've been talking about this forever and members of the public said this.

We talk about geary street or else.

Let's get geary street going,

like a many geary plan area, so

we can -- mini geary plan area,

so we can follow through for many years what we've been talking about. >> President Hillis: commissioner koppel?

>> well, steve, I think it's about time.

I'm going to move to approve

all seven items. >> Commissioner Richards: second.

>> **President Hillis:** so we can do them all?

>> **clerk:** commissioners, we

strongly recommend you take the certification of the environmental impact report separately. I think there were several amendments that were included by staff if you so choose, so

maybe we take the eir first.

Can you make that motion?

>> **Commissioner Koppel:** yeah.

I'd like to make a motion to

approve the final certification of the eir. >> second.

>> **Commissioner Koppel:** with the amendment made by staff.

>> **clerk:** very good. On that motion to certify the environmental impact report

with the errata sheet submitted

by staff, on that motion -- [Roll call]

>> **clerk:** so moved, commissioners. That motion passes unanimously. Now we can take up the other matters.

>> **Commissioner Koppel:** move

to approve items two through seven. >> second.

>> **clerk:** and there were

amendments to those, too, steve.

>> **Commissioner Koppel:** yeah. Move that the recommendations to at least the planning code

and I'd ask for procedural

advice on this but whether you have a separate resolution regarding the good jobs, the commission policy for good jobs, that's in your packet.

**>> President Hillis:** that's in your recommendations or what was separate from your recommendations?

**>> Commissioner Koppel:** it's a recommendations ---

**>>** it's -- it's

recommendations -- somehow it's

better to have it a separate recommendation.

**>> clerk:** it can be called all together.

**>> President Hillis:** so we can

do it as part of the plan.

**>> clerk:** you can, and if there's individual amendments

to any of the pieces of the

puzzle, this would be the time.

**>> President Hillis:** I think

you have the good housing -- if the good jobs policy, I think

we can add that as a policy under the implementation program. Where do you think it best fits? **>>** well, as a commission -- I don't know. It's commission policy, so it's kind of its own stand-alone thing. Certainly, we can -- we would

add it to the implementation

matrix, I guess, at that point, but it sounds like it should be

its own resolution.

**>>** also, there's our amendments

to the hsd ordinance, as well.

**>> President Hillis:** ann marie? **>>** thank you.

Ann marie rogers. Could you guys maybe clarify for the commissioners, all your recommendations that you would like them to make on each of the actions already included in the draft resolution or do they

need to make motions to add

things to the draft resolutions that are before them? **>>** you need to make motions to add.

I have a list in front of you,

and I spoke today, so there is a complete list that jonas is waving around that would be all the recommendations.

I think there's 30 in your packet, and there's another four or so in front of you.

**>>** and is that list of

recommendations for one ordinance.

**>>** they're all for the planning code and administrative ordinance except for the last one which is a code policy, and that would not be amendment.

Oh it's the only thing.

**>> clerk:** if someone were to make a motion to recommend the

individual motions including these submitted by staff that

would cover it, including the commission policy.

**>> President Hillis:** correct. You asked the question about

the good faith, to that extent,

do you need us to opine on the 12, 24, and 36 months, because you had that as a question in the report, and I'm not sure it was called out. Was your recommendation what period?

**>> I think it's -- you -- those**

specific ones are not in the

resolution or drafted, so those would be I think recommendations that you as a

commission would make to the board. **>>** and my sense of that what might be the most beneficial

thing to do is since it gives the director that authority is for the director to issue what we call a director's bulletin

that specifies what constitutes good faith efforts.

And I -- and you can certainly ask me to do that before this

thing is implemented.

**>> President Hillis:** okay.

**>> Commissioner Moore:** would

you copy us on that? **>>** absolutely.

**>> Commissioner Koppel:** let me try this.

I'm going to move to approve items two through seven, including amendments to the

planning code, including all recommendations on this sheet of paper and the amendments

also to the housing sustainability district and

then also the policy resolution recommendation or the good jobs for all.

**>> President Hillis:** second.

**>> clerk:** thank you, commissioners. So commissioners, there is a

motion that has been seconded

to adopt the ceqa findings for the central soma man, the general plan amendments, planning code, and

administrative code, and implementation program, and planning code and business tax

regulation code amendments for the central housing sustainability district with the modifications recommended

by staff and submitted to you,

In addition to the modifications independent of

that to the housing sustainability district proposed by staff.

On that motion --

[Roll call]

**>> clerk:** so moved, commissioners.

That motion passes unanimously, 7-0.

**>> President Hillis:** all right. Thank you.

And Mr. Wertheim, good luck in sacramento.

It's been a pleasure, and a pleasure in seeing this plan move forward.

CASE NUMBER:  
For Staff Use only

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BOARD OF SUPERVISORS  
SAN FRANCISCO

2010 JUN 11 PM 3:29

# APPLICATION FOR Board of Supervisors Appeal Fee Waiver

## 1. Applicant and Project Information

APPLICANT NAME: Angelica Cabande		
APPLICANT ADDRESS:	TELEPHONE:	
	( )	
	EMAIL:	
NEIGHBORHOOD ORGANIZATION NAME: South of Market Community Action Network (SOMCAN)		
NEIGHBORHOOD ORGANIZATION ADDRESS:	TELEPHONE:	
1110 Howard Street San Francisco, CA 94103	(415 ) 255-7693	
	EMAIL: acabande@somcan.org	
PROJECT ADDRESS: Central SOMA EIR and Area Plan		
PLANNING CASE NO.:	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY):
2011.1356E		

## 2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

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

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

Submission Checklist:

- ☐ APPELLANT AUTHORIZATION
- ☐ CURRENT ORGANIZATION REGISTRATION
- ☐ MINIMUM ORGANIZATION AGE
- ☐ PROJECT IMPACT ON ORGANIZATION
  
- ☐ WAIVER APPROVED                      ☐ WAIVER DENIED



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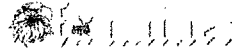
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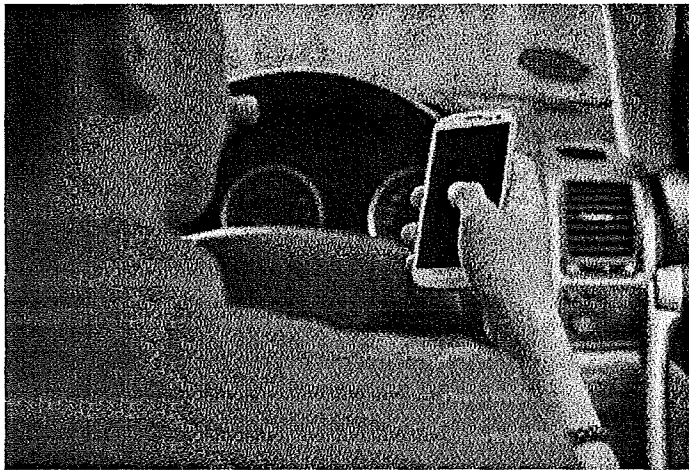
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# DA's office, community group release separate pedestrian-vehicle safety initiatives



April is Distracted Driving Awareness Month.

By Rob Nagle on April 29, 2014 12:00 am

In the wake of seven pedestrian deaths this year and April being Distracted Driving Awareness Month, a South of Market area community group wants to remind drivers to slow down, and the San Francisco District Attorney's Office has an ominous warning for distracted drivers.

District Attorney George Gascón said Tuesday that his office's vehicles will be equipped with a bumper sticker that says "Do your job — or we'll do ours."

The sticker will also feature the phrase "Share the Road" and will emphasize that all drivers, pedestrians and cyclists should obey all traffic laws to keep the streets safe.

"We hope that these bumper stickers serve as a constant reminder to everyone, to follow the rules of the road," District Attorney Gascón said. "When a case gets to my office, it's already too late."

In a similar light, the South of Market Community Action Network is convening an action Wednesday to raise awareness on pedestrian safety in SoMa, the Tenderloin and Mission Bay.

Dubbed "Day of the Child," SOMCAN wants to draw attention to the

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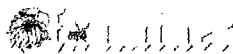
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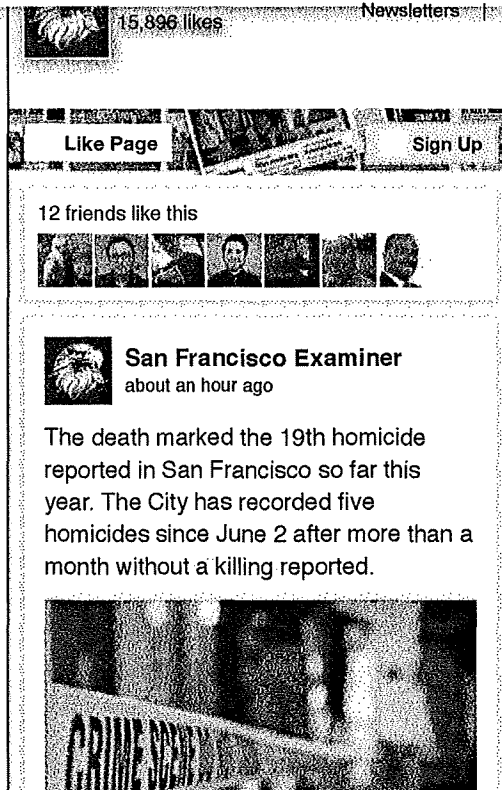
from vehicles cause asthma and other respiratory problems in children.

Traffic congestion also makes it difficult for children to navigate their way to school, they said.

The event will be at Bessie Carmichael Elementary School at 375 7th Street at 4 p.m.

Last week, the San Francisco Police Department and the California Highway Patrol engaged in a joint operation along Van Ness Avenue and areas South of Market to ticket and cite distracted drivers. The operation resulted in 126 citations.


**Click here or scroll down to comment**



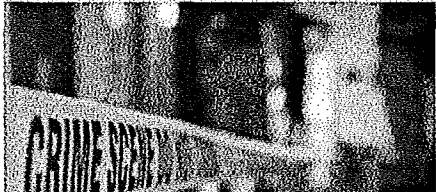
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 **San Francisco Examiner**  
about an hour ago

The death marked the 19th homicide reported in San Francisco so far this year. The City has recorded five homicides since June 2 after more than a month without a killing reported.





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**The Yerba Buena Neighborhood Consortium**

c/o 230 Fourth St. San Francisco, CA 94107

A Council of the Yerba Buena Neighborhood's Residents and Community Organizations

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2018 JUN 11 PM 3:59

June 11, 2018

London Breed, Board President  
and Members of the Board of Supervisors  
c/o Angela Calvillo  
Clerk of the Board of Supervisors  
City of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Subject: Appeal of Central SOMA Plan EIR Certification  
Case No. 2011.1356E  
Planning Commission Motion No. 20182

Dear President Breed and Supervisors:

The Yerba Buena Neighborhood Consortium appeals the Planning Commission's certification of the EIR for the Central SOMA Plan. The Consortium submitted comments on the Draft EIR and appeared at the Planning Commission hearing to object to certification of the EIR and Plan approval. I attach a copy of the Commission Motion No. 20182, adopted on May 10. This appeal is timely as it is filed on the first business day following Saturday June 9.

The Central SOMA EIR fails to meet the bar of an adequate, complete, good-faith effort at full disclosure mandated by the California Environmental Quality Act (CEQA). Outstanding EIR inadequacies identified by our Consortium and other commentators during the EIR process to date, *here incorporated by reference*, require that the EIR be revised and recirculated for further public and agency comment. The EIR is not adequate, accurate and objective, sufficient as an informational document, nor correct in each of its conclusions.

The EIR's inadequacies include its failure to adequately analyze site-specific and cumulative environmental impacts, or identify and analyze feasible alternatives and mitigation measures, or adequately respond to oral and written comments. The City's CEQA findings are not supported by substantial evidence.

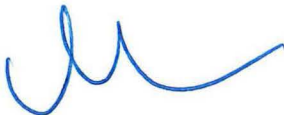
A primary defect is the EIR's failure to evaluate and mitigate the Plan's impacts on public services and recreation facilities. (See, e.g., *Mani Brothers v. City of Los Angeles* (2007) 153 Cal.App.4th 1585 and CEQA Guidelines, §§ XIV

[public services] and XV [recreation].) An EIR must study and mitigate every issue for which there is a fair argument of significant environmental impact. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099.) New residents and workers — +9300 and +36,400, respectively, according to the EIR at IV-6 — will so increase the resident and daily population of Central SOMA that they will require substantial new services. The 2015 Initial Study improperly scoped out this issue and the EIR Responses to Comments improperly deferred it. With population increases at the scale of a new city, to keep our City livable reasonably foreseeable facilities must be studied and planned for now as part of the Plan.

Another material defect is the EIR's failure to evaluate and mitigate *cumulative* impacts on public services and need for recreation facilities that will be created by the growth of resident and worker population in the entire Central City of San Francisco over the same time span, including the Central Business District and adjacent neighborhoods as well as Central SOMA — thus South of Market, Central Market, the Tenderloin, and Chinatown. Up to 100,000 more residents and 50,000 more jobs may materialize. At that scale, new public services and facilities will be needed, and there has not yet been environmental review or mitigation of this cumulative scenario in *any* San Francisco EIR to date.

Our TODCO Community Plan reasonably proposes that as mitigation for the increased resident and worker population growth, all new office developments should be conditioned to include space for recreation facilities where feasible, and/or as a priority criteria for discretionary allocation of Prop M office allocations. Further, the scope of the proposed Community Facilities District should include funding for construction and operation of no-fee recreation facilities anywhere in the South of Market area, not just Central SOMA. These mitigation measures are feasible under CEQA's rubric and must be analyzed in the EIR and then adopted. (See Pub. Resources Code, §21081.)

Please grant this appeal to ensure that the Central SOMA Plan will address and mitigate its significant environmental impacts. Thank you.



Sincerely yours,  
John Elberling, Chair

cc: **Lisa Gibson**, Environmental Review Officer  
via email [lisa.gibson@sfgov.org](mailto:lisa.gibson@sfgov.org)

**Susan Brandt-Hawley**, Brandt-Hawley Law Group





# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. 20182

HEARING DATE: MAY 10, 2018

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CA 94103-2479

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Information:  
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*Case No.:* 2011.1356E  
*Project Address:* Central SoMa Plan  
*Zoning:* Various  
*Block/Lot:* Various  
*Project Sponsor:* San Francisco Planning Department  
Steve Wertheim- (415) 558-6612  
[steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)  
*Staff Contact:* Elizabeth White- (415) 575-6813  
[elizabeth.white@sfgov.org](mailto:elizabeth.white@sfgov.org)

### ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CENTRAL SOMA PLAN.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2011.1356E, the "Central SoMa Plan" (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 April 24, 2013.
  - B. The Department held a public scoping meeting on May 15, 2013 in order to solicit public comment on the scope of the Project's environmental review.
  - C. On December 14, 2016, 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.
  - D. On December 14, 2016, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

- E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on December 14, 2016.
2. The Commission held a duly advertised public hearing on said DEIR on January 26, 2017 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 February 13, 2017.
  3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 60-day public review period, prepared revisions to the text of the DEIR in responses 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 the Responses to Comments document, published on March 28, 2018, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
  4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Responses to Comments document all as required by law.
  5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
  6. On May 10, 2018, the Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
  7. The project sponsor has indicated that the presently preferred alternative is the Central SoMa Plan.
  8. The Planning Commission hereby does find that the FEIR concerning File No. 2011.1356E: Central SoMa Plan reflects the independent judgement and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Responses to Comments document and the errata dated April 5, 2018 and May 9, 2018 contains no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
  9. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the Environmental Impact Report:
    - A. Will result in the following significant and unavoidable project-specific environmental impacts, which cannot be mitigated to a level of insignificance:



- a. Central SoMa Plan development, including proposed open space improvements and street network changes, would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating and environmental effect. Specifically, the Plan could result in traffic noise along Howard Street (under the two-way option for Howard and Folsom streets) that exceeds the noise standards in the General Plan's Environmental Protection Element.
- b. Central SoMa Plan development would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5.
- c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.
- d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in crosswalk overcrowding at the following intersections:
  - i. Third/Mission
  - ii. Fourth/Mission
  - iii. Fourth/Townsend
- e. Central SoMa Plan development would result in an increased demand for on-street commercial and passenger loading and a reduction in on-street loading supply such that the loading demand during the peak hour of loading activities would not be accommodated within on-street loading supply, would impact existing passenger loading/unloading zones, and may create hazardous conditions or significant delay that may affect transit, other vehicles, bicycles, or pedestrians.
- f. Construction activities associated with Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would result in potentially hazardous conditions.
- g. Central SoMa Plan development, including the proposed street network changes, would generate noise that would result in exposure of persons to noise levels in excess of standards in the *San Francisco General Plan* or Noise Ordinance (Article 29 of the *Police Code*), and would result in a substantial permanent increase in ambient noise above existing levels.

- h. Central SoMa Plan development, including the proposed street network changes and open space improvements, would result in construction activities in the Plan Area that could expose persons to substantial temporary or periodic increase in noise levels substantially in excess of ambient levels.
  - i. The operation of subsequent individual development projects in the Central SoMa Plan Area and the proposed street network changes (but not the proposed open space improvements) would violate an air quality standard, contribute to an existing or projected air quality violation, and/or result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.
  - j. Central SoMa Plan development, including the proposed street network changes, would result in operational emissions of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants that would result in exposure of sensitive receptors to substantial pollutant concentrations.
  - k. Subsequent future development under the Plan could alter wind in a manner that substantially affects public areas.
- B. Will contribute considerably to the following cumulative environmental impacts, which cannot be mitigated to a level of insignificance:
- a. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative land use impact. Specifically, one-way and two-way options for Folsom and Howard Streets could make a considerable contribution to cumulative traffic noise levels, which would exceed the noise standards in the General Plan's Environmental Protection Element.
  - b. Central SoMa Plan development would contribute considerably to significant cumulative historical resources impacts because the Plan could result in demolition and/or alteration of historical resources.
  - c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative transit impacts on local and regional transit providers.
  - d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative pedestrian impacts.
  - e. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative loading impacts.



- f. Central SoMa development, including the proposed street network changes and open space improvements, would result in cumulative noise impacts.
- g. Central SoMa development, including the proposed street network changes, but not open space improvements, would contribute considerably to criteria air pollutant impacts under cumulative 2040 conditions.
- h. Central SoMa Plan development, including the proposed street network changes but not open space improvements, would result in exposure of sensitive receptors to substantial levels of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants under 2040 cumulative conditions.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of May 10, 2018.



Jonas P. Iorin  
Commission Secretary

AYES: Moore, Koppel, Johnson, Richards, Hillis, Melgar, and Fong  
NOES: None  
ABSENT: None  
ADOPTED: May 10, 2018



## The Yerba Buena Neighborhood Consortium

c/o 230 Fourth St. San Francisco, CA 94107

A Council of the Yerba Buena Neighborhood's Residents and Community Organizations

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Lisa Gibson  
Acting Environmental Review Officer  
San Francisco Department of City Planning  
1650 Mission Street  
San Francisco, CA 94103

February 13, 2017

RE: Central SOMA Plan DEIR: 2011.1356E

This DEIR is legally inadequate per CEQA for the following reasons:

1. Not only does it fail to evaluate the CSP's project-specific and cumulative South of Market-wide impacts of 10's of thousands of new residents and workers on Public Services, as detailed in our Comment of January 17, it thereby also fails to identify those impacts as cumulatively Significant and then propose Mitigation Measures as required by CEQA.

Any competent analysis will confirm that new SOMA resident households and workers will add demand for hundreds if not thousands of new childcare slots, and that in fact the existing supply of childcare facilities is already known to be insufficient for the current SOMA population. As a Mitigation Measure our TODCO Community Plan proposes that space for new childcare facilities with required outdoor area be required to be included in all new office developments on sites bigger than one acre.



A competent analysis will confirm that existing public recreation facilities are insufficient for the cumulative needs of current plus future SOMA households, especially indoor facilities. There is now just one no-charge public indoor basketball facility, no public swimming pool, and no other public recreation facilities of other common types. Many do exist in private clubs in SOMA, but these are expensive and so not realistically available to all current and future households. There is also insufficient City funds set aside to build such facilities in the future. As a Mitigation Measures our TODCO Community Plan proposes that space for such new public recreation facilities be required to be included in all new office developments where feasible, and/or as a priority criteria for discretionary allocation of Prop M office allocations, and that the proposed Community Facilities District authorized scope include funding of construction and operation of no-fee public recreation facilities anywhere in South of Market, not just Central SOMA.

What stands out from the CSP and its DEIR is that the Department claims it wants a family-friendly San Francisco, but that it doesn't really mean it – won't do what it takes to make that happen in real life. Actions – or lack thereof – speak for themselves, far louder than words.

John Elberling  
Chair

Cc: Susan Brandt-Hawley

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JOHN H. ELBERLING		90-7162 3222 41513	1709
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**From:** Phillip Babich  
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**To:** San Francisco Board of Supervisors

**Date:** June 11, 2018

**Subject:** *Appeal by One Vassar LLC of Planning Commission's Certification of the Environmental Impact Report for the Central SoMa Plan*

### Introduction

This appeal is submitted on behalf of One Vassar LLC ("One Vassar"). The San Francisco Board of Supervisors ("Board") should reverse the Planning Commission's ("Commission") certification of the Environmental Impact Report ("EIR") for the Central SoMa Plan. The Commission's certification was erroneous for three main reasons. First, the EIR did not consider a project alternative with higher housing density as a means to substantially lessen significant impacts on transit, traffic, and air quality. The Commission's failure to do so violates the California Environmental Quality Act ("CEQA"). Second, the EIR violates CEQA because it failed to discuss inconsistencies between the Plan's goal of 33% affordable housing and the Housing Element of the General Plan's goal of 57% affordable housing citywide. And, third, the EIR violates CEQA because it did not discuss inconsistencies between the housing sustainability district ("HSD") designation for the Plan area and the Housing Element; the HSD provides expedited review for residential projects taller than 160 feet only if the building is 100% affordable, a disincentive to building affordable housing units, whereas the Housing Element, as previously stated, requires substantial increases in the number of affordable housing units citywide.

For these reasons, the Board should reverse the Commission's certification of the EIR.

### Factual and Procedural Background

In December 2016, the City and County of San Francisco's Planning Department ("Planning Department") released the Draft Environmental Impact Report ("DEIR") for the Central SoMa Plan. (Exh. 1.) The public comment period ended in February 2017. (*Id.*) One Vassar timely submitted its comments on the DEIR [Exh. 2] and, as such, has standing to bring this appeal.

On May 10, 2018, the Commission voted unanimously to certify the EIR and its findings under CEQA. (Exh. 3 at pp. 10-12.) The EIR findings included, among other things, that the Central SoMa Plan would result in significant and unavoidable environmental impacts even with mitigation measures with respect to transit, traffic, and air quality:



- Transit: Development under the Plan “would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause substantial increase in delays resulting in adverse impacts on local and regional transit routes.” (Exh. 4 at p. 29)
- Traffic: Development under the Plan “would result in crosswalk overcrowding” in certain intersections and “an increased demand for on-street commercial and passenger loading and a reduction in on-street loading supply” that would impact loading zones and create potential hazards or significant delays for transit, vehicles, bicycles and/or pedestrians.” (*Id.* at p. 30.)
- Air quality: Development under the Plan would violate certain air quality standards and would result in “emissions of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants that would result in exposure of sensitive receptors to substantial pollutant concentrations.” (*Id.* at pp. 36-37.)

The Planning Department prepared a statement of overriding considerations pursuant to Public Resources Code section 21081, subdivision (b) [requiring finding by public agency “that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment”] and Code of Regulations, title 14, section 15093, subdivision (a) [“statement of overriding considerations shall be supported by substantial evidence in the record”]. (*Id.* at pp. 51-55.) Section 21081, subdivision (a) requires a finding based on substantial evidence that “[s]pecific considerations ... make infeasible the mitigation measures or alternatives identified in the environmental impact report.” However, the statement is not supported in all aspects by substantial evidence and, in any event, the environmental impacts with respect to transit, traffic, and air quality could have been mitigated as discussed below.

### **Argument**

The Board’s review of the Planning Commission’s certification of a final EIR is controlled by San Francisco Administrative Code section 31.16. The Board must affirm the certification if it “finds that the final EIR complies with CEQA, including that it is adequate, accurate and objective, sufficient as an informational document, correct in its conclusions, and reflects the independent judgment and analysis of the City and that the Planning Commission certification findings are correct.” (SF Admin. Code, § 31.16(c)(4).) “The Board shall reverse the Planning Commission’s certification of the EIR if the Board finds that the EIR does not comply with CEQA, including that it is not adequate, accurate and objective, is not sufficient as an informational document, that its conclusions are incorrect or it does not reflect the independent judgment and analysis of the City, or that the Planning Commission certification findings are incorrect.” (*Id.*, (c)(5).) The Board should reverse the certification for the three main reasons discussed below.

**1. By Failing To Analyze A Higher Housing Density Alternative As A Means To Substantially Lessen Significant Impacts On Transit, Traffic, And Air Quality, The EIR Violates CEQA**

“[A]n EIR must describe a range of reasonable alternatives to the project ... which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project[.]” (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 925 [citing *In re Bay-Delta et al.* (2008) 43 Cal.4th 1143, 1162-1163]; CEQA Guidelines, § 15126.6(a).) The nature and scope of the alternatives to be studied in an EIR is governed by the rule of reason. (CEQA Guidelines, § 15126.6(a); *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1029.) Under the rule of reason, an EIR need discuss only those alternatives necessary to permit a reasoned choice. (*Id.*, (f).) The range of alternatives examined in an EIR should be designed to foster informed decision-making and public participation. (*Id.*, (a).) An alternative must avoid or substantially lessen the Plan’s significant environmental effects [Pub. Res. Code, § 21002], offering substantial environmental advantages [*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566]. It must also be able to implement most of the Plan’s objectives. (*Mira Mar Mobile Community v. City of Oceanside* (2004) 116 Cal.App.4th 477.) An alternative must also be “potentially feasible” [CEQA Guidelines, § 15126.6(a)] in that it is “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors” [Pub. Res. Code, § 21061.1]. And, it must be “reasonable” [CEQA Guidelines, § 15126.6(a)] in that the alternative is not remote and speculative requiring, for example, significant changes in governmental policy or legislation [*Residents Ad Hoc Stadium Comm. v. Board of Trustees of Lodi* (1979) 89 Cal.App.3d 274, 286].

Here, the EIR did not describe a range of reasonable alternatives to the Plan because it omitted consideration of a higher housing density alternative to substantially lessen significant environmental impacts. (See *Mira Mar*, 119 Cal.App.4th at 490 [a higher density alternative should be considered in an EIR when it would avoid or substantially lessen significant impacts of the project].) Such an alternative not only would have substantially lessened the significant and unavoidable environmental impacts of the Plan as stated in the EIR on transit, traffic, and air quality, but it might have reduced those impacts to less than significant.

Under the Plan, the household growth under is projected to be 14,400 by 2040, which would presumably be accommodated by the projected growth in the number of housing units, which is 14,500.<sup>1</sup> (Exh. 1 at p. IV-6, Table IV-1.) However, the projected growth in the number of jobs by 2040 in the plan area is 63,600. (*Id.*) With such a large gap between the increase in the number of households and the increase in the number of jobs, vehicle trips by out-of-town commuters, clogging transit routes, would vastly outnumber shorter in-town commutes by residents who could walk or bicycle to work, which would significantly lessen impact on transit. As a result, Impact TR-3 of the EIR found that

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<sup>1</sup> The Planning Department attempts to explain major discrepancies among various figures for projected number of housing units in the plan area. (See Exh. 10.) With respect to the figures cited here, the department says that “the EIR analyzes an increase of approximately 14,500 residential units within the EIR study area, of which 8,320 units are anticipated to occur with the Plan Area.” (*Id.* at p. 3.) The department provides no explanation for what it considers the “EIR study area”; the location of the project in the EIR is the same as the description of the project boundaries in the Central SoMa Plan.

“[d]evelopment under the Plan would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.” (Exh. 1 at p. S-17.) The EIR found that there would be a significant and unavoidable adverse impact with respect to transit, even after mitigation. (*Id.*) In addition, “[T]ransit impacts on Muni, Golden Gate Transit, and SamTrans operations would be significant and unavoidable.” (*Id.* at p. VI-25.)

To address these significant and unavoidable environmental impacts, the City should have considered a higher housing density alternative. Such an alternative could have reduced the Plan’s environmental impacts on transit, traffic, and air quality to less than significant. (*See, e.g., Cleveland Nat’l Forest Found. v. San Diego Ass’n of Governments* (2017) 3 Cal. 5th 497, 506 [stating greenhouse gas reductions can be achieved by maximizing building densities at locations served by public transit, thereby reducing automobile dependency]; *see also* Exh. 5 at p. 4; Exh. 6 at p. 97 [reductions in GHG emissions can be achieved through local government development of “land use plans with more efficient development patterns that bring people and destinations closer together in more mixed-use, compact communities that facilitate walking, biking, and use of transit”]; Exh. 11 at p. RTC-278-RTC-279 [“VMT per person would decrease, both in the Plan Area and throughout the Bay Area, if more housing were provided within the Plan Area”]; Exh. 4 at p. 36 [recognizing relationship between greater vehicle trips and an increase in criteria air pollutants])

Indeed, the City has long-recognized the correlation between high housing density and reductions in transit impacts: “In the Bay Area, transportation is the single largest source of greenhouse gas emissions (GHGs), with passenger travel in cars and light trucks causing more than 40% of those emissions.” (Exh. 5 at p. 4.) “Transforming some of that passenger travel to transit, biking or walking will not only support environmental goals like reduction of energy consumption, lower greenhouse gas emissions, and less air pollution, but also economic and social ones such as increased physical activity, lower vehicle accident rates, and lower household transportation expenses.” (*Id.*; *see also* Exh. 7 at p. 4 [explaining how high-density housing leads to traffic reduction and fewer auto trips].) Nonetheless, the City failed to consider a higher housing density alternative that could have reduced transit impacts and impacts on air quality.

Moreover, a higher housing density alternative would satisfy virtually all of the Plan’s primary objectives, including the objective of increasing housing and bringing City residents closer to their in-City jobs.

Such an alternative is also feasible and is able to be accomplished within a reasonable amount of time. The vast majority of new zoning in the Plan area already allows for residential use. Under the Plan, proposed amendments to the Planning Code and Zoning Map rezone the majority of the Plan area as Central SoMa Mixed Use (“CMUO”) and Mixed Use-General District (“MUG”). Permitted uses in the CMUO sites include residential uses. (SF Planning Code, § 848 [proposed].) Permitted uses in the MUG sites also include residential uses. (SF Planning Code, § 840 [proposed].) The CMUO district is “designed to encourage a mix of residential and non-residential uses” (Exh. 4 at p. 181.) and the MUG district encourages “[n]ew residential or mixed use developments . . . to provide as much mixed-income

family housing as possible.” (*Id.* at p. 169.) Both zones not only permit, but explicitly encourage residential use. The plan area, after being rezoned to comprise a majority CMUO and MUG districts, can accommodate more housing than is currently projected in the Central SoMa Plan and the EIR. In addition, the City’s Housing Element recognizes that the South of Market area can accommodate more housing with higher housing density and in-fill projects. (Exh. 4 at p. I.73 [“with higher densities allowed in [Chinatown and South of Market], in-fill development could accommodate at least an additional 9,870 units”].) Thus, a higher housing density alternative is feasible and should have been considered in the EIR.

Lastly, a higher housing density alternative is reasonable, requiring no changes in governmental policy or legislation. As discussed below in Section 2, the City’s Housing Element of the General Plan and its regional allocation for affordable housing, require the City to build a higher percentage of affordable housing units relative to market-rate housing than is projected under the Plan. Thus, governmental policy and implementing legislation are already pushing the City toward increasing the number housing units, both affordable and market-rate, in the Plan area. To this end, higher housing density could have also been obtained by increasing building height limits in many areas within Central SoMa and/or enlarging building footprints.

Thus, because the EIR did not consider a project alternative with higher housing density that would substantially lessen environmental impacts on transit, traffic, and air quality, the Board should reverse the Commission’s certification of the EIR.

**2. By Failing To Discuss Inconsistencies Between The Central Soma Plan, Which Calls For 33% Affordable Housing, And The Housing Element Of The General Plan, Which Calls For 57% Affordable Housing Citywide, The EIR Violates CEQA**

An EIR must discuss any inconsistencies between the proposed project and applicable general plans. (CEQA Guidelines, § 15215(d).) An “applicable plan is a plan that has already been adopted and thus legally applies to a project.” (*Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145 fn. 2.) The purpose of this requirement is to identify inconsistencies that the lead agency should address and to allow the agency an opportunity to modify a project to avoid any inconsistencies. (See *Orinda Ass’n v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1169.) A proposed project’s inconsistency with an applicable general plan may indicate that the project has a significant environmental impact. (See *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170.)

Here, the EIR stated that “[t]he objectives, principles, and implementation strategies of the Plan are founded, in part, upon the policy direction of the Housing Element [of the General Plan], particularly with respect to provision of affordable housing, and do not present a potential conflict with those policies. (Exh. 1 at p. III-10.) One Vassar disagrees with this conclusion. The Plan does not achieve the housing goals set forth in the Housing Element.

The Housing Element recognizes that the City's "share of the regional housing need for 2015 through 2022 has been pegged at 28,870 new units, with almost 60% to be affordable." (Exh. 8, Preface; Part II at pp. 2-3.) Moreover, "[f]or the RHNA period covering 2015 through 2022, ABAG has projected that at least 38% of new housing demands for San Francisco will be from very low and low income households (households earning under 80% of area median income), and another 22% of new housing demands to be affordable to households of moderate means (earning between 80% and 120% of area median income)." (SF Planning Code, § 103(b)(4).) "[I]n the current 2015-2022 Housing Element period San Francisco must plan for the capacity for roughly 28,870 new units, 57% of which should be suitable for housing for the extremely low, very low, low and moderate income households to meet its share of the region's projected housing demand." (*Id.* at (b)(5); *see also* Exh. 8, Part II at pp. 2-3.)

Here, the EIR fails to discuss the inconsistency between the Central SoMa Plan's goal for affordable housing of 33% of new units and the Housing Element's recognition that 57% of new housing units should be affordable citywide. (SF Planning Code, § 103(b)(5).) This inconsistency indicates that the project has a significant environmental impact. (*See Lighthouse*, 131 Cal.App.4th 1170.) The environmental impacts that will result from this inconsistency are, as previously discussed, impacts on transit, traffic, and air quality. Indeed, as the City has recognized, there is an environmental need "to increase housing near jobs, reduce urban sprawl, and reduce greenhouse gas emissions." (Exh. 8, Preface.) By failing to address the plan's inconsistencies with the Housing Element of the General Plan, the EIR violates CEQA. (CEQA Guidelines, § 15215(d).)

As such, the Board should reverse the Commission's certification of the EIR on grounds that it failed to consider a higher housing density alternative to the Central SoMa Plan, which is inconsistent with the Housing Element of General Plan in violation of CEQA.

**3. By Failing To Discuss Inconsistencies Between The HSD Ordinance, Which Disincentives Affordable Housing For Buildings Taller Than 160 Feet, And The Housing Element Of The General Plan, Which Calls For 57% Affordable Housing Citywide, The EIR Violates CEQA**

The HSD proposed ordinance is inconsistent with the Housing Element of the General Plan because it creates a disincentive to construct affordable housing in projects taller than 160 feet; whereas the Housing Element calls for substantial increases in the construction of affordable housing. The EIR fails to discuss this inconsistency and, as such, it violates CEQA.<sup>2</sup>

The proposed ordinance provides a "streamlined, ministerial approval process" for eligible residential and mixed-use projects in the plan area. (Exh. 9, § 343(a).) However, projects over 160-feet tall are ineligible for this process unless they satisfy certain requirements. The project's "principal use" must be "housing, where all such housing is restricted for a minimum of 55 years as affordable for 'persons and families of low or moderate income,' as defined in California Health and Safety Code Section 50093[.]" (*Id.*, (d)(4).) If the building is not 100% affordable housing, it will not receive

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In addition, the City violated both AB 73 and CEQA for failing to prepare and circulate a new EIR that analyzed potential environmental impacts of the HSD designation and allow for public review.



expedited review. Projects less than 160-feet tall would get expedited review if “no less than 10% of its dwelling units [are] units affordable to very low or low income families[.]” (*Id.*, (d)(7).)

This severe restriction on buildings taller than 160 feet disincentivizes construction of affordable housing units. A developer does not have a financial incentive to include 100% affordable housing units in a project that is taller than 160 feet just to obtain expedited ministerial review because that project is not a money-making endeavor. On the other hand, a developer has an incentive to include 10% affordable housing units in a project to receive expedited review because there is a cost benefit in saving time and eliminating the uncertainty of discretionary review. So, in effect, the proposed ordinance caps HSD projects at 160 feet in height. As previously discussed [*see supra* section 2], the Housing Element of the City’s General Plan requires the City to establish more affordable housing. (Exh. 8 at p. I.33.) By encouraging less, not more, affordable housing, the proposed ordinance conflicts with the City’s Housing Element. By failing to discuss the inconsistency between the HSD ordinance and the Housing Element, the EIR violates CEQA. Therefore, the Board should reverse the Commission’s certification of the EIR on this additional ground.

#### 4. Conclusion

The Board should reverse the Commission’s certification of the EIR. First, the EIR did not consider a project alternative with higher housing density as a means to substantially reduce significant environmental impacts on transit, traffic, and air quality. The Commission’s failure to do so violates CEQA. Second, the EIR violates CEQA because it failed to discuss inconsistencies between the Plan and the Housing Element; the Plan calls for 33% affordable housing and the Housing Element has a goal of 57% affordable housing citywide. And, third, the EIR violates CEQA because it did not discuss inconsistencies between HSD designation and the Housing Element. For these reasons, the Board should reverse the Commission’s certification of the EIR.

Respectfully submitted,



Phillip H. Babich  
Reed Smith LLP



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Motion No. 20182

HEARING DATE: MAY 10, 2018

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San Francisco,  
CA 94103-2479

Reception:  
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Planning  
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Case No.: 2011.1356E  
Project Address: Central SoMa Plan  
Zoning: Various  
Block/Lot: Various  
Project Sponsor: San Francisco Planning Department  
Steve Wertheim- (415) 558-6612  
[steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)  
Staff Contact: Elizabeth White- (415) 575-6813  
[elizabeth.white@sfgov.org](mailto:elizabeth.white@sfgov.org)

### ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CENTRAL SOMA PLAN.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2011.1356E, the "Central SoMa Plan" (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 April 24, 2013.
  - B. The Department held a public scoping meeting on May 15, 2013 in order to solicit public comment on the scope of the Project's environmental review.
  - C. On December 14, 2016, 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.
  - D. On December 14, 2016, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

- E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on December 14, 2016.
2. The Commission held a duly advertised public hearing on said DEIR on January 26, 2017 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 February 13, 2017.
  3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 60-day public review period, prepared revisions to the text of the DEIR in responses 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 the Responses to Comments document, published on March 28, 2018, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
  4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Responses to Comments document all as required by law.
  5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
  6. On May 10, 2018, the Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
  7. The project sponsor has indicated that the presently preferred alternative is the Central SoMa Plan.
  8. The Planning Commission hereby does find that the FEIR concerning File No. 2011.1356E: Central SoMa Plan reflects the independent judgement and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Responses to Comments document and the errata dated April 5, 2018 and May 9, 2018 contains no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.
  9. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the Environmental Impact Report:
    - A. Will result in the following significant and unavoidable project-specific environmental impacts, which cannot be mitigated to a level of insignificance:

- a. Central SoMa Plan development, including proposed open space improvements and street network changes, would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating and environmental effect. Specifically, the Plan could result in traffic noise along Howard Street (under the two-way option for Howard and Folsom streets) that exceeds the noise standards in the General Plan's Environmental Protection Element.
- b. Central SoMa Plan development would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5.
- c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.
- d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in crosswalk overcrowding at the following intersections:
  - i. Third/Mission
  - ii. Fourth/Mission
  - iii. Fourth/Townsend
- e. Central SoMa Plan development would result in an increased demand for on-street commercial and passenger loading and a reduction in on-street loading supply such that the loading demand during the peak hour of loading activities would not be accommodated within on-street loading supply, would impact existing passenger loading/unloading zones, and may create hazardous conditions or significant delay that may affect transit, other vehicles, bicycles, or pedestrians.
- f. Construction activities associated with Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would result in potentially hazardous conditions.
- g. Central SoMa Plan development, including the proposed street network changes, would generate noise that would result in exposure of persons to noise levels in excess of standards in the *San Francisco General Plan* or Noise Ordinance (Article 29 of the *Police Code*), and would result in a substantial permanent increase in ambient noise above existing levels.

- h. Central SoMa Plan development, including the proposed street network changes and open space improvements, would result in construction activities in the Plan Area that could expose persons to substantial temporary or periodic increase in noise levels substantially in excess of ambient levels.
  - i. The operation of subsequent individual development projects in the Central SoMa Plan Area and the proposed street network changes (but not the proposed open space improvements) would violate an air quality standard, contribute to an existing or projected air quality violation, and/or result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.
  - j. Central SoMa Plan development, including the proposed street network changes, would result in operational emissions of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants that would result in exposure of sensitive receptors to substantial pollutant concentrations.
  - k. Subsequent future development under the Plan could alter wind in a manner that substantially affects public areas.
- B. Will contribute considerably to the following cumulative environmental impacts, which cannot be mitigated to a level of insignificance:
- a. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative land use impact. Specifically, one-way and two-way options for Folsom and Howard Streets could make a considerable contribution to cumulative traffic noise levels, which would exceed the noise standards in the General Plan's Environmental Protection Element.
  - b. Central SoMa Plan development would contribute considerably to significant cumulative historical resources impacts because the Plan could result in demolition and/or alteration of historical resources.
  - c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative transit impacts on local and regional transit providers.
  - d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative pedestrian impacts.
  - e. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative loading impacts.

- f. Central SoMa development, including the proposed street network changes and open space improvements, would result in cumulative noise impacts.
- g. Central SoMa development, including the proposed street network changes, but not open space improvements, would contribute considerably to criteria air pollutant impacts under cumulative 2040 conditions.
- h. Central SoMa Plan development, including the proposed street network changes but not open space improvements, would result in exposure of sensitive receptors to substantial levels of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants under 2040 cumulative conditions.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of May 10, 2018.



Jonas P. Iorin  
Commission Secretary

AYES: Moore, Koppel, Johnson, Richards, Hillis, Melgar, and Fong  
NOES: None  
ABSENT: None  
ADOPTED: May 10, 2018





# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 20183 HEARING DATE MAY 10, 2018

*Project Name:* Central SoMa Plan – CEQA Findings  
*Record No.:* 2011.1356EMTZU  
*Staff Contact:* Steve Wertheim, Principal Planner, Citywide Planning  
(415) 558-6612; [steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)

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ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT IMPACTS AND SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND A STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO APPROVALS FOR THE CENTRAL SOUTH OF MARKET AREA PLAN ("CENTRAL SOMA PLAN").

### PREAMBLE

The San Francisco Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA"), has undertaken a planning and environmental review process for the proposed Central SoMa Plan and related approval actions ("Project") and provided appropriate public hearings before the Planning Commission.

The desire for a Central SoMa Plan began during the Eastern Neighborhoods planning process. In 2008 the City adopted the Eastern Neighborhoods Plan, including new land use controls and proposed community improvements for the eastern part of the South of Market neighborhood (SoMa), as well as the Central Waterfront, Mission, and Showplace Square/Potrero Hill neighborhoods. At that time, the City determined that the development potential of the industrially zoned part of East SoMa, coupled with the improved transit to be provided by the Central Subway, necessitated a subsequent, focused planning process that took into account the city's growth needs and City and regional environmental goals. The Central SoMa Plan is the result of that subsequent process.

The Western SoMa Area Plan, adopted in 2013, also explicitly recognized the need to increase development capacity near transit in Objective 1.5, which states that the City should "Support continued evaluation of land uses near major transit infrastructure in recognition of citywide and regional sustainable growth needs." The explanatory text in Objective 1.5 concludes that "The City must continue evaluating how it can best meet citywide and regional objectives to direct growth to transit-oriented locations and whether current controls are meeting identified needs."

The Objective's implementing Policy 1.5.1 states that the City should "Continue to explore and re-examine land use controls east of 6th Street, including as part of any future evaluation along the 4th Street corridor." The Central SoMa Plan is intended to fulfill the Western SoMa Plan's Objective 1.5 and Policy 1.5.1.

The process of creating the Central SoMa Plan began in 2011. Throughout the process, the Central SoMa Plan has been developed based on robust public input, including ten public open houses; ten public hearings at the Planning Commission; two public hearings at the Board of Supervisor's Land Use & Transportation Committee; additional hearings at the Historic Preservation Commission, Arts Commission, and Youth Commission; a "technical advisory committee" consisting of multiple City and regional agencies; a "storefront charrette" (during which the Planning Department set up shop in a retail space in the neighborhood to solicit community input on the formulation of the plan); two walking tours, led by community members; two community surveys; an online discussion board; meetings with over 30 neighborhoods groups and other community stakeholders; and thousands of individual meetings, phone calls, and emails with stakeholders.

The Central SoMa Plan Area runs from 2nd Street to 6th Street, Market Street to Townsend Street, exclusive of those areas that are part of the Downtown Plan that comprise much of the area north of Folsom Street. The vision of the Central SoMa Plan is to create a sustainable neighborhood by 2040, where the needs of the present are met without compromising the ability of future generations to meet their own needs. The Central SoMa Plan seeks to achieve sustainability in each of its aspects – social, economic, and environmental. The Plan's philosophy is to keep what is already successful about the neighborhood, and improve what is not. Utilizing the Plan's philosophy to achieve the Plan's vision will require implementing the following three strategies:

- Accommodate growth;
- Provide public benefits; and
- Respect and enhance neighborhood character.

Implementing the Plan's strategies will require addressing all the facets of a sustainable neighborhood. To do so, the Plan seeks to achieve eight Goals:

1. Accommodate a Substantial Amount of Jobs and Housing
2. Maintain the Diversity of Residents
3. Facilitate an Economically Diversified and Lively Jobs Center
4. Provide Safe and Convenient Transportation that Prioritizes Walking, Bicycling, and Transit
5. Offer an Abundance of Parks and Recreational Opportunities
6. Create an Environmentally Sustainable and Resilient Neighborhood
7. Preserve and Celebrate the Neighborhood's Cultural Heritage
8. Ensure that New Buildings Enhance the Character of the Neighborhood and the City.

The Plan would implement its vision, philosophy, and goals by:



- Accommodating development capacity for up to 33,000 jobs and 8,300 housing units by removing much of the area's industrially-protective zoning and increasing height limits on many of the area's parcels;
- Maintaining the diversity of residents by requiring that over 33% of new housing units are affordable to low- and moderate-income households and requiring that these new units are built in SoMa;
- Facilitating an economically diversified and lively jobs center by requiring most large sites to be jobs-oriented, by requiring production, distribution, and repair uses in many projects, and by allowing retail, hotels, and entertainment uses in much of the Plan Area;
- Providing safe and convenient transportation by funding capital projects that would improve conditions for people walking, bicycling, and taking transit;
- Offering an abundance of parks and recreational opportunities by funding the construction and improvement of parks and recreation centers in the area and requiring large non-residential projects to provide publicly-accessible open space;
- Creating an environmentally sustainable and resilient neighborhood by requiring green roofs and use of non-greenhouse gas energy sources, while funding projects to improve air quality, provide biodiversity, and help manage stormwater;
- Preserving and celebrating the neighborhood's cultural heritage by helping fund the rehabilitation and maintenance of historic buildings and funding social programs for the neighborhood's existing residents and organizations; and
- Ensuring that new buildings enhance the character of the neighborhood and the city by implementing design controls that would generally help protect the neighborhood's mid-rise character and street fabric, create a strong street wall, and facilitate innovative yet contextual architecture.

These core policies and supporting discussion have been incorporated into the Central SoMa Plan, which is proposed to be added as an Area Plan in the General Plan. The Central SoMa Plan and conforming amendments to the General Plan, together with proposed Planning Code, Administrative Code, and Zoning Map Amendments and an Implementation Document, provide a comprehensive set of policies and implementation programming to realize the vision of the Plan. The Implementation Document describes how the Plan's policies will be implemented, outlines public improvements, funding mechanisms, and interagency coordination that the City must pursue to implement the Plan, and provides controls for key development sites and key streets and design guidance for new development.

Since the Central SoMa Plan process began in 2011, the Planning Department has undertaken the environmental review process required by CEQA. Pursuant to and in accordance with the requirements of Section 21083.9 of the Public Resources Code and Section 15082 of the CEQA Guidelines, the Department, as lead agency, published and circulated a Notice of Preparation ("NOP") on April 24, 2013, which notice solicited comments regarding the scope of the environmental impact report ("EIR") for the proposed project. The NOP and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential

impacts of the proposed project. The Department held a public scoping meeting on May 15, 2013 at The Mendelson House, located at 737 Folsom Street, San Francisco, CA 94107.

During the approximately 30-day public scoping period that ended on May 24, 2013, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in preparation of the Draft EIR.

Pursuant to Section 15063 of the CEQA Guidelines, the Department published an Initial Study on February 12, 2014 in order to focus the scope of the EIR. The Department made the Initial Study available for a 30-day public review period beginning on February 12, 2014 and ending on March 14, 2014. The Department considered the comments received on the Initial Study when preparing the Draft EIR.

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

The Department published a Draft EIR on December 14, 2016, and circulated the Draft EIR to local, state, and federal agencies and to interested organizations and individuals for public review. On December 14, 2016, the Department also distributed notices of availability of the Draft EIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the project area. The Commission held a public hearing on January 26, 2017, to solicit testimony on the Draft EIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the Draft EIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the Draft EIR until February 13, 2017.

The Department then prepared the Comments and Responses to Comments on Draft EIR document ("RTC"). The RTC document was published on March 28, 2018, and includes copies of all of the comments received on the Draft EIR and written responses to each comment. In addition to describing and analyzing the physical, environmental impacts of the revisions to the Project, the RTC document provided additional, updated information, clarification, and modifications on issues raised by commenters, as well as Planning Department staff-initiated text changes to the Draft EIR.

The Final Environmental Impact Report ("Final EIR"), which includes the Draft EIR, the RTC document, the errata dated May 3, 2018, the Appendices to the Draft EIR and RTC document, and all of the supporting information, has been reviewed and considered. The RTC documents and appendices and all supporting information do not add significant new information to the Draft EIR that would individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or CEQA Guidelines Section 15088.5 so as to require recirculation of the Final EIR (or any portion thereof) under CEQA. The RTC documents and appendices and all supporting information contain no information revealing (1) any new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the project sponsor, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

On May 10, 2018, by Motion No. 20182, the Commission reviewed and considered the Final EIR for the Project and found the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

On May 10, 2018, by Motion No. 20182, the Commission found that the Final EIR was adequate, accurate, and objective, that it reflected the independent analysis and judgment of the Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the completion of the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

The Planning Department prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures, and significant impacts analyzed in the Final EIR, and overriding considerations for approving the Project and a proposed mitigation monitoring and reporting program ("MMRP"), attached as Exhibit B, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration, and actions.

The Commission, in certifying the Final EIR, found that the Project described in the Final EIR:

- A. Will result in the following significant and unavoidable project-specific environmental impacts, which cannot be mitigated to a level of insignificance:
  - a. Central SoMa Plan development, including proposed open space improvements and street network changes, would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. Specifically, the Plan could result in traffic noise along Howard Street (under the two-way option

for Howard and Folsom streets) that exceeds the noise standards in the General Plan's Environmental Protection Element.

- b. Central SoMa Plan development would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district located in the Plan area, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5.
- c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.
- d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in crosswalk overcrowding at the following intersections:
  - i. Third/Mission
  - ii. Fourth/Mission
  - iii. Fourth/Townsend
- e. Central SoMa Plan development would result in an increased demand for on-street commercial and passenger loading and a reduction in on-street loading supply such that the loading demand during the peak hour of loading activities would not be accommodated within on-street loading supply, would impact existing passenger loading/unloading zones, and may create hazardous conditions or significant delay that may affect transit, other vehicles, bicycles, or pedestrians.
- f. Construction activities associated with Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would result in potentially hazardous conditions.
- g. Central SoMa Plan development, including the proposed street network changes, would generate noise that would result in exposure of persons to noise levels in excess of standards in the *San Francisco General Plan* or Noise Ordinance (Article 29 of the *Police Code*), and would result in a substantial permanent increase in ambient noise above existing levels.

- h. Central SoMa Plan development, including the proposed street network changes and open space improvements, would result in construction activities in the Plan Area that could expose persons to substantial temporary or periodic increase in noise levels substantially in excess of ambient levels.
  - i. The operation of subsequent individual development projects in the Central SoMa Plan Area and the proposed street network changes (but not the proposed open space improvements) would violate an air quality standard, contribute to an existing or projected air quality violation, and/or result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.
  - j. Central SoMa Plan development, including the proposed street network changes, would result in operational emissions of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants that would result in exposure of sensitive receptors to substantial pollutant concentrations.
  - k. Subsequent future development under the Plan could alter wind in a manner that substantially affects public areas.
- B. Will contribute considerably to the following cumulative environmental impacts, which cannot be mitigated to a level of insignificance:
- a. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to a significant cumulative land use impact. Specifically, one-way and two-way options for Folsom and Howard Streets could make a considerable contribution to cumulative traffic noise levels, which would exceed the noise standards in the General Plan's Environmental Protection Element.
  - b. Central SoMa Plan development would contribute considerably to significant cumulative historical resources impacts because the Plan could result in demolition and/or alteration of historical resources.
  - c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative transit impacts on local and regional transit providers.
  - d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative pedestrian impacts.
  - e. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative loading impacts.

- f. Central SoMa development, including the proposed street network changes and open space improvements, would result in cumulative noise impacts.
- g. Central SoMa development, including the proposed street network changes, but not open space improvements, would contribute considerably to criteria air pollutant impacts under cumulative 2040 conditions.
- h. Central SoMa Plan development, including the proposed street network changes but not open space improvements, would result in exposure of sensitive receptors to substantial levels of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants under 2040 cumulative conditions.

The Planning Commission Secretary is the custodian of records for the Planning Department materials, located in the File for Case No. 2011.1356EMT~~U~~ZU, at 1650 Mission Street, Fourth Floor, San Francisco, California, 94103.

On May 10, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.1356EMT~~U~~ZU to consider the various approvals necessary to implement the Project, including approvals of General Plan, Planning Code, Administrative Code, and Zoning Map Amendments, and approval of the Implementation Program. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the Project, the Planning Department staff, expert consultants, and other interested parties.

**MOVED**, that the Planning Commission has reviewed and considered the Final EIR and the entire record of this proceeding, including the comments and submissions made to the Commission and the Department's responses to those comments and submissions, and, based on substantial evidence, hereby adopts these Environmental Findings required by CEQA attached hereto as Exhibit A, including a Statement of Overriding Considerations and rejecting alternatives as infeasible, and adopts the MMRP, included as Exhibit B, as a condition of approval for each and all of the approval actions described above.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 10, 2018.



Jonas P. Iorin  
Commission Secretary

AYES: Hillis, Melgar, Fong, Johnson, Koppel, Moore, Richards  
NOES: None  
ABSENT: None  
ADOPTED: May 10, 2018

# REUBEN, JUNIUS & ROSE, LLP

February 13, 2017

## Via E-mail and Messenger

Lisa M. Gibson  
Acting Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
[Lisa.Gibson@sfgov.org](mailto:Lisa.Gibson@sfgov.org)

**Re: Central SoMa Plan DEIR Comments – One Vassar Project**  
**Our File No.: 10009.01**

Dear Ms. Gibson:

Our office represents One Vassar, LLC (“**Project Sponsor**”), the developer of a proposed mixed-use office, hotel, and residential project comprised of multiple parcels located on the south side of Harrison Street between Second and Third Streets (the “**One Vassar Project**”) in the proposed Central SoMa Plan area.

This letter contains comments on the Draft Environmental Impact Report (“**DEIR**”) for the Central SoMa Plan, published on December 14, 2016. The comments are arranged below by DEIR section and page number.

## Chapter III - Plans and Policies

Page:	Comment:
III-10	<u>Urban Design Element</u> : Text provides that “In addition, several parcels north of the I-80 freeway and east of Fourth Street would be zoned to a maximum of 300-feet.” This should be changed to 350 feet, to be consistent with the proposed height increase map in Figure II-7.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin  
Tuija I. Catalano | Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben<sup>1</sup> | Thomas Tunny  
David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Chloe V. Angelis  
Louis J. Sarmiento, Jr. | Corie A. Edwards | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

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tel: 415-567-9000 | fax: 415-399-9480

**Oakland Office**  
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tel: 510-257-5589

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III-20	The discussion of anticipated Section 321 office allocations on this page should include the One Vassar projects' anticipated 421,000 gsf allocation, as reflected in the application filed with the Planning Department in April 2016.
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#### **Chapter IV – Environmental Setting, Impacts, and Mitigation Measures**

<b>Page:</b>	<b>Comment:</b>
IV-9	The 400 Second Street project description should be amended to better reflect the full scope of the One Vassar project, as provided in the current environmental application. The project would merge multiple parcels on the south side of Harrison Street, retain one of the existing buildings (645 Harrison), demolish the remaining four structures, and construct two new buildings and an addition above the existing 645 Harrison structure. The project anticipates construction of two towers reaching heights of approximately 350, and an additional building reaching a height of approximately 200 feet. The project will result in the creation of a mid-block passage way connection Harrison and Perry Streets, improvement of the existing Vassar Place, and a new connection from Second Street to Vassar Place and Perry Street. The project would create approximately 380 dwelling units, 500 hotel rooms, and 535,000 gross square feet of office use.
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IV.C-28	<u>Table IV.C-4.</u> This section identifies 645 Harrison Street as a potential Article 10 Landmark. While the Project Sponsor acknowledges that the building is a historic resource under the California Environmental Quality Act, we do not believe the record includes sufficient facts or analysis to conclude that the building's architecture or cultural importance rises to the level of being considered a landmark building under Planning Code Article 10.

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### General Comments

Page:	Comment:
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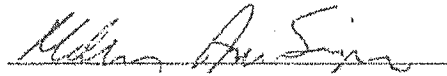
REUBEN, JUNIUS & ROSE, LLP

Lisa Gibson  
Acting Environmental Review Officer  
San Francisco Planning Department  
February 13, 2017  
Page 4

Thank you.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**

A handwritten signature in dark ink, appearing to read "Melinda A. Sarjapur", is written over a horizontal line.

Melinda A. Sarjapur

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# DRAFT ENVIRONMENTAL IMPACT REPORT

## Central SoMa Plan

PLANNING DEPARTMENT  
CASE NO. **2011.1356E**

STATE CLEARINGHOUSE NO. 2013042070



SAN FRANCISCO  
PLANNING  
DEPARTMENT

Draft EIR Publication Date:	DECEMBER 14, 2016
Draft EIR Public Hearing Date:	JANUARY 26, 2017
Draft EIR Public Comment Period:	DECEMBER 14, 2016 – FEBRUARY 13, 2017

*Written comments should be sent to:*

Lisa M. Gibson, Acting Environmental Review Officer | [lisa.gibson@sfgov.org](mailto:lisa.gibson@sfgov.org) |  
1650 Mission Street, Suite 400 | San Francisco, CA 94103

TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN — IDENTIFIED IN THE EIR

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
<b>Impact TR-2:</b> Development under the Plan, including the proposed open space improvements and the street network changes, would not result in traffic hazards.	LTS	None required.	NA
<b>Impact TR-3:</b> Development under the Plan, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.	S	<ul style="list-style-type: none"> <li>• <b>Mitigation Measure M-TR-3a: Transit Enhancements.</b> The following are City actions that would reduce local and regional transit impacts associated with implementation of the Central SoMa Plan and proposed street network changes.</li> <li>• <i>Enhanced Transit Funding.</i> To accommodate project transit demand, the City shall ensure that sufficient operating and capital funding is secured, including through the following measures: <ul style="list-style-type: none"> <li>• Establish fee-based sources of revenue such as parking benefit districts.</li> <li>• Establish a congestion-charge scheme for downtown San Francisco, with all or a portion of the revenue collected going to support improved local and regional transit service on routes that serve Downtown and the Central SoMa Plan Area.</li> <li>• Seek grant funding for specific capital improvements from regional, State and federal sources.</li> </ul> </li> <li>• <i>Transit Corridor Improvement Review.</i> During the design phase, the SFMTA shall review each street network project that contains portions of Muni transit routes where significant transit delay impacts have been identified (routes 8 Bayshore, 8AX Bayshore Express, 8BX Bayshore Express, 10 Townsend, 14 Mission, 14R Mission Rapid, 27 Bryant, 30 Stockton, 45 Union-Stockton, and 47 Van Ness). Through this review, SFMTA shall incorporate feasible street network design modifications that would meet the performance criteria of maintaining accessible transit service, enhancing transit service times, and offsetting transit delay. Such features could include, but shall not be limited to, transit-only lanes, transit signal priority, queue jumps, stop consolidation, limited or express service, corner or sidewalk bulbs, and transit boarding islands, as determined by the SFMTA, to enhance transit service times and offset transit delay. Any subsequent changes to the street network designs shall be subject to a similar review process.</li> <li>• <i>Transit Accessibility.</i> To enhance transit accessibility, the Planning Department and the SFMTA shall establish a coordinated planning process to link land use planning and development in Central SoMa to transit and other alternative transportation mode planning. This shall be achieved through some or all of the following measures: <ul style="list-style-type: none"> <li>• Implement recommendations of the <i>Better Streets Plan</i> that are designed to make the pedestrian environment safer and more comfortable for walk trips throughout the day, especially in areas where</li> </ul> </li> </ul>	SUM

## LEGEND:

NI = No impact

LTS = Less than significant or negligible impact; no mitigation required

SU = Significant and unavoidable adverse impact, no feasible mitigation

NA = Not Applicable

S = Significant

LTSM = Less than significant or negligible impact; after mitigation

SUM = Significant and unavoidable adverse impact, after mitigation

## III.A.4 Other General Plan Policies

### Air Quality Element

The goal of the Air Quality Element is to “Give high priority to air quality improvement in San Francisco to protect its population from adverse health and other impacts of air pollutants.” The Element seeks to achieve this goal through achieving adherence to air quality standards; improvements related to mobile sources; land use planning; public awareness; reduction of dust; and energy conservation. Among the key policies in the Air Quality Element is the following:

- Policy 3.5:** Continue existing growth management policies in the city and give consideration to the overall air quality impacts of new development including its impact on the local and regional transportation system in the permit review process. Ensure that growth will not outpace improvements to transit or the circulation system.

The Air Quality Element further contains a policy to exercise air quality modeling in building design for sensitive land uses to protect residents; this is implemented in *Health Code* Article 38 and further addressed in Section IV.F, Air Quality (Air Objective 3, Policy 3.7). As described in Section IV.D, Transportation and Circulation, growth pursuant to the Plan would result in Muni ridership that would exceed Muni’s capacity utilization standard on one corridor crossing the southeast screenline, as well as on two corridors crossing Plan-specific cordon lines. As described in Chapter II, Project Description, the Plan would also result in transit delay on a number of Muni lines, due to increased congestion. On the other hand, the Plan would include a number of street network changes, such as dedicated transit lanes and new boarding islands, which would improve transit operations compared to conditions without the Plan. The Plan also would encourage growth along transit lines and would promote other modes of travel. Moreover, it is arguably the case that increased development adjacent and near to a rich variety of transit options and in proximity to other uses, as would occur in the Plan Area with implementation of the Plan, would result in lesser vehicle emissions per job and per housing unit than would be the case for a comparable amount of new development in a part of the Bay Area that is less well-served by transit and has less variety of land uses. This is borne out by the fact that the Plan would result in a decrease in automobile travel, as a percentage of all trips and would also result in a decrease in vehicle miles traveled per resident and per job compared to the regional average vehicle miles traveled. As described in Chapter II, Project Description, the Plan would also improve travel conditions for pedestrians and bicyclists through street network changes that would add mid-block crosswalks at a number of locations, prohibit new curb cuts on many block faces, and create new bicycle lanes.

Compatibility of the Plan with objectives and policies in the Air Quality Element will be considered by decision-makers as part of their decision whether to approve or disapprove the Plan. However, based on the above, the Plan appears to be substantially consistent with the overarching goals and principles of the Air Quality Element, in that it would achieve growth with lesser air quality impacts than a comparable degree of growth in an area less well-served by transit.

### Housing Element

The 2014 Housing Element is a component of the *General Plan* and establishes the City’s overall housing policies. California State Housing Element law (*California Government Code* Sections 65580 et seq.) requires local

jurisdictions to adequately plan for and address the housing needs of all segments of its population in order to attain the region's share of projected statewide housing goals. This law requires local governments to plan for their existing and projected housing needs by facilitating the improvement and development of housing and removing constraints on development opportunities. San Francisco's 2014 Housing Element was required to plan for an existing and projected housing need of 28,869 new dwelling units.

The objectives, principles, and implementation strategies of the Plan are founded, in part, upon the policy direction of the Housing Element, particularly with respect to provision of affordable housing, and do not present a potential conflict with those policies. The rezoning of the Plan Area would remove restrictions on residential development in some parts of the Plan Area and allow for increased residential development potential through changes in allowable building heights. Further, where the Plan would remove restrictions to residential development, the Plan also includes policies that propose to increase the percentage of affordable housing requirements imposed on new residential development, thereby expanding the amount of affordable housing in the area, or providing additional fees for affordable housing to the city. Although the Plan's emphasis is on accommodating employment uses, the more flexible zoning proposed throughout the Plan Area would allow residential development in many locations where it is now prohibited, with commensurately higher levels of affordable housing production or funding than is now achievable.

Therefore, no inconsistencies have been identified and Plan implementation would not conflict with the objectives and policies of the Housing Element.

## Urban Design Element

The Urban Design Element is concerned with the physical character and environment of the city with respect to development and preservation. The Urban Design Element addresses issues related to City Pattern, Conservation, Major New Development and Neighborhood Environment. Objective 3 of the Urban Design Element, "Moderation of major new development to complement the city pattern, the resources to be conserved, and the neighborhood environment," includes the following policies, among others:

- Policy 3.5:** Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development; and
- Policy 3.6:** Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The Plan proposes to intensify development along and proximate to the new Central Subway line, currently under construction, including substantial increases in building heights at select locations—up to a maximum of 400 feet. In addition, several parcels north of the I-80 freeway and east of Fourth Street would be zoned to a maximum of 300 feet. While development in this area would not necessarily relate to the important attributes of the city pattern, it would function to reduce the visual prominence of the elevated freeway. As described in more detail in Section IV.B, Aesthetics, the Plan would not adversely affect public views. Therefore, no inconsistencies have been identified and the Plan would not conflict with the objectives and policies of the Urban Design Element.

## Overview

Plan's open space and street network improvements, this EIR considers the direct physical impacts of implementing these Plan components at a "project level" of review, unless otherwise noted.

TABLE IV-1 SUMMARY OF GROWTH PROJECTIONS

	Baseline (2010)	No Project (2040)	Central SoMa Plan (2040)
<b>Housing Units (Total)</b>	<b>7,800</b>	<b>16,800</b>	<b>22,300</b>
Change from Baseline	—	9,000	14,500
Change from No Project	—	—	5,500
<b>Households (Total)<sup>a</sup></b>	<b>6,800</b>	<b>16,000</b>	<b>21,200</b>
Change from Baseline	—	9,200	14,400
Change from No Project	—	—	5,200
<b>Population (Total)<sup>b</sup></b>	<b>12,000</b>	<b>28,200</b>	<b>37,500</b>
Change from Baseline	—	16,200	25,500 <sup>c</sup>
Change from No Project	—	—	9,300
<b>Employment (Jobs) (Total)</b>	<b>45,600</b>	<b>72,800</b>	<b>109,200</b>
Change from Baseline	—	27,200	63,600 <sup>c</sup>
Change from No Project	—	—	36,400

SOURCE: San Francisco Planning Department, 2016; Fehr & Peers, 2015.

## NOTES:

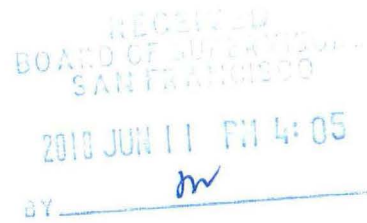
Numbers rounded to nearest 100; some columns and rows do not add due to rounding.

- Assumes an 87 percent occupancy rate for existing households (2010 Baseline) which is based on the 2010 Census Data and appears to reflect a large number of newly constructed but not yet occupied units. Assumes a 95 percent occupancy rate for all Plan Area households and existing households under future conditions in the remaining years.
- Assumes 1.77 persons per household.
- As described in Chapter VI, Alternatives, the Land Use Variant would result in about 10 percent fewer new housing units and about 4 percent more new employment than would the Plan in 2040.
- The 2016 Central SoMa Plan is contained entirely within the boundaries of the 2013 draft Plan Area. The Department analyzed projected growth in employment and residential uses for the 2013 draft Plan and determined that 95 to 97 percent of this projected growth is anticipated to occur in the 2016 draft Plan Area. Thus, the numbers presented in this table, are conservative (i.e., higher) and would not substantively alter the conclusions reached in this EIR. These modifications to the growth assumptions would not result in substantial or more severe physical impacts for topics evaluated in the Initial Study.

The EIR assumes that the amended land use regulations and policy programs associated with the Plan would apply to subsequent development projects, that if implemented could result in physical changes in the environment. Future changes in land uses would, thus, not be caused by Plan policies or zoning, but by subsequent development projects that could occur on individual sites within the Plan Area as a result of these policy and zoning changes. In parts of the Plan Area where amended regulations would result in increases to maximum building heights, this EIR anticipates subsequent development to be more likely to occur than without the Plan. This is because the regulatory changes and policies proposed by the Plan have been developed to incentivize subsequent development by expanding the types of land uses that may be permitted

# REUBEN, JUNIUS & ROSE, LLP

February 13, 2017



## Via E-mail and Messenger

Lisa M. Gibson  
Acting Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
[Lisa.Gibson@sfgov.org](mailto:Lisa.Gibson@sfgov.org)

**Re: Central SoMa Plan DEIR Comments – One Vassar Project**  
**Our File No.: 10009.01**

Dear Ms. Gibson:

Our office represents One Vassar, LLC (“**Project Sponsor**”), the developer of a proposed mixed-use office, hotel, and residential project comprised of multiple parcels located on the south side of Harrison Street between Second and Third Streets (the “**One Vassar Project**”) in the proposed Central SoMa Plan area.

This letter contains comments on the Draft Environmental Impact Report (“**DEIR**”) for the Central SoMa Plan, published on December 14, 2016. The comments are arranged below by DEIR section and page number.

## Chapter III - Plans and Policies

Page:	Comment:
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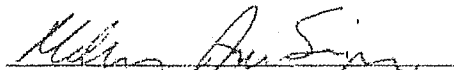
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Lisa Gibson  
Acting Environmental Review Officer  
San Francisco Planning Department  
February 13, 2017  
Page 4

Thank you.

Very truly yours,

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Melinda A. Sarjapur

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**REUBEN, JUNIUS & ROSE, LLP**

# SAN FRANCISCO PLANNING COMMISSION

## Meeting Minutes

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

**Thursday, May 10, 2018**

**1:00 p.m.**

## Regular Meeting

**COMMISSIONERS PRESENT:** Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

**THE MEETING WAS CALLED TO ORDER BY PRESIDENT HILLIS AT 1:06 PM**

**STAFF IN ATTENDANCE:** John Rahaim – Director of Planning, Doug Vu, David Lindsay, Rich Sucre, Seema Adina, Elizabeth White, Steve Wertheim, Paolo Ikezoe, Joshua Switzky, Jonas P. Ionin –Commission Secretary

### **SPEAKER KEY:**

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition.

### **A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2009.1011DRP (L. HOAGLAND: (415) 575-6823)  
1863 MISSION STREET – east side of Mission Street between 14<sup>th</sup> and 15<sup>th</sup> Streets; Lot 033 in the Assessor's Block 3548 (District 9) – Request for **Discretionary Review** of Building Permit Application 2006.03.27.7548 within the NCT (Mission Street Neighborhood Commercial Transit) and 40-X and 65-X Height and Bulk Districts. The proposal includes the construction of a four- to seven-story, 37,441 sq. ft. mixed-use building with 37

**G. DISCRETIONARY REVIEW CALENDAR**

The Commission Discretionary Review Hearing Procedures provide for presentations by staff; followed by the DR requestor team; followed by public comment opposed to the project; followed by the project sponsor team; followed by public comment in support of the project. Please be advised that the DR requestor and project sponsor teams include: the DR requestor and sponsor or their designee, lawyers, architects, engineers, expeditors, and/or other advisors.

13. 2017-005392DRP (B. BENDIX: (415) 575-9114)  
3941 SACRAMENTO STREET – south side of Sacramento Street between Cherry Street and Arguello Boulevard; Lot 043 in the Assessor's Block 1015 (District 1) – Request for **Discretionary Review** of Building Permit Application 2017.05.09.6076 within a RH-2 (Residential House, Two-Family) Zoning District and 40-X Height and Bulk Districts. The proposal includes a two-story vertical addition with roof decks, horizontal additions at the front and rear, a new façade, and the creation of a second dwelling unit. This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).  
 Staff Analysis: Abbreviated Discretionary Review  
*Preliminary Recommendation: Do Not Take DR and Approve as Revised*

SPEAKERS: = David Lindsey – Staff report  
 - David Cincotta – DR presentation  
 - Vivian Kaufmann – DR presentation  
 + Melinda Sarjapur – Project presentation  
 ACTION: Did NOT Take DR and Approved as Proposed  
 AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards  
 DRA: 0590

**H. 2:30 P.M.**

Items listed here may not be considered prior to the time indicated above. It is provided as a courtesy to limit unnecessary wait times. Generally, the Commission adheres to the order of the Agenda. Therefore, the following item(s) will be considered at or after the time indicated.

- 14a. 2011.1356E (E. WHITE: (415) 575-6813)  
CENTRAL SOMA PLAN – **Certification of the Final Environmental Impact Report** – The Central South of Market (SoMa) Plan is a comprehensive plan for the area surrounding much of the southern portion of the Central Subway transit line. The Plan includes roughly 230 acres that comprise 17 city blocks, as well as the streets and thoroughfares that connect SoMa to its adjacent neighborhoods: Downtown, Mission Bay, Rincon Hill, and the Mission District. The Central SoMa Plan seeks to encourage and accommodate housing and employment growth by (1) removing land use restrictions to support a greater mix of uses while also emphasizing office uses in portions of the Plan Area; (2) amending height and bulk districts to allow for taller buildings; (3) modifying the system of streets and circulation within and adjacent to the Plan Area to meet the needs and goals of a dense, transit-oriented, mix-use district; and (4) creating new, and improving existing, open spaces.

**Please Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on February 13, 2017. Public comment will be received when the item is called during the hearing. However, comments submitted may not be included in the Final EIR.**

*Preliminary Recommendation: Certify the Final EIR*

(Continued from Regular hearing on April 12, 2018)

- SPEAKERS:
- + Steve Wertheim – Staff presentation
  - = Elizabeth White – CEQA presentation
  - + Paolo Ikezoe – Housing sustainability district
  - + John Rahaim – Conclusion
  - + Moses Corrette – Support
  - = Ian Fergossi – Jobs housing imbalance, no public school
  - + Yi Wen – Biking and transit
  - Richard Drury – Mid-rise alternative defects in the EIR
  - + Steven Buss – More housing
  - + Todd David – Public schools
  - Sharon Sherburn-Zimmer – Disaster for tenant mass displacement
  - = Scott Feeney – Housing
  - = Laura Clark – Jobs and housing
  - + Crispy Luppino – Flower Market
  - Brittany Grey – Water
  - Ligia Montano – Gentrification
  - Tony Robles – Eviction, displacement
  - = Steve Vettel – Housing sustainability district
  - Speaker – 4 to 1 ratio of jobs and housing will cause more displacement
  - = Cynthia Gomez – Proactive steps to protect tenants
  - + Alex Lansberg – Jobs housing
  - Denise Louie – Decline in my quality of life environment
  - + Katherine Petrin – Old Mint feeling
  - = Brett Gladstone – TDR's
  - = Rohan Kattouw – Upzone the west side
  - + Corey Smith – Support
  - = Kevin Ortiz – Pro development, pro affordable housing
  - + John Kevlin – Technical issues
  - + Mike Grisso – Support
  - Joseph Smoot – Impact fees
  - Speaker – Filipino Cultural District
  - David Wu – Recommendation to protect existing community
  - Diane Ruiz – Gentrification inequality
  - Sue Hestor – Housing sustainability district – Notice
  - + Christine Linenbach – Thank you
  - Speaker – Tuolumne fire, water resources
  - = Andrew – PoPoS
  - + Joshua Switzky – Responses to questions
  - = Amy Chan – Responses to questions
- ACTION: Certified

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards  
MOTION: 20182

- 14b. 2011.1356E (S. WERTHEIM: (415) 558-6612)  
CENTRAL SOMA PLAN – The Planning Commission will consider adoption of **CEQA Findings** for actions in connection with the Central South of Market (SoMa) Area Plan, generally bounded on its western portion by 6th Street, on its eastern portion by 2nd Street, on its northern portion by the border of the Downtown Plan Area, and on its southern portion by Townsend Street. The CEQA Findings include a statement of overriding considerations; reasons for rejection of alternatives to the proposed Plan; and a mitigation monitoring program associated with the approval of the Central SoMa Plan. For more information on the Central SoMa Plan, go to <http://centralsoma.sfplanning.org>.  
*Preliminary Recommendation: Adopt Findings*  
(Continued from Regular hearing on April 12, 2018)

SPEAKERS: Same as item 14a.  
ACTION: Adopted Findings  
AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards  
RESOLUTION: 20183

- 14c. 2011.1356M (S. WERTHEIM: (415) 558-6612)  
CENTRAL SOMA PLAN – Pursuant to San Francisco Planning Code 340, the Planning Commission will consider **General Plan Amendments** to add the Central South of Market (SoMa) Area Plan, generally bounded on its western portion by 6th Street, on its eastern portion by 2nd Street, on its northern portion by the border of the Downtown Plan Area, and on its southern portion by Townsend Street; making conforming amendments to the Commerce and Industry Element, the Housing Element, the Urban Design Element, the Land Use Index, and the East SoMa and West SoMa Area Plans; affirming the Planning Department's determination under the California Environmental Quality Act; and making environmental findings, including adopting a statement of overriding considerations, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. For more information on the Central SoMa Plan, go to <http://centralsoma.sfplanning.org>.  
*Preliminary Recommendation: Adopt a Resolution Recommending Approval*  
(Continued from Regular hearing on April 12, 2018)

SPEAKERS: Same as item 14a.  
ACTION: Approved GPA Amendments  
AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards  
RESOLUTION: 20184

- 14d. 2011.1356T (S. WERTHEIM: (415) 558-6612)  
CENTRAL SOMA PLAN – ADOPTION OF AMENDMENTS TO THE PLANNING CODE AND ADMINISTRATIVE CODE – Pursuant to San Francisco Planning Code 302, the Planning Commission will consider **Planning Code** and **Administrative Code Amendments** to give effect to the Central South of Market (SoMa) Area Plan, generally bounded on its western portion by 6th Street, on its eastern portion by 2nd Street, on its northern portion by the

border of the Downtown Plan Area, and on its southern portion by Townsend Street. The Planning Code amendments include adding Sections 128.1, 132.4, 175.1, 249.78, 263.32, 263.33, 263.34, 413.7, 432, 433, and 848; revising Sections 102, 124, 134, 135, 135.3, 138, 140, 145.1, 145.4, 151.1, 152, 152.1, 153, 155, 163, 169.3, 181, 182, 201, 206.4, 207.5, 208, 211.2, 249.36, 249.40, 249.45, 260, 261.1, 270, 270.2, 303.1, 304, 307, 329, 401, 411A.3, 413.10, 415.3, 415.5, 415.7, 417.5, 419, 419.6, 423.1, 423.2, 423.3, 423.5, 426, 427, 429.2, 603, 608.1, 802.1, 802.4, 803.3, 803.4, 803.5, 803.9, 809, 813, 825, 840, 841, 842, 843, 844, 845, 846, 847, 890.37, 890.116, 890.124; and deleting Sections 263.11, 425, 802.5, 803.8, 815, 816, 817, and 818. The Administrative Code amendments include revising Chapter 35. The Planning Commission will also consider affirming the Planning Department's determination under the California Environmental Quality Act; making approval findings under the California Environmental Quality Act, including adopting a statement of overriding considerations; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302. For more information on the Central SoMa Plan, go to <http://centralsoma.sfplanning.org>.

*Preliminary Recommendation: Adopt a Resolution Recommending Approval with Modifications*  
(Continued from Regular hearing on April 12, 2018)

SPEAKERS: Same as item 14a.  
ACTION: Adopted a Recommendation for Approval with Modifications  
AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards  
RESOLUTION: 20185

- 14e. 2011.1356T (S. WERTHEIM: (415) 558-6612)  
CENTRAL SOMA COMMUNITY FACILITIES DISTRICT – Proposed **Planning Code Amendment** regarding a Community Facilities District in Central SoMa. Consideration of a proposed Ordinance adopting the Community Facilities District for the Central SoMa Plan; making approval findings under the California Environmental Quality Act, including adopting a statement of overriding considerations; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code Section 302.  
*Preliminary Recommendation: Recommend Board of Supervisors Consideration*  
(Continued from Regular hearing on April 26, 2018)

SPEAKERS: Same as item 14a.  
ACTION: Adopted a Recommendation for BoS Consideration  
AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards  
RESOLUTION: 20185

- 14f. 2011.1356Z (S. WERTHEIM: (415) 558-6612)  
CENTRAL SOMA PLAN – Pursuant to San Francisco Planning Code 302, the Planning Commission will consider **Zoning Map Amendments**, to create the Central South of Market (SoMa) Special Use District and make other amendments to the Height and Bulk District Maps and Zoning Use District Maps consistent with the Central SoMa Area Plan, encompassing an area generally bounded on its western portion by 6th Street, on its eastern portion by 2nd Street, on its northern portion by the border of the Downtown Plan



Area, and on its southern portion by Townsend Street. The Zoning Map is proposed include amendments to Sheets ZN01, ZN08, HT01, HT08, SU01, and SU08 affecting all or part of the following Assessor's Blocks: 3725, 3732, 3733, 3750-3753, 3762, 3763, 3775-3778, 3785-3788; The Planning Commission will also consider affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1. For more information on the Central SoMa Plan, go to <http://centralsoma.sfplanning.org>.

*Preliminary Recommendation: Adopt a Resolution Recommending Approval*

(Continued from Regular hearing on April 12, 2018)

SPEAKERS: Same as item 14a.

ACTION: Approved

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

RESOLUTION: 20186

14g. 2011.1356U (S. WERTHEIM: (415) 558-6612)

CENTRAL SOMA PLAN – ADOPTION OF THE IMPLEMENTATION PROGRAM – The Planning Commission will consider adopting the **Implementation Program** to guide implementation of the Central South of Market (SoMa) Area Plan, generally bounded on its western portion by 6th Street, on its eastern portion by 2nd Street, on its northern portion by the border of the Downtown Plan Area, and on its southern portion by Townsend Street. The Implementation Program document includes five parts: 1) An "Implementation Matrix" document conveying how each of the Plan's policies would be implemented, including implementation measures, mechanism, timelines, and lead agencies, 2) A "Public Benefits Program" document containing the Plan's public benefits package, including a description of the range of infrastructure and services that will serve new growth anticipated under the Plan, a summary of how those benefits will be funded, and a description of how this program will be administered and monitored, 3) A "Guide to Urban Design" document containing design guidance that is specific to Central SoMa in a way that complements and supplements the requirements of the Planning Code and citywide Urban Design Guidelines, 4) A "Key Development Sites Guidelines" document that includes greater direction than available in the Planning Code to the development of the Plan Area's large, underutilized development opportunity sites, in an effort to maximize public benefits and design quality, and 5) A "Key Streets Guidelines" document that includes greater policy direction for each of the major streets in the Plan Area.

For more information on the Central SoMa Plan, go to <http://centralsoma.sfplanning.org>.

*Preliminary Recommendation: Adopt a Resolution Recommending Approval*

(Continued from Regular hearing on April 12, 2018)

SPEAKERS: Same as item 14a.

ACTION: Adopted a Recommendation for Approval

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards

RESOLUTION: 20187

14h. 2018-004477PCA

(P. IKEZOE: (415) 575-9137)

**CENTRAL SOMA HOUSING SUSTAINABILITY DISTRICT – Planning Code and Business and Tax Regulations Code Amendments** to create the Central South of Market Housing Sustainability District, encompassing an area generally bounded on its western portion by Sixth Street, on its eastern portion by Second Street, on its northern portion by the border of the Downtown Plan Area (an irregular border that generally jogs along Folsom, Howard and Stevenson Streets), and on its southern portion by Townsend Street, to provide a streamlined and ministerial approval process for certain housing projects meeting specific labor, on-site affordability, and other requirements; establishing a fee for applications for residential development permits within the District; making approval findings under the California Environmental Quality Act; making findings of public convenience, necessity, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

*Preliminary Recommendation: Adopt a Resolution Recommending Approval*  
(Continued from Regular hearing on April 26, 2018)

SPEAKERS: Same as item 14a.  
ACTION: Adopted a Recommendation for Approval with Modifications  
AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore, Richards  
RESOLUTION: 20188

ADJOURNMENT 8:54 PM

ADOPTED MAY 24, 2018



# SAN FRANCISCO PLANNING DEPARTMENT

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## Central SoMa Plan Adoption Packet Table of Contents

HEARING DATE: MAY 10, 2018

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Project Name:* Central SoMa Plan Amendments to the General Plan,  
Planning Code, Administrative Code, and Zoning Maps, and  
Implementation Program  
*Date:* May 3, 2018  
*Record Number:* **2011.1356EMTZU**  
*Staff Contact:* Steve Wertheim, Principal Planner, Citywide Planning  
(415) 558-6612; [steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)

### Executive Summary Memo

#### I. CEQA Findings – E Case

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- I.2 – CEQA Findings Draft Motion
  - A – CEQA Findings
  - B – Mitigation Monitoring and Reporting Program

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- III.6 – Planning Code and Administrative Code – Issues for Consideration

## **I. CEQA FINDINGS - E CASE**

**EXHIBIT I.2 -  
CEQA FINDINGS  
DRAFT MOTION**



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Motion No. XXXXX

HEARING DATE MAY 10, 2018

*Project Name:* Central SoMa Plan – CEQA Findings  
*Date:* May 3, 2018  
*Record No.:* 2011.1356EMTZU  
*Staff Contact:* Steve Wertheim, Principal Planner, Citywide Planning  
(415) 558-6612; [steve.wertheim@sfgov.org](mailto:steve.wertheim@sfgov.org)

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ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT IMPACTS AND SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND A STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO APPROVALS FOR THE CENTRAL SOUTH OF MARKET AREA PLAN ("CENTRAL SOMA PLAN").

