

# 3333 CALIFORNIA STREET MIXED-USE PROJECT



## RESPONSES TO COMMENTS ON DRAFT EIR VOLUME 2 (ATTACHMENTS A-E, PART 1)

CITY AND COUNTY OF SAN FRANCISCO

PLANNING DEPARTMENT: CASE NO. 2015-014028ENV

STATE CLEARINGHOUSE NO. 2017092053

DRAFT EIR PUBLICATION DATE: NOVEMBER 7, 2018

DRAFT EIR PUBLIC HEARING DATE: DECEMBER 13, 2018

DRAFT EIR PUBLIC COMMENT PERIOD: NOVEMBER 8, 2018 - JANUARY 8, 2019

FINAL EIR CERTIFICATION HEARING: SEPTEMBER 5, 2019



SAN FRANCISCO  
**PLANNING**  
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SAN FRANCISCO  
**PLANNING**  
DEPARTMENT



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### **Draft EIR Public Hearing Transcript**

**In The Matter Of:**  
*S.F. PLANNING COMMISSION*  
*HEARING IN RE:*

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*3333 CALIFORNIA STREET*  
*December 13, 2018*

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*CLARK REPORTING & VIDEO CONFERENCING*  
*2140 SHATTUCK AVE. STE. 405*  
*BERKELEY, CA 94704*  
*510.486.0700*



**3333 CALIFORNIA STREET**

1

1 SAN FRANCISCO PLANNING COMMISSION

2 CITY AND COUNTY OF SAN FRANCISCO

7 RE: 3333 CALIFORNIA STREET

8 THURSDAY, DECEMBER 13, 2018

9 COMMISSION CHAMBERS - Room 400

10 CITY HALL, 1 DR. CARLTON B. GOODLETT PLACE

11 SAN FRANCISCO, CALIFORNIA

14 TRANSCRIPT OF PROCEEDINGS

17 CLARK REPORTING & VIDEO CONFERENCING

18 2140 SHATTUCK AVENUE, SUITE 407

19 BERKELEY, CALIFORNIA, 94704

20 510.486.0700

25 BY JESSICA STONE AND JILL STEPHENSON

## A P P E A R A N C E S

## SAN FRANCISCO PLANNING COMMISSION:

Commissioner Rich Hillis, President

Commissioner Myrna Melgar, Vice President

Commissioner Rodney Fong

Commissioner Milicent Johnson

Commissioner Joel Koppel

Commissioner Kathrin Moore

Commissioner Dennis Richards

\*\*\*\*\*

Jonas Ionin, Commission Secretary

## 1 P R O C E E D I N G S

2 SECRETARY IONIN: Very good, Commissioners.

3 That will place us on Item 11 for Case No.

4 2015-014028ENV, 3333 California Street. This is a Draft  
5 Environmental Impact Report.6 MS. GIBSON: President Hillis, Commissioners,  
7 Lisa Gibson, Environmental Review Officer. I'd like to  
8 introduce to you the planner who's going to be  
9 presenting on this item. This is Kei Zushi. He's a  
10 senior planner in our Environmental Planning Division.11 Kei has over 10 years of land use and  
12 environmental planning experience, having worked as a  
13 city planner in Oregon, Washington, and California.  
14 Notably, Kei worked as an environmental planner at the  
15 planning department for two years back in 2012 through  
16 '14, and after that he went off to law school at UC  
17 Hastings.18 During law school, Kei interned at the city  
19 attorney's office with our land use team, and he  
20 worked on CEQA litigation, and he also clerked for  
21 administrative law judges at the California Public  
22 Utilities Commission.23 And, most recently, Kei worked as a  
24 law clerk at the Thomas Law Group. He worked on some  
25 challenging CEQA cases, including the Golden State



1 Warriors Arena in San Francisco -- you might have heard  
2 of that project -- the Newhall Ranch project in Santa  
3 Clarita Valley, and also the City Place project in Santa  
4 Clara.

5 Luckily, for us, CEQA and land use planning  
6 continue to be Kei's main career focus. We're very  
7 fortunate to have him working for us again at the  
8 planning department where he rejoined us in September.  
9 Thank you very much, Kei.

10 MR. ZUSHI: Thank you, Lisa. I have slides to  
11 show.

12 PRESIDENT HILLIS: Okay. There you go.

13 MR. ZUSHI: Good afternoon, President Hillis  
14 and members of the commission, Kei Zushi. As Lisa  
15 mentioned, planning staff and environmental review  
16 coordinator for the 3333 California Street mixed-use  
17 project. The purpose of the hearing today is to receive  
18 comments on the Draft Environmental Impact Report, or EIR,  
19 for the 3333 California Street mixed-use project.

20 Joining me today are my colleagues, Debra Dwyer,  
21 principal environmental planner, Justin Greving, senior  
22 preservation planner, and Nick Foster, senior current  
23 planner. Leigh Lutenski of the Mayor's Office of Senior  
24 Economic and Workforce Development is also here, and Dan  
25 Safier, Prado Group and SKS Partners and other

1 members of the project sponsor team are present.

2 The commission secretary is providing you with  
3 a handout of my presentation and letter from the  
4 historic preservation. Copies of these are available  
5 for members of the public on the table to my left.

6 I would like to note that we have a  
7 stenographer present to create a transcript of today's  
8 proceedings, so I would encourage all speakers to speak  
9 slowly and clearly in order to assist the process.

10 So the 10 -- sorry about that. So the 10.25  
11 acre site is located on the south side of California  
12 Street between Laurel Street and Presidio Avenue, and  
13 is currently occupied by the University of California  
14 San Francisco Laurel Heights Campus.

15 In order to facilitate the receipt of comments  
16 and inform the Commission and members of the public, Leigh  
17 Lutenski of the Mayor's Office of Economic Workforce  
18 Development and the project sponsor will provide a brief  
19 overview of the project.

20 MS. LUTENSKI: Hello, Commissioners, my name is  
21 Leigh Lutenski, with the Office of Economic and  
22 Workforce Development. I have a few brief remarks  
23 today. The proposed project would create 558 or 744  
24 units of housing under the base project and variant,  
25 respectively, in addition to child care and new public

1 open space and neighborhood retail, all while adaptively  
2 reusing portions of the existing building.

3 OEWD is working with the project sponsor to  
4 negotiate a development agreement for this project which  
5 would include commitments to specified community  
6 benefits. The DA will be limited to a set of benefits  
7 that are contextual with the neighborhood and in scale  
8 with the project, particularly focusing on open space  
9 and affordable housing.

10 Mayor Breed has named housing, and particularly  
11 affordable housing, a top priority of her  
12 administration. The Mayor has continued the work of  
13 late Mayor Lee, and has initiated new policies aimed at  
14 more quickly entitling projects and increasing the pace  
15 at which housing is built. This project would be an  
16 important contribution to these initiatives, as well as  
17 the effort to create new housing in all parts of the  
18 city.

19 I thank you for your attention to this project.

20 MR. SAFIER: Can I use this over here?

21 SECRETARY IONIN: Sure.

22 PRESIDENT HILLIS: Yeah, either one.

23 MR. SAFIER: Okay. Happy holidays, President  
24 Hillis, Commissioners, Director Rahaim and staff. I'm  
25 Dan Safier, project sponsor with --



1                   PRESIDENT HILLIS: Just pull that up closer to  
2                   you.

3                   MR. SAFIER: How's that?

4                   PRESIDENT HILLIS: That's good.

5                   MR. SAFIER: Okay. We've been working on this  
6                   project for close to four years, and today we have a  
7                   brief overview of the project as context for the Draft  
8                   EIR. We anticipate returning in the Spring of this year  
9                   to provide additional project detail, including specific  
10                  plans for the architecture and design.

11                  This is the site today.

12                  PRESIDENT HILLIS: Can we go to the computer,  
13                  please? There you go.

14                  MR. SAFIER: There we go. The 10-plus acre site  
15                  is bounded by California Street to the north, Presidio  
16                  to the east, Euclid to the south, and Laurel to the  
17                  west. Our project began with a question: How do you  
18                  evolve a 10.3 acre suburban park-centric office campus  
19                  into a place for people that is connected with the  
20                  neighborhoods around it?

21                  The site has a significant grade change of  
22                  almost 65 feet from one end of the site to the next, so  
23                  about six-and-a-half stories from the corner of  
24                  California and Presidio to the high point at Euclid and  
25                  Laurel.

1           The proposed project includes 558 residential  
2 units, approximately 50,000 square feet of office space,  
3 54,000 square feet of small scale retail on California  
4 Street, and on-site child care. This plan is consistent  
5 with the existing RM-1 zoning, which the planning code  
6 defines as residential mixed district at low density.  
7 And in the upper right corner, you'll see the Walnut  
8 Building which contains office in the base project.

9           Planning also requested, as was mentioned, that  
10 we develop a variant at the PUD density. This allows  
11 the site to go up to the RM-2 zoning minus one unit for  
12 residential mixed district at moderate density, which  
13 equates to 744 residential units.

14           To achieve this density, the Walnut Building  
15 has two additional stories, which is the same height as  
16 the Jewish Community Center across the street, and the  
17 50,000 square feet of office space is eliminated and  
18 replaced with 186 residential units. Apart from the  
19 Walnut Building change, the rest of the site is the same  
20 as the base project.

21           In order to create design diversity across this  
22 large site, our project team includes three building  
23 design architects and two landscape architects. The  
24 team was selected for their award-winning track records,  
25 design-forward thinking, community orientation, and

1 commitment to quality architecture and planning. With  
2 over five acres of usable open space, our team  
3 prioritized design of the pedestrian experience and open  
4 space with the idea of creating buildings within a park.

5 Over the past four years, we've also had over  
6 140 meetings with the community, including large  
7 community meetings, neighborhood associations and  
8 individual neighbor meetings, and we're continuing that  
9 outreach today.

10 At a high level, here are some of the key design  
11 elements of the project. The city and the project  
12 sponsor team established a goal to weave this site back  
13 into the city's urban fabric through the creation of  
14 north/south and east/west pedestrian connectors. As you  
15 can see, the existing site is not pedestrian or public  
16 friendly. The main access is through these driveway  
17 entrances, which are gated and walled.

18 The current site is physically disconnected  
19 from the surrounding neighborhood context both through  
20 the brick walls on the perimeter and the topography  
21 which steeply berms up along Masonic Avenue. With the  
22 walls, berms and surface parking lots, the site does  
23 not currently invite pedestrians through the site. You  
24 can see that the existing condition is also somewhat  
25 like an island, isolated and walled off from the



1 existing neighborhoods.

2 The project design reconnects the site to the  
3 existing neighborhood grid through the north/south and  
4 east/west connector, effectively turning the site into  
5 four well-scaled blocks. We are also retaining and  
6 adaptively reusing the main portion of the existing  
7 building while also cutting a 40-foot wide pedestrian  
8 connection through the existing building, aligned with  
9 the Walnut Street to the north to create a north/south  
10 access.

11 Our Draft EIR acknowledges the presence of a  
12 historic resource, and our plan includes converting the  
13 retained building from its grandfathered office use to  
14 residential.

15 Our plan also increases the pedestrian access  
16 points around the perimeter of the site. They make the  
17 project more porous, encouraging walkability and  
18 accessibility. The proposed project and north/south and  
19 east/west connectors will be designed to be ADA  
20 accessible, which is an important feature, given the  
21 steep grade change of the site.

22 This is a view of the Mayfair walk connector  
23 looking east, the overlook, which is actually where  
24 there's an existing portion of the building right now  
25 that hangs over this area that would be removed, but

1 this would provide the public with scenic views of the  
2 city and then ADA access and stairs to Presidio Avenue  
3 below.

4 To help reconnect, activate, and integrate the  
5 site into the existing neighborhood fabric, we're  
6 proposing small scale ground floor retail along  
7 California Street, connecting with the Laurel Village  
8 shopping center to the west and extending to the Fire  
9 Credit Building and Ellas restaurant to the east. You  
10 can see on this image the pink shaded element includes  
11 Laurel Village shopping center, and then the small scale  
12 retail proposed on our project.

13 We believe that providing mixed use will make  
14 for a more convenient and whole neighborhood, promote  
15 walkability, eyes on the street, and safety.  
16 Importantly, it will provide us with the opportunity to  
17 curate uses that are currently missing from the  
18 neighborhood for existing and future residents.

19 Our approach has always been to complement  
20 Laurel Village shopping center. We've met with the  
21 Laurel Village and Sacramento Street merchants many  
22 times, and will continue to work with the community and  
23 the merchants to identify future retailers to complement  
24 and not compete with the existing retail.

25 The proposed project is also proposing over

1 five acres of generous open space, over half of which  
2 will be publicly accessible space. The project aims  
3 to create a wide variety of landscaped open spaces that  
4 are inspired by the California landscapes.

5 The existing open space is primarily asphalt,  
6 designed for cars, and includes over 3.2 acres of  
7 surface parking. This is in addition to the lawn at  
8 Euclid and Laurel, and the space on Presidio. By  
9 contrast, our project proposes to put all the parking  
10 underground, freeing up the ground plane for the network  
11 of usable and welcoming open spaces.

12 Additionally, the project is on a transit  
13 corridor and is actually between two of the main transit  
14 corridors in the city, the Geary line and the California  
15 line, and it's extremely well served by Muni with  
16 a number of buses adjacent to the site.

17 The primary project open spaces include Cypress  
18 Square, which is accessed off a grand staircase and ADA  
19 access on California Street. It will be a beautiful  
20 south-facing plaza centered around the mature cypress  
21 trees. We'll also be enhancing Euclid Green at the  
22 corner of Laurel and Euclid, and retaining the view  
23 corridor to downtown.

24 We're proposing to increase the number of  
25 street trees around the site to 613 percent of the

1 current count, and the number of on-site trees will be  
2 146 percent of their current count, all to improve the  
3 urban canopy.

4 As part of the landscape plan, we worked with our  
5 arborist and landscape architect to identify key trees  
6 to be preserved and celebrated. Some of our open spaces,  
7 including Cypress Square, Oak Meadow, and Pine Street  
8 steps are designed around these trees and enhanced with  
9 additional trees.

10 The proposed project and the variant also  
11 include on-site child care of approximately 14,600 square  
12 feet with capacity for about 175 children. We  
13 understand that this is a major priority for the city,  
14 and we believe that this amenity will encourage young  
15 families to join and stay in the neighborhood. To  
16 complement this family-friendly approach, approximately  
17 60 percent of the total residences proposed are  
18 two, three, and four-bedroom units.

19 Finally, this project has been designed with  
20 the city's important housing policies and objectives in  
21 mind. It will bring new homes to San Francisco's west  
22 side and District 2, where very little new housing has  
23 been built over the past 40 years.

24 It will provide affordable housing units that  
25 will help preserve the diversity of our city and the

1 equity of our neighborhoods. It will also provide  
2 millions of dollars in new annual tax revenue due to  
3 conversion from a public tax exempt use to residential  
4 mixed use, in addition to contributing substantial  
5 community benefit fees toward open space, jobs, housing,  
6 schools, transportation, and child care.

7 In short, this project is a significant housing  
8 and mixed use opportunity for District 2 and for the  
9 future of our city.

10 Thank you very much. And our team will also be  
11 available to answer any questions you might have, and  
12 also Gregg Miller is here from Coblentz.

13 PRESIDENT HILLIS: All right. Thank you.

14 MR. ZUSHI: Thank you. Again, the purpose of  
15 today's hearing is to take public comments on the draft  
16 EIR on the accuracy, adequacy and completeness of the  
17 Draft EIR for this project pursuant to the California  
18 Environmental Quality Act, or CEQA, and San Francisco's  
19 local procedures for implementing CEQA. This is not a  
20 hearing to consider approval or disapproval of the  
21 project. That hearing will follow the Final EIR  
22 certification.

23 In addition, there will be future opportunities  
24 to comment on the merits of the proposed project or  
25 project variant.

1 I'd like to make a few comments to further  
2 facilitate the receipt of comments today. I'll briefly  
3 summarize the significant impacts of the project.

4 PRESIDENT HILLIS: Yeah, can we go to the  
5 computer, please? There you go.

6 MR. ZUSHI: The Draft EIR finds that the  
7 project or project variant, even with mitigation, would  
8 result in significant and unavoidable impacts with  
9 respect to historic resources for the 3333 California  
10 Street property, transit capacity on the 43 Masonic  
11 route, and construction noise.

12 The Draft EIR also finds that other significant  
13 impacts to transportation, construction vibration and  
14 operational noise, archaeological resources, human  
15 remains, and tribal cultural resources, biological  
16 resources, and paleontological resources can be mitigated  
17 to a less than significant level.

18 The Draft EIR analyzes six alternatives to the  
19 project to address significant and unavoidable impacts.  
20 In addition to the no project alternative required by  
21 CEQA, the EIR includes two full preservation  
22 alternatives, two partial preservation alternatives, and  
23 a code conforming alternative. The details regarding  
24 the alternatives are provided in Chapter 6 of the EIR.  
25 I will also note that the preservation alternatives were

1 informed by input from the architectural review  
2 committee of the Historic Preservation Commission.

3 With respect to the significant and unavoidable  
4 impacts of the proposed project or project's variant, the  
5 full preservation alternatives would result in less  
6 than significant impacts on historical architectural  
7 resources and reduce but not avoid the transit  
8 capacity and construction noise impacts. The partial  
9 preservation alternatives would reduce the significant  
10 impacts on historic architectural resources, but not to  
11 a less than significant level and would still have  
12 significant impacts to transit capacity and construction  
13 noise.

14 A code conforming alternative would result in  
15 significant and unavoidable historic resource and  
16 construction noise impacts similar to those of the  
17 project and project variant, and it would also result in a  
18 significant transit capacity impact, but it would be  
19 reduced compared to the project or project variant.

20 A public hearing before the Historic  
21 Preservation Commission was held on December 5th, 2018  
22 in order for the commissioners to provide comments to  
23 the planning commission and the department on the Draft  
24 EIR. Subsequent to the hearing, the HPC issued a  
25 comment letter on the Draft EIR which the commission

1 secretary has provided to you.

2 HPC found that the analysis of historic  
3 resources in the Draft EIR was adequate and accurate and  
4 agreed that the Draft EIR analyzed a reasonable and  
5 appropriate range of preservation alternatives. The HPC  
6 also suggested refinements to some of the preservation  
7 alternatives and expressed interest in understanding more  
8 about the neighborhood alternative that was discussed by  
9 the public at the hearing.

10 As I mentioned, there's a stenographer present  
11 to create a transcript of today's proceedings, so I  
12 would encourage all speakers to speak slowly and  
13 clearly.

14 While we would appreciate if members of the  
15 public would state their name for the record, members of  
16 the public are not required to provide personal  
17 identifying information when they communicate with the  
18 commission or the department. In this case, the  
19 information from the hearing today will be made  
20 available to the public on the website as part of the  
21 proposed project's record of proceedings.

22 Staff is not here to answer comments today.  
23 Again, the purpose of the hearing is to receive comments  
24 on the information and analysis in the Draft EIR. There  
25 will be future opportunity to comment on the project



1       itself. The comments made will be transcribed and  
2       then responded to in writing in the Responses To Comments  
3       document, or RTC. The RTC will respond to all verbal  
4       and written comments received and make revisions to the  
5       Draft EIR, as appropriate.

6               Before I conclude, I would like to remind  
7       members of the public that the Draft EIR was published  
8       on November 7th, 2018. The public comment period for  
9       this project began on November 8th, 2018 and closes at  
10      5:00 p.m. December 24th, 2018. Comments on the draft  
11      EIR must be submitted orally at today's hearing or in  
12      writing to the project email shown here or planning  
13      department by 5:00 p.m. on December 24th for them to be  
14      responded to in the Final EIR.

15             There have been several requests to extend the  
16      public comment period to January 8th, 2019. The  
17      environmental review officer has opined that an  
18      extension is not warranted in this case. After hearing  
19      comments from the members of the public, we'll receive  
20      comments on the Draft EIR by the planning commission.

21             This ends my presentation. City staff and  
22      members of the project sponsor team are available to  
23      answer any questions you may have. Unless the  
24      commission members have questions, I would respectfully  
25      request that the public hearing be opened. Thank you.

1           PRESIDENT HILLIS: Okay. Great. Thank you  
2 very much. So we'll open this up for public comment.  
3 Again, I want to reiterate this is comments on the draft  
4 EIR and its adequacy. We'll have the project before us,  
5 I imagine, sometime next year. We won't answer  
6 necessarily the comments made today. We may make some  
7 of our own on the EIR, but it's a tool to help us  
8 analyze the project in view in the future.

9           So I'll call names. Roger Miles, Eileen Boken,  
10 Adam McDonough, Judy Doane, Bill Cutler, Ms. Desby,  
11 Richard Frisbie. So if I've called your name, you can  
12 speak in any order. Line up on the screen side of the  
13 room.

14           Go ahead if you want to start, sir. Sir, go  
15 ahead. Go ahead. You can speak in any order. If I've  
16 called your name, you are welcome to come up and speak  
17 and tell us about the EIR. No?

18           All right, next speaker, if you want to come  
19 up. There's no order, necessarily. So if your name's  
20 been called, line up on the screen side of the room and  
21 you can approach in any order. Now's the time.  
22 Welcome.

23           MR. MILES: Good afternoon. My name is Roger  
24 Miles. And, firstly, I would like to urge you to increase  
25 a 15-day extension to the DEIR. It seems the holidays

I-Miles1

1  
(GC-3)

1 might be better used for friends and family than dealing  
2 with this. 1 (GC-3)  
cont'd

3 I live in the neighborhood, have for a long  
4 time, right across the street. And I understand why  
5 it's considered historic, and it would be a shame to  
6 destroy it. It was designed a bit like a college  
7 campus, even though it was a business. And it was  
8 designed so that the people in the building could enjoy  
9 the dramatic outside that was created by some wonderful  
10 planners, and it just melds in and doesn't stand out and  
11 wave at you and say, "I don't belong here," even though  
12 it was commercial establishment. 2 (CR-2)

13 The developer's proposal would destroy this.  
14 The existing buildings and grounds fit so well in  
15 the neighborhood now, it just nestles right in. And we 3 (ME-1)  
16 don't need anymore commercial. It would just provide a  
17 lot of extra traffic, parking issues, and also wouldn't  
18 necessarily be very good for extra competition for the  
19 existing small stores up and down Sacramento and right  
20 adjacent. The Laurel Village Association sort of agrees  
21 with that.

22 So I would urge you to look -- support the 4 (AL-2)  
23 neighborhood full preservation measure. That will  
24 leave everything basically as it is. It currently  
25 provides access all over the place, unlike what they're

1 telling you; there is no north/south access. But there  
2 isn't hardly any place you can't walk up and enjoy the  
3 campus. And even though they have separations, it's  
4 always been open to the public and family. And dogs,  
5 pets, everybody uses it all the time, and has for years,  
6 and it's always been welcomed. And if they get away with  
7 this mess, you'll have no more housing in comparison to  
8 what you can get with the existing premises.

9 And, therefore, that's what I urge you do to.  
10 It will give you 100 percent of the characteristics, and  
11 the historic site would remain the same. It provides up  
12 to 744 units of housing. It doesn't provide any  
13 commercial. It builds them in three years instead of  
14 seven to fifteen --

15 SECRETARY IONIN: Thank you, sir. Your time is  
16 up.

17 MR. MILES: Thank you.

18 PRESIDENT HILLIS: Thank you. Next speaker,  
19 please.

20 SECRETARY IONIN: And I will remind members of  
21 the public that we are accepting comment on the adequacy  
22 and accuracy of the Environmental Impact Report, not the  
23 project itself.

24 MR. MCDONOUGH: Hello, members of the -- sorry,  
25 commissioners.

4  
(AL-1)  
cont'd

1 PRESIDENT HILLIS: Overhead, please. Go ahead.

2 MR. MCDONOUGH: Thank you. My name is Adam I-McDonough1  
3 McDonough. I'm a resident of Laurel Heights. First thing 1  
4 I want to ask is that you strongly consider the granting (GC-3)  
5 of the 15-day extension, the due date. It's a very  
6 lengthy and complex document. It came out right before  
7 the holidays. We're being asked to respond by Christmas  
8 Eve. A few more weeks won't kill the project.

9 Secondly, I just wanted to show you some  
10 pictures. You've seen some of these already. Not much  
11 really needs to be said about them. These pictures and  
12 the listing on the California Register of Historical  
13 Resources, after the unanimous support of the State  
14 Historic Resources Commission at their May hearing,  
15 speak for themselves. San Francisco Historic  
16 Preservation Commissioner further reinforced these  
17 comments at their recent December 5th hearing.

18 Again, not much needs to be said. The  
19 commissioners in Palo Alto spoke more eloquently and  
20 with considerably more authority than I can about the  
21 master status of the three principals associated with  
22 3333 California Street. The developer proposes the  
23 virtual total destruction of this historically listed  
24 site.

25 The black areas indicate the extent to which 50 ↓

1 percent of the historic main building will be  
2 demolished. The red indicates the bulldozing and total  
3 destruction of more than 80 percent of the historically  
4 listed landscaping. It is unimaginable that anyone  
5 responsible for San Francisco's future could countenance  
6 such a mindless destruction of such an iconic and  
7 important part of San Francisco's past.

8 So what will be the future of 3333? Will we  
9 preserve it or destroy it? A great deal of this  
10 decision lies in your hands. I will not restate the  
11 first five items in red.

12 Please take note that the community alternative  
13 builds the same number of housing units as the  
14 developers propose, but we do so in three years, not  
15 in seven to 15 years, as proposed by the developer. It  
16 took less than five years to build the Salesforce Tower,  
17 after all.

18 Clearly, the developers and planning don't  
19 appreciate the fact that San Francisco has a housing  
20 crisis and needs housing now, not in 2030 or beyond.  
21 Housing activists, NIMBYs and others should pay  
22 careful attention to this glaring discrepancy.

23 Finally, anyone concerned about eliminating  
24 climate change should pay special attention to the  
25 greenhouse gases that will be released by the two

2  
(CR-2)  
cont'd

3  
(AL-2)

4  
(GHG-3)

1 solutions. The developer's plan generates three times  
2 that of the community alternative. Thank you.

4  
(GHG-3)  
cont'd

3 PRESIDENT HILLIS: Thank you. Next speaker,  
4 please.

5 MS. BOKEN: I'll be using the overhead.

6 PRESIDENT HILLIS: Okay.

I-Boken

7 MS. BOKEN: I'm Eileen Boken, San Francisco  
8 Coalition for Neighborhoods, here on my own behalf. I  
9 strongly urge the commission to grant a 15-day extension  
10 to the due date for comments for this DEIR. It is a  
11 lengthy and complex document.

1  
(GC-3)

12 On the overhead is a coalition resolution  
13 urging the historic designation of the site. I am here  
14 in support of Laurel Heights Improvement Association, as  
15 they have a proven track record of working with project  
16 sponsors to achieve successful outcomes such as the CPMC  
17 California Street site and the Lucky Penny site.

2  
(CR-1)

3  
(ME-1)

18 That being said, it is my understanding that  
19 this project sponsor has been challenging. It is my  
20 understanding that, because of ongoing challenges, that  
21 the neighborhood decided to develop the community  
22 alternative. Besides maintaining the historical and  
23 architectural integrity of this site, the community  
24 option alternative achieves the following: Meets the  
25 city's housing goals, does not contain retail component

4  
(AL-2)

1 which would compete with existing neighborhood serving  
2 businesses, maintains a portion of the office space  
3 which is consistent with the original purpose of the  
4 buildings.

5 I would urge the department and the  
6 commission to seriously consider the community  
7 alternative.

8 PRESIDENT HILLIS: All right. Thank you. Next  
9 speaker, please.

10 MR. CUTLER: Good afternoon. My name is Bill  
11 Cutler. My wife and I have lived in Laurel Heights on  
12 California Street, one block from the site of the  
13 proposed real estate development, for over 45 years.

14 Over the decades, we've seen many big changes to our  
15 neighborhood, some positive and some negative. But this  
16 proposal which violates the zoning laws and the  
17 character of the district is, by far, the most  
18 disturbing to date.

19 Everyone recognizes the need for affordable  
20 housing in San Francisco, and we support construction of  
21 housing on this site. But the current proposal which  
22 Prado wants seven to 15 years to complete includes  
23 unnecessary retail space, creates major traffic  
24 problems, and includes a plan to mar the beauty of  
25 Laurel Hill by destroying the majority of 185 old growth

4  
(AL-2)  
cont'd

I-Cutler1

1  
(GC-3)

2  
(ME-1)



1 trees that we cannot afford to lose in an era of toxic  
2 air and climate change.

2  
(ME-1)  
cont'd

3 The high density of the proposed project  
4 will increase traffic flow and congestion, increase  
5 noise and pollution and contribute to the loss of  
6 parking in a neighborhood where it's already almost  
7 impossible to find adequate street parking, even  
8 for those of us who have G stickers as residents.

9 Fortunately, there's a much better way to  
10 address the need for a development at Laurel Hill that  
11 both meets the housing demands and still protects the  
12 historic building as well as the beautiful landscaping  
13 that surrounds it. It's called the neighborhood full  
14 preservation alternative. It provides the same number  
15 of residential housing units as the Prado project, 558  
16 with a 744 variant, protects the majority of the 185  
17 mature trees, and does not include major retail that  
18 would only negatively compete with Laurel Village  
19 shopping center which borders the site and already has  
20 two supermarkets, Starbucks and Pete's Coffee, Ace  
21 Hardware, three restaurants, three banks, several  
22 boutiques, a Gap store, and a variety of other shops --  
23 not to mention Sacramento Street, where there are many  
24 others.

3  
(AL-2)

25 We don't need new retail in Laurel Heights. We

1 need affordable housing, built without changing the  
2 existing zoning laws, without 10-story buildings, and  
3 using the available space primarily for housing which  
4 allows for some units big enough for middle class  
5 families. The neighborhood alternative does all that and  
6 can be built in about three years, not seven-and-a-half  
7 to 15.

3  
(AL-2)  
cont'd

8 Please consider supporting our plan, and please  
9 grant a 15-day extension of the due date for comments on  
10 the Draft EIR. Thank you.

4  
(GC-3)

11 PRESIDENT HILLIS: Thank you. Next speaker,  
12 please.

O-LHIA5

13 MR. FRISBIE: Can I have the overhead, please?  
14 Hi. I'm Richard Frisbie. I live in the neighborhood.  
15 December 24th, what does this mean to you? It should  
16 mean Christmas Eve. But, no, it doesn't. As it was  
17 pointed out very, very boldly, 5:00 p.m. December 24th is  
18 the due date of the DEIR, no exceptions.

1  
(GC-3)

19 I brought a book I'm going to leave. You can  
20 give it to Toys for Tots. Was this an accident? Did no  
21 one in planning actually notice this date? It begs  
22 the question as to why management, why didn't the  
23 director of planning, who I noticed has left, do  
24 something? Why didn't he step in and say, "No, this  
25 isn't right; this isn't proper; this isn't what we do to

↓

1 the citizens of San Francisco who pay our salaries."

2 It gives a new meaning to the word "public  
3 servant." Anyone who stands by silently, that is just an  
4 unconscionable act for Christmas Eve. I'm personally  
5 offended. And I think I speak for everyone in the room?  
6 Raise your hand. I hope I speak for each of you,  
7 actually.

8 So, what's so special about Christmas Eve?  
9 It's many things to many people, all the way from deeply  
10 spiritual to totally secular, across a wide spectrum of  
11 society. The week leading up to Christmas, however, you  
12 celebrate it, is a time for peace, for family, for  
13 reflection. It's a time when family and friends travel  
14 across California, across the country, across the globe  
15 to be with loved ones. It's a time for grandmothers to  
16 teach granddaughters how to bake Christmas cookies and  
17 prepare a meal for Santa and his reindeer. It's a time  
18 for grandfathers to teach grandsons how to hang up  
19 outside Christmas lights without getting electrocuted.

20 It's not a time when the community should be forced  
21 by some arbitrary day, totally arbitrary day, to give up  
22 their involvement in this special season.

23 On December 24th, 1968 -- this year is the 50th  
24 anniversary of that date -- James Lovell, Bill Anders, and  
25 Frank Borman circled the moon, the first humans ever to

1  
(GC-3)  
cont'd

1 adventure to another planetary body. And they  
2 shared these photos and a message of joy, peace, and  
3 humanity with all the people of Planet Earth. This is  
4 what Christmas Eve is all about. So my question is,  
5 where do you stand? We request an extension.

1  
(GC-1)  
cont'd

6 PRESIDENT HILLIS: All right. Thank you. Next  
7 speaker, please.

I-Doane

8 MS. DOANE: Good afternoon. My name is Judy  
9 Doane. I have lived near the 3333 California Project  
10 site since early in the 1970s. I strongly urge the  
11 planning commission to grant a 15-day extension of the  
12 due date for comments on this Draft EIR because it is a  
13 long, complex document.

1  
(GC-3)

14 I support building more housing in our  
15 neighborhood, and specifically at the 3333 California  
16 Street site, but it needs to be the right development  
17 plan.

2  
(ME-1)

18 After examining available plans, including the  
19 plan proposed by the developer, Prado, and an  
20 alternative the neighbors themselves have produced, I am  
21 supporting the neighborhood full preservation

3  
(AL-2)

22 alternative for the following reasons: One, we do not  
23 need more retail in this area. We have plenty of shops  
24 serving the neighborhood now. Adding more will make  
25 3333 California not just a residence, but also a retail  
destination, guaranteeing an unacceptable amount of

4  
(TR-11)

1 extra traffic and exacerbating an already stressed  
2 on-street parking problem.

4  
(TR-11)  
cont'd

3 In addition, increasing the traffic will make  
4 it more hazardous for a large number of seniors using  
5 walkers, as well as endanger mothers with baby carriages  
6 trying to cross these already very busy intersections.

5  
(TR-8)

7 Two, the neighborhood full preservation  
8 alternative will retain the same number of units, 558 or  
9 the variant of 744, as the Prado plan.

6  
(AL-2)

10 Three, a neighborhood plan will also keep the  
11 unique features of the original historically significant  
12 building and landscaping. That means some of the old  
13 growth trees on the lot can be retained, protecting the  
14 important ecological aspects of this space for our  
15 beautiful, green city.

16 Four, the three to five years of construction of  
17 the neighborhood plan will be much more tolerable than  
18 Prado's proposed seven to 15 years.

19 Please consider the neighborhood full  
20 preservation plan. Thank you.

21 PRESIDENT HILLIS: Thank you. Next speaker,  
22 please.

I-Desby

23 MS. DESBY: Hi. My name is Krisanthly Desby. I  
24 live in Presidio Heights, two and-a-half, three blocks  
25 from the proposed project. First of all, I do request

1  
(GC-3)

1 that the planning commission grants a 15-day extension  
2 for comments on the DEIR. I personally come from a very  
3 large extended family. I don't have time to read it.  
4 An extra two weeks would really be helpful.

1  
(GC-3)  
cont'd

5 I also support the community full preservation  
6 residential alternative for 3333. I feel that the Prado  
7 Group proposal is akin to building a mini city three  
8 blocks from my house. There will be many, many years,  
9 no matter which way you slice it, at least seven,  
10 possibly ten, maybe with extensions more, of noise  
11 pollution, traffic, congestion, all the things that we  
12 deal with downtown. And then it's going to be  
13 permanent. It will just turn our neighborhood into  
14 another Civic Center.

2  
(AL-2)  
3  
(ME-1)

15 The project is completely out of scale for the  
16 surrounding neighborhoods. There are four neighborhoods  
17 immediately surrounding, and I feel that it's a mini  
18 city that's just going to be plunked down in the middle  
19 of us.

20 I -- among other things, removing the trees,  
21 almost 200 trees, and saying that they're going to plant  
22 more, those trees that are there now have been there for  
23 decades, and it will take many decades for new trees to  
24 grow. And we don't know if they'll grow. Who's studied  
25 what trees fit there? What if they tear up the

4  
(BR-1)

1 sidewalk? And when will they be placed there? After  
2 the project is finished? During? Who knows? So we're  
3 going to be losing that resource which helps clear the  
4 air.

4  
(BR-1)  
cont'd

5 Anyway, I ask that you reject the Prado  
6 proposal and accept the community full preservation  
7 residential alternative in its place. Thank you very  
8 much.

5  
(AL-2)

9 PRESIDENT HILLIS: All right. Thank you. Next  
10 speaker, please.

11 MR. GOLDBRENNER: Hi. My name is David  
12 Goldbrenner. I live about six blocks from the site. My  
13 family and I find ourselves at this intersection all the  
14 time. I have a young daughter. We use the JCC  
15 regularly.

I-Goldbrenner1

16 I found out about this relatively recently. I  
17 don't know much about real estate development, but my  
18 gut instincts is that this is going to be an incredibly  
19 huge imposition on the neighborhood, the idea of seven to  
20 15 years of construction at this intersection that we rely  
21 on constantly to get where we're going. We rely on the  
22 1 Bus on the 43 Bus, driving past there, and the  
23 thoughts of construction, dumpsters, and board walls and  
24 backhoes backing up, and trucks beeping for seven to  
25 15 years is just really kind of soul-crushing.

1  
(ME-1)

2  
(TR-6)

1                   And so from what I've heard, I would really  
2                   support the proposed neighborhood alternative, which  
3                   apparently provides the same housing, but with a much  
4                   shorter period and with much less impact on the  
5                   neighborhood both during the construction and  
6                   afterwards.

T<sup>3</sup>  
(AL-2)

7                   I'd also like to request, respectfully, the  
8                   15-day extension. It seems like a reasonable thing to  
9                   do, given that this came out just before the  
10                  Thanksgiving and the Christmas and Hanukkah holidays. So  
11                  I'd like to ask for that extension, as well. Thank you.

T<sup>4</sup>  
(GC-3)

12                 PRESIDENT HILLIS: Thank you. Next speaker,  
13                 please.

I-McMichael

14                 MR. McMICHAEL: Hi, folks. My name is Adam  
15                 McMichael. I'm here out of work today as a concerned  
16                 citizen of San Francisco to urge you to support the  
17                 proposed project at 3333 California Street. This  
18                 project's a critical step forward in addressing San  
19                 Francisco's housing crisis by providing much needed  
20                 housing for families in a transit-friendly neighborhood.

T<sup>1</sup>  
(ME-1)

21                 As a long-time resident of this neighborhood,  
22                 I've seen neighbors and friends move out of the city due  
23                 to the housing shortage and housing affordability  
24                 challenges. The combined effects of job creation and  
25                 slow housing production have created difficult

↙



1 situations for families like mine.

1  
(ME-1)  
cont'd

2 The west side of San Francisco needs more  
3 housing. The residents in this area have benefited from  
4 the city's job creation, property values have soared,  
5 but these same residents have skated by and deepened the  
6 housing crisis by maintaining current local zoning. This  
7 is much change for the long-term sustainability of the  
8 city for families like mine.

9 This underused parcel is an awesome opportunity  
10 to build more housing in the city, and this project is  
11 exactly what the city needs. The proposed project  
12 creates a family-friendly community in a city that has  
13 seen rapid flight of young families like mine.

14 San Francisco is an innovative city that values  
15 inclusion, diversity and community, and in this moment  
16 of crisis, we hope that you will support this project  
17 and ensure the residents of San Francisco have access to  
18 more housing.

19 In addition to this letter that my wife and I  
20 wrote, I would just like to say that if I had to make a  
21 few changes to the project, I would triple the size of  
22 it, in coordination with a lot of the buildings that  
23 surround the area, and do as much as we can to add more  
24 housing to the city in general. Thank you for your  
25 time.

O-YIMBY1

$$\frac{1}{(\text{ME}-1)}$$
$$r \in (0, 1)$$

2  
(GC-3)

1 not just Christians, and so it's much broader.

2 We just had hearings all through the Hanukkah  
3 holiday, and I actually didn't see anybody demanding any  
4 delays based on the celebration, a much longer event, of  
5 Hanukkah. I didn't see anybody demanding delays. I  
6 think that these delay tactics are silly. These people  
7 have a lot of time on their hands. We see that they are  
8 spending hours at these hearings, reading the EIRs, and  
9 we can, in fact, move quickly. Thank you.

10 PRESIDENT HILLIS: Thank you. Next speaker,  
11 please. And I'll call a couple more names. Zarin  
12 Randeria, Perviz Randeria, Kathy Devincenzi, Holly  
13 Galbrecht, Joe Scaroni, Rose Hillson, Susan McConkey.

14 MR. YUEN: Good afternoon. My name is Alex  
15 Yuen. Personally, I'm a nearby resident who grew up not  
16 far from this site, and I've passed the site countless  
17 times in my life. Professionally, I'm an architect and  
18 urban designer. In this role I've always wondered what  
19 was going on in this existing building and how this site's  
20 position within the city has never been fully taken  
21 advantage of, due to its silent nature.

22 I believe that the proposed plan on the site  
23 serves two main purposes: Primarily it provides  
24 housing for a city in desperate need for it, but that is  
25 clear.

2  
(GC-3)  
cont'd

I-Yuen

1  
(ME-1)

1           Secondly, I believe that the proposal creates  
2           the opportunity for an urban node that attracts users  
3           from adjacent neighborhoods and has the ability to draw  
4           residents from one neighborhood to another in a way that  
5           it currently does not.

6           All cities need housing, but healthy, usable  
7           open space like the team is suggesting separate the best  
8           cities from the rest. If anything, I encourage the  
9           development team to maximize the potential of this site  
10          as an urban amenity in an environmentally beneficial  
11          manner that includes preserving existing trees and  
12          offsetting impacts of parking.

13          In conclusion, I would like to echo other  
14          speakers' requests to extend the window for public  
15          comment.

16          However, I also believe that the Draft EIR  
17          sufficiently studies the potential environmental impacts  
18          to the neighborhood while providing housing for a city  
19          sorely lacking it, while also providing an urban amenity  
20          that would be of use for the adjacent neighborhoods and  
21          the city at large. Thank you.

22          PRESIDENT HILLIS: Thank you. Next speaker,  
23          please.

24          MS. RYAN: Good afternoon. I had the pleasure  
25          of being here last year for the Lucky Penny, and that  
            project went through. And I think it went through, in a

1  
(ME-1)  
cont'd

2  
(GC-3)

3  
(GC-1)

1 way, because of neighborhood consensus. I'm a neighbor.  
2 I've lived in the area for over 30 years. I was born in  
3 the city. And we're looking forward to the 95 units  
4 that Lucky Penny is building. [We're also looking  
5 forward to the housing that this project brings.

I-RyanC

1  
(ME-1)

6 What we request, though, is an extension for this  
7 Draft EIR. To put it out Thanksgiving and then ask for  
8 something by the end of the year, it's a busy time for a  
9 lot of people. So two weeks, we're respectfully hoping,  
10 is reasonable.

2  
(GC-3)

11 My name is Colleen Ryan, and I appreciate  
12 this opportunity to be heard. I hope that you'll hear  
13 our concerns and that they'll resonate with you, with  
14 this commission.

15 We support the housing, as I've said. [We  
16 welcome the change. We're concerned, though, the amount  
17 of retail, the developer making the profits. [And also I  
18 know, having been here last year, that I think there are  
19 people at this event to speak who are being paid, who  
20 are not part of the neighborhood, and whose only skin in  
21 the game is to create certain -- I don't even know the  
22 word.

3  
(ME-1)

23 As mentioned today during Agenda Item 9,  
24 one of the goals of the city staff was to keep  
25 what makes a neighborhood special. And,

4  
(ME-1)

1 frankly, our neighborhood is special. We feel that this  
2 site is very iconic. I walk my dog there. My kids have  
3 played on the lawn. My mom runs around there and loves  
4 the views, and just walking around and greeting her  
5 neighbors. So we really hope that that sense of  
6 community and neighborhood specialness can be kept.

4  
(ME-1)  
cont'd

7 We appreciate your time and look forward to  
8 hopefully the community preservation idea going through  
9 since it keeps the housing, drops the retail, and  
10 lessens the impacts of seven to 15 years of  
11 construction. Thank you for your time.

5  
(AL-2)

12 PRESIDENT HILLIS: Thank you. Next speaker,  
13 please.

14 SECRETARY IONIN: I would like to take this  
15 opportunity to remind members of the public that this is  
16 the Draft Environmental Impact Report and we are here to  
17 review the -- accept comments on the adequacy and accuracy  
18 of that document, not the project itself.

O-LHIA6

19 MS. RANDERIA: I am Perviz Randeria and I also  
20 want to strongly urge that you, as a commission, to  
21 grant the 15-day extension for the Draft Environmental  
22 Report because it is quite complex and it's a lengthy  
23 document.

1  
(GC-3)

24 I also fully support the community full  
25 preservation residential alternative for 3333 California

2  
(AL-2)

1 because it takes into consideration the need for housing  
2 more than anything related to retail space, and also  
3 that it preserves the historic significance and  
4 characteristics of the neighborhood. Thank you.

2  
(AL-2)  
cont'd

5 PRESIDENT HILLIS: Thank you. Next speaker,  
6 please.

I-McConkey

7 SPEAKER: Hello. Thank you for giving us the  
8 opportunity to talk to you. I also live in the  
9 neighborhood, like a lot of the people here, and I support  
10 increasing housing in San Francisco very much.

1  
(ME-1)

11 The only thing that I do not want is more  
12 retail, because we have a lot of it on Sacramento,  
13 Masonic, Geary. People can just walk to that. Right now  
14 as I was coming to city hall there was already  
15 congestion on Euclid with ten cars trying to get through  
16 to Laurel and Euclid intersection. And this was at  
17 noon. Can you imagine what it's going to be like when  
18 you increase retail and more apartments there?

19 I strongly urge the planning commission to  
20 grant us a 15-day extension due to the complexity of the  
21 document, and hopefully we will grant that. Thank you  
22 very much.

2  
(GC-3)

23 PRESIDENT HILLIS: Thank you. Next speaker,  
24 please.

25 SPEAKER: Thank you, commissioners. Good

1       afternoon. I really appreciate your time and listening  
2       to us on 3333 California Street. I have four points  
3       I'll make in just quick succession here.

I-Scaroni

4               I am a 40-year resident of Laurel Heights, very  
5       near the project. I also want to strongly encourage the  
6       commission to grant a 15-day extension for this DEIR  
7       review. It is a lengthy and complex document, and  
8       ending it right in the middle of the holidays is  
9       difficult for everyone.

1  
(GC-3)

10              Number two, I fully support the community full  
11       preservation residential alternative for this site,  
12       unlike the speaker three or four before me who is  
13       constantly here at these hearings, suggesting that we're  
14       all NIMBYs; that is just not the case.

2  
(AL-2)3  
(ME-1)

15              Like one of my neighbors, I was involved in the  
16       Lucky Penny project a year ago, and it was really due to  
17       that developer listening to the neighbors that we got  
18       that through. And 95 units are now going up. I'm happy  
19       to report, as I walked by the site just a day or so ago,  
20       that construction has begun a year later for that.

21              And what disturbs me, and it was said again by  
22       the developer earlier this afternoon, that they've had  
23       some 140 meetings from some kind of count they keep with  
24       the neighborhood. That has just not been our experience,  
25       for many people.

4  
(CEQA-1)



1 In fact, it's just the opposite. I don't  
2 believe the developers have engaged with the  
3 neighborhood in a meaningful way to come to agreement  
4 and not delay this housing we so desperately need.

4  
(CEQA-1)  
cont'd

5 We are in support of the same amount of 550 --  
6 552, is it -- 558 units or the 744 alternatives. We  
7 want that to happen. And it can happen in the three years  
8 instead of perhaps a lengthy delay of seven to 10 years  
9 to get this done. So I appreciate your time and  
10 consideration.

5  
(AL-2)

11 PRESIDENT HILLIS: Thank you. Next speaker,  
12 please.

I-JohnsonCh

13 MS. JOHNSON: Hi, my name is Chris Johnson.  
14 And I'd first like to say I support what my neighbor  
15 just said entirely. And I won't take the time to repeat  
16 what he just said, but I would like to ask for the  
17 commission to grant an extension for the comments on the  
18 DEIR. I'm a homeowner, along with my husband, in Jordan  
19 Park, and it is a humongous project with lots of legs and  
20 things to study and I would appreciate additional time.  
21 Thank you.

1  
(ME-1)

2  
(GC-3)

22 PRESIDENT HILLIS: Thank you.

23 MS. THOMSON: Hi, and thank you. I'm Joanna I-Thomson  
24 Thomson. I'm also a resident of the neighborhood that  
25 will be, hopefully, positively impacted by the addition

1  
(ME-1)

1 of housing. My family and I live within blocks, and  
2 I've lived in the neighborhood for almost 20 years.

1  
(ME-1)  
cont'd

3 I would really appreciate an extension. Having  
4 book-ended the time period between Thanksgiving and the  
5 Christmas holiday, it is a very complicated, complex  
6 document, and we have tried to read it and need more time  
7 to make comments. We hope that you will grant that.  
8 Notwithstanding anybody's personal preference about  
9 holidays, it's a busy time of year, and it would be great  
10 to have more time.

2  
(GC-3)

11 I also want to echo what a couple of other  
12 speakers have indicated, which is that, as a proud  
13 homeowner in this neighborhood, we are desperate for  
14 more housing, for all different income housing. We would  
15 love for friends and people from across the city to join  
16 us in this neighborhood; we just would like to see it  
17 done in a way that benefits the neighborhood.

3  
(ME-1)

18 We listened closely today to the Mission,  
19 outer Mission and Excelsior conversations about how  
20 important it is to be able to maintain some character  
21 that draws and keeps people there. And at the moment,  
22 we are concerned about the small business owners that  
23 will absolutely get pushed out.

24 After a multi-decade career in sales  
25 marketing and business development, myself, I

1 want to applaud the Prado Group for their  
2 excellent presentation, but I don't think that  
3 augmenting what the small business owners are doing is  
4 actually an accurate depiction.

5 We do hope that you will give us a couple of  
6 more weeks, and we really look forward to coming to  
7 closure and bringing more housing in. Thank you.

4  
(GC-3)

8 PRESIDENT HILLIS: Thank you, Ms. Thompson.  
9 Next speaker, please.

10 MS. DEVINCENZI: Please.

11 PRESIDENT HILLIS: Overhead, please. All  
12 right. There it is.

O-LHIA3

13 MS. DEVINCENZI: President Hillis  
14 and commissioners, I'm Kathy Devincenzi, President of  
15 the Laurel Heights Improvement Association. This  
16 commission, as the decision-maker that's responsible for  
17 preparing and certifying the EIR, is authorized to grant  
18 a 60-day comment period to January 7th, but the  
19 department has only given a 45-day period. And you  
20 don't need special circumstances for a 60-day. 45 is the  
21 minimum required because this had to go to the state  
22 clearinghouse as an area-wide significance project with  
23 over 500 housing units. So they only gave us the  
24 minimum.

1  
(GC-3)

25 And it's not fair to the public to release a

2  
(ME-1)

1 Draft EIR on a 10-acre project with a seven to 15-year  
2 construction period during this time of the year,  
3 especially in view of the community opposition to the  
4 developer's concept. Over 800 residents have signed a  
5 petition against his concept but supporting the housing  
6 component.

2  
(ME-1)  
cont'd

7 So we've worked successfully with the Lucky  
8 Penny and the CPMC, and we had a role there. But  
9 despite all the meetings with this developer, when we  
10 asked him in the supervisor's office what the project  
11 was before he went public with it, he said, "This is not  
12 a negotiation." And the community is supposed to have a  
13 role in planning when there is a major rezoning asked  
14 for.