### PREAMBLE

The San Francisco Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA"), has undertaken a planning and environmental review process for the proposed Central SoMa Plan and related approval actions ("Project") and provided appropriate public hearings before the Planning Commission.

The desire for a Central SoMa Plan began during the Eastern Neighborhoods planning process. In 2008 the City adopted the Eastern Neighborhoods Plan, including new land use controls and proposed community improvements for the eastern part of the South of Market neighborhood (SoMa), as well as the Central Waterfront, Mission, and Showplace Square/Potrero Hill neighborhoods. At that time, the City determined that the development potential of the industrially zoned part of East SoMa, coupled with the improved transit to be provided by the Central Subway, necessitated a subsequent, focused planning process that took into account the city's growth needs and City and regional environmental goals. The Central SoMa Plan is the result of that subsequent process.

The Western SoMa Area Plan, adopted in 2013, also explicitly recognized the need to increase development capacity near transit in Objective 1.5, which states that the City should "Support continued evaluation of land uses near major transit infrastructure in recognition of citywide and regional sustainable growth needs." The explanatory text in Objective 1.5 concludes that "The

City must continue evaluating how it can best meet citywide and regional objectives to direct growth to transit-oriented locations and whether current controls are meeting identified needs.” The Objective’s implementing Policy 1.5.1 states that the City should “Continue to explore and re-examine land use controls east of 6th Street, including as part of any future evaluation along the 4th Street corridor.” The Central SoMa Plan is intended to fulfill the Western SoMa Plan’s Objective 1.5 and Policy 1.5.1.

The process of creating the Central SoMa Plan began in 2011. Throughout the process, the Central SoMa Plan has been developed based on robust public input, including ten public open houses; ten public hearings at the Planning Commission; two public hearings at the Board of Supervisor’s Land Use & Transportation Committee; additional hearings at the Historic Preservation Commission, Arts Commission, and Youth Commission; a “technical advisory committee” consisting of multiple City and regional agencies; a “storefront charrette” (during which the Planning Department set up shop in a retail space in the neighborhood to solicit community input on the formulation of the plan); two walking tours, led by community members; two community surveys; an online discussion board; meetings with over 30 neighborhoods groups and other community stakeholders; and thousands of individual meetings, phone calls, and emails with stakeholders.

The Central SoMa Plan Area runs from 2nd Street to 6th Street, Market Street to Townsend Street, exclusive of those areas that are part of the Downtown Plan that comprise much of the area north of Folsom Street. The vision of the Central SoMa Plan is to create a sustainable neighborhood by 2040, where the needs of the present are met without compromising the ability of future generations to meet their own needs. The Central SoMa Plan seeks to achieve sustainability in each of its aspects – social, economic, and environmental. The Plan’s philosophy is to keep what is already successful about the neighborhood, and improve what is not. Utilizing the Plan’s philosophy to achieve the Plan’s vision will require implementing the following three strategies:

- Accommodate growth;
- Provide public benefits; and
- Respect and enhance neighborhood character.

Implementing the Plan’s strategies will require addressing all the facets of a sustainable neighborhood. To do so, the Plan seeks to achieve eight Goals:

1. Accommodate a Substantial Amount of Jobs and Housing
2. Maintain the Diversity of Residents
3. Facilitate an Economically Diversified and Lively Jobs Center
4. Provide Safe and Convenient Transportation that Prioritizes Walking, Bicycling, and Transit
5. Offer an Abundance of Parks and Recreational Opportunities
6. Create an Environmentally Sustainable and Resilient Neighborhood
7. Preserve and Celebrate the Neighborhood’s Cultural Heritage
8. Ensure that New Buildings Enhance the Character of the Neighborhood and the City.

The Plan would implement its vision, philosophy, and goals by:

- Accommodating development capacity for up to 33,000 jobs and 8,300 housing units by removing much of the area's industrially-protective zoning and increasing height limits on many of the area's parcels;
- Maintaining the diversity of residents by requiring that over 33% of new housing units are affordable to low- and moderate-income households and requiring that these new units are built in SoMa;
- Facilitating an economically diversified and lively jobs center by requiring most large sites to be jobs-oriented, by requiring production, distribution, and repair uses in many projects, and by allowing retail, hotels, and entertainment uses in much of the Plan Area;
- Providing safe and convenient transportation by funding capital projects that would improve conditions for people walking, bicycling, and taking transit;
- Offering an abundance of parks and recreational opportunities by funding the construction and improvement of parks and recreation centers in the area and requiring large non-residential projects to provide publicly-accessible open space;
- Creating an environmentally sustainable and resilient neighborhood by requiring green roofs and use of non-greenhouse gas energy sources, while funding projects to improve air quality, provide biodiversity, and help manage stormwater;
- Preserving and celebrating the neighborhood's cultural heritage by helping fund the rehabilitation and maintenance of historic buildings and funding social programs for the neighborhood's existing residents and organizations; and
- Ensuring that new buildings enhance the character of the neighborhood and the city by implementing design controls that would generally help protect the neighborhood's mid-rise character and street fabric, create a strong street wall, and facilitate innovative yet contextual architecture.

These core policies and supporting discussion have been incorporated into the Central SoMa Plan, which is proposed to be added as an Area Plan in the General Plan. The Central SoMa Plan and conforming amendments to the General Plan, together with proposed Planning Code, Administrative Code, and Zoning Map Amendments and an Implementation Document, provide a comprehensive set of policies and implementation programming to realize the vision of the Plan. The Implementation Document describes how the Plan's policies will be implemented, outlines public improvements, funding mechanisms, and interagency coordination that the City must pursue to implement the Plan, and provides controls for key development sites and key streets and design guidance for new development.

Since the Central SoMa Plan process began in 2011, the Planning Department has undertaken the environmental review process required by CEQA. Pursuant to and in accordance with the requirements of Section 21083.9 of the Public Resources Code and Section 15082 of the CEQA Guidelines, the Department, as lead agency, published and circulated a Notice of Preparation ("NOP") on April 24, 2013, which notice solicited comments regarding the scope of the environmental impact report ("EIR") for the proposed project. The NOP and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco



and mailed to governmental agencies, organizations and persons interested in the potential impacts of the proposed project. The Department held a public scoping meeting on May 15, 2013 at The Mendelson House, located at 737 Folsom Street, San Francisco, CA 94107.

During the approximately 30-day public scoping period that ended on May 24, 2013, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in preparation of the Draft EIR.

Pursuant to Section 15063 of the CEQA Guidelines, the Department published an Initial Study on February 12, 2014 in order to focus the scope of the EIR. The Department made the Initial Study available for a 30-day public review period beginning on February 12, 2014 and ending on March 14, 2014. The Department considered the comments received on the Initial Study when preparing the Draft EIR.

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

The Department published a Draft EIR on December 14, 2016, and circulated the Draft EIR to local, state, and federal agencies and to interested organizations and individuals for public review. On December 14, 2016, the Department also distributed notices of availability of the Draft EIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the project area. The Commission held a public hearing on January 26, 2017, to solicit testimony on the Draft EIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the Draft EIR, which were sent through mail, fax, hand delivery, or email. The Department accepted public comment on the Draft EIR until February 13, 2017.

The Department then prepared the Comments and Responses to Comments on Draft EIR document ("RTC"). The RTC document was published on March 28, 2018, and includes copies of all of the comments received on the Draft EIR and written responses to each comment. In addition to describing and analyzing the physical, environmental impacts of the revisions to the Project, the RTC document provided additional, updated information, clarification, and

modifications on issues raised by commenters, as well as Planning Department staff-initiated text changes to the Draft EIR.

The Final Environmental Impact Report ("Final EIR"), which includes the Draft EIR, the RTC document, the errata dated May 3, 2018, the Appendices to the Draft EIR and RTC document, and all of the supporting information, has been reviewed and considered. The RTC documents and appendices and all supporting information do not add significant new information to the Draft EIR that would individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or CEQA Guidelines Section 15088.5 so as to require recirculation of the Final EIR (or any portion thereof) under CEQA. The RTC documents and appendices and all supporting information contain no information revealing (1) any new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously identified environmental impact, (3) any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the project sponsor, or (4) that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

On May 10, 2018, by Motion No. \_\_\_\_\_, the Commission reviewed and considered the Final EIR for the Project and found the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

On May 10, 2018, by Motion No. \_\_\_\_\_, the Commission found that the Final EIR was adequate, accurate, and objective, that it reflected the independent analysis and judgment of the Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the completion of the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

The Planning Department prepared proposed Findings, as required by CEQA, regarding the alternatives, mitigation measures, and significant impacts analyzed in the Final EIR, and overriding considerations for approving the Project and a proposed mitigation monitoring and reporting program ("MMRP"), attached as Exhibit B, which material was made available to the public and this Planning Commission for the Planning Commission's review, consideration, and actions.

The Commission, in certifying the Final EIR, found that the Project described in the Final EIR:

- A. Will result in the following significant and unavoidable project-specific environmental impacts, which cannot be mitigated to a level of insignificance:
  - a. Central SoMa Plan development, including proposed open space improvements and street network changes, would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for

the purpose of avoiding or mitigating and environmental effect. Specifically, the Plan could result in traffic noise along Howard Street (under the two-way option for Howard and Folsom streets) that exceeds the noise standards in the General Plan's Environmental Protection Element.

- b. Central SoMa Plan development would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district located in the Plan area, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines section 15064.5.
- c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.
- d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in crosswalk overcrowding at the following intersections:
  - i. Third/Mission
  - ii. Fourth/Mission
  - iii. Fourth/Townsend
- e. Central SoMa Plan development would result in an increased demand for on-street commercial and passenger loading and a reduction in on-street loading supply such that the loading demand during the peak hour of loading activities would not be accommodated within on-street loading supply, would impact existing passenger loading/unloading zones, and may create hazardous conditions or significant delay that may affect transit, other vehicles, bicycles, or pedestrians.
- f. Construction activities associated with Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would result in potentially hazardous conditions.
- g. Central SoMa Plan development, including the proposed street network changes, would generate noise that would result in exposure of persons to noise levels in excess of standards in the *San Francisco General Plan* or Noise Ordinance (Article

29 of the *Police Code*), and would result in a substantial permanent increase in ambient noise above existing levels.

- h. Central SoMa Plan development, including the proposed street network changes and open space improvements, would result in construction activities in the Plan Area that could expose persons to substantial temporary or periodic increase in noise levels substantially in excess of ambient levels.
  - i. The operation of subsequent individual development projects in the Central SoMa Plan Area and the proposed street network changes (but not the proposed open space improvements) would violate an air quality standard, contribute to an existing or projected air quality violation, and/or result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.
  - j. Central SoMa Plan development, including the proposed street network changes, would result in operational emissions of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants that would result in exposure of sensitive receptors to substantial pollutant concentrations.
  - k. Subsequent future development under the Plan could alter wind in a manner that substantially affects public areas.
- B. Will contribute considerably to the following cumulative environmental impacts, which cannot be mitigated to a level of insignificance:
- a. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to a significant cumulative land use impact. Specifically, one-way and two-way options for Folsom and Howard Streets could make a considerable contribution to cumulative traffic noise levels, which would exceed the noise standards in the General Plan's Environmental Protection Element.
  - b. Central SoMa Plan development would contribute considerably to significant cumulative historical resources impacts because the Plan could result in demolition and/or alteration of historical resources.
  - c. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative transit impacts on local and regional transit providers.
  - d. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative pedestrian impacts.

- e. Central SoMa Plan development, including the proposed open space improvements and street network changes, would contribute considerably to significant cumulative loading impacts.
- f. Central SoMa development, including the proposed street network changes and open space improvements, would result in cumulative noise impacts.
- g. Central SoMa development, including the proposed street network changes, but not open space improvements, would contribute considerably to criteria air pollutant impacts under cumulative 2040 conditions.
- h. Central SoMa Plan development, including the proposed street network changes but not open space improvements, would result in exposure of sensitive receptors to substantial levels of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants under 2040 cumulative conditions.

The Planning Commission Secretary is the custodian of records for the Planning Department materials, located in the File for Case No. 2011.1356EMTZU, at 1650 Mission Street, Fourth Floor, San Francisco, California, 94103.

On May 10, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2011.1356EMTZU to consider the various approvals necessary to implement the Project, including approvals of General Plan, Planning Code, Administrative Code, and Zoning Map Amendments, and approval of the Implementation Program. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the Project, the Planning Department staff, expert consultants, and other interested parties.

**MOVED**, that the Planning Commission has reviewed and considered the Final EIR and the entire record of this proceeding, including the comments and submissions made to the Commission and the Department's responses to those comments and submissions, and, based on substantial evidence, hereby adopts these Environmental Findings required by CEQA attached hereto as Exhibit A, including a Statement of Overriding Considerations and rejecting alternatives as infeasible, and adopts the MMRP, included as Exhibit B, as a condition of approval for each and all of the approval actions described above.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 10, 2018.

Jonas P. Ionin  
Commission Secretary

AYES:  
NOES:  
ABSENT:  
ADOPTED:

**EXHIBIT I.2A -  
CEQA FINDINGS**

adversely affected in the Plan Area with implementation of the Plan. Therefore, the impact would remain significant and unavoidable with mitigation.

## **IV.B.2      Impact C-CP-1**

**Impact C-CP-1: Development under the Plan, in combination with past, present, and reasonably foreseeable future projects in the vicinity, could result in demolition and/or alteration of historic resources, thereby contributing considerably to significant cumulative historical resources impacts.**

The EIR finds that development under the Plan may contribute to the loss of individual historic resources and contributors to historic districts by encouraging demolition and alteration of such resources in the Plan Area. These impacts could combine with similar impacts in areas outside the Plan Area to result in significant cumulative impacts in the number of individually eligible historic resources within the SoMa neighborhood and cumulative effects to historic districts that overlap within the Plan Area and adjacent areas. The proposed Plan could contribute considerably to this impact, and several mitigation measures have been identified and analyzed that could mitigate this impact to less than significant, including **Mitigation Measures M-CP-1a through M-CP-1e**, as noted above. However, because it is uncertain whether or not these mitigation measures could reduce impacts to a less-than-significant level, this impact would remain significant and unavoidable with mitigation.

## **IV.C      Transportation and Circulation**

### **IV.C.1      Impact TR-3**

**Impact TR-3: Development under the Plan, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.**

Development associated with the Plan would generate 4,160 transit trips during the a.m. peak hour, and 4,430 transit trips during the p.m. peak hour. The EIR finds that development under the Plan, including the proposed open space improvements and street network changes, would result in significant adverse transit impacts on Muni capacity and East Bay regional transit screenlines, and would result in transit delays for Muni, Golden Gate Transit, and SamTrans buses. The EIR identifies and analyzes **Mitigation Measures M-TR-3a: Transit Enhancements, M-TR-3b: Boarding Improvements, and M-TR-3c, Signalization and Intersection Restriping at Townsend/Fifth Streets** to address this impact. The EIR finds that even with implementation of these mitigation measures, impacts would not be reduced to a less-than-significant level. Implementation of Mitigation Measures M-TR-3a, M-TR-3b, and M-TR-3c would reduce the effect of increased ridership and could reduce the travel time impacts or mitigate them to less-than-significant levels. However, because it is not known how much additional funding would be generated for transit service as part of these mitigation measures, or whether SFMTA would provide additional service on the impacted routes to fully mitigate the Plan's impacts, the impacts remain significant and unavoidable with mitigation.

## IV.C.2 Impact TR-4

**Impact TR-4: Development under the Plan, including the proposed open space improvements and street network changes, would not result in pedestrian safety hazards nor result in a substantial overcrowding on sidewalks or at corner locations, but would result in overcrowding at crosswalks.**

Development associated with the Plan would generate about 10,550 pedestrian trips (4,430 transit and 6,120 walk and other modes trips) during the p.m. peak hour. New development under the Plan would result in a substantial increase in pedestrians, bicyclists, and vehicle trips in Central SoMa, which could increase the potential for conflicts between modes. However, some of the development projects would include pedestrian improvements, as required under the *Better Streets Plan*, and ongoing City projects such as the Vision Zero effort focused on eliminating traffic deaths by 2024. The proposed street network changes include numerous improvements to the pedestrian network including sidewalk widening to meet the standards in the *Better Streets Plan* where possible, corner sidewalk extensions, pedestrian signal timing upgrades, signalized midblock pedestrian crossings, and opening currently closed crosswalks. Impacts of the Plan related to pedestrian safety hazards would be less than significant.

Implementation of the street network changes, in combination with the additional pedestrians generated by development under the Plan, would result in significant pedestrian LOS impacts at the west and east crosswalks at the intersections of Third/Mission and Fourth/Mission, and at the west crosswalks at the intersections of Fourth/Townsend and Fourth/King during the midday and/or p.m. peak hours. The EIR identifies and analyzes **Mitigation Measure M-TR-4: Upgrade Central SoMa Area Crosswalks**, to address this impact. The EIR finds that even with implementation of this mitigation measure, because the feasibility of the crosswalk widening beyond the current width is uncertain due to roadway or other physical constraints (e.g., presence of bus stops or platforms), the pedestrian impact at the crosswalks due to implementation of the Plan would remain significant and unavoidable with mitigation.

## IV.C.3 Impact TR-6

**Impact TR-6: Development under the Plan, including the proposed open space improvements and street network changes, would result in an increased demand of on-street commercial and passenger loading and a reduction in on-street commercial loading supply such that the loading demand during the peak hour of loading activities would not be accommodated within on-street loading supply, would impact existing passenger loading/unloading zones, and may create hazardous conditions or significant delay that may affect transit, other vehicles, bicycles, or pedestrians.**

Implementation of the street network changes associated with the Plan would remove on-street commercial loading spaces and passenger loading/unloading zones on a number of streets either permanently or during peak periods. The EIR finds that development under the Plan, including the proposed open space improvements and street network changes, would result in significant impacts on commercial vehicle loading/unloading activities and passenger loading/unloading activities.



### **IV.D.3 Impact C-NO-1**

**Impact C-NO-1: Development under the Plan, including the proposed street network changes and open space improvements, in combination with past, present, and reasonably foreseeable future projects, would result in cumulative noise impacts.**

Noise modeling was undertaken for 149 street segments to evaluate changes in traffic noise between 2040 conditions and each of the three development scenarios: (1) 2040 Cumulative + Growth Attributed to the Plan; (2) 2040 Cumulative + Growth Attributed to the Plan with Street Improvements (Folsom/Howard one-way); and (3) 2040 Cumulative + Growth Attributed to the Plan with Street Improvements (Folsom/Howard two-way). The results of the traffic noise modeling revealed that effects of Plan-generated and cumulative traffic growth would be relatively minimal overall.

Under the 2040 Cumulative + Growth Attributed to the Plan scenario, traffic noise increases would generally be less than three dBA. One street segment on Fifth Street between Bryant and Brannan Streets would experience a noise increase greater than three dBA; this would be a significant cumulative impact. However, the Plan contribution would be minimal (less than 0.5 dBA) and thus not a considerable contribution to the significant cumulative impact.

Under the 2040 Cumulative + Growth Attributed to the Plan with Street Improvements (Folsom/Howard one-way) scenario, a significant cumulative impact would occur on Fourth Street between Bryant and Brannan Streets and on Bryant Street east of Fourth Street. Under the 2040 Cumulative + Growth Attributed to the Plan with Street Improvements (Folsom/Howard two-way) scenario, significant cumulative impacts would occur on Howard Street west of Fifth Street, Fourth Street between Bryant and Brannan Streets, and on Bryant Street east of Fourth Street. Therefore, the Plan growth plus the street network changes with both one-way and two-way options for Folsom and Howard Streets would make a considerable contribution to cumulative significant traffic noise impacts. Therefore, this impact remains significant and unavoidable.

## **IV.E Air Quality**

**Impact AQ-3: Operation of subsequent individual development projects in the Plan Area and street network changes, but not proposed open space improvements, would violate an air quality standard, contribute to an existing or projected air quality violation, and/or result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or State ambient air quality standard.**

Development of individual development projects within the Plan Area could generate vehicle trips and other operational emissions, such as emissions from natural gas combustion, landscape maintenance activities, and painting that would result in a significant increase in criteria air pollutants. With regard to proposed street network changes, these projects would include conversion of Howard and Folsom Streets to accommodate additional travel modes including bicycles and transit, reduction in travel lanes and installation of transit only lanes and bicycle facilities on Third Street and Fourth Street, creation of transit only lanes on Bryant Street and Harrison Street and minor reconfiguration to Brannan Street. Given the number of proposed street network changes, it is conservatively judged that the street network changes would result in significant criteria air pollutant emissions as a result of slower moving vehicle speeds, which would result in an increase in vehicle

emissions. The EIR identifies and analyzes **Mitigation Measures M-NO-1a: Transportation Demand Management for New Development Projects, M-AQ-3a: Education for Residential and Commercial Tenants Concerning Low-VOC Consumer Products, and M-AQ-3b: Reduce Operational Emissions**, to address this impact.

The EIR finds that implementation of these mitigation measures is required for future individual development projects in the Plan Area that would exceed BAAQMD screening criteria. However, without specific detail on the size and extent of these projects, it is not possible to estimate emissions or the effectiveness or feasibility of the mitigation measures. Additionally, local government has no authority over vehicle emissions standards, which are established by federal and state law. Existing emissions laws and regulations, including the federal Corporate Average Fuel Economy requirements and California's Clean Car (Pavley) Standards to reduce greenhouse gas emissions, would result in declining vehicle emissions over time. However, no feasible mitigation exists for criteria air pollutant emissions resulting from slower vehicle speeds (and increased idling times) that may occur as a result of the proposed street network changes. Therefore, this impact remains significant and unavoidable with mitigation. It should be noted that the identification of this significant impact does not preclude the finding of future less-than-significant impacts for subsequent projects that comply with applicable screening criteria or meet applicable thresholds of significance.

**Impact AQ-5: Development under the Plan, including proposed street network changes, would result in operational emissions of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants that would result in exposure of sensitive receptors to substantial pollutant concentrations.**

The EIR finds that Plan traffic would incrementally expand the geographic extent of the Air Pollutant Exposure Zone (APEZ), adding to the APEZ all of the approximately 40 parcels north of the I-80 freeway that are currently outside the zone (these parcels are largely concentrated near Second and Folsom Streets and along Shipley Street between Fifth and Sixth Streets), and also adding to the APEZ a large number of parcels south of the freeway, including South Park. As a result of Plan-generated traffic, including the proposed street network changes, excess cancer risk within the APEZ would increase by as much as 226 in a million and PM<sub>2.5</sub> concentrations would increase by up to 4.54 µg/m<sup>3</sup> at individual receptor points, which substantially exceed the thresholds identified in the EIR. The EIR also finds that both existing and new stationary sources, as well as other non-permitted sources in the Plan Area, could result in potential health risks (primarily lifetime cancer risk) to sensitive receptors, which would be expected to consist mostly of persons living in residential projects developed in the Plan Area, particularly if these projects were to include sources of TACs. Among these sources would be diesel-powered emergency generators, which are generally required to be installed in buildings with occupiable floors above 75 feet in height. Finally, the EIR finds that indirect traffic generated by the Plan, as well as the reconfiguration of the street network in the Plan Area, would add and relocate vehicle emissions that would change the geographic extent and severity of the APEZ, significantly exacerbating existing localized air quality conditions. With Plan traffic, the additional parcels that would be added to the APEZ are not currently subject to *Health Code* Article 38; therefore, new sensitive use projects proposed on these lots would be exposed to substantial pollutant concentrations resulting from Plan-generated traffic, which would result in a significant impact. The EIR identifies and analyzes **Mitigation Measure M-NO-1a: Transportation Demand Management for New Development Projects**, to address the impact associated with Plan-generated traffic. Additionally, the EIR identifies and analyzes **Mitigation Measures M-AQ-5a: Best Available Control Technology for Diesel Generators and Fire Pumps; M-AQ-5b: Siting of Uses that Emit**

associated with the Plan's street network changes, including widening sidewalks, creating new crosswalks, and improving existing crossings. Nor would it allow the City to provide protected bicycle lanes on many of the neighborhood's streets. Finally, the City would not facilitate transit enhancements in the neighborhood, such as transit-only lanes.

## **VI.A.6 Alternatives Considered but Rejected**

The TODCO Group submitted its TODCO Plan to the City for consideration in October 2016 after the draft Central SoMa Plan was revised in August 2016. All aspects of the October 2016 TODCO Plan were included and analyzed as the "Modified TODCO Plan" in the Alternatives Chapter of the Draft EIR, with the exception of the TODCO Plan's proposed height limits. The October 2016 TODCO Plan proposed changes in height limits at certain major development sites within the Central SoMa Plan Area that would be greater than that proposed for those same sites in the Central SoMa Plan. Specifically, under the TODCO Plan, the proposed 250-foot height limits at the Academy of Art Student Housing site and the Fourth and Harrison Streets site would be greater than the height limit for those sites proposed under the Central SoMa Plan (160 feet, and 240 feet, respectively). In addition, at the Second and Harrison Street site, the proposed height limits of 400 feet under the TODCO Plan would be greater than the 350-foot height limit for that site proposed under the Central SoMa Plan.

The TODCO Plan alternative was not selected because it could result in greater shadow and wind impacts than the Plan, the No Project Alternative, and the Reduced Heights Alternative. Specifically, given that the TODCO Plan proposes higher height limits on two parcels on Harrison Street as compared to the Plan, shadow effects on Yerba Buena Gardens, Alice Street Community Gardens, Jessie Square, Yerba Buena Lane, and Mint Plaza may be greater than under the Plan. These higher heights could also result in greater pedestrian-level winds.

Furthermore, this alternative would not avoid any of the significant and unavoidable effects associated with the Plan and would not meet several of the basic project objectives to the same extent that the Project would. Under this alternative, the capacity of the Plan Area to accommodate jobs and housing would be increased, but would be approximately 80% of the amount allowed by the Plan. By accommodating less growth in this high-demand area, this alternative would not alleviate the demand for housing or the pressure on rents to the same degree as the Plan. Increasing housing capacity is necessary to accommodate some of the City and region's substantial demand for growth in a transit-rich, walkable, and bike-able location.

## **SECTION VII**

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### **Statement of Overriding Considerations**

Pursuant to CEQA Section 21081 and CEQA Guidelines Section 15093, the City hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs these significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, this

determination is that each individual reason is sufficient. The specific reasons for this finding, based on substantial evidence in the record, constitute the following Statement of Overriding Considerations. The substantial evidence supporting the various benefits can be found in the Final EIR and the preceding findings, which are incorporated by reference into this Section, and in the documents found in the administrative record, as described in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specifically finds that there are significant benefits of the Project in spite of the unavoidable significant impacts. The Commission further finds that, as part of the process of obtaining project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. The Planning Commission acknowledges that if any of the mitigation measures identified in Exhibit B herein that fall within the authority of other City agencies are not adopted and implemented, the Project may result in other significant unavoidable impacts, in addition to those identified in Section IV, above. For these reasons the Planning Commission is adopting a Statement of Overriding Considerations.

Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social, and other considerations:

A. Central SoMa is a 230-acre area that sits adjacent to downtown, has excellent transit access, and contains a substantial amount of developable land. As such, the neighborhood is well positioned to accommodate needed employment, housing, and visitor facilities in the core of the city and Bay Area region. It is also a neighborhood with an incredible history and a rich, ongoing, cultural heritage. As it grows and evolves over the next 25 years, Central SoMa has the opportunity to become a complete, sustainable, and vital neighborhood without losing what makes it special and unique today. The Central SoMa Plan (the "Plan") contains the goals, objectives, and policies to guide this growth and evolution such that the results serve the best interests of San Francisco – in the present and the future.

B. The Plan is an important evolution in the planning of this neighborhood. The desire for a Central SoMa Plan began during the Eastern Neighborhoods planning process. In 2008 the City adopted the Eastern Neighborhoods Plan, including new land use controls and proposed community improvements for the eastern part of the South of Market neighborhood (SoMa), as well as the Central Waterfront, Mission, and Showplace Square/Potrero Hill neighborhoods. At that time, the City determined that the development potential of the industrially zoned part of East SoMa, coupled with the improved transit to be provided by the Central Subway, necessitated a subsequent, focused planning process that took into account the city's growth needs and City and regional environmental goals. The Central SoMa Plan is the result of that subsequent process, and is an important tool to guide development in the Central SoMa area.

Similarly, the Western SoMa Area Plan, adopted in 2013, explicitly recognized the need to increase development capacity near transit in Objective 1.5, which states that the City should "Support continued evaluation of land uses near major transit infrastructure in recognition of citywide and regional sustainable growth needs." The explanatory text in Objective 1.5 concludes that "The City must continue evaluating how it can best meet citywide and regional objectives to direct growth to transit-oriented locations and whether current controls are meeting identified needs." The Objective's implementing Policy 1.5.1 states that the City

should “Continue to explore and re-examine land use controls east of 6th Street, including as part of any future evaluation along the 4th Street corridor.” The Central SoMa Plan is intended to fulfill the Western SoMa Plan’s Objective 1.5 and Policy 1.5.1 and is important to allow development near major transit infrastructure.

C. The Plan accommodates a substantial amount of jobs and housing. Specifically, the Plan would enable up to 8,300 new housing units and approximately 30,000 new jobs. Currently, the City and region are undergoing tremendous growth pressure. Economically, there is the continuing national and regional shift from an economy based on things to one based on ideas. These knowledge sector businesses tend to cluster in regions – and the Bay Area is the world’s leading knowledge region. The result is that job growth in the Bay Area the past several years has nearly doubled that of the rest of the nation, and commensurately so has the demand for housing. Simultaneously, there is increasing demand among both younger and older generations to live in walkable, transit-oriented, amenity-rich locations. In this largely suburban and auto-dependent region, many of the accessible and dynamic urban neighborhoods are in San Francisco. This Plan facilitates this kind of development in the Central SOMA area.

D. Cumulatively, demands for urban neighborhoods have created an ongoing and strong demand for space in San Francisco – one that outstrips the supply of new space. When demand is high relative to supply, the price inevitably goes up. In 2018, prices have risen to a level that is socially unsustainable – rents for housing are the highest in the country, and greatly exceed what can be afforded by the majority of today’s San Franciscans. Rents for commercial space are similarly unaffordable, pushing out non-profit organizations, mom-and-pop businesses, artists and industrial businesses. Fortunately, Central SoMa is an appropriate location for such development. The area is served by some of the region’s best transit, including BART and Caltrain, Muni Metro and many bus lines, in addition to the Central Subway currently under construction. Flat streets and a regular grid pattern can make destinations easy to reach for people walking and bicycling. There is already an incredibly strong cluster of technology companies that new and growing companies want to locate near. There is also a diversity of other uses, including thousands of residential units, local- and regional-serving retail, cultural and entertainment facilities, hotels, and production/distribution/repair businesses. Simultaneously, there is substantial opportunity to increase density in Central SoMa. There are numerous undeveloped or underdeveloped sites, such as surface parking lots and single-story commercial buildings. Recognizing this opportunity, the Plan facilitates approximately 16 million square feet in new development, relatively evenly split between space for housing and jobs. Such an increase in development, at this appropriate location, is an important and necessary step towards accommodating the demand for growth in San Francisco. By doing so, the Plan can help increase the upward pressure on rents for residential and non-residential uses and thereby foster a more economically and socially sustainable neighborhood, city, and region.

E. The Plan strives to maintain the existing diversity of residents and encourage continuing diversity. SoMa already has an incredibly diverse population, in terms of race, income, unit size, and ownership status. Implementation of this Plan would maintain that diversity by ensuring that at least 33% of new units are affordable to low- and moderate-income families. In doing so, the Plan meets the City’s target for provision of such units established in 2014’s Proposition K. The Plan would enable production of at least 2,700 affordable units. Such units would be expected to be provided through a range of mechanisms, including direct provision by new development on-site and off-site, and provision by the City through in-lieu and Jobs-Housing Linkage Fees. Whereas typically City-funded projects could be built anywhere within the City, the

Plan requires that these units would be built within SoMa, therefore supporting the diversity of residents. The Plan maintains the City's requirements that a mix of unit sizes be created in new development, thus supporting a range from smaller units to family-sized units. Finally, the Plan includes strategies meant to create a balance of rental and for-sale units.

F. The Plan facilitates an economically diversified and lively jobs center. By requiring its large sites to be commercially-oriented, the implementation of this Plan would create a jobs center in this location, expected to result in at least 30,000 new jobs. Locating jobs in this transit-rich location is a more effective use of our transit investments, given jobs are of greater density than housing, that people are more likely to walk from transit to their jobs than to their homes, and because lower-paid workers can save on not having to purchase their own vehicles. Locating jobs here can also support the economic synergies of co-location by bridging the job centers of Downtown and Mission Bay. Locating jobs in new buildings will also relieve pressure on other spaces citywide – particularly for non-profit offices and other organizations that cannot compete for rent with technology companies. It is also important to locate jobs at this location because only ten percent of San Francisco's land is zoned to allow office, whereas 90 percent can accommodate housing. While many of these jobs would be expected to be for office workers, the Plan would support the diversity of jobs by requiring Production, Distribution, and Repair uses in many new developments, requiring ground floor retail and other commercial uses on many of the major streets, and allowing hotel and entertainment uses that facilitate a 24-hour neighborhood with accompanying amenities.

G. The Plan provides safe and convenient transportation that prioritizes walking, bicycling, and transit. The neighborhood's streets were built to accommodate industrial uses and move trucks and cars through quickly by having many lanes of fast-moving traffic, narrow sidewalks, limited street crossings, and almost no bicycle lanes and transit-protected lanes. Implementation of this Plan would redistribute the street right-of-way to better serve people walking, bicycling, and taking transit by widening sidewalks on all of the neighborhood's major thoroughfares, increasing the number of and safety of street crossings by facilitating signalized mid-block crossings and sidewalk bulbouts that shorten the length of crosswalks, creating protected bicycle on Howard, Folsom, Brannan, Townsend, and 5<sup>th</sup> Streets, and transit-only lanes on Folsom, Brannan, 3<sup>rd</sup>, and 4<sup>th</sup> Streets.

H. The Plan offers parks and recreational opportunities. Implementation of the Plan would facilitate a variety of improvements to offer additional public parks and recreational opportunities, from improving and expanding Gene Friend Recreation Center to creating multiple new parks, including a new one-acre park in the block bounded by 4<sup>th</sup>, 5<sup>th</sup>, Bryant, and Brannan Streets; a new ½ acre linear park on Bluxome Street between 4<sup>th</sup> and 5<sup>th</sup> Streets; and new recreational amenities (such as skate ramps and basketball courts) underneath the I-80 freeway between 4<sup>th</sup> and 6<sup>th</sup> Streets. The Plan also helps fund construction of a new recreation center, and up to four acres of privately-owned public open space.

I. The Plan creates an environmentally sustainable and resilient neighborhood. Implementation of this Plan will result in a substantial number of new buildings, infrastructure investment, and public benefits within the Plan Area, leading to dramatic opportunities for significant improvements to environmental quality. Given current State and City regulations, new buildings are required to be greener and more resilient than buildings from earlier eras. The Plan would further require additional cost-effective regulations for new development, such as living roofs and the use of 100 percent greenhouse gas-free electricity. Implementation of the Plan's street improvements would shift mode share away from personal vehicles. Finally, directing

regional development to this central, transit-rich location will result in a reduction of greenhouse gas emissions from driving as well as reduction of pressure on undeveloped greenfield locations that have high environmental benefit.

J. The Plan ensures that new buildings enhance the character of the neighborhood and the city. The Plan's height and bulk requirements ensure that the area largely maintain the feel of a mid-rise district, where the perceived height of the building is similar to the width of the street it faces. Towers would be allowed in select locations along the edge of Downtown/Rincon Hill and around the Caltrain station, and would ensure that the overall development pattern is complementary to the overall city skyline. Where towers are permitted, they will be required to be slender and appropriately spaced from other towers. Design guidance contained in the Plan is intended to ensure that new buildings are in keeping with the best aspects of SoMa's design heritage.

K. The Plan preserves and celebrates the neighborhood's cultural heritage by supporting the designation and protection of historically significant and contributory buildings under *Planning Code* Articles 10 and 11. Pursuant to Article 10, the following buildings are under consideration for City landmark status: 228-248 Townsend Street, and 457 Bryant Street, 500-504 Fourth Street. In addition, pursuant to Article 10, creation of the Clyde and Crooks Warehouse Historic District and the designation of numerous properties in that district as contributory is being considered. Pursuant to Article 11, expansion of the boundaries of the Kearny-Market-Mason-Sutter Conservation District and designation of 55 Fifth Street as a contributory building in that district are being considered; and creation of the Mint-Mission Conservation District and designation of a number of properties in that district as contributory and significant are being considered. In addition, the designation of 27 other properties as significant and contributory pursuant to Article 11 is being considered. Eligible historic properties will be able to sell their Transferable Development Rights, which would help to fund the rehabilitation and preservation of those properties.

L. If the City decides to include a Community Facilities District, implementation of the Plan will result in a re-envisioning of the streets, sidewalks, and open spaces of the Plan Area—not only to be more vibrant and safer, but also to complement the neighborhood's environmental health and resilience. Strategies include supporting maintenance and operations of Victoria Manalo Draves park and other new parks and recreation centers in the Plan Area and the incorporation of elements beneficial to environmental sustainability and resilience, such as trees, green infrastructure for stormwater management, and energy efficient street lights. With the CFD, the Plan would also preserve and celebrate the neighborhood's cultural heritage. Implementation of the Plan will help preserve the neighborhood's tangible heritage by helping fund the rehabilitation of the Old Mint. It will also help the neighborhood's intangible resources continue to thrive by funding ongoing social and cultural programming, helping fund the rehabilitation and/or creation of new cultural facilities, and require space for industrial and arts uses.

Having considered these Project benefits and considerations, the Planning Commission finds that the Project's benefits outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects that cannot be mitigated to insignificant levels are therefore acceptable.

**EXHIBIT III.3 –  
PLANNING CODE  
AND ADMINISTRATIVE  
CODE AMENDMENTS  
DRAFT ORDINANCE**



1 structure, any use not classified in Section 825(c)(1)(C) below as accessory will be considered  
2 separately as an independent permitted, conditional, temporary or not permitted use.

3 (1) **Permitted Uses.**

4 (A) **Principal Uses.** All uses are permitted as principal uses as of right  
5 in a Downtown Residential district unless otherwise indicated as a Conditional Use or Not  
6 Permitted in this Section 825 of this Code or any other Section governing an individual DTR  
7 District. Additional requirements and conditions may be placed on particular uses as provided  
8 pursuant to Section 803.5 and other applicable provisions of this Code.

9 (B) **Conditional Uses.** Conditional uses are permitted in a Downtown  
10 Residential District, when authorized by the Planning Commission; whether a use is  
11 conditional in a given district is indicated in the Section of this Code governing the individual  
12 DTR District. Conditional uses are subject to the applicable provisions set forth in Sections  
13 178, 179, ~~263.11~~, 303, 316, and 803.5 of this Code.

14 \* \* \* \*

15 **SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

16 The Mixed Use-General (MUG) District is largely comprised of the low-scale,  
17 production, distribution, and repair uses mixed with housing and small-scale retail. The MUG  
18 is designed to maintain and facilitate the growth and expansion of small-scale light industrial,  
19 wholesale distribution, arts production and performance/exhibition activities, general  
20 commercial and neighborhood-serving retail and personal service activities while protecting  
21 existing housing and encouraging the development of housing at a scale and density  
22 compatible with the existing neighborhood.

23 Housing is encouraged over ground floor commercial and production, distribution, and  
24 repair uses. New residential or mixed use developments are encouraged to provide as much  
25 mixed-income family housing as possible. Existing group housing and dwelling units would be

protected from demolition or conversion to nonresidential use by requiring conditional use review. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted. Office is restricted to the upper floors of multiple story buildings.

Table 840			
MUG – MIXED USE – GENERAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use – General District Controls
<b>Building and Siting Standards</b>			
* * * *			
840.09	Residential to non-residential ratio	§ 803.8(e) <del>9</del> (a)	None
* * * *			
<b>Retail Sales and Services</b>			
840.45	All Retail Sales and Services <del>which</del> <u>that</u> are not listed below	§§ 121.6, 803.9( <del>ig</del> ), 890.104, 890.116	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq. ft. permitted only if the ratio of other permitted uses to retail is at least 3:1.
* * * *			
<b>Office</b>			
* * * *			
840.65A	Services, Professional;	§§ 890.108,	Subject to vertical control of Sec.

underdeveloped and represent opportunities for new residential and low-intensity commercial uses.

\* \* \* \*

Table 847			
RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Residential Enclave-Mixed Controls
* * * *			
Other Uses			
847.66	Open Air Sales	§§ 803.9( <i>ed</i> ), 890.38	P up to 1,250 gsf per lot; C above; NP above 1 FAR
* * * *			

\* \* \* \*

**SEC. 848. CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT.**

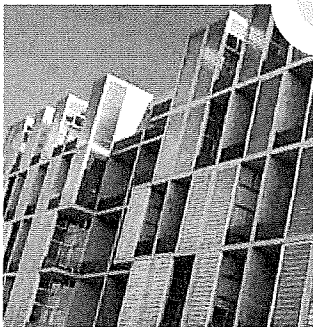
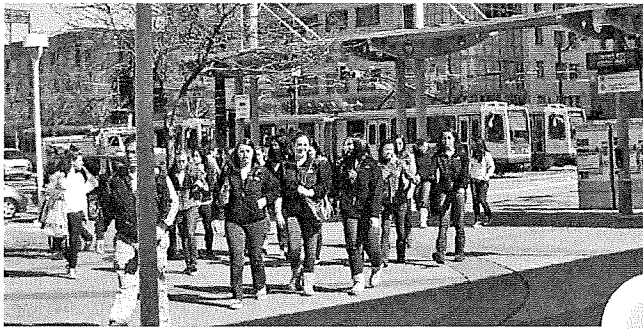
*The Central SoMa Mixed Use-Office (CMUO) extends predominantly between 2nd Street and 6th Street in the South of Market area. The CMUO is designed to encourage a mix of residential and non-residential uses, including office, retail, light industrial, arts activities, nighttime entertainment, and tourist hotels.*

**Table 848. CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL**

**TABLE**

<u>Central SoMa Mixed Use-Office District Controls</u>		
<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<b><u>BUILDING STANDARDS</u></b>		

# CENTRAL CORRIDOR PLAN



SAN FRANCISCO  
PLANNING DEPARTMENT

DRAFT FOR PUBLIC REVIEW  
APRIL 2013

## Contributing Factors

There are both regional and local factors that contribute to the need for this plan at this time. Regionally, we are facing a need to plan near transit. In the Bay Area, transportation is the single largest source of greenhouse gas emissions (GHGs), with passenger travel in cars and light trucks causing more than 40% of those emissions. Transforming some of that passenger travel to transit, biking or walking will not only support environmental goals like reduction of energy consumption, lower greenhouse gas emissions, and less air pollution, but also economic and social ones such as increased physical activity, lower vehicle accident rates, and lower household transportation expenses.

Locating jobs near transit will be a critical component of reducing GHGs. That is, commuters are most likely to use transit when stations are very close to their jobs, more so than when transit is close to their homes. While concentrating both jobs and housing near major transit centers reduces auto travel, research has consistently shown a notably stronger correlation between transit usage and the proximity of jobs to transit than housing to transit.<sup>1</sup> Research has also shown significant ridership increases with increases in employment density along rail lines.

Locally, we need more transit-accessible job space. The City's 2007 Economic Strategy, currently undergoing an update, set a path for more economic development and opportunity, more and better jobs for middle- and lower-income residents, and growing tax revenue to fund City services. Its key recommendations relating to land use are to 1) provide sufficient real estate for strategic priorities, 2) maximize San Francisco's accessibility to a local and regional workforce, and 3) work to reduce the cost of residential and commercial development.

Attracting more jobs is a challenge - San Francisco's job base has been growing more slowly than the rest of the Bay Area for the last forty years; and despite a few finite periods of major job growth in the late 1970's

and late 1990's, San Francisco hasn't seen a significant net increase in jobs over the past half century. But there are signs of hope - San Francisco's percentage of regional jobs has increased since 2005<sup>2</sup>; and that increase coincides with a national movement of businesses back to transit-oriented locations in center cities. While the overall number of jobs in the City hasn't substantially increased, the makeup of the job base has, with a substantial decline in traditional industrial and manufacturing jobs and compensating substantial increase in the number of office-based "knowledge" sector jobs which are partial to transit-oriented locations that provide access to a workforce from around the City and region. This explains why, though overall jobs have not increased much, downtown and SoMa have grown substantially over the past 25 years.

The success in build-out under the Downtown Plan means there is little capacity left for growth in that area. And companies are demonstrating a growing preference for flexibly designed space that supports team-based work styles over the typical executive office suite model provided in traditional Financial District high-rise buildings. Among San Francisco's districts, the Central Corridor area provides a unique opportunity to create more job space at locations readily accessible to both regional and local transit. Its location, framed by BART to the north, Caltrain on the south and connected by new Central Subway as well as other local bus routes, represents an almost ideal intersection of local and regional transit. Its adjacency to the major job centers of Downtown and Mission Bay make it a natural next step to focus job growth, and it is already home to some of technology's biggest players, which is a strong attraction for new and growing companies in that sector. Finally, its capacity for new development combined with its existing building stock provides the opportunity to expand not only the amount, but the types of workspace San Francisco has to offer.

<sup>1</sup> For instance, "Making the Most of Transit," (Kolkko, 2011, Public Policy Institute of California); "Characteristics of Rail and Ferry Station Area Residents in the San Francisco Bay Area: Evidence From the 2000 Bay Area Travel Survey," (Metropolitan Transportation Commission, 2006); "Land Use Impacts on Transport" (Litman, 2012, Victoria Transport Policy Institute).

<sup>2</sup> San Francisco Commerce & Industry Inventory, November 2012.



# California's 2017 Climate Change Scoping Plan

The strategy for achieving California's  
2030 greenhouse gas target



## Chapter 5

### ACHIEVING SUCCESS

Meeting, and exceeding, our mandated GHG reduction goals in 2020 and through 2030 requires building on California's decade of success in implementing effective climate policies. State agencies are increasingly coordinating planning activities to align with overarching climate, clean air, social equity, and broader economic objectives.

However, to definitely tip the scales in favor of rapidly declining emissions, we also need to reach beyond State policy-making and engage all Californians. Further progress can be made by supporting innovative actions at the local level—among governments, small businesses, schools, and individual households. Ultimately, success depends on a mix of regulatory program development, incentives, institutional support, and education and outreach to ensure that clean energy and other climate strategies are clear, winning alternatives in the marketplace—to drive business development and consumer adoption.

#### Ongoing Engagement with Environmental Justice Communities

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CARB continues seek ways to improve implementation of AB 32 and the unique set of impacts facing environmental justice communities. However, CARB's environmental justice efforts reach far beyond climate change. In 2001, the Board approved CARB's "Policies and Actions for Environmental Action,"<sup>234</sup> which expresses a broad commitment to environmental justice and makes it integral to all of CARB's programs, consistent with State directives at the time. Though over the years CARB has taken on a wide array of activities aimed at reducing environmental burdens on environmental justice communities, it has not knitted its various efforts together in a coherent narrative or maximized the impact of these activities by leveraging them off of each other.

This year, CARB appointed its first executive-level environmental justice liaison. Under her leadership, CARB will lay a roadmap for better serving California's environmental justice communities in the design and implementation of its programs, and identifying new actions CARB can take to advance environmental justice and social equity in all of its functions.

The extensive legislative framework addressing climate change, air quality, and environmental justice that has emerged since the passage of AB 32 has prompted CARB to step up its environmental justice efforts and articulate a vision that reflects the current context. CARB will initiate a public process, seeking advice and input from environmental justice advocates and other key stakeholders to inform the development of a new strategic plan for further institutionalizing environmental justice and social equity.

CARB understands that in addition to our programs to address climate change and reduce emissions of GHGs, more needs to be done to reduce exposure to toxic air and criteria pollutants and improve the quality of life in communities surrounding our largest emissions sources. To this end, and consistent with AB 617, AB 197, AB 1071, SB 535 and AB 1550, we will actively engage EJ advocates, communities, and relevant air districts in the development of programs that improve air quality and quantify the burdens placed on air quality in local communities. Measuring and monitoring air quality conditions over time and ongoing community engagement are integral to the success of CARB's efforts. This engagement will include substantive discussions with EJ stakeholders, gathering their input and providing adequate time for review before matters are taken to the Board for decision.

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<sup>234</sup> [www.arb.ca.gov/ch/programs/ej/ejpolicies.pdf](http://www.arb.ca.gov/ch/programs/ej/ejpolicies.pdf)

CARB's approach to environmental justice will be grounded in five primary pillars: transparency, integration, monitoring, research, and enforcement.

- **Transparency:** CARB must improve communication and engagement with environmental justice stakeholders and deepen partnerships with local communities impacted by air pollution. CARB will continue to prioritize transparency in its decision-making processes and provide better access to the air quality, toxics, and GHG data CARB collects and stewards.
- **Integration:** Besides integrating environmental justice throughout all of CARB's programs, those programs must complement each other. To that end, CARB will endeavor to break down programmatic silos so that it is able to leverage its work and achieve more effective and timely results. Focused resources in individual communities can accelerate reduction in emissions, proliferation of clean vehicles and creation of jobs in the clean energy economy, while concurrently improving public health.
- **Monitoring:** Communities should be engaged in CARB's monitoring work. They can play a critical role in collecting their own data and adding to the coverage of other air monitoring efforts (e.g., CARB, local air districts). CARB has already invested in research on low-cost monitors that are accessible by communities, and it will continue to evaluate how community monitoring can make CARB more nimble in identifying and addressing "hotspots." Mobile monitoring projects similarly will allow CARB to better serve and protect residents of disadvantaged communities. CARB will continue to build partnerships with local communities and help build local capacity through funding and technical assistance.
- **Research:** CARB's research agenda is core to achieving its mission. To ensure that the research done by CARB responds to environmental justice concerns and has the greatest potential to improve air quality and public health in disadvantaged communities, CARB will engage communities groups early in the development of its research agenda and the projects that flow out from that agenda.
- **Enforcement:** Disadvantaged communities are often impacted by many sources of pollution. In order to improve air quality and protect public health, CARB will prioritize compliance with legal requirements, including enforcement actions if necessary, in environmental justice communities to ensure emissions of toxic and criteria pollutants in these communities are as low as possible.

Our inclusive approaches to further environmental justice in California's local communities may include an array of direct regulation, funding, and community capacity-building. CARB will continue to actively implement the provisions of AB 617, AB 197, AB 1071, SB 535, AB 1550, and other laws to better ensure that environmental justice communities see additional benefits from our clean air and climate policies. Our inclusive approaches to further environmental justice in California's local communities may include an array of direct regulation, funding, and community capacity-building.

## Enabling Local Action

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Local governments are essential partners in achieving California's goals to reduce GHG emissions. Local governments can implement GHG emissions reduction strategies to address local conditions and issues and can effectively engage citizens at the local level. Local governments also have broad jurisdiction, and sometimes unique authorities, through their community-scale planning and permitting processes, discretionary actions, local codes and ordinances, outreach and education efforts, and municipal operations. Further, local jurisdictions can develop new and innovative approaches to reduce GHG emissions that can then be adopted elsewhere. For example, local governments can develop land use plans with more efficient development patterns that bring people and destinations closer together in more mixed-use, compact communities that facilitate walking, biking, and use of transit. Local governments can also incentivize locally generated renewable energy and infrastructure for alternative fuels and electric vehicles, implement water efficiency measures, and develop waste-to-energy and waste-to-fuel projects. These local actions complement statewide measures and are critical to supporting the State's efforts to reduce emissions. Local efforts can deliver substantial additional GHG and criteria emissions reductions beyond what State policy can alone, and these efforts will sometimes be more cost-effective and provide more cobenefits than relying exclusively on top-down statewide regulations to achieve the State's climate stabilization goals. To ensure local and regional engagement, it is also recommended local jurisdictions make readily available information regarding ongoing and proposed actions to reduce GHGs within their region.



Many cities and counties are already setting GHG reduction targets, developing local plans, and making progress toward reducing emissions. The Statewide Energy Efficiency Collaborative recently released a report, *The State of Local Climate Action: California 2016*,<sup>235</sup> which highlights local government efforts, including:

- In California, 60 percent of cities and over 70 percent of counties have completed a GHG inventory, and 42 percent of local governments have completed a climate, energy, or sustainability plan that directly addresses GHG emissions. Many other community-scale local plans, such as general plans, have emissions reduction measures incorporated as well (see Governor's Office of Planning and Research [OPR] Survey questions 23 and 24).<sup>236</sup>
- Over one hundred California local governments have developed emissions reduction targets that, if achieved, would result in annual reductions that total 45 MMTCO<sub>2</sub>e by 2020 and 83 MMTCO<sub>2</sub>e by 2050.<sup>237</sup>

Local air quality management and air pollution control districts also play a key role in reducing regional and local sources of GHG emissions by actively integrating climate protection into air quality programs. Air districts also support local climate protection programs by providing technical assistance and data, quantification tools, and even funding.<sup>238</sup> Local metropolitan planning organizations (MPOs) also support the State's climate action goals via sustainable communities strategies (SCSs), required by the Sustainable Communities and Climate Protection Act of 2008 (SB 375, Chapter 728, Statutes of 2008). Under SB 375, MPOs must prepare SCSs as part of their regional transportation plan to meet regional GHG reduction targets set by CARB for passenger vehicles in 2020 and 2035. The SCSs contain land use, housing, and transportation strategies that allow regions to meet their GHG emissions reductions targets.



To engage communities in efforts to reduce GHG emissions, CARB has partnered with Energy Upgrade California on the CoolCalifornia Challenge. It is a competition among California cities to reduce their carbon footprints and build more vibrant and sustainable communities. Three challenges have been completed. Most recently, the 2015–2016 Challenge included 22 cities and engaged nearly 3,200 households, each of which took actions to reduce energy use and carbon GHG emissions. In total, the participants reported savings of 5,638 MTCO<sub>2</sub> from completed actions, equivalent to emissions from more than 1,000 cars or from electricity used by more than 2,500 California homes in a year.

State agencies support these local government actions in several ways:

- *CoolCalifornia.org* is an informational website that provides resources that assist local governments, small businesses, schools, and households to reduce GHG emissions. The local government webpage includes carbon calculators, a climate planning resource guide, a Funding Wizard that outlines grant and loan programs, and success stories. It also features ClearPath California, a no-cost GHG inventory, climate action plan development, and tracking tool developed through the Statewide Energy Efficiency Collaborative in coordination with CARB and the Governor's Office of Planning and Research (OPR).
- Chapter 8 of OPR's General Plan Guidelines<sup>239</sup> provides guidance for climate action plans and

<sup>235</sup> Statewide Energy Efficiency Collaborative. 2016. *State of Local Climate Action: California 2016*.

[californiaseec.org/wp-content/uploads/2016/10/State-of-Local-Climate-Action-California-2016\\_Screen.pdf](http://californiaseec.org/wp-content/uploads/2016/10/State-of-Local-Climate-Action-California-2016_Screen.pdf)

<sup>236</sup> Governor's Office of Planning and Research. 2016. 2016 Annual Planning Survey Results. November.

[www.opr.ca.gov/docs/2016\\_APS\\_final.pdf](http://www.opr.ca.gov/docs/2016_APS_final.pdf)

<sup>237</sup> These reductions include reductions from both state and local measures.

<sup>238</sup> Examples include: (1) Bay Area Air Quality Management District (BAAQMD). 2016 Clean Air Plan and Regional Climate Protection Strategy. Available at: [www.baaqmd.gov/plans-and-climate/air-quality-plans/plans-under-development/](http://www.baaqmd.gov/plans-and-climate/air-quality-plans/plans-under-development/); (2) California Air Pollution Control Officers Association. California Emissions Estimator Model (CalEEMod). Available at: [www.caleemod.com/](http://www.caleemod.com/); (3) San Joaquin Valley Air Pollution Control District. Grants and Incentives. Available at: [valleyair.org/grants/](http://valleyair.org/grants/); (4) BAAQMD. Grant Funding. Available at: [www.baaqmd.gov/grant-funding/](http://www.baaqmd.gov/grant-funding/); (5) South Coast Air Quality Management District. Funding. Available at: [www.aqmd.gov/grants-bids/funding/](http://www.aqmd.gov/grants-bids/funding/); (6) Sacramento Metropolitan Air Quality Management District. Incentive Programs. Available at: [www.airquality.org/Residents/Incentive-Programs](http://www.airquality.org/Residents/Incentive-Programs).

<sup>239</sup> <http://opr.ca.gov/planning/general-plan/>

other plans linked to general plans, which address the community scale approach outlined in CEQA Guidelines Section 15183.5(b), Plans for the Reduction of Greenhouse Gas Emissions.

- OPR hosts the Integrated Climate Adaptation and Resiliency Program, which is developing resources and case studies that outline the co-benefits of implementing emissions reduction strategies and addressing the impacts of climate change.
- CARB is developing a centralized database and interactive map that will display the current statewide status of local government climate action planning. Users can view and compare the details of emission inventories, planned GHG reduction targets and strategies, and other climate action details specific to each local government. This information will help jurisdictions around California identify what climate action strategies are working in other, similar jurisdictions across the State, and will facilitate collaboration among local governments pursuing GHG reduction strategies and goals. This database and map will be featured on the *CoolCalifornia.org* website and are anticipated to be available in 2017.
- Additional information on local government activities is available on Cal-Adapt ([www.cal-adapt.org](http://www.cal-adapt.org)) and OPR ([www.opr.ca.gov](http://www.opr.ca.gov))

Further, a significant portion of the \$3.4 billion in cap-and-trade expenditures has either directly or indirectly supported local government efforts to reduce emissions, including, for example, the Affordable Housing and Sustainable Communities (AHSC) program and approximately \$142 million for project implementation and planning grants awarded under the Transformative Climate Communities program.

## Climate Action through Local Planning and Permitting

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Local government efforts to reduce emissions within their jurisdiction are critical to achieving the State's long-term GHG goals, and can also provide important co-benefits, such as improved air quality, local economic benefits, more sustainable communities, and an improved quality of life. To support local governments in their efforts to reduce GHG emissions, the following guidance is provided. This guidance should be used in coordination with OPR's General Plan Guidelines guidance in Chapter 8, Climate Change.<sup>240</sup> While this guidance is provided out of the recognition that local policy makers are critical in reducing the carbon footprint of cities and counties, the decision to follow this guidance is voluntary and should not be interpreted as a directive or mandate to local governments.

### Recommended Local Plan-Level Greenhouse Gas Emissions Reduction Goals

CARB recommends statewide targets of no more than six metric tons CO<sub>2</sub>e per capita by 2030 and no more than two metric tons CO<sub>2</sub>e per capita by 2050.<sup>241</sup> The statewide per capita targets account for all emissions sectors in the State, statewide population forecasts, and the statewide reductions necessary to achieve the 2030 statewide target under SB 32 and the longer term State emissions reduction goal of 80 percent below 1990 levels by 2050.<sup>242</sup> The statewide per capita targets are also consistent with Executive Order S-3-05, B-30-15, and the Under 2 MOU that California originated with Baden-Württemberg and has now been signed or endorsed by 188 jurisdictions representing 39 countries and six continents.<sup>243,244</sup> Central to the Under 2 MOU is that all signatories agree to reduce their GHG emissions to two metric tons CO<sub>2</sub>e per capita by 2050. This limit represents California's and these other governments' recognition of their "fair share" to reduce GHG emissions to the scientifically based levels to limit global warming below two degrees Celsius. This limit is also consistent with the Paris Agreement, which sets out a global action plan to put the world on track to avoid dangerous climate change by limiting global warming to below 2°C.<sup>245</sup>

CARB recommends that local governments evaluate and adopt robust and quantitative locally-appropriate

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<sup>240</sup> <http://opr.ca.gov/planning/general-plan/>.

<sup>241</sup> These goals are appropriate for the plan level (city, county, subregional, or regional level, as appropriate), but not for specific individual projects because they include all emissions sectors in the State.

<sup>242</sup> This number represents the 2030 and 2050 targets divided by total population projections from California Department of Finance.

<sup>243</sup> <http://under2mou.org/> California signed the Under 2 MOU on May 19, 2015. See [under2mou.org/wp-content/uploads/2015/05/California-appendix-English.pdf](http://under2mou.org/wp-content/uploads/2015/05/California-appendix-English.pdf) and [under2mou.org/wp-content/uploads/2015/05/California-Signature-Page.pdf](http://under2mou.org/wp-content/uploads/2015/05/California-Signature-Page.pdf).

<sup>244</sup> The Under 2 MOU signatories include jurisdictions ranging from cities to countries to multiple-country partnerships. Therefore, like the goals set forth above for local and regional climate planning, the Under 2 MOU is scalable to various types of jurisdictions.

<sup>245</sup> UNFCCC. The Paris Agreement. [unfccc.int/paris\\_agreement/items/9485.php](http://unfccc.int/paris_agreement/items/9485.php)

goals that align with the statewide per capita targets and the State's sustainable development objectives and develop plans to achieve the local goals. The statewide per capita goals were developed by applying the percent reductions necessary to reach the 2030 and 2050 climate goals (i.e., 40 percent and 80 percent, respectively) to the State's 1990 emissions limit established under AB 32.

Numerous local governments in California have already adopted GHG emissions reduction goals for year 2020 consistent with AB 32. CARB advises that local governments also develop community-wide GHG emissions reduction goals necessary to reach 2030 and 2050 climate goals. Emissions inventories and reduction goals should be expressed in mass emissions, per capita emissions, and service population emissions. To do this, local governments can start by developing a community-wide GHG emissions target consistent with the accepted protocols as outlined in OPR's General Plan Guidelines Chapter 8: Climate Change. They can then calculate GHG emissions thresholds by applying the percent reductions necessary to reach 2030 and 2050 climate goals (i.e., 40 percent and 80 percent, respectively) to their community-wide GHG emissions target. Since the statewide per capita targets are based on the statewide GHG emissions inventory that includes all emissions sectors in the State, it is appropriate for local jurisdictions to derive evidence-based local per capita<sup>246</sup> goals based on local emissions sectors and population projections that are consistent with the framework used to develop the statewide per capita targets. The resulting GHG emissions trajectory should show a downward trend consistent with the statewide objectives. The recommendation for a community-wide goal expands upon the reduction of 15 percent from "current" (2005-2008) levels by 2020 as recommended in the 2008 Scoping Plan.<sup>247</sup>

In developing local plans, local governments should refer to "The U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions,"<sup>248</sup> (community protocol) which provides detailed guidance on completing a GHG emissions inventory at the community scale in the United States – including emissions from businesses, residents, and transportation. Quantification tools such as ClearPath California, which was developed with California agencies, also support the analysis of community-scale GHG emissions. Per the community protocol, these plans should disclose all emissions within the defined geographical boundary, even those over which the local government has no regulatory authority to control, and then focus the strategies on those emissions that the jurisdiction controls. For emissions from transportation, the community protocol recommends including emissions from trips that extend beyond the community's boundaries. Local plans should also include the carbon sequestration values associated with natural and working lands, and the importance of jurisdictional lands for water, habitat, agricultural, and recreational resources. Strategies developed to achieve the local goals should prioritize mandatory measures that support the Governor's "Five Pillars" and other key state climate action goals.<sup>249</sup> Examples of plan-level GHG reduction actions that could be implemented by local governments are listed in Appendix B. Additional information and tools on how to develop GHG emissions inventories and reduction plans tied to general plans can be found in OPR's General Plan Guidelines and at *CoolCalifornia.org*.

These local government recommendations are based on the recognition that California must accommodate population and economic growth in a far more sustainable manner than in the past. While state-level investments, policies, and actions play an important role in shaping growth and development patterns, regional and local governments and agencies are uniquely positioned to influence the future of the built environment and its associated GHG emissions. Greenhouse gas emissions reduction strategies in Climate Action Plans (CAPs) and other local plans can also lead to important co-benefits, such as improved air quality, local economic benefits such as green jobs, more mobility choices, improved public health and quality of life, protection of locally, statewide, and globally important natural resources, and more equitable sharing of these benefits across communities.

Contributions from policies and programs, such as renewable energy and energy efficiency, are helping to achieve the near-term 2020 target, but longer-term targets cannot be achieved without land use decisions that allow more efficient use and management of land and infrastructure. Local governments have primary authority to plan, zone, approve, and permit how and where land is developed to accommodate population growth, economic growth, and the changing needs of their jurisdictions. Land use decisions affect GHG emissions associated with transportation, water use, wastewater treatment, waste generation and treatment, energy consumption, and conversion of natural and working lands. Local land use decisions play a particularly

246 Or some other metric that the local jurisdiction deems appropriate (e.g., mass emissions, per service population)

247 2008 Scoping Plan, page 27, [www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm](http://www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm)

248 <http://iclei.usa.org/publications/us-community-protocol/>

249 [www.arb.ca.gov/cc/pillars/pillars.htm](http://www.arb.ca.gov/cc/pillars/pillars.htm)

critical role in reducing GHG emissions associated with the transportation sector, both at the project level, and in long-term plans, including general plans, local and regional climate action plans, specific plans, transportation plans, and supporting sustainable community strategies developed under SB 375.

While the State can do more to accelerate and incentivize these local decisions, local actions that reduce VMT are also necessary to meet transportation sector-specific goals and achieve the 2030 target under SB 32. Through developing the Scoping Plan, CARB staff is more convinced than ever that, in addition to achieving GHG reductions from cleaner fuels and vehicles, California must also reduce VMT. Stronger SB 375 GHG reduction targets will enable the State to make significant progress toward needed reductions, but alone will not provide the VMT growth reductions needed; there is a gap between what SB 375 can provide and what is needed to meet the State's 2030 and 2050 goals. In its evaluation of the role of the transportation system in meeting the statewide emissions targets, CARB determined that VMT reductions of 7 percent below projected VMT levels in 2030 (which includes currently adopted SB 375 SCSs) are necessary. In 2050, reductions of 15 percent below projected VMT levels are needed. A 7 percent VMT reduction translates to a reduction, on average, of 1.5 miles/person/day from projected levels in 2030. It is recommended that local governments consider policies to reduce VMT to help achieve these reductions, including: land use and community design that reduces VMT; transit oriented development; street design policies that prioritize transit, biking, and walking; and increasing low carbon mobility choices, including improved access to viable and affordable public transportation and active transportation opportunities. It is important that VMT reducing strategies are implemented early because more time is necessary to achieve the full climate, health, social, equity, and economic benefits from these strategies.

Once adopted, the plans and policies designed to achieve a locally-set GHG goal can serve as a performance metric for later projects. Sufficiently detailed and adequately supported GHG reduction plans (including CAPs) also provide local governments with a valuable tool for streamlining project-level environmental review. Under CEQA, individual projects that comply with the strategies and actions within an adequate local CAP can streamline the project-specific GHG analysis.<sup>250</sup> The California Supreme Court recently called out this provision in CEQA as allowing tiering from a geographically specific GHG reduction plan.<sup>251</sup> The Court also recognized that GHG determinations in CEQA should be consistent with the statewide Scoping Plan goals, and that CEQA documents taking a goal-consistency approach may soon need to consider a project's effects on meeting the State's longer term post-2020 goals.<sup>252</sup> The recommendation above that local governments develop local goals tied to the statewide per capita goals of six metric tons CO<sub>2</sub>e by 2030 and no more than two metric tons CO<sub>2</sub>e per capita by 2050 provides guidance on CARB's view on what would be consistent with the 2017 Scoping Plan and the State's long-term goals.

Production based inventories and emissions reduction programs are appropriate for local communities wanting to mitigate their emissions pursuant to CEQA Section 15183.5(b). Consumption based inventories are complementary to production based inventories and are appropriate as a background setting, disclosure, and as an outreach tool to show how personal decisions may change a person's or household's contribution to climate change. For additional information, see the OPR General Plan Guidelines.<sup>253</sup>

## Project-Level Greenhouse Gas Emissions Reduction Actions and Thresholds

Beyond plan-level goals and actions, local governments can also support climate action when considering discretionary approvals and entitlements of individual projects through CEQA. Absent conformity with an adequate geographically-specific GHG reduction plan as described in the preceding section above, CARB recommends that projects incorporate design features and GHG reduction measures, to the degree feasible, to minimize GHG emissions. Achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development. There are recent examples of land use development projects in California that have demonstrated that it is feasible to design projects that achieve zero net additional GHG emissions. Several projects have received certification from the Governor under AB 900, the Jobs and Economic Improvement through Environmental Leadership Act (Buchanan, Chapter 354, Statutes of 2011), demonstrating an ability to design economically viable projects that create jobs while contributing no net additional GHG emissions.<sup>254</sup> Another example is the Newhall

250 CEQA Guidelines, § 15183.5, sub. (b).

251 *Center for Biological Diversity v. California Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 229–230.

252 *Id.* at pp. 223–224.

253 <http://opr.ca.gov/planning/general-plan/>.

254 Governor's Office of Planning and Research. California Jobs. <http://www.opr.ca.gov/ceqa/california-jobs.html>









# MYTHS AND FACTS

*About Affordable & High Density*

## HOUSING

*A Report by*

California Planning Roundtable  
California Department of Housing & Community Development

**I**N THE PAST 30 YEARS, CALIFORNIA'S HOUSING PRICES HAVE STEADILY OUTPACED ITS RESIDENTS' INCOMES. Housing production hasn't kept up with job and household growth within the State.<sup>1</sup> The location and type of new housing does not meet the needs of many new California households. As a result, only one in five households can afford a typical home, overcrowding doubled in the 1990's, and more than three million California households pay more than they can afford for their housing.<sup>2</sup>

Meanwhile, the federal government has dramatically cut back programs that used to help local governments accommodate new growth. Voter-imposed property tax and spending freezes have further constrained local governments from responding effectively to new growth. And affordable housing development, while still funded in part by the federal government, requires a larger local commitment than ever before.

Against this backdrop, it should surprise no one that many communities no longer accept population growth with open arms. When anyone proposes the development of affordable or multifamily housing, ambivalence about growth often shifts to hostility. Hostility feeds and strengthens certain myths, and deep emotional perceptions of how the world works. *Myths—important sources of meaning in all societies—provide shared rationales for community members to behave in common ways, having a strong moral component, with clear lines between right and wrong.* Although myths are sometimes positive, they can also serve as shields for deeper and uglier motivations: racism, fear of outsiders, and/or greed. When people argue against new high-density and affordable housing, often myths are used to convince decision-makers that the new development and its residents don't belong there. Traffic will be too heavy; schools will become

overcrowded; buildings will clash with existing neighborhoods; people won't fit in; and maybe even a criminal element.

Opponents often believe these myths. But it's essential to counter these myths with facts. California desperately needs new affordable housing to reverse recent increases in overcrowding and overpayment. We also need new high-density housing to support economic stability and prosperity. We need housing to accommodate new workers and their families and to economize on infrastructure costs, while preserving open space and reducing the distance between homes and jobs.

Fortunately, the facts of California's recent experiences with high-density and affordable housing often contradict the myths. We can now begin to rely on this recent experience to reassure concerned residents that the myths don't have to come true.

## Myth #1

**High-density housing is affordable housing; affordable housing is high-density housing.**

## Fact #1

**Not all high density housing is affordable to low-income families.**

households will continue to rent single-family homes because they offer more space in low-density neighborhoods.

For the most part, of course, low-density neighborhoods offer more expensive housing than high-density areas. Detached homes cost much more than most apartments and condominiums. Among new units, the difference is even more striking; new high-density units are much more likely to be affordable than new single-family units.

Density is not always enough, however. To ensure affordability, local governments must intervene with programs and additional concessions if the new high-density units are also to be affordable. For a list of resources on affordable housing techniques, see Resources: *Making Housing More Affordable*, at the end of this report.

**T**his myth expresses an essential truth: more units per acre mean lower land costs per unit, especially if local governments allow builders meaningful density bonuses; smaller units cost less to build than larger ones. To encourage housing affordability, California cities do need to promote higher densities.

But we also know from experience and observation that not all high-density housing is affordable to low-income families. San Francisco's Nob and Telegraph Hills, Los Angeles' Wilshire Corridor, and high-rises in

downtown San Diego are all examples of upper-income areas where housing densities are quite high. Similarly, most Californians know that low-density neighborhoods often accommodate people of modest means. The residents of these neighborhoods often moved in shortly after the homes were built (several decades ago)—and before the huge escalation in California's home values that began in the early 1970's. With assistance, many families with limited incomes will continue to buy homes in these neighborhoods. Many other low-income

## Myth #2

High-density and affordable housing will cause too much traffic.

## Fact #2

People who live in affordable housing own fewer cars and drive less.

*In many high-density neighborhoods, and in most neighborhoods with a mix of housing types, traffic isn't a big problem.*

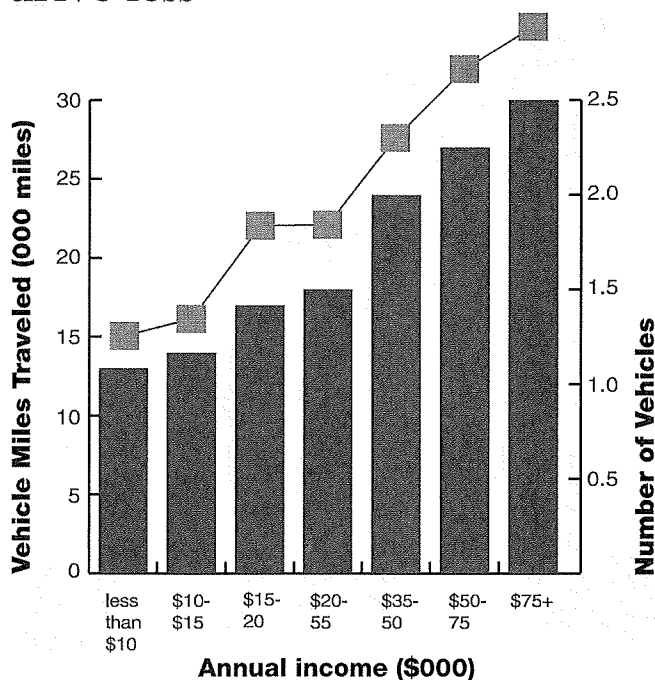
In California's six largest metropolitan areas, two-thirds of renters and over three-fourths of the households living below the poverty line own no vehicles or only one car, compared to 54 percent of all households and 44 percent of homeowner households.<sup>3</sup> With lower car ownership rates come fewer trips, and fewer single occupant auto commutes. According to the National Personal Transportation Survey in 1995, low-income households make 40 percent fewer trips per household than other households. Recent traffic growth owes much to existing development.

In many high-density neighborhoods, and in most neighborhoods with a mix of housing types, traffic isn't a big problem. Fewer auto trips occur in higher-density areas. In a neighborhood of 15 homes to the acre, one-third fewer auto trips occur, compared to a standard suburban tract.<sup>4</sup> A 1990 survey by the Sierra Club's Transportation Committee found that for every doubling of neighborhood density, vehicle miles traveled are reduced by 20 to 30 percent.

Car ownership rates are less in higher density areas. According to recent American Housing Survey data, multifamily developments have lower car ownership rates than single-family home tracts.

*To encourage housing affordability, California cities need to promote higher densities.*

## Low-income households own fewer cars, drive less



Source: U.S. Energy Information Administration, Residential Transportation Energy Consumption Survey, Household Vehicles Energy Consumption, 1994

High-density housing can encourage nearby retail development, along with ease of walking and transit use. Mixing housing with commercial development is ever more crucial for traffic control, since non-work trips constitute the largest number of trips.

Over three-fourths of trips in Southern California are non-work trips. With high-density

housing, stores serving neighborhood residents move in, allowing residents to walk to buy groceries or to the dry cleaner instead of driving.

Transit connections also become more common when neighborhood density increases, as transit is only cost-effective at densities above eight or 10 units per acre.<sup>5</sup>



### Myth #3

**High-density development strains public services and infrastructure.**

### Fact #3

**Compact development offers greater efficiency in use of public services and infrastructure.**

*Librarians, sheriffs' deputies, nurses, fire fighters, and many other vital members of our communities all need affordable housing.*

**H**igher-density residential development requires less extensive infrastructure networks than does sprawl. California developers must usually pay for sufficient infrastructure capacity to serve their own projects. When communities cannot take advantage economies of scale in providing infrastructure, extension costs rise. High-density housing helps provide economies of scale both in trunk lines and in treatment plants. The cost savings can be passed on to new residents, and the smaller debt load can help ensure fiscal stability throughout the community.

Infill development can sometimes take advantage of unused capacity in public services and infrastructure. Communities can save taxpayers and new residents money when housing construction is allowed in areas where infrastructure and service capacity has already been paid for and is underutilized. Infill development can also make use of a transit and provide better access to services, while improving economic viability.

Higher-density infill residential development can translate to higher retail sales. By approving new high-density development in infill locations, communities can revitalize stagnant

commercial districts and increase taxable sales—the primary source of revenue in most California jurisdictions.

According to the American Housing Survey, the development of single-family homes is much more likely to cause strain on local schools than high-density development. In most cases, a single-family home can have two to three times the numbers of school aged children per household.<sup>6</sup>

### Myth #4

**People who live in high-density and affordable housing won't fit into my neighborhood.**

### Fact #4

**People who need affordable housing already live and work in your community.**

spouse and a child, the family would be a very low-income household. A starting air-traffic controller in San Diego County, with income barely higher than \$31,000 a year, would also qualify for affordable housing. Librarians, sheriffs' deputies, nurses, fire fighters, and many other vital members of our communities all need affordable housing.

People motivated by these concerns may just need to "meet" the residents of high-density and affordable housing. Residents often have been long time members of the community, and will continue to make contributions to their neighborhoods. For a list of resources that can introduce people to those who live in high-density and affordable housing, see Resources: *Meeting the Residents of Affordable Housing*, at the end of this report.

**A**ccording to government definitions of affordable housing, families should devote no more than 30% of their income to rent or mortgage payments and utilities. Affordable housing often means housing whose residents don't pay too large a share of their incomes on rent or a mortgage.

Households earning lower incomes can have a variety of occupational and educational backgrounds. Families earning less

than four-fifths (80%) of the area's median income are officially lower-income households; families earning less than half of the median are known as very low-income households. For example, a starting elementary or high-school teacher in Mountain View (Santa Clara County), with a gross monthly income of around \$3,200, can afford to pay \$960 a month in rent, which qualifies as low-income if the teacher lives alone; if the salary must support a

## Myth #5

Affordable housing reduces property values.

## Fact #5

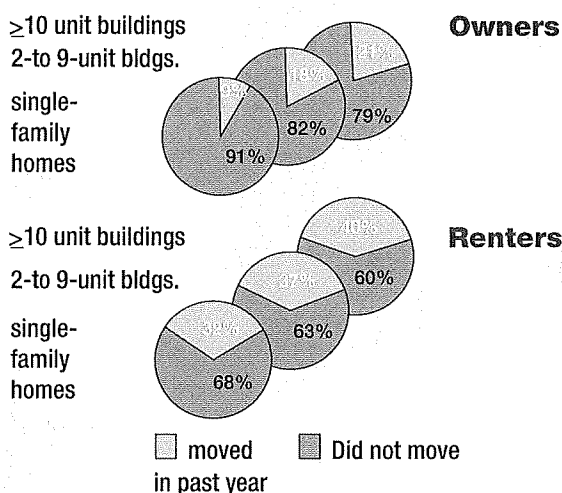
No study in California has ever shown that affordable housing developments reduce property values.<sup>7</sup>

*Architectural standards and adequate maintenance also strongly influence property values*

Many studies have been done. The truth is the single most significant factor affecting property values is the pre-existing value of the land in a given community or area. This in turn is based on supply and demand, proximity to major urban centers, nearby attractions (beachfront property, panoramic views), any negative factors such as environmental contaminants, and availability of adequate infrastructure and services.

Architectural standards and adequate maintenance also strongly influence property values, particularly as they apply to affordable rental properties. Properly maintained affordable housing developments, designed and built with sensitivity to the architectural and aesthetic standards desired by the community, may even increase property values.<sup>8</sup>

## Tenure much more important than density in recent moves



The majority of both renters and homeowners in California metropolitan areas move less than once a year. Homeowners move less often than renters, but even renters move seldom enough to form long-term ties to neighbors.

\* Source: U.S. Dept. of HUD, American Housing Surveys for San Francisco-Oakland, San Jose, Los Angeles-Long Beach, San Diego, Riverside-San Bernardino, and Anaheim-Santa Ana.

## Myth #6

Residents of affordable housing move too often to be stable community members.

## Fact #6

When rents are guaranteed to remain stable, tenants move less often.

*Affordable housing tenants invest in a neighborhood and community just as much as any other resident*

According to San Francisco's BRIDGE Housing, annual turnover in their affordable housing projects is less than 10 percent annually. This turnover rate is approximately the same as most single-family homeowners, around 10

percent, and much less than market-rate renters.

Affordable housing tenants invest in a neighborhood and community just as much as any other resident. Affordable housing tenants include families with school

age children, where the mother and father attend PTA meetings, and spend their spare time enjoying parks and other community facilities. These families and other affordable housing tenants are concerned for the public's health and safety just like other residents of the community.

## Myth #7

**High-density and affordable housing undermine community character.**

## Fact #7

**New affordable and high-density housing can always be designed to fit into existing communities.**

**D**ensity, as measured in units per acre, can be a deceiving measurement, but new housing at between 20 and 50 units per acre can be designed to fit in most California communities. The best way to convince people of this is to show them how well new housing can fit into their neighborhoods. see Resources: *Increasing housing densities*, at the end of this part, for a list of slide shows and videos.

Communities can also achieve higher densities by filling in the existing urban fabric with second units, duplexes, and conversion of outmoded or abandoned commercial

buildings. Local governments most often encourage infill by reducing regulations and restrictions.

New affordable housing differs little or not at all from any other development. When BRIDGE Housing opened its affordable *Pickleweed* housing development in upscale Mill Valley, potential buyers for neighboring condominiums mistook *Pickleweed* for the market-rate project. And when Habitat for Humanity built its self-help project in Rancho Santa Margarita, local developers and subcontractors contributed materials identical to those used in nearby market-rate

*High-density doesn't mean high-rise. When most people hear high-density housing, they imagine high-rise housing. But in most California cities, the market won't even support high-rise housing. More often than not, high-density development now means two- and three-story wood frame garden apartments that frequently are similar in scale to large home luxury housing.*

homes. Thanks to sensitive work by experienced architects, the new townhomes fit in perfectly (see case study). These developments are proof that affordable housing doesn't mean high-rise slums.

## Myth #8

**High-density and affordable housing increase crime.**

## Fact #8

**The design and use of public spaces has a far more significant affect on crime than density or income levels.**

**D**ensity does not cause crime. For many years social scientists have asked whether high-density housing causes crime. Not one study has shown any relationship between population or housing density and violent crime rates; once residents' incomes are taken into account, the effect of density on non-violent crime decreases to non-significance.

After studying housing and neighborhoods throughout the country, Oscar Newman concluded that the design and use of public spaces, and

particularly the sense of ownership and control that residents have over these areas, has far more significant affect on crime than density or income levels.

In neighborhoods suffering from disinvestment, particularly those areas lacking jobs and community services, crime can be higher.

Local governments can help address legitimate concerns about crime by working with existing residents and law enforcement to develop community-based strategies to reduce crime.

*Management & Design are Key.*

Local governments can also help protect the entire community, including new affordable housing residents themselves, by attending to details at the project level. Most important is effective professional onsite management, with strong tenant-screening and good security systems. Design, too, can play an important role in protecting residents and neighbors of high-density or affordable housing, especially by ensuring visibility. New developments should also contain a mix of unit types to accommodate different kinds of households. When residents have different occupations and family types, someone will probably be home in the development almost all the time.

## In Conclusion

In this decade, California's persistent affordable housing shortage has become so commonplace that it seems natural. Planners and elected officials must stop believing another pervasive myth: *that they can do nothing to create affordable housing*. This report shows that many California communities now believe they have the creativity, resources, and will to house all those who need shelter. As a result, they have established that, in fact, California communities can become more open, more accepting, and better places for old-timers, new immigrants, or their children.

## Case Studies

### Renaissance

High-Density and Affordable Housing Help Balance Silicon Valley



High-technology firms create thousands of jobs in Silicon Valley, but housing construction does not keep pace. New workers have to commute long distances to reach their jobs. As a result, Silicon Valley suffers from some of the worst traffic in California and from the State's highest housing prices. In the late 1980s, San Jose set out to clear traffic and ease the housing shortfall by changing its land-use policies. The Renaissance project, on a 56-acre site in north San Jose, was originally designated for research and development. It had enough infrastructure -- including a wide road and convenient access to

planned light rail to handle a large number of new jobs.

In 1991, Renaissance Associates, a partnership between General Atlantic Development and Forest City Development, proposed with the landowners that San Jose rezone the site for over 1,500 moderate -- and high-density rental apartments and for-sale town homes, neighborhood retail, and a day-care center. San Jose readily agreed.

The project developers started work early with neighbors living in an existing single-family development on the site's northern boundary to provide appropriate transitions into Renaissance, while making best use of the large existing road. In response to neighbors' concerns, the developers located the lowest-density town home component adjacent to the existing residences, and provided ample setbacks between the new attached homes & the 1950s-vintage single-family homes.

The developers responded to concerns about traffic by canceling initial plans for a through street that would connect the existing neighborhood with Renaissance Village.

This high-density development shows that often repeated myths about the effects of high-density housing on public services and transportation aren't always true. San Jose's ambitious plans for employment development in the area led the City to require the construction of more infrastructure than was eventually necessary both on the site itself and in neighboring areas of the City. Later, the City determined that it could alleviate traffic throughout its road network by shifting the location of new residences and workplaces.

The composition of the project itself, with over 250 affordable apartments, market-rate apartments, and attached ownership units, further assures balance between the

housing and Silicon Valley's new jobs. The site design, which features pedestrian-friendly walkways and easy connections to the Tasman Light Rail, will allow Renaissance Village residents to leave their cars—in their garages altogether.