3  
(CEQA-1)

15 Now, the EIR admits that the project would have  
16 a significant impact on the historical resource by  
17 destroying most of the landscaping, half of the building,  
18 and cutting a hole in it. It would also have a  
19 significant construction noise impact that's unmitigable  
20 and significant traffic impact which they say they'd  
21 mitigate by cutting the retail parking. We think that  
22 is bogus.

4  
(CR-2)

5  
(NO-1)

6  
(TR-4)

23 I attended all of the public meetings, and  
24 UC and the developer concealed the historic significance  
25 of the site from the public. Our association nominated

7  
(CR-1)

1 it as soon as we learned, and it's now listed on the  
2 California Register. Last week the San Francisco  
3 Historic Commission expressed strong support for the  
4 resource, and also wanted to know more about our  
5 alternative.

6 The Fireman's Fund corporate headquarters and  
7 landscaping and building are an integrated composition  
8 that was designed to complement each other and promote  
9 the seamless integration between indoor and outdoor  
10 spaces. No employee was to be more than 40 feet from a  
11 window.

12 Our community preservation alternative is  
13 better because it would have the same number of housing  
14 units and it would preserve the landscaping, the  
15 115-foot cypress tree that's a holdover from the  
16 cemetery. And we ask that it be evaluated in the same  
17 degree of detail as the other alternatives in the EIR.  
18 Alternative C, their preservation alternative, has 26  
19 less housing units and it's unreasonably configured to  
20 have less.

21 So we hope for the extension. And I have a  
22 handout.

23 PRESIDENT HILLIS: All right. Thank you very  
24 much. Next speaker, please.

25 MS. GALBRECHT: My name is Holly Galbrecht. I ↓<sup>1</sup> (GC-3)

7  
(CR-1)  
cont'd

8  
(AL-2)

9  
(AL-3)

10  
(GC-3)

I-Galbrecht1

1 live one block from 3333 California, on Presidio Avenue. <sup>1</sup>(GC-3)  
2 I would like to request a 15-day extension. And I fully <sup>2</sup>(AL-2)  
3 support the community full preservation alternative, and  
4 I support everything the last speaker, that Kathy said.  
5 Thank you.

6 PRESIDENT HILLIS: Thank you. Next speaker,  
7 please. Ms. Hillson. And I'll call some more names. MJ  
8 Thomas, Sonya Dolan, Tina Kwok, Abe Lee, Kelly  
9 Roberson, Debra Seglund, and Anne Harvey.

10 MS. HILLSON: Hi. I'm just waiting for a reset.

11 PRESIDENT HILLIS: Go ahead. You'll get extra  
12 time. Keep going.

13 MS. HILLSON: Good afternoon, commissioners. In  
14 regards to the adequacy, completeness and accuracy of  
15 the DEIR, getting back to the subject of the matter <sup>1</sup>(GC-3)  
16 -- however, I do have to throw this line in: I urge that  
17 the 12-24 DEIR deadline be extended 15 days.

18 I would like the overhead, please. As you can  
19 see from -- thank you so much to the planning department  
20 for providing this picture. It is the site of the  
21 existing property. Over four decades ago, the Chronicle  
22 described the site as having "pleasant green lawns  
23 and plantings that enhance the handsome low lines of the  
24 simple building designed by Edward B. Paige," unquote.

25 The DEIR does not mention that the cultural <sup>2</sup>(GHG-1)

1 resource of remnant large mature trees from Laurel Hill  
2 Cemetery that were incorporated into the Fireman's Fund  
3 building site as historic character-defining features  
4 are work horses in mitigating greenhouse gas emissions.  
5 Planting small trees over a span of 15 years, as if that  
6 would provide equivalent or reduced greenhouse gases  
7 from thousands of vehicle miles traveled associated with  
8 the new retail uses to negatively impact everyone's  
9 health is very concerning.

2  
(GHG-1)  
cont'd

10 As you can see from this diagram, you'll see  
11 Masonic Avenue here and Pine Street from downtown.  
12 Three lanes one way will be heading pretty quickly up  
13 that hill towards Euclid Avenue. There's already a lot  
14 of vehicles that go through there, and I don't think  
15 this has been adequately studied along what I just said.

3  
(TR-3)

16 Historically, the site was designed to have  
17 commercial on California only. I have some records from  
18 Chronicle. The Jordan Park Improvement Association  
19 Board opposes the retail on the Euclid side. I would  
20 submit this less than 150-word summary according to  
21 Sunshine 67.16 for the minutes. Thank you so much.

4  
(ME-1)

22 PRESIDENT HILLIS: Thank you. Next speaker,  
23 please.

I-Roberson1

24 MS. ROBERSON: Hello. I'm Kelly Roberson and I  
25 strongly urge the commission to grant a 15-day extension

1  
(GC-3)

1 of the due date for comments on the DEIR. It's a  
2 lengthy document, and we need some time to process it.

1  
(GC-3)  
cont'd

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

2  
(PD-1)

11 The two towers at Rincon near the Embarcadero  
12 were 709 units, started in July 2012, finished August  
13 2014. Less than three years.

14 The Paramount Building, Mission and 3rd, 495  
15 units, started in 2002 -- sorry, started in 2000,  
16 completed in 2002. That's less than three years. All  
17 of these projects, soup to nuts, done. Obviously, we have  
18 very competent construction companies in San Francisco;  
19 I'm sure they can manage it.

20 Okay. So, in addition, most people in our  
21 neighborhood would very much like to maintain the height  
22 limits in the existing zoning. There's a 40-foot  
23 height limit, and in the neighborhood full preservation  
24 alternative, these height limits would be maintained.  
25 That avoids significant shadowing at sunrise and sunset

3  
(AL-2)

4  
(WS-2)



1 on the east and the west sides of the site because  
2 the existing residences, apartments, neighborhoods,  
3 houses, will be affected by shadowing at the extreme ends  
4 and beginning of the day.

4  
(WS-2)  
cont'd

5 The Victorian character of our neighborhood  
6 should be maintained. And we prize it small scale  
7 residential qualities, but, you know, we can embrace new  
8 housing too. I think we can all work together.

5  
(ME-1)

9 If the proposed retail component is added,  
10 we're subjected to many additional car trips resulting  
11 in additional traffic congestion on already narrow  
12 streets. This is kind of problematic. And our  
13 neighborhood already has one large residential --  
14 or one retail shopping center at Geary and Masonic.  
15 And the Target store, I think, really has our big-box  
16 needs, retail needs, covered.

17 So thank you for your time. I appreciate it. I  
18 hope you have a good afternoon.

19 PRESIDENT HILLIS: All right. Thank you, Ms.  
20 Roberson. Next speaker, please.

21 MS. THOMAS: Good afternoon. My name is M.J.  
22 Thomas. I have lived in San Francisco all my life,  
23 except for ten years. I have lived within half a mile  
24 to a mile and-a-half the entire time during that period.  
25 Right now it's closer to less than half a mile.

O-LHIA7

1 I strongly urge the planning commission to 1 (GC-3)  
2 grant a 15-day extension for the DEIR. I am in favor of 2 (PP-1)  
3 retaining zoning as residential only. That was the  
4 intention originally by the gentleman who developed  
5 Laurel Heights as well as Antivista Heights. He was  
6 going to develop this area; unfortunately, he died  
7 before that happened.

8 I am not in favor of seven to 15 years of 3 (PD-1)  
9 ongoing construction, 50,000 square feet of commercial 4 (ME-1)  
10 space, 50,000 square feet of retail, and carving under  
11 much of the hill for a three to four-story garage with 5 (TR-7)  
12 exits onto Presidio and California, which is already a  
13 3-ring circus, or out towards -- on Laurel, which is  
14 opposite one of two exits of the Laurel Village parking  
15 lot.

16 I am against chopping the building in half. 6 (CR-1)  
17 And this building is part of the California historic  
18 site. And I am -- the plan was to raise the sections,  
19 the other two sections, by two or three stories, so I do  
20 not concur with that.

21 The present plans are ludicrous and, to my mind,  
22 will be San Francisco's great urban real estate tragedy  
23 of the 21st century. Please consider the same 7 (AL-2)  
24 alternative plan.

25 Also, to point out, we're going to have a lot 8 (CU-1)

1 of action in that particular neighborhood because two  
2 blocks away in 2019 Children's Hospital will be torn  
3 down and there will be 307 units developed there. So  
4 that's something to consider, that we are not without  
5 new housing. Thank you.

8  
(CU-1)  
cont'd

6 PRESIDENT HILLIS: Thank you, Ms. Thomas. Next  
7 speaker, please.

I-Dolan

8 MS. DOLAN: Hello. My name is Sonya Dolan, and  
9 I strongly urge the planning commission to grant a  
10 15-day extension to the due date for the comments on  
11 this DEIR.

1  
(GC-3)

12 In addition, I'd like to say that the community  
13 full preservation alternative will protect the retail in  
14 Laurel Village and on Sacramento Street where I live.  
15 More retail is unneeded, unwanted, and will compete  
16 directly with the small businesses already in place.

2  
(AL-2)

3  
(ME-1)

17 The addition of a large retail area will add an  
18 immense amount of traffic and congestion. Both  
19 California and Pine and Masonic Streets are used to get  
20 across the city. The proposed project would put a huge  
21 snarl into these thoroughfares. That's not to mention  
22 noise, light, and air pollution it will add to the very  
23 lengthy construction period and after.

4  
(TR-3)

5  
(NO-1)

6  
(AQ-1)

24 If you have not visited the area, it is truly a  
25 neighborhood in the traditional sense, and the proposed

7  
(AL-2)

1 construction would destroy that aspect. My husband and  
2 I have lived across from the proposed site -- we can see  
3 it from our window -- for eight years, and we fully  
4 support the community full preservation residential  
5 alternative for 3333 California. Thank you.

7  
(AL-2)  
cont'd

6 PRESIDENT HILLIS: Thank you. Next speaker,  
7 please.

I-Kwok2

8 MS. KWOK: Good afternoon, my name is Tina  
9 Kwok. I live in Laurel Heights, and I strongly urge  
10 the planning commission to please grant the 15-day  
11 extension for the due date of the comments of the DEIR.  
12 It is a lengthy, complex document and we're in full  
13 force into the holidays. Thank you.

1  
(GC-3)

14 I support additional housing and the Laurel  
15 Heights community alternative plan for the development  
16 of 3333 California Street, a 10-acre site. It projects  
17 a three-year plan build-out rather than the seven to 15  
18 year planned construction time. One can imagine the  
19 noise, traffic, congestion, dirt, pollution in the air and  
20 on the ground that this would make the neighborhood go  
21 through.

2  
(ME-1)

3  
(AL-2)

22 Millions of tons of dirt to be excavated. The  
23 construction takes almost half of a generation, assuming  
24 the 15-year build-out proposal. If you have a toddler  
25 in your household, similar to the gentleman earlier here

4  
(GC-1)

5  
(PD-1)

1 who was supporting the site, this toddler will be in  
2 college by the end of this project.

5  
(PD-1)  
cont'd

3 And San Francisco needs housing right now, not  
4 to wait for 15 years. San Francisco has a need for  
5 housing now. Please consider that. I'm sure that  
6 people don't want to wait that long.

7 The construction period also brings congestion  
8 and chaos to the major commute route which is  
9 California Street, Pine Street, Bush, Euclid, to and  
10 from the Richmond area, not just for the Laurel Heights,  
11 Jordan Park, Presidio Heights area.

6  
(TR-6)

12 The segment of Euclid Avenue on this site that  
13 is planned for retail is hilly and windy, and, you know,  
14 I'm sure you've driven past it. People with dogs have  
15 walked past it. And in my personal opinion, it's not  
16 conducive to a leisurely casual, strolling shopping  
17 afternoon.

7  
(ME-1)

18 I support the preservation of this site for  
19 significant historical architectural reasons as well as  
20 preservation of the 180-plus rare species of trees.

21 My husband and I call the houses on this 500  
22 block of Laurel Street across from the site "The  
23 mid-century ladies," fondly, just as others fondly refer  
24 to "The painted ladies" on Alamo -- across from Alamo  
25 Park.

1 I urge the commission to, again, please  
2 consider the time extension. Thank you very much. 8  
(GC-3)

3 PRESIDENT HILLIS: Thank you. Next speaker,  
4 please.

5 MS. GLICK: Good afternoon, Commissioners. My  
6 name is Linda Glick. I'm a resident --

7 PRESIDENT HILLIS: Just pull the mic over to  
8 you so we can hear.

9 MS. GLICK: I'm a resident of San Francisco for  
10 49 years and a resident of Laurel Heights for the past I-Glick1  
11 15 years. Before I begin, I, too, urge you to consider a 1  
12 15-day extension of the due date for comments of this (GC-3)  
13 DEIR due to its length and complexity.

14 Today I'd like to explain the history of the 2  
15 restrictions placed on the site by the planning (PP-1)  
16 commission and the community use of green space as a  
17 park. The same developer who built Laurel Heights  
18 residential tract in Antivista, was going to build a  
19 residential tract on this site, but he died. The school  
20 district acquired the property for a possible site for  
21 Laurel High School, but decided to locate that elsewhere  
22 and sell the site. The district could get 50 percent  
23 more money from the sale of it if it could rezone it  
24 from first residential to commercial.

25 The district went through its first attempt at ↓

1 rezoning due to community opposition, as can be seen  
2 here. Finally, a deal was struck with the community  
3 that resulted in restrictions stated in Resolution 4109  
4 that include 100-foot landscape setbacks along Laurel  
5 and Euclid Streets and a ban on retail uses of this site.

6 Under Planning Code Section 174, such  
7 stipulations as to character of improvements become  
8 provisions of the planning code and can only be changed

9 by the board of supervisors. The EIR identifies the  
10 concrete pergola atop a terrace planting feature facing  
11 Laurel Street as a character-defining resource --  
12 defining feature of the resource. The EIR explains that  
13 it's characteristic of mid-century modern design. The  
14 use of patios, pergolas, and interior courtyards created  
15 a welcoming transition area where the inside and outside  
16 merged.

17 Through the years, the community has used the  
18 green landscape spaces for recreational purposes, and a  
19 lawyer has stated that the public has acquired permanent  
20 recreational rights on the green spaces.

21 There's a lot of talk about preserving  
22 neighborhood character. Laurel Hill has always been a  
23 place where neighbors gather, children learn sports from  
24 their parents, and a community is formed. These community  
25 bonds will not be formed along meandering concrete

2  
(PP-1)  
cont'd

3  
(CR-1)

4  
(PD-5)

5  
(PD-3)

1 pathways.

5  
(PD-3)  
cont'd

2 I and the entire community strongly support our  
3 full preservation alternative that protects these  
4 cherished historic features of this important and iconic  
5 site. Thank you.

6  
(AL-2)

6 PRESIDENT HILLIS: Thank you. Next speaker,  
7 please.

8 MS. SEGLUND: Hi. My name is Debra Seglund.

9 I'm a -- I live about one block from the new proposed I-Seglund  
10 site. And I, like everyone else, would strongly urge  
11 the planning commission to grant a 15-day extension of  
12 the due date for comments on the Draft EIR. It is a  
13 lengthy and complex document.

1  
(GC-3)

14 My concern environmentally has been regarding  
15 traffic. I would like to ask that retail and the office  
16 sections of the plan be eliminated. The traffic  
17 estimates by our neighborhood group has said that there  
18 will be 12 to 15,000 visits in our neighborhood to use  
19 those services a day. And, to me, 12 to 15,000 sounds  
20 enormous.

2  
(TR-3)

21 And living already in that area, we already have  
22 a lot of traffic problems and parking problems, and I  
23 just can't envision more retail and office use. So -- and  
24 in regard to retail, we have the Laurel Village. We have  
25 so much. There's not a service that we don't have.

3  
(ME-1)



1           There's not a restaurant or anything of that type that  
2           we need. It's all in our neighborhood. So I can't -- I  
3           think we'll have open areas. Already Mayor Breed is  
4           trying to help in our city people finding ways to use  
5           brick and mortar places because they're not being  
6           utilized, so would we add more square footage to that  
7           problem?

3  
(ME-1)  
cont'd

8                       So, anyway, I do support our neighborhood  
9           alternative plan, and I hope you will consider removing  
10          the retail and office areas. Thank you.

4  
(AL-2)

11                   PRESIDENT HILLIS: Thank you. Next speaker,  
12           please. And I'll call a couple more names. Arielle  
13           Mouller, Michael Coholan, Adam McMichael, Joe Catalano.  
14           Go ahead.

15                   MS. HARVEY: Good afternoon. My name is Ann  
16           Harvey. My senior citizen husband and I have lived in San  
17           Francisco since 1976 both as renters and homeowners. Our  
18           two sons were born here, raised here, grade school,  
19           primary school, high school, on to college and grad  
20           school. They're both young professionals. They both want  
21           to live in the city and have their homes here. We've  
22           had -- our home's multi-generational too, was taking care  
23           of my parents, and we also take in students.

I-Harvey2

24                   We were very excited to hear that this property  
25           was going to be developed. I know intimately I don't

1  
(ME-1)

1 live right near there; I live down the way in Cow Hollow  
2 right now. But we've lived in the Western addition;  
3 we've lived on Lake Street. I'm totally familiar with  
4 this area, and I think there's real opportunity here where  
5 we can plan something nice and wonderful for the city.  
6 What I'm seeing proposed is, frankly, awful.

1  
(ME-1)  
cont'd

7 One son's a physician, one's an economist.  
8 They want to raise their families here. They want --  
9 they're upset about prices in the city and they want  
10 a place where they can raise their family. We always  
11 thought about moving out of the city for a while, but we  
12 stayed here. We raised our family here. They went to  
13 nursery school. They could walk home, and they were safe.

14 And when I'm seeing what's being proposed here,  
15 I'm sick. And I listened to what Mr. Safier said about  
16 not being walkable. I walk that area all the time. I'm  
17 70 years old and I walk up that hill and down the hill.  
18 I walk home.

2  
(ME-1)

19 What was I going to say? I support the  
20 extension to, if you want, written comments. It's worth  
21 the time to be able to digest the draft -- Draft EIR,  
22 whatever it is. Anyways, people talk about architecture.  
23 Well, this is not just buildings, it's landscape, one ball  
24 of what's together.

3  
(GC-3)

4  
(ME-1)

25 And I thought -- I don't know who designed this

1 thing, but they should -- I was here when the preservation  
2 commission was considering this project and what about  
3 the history and the landscape, and I thought Mr. Pearlman  
4 really listened closely to what was going on. And they  
5 need real help and designs, what really works. And take  
6 into consideration some of this stuff about walkability.  
7 Maybe they should consult with him. Thank you very  
8 much.

4  
(ME-1)  
cont'd

9 PRESIDENT HILLIS: All right, thank you, Ms.  
10 Harvey. Next speaker, please. And I've called all the  
11 names I have with cards, so if others would like to  
12 speak, please line up on the screen side of the room.  
13 Welcome.

I-Mouller

14 MS. MOULLER: Hi. I'm Arielle Mouller. I live  
15 On Euclid, and I'm really much in support of more housing  
16 as much and fast as possible. So I'm here in support of  
17 the Prado Project.

1  
(ME-1)

18 That said, I had never heard of the community  
19 project before. I don't know if it's in the  
20 documentation, and I'm sorry if I missed it in the EIR.

2  
(AL-2)

21 If that's the fastest way to build, sure, I  
22 would be very much in support of the community program.  
23 I don't know if they have secured a developer yet, and  
24 I know it's really hard to secure one without retail  
25 attached to the project, but if that's the case, that

↓

1 might be a faster way. Otherwise, if that's not  
2 possible, the fastest way may be to accept retail on  
3 site.

2  
(AL-2)  
cont'd

4 PRESIDENT HILLIS: Thank you. Next speaker,  
5 please.

6 MR. CATALANO: Could we possibly get that  
7 activated?

8 PRESIDENT HILLIS: Yeah, it will come up. Go  
9 ahead. Just start speaking.

10 MR. CATALANO: Hi. My name is Joe Catalano. I  
11 live at 3320 California Street, directly across the O-CSHG2  
12 street from the project's proposed retail. My wife and  
13 I represent a group of 40 homeowners and residents who  
14 live on that block between Laurel and Walnut, on  
15 California Street.

1  
(GC-1)

16 The Draft EIR fails completely to recognize the  
17 impact of this project on our group. The developer has  
18 been attentive to our interests. We have met with him  
19 on several occasions. They have listened to us. Now is  
20 the time for the developer, the commission, the  
21 department, and the city to recognize the specific and  
22 unaddressed impacts that this project, in its current  
23 form, will have on our neighborhood.

24 We are 40 residents. In addition, there are 11  
25 other neighborhood occupants whose garages enter by

2  
(TR-7)

1 backing into California Street between Laurel and  
2 Walnut. Right now, that's a hazardous proposition with  
3 the construction proposed, with the development  
4 proposed. It will be become basically untenable. The  
5 Draft EIR does not address this. It obviously, then,  
6 can't mitigate something it hasn't addressed.

2  
(TR-7)  
cont'd

7 The proposed intrusion of a lane for  
8 construction purposes on California between Laurel and  
9 Walnut will constitute a taking of available parking  
10 currently, which would last for years. The proposed  
11 imposition of a commercial loading zone on the street  
12 side of California Street, rather than putting  
13 construction staging and construction loading and  
14 commercial loading within the confines of the project  
15 is unacceptable, an intrusion, and taking of existing  
16 property interests.

3  
(TR-6)

4  
(TR-10)

17 The Draft EIR does not address, nor does it  
18 adequately mitigate because it doesn't address, the  
19 effect of taking the streetscape away and taking the  
20 view you see in the overhead and putting it behind the  
21 project's walls. The requested zoning between California

5  
(CEQA-2)

22 and Laurel to 45 feet instead of the currently permitted  
23 40 feet is an unacceptable denial of light and air and  
24 will create shading on the residents who share our  
25 perspective.

6  
(WS-2)

1           So I want to join those who have asked to get  
2           an additional 15 days, not just for the reasons stated,  
3           but also to continue the dialogue that has existed with  
4           supervisor Stefani and with the developers.

7  
(GC-3)

5           PRESIDENT HILLIS: Thank you very much. Next  
6           speaker, please.

7           MR. MUNNICH: I'm just using your handout. Thank  
8           you.

9           My name is Ed Munnich. I don't live in the  
10          neighborhood. I live in the Richmond at 568 Balboa.  
11          And we very much wanted to live in this neighborhood.  
12          My wife was working at Mt. Zion Hospital -- or Mt. Zion  
13          campus of UCSF at the time. I work at USF. We don't  
14          own a car. We walk and use transit. And this was an  
15          area, as many of the neighbors have pointed out, where  
16          there were a lot of -- all the stores we needed were  
17          within walking distance. There was transit available.  
18          And what was really frustrating was that, even with a  
19          physician and a professor's salary, we weren't able to  
20          afford to live in that area.

O-YIMBY2

21          What I understand of the EIR, I think it's a  
22          very thorough process. There's been much public comment  
23          on the EIR, and I would just like to say we really need  
24          this housing. We live in the Richmond because we  
25          couldn't afford this area. And I hear the neighbors

1  
(GC-1)  
2  
(ME-1)  
↓

1 talking about how much they love their community. But,  
2 honestly, when I look at this picture, this campus  
3 doesn't look anything like the community around it.  
4 When I walk by there, there's a street grid everywhere  
5 around it except here.

6 This was a mid-century architectural  
7 development in the same way that -- the mid-century they  
8 were planning to put freeways through Golden Gate Park.  
9 Thankfully, our city didn't take that direction.

10 And I really hope that you consider the overall  
11 effects on the city. And I would just assure the  
12 neighbors from the neighborhood -- you're probably pissed  
13 off at me for saying what I'm saying; I don't live in  
14 your neighborhood. But when it's time to build in the  
15 Richmond, especially on the Geary, Balboa and Fulton  
16 corridors, I'll be here speaking for those projects as  
17 well.

18 And I understand the environmental impacts of  
19 the noise, and we're all going to have to do that,  
20 because I'm committed to the people of San Francisco.

21 I'm committed to the people who made this city what it  
22 is, the creative people, the people who are being  
23 displaced from their housing. And the environmental  
24 impact that this is not having -- it's not displacing  
25 anyone. There's no housing being lost to build this.

2  
(ME-1)  
cont'd

3  
(NO-1)

4  
(PH-1)

1 There's no rent controlled or affordable housing being  
2 taken out to build this, unlike many projects around the  
3 city.

4  
(PH-1)  
cont'd

4 So I would just urge you, please, to move forward  
5 on this. If you do give extra time for comment, I'd  
6 like to hear specific concerns with the EIR. I haven't  
7 heard that many today, except that we're all going to  
8 have to deal with some construction noise if we want the  
9 city to be the vibrant city that it is. Thank you.

5  
(ME-1)  
6  
(GC-3)

10 PRESIDENT HILLIS: Thank you. Next speaker,  
11 please.

12 MS. MASSENBERG: Good afternoon, commissioners  
13 and staff. I'm Maryann Massenberg. And I have lived a  
14 hundred feet from the proposed site for -- since 1972.  
15 We've lived in one of the small houses that was on the  
16 outskirts of the city cemetery when this was the cemetery  
17 site. And the row of houses on Laurel were actually  
18 built for low-income cemetery workers, just to give  
19 you a little historical perspective.

I-Massenburg

20 I'm going to address the EIR in a moment, but I  
21 also want to remind us that we absolutely need more  
22 housing; we're in support of more housing. But we need  
23 and need to stress affordable housing. We don't need  
24 more housing for rich people. So we very much are  
25 looking forward to hearing from the development group

1  
(ME-1)



1 about affordable housing.

2 Turning now to the EIR, I share the concerns  
3 about the construction noise, the air pollution and the  
4 duration of the construction of the currently proposed  
5 project. [I have concerns, too, about the open space] but

6 mostly I want to address parking and the parking deficit  
7 and traffic congestion we already have in the  
8 neighborhood.

9 Having lived in the neighborhood for 46 years,  
10 we've seen increasing congestion, even those of us with  
11 residential parking permits. Many of these homes were  
12 built before any parking requirements were made by the  
13 city, so many of them don't have garages or garages  
14 large enough, so most of us are looking for parking all  
15 the time on the street. And it requires -- over all  
16 these years, it requires many trips around many blocks.  
17 And often times we end up parking, even at night, three  
18 or four blocks away and then walking home from there.

19 If you go through the neighborhood, you see many  
20 people and homeowners and renters illegally parking  
21 across the sidewalk, for which we often are ticketed, and  
22 that's simply because we can't find parking. So we  
23 already have a significant parking problem.

24 And the EIR has a section which talks about a  
25 study in New York and New Jersey that proposes the

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(ME-1)  
cont'd

2  
(GC-1)

3  
(PD-1)

4 (PD-3)

5  
(TR-11)

1 premise that if you have fewer parking spaces and fewer  
2 garages, than people will have fewer cars and drive  
3 less. In the development of the neighborhood, the  
4 neighborhood has been built out over the last several  
5 years. There used to be lots of vacant lots.

6 There's been significant additional buildings  
7 on California Street across from the proposed site.  
8 That did not, in my experience, reduce the number of cars;  
9 it's only increased the congestion.

10 So I would ask you to consider, in the EIR, looking  
11 more closely at the number of parking spaces proposed. If  
12 there are that many housing units, we need more parking.  
13 I don't think it really bears out that there have been  
14 fewer cars, because we have fewer garages. And, you know,  
15 with all due respect, we choose to live in San Francisco,  
16 not in New York City. Thank you.

17 PRESIDENT HILLIS: Thank you. Next speaker,  
18 please.

19 MR. SMITH: Good afternoon, commissioners.  
20 Cory Smith, on behalf of the San Francisco Housing  
21 Action Coalition. We have not formally reviewed this  
22 project yet, so we do not have a position. I do look  
23 forward to diving into the details when we have that  
24 opportunity ahead of the next hearing.

O-SFHAC

25 So speaking more generally, there are a couple

5  
(TR-11)  
cont'd

↓<sup>1</sup>  
(ME-1)

1 of alternatives there. We will encourage to you, we  
2 will encourage the project team as well, to maximize the  
3 amount of housing on this. We're talking about 744  
4 total new homes for San Francisco families, for San  
5 Francisco young folks, people like me. And I think  
6 that's a really exciting opportunity.

1  
(ME-1)  
cont'd

7 This is kind of nestled between Sacramento and  
8 California, but we're also a couple blocks away from Geary  
9 Boulevard. For people like me who are going to  
10 continuously advocate for a Muni expansion, either below  
11 ground -- I'm a big fan of the 15 feet above ground. It's  
12 a much easier and less expensive way to do light rail  
13 service across San Francisco. I realize we're not there  
14 yet, and it's really tough for a lot of people to kind of  
15 envision what that would look like.

2  
(TR-9)

16 I plan on riding that subway, that  
17 Muni line at some point in my life right now on Geary  
18 Boulevard. And this will literally be about a block  
19 and-a-half away, and folks will be able to get downtown,  
20 and it's all kind of part of the longer vision of  
21 everything that we're going for.

22 A comment, I guess, on retail use. I live down  
23 on Masonic towards the other end, towards the Haight  
24 Ashbury, so I'm actually at this corner all the time.  
25 For those of us that drive up north on Masonic and then

1       you're right down Bush, that is the quickest way to get  
2       downtown.

3               Everything happening around the area is really,  
4       really cool. The Lucky Penny has been mentioned a number  
5       of times. So this is -- yeah it's going to be a new  
6       neighborhood. It's going to be a new community. And for  
7       all of the shops and businesses along that area, there's  
8       also going to be customers. So all the small business  
9       owners are really going to benefit from the increased  
10      amount of traffic, foot traffic that's going to be  
11      coming up and down in the area and, again, spending money  
12      at these small businesses.

13             From the EIR itself and the environmental  
14      impact, it can't be stated enough that the number one  
15      threat to our planet right now is global warming, from a  
16      30,000 foot big picture perspective. And if we don't  
17      build these 744 homes here, they are going to be built out  
18      in Modesto and Merced and Fresno, and those people are  
19      going to be commuting into the San Francisco Bay Area  
20      because this is a fantastic place to be, and that will  
21      end up putting more CO2 into the air. It will slowly,  
22      slowly, slowly continue to kill our planet, and that's  
23      what we're all trying to avoid.

24             We love the fact that all the neighbors are  
25      advocating for the streamline construction process. I

3

(ME-1)

4

(GHG-3)

5

(PD-1)

1 hope that that can also apply to the permitting and  
2 approval process. So I echo all of them, and make this go  
3 faster. Let's build this faster. I think that's  
4 commendable, because everybody does understand that we do  
5 need more homes for people to live in.

5  
(PD-1)  
cont'd

6 And, of course, to close, in reference to the  
7 Draft EIR itself, I ask you to look at it through the  
8 lens of the quality of the EIR and not the project  
9 itself, which we will have a hearing on in the future.  
10 Thank you.

11 PRESIDENT HILLIS: Thank you. Next speaker,  
12 please. And if there is anybody else that would like to  
13 speak, now is your time. Please line up on the screen  
14 side of the room.

I-Varrone

15 MS. VARRONE: Yeah, hi. My name is Joan Varrone  
16 and I live directly across the street from the project at  
17 3320 California Street, between Laurel and Walnut. And we  
18 are actually a residential neighborhood. I think no one  
19 has really acknowledged that, particularly when I  
20 read the Draft EIR and I look at what is being proposed.

1  
(PD-2)

21 We are 40 different residential units. We have  
22 over 100 people living directly across the street,  
23 including probably 30 children or more, and elderly. And  
24 if you are elderly, you will die before this project is  
25 finished. You "may" die. Sorry. Not you "will" die.

1           The proposed time frame of seven to 15 years,  
2           not only will have a negative impact on our  
3           neighborhood, the neighborhood with the 100 residents.  
4           Let's not forget about those people that are directly  
5           across the street. But everyone here has mentioned how  
6           unconscionable it is that this neighborhood will be held  
7           hostage to a seven to 15-year construction period when,  
8           in fact, many people have recognized here -- because  
9           I've been here during the whole time -- that this does  
10          not have to take that long, and that the residential  
11          alternative which we support could be done in far fewer  
12          years. In fact, people have talked about three years.

13          When we -- We've had many discussions with the  
14          developers, and we really appreciate that they have had  
15          those discussions. However, in those discussions when we  
16          asked how long will the development take, we were told two  
17          to three years, many times. So when I looked at the draft  
18          EIR, I almost dropped my teeth. Seven to 15 years,  
19          that is so unconscionable.

20          The other two things that are unique to our  
21          concerns that were not addressed in the EIR is the fact  
22          that the developers are proposing a commercial loading  
23          zone directly across the street from where these hundred  
24          people live and, all along, again, in discussions with  
25          the developer, they asserted that all commercial loading

2  
(PD-1)

3  
(TR-10)

1 would be underground. Again, when we read the draft  
2 EIR, we were shocked to find that. And that loading  
3 zone would be there after the project is over. So this  
4 is not a temporary thing.

5 There was a mitigation suggested in the EIR  
6 which we think is not viable. They suggested, because of  
7 the traffic impact of commercial loading, that the  
8 loading happen before 7:00 a.m. and after 7:00 p.m.  
9 Well, if you're one of the hundred people that live  
10 across the street, that makes absolutely no sense. And  
11 I think what was ignored were the hundred-plus people  
12 across the street when you're considering a commercial  
13 loading zone.

14 PRESIDENT HILLIS: Thank you very much. Thank  
15 you. Next speaker, please.

16 MS. ALSCHUELER: Hi. Good afternoon. My name  
17 is Donna Alschueler and I also live in the neighborhood.  
18 I just missed this entire hearing up 'til now. I am  
19 very, very concerned that when the building is taken  
20 down, when the UC is cleared -- I'm extremely concerned  
21 about asbestos contamination. I do not know how that  
22 is going to be handled, but I just wanted to let you know.  
23 Thank you.

24 PRESIDENT HILLIS: All right. Thank you. Any  
25 additional public comment on this item? No? Okay.

3  
(TR-10)  
cont'd

I-Alschueler

1  
(HZ-1)

1       Seeing none, we'll close public comment.

2               I just wanted to ask a clarifying question. On  
3       the 15 days, do we -- I mean, I would support extending  
4       this 15 days, but I don't think we have the authority to  
5       do it; I think only -- only you do. But we can encourage  
6       you to do it. Is that right, Ms. Gibson?

7               MS. GIBSON: President Hillis, I can answer  
8       that question. In fact, you do have the authority. The  
9       Chapter 31 of the Administrative Code allows for  
10      extension of the Draft EIR comment review period by  
11      either the environmental review officer or by the  
12      commission. And, you know, we've asked that that be by  
13      a vote for clarity.

14              And, if I may, I'd like to note that I  
15      did respond to a prior request for extension of  
16      this comment period for this Draft EIR, and I can  
17      explain the basis for my decision that, in fact, it  
18      wouldn't be warranted here. That's, again, my --

19              PRESIDENT HILLIS: Right. I agree. It doesn't  
20      seem like the most complex EIR. We've certainly seen  
21      projects that are a lot more complex in a lot more  
22      truncated time period. I think the holidays caused some  
23      concern. This project is going to take a while to  
24      get through the process. I don't think 15 days  
25      is going to -- is going to be a factor. So I would



1 support the extension, but I get your rationale and agree  
2 with it.

3 And then there was discussion of the community  
4 alternative. I think it was flashed quickly by Ms.  
5 Devincenzi, but I haven't seen anything. Do we have  
6 this alternative?

7 MS. GIBSON: According to staff who have been  
8 reviewing the comments that have come in, we don't  
9 recall receiving that yet. Of course, the comment  
10 period hasn't yet closed, so we hope that we will  
11 receive some more information about that.

12 PRESIDENT HILLIS: Okay. And, Ms. Devincenzi,  
13 do you have that? Do you want to submit that to us at  
14 this point? I mean, it would be great. It seems like a  
15 lot of people have seen it and have commented on it. It  
16 would be great to have it.

17 MS. DEVINCENZI: So we have a draft of it and  
18 we're going to submit it. We had asked that this be  
19 postponed to put our alternatives --

20 PRESIDENT HILLIS: I get it.

21 MS. DEVINCENZI: -- EIR and it wasn't done.

22 PRESIDENT HILLIS: Right. But if you have it --

23 MS. DEVINCENZI: -- submit it as comments.

24 PRESIDENT HILLIS: Okay. But it would be good  
25 to get it. It seems like a lot of people have seen it

1 and we haven't, staff hasn't, the developer hasn't --

2 MS. DEVINCENZI: I just put it out last night  
3 and I have to do a little more checking and there are  
4 legends that go with it.

5 PRESIDENT HILLIS: Okay.

6 MS. DEVINCENZI: We just have the drawing.  
7 There are legends how many housing units and things, so  
8 it's not finished yet. But we will get in there and --

9 PRESIDENT HILLIS: But there's a lot of  
10 support for it, so it seems like people are supporting  
11 it, but if nobody's seen it, I don't know how they're  
12 quite supporting it. But I get you.

13 MS. DEVINCENZI: We just got the drawings last  
14 night, sir. We're working as fast as we can.

15 PRESIDENT HILLIS: Okay. Thank you very much.  
16 So we'll open it up to comments on the DEIR.  
17 Commissioner Moore.

A-CPC-Moore

18 COMMISSIONER MOORE: The document as constructed  
19 is accurate and well set up. It follows pretty much of  
20 what the department has done. I think it is thorough,  
21 except where it comes to process. And I will repeat  
22 what I have said in different circumstances. I think  
23 projects of this size have been recommended to be  
24 introduced to the public and to the commission in public  
25 hearings with soft presentations and introductions of

1  
(GC-1)

2  
(CEQA-4)

1 the project which, in this particular case, again, has not  
2 occurred.

2  
(CEQA-4)  
cont'd

3 I'd like to remind the commission and the  
4 public how smoothly 1 Oak, the Goodwill site, India  
5 Basin, Shipyard 2, Schlage Lock, Lucky Penny and CPMC  
6 ultimately were in these huge EIRs because they were  
7 properly introduced to this commission and to the public  
8 who were interested in a manner that let public  
9 dialogue, commissioners' feedback of questions shape  
10 alternatives in a manner that they are not as clashing  
11 sitting here as today's comments indicate.

12 While many of the comments are not necessarily  
13 in response to the customary questions that DEIR hearings  
14 require, it was quite obvious that the community has  
15 comments and concerns that should have been flushed out  
16 in meetings where the commission themselves would have  
17 participated in hearing them.

18 So, that said, thank you, President Hillis. I  
19 would definitely ask for a 15-day and support a 15-day  
20 extension, because it is only through today's  
21 presentation by the developer that more clarity was  
22 brought to what's intended than what the document, even  
23 after very careful and painful reading, allowed me to  
24 gather.

3  
(GC-3)

25 And I'm a pretty good reader and quite versed

4  
V (PD-3)

1 in reading EIRs, and I'm quite versed in reading  
2 drawings, many of which were missing in this document.  
3 There were more elevations and sections than a proper  
4 description about the project and its planning diagrams  
5 and urban design intentions.

4  
(PD-3)  
cont'd

6 Moving on -- sounds like a negative comment --  
7 I'd like to speak about process and encourage people in  
8 the future with large projects to bring these projects as  
9 they develop, because this is the most futile ground to  
10 get what you ultimately need to go through the EIR and  
11 the environmental process, which is complicated. This  
12 department knows how to do that, except they can not fully  
13 respond to the community's feelings that you so very much  
14 brought to the table today.

5  
(CEQA-4)

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

6  
(PD-1)

20 The first thing I would ask is what is actually the  
21 phasing of this project? I think it's one of the most  
22 important projects -- most important questions, because  
23 the cumulative impact over extended periods of time in  
24 construction is more accentuated when it occurs over this  
25 length of time, and a healthy phasing diagram would

↓

1 clearly allow people to understand what the actual impacts  
2 are, relative to their own location near the project.

6  
(PD-1)  
cont'd

3 By the same token, I would be interested in  
4 seeing the EIR address cumulative impact on construction  
5 phasing and construction realization in the corridor,  
6 with the public mentioning that the large Children's  
7 Hospital's complex is being taken down in 2019.  
8 The demolition of that site and construction of a very  
9 large project on that particular site definitely has  
10 interactive cumulative effects together with what's  
11 intended here on the 3333 California Street site.

7  
(CU-1)

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

8  
(PD-3)

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

24 I support President Hillis' comment on  
25 a community preservation alternative. I would like that

9  
(AL-2)

1 to be visually added to the alternatives. I would like  
2 -- if at all possible, like to see that further  
3 evaluated. The seamless factor of the alternatives, as  
4 they're proposed, is a little bit disturbing to me  
5 because it is only about adding and subtracting pieces.  
6 There are not really any new ideas in the alternatives  
7 here, and this particular alternative may indeed add a  
8 completely different view on how the site is used and how  
9 the site lays itself out as a change in land use yet  
10 reflects adjoining community concerns -- for example, the  
11 location of retail, continued presence of office on the  
12 site, where retail is, et cetera, et cetera.

9  
(AL-2)  
cont'd

13 I believe that single-sided retail on, for  
14 example, the Euclid Street side -- on the Euclid Avenue  
15 side, is very questionable. The site itself is more or  
16 less a freeway. I'm sorry to use that word, but that's  
17 just what it is. And single-sided retail on very busy  
18 commercial corridors have a very small survival factor.

10  
(GC-2)

19 I see Commissioner Fong nod. And I like to use  
20 that empirical experience of where retail is strategically  
21 placed. That goes all around the site with a decline in  
22 retail corridors. Putting that much retail on all street  
23 frontages in this block is a question to me that I  
24 think creates a risk, a front end risk of retail of not  
25 succeeding.

1           So there should be a backup strategy, where we  
2 really want to support retail. Do we like to support  
3 retail intensification in Laurel shopping center, which is  
4 in front of this commission frequently? And do we expect  
5 more successful retail to be in the Sacramento and  
6 Presidio Avenue corridor? I'm just raising it as  
7 questions. I've spent quite a bit of time there.  
8 But the way at this moment the site is bordered in  
9 areas where it doesn't work, I would like the EIR  
10 to take a closer look at the realities of how we  
11 look at retail.

12           I spoke about cumulative construction  
13 effects for Children's Hospital. I spoke about  
14 support for the 15-day extension, adding the  
15 community preservation alternative, looking more closely  
16 at affordability relative to below-grade parking and  
17 affordability not being properly yet or clearly addressed  
18 in the document that's in front of us, and generally about  
19 process. But that is not as much a specific DEIR comment,  
20 but is an invitation for you to invite that as we move  
21 into the future and hear other EIRs. Thank you.

22           PRESIDENT HILLIS: All right. Commissioner  
23 Melgar.

A-CPC-Melgar

24           COMMISSIONER MELGAR: Thank you. So to start  
25 off, I would also support the extension of the review

10  
(GC-2)  
cont'd

11  
(CU-1)

12  
(GC-3)

13  
(AL-2)

14  
(PD-3)

15  
(CEQA-4)

1  
(GC-3)

1        period. | But I am wondering if that gives you enough <sup>2</sup>  
2        time, 15 days, to incorporate perhaps another (AL-2)  
3        alternative which we haven't even seen. So I'm  
4        actually interested in that alternative. I mean, I  
5        remember you guys worked pretty fast when we had another  
6        alternative for that Christian Scientist, you know, Church  
7        project. | So I -- I haven't heard anyone in the comments  
8        talk about the existing building's architectural  
9        aesthetics, but I actually really like that building.  
10       I've always really liked that building.

11                My dad was an engineer and he, you know, was  
12        partial to modern and house architecture, and it just  
13        reminds me of something that my dad would have worked  
14        on. So, I like the way the -- you know, it builds into  
15        the hill and the topography. And | so I would be really <sup>3</sup>  
16        interested to see what a preservation alternative looks (AL-2)  
17        like, if it actually works.

18                And just from an environmental point of view,  
19        reusing something is always more environmentally conscious  
20        than knocking it down and building it new. So I'd be  
21        interested in seeing that.

22                So does 15 days give you enough time to do that  
23        with people's holidays and stuff?

24                VOICE: Probably not.

25                MS. GIBSON: The extension of the public



1 comment period for the Draft EIR allows more time for  
2 the public to comment. Following the close of that review  
3 period, then the planning department will prepare a  
4 Responses To Comments document, and the schedule for  
5 that will depend, in part, on the nature and complexity  
6 of the comments that we receive.

7 COMMISSIONER MELGAR: Okay.

8 MS. GIBSON: So we'll take whatever time we  
9 need to adequately respond to the comments that the  
10 public provides.

11 COMMISSIONER MELGAR: Awesome. Thank you.  
12 There are some things about the proposed project that I  
13 do like, you know. I know that we're commenting now on  
14 the accuracy of the EIR and the adequacy. I do think  
15 it's adequate and it's thorough.

16 For what it's worth, you know, you brought up a  
17 point that I really hadn't thought about, Commissioner  
18 Moore, which is where the retail is and, you know,  
19 in terms of the traffic going in, too. So I will think  
20 about that more.

21 I actually like having the retail. I  
22 particularly like the child care component. I think  
23 there is a very large shortage of child care in this  
24 neighborhood. I spend a lot of time there because I  
25 spend a lot of time at a JCC, and, you know, I can tell

4  
(GC-1)

5  
(ME-1)

1           you, those slots are very, very sought after.

2                       So I think it's a good addition to the  
3 neighborhood. I would like to see some more flexibility  
4 about what type of retail goes in there. But I'm looking  
5 forward to having comments and having an extra period for  
6 those comments that come in.

7                       PRESIDENT HILLIS: Commissioner Koppel. A-CPC Koppel

8                       COMMISSIONER KOPPEL: Yeah, thank you. We  
9 don't often see housing projects on or near the west  
10 side; we don't see a lot of housing projects in  
11 District 2. So it's just good that we're actually  
12 spreading out the housing, not just on the eastern side  
13 of the town.

14                      I definitely think this is an opportunity site.  
15 I visited the site recently. Ten and a quarter acres is  
16 a pretty large chunk that we don't see very often.  
17 I've frequented the neighborhood often and I've  
18 always looked at this site as a dead zone. You just  
19 don't go in there. I mean, anywhere that's that large  
20 that's surrounded by a brick wall, I mean, halfway around  
21 the perimeter, I'm just -- I'm not a big fan of right  
22 there. That says to me, "Stay out; you're not welcome."

23                      The site to me is cold, uninviting, inactive,  
24 it has no retail, and it's way too car-oriented.

25                      This definitely has "opportunity site" written all over

5  
(ME-1)  
cont'd

6  
(GC-3)

1  
(ME-1)

1 it. I want to see as much done with this as possible.  
2 I do think the EIR, the Draft EIR, is fully adequate and  
3 accurate, and as far as I'm concerned, I want to make  
4 the most out of this site as possible. Thank you.

5 PRESIDENT HILLIS: Commissioner Richards.

A-CPC Richards

6 COMMISSIONER RICHARDS: So I guess on the  
7 process, scoping document goes out, shows what the project  
8 sponsor's programming needs or programming desires are for  
9 the site, it has the layout and the map proposed.

10 That's what we have here. And then the community should  
11 take a look at that and internalize that and say,  
12 "Here's our alternative plan," and maybe you would,  
13 at the time you did all this work, put that as, say a G  
14 or an H, or you change one of these alternatives. That's  
15 what the scoping process and scoping document is.

16 That all being said, it's a complex project,  
17 and I do support, as with Commissioner Moore and  
18 Commissioner Melgar, if there is a real viable  
19 alternative, I'd like to see it evaluated against the  
20 other alternatives.

21 The other thing is I think there is an  
22 inadequate alternative to the full preservation  
23 alternative. So I'd love to see, regardless of what it  
24 looks like, the project sponsor's programming needs in  
25 the full preservation alternative model. So would we

1  
(ME-1)  
cont'd

1  
(CEQA-1)

2  
(AL-1)

3  
(AL-2)

1 have to go eight stories? How do we get all this stuff  
2 squeezed into that site with the full preservation  
3 alternative? We always say a full preservation, we have  
4 office, then residential.

3  
(AL-2)  
cont'd

5 But what if we combined the two,  
6 B and C? What would that look like? Because we've  
7 got all these other alternatives that are different  
8 heights -- there's a lot of different variables, and  
9 it's hard to actually kind of compare them because you  
10 don't get the full programming one or the other; you get a  
11 partial, partial programming of that.

4  
(AL-1)

12 That all being said, since the landscape is an  
13 integral part of the I guess the historic nature of the  
14 site, as soon as you start putting anything on the  
15 landscaping, you've already degraded or defaced it, so  
16 there is no real full preservation alternative. I think  
17 the real full preservation alternative is no project  
18 alternative, right, because we just leave it like it  
19 is. So I'm struggling with that.

5  
(GC-3)

20 I do support the 15-day extension. I do  
21 -- I do understand from a circulation point of view where  
22 the department was going with reimagining the street grid  
23 as it is. We've had several projects that have come  
24 before us that actually we kind of put the street grid  
25 back, the power plant, Pier 70, there's projects in Selma,✓

6  
(ME-1)

1 and several in the Mission where you have that  
2 mid-block alleyway that actually connects the  
3 street grid. And I think that's a very desirable thing,  
4 but it does actually have a negative effect on the  
5 building.

6  
(ME-1)  
cont'd

6 You know, one of the other things for me is where  
7 else do we have these kind of office parks out there? So  
8 I used to work at HP on Deer Creek Road in Palo Alto --

7  
(CR-1)

9 PRESIDENT HILLIS: Walnut Creek.

10 COMMISSIONER RICHARDS: Walnut Creek, Palo  
11 Alto. So I'm kind of going -- I have to start weighing  
12 off. We do overriding considerations. What is  
13 -- are we destroying the last of its kind or are we  
14 actually really helping the city out and trying to keep  
15 some sense of what it used to be? I wouldn't call this  
16 facadism; it's a different kind of partial  
17 preservation or what this project has. But those are  
18 really my comments, mostly process-oriented.

19 PRESIDENT HILLIS: All right, thanks. Just on  
20 the -- I mean, one, on the EIR, I hope folks know the EIR  
21 is a tool for us and you to help evaluate this project. I  
22 think this EIR is one of the better ones we've seen. Any  
23 issue anybody brought up here is addressed in an  
24 alternative of the EIR. From no preservation to  
25 historic preservation, to partial historic preservation,

A-CPC-Hillis

1  
(GC-1)

1 it really gives us the flexibility to do almost anything  
2 as a result of this. And it analyzes the impacts, and  
3 it's meant as a tool to tell us and you what these  
4 impacts are going to be. So I wouldn't get too hung up  
5 on the EIR. I know Ms. Devincenzi's an expert on it  
6 and she can guide you, but the EIR works. I mean, the EIR  
7 is complete.

8 I would say there's two areas, you know,  
9 I don't think we've quite looked at or analyzed.  
10 One is the level of kind of historic importance  
11 that this building is. You know, when we declare  
12 something historic, any building now becomes the  
13 painted ladies or the most important building down-  
14 town.

15 And although I agree with Commissioner  
16 Melgar, I think this building is interesting. It's  
17 a D-plus as far as historic goes. I mean, it is  
18 not -- it's kind of a -- I'm sorry to tell you. Go take  
19 a look at it. Go take a look at it.

20 Hey, you know, what, I didn't comment when  
21 you all spoke, Mr. Frisbie. I didn't comment when  
22 you spoke, right?

23 MR. FRISBIE: That's true.

24 PRESIDENT HILLIS: Yeah. I didn't comment when  
25 you spoke.

1  
(GC-1)  
cont'd

2  
(CR-1)

1           So it's actually a historic example of bad  
2           planning. It's like the Sears building on Geary and  
3           Masonic. It's like some of the redevelopment projects  
4           in the Safeway down the street on Geary. It's actually  
5           -- it's actually an example of bad planning in the  
6           suburbanization of San Francisco that happened in the 50s  
7           and 60s. It's not something I would necessarily salute or  
8           celebrate as an example of a great urban development.  
9           It's exactly the opposite.

10           The person who spoke about this being like  
11           the freeways, it is like that. It's part of  
12           our history we should almost forget. And we need  
13           housing. So it would be good to analyze kind of how  
14           this fits on that spectrum of historic.

15           I, for one, do not think it's an enormously  
16           significant historic resource. I think it's  
17           interesting, like the cemetery was that was there, but  
18           I'm not saying we should bring back that cemetery. If  
19           somebody came in today with a project that proposed this  
20           on Laurel Heights, it wouldn't get through the front  
21           door of the planning department. So, I encourage us to  
22           look at this.

23           There's also a no higher density alternative, and  
24           I actually think this site could take more density than  
25           what's being proposed. I get, judging by the response

3  
(CR-1)

4  
(AL-1)

1 today from neighbors, people aren't going to be too  
2 excited about higher density, but I think we're remiss,  
3 actually, in not looking at this site in a state density  
4 alternative. As the developer said, this site slopes  
5 down significantly and could take a state density bonus  
6 or more density. I think we're remiss not to look at a  
7 higher density alternative.

8 Just a couple of notes. So those are my comments  
9 on the project itself -- I mean on the EIR. On the  
10 project itself, I didn't encourage people to look at  
11 retail. This is not meant to mimic what's at Laurel  
12 Village, which tends to be more chain in bigger, fuller  
13 retail.

14 It's actually you've got this big disconnect  
15 from Laurel Village to California and Presidio where there  
16 is additional retail and it's spotty. I think this retail  
17 would be great and help connect that corridor to the  
18 higher transportation corridors of California and  
19 Presidios that are there. So I think I'm not quite  
20 getting the disconnect on the retail, but I heard it.  
21 I would encourage people to look at it.

22 Time frame wise, I'm sure the developer and the  
23 community are aligned. Nobody wants to sit around and  
24 wait for this project to happen. They invest a lot.  
25 The community wants it to happen. I think that the time

4  
(AL-1)  
cont'd

5  
(ME-1)



1 frame laid out in the EIR is kind of the longest level if  
2 we see, you know, a recession hit or something like that,  
3 but people want to see this happen.

4 And I'd say give concrete comments. I didn't  
5 hear many of them today on the project itself. We see  
6 tons of projects here much bigger than this. This is  
7 not an enormously dense project. I'd just say keep an  
8 open mind as you look at this project.

9 We desperately need this housing. As  
10 Commissioner Koppel said, there's almost no better site  
11 in the city for housing than this site. I get that this  
12 project in these areas around it, they act kind of as  
13 some open space to the neighborhood, but it's really  
14 limited to that Laurel and Euclid corner, which they are  
15 proposing open space. You walk around this site in the  
16 other areas, it's dominated by parking and private open  
17 space. It's not a welcome area. This project will knit  
18 this together.

19 I get there's nervousness about what this will  
20 do and the impacts, and it seems like a major  
21 construction project, but trust me, it's not. And we've  
22 seen this happen around the city. Not much here. I know  
23 the folks who live here haven't experienced it because  
24 we don't see it happen around this corridor too much,  
25 but it's a fairly modest project that meets the zoning.

6  
(ME-1)

7  
(ME-1)

8  
(PD-1)

9  
(ME-1)

A-CPC-Hillis

1 It doesn't try to go too far. So give productive  
2 comments to that, because I think this is a great site  
3 for housing. Commissioner Richards.

9  
(ME-1)  
cont'd

A-CPC-Richards

4 COMMISSIONER RICHARDS: I just have one point  
5 of clarification. I support the PUD minus one density.  
6 I do not support the state density bonus one because we  
7 don't get anything for it. So the PUD one, you get your  
8 affordable units on all the units, which I think is a  
9 better community benefit. So I'm sure the developer  
10 would consider that.

8  
(ME-1)

11 PRESIDENT HILLIS: Okay, so you -- you want --  
12 is everybody supportive of an extra 15 days on this?  
13 Okay. Is there any objection to it?

14 SECRETARY IONIN: Take a vote?

15 PRESIDENT HILLIS: Do you want a motion for it?

16 SECRETARY IONIN: It's cleaner if you make  
17 a motion.

18 PRESIDENT HILLIS: All right.

19 COMMISSIONER MELGAR: I'd like to make a motion  
20 that we extend the period for comments for this EIR by  
21 15 more days.

22 COMMISSIONER RICHARDS: Second.

23 SECRETARY IONIN: Thank you, commissioners. If  
24 there's nothing further, there's a motion that has been  
25 seconded to extend the Draft EIR comment period by 15

1 days.

2 On that motion, Commissioner Fong?

3 MR. FONG: Aye.

4 SECRETARY IONIN: Commissioner Johnson. I'm  
5 sorry. Commissioner Koppel.

6 COMMISSIONER KOPPEL: No.

7 SECRETARY IONIN: Commissioner Moore.

8 COMMISSIONER MOORE: Aye.

9 SECRETARY IONIN: Commissioner Richards.

10 COMMISSIONER RICHARDS: Aye.

11 SECRETARY IONIN: Commissioner Melgar.

12 COMMISSIONER MELGAR: Aye.

13 SECRETARY IONIN: President Hillis.

14 PRESIDENT HILLIS: Aye.

15 SECRETARY IONIN: So moved, commissioners. That  
16 motion passes 5 to 1 with Commissioner Koppel voting  
17 against.

18 PRESIDENT HILLIS: All right. Commissioner  
19 Moore, do you have additional comments?

20 COMMISSIONER MOORE: Would you please give the  
21 date and the hour, including stating that the address  
22 remains the same?

23 SECRETARY IONIN: What does 15 days put us on?  
24 January 7th at 5:00 p.m.?

25 PRESIDENT HILLIS: Ms. Gibson?

1 MS. GIBSON: That would be January 8th.

2 PRESIDENT HILLIS: All right, January 8th,  
3 5:00 p.m. You can submit them, written comments by then.  
4 All right. Thank you very much.

5 (End of item.)

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## **ATTACHMENT B**

**Draft EIR Comment Letters and E-mails**

## **Agencies**



# SAN FRANCISCO PLANNING DEPARTMENT

Received at CPC Hearing 12/13/18  
K. Zushi: A-HPC

December 11, 2018

Ms. Lisa Gibson  
Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Dear Ms. Gibson,

On December 5, 2018, the Historic Preservation Commission (HPC) held a public hearing in order for the commissioners to provide comments to the San Francisco Planning Department on the Draft Environmental Impact Report (DEIR) for the proposed 3333 California Street Project (2015-014028ENV). As noted at the hearing, public comment provided at the December 6, 2018 hearing, will not be responded to in the Responses to Comments document. After discussion, the HPC arrived at the comments below:

- The HPC found the analysis of historic resources in DEIR to be adequate and accurate. The HPC concurs with the finding that the proposed project would result in a significant, unavoidable impact to the identified historic resource. 1  
(CR-2)
- The HPC expressed the importance of the historic resource as an integrated landscape and building. 2  
(CR-1)
- The HPC agreed that the DEIR analyzed a reasonable and appropriate range of preservation alternatives to address historic resource impacts. 3  
(AL-1)
- The HPC expressed interest in understanding more about a "neighborhood alternative" that was discussed by the public during public comment at the hearing. 4  
(AL-2)
- The HPC also supported combining some elements of the different alternatives in order to increase the amount of housing in the Full Preservation Alternative C. Commissioner Hyland specifically requested that Alternative C incorporate some elements from alternatives B and D such as increased building heights along California Street (up to 65 feet), the conversion of some areas of office or retail to residential use, and the incorporation of duplexes along Laurel Street. 5  
(AL-3)

The HPC appreciates the opportunity to participate in review of this environmental document.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Wolfram", with a long horizontal flourish extending to the right.

Andrew Wolfram, President  
Historic Preservation Commission



## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-5471



November 29, 2018

Kei Zushi  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Also sent via e-mail: CPC.3333CaliforniaEIR@sfgov.org

Re: SCH# 2017092053, 3333 California Street Mixed-Use Project, City of San Francisco; San Francisco County, California

Dear Mr. Zushi:

The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report (DEIR) prepared for the project referenced above. The review included the Executive Summary; the Introduction and Project Description; the Environmental Setting and Impacts; and Appendix B (Initial Study) prepared by Environmental Science Associates for the San Francisco Planning Department. We have the following concerns:

1. While Tribal Cultural Resources are listed as a subsection under Cultural Resources, the subsection does not adequately address the questions of significance stipulated in the California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf> A separate section addressing these questions, and consultation outreach and responses, is preferred.
2. There is no documentation in the Initial Study or the DEIR of **government-to-government consultation by the lead agency** under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes.

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov) or call (916) 373-3714 if you have any questions.

Sincerely,

*Gayle Totton*

Gayle Totton, B.S., M.A., Ph.D.  
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

1  
(CR-3)

**ADDITIONAL INFORMATION:**

The California Environmental Quality Act (CEQA)<sup>1</sup>, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>2</sup> If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.<sup>3</sup> In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).<sup>4</sup> **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for “tribal cultural resources”<sup>5</sup>, that now includes “a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.”<sup>6</sup> Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>7</sup> Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>8</sup> may also apply.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf), entitled “Tribal Consultation Under AB 52: Requirements and Best Practices”.

**Pertinent Statutory Information:****Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.<sup>9</sup> and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, “consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).<sup>10</sup>

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.<sup>11</sup>

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project’s impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.<sup>12</sup>

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native

<sup>1</sup> Pub. Resources Code § 21000 et seq.

<sup>2</sup> Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

<sup>3</sup> Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

<sup>4</sup> Government Code 65352.3

<sup>5</sup> Pub. Resources Code § 21074

<sup>6</sup> Pub. Resources Code § 21084.2

<sup>7</sup> Pub. Resources Code § 21084.3 (a)

<sup>8</sup> 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

<sup>9</sup> Pub. Resources Code § 21080.3.1, subds. (d) and (e)

<sup>10</sup> Pub. Resources Code § 21080.3.1 (b)

<sup>11</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>12</sup> Pub. Resources Code § 21080.3.2 (a)

American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.<sup>13</sup>

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.<sup>14</sup>

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>15</sup>

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.<sup>16</sup>

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).<sup>17</sup>

An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.<sup>18</sup>

***This process should be documented in the Tribal Cultural Resources section of your environmental document.***

## Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**<sup>19</sup>
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>20</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.<sup>21</sup>
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or

<sup>13</sup> Pub. Resources Code § 21082.3 (c)(1)

<sup>14</sup> Pub. Resources Code § 21082.3 (b)

<sup>15</sup> Pub. Resources Code § 21080.3.2 (b)

<sup>16</sup> Pub. Resources Code § 21082.3 (a)

<sup>17</sup> Pub. Resources Code § 21082.3 (e)

<sup>18</sup> Pub. Resources Code § 21082.3 (d)

<sup>19</sup> (Gov. Code § 65352.3 (a)(2)).

<sup>20</sup> pursuant to Gov. Code section 65040.2,

<sup>21</sup> (Gov. Code § 65352.3 (b)).

- Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>22</sup>

## **NAHC Recommendations for Cultural Resources Assessments:**

- Contact the NAHC for:
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

## **Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.<sup>23</sup>
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.<sup>24</sup>

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.<sup>25</sup> In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be

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<sup>25</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

December 26, 2018

Kei Zushi  
City and County of San Francisco  
1650 Mission St, 4th Floor  
San Francisco, CA 94103

Subject: 3333 California Street Mixed-Use Project  
SCH#: 2017092053

Dear Kei Zushi:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 24, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

1  
(CEQA-5)

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

Document Details Report  
State Clearinghouse Data Base

A-OPR1

**SCH#** 2017092053  
**Project Title** 3333 California Street Mixed-Use Project  
**Lead Agency** San Francisco, City and County of

**Type** EIR Draft EIR  
**Description** Note: Review Per Lead

Overall, the proposed project would include 558 dwelling units within 824,691 gsf of residential floor area; 49,999 gsf of office floor area; 54,117 gsf of retail floor area; a 14,690 gsf child care center, and 236,000 sf of open areas. Parking would be provided in four below-grade parking garages and six individual, two-car, parking garages serving 12 of the 14 units in the Laurel Duplexes. New public pedestrian walkways are proposed through the site in a north-south direction between California Street and the intersection of Masonic and Euclid avenues approx along the line of Walnut St and in an east-west direction between Mayfair Dr and Presidio Ave. A variant that would replace the office space in the Walnut Building with 186 additional residential units, for a total of 744 dwelling units and no office space on the project site, is also being considered. The Walnut Building would be taller under this variant (from 45 ft under the proposed project to 67 ft).

**Lead Agency Contact**

**Name** Kei Zushi  
**Agency** City and County of San Francisco  
**Phone** 415-575-9038 **Fax**  
**email**  
**Address** 1650 Mission St, 4th Floor  
**City** San Francisco **State** CA **Zip** 94103

**Project Location**

**County** San Francisco  
**City** San Francisco  
**Region**  
**Lat / Long** 37° 47' 10.5" N / 122° 26' 53.9" W  
**Cross Streets** California St; Presidio, Masonic, & Euclid Ave; Laurel St and Mayfair Drive  
**Parcel No.** 1032/Lot 3  

<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Base</b>
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**Proximity to:**

**Highways** I-280, I-80, US 101  
**Airports**  
**Railways** SF Muni; BART  
**Waterways** SF BAY  
**Schools** Lillienthal ES, Cobb ES, PePresidio Early Education....  
**Land Use** Residential, Mixed, Low Density [RM-1] Zoning District and 40-X Height and Bulk District

**Project Issues** Traffic/Circulation; Air Quality; Archaeologic-Historic; Noise; Growth Inducing; Cumulative Effects

**Reviewing Agencies** Native American Heritage Commission; Resources Agency; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Public Utilities Commission; State Lands Commission; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2; State Water Resources Control Board, Division of Drinking Water

**Date Received** 11/07/2018 **Start of Review** 11/07/2018 **End of Review** 12/24/2018

STATE OF CALIFORNIA

## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
 1550 Harbor Blvd., Suite 100  
 West Sacramento, CA 95691  
 Phone (916) 373-3710  
 Fax (916) 373-5471



Clear  
 12/24/18  
 E

November 29, 2018

Governor's Office of Planning &amp; Research

DEC 03 2018

STATE CLEARINGHOUSE

Submitted separately (See A-NAHC  
 [Gayle Totten, Native American  
 Heritage Commission])

Kei Zushi  
 San Francisco Planning Department  
 1650 Mission Street, 4<sup>th</sup> Floor  
 San Francisco, CA 94103

Also sent via e-mail: CPC.3333CaliforniaEIR@sfgov.org

Re: SCH# 2017092053, 3333 California Street Mixed-Use Project, City of San Francisco; San Francisco County, California

Dear Mr. Zushi:

The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report (DEIR) prepared for the project referenced above. The review included the Executive Summary; the Introduction and Project Description; the Environmental Setting and Impacts; and Appendix B (Initial Study) prepared by Environmental Science Associates for the San Francisco Planning Department. We have the following concerns:

1. While Tribal Cultural Resources are listed as a subsection under Cultural Resources, the subsection does not adequately address the questions of significance stipulated in the California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf> A separate section addressing these questions, and consultation outreach and responses, is preferred.
2. There is no documentation in the Initial Study or the DEIR of **government-to-government consultation by the lead agency** under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes.

2  
 (CR-3)

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov) or call (916) 373-3714 if you have any questions.

Sincerely,

*Gayle Totton*

Gayle Totton, B.S., M.A., Ph.D  
 Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse



**ADDITIONAL INFORMATION:**

The California Environmental Quality Act (CEQA)<sup>1</sup>, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>2</sup> If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.<sup>3</sup> In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).<sup>4</sup> **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"<sup>5</sup>, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."<sup>6</sup> Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>7</sup> Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>8</sup> may also apply.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf), entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

**Pertinent Statutory Information:****Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.<sup>9</sup> and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18)."<sup>10</sup>

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.<sup>11</sup>

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.<sup>12</sup>

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native

<sup>1</sup> Pub. Resources Code § 21000 et seq.

<sup>2</sup> Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

<sup>3</sup> Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

<sup>4</sup> Government Code 65352.3

<sup>5</sup> Pub. Resources Code § 21074

<sup>6</sup> Pub. Resources Code § 21084.2

<sup>7</sup> Pub. Resources Code § 21084.3 (a)

<sup>8</sup> 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

<sup>9</sup> Pub. Resources Code § 21080.3.1, subds. (d) and (e)

<sup>10</sup> Pub. Resources Code § 21080.3.1 (b)

<sup>11</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>12</sup> Pub. Resources Code § 21080.3.2 (a)

American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.<sup>13</sup>

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss both of the following:**

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.<sup>14</sup>

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>15</sup>

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.<sup>16</sup>

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).<sup>17</sup>

An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.<sup>18</sup>

***This process should be documented in the Tribal Cultural Resources section of your environmental document.***

#### **Under SB 18:**

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**<sup>19</sup>
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>20</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.<sup>21</sup>
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or

<sup>13</sup> Pub. Resources Code § 21082.3 (c)(1)

<sup>14</sup> Pub. Resources Code § 21082.3 (b)

<sup>15</sup> Pub. Resources Code § 21080.3.2 (b)

<sup>16</sup> Pub. Resources Code § 21082.3 (a)

<sup>17</sup> Pub. Resources Code § 21082.3 (e)

<sup>18</sup> Pub. Resources Code § 21082.3 (d)

<sup>19</sup> (Gov. Code § 65352.3 (a)(2)).

<sup>20</sup> pursuant to Gov. Code section 65040.2,

<sup>21</sup> (Gov. Code § 65352.3 (b)).

- Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>22</sup>

#### **NAHC Recommendations for Cultural Resources Assessments:**

- Contact the NAHC for:
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
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#### **Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
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- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
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- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be

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<sup>23</sup> (Civ. Code § 815.3 (c)).

<sup>24</sup> (Pub. Resources Code § 5097.991).

<sup>25</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

## **Organizations**

**California Street Homeowners Group**  
**c/o**  
**Joseph J. Catalano and Joan M. Varrone**  
**3320 California St. Apt. 3**  
**San Francisco CA 94118-1995**  
**Joseph.catalano@gmail.com**  
**415 845 7745**  
**Jvarrone@aol.com**  
**415 305 6329**

**Dec. 11, 2018**

**Kei Zushi**  
**EIR Coordinator**  
**San Francisco Planning Department**  
**1650 Mission Street**  
**Suite 400**  
**San Francisco CA 4103**  
**Cpc.3333CaliforniaEIR@sfgov.org**

**Re: Case No. 2015-014028ENV**

**Dear Mr. Zushi;**

**Please accept these comments from the California Street Homeowners Group to the Draft EIR for the 3333 California Street project proposed by Laurel Village Partners. We speak for the interests of our neighborhood, which is the block of California Street between Laurel and Walnut.**

### **Background**

**For context, it is important to note that our constituency lives directly across the street from the Project's proposed retail uses. Our street has no retail or commercial use. It is entirely residential except for the UCSF facility. Our neighborhood houses 40 families with more than 100 residents, including many children (30-40) and many elderly residents.**

**California Street, between Laurel and Walnut, is 4 lanes plus parallel parking lanes, or two lanes with opposing bus stops (at Laurel). Along with the garages of our 40 families, the garages for an additional 11 families open to this block of California Street, and require (sometimes blind) backing onto the already congested street for exit.**

1  
(TR-7)

While we agree with some of the comments provided by others, the most severe, proximate and prolonged adverse environmental impact from this Project falls uniquely and disproportionately on our neighborhood, and the EIR fails to address or provide adequate mitigation for them.

2  
(GC-1)

This gives rise to our comments. We trust you will give them your most careful consideration with our unique situation in mind.

## DURATION OF CONSTRUCTION

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

3  
(PD-1)

As described in the EIR, construction will continue for between seven (7) and fifteen (15) years. The elderly residents of our neighborhood could look forward to facing construction across their street for the remainder of their life expectancies.

For years, during this construction, the Developer seeks closure of an eastbound/parking lane of the street for its benefit. The loss of parking is a taking from our community. It means that there will a drastic reduction in available parking places for families, caregivers, etc., which will radically affect our chosen neighborhood.

4  
(TR-6)

Further, the readily foreseeable traffic snarls will deprive us of access to, and quiet enjoyment of our residences. This plan (and the staging plan described below) will diminish our ability to enjoy our homes and could adversely impact any residential sale process for an unnecessarily long time.

5  
(TR-3)  
6  
(PD-1)

The Developer appears to be acting in its own self-interest. It seeks to prolong entitlements for use or sale to other developers; to time the market; and, to change product mix over time if more profit would result. It is attempting this by seeking permission for this extraordinarily prolonged construction period. If permitted, the Developer's construction timetable will unjustly prolong the disproportionate environmental impact that the families in our neighborhood will endure.

As the immediate "neighbors" of this Project, this unfairly imposes the construction noise, dirt, disruption, personal risk and displacement on us for as many extra years. In fact, on numerous occasions, the Developer indicated they could build the complete project in three (3) years.

7  
(GC-1)  
8  
(PD-1)

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

## CONSTRUCTION STAGING

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

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

This staging plan is the least impactful to the developer, but the most intrusive to us. The most obvious way to mitigate this impact would be to require the Developer to move its construction staging throughout the project during the construction and have no one adjacent neighborhood to the 10.5 acre site unduly carry the burden. This is only reasonable and fair.

## RETAIL

Our neighborhood will be the only neighborhood (existing or new) facing the Project's proposed retail. In addition to patrons, retail will add traffic to our already congested street, and add turbulence from passenger pick up and drop off. While the Draft EIR acknowledges this, it assesses the impact through a much wider lens than ours; and it does not address the unique and specific localized impact we will experience.

So, even though the Draft EIR acknowledges additional traffic; and the loading and unloading of passengers and freight, it does not recognize the added unspecified activity retail will create across the street from us. Nor does it assess the environmental impact of changing our streetscape from a walkway in front of open space to a 45-foot high wall the Developer seeks to build through a zoning change. The Developer's plan has an unmitigated and severe environmental impact on our neighborhood. Our residential neighborhood zoning should not be changed to permit retail.

## CALIFORNIA STREET COMMERCIAL LOADING ZONE

There is no more enduring or objectionable environmental impact from this Project than the creation of a commercial loading zone outside our doors.

The City (or the Developer) has proposed a 100-foot commercial loading zone instead of passenger loading or car parking on most of the parking lane on the eastbound side of our block.

8  
(PD-1)  
cont'd

9  
(TR-3)

10  
(GC-1)

11  
(ME-1)

12  
(TR-10)



In every meeting with the Developer over the past several years, the Developer asserted that the Project would require that all commercial loading would be underground, and advised that subterranean facilities for these purposes would be part of their Project. That assurance from the Developer relieved our concerns about the potential for commercial loading in front of our homes, so we were frankly shocked when the proposed Project description provided for commercial loading directly across the street from us.

12  
(TR-10)  
cont'd

There was originally no need to find measures to mitigate the significant and adverse environmental impact of commercial loading in front of our homes. The Developer has already proposed that all commercial loading would be underground. If the City has some rationale for a commercial loading zone on California Street, it should at least mitigate its impact by creating it across from the existing commercial uses between Walnut and Presidio, away from existing residences and the already problematic intersection of Laurel and California.

### **INCREASED TRAFFIC HAZARDS**

13  
(TR-7)

Garages for more than 50 residences exit in reverse onto this block of California Street. Currently this is challenging and sometimes hazardous. When it is manageable, it is so because the Walnut Street traffic coming on to California St when the California light is red is very light. Increased traffic coming from both directions on Walnut may make it impossible at times for the California Street neighbors to exit our buildings.

The Project's inevitable additional congestion from long term construction; followed by retail traffic, perhaps with commercial loading, will significantly and adversely impact this already difficult circumstance.

The Draft EIR is fundamentally deficient in its failure to address this unique and significant environmental impact on our neighborhood, and of course, it necessarily fails to identify or require any mitigation of it by the Developer or the City's traffic authorities.

### **LOSS OF OPEN SPACE AND OBSTRUCTION OF HORIZON**

14  
(CEQA-3)

Our neighborhood will also lose the existing open space in front of our homes and the entire view of the horizon that many in our neighborhood enjoy. The Developer takes this open space from us and sequesters it inside the Project's walls.

The open space we now enjoy is framed by 100 year old cypress trees, and our horizon extends more than a mile away. (See view below taken from 3320 California St.)

As the State Legislature noted in enacting the California Environmental Quality Act, it is the Policy of the state to: "...take all action necessary to provide the people of this state with clean

15  
(GC-1)

air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise..." CEQA Section 21001.

Each of the above environmental impacts directly across from our front doors violates state policy, and any one of them would compel us to challenge the Draft EIR. Together, they threaten a significant loss of the peaceful enjoyment of our homes.

We have not included all our concerns, and we reserve the right to supplement our comments and responses.

We look forward to working with you and the Developer to eliminate, or significantly mitigate these impacts.

Thank you,

California Street Homeowners

*Joseph J. Catalano* *Joan M. Varrone*  
Joseph J. Catalano and Joan M. Varrone



View of Project Site from 3320 California St.

CC: Catherine Stefani  
Dan Safier  
Dan Kingsley  
California Street Homeowners Group

15  
(GC-1)  
cont'd

January 8, 2019

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

RE: Comments on Draft EIR ("DEIR) for 3333 California Street Project ("Project");  
Case No. 2015-014028ENV

Dear Sirs:

The Jewish Community Center of San Francisco (JCCSF), located at 3200 California Street, has been working closely with the developer of 3333 California (Developer) and the City on the Project. Our comments below, in response to the DEIR, supplement those set forth in our attached 10/20/17 letter responding to the Project NOP and 6/8/18 letter responding to the Project Initial Study.

1. **Traffic/Pedestrian Safety Concerns.** Pages 4.C. 68-71. As previously noted in our other letters, we have 4500 daily users ranging from newborns in strollers to school children to frail older adults. Our only access point for pedestrians and cars is from California Street (except for preschool pick-up and drop-off which enters off Walnut Street but exits onto California Street.) Many of our users and employees routinely cross the California/Presidio and California/Walnut intersections to enter or exit our building. We do not believe that the DEIR has fully described the existing traffic patterns around the JCCSF and, therefore, has not adequately analyzed the potential negative impact of the 7-15 years of Project construction traffic in the vicinity of our building on traffic and pedestrian safety in the vicinity of the JCCSF building. In particular, the DEIR's description of the existing traffic patterns around the JCCSF should acknowledge the existing traffic issues and (resulting impact on pedestrian safety) in the vicinity of the JCCSF caused by afternoon westbound traffic (much higher than morning westbound traffic) intermingling with: (a) cars picking up and dropping JCCSF users in the JCCSF California Street white zone; (b) cars entering the JCCSF garage snaking back in a waiting

1  
(TR-8)

pattern along California; (c) cars leaving the JCCSF garage weaving into westbound traffic on California Street; and (d) cars leaving the preschool drive-through weaving into westbound traffic on California Street. All these factors are also affected by the slowdown in westbound traffic that occurs due to the dramatic decrease in visibility experienced by late afternoon westbound drivers as the sun hits their windshields causing glare. Additionally, the DEIR needs to account for the morning traffic patterns as preschool cars drop off children at the Walnut Street entrance with the line of waiting cars snaking back onto California Street in front of the JCCSF garage. We already have implemented many measures ourselves to address these issues including: (i) assignment of additional staff during peak times to manage loading zone backups; (ii) increased signage for parents re loading/ unloading; (iiiiv); provision of a white zone on Walnut (east-side close to California) to allow the line of cars waiting to go through the drive-through to have a place to queue without blocking traffic; (iv) during camp season (which is a peak period of usage), staggering programs to shift pick up and drop off and adding cones to direct traffic; and (v) working with MTA to move the bus stop on Presidio back 20 feet from the California/Presidio intersection to improve visibility of pedestrians for other southbound vehicles. Nonetheless, we are very concerned that current situation could be made much worse by 7-15 years of construction traffic. As a result, while acknowledging that we are not traffic experts, we would request that the DEIR analyze potential mitigations such as: limiting construction traffic entering into the Walnut Street entrance to the Project site; installing longer lights for pedestrian crossings at California/Walnut and/or California/Presidio; constructing sidewalk bulb outs in the vicinity of the JCCSF; installing flashing pedestrian crossing signals, etc.; directing blue book regulations to be applied in a manner that limits the exacerbation of these problems. Even if the City believes that the construction traffic will not cause significant impacts pursuant to the DEIR standards of significance, we believe that it is in everyone's best interests to implement every advance preventative action possible to enhance the safety of the thousands of young children and older adults who use this community center on a daily basis.

1  
(TR-8)  
cont'd

2. **Sensitive Receptor.** Page 4.D.12. We appreciate the fact that the DEIR identifies the JCCSF site as a sensitive receptor (in fact,

2  
(NO-1)



the JCCSF is identified as the closest sensitive receptor to the Project site). As a result of this designation, we believe it imperative that the City, through DEIR mitigations and application of blue book regulations, implement all feasible measures to decrease construction noise and dust on our users. In light of the potentially negative effect on our preschool and other programs of the 7-15 year construction period (e.g. page 4.D. 40 indicates a maximum increase of 9dBA over existing 67dBA for 82 months), we would hope that the City would design a mitigation measure that creates a collaborative process enabling the City, Developer and JCCSF to monitor the impact of the construction noise, dust and traffic on the JCCSF with the City retaining the ability to impose enhanced mitigation measures throughout the construction period, if warranted, depending on the actual on-the-ground experience of the JCCSF, as a sensitive receptor.

2  
(NO-1)

3. **Construction Vibration.** Pages 4.D.54-56. The DEIR concludes that the JCCSF is located too far from the Project construction site to experience construction vibration impacts to the JCCSF structure. We acknowledge that the San Francisco Fire Credit Union building is closer and is more at risk from vibrations from construction activities; however, we continue to be extremely worried about this issue especially given the presence of the underground garage and pool at the JCCSF. As a result, we request that the City amend the last sentence of the fourth bullet of Mitigation M-NO-2 to add the JCCSF to the list of entities which is alerted when vibration levels exceed the allowable threshold at the San Francisco Fire Credit Union building. In other words, if the San Francisco Fire Credit Union is the canary in the coal mine, then the JCCSF will want to know when something happens to the canary. Additionally, if damage is observed at the JCCSF, then similarly to the San Francisco Credit Union Building, we believe that excavation should cease and vibration control measures should be implemented. Thus, we would request that the phrase in the fifth bullet of Mitigation M-No-2 be amended to add the bolded language: i.e. "if damage to the SF Fire Credit Union building or the JCCSF building is observed..."

3  
(NO-2)

4. **Dewatering/Subsidence.** Page 2.99. When the JCCSF building was constructed, it was necessary to pump a significant amount of water to draw down the water table to perform construction. We assume

4  
(GEO-1)

that the Project will face similar water tables issues. In fact, Page 2.99 indicates that groundwater or perched water could be encountered; however, the DEIR does not include any mitigation measures in the event of dewatering. We believe that the DEIR needs to include appropriate mitigation measures addressing potential subsidence in the event of dewatering.

4  
(GEO-1)  
cont'd

We look forward to continuing to work collaboratively with the City and the Project developer, and remain excited about the increased housing density and the activation of the streetscape created by the Project. Thank you for taking these items into consideration.

Regards,



Craig Salgado  
JCCSF Chief Operating Officer

Cc:

Marci Glazer, JCCSF CEO

Bob Fields, JCCSF Board Chair

Dan Safier, Prado



June 8, 2018

San Francisco Planning  
 Department, Attn: Julie Moore  
 1650 Mission Street, Suite 400  
 San Francisco, CA 94103

RE: Response to Initial Study ("IS") for 3333 California Street Project ("Project")

Dear Ms. Moore:

The Jewish Community Center of San Francisco (JCCSF), located at 3200 California Street, has been working closely with the developer of 3333 California and the City on this project. Our comments below, in response to the project Initial Study (IS), supplement those set forth in our attached 10/20/17 letter responding to the Project NOP. We believe that the EIR should contain specific construction mitigations designed to consider the following construction-related concerns, which we have developed in conjunction with Cahill Contractors, the contractor which built the JCCSF building:

1. Construction Traffic, Staging and Safety – We have 4500 daily users ranging from newborns in strollers to school children to frail older adults. Our only access point for pedestrians and cars is from California Street (except for preschool pick-up and drop-off which enters off Walnut Street but exits onto California Street.) Many of our users and employees routinely cross the California/Presidio and California/Walnut intersections to enter or exit our building. As a result, we are concerned about disruption to our facility caused by construction traffic on California Street and by California Street southside parking lane closures (IS pg.77) during the construction period. We request that the EIR study these considerations in an effort to minimize these impacts.
2. Construction Dust and Hazardous Materials – We are concerned about safety to our users and employees from exposure to dust and potentially hazardous materials during the construction process, especially given that many of them are sensitive receptors – e.g. young children and older adults (pgs. 144-145, Impacts AQ-2 and AQ-3). It is important that Best Management Practices are employed to minimize these potential hazards (especially given that winds pick up in the afternoon with fog).

1  
(TR-6)

2  
(AQ-1)



3. Construction Vibration and Noise – The IS notes (pg. 142, Impact NO-3) that vibration is a potential issue for the SF Fire Credit Union. We are similarly concerned by construction related activity and request that the EIR consider potential impact to the JCCSF building – including our underground pool, parking and overall structure. [Additionally, in light of the fact that we have approximately 170 preschoolers who use our outdoor play yard every day from 8:00 am – 3:00pm, we would like to make sure that the Impact NO-2 analysis considers construction noise impacts on these sensitive receptors.]
4. Dewatering/Subsidence - When we built the JCCSF, we pumped a significant amount of water to draw down the water table to perform construction. Please study this issue to confirm if this issue will apply to this project and if so please study the impact on the JCCSF including potential settlement.

3  
(NO-2)

4  
(NO-1)

5  
(GEO-1)

Additionally, please note that we continue to strongly support the inclusion of 60 on-site public parking spaces on the Project site given that the Project is causing not only the loss of current public parking on the site but also the loss of significant neighborhood street parking (*i.e.* conversion of 15 on-street parking spaces to loading zones and the loss of 36 on street parking spaces.)

6  
(TR-11)

We look forward to continuing to work collaboratively with the City and the Project developer, and remain excited about the increased housing density and the activation of the streetscape created by the Project. Thank you for taking these additional items into consideration.

7  
(ME-1)

Regards,



Craig Salgado

JCCSF Chief Operating Officer

Cc:

Marci Glazer, JCCSF CEO

Susan Lowenberg, JCCSF Board Chair

Dan Safier, Prado



October 20, 2017

San Francisco Planning Department, Attn: Julie Moore  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
Case # 2015-014028ENV

RE: Response to Notice of Preparation ("NOP") for 3333 California Street Project ("Project")

Dear Ms. Moore,

I am writing on behalf of the Jewish Community Center of San Francisco (JCCSF) located at 3200 California Street in response to the Project NOP. As you consider the EIR scope, we request that you address the environmental issues described below that are of concern to the JCCSF. We have met on multiple occasions with Project representatives and found them to be very forthcoming in their desire to work with the JCCSF to address our concerns and find mitigation solutions. We are submitting these comments so that the Project can be the best it can be and because there are certain unique aspects of the JCCSF of which we want the city to be aware. We look forward to continued productive discussions with the city and the developer.

The JCCSF is a 501c3 organization which has been in existence for almost 140 years, providing social, cultural and physical programs that are open and welcoming to all, including, by way of example, after school programs, holiday programs, youth sports, arts enrichment and older adults exercise and music programs. Our rebuilt facility reopened in 2004 and serves approximately 4500 users every day who range in age from newborns in strollers to frail older adults. As a result, our primary concerns relate to safety – *e.g.*, traffic, air quality, construction and noise – and our continued ability to use our outdoor areas (roof and courtyards) for programming. Your scope likely already includes these general issues, so this letter explains the specifics as they pertain to the JCCSF.

1  
(GC-1)

A. **Traffic/Safety**: The TIS should evaluate:

1. Impacts of Project traffic on: the white zone in front of 3200 California; the Muni bus stops on Presidio and California Streets; traffic flow on California Street; and the ability of JCCSF users to safely cross California Street, as detailed in the attached 6/3/16 letter to you. All the issues in that letter continue to be relevant, except that we are pleased to note that the developer has eliminated the midblock entrance on California Street directly across from the JCCSF. We request that the TIS address the other issues in the attached letter.
2. Conflicts between the Walnut Street entrance to the Project (location of its passenger loading and retail parking entrances) and the JCCSF Walnut Street drive-through for preschool pick-up/drop-off and the Jackson Muni line, detailed in the attached letter.

2  
(TR-7)

3. Project traffic impacts on the JCCSF accounting for the fact that many of the core JCCSF users are families with small children who require safety restraints in their cars, and consequently require extra timing loading and unloading children from cars in the JCCSF loading zone and in the preschool pick-up and drop-off zone. It is the JCCSF's observation that families with young children have been slow to adapt to ride share or public transit. 3  
(TR-10)
4. Impacts on California Street and Walnut Street traffic from the Project's proposed: commercial loading spaces; residential move-in and move-out use of on street parking spaces; two bus stops on California; Walnut street bulb-out. 4  
(TR-11)
5. JCCSF desire for continued availability of publicly available spaces at the Project, especially given the Project's elimination of 33 on-street parking spaces 4  
(TR-11)
6. Our traffic consultant, Fehr and Peers, raised the following specific traffic-related concerns:
  - a. Passenger Loading - The TIS should evaluate passenger loading needs on California Street to minimize potential effects on JCCSF passenger loading and Muni service. The site plan includes mixed use office, retail, and childcare facilities along California Street east of Walnut Street. These uses are likely to generate demand for passenger loading and commercial loading activities. However, the NOP states that the Project will include three passenger loading zones (Masonic Avenue, Euclid Avenue, and Laurel Street) and two commercial zones (both near the Laurel/California intersection) but does not include (or mention) any spaces on California Street near the JCCSF. The TIS should quantify passenger loading (including Transportation Network Companies) and commercial loading demand, and identify an appropriate amount of curb space on California Street to ensure minimization of spillover that could affect JCCSF operations. 5  
(TR-10)
  - b. Traffic Circulation and Pedestrian Safety 6  
(TR-8)
    - i. California Street: The TIS should evaluate sidewalk capacity on both sides of California Street with respect to Project-related pedestrian trips, particularly at bus shelter pinch points.
    - ii. California/Walnut Intersection: The TIS should evaluate left turn restrictions as a means of mitigating the pedestrian safety effects of unprotected left turns across California Street by Project-related traffic.
    - iii. California/Presidio Avenue intersection: The TIS should assess the removal of the right-turn (slip) lane on California Street as a means of mitigating the pedestrian safety effects of free right turns by Project-related traffic.
  - c. Transit - The TIS should consider the need for bus bulbs to handle Project-related transit ridership. 7  
(TR-9)
  - d. Cumulative - The TIS should consider the cumulative effects of the Project in relation to other nearby projects that are currently in the planning stages. 8  
(TR-12)
- B. **Shadow, Wind and Noise** – The EIR should examine Project shadow, wind and noise impacts on outdoor program use of the JCCSF roof and courtyard spaces. 9  
(GC-1)

We understand that a project of this scale and magnitude has a longer than typical construction period and, therefore, we anticipate that you will be examining the impacts of the seven-year construction period on such issues as air quality, toxic waste removal, ingress and egress, staging, traffic and noise.

9  
(GC-1)  
cont'd

Among other aspects we are excited about the increased housing density and the activation of the streetscape this project creates. We look forward to continuing to work collaboratively with the city and the developer. Thank you for taking these items into consideration in the EIR.

10  
(ME-1)

Regards,



Craig Salgado  
JCCSF Chief Operating Officer

cc:

Marci Glazer, JCCSF CEO  
Susan Lowenberg, JCCSF Board Chair  
Dan Safier, Prado



3200 California Street  
San Francisco, California  
94118-1904

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www.jccsf.org

June 3, 2016

Sarah Jones, Director of Environmental Planning  
Daniel A. Sider, AICP, Senior Advisor for Special Projects,  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-6378

Dear Ms. Jones and Mr. Sider,

I am writing on behalf of the Jewish Community Center of San Francisco (JCCSF) located at 3200 California Street with respect to the proposed Prado/SKS 3333 California Street and TMG CPMC projects. We understand that the former has submitted its PPA and EEA applications but that the latter has not yet done so. As you review those applications and consider the scope of their traffic/circulation studies, we thought it important to share our perspective on some of the safety-related traffic/circulation issues in the neighborhood, so that you have that background in mind as you consider the appropriate analysis for these two proposed projects. We have met on multiple occasions with the developers of both projects and find them to be very forthcoming in their desire to work with the JCCSF to address our concerns and find mitigation solutions for the issues identified below. We look forward to productive discussions with both developers to find solutions to these issues.

The JCCSF is a 501c3 organization which has been in existence in San Francisco for almost 140 years, providing social, cultural and physical programs that are open and welcoming to everyone. Our rebuilt facility located at 3200 California Street opened in January 2004 and serves users of all ages ranging from newborns in strollers to the frail elderly. Because we serve so many children and older adults, we are very focused on safety concerns around traffic/circulation. In the 12 years since it has opened, the JCCSF has observed an increasing number of traffic/circulation problems in the vicinity of 3200 California, primarily attributable to conflicts with MUNI and increasing amounts of westbound and eastbound traffic on California. Given that the surrounding neighborhood is currently in the beginning phases of a number of significant development projects which would likely increase traffic in the neighborhood, the JCCSF would like to make sure that the following background conditions and safety issues are taken into account in the city's analysis of the proposed projects and in the development of mitigations to address the issues.

We understand that the City Planning Department has recently shifted from a focus on intersection analysis to vehicle miles traveled from potential projects, but that, in conjunction with the SFMTA, it will still consider the projects' impacts to the adjacent transportation

1  
(TR-14)

2  
(TR-1)

network, including existing safety and circulation issues (identified in 1-3 below). We look forward to coordinating with the Department, the SFMTA and the developers to create a safer neighborhood for all users.

2  
(TR-1)  
cont'd

### **1. The white zone in front of 3200 California.**

This zone extends the full length of the building on California. This space is used as a drop off/pick up point for participants, including parents, transportation services and school buses dropping off and picking up children. It is also the holding zone where cars wait to enter the garage when it is full. Unfortunately, the increase in westward flow traffic along California since the JCCSF opened 12 years ago contributes to a bottlenecking of vehicles entering/leaving our garage/white zone/drive through areas, particularly in the afternoons and evenings, creating congestion and safety concerns. We hope that the city's traffic analysis for the proposed new projects addresses mitigations for any increase in this bottlenecking linked to any potential increase in westbound traffic from the proposed projects. We are particularly concerned about the impact of cars headed westbound on California that may queue as they wait to turn south onto Walnut into the primary entrance to the 3333 project. We look forward to conversations with the developers and SFMTA about potential management, parking and intersection design solutions to mitigate this concern that could be implemented by some combination of the developers, the JCCSF and SFMTA.

3  
(TR-7)

### **2. Walnut Street Drive-Through Conflict with the Jackson MUNI line**

The JCCSF has a parent drive-through area that enters the JCCSF property on Walnut Street and exits onto California Street (just west of the JCCSF garage entrance). This drive-through is used by parents to drop off their preschoolers in the morning and pick them up in the afternoon. At peak times (i.e., weekday mornings and late afternoons) the line of cars waiting to enter this area will back up and wrap around onto California Street, blocking the drive-through exit. Space is at a premium at this Walnut/California intersection, given that MUNI's Jackson line heads west on California and then turns north onto Walnut (the buses have little room to manoeuvre around the cars, as they run on overhead electric lines, and the lines of cars and buses then interfere with each other). Recently, we contacted SFMTA to start to find solutions to this problem. We would like to make sure that the traffic studies for the proposed projects take this concern into account and closely examine the space premium issues at the Walnut/California intersection in order to devise appropriate mitigations in light of the likely increase in traffic at this intersection from cars entering and exiting the 3333 project on Walnut Street.

4  
(TR-9)

### **3. MUNI bus stops on Presidio Street and California Street.**

MUNI buses staging on Presidio directly adjacent to the east side of the JCCSF block the views of cars heading south on Presidio and turning west on California. Importantly, pedestrians in the California/Presidio intersection crosswalks can be obscured by the waiting MUNI buses. We are already in conversation with SFMTA about the impact of this conflict on the safety of pedestrians in these crosswalks (particularly older adults who walk more slowly and young children who can be hard to see). We want to make sure that the potential increase in California Street traffic (whether east- or westbound) does not further exacerbate the safety

5  
(TR-8)



issues at this intersection. We are hopeful that your analysis might look at different intersection design configurations at California/Presidio that would reduce these safety impacts.

5  
(TR-8)

#### 4. UCSF Parking

We understand that the developers of the 3333 project are proposing around 60 public spaces as part of their facility. We are very supportive of the proposal for additional public parking, given that a number of JCCSF employees and users have been using the UCSF lot for many years during peak parking periods at the JCCSF.

6  
(TR-11)

#### 5. Midblock passageway

We understand that the initial conceptual design for the 3333 project shows a north/south midblock passageway with a California Street entrance to this passageway across from the JCCSF entrance on California. We are very concerned that this location will encourage jaywalking across the middle of California. We think it advisable that the developers of the 3333 project use design measures to discourage that kind of unsafe behavior and would ask that consideration be given to moving the location of that opening so that it does not encourage jaywalking.

7  
(ME-1)


Thank you for your consideration of these issues in the analysis for the proposed projects. We would be very happy to meet with you at your convenience to discuss these concerns in more detail.

Regards,



Craig Salgado  
Chief Operating Officer  
JCCSF

Cc: Dan Safier, *President and CEO, Prado Group*  
Matt Field, *Chief Investment Officer, TMG Partners*  
Susan Diamond, *JCCSF Land Use Counsel*  
Marci Glazer, *CEO, JCCSF*



# Laurel Heights Improvement Association of San Francisco, Inc.

By Hand Delivery

December 5, 2018

By E-Mail to: [Commissions.secretary@sfgov.org](mailto:Commissions.secretary@sfgov.org) and  
[julie.moore@sfgov.org](mailto:julie.moore@sfgov.org) and [nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)

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

Dear President Hillis and Commissioners:

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

December 13, 2018  
 Planning Commission

**RECEIVED**

DEC 05 2018

CITY & COUNTY OF S.F.  
 PLANNING DEPARTMENT

## INTRODUCTION AND REQUEST FOR EXTENSION OF COMMENT PERIOD

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

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

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

There are two new Full Preservation Alternatives which are feasible.

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

RECEPTION DESK

1  
(TR-5)

2  
(GC-3)

3  
(AL-2)

San Francisco Planning Commission

December 5, 2018

Page 2

features of the historically significant resource. This Alternative would include the same number of housing units as the proposed project (558 units) and the project variant (744 units). This Commission should request that the Draft EIR (DEIR) be revised to substitute the Community Full Preservation Alternative for DEIR Alternative C, because Alternative C would have 24 less housing units than the proposed project and substantial new retail uses, which are not permitted under the current site zoning. Retail was banned when the site was rezoned from First Residential to limited commercial in order to prevent adverse effects on the Laurel Village Shopping Center and Sacramento Street merchants.

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

## 1. COMMUNITY FULL PRESERVATION ALTERNATIVE

The Community Full Preservation Alternative would have the same number of housing units as the project (558 units) or project variant (744 units) and would build new residential buildings where the parking lots are located along California Street. Also, a residential Mayfair building would be built on a small portion of the landscaping. Other than that, the historically significant landscaping including the beautiful Terrace designed by the renowned landscape architects Eckbo, Royston & Williams and the majority of the 185 mature trees would be retained and would continue to absorb greenhouse gases. Under this Alternative, the existing 1,183 asf café and 11,500 gsf childcare center would remain in the main building. Approximately 10,000 gsf of office uses in the existing main building could be retained, at the developer's option.

The site would not be rezoned for approximately 54,117 gsf of retail uses or a 49,999 gsf new office building. By using all the newly constructed buildings for housing, some units large enough to be attractive to middle-income families would be provided along with other affordable

3  
(AL-2)  
cont'd



San Francisco Planning Commission

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Page 3

3 (AL-2) cont'd

housing. Retail uses were banned as a commercial use on the site by Planning Commission Resolution 4109, which still applies, when the site zoning was changed from First Residential to commercial with limitations, in order to prevent adverse effects on the adjacent retail uses in Laurel Village Shopping Center and along the Sacramento Street neighborhood commercial area. See Attachment G, Resolution 4109. This resolution was recorded in the chain of title as a Stipulation as to Character of Improvements and can only be changed by the Board of Supervisors.

4  
(PP-1)

The Community Alternative would retain all of the existing office building's character-defining features and the bulk of the character-defining features of the site and landscape. Also, this Alternative would be built in approximately 3 years, as opposed to the 15 years which the developer is requesting in the development agreement so that if "conditions do not exist to build out the entire project, we can phase construction in order to align with market conditions and financing availability." Attachment A, October 12, 2017 email from Dan Safier. An architect is drawing up a graphic of the Community Alternative, which we will submit as comment on the Draft EIR.

5  
(AL-2)

## 2. ALTERNATIVE C: FULL PRESERVATION RESIDENTIAL ALTERNATIVE

6  
(AL-3)

There is also a new alternative in the Draft EIR (DEIR) which was not presented to the Architectural Review Committee of the San Francisco Historic Preservation Commission on March 21, 2018.

DEIR Alternative C: Full Preservation Residential Alternative would have 534 residential units plus 44,306 gsf of retail uses. DEIR p. 6.13. Please note that some of the proposed retail uses under this Alternative can be converted to residential uses to add 24 more residential units in order to match the 558 residential units in the proposed project. The DEIR unreasonably configured this alternative to have 24 less residential units than the project, in order to provide a false pretext for its rejection.

Alternative C would not divide the existing office building with a 40-foot-wide pathway, demolish the south wing of the building or destroy the Eckbo Terrace and majority of the



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historically-significant landscaping. (See Attachment B hereto - Alternative C Site Plan from DEIR p. 6.67) This alternative would also have 14,650 gsf of daycare uses. *Ibid.*

According to the DEIR, Alternative C would retain most of the existing office building's character-defining features and many of the character-defining features of the site and landscape. DEIR p. 6.78. It is unclear what the DEIR means by stating that "the glass curtain wall system would be replaced with a system compatible with the historic resource," as the DEIR only states that the replacement would be "a residential system that would be compatible with the historic character of the resource; e.g. operable windows with small panes divided by a mullion and muntins." DEIR pp. 6.77-6.78. Illustrations do not appear to have been provided. It is also unclear what the DEIR means by stating that the proposed one-story vertical addition (12-feet tall) "would appear visually subordinate to the historic portion of the building" and that "the new rooftop addition would distinguish it from the original building yet be compatible with Midcentury Modern design principles." DEIR pp. 6.77-6.79. Illustrations do not appear to have been provided. The Final EIR should explain exactly what is meant by these two items so that their impact on the character-defining features of the resource can be determined.