The development also shows that, with advance planning and sensitivity to neighbors' concerns, NIMBY sentiments can be prevented. The neighbors and the developers displayed an attitude of openness that ensured both a smooth approval process and a better project.

## San Paulo

Good Design Beats NIMBYism in Irvine



The City of Irvine, one of California's largest planned communities, added tens of thousands of new jobs as the information economy boomed. But the City's housing supply—especially housing for families with modest incomes—could not keep up with its job creation. In late 1990s, the City and The Irvine Company, which owns all the undeveloped land in the City, identified a 15-acre multifamily site as appropriate for new affordable housing.

To ensure that such a large and prominent new development would fit into West Park Village, the Irvine neighborhood that surrounds it, The Irvine Company contacted the Costa Mesa-based architecture firm of McLarand Vasquez & Partners (MV&P). MV&P, which had also designed the dense and highly popular Corte Bella town homes across the street from the project site,

designed San Paulo's 382 units in 27 separate buildings, with flats and town homes of various sizes. San Paulo's overall density reaches about 25 units per acre, with room left over for two swimming pools, generous landscaping, a tot lot, and numerous features to smooth the transition from San Paulo's surroundings into its highest-density areas.

To show the City's residents that affordable housing and its residents belong in Irvine, The Irvine Company also met early with West Park Village residents. The neighbors were won over by the open process and the high-quality design. The Irvine Company and the City emphasized that San Paulo's residents would be members of the Irvine community. Teachers, firefighters, and other essential contributors to the City's life previously forced out of the City by its high housing prices would find an affordable place to live if San Paulo were approved.

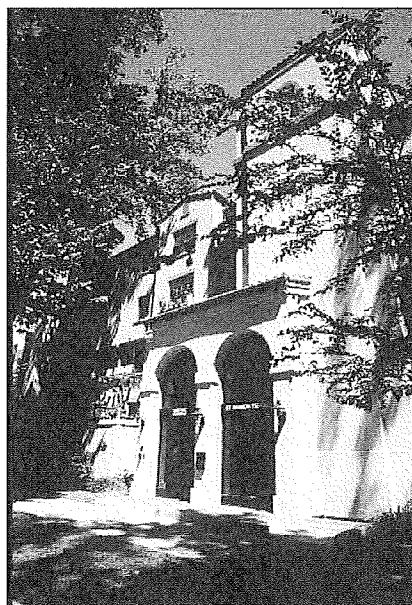
Also key to the project's success was the participation of its non-profit partner, San Francisco's BRIDGE Housing. BRIDGE provided vital advice on affordable housing to the other members of the development team, assisted in the City's approval process, and coordinated the project's financing, which came from City & county sources and State-authorized bonds and tax credits, with credit enhancement by Sumitomo Bank, Ltd. Forty percent of the units are affordable to families earning less than half of Orange County's median income of \$56,500; another 50 units are also designated as affordable to low- and moderate-income families.

In Irvine, the developer, architect, non-profit partner, and City staff needed to overcome one key obstacle: unfamiliarity. Residents' preconceptions fit the myths—and not the reality—of today's mixed-income, non-profit sponsored affordable housing. By being sensitive to both the design of

surrounding developments and neighboring residents' desires to feel included in decisions, the development team has created a successful model for emulation throughout southern California.

## Midtown Sacramento

### Residents Play a Role in Creating Affordable Family Housing in Neighborhood



Midtown Sacramento boasts a diverse mix of housing and small businesses. Midtown streets are lined with early 1900 Victorian houses, some of which are occupied by high-income families, others have been converted into multiple rental units and more still are occupied by office-type businesses, primarily law firms.

Building family housing in an established downtown isn't easy, but Mercy Housing California demonstrates that when the lines of communication are opened, a dense multifamily project can gain public support.

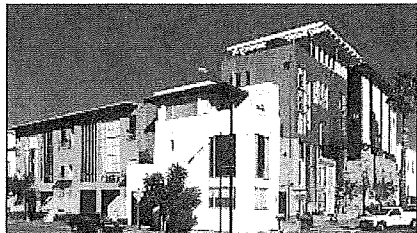
Saint Francis of Assisi Elementary School and Church is located in a midtown neighborhood, a block from historic Sutter's Fort

and nearby a number of boutiques interspersed in a largely residential neighborhood. The School and Church occupied over half of a city block and the Church had rights to the entire block. The bishop was interested in developing housing on the underutilized area of the block. One of the famous Victorian houses succumbed to a fire by transients. The Church had the remains removed and was left with an eyesore and potentially hazardous attraction next to the School playground. Although there are high-rises housing elderly residents in the midtown neighborhood, community members and Saint Francis parishioners didn't perceive an affordable multifamily housing project fitting in to the existing residential neighborhood. There was significant opposition to building such a project.

Mercy Housing California enlisted the assistance of Michael Friedman, an experienced in fill development architect with Tong and Bottomly, to conduct a series of workshops to listen to community and parishioner concerns. To build the desired number of family units composed of one-, two-, and three-bedroom units, the architectural firm designed the building from the inside out. Conscientious of local resident concerns, the project saved the School playground while preserving the privacy of the new 46 affordable family housing units. Additionally, local input resulted in new public space for the community to enjoy. The project has been built and occupied for several years and has become an integral part of the midtown neighborhood. Residents and parishioners, who at first feared the project, now point with pride to the community asset they had a hand in creating.

## San Diego

**Small Scale, Mixed-Income Housing is good fit for Little Italy Neighborhood Development**



**T**he sloping landscape at the northern downtown edge of San Diego Bay was once home to the many Italian families who derived a living from the highly successful tuna fishing industry. Although large-scale commercial fishing is now a memory, the district's

southern European character remains. Always a neighborhood first and then a commercial and light industrial center, Little Italy's spirit is perhaps best typified by the rebuilt Washington Elementary School and development of the adjacent Amici Park, which serves both as a playground for the school and a park including a bocce ball court for the community. Its lovely vistas now offer an urban neighborhood with single-family homes, condominiums, lofts and apartments. The India Street commercial strip is alive with Italian restaurants, small cafes, art and graphic studios/galleries, specialty shops and low-rise offices.

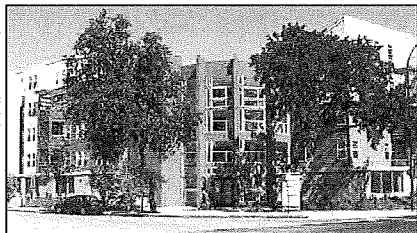
Little Italy Neighborhood Development (LIND), one of the region's most innovative residential

ideas, was one of six new successful affordable housing projects that has received the State Housing Director's Award for Housing Development Excellence in 2000. The Little Italy development consists of 16 row homes, 12 affordable rental lofts and 37 low- and moderate-income apartments. This successful development demonstrates that smaller scale, mixed-income housing can be infilled in an urban setting.

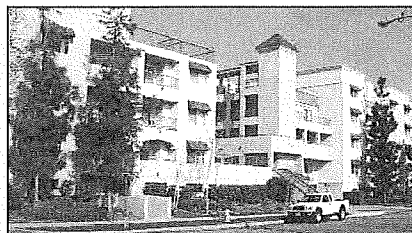
Continuing infill for-sale and rental residential projects is further reinforcing little Italy's distinctive character. Property has been acquired recently by the Redevelopment Agency for future housing developments.

## What Does Density Look Like?

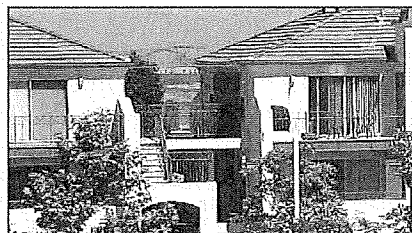
Providing a broad range of housing densities is key to ensuring housing opportunities for all residents. Density is calculated by determining the number of dwelling units per acre (du/ac). But, what do different housing densities look like?



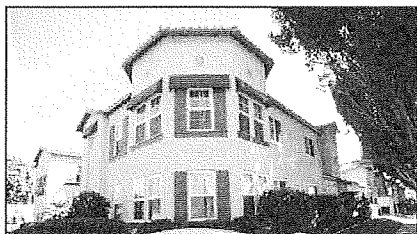
**Coggins Square Pleasant Hill, Walnut Creek, CA**  
42 Units/Acre



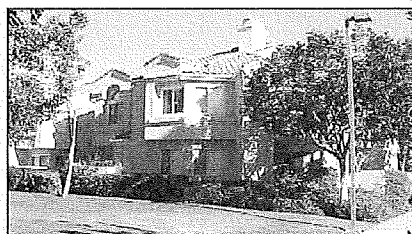
**Chesnut Place, Orange, CA**  
100 Unit/Acre



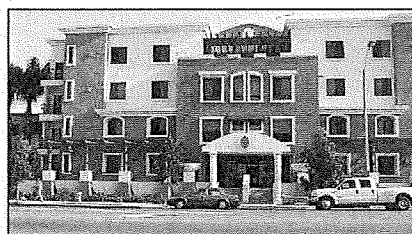
**Woodpark Apartments, Aliso Viejo, CA**  
24 Units/Acre



**Casa San Juan, Oxnard, CA**  
64 Units/Acre of Family Housing



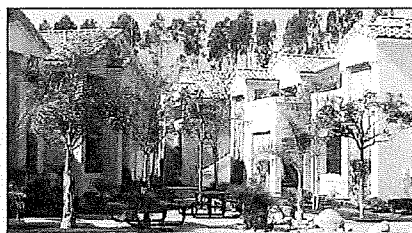
**San Marcos Apartments, Irvine, CA**  
64 Units/Acre



**Fullerton City Lights, Fullerton, CA**  
83 Units/Acre



**Russell Manor, Sacramento, CA**  
66 Unites/Acre of Elderly Housing



**Arroyo Vista Apartments, Mission Viejo, CA**  
14 Units/Acre



**San Paulo Apartments, Irvine, CA**  
25 Unit/Acre



# Resources

Some communities will need to see more specific examples of good high-density and affordable housing before being convinced that they can live with it. In other cases, residents may need to meet people who live in affordable housing. Almost universally, local governments and planners need advice and information about how best to ensure the design of quality affordable and high-density housing in their communities. Luckily, more and more resources--books, pamphlets, handbooks, slide shows, and videos--are becoming available. This list includes only a few resources; those interested are encouraged to contact the California Department of Housing and Community Development (916/445-4728) for ordering information on most of these publications and for additional suggestions.

## Making Housing More Affordable

*Blue Print 2001: Housing Element Ideas and Solutions for a Sustainable and Affordable Future*, Bay Area Housing, 2001. Blue Print 2001 includes a large directory of housing programs and strategies with a wealth of case studies, including adaptive reuse, air rights development, infill development, second units and density bonus developments.

*There Goes the Neighborhood? The Impact of Subsidized Multi-Family Housing on Urban Neighborhoods*, by Edward Goetz, Hin Kin Lam and Anne Heitlinger. Center for Urban and Regional Affairs and Neighborhood Planning for Community Revitalization, Minneapolis, Minnesota, 1996

*Affordable Housing Slide Show*. This 1989 slide show, also from LHEAP, focuses on the San Francisco Bay Area, on techniques for achieving housing affordability; available on loan from HCD for the cost of mailing plus a deposit. For more information, call HCD at 916/445-4728.

*Affordable Housing Handbook*. A 1991 publication of the California Coalition for Rural Housing. This handbook offers an exhaustive list of programs and policies that local governments can use to ensure the construction, rehabilitation, and preservation of affordable housing. \$5.00 To order, call CCRH at 916/443-4448.

*Creating a Local Advisory Commission on Regulatory Barriers to Affordable Housing*. This 1992 publication by the US Department of Housing and Urban Development guides local governments that want to establish committees to identify and reform ordinances and policies that reduce the supply of housing and increase its costs. \$4. To order, call HUD User at 800/245-2691.

*Affordable Housing: Proactive & Reactive Planning Strategies*. This recent publication discusses both "affirmative" measures such as, inclusionary zoning, linkage, affordable housing finance, affordable housing preservation, and infill-and reactive measures, including

zoning and subdivision reform, growth management, impact fees, environmental legislation, and administrative reform. \$29 includes shipping and handling. To order, call the Planners' Bookstore at 312/955-9100.

*Affordable Housing: Restoring the Dream*. 15-minute video (1989) by the Urban Land Institute promotes cost savings in single-family housing through flexible development standards and expedited processing. \$34.95 for non-ULI members. Order number A-17. To order, call 800/321-5011.

*The Effects of Subsidized and Affordable Housing on Property Values: A Survey of Research*. Out of 15 published papers on subsidized housing, group homes for the handicapped, and manufactured housing, 14 concluded that this housing had no significant negative effects on the values of neighboring properties. Some reported positive property value effects. Free. To order, call HCD at 916/445-4728.

*Second Units*. This paper, updated to reflect 1990 amendments to State law increasing the permissible size of second units, describes the advantages of and statutory requirements for the development of second units. Free. To order, call HCD at 916/445-4728.

## Meeting the Residents of Affordable Housing

*California Homeless and Housing Coalition: A 42-minute video*, *Neighbors in Need*, documents the experiences of three organizations in establishing facilities for the homeless. The 1991 video features interviews with residents and clients, as well as with one-skeptical neighbor who now advocate for other similar facilities, in Hayward, San Mateo County, and Los Angeles. \$15. To order, call 916/447-0390.

*Realize the Dream*. The City of Fremont Housing Department produced a five-minute video, now available through HCD introducing decision-makers and citizens to the residents of three of the City's bond-financed mixed-income apartment projects. Features interviews with residents of both subsidized and unsubsidized units. For information on how to obtain, call HCD at 916/445-4728.

*We Call It Home: A Tour of Affordable Housing*. 16-minutes. Recent video produced by Marin County's Ecumenical Association for Housing (EAH) introduces several of EAH's projects and the people who live there, in Marin and Contra Costa counties. \$15 to purchase, postage costs to borrow. Call Betty Pagett at 415/258-1800.

*NIMBY fears, community perceptions: Analysis of Affordable and Market Rate Housing Developments in Oakland, California*, by Cathy Cha. Dept. of City and Regional Planning, University of California at Berkeley, 1996

HCD offers a website with a section titled: NIMBY Resources at [www.hcd.ca.gov/hpd/nimby](http://www.hcd.ca.gov/hpd/nimby). The page includes resources and tools for addressing NIMBY concerns about housing

and especially affordable housing and/or high-density housing.

## Increasing Housing Densities in New and Existing Development

*Good Neighbors: Affordable Family Housing (Design for Living)* by Tom Jones, William Pettus (Contributor), Michael Pyatok, and R. Thomas Jones. 1996. McGraw-Hill Professional Publishing. Based on the acclaimed AIA Design for Housing initiative and supported by and NEA grant. This is an authoritative guide to modern affordable housing design. This landmark book provides architects, landscape architects, planners, developers, advocates, government officials, and policy makers with workable answers for the design of affordable, aesthetically pleasing housing.

*Density by Design: New Directions in Residential Development* by Steven D. Fader, Vincent Scully. 137 pages 2nd edition, March 15, 2000, Urban Land Institute (ULI). This document provides innovative solutions to the challenge of developing higher density housing that will be successful in the marketplace. Case studies of 14 projects show how others have implemented the best new ideas in residential development and design. Projects covered range in density from single-family subdivisions to downtown high-rise apartments and illustrate many up-to-the minute concepts: new urbanism, transit-oriented development, mixed-income and mixed-housing types, urban infill, and adaptive use. They also reveal trends and standards for developing projects that provide a sense of place, use land efficiently without compromising livability, and that can pass the twin tests of governmental approval and marketability.

*Compact Development Presentation*. This presentation with 39 slides from the Local Government Commission highlights some of the needs, myths and misconceptions about compact housing and its role in helping to create more livable communities. Slide shows may be purchased or rented. \$50.00 for complete set, \$2.50 for individual slides, or rent for \$15.00 plus \$50.00 deposit.

*Multifamily Residential Design Principles*. The City of Sacramento published this excellent guidebook November 19, 1999 to provide multifamily design guidelines for the City Planning Commission.

*Big Blue Book of Affordable Housing Case Studies*, Alexander and Edwards Publishing, 2000 *Compact and Balanced Development: Designs for California Living*. This 15-minute video by the American Institute of Architects California Council provides tangible examples of infill and higher-density developments that enjoy community support, and highlights the role of local governments in their approval and construction. AIA members: \$25; non-members: \$40. To order, call 916/448-9082. In late 1993, the AIACC will release a follow-up urban design video demonstrating how to respond to community concerns, increase density, encourage mixed-use transit-oriented development, and obtain innovative financing.

*Room Enough.* This publication, by San Francisco's Greenbelt Alliance, discusses five strategies using vacant land more effectively, building more housing along major streets, bringing homes and people downtown, adding second units on existing home sites, and recycling lands no longer needed for industry that communities can use to accommodate more housing while meeting concerns about community character and open space. \$9. To order, call Greenbelt Alliance at 415/543-4291.

## Transit-Oriented, Mixed-Use and Infill Development

*Building Livable Communities: A Policymaker's Guide to Infill Development.* The January 2001 publication from the Local Government Commission helps to answer two of a policymaker's most frequently asked questions: "Why build in town?" and "What can local government do to encourage infill development?" This guidebook suggests a number of ways to create infill development in your community. These include: planning proactively; assuring public participation; using public facilities and development to attract investment; assisting with project financing; zoning for mixed-use and higher-density development; encouraging rehabilitation; providing in-kind assistance; streamlining the permit process; providing public services; and addressing toxic contamination.

*Building Livable Communities: A Policymaker's Guide to Transit-Oriented Development.* This is a companion guidebook on transit-oriented development from the Local Government Commission. More and more, community leaders are recognizing that building residences, stores and work places near transit stops can play a major role in creating places where we enjoy living, working and playing. The guidebook addresses the questions of "why build near transit?" and "why should elected officials, land-use agencies and developers pay more attention to development near transit than to any other kind of development?" The guidebook has helpful advice, model examples, and resources to help create livable, transit-oriented communities in your region.

## Notes

<sup>1</sup>Statewide Housing Plan: Raising the Roof. California Housing Development Projections and Constraints 1997-2020, California Department of Housing and Community Development, May 2000

<sup>2</sup>Still Locked Out: New Data Confirm that California's Housing Affordability Crisis Continues, California Budget Project, March 2001

<sup>3</sup>American Housing Survey

<sup>4</sup>John Holtzclaw, 1997m Metropolitan Transportation Commission, 1990 Household Travel Survey

<sup>5</sup>Cambridge Systematics and Parsons Brinckerhoff Quade & Douglas. Making the Land Use Transportation Air Quality Connection: Analysis of Alternatives. Vol. 5 Friends of Oregon

<sup>6</sup>American Housing Survey, 1999; National Multi Housing Council, Research Notes, August 24, 2000

<sup>7</sup>Paul Cummings and John Landis, "Relationships between Affordable Housing Developments and Neighboring Property Values" (Berkeley: University of California Institute of Urban & Regional Development, 1993)

<sup>8</sup>California Department of Housing and Community Development, "The Effects of Subsidized and Affordable Housing on Property Values: A Survey of Research" (Sacramento: DHCD, 1988), 2

## Published by the California Planning Roundtable

The California Planning Roundtable is an organization of experienced planning professionals who are members of the American Planning Association. Membership is balanced between the public and private sectors, and between Northern and Southern California. The mission of the Roundtable is to promote creativity and excellence in planning by providing leadership in addressing important, unresolved planning issues in California.

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# 2014 HOUSING ELEMENT



# Preface

The Housing Element is a major part of San Francisco's General Plan that seeks to ensure adequate housing for current and future San Franciscans. Housing element law requires local governments plan for their existing and projected housing need, by providing opportunities for housing development, rather than constraining opportunities. The State allocates the region's share of the statewide housing need to regional agencies; in the San Francisco Bay Area, the Association of Bay Area Governments (ABAG) provides this allocation, based on the region's forecast for population, households, and employment. San Francisco's share of the regional housing need for 2015 through 2022 has been pegged at 28,870 new units, with almost 60% to be affordable. Since 2002, the regional population, household and job forecast has been "policy-based," meaning that it promotes policy objectives which increase housing development and alternative transportation modes, specifically by increasing the proportion of growth near transit and in existing urban areas. Furthermore, with the adoption of SB375 and its requirement that regional planning agencies create a plan to meet targets for greenhouse gas emissions reduction tied to land use, the City can expect to see further development directed towards existing urban areas like San Francisco to increase housing near jobs, reduce urban sprawl, and reduce greenhouse gas emissions.

This Housing Element details objectives and policies that address this growing housing demand, focusing on strategies that can be accomplished within the city's limited land supply and that meet the housing goals developed during the outreach for this document, which include 1) prioritizing permanently affordable housing; 2) recognizing and preserving neighborhood character; 3) integrating housing, jobs, transportation and infrastructure; and 4) continuing to be a regional model of sustainability.

The Housing Element consists of two parts. Part I contains the background data and needs analysis, forming the basis for policy formulation. Part II lists objectives and policies and describes the programs to be carried out over the next five years to implement these objectives and policies.

1. Part I describes and analyzes changes in San Francisco population, households, and housing stock characteristics. It analyzes existing and projected housing needs resulting from job growth and population and household projections. It identifies the needs of special user groups such as the homeless, physically disabled, elderly, minorities, families with children, and artists, and specifies the housing affordability levels needed by these households. Part I also contains an inventory of land suitable for residential development and examines potential constraints to meeting the City's housing needs. It notes that meeting the estimated housing need will require a rate of housing production far greater than what has been achieved in previous years.

2. Part II contains a comprehensive set of housing objectives and policies that are the framework for decision-making, priority setting and program implementation. It continues many existing City housing policies that emphasize affordable housing production, permanent affordability, and the protection of the existing housing stock. New policies strive to create a range of new housing to meet spatial needs of all of our residents, particularly those who cannot afford market-rate housing; ensure development is appropriate to the unique needs of individual neighborhood they are located within; use community planning processes to ensure that the best qualities of neighborhoods are not only maintained, but strengthened; link new housing to public infrastructure such as transit, open space and community facilities, and privately provided infrastructure such as retail and neighborhood services; and prioritize housing development that reduces the impacts of greenhouse gas emissions.

These objectives and policies are followed by related Implementation Actions that will implement the Housing Element including timelines, steps, projected outcomes and entities responsible for each action. They are also followed by a series of Strategies For Further Review, which require further examination and study prior to their implementation. Implementation involves various City agencies, including the Planning Department, the Mayor's Office of Housing, the Office of Community Investment and Infrastructure (formerly known as the Redevelopment Agency), the Board of Supervisors and the Planning Commission, the San Francisco Housing Authority, the Department of Building Inspection, the Department of Human Services, the Department of Public Health, the City Attorney's Office, the Rent Stabilization Board, and the Human Rights Commission; but it also depends on the work of community housing organizations, non-profit and for-profit housing developers, and the community organizations and citizens of San Francisco.

#### Consistency with San Francisco's General Plan

The San Francisco General Plan, including this Housing Element, is an integrated, internally consistent and compatible statement of objectives and policies. The other elements of the City's General Plan, as well as the area plans which cover specific geographic areas of the city, are consistent with this Housing Element.

San Francisco Charter Section 4.105 of the Charter of the City and County of San Francisco provides to the Planning Commission the opportunity to periodically recommend Planning Code amendments to the Board of Supervisors. It states: "The General Plan shall consist of goals, policies and programs for the future physical development of the City and County that take into consideration social, economic and environmental factors. In developing their recommendations, the Commission shall consult with commissions and elected officials, and shall hold public hearings as part of a comprehensive planning process. The Planning Department, in consultation with other departments and the City Administrator, shall periodically prepare special area, neighborhood and other plans designed to carry out the General Plan, and periodically prepare implementation programs and schedules which link the General Plan to the allocation of local, state and federal resources."

This section requires that proposed General Plan amendments are consistent across the General Plan and the eight priority policies of the Planning Code Section 101.1. As such, the San Francisco General Plan is regularly updated to ensure consistency. Any amendment to the General Plan, including adoption of this Housing Element, is accompanied by a comprehensive review of the General Plan for consistency. Where necessary, Planning staff will recommend conforming amendments to the General Plan, so that the General Plan is aligned across its elements and area plans.

Section 101.1(b) of the San Francisco Planning Code provides the City's eight Priority Policies, and designates these policies as the basis upon which inconsistencies in the General Plan are resolved, should they occur. Two General Plan Priority Policies relate specifically to housing, and are supported directly by this Housing Element. These are:

- That the City's supply of affordable housing be preserved and enhanced (See Objectives 1-3, Objectives 7-9, and all related policies under those objectives).
- That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods (See Objective 2, Objective 11, and all related policies under those objectives).

The other Priority Policies are supported by, and not impacted by, this Housing Element.





# 2014 HOUSING ELEMENT



## PART I: DATA AND NEEDS ANALYSIS

# I. Population, Employment and Income Trends

San Francisco continues to grow and has surpassed its population peak of the 1950s; by 2012, some 808,000 people called San Francisco home. A slight shift in the city's racial composition was noted in the U.S. Census Bureau's 2012 American Community Survey (ACS) estimate but San Francisco continues to be a culturally and racially diverse place. San Francisco households are generally better off and median incomes are rising; the 2012 ACS estimated San Francisco's median income at about \$73,802. San Francisco is also growing older. The median age of San Francisco residents has been rising since 2000, especially as the baby boom generation ages. In 2012, the estimated median age was 38.5 years. Families with children constitute a small portion of San Francisco households. Under 12% of the city's total population is 14 years old and younger, giving San Francisco the distinction of having the fewest children per capita of all major U.S. cities.

## A. POPULATION AND DEMOGRAPHICS

### 1. Population Change

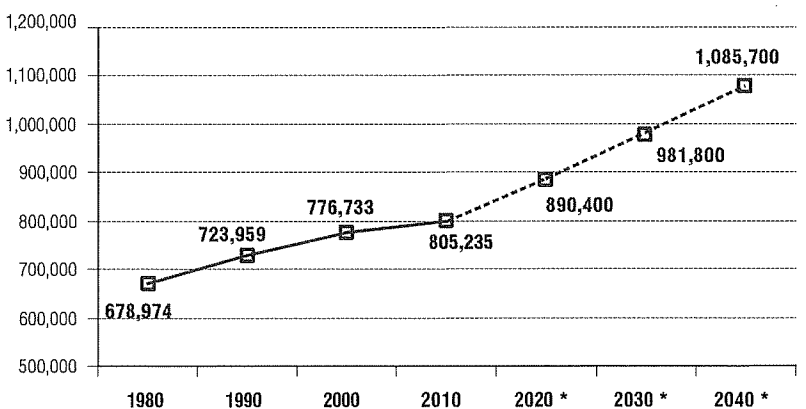
San Francisco has seen an increase in population and jobs in recent years. The 2010 Census counted over 805,235 San Franciscans while the Association of Bay Area Governments (ABAG) estimated some 568,720 jobs in the city.

The 2012 American Community Survey estimated San Francisco's population to be about 807,755. ABAG projects continued population growth to 981,800 by 2030 or an overall increase of about 174,045 people who will need to be housed over the next 18 years (Table I-1 and Figure I-1). Household growth, an approximation of the demand for housing, indicates a need for some 72,530 new units in the 18 years to 2030 just to accommodate projected population and household growth (Table I-1).

	2000	2010	2020*	2030*	2040*
Total Population	776,733	805,235	890,400	981,800	1,085,700
Population Change	52,774	28,502	85,165	91,400	103,900
% Population Change	7.3%	3.7%	10.6%	10.3%	10.6%
Household Population	756,976	780,971	863,800	952,500	1,051,100
% HH Population Change	8.2%	3.2%	10.6%	10.3%	10.4%
Households	329,700	345,811	379,600	413,370	447,350
Households Change	24,116	16,111	33,789	33,770	33,980
% Households Change	7.9%	4.9%	9.8%	8.9%	8.2%

SOURCES: Census Bureau, ABAG, *Projections 2013*

Table I-1  
Population Trends and ABAG  
Projections, San Francisco,  
2000–2040



SOURCES: Census Bureau, ABAG *Projections 2013*

Figure I-1  
Population Trends and ABAG  
Projections, San Francisco,  
1980–2040

## B. EMPLOYMENT

### 1. Jobs

Employment growth in San Francisco and the region directly affects the demand for housing as new jobs attract new residents. As shown in Table I-8, total employment in San Francisco is recovering from the economic crisis of the late 2000s. The crash of dot-com ventures and the 2008 great recession show a net job loss in the years between 2000 and 2010 of approximately 65,700 (see Table I-8). ABAG forecasts a recovery in San Francisco, with employment steadily increasing to 759,000 by 2040. During the 2020 to 2030 period, the ABAG model shows 36,440 new jobs (5.4% increase) in San Francisco; from 2030-2040, 51,830 additional jobs are projected—a 7.3% gain.

Year	Total No. of Jobs	Growth (Loss)	% Change
2000	634,430	55,250	9.5%
2010	568,720	(65,710)	-10.4%
2020 *	671,230	102,510	18.0%
2030 *	707,670	36,440	5.4%
2040 *	759,500	51,830	7.3%

SOURCES: Census Bureau; \* ABAG, *Projections 2013*

*Table I-8*  
**San Francisco Employment Trends and Projections, 2000–2040**

From 2020 through 2040, the entire nine-county Bay Area is expected to add almost 518,080 jobs. Of that total, about 88,270 will be created in San Francisco and the city's share of regional employment will remain at about 17% (Table I-9). Maintaining this job share ensures San Francisco's continuing role as an employment hub, making full use of existing infrastructure. Future targeted infrastructure enhancements to core job centers such as San Francisco will support overall reduction in greenhouse gas emissions in the region.

Year	San Francisco	Bay Area Total	San Francisco as % of Bay Area
2000	634,430	3,753,460	16.9%
2010	568,720	3,385,300	16.8%
2020 *	671,230	3,987,150	16.8%
2030 *	707,670	4,196,580	15.9%
2040 *	759,500	4,505,230	16.9%

SOURCE: ABAG, *Projections 2013*

*Table I-9*  
**San Francisco and Bay Area Regional Employment Projections, 2000–2040**



Job growth in the next 20 years is expected to be strongest in the “Professional and Managerial Services” industry (53,830 new jobs), followed by the “Health and Educational Services” category (23,800), and the “Arts, Recreation, and Other Services” segment (25,460) (see Table I-10). In terms of percentage growth for the 2020-2040 period, “Health and Educational Services” (25.7%) and “Professional and Managerial Services” (25%) industries lead the way. Almost all sectors of the local economy will have experienced net employment gains between the decennial censuses. Only the “Transportation and Utilities” (2,050 less jobs) sector will see job loss. By 2020, “Professional and Managerial Services” will have experienced the largest gain – some 35,840 or 25% of this sector’s jobs. “Arts, Recreation, and Other Services” employment will have gained some 18,270 jobs during that time—a gain of 19%.

*Table I-10*  
**Employment Trends and  
Projections by Industry,  
San Francisco, 2010–2040**

Industry	2010	2020*	2030*	2040*	2010 - 2040	
					Change	% Change
Agriculture & Natural Resources	420	440	400	350	(70)	-16.7%
Construction	14,860	22,030	23,530	25,620	10,760	72.4%
Manufacturing & Wholesale	21,960	23,230	20,980	19,210	(2,750)	-12.5%
Retail	44,970	49,030	49,470	50,700	5,730	12.7%
Transportation & Utilities	12,030	9,980	9,680	9,150	(2,880)	-23.9%
Information	20,800	26,520	27,020	28,060	7,260	34.9%
Financial & Leasing (F I R E)	54,660	70,310	71,160	73,590	18,930	34.6%
Professional & Managerial Services	129,800	165,640	183,630	207,060	77,260	59.5%
Health & Educational Services	64,660	79,590	88,460	100,020	35,360	54.7%
Arts, Recreation & Other Services	106,390	124,660	131,850	141,650	35,260	33.1%
Government	98,170	99,800	101,490	104,090	5,920	6.0%
TOTAL	568,720	671,230	748,100	759,500	190,780	33.5%

SOURCE: ABAG, *Projections 2013*

## 2. Employed Residents and Commuters

The number of employed residents in San Francisco is project to increase (Table I-11) A total of 480,800 employed residents is projected by 2015 and ABAG’s *Projections 2013* also indicate that this trend will continue over the 20 years with the addition of over 83,600 employed residents between 2020 and 2040.

Year	Employed Residents	No. of Change	% Change
2010	461,300	73,200	18.9%
2015	480,800	19,500	4.2%
2020	501,600	20,800	4.3%
2025	516,600	35,200	7.7%
2030	541,400	27,200	5.5%
2035	564,000	62,400	12.4%
2040	585,200	21,200	3.8%

SOURCE: ABAG, *Projections 2013*

The number of workers per household is also projected to increase between 2010 and 2015, from 1.22 to 1.27 (Table I-12). This number is expected to remain fairly constant until 2040 when it will increase to 1.28 workers per household. The Bay Area region will follow a similar trend with a slightly higher number of workers per household.

Area	2010	2015*	2020*	2025*	2030*	2035*	2040*
San Francisco	1.22	1.27	1.32	1.30	1.28	1.28	1.28
Bay Area Region	1.25	1.30	1.36	1.34	1.32	1.32	1.31

SOURCE: Planning Department based on *ABAG Projections 2013*

As of 2010, commuters into San Francisco held 27.3% of the jobs in the city (Table I-13). According to the Metropolitan Transportation Commission's *Plan Bay Area*, which includes the region's *Sustainable Communities Strategy* and *2040 Regional Transportation Plan*, over half of these workers commute into the city via the Bay Bridge corridor. By 2020, it is estimated that commuters will take up 43% of jobs in San Francisco.

As a regional job center, San Francisco will continue to have a larger share of commuters than other cities in the Bay Area. The regional transportation goal in the next ten years is to reduce commuting with a smaller share of new jobs created in San Francisco being taken by non-San Francisco residents. Table I-13, however, is not a job forecast nor does it show distribution of jobs throughout the area. Rather, it assumes that more of the future jobs in San Francisco are expected to be taken by San Francisco residents than has occurred in the past.

Category	2010	2020*	2030*	2040*
Commuters	162,455	283,622	281,580	314,862
San Francisco Residents	433,674	378,678	414,910	436,968
TOTAL JOBS	596,129	662,300	696,490	751,830
% of Commuters	27.3%	42.8%	40.4%	41.9%
Increase	8,829	66,171	34,190	55,340
Change in Commuters	-6,292	121,167	-2,042	33,282
Regional Goal of Percent Change of Commuters	-71.3%	183.1%	-6.0%	60.1%

SOURCE: Metropolitan Transportation Commission  
(Note: Travel simulation results generated for the Plan Bay Area, SCS and Regional Transportation Plan)

*Table I-11*  
**Employed Residents Trends and Projections, San Francisco, 2010–2040**

*Table I-12*  
**Workers per Household Trends and Projections, San Francisco and Bay Area, 2010–2040**

*Table I-13*  
**Workers Commuting into San Francisco, 2010–2040**

## C. INCOMES

### 1. Median Incomes

The 2010 Census noted San Francisco's median household income at \$71,304. This represents an increase of about 29% in the 10 years between Census counts (Table I-14). Table I-14 also shows that median and mean family incomes tend to be higher than that of non-family households. The 2012 American Community Survey (ACS) estimates the median household income at just under \$73,802 or about a 3.5% increase in the last twelve years. Table I-15, however, shows these same incomes adjusted for inflation, where median household and median family household incomes have decreased slightly, and median non-family household incomes have decreased by almost 29%.

*Table I-14*  
**Household and Family  
Income, San Francisco,  
2000–2012**

	2000	2010	2012 ACS
Median Household Income	\$55,221	\$71,304	\$73,802
Mean Household Income		\$102,267	\$107,520
Median Family Household Income	\$63,545	\$85,778	\$88,565
Mean Family Household Income		\$122,087	\$128,144
Median Non-Family Household Income	\$46,457	\$58,139	\$60,285
Mean Non-Family Household Income		\$83,647	\$87,991

SOURCE: Census Bureau

*Table I-15*  
**Household and Family  
Income in Constant Dollars,  
San Francisco, 2000–2012**

Income Category	2000 (2010 Dollars)	2010 (2010 Income)	2012 (2010 Dollars)
Median Household Income	\$69,926	\$71,304	\$70,093
Median Family Income	\$80,467	\$85,778	\$84,114
Median Non-Family Household Income	\$58,828	\$58,139	\$41,242
Per Capita Income	\$45,229	\$45,478	\$44,898

SOURCE: Census Bureau

Table I-16 below shows household incomes by household type, tenure and ethnicity. In addition to the difference between median family income and median non-family income, disparities exist between home-owning households and renters, and amongst ethnic groups. This array of income, as well as household type, affects housing demand and affordability. For example, the median household income is not enough to afford the average 2012 rent for a two-bedroom apartment at \$1,799 a month. And while the median family income is somewhat higher than that of a non-family household, it is spread among more people in the household and would have to pay for larger housing to accommodate the larger average family household size. There is thus a need for larger units affordable to families and large households in San Francisco and an ongoing need for affordable housing for the population in general.

trols for southeastern portions of the city aimed at preserving industrially zoned lands from competing uses. These controls created Industrial Protection Zones where new housing and live/work units are not allowed, and accompanying Mixed Use Districts where housing would be encouraged. Concerned with distortions in the housing supply and with displacement of industrial space, the San Francisco Board of Supervisors also passed a six-month moratorium on the construction of new live/work units in February 2001. The temporary moratorium was intended to halt the approval of new projects while a study on the impact of live/work units on the city's housing market and industrial lands was being conducted. This moratorium was extended several times and eventually live/work loopholes were mended. Live/work units built after the moratorium were from development projects that were grandfathered in at the time of the legislation.

## **B. HOUSING TENURE AND AFFORDABILITY**

### **1. Owner-Occupied Housing**

The rate of homeownership estimated in 2012 (33%) has decreased since the 2000 Census (35%) and is still much lower than the national average (65.5%). Table I-33 below shows rates of home ownership by planning district. About 50% of homes owned are in the Inner Sunset, Outer Sunset, South Central, and Bernal Heights planning districts. Home ownership rates are lowest in the Downtown, with only one percent of people owning their home.

San Francisco's housing prices are among the highest in the nation. And despite recent price declines, at year-end 2012, the median price for an average single family home in San Francisco exceeded \$855,500 and was over 1.2 times the cost of similar housing in the Bay Area and four times the national average (Table I-34). It is estimated that only 16% of San Francisco's households can afford a median priced home in the city.

Planning District	Rate of Home Ownership
1 Richmond	38%
2 Marina	25%
3 Northeast	15%
4 Downtown	2%
5 Western Addition	19%
6 Buena Vista	26%
7 Central	41%
8 Mission	20%
9 South of Market	32%
10 South Bayshore	50%
11 Bernal Heights	53%
12 South Central	67%
13 Ingleside	59%
14 Inner Sunset	56%
15 Outer Sunset	59%
San Francisco Citywide	33%

*Table 1-33*  
**Rate of Homeownership,  
 San Francisco, 2012**

SOURCE: US Census

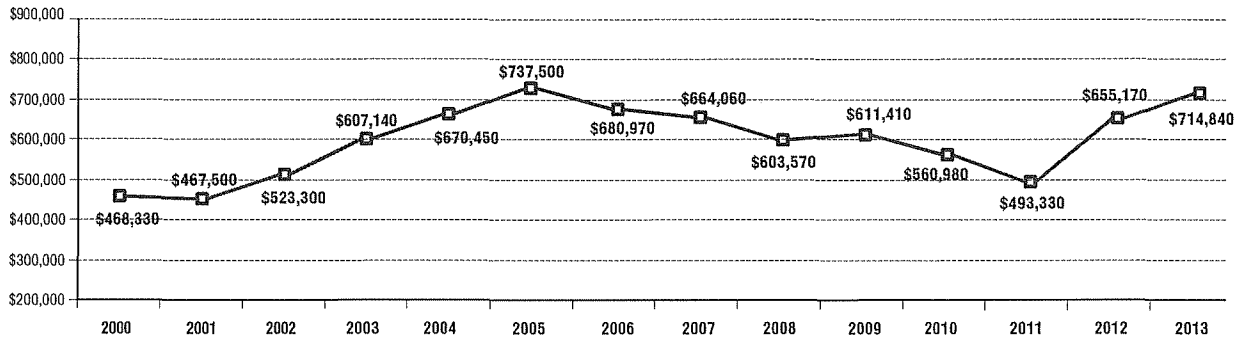
Geographic Region	Median Price	% of Households Qualifying
San Francisco	\$855,500	16%
SF Bay Area Region	\$704,990	21%
Northern California (not including the SF Bay Area)	\$721,140	21%
California	\$433,940	32%
Nationwide	\$207,300	56%

*Table 1-34*  
**Housing Affordability of  
 Average Single Family  
 Homes, San Francisco, 2013**

SOURCE: California Association of Realtors

Home sales prices in San Francisco has been steadily climbing since 2000 before peaking in 2005. With the global recession, prices dropped between 2005 and 2011 (Figure I-4). Since 2011, the price of housing in San Francisco continues to grow and based on the trend since 2000, the price of housing is projected to surpass the high prices seen in 2005. Compared to the Bay Area region, the housing prices trend follows a similar path as San Francisco. Still, the high cost of home ownership is still prohibitive for San Francisco's low and moderate-income households and homeownership for these households would require substantial subsidies. As stated earlier, only 16% of San Francisco households can qualify to purchase homes at these prices.

Figure I-4  
Housing Price Trends,  
San Francisco, 2000–2013



SOURCE: California Association of Realtors, \*(Figures in current dollars)

## 2. Rental Housing

The 2012 American Community Survey (ACS) estimated that about 63% of San Francisco households are renters; this is almost double the national average of 34.5%. San Francisco is nevertheless typical of other larger cities where renters outnumber homeowners. Average asking rents in San Francisco dropped slightly with the dot-com bust but remain high, climbing to \$2,750 in 2007 and remaining constant until about 2011. After 2011, asking rents for a two-bedroom apartment skyrocketed to an average of \$4,100 in 2014 (Figure I-5). To afford this level of rent in 2013, a household would need to earn about \$170,000 a year.

Rental affordability continues to be a citywide problem. Traditionally, neighborhoods in the southeast portions of the city have been relatively affordable; however there is still a significant gap for low and very-low income households (Table I-35). The lowest median asking rent for a two bedroom by district (\$2,525 in South Bayshore) has an affordability gap of \$763 for low income households (i.e., those households with income from 51%-80% of the area median income).

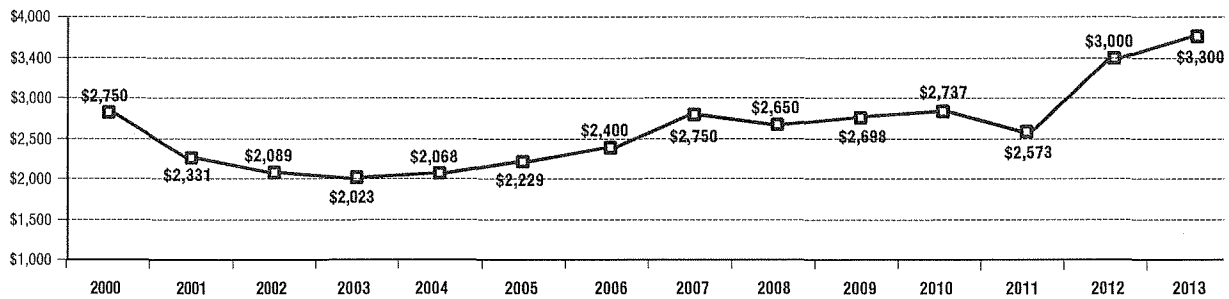


Figure I-5  
Average Monthly Rental  
Rates, San Francisco,  
2000–2013

SOURCE: Zillow.com, RentSF.com, Zilpy.com

# III.

## Housing Needs

This section examines the type, amount and affordability of new housing construction needed in San Francisco, as determined by the Association of Bay Area Governments, through June 2022. It is based, in part, on the data presented in the preceding Sections.

### A. REGIONAL HOUSING NEED ASSESSMENT

The Association of Bay Area Governments (ABAG), in coordination with the California State Department of Housing and Community Development (HCD), determine the Bay Area’s regional housing need based on regional trends, projected job growth and existing needs. San Francisco’s fair share of the regional housing need for January 2015 through June 2022 was calculated as 28,870 units, or about 3,850 units per year (Table I-38). This goal seeks to alleviate a tight housing market stemming from forecast household and employment growth as well as allocating regional household and employment growth to jurisdictions with established or planned transit infrastructures. More important, the Regional Housing Needs Assessment (RHNA) determination includes production targets addressing housing needs of a range of household income categories. A total of about 16,333 units or 57% of the RHNA target must be affordable to households making 120% of the area median income (AMI) or less.

Table I-38  
Regional Housing  
Needs Assessment for  
San Francisco,  
2015–June 2022

Household Income Category	No. of Units	% of Total	Annual Production Goal
Very Low ( 0–50% AMI )	6,234	21.6%	831
Low ( 51–80% AMI )	4,639	16.1%	619
Moderate (81–120% AMI )	5,460	18.9%	728
Above Moderate ( over 120% AMI )	12,536	43.4%	1,671
TOTAL UNITS	28,869	100.0%	3,849

SOURCE: ABAG, Planning Department

Downtown districts are similarly ideal for residential development given proximity to jobs and transit. The higher densities allowed under current zoning in these districts could bring almost 4,180 new units. Some industrial lands may be more suitable than other industrial sites for residential development based on its proximity to existing residential districts and transit. At least 3,160 units can be accommodated in these industrial lands.

The city's mixed-use districts in Chinatown and South of Market are generally built up and yielded smaller numbers of developable sites. However, with higher densities allowed in these areas, in-fill development could accommodate at least an additional 9,870 units.

The Mission Bay Plan, adopted and being carried out by the San Francisco Redevelopment Agency (now known as the Office of Community Investment and infrastructure), is envisioning a new neighborhood arising from one of the city's few vast and underused vacant industrial tracts. Projected land uses include a mix of housing and job opportunities. Mission Bay North will accommodate 3,000 units of housing while Mission Bay South will have 3,090 units. Over a quarter (28% or 1,700) of the units will be affordable to moderate, low and very low-income households. As of 2013, 3,455 units were built and the remaining 4,373 are expected to be completed by 2020.

Hunters Point Naval Shipyard, another redevelopment project, will involve re-use of the 500-acre former military base and 200-acre former Candlestick Point. The HPNS Redevelopment Plan sees the decommissioned shipyard transformed into a mini-city with housing, job opportunities and recreational uses. The residential component of the Redevelopment Plan will bring about some 10,500 new housing units. Construction on the Shipyard Phase 1 has begun and the first residents of the redeveloped sites have moved in early 2013; this phase will have a total of 1,600 new homes.

Redevelopment of Treasure Island, while not expected to commence during the 2015-2022 RHNA reporting period, has been included in the land inventory because of its long-term potential for housing. The current proposal includes up to 8,000 units.

#### *a. Housing in Residential Areas*

Housing development on remaining vacant, residentially zoned sites will occur as market pressure intensifies to build on available residential sites throughout the city. These sites generally have low or moderately low density residential-house zoning designations (RH-1, RH-2 or RH-3), which permit only one, two or three units per lot in most cases. Most housing – especially family housing – is already located in these residential districts. It is estimated that there is an in-fill housing potential of approximately 2,388 units on vacant and underutilized RH-1 and RH-2 parcels, which allow for single-family and duplexes, respectively. Typical densities range from a maximum of 16 units per acre for RH-1 districts and 28 units per acre for RH-2. An additional 662 units can also be accommodated in RH-3 parcels that allow for development of triplexes at about 37 units per acre density.





# PART II. OBJECTIVES & POLICIES

Please note that this text contains *Part 2: Objectives and Policies* of the Housing Element. *Part 1: Data and Needs Analysis* and *Appendix C: Implementation Measures* are available separately.



## INTRODUCTION

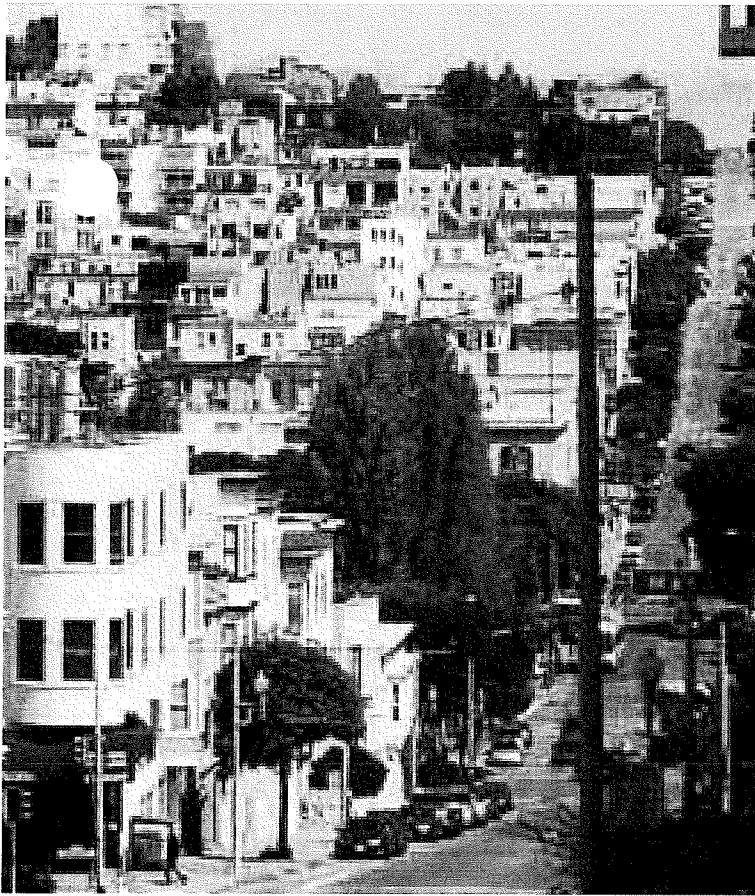
Housing element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The City of San Francisco has embraced this requirement as an opportunity for a community based vision for San Francisco's future. Part 2 of the Housing Element sets forth objectives, policies, and programs to address the housing needs identified in Part 1. The Housing Element is intended to provide the policy background for housing programs and decisions; and to provide broad direction towards meeting the City's housing goals. As with other elements of the General Plan, it provides the policy framework for future planning decisions, and indicates the next steps the City plans to take to implement the Housing Element's objectives and policies. Adoption of the Housing Element does not modify land use, specify areas for increased height or density, suggest specific controls for individual neighborhoods, and implement changes to the Zoning Map or Planning Code, nor does it direct funding for housing development. Any such changes would require significant community and related legislative processes, as well as review and public hearings before the Planning Commission and Board of Supervisors.

### Why is Housing an Issue?

San Francisco's population continues to grow; now with over 808,000 residents. As a hub for the region, San Francisco hosts a significant proportion of the Bay Area's jobs, as well as the core of local transportation infrastructure. Despite the recent economic impacts of the crash of dot-com ventures and 2008 recession, industries in San Francisco are continuously growing, particularly in the categories of professional, managerial, health and educational services. With new employment opportunities comes the increased demand for a variety of housing types.

Affordable housing is the most salient housing issue in San Francisco and the Bay Area. ABAG projects that at least 38% of new housing demands will be from low income households (households earning under 80% of area median income), and another 19% affordable from households of moderate means (earning between 80 and 120% of area median income). The policies and programs offer strategies to address these specific housing demands.

Based on the growing population, and smart growth goals of providing housing in central areas like San Francisco,



near jobs and transit, the State Department of Housing and Community Development (HCD), with the Association of Bay Area Governments (ABAG), estimates that San Francisco must plan for the capacity for roughly 29,000 new units, 60% of which should be suitable for housing for the extremely low, very low, low and moderate income households, in the next Housing Element period to meet its share of the region's projected housing demand. Because San Francisco also shares these state and regional objectives to increase the supply of housing, improve the regional jobs-housing balance, protect the environment, and promote a more efficient development pattern, this Housing Element works to meet those targets.

## The City's Housing Values

In developing the 2014 Housing Element Update, the City worked closely across agencies and broadly with San Francisco neighborhoods, community organization members, housing advocates, and elected officials.

1. ***Prioritize permanently affordable housing.*** Across the city, participants acknowledged that the cost of housing in San Francisco was an issue affecting everyone, from working families to the very poor. Thus the Housing Element focuses on creating the right type of housing, to meet the financial, physical and spatial needs of all of our residents who cannot afford market-rate housing. This requires not only creating new housing, but addressing the numerous housing types needed for San Francisco's diverse population, and preserving and maintaining the existing housing stock, which provides some of the city's most affordable units.
2. ***Recognize and preserve neighborhood character.*** Residents of San Francisco, from its wealthiest neighborhoods to its lower income areas, prioritized their own neighborhoods' physical and cultural character. Therefore the Housing Element recognizes that any plans for housing, from individual projects to community plans, need to acknowledge the unique needs of individual neighborhood which they are located. No individual strategies proposed in this Housing Element are appropriate universally; each needs to be considered within the neighborhood context. By using community planning processes that are driven by the input of the community itself, the City can ensure that the best qualities of neighborhoods are not only maintained, but strengthened.
3. ***Integrate planning of housing, jobs, transportation and infrastructure.*** Participants stressed that housing does not occur in a vacuum- that successful housing must be considered as a part of a whole neighborhood, one that includes public infrastructure such as transit, open space and community facilities, and privately provided infrastructure such as retail and neighborhood services. As one considers the needs of various household types, steps must be taken to encourage amenities required by families, such as child care, schools, libraries, parks and other services.
4. ***Cultivate the city as a sustainable model of development.*** The city's residents recognized the City's social, practical and legislative responsibility to address housing needs from both the local and the regional perspective, given San Francisco's role as a job center and a transit nexus. Thus, the Housing Element pri-



1 [Business and Tax Regulations, Planning Codes - Central South of Market Housing  
2 Sustainability District]

3 **Ordinance amending the Business and Tax Regulations and Planning Codes to create**  
4 **the Central South of Market Housing Sustainability District (encompassing an area**  
5 **generally bounded on its western portion by Sixth Street, on its eastern portion by**  
6 **Second Street, on its northern portion by the border of the Downtown Plan Area (an**  
7 **irregular border that generally tracks Folsom, Howard, or Stevenson Streets), and on**  
8 **its southern portion by Townsend Street) to provide a streamlined and ministerial**  
9 **approval process for certain housing projects within the District meeting specific labor,**  
10 **on-site affordability, and other requirements; creating an expedited Board of Appeals**  
11 **process for appeals of projects within the District; and making approval findings under**  
12 **the California Environmental Quality Act, findings of public convenience, necessity,**  
13 **and welfare under Planning Code, Section 302, and findings of consistency with the**  
14 **General Plan, and the eight priority policies of Planning Code, Section 101.1.**

15 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
16 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
17 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
18 **Board amendment additions** are in double-underlined Arial font.  
19 **Board amendment deletions** are in ~~Arial font~~.  
20 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
21 subsections or parts of tables.

22 Be it ordained by the People of the City and County of San Francisco:

23 Section 1. Environmental and Planning Code Findings.

24 (a) On \_\_\_\_\_, 2018 after a duly noticed public hearing, the Planning  
25 Commission certified the Final Environmental Impact Report (EIR) for the proposed Central  
SoMa Area Plan (the Project) by Motion No. \_\_\_\_\_, finding the Final EIR reflects

1 suspending or revoking authority determines that ongoing operation of the activity during the  
2 appeal to the Board of Appeals would pose a serious threat to public safety; and (iv) actions of  
3 the Director of the Office of Cannabis awarding a Temporary Cannabis Business Permit.

4  
5 **SEC. 26. FACTS TO BE CONSIDERED BY DEPARTMENTS.**

6 (a) Subject to ~~§~~subsection (b) ~~below~~, in the granting or denying of any permit, or the  
7 revoking or the refusing to revoke any permit, the granting or revoking power may take into  
8 consideration the effect of the proposed business or calling upon surrounding property and  
9 upon its residents, and inhabitants thereof; and in granting or denying said permit, or revoking  
10 or refusing to revoke a permit, may exercise its sound discretion as to whether said permit  
11 should be granted, transferred, denied, or revoked.

12 \* \* \* \*

13 *(e) Notwithstanding subsection (a), the provisions of Planning Code Section 343 shall govern*  
14 *actions taken on the granting, denial, amendment, suspension, and revocation of permits regulated*  
15 *under that Section 343, not the standards set forth in subsection (a) of this Section 26. This subsection*  
16 *(e) shall become operative upon receipt of preliminary approval of Planning Code Section 343 by the*  
17 *California Department of Housing and Community Development under California Government Code*  
18 *Section 66202. This subsection shall expire by the operation of law in accordance with the provisions*  
19 *of Planning Code Section 343(k). Upon its expiration, the City Attorney shall cause this subsection to*  
20 *be removed from the Business and Tax Regulations Code.*

21  
22  
23 Section 3. The Planning Code is hereby amended by adding Section 343, to read as  
24 follows:

25 **SEC. 343. CENTRAL SOMA HOUSING SUSTAINABILITY DISTRICT.**

1           (a) Purpose. This Section 343 establishes a Housing Sustainability District within the Central  
2           SoMa Plan Area (“Central SoMa Housing Sustainability District” or “Central SoMa HSD”) under  
3           California Government Code Sections 66200 et seq. The purpose of the Central SoMa Housing  
4           Sustainability District is to encourage the provision of on-site affordable housing in new residential  
5           and mixed-use projects in Central SoMa by providing a streamlined, ministerial approval process for  
6           such projects. The Central SoMa Plan anticipates that 33% of all new residential units produced  
7           within the Plan Area will be permanently affordable to households of very low, low, or moderate  
8           income. This Section 343 sets forth eligibility criteria, design review standards, and entitlement and  
9           approval procedures for projects seeking approval pursuant to the requirements of the Central SoMa  
10          Housing Sustainability District.

11          (b) Geography. The Central SoMa Housing Sustainability District shall include all parcels  
12          within the Central SoMa Special Use District, which is defined in Section 249.78(b). The entirety of the  
13          Central SoMa Special Use District is an “eligible location,” as that term is defined in California  
14          Government Code Section 66200(e).

15          (c) Relationship to Other Planning Code Provisions. Except as otherwise provided in this  
16          Section 343, all provisions of the Planning Code, including Section 249.78, that would be applicable to  
17          projects approved pursuant to this Section 343 shall apply to such projects. In the event of a conflict  
18          between other provisions of the Planning Code and this Section, this Section shall control.

19          (d) Eligibility. Projects seeking approval pursuant to this Section 343 shall meet all of the  
20          following requirements:

21                  (1) The project is located in a zoning district that principally permits residential uses.

22                  (2) The project proposes no less than 50 dwelling units per acre, and no more than 750  
23          dwelling units per acre.

24                  (3) A majority of the project’s gross square footage is designated for residential uses.  
25          All non-residential uses must be principally permitted in the underlying zoning district and any

1 applicable special use district(s), and may not include greater than 24,999 gross square feet of office  
2 space that would be subject to the annual limit on office development set forth in Sections 321 et seq.

3 (4) The project does not exceed a height of 160 feet, except that any project whose  
4 principal use is housing, where all such housing is restricted for a minimum of 55 years as affordable  
5 for "persons and families of low or moderate income," as defined in California Health & Safety Code  
6 Section 50093, shall be deemed to satisfy this subsection (c)(4) regardless of height.

7 (5) If the project sponsor seeks a density bonus pursuant to California Government  
8 Code Section 65915 et seq., the project sponsor demonstrates to the satisfaction of the Planning  
9 Department that the project would not result in a significant shadow impact.

10 (6) The project is not located on a lot containing a structure listed as a designated  
11 landmark pursuant to Article 10 of the Planning Code or a contributory or significant structure  
12 pursuant to Article 11 of the Planning Code.

13 (7) The project provides no less than 10% of its dwelling units as units affordable to  
14 very low or low income families, using one of the following methods:

15 (A) For projects subject to Section 415, by electing to comply with Section 415  
16 by choosing the On-Site Affordable Housing Alternative under Sections 415.5(g)(1)(A) or  
17 415.5(g)(1)(D); or

18 (B) For projects not subject to Section 415, by entering into a regulatory  
19 agreement with the City that contains the terms specified in Section 206.6(f).

20 (8) The project does not demolish, remove, or convert to another use any existing  
21 dwelling unit(s).

22 (9) The project complies with all applicable zoning and any adopted design review  
23 standards.

1                   (10) The project sponsor complies with all Mitigation Measures in the Central SoMa  
2                   Environmental Impact Report (Central SoMa EIR) that the Planning Department determines are  
3                   applicable to the project.

4                   (11) The project sponsor certifies that the project will comply with all applicable  
5                   requirements of California Government Code Section 66201(f)(4).

6                   (12) The project shall comply with Government Code Section 66201(f)(5).

7                   (13) A project is not deemed to be for residential use if it is infeasible for actual use as  
8                   a single or multifamily residence.

9                   (e) Approving Authority. The Planning Department is the approving authority designated to  
10                  review permit applications for compliance with this Section 343.

11                  (f) Application.

12                  (1) Prior to submittal of an application for required approvals from the Planning  
13                  Department, a project sponsor seeking to apply pursuant to this Section 343 shall submit an  
14                  application for a preliminary project assessment (PPA), pursuant to Planning Department procedures.

15                  (2) In addition to any requirements under other provisions of this Code for submittal of  
16                  application materials, an application under this Section 343 shall be submitted to the Department on a  
17                  form prescribed by the Department and shall include at minimum the following materials:

18                         (A) A full plan set, including site plan, elevations, sections, and floor plans,  
19                         showing total number of units, and number of and location of units affordable to very low or low  
20                         income households;

21                         (B) All documentation required by the Department in its response to the project  
22                         sponsor's previously-submitted PPA application;

23                         (C) Documentation sufficient to support determinations that:

24                                 (i) the project meets all applicable zoning and any adopted design  
25                                 review standards;



1 (ii) the project sponsor will implement any and all Mitigation Measures  
2 in the Central SoMa EIR that the Planning Department determines are applicable to the project,  
3 including but not limited to the following:

4 a. An agreement to implement any and all Mitigation Measures  
5 in the Central SoMa EIR that the Planning Department determines are applicable to the project; and

6 b. Scope(s) of work for any studies required as part of any and all  
7 Mitigation Measures in the Central SoMa EIR that the Planning Department determines are applicable  
8 to the project. An application pursuant to this Section 343 shall not be deemed complete until such  
9 studies are completed to the satisfaction of the Environmental Review Officer.

10 (iii) the project sponsor will comply with subsections (d)(10) and (d)(11)  
11 of this Section 343.

12 (g) **Decision and Hearing.** The Department shall exercise ministerial approval of projects that  
13 meet all the requirements in this Section 343. Section 329 of this Code shall not apply to projects that  
14 are approved pursuant to this Section 343.

15 (1) **Hearing.** The Planning Department shall conduct an informational public hearing  
16 for all projects that are subject to this Section 343 within 100 days of receipt of a complete application,  
17 as defined in subsection (f).

18 (2) **Decision.** Within 120 days of receipt of a complete application, as defined in  
19 subsection (f), the Planning Director or the Director's designee shall issue a written decision  
20 approving, disapproving, or approving subject to conditions, the project. The applicant and the  
21 Department may mutually agree to extend this 120-day period. If no written decision is issued within  
22 120 days of the Department's receipt of a complete application, or within the period mutually agreed  
23 upon by the Department and applicant, the project shall be deemed approved. The Planning Director  
24 or the Director's designee shall include any certifications required by California Government Code  
25 Section 66205(e) in a copy of the written decision.

1                   (3) **Grounds for Permit Denial.** The Department may deny a Central SoMa HSD  
2 project application only for one or more of the following reasons:

3                   (A) The proposed project does not fully comply with this Section 343, including  
4 but not limited to meeting all adopted design review standards and demonstrating compliance with all  
5 applicable Mitigation Measures in the Central SoMa EIR that the Department determines are  
6 applicable to the project.

7                   (B) The project sponsor has not submitted all of the information or paid any  
8 application fee required by this Section 343 and necessary for an adequate and timely design review or  
9 assessment of potential impacts on neighboring properties.

10                   (C) The Department determines, based upon substantial evidence in light of the  
11 whole record of the public hearing on the project, that a physical condition on the site of development  
12 that was not known and could not have been discovered with reasonable investigation at the time the  
13 application was submitted would have a specific adverse impact upon the public health or safety and  
14 that there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. As used  
15 in this subsection (g)(3)(C), "specific adverse impact" means a significant, quantifiable, direct, and  
16 unavoidable impact based on identified objective written public health or safety standards, policies, or  
17 conditions, as in existence at the time the application is deemed complete.

18                   (4) **Appeal.** The procedures for appeal to the Board of Appeals of a decision by the  
19 Department under this Section 343 shall be as set forth in Section 8 of the Business and Tax  
20 Regulations Code.

21                   (5) **Discretionary Review.** No requests for discretionary review shall be accepted by  
22 the Planning Department or heard by the Planning Commission or Board of Appeals for projects  
23 subject to this Section 343.

24                   (6) **Progress Requirement.** The project sponsor of any project approved pursuant to  
25 this Section 343 shall obtain the first site or building permit for the project from the Department of

1 Building Inspection within 36 months of the Department's issuance of a written decision pursuant to  
2 subsection (g)(2) of this Section 343. If the project sponsor has not obtained the first site or building  
3 permit from the Department of Building Inspection within 36 months, then as soon as is feasible after  
4 36 months has elapsed, the Planning Director shall hold a hearing requiring the project sponsor to  
5 report on the status of the project, to determine whether the project sponsor has demonstrated good  
6 faith in its effort to obtain the first site or building permit for the project. If the Planning Director finds  
7 that the project sponsor has not demonstrated good faith in its efforts to obtain the first site or building  
8 permit for the project, the Planning Director shall revoke the approvals for the project. Factors in  
9 determining whether the project sponsor has demonstrated good faith in its efforts include, but are not  
10 limited to, whether any delays are the result of conditions outside the control of the project sponsor and  
11 whether changes in the financing of the project are necessary in order for construction to proceed.

12 (h) **Design Review Standards.** Projects subject to this Section 343 shall be reviewed for  
13 compliance with the design standards set forth in the San Francisco Urban Design Guidelines and the  
14 Central SoMa Plan's Guide to Urban Design, which are on file with the Planning Department, as  
15 approved by the California Department of Housing and Community Development.

16 (i) **District Affordability Requirement.** At the request of the California Department of Housing  
17 and Community Development, the Planning Department shall demonstrate that at least 20% of the  
18 residential units constructed in the Central SoMa Housing Sustainability District during the life of the  
19 District and pursuant to this Section 343 will be affordable to very low, low-, and moderate-income  
20 households and subject to a recorded affordability restriction for at least 55 years.

21 (j) **Monitoring and Enforcement.** The Planning Department shall include, as conditions of  
22 approval of all projects approved pursuant to this Section 343, monitoring and enforcement provisions  
23 to ensure that the project meets all labor and wage requirements and complies with all identified  
24 applicable mitigation measures. Projects found to be in violation of any of these conditions shall be  
25 subject to the Administrative Enforcement Procedures in Section 176.1 of this Code, including

1 initiation of abatement proceedings or referral to the City Attorney or District Attorney for prosecution,  
2 if not corrected within 90 days of service of any notice of violation issued under Section 176.1(c).

3 Conditions of approval shall include, but are not limited to:

4 (1) A project sponsor shall submit weekly reports to the Office of Labor Standards  
5 Enforcement, certifying that a project approved pursuant to this Section 343 is complying with  
6 subsections (d)(11) and (d)(12), if applicable to the project. Projects found to be in violation of  
7 subsections (d)(11) and (d)(12) shall be subject to penalties pursuant to Section 1741 of the Labor  
8 Code, in addition to any penalties assessed pursuant to Section 176.1 of this Code. All penalties shall  
9 be paid prior to issuance of the project's First Certificate of Occupancy.

10 (2) The Planning Department shall monitor compliance with Central SoMa EIR  
11 Mitigation Measures.

12 (3) The Planning Department shall monitor and report the construction of affordable  
13 housing units under the Central SoMa Housing Sustainability District in its annual Housing Inventory,  
14 which shall include the following information:

15 (A) Number of projects approved pursuant to this Section 343.

16 (B) Number of projects under construction pursuant to approvals obtained  
17 under this Section 343.

18 (C) Number of projects completed pursuant to approvals obtained under this  
19 Section 343.

20 (D) Number of dwelling units within projects completed pursuant to approvals  
21 obtained under this Section 343.

22 (E) Number of dwelling units affordable to very low, low, moderate, and middle  
23 income households within projects completed pursuant to approvals obtained under this Section 343.

24 (k) Operative and Sunset Dates.  
25

1                   (1) This Section 343 shall become operative upon receipt of preliminary approval by  
2                   the California Department of Housing and Community Development under California Government  
3                   Code Section 66202 ("Operative Date").

4                   (2) This Section 343 shall expire by operation of law seven years from the Operative  
5                   Date, unless this Section 343 is renewed by ordinance pursuant to Government Code Section 66201(g),  
6                   in which case this Section 343 shall expire on the date specified in that ordinance ("Sunset Date").

7                   (3) Upon the expiration of this Section 343, the City Attorney shall cause this Section  
8                   343 to be removed from the Planning Code. Pursuant to Government Code Section 66205(b), this  
9                   Section 343 shall govern the processing and review of any complete application submitted pursuant to  
10                  this Section 343 prior to the Sunset Date.

11  
12                  Section 4. Effective Date; Operative Date.

13                  (a) This ordinance shall become effective 30 days after enactment. Enactment occurs  
14                  when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not  
15                  sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
16                  Mayor's veto of the ordinance.

17                  (b) Consistent with Section 343(k)(1) of the Planning Code, this ordinance in its  
18                  entirety shall become operative upon receipt of preliminary approval by the California  
19                  Department of Housing and Community Development under California Government Code  
20                  Section 66202.

21  
22                  Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
23                  intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
24                  numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
25                  Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By: \_\_\_\_\_  
7 PETER R. MILJANICH  
8 Deputy City Attorney

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## SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** April 5, 2018  
**TO:** Planning Commission  
**FROM:** Elizabeth White and Jessica Range, Environmental Planning  
Steve Wertheim, Citywide Planning  
**RE:** Analysis of Environmental Effects of Plan Changes  
Presented April 5, 2018 for the Central South of Market  
Area (SoMa) Plan  
Planning Department Case No. 2011.1356E

1650 Mission St.  
Suite 400  
San Francisco,  
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Following publication of the Responses to Comments document (RTC) for the Central South of Market Area (SoMa) Plan Draft Environmental Impact Report (Draft EIR), the legislative sponsors and the Planning Department propose to modify various aspects of the Plan based upon feedback from the community and decision-makers. The Environmental Planning division has reviewed these changes, which are detailed in the Planning Commission packet for April 5, 2018 and determined that the environmental analysis conducted for the EIR adequately analyzes the Central SoMa Plan, with these modifications.

This memoranda explains how proposed strategies designed to maximize the number of housing units anticipated under the Plan would not result in increased physical environmental effects beyond that already studied in the EIR, and therefore would not change any of the conclusions in the EIR and do not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

### **Proposal to Maximize Housing under the Central SoMa Plan**

The Planning Department has developed a two-pronged proposal to maximize the number of housing units anticipated under the Plan. These proposals include a modification to the Planning Code and Zoning Map as discussed below.

#### Planning Code Amendments

The Planning Department proposes to modify Planning Code Section 249.78(c)(6)(A) to increase the size of sites previously designated to be commercially-oriented from 30,000 square feet to 40,000 square feet.

This change to the Planning Code would require two sites in the Plan Area previously anticipated to be commercial to become residential, which would result in a net increase of 640 units above that anticipated by the Plan and a net decrease of approximately 2,050 jobs.<sup>1</sup> This change would also result in a commensurate reduction in the total number of projected jobs, discussed further below.

### Zoning Map Amendments

The Planning Department proposes to change the zoning map from the currently proposed West SoMa Mixed Use Office (WMUO)<sup>2</sup> to Central SoMa Mixed Use Office (CMUO) on the following parcels: Block 3777, Lots 047-049 and Block 3778, Lots 001, 001C, 001D, 001E, 001F, 016-019, 022-023, 025-026, 032, 046A, 046B, 046C, 046D, 046E, 046F, 046G, 046H, and 051-087. The existing zoning on these parcels is West SoMa Service, Arts, Light Industrial (WS-SALI). Both WS-SALI and WMUO generally do not allow residential uses. The proposed change to CMUO would allow residential uses on these sites, thus shifting the Plan's projected amount of jobs and housing units. The EIR assumed soft sites on these parcels would result in new office jobs. If the soft sites were developed as residential uses, this zoning change could generate about 600 additional housing units, with a commensurate reduction in the projected number of 2,700 jobs.<sup>3</sup>

### **Effect of Changes on Housing Units and Jobs Projected Under the Central SoMa Plan**

The above proposed modifications to the Central SoMa Plan would result in a shift from projected office uses to residential uses. Altogether, these Planning Code and Zoning Map amendments would result in a net increase of 1,240 residential units and a commensurate reduction of 4,750 jobs.

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<sup>1</sup> Calculation based on the Planning Department's *Buildout Analysis for Central SoMa*, January 25, 2018. This document and all other documents referenced in this memoranda are on file and available for public review as part of Case File No. 2011.1356E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, 94103. This document includes a parcel-level analysis of development potential in the Plan Area that was utilized for the EIR and conveys that the two sites affected by this proposed change (490 Brannan Street and 330 Townsend Street) had a development potential under the previously proposed requirements of approximately 184,000 gross square feet of residential development, resulting in approximately 150 units and approximately 450,000 of non-residential uses, resulting in space for approximately 2,050 jobs, based on the EIR's assumption of 1,200 gross square feet per unit and 219 gross square feet per new job (including 200 square feet per office worker and higher for other types of jobs)(calculations of density contained in the Planning Department's *Central SoMa EIR Inputs by TAZ*, November 13, 2017). Subsequent analysis determined that, based on the revised proposal, these two sites could contain approximately 972,000 square feet of residential development if these sites are developed as fully residential, resulting in approximately 790 units.

<sup>2</sup> Note that the Plan uses the term "WMUO" and the EIR uses the term "WS-MUO." Both refer to the WSoMa Mixed-Use Office District contained in Section 845 of the Planning Code.

<sup>3</sup> Calculation based on the Planning Department's *Buildout Analysis for Central SoMa*, (January 25, 2018), which includes a parcel-level analysis of development potential in the Plan Area. This document conveys that the 62 lots affected by this proposed change had a development potential under the previously proposed requirements of approximately 800,000 square feet of non-residential space, resulting in space for approximately 3,650 jobs )(calculations of density contained in the Planning Department's *Central SoMa EIR Inputs by TAZ*, November 13, 2017). Subsequent analysis determined that, based on the revised proposal, these lots could contain approximately 720,000 square feet of residential development and 200,000 square feet of non-residential development, presuming these small sites are predominantly residential but include some small office and other non-residential uses. Such development would result in space for approximately 600 new units and 950 jobs.



### Central SoMa Plan EIR Analysis

As explained in the EIR, the analysis of physical impacts related to the proposed Planning Code and Zoning Map amendments are based, in part, on growth projections developed by the Planning Department. These growth projections inform the quantitative analysis of effects of the Plan on the physical environment.

As shown in **Table IV-1, Summary of Growth Projections** on Draft EIR page IV-6, the EIR analyzes an increase of approximately 14,500 residential units within the EIR study area, of which 8,320 units are anticipated to occur within the Plan Area. The Plan, on the other hand, projects a total of 7,060 residential units.<sup>4</sup> With the additional 1,240 residential units projected under the Plan, the total projected number of residential units would be 8,300 units, which is below the 8,320 units analyzed in the EIR. Additionally, there would be a commensurate reduction in the number of jobs projected in the Plan area of about 4,750 jobs. As shown in **Table IV-1, Summary of Growth Projections** on Draft EIR page IV-6, the EIR analyzes an increase of approximately 63,600 jobs within the EIR study area, of which 44,000 are anticipated to occur within the Plan Area.<sup>5</sup> The Plan, on the other hand, projects a total of 39,000 jobs.<sup>6</sup> As a result of this change, the number of new jobs anticipated under the Plan would be reduced to approximately 34,250 jobs.

### Conclusion

The Central SoMa Plan EIR conservatively analyzed higher growth projections than could occur from the proposed Plan's Planning Code and Zoning Map amendments. The modification to the Central SoMa plan would result in a shift in anticipated jobs and housing, but would not exceed the total number of residential units analyzed in the EIR. Thus, these changes to the Plan would not result in increased physical environmental effects beyond that already studied in the EIR, and therefore would not change any of the conclusions in the EIR and do not constitute significant new information that requires recirculation of the EIR under CEQA and the CEQA Guidelines. Other changes to the Plan are proposed and detailed in the Planning Commission packet for April 5, 2018 and those changes have also been evaluated and determined to not result in physical environmental effects beyond that already analyzed in the EIR.

---

<sup>4</sup> Steve Wertheim, *Memorandum Regarding Central SoMa Plan-Clarification of Housing Numbers*. December 7, 2017.

<sup>5</sup> Calculation based on the Planning Department's *Central SoMa EIR Inputs by TAZ* (November 13, 2017).

<sup>6</sup> Calculation based on the Planning Department's *Buildout Analysis for Central SoMa*, (January 25, 2018), which includes a parcel-level analysis of development potential in the Plan Area.



# **RESPONSES TO COMMENTS on the Draft Environmental Impact Report**

## **Central SoMa Plan**

PLANNING DEPARTMENT  
CASE NO. **2011.1356E**

STATE CLEARINGHOUSE NO. 2013042070



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

Draft EIR Publication Date:	<b>DECEMBER 14, 2016</b>
Draft EIR Public Hearing Date:	<b>JANUARY 26, 2017</b>
Draft EIR Public Comment Period:	<b>DECEMBER 14, 2016–FEBRUARY 13, 2017</b>
Final EIR Certification Date:	<b>APRIL 12, 2018</b>

ENVIRONMENTAL PLANNING DIVISION | SAN FRANCISCO PLANNING DEPARTMENT

### *Family-Friendly Plan Alternative*

Regarding the request to evaluate a Plan alternative that creates a family-friendly neighborhood that supports the needs of current and future youth, families, and seniors, the commenter does not specify the overall development program that would be considered under such an alternative or how these elements would be achieved. Furthermore, it is unclear how such an alternative would be considerably different from the alternatives already analyzed in the Draft EIR, or what significant impact identified in the Draft EIR that the alternative would address, and if such an alternative would be feasible or meet the Plan's basic objectives. Therefore, no analysis of such an alternative is possible or warranted.

### *Increased Housing Alternative*

Regarding the comments that state the Plan should provide for more housing (Increased Housing Alternative), either in addition to the Plan's proposed employment growth or in place of a portion of forecasted Plan Area employment, to the extent that the comments simply support additional housing, the comments do not address the adequacy or accuracy of the Draft EIR. See Response PM-1, p. RTC-356, for further discussion regarding the merits of the Plan. See Response PD-10, p. RTC-80, for further discussion of the state density bonus program. Additionally, as explained in Response OC-1, p. RTC-248, the 75,000 housing units already planned for in San Francisco could accommodate a substantial portion of the housing demand from new employees in Central SoMa who desire to live in San Francisco. Regardless, because these comments support the provision of an alternative that includes additional housing in the Plan Area, they are responded to here. All of these comments will be transmitted to City decision makers for consideration in their deliberations on the proposed Plan. One comment states that the Draft EIR should include an alternative that is "Jobs-housing balanced at the same level of office space creation as currently in the plan," and an alternative that allows for twice as many people housed as employed. Some comments indicate that an alternative that provides more housing could reduce environmental impacts overall by allowing more workers within the Plan Area to live closer to their jobs, thereby reducing VMT and related impacts.

The selection and analysis of Plan alternatives is discussed above. For a discussion of jobs-housing balance in general, see Response OC-2, p. RTC-258, which explains that, while this measure is useful in a citywide or region-wide context, it is not particularly relevant within the context of a relatively small area, such as the Plan Area. The commenter is also referred to the analysis of the No Project Alternative in the Draft EIR (Chapter VI, Alternatives), which evaluates a reasonable scenario of likely growth within the Plan Area under existing regulations and policies, and which includes both a higher ratio of housing to jobs and a smaller total number of jobs than the other alternatives assessed in the Draft EIR.

Regarding the comments that alternatives that provide more housing could reduce environmental impacts overall by reducing VMT, the Draft EIR includes a number of alternatives that would do this. The vehicle miles traveled (VMT) analysis in the Draft EIR is based on the San Francisco County Transportation Authority's SF-CHAMP travel demand model, which estimates existing average daily VMT on a *per capita* [emphasis added] basis for traffic analysis zones (TAZs). VMT per capita is then used to measure the amount and distance that a resident, employee, or visitor drives and is compared to the *Plan Bay Area* VMT per capita reduction target 2040 goal, which is 10 percent below the Bay Area 2005 regional average VMT for residential development (no VMT per employee target was set). Based on the VMT analysis in the Draft EIR (see Section IV.D, Transportation and Circulation, pp. IV.D-35 through IV.D-38), VMT per person would decrease, both in the Plan Area and throughout the Bay

Area, if more housing were provided within the Plan Area. However, this only holds true if the housing were in addition to office employment proposed in the Plan Area. While the VMT analysis shows that the Plan would incrementally increase VMT per office job within the Plan Area by its increase in office jobs, these office jobs would still result in far less VMT per office job on a regional basis, assuming that the regional office employment total would remain constant. This is because office jobs in the Plan Area, and in San Francisco in general, generate substantially lower VMT per job than do office jobs elsewhere in the Bay Area, given the Plan Area's proximity to other regional transportation modes. While decreased office employment in the Plan Area could incrementally reduce VMT within the Plan Area itself, it may increase VMT regionally by forcing those jobs to occur elsewhere and in less-efficient VMT per capita settings, which is the key metric for greenhouse gas reduction. Accordingly, increasing housing by reducing employment, relative to the Plan proposals, could have greater impacts than would be the case with the Plan. The Plan's emphasis on providing space to accommodate employment within the Plan Area is explained in Draft EIR Chapter II, *Project Description*, on p. II-4:

While the City has planned for more than 75,000 new housing units, its efforts have been less focused on the spatial planning needed to accommodate anticipated employment sector growth, especially office growth. Since adoption of the Downtown Plan in 1985, relatively few Downtown building sites remain to support continued job growth into the future. According to *Plan Bay Area* projections, remaining space in Mission Bay and new space added in the Transit Center District would not be sufficient to meet growth needs in the long run. Current low-vacancy rates and high rents in SoMa indicate that this is an area in high demand, and given access to available space, it is anticipated that companies in the information technology and digital media industries would increasingly seek to locate in this area, due to its central location, transit accessibility, urban amenities, and San Francisco's well-educated workforce.

Therefore, based on the foregoing discussion, adding another alternative that would reduce VMT is not necessary.

Regarding comments requesting the EIR include an alternative with more housing to reduce air quality impacts, it is not clear how such an alternative would reduce air quality impacts. Furthermore, the Draft EIR includes five alternatives, four of which—the No Project Alternative, the Reduced Heights Alternative, the Modified TODCO Plan, and the Land Use Variant—would reduce air quality impacts. As such, the Draft EIR provides a reasonable range of alternatives as required by CEQA; therefore, adding another alternative that would reduce air quality impacts is not necessary.

### *Limiting Heights for Residential Buildings and Changes to Zoning on Specific Parcels*

The comments include a statement that residential buildings up to 85 feet high under the Planning Code are less costly to construct than high-rise structures, which could result in new housing units that are more affordable. This statement does not address the adequacy or accuracy of the Draft EIR; therefore, no changes to the Draft EIR are required.

The comments include a request for a new alternative with two variants identifying changes to bulk heights and zoning for specific parcels to be evaluated in the EIR. These comments do not provide evidence that the two suggested additional alternatives would meet the Plan objectives, nor that the alternatives would avoid or substantially lessen any significant effects of Plan implementation; as such, these alternatives need not be analyzed in the Draft EIR. The comments include a request that the City consider an alternative that would limit

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(415) 982-7777

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San Francisco, CA 94104  
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SF Planning Dept.

1650 Mission Street, #400  
SAN FRANCISCO, CA 94104

Tully  
[Signature]

TWO SIGNATURES ARE REQUIRED

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [richard@lozeaudrury.com](mailto:richard@lozeaudrury.com); [acabande@somcan.org](mailto:acabande@somcan.org); [johne@todco.org](mailto:johne@todco.org); [pbabich@reedsmith.com](mailto:pbabich@reedsmith.com)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [White, Elizabeth \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Chen, Lisa \(CPC\)](#); [Range, Jessica \(CPC\)](#); [Horner, Justin \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** ERRATA - APPEAL RESPONSE: Appeal of CEQA Certification of Final Environmental Impact Report - Proposed Central SoMa Plan - Appeal Hearing on July 17, 2018  
**Date:** Wednesday, July 11, 2018 1:41:00 PM  
**Attachments:** [image001.png](#)

---

Good afternoon,

Please find linked below the updated appeal response from the Planning Department regarding the appeal of the certification of the Final Environmental Impact Report for the Central SoMa Plan, with errata received by the Office of the Clerk of the Board, to correct errors in the memorandum published on July 9, 2018.

[Planning Appeal Response Memo with Errata - July 11, 2018](#)

**The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on July 17, 2018.**

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 180651](#)

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

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---

**From:** BOS Legislation, (BOS)

**Sent:** Monday, July 09, 2018 11:38 AM

**To:** richard@lozeaudrury.com; acabande@somcan.org; johne@todco.org; pbabich@reedsmith.com

**Cc:** GIVNER, JON (CAT) <Jon.Givner@sfcityatty.org>; STACY, KATE (CAT) <Kate.Stacy@sfcityatty.org>; JENSEN, KRISTEN (CAT) <Kristen.Jensen@sfcityatty.org>; Rahaim, John (CPC) <john.rahaim@sfgov.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Sider, Dan (CPC) <dan.sider@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; White, Elizabeth (CPC) <elizabeth.white@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Chen, Lisa (CPC) <lisa.chen@sfgov.org>; Range, Jessica (CPC) <jessica.range@sfgov.org>; Horner, Justin (CPC) <justin.horner@sfgov.org>; Wietgreffe, Wade (CPC) <wade.wietgreffe@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>

**Subject:** APPEAL RESPONSE: Appeal of CEQA Certification of Final Environmental Impact Report - Proposed Central SoMa Plan - Appeal Hearing on July 17, 2018

Good morning,

Please find linked below an appeal response received by the Office of the Clerk of the Board from the Planning Department, regarding the Certification of Environmental Impact Report Appeal for the proposed Central SoMa Plan Project.