6  
 (AL-3)  
 cont'd

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

Opening at the front of the main building, there is a pathway through the building that opens into the Eckbo Terrace and continues to Masonic. See Attachment C, photos of pathway.

7  
 (PD-4)

### **4. PHOTOGRAPHS OF THE SITE ARE PROVIDED IN ATTACHMENT D.**

Photographs of the property that were provided to the State Historic Resources Commission are attached hereto because the DEIR does not appear to contain photographs of the character-defining features, other than the aerial view on the cover. See Attachment D.

8  
 (CR-1)

### **5. THE DEVELOPERS AND USCF CONCEALED THE HISTORIC SIGNIFICANCE OF THE PROPERTY.**



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During the meetings UCSF held with community members prior to granting the developer a 99-year lease for the property in 2015, UCSF concealed the historic significance of the property from the community members. The developers also concealed the historic significance of the site from community members during the time they met with community members to discuss their development concepts. The City of San Francisco disclosed the historic significance of the site in the Notice of Preparation of Environmental Impact Report and Notice of Public Scoping Meeting dated September 20, 2017. However, UCSF knew at least six years earlier that the site was a historically significant resource eligible for listing in the National Register and California Register, as shown in the *UCSF HISTORIC RESOURCES SURVEY* prepared on February 8, 2011 by Carey & Co, Inc. See Attachment E, excerpts from Carey & Co, Inc., *UCSF HISTORIC RESOURCES SURVEY*.

8  
 (CR-1)  
 cont'd

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

As explained in the letter from attorney Fitzgerald, the public has acquired recreational rights to the open space on the property as a result of the public's use of the used open space on the property as a park. See Attachment F.

9  
 (PD-5)

### **CONCLUSION**

The Commission should support the Community Full Preservation Alternative which would construct the new residential uses in approximately three years, rather than 7-15 years, under the developer's proposal. This Commission should also request that the Community Full Preservation Alternative be substituted for Alternative C in the DEIR.

In the alternative, this Commission should propose that Alternative C be modified so that no portion of the exterior of the existing office building be removed or expanded and that 24 additional residential units be constructed in the space allocated for 44,306 gsf of retail uses in Alternative C so that the total number of residential uses in Alternative C would match the 558 units in the proposed project

10  
 (AL-2)

11  
 (AL-3)

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and 744 units in the project variant. Under this Alternative, as well as the Community Full Preservation Alternative, the existing passageway which extends from the north of the building, through the building, into the Eckbo Terrace, and onto an open-air pathway that directly connects to Masonic Avenue can be used as a pathway open to the public. No division of the main building would be needed to produce a pathway. There is also an existing open-air passageway from the north gate through the property that connects with Laurel Street.

12  
(PD-4)

The confirmation of listing on the California Register of Historical Resources is attached.  
See Attachment H.

Respectfully submitted,

Laurel Heights Improvement Association of SF, Inc.



By: Kathryn Devincenzi, President

Telephone: (415) 221-4700

E-mail: [LaurelHeights2016@gmail.com](mailto:LaurelHeights2016@gmail.com)

ATTACHMENTS A-H

**EXHIBIT A**



**Dan Safier** <dsafier@pradogroup.com>

To: John Rothmann <johnrothmann2@yahoo.com>, Dan Kingsley <dkingsley@sksre.com>

Cc: Kathy Devincenzi <krdevincenzi@gmail.com>, Catherine Carr <catherine.a.carr@gmail.com>, "M.J. Thomas" <mjinsf@comcast.net>, Richard Frisbie <frfbeagle@gmail.com>

**O-LHIA1**  
Thu, Oct 12, 2017 at 3:45 PM

Dear John, Kathy, Catherine, M.J., and Dick:

First of all John, thank you for the meeting last week at your home. As we agreed in the meeting, we are responding to your recent questions regarding the project. We have re-arranged your questions slightly to group them according to subject. If we haven't answered any of your questions, please let us know. We very much appreciate your willingness to promptly write back to us with your five outstanding issues on the project that are currently preventing us from obtaining LHIA support for the project. We appreciate your doing this so we can set a follow up meeting to find a mutually workable solution.

### **LHIA Questions:**

**Q: You also stated that Prado wants to have a development agreement to lock in entitlements for longer periods of time than would normally be allowed?**

**A:** Yes, we are looking to enter into a development agreement (DA) with the City for a term of approximately 15 years. For large projects with multiple buildings like 3333 California Street, the City generally requires a DA. The DA vests the entitlements, protecting the entitlements from changes in the law in exchange for certain community benefits. This would include the community benefit of certainty of the entitlements during that period. If we did not build the project during the term of the DA, then the DA would expire and we would lose the protections of the DA.

**Q: What portion of the project would be built first?**

**A:** At this time, we have assumed that the Masonic and Euclid buildings would be built first. In general, we anticipate construction beginning with a staging and site preparation phase, which will include some demolition, then excavation for underground parking, followed by construction of the buildings. With the exception of work on the sidewalks, addition of landscaping, paving, and connecting to the City's various systems and utilities, our general contractor, Webcor Builders, is anticipating that construction will occur within the site. We will be preparing a detailed construction management plan, and the EIR will include mitigation measures around construction emissions, air quality, etc. with which we will have to comply.

**Q: What would you expect to be built in each successive phase of the project?**

**A:** At this time, we anticipate the following in each phase – Phase 1: Masonic and Euclid buildings; Phase 2: Center Buildings A and B; Phase 3: Plaza A, Plaza B and Walnut buildings; and Phase 4: Mayfair Building and Laurel Duplexes.

**Q: What do you anticipate the total period of time will be during each phase of construction?**

**A:** Our current planning assumes that each phase would overlap, e.g., Phase 2 begins approximately 20 months after Phase 1. Specifically, we think Phase 1 could take 30 months, Phase 2 could take 24 months, Phase 3 could take 36 months, and Phase 4 could take 20 months. Assuming an overlap of phases, from start to finish it could take approximately six to seven years to complete all phases of the construction. This construction phasing and related

durations are consistent with and defined in the phasing schedule under review in our environmental application. While the phasing could be accelerated, we have assumed a relatively conservative approach to the construction phasing.

**Q: What is the period of time that you anticipate that construction will occur?**

**A:** We anticipate that construction will occur in the spring of 2020.

**Q: What is the reason for constructing the project in phases?**

**A:** By allowing for potential phased construction, we would have the ability to complete and occupy portions of the project as each phase is completed. If conditions do not exist to build out the entire project, we can phase construction in order to align with market conditions and financing availability.

**Q: How many extensions do you anticipate requesting for the entitlements?**

**A:** None. Any extension of the DA's term would be a material amendment that would require Board of Supervisor's approval.

**Q: During those extended periods, would it be possible for Prado to request changes in the project as related specifically to increased height, increased bulk, increased numbers of residential units, increased amounts of retail or office space? What about the possibility of design changes or other changes? Could Prado apply to change any part of the construction to provide the opportunity to have high rise construction?**

**A:** Once the EIR is certified and the project is approved, any material changes to the project would be subject to new environmental review, would require Planning Commission and Board of Supervisor approvals and also an amendment to the DA. Any increase in height over what is entitled in our project would require a revision to the Planning Code and Zoning Maps that would entail Planning Commission and Board of Supervisors approval.

**Q: There are genuine concerns about reducing open spaces and reduced on-site parking places.**

**A:** Open space will be part of the entitlements and will likely be considered by the City as one of the public benefits supporting the DA -- for that reason alone, reducing the amount of it would be very difficult if not impossible. The open space requirements will be carefully described in the project's approvals and will also be recorded against the property. So, as with any material changes to the approved project, any material change to the open space would be very difficult and would involve a public process and City approval. As to parking spaces, as you know, the City would like to see the number of spaces reduced. We plan to continue advocating for the proposed number of project parking spaces in our application.

**Q: During the phased construction could Prado transfer shares in the project to provide for new or additional investors?**

**A:** We have no plan to transfer any shares in the project and construction lenders generally prohibit any changes of ownership by the project developer during construction and stabilization of a project. PSKS, along with our equity partners and lenders, intend to provide all of the capital necessary to construct, own and operate the project. We plan to

retain day-to-day control of the project during development, construction, stabilization and ongoing operations. We design and build our projects to hold for the long-term owner. O-LHIA1

We look forward to reconnecting and thank you again for making the time to meet with us.

Sincerely, Dan



Dan Safier | President & CEO

Prado Group, Inc.

150 Post Street, Suite 320

San Francisco, CA 94108

[dsafier@pradogroup.com](mailto:dsafier@pradogroup.com)

T: 415.395.0880 | D: 415.857.9306

**From:** John Rothmann [mailto:[johnrothmann2@yahoo.com](mailto:johnrothmann2@yahoo.com)]

**Sent:** Monday, September 25, 2017 8:20 PM

**To:** Dan Safier <[dsafier@pradogroup.com](mailto:dsafier@pradogroup.com)>; Dan Kingsley <[dkingsley@sk sre.com](mailto:dkingsley@sk sre.com)>

**Cc:** Kathy Devincenzi <[krdevincenzi@gmail.com](mailto:krdevincenzi@gmail.com)>; Catherine Carr <[catherine.a.carr@gmail.com](mailto:catherine.a.carr@gmail.com)>; M.J. Thomas <[mjinsf@comcast.net](mailto:mjinsf@comcast.net)>; Richard Frisbie <[frfb eagle@gmail.com](mailto:frfb eagle@gmail.com)>

**Subject:** Specific qwuations about thre proposed project

Dear Dan and Dan,

[Quoted text hidden]

**John Rothmann** <[johnrothmann2@yahoo.com](mailto:johnrothmann2@yahoo.com)>

To: Kathy Devincenzi <[krdevincenzi@gmail.com](mailto:krdevincenzi@gmail.com)>

Mon, Oct 30, 2017 at 7:21 PM

----- Forwarded Message -----

**From:** Dan Safier <[dsafier@pradogroup.com](mailto:dsafier@pradogroup.com)>

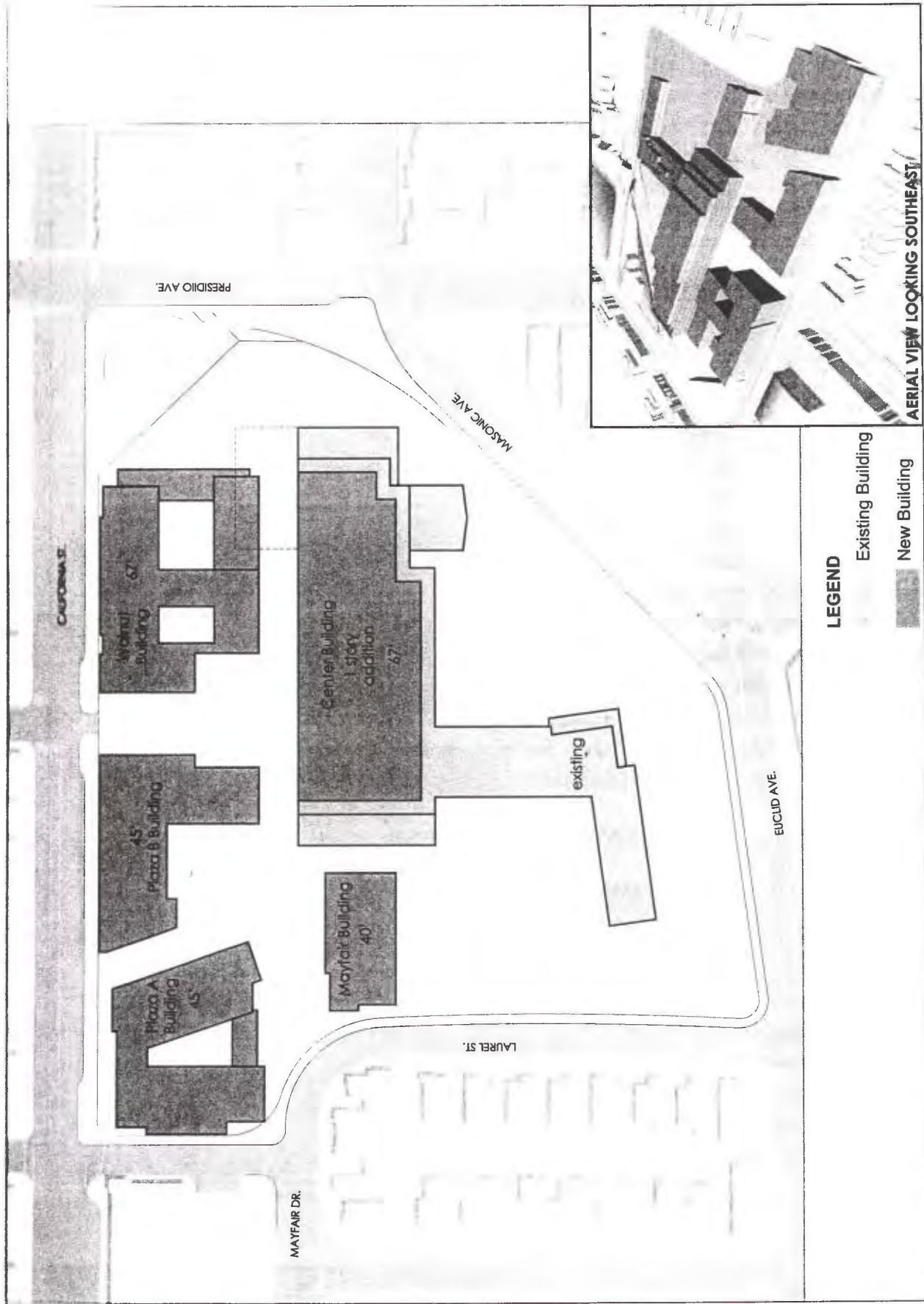
**To:** John Rothmann <[johnrothmann2@yahoo.com](mailto:johnrothmann2@yahoo.com)>; Dan Kingsley <[dkingsley@sk sre.com](mailto:dkingsley@sk sre.com)>

**Cc:** Kathy Devincenzi <[krdevincenzi@gmail.com](mailto:krdevincenzi@gmail.com)>; Catherine Carr <[catherine.a.carr@gmail.com](mailto:catherine.a.carr@gmail.com)>; M.J. Thomas <[mjinsf@comcast.net](mailto:mjinsf@comcast.net)>; Richard Frisbie <[frfb eagle@gmail.com](mailto:frfb eagle@gmail.com)>

[Quoted text hidden]



**EXHIBIT B**



Source: Laurel Heights Partners, LLC (2018)

**3333 CALIFORNIA STREET MIXED-USE PROJECT**

2015-014028ENV

**FIGURE 6.5: ALTERNATIVE C: FULL PRESERVATION -  
RESIDENTIAL ALTERNATIVE SITE PLAN**

**EXHIBIT C**





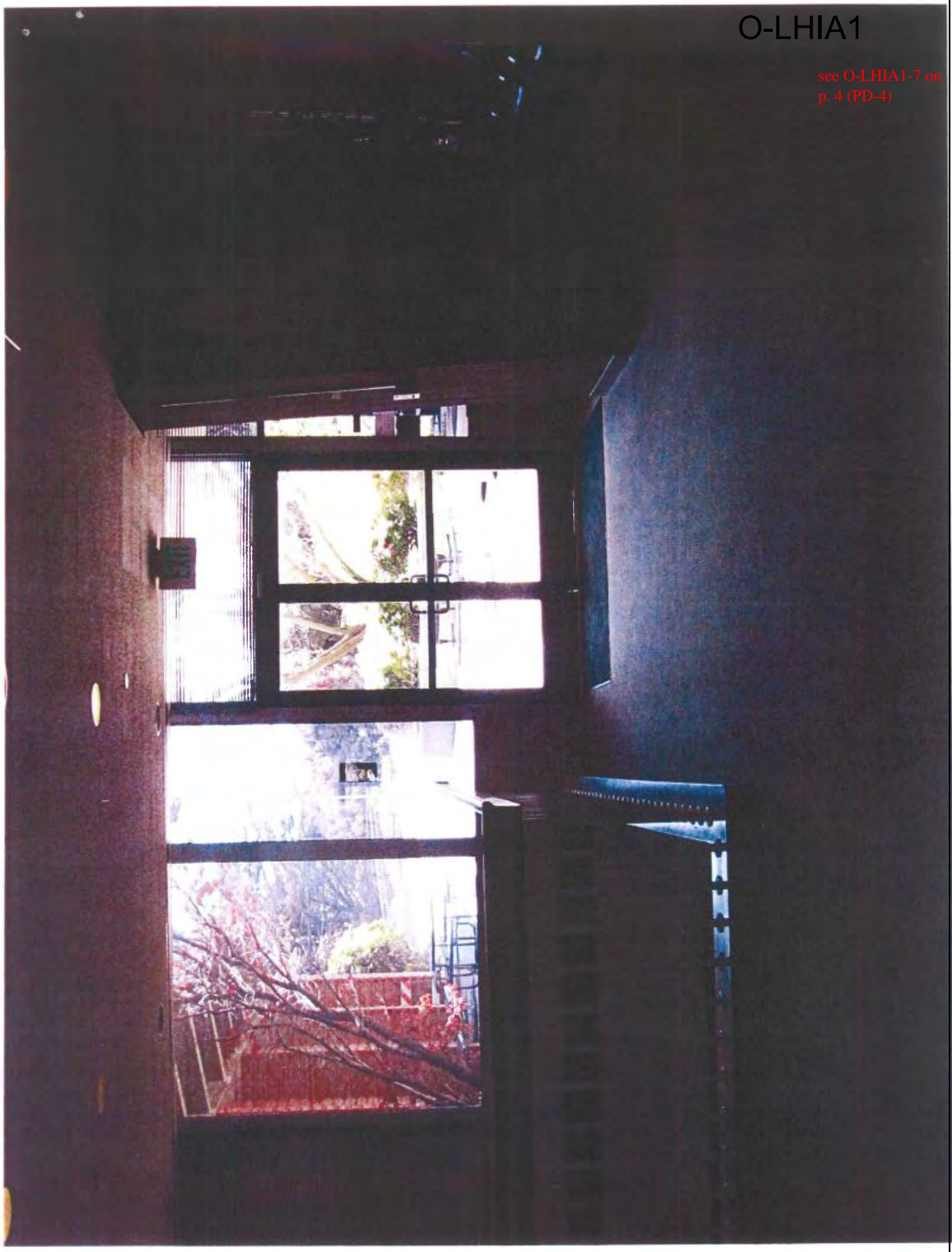






O-LHIA1

see O-LHIA1-7 on  
p. 4 (PD-4)





O-LHIA1

see O-LHIA1-7 on  
p. 4 (PD-4)

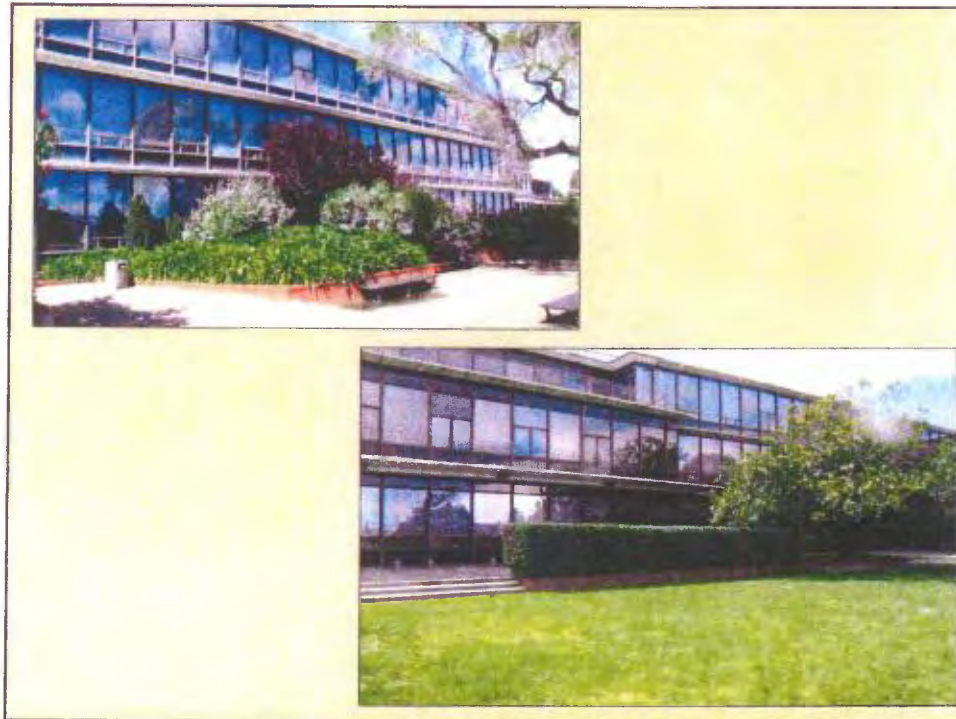


**EXHIBIT D**





The next slides show the horizontality of the composition as the building steps down the hillside. As the nomination explains, the horizontality of the architecture both in its long, low wings, and in the specific design features of the wings—the division of floors by continuous thin edges of concrete and the walls of the floors consisting of long repetitions of similar window units—helped to balance the massing of the Office Building with the surrounding landscape.



These photos of the windows show the modern aluminum materials and the long repetitions of similar window units and the modernist design of the vertical and horizontal dividers in the windows evoking modern art forms. Also, the exterior glass walls provided views into the landscape of the outdoor spaces and at certain times of day reflected landscape features (trees, lawn, walls, patterned pavement, etc.), adding yet another level of integration between interior and exterior spaces. P. 21. This reflection can be seen on these slides.

In 1984, the glass of the windows was tinted, the aluminum frames of the units of the windows were painted brown and the bottom panels of ceramic coated glass were changed from blue to brown. As the nomination explains, this change did not alter the essential features of the building or its “design as a glass box open to its immediate landscape and to distant views.”



Next, we see the exquisite outdoor Terrace— which was set on the east side of the building, framed by the Office and Cafeteria Wings, where it was “protected from the prevailing west wind” and on a portion of the site that had been graded to provide “a good view of a large part of San Francisco.” Here a biomorphic-shaped lawn was framed by a patio, whose exposed aggregate pavement was divided by rows of brick that aligned with the window frames of the building.





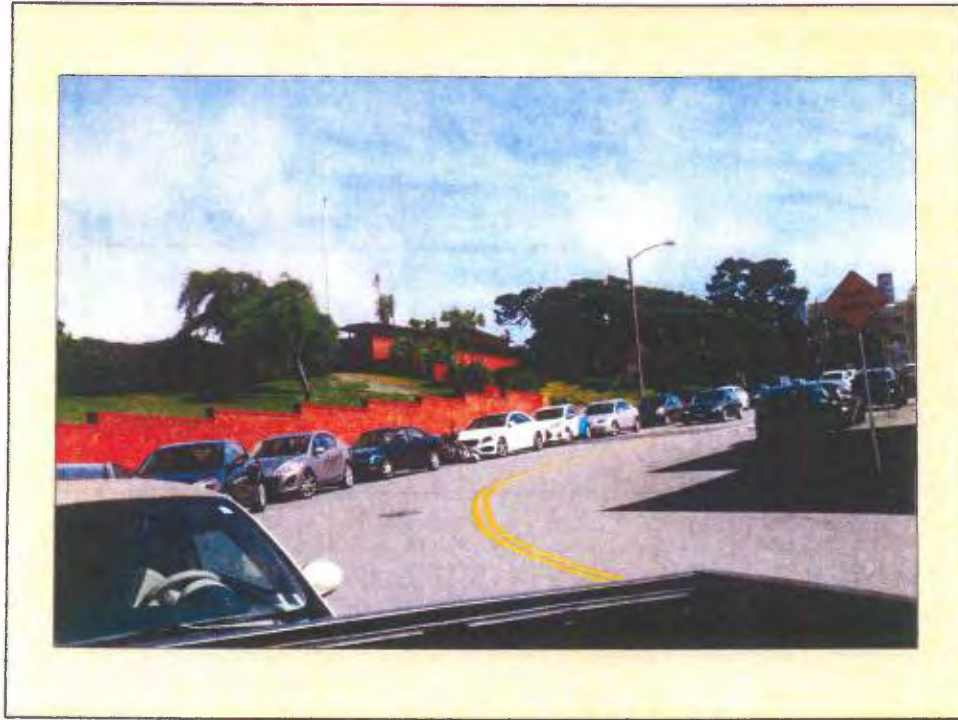
Benches attached to the niches of the zig-zag of the seat wall, which enclosed the eastern side of the Terrace, provided places for employees “to relax in the sun during lunch or coffee breaks.” P. 21



Here we see the views of the Transamerica Pyramid and other notable buildings from the Terrace.



In these photos we see the brick aligned with the window frames of the building.



It created a boundary wall along some sides of the property and was transformed into low retaining walls that defined a series of planting beds along the some sides of the property.

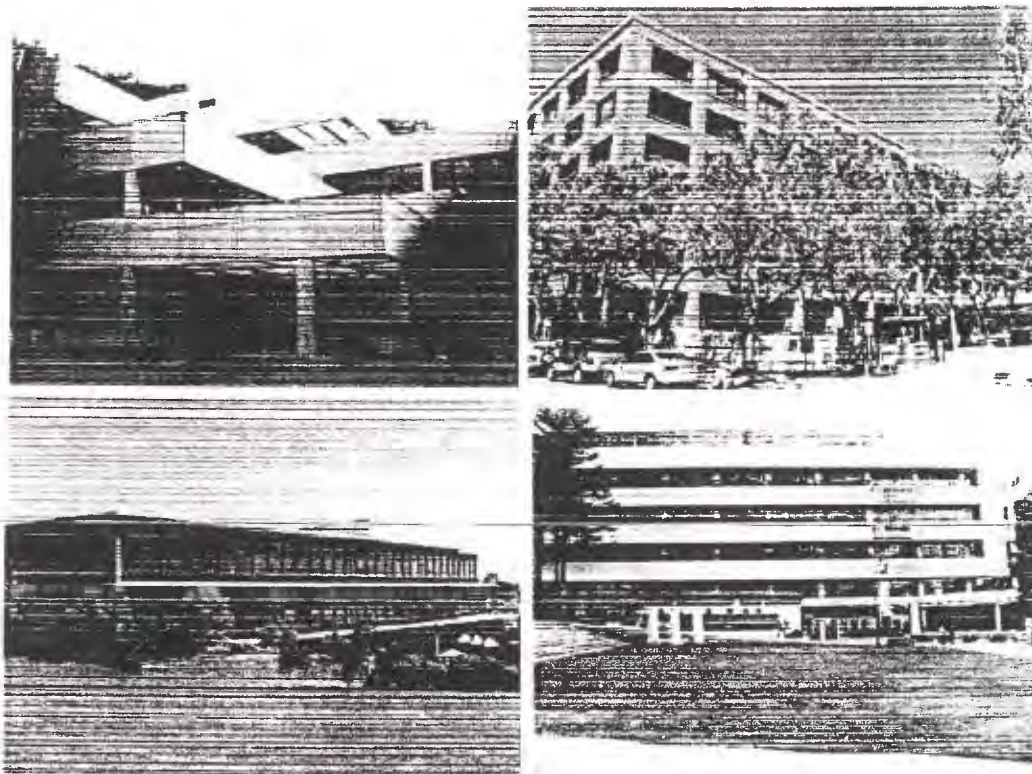
**EXHIBIT E**



# UCSF HISTORIC RESOURCES SURVEY

San Francisco, California

February 8, 2011



*Prepared for*

University of California, San Francisco

*Prepared by*



APEY & COMPANY, INC.  
P.O. BOX 111

The materials Rockrise used for the student housing, their scale, their immediate access to the outdoors – particularly the sliding glass door and wide balconies – and their siting and landscaping, which landscape architect Lawrence Halprin designed, all conform to the principles of the Second Bay Region Tradition. In terms of integrity Aldea 10 retains a high degree of integrity of location, design, setting, workmanship, feeling and association. Some materials have been replaced, such as wood railings or siding, but these alterations are visually compatible. Therefore, Aldea 10 appears to be eligible for listing NRHP/CRHR under Criterion C/3 as an intact example of Second Bay Region Tradition.

#### **745 Parnassus Avenue/Faculty Alumni House**

Built in 1915, this two-story building occupies a heavily wooded lot at the southeast corner of 5th Avenue and Judah Street. The L-shaped building faces northwest and wraps around a small enclosed courtyard covered with brick pavers. Textured stucco clads the structure. The primary window type is wood sash, casement. The clay tile-clad, cross-gable roof features exposed rafter tails. The main entrance, which faces the courtyard at the northwest corner of the building, consists of a round projection with a conical roof clad with clay tiles; its door is framed by a deep shaped opening. Three wood, glazed double doors are located at the first story on other side of the main entrance. At the second story, each façade contains four sets of paired casement windows with shutters featuring prominent rivets. The second floor of the west-facing façade overhangs the first and is supported by machicolations. Each gable end features a paired double door at the second story that opens to a small balcony supported by decorative brackets.

The Faculty Alumni House is not known to be associated with persons of significance and therefore does not appear to be eligible for the NRHP/CRHR under Criterion B/2. It does, however, appear to be eligible for the NRHP/CRHR under Criteria A/1 and C/3, for its association with significant developments in the history of UCSF and as an excellent example of Spanish Eclectic architecture with high artistic value. Built for dental students in 1915, the building marks the first attempt to address student needs outside of the classroom. Recreational facilities also coordinated by the dental students followed within a few years. Thus the building expresses early attempts to foster student life at UCSF, rendering it eligible under Criterion A/1. With its stucco cladding, clay tile roof, heavy brackets, rounded entrance and carved archway, the Faculty Alumni House also stands as a fine example of Spanish Eclectic architecture, which was entering its peak of popularity in 1915. The building has not been moved or undergone significant alterations and stands in a residential neighborhood that has changed little since 1915. It thus retains its integrity of location, setting, design, materials, workmanship, feeling, and association.

#### **3333 California Street/Laurel Heights Building**

Built in 1957, this four-story building has an irregular plan and occupies the approximate center of an irregular-shaped city block. The intervening spaces are filled with extensive landscaping or parking lots. The concrete slab floors extend beyond the wall surface to form projecting cornices at each floor, and between these projections, an aluminum-sash window wall with dark, slightly mirrored glass forms the exterior walls. Brick veneer covers the walls in certain locations, and the roof is flat. The main entry opens on the north side of the building and features a covered entry with the roof supported on large square brick piers, a small ground-level fountain, and sliding aluminum doors.

The Laurel Heights building appears to be eligible for listing in the NRHP/CRHR under Criteria A/1 and C/3. It stands as the most prominent postwar commercial development in the Laurel Heights neighborhood and dramatically transformed the former cemetery site, rendering it eligible for the NRHP/CRHR under Criterion A/1. No persons of significance are known to be associated with the building; thus it does not appear to be eligible under Criterion B/2. While Edward B. Page was not the most prominent architect in San Francisco during the postwar period, his resume does accord him master



architect status. More importantly, this main building at the Laurel Heights campus is an excellent example of mid-century Modernism and the International Style. Its horizontality makes it a particularly good regional example of the architectural style. For these reasons the building appears to be eligible for the NRHP/CRHR under Criterion C/3.

The Firemen's Fund Insurance Company Building at Laurel Heights retains excellent integrity. It has not been moved and its surroundings have not undergone many alterations. Thus the building retains its integrity in all seven categories – location, setting, design, materials, workmanship, feeling, and association.

### **513 Parnassus Avenue/Medical Sciences Building**

Built in 1954, this L-shaped building rises 17 stories on a steel structural frame and forms the east boundary and part of the north boundary of the Parnassus Heights campus' Saunders Courtyard. The north elevation faces Parnassus Avenue and features ten structural bays. Masonry panels clad the first and tenth bays. In the remaining bays, masonry spandrels with horizontal ribbing separate horizontal bands of aluminum windows. Four exhaust shafts enclosed in masonry panels project from the wall surface and rise from the second story to above the roof line. The ground floor features floor-to-ceiling aluminum windows separated by dark masonry panels at the structural columns. Monumental stairs rise approximately four feet above the sidewalk level to the main entry, where three columns support a flat entry roof. On the south and west elevations facing Saunders Courtyard, masonry panels cover the wall surfaces and separate horizontal bands of aluminum windows. Projecting metal brackets used to support exposed mechanical pipes and ducts attach to the wall surface in line with the structural columns.

The Medical Sciences Building was constructed at a time when UCSF was undergoing its most significant metamorphosis since the Affiliated Colleges were founded in the 1890s. Enrollment skyrocketed during the postwar years and the institution received unprecedented levels of government funding for research and curriculum development. New buildings were added rapidly to meet the demand and reflect the growing prestige. Within this context, MSB appears eligible for listing in the NRHP/CRHR under Criterion A/1, for its association with events or historic themes of significance in UCSF's history. It also stands as a good example of mid-century hospital architecture and the shift from Palladian Style campuses to International Style, highrise buildings. Blanchard and Maher, while not the most prominent architects in the San Francisco Bay Area, also rise to the level of master architects and this building stands as one of the firm's most prominent buildings in San Francisco. Thus, MSB appears to be eligible for the NRHP/CRHR under Criterion C/3. The building is not known to be associated with persons significant to history and therefore does not appear to be eligible for the NRHP/CRHR under Criterion B/2.

MSB has undergone some alterations but appears to retain a good degree of integrity to convey its historical significance. It has not been moved and continues to stand between Moffitt Hospital and the Clinical Sciences building, down the road from LPPI, and among hospital and medical school facilities. Thus it retains its integrity of location, setting, association, and feeling. The building has undergone some alterations, most notably a new exit to Saunders Court and a glass shaft containing a stairwell and vents on the west elevation. As these alterations occur on secondary elevations and are not notable on the primary, Parnassus Avenue façade, they do not significantly detract from the building's overall design, materials, and workmanship. Thus the building retains a good degree of integrity in these areas.

### **707 Parnassus Avenue/School of Dentistry**

Built in 1979, this L-shaped building rises four stories and steps back to form terraces. The lot contains a parking lot to the south and a partially wooded green space at the north. This reinforced concrete

**EXHIBIT F**

---

Margaret Fitzgerald

30 Wood Street, San Francisco, CA 94118



Date: February 28, 2016

Ms. Mary Woods  
Planner - North West Quadrant  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

RE: 3333 California St. Development

Dear Ms. Woods:

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

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

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

13  
(PD-5)



public's rights to the open space were secured decades ago through implied dedication, it is not necessary for the general public to rely upon its prescriptive easement rights outlined in this paragraph; rather it is another means to the same end.

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

In sum, the open space at the Site cannot be developed as the public secured such rights through implied dedication prior to 1972 (or, alternatively, by prescriptive easement). In reviewing the development plans for the Site, the City cannot decide to allow development of any of the open space as the recreational rights to the space are held by the public at large. Any project description in the future EIR for the Site that contemplates development of any of the open space would be an inadequate project description and would eviscerate any lower impact alternative presented in the EIR. One only need to look to the seminal land use case decided by the California Supreme Court regarding this very Site<sup>1</sup> to see that an EIR will not be upheld if the project alternatives are legally inadequate. It would be misleading to the public to suggest that a lesser impact alternative is one that allows the public to use the space to which it already has permanent recreational use rights.

In sum, please be advised of the public's permanent recreational rights to all of the existing open space at the Site and please ensure that a copy of this letter is placed in the project file.

Sincerely,

*Meg Fitzgerald*

Margaret N. Fitzgerald

With copies to:

Mark Farrell, Supervisor

Dan Safir, Prado Group

Kathy DiVincenzi, Laurel Heights Improvement Association

Robert Charles Friese, Esq.

---

<sup>1</sup> Laurel Heights Improvement Association of San Francisco, Inc. v. The Regents of the University of California, 47 Cal. 3<sup>rd</sup> 376 (1988).

**EXHIBIT G**



## CITY PLANNING COMMISSION

## RESOLUTION NO. 4109

RESOLVED, That Proposal No. Z-52.62.2, an application to change the Use District Classification of the hereinafter described parcel of land from a First Residential District to a Commercial District, be, and the same is hereby APPROVED; subject to the stipulations submitted by the applicant and set forth herein:

Commencing at a point on the S/L of California Street distant thereon 187 feet west of the W/L of Presidio Avenue (produced), thence westerly on said line 707.375 feet to a curve to the left having a radius of 15 feet, thence 23.562 feet measured on the arc of the curve to the left to the E/L of Laurel Street, thence southerly on the E/L of Laurel Street 127.227 feet to the curve to the left having a radius of 60 feet, thence 77.113 feet measured on the arc of the curve to the left to a curve to the right having a radius of 120 feet, thence 149.153 feet measured on the arc of the curve to the right to a curve to the right having a radius of 4033 feet, thence 388.710 feet measured on the arc of the curve to the right to a curve to the left having a radius of 20 feet, thence 35.186 feet measured on the arc of the curve to the left to the northwest line of Euclid Avenue, thence N 73° 12' E on the northwest line of Euclid Avenue 312.934 feet to a curve to the left having a radius of 65 feet, thence 42.316 feet, measured on the arc of the curve to the left to the northwesterly line of Masonic Avenue (proposed extension), thence N 35° 54' E; 380.066 feet to the arc of a curve to the left having a radius of 425 feet, thence 254.176 feet measured on the arc of the curve to the left, thence N 52° 36' 29.74" W, 252.860 feet to the point of commencement. Being the major portion of Lot 1A, Block 1032, containing 10.2717 acres, more or less.

RESOLVED, FURTHER, That this change shall be and at all times remain contingent upon observance by the owner or owners and by his or their successors in interest of the conditions contained in the following stipulations as to the use of the land affected.

1. The character of the improvement for commercial purposes of the subject property, or any portion thereof, shall be limited to a building or buildings designed as professional, institutional or office buildings, including service buildings which are normally accessory thereto.
2. The aggregate gross floor area of all such buildings, calculated exclusive of cellars, of basement areas used only for storage or services incidental to the operation and maintenance of a building, and of indoor or other covered automobile parking space, shall not exceed the total area of the property allotted to such use.



- 2 -

3. For each five hundred square feet of gross floor area in such buildings, calculated as in stipulation 2, above, there shall be reserved and kept available on the property or the portion thereof allotted to such use, one off-street automobile parking space, or equivalent open space suitable for the ultimate provision of such parking space as needed for the accommodation of users of the premises.

4. No such building, other than a minor accessory building having a floor area of not more than 400 square feet, shall occupy any portion of the property which is within 100 feet of the line of the Euclid Avenue boundary thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.

5. If the subject property, or any portion thereof, is developed as a site for residential buildings, such buildings shall be limited as follows:

a. No residential building other than a one-family dwelling or a two-family dwelling shall occupy any portion of the property which is within 100 feet of the Euclid Avenue boundary line thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.

b. No dwelling within the said described portion of the subject area shall occupy a parcel of land having an area of less than thirty three hundred (3300) square feet, nor shall any such dwelling cover more than fifty percent (50%) of the area of such parcel or be less than twelve (12) feet from any other such dwelling, or be set back less than ten (10) feet from any presently existing or future public street, or have a height in excess of forty (40) feet, measured and regulated as set forth in pertinent section of the Building Code of the City and County of San Francisco.

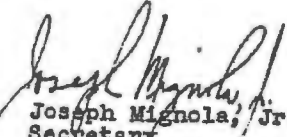
c. No residential building in other portions of the subject property shall have a ground coverage in excess of fifty percent (50%) of the area allotted to such building.

6. Development of the subject property, or of any separate portion thereof, for commercial use as stipulated herein, shall include provisions for appropriate and reasonable landscaping of the required open spaces, and prior to the issuance of a permit for any building or buildings there shall be submitted to the City Planning Commission, for approval as to conformity with these stipulations, a site plan showing the character and location of the proposed

- 3 -

building or buildings, and related parking spaces and landscaped areas upon the property, or upon such separate portion thereof as is allotted to such building or buildings. It shall be understood that approval of any such plan shall not preclude subsequent approval by the Commission of a revised or alternative plan which conforms to these stipulations.

I hereby certify that the foregoing resolution was adopted by the City Planning Commission at its special meeting on November 13, 1952, and I further certify that the stipulations set forth in the said resolution were submitted in a written statement placed on file.

  
Joseph Mignola, Jr.  
Secretary

Ayes : Commissioners Kilduff, Towle, Devine, Williams  
Noes : None  
Absent: Commissioners Brooks, Lopez, Prince  
Passed: November 13, 1952

RECORDED AT REQUEST OF  
OFFICE OF THE COUNTY OF SAN FRANCISCO  
At 11:32 A.M. Jan 10/1953

B-10-126

JAN 8 - 1953  
OFFICIAL RECORDS  
City and County of San Francisco

EXH 6071 PWS 539  
Stipulation as to Character of Improvements on  
that portion of Lot 1A, Block 1032 Affected by  
Zoning Ordinance 2-52.62.2

Official

The San Francisco Unified School District, being the owner of the above property described, and the applicant in Proposal No. 2-52.62.2 for reclassification thereof from a Second Residential District to a Commercial District, set for hearing before the City Planning Commission of the City and County of San Francisco on October 23, 1952, hereby agrees that the said property shall be developed only as set forth in the following stipulations, which if accepted by the said City Planning Commission shall be observed by the applicant and by its successors in interest for as long as the property remains in the zone classification presently sought. The owner further agrees that no improvements shall be constructed on said property in violation of the conditions hereinafter set forth, and recognizes that the reclassification of the property to a Commercial District is by the Commission's action made contingent, and will remain contingent unless further reclassified, upon adherence to these stipulations.

Stipulations

1. The character of the improvement for commercial purposes of the subject property, or any portion thereof, shall be limited to a building, or buildings designed as professional, institutional or office buildings, including service buildings which are normally accessory thereto.
2. The aggregate gross floor area of all such buildings, calculated exclusive of cellars, of basement areas used only for storage or services incidental to the operation and maintenance of a building, and of indoor or other covered automobile parking space, shall not exceed the total area of the property allotted to such use.
3. For each five hundred square feet of gross floor area in such buildings, calculated as in stipulation 2, above, there shall be reserved and kept available on the property or the portion thereof allotted to such use, one off-street automobile parking space, or equivalent open space suitable for the ultimate provision of such parking space as needed for the accommodation of users of the premises.
4. No such building, other than a minor accessory building, having a floor area of not more than 400 square feet, shall occupy any portion of the property which is within 100 feet of the line of the Euclid Avenue boundary thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.

4. 0126-1-539



6071 4540

-2-

5. If the subject property, or any portion thereof, is developed as a site for residential buildings, such buildings shall be limited as follows:

a. No residential building other than a one-family dwelling or a two-family dwelling shall occupy any portion of the property which is within 100 feet of the Euclid Avenue boundary line thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.

b. No dwelling within the said described portion of the subject area shall occupy a parcel of land having an area of less than thirty three hundred (3300) square feet, nor shall any such dwelling cover more than fifty percent (50%) of the area of such parcel or be less than twelve (12) feet from any other such dwelling, or be set back less than ten (10) feet from any presently existing or future public street, or have a height in excess of forty (40) feet, measured and regulated as set forth in pertinent section of the Building Code of the City and County of San Francisco.

c. No residential building in other portions of the subject property shall have a ground coverage in excess of fifty percent (50%) of the area allotted to such building.

6. Development of the subject property, or of any separate portion thereof, for commercial use as stipulated herein, shall include provisions for appropriate and reasonable landscaping of the required open spaces, and prior to the issuance of a permit for any building or buildings there shall be submitted to the City Planning Commission, for approval as to conformity with these stipulations, a site plan showing the character and location of the proposed building or buildings, and related parking spaces and landscaped areas upon the property, or upon such separate portion thereof as is allotted to such building or buildings. It shall be understood that approval of any such plan shall not preclude subsequent approval by the Commission of a revised or alternative plan which conforms to these stipulations.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT,  
a public corporation

Subscribed and sworn to  
before me this 13th day  
of November, 1952

*Paul J. Morgan*  
County Clerk in and for  
the City and County of San  
Francisco, State of  
California.

By

*Eugene J. Riordan*  
Eugene J. Riordan  
Director of Property of the City  
and County of San Francisco

494610 1-3-52

**EXHIBIT H**

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896  
SACRAMENTO, CA 94296-0001  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov



August 31, 2018

John Rothman, President  
Kathryn Devincenzi, Vice President  
Laurel Heights Improvement Association of San Francisco  
22 Iris Avenue  
San Francisco, California 94118

**RE: Fireman's Fund Insurance Company, Determination of Eligibility  
National Register of Historic Places**

Dear Mr. Rothman and Ms. Devincenzi:

I am writing to inform you that on August 29, 2018, Fireman's Fund Insurance Company was determined eligible for the National Register of Historic Places (National Register). As a result of being determined eligible for the National Register, this property has been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the California Code of Regulations.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property determined eligible for the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist.

If you have any questions or require further information, please contact Jay Correia of the Registration Unit at (916) 445-7008.

Sincerely,

A handwritten signature in black ink, appearing to read "Julianne Polanco".

Julianne Polanco  
State Historic Preservation Officer

Enclosure

August 31, 2018

Previous Weekly Lists are available here: <http://www.nps.gov/history/nr/nrlist.htm>

Please visit our homepage: <http://www.nps.gov/nr/>

Check out what's Pending: <https://www.nps.gov/nr/pending/pending.htm>

Prefix Codes:

- SG - Single nomination
- MC - Multiple cover sheet
- MP – Multiple nomination (a nomination under a multiple cover sheet)
- FP - Federal DOE Project
- FD - Federal DOE property under the Federal DOE project
- NL - NHL
- BC - Boundary change (increase, decrease, or both)
- MV - Move request
- AD - Additional documentation
- OT - All other requests (appeal, removal, delisting, direct submission)
- RS – Resubmission

WEEKLY LIST OF ACTIONS TAKEN ON PROPERTIES: 8/16/2018 THROUGH 8/31/2018

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, NHL, Action, Date, Multiple Name

CALIFORNIA, SAN FRANCISCO COUNTY,  
Fireman's Fund Insurance Company Home Office,  
3333 California St.,  
San Francisco, RS100002709,  
OWNER OBJECTION DETERMINED ELIGIBLE, 8/29/2018

**From:** [Kathy Devincenzi](#)  
**To:** [Rich Hillis](#); [Melgar, Myrna \(CPC\)](#); [planning@rodneyfong.com](mailto:planning@rodneyfong.com); [Johnson, Millicent \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Richards, Dennis \(CPC\)](#); [CPC-Commissions Secretary](#); [CPC.3333CaliforniaEIR](#); [Foster, Nicholas \(CPC\)](#)  
**Subject:** Photographs of Item 11: December 13, 2018 Planning Commission Meeting  
**Date:** Monday, December 10, 2018 1:27:55 PM  
**Attachments:** [20181210163544.pdf](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: December 13, 2018 Planning Commission Meeting  
Item 11: 3333 California Street, Case Number 2015-014028ENV

Dear President Hillis and Commissioners,

Attached are photographs of historically significant characteristics of the site and comments that were presented to the State Historical Resources Commission on May 17, 2018. As a result of the State Commission's approval of our nomination, the site was listed on the California Register of Historical Resources.

Thank you for your consideration of this matter.

Laurel Heights Improvement Association of SF, Inc.  
By: Kathy Devincenzi, President  
(415) 221-4700





Good afternoon Commissioners. I am Kathy Devincenzi, Vice-President of the Laurel Heights Improvement Association which is a neighborhood association adjacent to the 3333 California Street property. We were fortunate to have had our nomination prepared by such highly qualified historians as Michael Corbett and Denise Bradley. Michael Corbett is widely recognized as one of San Francisco's acclaimed architectural historians. He was the author of the Uptown Tenderloin Historic District nomination with 477 contributing properties, which was accepted by the keeper of the National Register.

Michael was the author of *Port City: The History and Transformation of the Port of San Francisco, 1848-2010* (2011) published by San Francisco Architectural Heritage. Michael was also the principal author of the Port's Embarcadero Historic District nomination report. He is also the author of *Splendid Survivors: San Francisco's Downtown Architectural Heritage* (1979), the survey that formed the basis of the Downtown Plan and remains a standard reference on architecture in the city.

Denise Bradley has over 25 years of experience in providing research, documentation and evaluations of historical significance and served as Senior Landscape Historian for URS Corporation (formerly Dames & Moore) for 10 years before founding her own firm. She has received recent awards for documenting landscapes or studies of cultural resources as to Marin General Hospital, Mission Dolores, Fort Scott, Vallejo's Home and Alcatraz Island. In the past two years, she has evaluated cultural landscapes in the Delta Heritage Feasibility Study, Shellmound Boulevard, Mare Island, Mount Sutro Open Space Reserve, Sunnyvale Civic Center Historic District, and Vallejo, among others.



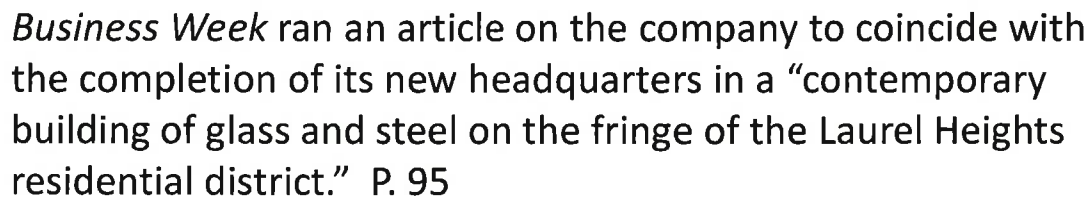
The Fireman's Fund Home Office, a single property including both architectural and landscape architectural elements which were designed to complement each other, is significant under Criterion C as an example of a corporate headquarters in San Francisco that reflects mid-twentieth century modernist design principles.

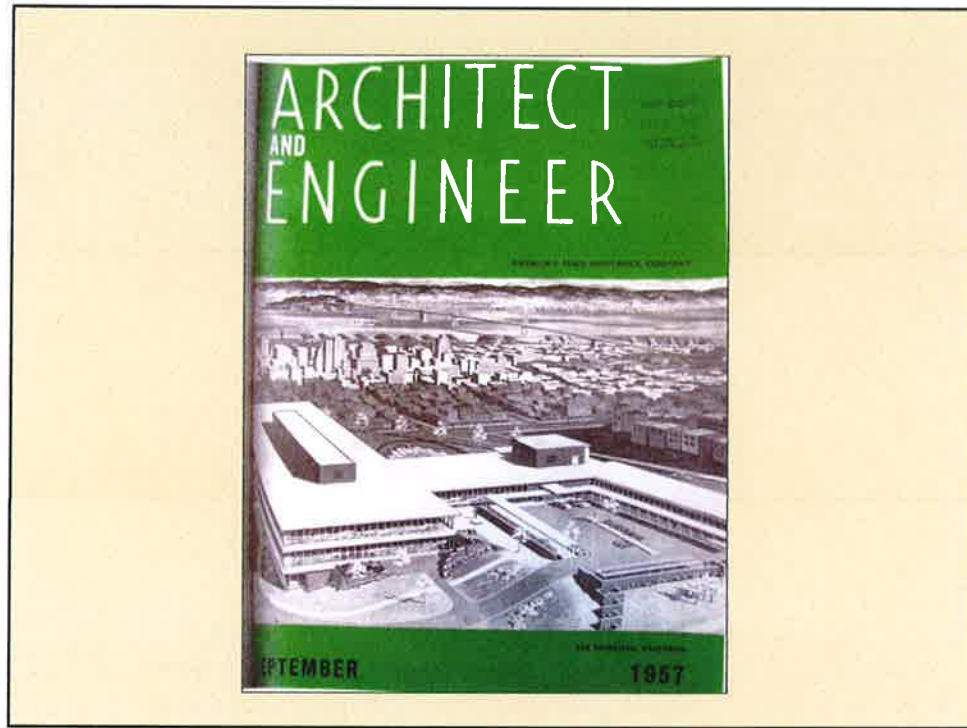


As an example of the International Style and the idea that form follows function, the building itself expresses the use of new technologies and materials, designing without ornament, an economy of means, a focus on function, an orientation to the landscape, and a process of design that resulted in a characteristic expression in glass and concrete. Key characteristics of a post-World War II suburban corporate headquarters are expressed the design's centrally-sited ...building's low-rise perpendicular wings which frame outdoor spaces designed to function with the building. The landscape was designed to promote the integration between architecture and landscape and uses forms and materials that are characteristic of modernist designs from the mid-twentieth century. The composition is a masterpiece of modern architecture.

4



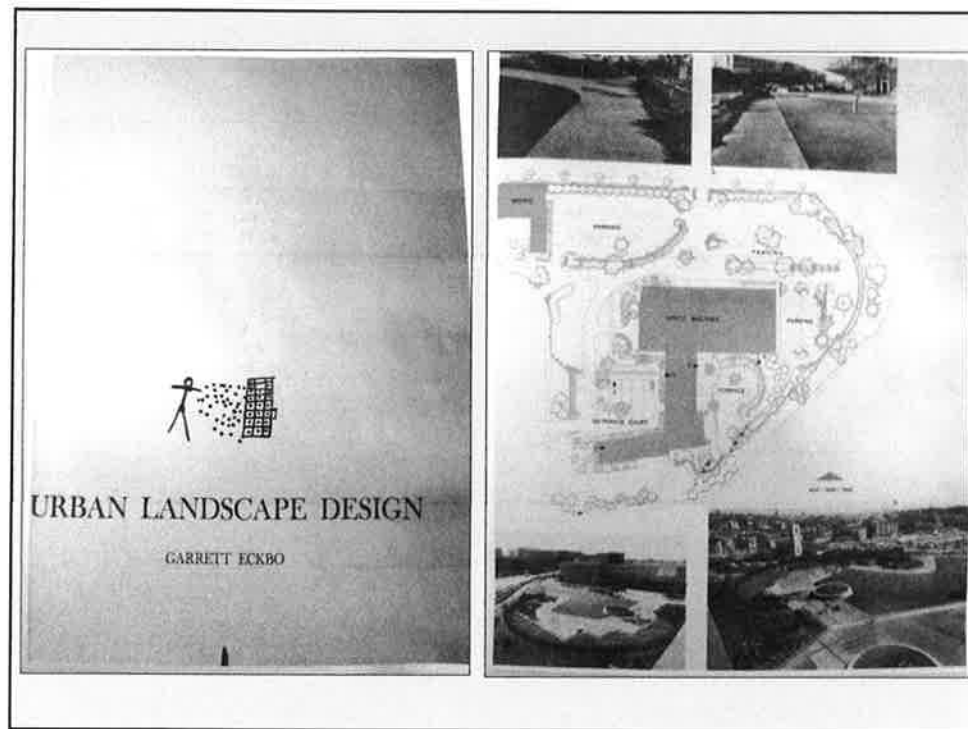




*In September 1957, Architect and Engineer ran a long **cover story** of the building beginning with the company's goal "that the new structure would be the finest and most efficient possible for the conduct of the firm's business and the welfare of its staff" and reporting construction innovations such as special support columns whose dimensions were far smaller than conventional columns, and a layout in which most employees would be within 40 feet of an outside window and a truly superb job of landscaping.*

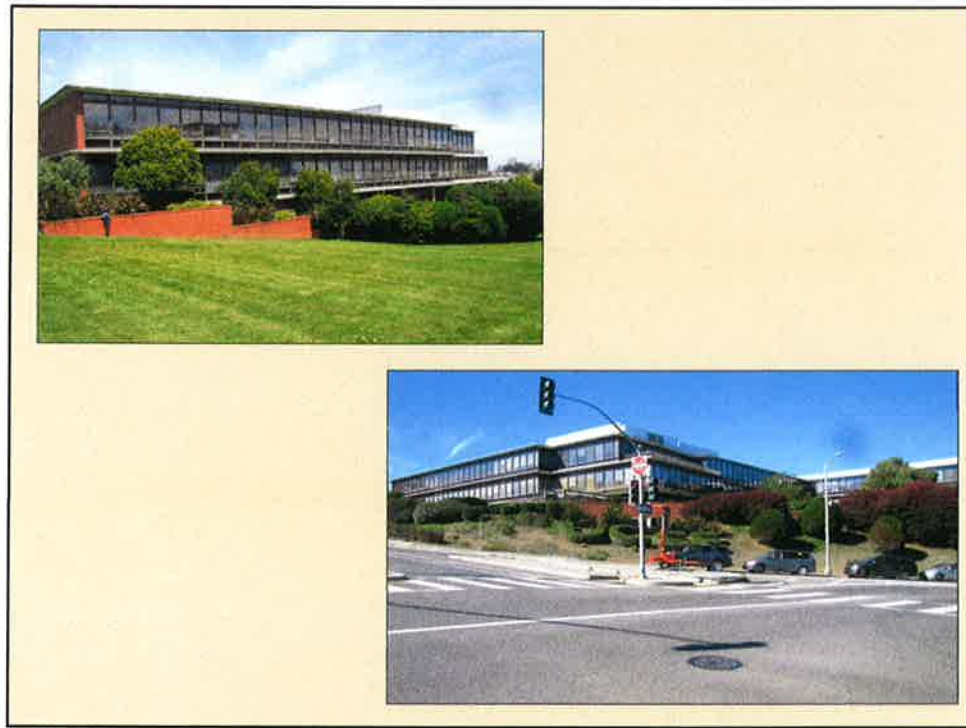


In 1959, the prominent French journal, *Architecture d'aujourd'hui*, reported on the architecture and landscape design of the property in a special issue on office buildings around the world. Fireman's Fund was the only American building featured among 43 buildings in 16 countries on 3 continents.



The master landscape architect Garrett Eckbo included a description, site plan and nine photographs of Fireman's Fund to illustrate the "Building and Site" chapter of his book *Urban Landscape Design*





The next slides show the horizontality of the composition as the building steps down the hillside. As the nomination explains, the horizontality of the architecture both in its long, low wings, and in the specific design features of the wings—the division of floors by continuous thin edges of concrete and the walls of the floors consisting of long repetitions of similar window units—helped to balance the massing of the Office Building with the surrounding landscape.



These photos of the windows show the modern aluminum materials and the long repetitions of similar window units and the modernist design of the vertical and horizontal dividers in the windows evoking modern art forms. Also, the exterior glass walls provided views into the landscape of the outdoor spaces and at certain times of day reflected landscape features (trees, lawn, walls, patterned pavement, etc.), adding yet another level of integration between interior and exterior spaces. P. 21. This reflection can be seen on these slides.

In 1984, the glass of the windows was tinted, the aluminum frames of the units of the windows were painted brown and the bottom panels of ceramic coated glass were changed from blue to brown. As the nomination explains, this change did not alter the essential features of the building or its “design as a glass box open to its immediate landscape and to distant views.”



Next, we see the exquisite outdoor Terrace— which was set on the east side of the building, framed by the Office and Cafeteria Wings, where it was “protected from the prevailing west wind” and on a portion of the site that had been graded to provide “a good view of a large part of San Francisco.” Here a biomorphic-shaped lawn was framed by a patio, whose exposed aggregate pavement was divided by rows of brick that aligned with the window frames of the building.



Benches attached to the niches of the zig-zag of the seat wall, which enclosed the eastern side of the Terrace, provided places for employees “to relax in the sun during lunch or coffee breaks.” P. 21



Here we see the views of the Transamerica Pyramid and other notable buildings from the Terrace.





In these photos we see the brick aligned with the window frames of the building.

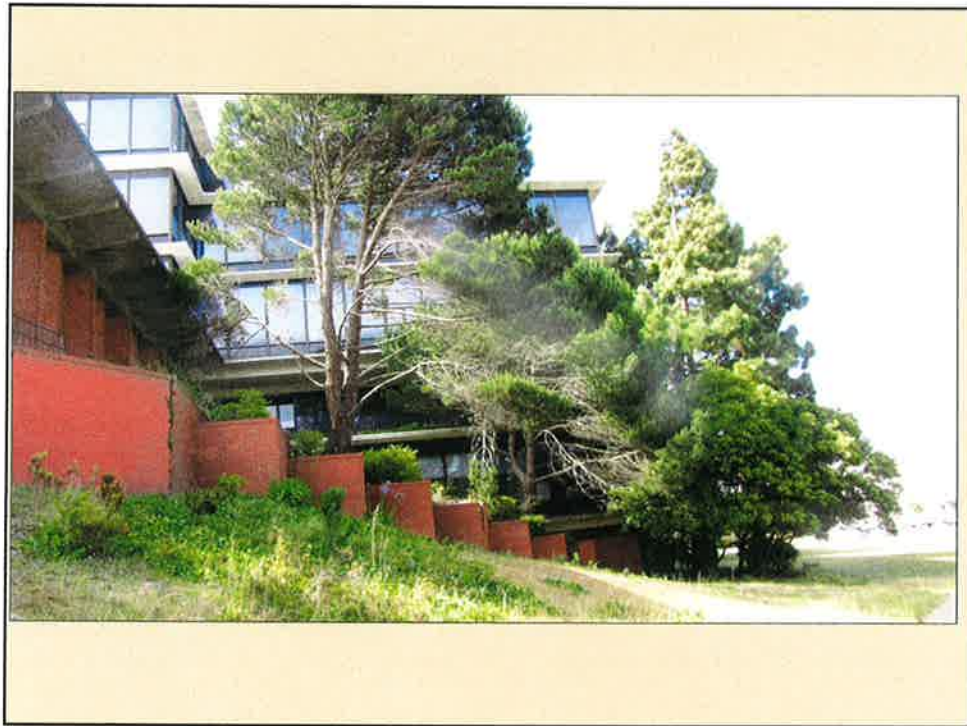


This composite shows all the features just discussed.



Next, we see beautiful geometric detailing in the brick work.





The next 4 slides show the brick wall, which took several different forms and provided a continuous and unifying element around the edges of the site.



It created a boundary wall along some sides of the property and was transformed into low retaining walls that defined a series of planting beds along the some sides of the property.



The brick in the various sections of this wall and in the pavement patterns of the Terrace and Entrance Court was the same as that used in the Office Building and Service Building and helped to integrate the architecture and landscape. P. 21



A good view of the wall stepping down along California Street.





The ziz zag pattern used in the brick wall was employed as edging surrounding the base of an original tree remaining from the Laurel Hill cemetery, paying a sort of homage to its historic status as a representative of that significant garden cemetery, which was the resting place of the builders of the west and 11 United States Senators and the inventor of the cable car..



Here is a composite of the brickwork and walls.



Brick and glass were also integrated into the 1984 entrance gateway . As the nomination explains, the ground level of this structure is clad in the same brick that is used elsewhere on the site and the use of glass on its second level is compatible with the glass windows that dominate the exterior surface of the original building in the Fireman's Fund era. Also, at present, the gateway is partially hidden by trees, lessening its impact..



The additions to the office wing used the same aluminum frame and glass window walls as the original building and enclosed the new auditorium in brick. As with all the additions, the character of the original building remained intact.





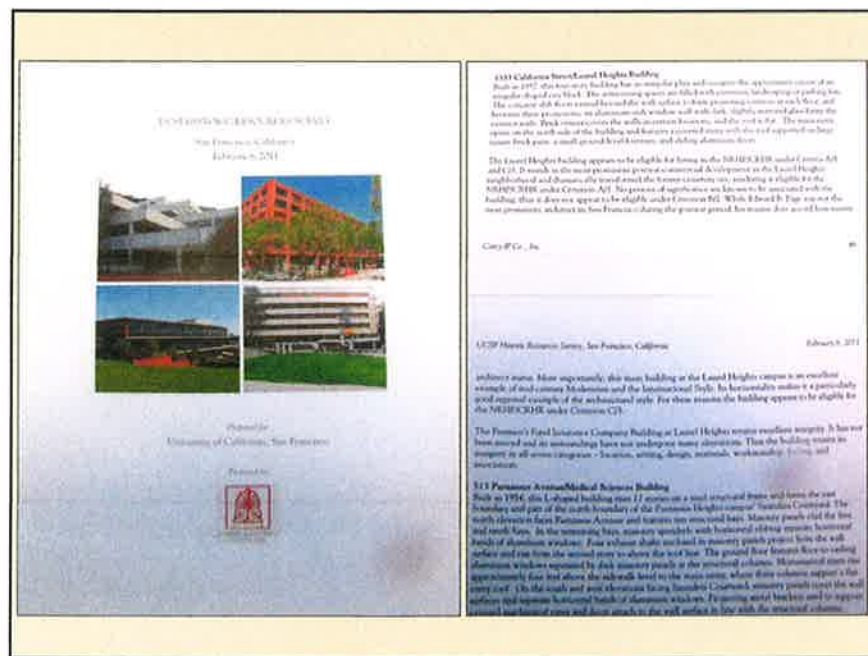
Here we see the Redwood trees planted along the east side of the Office Wing on Presidio Avenue



These two slides show that the exterior landscaping is visible from the interior of the building.



Looking out from café to landscaped terrace.



## Masters

In addition to displaying distinctive characteristics of modernism, the property is also significant as the work of three masters, the architect Edward B. Page, the landscape architectural firm of Eckbo, Royston & Williams and its successor and the engineering firm of Gould & Degenkolb and its successor.

Not only was this property developed by 3 masters, Degenbold and Eckbo were giants in their respective fields.

Carey & Company's 2011 UCSF Historic Resources Survey states that the Edward B. Page's **"resume does accord him master architect status.** This survey was commissioned by UCSF when it was owner of the property.

The work on the Fireman's Fund Building that represented a phase in his career and made Edward page locally recognized as a master satisfies the National Register criteria.

**His design for the 1954 Mason B. Wells house in Belvedere won an Award of Merit from the Northern California Chapter of the American Institute of Architects...**

### Three Masters Cont'd

Following the success of the first phase of the Home Office in 1957, Page designed **branch offices in Fresno, Riverside, San Jose, and Los Angeles and he oversaw the architectural work for** branches New York, New Orleans, and Atlanta, where he advised primarily on matters related to the way the insurance business works.” (Nomination p. 43, emphasis added) Under Criterion c, a property may be significant if it represents a work of a master.

As the National Register Bulletin explains, the “work of a master” refers to the technical or aesthetic achievements of an architect or craftsman.” P. 17, As further explained in the Bulletin, a “master” includes “**a known craftsman of consummate skill**, or an anonymous craftsman whose work is distinguishable from others by its characteristic style and quality” as well as “a figure of generally recognized greatness in a field.” P. 20.

“The property must express a particular phase in the development of the master’s career, an aspect of his or her work, or a particular idea or theme in his or her craft.” (See Attachment 2 hereto, U.S. Department of the Interior, *National Register Bulletin, How to Apply the National Register Criteria for Evaluation* (1995) p. 20, emphasis added.) The criteria do not require that an architect be “prolific” or have had significant influence on the architectural community.

## Three Masters Cont'd

The nomination explains that:

On the Fireman's Fund project, Page coordinated the contributions of all. He was described as '**the master**' by Loring Wylie, an engineer in the Degenkolb office who had a major role working on the additions of the 1960s. Wylie remembered Page's deep involvement with and lead in solving issues with expansion joints as representative of his high level of competence and control. On another technical matter, he designed an innovative system of dispersed lighting for Fireman's Fund in an effort to provide better working conditions. (Nomination, p. 43)

The nomination documents other projects of Mr. Page.

"In 1947, Page opened his own office in San Francisco. Many of his early projects were in association with others, including the Glen Craggs Housing Project with Wilbur D. Peugh in 1951 and two schools with Cantin & Cantin in 1952

Following the success of the first phase of the Home Office in 1957, Page designed three subsequent additions in 1963-1967, and **branch offices in Fresno, Riverside, San Jose, and Los Angeles**. He also consulted on the designs of branches outside of California including those in New York, New Orleans, and Atlanta,

"As to earlier projects when working in the office of Bakewell & Weihe, "...Page was allowed to work there on his own projects and in 1937-1938 was a draftsman for the Golden Gate International Exposition (G.G.I.E.). Later in life he remembered his design for the Island Club (demolished) at the G.G.I.E. with particular pride....

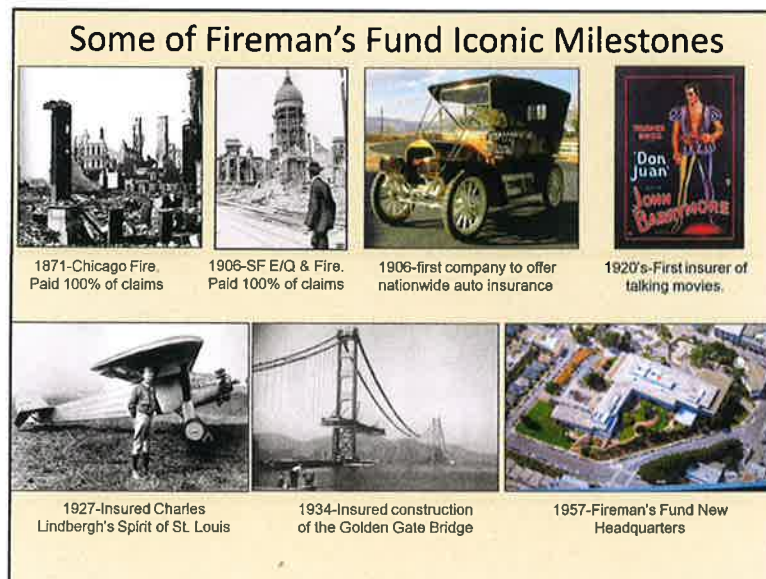
After receiving his architectural license in 1938, Page worked for himself and for others on small projects from 1939 to 1942. On one of these projects, for Lewis Hobart, another prominent Beaux-Arts architect, he worked on drawings for the floor of Grace Cathedral. From 1942-1947, he worked as the Chief of Architecture and Engineering for San Francisco architect Wilbur D. Peugh supervising wartime projects for U.S. Naval Operations." (Nomination, p. 42)

### Three Masters Cont'd

The nomination also documents the mastery of the landscape architect. It discusses a history that accompanied an award presented to EDAW by the American Society of Landscape Architects that noted that ERW “established a compelling portfolio of modernist landscapes” and the partnership became “one of the leading firms in the country, highly regarded for its advanced planning, innovative vocabulary, and the quality of execution.” The nomination also discussed that in 1950, ERW was awarded the Gold Medal in Landscape Architecture by the New York Architectural League. (Nomination p. 46) The nomination also explained that ERW was regularly written about in popular magazines, completed gardens in four states and was a pioneer in expanding the practice of landscape architecture into the scale of neighborhood and community design. (Nomination p. 47) Park and playground projects gained the attention of the national media, and the firm worked on numerous new housing projects and public outdoor spaces including the Venetian Room Roof Garden at the Fairmont Hotel, the entrance court to the Palace of the Legion of Honor and St. Mary’s Park. (Nomination p. 47-48).

The nomination also documents the mastery of the Gould & Degenkolb engineering firm. The Fireman’s Fund building was the first major project of the firm after Degenkolb became a partner and was a successful debut for the partnership, with its innovative structural design that provided open floors with minimal columns and exterior walls of glass. P. 46 The firm designed many of San Francisco’s major structures of the 1940s – 1960s including Park Merced, the Bank of California tower, parking garages at St. Mary’s Square and Civic Center, expansion of the San Francisco airport, and many branches of the Bank of America and Pacific Telephone. P. 45.





## CRITERION A: COMMUNITY PLANNING AND DEVELOPMENT

In the post WW II years there was an accelerated general movement of population and growth out of the central cities and into the suburbs.

While there were many reasons for this movement, a primary factor was the growing use of the automobile.

San Francisco was no exception.

Park Merced and Stonestown in 1952; San Francisco State College in 1954: and Fireman's Fund in 1957 are examples of this movement with Fireman's Fund being the leading example of an emerging corporate trend.

One of the strongest traditional patterns at the time was the location of large office buildings downtown.

Between 1946 and 1967, twenty-one large office buildings were built in San Francisco. Nineteen of

these were medium or high rise buildings were built downtown.

The Fireman's Fund new Headquarters was one of the two exceptions to this pattern in both location and design.

It was a low-rise building built in a predominantly residential area.

Apples' new corporate headquarters in Santa Clara shows that the vision pioneered by Fireman's Fund is alive and well 60 years later.

The Fireman's Fund Insurance Company Home Office is eligible for the National Register under Criterion A as one of the principal embodiments of the post World War II decentralization and suburbanization of San Francisco. Fireman's Fund was the first major office building to be built outside of downtown in a suburban setting and it was the first whose design was fully adapted to the automobile.

**CRITERION A: COMMERCE**

Two conditions of San Francisco's early history and growth, maritime commerce and frequent destructive fires, quickly gave rise to an insurance industry which would play an important role in the local economy and would lead to San Francisco becoming the center for the insurance industry on the west coast.

These destructive fires were the result of the rapid growth of the city and the haphazard construction of its buildings.

In the 1850s alone, fires destroyed large parts of the city on at least six occasions.

At the time fire insurance was provided by distant companies at exorbitant rates, if available at all.

More than thirty local insurance companies formed in San Francisco in the 1850s and 1860s.

Fireman's Fund was formed in 1863 and was the only local insurance company left in business by 1895.

Fireman's Fund succeeded where other local companies failed for a number of reasons:

1. It quickly established branch agencies throughout the United States and abroad;
2. It paid all its claims in a number of high profile situations which gave it a reputation for honesty and reliability;
3. It was a leading innovator within the industry.

Fireman's Fund was the only company to pay 100% of its claims in the Chicago fire of 1871.

By the time of the 1906 earthquake Fireman's Fund was the most trusted and leading locally based insurance company in San Francisco, a position that it has never relinquished.

In the 1906 earthquake and fire its building and all its records were destroyed. Based on "word of mouth" it again paid 100% its claims by again assessing its shareholders.

As noted above, its pre-eminent position was also due to innovation and early adoption of new ideas:

1. In the nineteenth century it was a pioneer in insurance for agricultural products.
2. At the beginning of the twentieth century it was a pioneer in automobile insurance and one of the very first to sell it nationwide.
3. Likewise it led in new fields such as life insurance and health and accident insurance.

In the 1920s, Fireman's Fund grew substantially and was known as " 'the Tiffany' of the insurance world."

Fireman's Fund was to insurance what Bank of America was to banking. Both were home grown businesses which built reputations of excellence on respect for their employees, policyholders and shareholders.

The growth of the postwar years produced a great need to consolidate in one location so the company selected Laurel Heights in 1953.

Fireman's Fund was unique, moving to the suburbs to provide their employees a better working environment closer to their homes.

The Fireman's Fund Insurance Company Building is eligible for the National Register under Criterion A for its association with the growth and development of the San Francisco insurance industry, an important industry in the history of the city from the Gold Rush to the present.

In particular, it represents the post World War II boom in San Francisco's insurance industry when many companies built new office buildings.

At that time, Fireman's Fund was one of the largest insurance companies in the United States. It was the only major insurance company headquartered in San Francisco.

It was a leader among all insurance companies in San Francisco in its embrace of new ideas, symbolized by its move away from downtown to an outlying location.

## Historic Preservation

### **Developers Plan:**

**Demolish** Executive & Cafeteria Wings

**Cut** 30 ft gap through main building

**Add** 3 floors to remaining truncated sections

**Demolish** the Terrace, Children's Childcare Playground; Redwood Trees

**Bulldoze** All Landscaping

**Number** of New Housing Units: **558-744**

**Schedule** to complete critically needed units: **15 years**

### **Neighborhood Plan:**

**Retain** entire Historic Building completely

**Re-purpose** Historic Building

**Retain** the Terrace, Children's Childcare Playground; Redwood Trees

**Preserve** Landscaping

**Number** of New Housing Units: **558-744**

**Schedule** to complete critically needed units: **3 years**

This is **NOT** a Housing Issue but an Historic Preservation Issue.

12/13/18

K. Zushi

EIR responses to comments). But see *Burrtec Waste Indus., Inc. v City of Colton* (2002) 97 CA4th 1133, 1140, 119 CR2d 410 (court refused to apply presumption in negative declaration case when record contained no evidence that required notice was posted, but contained evidence that prior notices had been posted). If a claim of improper notice is later raised, and there is some evidence supporting that claim, evidence of compliance with the notice requirements may be critical in establishing compliance.

## §9.20 B. Review Period

The required time periods for public review of draft EIRs are set forth in CEQA and the CEQA guidelines. See Pub Res C §21091(a); 14 Cal Code Regs §§15087, 15105, 15205. Generally, a draft EIR must be circulated for public review for 30 to 60 days, but the public review period for EIRs submitted to the State Clearinghouse must be at least 45 days (unless a shorter period, not less than 30 days, is approved by the State Clearinghouse). 14 Cal Code Regs §15105(a). Under the CEQA Guidelines, the review period should not be longer than 60 days, except in unusual circumstances, and the review period should run from the date of the public review notice (see §9.17). 14 Cal Code Regs §§15087(e), 15105(a). Occasionally, an agency will decide to establish a review period longer than 60 days. Neither the Guidelines nor CEQA case law have defined an “unusual situation” that may justify a longer public review period.

Agencies may adopt time periods for review as part of their CEQA implementing procedures, consistent with the requirements of CEQA, the CEQA Guidelines, and State Clearinghouse review periods (see §§9.21-9.23). Agencies must notify the public and reviewing agencies of the time period for receipt of comments on draft EIRs. 14 Cal Code Regs §15203(a). CEQA and the Guidelines set forth different rules for projects for which only local review is required (see §9.21) and for projects that are submitted for Clearinghouse review (see §§9.22-9.23).

Failure to circulate a draft EIR for the full required time period is an abuse of discretion. *Gilroy Citizens for Responsible Planning v City of Gilroy* (2006) 140 CA4th 911, 922, 45 CR3d 102.

10  
(GC-3)  
cont'd from  
Draft EIR  
Hearing  
Transcript p. 46



# Laurel Heights Improvement Association of San Francisco, Inc.

BY HAND

January 8, 2019

**RECEIVED**

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

JAN 08 2019  
 CITY & COUNTY OF S.F.  
 PLANNING DEPARTMENT  
 RECEPTION DESK

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

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

1  
 (AL-2)

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

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

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

2  
 (AL-3)



Preservation - Residential Alternative would have 24 fewer residential units than the proposed Project and 210 fewer units than the proposed Project Variant. DEIR p. 6.75. Based on this discrepancy and other characteristics of the alternatives described in the DEIR, the Draft EIR failed to present a reasonable range of alternatives for evaluation in the DEIR.

2  
(AL-3)  
cont'd

The Community Full Preservation Alternative would meet the basic objectives of the project described at DEIR p. 2.12, as follows:

3  
(AL-2)

- Redevelop a large site into a new high quality walkable mixed-use community with a mix of uses on site including 558 new residences (744 in the Community Alternative Variant), an existing 1,183 asf café, an existing 11,500 gsf childcare center, 5,000 gsf of existing nonconforming office uses and substantial open space, while building these new residential units adjacent to the Laurel Village Shopping Center, one block from Trader Joe's grocery store and one block from the Sacramento Street neighborhood commercial uses.
- Create a mixed-use project that encourages walkability and convenience by opening the existing north/south throughway on the first floor of the main building to the public and maintaining other existing pathways that pass through the landscaping, building substantial new housing units adjacent to the existing Laurel Village Shopping Center, and providing on-site childcare and on-site office use.
- Address the City's housing goals by building the same number of new residential dwelling units on site as the proposed project (and proposed project variant), including on-site affordable units, in an economically feasible project consistent with the City's General Plan Housing Element and ABAG's Regional Housing Needs Allocation for the City and County of San Francisco.
- Open and connect the site to the surrounding community by opening the existing north/south throughway on the first floor of the main building to the public, designating the Eckbo Terrace as privately-owned, publicly accessible open space, maintaining other existing pathways that pass through the landscaping, and maintaining the extensive existing natural landscaping that provides a welcoming atmosphere for the public.
- Create complimentary designs and uses that are compatible with the surrounding neighborhoods by conforming with the scale of surrounding development and maintaining the active, natural landscaped, neighborhood-friendly spaces along the west, south and eastern perimeter of the site.
- Provide a high quality and varied architectural and landscape design that is compatible with its diverse surrounding context, and utilizes the site's topography



and other unique characteristics.

- Provide substantial open space for project residents and community members by maintaining the existing welcoming, natural green space and walkable environment that will encourage continued use of the landscaped areas and community interaction.
- Incorporate open space in an amount equal to or greater than that required under the current zoning, in multiple, varied types designed to maximize pedestrian accessibility and ease of use.
- Include sufficient off-street parking for residential and office uses below grade and childcare center uses above grade to meet the project's needs.
- Work to retain and maintain the integration of the office building into the development to promote sustainability and eco-friendly infill redevelopment.

The Community Alternative would meet most of the basic project objectives and would be superior to the proposed project/variant because it would maintain the historically significant characteristics of the site by preserving the existing main building and integrated landscaping in its present, neighborhood-friendly, natural form.

The Community Alternative would redevelop a large site with the same amount of new residential units as the proposed project but with a lesser number of commercial uses, retaining the existing café, childcare center and 5,000 square feet of office use on site. The Community Alternative would construct the same number of new housing units as the proposed project/variant in a location that is rich with easily accessible retail uses at the adjacent Laurel Village Shopping Center and is located one block from a Trader Joe's grocery store and Sacramento Street neighborhood commercial uses. Also, a Target variety store is located approximately one-two blocks from the site. Given the location of the project site directly adjacent to the Laurel Village Shopping Center but not near the downtown, the lesser amount of on-site retail and office space that the Community Alternative would provide would not materially impair achievement of Objective 1.

The Community Alternative would meet Objectives 2, 4, 7 and 8 by enhancing the public open space by designating the Eckbo Terrace as privately-owned, publicly accessible open space, opening the existing north/south passageway to the public, maintaining the other existing pathways that pass through the landscaping, and maintaining the extensive existing natural landscaping that provides a welcoming atmosphere for the public. Due to the maintenance of the natural landscape, the welcoming atmosphere would be greater under the Community Alternative and the public accessibility would be similar under the Community Alternative with passageways open to walkers from the north, south and west of the site. On balance, the Community

Alternative would satisfy the Objectives 2, 4, 7 and 8 to substantially the same degree as the proposed project.

3  
(AL-2)  
cont'd

The Community Alternative would increase the City's housing supply to the same degree as the proposed project/variant but would better meet the Objective of including on-site affordable units, in an economically feasible project consistent with the City's General Plan Housing Element and ABAG's Regional Housing Needs Allocation for the City and County of San Francisco. The Community Alternative specifically includes 56 family-size units (average size 1,821 square feet) for middle-income families in the new California Street Front buildings and additional on-site affordable housing as determined by the Board of Supervisors. In contrast, the proposed project does not state the amount or type of affordable housing that it would have on-site or commit to build the amount of affordable units on-site that are currently required by the Planning Code. The ambiguity in the project description maintains other options, such as paying a fee in lieu of building a portion of the affordable housing on-site or requesting an adjustment under Planning Code provisions applicable to development agreements. Further, the proposed project does not indicate that it would build affordable housing for middle-income families on site, so the Community Alternative would better meet Objective 3 by providing housing for middle-income families, which is the income level for which the City's housing production is the most deficient under ABAG allocations. Thus, the Community Alternative would better meet Objective 3 than the proposed project.

The Community Alternative would better meet Objectives 5 and 6 than the proposed project, because the design of the Community Alternative would conform with neighborhood scale and complement its character by building new structures that conform with the scale and character of surrounding buildings and would maintain the landscaped set backs on the west, south and east of the site, which better integrate the site with the surrounding residential community. In contrast, the proposed project/variant would add two to three additional floors to the existing main building that would not be compatible with the predominant 40-foot height limit in the surrounding neighborhoods, would build 40-foot tall structures along the east side of Laurel Street (with rooftop decks) that would not be compatible with the scale of the residences on the western side of Laurel Street, and would remove portions of the landscaped buffer that now exists between the site and those residences by building new residential buildings on portions of that landscaping.

The Community Alternative would meet Objective 9 to the substantially same degree as the proposed project, because it would provide almost one on-site parking space for each residential unit, but the spaces provided would have direct access, so would be more accessible than the mechanically accessible spaces proposed for the project/variant. The Community Alternative would provide above-ground parking spaces for the on-site childcare use.

The Community Alternative would meet Objective 10 to a far greater degree than the proposed project because the Community Alternative would preserve the existing main building and the majority of its integrated landscaping, including maintaining large Monterey Cypress trees that

remain from the Laurel Hill Cemetery (California Registered Historical Landmark number 760). (Ex. 3, Memo from Denise Bradley concerning Location of Trees that were part of the Laurel Hill Cemetery) Thus, the Community Alternative would be a superior example of sustainability and eco-friendly development. In contrast, the proposed project would destroy character-defining features of the main building by dividing it in two, demolishing its wings, destroying its integrated landscaping by building on top of it and conducting substantial excavation including by removing large portions of the slope of Laurel Hill.

3  
(AL-2)  
cont'd

### CONCLUSION

The Community Alternative meets all the basic objectives of the proposed project and is feasible. It would entail far less excavation for underground garages and be completed in approximately three years, as opposed to the seven to fifteen years which the developers request to construct the proposed project. Moreover, the Community Alternative is far superior as to compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties: Rehabilitation. The project objectives do not even mention compliance with those standards as to rehabilitation of a historically significant resource, which is a telling omission and proof that the statement of project objectives in the DEIR is unduly narrow. DEIR p. 2.12.

Very truly yours,

Laurel Heights Improvement Association of SF, Inc.



By: Kathryn R. Devincenzi, President

Email: [LaurelHeights2016@gmail.com](mailto:LaurelHeights2016@gmail.com)

Attachments: Exhibits 1-3

**EXHIBIT 1**



January 7, 2019

3333 California Street  
San Francisco, California**Secretary of the Interior's Standards Compliancy Evaluation****INTRODUCTION**

This report evaluates three proposed designs for 3333 California Street: the Proposed Project (and Project Variant), Preservation Alternative C from the Draft EIR, and a Community Preservation Alternative put forth by the Laurel Heights Improvement Association of SF, Inc. The 10.2-acre property, in the Laurel Heights neighborhood, consists of two buildings and a landscape designed to function as a single entity, dating from 1957. The buildings were designed by Edward B. Page, while the site was the work of Eckbo, Royston and Williams. The complex was created for the Home Office of the Fireman's Fund Insurance Company, the original tenant. The property is listed in the California Register of Historical Resources and has been determined eligible for the National Register of Historic Places.

**METHODOLOGY**

Nancy Goldenberg, Principal architect and architectural historian with TreanorHL reviewed the Draft EIR, which includes both the proposed design and several preservation alternatives, including full preservation alternative C. Ms. Goldenberg also spoke to Kathy Devincenzi and Richard Frisbee from the Laurel Heights Association regarding their preferred alternative. Ms. Goldenberg is already very familiar with the property, as she has lived in the nearby Anza Vista neighborhood for over 30 years. Each of the three alternatives (proposed project, alternative C, and the Laurel Heights Association's preferred alternative) will be evaluated according to the Secretary of the Interior's Standards for the Treatment of Historic Properties: Rehabilitation. As used herein, the term "Proposed Project" will include the Proposed Project Variant, unless otherwise indicated.

**SIGNIFICANCE SUMMARY<sup>1</sup>**

The following is the significance summary paragraph from the Draft National Register Nomination:

"The Fireman's Fund Insurance Company Home Office is eligible for the National Register under Criteria A and C at the local level. Under Criterion A, it is significant in the area of Commerce for its association with the San Francisco insurance industry, an important industry in the history of the city from the Gold Rush to the present. In particular, it represents the postwar boom in San Francisco's insurance industry when many companies built new office buildings. At that time, Fireman's Fund was one of the largest insurance companies in the United States. It was the only major insurance company headquartered in San Francisco. It was a leader among all insurance companies in San Francisco in its embrace of new ideas, symbolized by its move away from downtown to an outlying location. Under Criterion A, the Fireman's Fund Home Office is significant in the area of Community Planning and Development as one of the

<sup>1</sup> The district significance is summarized from Michael R. Corbett and Denise Bradley, *National Register of Historic Places Registration Form – Fireman's Fund Insurance Company Home Office*, April 19, 2018, Section 8.



principal embodiments of the postwar decentralization and suburbanization of San Francisco. Fireman's Fund was the first major office building to be built outside of downtown in a suburban setting and it was the first whose design was fully adapted to the automobile.

Under Criterion C, the Fireman's Fund Home Office is significant as the work of three masters, the architect Edward B. Page, the engineering firm of John J. Gould & H.J. Degenkolb/Henry J. Degenkolb & Associates, and the landscape architectural firm of Eckbo, Royston & Williams (ERW)/Eckbo, Austin, Dean, and Williams (EDAW). As a modernist, through his experiences in Paris in 1930, Edward Page had direct links to the birth of modern architecture and to its development in the United States. The Fireman's Fund Home Office is his best known and most important work. The Fireman's Fund Home Office – with its innovative structural design that provided open floors with minimal columns and exterior walls of glass – represents the beginning of the reputation of the Gould and Degenkolb engineering firms as among the leading structural engineers in San Francisco in the post-World War II period. ERW/EDAW was recognized as one of the country's leading landscape architectural firms during the period of significance, and their designs and writings contributed to the popularization of the modernist landscape design vocabulary and to modernism as an approach to creating outdoor spaces that addressed contemporary needs within a broad range of settings. The Fireman's Fund Home Office represents an example of the firm's mastery of modern design within a corporate landscape context. Additionally, the Fireman's Fund Home Office, a single property including both architectural and landscape architectural elements which were designed to complement each other, is significant under Criterion C as an example of a corporate headquarters in San Francisco that reflects mid-twentieth-century modernist design principles. The period of significance is 1957-1967, covering the period from the year when the first phase of the buildings and landscape were completed (1957) to the year the final phase of construction was undertaken (1967) by Fireman's Fund. The Fireman's Fund company continued on this site as a leading insurance company in San Francisco and nationally until it sold the property in 1983. Although there are numerous alterations, these alterations do not alter the essential character of a property and it retains a high level of integrity."

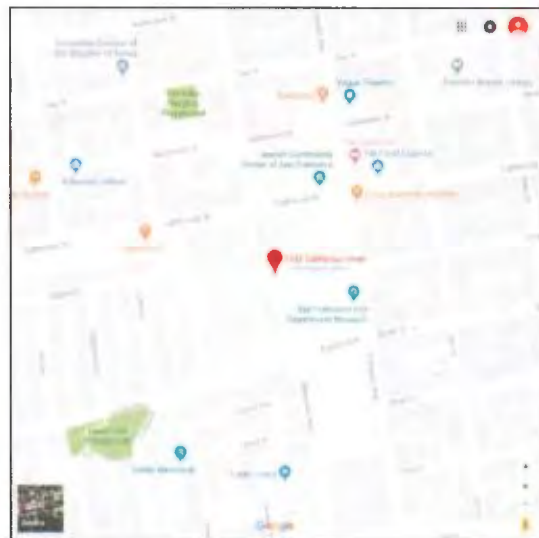


Figure 1 – Location Map

## SUMMARY DESCRIPTION

"The Fireman's Fund Insurance Company Home Office is a 10.2-acre property in a central, predominantly residential area of San Francisco called Laurel Heights...The property consists of two buildings and a landscape that were designed to function as a single entity. The main building, referred to in the nomination as the Office Building, is a large three-to-seven-story building located in the center of the property. There is also a much smaller, one-story Service Building in the northwest corner of the property. The two buildings were designed to complement each other in character and materials. The Office Building is a glass walled building with an open character. The Service Building is a brick building with a closed character. The Office Building is an International style building which despite its size is built into its sloping hillside site in such a way as to minimize its presence. Its four wings, each built for different functions, range from three floors to seven floors. It is characterized by its horizontality, its bands of windows separated by the thin edges of projecting concrete floors, and brick trim. The wings of the building frame outdoor spaces whose landscape design connects the outdoors with the indoors both functionally and conceptually. The landscape design includes outdoor spaces for use by employees, parking lots, circulation paths, and vegetation. The principal outdoor spaces are the Entrance Court, the Terrace, and small areas around the Auditorium."<sup>2</sup>



Figure 2 left: View of Property looking northwest, from Masonic. Figure 3, right: View of property looking east, from the corner of Euclid and Laurel.

The following are the character-defining features of the property, as listed in the Draft National Register Nomination. Since the property has been listed in the California Register of Historical Resources by the California Office of Historic Preservation, and that listing was based, in part, on this list of character-defining features, this is the list that should be included in the EIR.

The character defining features of the Office Building are as follows:

- Plan of the building with wings open along the sides to the immediate landscape and to views of the city.
- Horizontality of massing.
- Horizontal lines of projecting edges of concrete floors.
- Horizontal bands of nearly identical window units.
- Uninterrupted glass walls.
- Window units of aluminum and glass.

<sup>2</sup> Michael R. Corbett and Denise Bradley, *National Register of Historic Places Registration Form – Fireman's Fund Insurance Company Home Office*, April 19, 2018, Section 7.



- Circular garage ramps.
- Exposed concrete piers over the garage.
- Wrought iron deck railings that match gates in the landscape.
- Brick accents and trim.

#### Service Building

- Massing of rectangular volumes
- Brick Walls with a minimum of openings

#### Landscape

Terrace, as the centerpiece of the landscape, designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco); key character-defining features include its biomorphic-shaped lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick); brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and three circular tree beds constructed of modular sections of concrete.

Entrance Court, providing a connection between the Executive/Visitors Gate on Laurel Street and an entrance to the building on the west side of the Cafeteria Wing; key character-defining features include a central paved parking lot surrounded on its north, east and west sides by narrow planting beds; exposed aggregate sidewalks along the north, east, and west sides of the parking lot; and a low free-standing brick wall along its north side.

Two outdoor sitting areas – one on the east side of the Auditorium and one on its west side – that connect to entrances into the Auditorium; key character-defining features for the area on the west side of the Auditorium include the pavement (exposed aggregate divided into panels by rows of bricks), circular tree bed constructed of modular sections of concrete; and metal benches; key character-defining features for the area on the east side of the Auditorium include the pavement (concrete divided into panels by wood inserted into expansion joints).

Brick wall (constructed of red brick set in running bond pattern similar in appearance to brick used in exterior of main building) that takes several forms and which forms a continuous and unifying element around the edges of the site.

Three gated entrances – one for the employees on California Street and the service and the executive/visitor entrances on Laurel Street – that are integrated into the brick perimeter wall.

Internal Circulation System (entrance drive, service drive, East and West Parking lots).

Vegetation features that help to integrate the character of the Fireman's Fund site with that of the surrounding residential neighborhoods including (1) the large trees in and around the East and West Parking Lots, (2) the lawns on the west, south, and east sides of the property, and (3) the planted banks along Laurel and Masonic Streets.

## PROJECT DESCRIPTION

"The Proposed Project would partially demolish the existing office building, divide it into two separate buildings, vertically expand it to include two to three new levels (proposed building heights of 80 and 92 feet) and adapt it for residential use. The two separate buildings would be connected by a covered bridge. Thirteen new buildings ranging in height from 37 to 45 feet would be constructed along the perimeter of the site along California Street, Masonic Avenue, Euclid Avenue, and Laurel Street. The Proposed Project would demolish the existing service building, surface parking lots and circular garage ramp structures. New public pedestrian walkways are proposed through the site in a north-south direction along the line of Walnut Street and in an east-west direction along the line of Mayfair Drive.

A Proposed Project Variant would add three new residential floors (proposed building height of 67 feet) containing 186 additional residential units in the new multi-story building along California Street between Walnut Street and Presidio Avenue."<sup>3</sup>

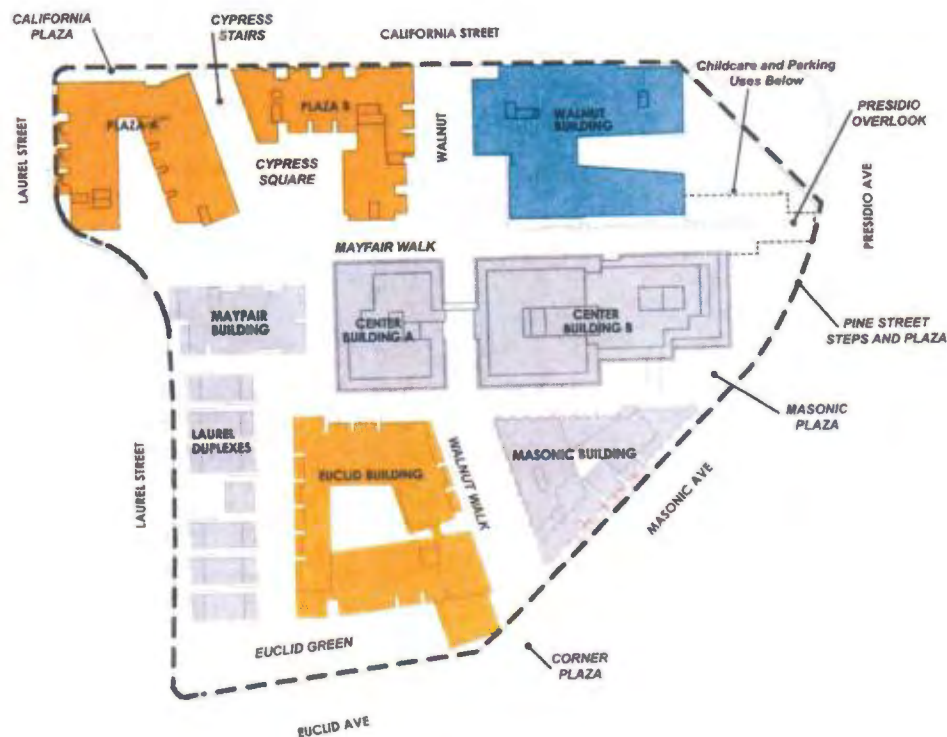


Figure 4 – The Proposed Project site plan

<sup>3</sup> The project description is largely taken from the Draft Environmental Impact Report, 3333 California Street Mixed-Use Project, November 7, 2018, pp. S.2 and 2.6.

### PRESERVATION ALTERNATIVE C

The Draft Environmental Impact Report lists several project alternatives, some of which have fewer impacts to the historic resource than does the Proposed Project. Full Preservation Alternative C proposes a less intensive development of the site, retaining more of the Main Building and landscape. Under this Alternative, new construction is limited to the northern, and a small area in the western, portion of the site, along California and Laurel Streets. The Main Building would receive a one-level vertical addition, and the glass curtain wall would be replaced with "a compatible design to accommodate the residential use." Along California Street, four new mixed use/multi-family residential buildings would be constructed, with ground floor retail. 534 total residential units would be created.

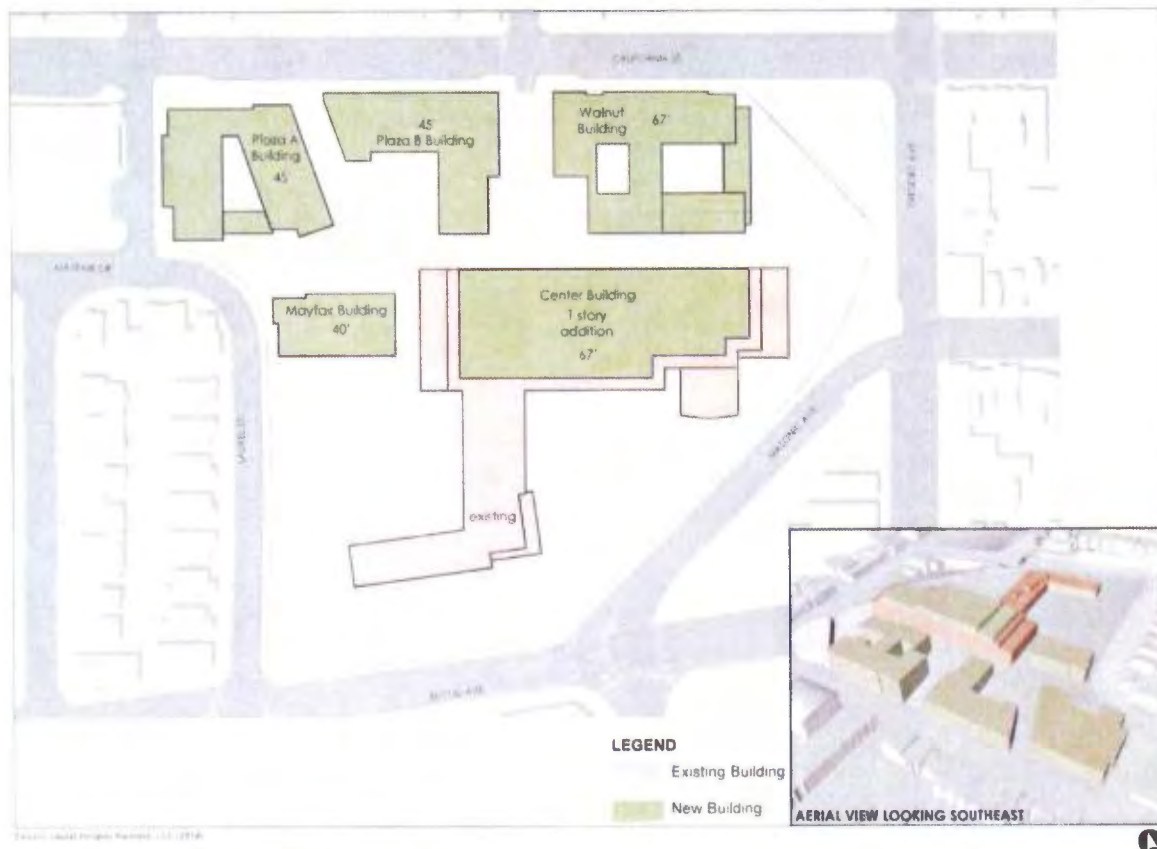


FIGURE 6.5: ALTERNATIVE C: FULL PRESERVATION - RESIDENTIAL ALTERNATIVE SITE PLAN

Figure 5 – Full Preservation Alternative C

### COMMUNITY FULL PRESERVATION ALTERNATIVE

The Laurel Heights community has come up with its own preservation alternative. This alternative retains more of the historic resource while providing more residential units than does Preservation Alternative C.

4  
(AL-2)



The Community Full Preservation Alternative (Community Alternative) would construct the same number of new housing units as the developer's proposed project (558 units) or project variant (744 units) and would be completed in approximately three years rather than the 7-15 years requested by the developer to complete his proposals. It would preserve virtually all of the character-defining features of the main building and its integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. In addition, the Community Alternative would excavate only for a single, one-level underground parking garage and for the foundation for the Mayfair Building. In contrast, the developer proposes to excavate for three new underground garages including a three-level one.

4  
 (AL-2)  
 cont'd

The Community Alternative would keep the main building in its entirety, only adding light wells to bring light and air into the center. The existing north-south through passage would remain. As in the other proposals, the Service Building would be demolished. A new residential building would be constructed near the intersection of Mayfair Drive and Laurel Street. Two other new buildings would be constructed along California Street, replacing what are now surface parking lots and the former Service Building. These new buildings would match the scale and massing of the residential townhouse buildings across California Street, and would also be designed to be compatible with the Main Building.