[Planning Appeal Response Memo - July 9, 2018](#)

**The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on July 17, 2018.**

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 180651](#)

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office

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**From:** [White, Elizabeth \(CPC\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Starr, Aaron \(CPC\)](#); [MILJANICH, PETER \(CAT\)](#); [WONG, VICTORIA \(CAT\)](#); [Rodgers, AnMarie \(CPC\)](#); [Range, Jessica \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Chen, Lisa \(CPC\)](#); [Switzky, Joshua \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#)  
**Subject:** Central SoMa CEQA Appeal Response: Notice of Electronic Document Submittal  
**Date:** Monday, July 09, 2018 10:45:14 AM  
**Attachments:** [Central SoMa CEQA Appeal Electronic Transmittal Memo July92018.pdf](#)  
[Central SoMa CEQA Appeal Electronic Transmittal Memo July92018.pdf](#)

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Good morning,

In compliance with San Francisco Administrative Code Section 8.12.5, "Electronic Distribution of Multi-Page Documents," the Planning Department has submitted the Appeal Response of the Final Environmental Impact Report (EIR) for the Central South of Market Plan in digital format. Attached is the cover letter that will accompany the hardcopy packet that will be delivered to the Clerk of the Board.

**Elizabeth White, Senior Environmental Planner**  
**Environmental Planning Division**  
San Francisco Planning Department  
1650 Mission Street, Suite 400 San Francisco, CA 94103  
Direct: 415.575.6813 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Errata to Appeal Response for the Final Environmental Impact Report Central South of Market Area Plan

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

DATE: July 11, 2018  
TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: Lisa M. Gibson, Environmental Review Officer – (415) 575-9032  
Jessica Range, Principal Environmental Planner – (415) 575-9018  
Elizabeth White, Environmental Coordinator – (415) 575-6813  
RE: File No. 180651, Planning Case No. 2011.1356E  
Errata to the Appeal Response for the Final Environmental Impact Report for the  
Central South of Market Area Plan  
HEARING DATE: July 17, 2018

PROJECT SPONSOR: San Francisco Planning Department and legislative sponsors Supervisor Kim and the Mayor's Office

APPELLANTS: Richard Drury on behalf of Central SoMa Neighbors and SFBlu  
Phillip Babich on behalf of One Vassar, LLC  
Angelica Cabande on behalf of South of Market Community Action Network  
John Elberling on behalf of Yerba Buena Neighborhood Consortium

The San Francisco Planning Department ("Department") is correcting an error in the appeal response for the Final Environmental Impact Report for the Central South of Market Area Plan submitted on July 9, 2018. No changes to the text of the draft EIR or Response to Comments ("RTC") are required. The following text on the first full paragraph on page 12 of the appeal response submitted July 9, 2018 is revised as follows (deletions shown in ~~strike through~~ and additions shown in double underline):

Moreover, since publication of the RTC document, the Department has proposed changes to the Plan's implementing zoning and other programs that include increasing the size of sites required to be commercially-oriented from 30,000 square feet to 40,000 square feet (proposed Planning Code section 249.78(c)(6)(A)). The Department has also proposed changing the proposed use district on portions of Assessor's Blocks 3777 and 3778 from Western SoMa Mixed-Use Office to Central SoMa Mixed-Use Office, and removing rental housing from participation in the Plan Area's proposed Mello-Roos Community Facilities District. These Planning Code, zoning map, and implementation program revisions would change the estimated projected increase in jobs and housing to approximately 33,000 jobs and 8,300 housing units (or approximately ~~8,715~~ 7,785 households), resulting in a jobs-housing ratio of ~~3.8:1~~ 4.2:1.<sup>7</sup> These Plan revisions were recommended for adoption by the Planning Commission at its May 10, 2018 meeting.

Footnote 7 in the appeal response is also revised as follows:

The Plan is currently estimated to result in 8,300 housing units, which, assuming the same 5% vacancy rate as the EIR, results in ~~8,715~~ 7,785 households. The Plan is also currently estimated to

result in 33,000 jobs, resulting in a jobs-housing ratio of approximately ~~3.8:1~~ 4.2:1 ( $33,000 \div 8,715$   
7,785 = ~~3.8:1~~ 4.2:1).



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Notice of Electronic Transmittal

### Appeal of the Final Environmental Impact Report for Central South of Market Plan

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

Reception:  
**415.558.6378**

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Information:  
**415.558.6377**

**DATE:** July 9, 2018  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa M. Gibson, Environmental Review Officer – (415) 575-9032  
Jessica Range, Principal Environmental Planner – (415) 575-9018  
Elizabeth White, Environmental Coordinator - (415) 575-6813  
**RE:** Appeal of the Final Environmental Impact Report for Central South of  
Market Plan  
Planning Case No. 2011.1356E  
**HEARING DATE:** July 17, 2018

In compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents," the Planning Department has submitted the Appeal Response of the Final Environmental Impact Report (EIR) for the Central South of Market (SoMa) Plan in digital format. One hard copy has been submitted to the Clerk of the Board for the file of the Clerk. Additional hard copies may be requested by contacting Elizabeth White of the Planning Department at (415) 575-6813.

cc: AnMarie Rodgers, Aaron Starr, Lisa Chen, Josh Switzky, Peter Miljanich, Victoria Wong, Wade Wietgreffe, and Alisa Somera



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

## Appeal of Final Environmental Impact Report Central South of Market Area Plan

1650 Mission St.  
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CA 94103-2479

Reception:  
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**DATE:** July 9, 2018  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa M. Gibson, Environmental Review Officer – (415) 575-9032  
Jessica Range, Principal Environmental Planner – (415) 575-9018  
Elizabeth White, Environmental Coordinator – (415) 575-6813  
**RE:** File No. 180651, Planning Case No. 2011.1356E  
Appeal of the Final Environmental Impact Report for the Central South of  
Market Area Plan  
**HEARING DATE:** July 17, 2018  
**ATTACHMENTS:** Attachment A: Project and Procedural Background and Significant and  
Unavoidable Impacts Resulting from the Central SoMa Plan  
Attachment B: April 5, 2018, EIR Errata  
Attachment C: May 9, 2018, EIR Errata  
Attachment D: Summary of Appellants' Concerns  
Attachment E: Central SoMa Plan- Shadow on Public Schools in Plan Area and  
Vicinity

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**PROJECT SPONSOR:** San Francisco Planning Department and legislative sponsors Supervisor Kim and  
the Mayor's Office  
**APPELLANTS:** Richard Drury on behalf of Central SoMa Neighbors and SFBlu  
Phillip Babich on behalf of One Vassar, LLC  
Angelica Cabande on behalf of South of Market Community Action Network  
John Elberling on behalf of Yerba Buena Neighborhood Consortium

### INTRODUCTION

This memorandum and the attached documents are a response to four letters of appeal submitted to the Board of Supervisors (the "Board") regarding the Planning Department's (the "Department") issuance of a Final Environmental Impact Report ("Final EIR") under the California Environmental Quality Act ("CEQA Determination") for the Central South of Market Area Plan ("Central SoMa Plan" or "Project"). The Final EIR (provided on a compact disc to the Board on March 29, 2018) was certified by the Planning Commission (the "Commission") on May 10, 2018.

The first appeal to the Board was filed by Richard Drury on behalf of Central SoMa Neighbors and SFBlu on June 8, 2018. Phillip Babich on behalf of One Vassar LLC, Angelica Cabande on behalf of the South of Market Community Action Network ("SOMCAN"), and John Elberling on behalf of the Yerba Buena Neighborhood Consortium ("YBNC"), each filed individual appeals of the Final EIR on June 11, 2018. All

four appeal letters are part of Board of Supervisors File No. 180651 and can be accessed here: <https://sfgov.legistar.com/LegislationDetail.aspx?ID=3532607&GUID=A0DAB8AC-0163-46A5-9FF2-2CE0FB107705&Options=ID|Text|&Search=180651>.

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

## **PROJECT DESCRIPTION**

The Planning Department developed the Central SoMa Plan as a comprehensive plan for the area surrounding much of the southern portion of the Central Subway transit line, a 1.7-mile extension of the Third Street light rail line that will link the Caltrain Depot at Fourth and King Streets to Chinatown and provide service within the South of Market ("SoMa") area. The Plan Area includes roughly 230 acres that comprise 17 city blocks, as well as the streets and thoroughfares that connect SoMa to adjacent neighborhoods: Downtown, Mission Bay, Rincon Hill, and the Mission District.

The Plan Area is bounded by Second Street on the east, Sixth Street on the west, Townsend Street on the south, and an irregular border to the north that generally jogs along Folsom, Howard, and Stevenson streets and represents the border of the Downtown Plan Area. The project analyzed in the EIR includes street network changes throughout the Plan Area, including specific designs within, and in some cases beyond, the Plan Area for the following streets: Howard, Folsom, Harrison, Bryant, Brannan, Third, and Fourth streets. In addition, open space improvements would occur within and outside of the Plan Area.

As envisioned by the Department, the Central SoMa Plan endeavors to address the social, economic, and environmental aspects of sustainability through a planning strategy that accommodates anticipated population and job growth, provides public benefits, and respects and enhances neighborhood character. That strategy has informed the Central SoMa Plan, which comprehensively addresses a wide range of topics that include land use; transportation infrastructure; parks, open space, and recreation facilities; ecological sustainability; historic preservation; urban design and urban form; and financial programs and implementation mechanisms to fund public improvements.

The Plan seeks to encourage and accommodate housing and employment growth by: (1) removing land use restrictions to support a greater mix of uses while also emphasizing office uses in portions of the Plan Area; (2) amending height and bulk districts to allow for taller buildings; (3) modifying the system of streets and circulation within and adjacent to the Plan Area to meet the needs and goals of a dense, transit-oriented, mixed-use district; and (4) creating new, and improving existing, open spaces.

The Plan also proposes street network changes to certain individual streets, including Howard, Folsom, Harrison, Bryant, Brannan, Third, and Fourth streets. The EIR analyzes two different options for the couplet of Howard Street and Folsom Street. Under the One-Way Option, both streets would retain a one-way configuration (except Folsom Street east of Second Street, which would retain its existing two-way operation). Under the Two-Way Option, both streets would be converted into two-way operation, and some modifications to Harrison Street would also occur.

Plan policies include a call for public realm improvements, including planning for new open spaces; changes to the street and circulation system; policies to preserve neighborhood character and historic

structures; and strategies that aim to improve public amenities and make the neighborhood more sustainable. The Plan also includes financial programs to support its public improvements through the implementation of one or more new fees, in addition to taxes or assessments on subsequent development projects.

The EIR analyzed the proposed Central SoMa Plan, which consists of the proposed goals, objectives, policies, and implementation measures contained in the August 2016 draft of the Central SoMa Plan, as well as later modifications to various aspects of the Plan based upon feedback from the community and decision makers. In addition to the Central SoMa Plan, the EIR analyzed several components that were not specifically included as part of the Plan, including greater heights for certain parcels on Blocks 3733, 3762, 3776, 3777, 3785, and 3786;<sup>1</sup> height reductions on the site of Moscone Convention Center (north and south of Howard Street); open space improvements outside the Plan Area, on Ambrose Bierce Street, Annie Street, Jessie Street East, and Shipley Street; and the street network changes noted above.

The EIR contains a “program” level analysis, pursuant to section 15168 of the CEQA Guidelines, 14 Cal. Code of Regs. § 15000 *et seq.*, for adoption and implementation of the Plan. The EIR also contains a “project” level analysis pursuant to CEQA Guidelines section 15161 for street network changes and open space improvements. The EIR’s programmatic assessment of potential environmental impacts is based on the various Plan components that are required for its implementation and that would facilitate its goals and objectives. CEQA Guidelines section 15168(b) notes that the use of a programmatic EIR ensures consideration of cumulative impacts that might be slighted in a case-by-case analysis; avoids duplicative reconsideration of basic policy considerations; allows the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early time, when the agency has greater flexibility to deal with basic problems or cumulative impacts; and allows for a reduction in paperwork. The proposed open space improvements and street network improvements are, unless otherwise noted in the EIR, analyzed at the project-level because sufficient detailed information is available for this level of analysis.

The following provides a brief overview of the project development and procedural background, and provides a succinct list of the EIR’s significant and unavoidable impacts and accompanying mitigation measures. Attachment A to this appeal response contains a more detailed discussion of the project and procedural background and includes the specific significant and unavoidable project impacts identified in the EIR.

## **PROJECT BACKGROUND**

In the early 2000s, the Department determined that the Central Subway transit project and development potential of the surrounding area warranted a focused planning process that took into account the city’s growth needs as well the opportunity to link transportation and land use planning. The Department

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<sup>1</sup> An additional increase in height limits on a portion of Block 3763 was subsequently determined to have been adequately analyzed in the EIR.

initiated the Central SoMa planning process in 2011 and in 2013 issued the Central Corridor Plan, which covered a 28-block area from Market Street south to Townsend Street, between Second and Sixth streets. Although the northern portion of the 2013 draft Plan incorporated portions of the existing Downtown Plan area and C-3 (Downtown Commercial) Use District, none of the C-3 Use District was proposed for rezoning.

In 2016, after community feedback, the Department issued an updated Plan, known as the draft Central SoMa Plan and Implementation Strategy. In addition to changing the name of the Plan, the Department changed the boundary of the Plan Area to exclude areas zoned C-3 (where no change in zoning was proposed under the 2013 draft Plan), eliminated the “mid-rise” height limit option from the draft Plan<sup>2</sup>, added several measures to support PDR space retention, and added more objectives, policies, and implementation measures to address neighborhood sustainability. The 2016 draft Plan has been subsequently refined through additional community feedback.

## PROCEDURAL BACKGROUND

As discussed above, a detailed overview of the procedural CEQA background is provided in Attachment A. **Table 1. CEQA Procedural Background**, identifies the dates of the major CEQA milestones for the Central SoMa Plan’s environmental analysis.

TABLE 1. CEQA PROCEDURAL BACKGROUND	
CEQA Milestone	Date
Notice of Preparation (“NOP”) of an EIR Published	April 24, 2013
<i>NOP public review period</i>	April 24, 2013-May 24, 2013 (30 days)
<i>Public Scoping Meeting</i>	May 15, 2013
Initial Study <sup>3</sup> Published	February 12, 2014
<i>Initial Study public review period</i>	February 12, 2014-March 14, 2014 (30 days)
Draft EIR Published	December 14, 2016
<i>Draft EIR public review period</i>	December 14, 2016-February 14, 2017 (60 days)
<i>Public Hearing on Draft EIR</i>	January 26, 2017
Responses to Comments (“RTC”) Published	March 28, 2018
First Errata Published	April 10, 2018
Second Errata Published	May 9, 2018
Certification of the Final EIR	May 10, 2018

<sup>2</sup> This option is considered in the project’s environmental analysis, but is renamed the “Reduced Heights Alternative” in the EIR and “Option A” in the Initial Study.

<sup>3</sup> Environmental effects determined to not be significant are also listed in Attachment A.



## Significant and Unavoidable Project Impacts and Mitigation Measures

Attachment A to this appeal response includes a comprehensive list of the significant and unavoidable impacts resulting from the Central SoMa Plan. **Table 2. Significant and Unavoidable Impacts and Mitigation Measures**, provides an abbreviated list of the significant and unavoidable impacts and accompanying mitigation measures identified in the EIR. All other impacts would be either less than significant or can be reduced to a less-than-significant level with implementation of mitigation measures identified in the EIR.

<b>TABLE 2. SIGNIFICANT AND UNAVOIDABLE IMPACTS AND MITIGATION MEASURES</b>	
<b>Significant and Unavoidable Impacts</b>	<b>Mitigation Measures</b>
<b>Land Use and Land Use Planning</b>	
Subsequent development projects and street network changes in the Central SoMa Plan Area could result in traffic noise along Howard Street that could conflict with policy 9.6 of the General Plan's Environmental Protection Element, related to changes to streets which will result in greater traffic noise. The EIR finds this to be a significant plan-level and cumulative land use impact.	M-NO-1a: Transportation Demand Management for New Development Projects M-NO-1b: Siting of Noise Generating Uses
<b>Cultural and Paleontological Resources</b>	
Subsequent development projects in the Central SoMa Plan Area would result in significant impacts to historic resources. The EIR finds this to be a significant plan-level and cumulative impact.	M-CP-1a: Mandatory Consultation Regarding Avoidance or Minimization of Effects on Historical Resources M-CP-1b: Documentation of Historical Resource(s) M-CP-1c: Oral Histories M-CP-1d: Interpretive Program M-CP-1e: Video Recordation
<b>Transportation and Circulation</b>	
Subsequent development projects, open space improvements and street network changes in the Central SoMa Plan Area would result in significant plan-level and cumulative transit impacts on local and regional transit providers.	M-TR-3a: Transit Enhancements M-TR-3b: Boarding Improvements M-TR-3c: Signalization and Intersection at Townsend/Fifth Streets
Subsequent development projects, open space improvements and street network changes in the Central SoMa Plan Area would result in crosswalk overcrowding. The EIR finds this to be a significant plan-level and cumulative impact.	M-TR-4: Upgrade Central SoMa Crosswalks

<b>TABLE 2. SIGNIFICANT AND UNAVOIDABLE IMPACTS AND MITIGATION MEASURES</b>	
Subsequent development projects in the Central SoMa Plan Area would result in significant plan-level and cumulative commercial and passenger loading impacts.	M-TR-6a: Driveway and Loading Operations Plan (DLOP) M-TR-6b: Accommodation of On-Street Commercial Loading Spaces and Passenger Loading/Unloading Zones
Subsequent development projects and street network changes in the Central SoMa Plan Area would result in significant construction impacts.	M-TR-9: Construction Management Plan and Construction Coordination
<b>Noise and Vibration</b>	
Subsequent development projects and street network changes in the Central SoMa Plan Area would result significant operational noise impacts. The EIR finds this to be a significant plan-level and cumulative impact.	M-NO-1a: Transportation Demand Management for New Development Projects M-NO-1b: Siting of Noise-generating Uses
Subsequent development projects and street network changes in the Central SoMa Plan Area would result significant construction noise impacts.	M-NO-2a: General Construction Noise Control Measures M-NO-2b: Noise and Vibration Control Measures during Pile Driving
<b>Air Quality</b>	
Subsequent development projects and street network changes in the Central SoMa Plan Area would result in significant operational criteria air pollutant impacts. The EIR finds this to be a significant plan-level and cumulative impact.	M-NO-1a: Transportation Demand Management for New Development Projects M-AQ-3a: Education for Residential and Commercial Tenants Concerning Low-VOC Consumer Products M-AQ-3b: Reduce Operational Emissions
Subsequent development projects and street network changes in the Central SoMa Plan Area would result in significant operational health risk impacts. The EIR finds this to be a significant plan-level and cumulative impact.	M-NO-1a: Transportation Demand Management for New Development Projects M-AQ-5a: Best Available Control Technology for Diesel Generators and Fire Pumps M-AQ-5b: Siting of Uses that Emit Particulate Matter, Diesel Particulate Matter, or Other Toxic Air Contaminants M-AQ-5c: Update Air Pollutant Exposure Zone for San Francisco Health Code Article 38 M-AQ-5d: Land Use Buffers around Active Loading Docks M-AQ-5c: Central SoMa Air Quality Improvement Strategy

TABLE 2. SIGNIFICANT AND UNAVOIDABLE IMPACTS AND MITIGATION MEASURES	
Wind	
The Plan would significantly affect pedestrian-level winds.	M-WI-1: Wind Hazard Criterion for Plan Area

### **CEQA Findings and Statement of Overriding Considerations**

As described in CEQA Guidelines section 15093, if the Final EIR identifies significant effects for a proposed project, but the effects are not avoided or reduced to a less-than-significant level (i.e., significant and unavoidable impacts), a decision-maker that approves the project must find that any such unavoidable significant effects are acceptable due to overriding economic, legal, technological, social, or other policy considerations. This is known as a statement of overriding considerations. In making these findings, the decision-maker must balance the benefits of the proposed project against its unavoidable environmental effects.

The Planning Commission has sole authority to adopt a resolution recommending approval to the Board of the Central SoMa Plan, associated Planning Code and Administrative Code amendments, including amendments to the Zoning Map, and Implementation Program for the Plan. The Commission was the decision-maker, under CEQA, that was required to adopt CEQA findings, including a statement of overriding considerations, when it approved the Project (i.e., adopted resolutions recommending approval to the Board of the Plan). On May 10, 2018, following Planning Commission certification of the EIR, the Planning Commission approved the Project and adopted CEQA findings as part of its approval action, in Planning Commission Resolution No. 20183.

### **CEQA GUIDELINES**

The Final EIR has been prepared in accordance with CEQA, the CEQA Guidelines, and local CEQA procedures under chapter 31 of the San Francisco Administrative Code. The purpose of the Final EIR is to disclose any potential impacts on the physical environment resulting from implementation of the proposed project and provide an opportunity for public review and comment before decision-makers decide to approve or deny the Project. The EIR is an informational document intended to inform public agency decision-makers and the public of the significant environmental effects of a project proposal, identify possible ways to minimize the significant effects, and describe feasible alternatives to the project to reduce or eliminate those significant effects. Certification of an environmental document does not constitute a project approval of any kind.

### **STANDARDS OF ADEQUACY FOR CERTIFICATION OF AN EIR**

On May 10, 2018, the Planning Commission reviewed and considered the Final EIR at a duly noticed public hearing. The Planning Commission found that the Final EIR reflected the independent judgment and analysis of the City and County of San Francisco. The Planning Commission found that the Final EIR was adequate, accurate and objective, and that the RTC document and the errata dated April 5, 2018 (Attachment B) and May 9, 2018 (Attachment C) contained no significant revisions to the Draft EIR. The Planning Commission certified the Final EIR in compliance with the requirements of CEQA, the CEQA Guidelines, and chapter 31 of the San Francisco Administrative Code.

Under San Francisco Administrative Code section 31.16(c)(3), the grounds for appeal of an EIR

“shall be limited to whether the EIR complies with CEQA, including whether it is adequate, accurate and objective, sufficient as an informational document, correct in its conclusions, and reflects the independent judgment and analysis of the City and whether the Planning Commission certification findings are correct.”

The standards for adequacy of an EIR are set forth in CEQA Guidelines section 15151, which provides:

“An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.”

San Francisco Administrative Code section 31.16(b)(6) provides that in reviewing a CEQA decision on appeal, the Board of Supervisors “shall conduct its own independent review of whether the CEQA decision adequately complies with the requirements of CEQA. The Board shall consider anew all facts, evidence and issues related to the adequacy, accuracy and objectiveness of the CEQA decision, including, but not limited to, the sufficiency of the CEQA decision and the correctness of its conclusions.”

## **PLANNING DEPARTMENT RESPONSES**

Four appeal letters were timely filed concerning certification of the EIR for the Central SoMa Plan. The concerns raised in each appeal letter are responded to below and in Attachment D, which provides a summary of how Appellants’ concerns are addressed in this appeal response. For Appellants who included their original comment letters on the Draft EIR in their appeal letters, Table D-1 (in Attachment D) provides a matrix containing the Appellants’ original comments, as coded by the Department in the RTC, and corresponding page numbers where the RTC provides responses to those comments. Where multiple appellants raise a similar concern, the response below refers to those concerns in the plural (e.g., “Appellants”). The responses below refer to the appellant in the singular when an appellant raises a concern that the other appellants did not (e.g., “Appellant”).

**Response 1: The Planning Commission’s adoption of findings and statement of overriding considerations for the Central SoMa Plan are not appealable to the Board of Supervisors under CEQA Section 21151(c) or chapter 31 of the administrative code.**

### CEQA Requirement

Appellants claim to appeal the Planning Commission’s adoption of CEQA findings and statement of overriding considerations. CEQA section 21151(c) provides:

If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that *certification, approval, or*

*determination* may be appealed to the agency's elected decision-making body, if any (emphasis added).

That is, CEQA provides for appeal to the Board ("the agency's elected decision-making body") of the certification of the EIR by the Planning Commission ("a nonelected decision-making body of a local lead agency"), approval of a negative declaration or mitigated negative declaration, or determination that a project is not subject to CEQA. Section 21151(c) does not provide for appeal of any project approval actions.

Chapter 31 of the city's administrative code establishes the types of environmental review decisions that may be subject to appeal, as well as the grounds for such an appeal. Chapter 31.16(a) establishes that: (1) certification of a final EIR by the Planning Commission; (2) adoption of a negative declaration by the first decision-making body; and (3) determination by the Planning Department, or any other authorized city department, that a project is exempt from CEQA are the only environmental review decisions that may be appealed to the Board. Chapter 31.16(c)(3) states that the grounds for appeal of an EIR shall be limited to whether the EIR complies with CEQA, including whether it is adequate, accurate and objective, sufficient as an informational document, correct in its conclusions, and reflects the independent judgment and analysis of the city and whether the Planning Commission's EIR certification findings are correct.

The Planning Commission's statement of overriding considerations and findings are not environmental determinations subject to appeal under chapter 31. Project approvals are also not environmental review decisions subject to appeal under chapter 31. However, the Board may adopt, modify, or reject the Commission's CEQA findings and statement of overriding considerations in connection with any project approvals that require action by the Board, such as approval of the Central SoMa Plan and its implementing Planning Code provisions, including changes to the zoning maps.

**Response 2: The EIR is adequate, accurate, objective, and sufficient as an informational document pursuant to the requirements under CEQA, the CEQA Guidelines, and chapter 31 of the administrative code.**

#### CEQA Requirement

CEQA defines "substantial evidence" to include "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact" (CEQA sections 21080(e)(1), 21082.2(c)). "Substantial evidence" under CEQA "is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment" (CEQA sections 21080(e)(2), 21082.2(c)). Pursuant to CEQA Guidelines section 15064, an effect shall not be considered significant in the absence of substantial evidence in the record.

#### Analysis in the Central SoMa Plan EIR

On May 10, 2018, the Planning Commission voted unanimously to certify the Central SoMa Plan Final EIR as compliant with CEQA, the CEQA Guidelines, and chapter 31. Appellants contend that the EIR for the Central SoMa Plan is inaccurate, inadequate, and/or incomplete. Appellants have not provided facts or other substantial evidence necessary to support these claims or to support their argument that the certification of the Final EIR should be overturned. Section 31.16(b)(6) of the administrative code requires

appellants to provide “facts, evidence and issues” in support of the appeal, and the Appellants’ bulleted claims and generalized reference to the record do not meet this requirement. Furthermore, in order for the Board to ultimately accept Appellants’ claims and reject the Planning Commission’s Final EIR certification, its findings would need to be supported with substantial evidence in the record.

The appeal letters raise a number of alleged deficiencies in the EIR that the Appellants do not explain, or do not support with data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts. The Department is unable to respond to conclusory or speculative statements set forth by the Appellants. The responses in this document are a reasonable, good faith effort by the Department to respond to Appellants’ claims, and to describe where the EIR addresses the issues raised in the appeal letters.

The RTC document provides responses to all comments submitted on the Central SoMa Plan Draft EIR. Other than the claims specifically addressed in this appeal response, the Appellants have provided no other support for their claims that the responses are allegedly inadequate. Where Appellants have resubmitted their Draft EIR comment letters without providing information as to how their comments on the Draft EIR have not been adequately addressed, no further response is required. Nonetheless, Attachment D to this appeal response contains a detailed matrix indicating how and where in the RTC the Appellants’ comments were addressed.

The EIR is adequate, complete, and complies with CEQA, the CEQA Guidelines, and chapter 31 of the administrative code, and Appellants have not met their burden to provide evidence to the contrary.

**Response 3: The Central SoMa Plan’s jobs-housing balance would not result in potential social and economic effects that would directly or indirectly result in significant impacts on the physical environment beyond that already disclosed in the EIR.**

#### CEQA Requirement

Pursuant to CEQA Guidelines section 15131(a), “[e]conomic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.”

As stated above and in Response OC-1 (pp. RTC-248 through RTC-257), the focus of CEQA is on physical environmental impacts, such as impacts of a project on air quality, water quality, or wildlife habitat. In general, socioeconomic effects are beyond the scope of the CEQA environmental review process unless a link can be established between anticipated socioeconomic effects of a proposed action and adverse physical environmental impacts (CEQA Guidelines section 15131(a); CEQA section 21082.2).

#### Jobs-Housing Balance

One Appellant asserts that the Plan will create four times more jobs than housing and that this alleged jobs-housing imbalance will increase pressure on limited housing stock, which will in turn result in displacement and gentrification. The Appellant cites a memorandum from then-Attorney General

Kamala Harris to support the Appellant's contention that the Plan would result in displacement and dislocation. However, this memorandum does not support the Appellant's assertions. The memorandum identifies environmental justice-related responsibilities of local governments, including how socioeconomic considerations are addressed under CEQA. Specifically, the memorandum cites to requirements in CEQA Guidelines sections 15064(e), 15131 and 15382, which are the same sections cited in the EIR (see discussion in the Draft EIR beginning on pp. V-7) and RTC Response OC-1 (beginning on p. RTC-248). These sections all emphasize that CEQA focuses on *physical* environmental effects of a project, and that socioeconomic considerations are only relevant under CEQA in the following circumstances: (1) if economic and social effects lead to physical changes in the environment; (2) economic and social effects of a physical change to the environment may be considered in determining whether that physical change is significant; and (3) economic, social, and particularly housing factors shall be considered in deciding whether changes in a project are feasible to reduce or avoid any significant effects on the environment identified in an EIR. (CEQA Guidelines section 15131.) This memorandum does not present any new information not already disclosed in the EIR.

As stated in in RTC Response OC-2 (p. RTC-258), development under the Plan would not stimulate new population or job growth within San Francisco that is not already projected to occur, based on regional growth forecasts prepared by the Association of Bay Area Governments ("ABAG"). On the contrary, the Central SoMa Plan is necessary for San Francisco to accommodate job and housing growth for the City that is forecast by ABAG through 2040 in accordance with *Plan Bay Area*. *Plan Bay Area* is the region's Sustainable Communities Strategy, which identifies land use strategies and transportation funding to meet state-mandated greenhouse gas reductions pursuant to Senate Bill 375.

As shown in Table RTC-4 (p. RTC-259), the existing jobs-housing ratio for the Plan study area<sup>4</sup> is approximately 6.7:1. The increment of Plan growth, as analyzed in the EIR, is projected be at a jobs-housing ratio of 4.4:1 for the Plan study area,<sup>5</sup> which brings the overall jobs-housing ratio for the Plan study area at buildout down to approximately 5.2:1 for projected 2040 conditions (this ratio has changed since publication of the RTC, see below).<sup>6</sup> The lower jobs-housing ratio as a result of the Plan reflects the

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<sup>4</sup> The One Vassar Appellant suggests that the EIR does not explain the distinction between the Plan study area versus the Plan Area. To clarify, the study area refers to the area bounded by Market Street to the north, Townsend Street to the south, Second Street to the east and Sixth Street to the west. In contrast, as indicated in the EIR (see Draft EIR page S-1 and throughout) the Plan Area is bounded by Second Street on the east, Sixth Street on the west, Townsend Street on the south, and by an irregular border that generally jogs along Folsom, Howard and Stevenson streets to the north. The study area is the Plan Area from the 2013 Central Corridor Plan. As explained on Draft EIR p.IV-1, the change in the Plan Area boundary from the 2013 to 2016 Plan would not result in new effects or more severe physical environmental impacts than disclosed in the Initial Study. The 2016 Draft Plan Area is contained entirely within the 2013 Draft Plan Area and the 2013 Draft Plan did not propose substantial changes in allowable zoning and heights within the portion of the 2013 Draft Plan Area that is no longer within the current Plan Area, mainly the area zoned C-3.

<sup>5</sup> Based on Draft EIR Table IV-1, Summary of Growth Projections, p. IV-6. 63,000 jobs ÷ 14,400 households = 4.4 jobs:1 household.

<sup>6</sup> These calculations are based upon the plan study area, which represent the boundaries of the 2013 draft Plan and include Market Street to the north, Townsend Street to the south, Second Street to the east and Sixth Street to the west. The calculation includes build out of the portions of the C-3 zoning district which are no longer part of the

fact that the Plan would provide substantially more housing compared to jobs than is the case under existing conditions, and this is why the existing ratio of 6.7:1 would fall to 5.2:1 with Plan implementation. Therefore, while the Plan would provide for more employment than housing, it would do so at a much lower rate than is the case for the Plan Area under existing conditions.

Moreover, since publication of the RTC document, the Department has proposed changes to the Plan's implementing zoning and other programs that include increasing the size of sites required to be commercially-oriented from 30,000 square feet to 40,000 square feet (proposed Planning Code section 249.78(c)(6)(A)). The Department has also proposed changing the proposed use district on portions of Assessor's Blocks 3777 and 3778 from Western SoMa Mixed-Use Office to Central SoMa Mixed-Use Office, and removing rental housing from participation in the Plan Area's proposed Mello-Roos Community Facilities District. These Planning Code, zoning map, and implementation program revisions would change the estimated projected increase in jobs and housing to approximately 33,000 jobs and 8,300 housing units (or approximately 8,715 households), resulting in a jobs-housing ratio of 3.8:1.<sup>7</sup> These Plan revisions were recommended for adoption by the Planning Commission at its May 10, 2018 meeting.

The Appellant also contends that the Department proposes that housing needs created by the Central SoMa Plan will be met by development in other areas of the city, specifically citing Treasure Island and Parkmerced. The Appellant further states that Treasure Island and Parkmerced are not yet built and are not available to address the near-term displacement allegedly caused by the Central SoMa Plan. The Appellant is mistaken on both counts. The Central SoMa Plan will not result in near-term development that would outpace construction of already approved development projects, including Treasure Island and Parkmerced. Unlike those projects, the Central SoMa Plan is not a development project. Instead, the Plan is a regulatory program and would result in new planning policies and controls for land use to accommodate jobs and housing growth projected to occur. The Plan itself does not provide approval of a development project. Subsequent development projects enabled by the Plan, except in the case of projects that are eligible for approval under the proposed Housing Sustainability District (see Response 4, below), may require additional environmental review and other discretionary approvals by the Planning Commission. Additionally, the amount of office space that may be approved throughout the city is regulated by Planning Code section 321, which sets an annual limit on the amount of new office space, whereas the amount of housing is not limited. Furthermore, the Central SoMa Plan Area (230 acres) is a relatively small geographic area of the approximately 30,000-acre city, and a number of completed planning efforts have resulted and continue to result in additional housing units elsewhere in the city. Therefore, housing needs would be met by not only the Treasure Island and Parkmerced developments, but also by other approved developments, including Hunters Point Shipyard, Candlestick Point Phase II, redevelopment of Pier 70, Seawall Lot 337, and other projects in the development pipeline. The city's first

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Plan area, and because the C-3 zoning district primarily supports employment opportunities, inclusion of the C-3 zoning district in this calculation results in a higher jobs-housing ratio than that for the Plan.

<sup>7</sup> The Plan is currently estimated to result in 8,300 housing units, which, assuming the same 5% vacancy rate as the EIR, results in 8,715 households. The Plan is also currently estimated to result in 33,000 jobs, resulting in a jobs-housing ratio of approximately 3.8:1 ( $33,000 \div 8,715 = 3.8$ ).



quarter 2018 pipeline includes approximately 67,800 housing units, of which approximately 48,600 units have received entitlements and another 19,200 units are under review at the Department.<sup>8</sup>

The Appellant provides no substantial evidence that demand for housing resulting from subsequent development enabled by the Plan, but not yet approved, would outpace construction of housing as part of projects that are already approved, and in some cases, already under construction.

### Environmental Impacts Resulting from Gentrification and Displacement

Appellants state that the Central SoMa Plan will increase home prices and will lead to gentrification and displacement. Appellants provide no substantial evidence demonstrating a link between the alleged socioeconomic effects of the Central SoMa Plan and adverse physical environmental impacts that have not been identified in the EIR. The Department fully responded to comments on the Draft EIR regarding potential gentrification and displacement in Response OC-1 (see pp. RTC-248 through RTC-257). The following is an excerpt from that response:

The focus of CEQA is on *physical* environmental impacts, such as impacts of a project on air quality, water quality, or wildlife habitat. In general, socioeconomic effects are beyond the scope of the CEQA environmental review process unless a link can be established between anticipated socioeconomic effects of a proposed action and adverse physical environmental impacts (CEQA Guidelines Section 15131(a), CEQA Section 21082.2). To establish this link with respect to the Plan, a two-part analysis is necessary. The first part would examine whether the Central SoMa Plan would *cause* additional gentrification[1] and displacement[2] at a level over and above what would occur without adoption of the Plan. If the analysis determines that the Plan would cause or contribute to gentrification or displacement effects, the analysis must then consider a second question—would the economic or social effects attributable to the Plan result in a significant adverse physical impact on the environment?

The Draft EIR conducted this two-part analysis to determine whether the Plan would result in indirect displacement above levels that would occur without the Plan. The Draft EIR addresses concerns related to gentrification and displacement on Draft EIR pp. V-7 to V-10. The Draft EIR finds that the Plan would increase the capacity for jobs and housing. Specifically, “Goals 2 and 3 address the socioeconomic concerns related to PDR jobs and affordable housing by (a) protecting PDR space within the Plan Area and the larger SoMa area while also allowing for a substantial amount of new office jobs and (b) setting affordability requirements for the Plan Area in an effort to ensure that 33 percent of new housing is affordable to very low, low, and moderate income households” (Draft EIR, p. V-9). The EIR concludes that, “There is no evidence that the Plan would result in potential social and economic effects that would indirectly result in significant effects to the physical environment and [socioeconomic and displacement effects] are therefore beyond the scope of this EIR. Changes to the physical environment as a result of the Central SoMa Plan are addressed in the appropriate environmental topics in this EIR and the accompanying Initial Study (Appendix B)” (Draft EIR, p. V-

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<sup>8</sup> San Francisco Planning Department, The Pipeline Report. Available at: <http://sf-planning.org/pipeline-report>. Accessed June 28, 2018.

10). Thus, the EIR did analyze the potential for the Plan to result in social and economic effects that could in turn result in environmental effects.

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[1] *Gentrification* is a process associated with increased investment in existing neighborhoods and the related influx of residents of higher socioeconomic status and increased property values.

[2] *Displacement* refers to the process by which businesses and households are forced to move. Two types of displacement may occur: (1) direct displacement, such as demolition of a building; and (2) indirect displacement, such as increased rents driving households to move.

Given that the Plan: 1) would increase the opportunity for jobs within the Plan Area, while also protecting PDR building space, 2) would result in zoning that allows for more housing, and 3) would provide affordable housing at higher percentages than current requirements, there is no evidence to suggest that the Plan would result in gentrification and displacement above levels that would occur without the Plan. Therefore, there is no evidence to suggest that the Plan would result in physical environmental effects as a result of indirect displacement and gentrification from subsequent development projects. Additionally, for informational purposes, Response OC-1 in the RTC includes a summary of the Department's review of relevant academic literature to evaluate whether gentrification and displacement of residents or businesses could be attributed to market-rate residential and mixed-use development. This study<sup>9</sup> concluded that the literature does not establish empirical evidence supporting the position that market-rate development is responsible for indirect residential or commercial displacement. That being said, even if the Appellants could demonstrate that market-rate development, as envisioned under the Plan, would lead to additional indirect displacement and gentrification above levels occurring without the Plan, the Appellants do not provide substantial evidence that such displacement and gentrification would result in adverse environmental impacts not disclosed in the EIR (e.g., air quality and noise impacts).

**Response 4: Inclusion of the Housing Sustainability District Ordinance in the Central SoMa Plan EIR does not result in any changes to height, bulk, density, use, or other development standards proposed in the Plan. As such, the addition of the HSD to the project description analyzed in the EIR does not result in new significant environmental effects not previously disclosed, would not change any of the EIR's conclusions, and does not require recirculation.**

#### CEQA Requirement

Pursuant to CEQA Guidelines section 15088.5, new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.

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<sup>9</sup> San Francisco Planning Department, Planning Department Response to the Appeal of Community Plan Exemption for 2675 Folsom Street Project, Case No. 2014.000601ENV, March 13, 2017. See also a memo to the Board of Supervisors, "ARB|Chapple Study and Planning," May 2, 2017, <https://sfgov.legistar.com/View.ashx?M=F&ID=5147164&GUID=A02B19F7-5F3F-43AD-8DC7-347EB15FAD11>, accessed March 12, 2018.

### Analysis in the Central SoMa Plan EIR

California Assembly Bill 73 ("AB 73") took effect on January 1, 2018, after publication of the Draft EIR on December 14, 2016. AB 73 adds new sections 66200–66210 to the Government Code and authorizes local municipalities to establish Housing Sustainability Districts ("HSDs") to facilitate the production of housing in areas served by existing infrastructure. Residential and mixed-use projects located within a designated HSD that meet certain requirements may utilize a streamlined and ministerial approval process. AB 73 also added sections 21155.10 and 21155.11 to CEQA. Pursuant to CEQA section 21155.10,

A lead agency shall prepare an environmental impact report when designating a housing sustainability district pursuant to Section 66201 of the Government Code to identify and mitigate, to the extent feasible, environmental impacts resulting from the designation. The environmental impact report shall identify mitigation measures that may be undertaken by housing projects in the housing sustainability district to mitigate the environmental impacts identified by the environmental impact report.

CEQA section 21155.11(c) requires a housing project that is approved under a HSD "to implement appropriate mitigation measures identified in the environmental impact report prepared pursuant to Section 21155.10 to mitigate environmental impacts identified by that environmental impact report." A local agency "may apply uniform development policies or standards that will apply to all projects within the housing sustainability district, including parking ordinances, public access ordinances, grading ordinances, hillside development ordinances, flood plain ordinances, habitat or conservation ordinances, view protection ordinances, and requirements for reducing greenhouse gas emissions." (Government Code Section 66201(c).) Further, a HSD allows a local agency to impose design review standards "to ensure that the physical character of development within the district is complementary to adjacent buildings and structures and is consistent with the city's, county's, or city and county's general plan, including the housing element." (Government Code Section 66207(a).)

Although the Draft EIR was published prior to the effective date of AB 73, the Department determined it was appropriate to include analysis of the designation of the HSD in the Central SoMa EIR project description. The Final EIR determines that the HSD as described in the RTC would not result in new physical effects that are not already analyzed in the EIR. Designation of the HSD, including the proposed HSD ordinance currently being considered by the Board ("HSD Ordinance"), would not result in any changes to height, bulk, density, use, or other development standards proposed in the Plan, and therefore would not change the amount, location, or intensity of growth that would be permitted pursuant to the Plan. Designation of a HSD in Central SoMa is a procedural change that may reduce the time required for approval of projects that satisfy all of the requirements of the HSD Ordinance. Qualifying projects would still be required to implement mitigation measures identified in the Central SoMa Plan EIR and comply with adopted design review standards and all existing City laws and regulations. The designation of the Central SoMa HSD would not result in any new significant effects or substantially more severe effects than those identified in the EIR, because the physical changes resulting from development would be the same as those analyzed in the EIR. Inclusion of analysis of the HSD in the Final EIR does not change the EIR's environmental analysis or conclusions.

The Appellant specifically contends that reliance on AB 73 renders the EIR inadequate because significant impacts related to air quality, shadow, and consistency with the General Plan will not be mitigated. The

Appellant claims that the EIR relies on future project-level environmental review of subsequent projects to address their shadow impacts and mitigate their air quality impacts, and that inconsistencies with the general plan would be addressed in project specific EIRs. The Appellant is incorrect on all counts.

The EIR analyzes shadow impacts to the degree of specificity required of a Plan-level EIR. As the Central SoMa RTC explains (p. RTC-233), pursuant to Planning Code sections 295 and 147, additional shadow analysis will be required for projects that rely on the Central SoMa Plan EIR, including projects approved pursuant to the HSD Ordinance. Regarding air quality, the EIR finds that development pursuant to the Plan may result in significant construction and operational criteria air pollutant and health risk impacts, and identifies 11 mitigation measures applicable to development projects and proposed street network changes to reduce those impacts (see Draft EIR “Section IV.F Air Quality”, beginning on p. IV.F-1). As explained above, projects approved under the Central SoMa HSD would be required to implement mitigation measures from the Central SoMa Plan EIR that the Department determines are applicable to the project, including mitigation measures related to air quality impacts. The EIR does not rely on subsequent project-level CEQA review to mitigate air quality impacts resulting from projects approved pursuant to the Central SoMa HSD Ordinance. Regarding general plan consistency, the EIR states, “In general, potential conflicts with *General Plan* policy(ies) are considered by decision-makers...independently of the environmental review process.” (Draft EIR p. III-2). Thus, subsequent development projects would be required to be consistent with the general plan, on balance, and that determination of consistency would occur separately from any project-level CEQA review conducted for projects that rely on the Central SoMa Plan EIR. CEQA requires a lead agency to identify whether there are any inconsistencies with plans and policies adopted for the purposes of mitigating an environmental effect. The Central SoMa Plan EIR fulfills this requirement. The Appellant has provided no information to suggest that the proposed Central SoMa HSD Ordinance is inconsistent with any such policy, or that such an inconsistency would result in significant environmental effects not already disclosed and evaluated in the EIR. The EIR’s analysis of impacts related to shadow, air quality, and consistency with plans and policies remains accurate and adequate with the inclusion of analysis of the HSD, and the Appellant provides no evidence demonstrating otherwise.

Citing CEQA Guidelines section 15088.5, the Appellant asserts that the EIR’s inclusion of designation of a Central SoMa HSD constitutes significant new information that requires recirculation of the EIR. To the contrary, and as explained above, new information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. (CEQA Guidelines section 15088.5(a).) Inclusion of the HSD analysis does not require recirculation under the standard articulated in CEQA Guidelines section 15088.5(a)(1)–(4), because 1) as explained above, no new significant environmental impact would result from the HSD designation (i.e., there are no changes to the height, bulk, density, or development standards); 2) there is no increase in the severity of an environmental impact from the HSD designation; 3) there would be no new feasible project alternatives or mitigation measures different from those analyzed in the Central SoMa Plan EIR that would lessen the environmental impacts of the project; and 4) the EIR is adequate and provided an opportunity for meaningful public review and comment. The Appellant provides no evidence demonstrating how the EIR’s evaluation of procedural changes resulting from designation of the HSD deprives the public of a

meaningful opportunity to review and comment upon a substantial adverse environmental effect or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to implement.

**Response 5: The Plan and the HSD are not inconsistent with the Housing Element of the general plan and even if they were, such inconsistency would not result in significant physical environmental effects not already disclosed in the EIR.**

One Appellant contends that both the Plan and the HSD are inconsistent with the Housing Element, and that such an inconsistency indicates that the Plan has a significant environmental impact on transit, traffic, and air quality. The Appellant confuses the CEQA requirement to analyze plans and policies and the requirement to identify physical environmental effects of a project. The case report for the Central SoMa Plan and the HSD contain a detailed analysis of conformity with the General Plan, including the Housing Element.<sup>10</sup>

### CEQA Requirement

As stated in RTC Response PP-4, beginning on p. RTC-96, CEQA requires an EIR to “discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans.” (CEQA Guidelines Section 15125(d).) This consideration of plan inconsistency is part of the discussion of the project's environmental setting, pursuant to CEQA Guidelines section 15125(d). As stated on Draft EIR p. IV.A-8, a conflict between a proposed project and a general plan policy does not necessarily indicate a significant effect on the environment under CEQA. CEQA Guidelines section 15382 defines a significant effect on the environment as “a substantial or potentially adverse change in the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” Therefore, for a project to result in a significant impact under CEQA with respect to a conflict with the general plan or other policies, the project must be inconsistent or otherwise conflict with a plan or policy adopted for the purpose of mitigating an environmental effect *and* result in a physical environmental effect related to the identified policy conflict. To the extent that physical environmental impacts of a project may result from conflicts with one of the policies related to a specific resource topic, such physical impacts are adequately analyzed in the EIR within each topic section, as required under CEQA.

### Central SoMa Plan

The Appellant contends that the Plan's goal for 33 percent of new housing to be affordable is inconsistent with the Housing Element of the general plan. Specifically, the Appellant cites the Regional Housing Needs Assessment (RHNA) for the entirety of San Francisco, which finds that 57 percent of new housing in all of San Francisco should be affordable to households making 120 percent of the area median income

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<sup>10</sup> Planning Commission resolutions 20183, 20184, 20185, 20186, and 20187 recommending approval of the Plan, and resolution 20188 recommending approval of the HSD Ordinance are available online at: <http://sf-planning.org/central-soma-plan>. The Planning Commission staff report for the Plan and HSD Ordinance are available online at: <http://sf-planning.org/meeting/planning-commission-may-10-2018-supporting-documents>. See case numbers 2011.1356EMTZU for the Plan's staff report and case number 2018-004477PCA for the HSD Ordinance staff report. Accessed June 28, 2018.

or less.<sup>11</sup> While the Housing Element must demonstrate that it substantially meets the requirements of the RHNA, the RHNA itself is not the Housing Element of the general plan. Part II of the Housing Element contains a comprehensive set of housing objectives and policies that are the framework for decision-making, priority setting, and program implementation and are the basis for making a finding of consistency. The Plan's goals for 33 percent of new housing within the South of Market area to be affordable is a higher level of affordability than what is currently required for individual projects under the city's existing local laws, and it is therefore consistent with the Housing Element goals to provide increased affordable housing.

Even if the Plan were determined to be inconsistent with the Housing Element, the Appellant's concerns relate to the affordability of new units projected to be developed under the Plan, and not the overall number of new housing units projected. Although the Appellant argues that affordable housing units may have reduced environmental effects from that of market-rate units for some topic areas (such as lower vehicle ownership rates, which, the Appellant argues, equate to fewer vehicle trips), at the Plan Area level such a distinction, even if true, would not substantially alter the conclusions in the EIR. The EIR does not distinguish between the environmental effects of an affordable unit versus a market rate unit. As a result, even if Appellant's argument is correct, the EIR provides a conservative, worst-case assessment of potential environmental effects from the construction of new housing units that could be developed under the Plan. Furthermore, even if the Plan were inconsistent with the Housing Element, the Appellant has provided no information or evidence that such an inconsistency would result in additional impacts, or an increased severity of an impact, on transit, traffic, and air quality not already disclosed in the EIR. The EIR did find that the Plan would result in significant impacts related to transit and air quality, identified appropriate mitigation measures, and concluded that even with mitigation, such impacts of the Plan would be significant and unavoidable.

### Housing Sustainability District

The Appellant claims that because projects taller than 160 feet are not eligible for the proposed HSD's streamlined, ministerial approval process unless they are 100 percent affordable, the HSD Ordinance disincentivizes affordable housing and is therefore not consistent with the Housing Element. No HSD currently exists, and projects therefore cannot currently utilize a streamlined approval process under AB 73. AB 73 authorizes, but does not require, the city to designate a HSD in Central SoMa. Compared to existing conditions, an HSD designation may accelerate approval of projects that meet certain affordable housing requirements, and is therefore consistent with the Housing Element's objectives and policies to increase the supply of affordable housing in the city. Furthermore, for a project to result in a significant impact under CEQA with respect to a conflict with the general plan, the project must be inconsistent or otherwise conflict with the general plan *and* result in a physical environmental effect related to the identified policy conflict. As discussed in Response 4, the designation of the HSD would not result in significant environmental effects not already disclosed in the EIR. This conclusion remains true whether

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<sup>11</sup> This percentage of affordable housing necessary to meet RHNA affordability goals in San Francisco is nearly the same as the regional percentage as a whole (58 percent). Many counties need to provide an even greater percentage of affordable housing than San Francisco.

or not projects taller than 160 feet that are not 100 percent affordable are able to utilize the HSD's streamlined, ministerial approval process. The Appellant provides no information or evidence to suggest that a significant environmental effect, not already disclosed in the EIR, would occur as a result of the restrictions set forth in the HSD Ordinance.

**Response 6: The Central SoMa Plan EIR adequately evaluates transportation impacts under the provisions of CEQA Guidelines section 21099 (Senate Bill 743). The transportation impact analysis in the Central SoMa Plan EIR is adequate and accurate.**

#### CEQA Requirement

In 2013, the Governor signed California Senate Bill 743 ("SB 743"), as implemented in CEQA section 21099. The senate bill directed the California Office of Planning and Research ("OPR") to prepare, develop, and transmit to the California Natural Resources Agency for certification and adoption proposed revisions to the CEQA Guidelines to "[establish] criteria for determining the significance of transportation impacts of projects within priority transit areas... [that] shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses."

SB 743 calls for OPR, in developing the criteria, to recommend potential metrics, including vehicle miles traveled ("VMT"). VMT is a measure of the amount and distance that a project causes potential residents, tenants, employees, and visitors to drive, including the number of passengers within a vehicle. The San Francisco Planning Commission replaced automobile delay (vehicular level of service, or "LOS") as a metric for determining the significance of transportation impacts with VMT criteria via Resolution 19579, which was adopted at the Planning Commission hearing on March 3, 2016. In this resolution, the Planning Commission stated that the VMT metric shall be effective for all projects moving forward under their purview. As such, the EIR for the Central SoMa Plan bases its transportation impact analysis on VMT per the adopted Planning Commission resolution.

#### Analysis in the Central SoMa Plan EIR

The Appellant disagrees with the statement in the RTC (p. RTC-141) that considering net VMT is essentially arguing for an automobile capacity metric and further contends that the city needs a VMT ceiling for evaluation of the Central SoMa Plan's VMT impact. As stated in RTC Response TR-3 (pp. RTC-140-141), the Department has substantial evidence to support its VMT criteria and thresholds of significance, including a robust state process, and the Planning Commission adoption of VMT thresholds of significance for general use consistent with CEQA Guidelines section 15064.7. While the Appellant may disagree with this approach, these criteria and thresholds of significance comply with CEQA and align with the city's goals and the region's goals for reducing VMT and greenhouse gas emissions as reflected in *Plan Bay Area*.

The Appellant correctly notes that the Central SoMa Plan would result in an increase in year 2040 VMT generated per employee compared to 2040 conditions without the Plan and suggests that this in and of itself means the Central SoMa Plan does not comply with the terms of SB 743. However, VMT is a regional issue and its use as a significance criterion "promote[s] the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (CEQA

section 21099(b)(1).) Locating jobs and housing in an urban area is far less impactful on the transportation network than locating those jobs in less urban areas (e.g., greenfield sites where most residents need to drive for trips). Using the VMT efficiency metric is consistent with CEQA, as stated in footnote 43 of RTC Response TR-3 (p. RTC-141), quoting a California Supreme Court case:

In discussing projects that are designed to accommodate long-term growth in California's population activity, 'a certain amount of greenhouse gas emissions is as inevitable as population growth. Under this view, a significance criterion framed in terms of efficiency is superior to a simple numerical threshold because CEQA is not intended as a population control measure.

In compliance with SB 743, OPR has released transportation thresholds based on the VMT metric. OPR recommends that for a Plan, such as the Central SoMa Plan, the VMT threshold is whether or not the Plan is consistent with the relevant Sustainable Communities Strategy ("SCS"), which for the region is *Plan Bay Area*. In determining consistency with the SCS, the analysis considers whether development specified in the Plan is also specified in the SCS and whether taken as a whole, development specified in the plan leads to a VMT that is equal to or less than the VMT per capita and VMT per employee specified in the SCS (Draft EIR p. IV.D-25). As stated on Draft EIR p. IV.D-36, *Plan Bay Area* is the region's adopted SCS and it sets a VMT reduction target for year 2040 at 10 percent below the 2005 regional average VMT per capita. The EIR finds that the Plan would result in development as specified in *Plan Bay Area* because development would be located within one of *Plan Bay Area*'s Priority Development Areas (Draft EIR p. IV.D-36). As shown in Draft EIR Table IV.D-5 (p. IV.D-37), the Plan would result in a residential VMT per capita of 2.0, which is approximately 87 percent below the 2005 regional average residential VMT per capita with the plan, and an employment VMT per employee of 7.6, which is 69 percent below the 2005 regional average employment VMT per employee with the plan. Furthermore, this table demonstrates that the Plan, under 2040 conditions, would result in VMT per capita or employee that is 31 and 27 percent below the Plan Area's 2005 VMT per capita or employee for residential and employment uses, respectively. Therefore, the EIR determined that the Plan would meet the VMT per capita reduction target specified in *Plan Bay Area*.

The Appellant provides no substantial evidence or new information to substantiate the claim that the Central SoMa EIR does not comply with CEQA section 21099 and SB 743 and does not provide substantial evidence that the Central SoMa Plan would result in a significant VMT impact.

The Appellant takes issue with Response TR-3, which states that while year 2040 VMT per employee in the Plan Area would be greater with Plan implementation than without the Plan, "These increases in the employment category are within the general margin of error inherent in efforts to model travel behavior into the future." The Appellant correctly surmises that this refers to the error range in the validation of the San Francisco County Transportation Authority's San Francisco Chained Activity Modeling Process ("SF-CHAMP") transportation model, which was relied on for the Central SoMa EIR analysis. The Appellant inquires whether this means VMT reductions claimed per capita among future residents in Central SoMa are also within the margin of error of the SF-CHAMP model, and further asserts that this constitutes "cherry-picking results favorable to the Project while dismissing results unfavorable to the Project." The small variation between "with Plan" and "without Plan" conditions (less than 0.5 VMT per employee) support the determination that development within the Plan Area would produce very low VMT compared to the regional average (see Draft EIR Table IV.D-6, p. IV.D-38). Moreover, as also stated in Response TR-3, "while not used for determining consistency with the *Plan Bay Area*, the average daily



VMT per employee in the Central SoMa analysis area is also projected to decrease between 2005 and 2040 conditions from 10.4 to 7.6. Thus, the Central SoMa Plan Area is expected to attain the *Plan Bay Area* goal of reducing VMT per capita by 10 percent compared to 2005 levels, and the Plan-VMT impact would be less than significant.” In sum, the Department has adequately and accurately identified the transportation impacts associated with the implementation of the Central SoMa Plan based on the significance thresholds recommended by OPR and developed for compliance with SB 743. As previously stated, the Appellant provides no evidence or new information to substantiate the claim that the Central SoMa EIR does not comply with the terms of SB 743 and does not provide substantial evidence that the Central SoMa Plan would result in a significant VMT impact.

**Response 7: The Central SoMa Plan EIR adequately and accurately evaluates the Plan’s transportation impacts with regards to Transportation Network Companies based on available information.**

CEQA Requirement

Pursuant to CEQA Guidelines sections 15144 and 15145, if a lead agency, after thorough investigation and using “best efforts to find out and disclose all that it reasonably can,” “finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” Speculation does not constitute substantial evidence on which a conclusion regarding the existence of a significant impact can be made. (CEQA Guidelines section 15384.)

Analysis in the Central SoMa Plan EIR

The EIR satisfied the best efforts requirement of CEQA. As stated in RTC Response TR-7 (p. RTC-155), the Central SoMa Plan EIR relies on the best data available at the time of publication about the existing and future travel patterns, in order to provide the public and decision-makers with the best information possible with which to evaluate the environmental impacts of the Plan. Despite recently completed and ongoing studies, the city currently lacks sufficient data to analyze the influence of transportation network companies (“TNCs”) on overall travel conditions in San Francisco (including, for example, data regarding trip mode splits). Therefore, the precise effects of TNCs on transportation are considered speculative at this time and, pursuant to the CEQA Guidelines, should not be considered in making a determination of whether a significant impact from the Plan would result.

Based on available information, the EIR acknowledges that there have been changes to the travel network as a result of TNCs (and delivery services) and provides a discussion of TNC impacts on VMT, loading, and pedestrian safety in the RTC. Response TR-7 (beginning on p. RTC-151) also summarizes the studies cited by the Appellant, and acknowledges that TNCs may be influencing the amount of VMT generated in a given geographic area. However, as discussed in RTC Response TR-7, although the demand for travel via personal or TNC vehicles may increase as a result of the Plan, the overall number of vehicles on the road is limited by roadway capacity during peak periods of travel, and an increase in total VMT does not, in and of itself, constitute a significant impact on the environment. The analysis of future mode shares in the Central SoMa Plan Area supports the conclusion that VMT per capita would remain below the VMT significance thresholds recommended by OPR. The OPR significance threshold for an area plan, as discussed in Response 6, above, is based on consistency with an adopted SCS, which for the region is *Plan Bay Area*. *Plan Bay Area* establishes a target VMT of 10 percent below the 2005 regional average VMT

by year 2040. As stated in Response TR-7, even with the trend of increased for-hire vehicles, development within the Central SoMa Plan Area would not cause substantial additional VMT per capita or substantially increase automobile travel such that a significant effect would result.

The Appellant does not provide any methodology or evidence demonstrating how the Department could further evaluate the impact of TNCs given the lack of information available about existing and future TNC travel patterns. The Appellant also has not substantiated its claims that development enabled by the Central SoMa Plan and the trend of increased for-hire vehicles would result in VMT per capita in the Central SoMa Plan Area exceeding the EIR's threshold of significance. The Appellant suggests that the existing body of literature on TNCs constitutes substantial evidence that could alter the EIR's transportation analysis and that the Department simply needs to hire an outside expert to examine the impact of TNCs. However, the Department hired expert transportation analysts to prepare the transportation analysis presented in the EIR. The EIR and RTC present the best available information concerning the effects of TNCs, including the same literature cited by the Appellant. Data on TNCs is limited in part because much of that information is proprietary and would need to be voluntarily disclosed to the city.

Further, the agency with primary regulatory oversight of the TNC sector, the California Public Utilities Commission, which has collected data on TNCs that is not available to the city, finds that further data is still needed to assess the impact of TNC operations on VMT. The California Public Utilities Commission released a report in April 2018, following publication of the RTC, stating that, "the overall impact of TNC operations on VMT in California remains ambiguous. To identify these impacts in a rigorous way, we need reliable data on how TNC passengers would have traveled if they had no access to TNC services (e.g., driving alone in a personal vehicle, using public transit, or active modes of travel such as biking), which is not currently available."<sup>12</sup> Based on the available data concerning TNC travel patterns, any further analysis of the effects of TNCs on VMT is speculative and, pursuant to CEQA and the CEQA Guidelines, need not be considered in making a determination of whether a significant impact would occur as a result of the Plan. RTC Response TR-7 reflects a reasonable, good faith effort by the Department and its outside experts to analyze the environmental impacts of the Plan based on the best available information about TNCs.

**Response 8: The baseline data used in the Central SoMa Plan EIR transportation analysis is adequate and reflects the best available information.**

#### CEQA Requirement

CEQA Guidelines section 15125 states that an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is

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<sup>12</sup> California Public Utilities Commission Policy & Planning Division. Electrifying the Ride-Sourcing Sector in California. April 2018. Available at: [http://www.cpuc.ca.gov/uploadedFiles/CPUC\\_Public\\_Website/Content/About\\_Us/Organization/Divisions/Policy\\_and\\_Planning/PPD\\_Work/PPD\\_Work\\_Products\\_\(2014\\_forward\)/Electrifying%20the%20Ride%20Sourcing%20Sector.pdf](http://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work/PPD_Work_Products_(2014_forward)/Electrifying%20the%20Ride%20Sourcing%20Sector.pdf). Accessed June 14, 2018. See page 3.

published, and that the environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.

### Analysis in the Central SoMa Plan EIR

The Appellant contends that the baseline data used in the transportation analysis is inadequate and specifically cites to the EIR's use of 2010 census data and other data sources that were used to describe the existing amount of jobs and households within the Plan Area. Specifically, the Appellant expresses concern with using 2010 data since that time period coincides with the great recession, inferring that the baseline jobs and household data used in the EIR are lower than current day (2018) conditions. The NOP for the Central SoMa EIR was published in April 2013. As described in RTC Response GC-2 (p. RTC-375), the NOP presents 2010 census data as its base for analysis of population, housing, and employment because that was the most recent data available at the time the NOP was published. As stated in Response GC-2:

Concerning population, housing, and employment, the EIR presents 2010 data as a baseline condition because, at the time of NOP publication, 2010 census data was current, given the time lag that occurs in publication of census data. For example, while the initial congressional redistricting population data from the 2010 census was released in early 2011, more detailed data concerning population housing characteristics, including, for example, the population and number of housing units in the Plan Area, was not released until later in 2011 and 2012. Although the Census Bureau issues annual American Community Survey estimates based on survey data, information from the 2010 census remains the most current decennial census data and the current set of complete (i.e., non-survey-based [sic]) population, housing, and employment counts. Likewise, the employment data compiled by the Planning Department on the basis of 2010 Dun & Bradstreet data was also the most currently available as of publication of the NOP. Furthermore, regional population and employment growth projections from the Association of Bay Area Governments (ABAG) are made only for five-year intervals. The Planning Department's Land Use Allocation, which was the basis for the transportation modeling undertaken for the Draft EIR, was based on ABAG growth projections from 2010 to 2040, as set forth in ABAG's Projections 2013 (based on forecasts prepared in 2012 for the development of Plan Bay Area). This was likewise the most recent set of forecasts at the time the NOP was published and the environmental analysis commenced. Therefore, the Draft EIR appropriately used data compiled in 2010 as the baseline for its growth forecasts and analyzed growth-related impacts over the 2010–2040 period.

Therefore, the EIR's assessment of existing jobs and housing within the Plan Area rely on the most current set of complete (i.e., non-sample-based) population, housing and employment counts currently available. Furthermore, the regional population and employment growth projections from Projections 2013, was, and remains, the most recent set of census level forecasts available for the Plan Area for the period covering 2010 to 2040. The baseline 2010 housing data used in the EIR assumes an 87 percent occupancy rate, reflecting a number of newly constructed but not yet occupied buildings. The "with Plan" analysis in the EIR assumes a 95 percent occupancy rate in addition to assuming build out of the Plan. The increased occupancy rate used in the EIR under "with Plan" conditions as well as the change between 2010 baseline conditions and "with Plan" conditions result in a greater delta (or change) between the existing condition and "with Plan" conditions. This means that, even if the 2010 data in the EIR show

a relatively lower population number than that which exists today, the Central SoMa Plan EIR evaluates a larger change associated with the Plan as a result of this greater delta. Therefore, Plan impacts identified in the EIR are conservative (i.e., worst case).

As stated in Response GC-2 (p. RTC-376), the analysis of transportation impacts is based on counted travel volumes and observed conditions as of 2013, consistent with the baseline conditions at the time of the NOP publication. Furthermore, where more recent information exists, the EIR made a good faith effort to update the baseline data. For example, the EIR's assessment of impacts to BART is based on 2015 ridership data.

As a result of the Central SoMa Neighbors and SFBu's May 9, 2018 letter to the Planning Commission, the Department corrected an error regarding BART data on the record at the May 10, 2018 Planning Commission EIR certification hearing. Response GC-2, starting on p. RTC-375, states that the analysis of impacts to BART was based on data from 2012. These references are incorrect. The BART ridership data used in the EIR is based on 2015 ridership data. References to 2012 BART ridership as being the baseline data used in the analysis have been updated to reflect that the data used was 2015 BART ridership data.

The Appellant provides no substantial evidence or new information to support the assertions that the EIR conducted analysis using an incorrect baseline, and that use of other data would result in more severe environmental effects than those identified in the EIR. Pursuant to the requirements identified in CEQA Guidelines section 15125, the Central SoMa EIR described the conditions at the time the Central SoMa NOP was published. The city made good-faith efforts to update the EIR with the most recent data available where such data exists. The Central SoMa EIR is adequate and accurate, and there is no substantial evidence that suggests otherwise.

**Response 9: The Central SoMa Plan would not result in a significant physical environmental impact with respect to Bay Area Rapid Transit ("BART") station capacity in downtown San Francisco.**

#### CEQA Requirement

The Department evaluates projects in accordance with Appendix G of the CEQA Guidelines (also called the Initial Study checklist). In accordance with Appendix G, a project would result in a significant impact if the project would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. (CEQA Guidelines Appendix G.) Furthermore, CEQA Guidelines section 15382 defines a significant effect on the environment as "a substantial or potentially adverse change in the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

#### Analysis in the Central SoMa Plan EIR

The Appellant correctly notes a reference error in the Central SoMa RTC. The annotation of the Appellant's comment O-CSN-1.62 in Attachment A of the RTC directs the commenter to Response TR-6, but the correct reference is to TR-8. Department staff corrected this reference error on the record at the May 10, 2018 Planning Commission hearing for certification of the EIR.

The Appellant incorrectly asserts that the Central SoMa Plan EIR does not disclose and mitigate the Plan's impact to BART in terms of station capacity and states that the Plan will exacerbate an existing safety issue at BART stations as a result of platform overcrowding. The EIR adequately and accurately analyzes the Plan's impacts on BART. The EIR concludes that the Plan would result in a substantial increase in transit demand and delays, resulting in significant and unavoidable impacts to local and regional transit, including BART.<sup>13</sup> Regarding BART station capacity specifically, the Appellant provides no substantial evidence or new information to support the assertion that implementation of the Plan would result in a significant impact on BART station capacity. Likewise, the Appellant provides no substantial evidence or new information to support the assertions that the existing condition at the Montgomery Street BART station threatens the safety of BART patrons, or that the Central SoMa Plan would exacerbate these alleged safety concerns at the Montgomery Street station.

A letter of support for the Central SoMa Plan from BART's Chief Planning and Development Officer refutes the Appellant's statements regarding impacts to station capacity and safety in BART stations. As explained in RTC Response TR-8 (p. RTC-161), BART's letter acknowledges that the Plan "will stretch BART's ability to comfortably accommodate more customers on our trains and at Powell Station." The letter goes on to state that the city "has been working with BART to develop a funding strategy to support future upgrades and capacity projects in the Station Modernization Plans for Powell, Montgomery and Civic Center Stations." Plans are already being developed by BART to upgrade the Powell and Montgomery BART stations.<sup>14</sup> RTC Response TR-8 further states that the Plan's public benefits package includes \$500 million for transit, and explains that, "These funds would be available to Muni and regional transit operators to accommodate the increased transit ridership as development that would be allowed under the Central SoMa Plan occurs." Of the \$500 million, approximately one-third of the funding, or \$160 million is allocated for regional transit and directed toward core capacity enhancement and expansion projects, of which BART is an eligible beneficiary.<sup>15</sup>

The Appellant takes issue with the RTC's reference to the Transit Center District Plan EIR in RTC Response TR-8. This reference to the Transit Center District Plan is a response to the Appellant's original comment on the DEIR that, "This DEIR *and other prior DEIRs* [emphasis added] in San Francisco are deficient in failing to disclose this impact [platform capacity deficiencies on BART at the Embarcadero and Montgomery stations] and failing to propose effective measures to mitigate it." RTC Response TR-8 points out that the Transit Center District Plan EIR analyzed impacts on BART station capacity at Montgomery and Embarcadero stations and determined those impacts to be significant and unavoidable. This response informs the commenter that prior EIRs identified significant impacts on BART station capacity. Response TR-8 further states that, "This assessment was based on BART's ongoing planning assessments of station operations at the time and the amount of increased ridership generated by

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<sup>13</sup> See Impact TR-3 beginning on Draft EIR page IV.D-43 and RTC Response TR-8 beginning on p. RTC-160.

<sup>14</sup> For more information regarding BART's station capacity and modernization plans see:

<https://www.bart.gov/about/planning/station>. Accessed June 15, 2018.

<sup>15</sup> Central SoMa Plan Adoption Packet, Exhibit V.3B- Draft Public Benefits Program, pp.4-7. Planning Department Case No. 2011.1356MTZU. Available online at: <http://commissions.sfplanning.org/cpcpackets/2011.1356EMTZU.pdf>. Accessed June 27, 2018.

development under the Transit Center District Plan” and that, “A portion of the fee revenues collected within the Transit Center District Plan has been allocated toward station capacity improvements to the Montgomery Street and Embarcadero BART Stations.” Thus, the information included in RTC Response TR-8 directly addresses the issues raised by the Appellant’s original comment letter.

The Appellant provides no evidence that construction of upgrades to BART facilities to accommodate development enabled under the Plan, if any are required, would result in any significant physical environmental impacts. To accommodate additional riders, BART is considering new entrances, stairs, elevators, better space planning, and the like.<sup>16</sup> There is no evidence to suggest that such upgrades would result in significant physical environmental effects. The EIR adequately and accurately addresses the Central SoMa Plan’s impacts to transit, including impacts related to transit platform capacity at BART stations in downtown San Francisco.

**Response 10: The Central SoMa Plan EIR adequately and accurately analyzes the Central SoMa Plan’s impact on transportation hazards.**

#### CEQA Requirement

Under CEQA, a project would result in a significant impact if it would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (CEQA Guidelines, Appendix G).

#### Analysis in the Central SoMa Plan EIR

The EIR concludes that although the Central SoMa Plan would increase potential conflicts between all forms of travel –including pedestrians, bicyclists, and motor vehicles- this increase in exposure to conflict would not result in a substantial increase in hazards. (See Draft EIR p. IV.D-41). The Appellant disagrees with this conclusion. As described in the Draft EIR pp. IV.D-9 through IV.D-13, and in RTC Response TR-9 (p. RTC-168), the existing conditions of the Central SoMa Plan Area currently include many impediments to pedestrian circulation that often create an unwelcome pedestrian environment, especially for seniors and persons with disabilities. These impediments include narrow sidewalks, a lack of Americans with Disabilities Act (“ADA”)-compliant curb ramps, high vehicle volumes and speeds turning into crosswalks across multiple travel lanes, peak hour vehicle queues that block crosswalks, and long distances between intersections, which limit crossing opportunities on roadways with high vehicle speeds. The EIR also provides detail on specific areas where pedestrians are exposed to increased vehicle conflicts due to multiple turning lanes and wide turning radii. In particular, wide turning radii at intersection corners enable drivers to make turns at higher speeds during non-peak periods, reducing the time available for driver reaction, and increasing the frequency of pedestrian collisions and the severity of injuries. As presented on Draft EIR p. IV.D-13, these issues create a challenging pedestrian environment for the substantial number of seniors and persons with disabilities who currently live in the area. The

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<sup>16</sup> For more information regarding BART’s station capacity and modernization plans see:  
<https://www.bart.gov/about/planning/station>. Accessed June 15, 2018.

discussion of the existing pedestrian conditions presented in the EIR forms the CEQA baseline against which impacts of the Plan are evaluated.

As described on Draft EIR pp. IV.D-56 and IV.D-57 and in Response RTC TR-9, the Plan includes elements that would address many of the existing pedestrian impediments described above. The Plan would implement changes to the vehicle, pedestrian, and bicycle networks consistent with the goals of the Vision Zero program and the standards in the Better Streets Plan. The Plan includes, where possible: sidewalk widening, corner sidewalk extensions, pedestrian signal timing upgrades, signalized midblock pedestrian crossings, and opening currently closed crosswalks. The Plan's proposed street network changes were specifically designed to improve pedestrian and bicycle mobility and safety throughout the Plan Area to address the poor existing baseline pedestrian conditions. Furthermore, as discussed in the Draft EIR and RTC Response TR-9, implementation of the Central SoMa Plan would not introduce any unusual design features that would result in traffic hazards. The pedestrian safety hazards assessment in the EIR indicated that the street network changes would address existing deficiencies in the street network, accommodate increase in travel by all modes, and enhance pedestrian safety, and would not result in new hazards to pedestrians.

The Appellant further contends that the EIR is deficient because it does not provide a quantitative analysis of conflict incidence without and with development under the Plan, and without and with the street network changes. RTC Response TR-9 (p. RTC-170) responds to this contention:

The commenter claims that no quantitative analysis of conflict incidence without and with development under the Plan, and without and with the street network changes was conducted. However, the commenter provides no evidence that such an analysis is required under CEQA. Forecasts of future conflict incidences on an area wide Plan level that take into account countermeasures proposed for the transportation network are not possible to develop because no site-specific analysis has been conducted, given the programmatic nature of the Draft EIR analysis. The traffic engineering analysis requested by the commenter is appropriate for each specific street improvement, which would be undertaken by SFMTA [San Francisco Metropolitan Transportation Agency] and, as stated above, each improvement would be reviewed Transportation Advisory Staff Committee (TASC). Therefore, the lack of such an analysis does not render the transportation impact analysis as inadequate. As noted above, the planning process involved in developing the Central SoMa Plan street network changes analyzed in the Draft EIR did consider available collision data, as well as additional analyses of pedestrian, bicycle, and vehicle circulation in the Plan Area. Thus, based on the above, the Draft EIR presents a comprehensive qualitative assessment of the Plan's effects on safety and right-of-way issues, potential worsening of existing, or creation of new, safety hazards, and conflicts with bicycles, transit, and vehicles.

The Appellant expresses dissatisfaction with this response, but provides no substantial evidence or new information demonstrating that CEQA requires such quantitative analysis. The EIR adequately and accurately identifies the Central SoMa Plan's impact on safety hazards. Furthermore, the Draft EIR determines that Alternative 5 – Central SoMa Land Use Only results in significant pedestrian hazard impacts, and acknowledges that without the Plan's proposed street network changes, significant pedestrian hazard impacts would occur. In contrast, the Central SoMa Plan, including street network projects, would have a less-than-significant impact on pedestrian hazards.

**Response 11: The Central SoMa EIR adequately and accurately analyzes the Central SoMa Plan's impact on emergency access.**

CEQA Requirement

For Transportation/Traffic, Appendix G of the CEQA Guidelines requires identification of whether a project would result in inadequate emergency access.

Analysis in the Central SoMa Plan EIR

The Appellant questions the ability of Mitigation Measure M-TR-8, Emergency Vehicle Access Consultation, to effectively move traffic out of the way of emergency vehicles and reduce the significant emergency access impact identified in the EIR to a less-than-significant level. As discussed in RTC Response TR-12 (p. RTC-180), the EIR determined that the Plan's proposed street network changes, in combination with increases in vehicle traffic generated by development that could occur under the Plan, would result in a significant impact on emergency vehicle access. Mitigation Measure M-TR-8 would ensure that SFMTA, to the degree feasible, designs street network projects to include features that create potential opportunities for cars to clear travel lanes for emergency vehicles. Examples of these features include curbside loading zones, customized signal timing, or other approaches developed through ongoing consultation with the San Francisco Fire Department. In addition to M-TR-8, the EIR identifies three other mitigation measures that would contribute to reducing impacts to emergency access to a less-than-significant level: M-TR-3a Transit Enhancements, M-NO-1a Transportation Demand Management for New Development Projects, and M-AQ-5e Central SoMa Air Quality Improvement Strategy. M-TR-3a, M-NO-1a, and M-AQ-5e would all reduce the amount of congestion anticipated on Plan Area streets by funding transit services and reducing the number of vehicle trips anticipated to be generated from subsequent development under the Plan. Therefore, in addition to California law, which requires that drivers yield the right-of-way to emergency vehicles, the EIR identifies four mitigation measures that collectively ensure that impacts to emergency access would be reduced to less than significant levels. The Appellant provides no additional information or substantial evidence to demonstrate that impacts to emergency access as a result of the Central SoMa Plan would remain significant with the implementation of Mitigation Measures M-TR-8, M-TR-3a, M-No-1a, and M-AQ-5e.

**Response 12: The Central SoMa Plan EIR accurately addresses plan-level and cumulative construction impacts on traffic, pedestrian, and bicyclist operations and safety.**

CEQA Requirement

CEQA Guidelines section 15378 defines a "project" as "the whole of the action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment...." CEQA Guidelines section 15355 defines cumulative impacts as "two or more individual effects which, when considered together are considerable or which compound or increase other environmental impacts. (a) The individual effects may be changes resulting from a single project or a number of separate projects. (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present and reasonably foreseeable future projects."



### Analysis in the Central SoMa Plan EIR

The Central SoMa Plan is the project that is analyzed in the EIR. The Central SoMa Plan, aside from proposed street network changes and open space improvements, would not result in direct changes to the physical environment. Rather, the Plan's proposed changes to the zoning map height and use districts would result in indirect effects on the environment because these changes would encourage redevelopment of sites. The EIR analysis focuses on the indirect impacts on the physical environment resulting from subsequent development enabled by the Plan. All components of the Plan are considered to be part of the project analyzed in the EIR at a program level. Subsequent development projects located within the Plan Area that would occur under the Plan, if approved, are considered in the EIR's programmatic analysis of the Plan.

Impact TR-9, beginning on Draft EIR p. IV.D-81, analyzes the impact of multiple subsequent development projects that, under the Plan, could be under construction at the same time within close proximity to each other. The EIR explains that construction of these projects could result in detours and delays to vehicles, including transit, and bicyclists, and other construction-related transportation impacts. The EIR determined that the Plan-level construction impacts are significant, and identified mitigation measure M-TR-9: Construction Management Plan and Construction Coordination to reduce those impacts. However, the EIR determined that impacts occurring from the simultaneous construction of multiple subsequent development projects and proposed street network changes could not be mitigated to less than significant levels. The EIR identifies this Plan-level impact as significant and unavoidable.

The Appellant appears to confuse the significant Plan-level construction impacts with the potential for the Plan's impacts to combine with the impacts of other reasonably foreseeable projects. The EIR's cumulative impact analysis examines the potential for significant construction-related transportation impacts to occur as a result of the Central SoMa Plan (the project) in combination with other cumulative projects (not reliant on the Central SoMa Plan or outside the Plan Area). As stated in the EIR (p. IV.D-109), the impacts of implementation of the Plan, in combination with construction of other reasonably foreseeable projects, would not result in significant cumulative construction-related transportation impacts for the following reasons:

- Many of the identified cumulative projects are currently underway, and/or will be completed in the near term, prior to initiation of construction of subsequent development projects, open space improvements, or street network projects under the Plan.
- Transportation-related construction impacts are typically confined to the immediate vicinity of the construction activities, and are of limited duration (e.g., typically two to three years for development projects, and one to two years for street network changes).
- There are no forecasted developments or other infrastructure projects in the vicinity of the Plan Area that would overlap in location and schedule with construction of subsequent development projects and the Plan's street network changes, so as to result in significant disruptions to traffic, transit, pedestrians, or bicyclists. This is particularly true given that the Plan's approval does not provide approval of any development project and any subsequent development project enabled by the Plan would require a separate approval, which may require further environmental review.

The Appellant provides no substantial evidence or other information to suggest that cumulative construction transportation impacts (impacts resulting from the Central SoMa Plan plus other reasonably foreseeable projects) would occur.

**Response 13: The Central SoMa Plan EIR adequately and accurately identifies all feasible mitigation measures to reduce the Plan's significant air quality impacts.**

#### CEQA Requirement

CEQA Guidelines section 15126.4 governs the consideration and discussion of mitigation measures. This section states the following:

- An EIR shall describe feasible measures which could minimize significant adverse impacts;
- Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments;
- Mitigation measures are not required for effects which are not found to be significant; and
- Mitigation measures must be consistent with all applicable constitutional requirements, including: (1) there must be an essential nexus (i.e., connection) between the mitigation measure and a legitimate governmental interest, and (2) the mitigation measure must be "roughly proportional" to the impacts of the project.

Section 15364 of the CEQA Guidelines defines "feasible" as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

#### Mitigation Measures in the Central SoMa Plan EIR

Appellant Central SoMa Neighbors and SFBlu are correct that the EIR determined that the proposed street network changes and subsequent development enabled under the Plan would result in significant and unavoidable air quality impacts. Draft EIR p. IV.F-48 clearly discloses the expected health risk impact resulting from development under the Plan. The Draft EIR, in "Section IV.F Air Quality," beginning on p. IV.F-1 identified 12 mitigation measures to reduce air quality impacts, but determined that despite implementation of all of these mitigation measures, operational criteria air pollutant and health risk impacts resulting from the Plan and reasonably foreseeable cumulative projects would remain significant and unavoidable.

The Appellant contends that the EIR does not identify all feasible mitigation measures, and proposes a number of mitigation measures also suggested in their comment letter on the Draft EIR. Based on the Appellant's comments on the Draft EIR, the Department identified one additional feasible air quality mitigation measure (M-AQ-5e), for a total of 13 mitigation measures. Response AQ-2 (pp. RTC-208 through RTC-213) contains a comprehensive evaluation of each of the air quality measures suggested by the Appellant in its comment letter on the Draft EIR. As discussed in Response AQ-2, a number of the suggested mitigation measures, such as solar panels on buildings, are already required by San Francisco's Green Building Code, and need not be considered additional mitigation.

The Appellant does not identify any additional feasible mitigation measures beyond those suggested in their Draft EIR comment letter, and does not provide any evidence that the suggested mitigation measures would reduce localized health risks resulting from the Plan. A number of measures suggested by the Appellant, such as installation of solar water heaters and solar energy storage would not reduce localized health risks and the Appellant has provided no evidence of how such measures would reduce local health risk.

The Appellant asserts that the EIR refuses to require retrofit of existing buildings with air filtration to reduce indoor cancer risk. But Response AQ-2 contains a discussion regarding the challenges associated with retrofitting existing buildings, and concludes that substantial evidence does not demonstrate that it would be feasible to retrofit an occupied residential building for compliance with the enhanced ventilation requirements that Health Code Article 38 imposes upon new buildings. This mitigation measure was determined to be infeasible and need not be considered further. (CEQA Guidelines section 15126.4.) The RTC also identifies Mitigation Measure M-AQ-5e, Central SoMa Air Quality Improvement Strategy. This mitigation measure requires the Department to identify additional feasible measures to reduce Plan-generated emissions and population exposure. Specific potentially feasible measures identified in M-AQ-5e include: collection of air quality monitoring data, additional transportation demand management requirements, incentives for replacement or upgrade of existing emissions sources, the distribution of portable air cleaning devices, and public education regarding reducing air pollutant emissions and their health effects. This mitigation measure requires the Department to develop a strategy to explore the feasibility of such measures within four years of Plan adoption. The Central SoMa Plan public benefits package includes \$22 million to fund freeway corridor air quality and greening improvements, which may be used to implement this mitigation measure.<sup>17</sup>

The EIR includes the one mitigation measure suggested by the Appellant that the Department determined was feasible (i.e., M-AQ-5e).<sup>18</sup> Other mitigation measures suggested by the Appellant were fully analyzed and determined to either be: (1) already required by existing regulations; (2) infeasible; or (3) would not reduce the significant air quality impacts identified in the EIR. The EIR identifies all feasible mitigation measures to reduce the Plan's health risk impact.

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<sup>17</sup> Central SoMa Plan Adoption Packet, Exhibit V.3B- Draft Public Benefits Program, p.4. Planning Department Case No. 2011.1356MTZU. Available online at: <http://commissions.sfplanning.org/cpcpackets/2011.1356EMTZU.pdf>. Accessed June 27, 2018.

<sup>18</sup> The inclusion of Mitigation Measure M-AQ-5e does not meet the requirement for recirculation of the EIR, as the Planning Commission has adopted this mitigation measure. CEQA Guidelines section 15088.5(a)(3) requires recirculation of an EIR upon identification of a new mitigation measure that would clearly reduce environmental impacts, but only if "the project's proponents decline to adopt it."

**Response 14: The EIR accurately and adequately analyzes shadow impacts resulting from the Central SoMa Plan.**

Administrative Code Requirement

Neither CEQA nor the CEQA Guidelines require an analysis of shadow effects resulting from a proposed project. Chapter 31 of the administrative code sets forth San Francisco's procedures for implementing CEQA. Section 31.10(a) requires the Department to utilize Appendix G of the CEQA Guidelines as the basis for evaluating the environmental effects of a project, supplemented to address additional environmental effects, including shadow impacts, and the analysis set forth in Planning Code section 295. The Department's Initial Study checklist, adapted from CEQA Guidelines, Appendix G, asks whether the project would "create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas." Environmental review in San Francisco evaluates whether shadow from a project would adversely affect the use of outdoor publicly accessible open space.<sup>19</sup> In making this determination, the Department typically prepares shadow figures showing the amount of shadow cast on the open space, and characterizes how the open space is used. Both of these types of information are necessary to determine whether new shadow cast by a project would substantially affect the use of the open space.<sup>20</sup> The Department evaluates shadow impacts on all public open spaces based on this checklist criterion.

Analysis in the Central SoMa Plan EIR

The Appellant is correct that the Draft EIR's shadow figures modeled a 300-foot-tall building on Harrison Street, east of Fourth Street instead of a 350-foot-tall building. This error was corrected in the RTC and additional shadow figures were prepared. As explained in Response PD-9, p. RTC-78, shadow "effects on the 303 Second Street [publicly accessible open spaces] POPOS would be less than significant because this open space would remain in sunshine during the lunchtime period throughout most of the year." This correction to the EIR's shadow figures did not result in new significant impacts or substantially increase the severity of an impact, and did not require new mitigation measures. Therefore, this correction does not require recirculation pursuant to CEQA Guidelines section 15088.5.

Contrary to the Appellant's contention, the Department evaluates shadow impacts on all public open spaces, not only impacts on Recreation and Parks Department property. The EIR evaluates the Plan's shadow impact on all existing public open spaces potentially affected by Plan development, whether or not that open space is under the jurisdiction of the Recreation and Parks Department. Beginning on Draft EIR pp. IV.H-36, the EIR makes significance determinations for shadow impacts on all other open spaces

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<sup>19</sup> To be significant, an impact under CEQA must be adverse. "A significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project." (CEQA Guidelines section 15002(g)).

<sup>20</sup> Memorandum from Rachel Schuett and Kevin Guy to Planning Department Staff and Shadow Analysis Consultants, *Shadow Analysis Procedures and Scope Requirements*, July 2014. Available on the Planning Department website at: <http://sfmea.sfplanning.org/Shadow%20Memo.pdf>. Accessed June 14, 2018. This document is also included as Attachment B to Exhibit B of the Central SoMa Neighbors and SFBlu's appeal letter.

not subject to Planning Code section 295, including privately owned, publicly accessible open spaces (“POPOS”) within and adjacent to the Plan Area.

The Appellant contends that the Plan would result in significant shadow impacts on the 303 Second Street POPOS. As discussed above, the significance criterion is not whether new shadow would occur on such open spaces, but whether that shadow would substantially adversely affect the use of the public open space being shadowed. As explained in the Draft EIR (p. IV.H-38) and again in Response PD-9 (p. RTC-78), Response SH-2 (p. RTC-233 to RTC-234), and the EIR’s May 9, 2018 erratum, the 303 Second Street POPOS is heavily used during the midday due to its seating, landscaping, fountain, and proximity to many restaurants in the adjacent office building. The EIR’s analysis finds that, although new shade from the Plan would be cast on this POPOS as early as 10 a.m. and through the afternoon on the winter solstice (December 21), this POPOS remains in at least partial sunlight in the noon hour year-round, and remains in full sunlight around the summer solstice. The EIR therefore concludes that the Plan would not substantially affect the use of this POPOS.

Unlike Recreation and Parks Department properties or other properties that provide substantial outdoor public open space, such as Yerba Buena Gardens, POPOS were originally required to be developed with office development as part of the Downtown Plan. The Downtown Plan’s goal was to “provide in the downtown quality open space in sufficient quantity and variety to meet the needs of downtown workers, residents and visitors.”<sup>21</sup> Because POPOS were expected to be developed in connection with tall buildings, it was anticipated that they would be shaded by those buildings. The Appellant has not provided any evidence that shadows cast by subsequent development pursuant to the Plan would adversely affect the use of the 303 Second Street POPOS.

Although not a concern raised by the Appellants, the Department conducted additional analysis of shadow impacts on public schools within and near the Plan Area. That analysis concludes that the Plan would not result in shadows on public school open space that would substantially affect the use of those spaces. Therefore, the EIR’s less-than-significant shadow conclusion remains accurate when the Plan’s shadow is analyzed on public school facilities. This analysis is included as Attachment E to this appeal response.

**Response 15: The Central SoMa Plan Initial Study adequately evaluated plan-level and cumulative impacts on public services and recreation facilities.**

**CEQA Requirement**

Appendix G of the CEQA Guidelines (Initial Study checklist) requires identification of whether a project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities. For recreation, the Initial Study checklist requires the identification of 1) whether a project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, and 2) whether the project includes

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<sup>21</sup> Downtown Plan, Objective 9. Available at: <http://generalplan.sfplanning.org/Downtown.htm>. Accessed June 27, 2018.

recreational facilities or requires the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. As stated in Response PS-2 on p. RTC-336, "It is not necessary for an EIR to evaluate the adequacy of public services, either individually or cumulatively, or to ensure that adequate services are provided. Rather, CEQA is concerned with the physical impacts of a project on the environment." Therefore, contrary to the Appellant's claim, the Public Services and Recreation questions in Appendix G of the CEQA Guidelines do not require the city to plan for adequate public services or recreation facilities as part of a proposed project, but rather, to evaluate the physical environmental effects of constructing new facilities that may be needed as a result of a proposed project. The Appellant has provided no evidence that new public service facilities or recreational facilities would be required, or that any such facilities would have significant environmental effects not already disclosed in the EIR. The following summarizes the Initial Study conclusions reached for each of these topics.

#### Central SoMa Plan Initial Study Public Services Analysis

The Initial Study evaluated the impacts of the Plan on public services and determined that the Plan would not result in the need for new facilities, the construction of which could result in significant physical impacts on the environment. RTC Response PS-2, beginning on p. RTC-336, thoroughly addresses the Appellant's concern. As stated in the Initial Study (p. 121) and the RTC (p. RTC-336), should the Fire Department (or Police Department or other City agency) determine at some point that new facilities are needed, any potentially significant effects from the construction of such facilities would be similar to those anticipated by development under the Plan, such as noise, archeological impacts, air quality impacts such as emissions of dust and other pollutants, including diesel exhaust, and temporary street closures or other traffic obstructions. That is, construction of a new fire station, police station, or other comparable government facility would not result in new significant impacts not already analyzed and disclosed in the EIR. Thus, the environmental analysis for the Central SoMa Plan evaluates the physical environmental effects from the construction of any such facilities.

The Central SoMa Plan EIR identified a number of significant impacts, including significant impacts that cannot be mitigated to a less-than-significant level, from growth in the Plan Area. Construction of new governmental facilities, should it be warranted, could contribute incrementally to such Plan-level impacts. Should such facilities be constructed, they would be subject to applicable mitigation measures identified in the EIR, just as any other physical development in the Plan Area would be. The Appellant has not provided substantial evidence or new information that the construction of new public services facilities, should those facilities be necessary, would result in any new significant impacts that are not already analyzed and disclosed in the Central SoMa Plan EIR.

#### Central SoMa Plan Initial Study Recreation Analysis

The Initial Study evaluated the Plan's impact on parks, open spaces, and recreational facilities, and determined that the Plan would not result in the physical deterioration of park facilities or environmental effects associated with new park facilities not already proposed in the Plan. RTC Responses RE-1 (beginning on p. RTC-326) and RE-2 (beginning on p. RTC 329) thoroughly address the Appellant's concerns regarding the Initial Study's recreation conclusion.

The Appellant asserts that the increased population resulting from the Plan merits additional recreation facilities. As noted in the Initial Study at p. 106 and in Draft EIR Table IV-1, Summary of Growth

Projections, p. IV-6, the growth forecasts for the Plan anticipate considerably more employment growth than residential growth. As a result, it is likely that much of the new recreational use resulting from development under the Plan would be passive use. Office workers and other employees in the area are less likely than residents to make “active” use of parks and open spaces, such as using playgrounds, ball fields, and similar facilities, and are more likely to spend time in publicly accessible open spaces during breaks, the lunch hour, and after work.

Furthermore, the Plan calls for the creation of three new public parks: a new public park in the southwest part of the Plan Area on the block bounded by Fourth, Fifth, Bryant and Brannan streets; a new linear park along Bluxome between Fourth and Fifth streets; and a third, large, new park within or near Central SoMa, including site identification and design, and potentially site acquisition and construction pending costs and funding. The Plan also calls for the development of new public recreational facilities other than parks, including working with developers of large new projects to locate and create a new public recreation center, and working with the California Department of Transportation (Caltrans) to develop new public recreational facilities under the Interstate 80 freeway.<sup>22</sup> The Central SoMa Plan Public Benefits program estimates the Plan would result in a total of \$185 million in public benefits for parks and recreation facilities, which includes funding for the parks discussed above, in addition to: \$80 million worth of POPOS provided by new non-residential projects, \$25 million in funding for the reconstruction/expansion of the Gene Friend Recreation Center, \$10 million in funding for a new public recreation center, and \$5 million for initial site identification of a new large park in SoMa.<sup>23</sup>

Finally, as noted in Response PM-1, p. RTC-355, in 2013, the Department of Public Health performed a Sustainable Communities Health Assessment analysis of the 2013 draft Plan using the City’s Healthy Development Measurement Tool and found that, among other things, implementation of the Plan would be expected to “substantially increase the amount of publicly accessible open space in the Plan Area.”

The Plan would provide a substantial amount of open space that would help offset the demand for open space in the Plan Area. There is no evidence to suggest that the Central SoMa Plan would result in the physical deterioration of recreational resources or create a need for new recreational facilities, the construction of which could result in significant physical environmental impacts, not already disclosed in the EIR. Furthermore, given that the Central SoMa EIR identified no significant plan-level or cumulative impacts to recreation facilities, no mitigation is required pursuant to CEQA section 21081.

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<sup>22</sup> Central SoMa Plan, Draft For Public Review, August 2016. Part II: Central SoMa Plan Implementation Strategy, Appendix A Implementation Strategy, pp.115-116. Available at: [http://default.sfplanning.org/Citywide/Central\\_Corridor/Central\\_SoMa\\_Plan\\_full\\_report\\_FINAL.pdf](http://default.sfplanning.org/Citywide/Central_Corridor/Central_SoMa_Plan_full_report_FINAL.pdf). Accessed June 27, 2018.

<sup>23</sup> Central SoMa Plan Adoption Packet, Exhibit V.3B- Draft Public Benefits Program, p.4. Planning Department Case No. 2011.1356MTZU. Available online at: <http://commissions.sfplanning.org/cpcpackets/2011.1356EMTZU.pdf>. Accessed June 27, 2018.

**Response 16: The Central SoMa EIR evaluates a reasonable range of alternatives that would meet the basic project objectives and would reduce significant impacts, although not to less-than-significant levels.**

#### CEQA Requirement

Pursuant CEQA Guidelines section 15126.6(a), an EIR is required to set forth alternatives necessary to permit a reasoned choice and shall be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project. An EIR need not consider every conceivable alternative to a project but instead “must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” (CEQA Guidelines section 15126.6(a).) An EIR, however, does not have to identify and analyze alternatives that would not meet most of the project sponsor’s basic objectives, nor does it have to discuss every possible variant or permutation of alternatives, or alternatives that do not further reduce or eliminate significant impacts of the project. (*Id.*) Under the “rule of reason” governing the selection of the range of alternatives, the EIR is required “to set forth only those alternatives necessary to permit a reasoned choice.” (CEQA Guidelines Section 15126.6(f).)

#### Central SoMa Plan EIR Alternatives

The EIR identifies and analyzes five alternatives to the Plan, including: (1) the CEQA-required No Project Alternative; (2) the Reduced Heights Alternative; (3) the Modified TODCO Plan; (4) the Land Use Variant; and (5) the Land Use Plan Only Alternative. The EIR also discusses an alternative (initial TODCO Plan proposing higher height limits) that was initially considered for analysis and explains why this alternative was ultimately rejected for further analysis.

Alternatives were developed that would reduce the Central SoMa Plan’s significant and unavoidable impacts while still meeting most of the basic project objectives. The EIR identifies significant and unavoidable impacts that are generally tied to the Plan’s overall intensity of development, street network changes, and height limits, and includes effects related to historic architectural resources; transit capacity and delay; pedestrian overcrowding in crosswalks; on-street commercial loading and related hazardous conditions or delay that may affect transit, other vehicles, bicycles, or pedestrians; hazardous conditions and interference with pedestrian, bicycle, or vehicle circulation and accessibility due to construction; traffic noise (including a related General Plan Environmental Protection Element conflict); construction noise; emissions of criteria air pollutants and toxic air contaminants; and pedestrian-level wind.

The Appellants: (1) contend the EIR should have evaluated an increased housing alternative, claiming that such an alternative would substantially lessen the Plan’s significant impacts on transit, traffic, and air quality; (2) state that the EIR should include an alternative with lower heights on certain blocks; and (3) express support for the EIR’s Reduced Heights Alternative (referred to as the mid-rise height alternative in the 2013 Central Corridor Plan). The RTC document responds to all three of these issues. The Appellant’s expression of support for the EIR’s Reduced Height Alternative is not a comment on the adequacy or accuracy of the EIR, but rather the merits of the Plan, and does not require a response. Response AL-1 (p. RTC-274) explains why the EIR is not required to consider the alternatives proposed by the Appellants. The following summarizes the RTC’s findings in this regard.



Alternative with Lower Heights on the Blocks Bounded by I-80, Folsom, Second and Third Streets

As explained in Response AL-1 (pp.RTC-279 to RTC-280), the commenter (and now appellant) does not provide evidence that such an alternative would meet the Plan objectives, nor that the alternative would avoid or substantially lessen any significant effects of Plan implementation. The EIR includes an evaluation of the No Project Alternative, a scenario that assumes that building heights on the blocks in question are limited to 130 feet, as requested in the comments on the Draft EIR.

Increased Housing Alternative

The Central SoMa Plan, aside from proposed street network changes and open space improvements, would not result in direct changes to the physical environment. Rather, the Plan's proposed changes to the zoning map height and use districts would result in indirect effects on the environment because these changes would encourage redevelopment of sites. The growth projections presented in the EIR represent the city's assessment of likely development that could occur under the Plan. The growth projections analyzed in the EIR do not represent a "cap" on the amount of office or housing that may occur. Many of the Plan's zoning changes would permit both office and housing. Depending on market forces and other factors, it is possible that more housing could be developed under the proposed zoning, resulting in fewer overall jobs and more housing than the EIR estimates.

Response AL-1 contains a detailed analysis of why the EIR need not evaluate an increased housing alternative. The Appellant specifically states that such an alternative would reduce the Plan's significant traffic, transit, and air quality impacts. Regarding traffic, Response AL-1 states:

While the VMT analysis shows that the Plan would incrementally increase VMT per office job within the Plan Area by its increase in office jobs, these office jobs would still result in far less VMT per office job on a regional basis, assuming that the regional office employment total [as projected by ABAG in *Plan Bay Area*] would remain constant. This is because office jobs in the Plan Area, and in San Francisco in general, generate substantially lower VMT per job than do office jobs elsewhere in the Bay Area, given the Plan Area's proximity to other regional transportation modes. While decreased office employment in the Plan Area could incrementally reduce [total] VMT within the Plan Area itself, it may increase [total] VMT regionally by forcing those jobs to occur elsewhere and in less-efficient VMT per capita settings, which is the key metric for greenhouse gas reduction. Accordingly, increasing housing by reducing employment, relative to the Plan proposals, could have greater impacts than would be the case with the Plan.

In the same regard, it is possible that an increased housing alternative may reduce localized health risks, but if projected office jobs are located in other, less-efficient VMT areas, a regional increase in VMT could result in more severe criteria air pollutant impacts. Finally, although it is possible that an increased housing alternative could reduce local transit impacts, the EIR includes five alternatives, four of which—the No Project Alternative, the Reduced Heights Alternative, the Modified TODCO Plan, and the Land Use Variant—would reduce local transit impacts. The EIR evaluates a reasonable range of alternatives required by CEQA.

It is possible that the Appellant is suggesting that the EIR study a higher housing density alternative that would not reduce the amount of jobs predicted to occur under the Plan. The Appellant provides citations to various documents that support an argument that increasing housing densities could reduce

greenhouse gas emissions on a per capita basis. The Initial Study determined that the Plan would result in less-than-significant greenhouse gas emissions, in part for the same reasons as suggested by the Appellant: that the Plan would result in development patterns that bring people closer to jobs and services in more mixed use, compact communities that facilitate walking, biking, and use of transit. As discussed above, the focus of the alternatives analysis is to reduce or eliminate significant impacts of the Plan. Given that the Initial Study found greenhouse gas emissions resulting from the Plan to be less than significant, the EIR need not study an increased housing density alternative specifically to address greenhouse gas emissions. Additionally, while a higher housing density alternative could further reduce the Plan's less-than-significant greenhouse gas emissions (and its less-than-significant VMT impact), it is possible that such an alternative could incrementally increase the number of vehicle trips generated, thereby increasing localized health risks and traffic noise, both of which were found to be significant and unavoidable in the EIR.

The Appellant further suggests that a higher housing density alternative could be achieved by increasing building heights, without specifying those limits. Such an alternative could increase the severity of the significant and unavoidable wind impact identified in the EIR and could increase shadow impacts to the extent that a new significant shadow impact, not already disclosed in the EIR, could result. As such, an alternative that increases heights to allow for additional housing need not be considered.

**Response 17: Publication of the Central SoMa Plan Response to Comments document complied with CEQA requirements and standard Planning Department practice.**

#### CEQA Requirement

CEQA Guidelines section 15088 states that a lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report. This requirement is consistent with San Francisco Administrative Code section 31.15(a).

#### Publication of Central SoMa RTC

The Department published the RTC document on Wednesday, March 28, 2018, 14 days prior to the originally proposed April 12, 2018 EIR certification hearing date at the Planning Commission. This is consistent with CEQA requirements, chapter 31 of the administrative code, and the Department's practice of publishing RTC documents two weeks prior to the certification hearing. The certification hearing was later continued to May 10, 2018. Therefore, the RTC was published 42 days before the Planning Commission certified the EIR.

### **CONCLUSION**

The Appellants have not raised any new issues relative to the Project's physical environmental impacts that were not previously addressed in the Draft EIR and appendices, RTC document and attachments, and errata and attachments, or at the EIR certification hearing. As discussed above, the analysis and conclusions of the Final EIR are supported by substantial evidence in the record. Moreover, the Appellants have not provided substantial evidence in support of their arguments regarding the adequacy and accuracy of the Final EIR. Argument and speculation alone are not substantial evidence under

CEQA. Even if the Appellants had provided substantial evidence that contradicts the analysis and conclusions of the Final EIR, the agency's adequacy determination remains valid when the EIR is based on substantial evidence in the record. The Final EIR and supporting documents provide such substantial evidence.

For the reasons stated above, the Planning Commission's certification of the EIR complies with the requirements of CEQA, the CEQA Guidelines, and chapter 31 of the San Francisco Administrative Code. The Department, therefore, recommends that the Board uphold the Commission's decision to certify the EIR and deny the appeals.

## **Attachment A. Project and Procedural Background and Significant and Unavoidable Project Impacts Resulting from the Central SoMa Plan**

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This attachment contains a detailed discussion of the project background, the procedural background for conducting the environmental analysis in compliance with the California Environmental Quality Act (“CEQA”), and lists the significant and unavoidable environmental impacts that were identified in the Environmental Impact Report (“EIR”). The appeal response contains a summarized version of the information in this attachment.

### **PROJECT BACKGROUND**

#### **Eastern Neighborhoods Planning Process and Central Subway Project Development**

The need for the Central SoMa Plan became apparent during the Eastern Neighborhoods planning process, which was initiated in the early 2000s. The Eastern Neighborhoods planning efforts had two primary objectives: to address and attempt to ensure a stable future for PDR (“production, distribution and repair,” generally light industrial) businesses in the city, mainly through zoning restrictions; and to plan for a substantial amount of new housing, particularly housing affordable to low-, moderate- and middle-income families and individuals. New housing would be developed in the context of “complete neighborhoods,” which would provide sufficient amenities for new residents of these areas.

At that time, the City determined that the pending development of the Central Subway transit project and the development potential of the surrounding area necessitated a separate, focused planning process that took into account the City’s growth needs as well as the opportunity to link transportation and land use planning. The Department initiated the Central SoMa planning process in earnest in early 2011 with funding from the California Department of Transportation (“Caltrans”) and the San Francisco Municipal Transportation Agency (“SFMTA”).

#### **April 2013 Draft Central Corridor Plan**

The Department issued a draft of what was then called the Central Corridor Plan in 2013. The 2013 draft Plan covered a 28-block area from Market Street south to Townsend Street, between Second and Sixth streets. With the draft Central Corridor Plan, the Department sought to accommodate job and housing growth in close proximity to local and regional transit. Key objectives of the 2013 Plan were to increase development capacity and density, consider the future of remaining industrially zoned parcels, and improve the physical, social, and environmental conditions within the Plan Area. The 2013 draft Plan also included a robust public realm and a substantial transformation of key streets to support transit, walking, and biking. Although the northern portion of the 2013 draft Plan incorporated portions of the existing Downtown Plan area and C-3 (Downtown Commercial) Use Districts, none of the C-3 Use Districts were proposed for rezoning.

#### **August 2016 Draft Central SoMa Plan and Implementation Strategy**

In August 2016, the Department issued the Draft Central SoMa Plan and Implementation Strategy. The same underlying concepts and principles support both the 2013 and 2016 Plans. The current Plan, which

proposes to “accommodate growth, provide public benefits, and respect and enhance neighborhood character” (2016 Plan p. 5) is a refinement of the 2013 Plan, which aimed to “support transit-oriented growth” (2013 Plan Goal 1) while “respecting the rich context, character and community of SoMa, providing benefits for its existing residents and workers as well as the services needed for new ones, and growing sustainably” (2013 Plan p. 6). In addition to changing the name of the Plan and reorganizing the content of the report, the major changes in the Plan included the following:

- Changing the boundary of the Plan Area: formerly, the Plan Area extended further north, to the south side of Market Street; with the change, the current Plan Area includes all or part of 17 city blocks, excluding areas zoned C-3 (where no change in zoning was proposed under the 2013 draft Plan);
- Eliminating the “mid-rise” height limit option from the draft Plan; this option is still considered in the EIR, but is renamed the “Reduced Heights Alternative” in the EIR and “Option A” in the Initial Study (see Chapter VI, Alternatives);
- Adding several measures to support retention of PDR space in the Plan Area; and
- Additional objectives, policies, and implementation measures addressing neighborhood sustainability.

## PROCEDURAL BACKGROUND

### Notice of Preparation and Initial Study

In compliance with section 15082 of the CEQA Guidelines, the Department prepared a Notice of Preparation (“NOP”) and Initial Study,<sup>1</sup> which was sent to public agencies and interested individuals on April 24, 2013. On that date, an environmental review notice associated with the NOP was published in a newspaper of general circulation in San Francisco. During a 30-day public scoping period that ended on May 24, 2013, the Department accepted comments from agencies and interested parties identifying environmental issues that should be addressed in the EIR. In addition, a public scoping meeting was held on May 15, 2013, to explain the environmental review process for the Central SoMa Plan and to provide an opportunity to receive public comments and concerns related to the Plan’s environmental issues. The Department considered the public comments received at the scoping meeting and in writing during the scoping period and prepared an Initial Study assessing which of the Plan’s environmental topics would not result in significant impacts on the environment. The Department published the Initial Study on February 12, 2014. The Initial Study determined that the Plan would not result in significant environmental effects (in some cases, with mitigation identified in the Initial Study) for the following environmental topics:

- **Population and Housing;**
- **Greenhouse Gas Emissions;**
- **Recreation;**

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<sup>1</sup> A copy of the NOP, Initial Study, Draft EIR, Response to Comments and errata may be accessed here: <http://sf-planning.org/area-plan-eirs>.

- **Utilities and Service Systems** (except for potential impacts related to combined sewer system operation on water quality and potential impacts of sea level rise, which are addressed in the EIR in Section IV.I, Hydrology and Water Quality);
- **Public Services;**
- **Biological Resources** (significant impact identified, but mitigated through measures identified in the Initial Study);
- **Geology and Soils;**
- **Hydrology and Water Quality** (except for potential impacts related to effects of combined sewer system operation on water quality and potential impacts of sea level rise, which are addressed in the EIR in Section IV.I, Hydrology and Water Quality);
- **Hazardous Materials** (significant impact identified, but mitigated through measures identified in the Initial Study);
- **Mineral and Energy Resources;** and
- **Agricultural Resources.**

Because the Initial Study analysis was based on a previous draft of the Plan circulated for review in 2013, the 2016 Plan was reviewed to ensure the Initial Study's conclusions reached on the 2013 draft remain valid. No new information related to the 2016 Plan necessitated changing any of the Initial Study's significance conclusions reached for the 11 topics that would be less than significant or less than significant with mitigation measures. As such, no further environmental analysis of these Initial Study topics was required in the Central SoMa Plan EIR.

## Draft EIR

The Draft EIR<sup>2</sup> was published on December 14, 2016, and circulated to governmental agencies and to interested organizations and individuals for a 60-day public review period that began December 14, 2016, and concluded on February 13, 2017. In addition, the Planning Commission held a public hearing on the Draft EIR on January 26, 2017, and planning commissioners, organizational representatives, and individuals made oral comments at that hearing.

## Responses to Comments

The Department prepared a Responses to Comments ("RTC")<sup>3</sup> document that includes responses to comments on environmental issues received at the Draft EIR public hearing that was held on January 26, 2017, and in writing during the 60-day public review period for the Draft EIR. In addition, the RTC document included text changes (or text revisions) that were proposed in response to comments received or based on additional information that became available during the public review period and that represent a refinement or clarification to the text of the EIR. The comments do not provide evidence of new significant impacts or a substantial increase in the severity of previously identified impacts, nor do they identify feasible project alternatives or mitigation measures that are considerably different from those analyzed in the Draft EIR and that the project sponsor has not agreed to implement. None of the conclusions in the Draft EIR changed, and no significant new information that would require

<sup>2</sup> The Draft EIR may be accessed here: <http://sf-planning.org/area-plan-eirs>.

<sup>3</sup> The RTC may be accessed here: <http://sf-planning.org/area-plan-eirs>.

recirculation of the Draft EIR under section 21092.1 of CEQA, California Public Resources Code § 21000 *et seq.* and the CEQA Guidelines section 15088.5 was identified.

The RTC document was published on March 28, 2018, distributed to the Planning Commission and all parties who commented on the Draft EIR, and made available to others upon request at the Department offices. The document, along with the Draft EIR, was originally proposed to be presented to the Planning Commission for Final EIR certification on April 12, 2018. While CEQA requires the RTC document to be released a minimum of 10 days prior to the certification of the EIR, the Department released the document a full 14 days prior to the proposed April 12, 2018 certification date. The certification date of the Central SoMa Plan EIR was continued to May 10, 2018, resulting in the release of the RTC 42 days prior to the EIR certification hearing.

## Errata

Following publication of the RTC document, the legislative sponsors proposed modifications to various aspects of the Plan based upon feedback from the community and decision makers. On April 5, 2018, the Department issued errata to the EIR (Attachment B to the appeal response) that analyzed the Plan changes that occurred after February 15, 2018, revised Mitigation Measure M-CP-1a, and made a minor correction to the Draft EIR.

After the issuance of the first errata, the Department determined that it was necessary to update the Central SoMa Plan Final EIR certification date, provide an analysis of additional changes to the Central SoMa Plan's proposed height and zoning maps for Block 3763, Lots 112 and 113 that was included in substitute legislation introduced on April 10, 2018, clarify the application of EIR mitigation measures to subsequent development projects, amend mitigation measures, include a list of approvals for the Housing Sustainability District Ordinance, and evaluate a list of recommended and other potential changes to the Central SoMa Plan included in the May 3, 2018 Planning Commission packet. In a second errata to the EIR, issued on May 9, 2018 (Attachment C to the appeal response), the Department determined that these proposed modifications would not result in new significant environmental impacts or substantially increase the severity of a significant impact identified in the Draft EIR, as modified by the RTC document, and no new mitigation measures would be necessary. Furthermore, these modifications to the project description and additional revisions to the EIR do not change any of the conclusions in the Draft EIR, as modified by the RTC document, and do not constitute significant new information that requires recirculation of the Draft EIR under CEQA section 21092.1 and CEQA Guidelines section 15088.5.

## EIR Certification

On May 10, 2018, the Planning Commission held a hearing to consider certification of the Final EIR, which consists of the Draft EIR and appendices, RTC and attachments, and errata and attachments. The Planning Commission reviewed and considered the information contained in the Final EIR and found that the Final EIR reflected the independent judgment and analysis of the City and County of San Francisco. The Planning Commission found that the Final EIR was adequate, accurate and objective, and that the RTC document and the errata dated April 5, 2018 and May 9, 2018 contained no significant revisions to the Draft EIR. The Planning Commission certified the Final EIR in compliance with the requirements of CEQA, the CEQA Guidelines, and chapter 31 of the San Francisco Administrative Code.

The EIR is an informational document intended to inform public agency decision-makers and the public of the significant environmental effects of a project proposal, identify possible ways to minimize the

significant effects, and describe feasible alternatives to the project to reduce or eliminate those significant effects. Certification of an environmental document does not constitute a project approval of any kind.

## **Project Impacts**

The EIR concludes that the Central SoMa Plan would result in the following significant and unavoidable environmental impacts, even where feasible mitigation measures were identified:

### Land Use and Land Use Planning

1. Central SoMa Plan development, including proposed open space improvements and street network changes, would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. Specifically, the Plan could result in traffic noise along Howard Street that could conflict with policy 9.6 of the General Plan's Environmental Protection Element, related to changes to streets which will result in greater traffic noise. The EIR finds this to be a significant plan-level and cumulative land use impact.

### Cultural Resources

2. Central SoMa Plan development would result in a substantial adverse change in the significance of historical resources, contributors, and historic districts as defined in CEQA Guidelines Section 15064.5. The EIR finds this to be a significant plan-level and cumulative impact.

### Transportation and Circulation

3. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in significant plan-level and cumulative transit impacts on local and regional transit providers.
4. Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in crosswalk overcrowding. The EIR finds this to be a significant plan-level and cumulative impact.
5. Central SoMa Plan development would result in significant plan-level and cumulative commercial and passenger loading impacts that may create hazardous conditions or cause significant delays that affect transit, other vehicles, bicycles and pedestrians.
6. Construction activities associated with Central SoMa Plan development, including the proposed open space improvements and street network changes, would result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas, and would result in potentially hazardous conditions.

### Noise

7. Central SoMa Plan development, including the proposed street network changes, would result in a substantial permanent increase in ambient noise above existing levels. The EIR finds this to be a significant plan-level and cumulative impact.
8. Construction activities resulting from Central SoMa Plan development, including the proposed street network changes and open space improvements, would result in a substantial temporary or periodic increase in noise levels.



### Air Quality

9. The operation of subsequent individual development projects in the Central SoMa Plan Area and the proposed street network changes would violate an air quality standard, contribute to an existing or projected air quality violation, and/or result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under federal or state ambient air quality standards.
10. Central SoMa Plan development, including the proposed street network changes, would result in operational emissions of fine particulate matter (PM<sub>2.5</sub>) and toxic air contaminants that would result in exposure of sensitive receptors to substantial pollutant concentrations. The EIR finds this to be a significant plan-level and cumulative impact.

### Wind

11. Subsequent future development under the Plan could alter wind in a manner that substantially affects public areas.

All other impacts would be either less than significant or can be reduced to a less-than-significant level with implementation of the mitigation measures identified in the EIR.



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** April 5, 2018  
**TO:** Planning Commission  
**FROM:** Elizabeth White and Jessica Range, Environmental Planning  
**RE:** Errata to the Environmental Impact Report for the  
Central South of Market (SoMa) Area Plan  
Planning Department Case No. 2011.1356E

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Following publication of the Responses to Comments document (RTC) for the Central South of Market Area (SoMa) Plan Draft Environmental Impact Report (Draft EIR), the Planning Department determined it was necessary to: (1) further clarify Mitigation Measure M-CP-1a in the Draft EIR, (2) correct an error in the Draft EIR, and (3) provide an analysis of whether the EIR evaluates the environmental effects of additional Plan changes proposed by legislative sponsors between February 15, 2018 and April 5, 2018, as presented in the Planning Commission packet for consideration on April 12, 2018. This errata addresses each of these three items.

The Environmental Planning Division of the Planning Department has determined that these clarifications, corrections, and analysis of Plan changes do not change any of the conclusions in the EIR and do not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

These additional staff-initiated text changes will be incorporated into the Final EIR. New revisions are noted in **red**, with deletions marked with ~~strikethrough~~ and additions noted with double underline.

## **1. Clarification of Mitigation Measure M-CP-1a:**

The following revisions are made to Table S-1, Summary of Impacts of the Plan-Identified in the EIR [Revisions Only], on RTC page 402.

TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN – IDENTIFIED IN THE EIR [REVISIONS ONLY]

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
...			
<b>C. Cultural and Paleontological Resources</b>			
Impact CP-1: Development under the Plan would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district located in the Plan Area, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.	S	<p>* Mitigation Measure M-CP-1a: <b>Mandatory Consultation Regarding Avoidance or Minimization of Effects on Identified Historical Resources.</b> The project sponsor of a subsequent development project in the Plan Area shall consult with the Planning Department's <del>Preservation staff</del> at the time of submittal of an environmental evaluation application to determine whether there are feasible means to <del>re-design or otherwise revise the project to avoid a substantial significant adverse change in the significance of an effects on historic architectural resource(s)</del> (including historic districts), whether previously identified or identified as part of the project's historical resources analysis. Pursuant to CEQA Guidelines Section 15064.5(b), "[s]ubstantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired." If avoidance is not feasible, the project sponsor shall <b>consult with Planning Department staff to determine whether there are feasible means to seek feasible means to reduce effects on historic architectural resource(s) to the maximum extent feasible, a less than significant level.</b> Avoidance and minimization measures shall seek to retain the resource's character-defining features, and may include, but are not limited to: retention of character-defining features, building setbacks, salvage, or adaptive reuse. <b>In evaluating the feasibility of avoidance or reduction of effects, the Planning Department shall consider whether avoidance or reduction can be accomplished successfully within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors, along with the Central SoMa Plan policies and project objectives. The applicability of each factor would vary from project to project, and would be determined by staff on a case-by-case basis with the significance of the impact to be judged based on whether the proposed project would materially impair the resource as defined in CEQA Guidelines Section 15064.5(b).</b></p> <p>Should Planning Department staff determine through the consultation process that avoidance or reduction of effects on historic architectural resources is <del>Mitigation Measure M-CP-1a be determined to be infeasible.</del> Measures M-CP-1b, M-CP-1c, M-CP-1d, and/or M-CP-1e, shall be applicable <del>based on the specific circumstances of the project in question. CEQA Guidelines Section 15264 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors."</del> <b>The applicability of each factor would vary from project to project, and would be determined by staff on a case-by-case basis.</b></p> <p>...</p>	SUM

The following revisions are made to RTC page 455:

On Draft EIR p. IV.C-58, Mitigation Measure M-CP-1a has been revised as follows to clarify guidance with regard to avoiding or minimizing effects on historical impacts:

**Mitigation Measure M-CP-1a: Mandatory Consultation Regarding Avoidance or Minimization of Effects on Identified Historical Resources.** The project sponsor of a subsequent development project in the Plan Area shall consult with the Planning Department's ~~Preservation staff at the time of submittal of an environmental evaluation application to~~ determine whether there are feasible means to ~~redesign or otherwise revise the project to avoid a substantial significant adverse change in the significance of an effects on~~ historic architectural resource(s) (including historic districts), whether previously identified or identified as part of the project's historical resources analysis. Pursuant to CEQA Guidelines Section 15064.5(b), "[s]ubstantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired." If avoidance is not feasible, the project sponsor shall consult with Planning Department staff to determine whether there are feasible means to ~~seek feasible means to~~ reduce effects on historic architectural resource(s) ~~to the maximum extent feasible, a less than significant level.~~ Avoidance and minimization measures shall seek to retain the resource's character-defining features, and may include, but are not limited to: retention of character-defining features, building setbacks, salvage, or adaptive reuse. In evaluating the feasibility of avoidance or reduction of effects, the Planning Department shall consider whether avoidance or reduction can be accomplished successfully within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors, along with the Central SoMa Plan policies and project objectives. The applicability of each factor would vary from project to project, and would be determined by staff on a case-by-case basis. ~~with the significance of the impact to be judged based on whether the proposed project would materially impair the resource as defined in CEQA Guidelines Section 15064.5(b).~~

Should Planning Department staff determine through the consultation process that avoidance or reduction of effects on historic architectural resources is Mitigation Measure M-CP-1a be determined to be infeasible, Measures M-CP-1b, M-CP-1c, M-CP-1d, and/or M-CP-1e, shall be applicable, based on the specific circumstances of the project in question. CEQA Guidelines Section 15364 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The applicability of each factor would vary from project to project, and would be determined by staff on a case by case basis.

## 2. Corrections to the Draft EIR

The following revisions are made to the last two sentences on Draft EIR page VI-4:

Development under the The No Project Alternative assumes that growth in the Plan Area and the city would occur with or without implementation of the Plan, but that absent implementation of the Plan, a smaller percentage of citywide growth would occur in the Plan Area. The No Project Alternative Plan would result in additional traffic that would increase traffic noise levels throughout the Plan Area vicinity. As shown in Table IV.E-9, Cumulative Plus Plan Traffic Noise Analysis, under 2040 cumulative no project conditions traffic noise levels would increase by 3 dBA or more along Fourth Street between Brannan and Townsend

Streets, which would be a significant and unavoidable impact and would conflict with *General Plan* policy regarding traffic noise (Impact LU-2).

### 3. Analysis of Plan Changes that Occurred After February 15, 2018

The attached memorandum evaluates the environmental effects of Plan changes proposed by legislative sponsors between February 18, 2018 and April 5, 2018, as presented in the Planning Commission packet for consideration on April 12, 2018. This analysis finds that the EIR adequately addresses the Central SoMa Plan, with these proposed modifications. This document is being included in the EIR as a new Appendix G. Therefore, the following revision is made to the Draft EIR's Table of Contents' list of appendices on Draft EIR page vi:

Appendix G Analysis of Environmental Effects of Plan Changes for the Central South of Market Area (SoMa) Plan

Enclosures:

Appendix G Analysis of Environmental Effects of Plan Changes Presented April 5, 2018 for the Central South of Market Area (SoMa) Plan



## SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** April 5, 2018  
**TO:** Planning Commission  
**FROM:** Elizabeth White and Jessica Range, Environmental Planning  
Steve Wertheim, Citywide Planning  
**RE:** Analysis of Environmental Effects of Plan Changes  
Presented April 5, 2018 for the Central South of Market  
Area (SoMa) Plan  
Planning Department Case No. 2011.1356E

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**415.558.6377**

Following publication of the Responses to Comments document (RTC) for the Central South of Market Area (SoMa) Plan Draft Environmental Impact Report (Draft EIR), the legislative sponsors and the Planning Department propose to modify various aspects of the Plan based upon feedback from the community and decision-makers. The Environmental Planning division has reviewed these changes, which are detailed in the Planning Commission packet for April 5, 2018 and determined that the environmental analysis conducted for the EIR adequately analyzes the Central SoMa Plan, with these modifications.

This memoranda explains how proposed strategies designed to maximize the number of housing units anticipated under the Plan would not result in increased physical environmental effects beyond that already studied in the EIR, and therefore would not change any of the conclusions in the EIR and do not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

### **Proposal to Maximize Housing under the Central SoMa Plan**

The Planning Department has developed a two-pronged proposal to maximize the number of housing units anticipated under the Plan. These proposals include a modification to the Planning Code and Zoning Map as discussed below.

#### Planning Code Amendments

The Planning Department proposes to modify Planning Code Section 249.78(c)(6)(A) to increase the size of sites previously designated to be commercially-oriented from 30,000 square feet to 40,000 square feet.

This change to the Planning Code would require two sites in the Plan Area previously anticipated to be commercial to become residential, which would result in a net increase of 640 units above that anticipated by the Plan and a net decrease of approximately 2,050 jobs.<sup>1</sup> This change would also result in a commensurate reduction in the total number of projected jobs, discussed further below.

### Zoning Map Amendments

The Planning Department proposes to change the zoning map from the currently proposed West SoMa Mixed Use Office (WMUO)<sup>2</sup> to Central SoMa Mixed Use Office (CMUO) on the following parcels: Block 3777, Lots 047-049 and Block 3778, Lots 001, 001C, 001D, 001E, 001F, 016-019, 022-023, 025-026, 032, 046A, 046B, 046C, 046D, 046E, 046F, 046G, 046H, and 051-087. The existing zoning on these parcels is West SoMa Service, Arts, Light Industrial (WS-SALI). Both WS-SALI and WMUO generally do not allow residential uses. The proposed change to CMUO would allow residential uses on these sites, thus shifting the Plan's projected amount of jobs and housing units. The EIR assumed soft sites on these parcels would result in new office jobs. If the soft sites were developed as residential uses, this zoning change could generate about 600 additional housing units, with a commensurate reduction in the projected number of 2,700 jobs.<sup>3</sup>

### **Effect of Changes on Housing Units and Jobs Projected Under the Central SoMa Plan**

The above proposed modifications to the Central SoMa Plan would result in a shift from projected office uses to residential uses. Altogether, these Planning Code and Zoning Map amendments would result in a net increase of 1,240 residential units and a commensurate reduction of 4,750 jobs.

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<sup>1</sup> Calculation based on the Planning Department's *Buildout Analysis for Central SoMa*, January 25, 2018. This document and all other documents referenced in this memoranda are on file and available for public review as part of Case File No. 2011.1356E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, 94103. This document includes a parcel-level analysis of development potential in the Plan Area that was utilized for the EIR and conveys that the two sites affected by this proposed change (490 Brannan Street and 330 Townsend Street) had a development potential under the previously proposed requirements of approximately 184,000 gross square feet of residential development, resulting in approximately 150 units and approximately 450,000 of non-residential uses, resulting in space for approximately 2,050 jobs, based on the EIR's assumption of 1,200 gross square feet per unit and 219 gross square feet per new job (including 200 square feet per office worker and higher for other types of jobs)(calculations of density contained in the Planning Department's *Central SoMa EIR Inputs by TAZ*, November 13, 2017). Subsequent analysis determined that, based on the revised proposal, these two sites could contain approximately 972,000 square feet of residential development if these sites are developed as fully residential, resulting in approximately 790 units.

<sup>2</sup> Note that the Plan uses the term "WMUO" and the EIR uses the term "WS-MUO." Both refer to the WSoMa Mixed-Use Office District contained in Section 845 of the Planning Code.

<sup>3</sup> Calculation based on the Planning Department's *Buildout Analysis for Central SoMa*, (January 25, 2018), which includes a parcel-level analysis of development potential in the Plan Area. This document conveys that the 62 lots affected by this proposed change had a development potential under the previously proposed requirements of approximately 800,000 square feet of non-residential space, resulting in space for approximately 3,650 jobs )(calculations of density contained in the Planning Department's *Central SoMa EIR Inputs by TAZ*, November 13, 2017). Subsequent analysis determined that, based on the revised proposal, these lots could contain approximately 720,000 square feet of residential development and 200,000 square feet of non-residential development, presuming these small sites are predominantly residential but include some small office and other non-residential uses. Such development would result in space for approximately 600 new units and 950 jobs.

## Central SoMa Plan EIR Analysis

As explained in the EIR, the analysis of physical impacts related to the proposed Planning Code and Zoning Map amendments are based, in part, on growth projections developed by the Planning Department. These growth projections inform the quantitative analysis of effects of the Plan on the physical environment.

As shown in **Table IV-1, Summary of Growth Projections** on Draft EIR page IV-6, the EIR analyzes an increase of approximately 14,500 residential units within the EIR study area, of which 8,320 units are anticipated to occur within the Plan Area. The Plan, on the other hand, projects a total of 7,060 residential units.<sup>4</sup> With the additional 1,240 residential units projected under the Plan, the total projected number of residential units would be 8,300 units, which is below the 8,320 units analyzed in the EIR. Additionally, there would be a commensurate reduction in the number of jobs projected in the Plan area of about 4,750 jobs. As shown in **Table IV-1, Summary of Growth Projections** on Draft EIR page IV-6, the EIR analyzes an increase of approximately 63,600 jobs within the EIR study area, of which 44,000 are anticipated to occur within the Plan Area.<sup>5</sup> The Plan, on the other hand, projects a total of 39,000 jobs.<sup>6</sup> As a result of this change, the number of new jobs anticipated under the Plan would be reduced to approximately 34,250 jobs.

## Conclusion

The Central SoMa Plan EIR conservatively analyzed higher growth projections than could occur from the proposed Plan's Planning Code and Zoning Map amendments. The modification to the Central SoMa plan would result in a shift in anticipated jobs and housing, but would not exceed the total number of residential units analyzed in the EIR. Thus, these changes to the Plan would not result in increased physical environmental effects beyond that already studied in the EIR, and therefore would not change any of the conclusions in the EIR and do not constitute significant new information that requires recirculation of the EIR under CEQA and the CEQA Guidelines. Other changes to the Plan are proposed and detailed in the Planning Commission packet for April 5, 2018 and those changes have also been evaluated and determined to not result in physical environmental effects beyond that already analyzed in the EIR.

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<sup>4</sup> Steve Wertheim, *Memorandum Regarding Central SoMa Plan-Clarification of Housing Numbers*. December 7, 2017.

<sup>5</sup> Calculation based on the Planning Department's *Central SoMa EIR Inputs by TAZ* (November 13, 2017).

<sup>6</sup> Calculation based on the Planning Department's *Buildout Analysis for Central SoMa*, (January 25, 2018), which includes a parcel-level analysis of development potential in the Plan Area.





# SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: May 9, 2018  
 TO: Planning Commission  
 FROM: Jessica Range and Elizabeth White, Environmental Planning  
 RE: Errata to the Environmental Impact Report for the Central South of Market (SoMa) Area Plan  
 Planning Department Case No. 2011.1356E

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Following publication of the Responses to Comments (RTC) document for the Central South of Market Area (SoMa) Plan Draft Environmental Impact Report (Draft EIR), the Planning Department determined it was necessary to:

- (1) update the Central SoMa Plan Final EIR certification date;
- (2) provide an analysis of changes to the Central SoMa Plan's proposed height and zoning maps for Block 3763, Lots 112 and 113 that was included in substitute legislation introduced on April 10, 2018 by Mayor Farrell and Supervisor Kim;
- (3) clarify the application of Central SoMa Plan EIR mitigation measures to subsequent development projects;
- (4) amend mitigation measures;
- (5) include a list of required approvals for the Housing Sustainability District Ordinance; and
- (6) evaluate a list of recommended and other potential changes to the Central SoMa Plan included in the May 3, 2018 Planning Commission packet to determine whether the EIR adequately analyzes these potential changes in the event decision makers choose to include these changes in the Central SoMa Plan.

This erratum addresses each of these items. Staff-initiated EIR text changes will be incorporated into the Final EIR. New revisions are noted in **red** with additions noted with double underline and deletions noted in ~~strikethrough~~.

## 1. Central SoMa Plan Final EIR Certification Date

On April 12, 2018, the Planning Commission continued certification of the Final EIR to May 10, 2018. As such, the following revision is made to the exterior and interior RTC cover pages and page RTC-i:

Final EIR Certification Date: ~~April 12, 2018~~ May 10, 2018

Additionally, the following revisions are made to the distribution memoranda accompanying the RTC:

**This document, along with the Draft EIR, will be before the Planning Commission for Final EIR certification on ~~April 12, 2018~~ May 10, 2018.** The Planning Commission will receive public testimony on the Final EIR certification at the ~~April 12, 2018~~ May 10, 2018, hearing.

These revisions to the Final EIR's certification date do not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code section 21092.1) and the CEQA Guidelines (14 California Code of Regulations section 15088.5).

## **2. Update Central SoMa Plan analysis for Block 3763, Lots 112 and 113**

On April 10, 2018 Mayor Farrell and Supervisor Kim introduced substitute legislation implementing the Central SoMa Plan. The Environmental Planning Division of the Planning Department reviewed the substitute legislation and determined that the proposed changes to the zoning and height map for Block 3763 and Lots 112 and 113 require additional analysis to determine whether the proposed changes would result in new significant impacts or impacts of greater severity that were not disclosed in the Draft EIR. The substitute legislation would extend the proposed Central SoMa Mixed Use-Office (CMUO) Use District onto an approximately 7,400-square-foot, irregularly shaped area at the north-easternmost portion of Block 3763, Lot 112. The proposal would also extend a 350-CS Height and Bulk District to encompass the southern portion of this same 7,400-square-foot area (Block 3763, Lot 112), as well as the southern portion of Block 3763, Lot 113, which is an approximately 5,400-square-foot, irregularly shaped parcel, immediately north of Lot 112. EIR Appendix H, attached to this erratum, analyzes these proposed changes and finds that the proposed revisions to the Central SoMa Plan's Use District and Height and Bulk District Maps on Block 3763, Lots 112 and 113, would not result in any new or substantially more-severe significant impacts with respect to aesthetics, wind, or shadow, or any other CEQA topic, than those that were identified in the Draft EIR. However, in light of these proposed changes, the following revisions to the EIR are necessary:

Figure II-3 [Revised] in the RTC has been revised following publication of the RTC to show the zoning now proposed on a portion of Block 3763, Lot 113.

Figure II-7 [Revised] in the RTC has been revised following publication of the RTC to show the heights now proposed on Block 3763, Lot 112 and a portion of Lot 113.

Figure IV.B-19, Mid-Range Visual Simulation: Interstate 80 Westbound: Existing Conditions Plus Plan has been revised following publication of the RTC to show the heights now proposed on Block 3763, Lot 112 and a portion of Lot 113.

Figure IV.H-6 and the December 10 a.m. image in EIR Appendix E have been revised to depict the changes in shadow analysis resulting from the proposed revisions to the Central SoMa Height Map.

These revised figures are presented on the following pages.

[www.sfplanning.org](http://www.sfplanning.org)



SOURCE: San Francisco Planning Department

Case No. 2011.1356E: Central SoMa Plan

**Figure II-3**  
Proposed Plan Area Use Districts [Revised]



SOURCE: San Francisco Planning Department

Case No. 2011.1356E: Central SoMa Plan

**Figure II-7**

Proposed Plan Area Height and Bulk Districts [Revised]



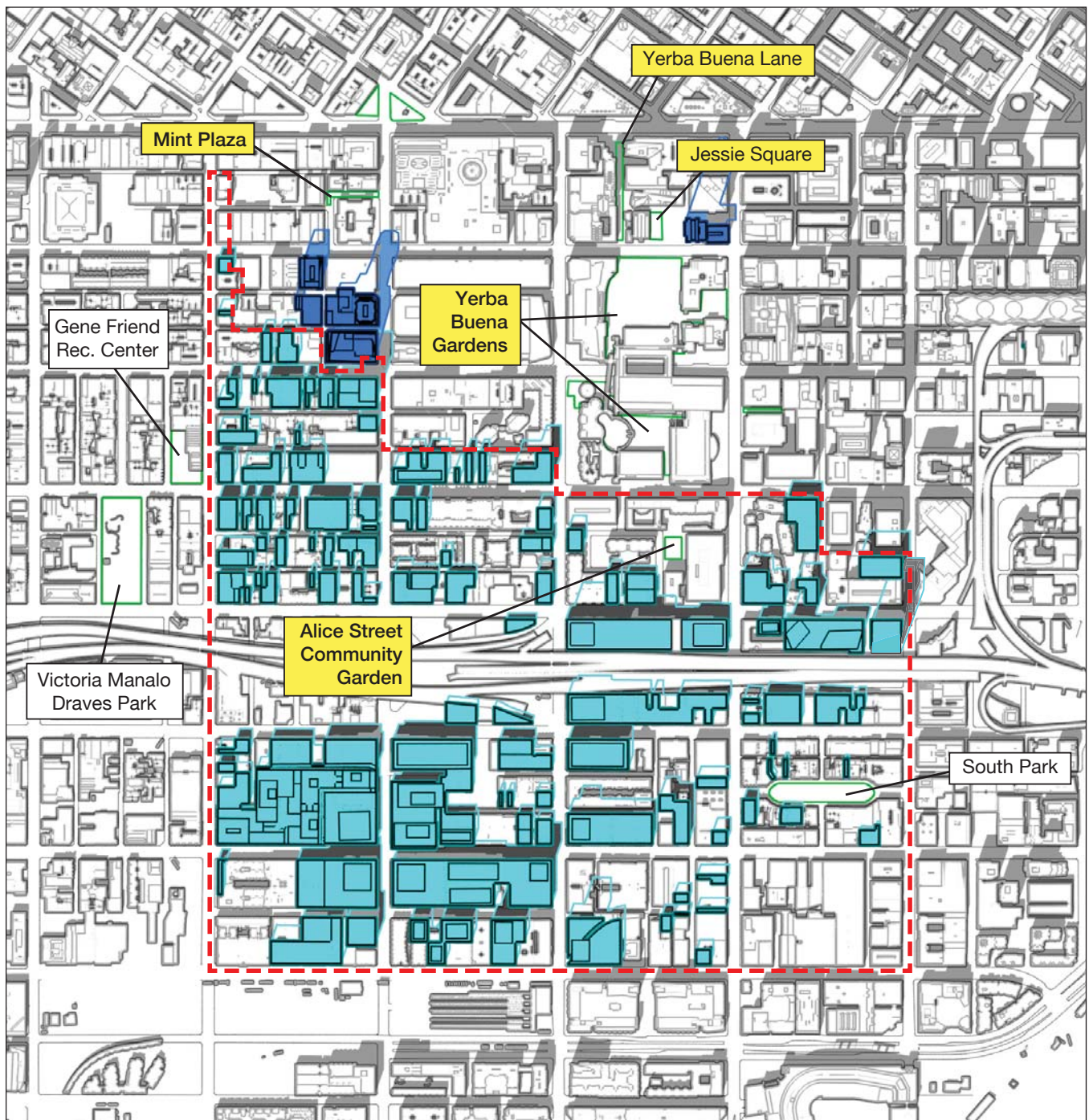


SOURCE: Square One, 2018

Case No. 2011.1356E: Central SoMa Plan

**Figure IV.B-19**

Mid-Range Visual Simulation: Interstate 80 Westbound:  
Existing Conditions Plus Plan [Revised]



--- Plan Area Boundary



#### OPEN SPACES

- Section 295 Park
- Other Open Space

- Potential New Buildings and their Shadows
- Potential New Buildings' Net New Shadows at Ground Level
- Existing Shadows at Ground Level

- Approved New Buildings (5M and 706 Mission) and their Shadows
- Approved New Buildings' (5M & 706 Mission) Net New Shadows at Ground Level

SOURCE: CADP

Case No. 2011.1356E: Central SoMa Plan

#### Figure IV.H-6

Shadows: September 20 (Fall Equinox) 12:00 noon [Revised]





Central SoMa Plan  
December 20 10:00 am

- Proposed New Buildings
- Proposed New Buildings Net New Shadows
- Existing Shadows

3495

- Proposed New Buildings 5M & 706 Mission
- Proposed New Buildings 5M & 706 Mission Net New Shadows



In addition, the following text changes are made to the first paragraph of the wind analysis on page IV.G-13 in the Draft EIR:

Two other new exceedances would occur at the intersection of Fourth and Townsend Streets (#47 and 48), near the southwestern corner of a potential 400-foot-tall building, and five new exceedances would occur near, and south of, the intersection of Second and Harrison Streets (#4, 5, 7, 8, and 14), in proximity to a site at 400 Second Streets that would have height limits permitting ~~three towers at heights of up to 200 feet, 350 feet, and 350 feet.~~

The following text changes are made to the first full paragraph of Draft EIR p. IV.H-38 to reflect the potential change in net new shadow from the proposed height map revision.

New shadow from Plan Area development could cast a small amount of new shadow on the western edge of the POPOS in front of 303 Second Street, across Second Street from the Plan Area, in the mid-afternoon on the solstice. At 10:00 a.m. on the winter solstice in December, new shadow from Plan Area development would be cast eastward onto the 303 Second Street POPOS. On the equinoxes, new shading would begin around noon, and would continue through much of the afternoon, reaching a peak around 2:00 p.m., when about one quarter to one third of the POPOS could be shaded. On the winter solstice, new shading could increase, beginning around 10 a.m. and continuing through most of the afternoon. At its peak, new shading could cover most of the plaza, especially between about noon and 2:00 p.m. By 3:00 p.m. on the winter solstice, most of the plaza is currently shaded. The actual amount of shading would depend on the height and massing of the building projecting its shadow toward this POPOS.

As explained above, Appendix H, attached to this erratum, evaluates the environmental effects of the substitute Central SoMa Plan legislation introduced on April 10, 2018. This document is being included in the EIR as a new Appendix H. Therefore, the following revision is made to the Draft EIR's Table of Contents' list of appendices on Draft EIR page vi:

Appendix H. Central SoMa Plan Draft EIR Revisions Arising from Zoning Changes at Second and Harrison Streets

These revisions to the Draft EIR does not constitute significant new information that requires recirculation of the EIR under CEQA (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5)

### **3. Clarification of the Application of EIR Mitigation Measures to Subsequent Development Projects**

Subsequent development projects may be required to undergo additional environmental review in accordance with *California Public Resources Code* Section 21083.3 and CEQA Guidelines Section 15183 or *California Public Resources Code* Section 21094.5 and CEQA Guidelines Section 15183.3. That analysis would determine whether Central SoMa EIR mitigation measures apply to a subsequent development project. During that analysis, program-level mitigation measures identified in the Central SoMa EIR may be amended to address the specific characteristics of the subsequent project's impact. To clarify this, the following revision is made to Section I.B.4 on Draft EIR page I-6:



CEQA Guidelines Section 15168(c) states that subsequent activities in the program must be examined in light of the program EIR to determine whether an additional environmental document must be prepared. Thus, this EIR assumes that subsequent development projects in the Plan Area would be subject to environmental review at such time as those projects are proposed. The analysis of subsequent projects would be based on existing conditions at the site and vicinity, at such time a project is proposed, and would take into account any updated information relevant to the environmental analysis of the subsequent project (e.g., changes to the environmental setting or updated growth forecasts, models, etc.). Furthermore, for the environmental analysis of the subsequent project, the Planning Department would identify applicable mitigation measures in this EIR and prepare a project-specific Mitigation, Monitoring, and Reporting Program (MMRP), to reflect the specific characteristics of the subsequent project.

This revision to the Draft EIR does not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

#### **4. Amend Mitigation Measures**

To clarify the process for mandatory consultation regarding avoidance or minimization of effects on historical resources, the following amendment has been made to EIR Mitigation Measure M-CP-1a (Mitigation M-CP-1a was revised as part of the April 5, 2018 errata to the EIR for the Central SoMa Area Plan):

TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN — IDENTIFIED IN THE EIR [REVISIONS ONLY]

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
...			
<b>C. Cultural and Paleontological Resources</b>			
<p><b>Impact CP-1:</b> Development under the Plan would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district located in the Plan Area, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.</p>	S	<p><b>* Mitigation Measure M-CP-1a: Mandatory Consultation Regarding Avoidance or Minimization of Effects on Identified-Historical Resources.</b> The project sponsor of a subsequent development project in the Plan Area shall consult with the Planning Department's Preservation staff at the time of submittal of an environmental evaluation application or consolidated development application to determine whether there are feasible means to redesign or otherwise revise the project to avoid a substantial significant adverse change in the significance of an effects on historic architectural resource(s) (including historic districts), whether previously identified or identified as part of the project's historical resources analysis. Pursuant to CEQA Guidelines Section 15064.5(b), "[s]ubstantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired." If avoidance is not feasible, the project sponsor shall <u>consult with Planning Department staff to determine whether there are feasible means to seek feasible means to reduce effects on historic architectural resource(s) to the maximum extent feasible, a less-than-significant-level.</u> Avoidance and minimization measures shall seek to retain the resource's character-defining features, and may include, but are not limited to: retention of character-defining features, building setbacks, salvage, or adaptive reuse. <u>In evaluating the feasibility of avoidance or reduction of effects, the Planning Department shall consider whether avoidance or reduction can be accomplished successfully within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors, along with the Central SoMa Plan policies and project objectives. The applicability of each factor would vary from project to project, and would be determined by staff on a case-by-case basis, with the significance of the impact to be judged based on whether the proposed project would materially impair the resource as defined in CEQA Guidelines Section 15064.5(b).</u> Should Planning Department staff determine through the consultation process that avoidance or reduction of effects on historic architectural resources is <u>Mitigation Measure M-CP-1a be determined to be infeasible.</u> Measures M-CP-1b, M-CP-1c, M-CP-1d, and/or M-CP-1e, shall be applicable based on the specific circumstances of the project in question. <u>CEQA Guidelines Section 15264 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The applicability of each factor would vary from project to project, and would be determined by staff on a case-by-case basis.</u></p> <p>...</p>	SUM

The following revisions are made to RTC page 455:

On Draft EIR p.IV.C-58, Mitigation Measure M-CP-1a has been revised as follows to clarify guidance with regard to avoiding or minimizing effects on historical impacts:

**Mitigation Measure M-CP-1a: Mandatory Consultation Regarding Avoidance or Minimization of Effects on Identified Historical Resources.** The project sponsor of a subsequent development project in the Plan Area shall consult with the Planning Department's Preservation staff at the time of submittal of an environmental evaluation application or consolidated development application to determine whether there are feasible means to ~~redesign or otherwise revise the project to avoid~~ a substantial significant adverse change in the significance of an effects on historic architectural resource(s) (including historic districts), whether previously identified or identified as part of the project's historical resources analysis. Pursuant to CEQA Guidelines Section 15064.5(b), "[s]ubstantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired." If avoidance is not feasible, the project sponsor shall consult with Planning Department staff to determine whether there are feasible means to ~~seek feasible means to reduce effects on historic architectural resource(s) to the maximum extent feasible. a less than significant level.~~ Avoidance and minimization measures shall seek to retain the resource's character-defining features, and may include, but are not limited to: retention of character-defining features, building setbacks, salvage, or adaptive reuse. In evaluating the feasibility of avoidance or reduction of effects, the Planning Department shall consider whether avoidance or reduction can be accomplished successfully within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors, along with the Central SoMa Plan policies and project objectives. The applicability of each factor would vary from project to project, and would be determined by staff on a case-by-case basis. ~~with the significance of the impact to be judged based on whether the proposed project would materially impair the resource as defined in CEQA Guidelines Section 15064.5(b).~~

Should Planning Department staff determine through the consultation process that avoidance or reduction of effects on historic architectural resources is Mitigation Measure M-CP-1a be determined to be infeasible, Measures M-CP-1b, M-CP-1c, M-CP-1d, and/or M-CP-1e, shall be applicable, based on the specific circumstances of the project in question. CEQA Guidelines Section 15364 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The applicability of each factor would vary from project to project, and would be determined by staff on a case by case basis.

To further reduce the significant and unavoidable transit impact identified in the EIR, the following amendments are made to EIR Mitigation Measure M-TR-3a in Table S-1, Summary of Impacts of the Plan-Identified in the EIR.

TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN – IDENTIFIED IN THE EIR [REVISIONS ONLY]

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
...			
<b>D. Transportation and Circulation</b>			
<b>Impact TR-3:</b> Development under the Plan, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.	S	<p><b>Mitigation Measure M-TR-3a: Transit Enhancements.</b> The following are City and County <u>and sponsors of subsequent development projects</u> actions that could reduce the transit impacts associated with implementation of the Central SoMa Plan.</p> <p><i>Enhanced Transit Funding.</i> To accommodate project transit demand, the SFMTA, and other City agencies and departments as appropriate, shall seek sufficient operating and capital funding, including through the following measures:</p> <ul style="list-style-type: none"> <li>• Establish fee-based sources of revenue.</li> <li>• Establish a congestion-charge scheme for downtown San Francisco, with all or a portion of the revenue collected going to support improved local and regional transit service on routes that serve Downtown and the Central SoMa Plan Area.</li> <li>• Area Plan funding for transit enhancements.</li> </ul> <p><i>Transit Corridor Improvement Review.</i> During the design phase, the SFMTA shall review each street network project that contains portions of Muni transit routes where significant transit delay impacts have been identified (routes 8 Bayshore, 8AX Bayshore Express, 8BX Bayshore Express, 10 Townsend, 14 Mission, 14R Mission Rapid, 27 Bryant, 30 Stockton, 45 Union-Stockton, and 47 Van Ness). Through this review, SFMTA shall incorporate feasible street network design modifications that would meet the performance criteria of maintaining accessible transit service, enhancing transit service times, and offsetting transit delay. Such features could include, but shall not be limited to, transit-only lanes, transit signal priority, queue jumps, stop consolidation, limited or express service, corner or sidewalk bulbs, and transit boarding islands, as determined by the SFMTA, to enhance transit service times and offset transit delay. Any subsequent changes to the street network designs shall be subject to a similar review process.</p> <p><i>Transit Accessibility.</i> To enhance transit accessibility, the Planning Department and the SFMTA shall establish a coordinated planning process to link land use planning and development in Central SoMa to transit and other sustainable mode planning. This shall be achieved through some or all of the following measures:</p> <ul style="list-style-type: none"> <li>• Implement recommendations of the <i>Better Streets Plan</i> that are designed to make the pedestrian environment safer and more comfortable for walk trips throughout the day, especially in areas where sidewalks and other realms of the pedestrian environment are notably unattractive and intimidating for pedestrians and discourage walking as a primary means of circulation. This includes traffic calming strategies in areas with fast-moving, one-way traffic, long blocks, narrow sidewalks and tow-away lanes, as may be found in much of the Central SoMa area.</li> <li>• Implement building design features that promote primary access to buildings from transit stops and pedestrian areas, and discourage the location of primary access points to buildings through parking lots and other auto-oriented entryways.</li> </ul>	SUM

TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN – IDENTIFIED IN THE EIR [REVISIONS ONLY]

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> <li>Develop Central SoMa transportation implementation programs that manage and direct resources brought in through pricing programs and development-based fee assessments, as outlined above, to further the multimodal implementation and maintenance of these transportation improvements.</li> <li><u>Sponsors of development projects with off-street vehicular parking facilities with 20 or more vehicular parking spaces shall ensure that recurring vehicle queues do not substantially affect public transit operations on the public right-of-way near the off-street vehicular parking facility. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.</u></li> </ul> <p><u>If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).</u></p> <p><u>Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or onsite queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; transportation demand management strategies such as those listed in the San Francisco Planning Code TDM Program.</u></p> <p><u>If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.</u></p> <p><i>Muni Storage and Maintenance.</i> To ensure that Muni is able to service additional transit vehicles needed to serve increased demand generated by development in Central SoMa, the SFMTA shall provide maintenance and storage facilities.</p>	

Similarly, on Draft EIR p. IV.D-54, Mitigation Measure M-TR-3a has been amended as follows:

**Mitigation Measure M-TR-3a: Transit Enhancements.** The following are City and County and sponsors of subsequent development projects actions that could reduce the transit impacts associated with implementation of the Central SoMa Plan.

*Enhanced Transit Funding.* To accommodate project transit demand, the SFMTA, and other City agencies and departments as appropriate, shall seek sufficient operating and capital funding, including through the following measures:

- Establish fee-based sources of revenue.
- Establish a congestion-charge scheme for downtown San Francisco, with all or a portion of the revenue collected going to support improved local and regional transit service on routes that serve Downtown and the Central SoMa Plan Area.
- Area Plan funding for transit enhancements.

*Transit Corridor Improvement Review.* During the design phase, the SFMTA shall review each street network project that contains portions of Muni transit routes where significant transit delay impacts have been identified (routes 8 Bayshore, 8AX Bayshore Express, 8BX Bayshore Express, 10 Townsend, 14 Mission, 14R Mission Rapid, 27 Bryant, 30 Stockton, 45 Union-Stockton, and 47 Van Ness). Through this review, SFMTA shall incorporate feasible street network design modifications that would meet the performance criteria of maintaining accessible transit service, enhancing transit service times, and offsetting transit delay. Such features could include, but shall not be limited to, transit-only lanes, transit signal priority, queue jumps, stop consolidation, limited or express service, corner or sidewalk bulbs, and transit boarding islands, as determined by the SFMTA, to enhance transit service times and offset transit delay. Any subsequent changes to the street network designs shall be subject to a similar review process.

*Transit Accessibility.* To enhance transit accessibility, the Planning Department and the SFMTA shall establish a coordinated planning process to link land use planning and development in Central SoMa to transit and other sustainable mode planning. This shall be achieved through some or all of the following measures:

- Implement recommendations of the *Better Streets Plan* that are designed to make the pedestrian environment safer and more comfortable for walk trips throughout the day, especially in areas where sidewalks and other realms of the pedestrian environment are notably unattractive and intimidating for pedestrians and discourage walking as a primary means of circulation. This includes traffic calming strategies in areas with fast-moving, one-way traffic, long blocks, narrow sidewalks and tow-away lanes, as may be found in much of the Central SoMa area.
- Implement building design features that promote primary access to buildings from transit stops and pedestrian areas, and discourage the location of primary access points to buildings through parking lots and other auto-oriented entryways.



- Develop Central SoMa transportation implementation programs that manage and direct resources brought in through pricing programs and development-based fee assessments, as outlined above, to further the multimodal implementation and maintenance of these transportation improvements.
- Sponsors of development projects with off-street vehicular parking facilities with 20 or more vehicular parking spaces shall ensure that recurring vehicle queues do not substantially affect public transit operations on the public right-of-way near the off-street vehicular parking facility. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).

Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or onsite queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; transportation demand management strategies such as those listed in the San Francisco Planning Code TDM Program.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

*Muni Storage and Maintenance.* To ensure that Muni is able to service additional transit vehicles needed to serve increased demand generated by development in Central SoMa, the SFMTA shall provide maintenance and storage facilities.

Additionally, to further reduce the significant and unavoidable loading impact identified in the EIR, the following amendments are made to Mitigation Measure M-TR-6b in Table S-1, Summary of Impacts of the Plan-Identified in the EIR.

TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN – IDENTIFIED IN THE EIR [REVISIONS ONLY]

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
...			
<b>D. Transportation and Circulation</b>			
<b>Impact TR-6:</b> Development under the Plan, including the proposed open space improvements and street network changes, would result in an increased demand of on-street commercial and passenger loading and a reduction in on-street commercial loading supply such that the loading demand during the peak hour of loading activities would not be accommodated within on-street loading supply, would impact existing passenger loading/unloading zones, and may create hazardous conditions or significant delay that may affect transit, other vehicles, bicycles, or pedestrians.	S	<p><b>Mitigation Measure M-TR-6b: Accommodation of On-Street Commercial Loading Spaces and Passenger Loading/Unloading Zones.</b></p> <p>The SFMTA shall develop a curb management strategy (strategy) for Central SoMa or within proximity of the street network changes that articulates curb use priorities for different types of streets, while safely managing loading demands. This strategy should guide the approach to any affected commercial and passenger loading/unloading zones (loading zones) during any City agency's development of detailed plans for each segment of the proposed street network changes. Replacement of loading zones will be considered, to the extent feasible.</p> <p>The SFMTA and the Planning Department <del>shall</del> <del>should</del> develop protocols for ongoing assessment of commercial and passenger loading needs on the affected streets, and for review of new development projects along the affected street segments to identify needed changes to the street network design (e.g., when a new driveway to a development site is required), or need for additional on-street commercial and passenger loading spaces.</p> <p><u>Sponsors of development projects that provide more than 100,000 square feet of residential or commercial uses with frontages along a public right-of-way identified on the High Injury Network, with an existing or proposed bicycle facility, or a public right-of-way that includes public transit operations, shall develop a Passenger Loading Plan. The plan shall address passenger loading activities and related queueing effects associated with for-hire services (including taxis and Transportation Network Companies) and vanpool services, as applicable. Elements of this Passenger Loading Plan may include but would not be limited to the following measures:</u></p> <ul style="list-style-type: none"> <li>• <u>Coordination with for-hire vehicle companies to request passenger loading zones are incorporated into companies' mobile app device to better guide passengers and drivers where to pick up or drop off.</u></li> <li>• <u>Designated on-site and on-street loading zones that are clearly marked with adequate signage to permit passenger loading space and allow no other vehicles to stop/park for any duration of time. For these zones, set specific time limits restricting vehicles to stop/park over a certain period of time (e.g., three minutes) and alert passengers that their driver will depart/arrive within the allotted timeframe.</u></li> <li>• <u>Notifications and information to visitors and employees about passenger loading activities and operations, including detailed information on vanpool services and locations of pick-up/drop-off of for-hire services.</u></li> <li>• <u>Detailed roles and responsibilities for managing and monitoring the passenger loading zone(s) and properly enforcing any passenger vehicles that are in violation (e.g., blocking bicycle lane, blocking a driveway, etc.).</u></li> </ul> <p><u>The plan shall be reviewed and approved by the Environmental Review Officer or designee of the Planning Department and the Sustainable Streets Director or designee of the SFMTA. The plan shall be evaluated by</u></p>	SUM



TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN – IDENTIFIED IN THE EIR [REVISIONS ONLY]

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
		<u>a qualified transportation professional, retained by the Project Sponsor after a building(s) reaches 50% occupancy and once a year going forward until such time that the SFMTA determines that the evaluation is no longer necessary or could be done at less frequent intervals. The content of the evaluation report shall be determined by SFMTA staff, in consultation with the Planning Department, and generally shall include an assessment of on-street loading conditions, including actual loading demand, loading operation observations, and an assessment of how the project meets this mitigation measure. The evaluation report may be folded into other mitigation measure reporting obligations. If ongoing conflicts are occurring based on the assessment, the evaluation report shall put forth additional measures to address ongoing conflicts associated with loading operations. The evaluation report shall be reviewed by SFMTA staff, which shall make the final determination whether ongoing conflicts are occurring. In the event that ongoing conflicts are occurring, the above plan requirements may be altered (e.g., the hour and day restrictions listed above, number of loading vehicle operations permitted during certain hours listed above).</u>	

Similarly, on Draft EIR p. IV.D-54, Mitigation Measure M-TR-6b has been amended as follows:

**Mitigation Measure M-TR-6b: Accommodation of On-Street Commercial Loading Spaces and Passenger Loading/Unloading Zones.**

The SFMTA shall develop a curb management strategy (strategy) for Central SoMa or within proximity of the street network changes that articulates curb use priorities for different types of streets, while safely managing loading demands. This strategy should guide the approach to any affected commercial and passenger loading/unloading zones (loading zones) during any City agency's development of detailed plans for each segment of the proposed street network changes. Replacement of loading zones will be considered, to the extent feasible.

The SFMTA and the Planning Department ~~shall~~ ~~should~~ develop protocols for ongoing assessment of commercial and passenger loading needs on the affected streets, and for review of new development projects along the affected street segments to identify needed changes to the street network design (e.g., when a new driveway to a development site is required), or need for additional on-street commercial and passenger loading spaces.

Sponsors of development projects that provide more than 100,000 square feet of residential or commercial uses with frontages along a public right-of-way identified on the High Injury Network, with an existing or proposed bicycle facility, or a public right-of-way that includes public transit operations, shall develop a Passenger Loading Plan. The plan shall address passenger loading activities and related queueing effects associated with for-hire services (including taxis, and Transportation Network Companies) and vanpool services, as applicable. Elements of this Passenger Loading Plan may include but would not be limited to the following measures:

- Coordination with for-hire vehicle companies to request passenger loading zones are incorporated into companies' mobile app device to better guide passengers and drivers where to pick up or drop off.
- Designated on-site and on-street loading zones that are clearly marked with adequate signage to permit passenger loading space and allow no other vehicles to stop/park for any duration of time. For these zones, set specific time limits restricting vehicles to stop/park over a certain period of time (e.g., three minutes) and alert passengers that their driver will depart/arrive within the allotted timeframe.
- Notifications and information to visitors and employees about passenger loading activities and operations, including detailed information on vanpool services and locations of pick-up/drop-off of for-hire services.
- Detailed roles and responsibilities for managing and monitoring the passenger loading zone(s) and properly enforcing any passenger vehicles that are in violation (e.g., blocking bicycle lane, blocking a driveway, etc.).

The plan shall be reviewed and approved by the Environmental Review Officer or designee of the Planning Department and the Sustainable Streets Director or designee of the SFMTA. The plan shall be evaluated by a qualified transportation professional, retained by the Project Sponsor after a building(s) reaches 50% occupancy and once a year going forward until such time that the SFMTA determines that the evaluation is no longer necessary or

could be done at less frequent intervals. The content of the evaluation report shall be determined by SFMTA staff, in consultation with the Planning Department, and generally shall include an assessment of on-street loading conditions, including actual loading demand, loading operation observations, and an assessment of how the project meets this mitigation measure. The evaluation report may be folded into other mitigation measure reporting obligations. If ongoing conflicts are occurring based on the assessment, the plan report shall put forth additional measures to address ongoing conflicts associated with loading operations. The evaluation report shall be reviewed by SFMTA staff, which shall make the final determination whether ongoing conflicts are occurring. In the event that ongoing conflicts are occurring, the above plan requirements may be altered (e.g., the hour and day restrictions listed above, number of loading vehicle operations permitted during certain hours listed above).

These amendments to the Final EIR mitigation measures do not constitute significant new information that requires recirculation of the EIR under CEQA (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

## 5. List of Approvals Required for the Housing Sustainability District Ordinance

The following approval has been added to Section II.E Approvals Required in Draft EIR, page II-45:

### II.E Approvals Required

Approval and implementation of the final Central SoMa Plan would require the following actions. (Approving bodies are identifies in italics.) Specific and detailed actions would be determined as the Plan is developed.

- Approval of the Housing Sustainability District, which would consist of the following actions:
  - *San Francisco Planning Commission: (1) Certify the EIR and (2) recommend planning code text amendments to the San Francisco Board of Supervisors*
  - *San Francisco Board of Supervisors: (1) Approve planning code text and (2) adopt an ordinance amending the planning code to designate portions, or all of the Central SoMa Plan area, as a Housing Sustainability District.*

## 6. Evaluation of Potential Changes to the Central SoMa Plan Included in the May 3, 2018 Planning Commission Packet

The May 3, 2018 Planning Commission packet includes a list of “Changes since Introduction” (Exhibits II.6, III.5, IV.4, and V.4), recommended modifications to the Planning Code (contained in Exhibit III.1) and “Issues for Consideration” (contained in Exhibits III.6, IV.5, and V.5). The Environmental Planning Division reviewed these items and determined that, apart from the following item, the changes merely clarify or make corrections to the current proposal, or would not result in environmental effects beyond that analyzed in the EIR.

**Item not covered in the EIR analysis:** Setting the maximum development capacity at each site to the amount listed in the Key Development Sites Guidelines, rather than the formula provided.

**Rationale:** The proposed Planning Code formula (Section 263.32(c)(1)) setting development capacity for the key sites was developed to ensure that development on key sites do not exceed the growth projected under the EIR. It is unclear how setting maximum development capacity according to the

Key Development Sites Guidelines would affect the overall growth anticipated and evaluated in the EIR. More information regarding the effects of this proposal on the Plan's anticipated growth projections would be required before the Commission adopt this proposal in order to assess whether the environmental effects of the proposal are adequately addressed in the EIR. Furthermore, the Planning Department staff do not recommend the Central SoMa Plan be amended to incorporate this request.

In addition, as further explained in EIR Appendix I (attached), Planning Department staff recommend a modification to the Plan to allow for limited grandfathering of the Planning Department's TDM requirements in Central SoMa. As explained in Appendix I, should the Planning Commission choose to adopt this recommendation, they would need to amend Mitigation Measure M-NO-1a in the EIR to align with this policy directive in the CEQA findings.

An analysis of the remaining Plan Changes since Introduction and Issues for Consideration, as set forth in the May 3, 2018 Planning Commission packet, are included in Appendix I, attached. This analysis finds that these potential changes to the Central SoMa Plan have been adequately analyzed in the EIR and any amendments to the Central SoMa Plan, apart from that discussed above related to the allowable development on Key Sites, to incorporate these potential changes would not result in any changes to the EIR analysis and would not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5). This document is being included in the EIR as a new Appendix I. Therefore, the following revision is made to the Draft EIR's Table of Contents' list of appendices on Draft EIR page vi:

Appendix I. Analysis of Environmental Effects of Potential Changes Presented May 9, 2018 for the Central South of Market (SoMa) Plan

Enclosures:

Appendix H. Central SoMa Plan Draft EIR Revisions Arising from Zoning Changes at Second and Harrison Streets

Appendix I. Analysis of Environmental Effects of Potential Changes Presented May 9, 2018 for the Central South of Market (SoMa) Plan

# memorandum

date May 2, 2018

to Jessica Range and Liz White, Environmental Planning

from Karl Heisler and Eryn Brennan

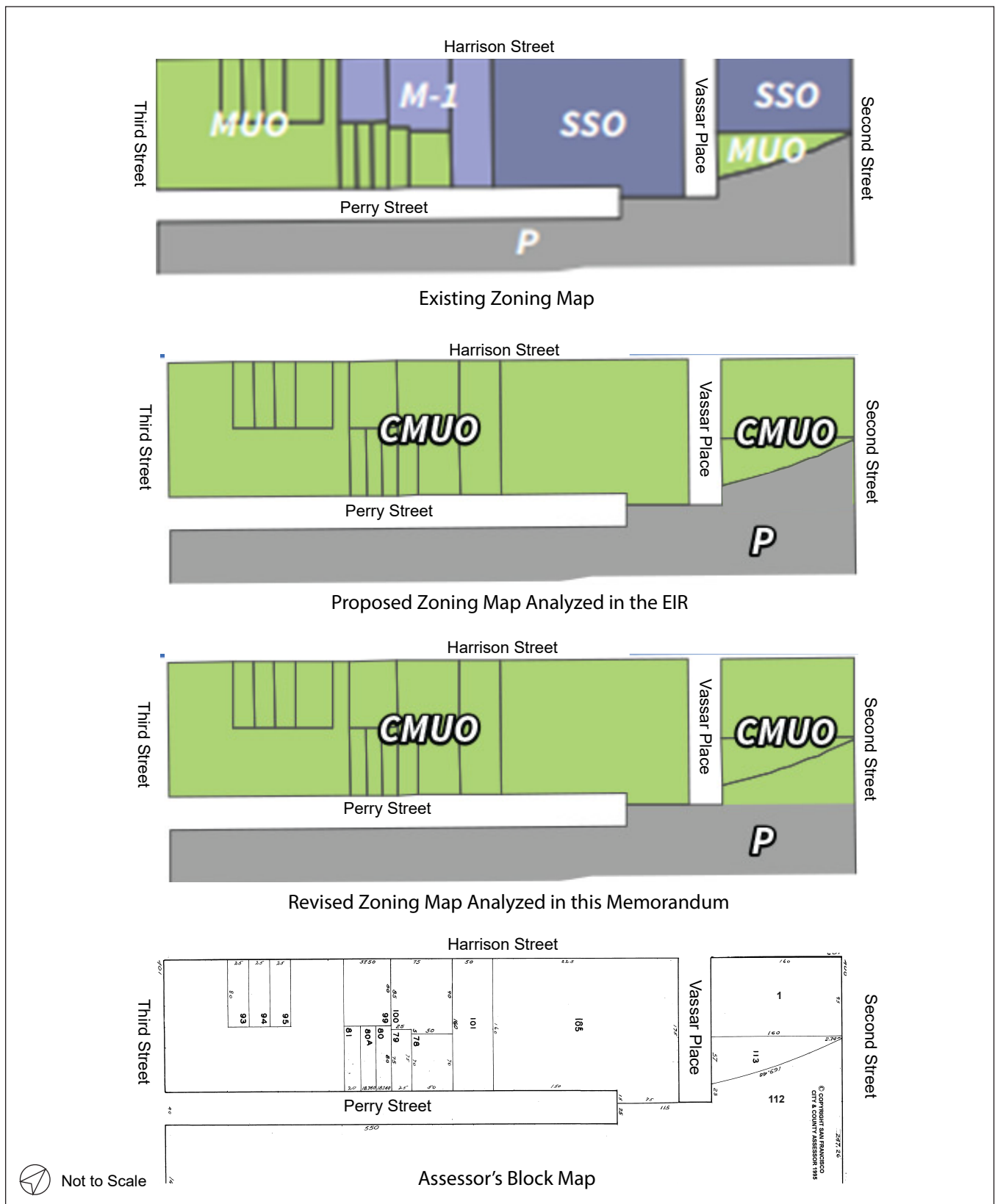
subject Central SoMa Plan EIR Revisions Arising From Zoning Changes at Second and Harrison Streets

This memorandum evaluates changes in impacts that would result from a proposal by the Planning Department to alter the proposed Use District Map and Height and Bulk District Map (also referred to as “zoning maps”) from those analyzed in the Central SoMa Plan Environmental Impact Report (EIR)<sup>1</sup> for a small portion of the block bounded by Harrison, Second, Bryant, and Third Streets. Specifically, the proposal entails extending a Central SoMa Mixed Use-Office (CMUO) Use District onto an approximately 7,400-square-foot, irregularly shaped area at the north-easternmost portion of Block 3763, Lot 112. This area has approximately 77 feet of frontage on the west side of Second Street between Harrison and Bryant Streets, and tapers in a curve to 23 feet of frontage on Vassar Place, a mid-block, dead-end street that extends south from Harrison Street west of Second Street. The proposal would also extend a 350-CS Height and Bulk District to encompass the southern portion of this same 7,400-square-foot area (Block 3763, Lot 112), as well as the southwestern portion of Block 3763, Lot 113, which is an approximately 5,400-square-foot, irregularly shaped parcel immediately north of Lot 112. The net result of these changes for this 12,800-square-foot area would be to create a rectangular lot at the southwest corner of Second and Harrison streets with uniform zoning as to both use district and height and bulk district. The 160-by-175-foot parcel would total 28,000 square feet (0.64 acres) and would be entirely within a CMUO Use District and a 350-CS Height and Bulk District.