For a complete description of this Alternative, please see Appendix A.



Figure 6 – The Community Full Preservation Alternative

## SECRETARY OF THE INTERIOR'S STANDARDS ANALYSIS

The following evaluates the Community Preservation Alternative's compliance with the Secretary of the Interior's Standards for Rehabilitation (Standards). Where appropriate, we also compare the compliance of the Community Preservation Alternative with that of the Proposed Project as well as "Preservation Alternative C," as presented in the Environmental Impact Report.

The Standards are listed below. Each of the 10 Standards is shown in italics, with the analysis of how each of the three proposals – the Community Full Preservation Alternative, the Proposed Project, and Preservation Alternative C from the Draft EIR – meets or fails to meet each standard.

*1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

While the historic use of the property was office, with an office building set amongst green space and parking, the conversion of the property to residential could be done while retaining the character-defining features of the building and site. While the proposed Project design does not retain these features, the Community Preservation Alternative does. Therefore, the Community Preservation Alternative design complies with Standard 1.

Since the Proposed Project would destroy most of the character-defining features of the building and site, it does not comply with Standard 1, although given the proposed use, this standard can certainly be met, as is demonstrated by the Community Preservation Alternative. Preservation Alternative C, like the Community Preservation Alternative, does meet Standard 1.

*2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*

The Community Preservation Alternative retains most of the character-defining features of the main building and site. Most of the new construction will occur at the parking lot along California Street, which is not considered character-defining. The main building will be retained in its entirety, except for lightwells that will provide interior illumination. The landscaping will also be retained. The Proposed Project removes the wing from the main building and cuts it in two. The Proposed Project also destroys most of the existing landscaping. Therefore, while the Community Preservation Alternate complies with Standard 2, the Proposed Project does not.

Preservation Alternative C is more compliant with Standard 2 than is the Proposed Project but will have more impact on the property than will the Community Preservation Alternative. Preservation Alternative C proposes to add a story to the Main Building and replace the building's glass curtain wall. Without knowing the design of the vertical addition, or what will replace the curtain wall, it is difficult to determine whether these features will be compatible. Also, it should be noted that many residential buildings now feature curtain walls, so it is unclear why the existing curtain wall is incompatible with residential uses.

4  
 (AL-2)  
 cont'd

*3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

4  
 (AL-2)  
 cont'd

The Community Preservation Alternate does not propose adding any conjectural features that would create a false sense of historical development. Therefore, the Community Preservation Alternative complies with Standard 3.

Neither the Proposed Project nor Preservation Alternative C propose changes that would create a false sense of historical development, so these designs would also comply with Standard 3.

*4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

As described in the California Register Nomination, the Main Building was constructed in phases. The first part of the building was completed in 1957. However, its siting, plan and structure were designed such that it could accommodate future expansion. This expansion took place from 1963 to 1967, in three phases, which added wings to the building. The work was designed by the original architect, and constructed by the original contractor for the original client (Fireman's Fund). The wings are now over 50 years old, and are considered part of the historic resource even if they were not part of the original construction. Since that time, most alterations have occurred on the interior, typical of open-plan office buildings. Under the Community Preservation Alternative, the wings would be retained; under the Proposed Project they would not be. The Community Preservation Alternative therefore meets Standard 4, while the Proposed Project does not. Similar to the Community Preservation Alternative, Alternative C complies with Standard 4.

*5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*

The Community Preservation Alternative will retain all distinctive features of the main building and landscape, including the curtain wall and footprint. And, by not raising the height of the building, its horizontality will also be retained. Character defining features of the site will also be retained. (The Service Building, however, will be demolished under this scheme, as it would under the Proposed Project and Preservation Alternative C. While the Service Building is an original feature of the site and contributes to its historic significance, the loss of this building would have only a minor impact on the overall integrity of the property). Therefore, the Community Preservation Alternative complies with Standard 5.

The Proposed Project is demolishing too much of the Main Building and the landscaping to comply with Standard 5. Preservation Alternative C is superior to the Proposed Project but will have a greater impact on the property than will the Community Preservation Alternative. Alternative C proposes to replace the curtain wall and add a vertical addition, which could impact the building's horizontality, which according to the California Register Nomination is an important character defining feature. Therefore, while better than the Proposed Project, Alternative C does not fully comply with Standard 5.

*6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design,*



*color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

4  
 (AL-2)  
 cont'd

During the design phase, the property, including building and landscape features, should be carefully surveyed to determine the condition of all character defining features. If any of these features are found to be deteriorated, they should be repaired rather than replaced, and any features that are deteriorated beyond repair should be replaced in kind, or, if substitute materials must be used (if, for example, the same material is no longer available), then the substitute material should match the old in design, color, texture and any other visual qualities. If that is done, then the Community Preservation Alternative will comply with Standard 6.

The Proposed Project, however, since it will remove most of the character defining features of the property, will not comply with this Standard. Alternative C, since it retains more of the historic resource, would not fully comply with Standard 6 because it would replace the glass curtain window wall system "with a residential system that would be compatible with the historic character of the resource; e.g. operable windows with small panes divided by a mullion and muntins." DEIR p. 6.77. The Community Alternative would retain and repair the existing window system if feasible for residential use, or replace it with a residential system that would be compatible with the historic character of the resource.

*7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

No harsh chemical or physical treatments are contemplated at this time. If they are avoided, then the Community Alternative will meet Standard 7.

Since the Proposed Project is removing so much of the resource, the SOIS Analysis in the Draft Environmental Impact Report simply claims that Standard 7 does not apply. The Community Alternative and Alternative C could comply with Standard 7 provided that harsh chemical or physical treatments are prohibited.

*8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

Since the project site was formerly part of a cemetery, it is possible that archaeological resources may be encountered during the construction of any project on this site. Language in the specifications must direct construction personnel to stop work should any archeological features be encountered. A professional archeologist would then be alerted to come and identify, document, and safely remove (if warranted) the feature. If such protocols are put into place prior to the start of construction, the project will comply with Standard 8.

According to the EIR, "Mitigation has been identified to reduce the potential impact to archaeological resources to a less-than-significant level. Thus, the Proposed Project or Project Variant would conform with Standard 8." If Alternative C and the Community Preservation Alternative follow similar protocols, then they too would comply with Standard 8.





*9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

4  
 (AL-2)  
 cont'd

For the Community Preservation Alternate, the exterior envelope of the Main Building will be kept intact, and new construction is proposed primarily along California Street, where currently non-character-defining parking lots exist. These new structures can be designed such that they are compatible with both the Main Building and the existing buildings along the north side of California Street. This can be accomplished by utilizing brick, glass, and concrete as exterior materials (tying into the materials of the Main Building), while maintaining the rhythm and scale of the townhouses across California Street. The Community Alternative will therefore comply with Standard 9. In addition, the Mayfair Building would be designed to be compatible with the Main Building.

The proposed project, on the other hand, does not comply with this Standard. Portions of the Main building will be removed, and most of the landscape will be destroyed. Therefore, the Proposed Project will not comply with Standard 9.

Preservation Alternative C is more compliant than the Proposed Project. However, the massing of the new buildings along California Street is very different from the buildings across California Street, and from the residential development surrounding the site.

*10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

For the Community Preservation Alternative, new construction would be relegated to the parking lots along California Street and a Mayfair Building. The Main Building would retain its existing form, and the curtain wall would be retained if feasible for residential use or replaced with a system that would be compatible with the historic character of the resource (however, given that the present curtain wall, according to the California Register nomination, has become darker since the sale of the building to UCSF in 1985, the curtain wall could be revised if the original tint can be determined.) The work proposed for the Main Building would almost entirely occur on the interior, with the exception of proposed lightwells. So, if the proposed new development is removed in the future, the property could easily be returned to its historic appearance.

The Proposed Project would make so many changes to the building and landscape that it would not comply with Standard 10. Alternative C does better at compliance than the Proposed Project. However, with the developer's proposal to replace the curtain wall and add a story to the building, it is difficult to see how the original form and integrity of the property could be returned if the changes were reversed. Therefore, Alternative C would not comply with Standard 10.

#### Conclusion

The above discussion evaluates the Community Preservation Alternative's compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties: Rehabilitation. It also discusses how and whether the Proposed Project and Alternative C complies with these standards. Here are the results:

Project Name: 3333 California Street  
San Francisco, CA  
January 7, 2019

Community Preservation Alternative: Complies with all 10 Standards

Proposed Project: Complies with Standards 3 and 8 only.

Alternative C: Complies with Standards 1, 3, 4, 6, 7, and 8. Partially complies with Standards 2, 5 and 9.  
Does not comply with Standard 10.

The Community Alternative is clearly superior in its compliance with the Standards than are the other two designs evaluated. In addition, it provides more housing units than Alternative C, and the new construction is more compatible with surrounding neighborhood development.

4  
(AL-2)  
cont'd



January 7, 2019

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Nancy Goldenberg

Date

## **APPENDIX A**

## COMMUNITY FULL PRESERVATION ALTERNATIVE

### OVERVIEW

The Community Full Preservation Alternative would construct the same number of new housing units as the developer's proposed project (558 units) or project variant (744 units) and would be completed in approximately three years rather than the 7-15 years requested by the developer to complete his proposals. The Community Full Preservation Alternative would preserve virtually all of the character-defining features of the main building and its integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. The Community Full Preservation Alternative would excavate only for a single, one-level underground parking garage and for the foundation for the Mayfair Building. In contrast, the developer proposes to excavate for three new underground garages including a three-level one.

The Community Full Preservation Alternative would: (1) convert the interior of the main building to residential uses while retaining the existing 1,183 asf café, 11,500 gsf childcare center, and 5,000 gsf of the existing office space (at the developer's option, this existing office space could be converted to residential use), (2) construct three new residential buildings along California Street where parking lots are now located and also construct a new residential building near the intersection of Mayfair Drive and Laurel Street, (3) provide at least 56 flat-type units affordable to and sized for middle-income families, with additional on-site affordable housing determined by the Board of Supervisors, (4) excavate for only a single, one-level underground parking garage and the foundation for the Mayfair Building, (5) require all freight loading and unloading to be conducted in the underground freight loading areas accessed from Presidio

5  
(AL-2)

Avenue and all passenger loading and unloading to be conducted inside the site in turnarounds or in the underground parking garage, (6) retain the historically significant landscaping designed by the renowned landscape architects of Eckbo, Royston & Williams which is integrated with the window-walled main building, including the Eckbo Terrace and existing landscaped green spaces along Laurel Street, Euclid Avenue and Presidio Avenue, which would be designated as community benefits in the development agreement, (7) preserve the majority of the 195 mature trees on the site which are comprised of 48 different tree species (Initial Study p. 16), and (8) maintain public vistas of the downtown and Golden Gate Bridge and the historically significant main building and integrated landscaping. The Community Full Preservation Variant Alternative would add 110 more units to the Walnut Building, which could be used for senior housing, and additional units within the other buildings which would result in smaller unit sizes, as described herein. The Community Full Preservation Alternative and Variant would use all the new construction for residential use and would not rezone the site for approximately 54,117 gsf of retail uses or a 49,999 gsf new office building, as the developer proposes.

**THE COMMUNITY FULL PRESERVATION ALTERNATIVE WOULD PROVIDE THE SAME AMOUNT OF NEW HOUSING UNITS IN APPROXIMATELY THREE YEARS WITHOUT DESTROYING A HISTORICALLY SIGNIFICANT RESOURCE.**

The Community Full Preservation Alternative (Alternative) would preserve virtually all of the character-defining features of the main building and integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. (Ex. A, confirmation of listing) The window-walled main building would be converted to primarily residential use. This Alternative would have the same

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(AL-2)  
cont'd

number of residential units as the developer's proposed project (558 units) and would be constructed in approximately three years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed. (See Exhibit B, layout of buildings) The Alternative would entail far less excavation, as it would have only one new level of underground parking garages along California Street and a total of approximately 460 on-site parking spaces. In contrast, the developer proposes to construct four new underground parking garages, including up to three levels of parking, to provide a total of 896 parking spaces for the developer's proposed project (970 parking spaces for the developer's proposed variant).

The Community Alternative would retain the existing Eckbo Terrace and green landscaped areas along Laurel Street, Euclid Avenue and Presidio Avenue, except for a small portion to be occupied by the Mayfair Building. The existing Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public from 8:00 am to sundown. The existing passageway that runs through the first floor of the existing main building and opens onto the Terrace and thence onto Masonic Avenue would be retained and opened to the public from 8 am to sunset and marked with signage identifying it as a public thoroughway.

The character-defining features of the existing main building that the Community Alternative would retain include all of the following:

Plan of the building with wings open along the sides to the immediate landscape and to views of the distant city.

Horizontal massing.



Horizontal lines of projecting edges of concrete floors.

Horizontal bands of nearly identical window units.

Uninterrupted glass walls.

Window units of aluminum and glass.

Brick accents and trim.

Wrought iron deck railings that match gates in the landscape.

The character-defining features of the existing landscape that the Community Alternative would be retain include all of the following:

In the Eckbo Terrace, which was designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco), key character-defining features include its biomorphic-shaped (amoeba-shaped) lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick), brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and three circular tree beds constructed of modular sections of concrete.

The Concrete Pergola atop terraced planted beds facing Laurel Street, which creates a welcoming, shaded transition area where the inside and outside merged. (Draft EIR pp. 4.B.12 and 21)

In the Entrance Court, providing a connection between the Executive/Visitors Gate on Laurel Street and an entrance to the building on the west side of the Cafeteria wing, key character-defining features include narrow planting beds adjacent to sidewalks; exposed aggregate sidewalks, and a low free-standing brick wall along its north side.



In the two outdoor sitting areas on the east and west sides of the area now used as an auditorium, key character-defining features for the area on the west side include the pavement (exposed aggregate divided into panels by rows of bricks), circular tree bed constructed of modular sections of concrete, and metal benches; key character-defining features for the area on the east side include the pavement (concrete divided into panels by wood inserted into expansion joints).

The Brick Wall (constructed of red brick set in running bond pattern similar in appearance to the brick used in the exterior of the main building) that takes several forms and which forms a continuous and unifying element around the edges of the site, would be retained except for the areas of the wall that surround the Service Building and which run along California Street. The brick from these areas will be retained, if feasible, and reused as trim on the bottom portions of the new California Street Back Buildings.

The Community Alternative would retain the three gated entrances - the entrance on California Street at Walnut Street, the service entrance at Mayfair and Laurel Street, and the executive/visitor entrance on Laurel Street. In this Alternative, much of the internal circulation system will be retained (entrance drive, service drive and executive/visitor entrance). All passenger loading, pick-ups and drop-offs will be internal to the site, and turnarounds will be provided in front of the main building to the east of the entrance on California/Walnut and in front of the executive/visitor entrance on Laurel Street. (See Ex. C, circulation and loading plan) All freight loading and unloading will be conducted in the underground freight loading areas accessed from Presidio Avenue.

Vegetation features that help to integrate the character of the Fireman's Fund site with that of the surrounding residential neighborhoods that will be retained include (1) the large Cypress trees in the existing west parking lot area, (2) the lawns on the west, south and east sides of the property, and (3) the planted banks along Laurel and Masonic streets.

The service building and circular garage ramps would not be retained.

In the Community Full Preservation Alternative, the existing 1,183 asf café and 11,500 gsf childcare center would remain in their present locations in the main building. At the developer's option, the existing 12,500 gsf of storage in the main building could be converted to parking spaces or used for underground off-loading or other functions. Approximately 5,000 square feet of the existing nonconforming office space in the main building would remain, which the developer could continue to use for offices. At the developer's option, this existing office space could be converted to residential use.

In the Community Alternative, new residential buildings would be constructed along California Street where parking lots are currently located, and a Mayfair building would also be constructed at the same approximate location as the Mayfair building proposed by the developer. The new California Front buildings would be designed for middle-income families, and their average size would be 1,821 square feet. They would be designed to be compatible with both the main building and the existing buildings along the north side of California Street and would maintain the rhythm and scale of the townhouses across California Street. Each California Front building would be 40 feet tall, approximately 28.5 feet wide and 100 feet in length with 25% of that length consisting of a private rear yard. Approximately 14 new buildings containing 56

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(AL-2)  
cont'd

units for middle-income families would be built in California Front between Laurel Street and Walnut Street.

The new California Street Back buildings would face inward toward the existing main building and be constructed with window walls designed to be compatible with the character-defining features of the windows in the existing main building. They would be sculpted around the large Monterey Cypress trees that remain from the Laurel Hill Cemetery, so the lengths of the buildings would vary from approximately 65 to 50 or 40 feet long, and each building would be approximately 28.5 feet wide. They would have 56 units, with the average unit size ranging from 1,575 to 1,215 to 971 square feet depending on location, and the buildings would be 40 feet tall and be constructed between Laurel Street and Walnut Street. For each residential unit in the California Street Front and Back Buildings, one parking space with direct access would be provided in a new one-level underground garage constructed under these buildings.

In the Community Alternative, approximately 292 residential units would be provided in the existing main building, averaging 798 square feet in size. The developer can configure the size of the units and/or eliminate the office use. Internal Light Courts similar to those described on Developer's August 17, 2017 plan sheets A6.15 and A6.16 will be located where feasible. For these units, parking with direct access would be provided in the existing underground garage in the main building.

A new 40-foot tall Walnut Building would be built along California Street between Walnut Street and Presidio Avenue. This building would contain approximately 118 residential units with an average square footage of 809 square feet. The developer can configure the size of

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(AL-2)  
cont'd

the units. For these units, parking with direct access would be provided in a new one-level underground garage to be built under this building.

In the Community Alternative, a new 40-foot tall Mayfair Building would be constructed approximately east of Mayfair Drive at Laurel Street. The Mayfair Building would have 36 residential units with an average size of 1,073 square feet. The Mayfair Building would not contain an underground parking garage. For these units, parking with direct access would be provided in the new underground garages constructed under the California Street Front and Back Buildings. The Mayfair Building would be constructed of window walls designed to be compatible with the character-defining features of the windows in the existing main building. A small portion of a grassy area of the existing landscaping would be occupied by this building.

Other than removing the circular garage ramps, the Community Full Preservation Alternative would not make any of the exterior or interior circulation or site access changes proposed by the developer in August 17, 2017 plan sheets C.202 or L1.01 or in the “PRELIMINARY DESIGN” dated 08/2018. Under the Community Alternative, all Truck Loading or Unloading would occur in the underground garage accessed on Presidio Avenue, and trucks and automobiles will have ingress and egress to these areas for loading, unloading, pickups, drop-offs and parking. Truck Loading or Unloading will be permitted from 8 am to 8 pm only. Passenger vehicles and automobiles will also have ingress and egress to the site through the Walnut Gate at Walnut and California Streets and through the Mayfair Gate at Mayfair and Laurel streets. Passenger vehicles and automobiles will also have access to a turnaround for passenger loading and unloading through the Laurel Street gate and through the Walnut gate.

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(AL-2)  
cont'd

In the Community Full Preservation Alternative Variant (Variant), there would be 228 residential units with an average of 732 square feet in a 7-floor Walnut Building, which would require a height limit change for this area of the property only. Under the Community Variant, there would be 64 new residential units in the California Street Front Buildings with an average of 1,594 square feet, and 64 new residential units in the California Street Back Buildings with an average of 1,332, 1,275 or 850 square feet; these buildings would be 25 feet wide under this Variant, and lengths would vary with location. Under the Community Variant, there would be 48 new residential units in the Mayfair Building, with an average of 805 square feet. All new buildings would be 40 feet tall except the Walnut Building. The developer could configure the size of the residential units. In addition to the existing café, childcare center and 5,000 gsf of office space, in the Community Variant, the main building would be converted to approximately 340 residential units, with an average of 686 square feet.

The Community Alternative/Variant would comply with all applicable laws and regulations, including by making any modifications in the design needed to achieve such compliance or to provide additional space for necessary functions.

In the Community Full Preservation Alternative, the glass curtain wall of the existing main building would be retained and repaired if feasible for residential use, or replaced with a window system that would be designed to be compatible with the character of the historic resource. DEIR pp. 6.66 and 6.77. In the Community Alternative, any replacements of the glass curtain wall would be compatible with the geometric pattern of the windows in the existing main building.

The Community Full Preservation Alternative Variant would have the same characteristics as the Community Alternative, unless otherwise indicated above.

5  
(AL-2)  
cont'd

**EXHIBIT A**



**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896  
SACRAMENTO, CA 94296-0001  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov



August 31, 2018

John Rothman, President  
Kathryn Devincenzi, Vice President  
Laurel Heights Improvement Association of San Francisco  
22 Iris Avenue  
San Francisco, California 94118

**RE: Fireman's Fund Insurance Company, Determination of Eligibility  
National Register of Historic Places**

Dear Mr. Rothman and Ms. Devincenzi:

I am writing to inform you that on August 29, 2018, Fireman's Fund Insurance Company was determined eligible for the National Register of Historic Places (National Register). As a result of being determined eligible for the National Register, this property has been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the California Code of Regulations.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property determined eligible for the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist.

If you have any questions or require further information, please contact Jay Correia of the Registration Unit at (916) 445-7008.

Sincerely,

Julianne Polanco  
State Historic Preservation Officer

Enclosure

August 31, 2018

Previous Weekly Lists are available here: <http://www.nps.gov/history/nr/nrlist.htm>

Please visit our homepage: <http://www.nps.gov/nr/>

Check out what's Pending: <https://www.nps.gov/nr/pending/pending.htm>

Prefix Codes:

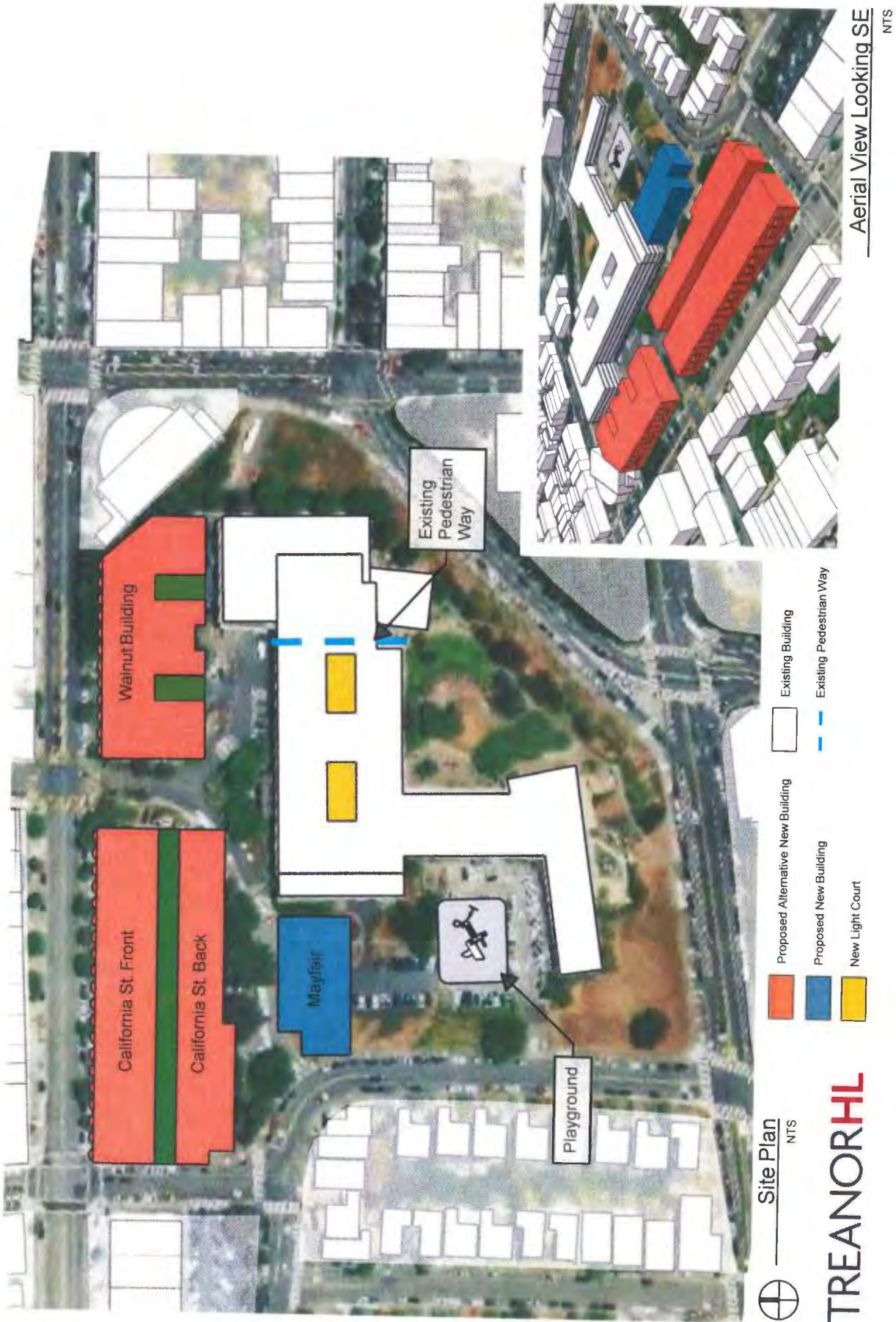
- SG - Single nomination
- MC - Multiple cover sheet
- MP - Multiple nomination (a nomination under a multiple cover sheet)
- FP - Federal DOE Project
- FD - Federal DOE property under the Federal DOE project
- NL - NHL
- BC - Boundary change (increase, decrease, or both)
- MV - Move request
- AD - Additional documentation
- OT - All other requests (appeal, removal, delisting, direct submission)
- RS - Resubmission

WEEKLY LIST OF ACTIONS TAKEN ON PROPERTIES: 8/16/2018 THROUGH 8/31/2018

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, NHL, Action, Date, Multiple Name

CALIFORNIA, SAN FRANCISCO COUNTY,  
Fireman's Fund Insurance Company Home Office,  
3333 California St.,  
San Francisco, RS100002709,  
OWNER OBJECTION DETERMINED ELIGIBLE, 8/29/2018

**EXHIBIT B**



**EXHIBIT C**



See O-LHIA4  
Comment 5 on p. 7 of  
Exhibit A (AL-2)



**EXHIBIT 2**





# SAN FRANCISCO PLANNING DEPARTMENT

December 11, 2018

Ms. Lisa Gibson  
Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Gibson,

On December 5, 2018, the Historic Preservation Commission (HPC) held a public hearing in order for the commissioners to provide comments to the San Francisco Planning Department on the Draft Environmental Impact Report (DEIR) for the proposed 3333 California Street Project (2015-014028ENV). As noted at the hearing, public comment provided at the December 6, 2018 hearing, will not be responded to in the Responses to Comments document. After discussion, the HPC arrived at the comments below:

- The HPC found the analysis of historic resources in DEIR to be adequate and accurate. The HPC concurs with the finding that the proposed project would result in a significant, unavoidable impact to the identified historic resource. 6  
(CR-2)
- The HPC expressed the importance of the historic resource as an integrated landscape and building. 7  
(CR-1)
- The HPC agreed that the DEIR analyzed a reasonable and appropriate range of preservation alternatives to address historic resource impacts. 8  
(AL-1)
- The HPC expressed interest in understanding more about a "neighborhood alternative" that was discussed by the public during public comment at the hearing. 9  
(AL-2)
- The HPC also supported combining some elements of the different alternatives in order to increase the amount of housing in the Full Preservation Alternative C. Commissioner Hyland specifically requested that Alternative C incorporate some elements from alternatives B and D such as increased building heights along California Street (up to 65 feet), the conversion of some areas of office or retail to residential use, and the incorporation of duplexes along Laurel Street. 10  
(AL-3)

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Submitted separately (See A-HPC  
[Andrew Wolfram, President, Historic  
Preservation Commission])

The HPC appreciates the opportunity to participate in review of this environmental document.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Wolfram", with a long horizontal flourish extending to the right.

Andrew Wolfram, President  
Historic Preservation Commission

**EXHIBIT 3**

## Memo

Denise Bradley Cultural Landscapes

520 Frederick Street No. 37  
 San Francisco, CA 94117  
 415. 751. 2604 (phone)  
 sfodab@hotmail.com (email)  
 www.denisebradley.us

---

**Date:** 24 April 2018

**To:** Kathy Devincenzi, Vice President  
 Laurel Heights Improvement Association of San Francisco, Inc.

cc: Michael Corbett

**Subject:** 3333 California Street Property  
 Location of Trees that were part of the Laurel Hill Cemetery

---

This memo provides a summary of the reference materials, reviewed as part of the Fireman's Fund National Register Nomination, that provide information on the location of trees at the 3333 California Street property that appear to have been part of the Laurel Hill Cemetery landscape.

In his book *Urban Landscape Design*, Garrett Eckbo described the design process for the mid-1950s landscape design for the Fireman's Fund site, which had been prepared by Eckbo, Royston, and Williams (ERW). In this description, he noted how some of the trees from the former cemetery were saved and incorporated into the Fireman's Fund landscape design.

*Considerable care was taken in the arrangement of the building, parking areas, and levels [i.e., grading] to save all the existing trees. Some of the trees were left on mounds of earth where the ground was depressed, and others were contained in wells where the ground was raised. In all cases, special pruning, feeding, aeration, and watering were done during construction to help the trees make the necessary adjustments.*

*The most impressive of the trees saved are the beautiful specimens of Monterey cypress in the parking areas on the California Street side of the building. Here, too, three very large blue gums are retained. In some ways, the most distinctive specimens saved are the large red-flowering eucalyptus near the corner of California street and Presidio, and the magnificent native toyon or Christmas berry in the parking area above Presidio. In addition to these six live oaks and a very large redwood and Monterey pine are saved. (Eckbo 1964:47).*

The locations of the cemetery trees that were saved and incorporated into the Fireman's Fund landscape can best be understood through a review of historical aerial photographs that are attached to this memo.

11  
 (CR-1)

Figure 1 shows the extent of the vegetation at the former Laurel Hill Cemetery in 1948 before any grading or construction work associated with the Fireman's Fund Home Office had occurred.

Figure 2 shows the 3333 California Street property in 1955 after grading for the Fireman's Fund Home Office had begun. The site has been cleared of all traces of the former cemetery except for select trees; these trees are circled on Figure 2.

Figure 3 shows the 3333 California Street property in 1958 after the completion of the initial phase of construction on the Fireman's Fund Home Office. Former cemetery trees that have been incorporated into the design, as described by Eckbo, are circled on Figure 3.

Figure 4 shows the 3333 California Street property in 1969, after the addition of the parking garage, auditorium, and office wing extension, which occurred between 1965 and 1967. This construction required the removal of some of the cemetery trees, and the ones that remained in 1969 are circled on Figure 4.

Figure 5 shows the current configuration of the 3333 California Street property. The trees which appear to have been part of the Laurel Hill cemetery vegetation are circled on Figure 5; these include:

- two Monterey cypress trees (#24 and #25 on the SBCA Tree Location Map)<sup>1</sup> on a low mound in the East Parking Lot,
- a blue gum eucalyptus (#118 on the SBCA Tree Location Map)<sup>2</sup> in the West Parking Lot, and
- several Monterey cypress (#119, #120, and #121 on the SBCA Tree Location Map)<sup>3</sup> in the West Parking Lot.




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<sup>1</sup>SBCA Tree Consulting, Memo to Lisa Congdon (Prado Group Inc.), 3333 California Street, Protected Tree Survey, amended 24 March 2017.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.





Figure 1. Former Laurel Hill Cemetery in 1948 before landscape features were removed.  
Source: Pacific Aerial Surveys.





Figure 2. Aerial view of 3333 California Street property in 1955 after initial construction has begun. Trees from the Laurel Hill Cemetery that were retained are circled. Source: Pacific Aerial Surveys, annotated by Denise Bradley.





Figure 3. Aerial view of 3333 California Street property in 1958. Trees from the Laurel Hill Cemetery that were incorporated into the landscape design are circled. Source: Pacific Aerial Surveys, annotated by Denise Bradley.





Figure 4. Aerial view of 3333 California Street in 1969 after the addition of the parking garage, auditorium, and office wing extension. Trees from Laurel Hill Cemetery that remain are circled. Source: Pacific Aerial Surveys, annotated by Denise Bradley.



Figure 5. Aerial view of 3333 California Street property today. Trees from Laurel Hill Cemetery that remain are circled. Source: GoogleEarth, annotated by Denise Bradley.





T 510.836.4200  
F 510.836.4205

410 12th Street, Suite 250  
Oakland, Ca 94607

www.lozeaudrury.com  
michael@lozeaudrury.com

*Via Email and U.S. Mail*

December 11, 2018

Kei Zushi, EIR Coordinator  
City and County of San Francisco  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
[CPC.3333CaliforniaEIR@sfgov.org](mailto:CPC.3333CaliforniaEIR@sfgov.org)

Re: Comment on Draft Environmental Impact Report, 3333 California Street Mixed-Use  
Project (State Clearinghouse # 2017092053)

Dear Mr. Zushi:

I am writing on behalf of Laborers International Union of North America, Local Union No. 261 and its members living in and around the City and County of San Francisco ("LIUNA") regarding the Draft Environmental Impact Report ("DEIR") prepared for the Project known as 3333 California Street Mixed-Use Project (SCH2017092053 and Case No. 2015-014028ENV), including all actions related or referring to the proposed demolition and redevelopment of existing buildings and proposed construction of thirteen new buildings containing 558 residential units within 824,691 gross square feet (gsf) of residential floor area, 49,999 gsf of office, 54,117 gsf of retail, and a 14,690-gsf child care center on Block 1032/Lot 003 in the City and County of San Francisco ("Project").

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. LIUNA requests that the San Francisco Planning Department address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the DEIR prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

A handwritten signature in blue ink that reads "Michael R. Lozeau".

Michael R. Lozeau



T 510.836.4200  
F 510.836.4205

410 12th Street, Suite 250  
Oakland, Ca 94607

[www.lozeaudrury.com](http://www.lozeaudrury.com)  
[michael@lozeaudrury.com](mailto:michael@lozeaudrury.com)

*Via Email and U.S. Mail*

December 12, 2018

Kei Zushi, EIR Coordinator  
City and County of San Francisco  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
[CPC.3333CaliforniaEIR@sfgov.org](mailto:CPC.3333CaliforniaEIR@sfgov.org)

**RE: Withdrawal of Draft EIR Comment and CEQA and Land Use Notice Request for the project known as 3333 California Street Mixed-Use Project aka State Clearinghouse # 2017092053**

Dear Mr. Zushi:

I am writing on behalf of the Laborers' International Union of North America, Local Union No. 261 ("LIUNA"). LIUNA hereby withdraws its request, sent on April 6, 2018, that the City of San Francisco ("City") send mailed or emailed notices related to the project known as 3333 California Street Mixed-Use Project aka State Clearinghouse # 2017092053 ("Project"). Additionally, LIUNA hereby withdraws its DEIR comment, sent on December 11, 2018. If you could please confirm that the notice request and DEIR comment have been withdrawn would be appreciated.

Sincerely,

A handwritten signature in black ink that reads "Hannah Hughes".

Hannah Hughes  
Legal Assistant  
Lozeau | Drury LLP

## Individuals

From: Sal Ahani  
 To: richhillis@gmail.com; Melgar, Myrna (CPC); planning@rodnevfong.com; Johnson, Milicent (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Richards, Dennis (CPC); CPC-Commissions Secretary  
 Cc: Richard Erskine; Stefani, Catherine (BO3)  
 Subject: Discrepancies and Comments with 3333 California St. DEIR  
 Date: Tuesday, January 08, 2019 9:26:07 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the planning Commission:

I am deeply concerned of what is occurring in my neighborhood, specifically at 3333 California St. Please read the following:

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

1  
(PD-1)

**I fully support the Community Full Preservation Residential Alternative for 3333**

2  
(AL-2)

It preserves the Historic Characteristics of this wonderful historic site.  
 It provides 558 (or 744 in the Variant) housing units.  
 It builds them in three years.  
 It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.  
 It does not create 8,000 retail auto trips per day.  
 It does not generate approx. 15,000 tons of greenhouse gases.  
 It preserves both the present childcare center and the existing café.  
 It matches the surrounding neighborhoods for character, style, scale and bulk.

**I strongly oppose** the Developers Destructive Proposal as it brings excessive, unnecessary, unwanted and destructive noise, pollution, traffic and congestion to the neighborhoods surrounding 3333; it threatens the quality of life; it poses threats to pedestrian safety; it contributes to climate change.

3  
(ME-1)

The Community Full Preservation Alternative will generate ZERO retail auto trips to 3333 as opposed to the 8,000 retail caused the Developers Destructive Proposal.

4  
(AL-2)

The Community Full Preservation Alternative will protect the small, family owned businesses in Laurel Village, Sacramento St. and Presidio Ave. A quick walk around these neighborhoods will clearly show the immense pressure these businesses are experiencing. More retail is unneeded and unwanted. It will destroy our local businesses. The Neighborhoods are well served by businesses at Laurel Village, Sacramento St., Trader Joe's, City Center, California St. etc. we do not need more, more, more. We do not need the more than 100,000 square feet of Retail, Office, Commercial space that the Developers Destructive Proposal calls for. One of the reasons the Developer destroys this historic site is to create enough space for this unneeded and unwanted Retail/Office/Commercial (ROC) nonsense.

The CPMC development, a Community supported plan by the way, adds 270 housing units and the Developer and neighbors have agreed to have no Retail. Why is 3333 being treated differently by forcing unneeded and unwanted ROC (Retail/Office/Commercial) against the overwhelming opposition of the surrounding residents?

5  
(ME-1)

In a recent Petition Drive at Laurel Village over 800 residents signed the Petition opposing the Developers Full Destruction and Massive ROC plan and supporting the Community's residential Alternative. Three people opposed it the Petition. These signatures were gathered in less than 8 hours. In the Petition Drive the 800 signatories opposed rezoning 3333 and also opposed revoking Resolution 4109, an agreement between the City and the surrounding neighborhoods. "A deal is a deal" was how everyone felt. The Community Full Preservation Alternative will already be more than twice as dense as the surrounding neighborhoods so any rezoning is uncalled for, unneeded and unwanted. These signatures are in the hands of the District 2 Supervisor.

6 (AL-2)  
7  
(PP-1)

The Developers Destructive Proposal is well named. Based on current estimates, it will generate approx. 15,000 tons of Greenhouse Gases (GHG) and the many associated and far more destructive climate changing gases that accompany the primary CO2. The Community's Full Preservation Alternative will, by comparison, generate approx. 4,100 tons of GHG. The Community Alternative mitigates the GHG generated by more than 70 percent, providing a dramatic reduction in a time of climate change. The GHG calculation is our best estimate. Neither Planning nor the Developer will provide the volume of concrete or weight of steel required. The Developer claims to have built many buildings and many complexes, Planning claims to oversee thousands of such projects and yet no one can even make an educated estimate as to the concrete and steel required.

8  
(GHG-2)

**Could there be something they want to conceal from the public?** Much like they concealed the Historic nature of 3333 for over 4 years?

9  
(CR-1)

**We pollute less and protect the environment:** the Community Alternative will ALWAYS generate less than one third the GHG generated the Developers Full Destructive Alternative: **We destroy less:** we preserve the historic site. **We build less:** 4 new buildings versus the Developers' 11 new buildings plus creating two tall towers out of the existing main building. **One single level underground parking garage for 450 spaces** versus a complex of parking garages, some of three levels, for 896 spaces; **We excavate less:** 90,000 cubic yards (9,000 dump truck loads) versus 288,000 cubic yards (32,000 dump truck loads); **We preserve and protect our local businesses and shops:** no added unwanted and unneeded and neighborhood destroying family-owned or small retail or business; **We better protect the health and well being of everyone:** no 13,000+ auto trips to pollute the air,

10  
(AL-2)



generate the noise, put pedestrians at risk, unload trucks on the streets, etc. **the Community's solution will always be three times better than the Developers solution.**

10 (AL-1)  
cont'd

The Developers Destructive Proposal not only destroys the Historic Site it destroys our climate. Concrete is a major contributor to GHG, in fact the GHG generated by the manufacture of cement and steel equals the GHG generated by traffic. **And, 95% of the cement used in the Bay Area is manufactured in the Bay Area so the GHGs are OUR GHGs.** The cement is not made somewhere else in the country it is made here.

11  
(GHG-1)

## We fully support housing:

The Community has supported the Lucky Penny (95 units), CPMC (270 units) and now 3333 (558) units. Over 1,000 units in a half mile radius. So please don't offend me and misrepresent the Community's position. We support housing and history; we oppose unneeded, unwanted and unnecessary Retail and mindless destruction of a historic site. **AND** we provide housing in as much as 12 years sooner than the Developers Full Destruction Plan does. The YIMBYs should be 100% in favor of the Community's Full Preservation plan and if they're not then they are being grossly hypocritical.

12  
(ME-1)

Recent studies have shown that the City's method of calculating auto trips, and the resulting chaos and congestion is deeply flawed, to the point of being misleading. At the time the VMT (Vehicle Miles Travelled) methodology was developed, SF CHAMP last updated Nov. 2014, the Transportation Networking Companies (TNCs) -Uber/Lyft/Chariot etc. were still in their infancy and so the VMT methodology fails to account for their incredibly disruptive impact. The TNCs average, conservatively, in excess of 170,000 trips per day in San Francisco. Studies also show that TNCs increase passenger trips by almost 10%. There are about 2,000 taxi medallions in San Francisco so TNCs do not just replace taxis they overwhelm them by orders of magnitude.

13  
(TR-1)

Also, implementation of the VMT methodology is not mandated until 2019 but as Planning and The Developers were unable to explain away the 8,000 Retail Auto trips generated by the existing, and still acceptable, Level of Service methodology, they implemented the VMT methodology with "refinements." Planning calculates the Developers Destructive Proposal using VMT methodology will generate approx. 5,800 total auto trips for 3333 for Retail + Office + Residential which is an entirely bogus number based on questionable assumptions, such as "The SF Guidelines **do not provide a specific methodology to** assess the number of trips....." Planning has therefore, with no supporting documentation or analyses, applied "appropriate refinements to the standard travel demand...."

Rather amazing that these "refinements" all work in the Developers favor. Nowhere in these "refinements" have TNCs been taken into account!

Oh, by the way, the "refinements" used were created for The Mission Rock Project at Seawall Lot 337 and Pier 48 as well as the Pier 70 Mixed Use District Project!

Seawall Lot 337 & Pier 48 summary:

Project

**type** Mixed-use, open space, residential, commercial

**Project area** Approx. 28 acres

**Proposed building area** 1.3 – 1.7 million sf commercial; 750,000 - 1.5 million sf residential; 150,000 – 200,000 sf retail, 850,000 sf structured parking



Seawall Lot 337 & Pier 48

Pier 70 summary: "The 35acre waterfront mixed-use neighborhood will provide housing, waterfront parks, artist space, local manufacturing and rehabilitated historic buildings." Altogether the redevelopment covers 35 acres and up to 3,025 new units of housing—the exact count is still in flux, with a low end of 1,645—and its roots stretch back a decade to a 2007 port plan.

**WOW! What remarkably similar projects to 3333. What "refinements" could possibly be comparable?**

**Simply bogus.**

**attempts to misrepresent and mislead the public.**

**inaccurate and invalid and NOTHING demonstrates this better than the above.**

**The DEIR consistently  
It is incomplete, incorrect,**

Under their previous, Level of Service, methodology they would have calculated 8,000 retail trips alone.

I I think it

safe to say that the numbers presented by Planning are simply "Developer friendly!". Their VMT methodology with "refinements" will generate fewer trips, especially since there are no criteria for calculating the impact of TNCs, but there is nothing in the legislation that remotely suggests it would generate 35% less trips! This entire section is suspect and Planning must explain this profound discrepancy.

As noted

above, nowhere are the TNCs incorporated into the calculations.

**All of which renders the Traffic Analysis incorrect, incomplete, inaccurate, invalid.**

The Planning Department proposes to reduce the number of retail parking spaces as a mitigation measure to reduce the significant traffic impact. This is a false assumption and shows the extent to which the Developer and Planning misunderstand, or simply choose not to understand, the impact that the TNCs have.

Planning's mitigation measure is a stone age solution to a digital age problem. How will many people respond to a perceived lack of parking?

They'll simply call a TNC and go

anyway.

**auto trips it will actually increase auto trips.**

**Eliminating parking won't eliminate**

MORE trips because of TNCs than if they had to use their own cars or take public transit. People now make trips they would never have made in the past – by any mode of transport.

The

VMT methodology used by the Planning Department fails to account for the impact of

TNCs.

And, the use of TNCs makes the GHG situation worse.

Let's assume I want to go to 3333 by auto. I could personally drive 2 miles to get to the 3333 Retail/Office/Commercial complex, park, then shop or do business, the drive 2 miles home for a total of 4 miles.

Data shows that many people will now use a TNC rather than drive their own cars. This will be even more pronounced if Parking is reduced! So now the

TNC has to come to me, assume 2 miles, and take me the 2 miles to 3333 for a total of 4 miles.

When I go home the same thing happens or an additional 4 miles for a grand total of 8 miles. Twice the GHG generated per trip!

So, not only do we have 8,000 retail auto trips, excluding the effect of TNCs (not addressed) to deal with we have many of them generating significant more GHG per trip!

Planning needs to do a comprehensive analyses using credible data and a credible methodology so that the public knows the extent of the GHG generated.

We are in a crisis with climate change and the methodology shown in the DEIR fails to address this crisis credibly. In fact climate change is more of a threat to the future of San Francisco than housing is and it isn't being addressed accurately in the DEIR.

The Developers Destructive Proposal first demolishes and destroys the Historic Characteristics and nature of 3333. Then it virtually

destroys all of Laurel Hill itself, with the exception of a small sliver at the southwest corner, by excavating the entire site to depths ranging from 15 to 40 ft.

The only area that isn't excavated is under a portion of the existing building!

Not sure how they missed that

opportunity!

Removal of the demolition debris and the excavated soils will require approx. 32,000 dump truck loads, all of which have to pass through and pollute our neighborhoods.

By contrast, the Community Full Preservation Alternative generates approx. 9,000 dump truck loads, one quarter as many!

After the demolition the Developer has to then deliver all the new materials required to rebuild what they demolished plus 11 new buildings.

How many large truck loads, concrete truck loads, etc. will this require? The Community Alternative only builds 4 new buildings so like the GHG and the debris/soil removals the Community Full Preservation Alternative requires far fewer, probably about one third, or less, as many delivery loads.

A quick look at the turning radii of the trucks, ie. SU-30 Circulation Exhibit and WB-40 Circulation Exhibit clearly demonstrates that all the deliveries during destruction, demolition, excavation, construction and long term operations pose significant threats to traffic safety, pedestrian safety, congestion and pollution. In fact, as WB-40 shows large trucks cannot safely navigate 5 of the 6 major intersections surrounding the site. There are no plans to mitigate this profound situation which will essentially exist from the beginning of the project ad infinitum. Planning and the Developers have simply washed their hands of the problem a la Pontius Pilate.

The Community Full Preservation Alternative will preserve most of the mature trees at 3333, some of which date back to the time of the Laurel Hill cemetery whereas the Developers Destructive Proposal will attempt to spare approx. 4.

The Developers Destructive Proposal surrounds 3333 with five major Loading/unloading zones for TNCs and Freight traffic. Initially the Developers promised that all the unloading would be done underground or on-site and now the site is ringed with these zones! These zones not only eliminate approx. 40 parking spaces but they will create additional traffic congestion and pollution. So we have a ring of loading zones in addition to the inevitable double parking that occurs for deliveries and drop-offs.

13  
(TR-1)  
cont'd

14  
(GHG-1)

15 (CR-2)

16  
(GEO-1)

17  
(AQ-1)

18  
(TR-7)

19  
(AL-2)

20  
(TR-10)

**From:** [James Bassuk](#)  
**To:** [Zushi, Kei \(CPC\)](#)  
**Cc:** [Stefani, Catherine \(BOS\)](#); [richhillissf@gmail.com](mailto:richhillissf@gmail.com); [Melgar, Myrna \(CPC\)](#)  
**Subject:** 3333 California Street Project  
**Date:** Monday, January 07, 2019 10:45:24 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Zushi

Our family lives at 3320 California Street, a location directly across the street from the planned project and also the block most heavily impacted by this project. We are members of the California Street Homeowners Group, you received the letter of our concerns on Dec 11, 2018, and representatives from our group spoke at the hearing.

Much has been written so we'll leave this note short.

The draft EIR is insufficient in identifying the environmental impacts of the Project and the impacts identified are largely unmitigated.

**We strongly support the Residential Alternative plan for 3333.** I can assure you that although you may not get a letter from every single resident on "our" block, the support for the residential plan is unanimous.

This plan addresses many of the neighborhood concerns regarding the developers plan including:

1. Can be completed in 3 years, significantly less burdensome for families and elderly
2. Preserves the character of the neighborhood
3. Does not add unwanted and excess retail, supports small business owners
4. Lessens the harmful impacts on the environment
5. Will create far less traffic and safety hazards
6. Does not line the developers pockets at the expense of a community

**We DO NOT support the developers plan.** The developers plan is clearly profit motivated with a complete lack of concern and respect for the residents of this community.

The residential plan is superior in addressing the city's housing shortage. That is the purpose of this project, correct?

Thank you,  
Jim and Jessica Bassuk

1  
(GC-1)

2  
(AL-2)

3  
(ME-1)

4  
(AL-2)

**Subject:** 3333 California St Development Comments

**Date:** Monday, January 7, 2019 at 1:36:58 PM Pacific Standard Time

**From:** David Bercovich <davidb@gmail.com>

**To:** Zushi, Kei (CPC) <kei.zushi@sfgov.org>, Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>, laurelheights2016@gmail.com <laurelheights2016@gmail.com>

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I live with my family at 3318 California St, Unit 2, San Francisco, CA 94118. Please find my comments below opposing the current development plan and supporting the community alternative. 1  
(ME-1)

There is no hardship with the site and so in my opinion no reason to change the zoning to allow the increased height limit, retail etc. There is a reason that the zoning was changed and it should be respected. 2  
(AL-2)  
3  
(PP-1)

There are numerous issues with the current plan including:

- The proposed seven to fifteen- year construction period would hold our neighborhood hostage to the traffic, noise, disruption and dirt that it will create and would likely result in a negative impact on any residents that might need to sell their homes during such an egregiously long construction period. Moreover, the Developers have met with our neighborhood group and advised us on several occasions that they could complete all construction within 2 to 4 years from Project commencement. We surmise that the longer time frame being requested is to reduce the economic risk of the Project and increase return to their investors, perhaps creating many extra years of valuable tax "losses". The Developers need to go back to the drawing board to present a more realistic construction time frame, even if it means altering their proposed design. 4  
(PD-1)
- The current proposal has construction staging for three of the four phases and most of this time period directly across from our front doors. We have proposed that the Developer move staging next to each phase in the 10 acre site during construction. 5  
(TR-10)
- There is a commercial loading zone being proposed directly across the street from our neighborhood which will create noise and disruption. The Draft EIR's mitigation is to restrict loading to before 7AM and after 7PM, which is even more disruptive to the quiet enjoyment of our homes. Since the Developers have included provisions for all commercial loading to take place underground, there is no justification for the significant adverse impact street side commercial loading would create. 6  
(TR-7)
- The garages for our homes back out onto California Street and there was no mention in the Draft EIR of the hazards that will be created as a result of the Project during construction, and particularly with the added traffic that will be created by its proposed retail. 6  
(TR-7)

Thank you  
David Bercovich  
415-409-9288  
[davidb@gmail.com](mailto:davidb@gmail.com)

**From:** [Daniel Berkley](#)  
**To:** [Zushi, Kei \(CPC\)](#)  
**Subject:** EIR 3333 California exposed  
**Date:** Monday, January 07, 2019 8:01:12 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Honorable Kei Zushi,

Much has been written about EIR 3333 California Street project. From where I sit at 3320 Street there have been so little realities for the neighborhood and city as a whole. Massive height increases; lack of true recognition of traffic choked streets; wind tunnel impact on street; darkened corridors; destroyed vistas and treasured flora; major nearly decade long disruption with selfish development; is this what growth means in our City? It is destruction of a community. [I recall some elements of The Invisible Man by Ralph Ellison. Use space for gentle residence.