Currently, Lot 113 is in a Mixed-Use Office (MUO) Use District, while the northeastern portion of Lot 112 is in a Public (P) Use District as a result of its former use as California Department of Transportation (Caltrans) right-of-way.<sup>2</sup> The Plan, as analyzed in the EIR, proposed to rezone Lot 113 to CMUO and make no change to the northeastern portion of Lot 112, now also proposed as CMUO. Lot 113 is currently within an 85-X Height and Bulk District and the northeastern portion of Lot 112 is within a 45-X Height and Bulk District. The EIR evaluated the southern approximately 60 percent of the 12,800-square-foot area as a 200-CS Height and Bulk District, while the northern part of the area was evaluated as a 350-CS Height and Bulk District. See **Figure 1, Existing, Proposed, and Revised Use District Map for Block 3763**, and **Figure 2, Existing, Proposed, and**

<sup>1</sup> The Central SoMa Plan EIR consists of the Draft EIR, the Responses to Comments (RTC), and all errata issued by the San Francisco Planning Department following the publication of the RTC. All documents are available for review at: <http://sf-planning.org/central-soma-plan-environmental-review>.

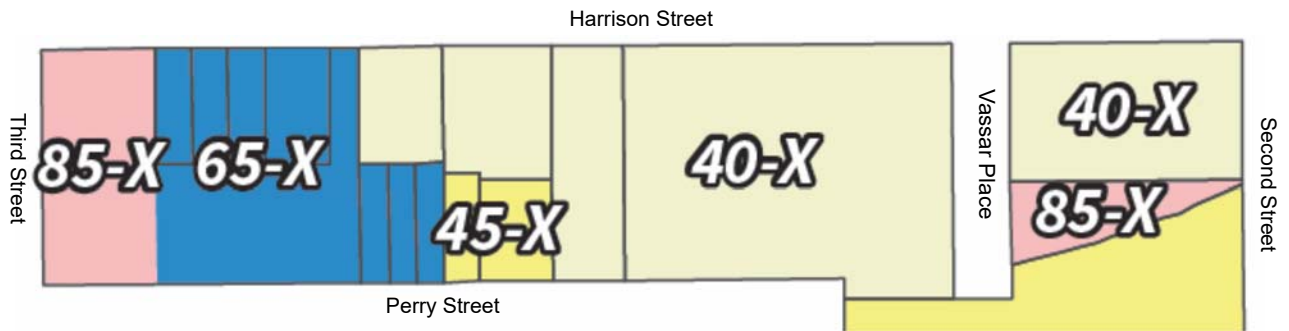
<sup>2</sup> The 7,400-square-foot portion of Lot 112 owes its irregular shape to its former use within the right-of-way of the Terminal Separator Structure, a series of on- and off-ramps that connected the now-demolished Embarcadero Freeway to the elevated I-80 freeway.



SOURCE: San Francisco Planning Department

Case No. 2011.1356E: Central SoMa Plan

**Figure 1**  
Existing, Proposed, and Revised Use District Map for Block 3763



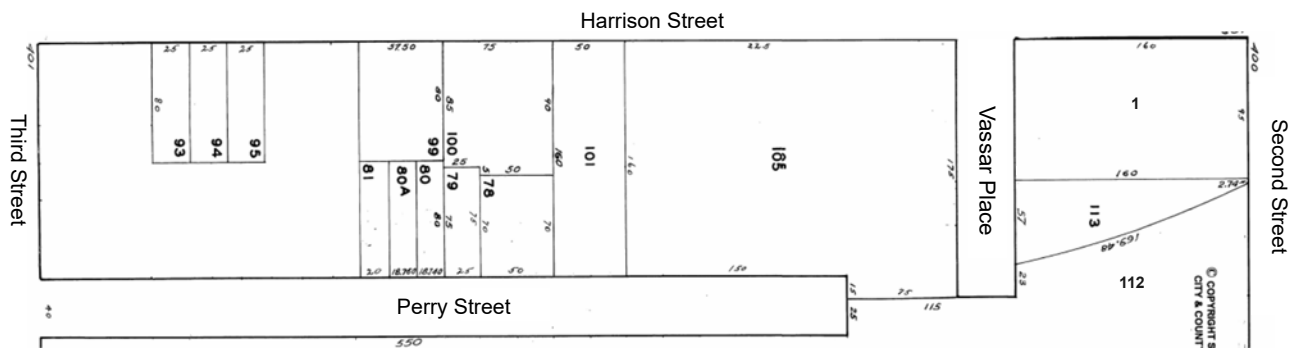
Existing Height and Bulk Districts



Proposed Height and Bulk Map as Analyzed in the EIR



Revised Height and Bulk Map as Detailed in this Memorandum



Assessor's Block Map

Not to Scale



**Revised Height and Bulk District Map for Block 3763**, which depicts the existing height of the block, the proposed heights analyzed in the EIR, and the revised use district and height and bulk district now proposed. Draft EIR **Figure II-3, Proposed Plan Area Use Districts**, and **Figure II-7, Proposed Plan Area Height and Bulk Districts [Revised]** are also revised to show the changes.

The Planning Department has determined that the potential changes to the Use District and Height and Bulk District maps would not permit development at a density beyond that included in the population and employment growth forecasts that were the basis for the transportation modeling undertaken for the EIR by the San Francisco County Transportation Authority, and subsequent noise and air quality analyses.<sup>3</sup> The Planning Department quantified the potential development capacity associated with the proposed Use District Map and Height and Bulk District Map revisions and determined that the EIR's growth projections are conservative (i.e., high-end) estimates of potential growth because:

1. The EIR studied development capacity resulting from a maximum residential and maximum commercial build out scenario,
2. The EIR analyzed higher heights than those proposed under the Plan on certain sites, and
3. The Plan's limitations on tower bulk (discussed in detail below under Aesthetics) mean that the extension of the 350-CS Height and Bulk District southward toward the Interstate-80 (I-80) freeway would not permit a larger tower, in terms of floor area, than would already be permitted under the Plan, although the change in the Height and Bulk District Map would permit the tower to be built closer to the freeway than would otherwise be the case.<sup>4</sup>

Therefore, the additional growth facilitated by these revisions to the Plan is adequately captured by the EIR's growth projections. Accordingly, the Use District and Height and Bulk District map changes would not result in growth at levels in excess of that evaluated in the EIR. Additionally, the minimal physical distribution of anticipated development—south onto the approximately 7,400-square-foot portion of Block 3763, Lot 112, would not extend development to a previously unbuilt-upon location, given the former presence of the Caltrans Terminal Separator Structure on this site. Therefore, there is no need for further analysis of impacts resulting from these map changes to land use (division of a community or conflict with plans adopted to avoid environmental impacts); cultural and paleontological resources (historical, archeological, tribal, cultural, and unique paleontological resources and human remains); transportation (traffic, transit, pedestrian and bicycle circulation, loading, parking, and emergency vehicle access); air quality (consistency with the relevant clean air plan, traffic-generated emissions and construction emissions of criteria air pollutants and fine particulate matter and toxic air contaminants, and odors); noise (traffic-generated noise, noise generated by stationary sources, and construction noise); or hydrology (flooding risk and wastewater generation).

With regard to impacts analyzed in the Initial Study for the Plan, there would be no change in impacts related to population and housing, recreation, utilities, or public services because the intensity of development would not change. As the zoning changes would not rezone previously undeveloped land, there would be no substantial change in effects related to site-specific conditions, including biology; geology; hydrology other than flooding

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<sup>3</sup> Steve Wertheim, San Francisco Planning Department, "Zoning changes at Second and Harrison Streets (One Vassar)" memorandum to Jessica Range, April 17, 2018.

<sup>4</sup> The change in Use District from P to CMUO for the northeastern portion of Lot 112 would allow for a tower with about 6.5 percent more floor area than would otherwise be the case because the P Use District does not permit residential, office, or other commercial uses.



and wastewater, analyzed in the EIR, as noted above; or hazardous materials; mineral; energy; and agricultural and forestry resources, analyzed in the Initial Study.

Based on the foregoing, the potential changes in impacts compared to those analyzed in the EIR would be limited to three environmental topic areas: aesthetics, wind, and shadow. Each of these issues is discussed below.

## Aesthetics

### Analysis in the EIR

The EIR found that development pursuant to the Plan: (1) would not substantially degrade the visual character or quality of the Plan Area or substantially damage scenic resources; (2) would alter public views of the Plan Area from short-, mid-, and long-range vantage points and alter views into the surrounding neighborhoods from within the Plan Area, but would not adversely affect public views or have a substantial adverse effect on scenic vistas; and (3) would not create a new source of substantial light or glare in the Plan Area that would adversely affect day or nighttime views or substantially impact other people or properties. All aesthetic impacts were determined to be less than significant, and no mitigation measures were identified.

### Analysis of Proposed Changes to the EIR Zoning Maps

The proposed changes to the Use District and Height and Bulk District maps on Block 3763 would permit development on the west side of Second Street between Harrison Street and I-80 that would be closer to I-80 than what was analyzed in the EIR. However, the Plan includes tower controls for office and other non-residential, non-hotel buildings taller than 160 feet in height. These tower controls include a maximum individual floor plate of 17,000 square feet and a maximum average size for all tower floors in a building of 15,000 square feet, as well as maximum plan dimensions for towers of 150 feet in length and 190 feet in diagonal dimension. Buildings taller than 250 feet must also include additional reduction in massing of the upper one-third of the tower, compared to the lower two-thirds of the tower. Finally, the Plan would require a minimum distance of 115 feet between any two towers and minimum setbacks from the street of 15 feet for all towers. (All of these tower controls are similar to tower controls in the Downtown (C-3) Use Districts.) Together, these requirements would serve to reduce building massing, compared to what could otherwise be constructed. Because the overall site at the southwest corner of Second and Harrison streets is 160 feet wide by 175 feet deep (which results in a diagonal dimension of approximately 237 feet, compared to the maximum permitted 190-foot diagonal), a tower on that site would be required to include setbacks that would preclude a tower covering more than approximately 65 percent of the overall site. Therefore, a tower constructed in the 350-CS Height and Bulk District that is newly proposed to be expanded southward toward the I-80 freeway would have to include setbacks on all four sides to accommodate both street and interior lot line setback requirements. Because the minimum 15-foot setbacks on all four sides would not achieve the maximum permitted diagonal dimension, additional setback(s) would be necessary, likely on the west side to achieve the required tower separation from a potential tower across Vassar Place, where the maximum height limit would be 200 feet. Accordingly, while development on the site in question could be closer to the I-80 freeway, such development would likely occupy less of the lot width than had been assumed in the EIR. **Figure 3, Visual Simulation from I-80 Westbound, with Revision to Zoning Maps for Block 3763,** depicts modifications to Draft EIR Figure IV.B-19 to show the approximate outline of a potential building on the site in question that could be visible with the changes to the Use District and Height and Bulk District maps. As can be seen, the building would appear slightly taller than shown in the EIR because it would be closer to the

freeway; however, assuming setbacks as described above, the building could appear slightly narrower than depicted in the EIR. Therefore, the proposed change to the Use District Map and the Height and Bulk District Map would result in a relatively minor change in the view from the freeway.



SOURCE: Square One Productions; Environmental Science Associates, 2018

**Figure 3**  
Visual Simulation from I-80 Westbound, with Revision to Zoning Maps for Block 3763

The change in views from other viewpoints for which visual simulations were presented in the EIR would not be readily apparent. This is due to the combination of distance from the viewpoint to Block 3763 and the orientation of other Plan Area buildings. For example, in the view from Potrero Hill (Draft EIR Figures IV.B-13 and IV.B-14), the change in potential building envelope resulting from the southward extension of the 350-CS Height and Bulk District and increased height on the southern portion of the site in question would be largely obscured by a 400-foot tower that is illustrated at the corner of Fourth and Townsend streets. In the most distant view, from Corona Heights (Draft EIR Figures IV.B-15 and IV.B-16), the change in potential building envelope would be negligible. From the I-280 Sixth Street off-ramp (Draft EIR Figures IV.B-17 and IV.B-18), the change in potential building envelope would add a slight extension to a distant building modeled, resulting in an incremental amount of sky obscured, but not blocking any views of any natural or built features. Figure IV.B-19 is discussed above, and the site in question is not visible in the other EIR visual simulations (Figures IV.B-20 through IV.B-23). Accordingly, the only change to the EIR visual simulations necessary is to Draft EIR Figure IV.B-19.

In close-in views from the street, the change in potential building envelope could be noticeable, but not substantially so because of the bulk limitations discussed above. As discussed above, the changes to the Use District and Height and Bulk District maps would not make a substantial difference in the bulk of a potential tower that could be built on the site in question. The change to the Use District Map, however, would permit development on what is now a parking lot south of the existing building at 400 Second Street, a location that would not be buildable under the existing and current Plan-designated P Use District. However, most of this portion of the site in question would be occupied by a podium-level structure at a height of 85 feet, which would not result in a substantial change in street-level views compared to what would otherwise be allowed under the Plan.

As with the Use District and Height and Bulk District maps analyzed in the EIR, the proposed changes to the Use District and Height and Bulk District maps would not substantially degrade the visual character or quality of the area or its surroundings, would not have a substantial adverse effect on a scenic vista, and would not substantially damage scenic resources (as none exist in the Plan Area). Light and glare impacts would be similar to those discussed in the EIR because the proposed changes to the Use District and Height and Bulk District maps are consistent with other heights analyzed in the EIR.

Based on the foregoing, the revisions to the Use District and Height and Bulk District maps would not result in any new or substantially more-severe significant aesthetic impacts than identified in the EIR.

## Wind

### Analysis in the EIR

The EIR found that development anticipated under the Plan could alter wind in a manner that substantially affects public areas. This was found to be a significant effect of the Plan. Although mitigation in the form of building setbacks and other wind-reduction measures are identified in the EIR, the EIR concluded that, absent project-specific wind-tunnel testing that would be required for taller subsequent projects in the Plan Area, it could not be stated with certainty that each subsequent development project would be able to comply with the EIR's significance criterion without substantial modifications to the project's design and program such that the project would not be able to be developed to allowable building heights proposed by the Plan. Therefore, this impact was identified as significant and unavoidable.

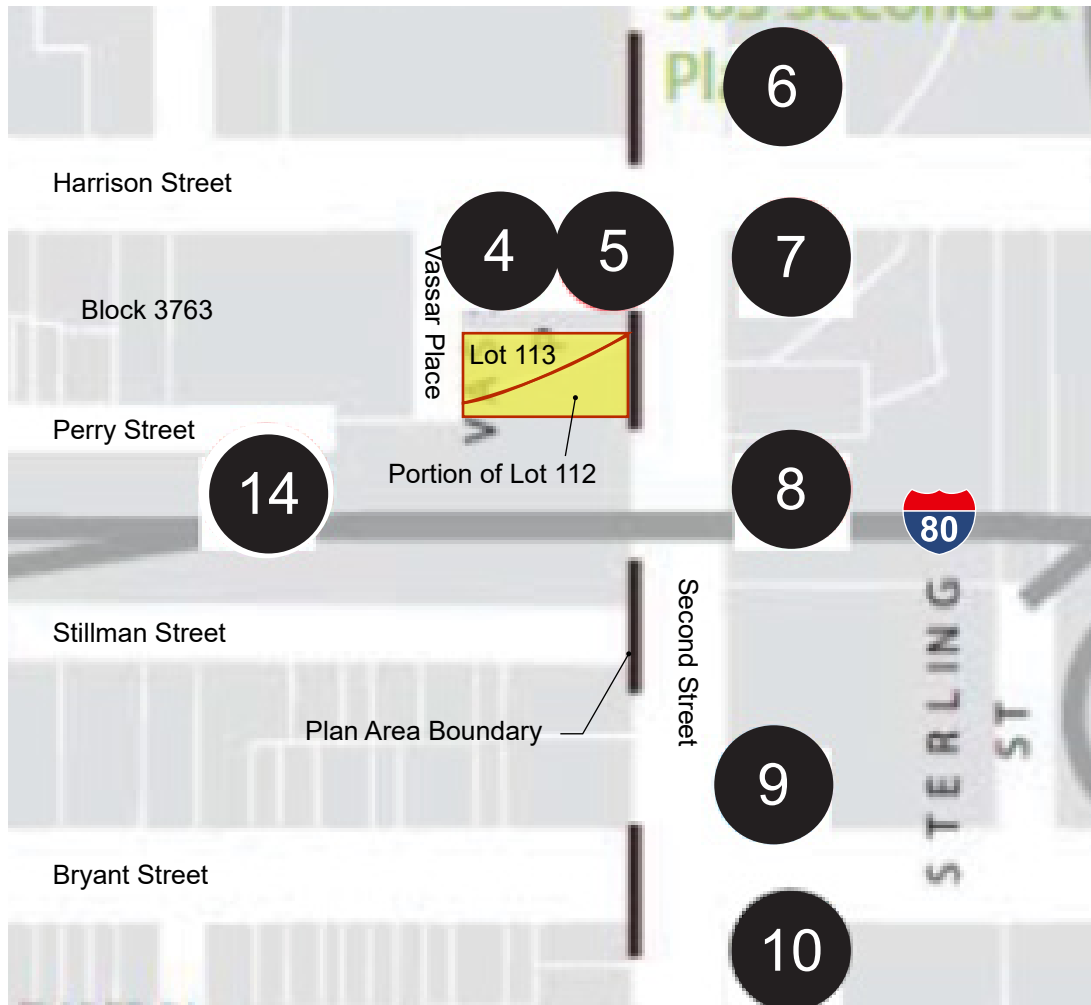
### Analysis of Proposed Changes to the EIR Zoning Maps

Programmatic wind-tunnel testing for the EIR was undertaken at the Plan level, based on the same building masses as evaluated in the visual simulations. In the vicinity of the proposed changes to the Use District and Height and Bulk District maps, wind test points were located at the following eight locations<sup>5</sup> (see **Figure 4, Wind Tunnel Test Points near Block 3763, Lots 112 and 113**):

- Two locations at and near the southwest corner of Second and Harrison streets, including along the Second Street frontage of the site in question and at the corner. These points would be at the base of a potential tower that would be permitted by the changes in the Use District and Height and Bulk District maps), Test Points 4 and 5;

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<sup>5</sup> For a complete map of the wind test points in the Plan Area, refer to Figure VI.G-2 in the EIR on page IV.G-8.



Area of Proposed Zoning Map Changes

Test Location Number	Wind Comfort Criterion Speed (mph)	Existing Conditions		Existing Conditions		Speed Change Relative to Existing (mph)
		Equivalent Wind Speed Exceeded 10% of Time (mph)	% Time Wind Speed Exceeds Criterion	Equivalent Wind Speed Exceeded 10% of Time (mph)	% Time Wind Speed Exceeds Criterion	
4	11	9	4	13	16	4
5	11	7	3	17	32	10
6	11	6	0	9	2	3
7	11	7	2	14	22	7
8	11	9	2	12	12	3
9	11	13	17	10	8	2
10	11	8	2	8	2	0
14	11	6	1	13	14	7



Not to Scale

**Figure 4**  
Wind Tunnel Test Points near Block 3763, Lots 112 and 113

- The northeast and southeast corners of Second and Harrison streets, Test Points 6 and 7;
- The east side of Second Street just north of the elevated I-80 freeway, Test Point 8;
- The northeast and southeast corners of Second and Bryant streets, Test Points 9 and 10; and
- The eastern terminus of Perry Street north of I-80, Test Point 14.

Existing conditions at the eight test points noted above are generally relatively calm, with the wind speed that is exceeded 10 percent of the time, or wind comfort speed, ranging from 6 miles per hour (mph) to 9 mph, except at the northeast corner of Second and Bryant Streets (Point 9), where the existing wind comfort speed is 13 mph, the speed at which winds typically begin to bother pedestrians.<sup>6</sup> With the exception of Test Point 9, all test points currently meet the 11-mph pedestrian comfort criterion contained in the Planning Code. (In general, conditions in SoMa are less windy than in very windy locations in San Francisco, such as the Van Ness and Market area.) The Planning Code's wind hazard criterion of 26 mph for one full hour of the year is not exceeded at any of the eight nearby test points under existing conditions.

Of the eight test points, the EIR wind-tunnel testing found that Plan Area development would increase the wind comfort speed at six locations, by 3 to 10 mph, with the greatest increases at the southwest and southeast corners of Second and Harrison streets and on Perry Street. Wind comfort speeds would decrease slightly with Plan development at the northeast corner of Second and Bryant streets and remain unchanged at the southeast corner of Second and Bryant streets. With Plan development, wind speeds at five of the eight test points would exceed the Planning Code's 11-mph comfort criterion. Wind speeds would not exceed the 26-mph hazard criterion at any of the eight locations under conditions with Plan development.

The following analysis specifically addresses potential wind impacts associated with the proposed changes in the Use District and Height and Bulk District Map to permit development to extend farther southward toward the elevated I-80 freeway (approximately 45 feet tall at the location nearest to Block 3763, Lots 112 and 113) and to increase the permitted height from 200 to 350 feet on a portion of Lot 12 and on Lot 13 of Block 3763. The proposed changes to the Use District and Height and Bulk District maps would not be anticipated to substantially alter the above results for the following reasons:

- For the closest test points to the proposed changes (Test Points 4 and 5, at Second and Harrison streets), extending the development envelope toward the freeway and increasing the permitted building height in the southern portion of the site in question would result in only a negligible change in wind conditions because the permitted overall building height would not change and, in particular, the permitted height at the street wall along Harrison Street would not change. Prevailing northwest, west, and southwest winds would be diverted by a proposed building at a height of 350 feet, much as would be the case for the Plan zoning maps analyzed in the EIR. In particular, Test Point 5, where the wind comfort speed would increase by 10 mph to 17 mph with Plan development, would be comparably windy with the proposed Use District and Height and Bulk District map changes.

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<sup>6</sup> The wind speed that is exceeded 10 percent of the time (with turbulence factored into the speed) is the speed relied upon in the Planning Code for evaluation of pedestrian comfort. This "wind comfort speed" is useful as a general measure of typical maximum wind speeds, since winds are at or below this speed 90 percent of the time.

- Test Points 6 and 7 are located across Second Street from the site in question. The zoning map changes would not substantially affect these points because, as with Points 4 and 5, Points 6 and 7 would be primarily influenced by the height and massing along Harrison Street, which would not be altered, and by the west-facing façade. Although the changes would permit the west-facing façade to extend southward toward the freeway, any effect of changes in potential building mass at this location on Test Points 6 and 7 would be ameliorated by the remainder of the potential building mass, which would be closer to those points and therefore exert more influence with respect to pedestrian winds.
- Test Point 8 is across Second Street from the southeast corner of the site in question. The southward extension of the potential building mass and the increase in height to 350 feet on the southern portion of the site in question could provide some shielding of this test point from prevailing northwest, west, and southwest winds. Moreover, this test point is adjacent to the elevated I-80 freeway, some 45 feet in height, which would tend to function somewhat like a building podium in slowing winds descending from taller buildings. The wind comfort speed at Test Point 8, therefore, would not be anticipated to increase substantially with the zoning map changes, compared to what was reported in the EIR.
- The other two test points (9 and 10), while downwind from the location of the proposed Use District and Height and Bulk District maps changes with respect to northwest winds, are 400 feet or more from the potential 350-foot-tall building on the site in question. Moreover, these test points are partially sheltered by the adjacent elevated I-80 freeway (approximately 45 feet in this location) and by the existing 50-foot-tall building at the northeast corner of Second and Bryant streets, both of which would further limit any effect on wind from the potential 350-foot-tall building that could be built at the site in question. Therefore, wind speeds at these two test points also would be only minimally altered by the Use District and Height and Bulk District map changes, as compared to wind speeds reported in the EIR.
- Test Point 14, on Perry Street, is located closest to the southwest corner of the potential building mass that could be permitted as a result of the changes to the Use District and Height and Bulk District maps. The southwest and northwest building corners often result in the greatest change in pedestrian winds due to their role in diverting winds that strike a building's west-facing facing façade. Therefore, southward extension and increasing the height of the west-facing façade of a building on this site could result in greater ground-level winds near the southernmost point of Vassar Place. However, Test Point 14 is approximately 150 feet upwind of the potential building and is likely to be more affected by development on the west side of Vassar Place, which, along with the adjacent I-80 freeway, would shield this location from prevailing winds. Accordingly, the proposed changes to the Use District and Height and Bulk District maps would not result in substantially greater wind effects at Test Point 14 than were reported in the EIR. It is noted that required project-specific wind-tunnel testing would further evaluate whether conditions in Vassar Place would be adversely affected.

Based on the foregoing, the revisions to the Use District and Height and Bulk District maps would not result in any new or substantially more-severe significant wind impacts than identified in the EIR. Furthermore, projects proposed within the Central SoMa Plan Area outside of a C-3 Use District at a roof height greater than 85 feet would be required to be evaluated by a qualified wind expert to determine their potential to result in a new wind hazard exceedance or aggravate an existing pedestrian-level wind hazard exceedance. If the expert determines this would be the case, the project may be required to undergo wind-tunnel testing.

## Shadow

### Analysis in the EIR

The EIR found that development under the Plan would not create new shadow in a manner that substantially affects existing outdoor recreation facilities or other public areas. This impact was determined to be less than significant, and no mitigation measures were identified. The EIR found that Plan Area development would add new shadow to three parks (South Park, Victoria Manalo Draves Park, and Gene Friend Recreation Center) under the jurisdiction of the Recreation and Park Commission and, therefore, is subject to Planning Code Section 295. However, the EIR found that the relatively minimal new shadow would not be anticipated to adversely affect the use of these parks, and the effect was, therefore, found to be less than significant. The EIR also found that Plan Area development would add new shadow to two non-Planning Code Section 295 open spaces—the Alice Street Community Garden and the Yerba Buena Center Children’s Garden. Again, however, the relatively small shadow increment was determined not to adversely affect the use of these spaces, and the effect was found to be less than significant. Likewise, Plan-generated shadow was found to result in less-than-significant impacts on nearby POPOS.

### Analysis of Proposed Changes to the EIR Zoning Maps

The EIR employed programmatic shadow modeling to support its analysis, based on the same building masses as evaluated in the visual simulations and wind-tunnel testing. This analysis specifically addresses potential new shadow impacts associated with the proposed changes in the Use District and Height and Bulk District Map to permit development to extend farther southward toward the elevated I-80 freeway and to increase the permitted height from 200 to 350 feet on a portion of Lot 112 and on Lot 113 of Block 3763. To evaluate the potential for the proposed Use District Map and Height and Bulk District Map changes to result in new or more-severe shadow effects, the modeling was revised to incorporate the larger potential building mass that could be built at the location of the zoning map revisions. The results of the modeling show that the only open space for which shadows would be different than those reported in the EIR is the POPOS at 303 Second Street, across both Second and Harrison streets from the site in question. However, the increase in net new shadow resulting from the proposed zoning map changes would be limited. For example, of the 37 hourly shadow projections presented for the solstices and equinoxes in EIR Appendix E, there would only be one instance in which the potential building mass resulting from the proposed changes to the Use District and Height and Bulk District maps would increase shadow on the 303 Second Street POPOS. This would be at 10:00 a.m. on the winter solstice in December, when the longer eastern frontage of the potential building mass on the site in question would move the line of net new shadow eastward into the POPOS. There would also be a small increase in net new shadow on the spring/fall equinoxes at 12:00 noon (the time depicted in Draft EIR Figure IV.H-6); however, at this time, the increased shadow would fall only on Second Street and its sidewalks, and not on the POPOS. **Figure 5, Net New Shadow Resulting from Zoning Map Changes**, depicts the changes in shadow resulting from the proposed changes to the Use District and Height and Bulk District maps. Given the very limited new shadow compared to that reported in the EIR, use of the 303 Second Street POPOS would not result in substantially more severe adverse impacts than those reported in the EIR. Therefore, shadow effects would remain less than significant with the revised height and bulk limits, as was reported in the EIR.

In addition to shadow impacts shown in Figure 5, the potential building mass resulting from the change in the zoning maps would add some new shadow to Second Street sidewalks in the afternoon year-round, owing to the



increased cross-section of the building mass (i.e., increased depth as measured from Harrison Street). However, no other open spaces, either public or private, would be affected, compared to what was analyzed in the EIR. This incremental increase in shading would be consistent with typical urban shadows, including in other parts of the Plan Area where new buildings could be constructed, and would not be anticipated to adversely affect the use of nearby sidewalks, given that sidewalks are typically used for pedestrian travel from one location to another. With the changes in the Use District and Height and Bulk District maps, and similar to conditions without the change, shadows upon streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA. This conclusion would hold true both with and without the revised Use District and Height and Bulk District maps.



SOURCE: Fastcast; Environmental Science Associates, 2018

**Figure 5**  
Net New Shadow on 303 Second Street POPOS Resulting from Zoning Map Changes



Based on the foregoing, the revisions to the EIR Use District and Height and Bulk District maps (Draft EIR Figure II-3, p. II-11, and Figure II-7, p. II-19) would not result in any new or substantially more-severe significant shadow impacts than identified in the EIR.

## **Conclusion**

The proposed revisions to the EIR Use District Map and Height and Bulk District Map on Block 3763, Lots 112 and 113, would not result in any new or substantially more-severe significant impacts with respect to aesthetics, wind, or shadow, or any other CEQA topic, than those that were identified in the EIR.

## **Attachments**

Appendix A. Memorandum from Steve Wertheim, Citywide Policy and Analysis, April 17, 2018



# SAN FRANCISCO PLANNING DEPARTMENT

Attachment A

**MEMO**

**Date:** April 17, 2018  
**To:** Jessica Range, Principal Environmental Planner  
**From:** Steve Wertheim, Project Manager  
**Re:** Zoning changes at Second and Harrison Streets (One Vassar)

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## Introduction

The Central SoMa Plan is a comprehensive plan for the area surrounding much of the southern portion of the Central Subway transit line. The Plan Area includes roughly 230 acres that comprise 17 city blocks, as well as the streets and thoroughfares that connect SoMa to its adjacent neighborhoods: Downtown, Mission Bay, Rincon Hill, and the Mission District. In December 2016, the San Francisco Planning Department published a Draft Environmental Impact Report (EIR) for the proposed project and circulated the Draft EIR for public review and comment. On March 28, 2018, the San Francisco Planning Department published the Responses to Comments (RTC).

## Purpose of this Memorandum

On April 10, 2018, Mayor Farrell and Supervisor Kim introduced a substitute Central SoMa Zoning Map Ordinance. That ordinance included two additional changes that had not been previously been analyzed for conformance with the Project Description analyzed in the Central SoMa EIR, as follows:

- On Block 3763 Lots 112 and 113, the height limit was increased from 200 feet to 350 feet on the portion between 145 feet and 175 feet from Harrison Streets (refer to Figure 1. Existing, Proposed and Revised Height and Bulk Map for Block 3763)
- On Block 3763 Lot 112, allowable zoning was changed from Public (P) to Central SoMa Mixed-Use Office (CMUO) (refer to Figure 2. Existing, Proposed, and Revised Zoning District Map for Block 3763)

The purpose of this memorandum is to document why the changes to the Central SoMa Height and Bulk and Zoning District maps would not result in growth beyond that included in the population and employment growth forecasts, which informed the impact analysis in the Central SoMa Plan EIR.

Figure 1. Existing, Proposed, and Revised Height and Bulk Map for Block 3763

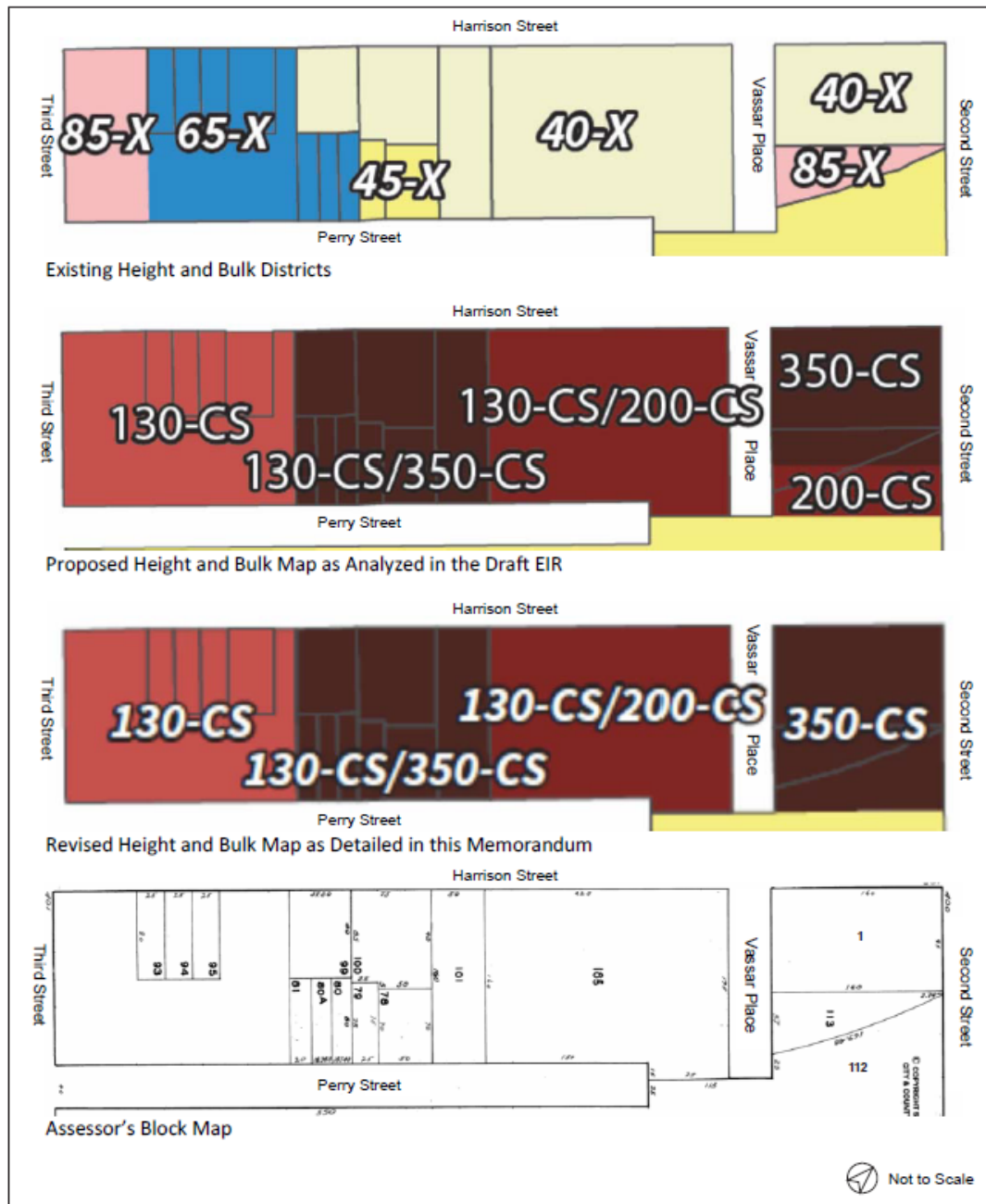
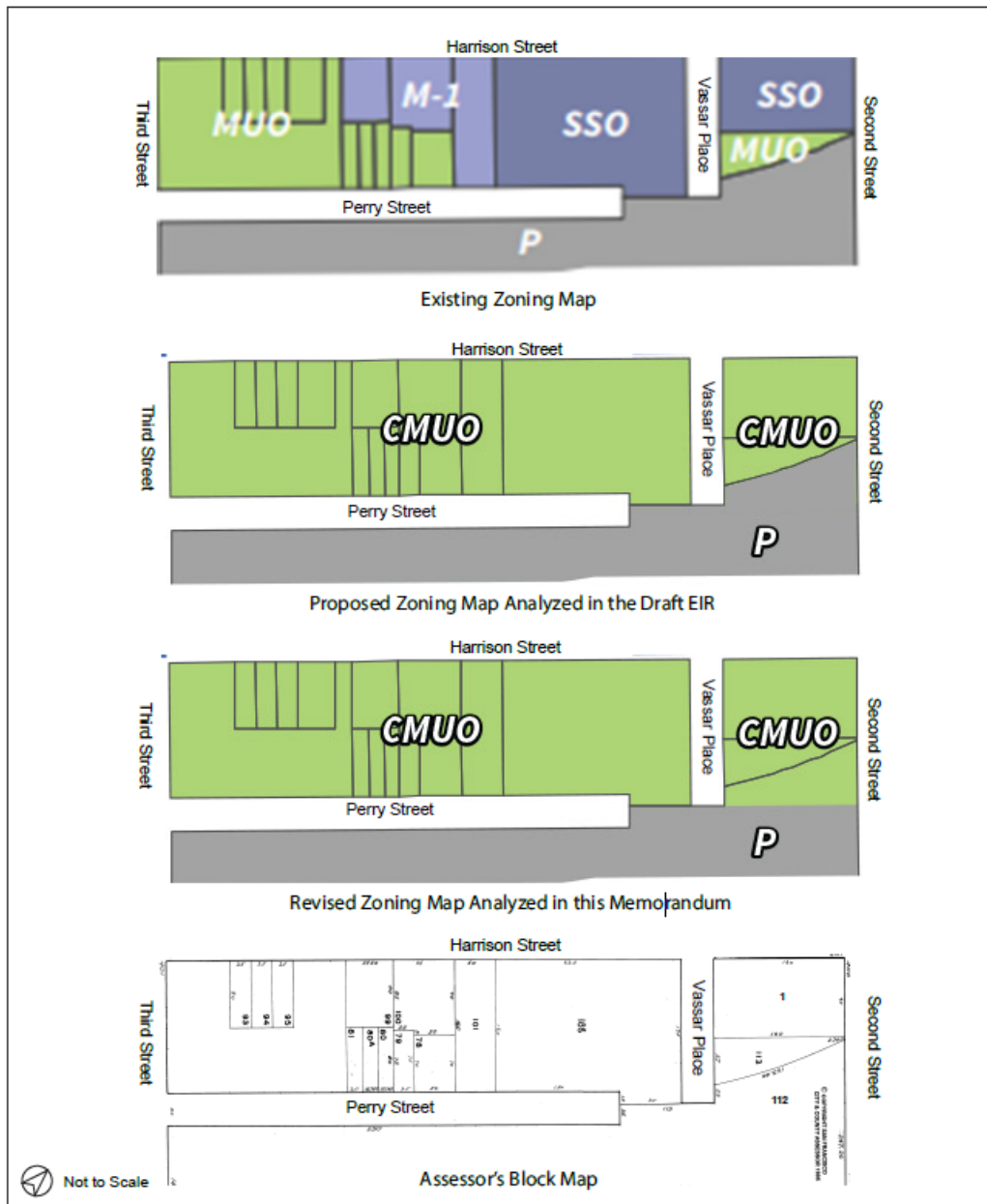


Figure 2. Existing, Proposed, and Revised Zoning District Map for Block 3763



## Analysis

These parcels are associated with the proposed office building at 400 2<sup>nd</sup> Street (Planning Department Case 2012.1384) which also would be located on Block 3763 Lot 001. This office building is proposed to be up to 350 feet in height and be 535,000 gross square feet. It would replace an existing office building of 113,484 gross square feet, resulting in an increase of 421,516 gross square feet of office.

The changes included in the April 10, 2018 version of the Zoning Map Ordinance would not increase development capacity of this office building beyond what was studied in the Central SoMa EIR, for the following reasons:

- The Central SoMa Plan requires that office buildings taller than 160 feet in height have an average floor area of 15,000 square feet above 85 feet in height. Such a tower could be accommodated within the previously proposed height limits. The increase in the height limit for a portion of the site enables the potential tower to move within the site. However, it does not change the development capacity of the tower.
- The rezoning from P to CMUO would enable new development on this portion of Block 3763 Lot 112. However, this development was anticipated in the EIR based on the previous submittals of the project sponsor. Based on these previous submittals, the EIR anticipated 427,300 square feet of new development,<sup>1</sup> which is greater than the 421,516 net new gross square feet proposed by the new development.

## Conclusion

The changes to the Central SoMa Plan EIR Height and Bulk and Zoning Use District Maps would not result in growth beyond that included in the population and employment forecasts, which informed the impact analysis in the Central SoMa Plan EIR.

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<sup>1</sup> Calculation based on the Planning Department's *Buildout Analysis for Central SoMa*, January 25, 2018. This document and all other documents referenced in this memoranda are on file and available for public review as part of Case File No. 2011.1356E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, 94103. This document includes a parcel-level analysis of development potential in the Plan Area that was utilized for the EIR.



## SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** May 9, 2018

**TO:** Planning Commission

**FROM:** Jessica Range and Elizabeth White, Environmental Planning  
Steve Wertheim, Citywide Planning

**RE:** Analysis of Environmental Effects of Potential Plan  
Changes Presented May 3, 2018 for the Central South of  
Market Area (SoMa) Plan  
Planning Department Case No. 2011.1356E

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The May 3, 2018 Planning Commission packet includes (1) changes to the Central SoMa Plan since introduction, (2) a list of modifications recommended by Planning Department staff, and (3) a list of "Issues for Consideration" (which are proposals for changes to the Central SoMa Plan received from the public during the public review process). This memorandum evaluates the environmental effects of all three of these categories of information, in the event decision makers choose to incorporate additional changes into the Central SoMa Plan.

### Changes to the Central SoMa Plan since Introduction

The Environmental Planning Division of the Planning Department has reviewed changes to the Central SoMa Plan, as they appear in the May 3, 2018 Planning Commission Packet. The following conclusions are made (references to the location of these changes in the May 3, 2018 Planning Commission packet are provided in parentheses):

- Changes to the Central SoMa General Plan Amendments Draft Ordinance since introduction (Exhibit II.6) were determined not to result in physical environmental effects.
- Changes to the Zoning Map Amendments Ordinance since introduction (Exhibit IV.4): (1) correct a drafting error, (2) change the allowable zoning on certain blocks and lots from West SoMa Mixed Use Office (WMUO) to Central SoMa Mixed-Use Office (CMUO); and (3) change the allowable zoning for Block 3763, Lot 112 and change the allowable heights for this block and lot along with Lot 113. The changes from the correction of a drafting error were determined not to result in physical environmental effects, the changes to proposed zoning from WMUO to CMUO are evaluated in an erratum issued on April 5, 2018, and changes to the zoning and

height at Block 3763 were evaluated in a second erratum issued on May 9, 2018 and in Environmental Impact Report (EIR) Appendix H.

- Changes to Planning Code and Administrative Code Amendments Ordinance since introduction (Exhibit III.5) correct or clarify the Planning Code Amendments, or were determined to not result in environmental effects, with the exception of changes to the Planning Code that require sites to be commercially-oriented, changing this requirement from sites that are 30,000 square feet in area to sites that are 40,000 square feet in area. The environmental effects of this change to the Planning Code were evaluated in an erratum issued on April 5, 2018 and determined not to result in new significant effects or effects of greater severity than that disclosed in the EIR.
- Changes to the Central SoMa Plan Implementation Program since introduction (Exhibit V.4) merely implement changes to the General Plan, Planning Code, and Zoning Map amendments as discussed above, or were determined not to result in physical environmental effects. It should be noted that an implementation measure identifies funding for a potential park at 1133 Mission Street. The EIR, at a programmatic level, evaluates the environmental effects of the creation of a new park within or near Central SoMa. Once a specific proposal is put forth, additional environmental review may be required to ensure that the environmental effects of the park are adequately addressed in the EIR.

In summary, the above changes to the Central SoMa Plan have been adequately evaluated in the EIR and the revisions made to the EIR to address these changes are presented in errata dated April 5, 2018 and May 9, 2018 and do not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code section 21092.1) and the CEQA Guidelines (14 California Code of Regulations section 15088.5).

## Recommended Modifications and Issues for Consideration

In addition to the above changes to the Central SoMa Plan, the May 3, 2018 Planning Commission packet contains recommended modifications to the Planning Code and Administrative Code Ordinance (contained in Exhibit III.1) and additional zoning map, Planning and Administrative Code, and implementation program “issues for consideration” (Exhibits IV.5, III.6, and V.5, respectively). These “issues for consideration” are proposals for changes to the Central SoMa Plan received from the public during the public review process. The following contains an analysis of the environmental effects of these recommended modifications and issues for consideration, should decision makers choose to include them in the Central SoMa Plan. In this analysis, staff has determined that, apart from the following item (which is not currently recommended by staff), the changes merely clarify or make corrections to the current proposal, or would not result in environmental effects beyond that analyzed

in the EIR.

**Issue not covered in the EIR analysis:** Setting the maximum development capacity at each site at the level listed in the Key Development Sites Guidelines, rather than the formula provided in Section 263.32(c)(1).

**Rationale:** The proposed Planning Code formula setting development capacity for the Key Sites was developed to ensure that development on Key Sites does not exceed the growth projected under the EIR. It is unclear how setting maximum development capacity according to the Key Development Sites Guidelines would affect the overall growth anticipated and evaluated in the EIR. More information regarding the effects of this proposal on the Plan's anticipated growth projections would be required before the Commission adopts this proposal in order to assess whether the environmental effects of the proposal are adequately addressed in the EIR. Furthermore, the Planning Department staff do not recommend the Central SoMa Plan be amended to incorporate this request.

The following issues require additional explanation as to how the environmental effects of these issues are addressed in the Draft EIR:

1. For the area north of Harrison Street, change the proposed zoning from CMUO to Mixed-Use General (MUG) or Mixed-Use Residential (MUR)

*Analysis:* Under the zoning proposed in the Central SoMa Plan and analyzed in the EIR, it is anticipated that the currently proposed zoning change to this area, which would create a uniform zoning of CMUO, could result in approximately 3,000 jobs (680,000 square feet of commercial space) and 1,100 residential units (1,330,000 square feet of residential space).<sup>1</sup> If the CMUO zoning district north of Harrison Street was rezoned to MUG or MUR (which limits office uses), it is estimated that this zoning change would result in 2,500 jobs (550,000 square feet of commercial space) and 1,250 residential units (1,500,000 square feet of residential space). The proposal would result in a loss of 500 jobs and a gain of 150 residential units in the Central SoMa Plan Area.

As explained in EIR Appendix G (attachment to the EIR, provided in an erratum issued April 5, 2018), other changes to the Central SoMa Plan have resulted in changes to the Plan's growth projections. Specifically, based on the amendments to the Plan addressed in the April 5, 2018 erratum, the Plan is anticipated to result in 8,300 net new housing units and 34,250 jobs. These changes to the Plan were determined to be within the growth projections used as the basis for the EIR's quantitative analysis as shown in Table IV-1, Summary of

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<sup>1</sup> Wertheim, Steve (San Francisco Planning Department), "MUO to MUG". Email communication to Jessica Range and Elizabeth White. April 17, 2018.



Growth Projections on Draft EIR page IV-6. The EIR analyzes an increase of 14,500 residential units within the EIR study area, of which 8,320 units are anticipated to occur in the Plan Area and an increase of 63,600 jobs within the EIR study area, of which 44,000 are anticipated to occur within the Plan Area.<sup>2, 3</sup> The above change in zoning (from CMUO to MUG or MUR) would change the Plan's overall growth projections, resulting in a total of 8,450 housing units and 33,750 jobs. These changes would result in growth projections for the number of residential units exceeding those for the Plan Area that were used as the basis for the EIR by 130 units. However, the changes to the Plan that have taken place since publication of the Responses to Comments document would also result in a reduction of about 10,250 jobs within the Plan Area. As such, it can be reasonably concluded that the environmental effects of an additional 130 residential units within the Plan Area, beyond that anticipated in the EIR, would be off-set by a reduction in environmental effects anticipated to occur as a result of approximately 10,000 fewer jobs being developed within the Plan Area. Therefore, there would be no substantial change to the EIR's analysis for topics that rely upon the EIR's growth projections (transportation; noise; air quality; and hydrology and water quality). Similarly, because the overall intensity of development under the Plan would still be within that which was studied in the EIR, there would be no change to impacts identified in the initial study related to population and housing, recreation, utilities or public services.

Furthermore, the rezoning of CMUO north of Harrison Street to MUG or MUR would not change height and bulk proposals studied in the EIR, and therefore, would not result in changes to the aesthetics, shadow, or wind analysis in the EIR. Additionally, there would be no change in the location of projected development, and no significant changes in construction techniques. As such, there would be no substantial change in effects related to site-specific conditions, including: land use and land use planning, cultural and paleontological resources, biology, geology, hazardous materials, mineral resources, energy, and agricultural and forestry resources.

For the above reasons, including this change to the Central SoMa Plan's proposed zoning would not result in overall growth beyond that anticipated by the Plan and therefore would not result in increased physical environmental effects beyond that already studied in the EIR and would not constitute new significant information that requires recirculation of the EIR under CEQA and the CEQA Guidelines.

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<sup>2</sup> Errata to the Environmental Impact Report for the Central South of Market (SoMa) Area Plan. April 5, 2018. Available at: [http://sfmea.sfplanning.org/Central\\_SoMa\\_EIR\\_Errata\\_April52018.pdf](http://sfmea.sfplanning.org/Central_SoMa_EIR_Errata_April52018.pdf)

<sup>3</sup> Central SoMa Draft Environmental Impact Report. Appendix G. Analysis of Environmental Effects of Plan Changes Presented April 5, 2018 for the Central South of Market (SoMa) Plan. April 5, 2018.

2. Prohibit large office uses (greater than 50,000 square feet) in the area currently zoned Service, Arts, Light Industrial (SALI) except for Key Sites

*Analysis:* This change would allow small office, retail and institutional uses to be developed and was determined to not substantially affect the growth projections used as the basis for the analysis in the EIR.

3. Do not eliminate the grandfathering clause for compliance with the Transportation Demand Management requirements

*Analysis:* The current Planning Code Transportation Demand Management (TDM) requirements allow for grandfathering of certain projects with applications on file with the Planning Department and would reduce the TDM requirements of the Central SoMa Plan for these projects. Projects that meet the current eligibility requirements, which include a number of Central SoMa projects, are required to meet 50% of the TDM requirements. The Planning Department proposes to include a more limited grandfathering provision in the Central SoMa Plan, requiring projects with complete development applications or environmental evaluation applications on file before January 1, 2018, to meet 75% of the TDM requirements, and not 100% of the TDM requirements. The EIR found that noise and air quality impacts from traffic generated by subsequent development projects would be significant and unavoidable. Mitigation Measure M-NO-1a: Transportation Demand Management for New Development was identified in the EIR prior to adoption of the current TDM Ordinance. This mitigation measure would apply the equivalent of the current TDM requirements to projects within the Central SoMa Plan area, with not grandfathering. Thus this measure would reduce the number of vehicle trips generated by subsequent development projects to a greater degree than under the current requirements. The EIR determined that because it is uncertain the degree to which this mitigation measure could reduce traffic noise to a less than significant level, noise (and air quality) impacts would be significant and unavoidable.

Including a grandfathering clause as part of the Central SoMa TDM requirements, as described above, would reduce the effectiveness of TDM measures to reduce vehicle trips and subsequent noise and air quality effects. However, increased noise and air quality effects resulting from reduced TDM requirements that would occur under a grandfathering clause would be limited, as it would only apply to approximately 20 projects within the Plan Area and these projects would still be required to incorporate a substantial number of TDM measures into their project. In addition, the EIR concludes, in Impact TR-8, Emergency Vehicle Access, that the Central SoMa Plan would result in a significant impact to emergency vehicle access. The EIR concludes that with implementation of mitigation

measures M-TR-8, M-TR-3a, M-NO-1a, and M-AQ-5e, this impact would be reduced to less than significant. Including a grandfathering clause as part of the Central SoMa TDM requirements would not affect the EIR's significance determination for Impact TR-8 related to emergency vehicle access because, as stated above, the grandfathering clause would apply to a limited number of projects, which would still be required to implement a substantial number of TDM measures. Additionally, this mitigation measure and three other mitigation measures (M-TR-8, M-TR3a, and M-AQ5e) would all contribute to reducing this impact to less than significant levels.

Should the Planning Commission adopt the Central SoMa Plan with the proposed TDM requirements, which allow for grandfathering, the Commission would need to amend Mitigation Measure M-NO-1a in the EIR to align with this policy directive. This would be accomplished through the CEQA findings.

4. Various amendments that would increase or decrease the total amount (in square feet) of open space or POPOS that may be developed under the Plan

*Analysis:* The list of issues for consideration includes various requests to modify the Planning Code requirements that would either increase or decrease the amount of open space or POPOS that would ultimately be developed on private property under the plan (whether private open space or publicly-accessible open space). However, these proposals would not entirely eliminate the requirement for subsequent development projects to provide open space. Additionally, POPOS and open space requirements are intended to be a complement, not a substitute for neighborhood and regional parks or other recreational facilities. Residents and workers within the Central SoMa Plan area would have access to existing open spaces such as Yerba Buena Gardens and South Park in the Plan Area and nearby facilities, in addition to additional parks and open spaces proposed under the Plan. Therefore, even with changes that could reduce the amount of open space required by the Central SoMa Plan, it is not anticipated that the plan would result in the physical deterioration of recreational resources and impacts to recreational resources would remain less than significant. This analysis concludes that the potential changes to the Plan's open space requirements would still result in a less-than-significant impact to recreation and that the Central SoMa Initial Study analysis remains valid.

## Attachment D: Summary of Appellants' Concerns

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### Introduction

Attachment D first provides a summary of how Appellants' concerns are addressed in this appeal response. Second, for Appellants who included their original comment letters on the Draft EIR in their appeal letters, Table D-1 (in this Attachment D) provides a matrix containing the Appellants' original comment, as coded by the Department in the Response to Comments ("RTC"), and corresponding page numbers where the RTC provides responses to those comments. The RTC provides sufficient responses to all comments submitted on the Draft EIR.

### Summary of How Appellants' Concerns Are Addressed in this Appeal Response

Four appeal letters were timely filed concerning certification of the EIR for the Central SoMa Plan. This Appendix D summarizes the concerns raised in the June 8, 2018, Central SoMa Neighbors and SFBlu Appeal Letter, the June 11, 2018, One Vassar, LLC Appeal Letter, the June 11, 2018 SOMCAN Appeal Letter, and the June 11, 2018, YBNC Appeal Letter, and indicates where in the appeal response the Department addresses any concerns related to the accuracy and adequacy of the information in the EIR. The Department's responses to concerns raised in all four appeal letters are provided below, as well as in the appeal response itself. Pursuant to chapter 31 of the Administrative Code, section 31.16(c)(3), the grounds for appeal of an EIR are limited to whether the EIR complies with CEQA, including whether it is adequate, accurate and objective, sufficient as an informational document, is correct in its conclusions, and reflects the independent judgment and analysis of the city and whether the Planning Commission's EIR certification findings are correct. Some of the concerns raised in the appeal letters do not require a response because they do not concern the adequacy or accuracy of the EIR.

### Central SoMa Neighbors ("CSN") and SFBlu Appeal Letter

The appeal letter submitted by CSN and SFBlu includes Exhibits A, B, and C. Exhibit A contains the EIR certification motion and other Planning Commission motions, which do not require a response. Exhibit B is cited in the appeal letter as additional reasons for appeal of the EIR and contains a letter submitted by CSN and SFBlu to the Planning Commission on May 9, 2018, with an attachment from Smith Engineering and also a memorandum to Planning Department staff regarding shadow analysis procedures. Exhibit C contains the comment letter CSN and SFBlu submitted on the Draft EIR. The Appellant claims that the responses to the comments submitted by CSN and SFBlu were inadequate. However, aside from the reasons set forth in the appeal letter and Exhibit B, which are addressed in the appeal response, the Appellants have provided no evidence or information regarding how they believe the responses in the Draft EIR are inadequate. Therefore, the concerns raised in Exhibit C do not require a response. Instead, the matrix below indicates how the Appellants' comments were bracketed and assigned in the RTC and provides the page number where the RTC provides responses to their comments. The following summarizes the remaining concerns raised in the appeal letter and Exhibit B, where they are addressed in this response, and, where a response is not necessary, the reasons why:

- The CEQA findings adopted by the Planning Commission for the Central SoMa Plan are incorrect (see Response 1);
- The EIR is not adequate, accurate and objective and is inadequate as an informational document for the reasons set forth in their appeal letter (see Response 2);
- Concerns regarding displacement and gentrification resulting from the Plan's jobs and housing balance (see Response 3);

- Support for an alternative analyzed in the EIR as well as a second alternative not analyzed in the EIR. (Although this concern is not related to the accuracy or adequacy of the EIR and therefore does not require a response, a response has been provided in Response 16. Furthermore, Response AL-1 starting on p. RTC-274 fully addresses the reasons the alternative suggested by the Appellant need not be considered in the EIR.);
- Concerns regarding the adequacy of the responses to CSN and SFBlu's comments on the Draft EIR, which, aside from the concerns addressed in the appeal response, are not supported by any additional information and thus do not require a response;
- Concerns that the Plan would isolate the Central SoMa neighborhood from surrounding neighborhoods (see Response LU-3 on p. RTC-111; the Appellants have provided no additional information or evidence that the Plan would physically divide the Central SoMa neighborhood; therefore no further response is required);
- Environmental effects that could result from the designation of a Housing Sustainability District ("HSD") and a contention that revising the EIR to include the HSD constitutes significant new information under CEQA (see Response 4);
- Concerns regarding the adequacy of the EIR's vehicle miles traveled ("VMT") analysis and the RTC's response to the Draft EIR comments submitted by CSN and SFBlu regarding the EIR's VMT analysis (see Response 6);
- Concerns regarding the impacts of the Plan with respect to increased use of TNCs (see Response 7).
- Concerns regarding the date of baseline data used in the transportation analysis (see Response 8)
- Concerns regarding the RTC response to the analysis of impacts to Bay Area Rapid Transit ("BART") (see Response 9);
- Concerns regarding the EIR's traffic hazard analysis (see Response 10);
- Concerns regarding the ability of Mitigation Measure M-TR-8 to effectively mitigate the Plan's impact on emergency access (see Response 11);
- Concerns regarding the cumulative construction traffic analysis (see Response 12); and
- Concerns that the EIR's air quality mitigation measures are inadequate (see Response 13);
- Concerns regarding the adequacy of the shadow analysis (see Response 14);

### **One Vassar LLC Appeal Letter**

One Vassar LLC submitted comments on the Draft EIR. The RTC fully responded to those comments. None of the comments submitted by One Vassar in its appeal letter were raised in its comments on the Draft EIR. One Vassar's appeal letter raises three main concerns:

- The Planning Commission's statement of overriding considerations is not supported in all aspects by substantial evidence (see Response 1);
- The EIR should have included an increased housing density alternative as a means of reducing the Plan's impacts on transit, traffic and air quality (see Response 16); and

- The Plan and the proposed HSD are inconsistent with the Housing Element of the General Plan and such inconsistencies would result in significant impacts to transit, traffic and air quality (see Response 5).

The One Vassar appeal letter also includes exhibits 1-11 which One Vassar claims support the concerns in its appeal letter. The Department's responses to the One Vassar appeal letter address each of these exhibits as they relate to the adequacy and accuracy of the information in the EIR.

### **SOMCAN Appeal Letter**

The SOMCAN appeal letter includes Exhibits A through D. Exhibit A, C, and D include the EIR certification motion and CEQA findings, links to videos of hearings in which testimony was given on the Central SoMa Plan, and the transcript of the Planning Commission hearing on May 10, 2018. These exhibits do not provide evidence supporting the claims in the SOMCAN appeal letter, and therefore do not need to be addressed in the appeal response. Exhibit B includes SOMCAN's letter on the Draft EIR. The Appellants state that they disagree with the responses to their comments on the Draft EIR, but provide no additional detail as to what those disagreements are. Therefore, the concerns raised in Exhibit B do not require a response. However, the matrix below indicates how the city has addressed SOMCAN's comments on the Draft EIR. Exhibit B also includes letters submitted to the Planning Commission on May 10, May 3, and April 12, 2018. The appeal letter and the May 10, May 3, and April 12, 2018 letters to the Planning Commission in Exhibit B raise the following concerns:

- Appeal of the Central SoMa Plan CEQA findings (see Response 1);
- There was inadequate time to review the RTC prior to the scheduled EIR certification hearing (see Response 17);
- Concerns regarding gentrification and displacement that could occur from the jobs and housing balance of the Plan (see Response 3); and
- Concerns regarding inclusion of the HSD in the EIR (see Response 4).

The SOMCAN appeal letter also states that the EIR is inadequate, incomplete, fails to disclose the severity of various environmental effects, and does not adopt all feasible mitigation, and that the Appellant disagrees with the response to the comments on the Draft EIR. However, the Appellants provide no information or evidence to support these contentions. In the absence of such information, no response is required. Lastly, this appeal letter contains a number of recommendations to address displacement and gentrification that the Appellants contend will occur in Central SoMa. The EIR determines that there is no evidence that the Plan would result in potential social and economic effects that would result in significant effects to the physical environment beyond those already disclosed in the EIR. In the absence of any such information, no mitigation measures are required. The recommendations suggested by the Appellant are considered comments on the merits of the Plan and therefore are not addressed in the appeal response.

### **Yerba Buena Neighborhood Consortium Appeal Letter**

The YBNC appeal letter includes as an attachment the Planning Commission motion certifying the EIR, which need not be addressed in the appeal response. YBNC's reasons for appeal of the EIR include that the EIR is not adequate, accurate or objective or sufficient as an informational document. The Appellant provides no information or evidence to support these claims. Other concerns raised by the Appellant include:

- The EIR does not analyze site specific and cumulative environmental impacts in regards to the Plan's impact on public services and recreational facilities (see Response 15).

In addition to the concerns raised above, comments from Appellant related to the merits of the plan do not relate to the adequacy or accuracy of the EIR and therefore are not addressed in the appeal response.

**TABLE D-1 APPELLANT COMMENTS AND CORRESPONDING PAGE NUMBERS IN RTC**

Commenter Code	Name and Title of Commenter	Format	Com. No.	Topic Code	Page Reference in IS, EIR, and RTC
O-CSN-1	Richard Drury, Attorney, Central SoMa Neighbors, S.F. Blu	Letter	1	AL-3: Support for Alternatives Identified in the Draft EIR	p. VI-1 p. RTC-292
			2	LU-3: Plan Would Disrupt/Divide Neighborhood	p. IV.A-9 p. RTC-111
			3	AL-3: Support for Alternatives Identified in the Draft EIR	p. VI-1 p. RTC-26
			4	AL-1: Analyze Additional Alternatives in the Draft EIR	p. VI-1 p. RTC-274
			5	PD-8: Request for Park on Second Street	p. II-7 p. RTC-78
			6	GC-5: Adequacy of Draft EIR Analysis and Mitigation	p. RTC-388
			7	PD-6: Initial Study Describes a Different Project Than the Draft EIR and the Initial Study is Inadequate	p. IV-1 p. RTC-60
			8	GC-2: CEQA Baseline	p. IV-4 p. RTC-375
			9	PD-6: Initial Study Describes a Different Project Than the Draft EIR and the Initial Study is Inadequate	p. IV-1 p. RTC-60
			10	GC-2: CEQA Baseline	p. IV-4 p. RTC-375
			11	GC-3: CEQA Process	p. I-1 p. RTC-383
			12	PP-4: General Plan Consistency	p. III-1 p. RTC-96
			13	GC-5: Adequacy of Draft EIR Analysis and Mitigation	p. RTC-388
			14	TR-3: Vehicle Miles Traveled (VMT) Impacts	p. IV.D-35 p. RTC-139



**TABLE D-1 APPELLANT COMMENTS AND CORRESPONDING PAGE NUMBERS IN RTC**

Commenter Code	Name and Title of Commenter	Format	Com. No.	Topic Code	Page Reference in IS, EIR, and RTC
			15	TR-6: Transportation Impact Figures	p. IV.D-12 p. RTC-149
			16	GC-2: CEQA Baseline	p. IV-4 p. RTC-375
			17	TR-12: Emergency Vehicle Access Impacts	p. IV.D-79 p. RTC-180
			18	TR-11: Parking Impacts	p. IV.D-75 p. RTC-178
			19	CU-3: Cumulative Transportation and Air Quality Analysis	p. IV.D-85; IV.F-21 p. RTC-301
			20	AQ-1: Adequacy of Air Quality Impact Analysis and Conclusion	p. IV.F-20 p. RTC-201
			21	GC-2: CEQA Baseline	p. IV-4 p. RTC-375
			22	AQ-1: Adequacy of Air Quality Impact Analysis and Conclusion	p. IV.F-20 p. RTC-201
			23	AQ-1: Adequacy of Air Quality Impact Analysis and Conclusion	p. IV.F-20 p. RTC-201
			24	AQ-2: Air Quality Mitigation Measures	p. IV.F-20 p. RTC-208
			25	AQ-2: Air Quality Mitigation Measures	p. IV.F-20 p. RTC-208
			26	AE-2: Conclusion Regarding Aesthetics Impacts	p. IV.B-27 p. RTC-121
			27	OC-3: Growth-Inducement Analysis	p. V-5 p. RTC-263
			28	PH-3: Population Analysis and Conclusion on Housing	p. 82 (Initial Study)

**TABLE D-1 APPELLANT COMMENTS AND CORRESPONDING PAGE NUMBERS IN RTC**

Commenter Code	Name and Title of Commenter	Format	Com. No.	Topic Code	Page Reference in IS, EIR, and RTC
			29	RE-1: Adequacy of Open Space and Privately Owned Public Open Space (POPOS)	p. RTC-321 p. IV.H-40 p. RTC-326
			30	SH-2: Conclusion Regarding Shadow Impacts	p. IV.H-11 p. RTC-232
			31	TR-9: Pedestrian and Bicycle Impacts	p. IV.D-56; IV.D-65 p. RTC-167
			32	OC-1: Gentrification and Displacement	p. RTC-248 p. V-7
			33	PS-2: Public Services Analysis Is Inadequate	p. 121 (Initial Study) p. RTC-336
			34	TR-13: Mitigation and Improvement Measures	p. IV.D-35 p. RTC-184
			35	BI-1: Biological Resources Impact Analysis	p. 131 (Initial Study) p. RTC-347
			36	CU-3: Cumulative Transportation and Air Quality Analysis	p. IV.D-85; IV.F-21 p. RTC-301
			37	AL-2: Environmentally Superior Alternative Analysis	p. VI-67 p. RTC-286
			38	GC-5: Adequacy of Draft EIR Analysis and Mitigation	p. RTC-388
			39	AL-3: Support for Alternatives Identified in the Draft EIR	p. VI-1 p. RTC-292
			40	GC-5: Adequacy of Draft EIR Analysis and Mitigation	p. RTC-388
			41	PD-6: Initial Study Describes a Different Project Than the Draft EIR and the Initial Study is Inadequate	p. IV-1 p. RTC-60
			42	PM-4: Plan Will Adversely Affect Central SoMa Neighborhood	p. RTC-361

**TABLE D-1 APPELLANT COMMENTS AND CORRESPONDING PAGE NUMBERS IN RTC**

Commenter Code	Name and Title of Commenter	Format	Com. No.	Topic Code	Page Reference in IS, EIR, and RTC
			43	PD-6: Initial Study Describes a Different Project Than the Draft EIR and the Initial Study is Inadequate	p. IV-1 p. RTC-60
			44	GC-2: CEQA Baseline	p. IV-4 p. RTC-375
			45	GC-5: Adequacy of Draft EIR Analysis and Mitigation	p. RTC-388
			46	OC-3: Growth-Inducement Analysis	p. V-5 p. RTC-263
			47	PH-3: Population Analysis and Conclusion on Housing	p. 82 (Initial Study) p. RTC-321
			48	OC-1: Gentrification and Displacement	p. RTC-248 p. V-7
			49	PS-2: Public Services Analysis Is Inadequate	p. 121 (Initial Study) p. RTC-336
			50	SH-2: Conclusion Regarding Shadow Impacts	p. IV H-11 p. RTC-232
			51	RE-2: Adequacy of Recreational Facilities	p. 106 (Initial Study) p. RTC-329
			52	PP-4: General Plan Consistency	p. III-1 p. RTC-96
			53	GC-5: Adequacy of Draft EIR Analysis and Mitigation	p. RTC-388
			54	GC-5: Adequacy of Draft EIR Analysis and Mitigation	p. RTC-388
			55	AQ-1: Adequacy of Air Quality Impact Analysis and Conclusion	p. IV F-20 p. RTC-201
			56	GC-2: CEQA Baseline	p. IV-4 p. RTC-375
			57	CU-3: Cumulative Transportation and Air Quality Analysis	p. IV D-85; IV F-21

**TABLE D-1 APPELLANT COMMENTS AND CORRESPONDING PAGE NUMBERS IN RTC**

Commenter Code	Name and Title of Commenter	Format	Com. No.	Topic Code	Page Reference in IS, EIR, and RTC
O-One Vassar	Melinda A. Sariapur, Attorney	Letter			p. RTC-301
			58	AL-2: Environmentally Superior Alternative Analysis	p. VI-67 p. RTC-286
			59	TR-3: Vehicle Miles Traveled (VMT) Impacts	p. IV.D-35 p. RTC-139
			60	TR-5: Traffic Level of Service Analysis	p. IV.D-21 p. RTC-147
			61	GC-2: CEQA Baseline	p. IV-4 p. RTC-375
			62	TR-8: Transit Impacts	p. IV.D-79 p. RTC-160
			63	CU-3: Cumulative Transportation and Air Quality Analysis	p. IV.D-85; IV.F-21 p. RTC-301
			64	TR-9: Pedestrian and Bicycle Impacts	p. IV.D-56; IV.D-65 p. RTC-167
			65	TR-12: Emergency Vehicle Access Impacts	p. IV.D-79 p. RTC-180
			66	TR-2: Methodology	p. IV.D-25 p. RTC-134
			67	BI-1: Biological Resources Impact Analysis	p. 131 (Initial Study) p. RTC-347
			1	PD-9: Revise Maximum Height Proposed for Parcels North of I-80 Freeway and East of Fourth Street	p. III-10 p. RTC-78
			2	PP-7: One Vassar Project	p. III-19 p. RTC-103
			3	OV-1: Description of Subsequent Development Projects	p. IV-8 p. RTC-108

**TABLE D-1 APPELLANT COMMENTS AND CORRESPONDING PAGE NUMBERS IN RTC**

Commenter Code	Name and Title of Commenter	Format	Com. No.	Topic Code	Page Reference in IS, EIR, and RTC
O-SOMCAN-Cabande			4	AE-3: One Vassar Project	p. IV.B-38 p. RTC-123
			5	CP-4: Object to Identification of 645 Harrison Street as a Potential Article 10 Landmark	p. IV.C-28 p. RTC-130
			6	CP-1: Historic Resources That Could Be Affected by the Plan	p. IV.C-55 p. RTC-125
			7	TR-14: Miscellaneous Transportation Comments	p. RTC-189
			8	GC-6: Individual Project Analysis	p. IV-8 p. RTC-390
			9	GC-6: Individual Project Analysis	p. IV-8 p. RTC-390
			10	CU-4: Transbay Joint Powers Authority Bus Facility	p. RTC-305
	Angelica Cabande, Organizational Director, South of Market Community Action Network	Letter	1	GC-3: CEQA Process	p. I-1 p. RTC-383
			2	GC-3: CEQA Process	p. I-1 p. RTC-383
			3	PM-1: Do Not Support the Plan	p. RTC-356
			4	PM-5: Youth and Family Zone Special Use District	p. IV.A-7 p. RTC-363
			5	TR-8: Transit Impacts	p. IV.D-79 p. RTC-160
			6	TR-7: Transportation Network Companies (TNCs) and Delivery Vehicles	p. IV.D-32 p. RTC-151
			7	PD-10: State Density Bonus Program	p. RTC-80
			8	OC-1: Gentrification and Displacement	p. RTC-248 p. V-7

**TABLE D-1** APPELLANT COMMENTS AND CORRESPONDING PAGE NUMBERS IN RTC

Commenter Code	Name and Title of Commenter	Format	Com. No.	Topic Code	Page Reference in IS, EIR, and RTC
			9	GC-13: Non-Traditional Housing/Short-Term Rentals	p. RTC-397
			10	CU-2: Address 5M Project in Cumulative Analysis	p. IV-11 p. RTC-295
			11	PP-6: Office Uses in Central SoMa	p. III-19 p. RTC-102
			12	PD-5: Impact of Plan on Production, Distribution, and Repair (PDR) Uses	p. II-14 p. RTC-51
			13	OC-1: Gentrification and Displacement	p. RTC-248 p. V-7
			14	RE-1: Adequacy of Open Space and Privately Owned Public Open Space (POPOS)	p. IV.H-40 p. RTC-326
			15	OC-1: Gentrification and Displacement	p. RTC-248 p. V-7
			16	WI-8: Impacts of the Plan Wind Conditions on Seniors and the Disabled	p. RTC-223
			17	NO-1: Construction Noise Impacts	p. IV.E-23 p. RTC-192
			18	AQ-1: Adequacy of Air Quality Impact Analysis and Conclusion	p. IV.F-20 p. RTC-201
			19	TR-9: Pedestrian and Bicycle Impacts	p. IV.D-56; IV.D-65 p. RTC-167
			20	GC-3: CEQA Process	p. I-1 p. RTC-383
			21	GC-5: Adequacy of Draft EIR Analysis and Mitigation	p. RTC-388
			22	AL-1: Analyze Additional Alternatives in the Draft EIR	p. VI-1 p. RTC-274
			23	GC-3: CEQA Process	p. I-1

**TABLE D-1 APPELLANT COMMENTS AND CORRESPONDING PAGE NUMBERS IN RTC**

Commenter Code	Name and Title of Commenter	Format	Com. No.	Topic Code	Page Reference in IS, EIR, and RTC
O-YBNC-Elberling					p. RTC-383
			24	AL-1: Analyze Additional Alternatives in the Draft EIR	p. VI-1 p. RTC-274
			25	GC-5: Adequacy of Draft EIR Analysis and Mitigation	p. RTC-388
	John Elberling, Chair, The Yerba Buena Neighborhood Consortium	Letter	1	PS-2: Public Services Analysis Is Inadequate	p. 121 (Initial Study) p. RTC-336
			2	PS-1: Childcare	p. RTC-332
			3	RE-2: Adequacy of Recreational Facilities	p. 106 (Initial Study) p. RTC-329
			4	PM-1: Do Not Support the Plan	p. RTC-356

# memorandum

date July 7, 2018

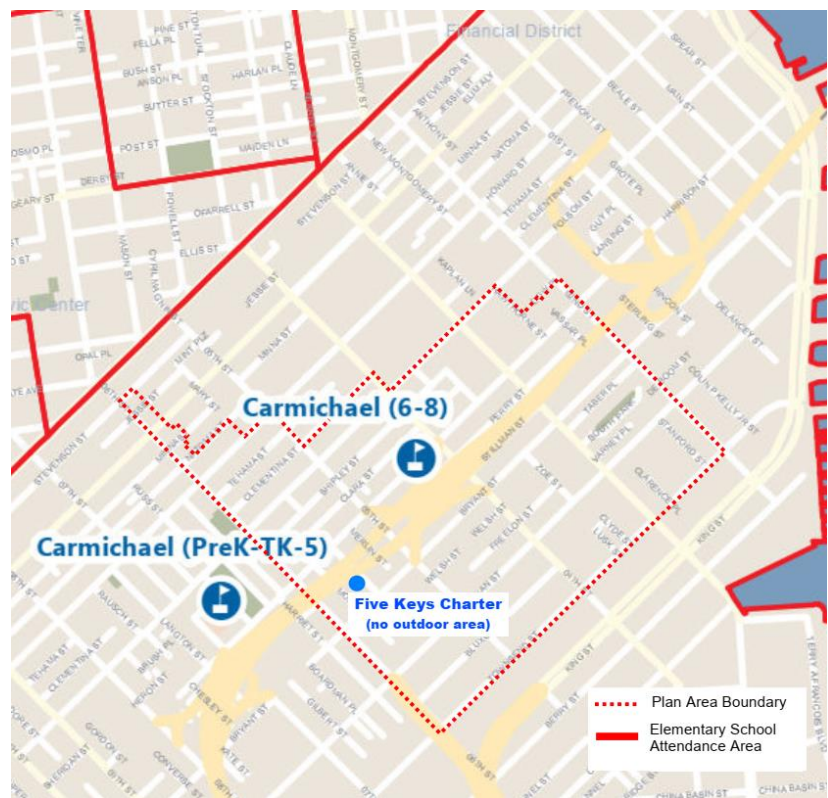
to Jessica Range and Liz White, Environmental Planning

from Karl Heisler and Eryn Brennan, ESA

subject Central SoMa Plan – Shadow on Public Schools in Plan Area and Vicinity

This memorandum evaluates the Central SoMa Plan’s potential shadow effects on outdoor play areas associated with public schools in the Plan Area and nearby. As stated on p. IV.A-3 of the Plan EIR, the San Francisco Unified School District’s Bessie Carmichael Middle School is located within the Plan Area, on Harrison Street just west of Fourth Street (see **Figure 1**). The Bessie Carmichael elementary campus is just west of the Plan Area, on Seventh Street.<sup>1</sup> Neither Bessie Carmichael Middle School nor Bessie Carmichael Elementary School is currently part of the San Francisco Shared Schoolyard Project, under which certain school play yards are opened to public access on weekends.<sup>2</sup>

The EIR shadow analysis (Section IV.H) included figures showing potential shadow that would be cast at key times by buildings that could be built with Plan implementation.<sup>3</sup> Appendix E of the EIR included a set of 37 figures showing



SOURCE: San Francisco Unified School District; ESA

**Figure 1**  
Public Schools in and near the Plan Area

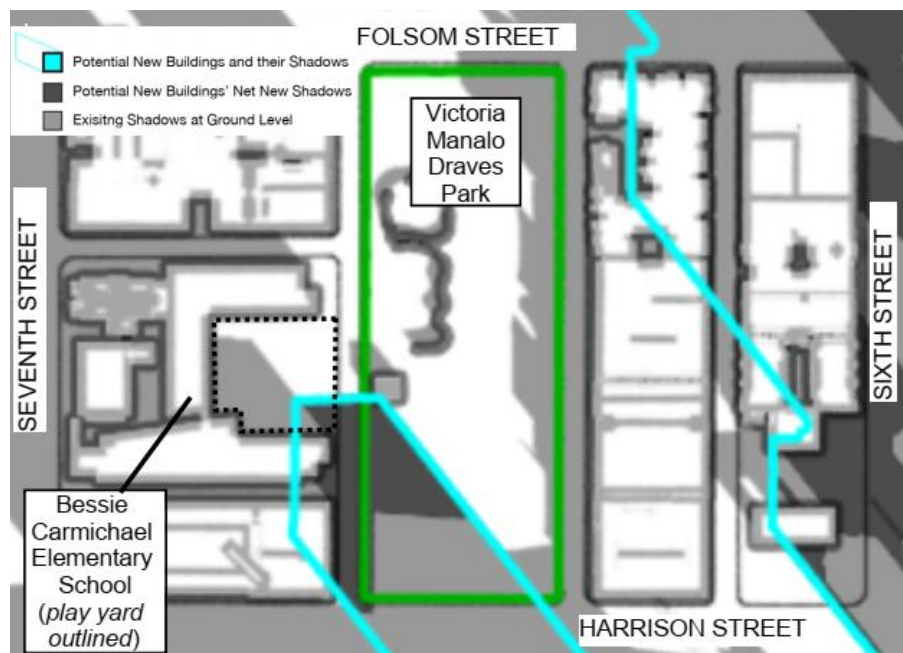
<sup>1</sup> A third school, Five Keys Charter School, which is associated with the San Francisco County Jail, has no outdoor space.

<sup>2</sup> E-mail correspondence from Amy Randel, Program Manager, Shared Schoolyard Project, San Francisco Unified School District, to Environmental Science Associates and San Francisco Planning Department, June 30, 2017.

<sup>3</sup> This analysis also accounts for potential development from existing building heights up to existing height limits on “soft sites” (sites currently developed with a relatively lower-value use than allowed by current zoning, but assumed more likely to redevelop under the Plan, including buildings that are below the existing height limit), even where the Plan would not change a site’s height limits or allowable uses. Development of these sites up to existing height limits may not occur. This analysis therefore provides a conservative estimate of the shadow effects of Plan implementation.



shadow from Plan Area development at hourly intervals on the summer and winter solstices and on the spring and fall equinoxes. Review of those images indicates that Plan Area development could cast new shadow on the outdoor play yard at Bessie Carmichael Middle School, located on Harrison Street west of Fourth Street. The figures in Appendix E also show that the Plan could potentially cast shadow on the outdoor play area at Bessie Carmichael Elementary School, on Seventh Street north of Harrison Street, in the early morning (before 8 a.m.) around the spring and fall equinoxes. This shadow could be caused by development under the Plan that would be allowed at a height of up to 270 feet on the block bounded by Bryant, Fifth, Brannan, and Sixth streets (the location of the existing San Francisco Flower Market), as shown in **Figure 2**. However, there is a proposed project on file at that site (Case No. 2015-004256ENV) that was designed to avoid casting net new shadow on Victoria Manalo Draves Park, which is immediately east of the elementary school play yard. This project



SOURCE: Fastcast; ESA

**Figure 2**

Potential Plan Shadow on Bessie Carmichael Elementary School

proposes maximum building heights of 236 feet, nearly 35 feet shorter than the Plan's proposed height limit. Analysis of this proposed project indicates that it would not cast net new shadow on Victoria Manalo Draves Park nor Bessie Carmichael Elementary School.<sup>4</sup> Accordingly, the remainder of this memorandum discusses potential shadow that could be cast by Plan Area development on the outdoor play area at Bessie Carmichael Middle School.

Bessie Carmichael Middle School (also known as Filipino Education Center) is located on the north side of Harrison Street

west of Fourth Street (Block 3752, Lot 12). The outdoor play yard faces the north sidewalk of Harrison Street and extends along Harrison Street for about 135 feet, beginning at a point about 175 feet west of Fourth Street (see **Figure 3**). The play yard is paved and painted with sports court markings, and has four basketball hoops. A cyclone fence covered in green tarpaulin-like material and ivy separates the play yard from the sidewalk. School buildings form the northern and eastern borders of the play yard, while the western boundary is comprised of adjacent buildings. A large mural covers the western wall of the play yard.

Plan Area development would cast net new shadow on the Bessie Carmichael Middle School Play Yard during the early morning and late afternoon throughout the year. Shadow would primarily be cast by development on two nearby sites: the southeast corner of Fourth and Harrison streets, where the Plan proposes a 240-foot height limit and a change in use district from Service Light Industrial to Mixed Use Office, and a site immediately across Harrison Street, where the Plan proposes no change in the existing 30-foot height limit or in use district (currently Service Arts Light Industrial)<sup>5</sup>. At Fourth and Harrison streets, a proposed project is on file with the

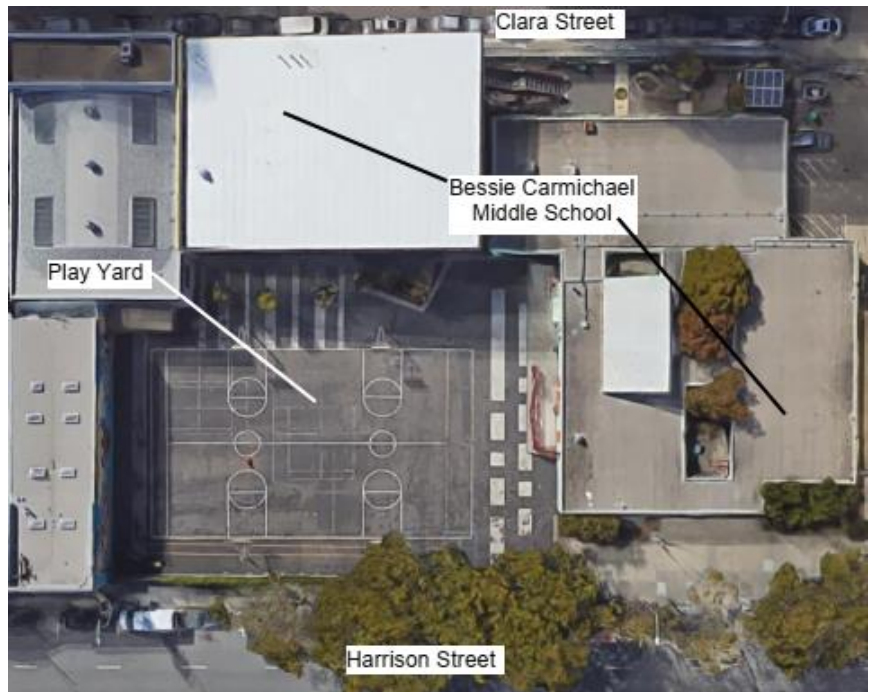
<sup>4</sup> Fastcast, *Flower Mart Shadow Analysis*, December 14, 2017.

<sup>5</sup> The Plan would not increase height limits or change the allowable uses on this site. Any shadow cast by future development of a 30-foot-tall building at this location would be caused by development built to the existing height limit, which would be maintained under the Plan.

Planning Department (Case No. 2005.0759ENV). This project proposes a 185-foot-tall, irregularly shaped tower at the corner of Fourth and Harrison streets, some 55 feet shorter than the Plan’s proposed height limit. No project is currently proposed across Harrison Street from the play yard.

## Shadow from Plan Area Development

This analysis is based on the shadow diagrams prepared for the Central SoMa Plan EIR and included in EIR Appendix E. Because the proposed project at Fourth and Harrison streets would be about 55 feet shorter than the height analyzed for the EIR, this analysis is conservative. **Figures 4 through 12**, attached, depict this potential shadow.



SOURCE: Google Maps

**Figure 3**  
Bessie Carmichael Middle School Play Yard

At the summer solstice (June 21), shadow would be cast on the play yard beginning at the first “Section 295 minute,” or 6:47 a.m.<sup>6</sup> At this time, shadow would be cast by both a potential 30-foot-tall building across Harrison Street from the play yard and by a potential 240-foot tower at Fourth and Harrison streets (see Figure 4). Shadow from these buildings would fully cover approximately two-thirds of the play yard that is currently in sunlight at this time. By 8 a.m., shadow cast by the 30-foot-tall building would no longer reach the school yard, but a 240-foot-tall building would continue to shade most of the play yard (see Figure 5). However, if the currently proposed 185-foot-tall building were built at this location, considerably less shadow would be cast by 8 a.m., with net new shadow covering only a narrow band along the southernmost boundary of the play yard. Shadow from Plan Area development would leave the play yard by 9 a.m. (see Figure 5). In the evening, the play yard would not receive any net new shadow from Plan Area development because, by the time this could occur (7 p.m.), the play yard is already fully shaded by existing buildings (see Figure 6). In summary, although Plan Area development would shade portions of the play yard before 9 a.m., the play yard would remain mostly in sun from 9 a.m. until shortly before 6 p.m. on the summer solstice with implementation of the Plan.