Remember the false promises of Candlestick?

Daniel Berkley

Sent from my iPhone

1  
(ME-1)

**From:** Gail Boyer [mailto:gail4195@gmail.com]  
**Sent:** Wednesday, January 02, 2019 12:47 PM  
**To:** Richard Frisbie <frfbeagle@gmail.com>; Zushi, Kei (CPC) <kei.zushi@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>  
**Subject:** Fwd: 3333 Comments

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I APPRECIATE YOUR KINDNESS AND UNDERSTANDING THAT THERE ARE ELDERLY, DISABLED, CHRONICALLY ILL, HOMEBOUND PEOPLE WHO CANNOT AFFORD TO RELOCATE IN THE CITY, AND THE GRAND, LENGTHY, AND VARIANCES REQUIRED FOR COMMERCIAL, OFFICE RETAIL COMPLEX, AND SCALE OF THIS PROJECT, AND AIR TOXICITY, WILL BE A TRAGEDY FOR THEIR HEALTH AND WELL BEING. PLEASE HELP US AND THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER. BEST, GAIL BOYER, 3316 CALIFORNIA STREET. THANKS AGAIN RICHARD FOR ALL YOUR HELP.

1  
(AQ-2)

Begin forwarded message:

**From:** Richard Frisbie <[frfbeagle@gmail.com](mailto:frfbeagle@gmail.com)>  
**Subject:** 3333 Comments  
**Date:** January 2, 2019 at 11:47:50 AM PST  
**To:** Gail Boyer <[gail4195@gmail.com](mailto:gail4195@gmail.com)>

Gail, below are two paragraphs you can send.  
Send them to : Kei Sushi; Catherine Stefani; and myself:

[kei.zushi@sfgov.org](mailto:kei.zushi@sfgov.org), [Catherine.Stefani@sfgov.org](mailto:Catherine.Stefani@sfgov.org),  
[frfbeagle@gmail.com](mailto:frfbeagle@gmail.com)

## **I fully support the Community Full Preservation Residential Alternative for 3333**

It preserves the Historic Characteristics of this wonderful historic site.  
It provides 558 (or 744 in the Variant) housing units.  
It builds them in three years.  
It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.  
It does not create 8,000 retail auto trips per day.  
It does not generate approx. 15,000 tons of greenhouse gases.  
It preserves both the present childcare center and the existing café.

2  
(AL-2)



It matches the surrounding neighborhoods for character, style, scale and bulk.

2  
(AL-2)  
cont'd

**I strongly oppose** the Developers Destructive Proposal as it brings excessive, unnecessary, unwanted and destructive noise, pollution, traffic and congestion to the neighborhoods surrounding 3333; it threatens the quality of life; it poses threats to pedestrian safety; it contributes to climate change.

3  
(ME-1)

Let me know if you have any questions.

Dick Frisbie

Robert Bransten

3370 Clay Street

San Francisco, California 94118

Dear Planning Commissioners,

I enthusiastically support the proposed development at 3333 California Street. This development will create more housing in our city, a critical need.

For over fifty years my wife and I have lived just two blocks from California Street and Presidio Avenue. We believe in additional new homes that will allow both city new comers and longtime residents to find affordable and also market rate housing on the city's west side. I also like the proposed five acres of open space and the pedestrian walkways through the site,

1  
(ME-1)



Our vibrant city needs to address our housing shortage.

I urge you to support this thoughtful development which creates an opportunity for families to stay in San Francisco.

1  
(ME-1)  
cont'd

*Robert Branstetter*

# I-BRENNER

**From:** [Barbara Brenner](#)  
**To:** [richhillissf@gmail.com](mailto:richhillissf@gmail.com); [Melgar, Myrna \(CPC\)](#); [planning@rodneyfong.com](mailto:planning@rodneyfong.com); [Johnson, Millicent \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Richards, Dennis \(CPC\)](#); [CPC-Commissions Secretary](#); [Zushi, Kei \(CPC\)](#); [Stefani, Catherine \(BOS\)](#)  
**Cc:** [Richard Frisbie](#)  
**Subject:** 3333 California Street- Support for Neighborhood Alternative Plan  
**Date:** Thursday, January 03, 2019 10:27:56 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern:

I am writing in opposition to the developer's plan for 3333 California Street. The proposal is objectionable for several reasons:

Architecture is not in line with existing neighborhood character.

Retail stores and offices will bring in too much additional traffic and are unnecessary. Existing local stores are more than sufficient for the needs of the neighborhood.

Parking is currently extremely difficult. The developer originally stated loading zones would be on-site or underground however that plan was scrapped. On-street loading zones would eliminate 40 additional street parking spaces.

15-year construction timeline is excessive and unnecessary and as costs spiral invites the sale of an up-zoned property.

THE NEIGHBORHOOD RESIDENTIAL ALTERNATIVE SATISFIES THE NEED FOR ADDITIONAL HOUSING IN SAN FRANCISCO BUT WITH SIGNIFICANTLY LESS DAMAGE TO THE ENVIRONMENT WHILE MAINTAINING THE CHARACTER OF THE NEIGHBORHOOD.

Sincerely,

Barbara and Jim Brenner

homeowners-1809 Lyon Street, San Francisco

1  
(ME-1)  
2  
(CEQA-3)  
3  
(TR-1)  
4  
(TR-11)  
5  
(PD-1)  
6  
(AL-2)

# I-CATALANO

**From:** [Joseph Catalano](#)  
**To:** [CPC.3333CaliforniaEIR](#)  
**Cc:** [Joan M. Varrone](#); [Miller Hall, Ellie \(BOS\)](#); [Stefani, Catherine \(BOS\)](#)  
**Subject:** Neighborhood Comment 2015-014028ENV  
**Date:** Tuesday, January 08, 2019 12:43:33 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Zushi;

The Draft EIR fails to recognize the disproportionate adverse impact the addition of 750 residential units on a 10 acre site will have on the site's immediate neighbors. The Draft EIR only adopts a citywide density metric, and fails to incorporate mitigation for the more local adverse impact. The Draft EIR disregards the immediate adversity such a massive influx of units will have on property owners who chose their homes based on the neighborhood's characteristics.

1  
(GC-1)

The Draft EIR fails to include adequate mitigation for the adverse and persistent impact a potential 15 year construction period will have on the neighbors of the Project.

2  
(PD-1)

The Draft EIR does not address the traffic impact of ride share drivers driving around the neighborhood waiting for a fare.

3  
(TR-2)

The Draft EIR fails to address the deleterious effect of freight loading on a currently entirely residential street. (California between Laurel and Walnut)

4  
(TR-10)

The Draft EIR does not mention, much less adequately address, the loss of horizon the Project will create.

5  
(CEQA-3)

The Draft EIR does not mention, much less include mitigation requirements for the additional hazards the Project's foreseeable congestion will create for exiting garages on California Street.

6  
(TR-7)

The Draft EIR disregards the Project's strategy of privatizing open space which is currently a community resource.

7  
(PD-3)

We would welcome the opportunity for dialogue with municipal government representatives and the Developer to resolve these concerns.

Regards,  
Joe Catalano and Joan Varrone  
3320 California Street Apt. 3  
San Francisco CA

Sent from my iPad

**Subject:** 3333 California Street Mixed Use Project

**Date:** Sunday, January 6, 2019 at 5:17:34 PM Pacific Standard Time

**From:** Michael Coholan

**To:** Zushi, Kei (CPC), richhillissf@gmail.com, Melgar, Myrna (CPC), planning@rodneyfong.com, Johnson, Milicent (CPC), Koppel, Joel (CPC), Moore, Kathrin (CPC), Richards, Dennis (CPC), CPC-Commissions Secretary

**CC:** Stefani, Catherine (BOS), Dick Frisbie (frfbeagle@gmail.com)

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Dear Mr. Zushi and Planning Department Commissioners:

I've lived in the Laurel Heights neighborhood for nearly 40 years and would like to make the following comments regarding the 3333 California Street Mixed Use Project:

*But before I do, I want to be clear that I am 100% in favor of building the 558 (or 744 variant) housing units as soon as possible. I am not an obstructionist, just a concerned resident who understands the desperate need for more housing at all price levels. Further, I was a part of the neighborhood group that was so successful in working with the developer on the "Lucky Penny" (Geary and Masonic) project and hope that the developers of 3333 Cal would see the benefit of collaborating with the neighborhood on this project too, so that the housing can be built as quickly as possible. Many of my neighbors share the same desires and beliefs.*

1  
(ME-1)

**I fully support the Community Full Preservation Residential Alternative for 3333 because:**

- It preserves the Historic Characteristics of this wonderful historic site.
  - It provides 558 (or 744 in the Variant) housing units.
  - It builds them in three years.
  - It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.
  - It does not create 8,000 retail auto trips per day.
  - It does not generate approx. 15,000 tons of greenhouse gases.
  - It preserves both the present childcare center and the existing café.
  - It matches the surrounding neighborhoods for character, style, scale and bulk.
- 2  
(AL-2)

**I strongly oppose** the Developers Destructive Proposal as it brings excessive, unnecessary, unwanted and destructive noise, pollution, traffic and congestion to the neighborhoods surrounding 3333; it threatens the quality of life; it poses threats to pedestrian safety; it contributes to climate change.

3  
(ME-1)

Thank you,

~Michael Coholan



**Subject:** Re: Comments on 3333 California Street Mixed Use Project -- 2015-014028ENV

**Date:** Sunday, January 6, 2019 at 9:34:47 PM Pacific Standard Time

**From:** Adam Cole <adamcole415@gmail.com>

**To:** Zushi, Kei (CPC) <kei.zushi@sfgov.org>

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Please accept my apologies: I meant to say Dear Mr. Zushi.

On Jan 6, 2019, at 9:32 PM, Adam Cole <[adamcole415@gmail.com](mailto:adamcole415@gmail.com)> wrote:

Dear Mr. Sushi and Commissioners — I live two blocks from 3333 California Street. I OBJECT to the "Proposed Project" and "Variant" (collectively, "developer's proposal") and urge the Planning Department to accept and review and the Commission to adopt the Community Residential Alternative.

<sup>1</sup>  
(ME-1)  
<sup>2</sup>  
(AL-2)

I have lived in this neighborhood for 23 years and value its character, which has kept its residential charm all that time, but which the developer's proposal threatens.

I object to the developer's proposal for two main reasons.

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

<sup>3</sup>  
(PD-1)

Second, the developer's proposal will result in a massive increase in car traffic in the neighborhood, which we can't handle. Thousands more car trips a day will congest and destroy the historic residential feel of this area.

<sup>4</sup>  
(TR-3)

The Community Residential Alternative addresses these and other issues and draws the right balance between the need for more housing and preservation of this historic neighborhood.

<sup>5</sup>  
(AL-2)

Thank you for your consideration.

Adam M. Cole  
3401 Clay Street, Apt. 405  
San Francisco, CA 94118  
Cell 415-828-1812

**Subject:** Project Title: 3333 California Street Mixed Use Project - Comments on the Draft EIR

**Date:** Saturday, January 5, 2019 at 5:15:17 PM Pacific Standard Time

**From:** Bill Cutler

**To:** richhillissf@gmail.com, Melgar, Myrna (CPC), planning@rodneymfong.com, Johnson, Milicent (CPC), Koppel, Joel (CPC), Moore, Kathrin (CPC), Richards, Dennis (CPC), Stefani, Catherine (BOS), Zushi, Kei (CPC), CPC-Commissions Secretary, LaurelHeights2016@gmail.com

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Bill Cutler and Judy Doane  
3101 California Street Apt. 7  
San Francisco, CA 94115

January 5, 2019

Re: Case No. 2015-014028ENV

Dear Planning Commissioners:

We are a married couple who have lived in Laurel Heights on California Street, one block from the site of the proposed real estate development, for over 45 years. [Over the decades, we've seen many big changes to our neighborhood—some positive, and some negative—but this Prado development proposal, which violates the zoning laws and the character of the district, is by far, the most disturbing to date.]

1  
(ME-1)

We recognize the pressing need for more affordable housing in San Francisco, and we support construction of housing on this site, but the current proposal, which Prado wants 7-15 years to complete, includes unnecessary retail space, threatens the quality of life, and mars the beauty of Laurel Hill by altering the Historic Building, obscuring the beautiful views, and destroying the majority of 185 old growth trees that we cannot afford to lose in an era of toxic air and climate change.

2  
(ME-1)

The high density of the proposed project as described in the Draft Environmental Impact Report, [will increase traffic flow and congestion, increase noise and pollution, and contribute to the loss of parking, in a neighborhood where it's already almost impossible to find adequate street parking, even for residents with G-Stickers. It's important to realize that not only will the construction of the Prado project permanently eliminate 40 currently available non-metered parking spaces to accommodate five loading/unloading zones for TNCs (Uber, Lyft, Chariot) and freight traffic, but it will also take away another 200 non-metered parking spaces, which surround the 10 acre site on

3  
(GC-1)

4  
(TR-11)

Euclid and Laurel Streets for the entire 15 years of construction. That is parking that residents, as well as businesses in Laurel Village Shopping Center need desperately, and that severe impact on our community is not addressed anywhere in the DEIR. Essentially, Prado's current DEIR changes what should be a residential development into a full scale retail destination.

4  
(TR-11)  
cont'd

In addition to Prado's proposal, there are three other large real estate projects already approved to be built in this same neighborhood over the next few years:

5  
(CU-1)

\*A residential building (95 units) at the current site of the former Lucky Penny Restaurant at Geary and Masonic.

\*A residential development (270 units), covering two and a half blocks at the current site of CPMC on California Street.

\*A new housing development nearby on Sacramento Street.

Along with the Prado project, these will bring thousands of new residents to Laurel Heights in the coming years, so the YIMBY argument that there is no new housing in the Western Addition makes little sense once you take into account how many new buildings will be going up in our neighborhood simultaneously. In fact, in a recent petition drive at Laurel Village, over 800 residents signed the petition opposing the developer's plan for ROC (retail, office, and commercial) space, and fully supporting a development consisting of new housing only.

Fortunately, there is a much better way to address the need for a development at Laurel Hill that both meets the housing demands and still protects the Historic Building as well as the beautiful landscaping that surrounds it. It's called the Neighborhood Full Preservation Alternative. It provides the same number of residential housing units as the Prado project, 558 with a 744 variant, protects the majority of the 185 mature trees, and does not include major retail that would only negatively compete with Laurel Village Shopping Center, which borders the site. For perspective, Laurel Village already has two supermarkets, Cal-Mart and Bryan's, Starbucks and Peet's coffee, a liquor store, Ace Hardware, several restaurants, including Beautifull! and Rigolo Cafe, 3 banks, Bank of America, Wells Fargo and First Republic, Walgreen's Pharmacy, multiple doctors, dentists, and psychotherapy offices, Peninsula Beauty, a GAP store, several boutiques and a variety of other businesses. Sacramento Street, which is one block away from the development, has numerous restaurants, including The Magic Flute, Spruce, Sociale, Cafe Luna and Osteria, The Vogue movie theater, 3 dry cleaners, multiple boutiques, antique shops, nail salons, hair salons, a automotive repair shop, several liquor stores, a shoe repair shop, and many other businesses, all within a short walking distance of Laurel Hill. It is also important to remember that the development is directly across California Street from the San Francisco Jewish Community Center, which offers a pool, a fitness center, a spa, a concert hall, a full calendar of performances, lectures, and a host of other amenities.

6  
(AL-2)

We don't need new retail in Laurel Heights. We are inundated with retail right now. We need affordable housing—built without changing existing zoning laws, without 10 story buildings, without

7  
(ME-1)

over 100,000 square feet of additional retail, office and commercial space. We should be using the construction primarily for affordable housing, which would allow for some units big enough for middle class families. The Neighborhood Alternative does all that and can be built in about 3 years, not 7-15.

7  
(ME-1)  
cont'd

Among the many things that make the Neighborhood Alternative a much better solution than any of the alternatives presented in the DEIR are as follows: it preserves the characteristics of this wonderful historic site, it provides 558 (or 744 in the Variant) housing units, it does not create 8000 retail auto trips per day, it does not generate approximately 15,000 tons of greenhouse gases, it preserves both the present childcare center and the existing cafe, and it matches the surrounding neighborhood for character, style, scale and bulk. In short, it is the ideal solution—providing housing without destroying what makes Laurel Heights a desirable place to live in San Francisco.

8  
(AL-2)

Please consider supporting our plan. Thank you.

Very truly yours,

Bill Cutler and Judy Doane

**From:** [Evelyn Davidson](#)  
**To:** [Zushi, Kei \(CPC\)](#)  
**Cc:** [Stefani, Catherine \(BOS\)](#); [richhillissf@gmail.com](mailto:richhillissf@gmail.com); [Melgar, Myrna \(CPC\)](#)  
**Subject:** ->Mr. Zushi: opposition to proposed 3333 California project  
**Date:** Tuesday, January 08, 2019 4:32:07 PM

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## Memorandum

Date: January 8, 2019

To: [kei.zushi@sfgov.org](mailto:kei.zushi@sfgov.org), Senior Environmental Planner

Cc: Supervisor Stefani [Catherine.Stefani@sfgov.org](mailto:Catherine.Stefani@sfgov.org)

Planning commissioners [richhillissf@gmail.com](mailto:richhillissf@gmail.com)

President [myrna.melgar@sfgov.org](mailto:myrna.melgar@sfgov.org)

From: Evelyn Davidson, Neighbor ([ip\\_acre@yahoo.com](mailto:ip_acre@yahoo.com))

Re: Objection to 15-year developer development project (the “Destructive 3333 Project” or D3333P)

Premises: 3333 California Street, San Francisco

I am very concerned about, and object to, the current developers’ development plan.

1  
(ME-1)

I understand it is currently scheduled to take fifteen (15) years to complete. Apart from the incredibly drawn out length of such a project, the negative effects (such as dust, noise, diminished parking, danger to children, seniors and others), such a development does not fit within the natural, historic, familial, social and aesthetic contours of our community. Not to mention the environmental risks. Wouldn't such a project be more appropriate for Geary Blvd or similar streets. Moreover, the developers' stated uses are unlikely to be needed in the future. The increasing closing of retail and office premises due to online shopping and work-at-home jobs makes such proposed uses doubtful even fanciful, perhaps to be replaced by even less human friendly high-tech data or A.I. centers by the time occupancy is permitted.

2  
(PD-1)  
3  
(GC-1)  
4  
(ME-1)

I and other community members propose a smaller development (the "Community Full Preservation Alternative" or CFPA) that will still add substantial needed housing but take only three (3) years to complete. The CFPA does not include the massive unneeded, unwanted and probable dead-on-arrival retail/office/commercial complex that the Destructive 3333 developer continues to insist upon. CFPA does not create outmoded 13,000+ retail auto trips per day; it does not generate approximately 15,000 tons of greenhouse gases. The CFPA preserves both the present childcare center and the existing café, a source of deep, positive social capital in our community. It matches the surrounding neighborhoods for character, style, scale and bulk.

5  
(AL-2)

I strongly oppose the Destructive 3333 Project as it brings excessive, long-term, unwanted and destructive noise, dust (on top of the recent lung-damaging smoke from the wildfires), other pollution, traffic and congestion to the neighborhoods surrounding 3333; it threatens the quality of life; it diminishes community members socializing; it poses threats to pedestrian safety, especially the more fragile members of our community; it contributes to climate change; it will leave a bad taste in the mouth of those who remain in the community or are forced to leave due to damage cause by the D3333P; and worse. The Community Full Preservation Alternative will however generate ZERO retail auto trips to 3333 as opposed to the 12,000-15,000 retail caused the developers' Destructive 3333 Project.

6  
(ME-1)  
7  
(AL-2)

Please do not permit the Destructive 3333 Project to go forward.

8  
(ME-1)

**From:** [Linda L. Day](#)  
**To:** [richhillissf@gmail.com](mailto:richhillissf@gmail.com); [Melgar, Myrna \(CPC\)](#); [planning@rodneyfong.com](mailto:planning@rodneyfong.com); [Johnson, Millicent \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Richards, Dennis \(CPC\)](#); [Zushi, Kei \(CPC\)](#); [Stefani, Catherine \(BOS\)](#)  
**Subject:** Support for 3333 California Development  
**Date:** Monday, December 10, 2018 4:18:42 PM

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Gentlepeople,

I live on Masonic and support the 3333 California development. Having attended the 3333 California NIMBY meeting, I believe that their arguments are specious.

They say that they want housing, although less than proposed, and that they do not want commercial because it will threaten the Laurel Shopping Center merchants. They call out the assault made by Trader Joe's and Target and insist that no more competition be allowed. They do not development on busy arterial streets.

I am a retired professor who is only able to live in the city where I worked because a small, affordable (at the time) multi-family unit was available. development of my building was fiercely contested by neighbors.

The developer's plans call for townhouses on the one edge of the site that faces single family detached dwellings.

The argument for preservation of an unworthy office building is a desperate attempt to preserve an enclave for the rich. Why should we declare any neighborhood off-limits for housing that will serve a diverse mix of residents? This neighborhood is well served by transit, is close to stores for modest income shoppers, and has a great library branch.

Linda Day

1  
(ME-1)



**From:** [Shanan Delp](#)  
**To:** [richhillissf@gmail.com](mailto:richhillissf@gmail.com); [Melgar, Myrna \(CPC\)](#); [planning@rodneyfong.com](mailto:planning@rodneyfong.com); [Johnson, Millicent \(CPC\)](#); [Koppel, Joel \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Richards, Dennis \(CPC\)](#); [Zushi, Kei \(CPC\)](#)  
**Subject:** 3333 California: Let's Make it a dense housing solutuon  
**Date:** Monday, December 10, 2018 3:37:29 PM

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Hi,

The UCSF laurel heights campus is a nice park setting, but it's not a landmark. Let's use this wonderful, transit-rich spot to add some density to the inner richmond.

I do not believe the current campus is in any way worth preserving. Let's go dense.

Thanks,

Shanan Delp

San Francisco Voter.

1  
(ME-1)

**KATHRYN R. DEVINCENZI**  
22 IRIS AVENUE  
SAN FRANCISCO, CALIFORNIA 94118-2727  
Telephone: (415) 221-4700  
E-mail: KRDevincenzi@gmail.com

January 8, 2019

BY EMAIL TO: CPC.3333CaliforniaEIR@sfgov.org

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

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

1. The DEIR Fails to Disclose the Uncertainty as to Whether the SFPUC Has Sufficient Water Supply Available to Serve the Project Site from Existing Entitlements and Resources and Whether SFPUC Would Require New or Expanded Water Supply Resources or Entitlements.

1  
(UT-1)

The July 27, 2018 letter from the San Francisco City Attorney to the State Water Resources Control Board (SWRCB) discloses that SFPUC would have to greatly increase water rationing in a sequential-year drought if SWRCB adopted proposed amendments to the Water Quality Control Board Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary that were then under consideration (Plan Amendment). (Ex. A, excerpts of letter from City Attorney to SWRCB, pp. 1-3) The letter states that if the Plan Amendments were adopted, if a sequential-year drought occurs, San Francisco's diversions from the Tuolumne River - on which the SFPUC relies to meet approximately 85% of demand for drinking water throughout the Bay Area - could be severely reduced. (Ex. A, p. 3) The letter discloses that if the Plan Amendments were implemented, SFPUC could have to increase water supply rationing over the 20% level allowed by the SFPUC's current drought management plan and indicates that it is uncertain that SFPUC will be able to develop sufficient replacement supplies in approximately four years before the SWRCB's intended implementation of the Plan Amendment in 2022. (Ex. A, p. 4)

In *Delta plan approved: cities face water cuts*, the San Francisco Chronicle reported that the SWRCB approved this Plan Amendment, which would require cuts to water supplies that could cause households in the Bay Area to curb water use by 20 percent or more. (Ex. B) Please state whether the SWRCB approved the Plan Amendments and explain the potential consequences of those Plan Amendments on SFPUC's water supply for San Francisco and the possibility of increased water rationing. (Ex. B) While agencies have an opportunity to propose alternative proposals, the passage of this Plan Amendment has created uncertainty as to San Francisco's water supply which the DEIR for 3333 California Street fails to acknowledge. CEQA

requires an agency to disclose uncertainty about water supply.

1  
(UT-1)  
cont'd

The water supply assessment performed for the proposed 3333 California Street project was performed before the Plan Amendment was passed. That water supply assessment was based on the SFPUC's urban water management plan which was based on estimations of water supplies that pre-dated the plan amendments.

The 3333 California Street Initial Study projects that the proposed project would use an estimated 73,000 gallons of water per day, which would result in a net increase of approximately 53,000 gallons per day. The net increase per year would be 19,345,000 gallons (53,000 x 365). The Initial Study concludes that the increase could be accommodated "by the anticipated water supply for San Francisco." That anticipated water supply for San Francisco has now changed as a result of the Plan Amendments. Although the DEIR appears to have been released after the Plan Amendment was passed, it failed to disclose the uncertainty about changes in the anticipated SFPUC water supply .

2. The DEIR Fails to Disclose the Uncertainty as to Whether the Proposed Project or Project Variant, in Combination With Past, Present and Reasonably Foreseeable Future Projects Could Result in a Cumulatively Considerable Contribution to Cumulative Impacts on Water Supply Systems.

2  
(UT-1)

Since the City Attorney's letter indicates that the SWRCB expects SFPUC to develop additional supplies of water, the DEIR should have disclosed the uncertainty about the cumulative impact of the proposed project's contribution to the demand for water supplies together with the water supply demand of other reasonably anticipated projects, in the current context that new projects to develop additional water supplies may be needed.

The DEIR should explain the potential cumulative impacts of developing potential additional water supplies to serve existing SFPUC customers and customers drawing on SFPUC water supplies in current and foreseeable developments in the context of significant water reductions in a sequential-year drought. The DEIR should disclose any uncertainty as to whether sufficient additional water supplies can be developed before 2022 to avoid SFPUC customer rationing above 20% in sequential-drought years and estimate the amount of water that could be used by SFPUC customers in current and reasonably foreseeable development and the amount of water that could be available in sequential-drought years.

Very truly yours,



Kathryn R. Devincenzi

**EXHIBIT A**

## CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA  
City Attorney

## OFFICE OF THE CITY ATTORNEY

JONATHAN P. KNAPP  
Deputy City Attorney

Direct Dial: (415) 554-4261  
Email: jonathan.knapp@sfcityatty.org

July 27, 2018

### *Via Electronic and U.S. Mail*

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
LSJR-SD-Comments@waterboards.ca.gov

RE: *San Francisco's Comments to Plan Amendment and Final SED.*

Dear Ms. Townsend,

This office represents the San Francisco Public Utilities Commission ("SFPUC"), operator of the Hetch Hetchy Regional Water System ("RWS"), which provides water to over 2.6 million people throughout the Bay Area. On behalf of the SFPUC and the City and County of San Francisco ("San Francisco"), we respectfully request that the State Water Resources Control Board's ("Board") consider our comments to the proposed updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary ("Plan Amendment") and reconsider its decision to preclude any additional comments on the Final Substitute Environmental Document for the Plan Amendment ("Final SED").

On July 18, 2018, San Francisco requested that the Board recirculate the Final SED, or, at the very least, expand the scope of permissible comments to include comments on the Final SED, extend the comment deadline by 30 days, and postpone the public hearing ("San Francisco's Letter"). By letter dated July 19, 2018, the Board denied San Francisco's request in its entirety, stating that recirculation is not required under the California Environmental Quality Act ("CEQA") or the CEQA Guidelines because the changes in the Final SED "do not result in any new potentially significant adverse impacts on the environment, any substantial increase in the severity of potentially significant adverse impacts on the environment, or establish any new feasible project alternatives or mitigation measures."<sup>1</sup> But San Francisco never asserted that recirculation was required under those bases.

Instead, as noted in San Francisco's Letter, Title 14, California Code of Regulations, section 15088.5(a)(4) provides that recirculation is also required if "[t]he draft [Environmental

<sup>1</sup> Letter from Eileen Sobeck, Executive Director, State Water Resources Control Board, to Dennis Herrera, City Attorney, and Jonathan Knapp, Deputy City Attorney, San Francisco City Attorney's Office, July 19, 2018, at 2.

State Water Resources Control Board  
 Page 2  
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Impact Report (“EIR”)] was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (*See also* Cal. Code Regs., tit. 23, § 3779(e).) The Board’s analysis in the Final SED of San Francisco’s potential actions in response to implementation of the Plan Amendment is “fundamentally and basically inadequate and conclusory in nature” because, among other reasons, it excludes any consideration of increased water supply rationing. The Board’s July 18, 2018 letter did not respond to this argument at all.

Under protest, and without waiving any legal claims that the Board has violated, among other things, its obligation to recirculate the Final SED under the CEQA Guidelines and California Code of Regulations, Title 23, California Code of Regulations, section 3779(e), San Francisco submits the following comments and urges the Board not to adopt the Plan Amendment or the Final SED.

### **San Francisco’s Comments on the Plan Amendment**

#### **1. The Board Is Not Authorized to Require Implementation of the Water Quality Objectives Through the Adoption of Regulations.**

The Plan Amendment states—we believe for the first time since the Board’s Plan Amendment process began over six years ago—that “the State Water Board may implement the [water quality] objectives by conducting water right proceedings, *which may include adopting regulations*, conducting adjudicative proceedings, or both, that take into consideration the requirements of the Public Trust Doctrine and the California Constitution, article X, section 2.”<sup>2</sup> The Board states that the addition of the phrase “including adopting regulations” is intended to clarify the “implementation measures within the State Water Board’s authority.”<sup>3</sup> However, the Board has no authority to implement the Plan Amendment through such quasi-legislative means.

This newly stated implementation authority—*i.e.*, conducting water rights proceedings by rulemaking—appears to be a continuation and expansion of the Board’s recent flawed proposal to adopt a Regulation on Waste and Unreasonable Water Uses to implement conservation measures by rulemaking. As the SFPUC informed the Board in a letter dated December 22, 2017, in the context of the waste and unreasonable use regulations, the Board does not have authority to restrict or limit the exercise of water rights without due process of law.<sup>4</sup> Water rights are real property that can be restricted only after the opportunity for a hearing and the presentation of evidence. To do otherwise would constitute an unlawful confiscation of property without due process of law. The Board’s exercise of authorities under the Public Trust Doctrine and article X section 2 of the California Constitution is adjudicative in nature, and demands fact-finding and balancing of numerous factors and consideration of the water rights of other diverters. This can only be accomplished by conducting comprehensive water right adjudicative proceedings. The Board’s rulemaking authority simply does not extend to restrictions on the otherwise lawful exercise of water rights.

<sup>2</sup> Appendix K at 26 (emphasis added).

<sup>3</sup> Master Response 2.1 at 4. *See also id.* at 12

<sup>4</sup> Comment Letter – Proposed “Prohibiting Wasteful Water Use Practices” Regulation, jointly submitted by the San Francisco Public Utilities Commission and the Bay Area Water Supply & Conservation Agency, December 22, 2017, attached hereto as Exhibit 1.

State Water Resources Control Board  
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Further, even if the Board had the authority to implement the Plan Amendment through rulemaking, the Final SED fails to analyze the exercise of such authority as required by CEQA. This new proposed basis of implementation authority was not described in the Draft SED or prior versions of the proposed program of implementation and the public and affected parties have not had an opportunity to comment on the potentially significant environmental impacts of a rulemaking implementation approach. Moreover, the Final SED does not fully describe the proposed action and does not analyze the potential environmental impacts from a rulemaking approach such as might be the case if the Board does not take water rights priorities into account when it allocates responsibilities to water users to meet the flow requirements in the Plan Amendment. By not describing a known potential implementation action in the Final SED, the Final SED inappropriately segments environmental review of the proposed action. As a result, the Final SED fails to identify potentially significant impacts that may result from the proposed action and the potential effects of the action as a whole. The Board must recirculate the proposed program of implementation to more fully describe how the Board might “conduct water right proceedings [by] adopting regulations,” revise the Final SED to analyze the potential environmental impacts associated with that approach, and recirculate the Final SED.

### **San Francisco’s Comments on the Final SED**

#### **1. The Board Failed to Analyze Impacts to the Bay Area from Increased Water Supply Rationing.**

In its Responses to Comments, the Board recognizes that if it implements the Plan Amendment and a sequential-year drought occurs, San Francisco’s diversions from the Tuolumne River—on which the SFPUC relies to meet approximately 85% of demand for drinking water throughout the Bay Area—could be severely reduced.<sup>5</sup> For example, assuming a reoccurrence of the historical hydrological conditions preceding and including the 1987-92 drought, under a 40% unimpaired flow (“UIF”) objective San Francisco would, on average, be responsible for contributing approximately 116 million gallons per day (“mgd”) per year for each year of the six-year drought period, or more than 43% of the water needed in the Bay Area.<sup>6</sup> San Francisco has repeatedly explained to the Board that faced with such severe reductions it would be compelled to increase water supply rationing throughout the RWS service area.<sup>7</sup> Yet the

<sup>5</sup> See e.g., Board’s Responses to Comments, Master Response 8.5, at 17 (where the Board incorrectly, as explained below, identifies the potential deficit to San Francisco’s water supply as 119,000 acre-feet/year or approximately 106 million gallons per day (“mgd”)).

<sup>6</sup> See Declaration of Matt Moses in Support of Comments by the City and County of San Francisco to the Draft Substitute Environmental Document in Support of Potential Changes to the Bay-Delta Plan, *see* Attachment 1 to the Moses Decl., SFPUC Analysis of Proposed Changes to Tuolumne River Flow Criteria, March 14, 2017 (“2017 SFPUC Water Supply Analysis”), at 17, Table 9 (showing that the reduction would be 129,884 acre-feet (“AF”)/year for each of the 6 years; 129,884 AF = 116 mgd.) This analysis assumes an RWS demand of 265 mgd, which is San Francisco’s contract obligation and consistent with projected 2040 RWS demand.

<sup>7</sup> The analysis in these Comments assumes a 51.7% flow contribution by San Francisco. As a water supply provider to over 2.6 million people throughout the Bay Area, San Francisco must utilize worst-case scenarios for water supply planning purposes. In presenting the potential water supply, environmental, and socioeconomic effects from certain interpretations of the Raker Act and the Fourth Agreement San Francisco does not waive arguments it may have about how the Raker Act or Fourth



State Water Resources Control Board  
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Board's analysis of San Francisco's potential actions in response to implementation of the Plan Amendment entirely excludes consideration of *any* increase in water supply rationing over the 20% level allowed by the SFPUC's current drought management plan.<sup>8</sup> Instead, the Board has based its entire analysis of San Francisco's potential actions in response to the Plan Amendment on the unsupported assumption that San Francisco will be able to develop sufficient replacement water supplies in approximately four years, *i.e.*, prior to the Board's intended implementation of the Plan Amendment in 2022.<sup>9</sup> It is patently unreasonable for the Final SED to omit consideration of even the *possibility* that San Francisco would need to increase water supply rationing in these circumstances. And as we explained in our July 17, 2018 letter, this critical omission precludes meaningful public review of and comment on the most reasonably foreseeable water supply, environmental, and economic effects of the Plan Amendment on the Bay Area.

**2. The Board Failed to Use San Francisco's Eight-and-a-Half-Year Design Drought in its Modeling of Water Supply Impacts.**

Following the 1987-92 drought, the SFPUC implemented the "design drought," which is a water supply planning methodology that ensures the SFPUC will retain adequate storage to withstand an eight-and-a-half year drought without imposing more than 20% system-wide rationing.<sup>10</sup> The SFPUC subsequently approved the design drought as part of its adoption of the goals and objectives for the Water System Improvement Program ("WSIP").<sup>11</sup> The Final SED rejects use of San Francisco's design drought because it represents hydrological conditions more severe than historically experienced by the RWS.<sup>12</sup> CEQA requires, however, that the Board

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Agreement should or will be interpreted in future proceedings before the Board, the Federal Energy Regulatory Commission, courts of competent jurisdiction, or in any other context.

<sup>8</sup> See *e.g.*, Board's Responses to Comments, Master Response 1.1: General Comments ("Master Response 1.1"), at 47 (where the Board states it intends to implement the Plan Amendment by 2022); *see also* Master Response 8.5 at 49 (where the Board explains that rationing by the SFPUC throughout the RWS service area in response to the Plan Amendment would not exceed 20%, the maximum level of system-wide rationing that the SFPUC allows in its current drought management plan).

<sup>9</sup> See *e.g.* Board's Responses to Comments, Master Response 1.1 at 47.

<sup>10</sup> See *e.g.*, Comments by the City and County of San Francisco to the Draft Substitute Environmental Document in Support of Potential Changes to the Bay-Delta Plan ("San Francisco's 2017 Comments"), March 17, 2017, at 18-19, n.26 (explaining that the SFPUC's design drought is based on the hydrology of the six years of the worst sequential historical drought, 1987-1992, plus the two and a half years of the 1976 1977 drought, for a combined total of an eight-and-a-half-year design drought sequence).

<sup>11</sup> San Francisco Public Utilities Commission, Resolution No. 08-0200, attached hereto as Exhibit 2 (where the SFPUC approved the performance objective to "[m]eet dry-year delivery needs through 2018 while limiting rationing to a maximum 20 percent system-wide reduction in water service during extended droughts," which incorporates the eight-and-a-half year design drought methodology).

<sup>12</sup> Master Response 8.5 at 15, 18.

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consider impacts to San Francisco from implementation of the Plan Amendment in accordance with the SFPUC's existing, adopted policies, such as its design drought.<sup>13</sup>

San Francisco developed its design drought after having lived through the consequences of basing the SFPUC's water supply operations "in accordance with rules based only on historical data."<sup>14</sup> Prior to the 1987-1992 drought, the SFPUC had based its water supply planning on "the experience of many years of historical operation, including the knowledge of previous drought events such as had occurred in 1976-1977."<sup>15</sup> It was therefore inadequately prepared when the 1987-1992 drought broke new records. As explained by the General Manager of the SFPUC during that drought, San Francisco "learned the painful lesson as to the adverse impacts that are caused by not planning for a drought worse than any experienced to date . . . when the hydrology of the Tuolumne River and the City's operations through 1990 and early 1991 had created a situation where a 45 percent rationing program among City customers was initiated – a level of rationing that was found to be intolerable and not achievable."<sup>16</sup> "[G]iven the dire consequences of just being wrong in the forecasting of the length of drought that may hit the City" San Francisco responsibly relies on its water supply planning methodology to ensure it retains adequate water supplies during sequential-year droughts.<sup>17</sup> CEQA requires that the Board must take into account San Francisco's design drought when assessing impacts to the Bay Area from implementation of the Plan Amendment.

**3. Although the Board Concedes that the SFPUC's Hydrological Model is More Precise than the Board's Model, it Refuses to Use the SFPUC's Modeling Results.**

The Board concedes that the SFPUC's Hetch Hetchy and Local System Model ("HHLSM") model is more precise than the Board's Water Supply Effects ("WSE") model for calculating water supply effects to the RWS service area, yet the Board fails to use the HHLSM modeling results in the Final SED.<sup>18</sup> For example, instead of using the correct HHLSM figure

<sup>13</sup> Master Response at 52 (emphasis added) (where Board mischaracterizes San Francisco's adherence to the approved design drought methodology, the SFPUC's associated modeling of water rationing that would be required under a 40% UIF objective across the historical hydrology, and San Francisco's other supporting evidentiary submissions and related comments as a mere "statement of intent" that the Board may disregard at its own discretion: "*a statement of intent regarding future extreme water rationing is not sufficient and reliable information on which to base an environmental analysis of related impacts.*")

<sup>14</sup> Affidavit of Anson B. Moran ¶¶ 7, 16 Project No. 2299, January 26, 1994 (referred to below as "Moran Decl."), attached to San Francisco's 2017 Comments as Exhibit 7.

<sup>15</sup> Moran Decl. ¶ 7.

<sup>16</sup> *Id.* ¶ 8.

<sup>17</sup> *Id.* ¶ 16.

<sup>18</sup> Master Response 8.5 at 16 (explaining, [w]hile the HH/LSM is a more detailed model that simulates operation of the RWS service area, the WSE model and water bank balance provide similar water supply effects as the HH/LSM under the SFPUC middle demand level and SED Scenario 2"); *id.* at 18 (where the Board acknowledges, "[t]he SED uses a simple method to assess potential water supply reductions in the absence of having access to a model that simulates the operation of the entire RWS service area.").

**EXHIBIT B**

# Delta plan approved; cities face water cuts

By Kurtis Alexander



Dozens of California communities dependent on the cool, clear water of the High Sierra, from Central Valley farm towns to San Francisco, will see cuts to their water supplies under a plan approved Wednesday by state water regulators.

The reductions, which could force households in the Bay Area to curb water use by 20 percent or more, are the product of a decade-long effort to restore the health of the state's struggling rivers and fish.

But the move by the state water board to

Carlos Avila Gonzalez / The Chronicle

Old River meanders in the Sacramento-San Joaquin Delta in Contra Costa County. The plan approved Wednesday is part of an effort to restore the health of the state's rivers and fish.

boost flows in the waterways by limiting draws, starting with the San Joaquin River basin, is not as strict as initially proposed. The plan leaves open the door for water agencies to trade other improvements to the rivers, such as enhancing salmon habitat, for smaller water cuts. The water agencies have until March to flesh out alternative proposals.

"We've gone out of our way to give multiple opportunities," said Felicia Marcus, chair of the State Water Resources Control Board, which met in Sacramento for 10 hours Wednesday. But "we're not just going to walk away."

At the heart of the water board's Bay Delta Plan is protecting the Sacramento-San Joaquin River Delta. The West Coast's largest estuary and the hub of California's water supplies has seen its waters choked and dirtied amid relentless pumping by cities and farms. The salmon population has collapsed, and the harm has rippled up the food chain to bears, birds and whales.

While San Francisco has long been removed from California's vicious water wars, having coveted rights to supplies in Yosemite, the city's primary source has not escaped this battle. The first phase of the Bay Delta Plan calls for limiting pumping on the San Joaquin River and its three major tributaries, which include the

Tuolumne River that feeds San Francisco's Hetchy Hetchy Reservoir. The water board is in the process of developing similar measures for the Sacramento River basin.

The apparent softening of the Bay Delta Plan on Wednesday comes after fierce opposition from an unlikely alliance between San Francisco and thirsty agricultural districts, with support from the Trump administration. The powerful bloc has argued that the fallout from water cuts would bring undo hardship to residents and businesses.

The water suppliers, joined by the state Natural Resources Agency, introduced their own last-minute proposal that downplayed the need for water cuts on rivers while emphasizing the importance of timing their water draws with fish runs and restoring habitat.

"This (plan) provides us more flexibility, more tools to address the issues that are facing you," Michael Carlin, deputy general manager of the San Francisco Public Utilities Commission, told the water board. The SFPUC provides water to San Francisco and about two dozen other Bay Area communities.

Gov. Jerry Brown and Gov.-elect Gavin Newsom had been advocating for such a compromise plan to head off a prolonged legal fight. Sen. Dianne Feinstein this month even introduced federal water legislation that, while controversial, included a provision for restoration funding in the event of a deal.

The plan put forth by the water agencies and the state Natural Resources Agency not only included the San Joaquin River basin, the first target of the water board, but the Sacramento River watershed.

It offered up about \$1.8 billion for habitat fixes, coming from fees on water agency customers across the state, and state government money. It also conceded to some water reductions, giving up as much as 1 million acre feet of water statewide. That's nearly three times what Hetch Hetchy holds.

State water board members praised the alternative plan as a good start and said it represented a commitment to working toward the goal of improving the health of the delta. The board instructed its staff to look more closely at the document before the issue returns in March.

Environmental groups and the fishing industry, which have advocated for stronger protections for rivers and wildlife, flatly criticized the plan from the water agencies.

"Many elements of their proposal have already been tried and failed or represent no change from the status quo," said Jon Rosenfield, lead scientist at the Bay Institute.

As it stands, as much as 80 percent of the flow in the San Joaquin River basin is tapped by cities and farms during peak spring runoff. Environmentalists and fishermen have wanted to limit draws to 50 percent, saying salmon won't survive without the reduction, while cities and farms have opposed any major cuts.

State water officials split the difference, approving a plan that allows no more than 60 percent of flows to be diverted, on average.

The decision means urban and agricultural water users in the San Joaquin River watershed will generally have to draw 7 to 23 percent less water, depending on the year, according to state estimates.

The SFPUC believes its customers could be forced to reduce water use 40 percent during prolonged dry spells. The city's water rights are inferior to those of other water agencies on the Tuolumne River.

City officials say they'll develop other sources of water, such as groundwater reserves and perhaps desalination, to make up for lost water. But that will take time and money. Building out supplies, according to city estimates, could trigger rate hikes of 17 percent over 15 years, on top of already scheduled increases.

The loss of water to agriculture is estimated to result in a 2.5 percent drop in produce output in the San Joaquin River basin, according to the state. The area is a hotbed of almonds, alfalfa and peaches.

Farm groups say during drought years, crop production could fall even more.

The Trump administration has joined the agricultural industry in trying to scale back the Bay Delta Plan. President Trump has accused California of "foolishly" leaving water in the rivers while the U.S. Bureau of Reclamation has threatened to take legal action if its supplies on the Stanislaus River are curtailed, which the plan calls for.

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BY HAND

January 8, 2019

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

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

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

1  
(TR-4)

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

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

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



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unsubstantiated and not supported by substantial evidence.

1  
(TR-4)  
cont'd

**A. The DEIR Is Inadequate Because It Lacks An Estimate and Discussion of Total Net New Travel Demand (Net New Person Trips) and Understates the Project Impacts by Providing Estimates and Discussion of Net New Person Trips during A.M and P.M. Peak Hours.**

2  
(TR-1)

The San Francisco Planning Department *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002 (*San Francisco Guidelines*), provide that:

Travel demand analysis shall include textual information, supported by tables or figures detailing the project's trip generation, trip distribution, trip assignment and modal split characteristics.

Net new travel demand generated by the project is to be estimated, based on the difference between existing and proposed land uses. Person trip generation rates per unit of square footage for each land use, or other unit as shown in Appendix C, are to be used for estimating levels of activity for the proposed project...

To "net-out" existing land uses that will be replaced, the existing levels of trip activity should, in most cases, be based on actual observations rather than on estimates based on rates in these *Guidelines* or other sources.

Each analysis should apply the trip generation rates from the *Guidelines* individually to the proposed uses, compare the proposed trips to existing levels of trip activity, and show the differences ("net new") by land use and in aggregate.

The Travel Demand Analysis is to include the following, unless otherwise directed in the work scope (Note that different or additional analysis periods may be defined in the scope of work process):

- Trip Generation Information: Project trip generation information (total person trips) by land use for existing and proposed uses. The total unadjusted daily and P.M. peak hour trips by mode can be calculated. The number of daily and peak hour vehicles (autos) generated by the project should also be calculated by using the auto occupancy rates noted in the tables in Appendix E.
- Work and Non-Work Trip Generation Information: Since work and non-work trips have different characteristics in terms of distribution and the mode of travel, the number of work and non-work (visitor) trips should be calculated separately. Appendix C provides the methodology to compute the work and non-work



(visitor) trips for a specific land use.

- Trip Distribution, Assignment and Modal Split Information: Net new person trips distributed to various directions of travel and assigned to the appropriate modes of travel (auto, transit, walk, and other) should be calculated, presented in tables and a graphic diagram (for vehicle and transit trips), and discussed in the text. Modal assignments should also be calculated for daily and the P.M. Peak Hour.

The weekday P.M. Peak Period is generally 4:00-6:00, and traffic counts shall generally be conducted during this period, unless otherwise specified in the scope of work. The peak hour must be determined from the counts (normally recorded in 15 minute intervals) for the entire peak period, and should represent the single hour within the peak period with the highest counts. The Planning Department may also request data for other periods to reflect the peak period of trip generation by the land use. (Ex. A, *San Francisco Guidelines* pp. 9-10)

The DEIR failed to estimate the net new travel demand that would be generated by the project, as required by the *San Francisco Guidelines*, at pages 9-10. (Ex. A, pp. 9-10) EIR Table 4.C.11 at page 4. C.54 estimated the total new travel demand generated by the project (person-trip generation rates per unit of square footage for each land use, or other unit as shown in Appendix C) based on the proposed project land uses. However, the DEIR lacks an estimate of the total existing levels of trip activity at the project site, so that the “net-out” of existing land uses that will be replaced can be determined, as required by the *San Francisco Guidelines*. The DEIR failed to provide estimates of the total existing levels of vehicle trips that currently occur at the project site and merely provided estimates of existing vehicle-trips in the Weekday AM. Peak Hour and Weekday P.M. Peak Hour. DEIR p. 4.C.60. Instead of the total increase, the DEIR only discusses “the anticipated increase in weekday a.m. and p.m. peak hour vehicle trips resulting from the proposed project and project variant, as compared to existing conditions.” DEIR p. 4.C.60. The DEIR reports the total net-new external vehicle-trips “during the weekday a.m. peak hour” and the net-new external vehicle-trips “during the weekday p.m. peak hour” for the proposed project and project variant. DEIR p. 4.C.60. The estimated total increase in vehicle-trips is missing. The absence of this information is misleading to the decision maker and the public because the DEIR lacks estimation of the total increase in vehicle-trips that would be caused by the proposed project/variant.

In addition, the DEIR fails to “show the differences (‘net new’) by land use and in aggregate,” as specified in the *San Francisco Guidelines*, at p. 9. DEIR Table 4.C.15, at page 4.C.60 lacks information as to net-new vehicle-trips by land use or in the aggregate, and merely presents estimates of net-new external vehicle trips in the “Weekday A.M. Peak Hour” and “Weekday P.M. Peak Hour.” The DEIR’s focus on peak-hour net-new vehicle trips is more relevant to traffic level of service impacts than to the greenhouse gas emissions that could result from total net-new vehicle trips. However, the lack of the information renders the DEIR

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inadequate because it lacks estimates of the net-new trips by each proposed land use, depriving decision makers of important information they would use to mitigate effects by tailoring land use.

2  
(TR-1)  
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In addition, the DEIR fails to provide the “total unadjusted daily and P.M. peak hour trips by mode,” which is generally required by the *San Francisco Guidelines* at page 9 unless otherwise directed in the work scope. DEIR Table 4.C.14 provides adjusted daily and A.M. and P.M. peak hour person-trip generation by mode; the estimates in that table had been reduced by the internal trip capture rates set forth in DEIR Table 4.C.12 at page 4.C.55. In that table, the total weekday A.M. peak hour person-trip generation was reduced by 409 alleged internal person-trips and the table reported the net external person-trips as 1,917. The adjusted 1,917 trips figure was carried over and reported as total A.M. Peak Hour person-trips per mode on Table 4.C.14 and those 1,917 person-trips were divided into 1,197 auto trips, 295 transit trips, 376 walk trips and 49 other trips (bicycle, motorcycle, transportation network companies, and other modes). Thus, the DEIR failed to provide unadjusted daily and P.M. peak hour trips by mode as specified in the *San Francisco Guidelines*.