At the fall equinox (approximately September 20; conditions are very similar on the spring equinox, March 22), the play yard would be shaded by a potential 30-foot-tall building across Harrison Street, from the first Section 295 minute (7:57 a.m.) until about 9:30 a.m. (see Figure 7). The play yard would be completely shaded (about 85 percent by development pursuant to the Plan, with the remainder from existing buildings) for about

<sup>6</sup> The Planning Department commonly relies upon the hours governed by Planning Code section 295—from one hour after sunrise to one hour before sunset—in environmental review of potential shadow impacts of a project. This is because, during the first hour after sunrise and the last hour before sunset, shadows are very long due to the sun’s low position near the horizon, meaning that most of the City is shaded at these times: for example, shadow from a single-story, 20-foot-tall building reaches a length of 250 feet 30 minutes after sunrise on June 21. Moreover, in the first and last hours of sunlight, these very lengthy shadows move more quickly across the ground than do shadows at other times of day.

10 minutes, but after about 8:10 a.m., shadow would begin to recede and the play yard would become progressively sunnier. In the afternoon, new shadow would begin to fall on the play yard at about 5 p.m., from a potential 45-foot-tall building to the west (see Figure 8).<sup>7</sup> By 6 p.m., the play yard is mostly shaded by existing buildings and a potential 45-foot-tall building would nearly complete shading of the play yard (see Figure 9). In summary, although Plan Area development would shade portions of the play yard before about 9:30 a.m. and again after about 5 p.m., the play yard would remain mostly in sun from 9:30 a.m. until 5 p.m. on the fall and spring equinoxes with implementation of the Plan.

At the winter solstice (December 20), when shadows are longest, the play area would be newly shaded beginning at the first Section 295 minute (8:20 a.m.; see Figure 10). This net new shadow, which would shade most of the approximately three-fourths of the play yard currently in sunlight, would be cast primarily by a potential 30-foot-tall building across Harrison Street, with additional shadow cast by a potential 250-foot-tall tower at the southwest corner of Fourth and Brannan streets.<sup>8</sup> By 9 a.m., new shadow, only from a 30-foot building, would be limited to the eastern third of the play yard. This shadow would be largely gone from the play yard by 10 a.m. and fully gone from the play yard by 11 a.m. (see Figure 11). In the afternoon, the potential 45-foot-tall building to the west would cast shadow on the play yard beginning at 3 p.m., when the yard is already approximately 60 percent shaded by the existing building immediately west of the yard (see Figure 12). Because shadow from the existing building would lengthen as the sun gets lower in the sky, the potential 45-foot building would continue to add only a small increment of net new shadow beyond existing shadow. By the last Section 295 minute (3:54 p.m.), the play yard is fully shaded by existing buildings and Plan Area development would add no net new shadow. In summary, although Plan Area development would shade portions of the play yard before about 11 a.m. and again after 3 p.m., the play yard would remain mostly in sun from 11 a.m. until shortly before 3 p.m. on the winter solstice with implementation of the Plan.

## Conclusion

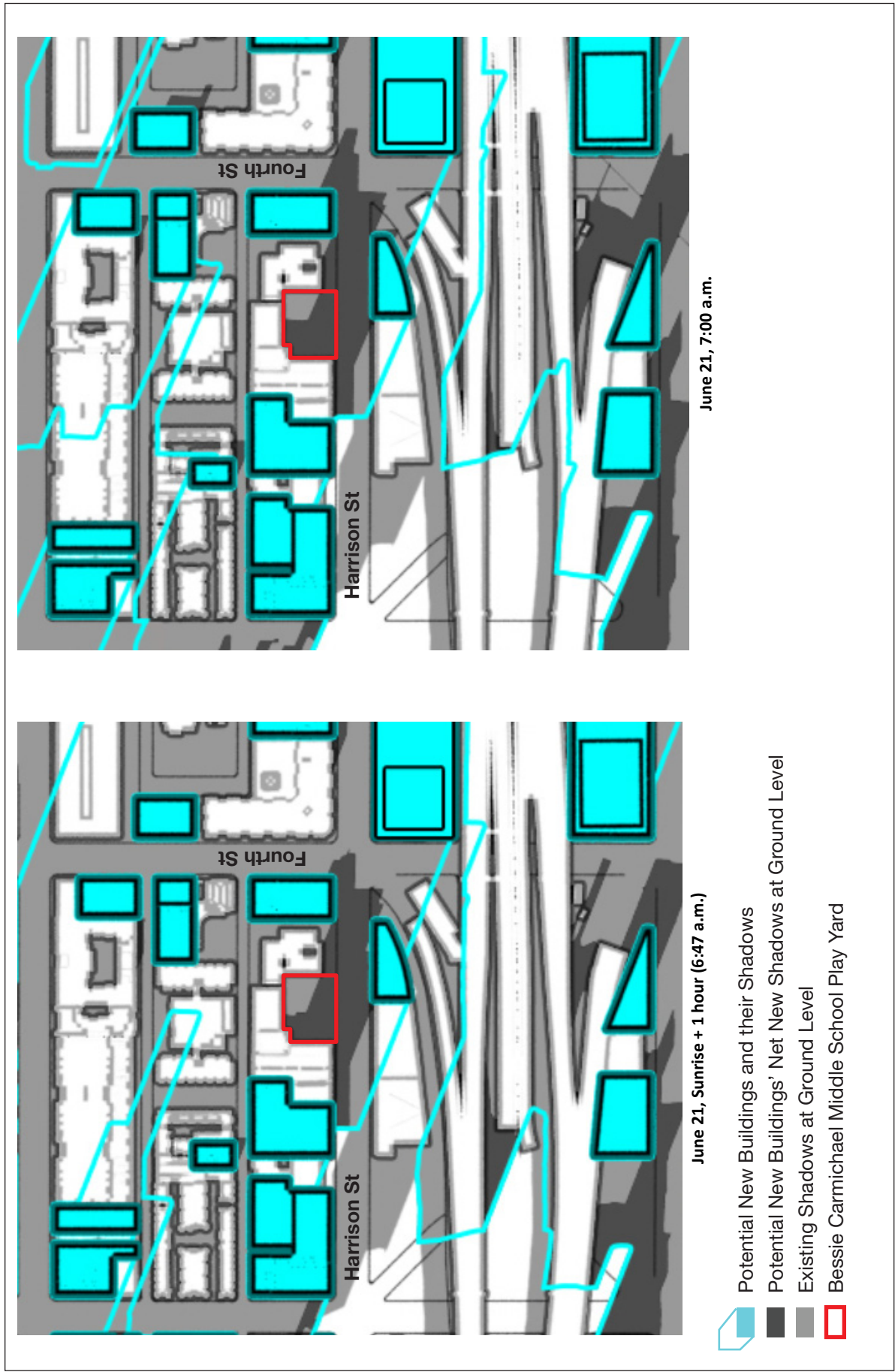
Plan Area development would add shadow to the Bessie Carmichael Middle School play yard during the early morning and late afternoon throughout the year. However, the net new shadow would be of limited duration on any given day and the play yard would remain in sunlight throughout the midday period year-round. Moreover, by the time school starts, at 8:30 a.m., most of the play yard would be in sunlight throughout the year. Therefore, shadow that may result from Plan implementation is not expected to adversely affect the use of the play yard. Should the Bessie Carmichael Middle School play yard become part of the San Francisco Shared Schoolyard Project and be publicly accessible on weekends at some point in the future, shadow that may result from Plan implementation is not anticipated to adversely affect that potential future public use of the play yard, given that shadow would be largely absent from the play yard during the Shared Schoolyard opening hours of 9 a.m. to 4 p.m.<sup>9</sup>

---

<sup>7</sup> No development application is on file for this site. Under the Plan, the parcels east and west of the school would see their height limit reduced from the existing 55 feet to 45 feet. Nevertheless, shadow from a 45-foot-tall building—shorter than what is currently permitted—on a “soft site” about 75 feet west of the school would add a small amount of new shadow to the play yard in the late afternoon except around the summer solstice.

<sup>8</sup> Applications are on file for locations immediately west and south of this site to construct buildings 240 to 250 feet in height (Case No. 2015-009704ENX and Case No. 2015-003880ENX); one or both of these structures could be built in lieu of the potential 250-foot-tall tower at the southwest corner of Fourth and Brannan streets that was assumed in the Plan EIR’s shadow analysis. Either one of these buildings, if built, would result in similar, but slightly different, shadow effects than analyzed here.

<sup>9</sup> San Francisco Shared Schoolyard Project hours of operation, “San Francisco Shared Schoolyard Project: Benefits.” Available at <http://www.sfschoolyard.org/benefits>. Accessed July 6, 2018.



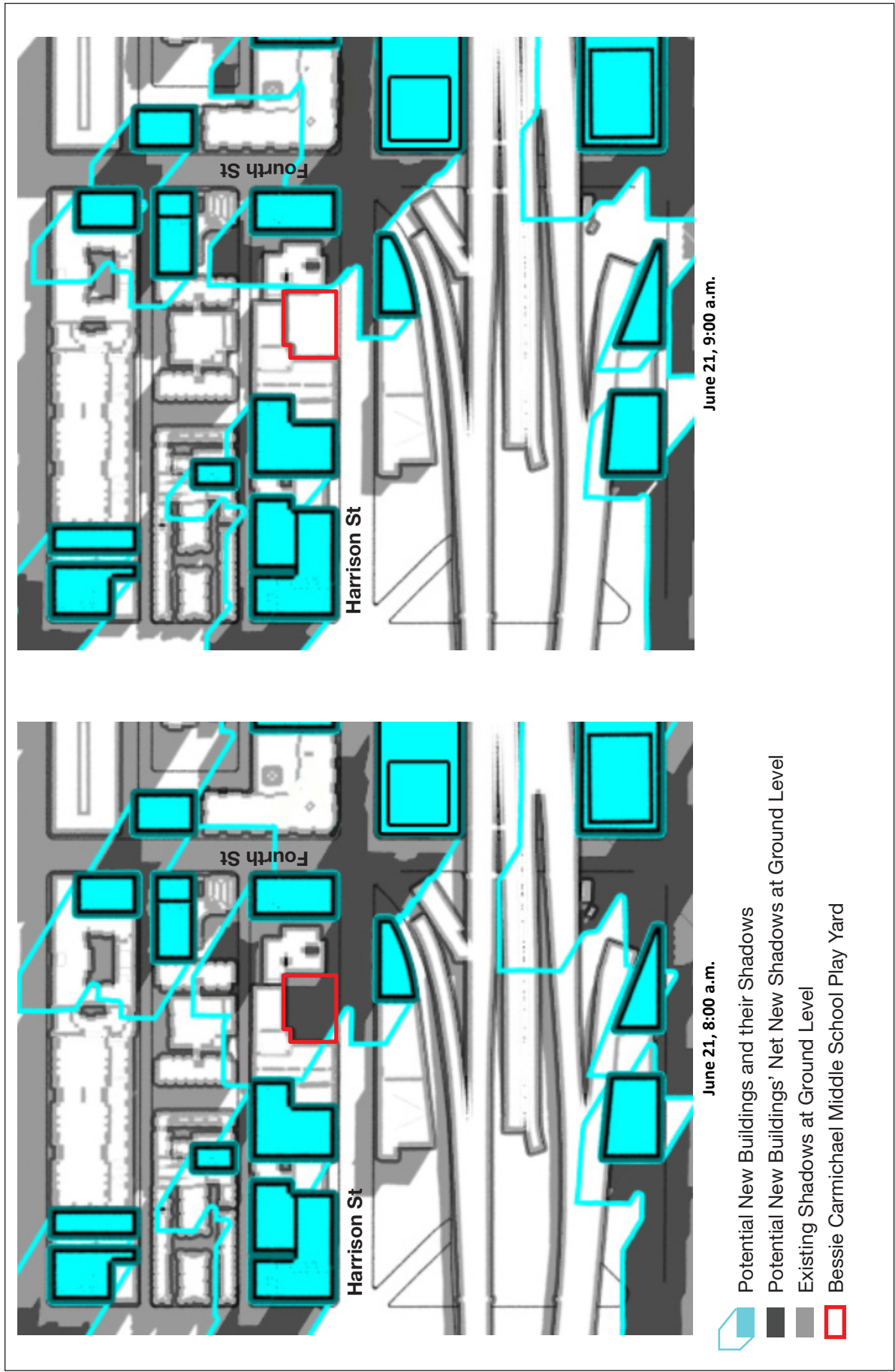
SOURCE: Fastcast; Environmental Science Associates

Central SoMa Plan . 2011.1356E

**Figure 4**

Shadow on Bessie Carmichael Middle School Play Yard



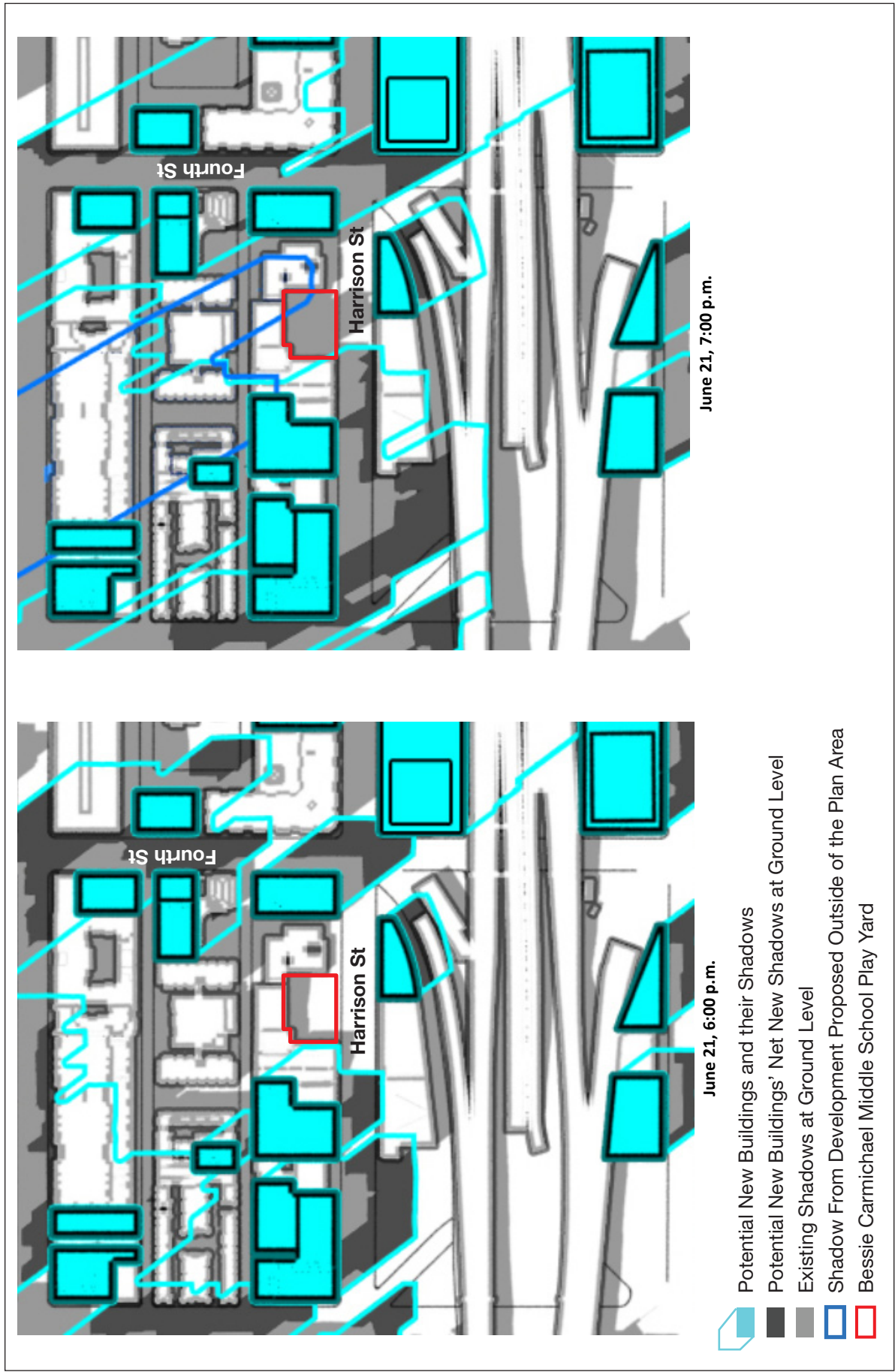


SOURCE: Fastcast; Environmental Science Associates

Central SoMa Plan . 2011.1356E

**Figure 5**

Shadow on Bessie Carmichael Middle School Play Yard

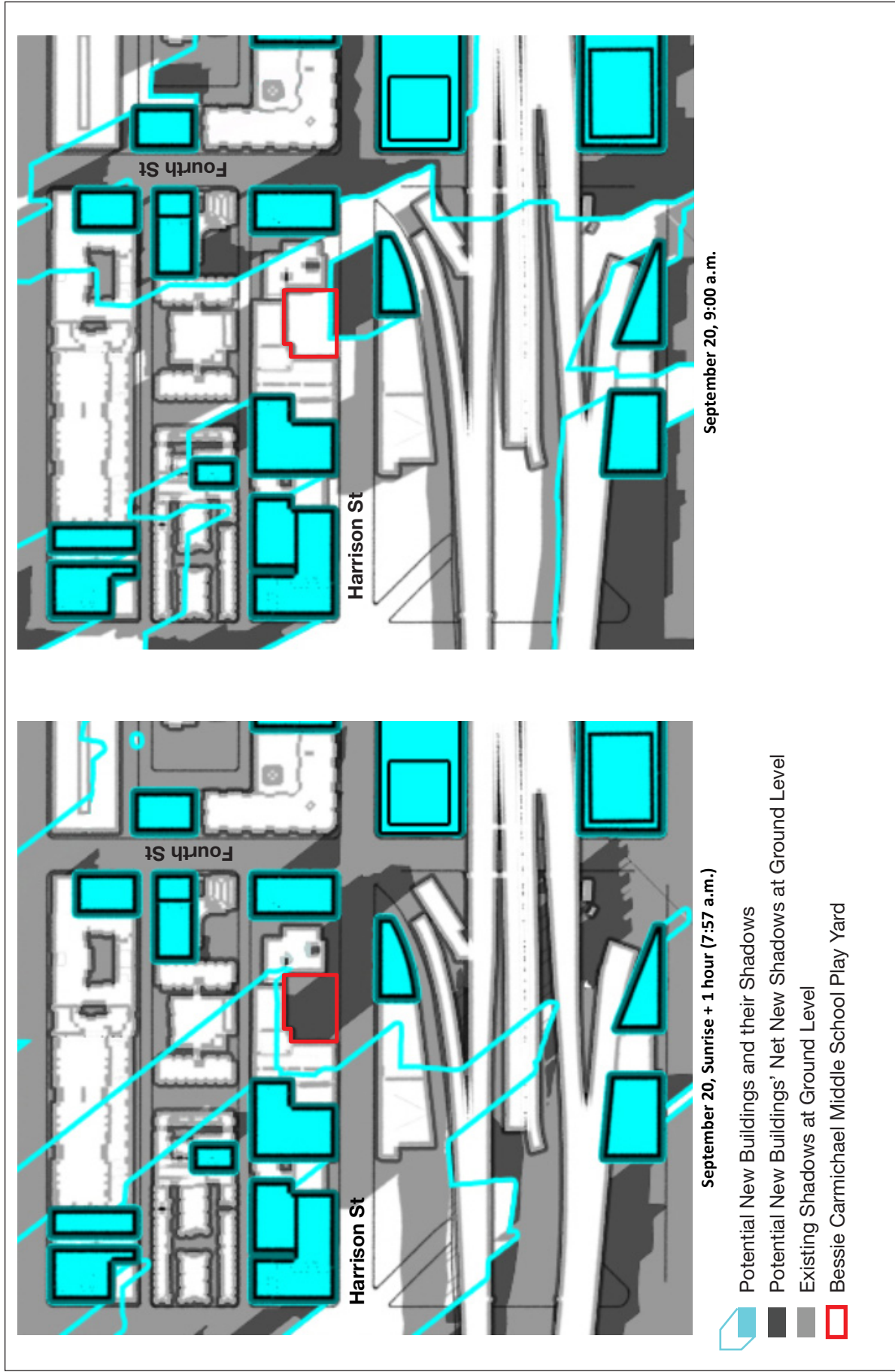


SOURCE: Fastcast; Environmental Science Associates

Central SoMa Plan . 2011.1356E

Shadow on Bessie Carmichael Middle School Play Yard

**Figure 6**



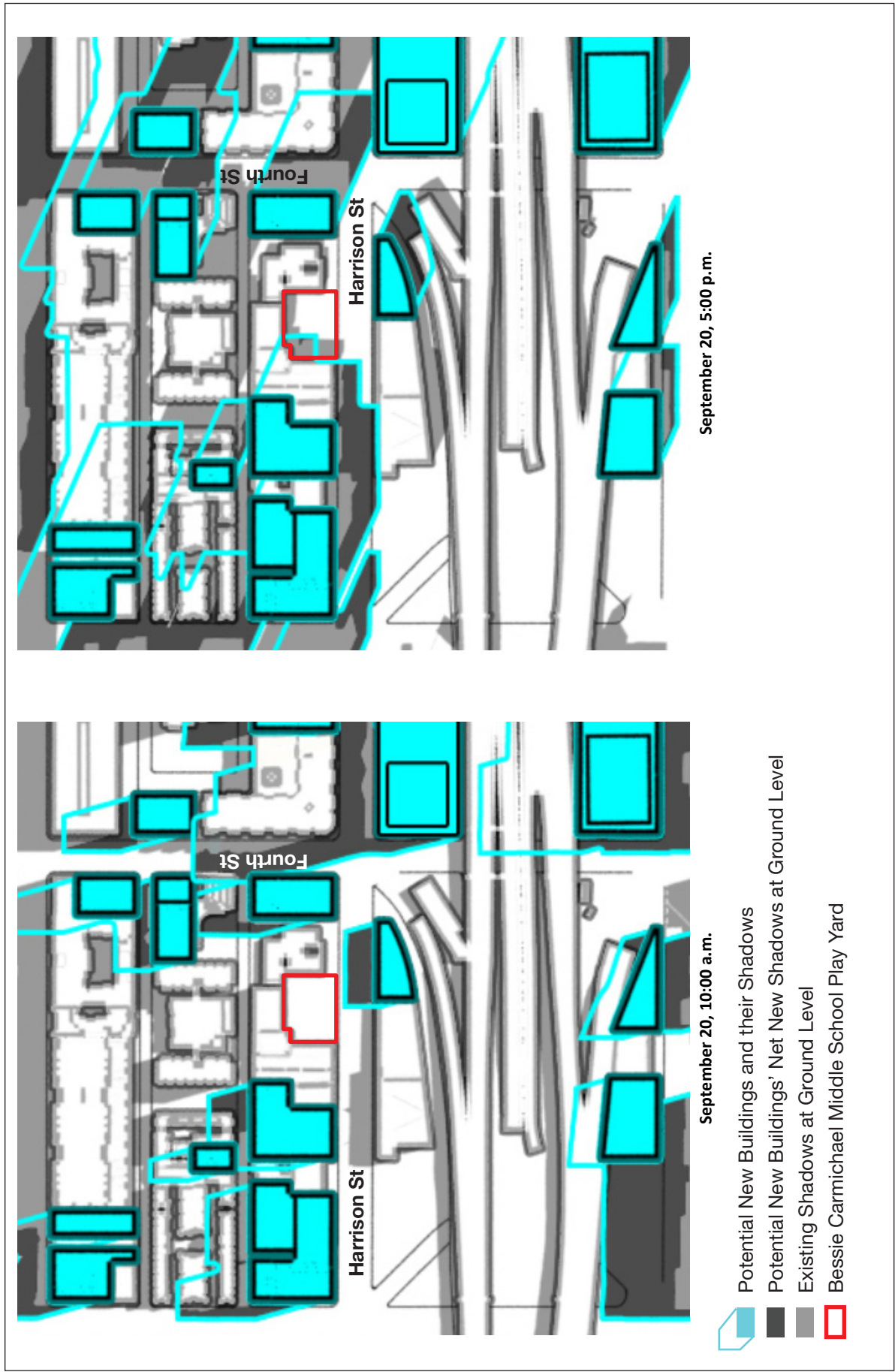
SOURCE: Fastcast; Environmental Science Associates

Central SoMa Plan . 2011.1356E

**Figure 7**

Shadow on Bessie Carmichael Middle School Play Yard





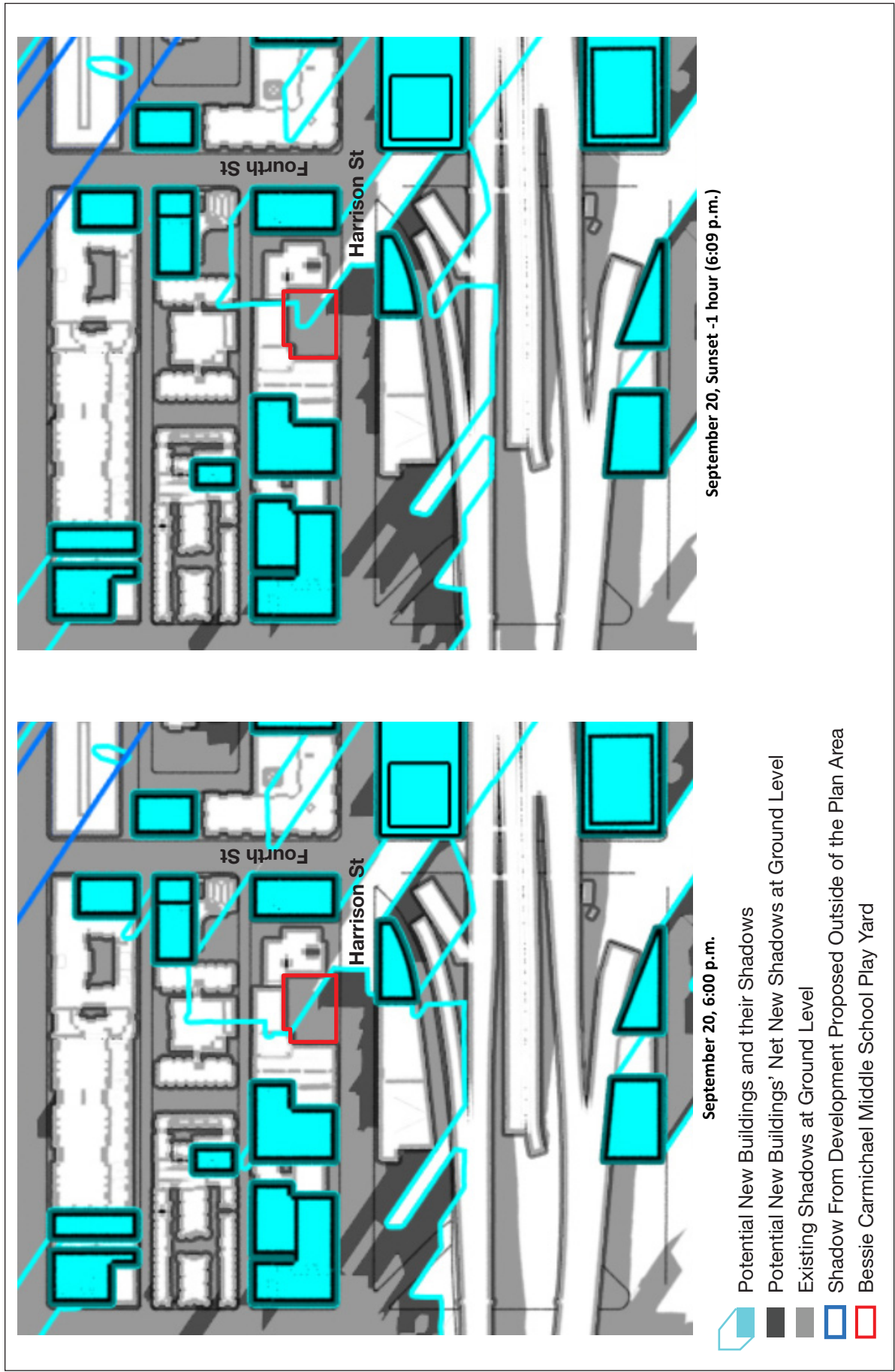
SOURCE: Fastcast; Environmental Science Associates

Central SoMa Plan . 2011.1356E

**Figure 8**

Shadow on Bessie Carmichael Middle School Play Yard



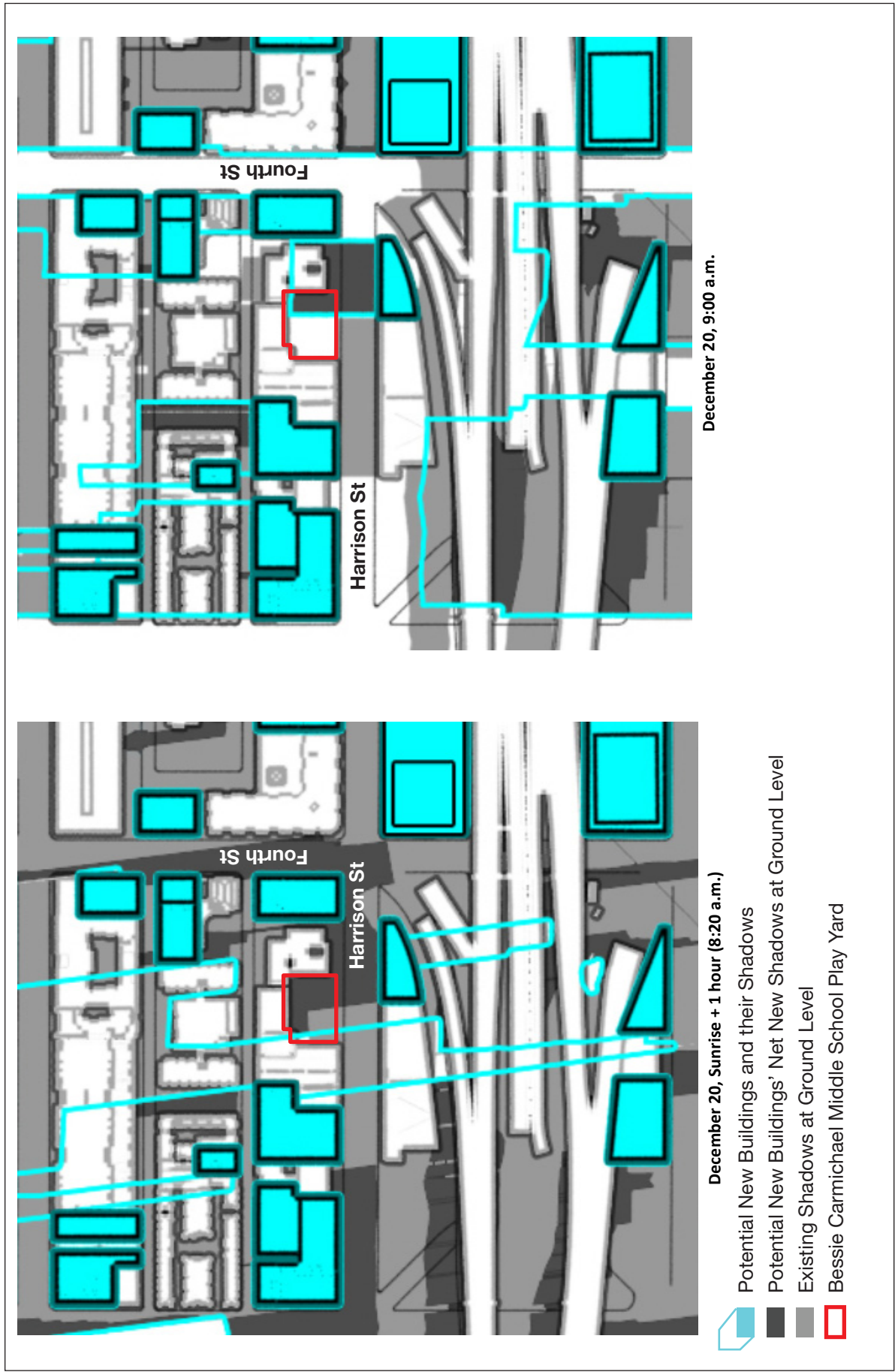


SOURCE: Fastcast; Environmental Science Associates

Central SoMa Plan . 2011.1356E

**Figure 9**

Shadow on Bessie Carmichael Middle School Play Yard

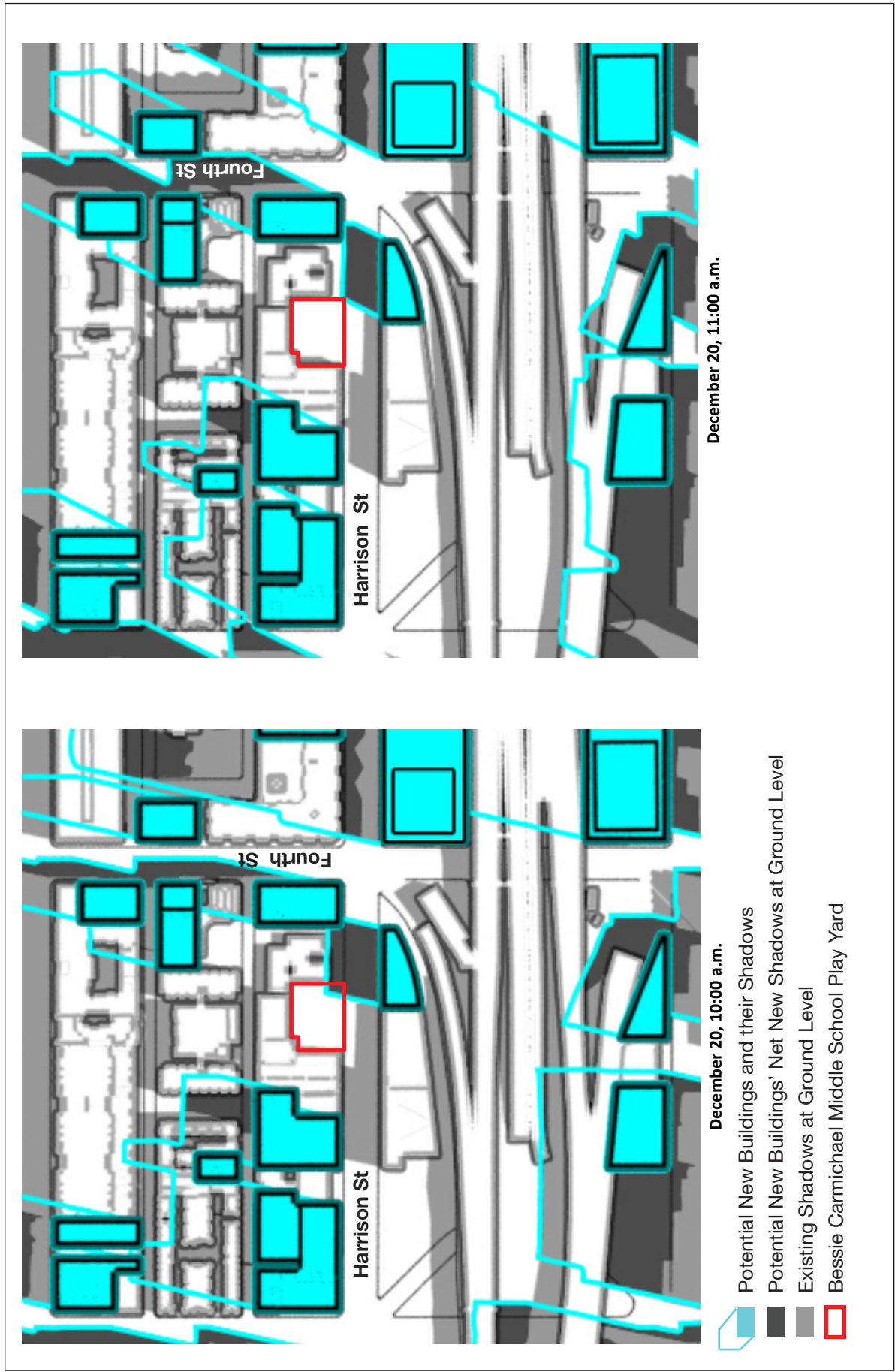


SOURCE: Fastcast; Environmental Science Associates

Central SoMa Plan . 2011.1356E

Shadow on Bessie Carmichael Middle School Play Yard

**Figure 10**



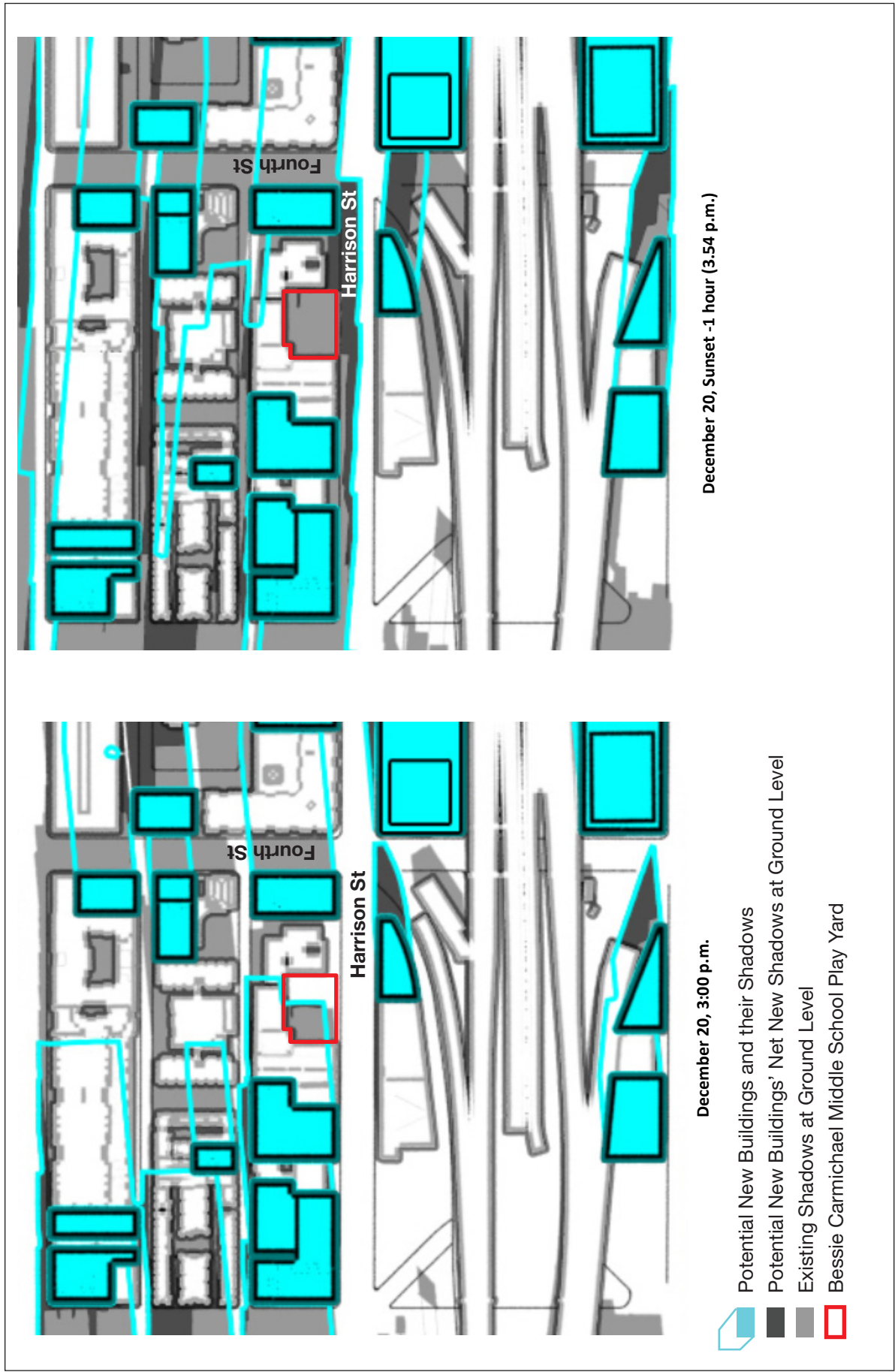
SOURCE: Fastcast; Environmental Science Associates

Central SoMa Plan .2011.1356E

**Figure 11**

Shadow on Bessie Carmichael Middle School Play Yard





SOURCE: Fastcast; Environmental Science Associates

Central SoMa Plan . 2011.1356E

Shadow on Bessie Carmichael Middle School Play Yard

**Figure 12**

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [richard@lozeaudrury.com](mailto:richard@lozeaudrury.com); [acabande@somcan.org](mailto:acabande@somcan.org); [johne@todco.org](mailto:johne@todco.org); [pbabich@reedsmith.com](mailto:pbabich@reedsmith.com)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [White, Elizabeth \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Chen, Lisa \(CPC\)](#); [Range, Jessica \(CPC\)](#); [Horner, Justin \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** APPEAL RESPONSE: Appeal of CEQA Certification of Final Environmental Impact Report - Proposed Central SoMa Plan - Appeal Hearing on July 17, 2018  
**Date:** Friday, July 06, 2018 1:35:41 PM  
**Attachments:** [image001.png](#)

---

Greetings,

Please find linked below a supplemental appeal response received by the Office of the Clerk of the Board from Phillip Babich of Reed Smith LLP, representing One Vassar LLC, regarding the Certification of Environmental Impact Report Appeal for the proposed Central SoMa Plan Project.

[Supplemental Appeal Letter – One Vassar LLC – July 6, 2018](#)

**The hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on July 17, 2018.**

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 180651](#)

Regards,

**Jocelyn Wong**

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

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Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

**From:** [Knauer, Jamie](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** Additional Written Comments by One Vassar LLC for Appeal of Central SoMa Plan EIR Certification  
**Date:** Friday, July 06, 2018 11:38:32 AM  
**Attachments:** [Additional Written Comments by One Vassar LLC for Appeal of Central SoMa Plan EIR Certification.PDF](#)

---

To the Board of Supervisors,

Please find enclosed for your review additional written comments submitted by One Vassar LLC with regard to the appeal of the Central SoMa Plan EIR Certification. These comments are submitted in advance of the hearing for Special Order before the Board of Supervisors on July 17, 2018 at 3pm on the appeal.

Please confirm your receipt of these comments. Thank you for your consideration.

Best,

**Jamie Knauer**

Reed **Smith** LLP | 101 Second Street | San Francisco, CA 94105

Tel: 415.659.5614 | Fax: 415.391.8269 | [jknauer@reedsmith.com](mailto:jknauer@reedsmith.com)

\* \* \*

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**From: Phillip Babich**  
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+1 415 543 8700  
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reedsmith.com

**To:** San Francisco Board of Supervisors

**Date:** July 6, 2018

**Subject:** *Additional Written Comments by One Vassar LLC for Appeal of Planning Commission's Certification of the Environmental Impact Report for the Central SoMa Plan*

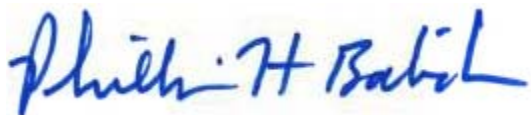
One Vassar submits this letter as additional documentation in support of its appeal, and for the Board's consideration in handling other pending appeals of the Planning Commissions' Certification of the Environmental Impact Report for the Central SOMA Plan. There are a few critical facts which should be clear to the Board in its analysis of challenges to the Central SOMA Plan which seek to reduce height or density throughout the Central SOMA area and/or within the city block of 2nd, 3rd, Folsom and Harrison streets (which includes One Vassar):

1. Central SOMA is a transit rich area which is prime for density and building height. It includes not only the Central Subway line and 4th and King Caltrain station, but also the Transbay Terminal. It is the ideal location for growth in San Francisco.
2. Central SOMA allows for a mix of jobs and housing which reduces traffic and warrants increased building height and density. The City should consider heights exceeding, or at least comparable to, those provided in the neighboring plan area, Rincon Hill (which is predominantly residential).
3. The One Vassar site is an ideal location for increased density, as the Plan specifies density at important nodes, including at 2<sup>nd</sup> and Harrison. One Vassar is also only 0.3 miles from the Transbay Terminal entrance at Second and Natoma, the City's new major transportation hub which will eventually house electrified Caltrain and high speed rail, and 0.3 miles from the Central Subway line entrance at Fourth and Folsom.
4. The targeted environmental attack on the block of 2nd, 3rd, Folsom and Harrison, of which One Vassar is a part, is not warranted. Although opponents argue that this location will increase traffic due to its proximity to the freeway, I-80 and I-280 freeways traverse the plan area. Other key development sites with proximity to the freeway are not targeted for height reductions. The Rincon Hill Plan area also has taller heights close to the freeway.

San Francisco Board of Supervisors  
July 6, 2018  
Page 2

Thank you for your consideration of these points.

Respectfully submitted,

A handwritten signature in blue ink that reads "Phillip H. Babich". The signature is written in a cursive style with a large, stylized "P" and "B".

Phillip H. Babich  
Reed Smith LLP





# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

DATE: May 9, 2018  
TO: Planning Commission  
FROM: Jessica Range and Elizabeth White, Environmental Planning  
RE: Errata to the Environmental Impact Report for the Central South of Market (SoMa) Area Plan  
Planning Department Case No. 2011.1356E

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San Francisco,  
CA 94103-2479

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Following publication of the Responses to Comments (RTC) document for the Central South of Market Area (SoMa) Plan Draft Environmental Impact Report (Draft EIR), the Planning Department determined it was necessary to:

- (1) update the Central SoMa Plan Final EIR certification date;
- (2) provide an analysis of changes to the Central SoMa Plan's proposed height and zoning maps for Block 3763, Lots 112 and 113 that was included in substitute legislation introduced on April 10, 2018 by Mayor Farrell and Supervisor Kim;
- (3) clarify the application of Central SoMa Plan EIR mitigation measures to subsequent development projects;
- (4) amend mitigation measures;
- (5) include a list of required approvals for the Housing Sustainability District Ordinance; and
- (6) evaluate a list of recommended and other potential changes to the Central SoMa Plan included in the May 3, 2018 Planning Commission packet to determine whether the EIR adequately analyzes these potential changes in the event decision makers choose to include these changes in the Central SoMa Plan.

This erratum addresses each of these items. Staff-initiated EIR text changes will be incorporated into the Final EIR. New revisions are noted in **red** with additions noted with double underline and deletions noted in ~~strikethrough~~.

## 1. Central SoMa Plan Final EIR Certification Date

On April 12, 2018, the Planning Commission continued certification of the Final EIR to May 10, 2018. As such, the following revision is made to the exterior and interior RTC cover pages and page RTC-i:

Final EIR Certification Date: ~~April 12, 2018~~ May 10, 2018

Additionally, the following revisions are made to the distribution memoranda accompanying the RTC:

**This document, along with the Draft EIR, will be before the Planning Commission for Final EIR certification on ~~April 12, 2018~~ May 10, 2018.** The Planning Commission will receive public testimony on the Final EIR certification at the ~~April 12, 2018~~ May 10, 2018, hearing.

These revisions to the Final EIR's certification date do not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code section 21092.1) and the CEQA Guidelines (14 California Code of Regulations section 15088.5).

## **2. Update Central SoMa Plan analysis for Block 3763, Lots 112 and 113**

On April 10, 2018 Mayor Farrell and Supervisor Kim introduced substitute legislation implementing the Central SoMa Plan. The Environmental Planning Division of the Planning Department reviewed the substitute legislation and determined that the proposed changes to the zoning and height map for Block 3763 and Lots 112 and 113 require additional analysis to determine whether the proposed changes would result in new significant impacts or impacts of greater severity that were not disclosed in the Draft EIR. The substitute legislation would extend the proposed Central SoMa Mixed Use-Office (CMUO) Use District onto an approximately 7,400-square-foot, irregularly shaped area at the north-easternmost portion of Block 3763, Lot 112. The proposal would also extend a 350-CS Height and Bulk District to encompass the southern portion of this same 7,400-square-foot area (Block 3763, Lot 112), as well as the southern portion of Block 3763, Lot 113, which is an approximately 5,400-square-foot, irregularly shaped parcel, immediately north of Lot 112. EIR Appendix H, attached to this erratum, analyzes these proposed changes and finds that the proposed revisions to the Central SoMa Plan's Use District and Height and Bulk District Maps on Block 3763, Lots 112 and 113, would not result in any new or substantially more-severe significant impacts with respect to aesthetics, wind, or shadow, or any other CEQA topic, than those that were identified in the Draft EIR. However, in light of these proposed changes, the following revisions to the EIR are necessary:

Figure II-3 [Revised] in the RTC has been revised following publication of the RTC to show the zoning now proposed on a portion of Block 3763, Lot 113.

Figure II-7 [Revised] in the RTC has been revised following publication of the RTC to show the heights now proposed on Block 3763, Lot 112 and a portion of Lot 113.

Figure IV.B-19, Mid-Range Visual Simulation: Interstate 80 Westbound: Existing Conditions Plus Plan has been revised following publication of the RTC to show the heights now proposed on Block 3763, Lot 112 and a portion of Lot 113.

Figure IV.H-6 and the December 10 a.m. image in EIR Appendix E have been revised to depict the changes in shadow analysis resulting from the proposed revisions to the Central SoMa Height Map.

These revised figures are presented on the following pages.

[www.sfplanning.org](http://www.sfplanning.org)



SOURCE: San Francisco Planning Department

Case No. 2011.1356E: Central SoMa Plan

**Figure II-3**  
Proposed Plan Area Use Districts [Revised]



SOURCE: San Francisco Planning Department

Case No. 2011.1356E: Central SoMa Plan

**Figure II-7**

Proposed Plan Area Height and Bulk Districts [Revised]



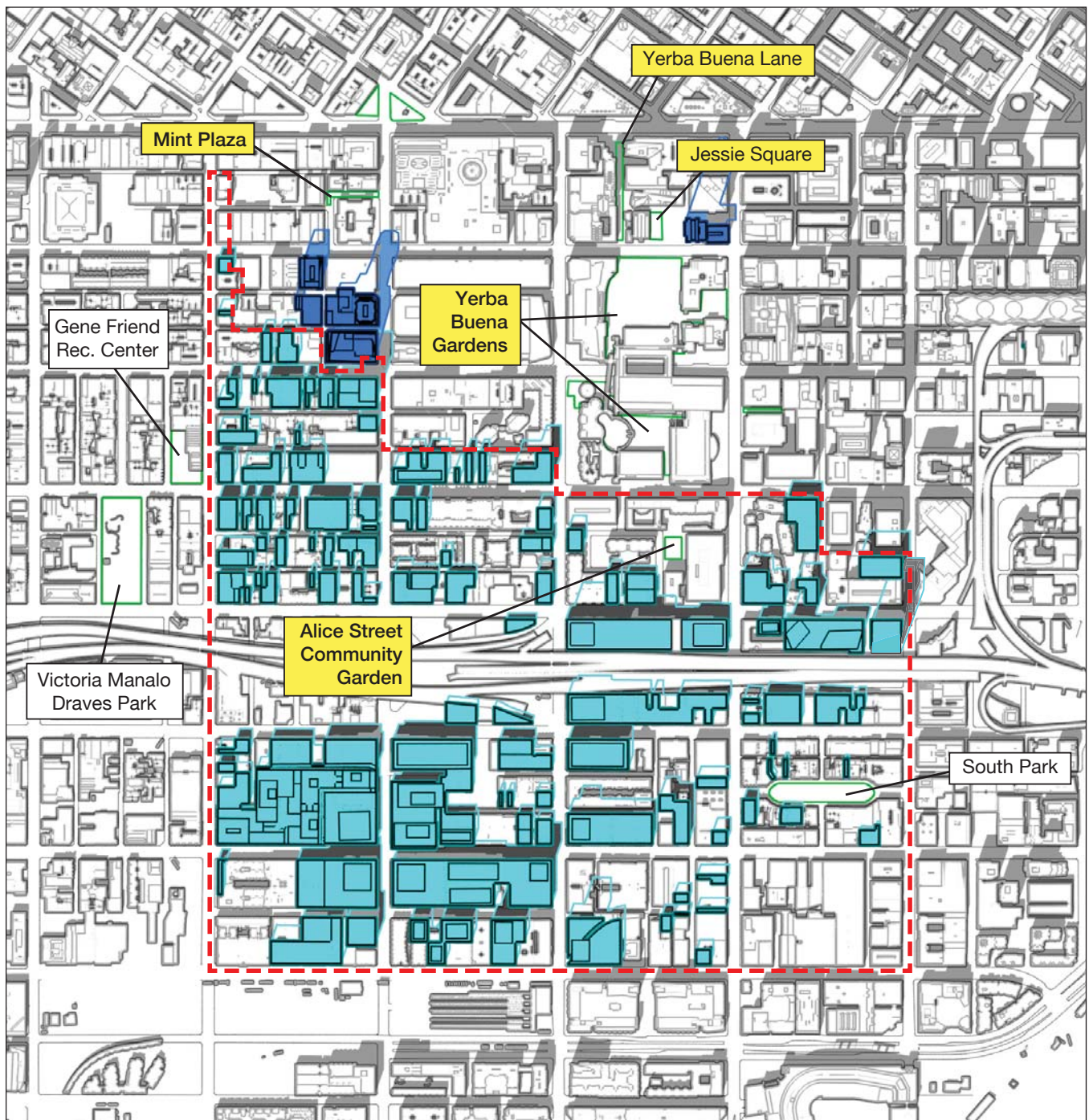


SOURCE: Square One, 2018

Case No. 2011.1356E: Central SoMa Plan

**Figure IV.B-19**

Mid-Range Visual Simulation: Interstate 80 Westbound:  
Existing Conditions Plus Plan [Revised]



--- Plan Area Boundary



#### OPEN SPACES

- Section 295 Park
- Other Open Space

- Potential New Buildings and their Shadows
- Potential New Buildings' Net New Shadows at Ground Level
- Existing Shadows at Ground Level

- Approved New Buildings (5M and 706 Mission) and their Shadows
- Approved New Buildings' (5M & 706 Mission) Net New Shadows at Ground Level

SOURCE: CADP

Case No. 2011.1356E: Central SoMa Plan

#### Figure IV.H-6

Shadows: September 20 (Fall Equinox) 12:00 noon [Revised]





Central SoMa Plan  
December 20 10:00 am



In addition, the following text changes are made to the first paragraph of the wind analysis on page IV.G-13 in the Draft EIR:

Two other new exceedances would occur at the intersection of Fourth and Townsend Streets (#47 and 48), near the southwestern corner of a potential 400-foot-tall building, and five new exceedances would occur near, and south of, the intersection of Second and Harrison Streets (#4, 5, 7, 8, and 14), in proximity to a site at 400 Second Streets that would have height limits permitting ~~three towers at heights of up to 200 feet, 350 feet, and 350 feet.~~

The following text changes are made to the first full paragraph of Draft EIR p. IV.H-38 to reflect the potential change in net new shadow from the proposed height map revision.

New shadow from Plan Area development could cast a small amount of new shadow on the western edge of the POPOS in front of 303 Second Street, across Second Street from the Plan Area, in the mid-afternoon on the solstice. At 10:00 a.m. on the winter solstice in December, new shadow from Plan Area development would be cast eastward onto the 303 Second Street POPOS. On the equinoxes, new shading would begin around noon, and would continue through much of the afternoon, reaching a peak around 2:00 p.m., when about one quarter to one third of the POPOS could be shaded. On the winter solstice, new shading could increase, beginning around 10 a.m. and continuing through most of the afternoon. At its peak, new shading could cover most of the plaza, especially between about noon and 2:00 p.m. By 3:00 p.m. on the winter solstice, most of the plaza is currently shaded. The actual amount of shading would depend on the height and massing of the building projecting its shadow toward this POPOS.

As explained above, Appendix H, attached to this erratum, evaluates the environmental effects of the substitute Central SoMa Plan legislation introduced on April 10, 2018. This document is being included in the EIR as a new Appendix H. Therefore, the following revision is made to the Draft EIR's Table of Contents' list of appendices on Draft EIR page vi:

Appendix H. Central SoMa Plan Draft EIR Revisions Arising from Zoning Changes at Second and Harrison Streets

These revisions to the Draft EIR does not constitute significant new information that requires recirculation of the EIR under CEQA (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5)

### **3. Clarification of the Application of EIR Mitigation Measures to Subsequent Development Projects**

Subsequent development projects may be required to undergo additional environmental review in accordance with *California Public Resources Code* Section 21083.3 and CEQA Guidelines Section 15183 or *California Public Resources Code* Section 21094.5 and CEQA Guidelines Section 15183.3. That analysis would determine whether Central SoMa EIR mitigation measures apply to a subsequent development project. During that analysis, program-level mitigation measures identified in the Central SoMa EIR may be amended to address the specific characteristics of the subsequent project's impact. To clarify this, the following revision is made to Section I.B.4 on Draft EIR page I-6:



CEQA Guidelines Section 15168(c) states that subsequent activities in the program must be examined in light of the program EIR to determine whether an additional environmental document must be prepared. Thus, this EIR assumes that subsequent development projects in the Plan Area would be subject to environmental review at such time as those projects are proposed. The analysis of subsequent projects would be based on existing conditions at the site and vicinity, at such time a project is proposed, and would take into account any updated information relevant to the environmental analysis of the subsequent project (e.g., changes to the environmental setting or updated growth forecasts, models, etc.). Furthermore, for the environmental analysis of the subsequent project, the Planning Department would identify applicable mitigation measures in this EIR and prepare a project-specific Mitigation, Monitoring, and Reporting Program (MMRP), to reflect the specific characteristics of the subsequent project.

This revision to the Draft EIR does not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

#### **4. Amend Mitigation Measures**

To clarify the process for mandatory consultation regarding avoidance or minimization of effects on historical resources, the following amendment has been made to EIR Mitigation Measure M-CP-1a (Mitigation M-CP-1a was revised as part of the April 5, 2018 errata to the EIR for the Central SoMa Area Plan):

TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN — IDENTIFIED IN THE EIR [REVISIONS ONLY]

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
...			
<b>C. Cultural and Paleontological Resources</b>			
<p><b>Impact CP-1:</b> Development under the Plan would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district located in the Plan Area, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.</p>	S	<p><b>* Mitigation Measure M-CP-1a: Mandatory Consultation Regarding Avoidance or Minimization of Effects on Identified-Historical Resources.</b> The project sponsor of a subsequent development project in the Plan Area shall consult with the Planning Department's Preservation staff at the time of submittal of an environmental evaluation application or consolidated development application to determine whether there are feasible means to redesign or otherwise revise the project to avoid a substantial significant adverse change in the significance of an effects on historic architectural resource(s) (including historic districts), whether previously identified or identified as part of the project's historical resources analysis. Pursuant to CEQA Guidelines Section 15064.5(b), "[s]ubstantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired." If avoidance is not feasible, the project sponsor shall <u>consult with Planning Department staff to determine whether there are feasible means to seek feasible means to reduce effects on historic architectural resource(s) to the maximum extent feasible, a less-than-significant-level.</u> Avoidance and minimization measures shall seek to retain the resource's character-defining features, and may include, but are not limited to: retention of character-defining features, building setbacks, salvage, or adaptive reuse. <u>In evaluating the feasibility of avoidance or reduction of effects, the Planning Department shall consider whether avoidance or reduction can be accomplished successfully within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors, along with the Central SoMa Plan policies and project objectives. The applicability of each factor would vary from project to project, and would be determined by staff on a case-by-case basis, with the significance of the impact to be judged based on whether the proposed project would materially impair the resource as defined in CEQA Guidelines Section 15064.5(b).</u> Should Planning Department staff determine through the consultation process that avoidance or reduction of effects on historic architectural resources is <u>Mitigation Measure M-CP-1a be determined to be infeasible.</u> Measures M-CP-1b, M-CP-1c, M-CP-1d, and/or M-CP-1e, shall be applicable based on the specific circumstances of the project in question. <u>CEQA Guidelines Section 15264 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The applicability of each factor would vary from project to project, and would be determined by staff on a case-by-case basis.</u></p> <p>...</p>	SUM

The following revisions are made to RTC page 455:

On Draft EIR p.IV.C-58, Mitigation Measure M-CP-1a has been revised as follows to clarify guidance with regard to avoiding or minimizing effects on historical impacts:

**Mitigation Measure M-CP-1a: Mandatory Consultation Regarding Avoidance or Minimization of Effects on Identified Historical Resources.** The project sponsor of a subsequent development project in the Plan Area shall consult with the Planning Department's Preservation staff at the time of submittal of an environmental evaluation application or consolidated development application to determine whether there are feasible means to ~~redesign or otherwise revise the project to avoid a substantial significant adverse change in the significance of an effects on~~ historic architectural resource(s) (including historic districts), whether previously identified or identified as part of the project's historical resources analysis. Pursuant to CEQA Guidelines Section 15064.5(b), "[s]ubstantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired." If avoidance is not feasible, the project sponsor shall consult with Planning Department staff to determine whether there are feasible means to ~~seek feasible means to~~ reduce effects on historic architectural resource(s) ~~to the maximum extent feasible, a less than significant level.~~ Avoidance and minimization measures shall seek to retain the resource's character-defining features, and may include, but are not limited to: retention of character-defining features, building setbacks, salvage, or adaptive reuse. In evaluating the feasibility of avoidance or reduction of effects, the Planning Department shall consider whether avoidance or reduction can be accomplished successfully within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors, along with the Central SoMa Plan policies and project objectives. The applicability of each factor would vary from project to project, and would be determined by staff on a case-by-case basis. ~~with the significance of the impact to be judged based on whether the proposed project would materially impair the resource as defined in CEQA Guidelines Section 15064.5(b).~~

Should Planning Department staff determine through the consultation process that avoidance or reduction of effects on historic architectural resources is Mitigation Measure M-CP-1a be determined to be infeasible, Measures M-CP-1b, M-CP-1c, M-CP-1d, and/or M-CP-1e, shall be applicable, based on the specific circumstances of the project in question. CEQA Guidelines Section 15364 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The applicability of each factor would vary from project to project, and would be determined by staff on a case by case basis.

To further reduce the significant and unavoidable transit impact identified in the EIR, the following amendments are made to EIR Mitigation Measure M-TR-3a in Table S-1, Summary of Impacts of the Plan-Identified in the EIR.

TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN – IDENTIFIED IN THE EIR [REVISIONS ONLY]

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
...			
<b>D. Transportation and Circulation</b>			
<b>Impact TR-3:</b> Development under the Plan, including the proposed open space improvements and street network changes, would result in a substantial increase in transit demand that would not be accommodated by local transit capacity, and would cause a substantial increase in delays resulting in adverse impacts on local and regional transit routes.	S	<p><b>Mitigation Measure M-TR-3a: Transit Enhancements.</b> The following are City and County <u>and sponsors of subsequent development projects</u> actions that could reduce the transit impacts associated with implementation of the Central SoMa Plan.</p> <p><i>Enhanced Transit Funding.</i> To accommodate project transit demand, the SFMTA, and other City agencies and departments as appropriate, shall seek sufficient operating and capital funding, including through the following measures:</p> <ul style="list-style-type: none"> <li>• Establish fee-based sources of revenue.</li> <li>• Establish a congestion-charge scheme for downtown San Francisco, with all or a portion of the revenue collected going to support improved local and regional transit service on routes that serve Downtown and the Central SoMa Plan Area.</li> <li>• Area Plan funding for transit enhancements.</li> </ul> <p><i>Transit Corridor Improvement Review.</i> During the design phase, the SFMTA shall review each street network project that contains portions of Muni transit routes where significant transit delay impacts have been identified (routes 8 Bayshore, 8AX Bayshore Express, 8BX Bayshore Express, 10 Townsend, 14 Mission, 14R Mission Rapid, 27 Bryant, 30 Stockton, 45 Union-Stockton, and 47 Van Ness). Through this review, SFMTA shall incorporate feasible street network design modifications that would meet the performance criteria of maintaining accessible transit service, enhancing transit service times, and offsetting transit delay. Such features could include, but shall not be limited to, transit-only lanes, transit signal priority, queue jumps, stop consolidation, limited or express service, corner or sidewalk bulbs, and transit boarding islands, as determined by the SFMTA, to enhance transit service times and offset transit delay. Any subsequent changes to the street network designs shall be subject to a similar review process.</p> <p><i>Transit Accessibility.</i> To enhance transit accessibility, the Planning Department and the SFMTA shall establish a coordinated planning process to link land use planning and development in Central SoMa to transit and other sustainable mode planning. This shall be achieved through some or all of the following measures:</p> <ul style="list-style-type: none"> <li>• Implement recommendations of the <i>Better Streets Plan</i> that are designed to make the pedestrian environment safer and more comfortable for walk trips throughout the day, especially in areas where sidewalks and other realms of the pedestrian environment are notably unattractive and intimidating for pedestrians and discourage walking as a primary means of circulation. This includes traffic calming strategies in areas with fast-moving, one-way traffic, long blocks, narrow sidewalks and tow-away lanes, as may be found in much of the Central SoMa area.</li> <li>• Implement building design features that promote primary access to buildings from transit stops and pedestrian areas, and discourage the location of primary access points to buildings through parking lots and other auto-oriented entryways.</li> </ul>	SUM

TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN – IDENTIFIED IN THE EIR [REVISIONS ONLY]

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> <li>Develop Central SoMa transportation implementation programs that manage and direct resources brought in through pricing programs and development-based fee assessments, as outlined above, to further the multimodal implementation and maintenance of these transportation improvements.</li> <li><u>Sponsors of development projects with off-street vehicular parking facilities with 20 or more vehicular parking spaces shall ensure that recurring vehicle queues do not substantially affect public transit operations on the public right-of-way near the off-street vehicular parking facility. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.</u></li> </ul> <p><u>If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).</u></p> <p><u>Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or onsite queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; transportation demand management strategies such as those listed in the San Francisco Planning Code TDM Program.</u></p> <p><u>If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.</u></p> <p><i>Muni Storage and Maintenance.</i> To ensure that Muni is able to service additional transit vehicles needed to serve increased demand generated by development in Central SoMa, the SFMTA shall provide maintenance and storage facilities.</p>	

Similarly, on Draft EIR p. IV.D-54, Mitigation Measure M-TR-3a has been amended as follows:

**Mitigation Measure M-TR-3a: Transit Enhancements.** The following are City and County and sponsors of subsequent development projects actions that could reduce the transit impacts associated with implementation of the Central SoMa Plan.

*Enhanced Transit Funding.* To accommodate project transit demand, the SFMTA, and other City agencies and departments as appropriate, shall seek sufficient operating and capital funding, including through the following measures:

- Establish fee-based sources of revenue.
- Establish a congestion-charge scheme for downtown San Francisco, with all or a portion of the revenue collected going to support improved local and regional transit service on routes that serve Downtown and the Central SoMa Plan Area.
- Area Plan funding for transit enhancements.

*Transit Corridor Improvement Review.* During the design phase, the SFMTA shall review each street network project that contains portions of Muni transit routes where significant transit delay impacts have been identified (routes 8 Bayshore, 8AX Bayshore Express, 8BX Bayshore Express, 10 Townsend, 14 Mission, 14R Mission Rapid, 27 Bryant, 30 Stockton, 45 Union-Stockton, and 47 Van Ness). Through this review, SFMTA shall incorporate feasible street network design modifications that would meet the performance criteria of maintaining accessible transit service, enhancing transit service times, and offsetting transit delay. Such features could include, but shall not be limited to, transit-only lanes, transit signal priority, queue jumps, stop consolidation, limited or express service, corner or sidewalk bulbs, and transit boarding islands, as determined by the SFMTA, to enhance transit service times and offset transit delay. Any subsequent changes to the street network designs shall be subject to a similar review process.

*Transit Accessibility.* To enhance transit accessibility, the Planning Department and the SFMTA shall establish a coordinated planning process to link land use planning and development in Central SoMa to transit and other sustainable mode planning. This shall be achieved through some or all of the following measures:

- Implement recommendations of the *Better Streets Plan* that are designed to make the pedestrian environment safer and more comfortable for walk trips throughout the day, especially in areas where sidewalks and other realms of the pedestrian environment are notably unattractive and intimidating for pedestrians and discourage walking as a primary means of circulation. This includes traffic calming strategies in areas with fast-moving, one-way traffic, long blocks, narrow sidewalks and tow-away lanes, as may be found in much of the Central SoMa area.
- Implement building design features that promote primary access to buildings from transit stops and pedestrian areas, and discourage the location of primary access points to buildings through parking lots and other auto-oriented entryways.



- Develop Central SoMa transportation implementation programs that manage and direct resources brought in through pricing programs and development-based fee assessments, as outlined above, to further the multimodal implementation and maintenance of these transportation improvements.
- Sponsors of development projects with off-street vehicular parking facilities with 20 or more vehicular parking spaces shall ensure that recurring vehicle queues do not substantially affect public transit operations on the public right-of-way near the off-street vehicular parking facility. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).

Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or onsite queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; transportation demand management strategies such as those listed in the San Francisco Planning Code TDM Program.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

*Muni Storage and Maintenance.* To ensure that Muni is able to service additional transit vehicles needed to serve increased demand generated by development in Central SoMa, the SFMTA shall provide maintenance and storage facilities.

Additionally, to further reduce the significant and unavoidable loading impact identified in the EIR, the following amendments are made to Mitigation Measure M-TR-6b in Table S-1, Summary of Impacts of the Plan-Identified in the EIR.

TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN – IDENTIFIED IN THE EIR [REVISIONS ONLY]

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
...			
<b>D. Transportation and Circulation</b>			
<b>Impact TR-6:</b> Development under the Plan, including the proposed open space improvements and street network changes, would result in an increased demand of on-street commercial and passenger loading and a reduction in on-street commercial loading supply such that the loading demand during the peak hour of loading activities would not be accommodated within on-street loading supply, would impact existing passenger loading/unloading zones, and may create hazardous conditions or significant delay that may affect transit, other vehicles, bicycles, or pedestrians.	S	<p><b>Mitigation Measure M-TR-6b: Accommodation of On-Street Commercial Loading Spaces and Passenger Loading/Unloading Zones.</b></p> <p>The SFMTA shall develop a curb management strategy (strategy) for Central SoMa or within proximity of the street network changes that articulates curb use priorities for different types of streets, while safely managing loading demands. This strategy should guide the approach to any affected commercial and passenger loading/unloading zones (loading zones) during any City agency's development of detailed plans for each segment of the proposed street network changes. Replacement of loading zones will be considered, to the extent feasible.</p> <p>The SFMTA and the Planning Department <del>shall</del> <del>should</del> develop protocols for ongoing assessment of commercial and passenger loading needs on the affected streets, and for review of new development projects along the affected street segments to identify needed changes to the street network design (e.g., when a new driveway to a development site is required), or need for additional on-street commercial and passenger loading spaces.</p> <p><u>Sponsors of development projects that provide more than 100,000 square feet of residential or commercial uses with frontages along a public right-of-way identified on the High Injury Network, with an existing or proposed bicycle facility, or a public right-of-way that includes public transit operations, shall develop a Passenger Loading Plan. The plan shall address passenger loading activities and related queueing effects associated with for-hire services (including taxis and Transportation Network Companies) and vanpool services, as applicable. Elements of this Passenger Loading Plan may include but would not be limited to the following measures:</u></p> <ul style="list-style-type: none"> <li>• <u>Coordination with for-hire vehicle companies to request passenger loading zones are incorporated into companies' mobile app device to better guide passengers and drivers where to pick up or drop off.</u></li> <li>• <u>Designated on-site and on-street loading zones that are clearly marked with adequate signage to permit passenger loading space and allow no other vehicles to stop/park for any duration of time. For these zones, set specific time limits restricting vehicles to stop/park over a certain period of time (e.g., three minutes) and alert passengers that their driver will depart/arrive within the allotted timeframe.</u></li> <li>• <u>Notifications and information to visitors and employees about passenger loading activities and operations, including detailed information on vanpool services and locations of pick-up/drop-off of for-hire services.</u></li> <li>• <u>Detailed roles and responsibilities for managing and monitoring the passenger loading zone(s) and properly enforcing any passenger vehicles that are in violation (e.g., blocking bicycle lane, blocking a driveway, etc.).</u></li> </ul> <p><u>The plan shall be reviewed and approved by the Environmental Review Officer or designee of the Planning Department and the Sustainable Streets Director or designee of the SFMTA. The plan shall be evaluated by</u></p>	SUM



TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN – IDENTIFIED IN THE EIR [REVISIONS ONLY]

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
		<u>a qualified transportation professional, retained by the Project Sponsor after a building(s) reaches 50% occupancy and once a year going forward until such time that the SFMTA determines that the evaluation is no longer necessary or could be done at less frequent intervals. The content of the evaluation report shall be determined by SFMTA staff, in consultation with the Planning Department, and generally shall include an assessment of on-street loading conditions, including actual loading demand, loading operation observations, and an assessment of how the project meets this mitigation measure. The evaluation report may be folded into other mitigation measure reporting obligations. If ongoing conflicts are occurring based on the assessment, the evaluation report shall put forth additional measures to address ongoing conflicts associated with loading operations. The evaluation report shall be reviewed by SFMTA staff, which shall make the final determination whether ongoing conflicts are occurring. In the event that ongoing conflicts are occurring, the above plan requirements may be altered (e.g., the hour and day restrictions listed above, number of loading vehicle operations permitted during certain hours listed above).</u>	

Similarly, on Draft EIR p. IV.D-54, Mitigation Measure M-TR-6b has been amended as follows:

**Mitigation Measure M-TR-6b: Accommodation of On-Street Commercial Loading Spaces and Passenger Loading/Unloading Zones.**

The SFMTA shall develop a curb management strategy (strategy) for Central SoMa or within proximity of the street network changes that articulates curb use priorities for different types of streets, while safely managing loading demands. This strategy should guide the approach to any affected commercial and passenger loading/unloading zones (loading zones) during any City agency's development of detailed plans for each segment of the proposed street network changes. Replacement of loading zones will be considered, to the extent feasible.

The SFMTA and the Planning Department ~~shall~~ ~~should~~ develop protocols for ongoing assessment of commercial and passenger loading needs on the affected streets, and for review of new development projects along the affected street segments to identify needed changes to the street network design (e.g., when a new driveway to a development site is required), or need for additional on-street commercial and passenger loading spaces.

Sponsors of development projects that provide more than 100,000 square feet of residential or commercial uses with frontages along a public right-of-way identified on the High Injury Network, with an existing or proposed bicycle facility, or a public right-of-way that includes public transit operations, shall develop a Passenger Loading Plan. The plan shall address passenger loading activities and related queueing effects associated with for-hire services (including taxis, and Transportation Network Companies) and vanpool services, as applicable. Elements of this Passenger Loading Plan may include but would not be limited to the following measures:

- Coordination with for-hire vehicle companies to request passenger loading zones are incorporated into companies' mobile app device to better guide passengers and drivers where to pick up or drop off.
- Designated on-site and on-street loading zones that are clearly marked with adequate signage to permit passenger loading space and allow no other vehicles to stop/park for any duration of time. For these zones, set specific time limits restricting vehicles to stop/park over a certain period of time (e.g., three minutes) and alert passengers that their driver will depart/arrive within the allotted timeframe.
- Notifications and information to visitors and employees about passenger loading activities and operations, including detailed information on vanpool services and locations of pick-up/drop-off of for-hire services.
- Detailed roles and responsibilities for managing and monitoring the passenger loading zone(s) and properly enforcing any passenger vehicles that are in violation (e.g., blocking bicycle lane, blocking a driveway, etc.).

The plan shall be reviewed and approved by the Environmental Review Officer or designee of the Planning Department and the Sustainable Streets Director or designee of the SFMTA. The plan shall be evaluated by a qualified transportation professional, retained by the Project Sponsor after a building(s) reaches 50% occupancy and once a year going forward until such time that the SFMTA determines that the evaluation is no longer necessary or

could be done at less frequent intervals. The content of the evaluation report shall be determined by SFMTA staff, in consultation with the Planning Department, and generally shall include an assessment of on-street loading conditions, including actual loading demand, loading operation observations, and an assessment of how the project meets this mitigation measure. The evaluation report may be folded into other mitigation measure reporting obligations. If ongoing conflicts are occurring based on the assessment, the plan report shall put forth additional measures to address ongoing conflicts associated with loading operations. The evaluation report shall be reviewed by SFMTA staff, which shall make the final determination whether ongoing conflicts are occurring. In the event that ongoing conflicts are occurring, the above plan requirements may be altered (e.g., the hour and day restrictions listed above, number of loading vehicle operations permitted during certain hours listed above).

These amendments to the Final EIR mitigation measures do not constitute significant new information that requires recirculation of the EIR under CEQA (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

## 5. List of Approvals Required for the Housing Sustainability District Ordinance

The following approval has been added to Section II.E Approvals Required in Draft EIR, page II-45:

### II.E Approvals Required

Approval and implementation of the final Central SoMa Plan would require the following actions. (Approving bodies are identifies in italics.) Specific and detailed actions would be determined as the Plan is developed.

- Approval of the Housing Sustainability District, which would consist of the following actions:
  - *San Francisco Planning Commission: (1) Certify the EIR and (2) recommend planning code text amendments to the San Francisco Board of Supervisors*
  - *San Francisco Board of Supervisors: (1) Approve planning code text and (2) adopt an ordinance amending the planning code to designate portions, or all of the Central SoMa Plan area, as a Housing Sustainability District.*

## 6. Evaluation of Potential Changes to the Central SoMa Plan Included in the May 3, 2018

### Planning Commission Packet

The May 3, 2018 Planning Commission packet includes a list of “Changes since Introduction” (Exhibits II.6, III.5, IV.4, and V.4), recommended modifications to the Planning Code (contained in Exhibit III.1) and “Issues for Consideration” (contained in Exhibits III.6, IV.5, and V.5). The Environmental Planning Division reviewed these items and determined that, apart from the following item, the changes merely clarify or make corrections to the current proposal, or would not result in environmental effects beyond that analyzed in the EIR.

**Item not covered in the EIR analysis:** Setting the maximum development capacity at each site to the amount listed in the Key Development Sites Guidelines, rather than the formula provided.

**Rationale:** The proposed Planning Code formula (Section 263.32(c)(1)) setting development capacity for the key sites was developed to ensure that development on key sites do not exceed the growth projected under the EIR. It is unclear how setting maximum development capacity according to the

Key Development Sites Guidelines would affect the overall growth anticipated and evaluated in the EIR. More information regarding the effects of this proposal on the Plan's anticipated growth projections would be required before the Commission adopt this proposal in order to assess whether the environmental effects of the proposal are adequately addressed in the EIR. Furthermore, the Planning Department staff do not recommend the Central SoMa Plan be amended to incorporate this request.

In addition, as further explained in EIR Appendix I (attached), Planning Department staff recommend a modification to the Plan to allow for limited grandfathering of the Planning Department's TDM requirements in Central SoMa. As explained in Appendix I, should the Planning Commission choose to adopt this recommendation, they would need to amend Mitigation Measure M-NO-1a in the EIR to align with this policy directive in the CEQA findings.

An analysis of the remaining Plan Changes since Introduction and Issues for Consideration, as set forth in the May 3, 2018 Planning Commission packet, are included in Appendix I, attached. This analysis finds that these potential changes to the Central SoMa Plan have been adequately analyzed in the EIR and any amendments to the Central SoMa Plan, apart from that discussed above related to the allowable development on Key Sites, to incorporate these potential changes would not result in any changes to the EIR analysis and would not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5). This document is being included in the EIR as a new Appendix I. Therefore, the following revision is made to the Draft EIR's Table of Contents' list of appendices on Draft EIR page vi:

Appendix I. Analysis of Environmental Effects of Potential Changes Presented May 9, 2018 for the Central South of Market (SoMa) Plan

Enclosures:

Appendix H. Central SoMa Plan Draft EIR Revisions Arising from Zoning Changes at Second and Harrison Streets

Appendix I. Analysis of Environmental Effects of Potential Changes Presented May 9, 2018 for the Central South of Market (SoMa) Plan

# memorandum

date May 2, 2018

to Jessica Range and Liz White, Environmental Planning

from Karl Heisler and Eryn Brennan

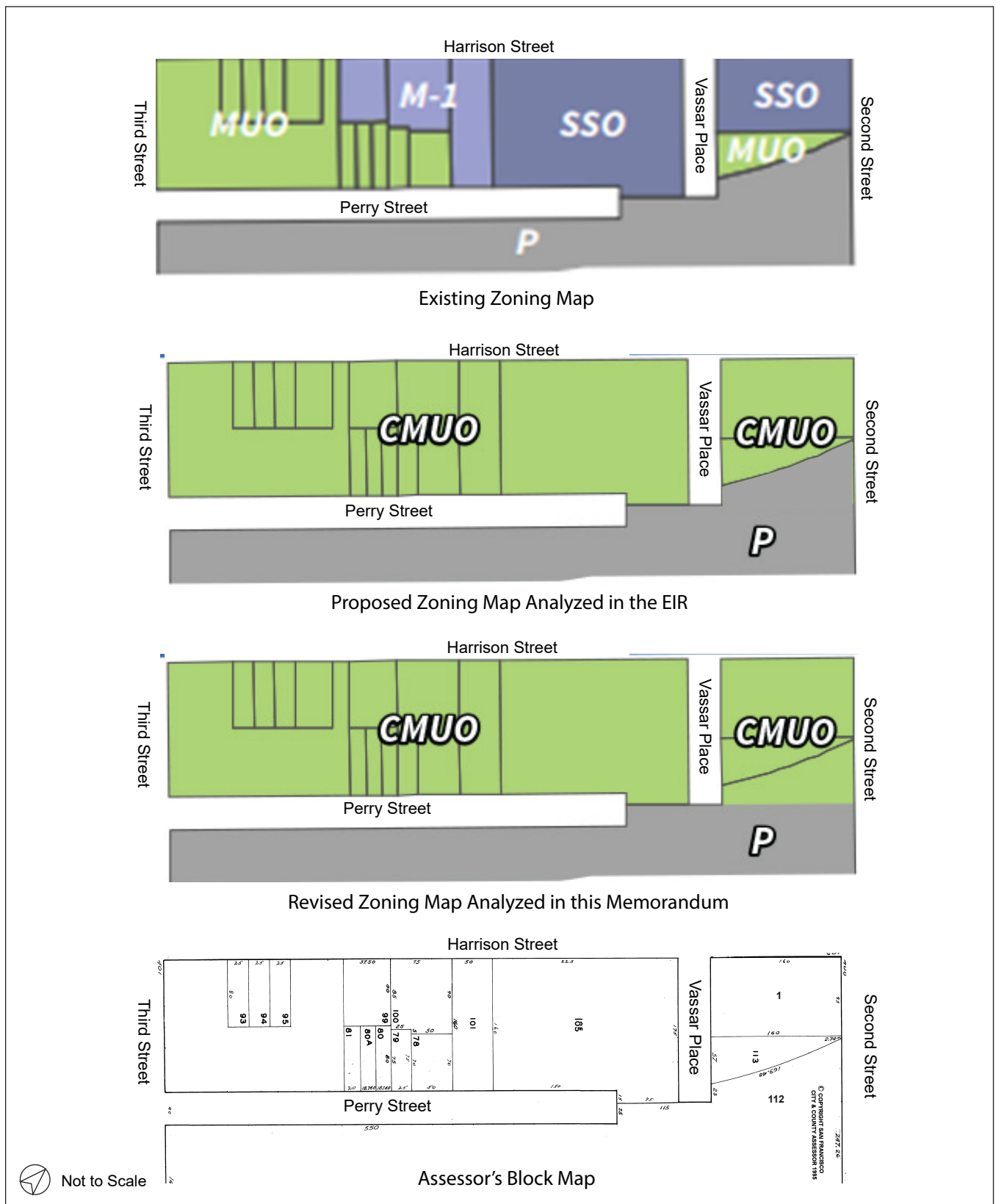
subject Central SoMa Plan EIR Revisions Arising From Zoning Changes at Second and Harrison Streets

This memorandum evaluates changes in impacts that would result from a proposal by the Planning Department to alter the proposed Use District Map and Height and Bulk District Map (also referred to as “zoning maps”) from those analyzed in the Central SoMa Plan Environmental Impact Report (EIR)<sup>1</sup> for a small portion of the block bounded by Harrison, Second, Bryant, and Third Streets. Specifically, the proposal entails extending a Central SoMa Mixed Use-Office (CMUO) Use District onto an approximately 7,400-square-foot, irregularly shaped area at the north-easternmost portion of Block 3763, Lot 112. This area has approximately 77 feet of frontage on the west side of Second Street between Harrison and Bryant Streets, and tapers in a curve to 23 feet of frontage on Vassar Place, a mid-block, dead-end street that extends south from Harrison Street west of Second Street. The proposal would also extend a 350-CS Height and Bulk District to encompass the southern portion of this same 7,400-square-foot area (Block 3763, Lot 112), as well as the southwestern portion of Block 3763, Lot 113, which is an approximately 5,400-square-foot, irregularly shaped parcel immediately north of Lot 112. The net result of these changes for this 12,800-square-foot area would be to create a rectangular lot at the southwest corner of Second and Harrison streets with uniform zoning as to both use district and height and bulk district. The 160-by-175-foot parcel would total 28,000 square feet (0.64 acres) and would be entirely within a CMUO Use District and a 350-CS Height and Bulk District.

Currently, Lot 113 is in a Mixed-Use Office (MUO) Use District, while the northeastern portion of Lot 112 is in a Public (P) Use District as a result of its former use as California Department of Transportation (Caltrans) right-of-way.<sup>2</sup> The Plan, as analyzed in the EIR, proposed to rezone Lot 113 to CMUO and make no change to the northeastern portion of Lot 112, now also proposed as CMUO. Lot 113 is currently within an 85-X Height and Bulk District and the northeastern portion of Lot 112 is within a 45-X Height and Bulk District. The EIR evaluated the southern approximately 60 percent of the 12,800-square-foot area as a 200-CS Height and Bulk District, while the northern part of the area was evaluated as a 350-CS Height and Bulk District. See **Figure 1, Existing, Proposed, and Revised Use District Map for Block 3763**, and **Figure 2, Existing, Proposed, and**

<sup>1</sup> The Central SoMa Plan EIR consists of the Draft EIR, the Responses to Comments (RTC), and all errata issued by the San Francisco Planning Department following the publication of the RTC. All documents are available for review at: <http://sf-planning.org/central-soma-plan-environmental-review>.

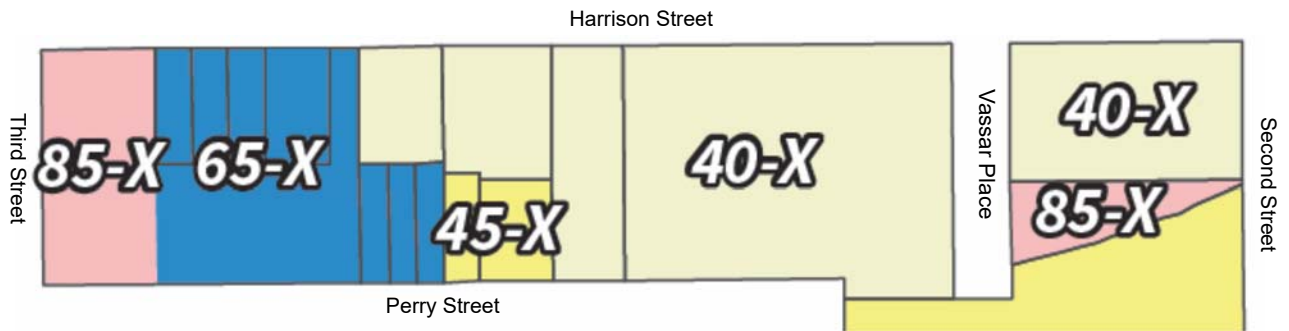
<sup>2</sup> The 7,400-square-foot portion of Lot 112 owes its irregular shape to its former use within the right-of-way of the Terminal Separator Structure, a series of on- and off-ramps that connected the now-demolished Embarcadero Freeway to the elevated I-80 freeway.



SOURCE: San Francisco Planning Department

Case No. 2011.1356E: Central SoMa Plan

**Figure 1**  
Existing, Proposed, and Revised Use District Map for Block 3763



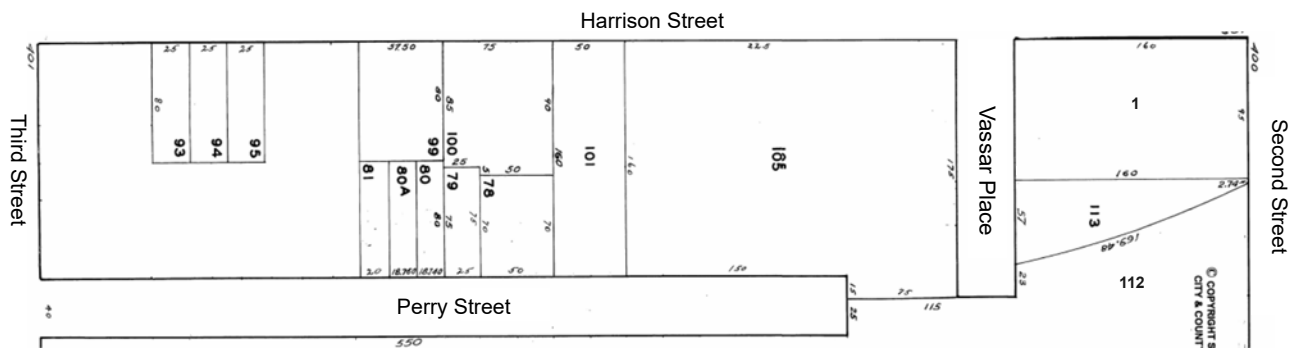
Existing Height and Bulk Districts



Proposed Height and Bulk Map as Analyzed in the EIR



Revised Height and Bulk Map as Detailed in this Memorandum



Assessor's Block Map

Not to Scale



**Revised Height and Bulk District Map for Block 3763**, which depicts the existing height of the block, the proposed heights analyzed in the EIR, and the revised use district and height and bulk district now proposed. Draft EIR **Figure II-3, Proposed Plan Area Use Districts**, and **Figure II-7, Proposed Plan Area Height and Bulk Districts [Revised]** are also revised to show the changes.

The Planning Department has determined that the potential changes to the Use District and Height and Bulk District maps would not permit development at a density beyond that included in the population and employment growth forecasts that were the basis for the transportation modeling undertaken for the EIR by the San Francisco County Transportation Authority, and subsequent noise and air quality analyses.<sup>3</sup> The Planning Department quantified the potential development capacity associated with the proposed Use District Map and Height and Bulk District Map revisions and determined that the EIR's growth projections are conservative (i.e., high-end) estimates of potential growth because:

1. The EIR studied development capacity resulting from a maximum residential and maximum commercial build out scenario,
2. The EIR analyzed higher heights than those proposed under the Plan on certain sites, and
3. The Plan's limitations on tower bulk (discussed in detail below under Aesthetics) mean that the extension of the 350-CS Height and Bulk District southward toward the Interstate-80 (I-80) freeway would not permit a larger tower, in terms of floor area, than would already be permitted under the Plan, although the change in the Height and Bulk District Map would permit the tower to be built closer to the freeway than would otherwise be the case.<sup>4</sup>

Therefore, the additional growth facilitated by these revisions to the Plan is adequately captured by the EIR's growth projections. Accordingly, the Use District and Height and Bulk District map changes would not result in growth at levels in excess of that evaluated in the EIR. Additionally, the minimal physical distribution of anticipated development—south onto the approximately 7,400-square-foot portion of Block 3763, Lot 112, would not extend development to a previously unbuilt-upon location, given the former presence of the Caltrans Terminal Separator Structure on this site. Therefore, there is no need for further analysis of impacts resulting from these map changes to land use (division of a community or conflict with plans adopted to avoid environmental impacts); cultural and paleontological resources (historical, archeological, tribal, cultural, and unique paleontological resources and human remains); transportation (traffic, transit, pedestrian and bicycle circulation, loading, parking, and emergency vehicle access); air quality (consistency with the relevant clean air plan, traffic-generated emissions and construction emissions of criteria air pollutants and fine particulate matter and toxic air contaminants, and odors); noise (traffic-generated noise, noise generated by stationary sources, and construction noise); or hydrology (flooding risk and wastewater generation).

With regard to impacts analyzed in the Initial Study for the Plan, there would be no change in impacts related to population and housing, recreation, utilities, or public services because the intensity of development would not change. As the zoning changes would not rezone previously undeveloped land, there would be no substantial change in effects related to site-specific conditions, including biology; geology; hydrology other than flooding

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<sup>3</sup> Steve Wertheim, San Francisco Planning Department, "Zoning changes at Second and Harrison Streets (One Vassar)" memorandum to Jessica Range, April 17, 2018.

<sup>4</sup> The change in Use District from P to CMUO for the northeastern portion of Lot 112 would allow for a tower with about 6.5 percent more floor area than would otherwise be the case because the P Use District does not permit residential, office, or other commercial uses.



and wastewater, analyzed in the EIR, as noted above; or hazardous materials; mineral; energy; and agricultural and forestry resources, analyzed in the Initial Study.

Based on the foregoing, the potential changes in impacts compared to those analyzed in the EIR would be limited to three environmental topic areas: aesthetics, wind, and shadow. Each of these issues is discussed below.

## Aesthetics

### Analysis in the EIR

The EIR found that development pursuant to the Plan: (1) would not substantially degrade the visual character or quality of the Plan Area or substantially damage scenic resources; (2) would alter public views of the Plan Area from short-, mid-, and long-range vantage points and alter views into the surrounding neighborhoods from within the Plan Area, but would not adversely affect public views or have a substantial adverse effect on scenic vistas; and (3) would not create a new source of substantial light or glare in the Plan Area that would adversely affect day or nighttime views or substantially impact other people or properties. All aesthetic impacts were determined to be less than significant, and no mitigation measures were identified.

### Analysis of Proposed Changes to the EIR Zoning Maps

The proposed changes to the Use District and Height and Bulk District maps on Block 3763 would permit development on the west side of Second Street between Harrison Street and I-80 that would be closer to I-80 than what was analyzed in the EIR. However, the Plan includes tower controls for office and other non-residential, non-hotel buildings taller than 160 feet in height. These tower controls include a maximum individual floor plate of 17,000 square feet and a maximum average size for all tower floors in a building of 15,000 square feet, as well as maximum plan dimensions for towers of 150 feet in length and 190 feet in diagonal dimension. Buildings taller than 250 feet must also include additional reduction in massing of the upper one-third of the tower, compared to the lower two-thirds of the tower. Finally, the Plan would require a minimum distance of 115 feet between any two towers and minimum setbacks from the street of 15 feet for all towers. (All of these tower controls are similar to tower controls in the Downtown (C-3) Use Districts.) Together, these requirements would serve to reduce building massing, compared to what could otherwise be constructed. Because the overall site at the southwest corner of Second and Harrison streets is 160 feet wide by 175 feet deep (which results in a diagonal dimension of approximately 237 feet, compared to the maximum permitted 190-foot diagonal), a tower on that site would be required to include setbacks that would preclude a tower covering more than approximately 65 percent of the overall site. Therefore, a tower constructed in the 350-CS Height and Bulk District that is newly proposed to be expanded southward toward the I-80 freeway would have to include setbacks on all four sides to accommodate both street and interior lot line setback requirements. Because the minimum 15-foot setbacks on all four sides would not achieve the maximum permitted diagonal dimension, additional setback(s) would be necessary, likely on the west side to achieve the required tower separation from a potential tower across Vassar Place, where the maximum height limit would be 200 feet. Accordingly, while development on the site in question could be closer to the I-80 freeway, such development would likely occupy less of the lot width than had been assumed in the EIR. **Figure 3, Visual Simulation from I-80 Westbound, with Revision to Zoning Maps for Block 3763,** depicts modifications to Draft EIR Figure IV.B-19 to show the approximate outline of a potential building on the site in question that could be visible with the changes to the Use District and Height and Bulk District maps. As can be seen, the building would appear slightly taller than shown in the EIR because it would be closer to the

freeway; however, assuming setbacks as described above, the building could appear slightly narrower than depicted in the EIR. Therefore, the proposed change to the Use District Map and the Height and Bulk District Map would result in a relatively minor change in the view from the freeway.



SOURCE: Square One Productions; Environmental Science Associates, 2018

**Figure 3**  
Visual Simulation from I-80 Westbound, with Revision to Zoning Maps for Block 3763

The change in views from other viewpoints for which visual simulations were presented in the EIR would not be readily apparent. This is due to the combination of distance from the viewpoint to Block 3763 and the orientation of other Plan Area buildings. For example, in the view from Potrero Hill (Draft EIR Figures IV.B-13 and IV.B-14), the change in potential building envelope resulting from the southward extension of the 350-CS Height and Bulk District and increased height on the southern portion of the site in question would be largely obscured by a 400-foot tower that is illustrated at the corner of Fourth and Townsend streets. In the most distant view, from Corona Heights (Draft EIR Figures IV.B-15 and IV.B-16), the change in potential building envelope would be negligible. From the I-280 Sixth Street off-ramp (Draft EIR Figures IV.B-17 and IV.B-18), the change in potential building envelope would add a slight extension to a distant building modeled, resulting in an incremental amount of sky obscured, but not blocking any views of any natural or built features. Figure IV.B-19 is discussed above, and the site in question is not visible in the other EIR visual simulations (Figures IV.B-20 through IV.B-23). Accordingly, the only change to the EIR visual simulations necessary is to Draft EIR Figure IV.B-19.

In close-in views from the street, the change in potential building envelope could be noticeable, but not substantially so because of the bulk limitations discussed above. As discussed above, the changes to the Use District and Height and Bulk District maps would not make a substantial difference in the bulk of a potential tower that could be built on the site in question. The change to the Use District Map, however, would permit development on what is now a parking lot south of the existing building at 400 Second Street, a location that would not be buildable under the existing and current Plan-designated P Use District. However, most of this portion of the site in question would be occupied by a podium-level structure at a height of 85 feet, which would not result in a substantial change in street-level views compared to what would otherwise be allowed under the Plan.

As with the Use District and Height and Bulk District maps analyzed in the EIR, the proposed changes to the Use District and Height and Bulk District maps would not substantially degrade the visual character or quality of the area or its surroundings, would not have a substantial adverse effect on a scenic vista, and would not substantially damage scenic resources (as none exist in the Plan Area). Light and glare impacts would be similar to those discussed in the EIR because the proposed changes to the Use District and Height and Bulk District maps are consistent with other heights analyzed in the EIR.

Based on the foregoing, the revisions to the Use District and Height and Bulk District maps would not result in any new or substantially more-severe significant aesthetic impacts than identified in the EIR.

## Wind

### Analysis in the EIR

The EIR found that development anticipated under the Plan could alter wind in a manner that substantially affects public areas. This was found to be a significant effect of the Plan. Although mitigation in the form of building setbacks and other wind-reduction measures are identified in the EIR, the EIR concluded that, absent project-specific wind-tunnel testing that would be required for taller subsequent projects in the Plan Area, it could not be stated with certainty that each subsequent development project would be able to comply with the EIR's significance criterion without substantial modifications to the project's design and program such that the project would not be able to be developed to allowable building heights proposed by the Plan. Therefore, this impact was identified as significant and unavoidable.

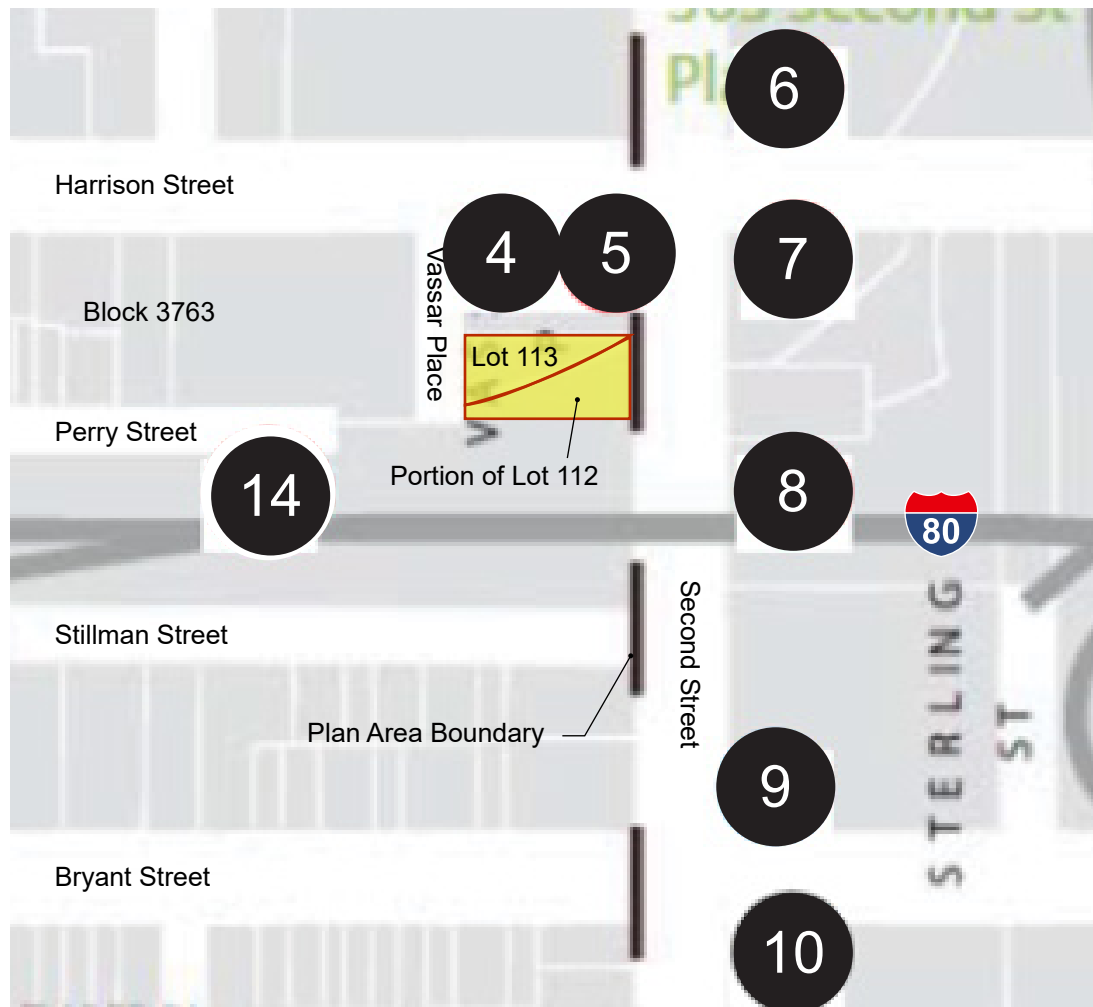
### Analysis of Proposed Changes to the EIR Zoning Maps

Programmatic wind-tunnel testing for the EIR was undertaken at the Plan level, based on the same building masses as evaluated in the visual simulations. In the vicinity of the proposed changes to the Use District and Height and Bulk District maps, wind test points were located at the following eight locations<sup>5</sup> (see **Figure 4, Wind Tunnel Test Points near Block 3763, Lots 112 and 113**):

- Two locations at and near the southwest corner of Second and Harrison streets, including along the Second Street frontage of the site in question and at the corner. These points would be at the base of a potential tower that would be permitted by the changes in the Use District and Height and Bulk District maps), Test Points 4 and 5;

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<sup>5</sup> For a complete map of the wind test points in the Plan Area, refer to Figure VI.G-2 in the EIR on page IV.G-8.



Test Location Number	Wind Comfort Criterion Speed (mph)	Existing Conditions		Existing Conditions		Speed Change Relative to Existing (mph)
		Equivalent Wind Speed Exceeded 10% of Time (mph)	% Time Wind Speed Exceeds Criterion	Equivalent Wind Speed Exceeded 10% of Time (mph)	% Time Wind Speed Exceeds Criterion	
4	11	9	4	13	16	4
5	11	7	3	17	32	10
6	11	6	0	9	2	3
7	11	7	2	14	22	7
8	11	9	2	12	12	3
9	11	13	17	10	8	2
10	11	8	2	8	2	0
14	11	6	1	13	14	7



Not to Scale

**Figure 4**  
Wind Tunnel Test Points near Block 3763, Lots 112 and 113

- The northeast and southeast corners of Second and Harrison streets, Test Points 6 and 7;
- The east side of Second Street just north of the elevated I-80 freeway, Test Point 8;
- The northeast and southeast corners of Second and Bryant streets, Test Points 9 and 10; and
- The eastern terminus of Perry Street north of I-80, Test Point 14.

Existing conditions at the eight test points noted above are generally relatively calm, with the wind speed that is exceeded 10 percent of the time, or wind comfort speed, ranging from 6 miles per hour (mph) to 9 mph, except at the northeast corner of Second and Bryant Streets (Point 9), where the existing wind comfort speed is 13 mph, the speed at which winds typically begin to bother pedestrians.<sup>6</sup> With the exception of Test Point 9, all test points currently meet the 11-mph pedestrian comfort criterion contained in the Planning Code. (In general, conditions in SoMa are less windy than in very windy locations in San Francisco, such as the Van Ness and Market area.) The Planning Code's wind hazard criterion of 26 mph for one full hour of the year is not exceeded at any of the eight nearby test points under existing conditions.

Of the eight test points, the EIR wind-tunnel testing found that Plan Area development would increase the wind comfort speed at six locations, by 3 to 10 mph, with the greatest increases at the southwest and southeast corners of Second and Harrison streets and on Perry Street. Wind comfort speeds would decrease slightly with Plan development at the northeast corner of Second and Bryant streets and remain unchanged at the southeast corner of Second and Bryant streets. With Plan development, wind speeds at five of the eight test points would exceed the Planning Code's 11-mph comfort criterion. Wind speeds would not exceed the 26-mph hazard criterion at any of the eight locations under conditions with Plan development.

The following analysis specifically addresses potential wind impacts associated with the proposed changes in the Use District and Height and Bulk District Map to permit development to extend farther southward toward the elevated I-80 freeway (approximately 45 feet tall at the location nearest to Block 3763, Lots 112 and 113) and to increase the permitted height from 200 to 350 feet on a portion of Lot 12 and on Lot 13 of Block 3763. The proposed changes to the Use District and Height and Bulk District maps would not be anticipated to substantially alter the above results for the following reasons:

- For the closest test points to the proposed changes (Test Points 4 and 5, at Second and Harrison streets), extending the development envelope toward the freeway and increasing the permitted building height in the southern portion of the site in question would result in only a negligible change in wind conditions because the permitted overall building height would not change and, in particular, the permitted height at the street wall along Harrison Street would not change. Prevailing northwest, west, and southwest winds would be diverted by a proposed building at a height of 350 feet, much as would be the case for the Plan zoning maps analyzed in the EIR. In particular, Test Point 5, where the wind comfort speed would increase by 10 mph to 17 mph with Plan development, would be comparably windy with the proposed Use District and Height and Bulk District map changes.

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<sup>6</sup> The wind speed that is exceeded 10 percent of the time (with turbulence factored into the speed) is the speed relied upon in the Planning Code for evaluation of pedestrian comfort. This "wind comfort speed" is useful as a general measure of typical maximum wind speeds, since winds are at or below this speed 90 percent of the time.

- Test Points 6 and 7 are located across Second Street from the site in question. The zoning map changes would not substantially affect these points because, as with Points 4 and 5, Points 6 and 7 would be primarily influenced by the height and massing along Harrison Street, which would not be altered, and by the west-facing façade. Although the changes would permit the west-facing façade to extend southward toward the freeway, any effect of changes in potential building mass at this location on Test Points 6 and 7 would be ameliorated by the remainder of the potential building mass, which would be closer to those points and therefore exert more influence with respect to pedestrian winds.
- Test Point 8 is across Second Street from the southeast corner of the site in question. The southward extension of the potential building mass and the increase in height to 350 feet on the southern portion of the site in question could provide some shielding of this test point from prevailing northwest, west, and southwest winds. Moreover, this test point is adjacent to the elevated I-80 freeway, some 45 feet in height, which would tend to function somewhat like a building podium in slowing winds descending from taller buildings. The wind comfort speed at Test Point 8, therefore, would not be anticipated to increase substantially with the zoning map changes, compared to what was reported in the EIR.
- The other two test points (9 and 10), while downwind from the location of the proposed Use District and Height and Bulk District maps changes with respect to northwest winds, are 400 feet or more from the potential 350-foot-tall building on the site in question. Moreover, these test points are partially sheltered by the adjacent elevated I-80 freeway (approximately 45 feet in this location) and by the existing 50-foot-tall building at the northeast corner of Second and Bryant streets, both of which would further limit any effect on wind from the potential 350-foot-tall building that could be built at the site in question. Therefore, wind speeds at these two test points also would be only minimally altered by the Use District and Height and Bulk District map changes, as compared to wind speeds reported in the EIR.
- Test Point 14, on Perry Street, is located closest to the southwest corner of the potential building mass that could be permitted as a result of the changes to the Use District and Height and Bulk District maps. The southwest and northwest building corners often result in the greatest change in pedestrian winds due to their role in diverting winds that strike a building's west-facing facing façade. Therefore, southward extension and increasing the height of the west-facing façade of a building on this site could result in greater ground-level winds near the southernmost point of Vassar Place. However, Test Point 14 is approximately 150 feet upwind of the potential building and is likely to be more affected by development on the west side of Vassar Place, which, along with the adjacent I-80 freeway, would shield this location from prevailing winds. Accordingly, the proposed changes to the Use District and Height and Bulk District maps would not result in substantially greater wind effects at Test Point 14 than were reported in the EIR. It is noted that required project-specific wind-tunnel testing would further evaluate whether conditions in Vassar Place would be adversely affected.

Based on the foregoing, the revisions to the Use District and Height and Bulk District maps would not result in any new or substantially more-severe significant wind impacts than identified in the EIR. Furthermore, projects proposed within the Central SoMa Plan Area outside of a C-3 Use District at a roof height greater than 85 feet would be required to be evaluated by a qualified wind expert to determine their potential to result in a new wind hazard exceedance or aggravate an existing pedestrian-level wind hazard exceedance. If the expert determines this would be the case, the project may be required to undergo wind-tunnel testing.

## Shadow

### Analysis in the EIR

The EIR found that development under the Plan would not create new shadow in a manner that substantially affects existing outdoor recreation facilities or other public areas. This impact was determined to be less than significant, and no mitigation measures were identified. The EIR found that Plan Area development would add new shadow to three parks (South Park, Victoria Manalo Draves Park, and Gene Friend Recreation Center) under the jurisdiction of the Recreation and Park Commission and, therefore, is subject to Planning Code Section 295. However, the EIR found that the relatively minimal new shadow would not be anticipated to adversely affect the use of these parks, and the effect was, therefore, found to be less than significant. The EIR also found that Plan Area development would add new shadow to two non-Planning Code Section 295 open spaces—the Alice Street Community Garden and the Yerba Buena Center Children’s Garden. Again, however, the relatively small shadow increment was determined not to adversely affect the use of these spaces, and the effect was found to be less than significant. Likewise, Plan-generated shadow was found to result in less-than-significant impacts on nearby POPOS.

### Analysis of Proposed Changes to the EIR Zoning Maps

The EIR employed programmatic shadow modeling to support its analysis, based on the same building masses as evaluated in the visual simulations and wind-tunnel testing. This analysis specifically addresses potential new shadow impacts associated with the proposed changes in the Use District and Height and Bulk District Map to permit development to extend farther southward toward the elevated I-80 freeway and to increase the permitted height from 200 to 350 feet on a portion of Lot 112 and on Lot 113 of Block 3763. To evaluate the potential for the proposed Use District Map and Height and Bulk District Map changes to result in new or more-severe shadow effects, the modeling was revised to incorporate the larger potential building mass that could be built at the location of the zoning map revisions. The results of the modeling show that the only open space for which shadows would be different than those reported in the EIR is the POPOS at 303 Second Street, across both Second and Harrison streets from the site in question. However, the increase in net new shadow resulting from the proposed zoning map changes would be limited. For example, of the 37 hourly shadow projections presented for the solstices and equinoxes in EIR Appendix E, there would only be one instance in which the potential building mass resulting from the proposed changes to the Use District and Height and Bulk District maps would increase shadow on the 303 Second Street POPOS. This would be at 10:00 a.m. on the winter solstice in December, when the longer eastern frontage of the potential building mass on the site in question would move the line of net new shadow eastward into the POPOS. There would also be a small increase in net new shadow on the spring/fall equinoxes at 12:00 noon (the time depicted in Draft EIR Figure IV.H-6); however, at this time, the increased shadow would fall only on Second Street and its sidewalks, and not on the POPOS. **Figure 5, Net New Shadow Resulting from Zoning Map Changes**, depicts the changes in shadow resulting from the proposed changes to the Use District and Height and Bulk District maps. Given the very limited new shadow compared to that reported in the EIR, use of the 303 Second Street POPOS would not result in substantially more severe adverse impacts than those reported in the EIR. Therefore, shadow effects would remain less than significant with the revised height and bulk limits, as was reported in the EIR.

In addition to shadow impacts shown in Figure 5, the potential building mass resulting from the change in the zoning maps would add some new shadow to Second Street sidewalks in the afternoon year-round, owing to the



increased cross-section of the building mass (i.e., increased depth as measured from Harrison Street). However, no other open spaces, either public or private, would be affected, compared to what was analyzed in the EIR. This incremental increase in shading would be consistent with typical urban shadows, including in other parts of the Plan Area where new buildings could be constructed, and would not be anticipated to adversely affect the use of nearby sidewalks, given that sidewalks are typically used for pedestrian travel from one location to another. With the changes in the Use District and Height and Bulk District maps, and similar to conditions without the change, shadows upon streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA. This conclusion would hold true both with and without the revised Use District and Height and Bulk District maps.



SOURCE: Fastcast; Environmental Science Associates, 2018

**Figure 5**  
Net New Shadow on 303 Second Street POPOS Resulting from Zoning Map Changes



Based on the foregoing, the revisions to the EIR Use District and Height and Bulk District maps (Draft EIR Figure II-3, p. II-11, and Figure II-7, p. II-19) would not result in any new or substantially more-severe significant shadow impacts than identified in the EIR.

## **Conclusion**

The proposed revisions to the EIR Use District Map and Height and Bulk District Map on Block 3763, Lots 112 and 113, would not result in any new or substantially more-severe significant impacts with respect to aesthetics, wind, or shadow, or any other CEQA topic, than those that were identified in the EIR.

## **Attachments**

Appendix A. Memorandum from Steve Wertheim, Citywide Policy and Analysis, April 17, 2018



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**Date:** April 17, 2018  
**To:** Jessica Range, Principal Environmental Planner  
**From:** Steve Wertheim, Project Manager  
**Re:** Zoning changes at Second and Harrison Streets (One Vassar)

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## Introduction

The Central SoMa Plan is a comprehensive plan for the area surrounding much of the southern portion of the Central Subway transit line. The Plan Area includes roughly 230 acres that comprise 17 city blocks, as well as the streets and thoroughfares that connect SoMa to its adjacent neighborhoods: Downtown, Mission Bay, Rincon Hill, and the Mission District. In December 2016, the San Francisco Planning Department published a Draft Environmental Impact Report (EIR) for the proposed project and circulated the Draft EIR for public review and comment. On March 28, 2018, the San Francisco Planning Department published the Responses to Comments (RTC).

## Purpose of this Memorandum

On April 10, 2018, Mayor Farrell and Supervisor Kim introduced a substitute Central SoMa Zoning Map Ordinance. That ordinance included two additional changes that had not been previously been analyzed for conformance with the Project Description analyzed in the Central SoMa EIR, as follows:

- On Block 3763 Lots 112 and 113, the height limit was increased from 200 feet to 350 feet on the portion between 145 feet and 175 feet from Harrison Streets (refer to Figure 1. Existing, Proposed and Revised Height and Bulk Map for Block 3763)
- On Block 3763 Lot 112, allowable zoning was changed from Public (P) to Central SoMa Mixed-Use Office (CMUO) (refer to Figure 2. Existing, Proposed, and Revised Zoning District Map for Block 3763)

The purpose of this memorandum is to document why the changes to the Central SoMa Height and Bulk and Zoning District maps would not result in growth beyond that included in the population and employment growth forecasts, which informed the impact analysis in the Central SoMa Plan EIR.

Figure 1. Existing, Proposed, and Revised Height and Bulk Map for Block 3763

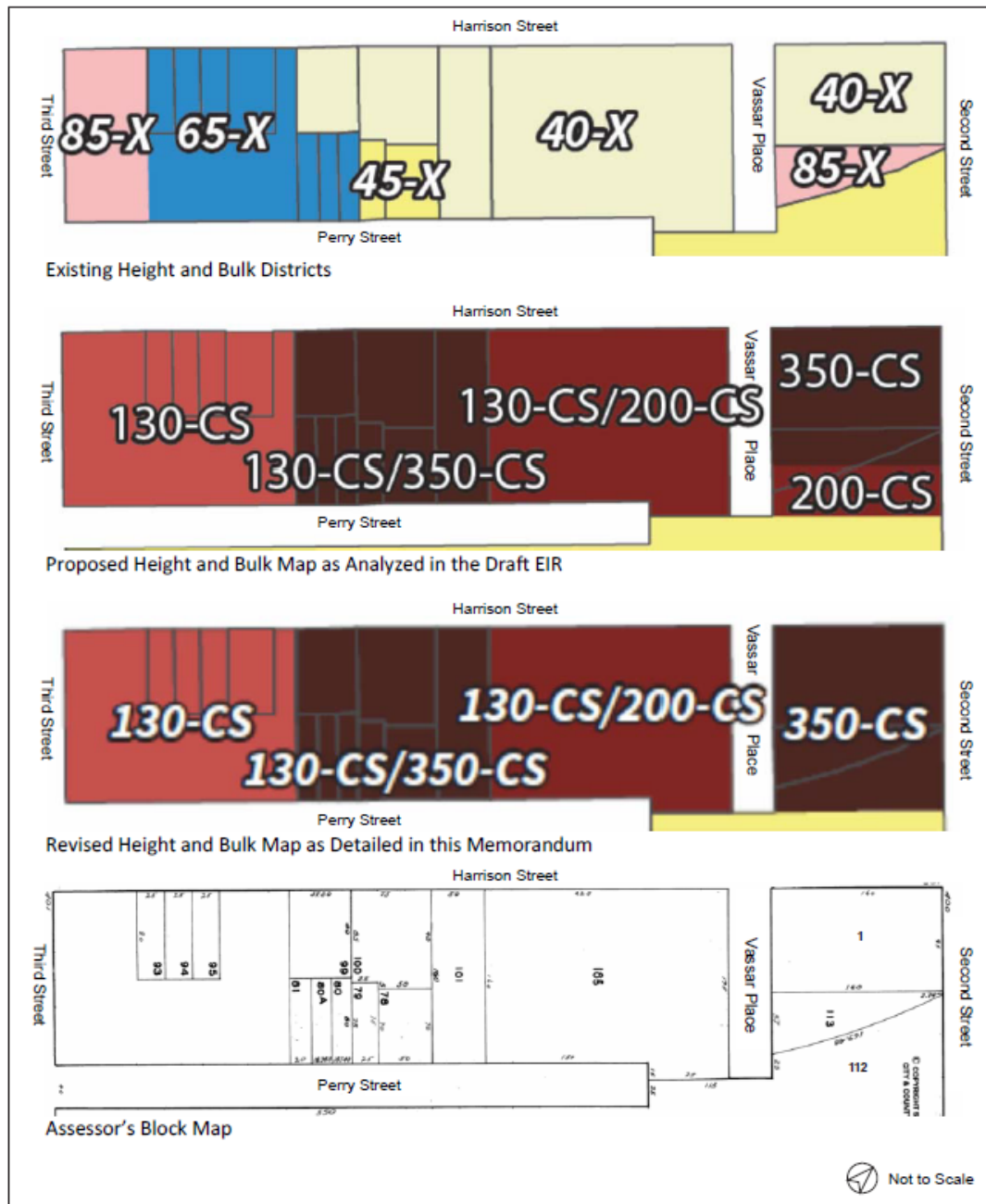
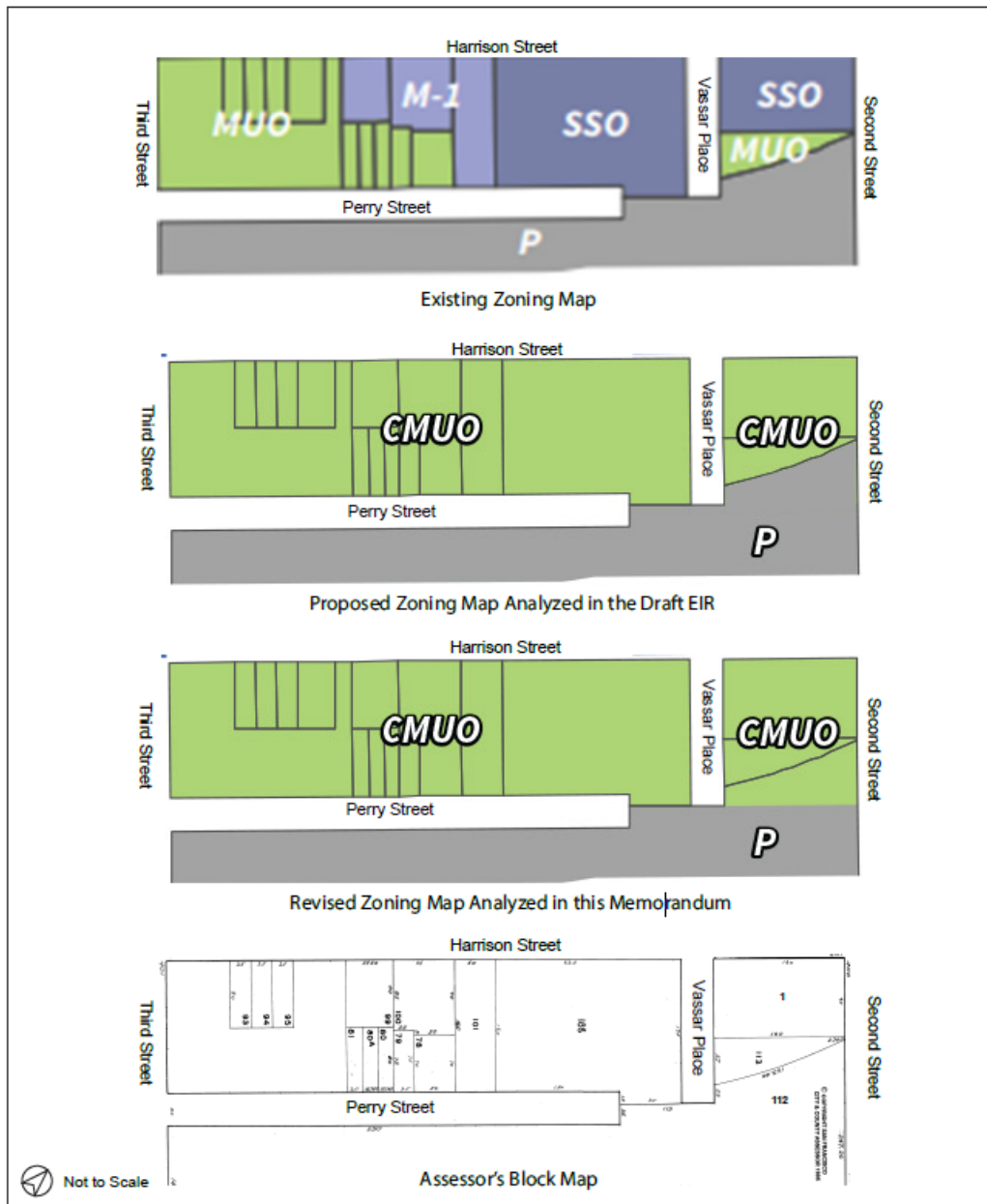


Figure 2. Existing, Proposed, and Revised Zoning District Map for Block 3763



## Analysis

These parcels are associated with the proposed office building at 400 2<sup>nd</sup> Street (Planning Department Case 2012.1384) which also would be located on Block 3763 Lot 001. This office building is proposed to be up to 350 feet in height and be 535,000 gross square feet. It would replace an existing office building of 113,484 gross square feet, resulting in an increase of 421,516 gross square feet of office.

The changes included in the April 10, 2018 version of the Zoning Map Ordinance would not increase development capacity of this office building beyond what was studied in the Central SoMa EIR, for the following reasons:

- The Central SoMa Plan requires that office buildings taller than 160 feet in height have an average floor area of 15,000 square feet above 85 feet in height. Such a tower could be accommodated within the previously proposed height limits. The increase in the height limit for a portion of the site enables the potential tower to move within the site. However, it does not change the development capacity of the tower.
- The rezoning from P to CMUO would enable new development on this portion of Block 3763 Lot 112. However, this development was anticipated in the EIR based on the previous submittals of the project sponsor. Based on these previous submittals, the EIR anticipated 427,300 square feet of new development,<sup>1</sup> which is greater than the 421,516 net new gross square feet proposed by the new development.

## Conclusion

The changes to the Central SoMa Plan EIR Height and Bulk and Zoning Use District Maps would not result in growth beyond that included in the population and employment forecasts, which informed the impact analysis in the Central SoMa Plan EIR.

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<sup>1</sup> Calculation based on the Planning Department's *Buildout Analysis for Central SoMa*, January 25, 2018. This document and all other documents referenced in this memoranda are on file and available for public review as part of Case File No. 2011.1356E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, 94103. This document includes a parcel-level analysis of development potential in the Plan Area that was utilized for the EIR.



## SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** May 9, 2018  
**TO:** Planning Commission  
**FROM:** Jessica Range and Elizabeth White, Environmental Planning  
Steve Wertheim, Citywide Planning  
**RE:** Analysis of Environmental Effects of Potential Plan  
Changes Presented May 3, 2018 for the Central South of  
Market Area (SoMa) Plan  
Planning Department Case No. 2011.1356E

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The May 3, 2018 Planning Commission packet includes (1) changes to the Central SoMa Plan since introduction, (2) a list of modifications recommended by Planning Department staff, and (3) a list of "Issues for Consideration" (which are proposals for changes to the Central SoMa Plan received from the public during the public review process). This memorandum evaluates the environmental effects of all three of these categories of information, in the event decision makers choose to incorporate additional changes into the Central SoMa Plan.

### Changes to the Central SoMa Plan since Introduction

The Environmental Planning Division of the Planning Department has reviewed changes to the Central SoMa Plan, as they appear in the May 3, 2018 Planning Commission Packet. The following conclusions are made (references to the location of these changes in the May 3, 2018 Planning Commission packet are provided in parentheses):

- Changes to the Central SoMa General Plan Amendments Draft Ordinance since introduction (Exhibit II.6) were determined not to result in physical environmental effects.
- Changes to the Zoning Map Amendments Ordinance since introduction (Exhibit IV.4): (1) correct a drafting error, (2) change the allowable zoning on certain blocks and lots from West SoMa Mixed Use Office (WMUO) to Central SoMa Mixed-Use Office (CMUO); and (3) change the allowable zoning for Block 3763, Lot 112 and change the allowable heights for this block and lot along with Lot 113. The changes from the correction of a drafting error were determined not to result in physical environmental effects, the changes to proposed zoning from WMUO to CMUO are evaluated in an erratum issued on April 5, 2018, and changes to the zoning and

height at Block 3763 were evaluated in a second erratum issued on May 9, 2018 and in Environmental Impact Report (EIR) Appendix H.

- Changes to Planning Code and Administrative Code Amendments Ordinance since introduction (Exhibit III.5) correct or clarify the Planning Code Amendments, or were determined to not result in environmental effects, with the exception of changes to the Planning Code that require sites to be commercially-oriented, changing this requirement from sites that are 30,000 square feet in area to sites that are 40,000 square feet in area. The environmental effects of this change to the Planning Code were evaluated in an erratum issued on April 5, 2018 and determined not to result in new significant effects or effects of greater severity than that disclosed in the EIR.
- Changes to the Central SoMa Plan Implementation Program since introduction (Exhibit V.4) merely implement changes to the General Plan, Planning Code, and Zoning Map amendments as discussed above, or were determined not to result in physical environmental effects. It should be noted that an implementation measure identifies funding for a potential park at 1133 Mission Street. The EIR, at a programmatic level, evaluates the environmental effects of the creation of a new park within or near Central SoMa. Once a specific proposal is put forth, additional environmental review may be required to ensure that the environmental effects of the park are adequately addressed in the EIR.

In summary, the above changes to the Central SoMa Plan have been adequately evaluated in the EIR and the revisions made to the EIR to address these changes are presented in errata dated April 5, 2018 and May 9, 2018 and do not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code section 21092.1) and the CEQA Guidelines (14 California Code of Regulations section 15088.5).

## Recommended Modifications and Issues for Consideration

In addition to the above changes to the Central SoMa Plan, the May 3, 2018 Planning Commission packet contains recommended modifications to the Planning Code and Administrative Code Ordinance (contained in Exhibit III.1) and additional zoning map, Planning and Administrative Code, and implementation program “issues for consideration” (Exhibits IV.5, III.6, and V.5, respectively). These “issues for consideration” are proposals for changes to the Central SoMa Plan received from the public during the public review process. The following contains an analysis of the environmental effects of these recommended modifications and issues for consideration, should decision makers choose to include them in the Central SoMa Plan. In this analysis, staff has determined that, apart from the following item (which is not currently recommended by staff), the changes merely clarify or make corrections to the current proposal, or would not result in environmental effects beyond that analyzed

in the EIR.

**Issue not covered in the EIR analysis:** Setting the maximum development capacity at each site at the level listed in the Key Development Sites Guidelines, rather than the formula provided in Section 263.32(c)(1).

**Rationale:** The proposed Planning Code formula setting development capacity for the Key Sites was developed to ensure that development on Key Sites does not exceed the growth projected under the EIR. It is unclear how setting maximum development capacity according to the Key Development Sites Guidelines would affect the overall growth anticipated and evaluated in the EIR. More information regarding the effects of this proposal on the Plan's anticipated growth projections would be required before the Commission adopts this proposal in order to assess whether the environmental effects of the proposal are adequately addressed in the EIR. Furthermore, the Planning Department staff do not recommend the Central SoMa Plan be amended to incorporate this request.

The following issues require additional explanation as to how the environmental effects of these issues are addressed in the Draft EIR:

1. For the area north of Harrison Street, change the proposed zoning from CMUO to Mixed-Use General (MUG) or Mixed-Use Residential (MUR)

*Analysis:* Under the zoning proposed in the Central SoMa Plan and analyzed in the EIR, it is anticipated that the currently proposed zoning change to this area, which would create a uniform zoning of CMUO, could result in approximately 3,000 jobs (680,000 square feet of commercial space) and 1,100 residential units (1,330,000 square feet of residential space).<sup>1</sup> If the CMUO zoning district north of Harrison Street was rezoned to MUG or MUR (which limits office uses), it is estimated that this zoning change would result in 2,500 jobs (550,000 square feet of commercial space) and 1,250 residential units (1,500,000 square feet of residential space). The proposal would result in a loss of 500 jobs and a gain of 150 residential units in the Central SoMa Plan Area.

As explained in EIR Appendix G (attachment to the EIR, provided in an erratum issued April 5, 2018), other changes to the Central SoMa Plan have resulted in changes to the Plan's growth projections. Specifically, based on the amendments to the Plan addressed in the April 5, 2018 erratum, the Plan is anticipated to result in 8,300 net new housing units and 34,250 jobs. These changes to the Plan were determined to be within the growth projections used as the basis for the EIR's quantitative analysis as shown in Table IV-1, Summary of

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<sup>1</sup> Wertheim, Steve (San Francisco Planning Department), "MUO to MUG". Email communication to Jessica Range and Elizabeth White. April 17, 2018.



Growth Projections on Draft EIR page IV-6. The EIR analyzes an increase of 14,500 residential units within the EIR study area, of which 8,320 units are anticipated to occur in the Plan Area and an increase of 63,600 jobs within the EIR study area, of which 44,000 are anticipated to occur within the Plan Area.<sup>2, 3</sup> The above change in zoning (from CMUO to MUG or MUR) would change the Plan's overall growth projections, resulting in a total of 8,450 housing units and 33,750 jobs. These changes would result in growth projections for the number of residential units exceeding those for the Plan Area that were used as the basis for the EIR by 130 units. However, the changes to the Plan that have taken place since publication of the Responses to Comments document would also result in a reduction of about 10,250 jobs within the Plan Area. As such, it can be reasonably concluded that the environmental effects of an additional 130 residential units within the Plan Area, beyond that anticipated in the EIR, would be off-set by a reduction in environmental effects anticipated to occur as a result of approximately 10,000 fewer jobs being developed within the Plan Area. Therefore, there would be no substantial change to the EIR's analysis for topics that rely upon the EIR's growth projections (transportation; noise; air quality; and hydrology and water quality). Similarly, because the overall intensity of development under the Plan would still be within that which was studied in the EIR, there would be no change to impacts identified in the initial study related to population and housing, recreation, utilities or public services.

Furthermore, the rezoning of CMUO north of Harrison Street to MUG or MUR would not change height and bulk proposals studied in the EIR, and therefore, would not result in changes to the aesthetics, shadow, or wind analysis in the EIR. Additionally, there would be no change in the location of projected development, and no significant changes in construction techniques. As such, there would be no substantial change in effects related to site-specific conditions, including: land use and land use planning, cultural and paleontological resources, biology, geology, hazardous materials, mineral resources, energy, and agricultural and forestry resources.

For the above reasons, including this change to the Central SoMa Plan's proposed zoning would not result in overall growth beyond that anticipated by the Plan and therefore would not result in increased physical environmental effects beyond that already studied in the EIR and would not constitute new significant information that requires recirculation of the EIR under CEQA and the CEQA Guidelines.

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<sup>2</sup> Errata to the Environmental Impact Report for the Central South of Market (SoMa) Area Plan. April 5, 2018. Available at: [http://sfmea.sfplanning.org/Central\\_SoMa\\_EIR\\_Errata\\_April52018.pdf](http://sfmea.sfplanning.org/Central_SoMa_EIR_Errata_April52018.pdf)

<sup>3</sup> Central SoMa Draft Environmental Impact Report. Appendix G. Analysis of Environmental Effects of Plan Changes Presented April 5, 2018 for the Central South of Market (SoMa) Plan. April 5, 2018.

2. Prohibit large office uses (greater than 50,000 square feet) in the area currently zoned Service, Arts, Light Industrial (SALI) except for Key Sites

*Analysis:* This change would allow small office, retail and institutional uses to be developed and was determined to not substantially affect the growth projections used as the basis for the analysis in the EIR.

3. Do not eliminate the grandfathering clause for compliance with the Transportation Demand Management requirements

*Analysis:* The current Planning Code Transportation Demand Management (TDM) requirements allow for grandfathering of certain projects with applications on file with the Planning Department and would reduce the TDM requirements of the Central SoMa Plan for these projects. Projects that meet the current eligibility requirements, which include a number of Central SoMa projects, are required to meet 50% of the TDM requirements. The Planning Department proposes to include a more limited grandfathering provision in the Central SoMa Plan, requiring projects with complete development applications or environmental evaluation applications on file before January 1, 2018, to meet 75% of the TDM requirements, and not 100% of the TDM requirements. The EIR found that noise and air quality impacts from traffic generated by subsequent development projects would be significant and unavoidable. Mitigation Measure M-NO-1a: Transportation Demand Management for New Development was identified in the EIR prior to adoption of the current TDM Ordinance. This mitigation measure would apply the equivalent of the current TDM requirements to projects within the Central SoMa Plan area, with not grandfathering. Thus this measure would reduce the number of vehicle trips generated by subsequent development projects to a greater degree than under the current requirements. The EIR determined that because it is uncertain the degree to which this mitigation measure could reduce traffic noise to a less than significant level, noise (and air quality) impacts would be significant and unavoidable.

Including a grandfathering clause as part of the Central SoMa TDM requirements, as described above, would reduce the effectiveness of TDM measures to reduce vehicle trips and subsequent noise and air quality effects. However, increased noise and air quality effects resulting from reduced TDM requirements that would occur under a grandfathering clause would be limited, as it would only apply to approximately 20 projects within the Plan Area and these projects would still be required to incorporate a substantial number of TDM measures into their project. In addition, the EIR concludes, in Impact TR-8, Emergency Vehicle Access, that the Central SoMa Plan would result in a significant impact to emergency vehicle access. The EIR concludes that with implementation of mitigation

measures M-TR-8, M-TR-3a, M-NO-1a, and M-AQ-5e, this impact would be reduced to less than significant. Including a grandfathering clause as part of the Central SoMa TDM requirements would not affect the EIR's significance determination for Impact TR-8 related to emergency vehicle access because, as stated above, the grandfathering clause would apply to a limited number of projects, which would still be required to implement a substantial number of TDM measures. Additionally, this mitigation measure and three other mitigation measures (M-TR-8, M-TR3a, and M-AQ5e) would all contribute to reducing this impact to less than significant levels.

Should the Planning Commission adopt the Central SoMa Plan with the proposed TDM requirements, which allow for grandfathering, the Commission would need to amend Mitigation Measure M-NO-1a in the EIR to align with this policy directive. This would be accomplished through the CEQA findings.

4. Various amendments that would increase or decrease the total amount (in square feet) of open space or POPOS that may be developed under the Plan

*Analysis:* The list of issues for consideration includes various requests to modify the Planning Code requirements that would either increase or decrease the amount of open space or POPOS that would ultimately be developed on private property under the plan (whether private open space or publicly-accessible open space). However, these proposals would not entirely eliminate the requirement for subsequent development projects to provide open space. Additionally, POPOS and open space requirements are intended to be a complement, not a substitute for neighborhood and regional parks or other recreational facilities. Residents and workers within the Central SoMa Plan area would have access to existing open spaces such as Yerba Buena Gardens and South Park in the Plan Area and nearby facilities, in addition to additional parks and open spaces proposed under the Plan. Therefore, even with changes that could reduce the amount of open space required by the Central SoMa Plan, it is not anticipated that the plan would result in the physical deterioration of recreational resources and impacts to recreational resources would remain less than significant. This analysis concludes that the potential changes to the Plan's open space requirements would still result in a less-than-significant impact to recreation and that the Central SoMa Initial Study analysis remains valid.



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

DATE: April 5, 2018  
TO: Planning Commission  
FROM: Elizabeth White and Jessica Range, Environmental Planning  
RE: Errata to the Environmental Impact Report for the  
Central South of Market (SoMa) Area Plan  
Planning Department Case No. 2011.1356E

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Following publication of the Responses to Comments document (RTC) for the Central South of Market Area (SoMa) Plan Draft Environmental Impact Report (Draft EIR), the Planning Department determined it was necessary to: (1) further clarify Mitigation Measure M-CP-1a in the Draft EIR, (2) correct an error in the Draft EIR, and (3) provide an analysis of whether the EIR evaluates the environmental effects of additional Plan changes proposed by legislative sponsors between February 15, 2018 and April 5, 2018, as presented in the Planning Commission packet for consideration on April 12, 2018. This errata addresses each of these three items.

The Environmental Planning Division of the Planning Department has determined that these clarifications, corrections, and analysis of Plan changes do not change any of the conclusions in the EIR and do not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

These additional staff-initiated text changes will be incorporated into the Final EIR. New revisions are noted in **red**, with deletions marked with ~~strikethrough~~ and additions noted with double underline.

## 1. Clarification of Mitigation Measure M-CP-1a:

The following revisions are made to Table S-1, Summary of Impacts of the Plan-Identified in the EIR [Revisions Only], on RTC page 402.

TABLE S-1 SUMMARY OF IMPACTS OF THE PLAN – IDENTIFIED IN THE EIR [REVISIONS ONLY]

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
...			
<b>C. Cultural and Paleontological Resources</b>			
Impact CP-1: Development under the Plan would result in the demolition or substantial alteration of individually identified historic architectural resources and/or contributors to a historic district or conservation district located in the Plan Area, including as-yet unidentified resources, a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.	S	<p>* Mitigation Measure M-CP-1a: <b>Mandatory Consultation Regarding Avoidance or Minimization of Effects on Identified Historical Resources.</b> The project sponsor of a subsequent development project in the Plan Area shall consult with the Planning Department's <del>Preservation staff</del> at the time of submittal of an environmental evaluation application to determine whether there are feasible means to <del>re-design or otherwise revise the project to avoid a substantial significant adverse change in the significance of an effects on historic architectural resource(s)</del> (including historic districts), whether previously identified or identified as part of the project's historical resources analysis. Pursuant to CEQA Guidelines Section 15064.5(b), "[s]ubstantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired." If avoidance is not feasible, the project sponsor shall <u>consult with Planning Department staff to determine whether there are feasible means to seek feasible means to reduce effects on historic architectural resource(s) to the maximum extent feasible, a less than significant level.</u> Avoidance and minimization measures shall seek to retain the resource's character-defining features, and may include, but are not limited to: retention of character-defining features, building setbacks, salvage, or adaptive reuse. <u>In evaluating the feasibility of avoidance or reduction of effects, the Planning Department shall consider whether avoidance or reduction can be accomplished successfully within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors, along with the Central SoMa Plan policies and project objectives. The applicability of each factor would vary from project to project, and would be determined by staff on a case-by-case basis with the significance of the impact to be judged based on whether the proposed project would materially impair the resource as defined in CEQA Guidelines Section 15064.5(b).</u></p> <p><u>Should Planning Department staff determine through the consultation process that avoidance or reduction of effects on historic architectural resources is Mitigation Measure M-CP-1a be determined to be infeasible, Measures M-CP-1b, M-CP-1c, M-CP-1d, and/or M-CP-1e, shall be applicable based on the specific circumstances of the project in question. CEQA Guidelines Section 15264 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The applicability of each factor would vary from project to project, and would be determined by staff on a case-by-case basis.</u></p> <p>...</p>	SUM

The following revisions are made to RTC page 455:

On Draft EIR p. IV.C-58, Mitigation Measure M-CP-1a has been revised as follows to clarify guidance with regard to avoiding or minimizing effects on historical impacts:

**Mitigation Measure M-CP-1a: Mandatory Consultation Regarding Avoidance or Minimization of Effects on Identified Historical Resources.** The project sponsor of a subsequent development project in the Plan Area shall consult with the Planning Department's ~~Preservation staff at the time of submittal of an environmental evaluation application to~~ determine whether there are feasible means to ~~redesign or otherwise revise the project to avoid a substantial significant adverse change in the significance of an effects on~~ historic architectural resource(s) (including historic districts), whether previously identified or identified as part of the project's historical resources analysis. Pursuant to CEQA Guidelines Section 15064.5(b), "[s]ubstantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired." If avoidance is not feasible, the project sponsor shall consult with Planning Department staff to determine whether there are feasible means to ~~seek feasible means to~~ reduce effects on historic architectural resource(s) ~~to the maximum extent feasible, a less than significant level.~~ Avoidance and minimization measures shall seek to retain the resource's character-defining features, and may include, but are not limited to: retention of character-defining features, building setbacks, salvage, or adaptive reuse. In evaluating the feasibility of avoidance or reduction of effects, the Planning Department shall consider whether avoidance or reduction can be accomplished successfully within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors, along with the Central SoMa Plan policies and project objectives. The applicability of each factor would vary from project to project, and would be determined by staff on a case-by-case basis. ~~with the significance of the impact to be judged based on whether the proposed project would materially impair the resource as defined in CEQA Guidelines Section 15064.5(b).~~

Should Planning Department staff determine through the consultation process that avoidance or reduction of effects on historic architectural resources is Mitigation Measure M-CP-1a be determined to be infeasible, Measures M-CP-1b, M-CP-1c, M-CP-1d, and/or M-CP-1e, shall be applicable, based on the specific circumstances of the project in question. CEQA Guidelines Section 15364 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The applicability of each factor would vary from project to project, and would be determined by staff on a case by case basis.

## 2. Corrections to the Draft EIR

The following revisions are made to the last two sentences on Draft EIR page VI-4:

Development under the The No Project Alternative assumes that growth in the Plan Area and the city would occur with or without implementation of the Plan, but that absent implementation of the Plan, a smaller percentage of citywide growth would occur in the Plan Area. The No Project Alternative Plan would result in additional traffic that would increase traffic noise levels throughout the Plan Area vicinity. As shown in Table IV.E-9, Cumulative Plus Plan Traffic Noise Analysis, under 2040 cumulative no project conditions traffic noise levels would increase by 3 dBA or more along Fourth Street between Brannan and Townsend

Streets, which would be a significant and unavoidable impact and would conflict with *General Plan* policy regarding traffic noise (Impact LU-2).

### 3. Analysis of Plan Changes that Occurred After February 15, 2018

The attached memorandum evaluates the environmental effects of Plan changes proposed by legislative sponsors between February 18, 2018 and April 5, 2018, as presented in the Planning Commission packet for consideration on April 12, 2018. This analysis finds that the EIR adequately addresses the Central SoMa Plan, with these proposed modifications. This document is being included in the EIR as a new Appendix G. Therefore, the following revision is made to the Draft EIR's Table of Contents' list of appendices on Draft EIR page vi:

Appendix G Analysis of Environmental Effects of Plan Changes for the Central South of Market Area (SoMa) Plan

Enclosures:

Appendix G Analysis of Environmental Effects of Plan Changes Presented April 5, 2018 for the Central South of Market Area (SoMa) Plan



## SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** April 5, 2018  
**TO:** Planning Commission  
**FROM:** Elizabeth White and Jessica Range, Environmental Planning  
Steve Wertheim, Citywide Planning  
**RE:** Analysis of Environmental Effects of Plan Changes  
Presented April 5, 2018 for the Central South of Market  
Area (SoMa) Plan  
Planning Department Case No. 2011.1356E

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Following publication of the Responses to Comments document (RTC) for the Central South of Market Area (SoMa) Plan Draft Environmental Impact Report (Draft EIR), the legislative sponsors and the Planning Department propose to modify various aspects of the Plan based upon feedback from the community and decision-makers. The Environmental Planning division has reviewed these changes, which are detailed in the Planning Commission packet for April 5, 2018 and determined that the environmental analysis conducted for the EIR adequately analyzes the Central SoMa Plan, with these modifications.

This memoranda explains how proposed strategies designed to maximize the number of housing units anticipated under the Plan would not result in increased physical environmental effects beyond that already studied in the EIR, and therefore would not change any of the conclusions in the EIR and do not constitute significant new information that requires recirculation of the EIR under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21092.1) and the CEQA Guidelines (14 California Code of Regulations Section 15088.5).

### **Proposal to Maximize Housing under the Central SoMa Plan**

The Planning Department has developed a two-pronged proposal to maximize the number of housing units anticipated under the Plan. These proposals include a modification to the Planning Code and Zoning Map as discussed below.

#### Planning Code Amendments

The Planning Department proposes to modify Planning Code Section 249.78(c)(6)(A) to increase the size of sites previously designated to be commercially-oriented from 30,000 square feet to 40,000 square feet.



This change to the Planning Code would require two sites in the Plan Area previously anticipated to be commercial to become residential, which would result in a net increase of 640 units above that anticipated by the Plan and a net decrease of approximately 2,050 jobs.<sup>1</sup> This change would also result in a commensurate reduction in the total number of projected jobs, discussed further below.

### Zoning Map Amendments

The Planning Department proposes to change the zoning map from the currently proposed West SoMa Mixed Use Office (WMUO)<sup>2</sup> to Central SoMa Mixed Use Office (CMUO) on the following parcels: Block 3777, Lots 047-049 and Block 3778, Lots 001, 001C, 001D, 001E, 001F, 016-019, 022-023, 025-026, 032, 046A, 046B, 046C, 046D, 046E, 046F, 046G, 046H, and 051-087. The existing zoning on these parcels is West SoMa Service, Arts, Light Industrial (WS-SALI). Both WS-SALI and WMUO generally do not allow residential uses. The proposed change to CMUO would allow residential uses on these sites, thus shifting the Plan's projected amount of jobs and housing units. The EIR assumed soft sites on these parcels would result in new office jobs. If the soft sites were developed as residential uses, this zoning change could generate about 600 additional housing units, with a commensurate reduction in the projected number of 2,700 jobs.<sup>3</sup>

### **Effect of Changes on Housing Units and Jobs Projected Under the Central SoMa Plan**

The above proposed modifications to the Central SoMa Plan would result in a shift from projected office uses to residential uses. Altogether, these Planning Code and Zoning Map amendments would result in a net increase of 1,240 residential units and a commensurate reduction of 4,750 jobs.

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<sup>1</sup> Calculation based on the Planning Department's *Buildout Analysis for Central SoMa*, January 25, 2018. This document and all other documents referenced in this memoranda are on file and available for public review as part of Case File No. 2011.1356E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA, 94103. This document includes a parcel-level analysis of development potential in the Plan Area that was utilized for the EIR and conveys that the two sites affected by this proposed change (490 Brannan Street and 330 Townsend Street) had a development potential under the previously proposed requirements of approximately 184,000 gross square feet of residential development, resulting in approximately 150 units and approximately 450,000 of non-residential uses, resulting in space for approximately 2,050 jobs, based on the EIR's assumption of 1,200 gross square feet per unit and 219 gross square feet per new job (including 200 square feet per office worker and higher for other types of jobs)(calculations of density contained in the Planning Department's *Central SoMa EIR Inputs by TAZ*, November 13, 2017). Subsequent analysis determined that, based on the revised proposal, these two sites could contain approximately 972,000 square feet of residential development if these sites are developed as fully residential, resulting in approximately 790 units.

<sup>2</sup> Note that the Plan uses the term "WMUO" and the EIR uses the term "WS-MUO." Both refer to the WSoMa Mixed-Use Office District contained in Section 845 of the Planning Code.

<sup>3</sup> Calculation based on the Planning Department's *Buildout Analysis for Central SoMa*, (January 25, 2018), which includes a parcel-level analysis of development potential in the Plan Area. This document conveys that the 62 lots affected by this proposed change had a development potential under the previously proposed requirements of approximately 800,000 square feet of non-residential space, resulting in space for approximately 3,650 jobs )(calculations of density contained in the Planning Department's *Central SoMa EIR Inputs by TAZ*, November 13, 2017). Subsequent analysis determined that, based on the revised proposal, these lots could contain approximately 720,000 square feet of residential development and 200,000 square feet of non-residential development, presuming these small sites are predominantly residential but include some small office and other non-residential uses. Such development would result in space for approximately 600 new units and 950 jobs.

## Central SoMa Plan EIR Analysis

As explained in the EIR, the analysis of physical impacts related to the proposed Planning Code and Zoning Map amendments are based, in part, on growth projections developed by the Planning Department. These growth projections inform the quantitative analysis of effects of the Plan on the physical environment.

As shown in **Table IV-1, Summary of Growth Projections** on Draft EIR page IV-6, the EIR analyzes an increase of approximately 14,500 residential units within the EIR study area, of which 8,320 units are anticipated to occur within the Plan Area. The Plan, on the other hand, projects a total of 7,060 residential units.<sup>4</sup> With the additional 1,240 residential units projected under the Plan, the total projected number of residential units would be 8,300 units, which is below the 8,320 units analyzed in the EIR. Additionally, there would be a commensurate reduction in the number of jobs projected in the Plan area of about 4,750 jobs. As shown in **Table IV-1, Summary of Growth Projections** on Draft EIR page IV-6, the EIR analyzes an increase of approximately 63,600 jobs within the EIR study area, of which 44,000 are anticipated to occur within the Plan Area.<sup>5</sup> The Plan, on the other hand, projects a total of 39,000 jobs.<sup>6</sup> As a result of this change, the number of new jobs anticipated under the Plan would be reduced to approximately 34,250 jobs.

## Conclusion

The Central SoMa Plan EIR conservatively analyzed higher growth projections than could occur from the proposed Plan's Planning Code and Zoning Map amendments. The modification to the Central SoMa plan would result in a shift in anticipated jobs and housing, but would not exceed the total number of residential units analyzed in the EIR. Thus, these changes to the Plan would not result in increased physical environmental effects beyond that already studied in the EIR, and therefore would not change any of the conclusions in the EIR and do not constitute significant new information that requires recirculation of the EIR under CEQA and the CEQA Guidelines. Other changes to the Plan are proposed and detailed in the Planning Commission packet for April 5, 2018 and those changes have also been evaluated and determined to not result in physical environmental effects beyond that already analyzed in the EIR.

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<sup>4</sup> Steve Wertheim, *Memorandum Regarding Central SoMa Plan-Clarification of Housing Numbers*. December 7, 2017.

<sup>5</sup> Calculation based on the Planning Department's *Central SoMa EIR Inputs by TAZ* (November 13, 2017).

<sup>6</sup> Calculation based on the Planning Department's *Buildout Analysis for Central SoMa*, (January 25, 2018), which includes a parcel-level analysis of development potential in the Plan Area.

Very Large File. Document is available for viewing at the Office of the Clerk of the Board or by clicking this link to open a web browser to be redirected to the Legislative Research Center:  
<https://sfgov.legistar.com/View.ashx?M=F&ID=6317666&GUID=F024714C-E9D5-4FE6-B4E2-493ECAAE602A>



## RESPONSES TO COMMENTS on the Draft Environmental Impact Report

### Central SoMa Plan

PLANNING DEPARTMENT  
CASE NO. **2011.1356E**

STATE CLEARINGHOUSE NO. 2013042070



SAN FRANCISCO  
**PLANNING**  
DEPARTMENT

Draft EIR Publication Date:	<b>DECEMBER 14, 2016</b>
Draft EIR Public Hearing Date:	<b>JANUARY 26, 2017</b>
Draft EIR Public Comment Period:	<b>DECEMBER 14, 2016–FEBRUARY 13, 2017</b>
Final EIR Certification Date:	<b>APRIL 12, 2018</b>

ENVIRONMENTAL PLANNING DIVISION | SAN FRANCISCO PLANNING DEPARTMENT

Very Large File. Document is available for viewing at the Office of the Clerk of the Board or by clicking this link to open a web browser to be redirected to the Legislative Research Center:  
<https://sfgov.legistar.com/View.ashx?M=F&ID=6360691&GUID=0CEA50EE-6026-4699-91B3-D47511E8AB85>



## **DRAFT** ENVIRONMENTAL IMPACT REPORT

# Central SoMa Plan

PLANNING DEPARTMENT  
CASE NO. 2011.1356E

STATE CLEARINGHOUSE NO. 2013042070



SAN FRANCISCO  
**PLANNING**  
DEPARTMENT

	Draft EIR Publication Date:	DECEMBER 14, 2016
	Draft EIR Public Hearing Date:	JANUARY 26, 2017
	Draft EIR Public Comment Period:	DECEMBER 14, 2016 – FEBRUARY 13, 2017

*Written comments should be sent to:*

Lisa M. Gibson, Acting Environmental Review Officer | [lisa.gibson@sfgov.org](mailto:lisa.gibson@sfgov.org) |  
1650 Mission Street, Suite 400 | San Francisco, CA 94103  
3612

## APPENDICES

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- A. Notice of Preparation
- B. Initial Study
- C. Historical Resources
- D. Noise
- E. Shadow Modeling Results
- F. Proposed Street Network Changes Detail Drawings

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [richard@lozeaudrury.com](mailto:richard@lozeaudrury.com); [acabande@somcan.org](mailto:acabande@somcan.org); [johne@todco.org](mailto:johne@todco.org); [pbabich@reedsmith.com](mailto:pbabich@reedsmith.com)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [White, Elizabeth \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Chen, Lisa \(CPC\)](#); [Range, Jessica \(CPC\)](#); [Horner, Justin \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** HEARING NOTICE: Appeal of CEQA Certification of Final Environmental Impact Report - Proposed Central SoMa Plan - Appeal Hearing on July 17, 2018  
**Date:** Tuesday, July 03, 2018 10:24:19 AM  
**Attachments:** [image001.png](#)

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Good morning,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **July 17, 2018, at 3:00 p.m.**, to hear an appeal of the certification of the Final Environmental Impact Report for the proposed Central SoMa Plan.

**Please find the following link to the hearing notice for the matter.**

[Hearing Notice - July 3, 2018](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 180651](#)

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office  
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San Francisco, CA 94102  
(415) 554-7712 | Fax: (415) 554-5163  
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**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.



BOARD of SUPERVISORS



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## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

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

**Date:** Tuesday, July 17, 2018

**Time:** 3:00 p.m.

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

**Subject:** **File No. 180651.** Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for the proposed Central SoMa Plan identified in Planning Case No. 2011.1356E, issued by the Planning Commission through Motion No. 20182 dated May 10, 2018. (District 6) (Appellants: Richard Drury, of Lozeau Drury LLP, on behalf of Central SoMa Neighbors and SFBlu; Angelica Cabande for the South of Market Community Action Network (SOMCAN); John Elberling for the Yerba Buena Neighborhood Consortium; Phillip Babich of Reed Smith LLP, on behalf of One Vassar, LLC) (First appeal filed June 8, and subsequent three appeals filed on June 11, 2018)

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information relating to this matter will be available for public review on Friday, July 13, 2018.

  
Angela Calvillo  
Clerk of the Board

BOARD of SUPERVISORS



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

PROOF OF MAILING

Legislative File No. 180651

Description of Items: Hearing - Appeal of Final Environmental Impact Report  
Certification - Central SoMa Plan - 30 Notices Mailed

I, Brent Jalipa, an employee of the City and  
County of San Francisco, mailed the above described document(s) by depositing the  
sealed items with the United States Postal Service (USPS) with the postage fully  
prepaid as follows:

Date: July 3, 2018

Time: 10:00 a.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.



BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

June 18, 2018

**File Nos. 180651-180654**  
**Planning Case No. 2011.1356E**

Received from the Board of Supervisors Clerk's Office four checks, in the amount of Five Hundred Ninety Seven Dollars (\$597) each, representing the filing fee paid by the following for the appeal of the certification of the Final Environmental Impact Report under CEQA for the proposed Central SoMa Plan:

- Lozeau Drury LLP, on behalf of Central SoMa Neighbors (CSN) and SFBlu;
- Angelica Cabande for the South of Market Community Action Network;
- John Elberling for the Yerba Buena Neighborhood Consortium; and
- One Vassar, LLC

**Planning Department**  
**By:**

Tony Young  
Print Name

[Signature] 6/19/18  
Signature and Date

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [richard@lozeaudrury.com](mailto:richard@lozeaudrury.com); [acabande@somcan.org](mailto:acabande@somcan.org); [johne@todco.org](mailto:johne@todco.org); [pbabich@reedsmith.com](mailto:pbabich@reedsmith.com)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [White, Elizabeth \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Chen, Lisa \(CPC\)](#); [Range, Jessica \(CPC\)](#); [Horner, Justin \(CPC\)](#); [Wietgreffe, Wade \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** Appeal of CEQA Certification of Final Environmental Impact Report - Proposed Central SoMa Plan - Appeal Hearing on July 17, 2018  
**Date:** Friday, June 15, 2018 4:14:07 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

The Office of the Clerk of the Board has scheduled an appeal hearing for Special Order before the Board of Supervisors on **July 17, 2018, at 3:00 p.m.** Please find linked below letters of appeal filed for the proposed Central SoMa Plan, as well as direct links to the Planning Department's timely filing determination, and an informational letter from the Clerk of the Board.

[Appeal Letter - Central SoMa Neighbors and SFBlu - June 8, 2018](#)

[Appeal Letter - South of Market Community Action Network - June 11, 2018](#)

[Appeal Letter - Yerba Buena Neighborhood Consortium - June 11, 2018](#)

[Appeal Letter - One Vassar, LLC - June 11, 2018](#)

[Planning Department Memo - June 14, 2018](#)

[Clerk of the Board Letter - June 15, 2018](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 180651](#)

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

[brent.jalipa@sfgov.org](mailto:brent.jalipa@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

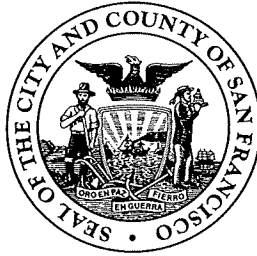


Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with*

*the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

BOARD of SUPERVISORS



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Fax No. 554-5163  
TDD/TTY No. 554-5227

June 15, 2018

Mr. Richard Drury, on behalf of Central SoMa Neighbors and SFBlu  
Lozeau Drury LLP  
410 12th Street, Suite 250  
Oakland, CA 94607

Ms. Angelica Cabande  
South of Market Community Action Network  
1110 Howard Street  
San Francisco, CA 94103

Mr. John Elberling  
Yerba Buena Neighborhood Consortium  
239 Fourth Street  
San Francisco, CA 94107

Mr. Phillip Babich, on behalf of One Vassar LLC  
Reed Smith LLP  
101 Second Street, Suite 1800  
San Francisco, CA 94105

**Subject: File No. 180651 - Appeal of California Environmental Quality Act (CEQA)  
Certification of Final Environmental Impact Report - Central SoMa Plan**

Dear Mr. Drury, Ms. Cabande, Mr. Elberling, and Mr. Babich,

The Office of the Clerk of the Board is in receipt of a memorandum dated June 14, 2018, from the Planning Department regarding their determination on the timeliness of your filing of appeal of the California Environmental Quality Act certification of the Final Environmental Impact Report for the proposed Central SoMa Plan.

The Planning Department has determined that your appeals were filed in a timely manner.

The appeal filing period closed on Monday, June 11, 2018. Pursuant to Administrative Code, Section 31.16(b)(4), the appeals will be consolidated so that they are heard simultaneously and a hearing date has been scheduled for **Tuesday, July 17, 2018, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by noon:

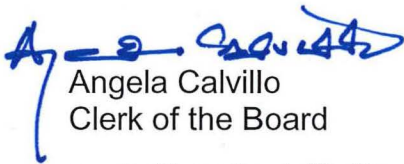
- 20 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and
- 11 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)) and two copies of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, Lisa Lew at (415) 554-7718, and Jocelyn Wong at (415) 554-7702.

Very truly yours,




Angela Calvillo  
Clerk of the Board

c: Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
John Rahaim, Planning Director, Planning Department  
Scott Sanchez, Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Dan Sider, Director of Executive Programs  
AnMarie Rodgers, Director of Citywide Planning, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
Elizabeth White, Staff Contact, Planning Department  
Jonas Ionin, Director of Commission Affairs, Planning Department  
Lisa Chen, Staff Contact, Planning Department  
Jessica Range, Staff Contact, Planning Department  
Justin Horner, Staff Contact, Planning Department  
Wade Wietgreffe, Staff Contact, Planning Department



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** June 14, 2018  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer   
**RE:** Appeal Timeliness Determination – Central South of Market  
(SoMa) Plan, Planning Department Case No. 2011.1356E

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Four appeals of the certification of the Final Environmental Impact Report (FEIR) for the Central South of Market (SoMa) Plan were filed with the Office of the Clerk of the Board of Supervisors by the following parties:

- Mr. Richard Drury of Lozeau Drury LLP on behalf of the Central SoMa Neighbors (CSN) and SFBlu (appeal filed on June 8, 2018);
- Ms. Angelica Cabande on behalf of the South of Market Community Action Network (SOMCAN) (appeal filed on June 11, 2018);
- Mr. John Elberling on behalf of the Yerba Buena Neighborhood Consortium (appeal filed on June 11, 2018); and
- Phillip Babich of Reed Smith LLP on behalf of One Vassar LLC (appeal filed on June 11, 2018).

The above parties are hereby collectively referred to as the “Appellants.” As explained below, the Planning Department finds these four appeals to be timely filed.

Date of Approval Action	30 Days after Approval Action	Appeal Deadline (Must Be Day Clerk of Board’s Office Is Open)	Date of Appeal Filing	Timely?
May 10, 2018	Saturday, June 9, 2018	Monday, June 11, 2018	CSN and SFBlu filed appeal on June 8, 2018	Yes
			SOMCAN filed appeal on June 11, 2018	Yes
			Yerba Buena Neighborhood Consortium filed appeal on June 11, 2018	Yes
			One Vassar LLC filed appeal on June 11, 2018	Yes

**Timeline:** On December 14, 2016, the Planning Department published the Draft Environmental Impact Report (DEIR) for the Central SoMa Plan with a public review and comment period from December 14, 2016 through February 13, 2017. On January 26,

2017, the Planning Commission held a duly advertised public hearing on the DEIR. The Responses to Comments document was issued on March 28, 2018. On May 10, 2018, the Planning Commission held a duly noticed hearing to consider certification of the Central SoMa Plan FEIR. The Planning Commission certified the Central SoMa Plan FEIR on May 10, 2018.

**Appeal Deadline:** Sections 31.16(a) and (c) of the San Francisco Administrative Code state that any person or entity that has submitted comments to the Planning Commission or the Environmental Review Officer on a DEIR, either in writing during the public review period, or orally or in writing at a public hearing on the EIR, may appeal the Planning Commission's certification of the FEIR up to 30 days after the certification of the FEIR. The 30<sup>th</sup> day after the certification of the FEIR was June 9, 2018. The next date when the Office of the Clerk of the Board was open was Monday, June 11, 2018 (Appeal Deadline).

**Appellant Standing:** All four Appellants submitted written comments on the DEIR and therefore, the Appellants have standing to appeal the certification of the FEIR.

**Appeal Filing and Timeliness:** CSN and SFBlu filed an appeal on June 8, 2011 and SOMCAN, One Vassar LLC, and the Yerba Buena Neighborhood Consortium each filed an appeal on June 11, 2018. All four appeals were filed prior to the Appeal Deadline and therefore, the appeals are considered timely.

**From:** [BOS Legislation. \(BOS\)](#)  
**To:** [Rahaim, John \(CPC\)](#)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [White, Elizabeth \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Wertheim, Steve \(CPC\)](#); [Chen, Lisa \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** Appeal of CEQA Certification of Final Environmental Impact Report - Central SoMa Plan (Email 1 of 2)  
**Date:** Thursday, June 14, 2018 12:18:01 PM  
**Attachments:** [Appeal Ltr 060818 - CSN and SFBlu.pdf](#)  
[Appeal Ltr 061118 - SOMCAN.pdf](#)

---

*\*Please note, we will be sending the attachments in two separate emails due to size of the files. (Email 1 of 2)\**

Dear Director Rahaim,

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Certification of Final Environmental Impact Report for the Central SoMa Plan. The appeals were filed by the following parties:

- Richard Drury, of Lozeau Drury LLP on behalf of Central SoMa Neighbors and SFBlu (*attached*);
- Angelica Cabande for the South of Market Community Action Network (SOMCAN) (*attached*);
- John Elberling for the Yerba Buena Neighborhood Consortium; and
- Phillip Babich of Reed Smith LLP, on behalf of One Vassar LLC

Please find the attached letters of appeal and timely filing determination request letters from the Clerk of the Board.

Kindly review for timely filing determination.

Best regards,

***Jocelyn Wong***

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



**From:** [BOS Legislation. \(BOS\)](#)  
**To:** [Rahaim, John \(CPC\)](#)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [White, Elizabeth \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [Wertheim, Steve \(CPC\)](#); [Chen, Lisa \(CPC\)](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** Appeal of CEQA Certification of Final Environmental Impact Report - Central SoMa Plan (Email 2 of 2)  
**Date:** Thursday, June 14, 2018 12:19:18 PM  
**Attachments:** [Appeal Ltr 061118 - YBNC.pdf](#)  
[Appeal Ltr 061118 - One Vassar LLC.pdf](#)

---

*\*Please note, we will be sending the attachments in two separate emails due to size of the files. (Email 2 of 2)\**

Dear Director Rahaim,

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Certification of Final Environmental Impact Report for the Central SoMa Plan. The appeals were filed by the following parties:

- Richard Drury, of Lozeau Drury LLP on behalf of Central SoMa Neighbors and SFBlu;
- Angelica Cabande for the South of Market Community Action Network (SOMCAN);
- John Elberling for the Yerba Buena Neighborhood Consortium (*attached*); and
- Phillip Babich of Reed Smith LLP, on behalf of One Vassar LLC (*attached*)

Please find the attached letters of appeal and timely filing determination request letters from the Clerk of the Board.

Kindly review for timely filing determination.

Best regards,

***Jocelyn Wong***

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)


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San Francisco 94102-4689  
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TDD/TTY No. 554-5227

June 13, 2018

To: John Rahaim  
Planning Director

From:  Angela Calvillo  
Clerk of the Board of Supervisors

**Subject: Appeal of California Environmental Quality Act (CEQA) Certification of the Final Environmental Impact Report - Central SoMa Plan**

An appeal of the CEQA Final Environmental Impact Report certification for the Central SoMa Plan was filed with the Office of the Clerk of the Board on June 8, 2018, by Richard Drury, of Lozeau Drury LLP, on behalf of the Central SoMa Neighbors and SFBlu.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Brent Jalipa, Legislative Clerk, at (415) 554-7712 or, Lisa Lew, Legislative Clerk, at (415) 554-7718 or Jocelyn Wong, Legislative Clerk, at (415) 554-7702.

c: Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Scott Sanchez, Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Joy Navarrete, Environmental Planning, Planning Department  
Laura Lynch, Environmental Planning, Planning Department  
Dan Sider, Director of Executive Programs  
AnMarie Rodgers, Director of Citywide Planning, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
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Steve Wertheim, Staff Contact, Planning Department


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June 13, 2018

To: John Rahaim  
Planning Director

From:  Angela Calvillo  
Clerk of the Board of Supervisors

**Subject: Appeal of California Environmental Quality Act (CEQA) Certification of the Final Environmental Impact Report - Central SoMa Plan**

An appeal of the CEQA Final Environmental Impact Report certification for the Central SoMa Plan was filed with the Office of the Clerk of the Board on June 11, 2018, by Angelica Cabande, on behalf of the South of Market Community Action Network.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Brent Jalipa, Legislative Clerk, at (415) 554-7712 or, Lisa Lew, Legislative Clerk, at (415) 554-7718 or Jocelyn Wong, Legislative Clerk, at (415) 554-7702.

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June 13, 2018

To: John Rahaim  
Planning Director

From:  Angela Calvillo  
Clerk of the Board of Supervisors

**Subject: Appeal of California Environmental Quality Act (CEQA) Certification of the Final Environmental Impact Report - Central SoMa Plan**

An appeal of the CEQA Final Environmental Impact Report certification for the Central SoMa Plan was filed with the Office of the Clerk of the Board on June 11, 2018, by John Elberling, on behalf of the Yerba Buena Neighborhood Consortium.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Brent Jalipa, Legislative Clerk, at (415) 554-7712 or, Lisa Lew, Legislative Clerk, at (415) 554-7718 or Jocelyn Wong, Legislative Clerk, at (415) 554-7702.

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Kate Stacy, Deputy City Attorney  
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Scott Sanchez, Zoning Administrator, Planning Department  
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Aaron Starr, Manager of Legislative Affairs, Planning Department  
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June 13, 2018

To: John Rahaim  
Planning Director

From:  Angela Calvillo  
Clerk of the Board of Supervisors

**Subject: Appeal of California Environmental Quality Act (CEQA) Certification of the Final Environmental Impact Report - Central SoMa Plan**

An appeal of the CEQA Final Environmental Impact Report certification for the Central SoMa Plan was filed with the Office of the Clerk of the Board on June 11, 2018, by Phillip Babich, of Reed Smith LLP, on behalf of One Vassar LLC.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Brent Jalipa, Legislative Clerk, at (415) 554-7712 or, Lisa Lew, Legislative Clerk, at (415) 554-7718 or Jocelyn Wong, Legislative Clerk, at (415) 554-7702.

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Aaron Starr, Manager of Legislative Affairs, Planning Department  
Elizabeth White, Staff Contact, Planning Department  
Jonas Ionin, Director of Commission Affairs, Planning Department  
Steve Wertheim, Staff Contact, Planning Department

**Introduction Form**By a Member of the Board of Supervisors or MayorTime stamp  
or meeting date \_\_\_\_\_

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☒ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning : "Supervisor [ ] inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. [ ] from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No. [ ]
- ☐ 9. Reactivate File No. [ ]
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission      ☐ Youth Commission      ☐ Ethics Commission
- ☐ Planning Commission      ☐ Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Final Environmental Impact Report Certification - Central SoMa Plan

The text is listed:

Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for the proposed Central SoMa Plan identified in Planning Case No. 2011.1356E, issued by the Planning Commission through Motion No. 20182 dated May 10, 2018. (District 6) (Appellants: Richard Drury, of Lozeau Drury LLP on behalf of Central SoMa Neighbors and SFBlu; Angelica Cabande for the South of Market Community Action Network (SOMCAN); John Elberling for the Yerba Buena Neighborhood Consortium; Phillip Babich of Reed Smith LLP, on behalf of One Vassar, LLC) (First appeal filed June 8, and subsequent three appeals filed on June 11, 2018)

Signature of Sponsoring Supervisor:

*Peggy Kevin for Angela Calvello*

For Clerk's Use Only