The DEIR provides no explanation of the manner in which the walk trips in Table 4.C.14 were calculated or the manner in which the alleged internal trip rates set forth in Table 4.C.12 were calculated, and the general source reference to Kittleson & Associates 2018 and the *San Francisco Guidelines*, 2002 provide no reference to an explanation or calculations supporting those Tables. The total of the alleged external walk trips and internal trips indicates that the walk trips are inaccurately estimated or the calculations in the tables are inaccurate. Table 4.C.14 reports 376 A.M. Peak Hour walk trips for the proposed project, which is 19.6 percent of the total A.M. Peak Hour person-trips (376/1,917), and 398 P.M. Peak Hour walk trips for the proposed project, which is 19.07 percent of the P.M. Peak Hour total person-trips. (398/2,086). Table 4.C.12 reports 409 internal person-trips of the total 2,326 person-trips for the A.M. Peak Hour, which is 17.6 percent of the total A.M. peak hour internal trips, and 485 internal person-trips of the total 2,571 for the P.M. Peak Hour, which is 18.9 percent of the total P.M. Peak Hour internal trips. Adding the percentages of the alleged internal trips to the alleged walk trips reported on these two tables, 37.2 percent of the A.M. Peak Hour Trips would be performed by walking externally or by internal trips (376 plus 409) and 37.97 percent of the P.M. Peak Hour trips would be performed by walking externally or by internal trips (398 plus 485). Since it takes approximately one minute to walk across the site, it is likely that the internal trips consist of walk-trips rather than bicycle trips. The totals of the alleged walk trips and internal trips in peak periods, indicate that the DEIR overstated one or both of these trip rates, and the DEIR lacks substantial evidence that they were correctly stated.

The text at DEIR page 4.C.58 indicates that Table 4.C.14 reports “Overall” person-trips, and if this is the case, walk trips are being double-counted and the total person trips represented as external trips in Table 4.C.14 are inaccurate and were improperly reduced by alleged internal trips before person-trips were reported in Table 4.C.14. That DEIR text reports that “Overall, on

▼



a daily basis, various types of land use would result in percentages of person-trips. Overall, residential use would generate 14% of walk trips, office use would generate 3%, general retail would generate 36%, restaurant uses would generate 40% and the day care center would account for 3-6% of trips for each model. These percentages add up to approximately 100 percent, so Table 4.C.14 likely reports total walk trips and total person-trips, rather than external trips only (as indicated by the heading "External Person-Trip Generation by Mode"), and it is likely that such table inaccurately double-counted walk trips, because walk-trips had been subtracted from total person-trips on Table 4.C.12 before the person-trip generation figures were carried over to Table 4.C.14.

2  
 (TR-1)  
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The text at DEIR 4.C.57 also indicates that walk trips were double counted. The DEIR states there that "Based on Table 4.C.14, about 61 percent of daily person-trips generated by the proposed project would be auto person-trips, 14 percent would be transit trips, 21 percent would be walk trips, and 4 percent of trips would be taken by other modes, including bicycles, motorcycles, and for-hire vehicles." DEIR p. 4.C.57. These mode shares add up to approximately 100 percent of trips and the 21 percent of walk trips is consistent with the 376 walk trips of the 1,917 total person-trips reported on Table 4.C.14. That DEIR text is not consistent with an additional 17-18 percent of trips being internal trips, as alleged in Table 4.C.12. Since the project site is easily traversed within approximately one minute or less, it is reasonable to assume that internal trips on this site would be walking trips. If there is any evidence contrary to this assumption, please present it.

The DEIR also lacks the actual site traffic counts for the P.M. peak period which the *San Francisco Guidelines* require:

3  
 (TR-14)

The weekday P.M. Peak Period is generally 4:00-6:00, and traffic counts shall generally be conducted during this period, unless otherwise specified in the scope of work. The peak hour must be determined from the counts (normally recorded in 15 minute intervals) for the entire peak period, and should represent the single hour within the peak period with the highest counts. *San Francisco Guidelines*, 2002, p. 10.

Instead of actual P.M. peak period counts, the DEIR only collected vehicle counts at 13 intersections within the transportation study area, existing site driveways, and nearby sidewalks. DEIR p. 4.C.2.

In addition, the DEIR failed to estimate and state the total daily vehicles miles traveled (VMT) expected from the proposed project and proposed project variant, as required by the City's scope of work:

4  
 (TR-4)

KAI will utilize the San Francisco Transportation Information Map to obtain vehicle miles traveled data from the Planning Department data, which includes average daily VMT estimates for use for the region and the project's traffic analysis zone (TAZ 709)...

Using the data collected in Task 2, KAI will document vehicle traffic ....within the study area, which includes the following:

Discussion of vehicle miles traveled for the uses proposed by the project for the region and the Project's traffic analysis zone (TAZ). DEIR Appendix D, pp. 4-5.

The DEIR admits that the proposed project or project variant would cause substantial additional VMT and/or substantially induce automobile travel but fails to estimate the amount of additional VMT that the project/variant would generate or compare that to a significance standard that states an amount of VMT that would be below the significance threshold. The lack of this information makes it impossible for the decision maker to understand the amount of additional VMT which the project/variant would cause that is above the significance standard.

Instead, at page 4.C.8 the DEIR compares regional average daily miles traveled for residential, office and retail uses with alleged average daily vehicle miles traveled in TAZ 709, which includes the project site, and with citywide average vehicle miles traveled per capita. Again, total vehicle miles traveled in TAZ 709 are not provided, depriving the decision maker of important information that would be easy to understand. Also, no explanation of the methodology used to achieve the data stated for TAZ 709 is provided, rendering the source of the data used in the DEIR unsupported by substantial evidence.

The DEIR also lacks substantial evidence to show that the significance standard of average regional VMT for residential, office or retail uses is a reasonable baseline against which potentially significant increases in VMT caused by the project should be measured, especially since the project is located in a central city which is targeted for significant population increase and since the proposed project would exceed the citywide average VMT for office and retail uses. The population of the City is projected to grow significantly as a result of ABAG proposals to concentrate population in central cities. (Ex. B) As a result, ABAG estimates that total VMT in the region will increase as a result of population growth even though VMT per capita will decrease. (Ex. B) Thus, use of a regional average VMT standard as the significance standard for the proposed project, omits VMT expected from population and employment growth in the City and fails to evaluate whether project GHG increases could impact communitywide GHG reduction targets. Also, the regional averages include VMT from many existing developments, but if VMT is to be reduced regionally, it is reasonable to expect new developments to produce much less VMT than the average reduction sought by the region of 15%. Thus, the DEIR lacks substantial evidence to support the adequacy of the significance standard used, especially in view of special aspects of the proposed project, including the five loading zones proposed for the perimeter of the site. Substantial evidence does not support the DEIR's conclusion as to the degree of effectiveness of reducing the retail parking spaces to the degree proposed in the DEIR.

Table 4.C. 3 at DEIR page 4.C.8 and 50 shows that TAZ 709 (and the project) would exceed the citywide average VMT by 14.7% for office use and 53.7% for retail uses, although the

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tables do not compute or substantiate the percentage exceedance to make it easy to understand the information. This data indicates that the proposed retail component of the project/variant could cause substantial additional VMT, because the TAZ 709 VMT from retail uses is in conflict with the goal stated in 2010 of local reduction in “municipal and communitywide GHG reduction targets of 15 percent below then-current levels by 2020.” DEIR p. 4.C.50. The DEIR is inadequate because it fails to analyze this potentially significant impact as resulting from retail uses and claims, without substantiation, that “the amount of parking included in the proposed project or project variant would result in VMT that would be beyond the significance threshold for the non-residential use. The DEIR fails to explain this conclusion and there is no evidence in the DEIR or Appendix D that supports it.

4  
(TR-4)  
cont'd

The DEIR is also inadequate because its significance analysis fails to discuss the fact that the VMT from TAZ 709 retail uses exceeds the citywide average by 53.7%. DEIR pp. 4.C.74. It discusses only TAZ 709 and regional average daily VMT per capita. Thus, the DEIR is inadequate because its significance discussion failed to inform the decision makers that VMT from retail uses in TAZ 709 (in which the proposed project is located) exceed the citywide average by 53%. This information would be of importance to the decision maker and the public because it shows that reducing the square footage proposed for retail development in the proposed project would be a significant option to consider to reduce VMT.

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

The DEIR contains no evidence that supports the conclusion that “the amount of parking included in the proposed project or project variant would result in VMT that would be beyond the significance threshold for non-residential use. DEIR p. 4.c.74. In fact, the only source that specifically addresses the issue treats the retail or office square footage as the cause of the net new vehicle travel demand generated by the project. Appendix C of the *San Francisco Guidelines* 2002, estimates travel demand based on square footage of land use, and states that these metrics are to be used to estimate net new travel demand generated by the project. Appendix C of the *San Francisco Guidelines* 2002 contains trip generation rates for office, retail and other uses based on square footage of space or number of residential units. (Ex. A) These Guidelines indicate that the parking space alone is not the cause of the VMT generated. It is not reasonable to assume that the parking space alone would generate VMT because there would be no reason to travel to the site and park if there were no new retail or new office uses that are the driver’s intended destination. The parking space is not the driver’s destination. The retail, office, residential or other use would be the driver’s destination. Moreover, nothing in the DEIR substantiates the claim that the retail parking spaces are the cause of VMT, rather than the retail restaurants, retail goods and other retail services.

To the contrary, the DEIR inconsistently admits that numerous factors other than the





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amount of parking included in the proposed project or project variant would influence VMT:

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

Thus, diversity of land uses and development density are factors that affect travel behavior. There is no evidence that would support the DEIR's inaccurate conclusion that the amount of parking provided in the project alone would result in significant VMT. DEIR p. 4.C.74.

The DEIR also points to the City's Transportation Demand Management Program (TDM) which seeks to reduce VMT by allowing property owners to select from TDM measures that are under the control of the property owner. The DEIR merely states the "[o]ne of the individual measures in the TDM menu that the City researched was parking supply, as described below." DEIR p. 4.C.75. The statement that parking is one of the individual TDM measures is vague and does not provide enough relevant information to support the conclusion that the project parking would cause the significant VMT.

Further, the DEIR states that the City's TDM program provides options that depend on the development of a project's parking supply compared to the neighborhood parking rate and that the "neighborhood parking rate is the number of existing parking spaces provided per dwelling unit or per 1,000 square feet of non-residential uses for each TAZ within San Francisco." DEIR p. 4.C.76. At page 33, the *Transportation Demand Management Technical Justification* states that if a Development Project is parked at or below the neighborhood parking rate, the Development project would receive points for this TDM measure. This discussion does not support the DEIR's conclusion that a reduction in retail parking spaces at the rate proposed in the DEIR would reduce the significant VMT impact to insignificance. (Ex. C)

The only evidence that addresses the effect of the amount of retail parking showed the opposite. Attachment 1 to the April 4, 2016 Wade Wietgreffe Memorandum shows that there is negligible increase in automobile trips per space if a retail establishment has at least 100 retail parking spaces, so reducing the retail spaces provided in excess of 100 spaces would have negligible effect upon VMT. (Ex. D) Given the proposed 54,117 square feet of retail uses, the proposed project parking rate of 3.66 spaces  $\times$  54,117/1000 = 198 retail spaces. Given the proposed mitigation of not exceeding the alleged existing neighborhood parking rate of 1.55 spaces per 1000 gross square feet of retail uses by 38% (or providing 2.14 retail spaces per 1000 gross square footage of retail spaces ( $38\% \times 1.55 = .589$  plus  $1.55 = 2.139$ ), the retained retail

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parking spaces would amount to 115.8 retail parking spaces ( $2.14 \times 54,117/1000 = 115.756$  spaces) Thus, the project proposes to reduce retail parking spaces to 115.8 spaces as opposed to the 198 initially proposed retail spaces (the 198 retail parking spaces includes 60 community public parking spaces. DEIR p. 4.C.80. The DEIR counts the 60 commercial public parking spaces as part of the retail spaces that would be provided by the proposed Project/Variant, so the 60 community spaces could be used by retail users of the project. DEIR p. 4.C.77.

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The DEIR inaccurately claims that various publications support its conclusions as to the effect of parking spaces on causing VMT.

The DEIR claims that the August 2010 report of California Air Pollution Control Officers Association, *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures* (CAPCOA report) quantifies project-level land use, transportation, energy use, and other measures of effects on GHG emissions. DEIR p. 4.C.75. The DEIR claims that the CAPCOA report identifies a maximum 12.5 percent reduction in VMT related to parking supply (PDT-1), but does not provide a citation to a page in the report that would support this claim. The discussion PDT-1 in the CAPCOA report actually states at page 207 that the range of effectiveness of limiting parking supply is a 5 to 12.5 percent vehicle miles traveled (VMT) reduction and that measure PDT-1 would accomplish a change in parking requirements and types of supply within the project site in a **multi-faceted strategy** consisting of elimination (or reduction) of minimum parking requirements, creation of maximum parking requirements and provision of shared parking. (Ex. E)

The DEIR and proposed project/variant do not adopt such mitigation measures, and the project's proposal to provide 896 new parking spaces for various uses (970 for the project variant) is inconsistent with the PDT-1 strategies. DEIR S.49. More importantly, the CAPCOA report states at page 207 that the reduction can be counted only if spillover parking is controlled (via residential permits and on-street market rate parking (See PPT-5 and PPT-7). The CAPCOA report makes it clear at page 209 that:

Trip reduction should only be credited if measures are implemented to control for spillover parking in and around the project, such as residential parking permits, metered parking, or time-limited parking. (Ex. E)

The DEIR does not establish that such measures have been implemented, and there are substantial areas in the vicinity of the project (known based on personal information of Kathryn Devincenzi), where parking is not time-limited such as on Mayfair Drive, southern Euclid Avenue west of Collins Street, western Collins Street south of Euclid Avenue, and Heather Street near the project site. (Ex. F, photographs taken on 1-7-19 showing no time limits for parking on said portions of Euclid and Collins streets) Given the lack of controls for spillover parking in the area, the CAPCOA report does not support the DEIR's conclusion that reduction of retail parking



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spaces on site would result in mitigation of the significant VMT impact to a less than significant level.

In addition, CAPCOA PDT-4 as to requiring residential area parking permits, specifies at page 217 that:

This project will require the purchase of residential parking permits (RPPs) for long-term use of on-street parking in residential areas. Permits reduce the impact of spillover parking in residential areas adjacent to commercial areas, transit stations, or other locations where parking may be limited and/or priced. Refer to Parking Supply Limitations (PPT-1), Unbundle Parking Costs from Property Cost (PPT-2), or market Rate Parking Pricing (PPT-3) strategies for the ranges of effectiveness in these categories. The benefits of Residential Area Parking Permits strategy should be combined with any or all of the above mentioned strategies, as providing RPPs are a key complementary strategy to other parking strategies.

Similarly, residential permit parking is required in each of the two combinations of parking strategies that could reduce VMT at page 61 of the CAPCOA report.

Since the proposed project would not implement the key parking control strategy of requiring residents or employees of the project site to purchase residential parking permits, the CAPCOA report does not support credit for trip reduction based on the proposed project's mere reduction in retail on-site parking supply, which the DEIR relies upon. The DEIR's inadequacy is obvious because the project would allow its residents, employees and visitors to park in the surrounding neighborhoods which have some parking spaces that are not time-limited and also to park for free for at least an hour and a half in the adjacent Laurel Village Shopping Center parking lot which has over two hundred fifty-two (252) above-ground parking spaces. (Conversation between Richard Frisbie and Ron Giampaoli, owner of Cal-Mart, December 18, 2018). The Spot Angels website also reports free parking spaces within walking distance of Laurel Village. (Ex. G)

Further the CAPCOA report at page 40 states that it "does not provide, or in any way alter, guidance on the level of detail required for the review or approval of any project. For the purposes of CEQA documents, the current CEQA guidelines address the information that is needed," and refers to footnote 2 which states: "See: California Natural Resources Agency: 2007 CEQA Guidelines - Title 14 California Code of Regulations, Sections 15125, 15126.2, 15144, and 15146."

In addition, as to limiting parking supply, the CAPCOA report provides that factors other than limiting parking supply must be considered and states at page 208:

Though not specifically documented in the literature, the degree of effectiveness of this

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measure will vary based on the level of urbanization of the project and surrounding areas, level of existing transit service, level of existing pedestrian and bicycle networks and other factors which would complement the shift away from single-occupant vehicle travel.

As discussed herein, the proposed addition of five loading zones around the site would attract additional vehicle trips but the EIR failed to take into account the VMT that would result from these new trips and failed to provide substantial evidence to support its conclusion that reducing retail parking supply in the manner stated in the DEIR would mitigate project VMT to a less than significant level.

The DEIR is also inadequate in that it relies upon the generalization that recent research indicates that an area with more parking influences higher demand for more automobile use without taking into account the large number of parking spaces proposed for the project. The DEIR relies upon a study by Rachael Weinberger that is cited in footnote 73, but the cited pages are not provided in the DEIR or Appendix D. However, the study deals only with the effects of residential parking spaces at home and does not predict the effect of retail parking spaces. (Ex. H, abstracts of Weinberger study)

The DEIR also relies upon a study of *Residential Street Parking and Car Ownership* that is also not provided in the DEIR or Appendix D, but cited in footnote 74. Again, the DEIR merely claims that the Zhan study deals the “the number of cars per household” and does not claim that the study says anything about the effect of retail parking supply. DEIR p. 4.C.75. Similarly, the DEIR relies on a study of households in New Jersey cited in footnote 75 that is not contained in the DEIR or Appendix D. Again, the DEIR does not claim that this study considers retail parking supply.

The DEIR also relied on the generalization that a study of nine cities across the United States concluded that “parking provision in cities is a likely cause of increased driving among residents and employees in those places.” DEIR p. 4.C.76. Again, this study is not contained in the DEIR or Appendix D and says nothing about the effectiveness of reducing retail parking supply alone to the degree described in the DEIR, while still providing over 100 retail parking spaces and abundant parking for residential and office uses. The quoted portion of the study said nothing about the effectiveness of reducing the retail parking alone or the degree of increased driving associated with the provision of parking, so is too vague to support the conclusion set forth in the DEIR that reducing the retail parking to the degree proposed in the DEIR would mitigate the VMT impact to insignificance.

The DEIR also refers at page 4.C.76 to Fehr and Peers research that allegedly claims that reductions in off-street vehicular parking for office, residential and retail developments reduce the overall automobile mode share associated with those developments, relative to projects with the same land uses in similar contexts that provide more off-street vehicular parking. The

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conclusion which the DEIR draws from this research indicates that it has no relation to retail parking spaces: "In other words, more off-street vehicular parking is linked to more driving, indicating that people without dedicated parking spaces are less likely to drive." DEIR p. 4.C.76. In the context of the proposed mitigation for the proposed 3333 California Street project, which would reduce retail parking spaces from 198 to 116 (which would include 60 commercial parking spaces for the community), the generalization set forth in the Fehr and Peers research does not constitute substantial evidence that the reduction in retail parking to the degree proposed in the DEIR would reduce the significant VMT impact to insignificance. Again, the Fehr and Peers research cited in footnote 77 is not in the DEIR or Appendix D.

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In addition, the DEIR is legally inadequate in failing to present information on the number of retail parking spaces that the mitigation measure M-TR-2 proposes to eliminate, and requires the reader to perform a calculation to arrive at number of retail parking spaces proposed to be eliminated. DEIR p. 4.C.80. This type of obtuse discussion in an EIR is unlawful under CEQA. CEQA requires that information be presented in manner that is understandable to the decision maker and the public, but the transportation analysis in this DEIR is characterized by a hide-the-ball approach, replete with unexplained conclusions and unsubstantiated allegations. Under CEQA, conclusions that require blind trust in the decision maker are inadequate. The calculations of the amount of retail parking proposed to be reduced stated in this comment letter were performed by the author of this comment statement and are not set forth in the DEIR. Demand is made that the DEIR state the number of retail parking spaces that Mitigation Measure M-TR-2 on page 4.C.80 of the DEIR proposes to eliminate to mitigate the significant VMT impact and set forth the manner of calculating the number of retail spaces to be eliminated. After this information is provided in a revised EIR, please circulate it for public comment.

**3. The DEIR Lacks Any Substantiation or Explanation of the Alleged Neighborhood Parking Rate, and Substantial Evidence Does Not Support Its Conclusions as to the Accuracy of the Alleged Rate and TAZ 709 Data.**

Importantly, the alleged neighborhood parking rate is not substantiated or supported by substantial evidence in the DEIR or Appendix D. The DEIR lacks a description of the methodology used to calculate, and times of collecting data related to, the alleged existing neighborhood parking rates for residential, retail or other non-residential uses set forth in Table 4.C.19 of the DEIR on page 4.C.77-79 or the daily existing VMT per capita for Households (Residential), Employment (Office) and Visitors (Retail) in TAZ 709 at page 4.C.50 of the DEIR. Table 4.C.10 at page 4.C.50 of the DEIR cites the San Francisco Planning Department Information Map, accessed May 25, 2018, as the source of the data as to the existing average daily vehicle miles traveled in TAZ Zone 709. However, that map provides only conclusions and the DEIR does not contain a summary of the data used to produce the alleged average daily vehicle miles traveled or explain the methodology used to collect or produce the data or the dates on which the data was collected or estimates made. Due to the lack of sufficient substantiation or description of a reputable methodology, substantial evidence does not support the allegations in



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the DEIR that the data in Table 4.C.10 of the DEIR accurately represents the existing average daily vehicle miles traveled.

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The data in the DEIR concerning the existing neighborhood parking rate is also unsubstantiated and fails to constitute substantial evidence that such data accurately represents the existing neighborhood parking rates for the uses claimed, including for residential, retail and other (office and daycare). The DEIR is inadequate because it fails to provide substantiation of the methodology for collecting data as to the alleged existing neighborhood parking rates or the times of collection of the data or the estimations made. As the Source of the data contained in Table 4.C.19 of the DEIR, the DEIR cites "Kittleson and Associates, Inc. 2018; San Francisco Planning Department, 2018." These citations merely identify the alleged source of the conclusions and the date.

Footnote 80 of the DEIR states that Planning department staff reviewed assessor and planning department records and street view/serial photos to estimate off-street parking associated with retail uses along California and Sacramento streets near the project site to derive the appropriate neighborhood parking rate for this analysis. No summary or description of such information is provided in the DEIR or Appendix D. Although footnote 80 does not refer to any review related to office or childcare uses, the DEIR cites footnote 80 as support for the claim that the analysis splits non-residential into retail and other non-residential (office and daycare) uses and compares those to the neighborhood parking rate, which accounts for parking associated with retail and other non-residential uses along California Street and Sacramento Street near the project site. DEIR p. 4.D.77. The methodology used in such analysis is not discussed in the DEIR or Appendix D. There is no substantiation for the parking rates for office and childcare uses.

Also, the note to Table 4.C.19 states that the existing parking rate for residential uses reflects data for TAZ 709 and other nearby TAZs (within three-quarters of a mile based on walking distance). The DEIR lacks any explanation of the type of data for TAZ 709 that was used to estimate the existing parking rate for residential use in the area described or substantiate the reliability of the methodology used to arrive at the existing parking rate for residential uses set forth in the DEIR. It is unclear whether the residential parking rate was estimated in some manner based on VMT, surveys of vehicle ownership or some other means and whether the dates on which the base data was collected, if any, was representative of existing conditions in the project area. The DEIR is inadequate because it lacks substantial evidence indicating that the methodology for collecting or analyzing the data was reliable, a sufficient explanation of the nature of the data collected for the identified land uses and the times at which the data was collected, and explanation of why the data gathered was representative of conditions in the project area. Surely, there should be memoranda explaining or analyzing any data collected, but none are discussed or cited in the DEIR or Appendix D. In essence, the TAZ data and the existing neighborhood parking rate data stated in the DEIR are lacking in the factual support needed to constitute substantial evidence under CEQA. Unsupported conclusions do not





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constitute substantial evidence under CEQA. The DEIR's alleged TAZ data and alleged existing neighborhood parking rates are unsubstantiated black holes that lack the transparency required to constitute substantial evidence supported by fact under CEQA.

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Similarly, the DEIR admits that parking supply is not an input into SF-CHAMP, but claims that "based on recent research, the existing parking supply within a TAZ has a relationship with VMT for that TAZ." DEIR p. 4.C.76. The "recent research" is not described or substantiated with a citation to a document, and the claim that the existing parking supply within a TAZ is related to the VMT for that TAZ is too general to support the conclusion as to the effectiveness of the proposed mitigation drawn in the DEIR. The degree or nature of the alleged relationship is not explained or substantiated as providing a reasonable basis for calculating the existing neighborhood parking rate or the effectiveness of mitigation provided by reducing retail parking supply.

The DEIR also inadequately relies upon the ambiguous claim that even "though parking is not specifically an input in SF-CHAMP, the amount of existing parking is captured in the estimates of VMT outputs from SF-CHAMP because it is an existing condition on the ground. Therefore, it is likely that a new development that does not propose parking at or below the neighborhood parking rate would not reduce VMT below the existing VMT per capita rate for that TAZ." DEIR p. 4.C.76. The DEIR cites nothing as substantiation for this vague claim, rendering it suspect and lacking in substantial evidence. The claim that the existing neighborhood parking rate is likely captured in the estimates of VMT outputs from SF-CHAMP is so vague as to be unusable and does not provide a basis for calculating the alleged neighborhood parking rates from VMT attributable to the area or some amount of it. The claim that there is some relationship between VMT and the neighborhood parking rate fails to provide enough relevant information from which a conclusion can reasonably be drawn that a mere relationship provides a basis for calculating the existing neighborhood parking rate from VMT outputs or the effectiveness of reducing retail parking supply as a mitigation measure.

Also, the DEIR does not claim that the Planning Department or Kittleson and Associates estimated or calculated the existing neighborhood parking rates using VMT outputs. The DEIR's allegations as to the existing neighborhood parking rate and the VMT for TAZ 709 fail to qualify as substantial evidence, as they do not supply enough relevant information and reasonable inferences from this information that a fair argument can be made to support the conclusions made in the DEIR. 14 California Code of Regulations section 15384(a). The DEIR's claims as to the existing neighborhood parking rate for the project area and the VMT for TAZ 709 are unsupported allegations. Substantial evidence under CEQA does not include unsubstantiated opinion or narrative, evidence that is not credible, argument, or speculation. Public Resources Code sections 21080(e), 21082.2(c); 14 California Code of Regulations sections 15064(f)(5)-(6), 15384.

In calculating the alleged existing parking rate for retail and other nonresidential uses on



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“California and Sacramento streets, as provided by the planning department,” the DEIR ignored the existing retail uses on Presidio Avenue, which are adjacent to the project site and included in TAZ 709. Also, the DEIR fails to describe the areas on California and Sacramento streets that were included in the alleged measurement, so fails to demonstrate that they were reasonable estimates of the area from which the neighborhood parking rate should be determined. DEIR p. 4.C. 77. Demand is made that the City provide detailed explanation of the method of calculating the existing neighborhood parking rates used in the DEIR, the method and nature of collecting the data underlying the rates, the dates on which data was collected and the basis for determining that the data accurately reflects the existing neighborhood parking rate for the project area.

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Importantly, the January 20, 2016 Governor’s Office of Planning & Research *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* does not recommend basing the evaluation on estimates of neighborhood parking rates. (Ex. I) Rather, OPR recommended that:

Because new retail development typically redistributes shopping trips rather than creating new trips, estimating the total change in VMT (i.e. the difference in total VMT in the area affected with and without the project) is the best way to analyze a retail project’s transportation impacts. (Ex. I, p. III:23.)

Moreover, there is not substantial evidence in the record that the project’s proposed retail would be local-serving. The proposed 198 retail parking spaces indicates that the retail would not be local serving and the plans do not specify the square footage of the retail spaces. August 17, 2017 plan sheet A4.03 shows a very large retail space whose square footage is not specified. (Ex. J, compare sheet A4.03 with sheet A4.02) Thus, there is a fair argument that the project would have a large anchor tenant which would draw non-local-serving retail. Demand is made that the DEIR calculate the estimated total daily VMT that the project would generate, including the total VMT for each land use type. Also, the five proposed loading zones proposed to be installed in streets surrounding the site further support a fair argument that the retail uses would attract non-local customers. (Ex. L)

Agencies do not have unlimited discretion to adopt their own thresholds for significance of impacts, including impacts on VMT. Agencies may adopt their own thresholds or rely upon thresholds recommended by other agencies, “provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.” CEQA Guidelines section 15064.7(c).

Thresholds of significance are not a safe harbor under CEQA; rather, they are a starting point for analysis:

[T]hresholds cannot be used to determine automatically whether a given effect will or will not be significant. Instead, thresholds of significance can be used only as a measure of whether a certain environmental effect “will normally be determined to be significant”





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or “normally will be determined to be less than significant” by the agency....In each instance, notwithstanding compliance with a pertinent threshold of significance, the agency must still consider any fair argument that a certain environmental effect may be significant. (Ex. I, OPR proposed transportation impact analysis guidelines, p. III:17-18, citing *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1108)

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Substantial evidence does not support the City’ decision to adopt the thresholds for estimating VMT increase used in the DEIR or the rate of mitigation adopted in the DEIR.

Thus, the EIR must consider the fair argument presented above that reducing the retail parking spaces in the manner described in Mitigation Measure M-TR-2, with reference to a percentage of the existing neighborhood parking rates, will not reduce the Significant VMT impact of the proposed project/variant to a less than significant level.

Also, the DEIR’s claim that the existing neighborhood parking rate for retail uses is 1.55 conflicts with information on retail parking rates applicable to the project area. The Note in Table 4.C.19 at DEIR page 4.c.77 claims that the existing parking rate for retail and other non-residential uses reflects data from California Street and Sacramento streets, as provided by the Planning Department,” but fails to describe a specific document produced by either Kittleson and Associates, Inc. or the San Francisco Planning Department that contains such data. Thus, the record does not contain substantial evidence to support the DEIR’s claim that reducing retail parking to the extent proposed would mitigate the significant impact to insignificance. Similarly, footnote 80 on DEIR p. 4.C.77 claims that Planning Department staff reviewed assessor and planning department records and street view/aerial photos to estimate off-street parking associated with retail uses along California and Sacramento streets near the project site to derive the appropriate neighborhood parking rate for this analysis, but fails to provide such data or a description of a specific document that would support the analysis described. For these reasons, the DEIR lacks substantial evidence to support its conclusion that the existing neighborhood parking rate is 1.55 parking spaces per gsf of retail uses.

Resolution 4109, which applies to the 3333 California Street site, requires 1 automobile parking space for each 500 square feet of gross floor area on the property, which is 2 parking spaces for each 1,000 square feet of commercial building floor area. (Ex. K) Under the NC-S, Neighborhood Commercial Shopping Center zoning applicable to the Laurel Village Shopping Center, Planning Code section 151 requires for retail sales and services, one off-street parking space for each 500 square feet of Occupied Floor Area up to 20,000 where the Occupied Floor Area exceeds 5,000 square feet, plus one for each 250 square feet of Occupied Floor Area in excess of 20,000. Thus, the general standard applicable to Laurel Village is 2 parking spaces for each 1,000 square feet of Occupied Floor Area up to 20,000 square feet. Based on this information, there is a reasonable possibility that the existing neighborhood parking rate in the project area is greater than 1.55 parking spaces per gsf of retail uses, and the DEIR’s claims as to



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the existing neighborhood parking rate are inaccurate or unsubstantiated.

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The DEIR is also deficient because it used different thresholds for assessing VMT significance (exceeding regional VMT per employee minus 15 percent) and whether mitigation measures would reduce the significant VMT impact to less than significant, which is based on whether the retail parking exceeds the existing neighborhood rate of 1.55 spaces per 1,000 gross square feet. DEIR p. 4.C.80. This comparison of apples and oranges makes the analysis in the DEIR inadequate and confusing to the decision maker and the public. The deficient comparison is also contrary to the OPR proposes transportation impact guidelines, which state at p. III:16 that:

Models and methodologies used to calculate thresholds, estimate project VMT, and estimate VMT reduction due to mitigation should be comparable. (Ex. I, p. III:16)

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

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

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

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

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

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

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individual TAZs:

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

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

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

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

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

The 3333 California Street proposed project/variant includes significant changes to the transportation network that would attract substantial numbers of automobiles, delivery vehicles, trucks and other vehicles to five new loading zones proposed to be installed on streets surrounding the perimeter of the site. Plan sheet C2.02 shows four new passenger loading zones proposed to be installed on streets surrounding the perimeter of the property and PRELIMINARY DESIGN 08/2018 shows one new 100-foot commercial loading zone proposed on California Street near the northwestern edge of the property. (Ex. L) The DEIR is inadequate because it omitted VMT that could be generated by automobiles, delivery vehicles, trucks and

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other vehicles attracted to these new loading zones, and such omission is substantial in view of the explosive growth of transportation network companies and food and other delivery vehicles documented herein. DEIR p. 6.86 indicates that commercial loading zones would be used for FedEx and Amazon Fresh, which use delivery vans that are typically about 30 feet long.

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

The City is aware that the SF-CHAMP model, used to perform estimates of various transportation issues in the DEIR, is out of date and so inaccurate that it is in the process of being revised. The model used to produce the DEIR's transportation analyses is inadequate and inaccurate because it was based on observed behavior that occurred before the explosion of transportation network companies such as Uber and Lyft, which are causing huge increases in VMT. The DEIR shows that the SF-CHAMP did not take into account the VMT that can be anticipated from transportation network companies attracted to the project/variant site by the five loading zones proposed to be added to the perimeter of the site. The DEIR states at page 4.C.7 that:

The San Francisco Transportation Authority (transportation authority) uses SF-CHAMP to estimate VMT by private automobiles and taxis for different land use types within individual TAZs. Travel behavior in SF-CHAMP is calibrated by transportation authority staff based on observed behavior from the California Household Travel Survey 2010-2012, census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings.

The Traffic study in the DEIR states that to estimate the travel demand for the project, the trip generation, mode split and distribution of trips generated by the Project and Variant will be based on data from the *SF Guidelines* information for Superdistrict 2 and the current U.S. Census American Community Survey Five-Year (2011-2015) Estimates journey-to-work data. DEIR Appendix D, p. 7.

For estimating the trip-making patterns of the proposed project or project variant, the DEIR developed a methodology using the National Cooperative Highway Research Program Report 684 and the 2010 and 2011 Institute of Transportation Engineers Journal which was similar to the approach used in the analysis of other recently completed EIRs, including the Mission Rock Project at Seawall Lot 337 and Pier 48, and the Pier 70 Mixed Use District Project. DEIR 4.C.56; DEIR Appendix D page 22.

The two studies cited in footnote 2 and 3 on page 22 of Appendix D of the DEIR are the Transportation Research Board, National Cooperative Highway Research Program Report 684, 2011, *Enhancing Trip Capture Estimation for Mixed-Use Developments* and the ITE Journal, 2010 and 2011, *Improved Estimation of Internal Trip Capture for Mixed-Use Development and*

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*Alternative Approaches to Estimating Internal Traffic Capture of Mixed-Use Projects.* These deal with per capita trip capture rates, not total VMT generated. Also, the DEIR fails to provide an explanation of the methodologies discussed in the referenced publications or of the modified trip generation model specific to the 3333 California Street project that the DEIR claims was developed. Thus, the DEIR does not contain substantial evidence that would support the reliability of the modified methodology used to estimate trip-making patterns of the proposed project/variant. An explanation of the modified model and the cited publications are not contained in the DEIR or Appendix D.

However, Appendix D explains that these studies were only the initial point for the analysis because the NCHRP Report 684 and ITE provided information on unconstrained internal trip capture rates for the proposed projects which “represent the highest possible values, resulting from the most favorable balance of land uses.” DEIR Appendix D, p. 23. Kittleson then adjusted the initial information to estimate internal trip capture rates used in the analysis that “are constrained by the need for the number of trips generated by the producer uses to match the number of trips received by the attractor uses. Using the unconstrained internal trip capture rates as an initial point of analysis, the project- and scenario-specific internal trip capture rates were identified through an iterative balancing process. DEIR Appendix D, p. 23.

That iterative process was not explained in the DEIR or Appendix D, so the ultimate conclusion reached as to internal trip capture rates was evidently based on interpretation by Kittleson rather than on calculations or fact-based analysis, and the absence of such information renders the DEIR’s conclusions as to the internal trip capture rate inadequate under CEQA. Unsupported opinion does not constitute substantial evidence under CEQA.

Also, the internal trip capture rates included in Attachment C, and presented in Tables 6 and 7 at DEIR Appendix D pp. 9, lack rates of the internal trip capture rates for the entire day and contain rates for internal trip capture only in the A.M. and P.M. peak hour periods. DEIR Appendix D, Attachment C, p. 131. Kittleson fails to describe any support for its use of only alleged internal trip capture rates for peak periods.

Significantly, the Table 6 shows that the NCHRP and ITE unconstrained trip capture rate of 20% is the same rate as Kittleson estimated for residential uses in the project variants, which are supposed to be determined on the basis of constrained internal trip capture rates. Kittleson estimated that the internal trip capture rate for residential use in the office project variant would be 20% and the internal trip capture rate for residential use in the multi-family variant would be 19.9%. DEIR Appendix D, p. 9. The DEIR contains no support for the conclusion that constrained residential trip capture rates linked with beginning and ending points should be the same as the unconstrained residential trip capture rates that are not linked with a beginning and ending. OPR does not recommend using different methods to estimate VMT reduction. (Ex. I, p. III:16)

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The fact that the residential trip capture rates Kittleson calculated for the project variants are the same as the unconstrained rates “which represent the highest possible values, resulting from the most favorable balance of land uses,” indicates that Kittleson used a most favorable interpretation of data rather than conservative estimates to produce a biased and inaccurate conclusion. Also, since Kittleson used data for peak periods to estimate the internal trip capture rates for the project, it would be reasonable to assume that residents of the project site would drive the most at that time traveling to and from work, rather than make the highest possible number of internal trips during peak periods at the site. Since Kittleson provides no calculations to estimate total trip capture rates, and its estimates of peak period residential trip capture rates are suspect, the DEIR lacks substantial evidence to support its estimation of internal trip capture rates of the project/variant which the DEIR used to estimate daily auto trips.

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In Table 9 in Appendix D p. 27, Kittleson also projected mode share by trip purpose using P.M. peak hour mode share rather than 24-hour mode share, as provided by the *SF Guidelines* 2002 in Appendix C-4. Table 9 fails to compare work with non-work trips that total 100% of trips by the land use type. Instead, Table 9 presents comparisons of percentages of trips that occur by auto, transit, walking or other mode, for unspecified amounts of work and non-work trips so that the percentage of daily work and non-work trips cannot be determined. DEIR Appendix D, p. 27.

Also, the mode shares and average vehicle occupancy rates used in the DEIR were based on the United States Census Bureau five-year estimates of commute trip travel behavior from the 2011-2015 American Community Survey for Census Tract 154, which includes the project site. DEIR p. 4.C.57. As documented herein, TNC use became significant in 2016, so was not accurately taken into account in the mode shares, trip generation and distribution of trips used in the DEIR..

The DEIR estimated travel demand based on information in the 2002 *SF Guidelines* that predated the astronomical increase in TNA and food delivery trips and failed to provide an estimate of total VMT that would be caused by the project. The DEIR does not claim that its traffic demand analysis included any adjustment to add the traffic demand (and VMT) that would be caused by the current usage of vehicles such as TNCs and food or other delivery vehicles that would be attracted to the five proposed new loading zones surrounding the site. Rather, it claims that some person-trips would be reduced by an unexplained methodology dealing with internal trip capture.

The October 1, 2002 *Executive Summary* of the San Francisco Travel Demand Forecasting Model Development prepared for the San Francisco County Transportation Authority explains that its travel demand model was developed to provide detailed forecasts of travel demand for various planning applications and that its model components were estimates using various data that was in existence before 2002. (Ex. M, SFCTA Executive Summary and November 16, 2018 Wietgrief email stating that SF-CHAMP model is the model the City uses to

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estimate VMT by transportation analysis zone.) The SFCTA website indicates that SF-CHAMP was last updated in 2014. (Ex. N, excerpts from SFCTA DataMart) If the SF-CHAMP was updated based on any data that came into existence after 2014, please describe in detail the changes in such data that relate to TNC and food delivery traffic, neighborhood parking rates, and VMT (and related issues including mode share, average vehicle occupancy and trip distribution) and provide supporting documentation. Assuming that the last update to SF-CHAMP was in 2014, the date upon which that model was based pre-dated the explosion of transportation network companies such as Uber and Lyft.

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Since the 2002 San Francisco Guidelines were adopted, there has been explosive growth in TNC and food and other delivery vehicle trips.

City documents already acknowledge the substantial evidence exists that shows the transportation network companies are generating substantial VMT in the City. Page 1 of the September 28, 2017 San Francisco Planning Department *Transportation Impact Analysis Guidelines - Update* states that the Department's Transportation Impact Analysis Guidelines for assessing project's transportation impacts under CEQA were last updated in 2002. (Ex. O) The update further explains that:

To assess these impacts, the department estimates how many trips people in newer developments may take, the ways they travel, and their common destinations based on the findings of the Citywide Travel Behavior Survey - Employees and Employers (May, 1993); the Citywide Travel Behavior Survey - Visitor Travel Behavior (August, 1993); revolving five-year estimates from US Census, American Community Survey data; San Francisco County Transportation Authority San Francisco Chained Activity Model, which is based upon, among other sources, observed behavior from California Household Travel Survey (2010-2012), and major San Francisco transportation studies...

Also, since that time, San Francisco has experienced changes in the demographics of the population, the types of new jobs, and the cost of housing, among other variables that affect travel behavior. Some of these changes create greater constraints on our transportation systems, including more competition for curb space. **One of the major changes has been with emerging mobility services and technologies that have changed the way some people travel (using transportation network companies such as Uber and Lyft) and interact with goods (home deliveries). These changes also affect the percentages of how people travel (known as mode splits in the transportation analysis methodology).** For example, we understand anecdotally that people may be shifting from using their own vehicles or transit to instead use transportation network companies such as Uber and Lyft. (Ex. O, p. 2, emphasis added)

At that time, staff was considering substantive updates to the following topics:





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Process - scoping our topics from transportation review earlier in the process based upon the characteristics of the project, site, and surroundings (e.g., through a checklist)...

Loading - Refine estimates of passenger and commercial loading demand, attempting to account for rise in for-hire vehicles and e-commerce deliveries.

Vehicle Miles Traveled/Induced Auto Travel - Potential quantification of the relationship between parking supply and induced automobile travel.

Traffic Hazards - Update definitions of types of traffic hazards as well and standards that can be implemented to potentially avoid traffic hazards (which may be incorporated into walking/accessibility and bicycling).

Construction - consideration of the effects of excavation on overall project construction and the resulting duration/intensity of construction phases. (Ex. O, p. 3)

Substantial data collection and analysis is currently underway, primarily at newer development sites and will result in the creation of refined estimates of how many trips people in newer developments take, the ways they travel, and their common destinations and updating of the travel demand methodology used in the guidelines. (Ex. O, p. 4) Importantly, data was being collected and analyzed on estimates of passenger and commercial loading demand. *Ibid.* Graphics distributed during the update to the Planning Commission showed that between 1/1/2003 and 1/1/2017 the San Francisco population had increased by 92,000 persons and Bay Area Population by 900,000. (Ex. P, second page)

The October 2018 Draft Report *TNCs & Congestion* by the San Francisco County Transportation Authority states that:

Congestion in San Francisco worsened between 2010 and 2016...During this period significant changes occurred in San Francisco...San Francisco added 70,000 new residents and over 150,000 new jobs, and these new residents and workers added more trips to the City's transportation network. Finally, new mobility alternatives emerged, most visibly TNCs.... (Ex. Q, p. 3)

**In recent years, the vehicles of transportation network companies (TNCs) such as Uber and Lyft have become ubiquitous in San Francisco and many other major cities...**In San Francisco, this agency (the San Francisco County Transportation Authority or SFCTA) estimated approximately 62 million TNC trips in late 2016, comprising about 15% of all intra-San Francisco vehicle trips and 9% of all intra-San Francisco person trips that fall (2). [sic] The rapid growth of TNCs is attributable to the numerous advantages and conveniences that TNCs provide over other modes of transportation, including point-to-point service, ease of reserving rides, shorter wait times, lower fares (relative to taxis),

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ease of payment, and real-time communication with drivers. The availability of this new travel alternative provides improved mobility for some San Francisco residents, workers and visitors, who make over one million TNC trips in San Francisco every week, though these TNC trips may conflict with other City goals and policies...(Ex. Q, p. 3)

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When compared to employment and population growth and network capacity shifts (such as for a bus or bicycle lane), TNCs accounted for approximately 50% of the change in congestion in San Francisco between 2010 and 2016, as indicated by three congestion measures: vehicle hours of delay, vehicle miles travelled, and average speeds.

Employment and population growth- encompassing citywide non-TNC driving activity by residents, local and regional workers, and visitors - are primarily responsible for the remainder of the change in congestion....Daily vehicle hours of delay (VHD) on the roadways studied increased by about 40,000 hours during the study period. We estimate TNCs account for 51% of this increase in delay, and for about 25% of the total delay on San Francisco roadways and about 36% of total delay in the downtown core in 2016, with employment and population growth accounting for most of the balance of the increased [sic] in delay...**Daily vehicle miles travelled (VMT) on study roadways increased by over 630,000 miles. We estimate TNCs account for 47% of this increase in VMT, and for about 5% of total VMT on study roadways in 2016...**Average speeds on study roadways declined by about 3.1 miles per hour. We estimate TNCs account for 55% of this decline...(Ex. p. 4, emphasis added)

Similarly, during the AM peak, midday, and PM peak periods, TNCs cause about 40% of the increased vehicle miles travelled, while employment and population growth combined are responsible for about 60% of the increased VMT. However, in the evening time period, TNCs are responsible for over 61% of the increased VMT and for about 9% of total VMT....(Ex. Q, p.5)

As the *TNCs & Congestion* report documents, TNCs comprise a significant share of intra-San Francisco travel:

According to recent studies, between 43% and 61% of TNC trips substitute for transit, walk, or bike travel or would not have been made at all. (Ex. Q, pp. 11-12)

Given the rapid pace of technological change in the transportation sector, other factors may also be contributing to changes in congestion. For example, increased use of online shopping and delivery services might exacerbate roadway congestion due to an increase in delivery vehicle trips and loading duration. (Ex. Q, p. 12)

**The SFCTA *TNCs & Congestion* report also states that in 2010 TNC use was negligible and in 2016 it was significant, and that SF-CHAMP version 5.2 does not account for TNCs. (Ex. Q, p. 16)**



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A 2017 national study of ride-hailing from the University of California, Davis Institute of Transportation Studies, *Disruptive Transportation: The Adoption, Utilization, and Impacts of Ride-Hailing in the United States*, found that 49% to 61% of ride-hailing trips would not have been made at all, or by walking, biking, or transit. (Ex. R, p. 2) After using ride-hailing, the average net change in transit use was a 6% reduction among Americans in major cities, and ride-hailing attracts Americans away from bus services (a 6% reduction) and light rail services (a 3% reduction). (Ex. R, p. 2)

The map at page 6 of the *TNCs & Congestion* report shows that TNCs are responsible for approximately 30-60% of vehicle delay on California Street in the project area. (Ex. R) The graphs on page 7 of that report show that TNCs account for 61% of the increase in vehicle miles travelled in Supervisor District 2, with employment change accounting for 21% and population change accounting for 16%. (Ex. R, pp. 6-7)

San Francisco County Transportation Authority's *TNCs Today*, Final Report, June 2017 is consistent with its 2018 *TNCs & Congestion* report. (Ex. S, pp. 1-5, 8) *TNCs Today* reports that on a typical weekday, TNCs make over 170,000 vehicle trips within San Francisco, which is 15% of all intra-San Francisco vehicle trips. (Ex. S, p. 1) Intra-SF TNC trips generate approximately 570,000 vehicle miles of travel (VMT) on a typical weekday, comprising as much as 20% of intra-SF-only VMT. (Ex. S, p. 2) Recent SFMTA Travel Decisions Survey results indicate that TNCs are growing in significance as a share of overall San Francisco travel, doubling in mode share served between 2014 and 2015. (Ex. S, p. 3) Approximately 290,000 TNC person trips are estimated to occur within San Francisco during a typical weekday, which represents approximately 9 % of all weekday person trips within the City. (Ex. S, p. 9) During weekdays, TNCs have a clear pattern of peak usage that coincides with the existing AM and PM peak periods. (Ex. S, p. 10) The third highest rate of TNC pickups and drop-offs in the City occurs in Supervisorial District 2, in which the 3333 California Street site is located. (Ex. S, p. 13) Estimated total VMT produced by TNCs on a typical weekday is approximately 570,000 VMT, and intra-SF TNCs generate as much as 20% of weekday VMT for intra-SF vehicle trips and at least 6.5 % of total weekday VMT in San Francisco. (Ex. S, p. 15) Most of the VMT generated by TNCs occurs during the AM and PM peak hours, with significant VMT also occurring during the evening hours, following the PM peak. (Ex. S, p.15-16)

The October 2018 Draft Report *TNCs & Congestion* by the San Francisco County Transportation Authority also states at page 12 that increased use of online shopping and delivery services might exacerbate roadway congestion due to an increase in delivery vehicle trips and loading durations. In addition, the report states that TNC passenger pick up and drop off activity may also result in increased congestion by disturbing the flow in curb lanes or traffic lanes. (Ex. Q, -p. 12)

According to the October 2018 Draft Report *TNCs & Congestion* by the San Francisco County Transportation Authority, during most of the day, approximately 40% to 50% of the

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increase in vehicle hours of delay is attributable to TNCs, but in the evening, almost 70% of the increase in vehicle delay is due to TNCs. (Ex. Q, p. 33)

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Although the DEIR does not explain the data used to derive the neighborhood parking rates used in Table 4.C.19, SFCTA documents show that the data included only off-street parking spaces, so did not include parking in loading zones or other on-street areas by transportation network companies. The April 6, 2016 Memorandum from Wade Wietgreffe concerning *General Non-Residential Off-Street Parking Rate Estimation for San Francisco* states at page 2 that the “Transportation Authority estimated a general non-residential off-street parking rate as the number of public and private off-street parking spaces per 1000 square feet of non-residential land use. Summaries of non-residential square footage and off-street parking supply for the TAZ and other nearby TAZs within .75 miles of network-based walking distance were made to derive a parking rate that is representative of the neighborhood and is not artificially truncated at arbitrary TAZ boundaries. Off-street, publicly available parking data were available through SFPark and off-street, private parking estimates were taken from the Transportation Authority’s Parking Supply and Utilization Study. (Ex. T, pp. 1-2) The map following that page entitled *Non-Residential Parking Supply Estimated from SF Park Data* shows TAZ level estimates of parking supply rates for San Francisco, based on off-street parking supply from SFPark and scaled up by 35 to match citywide totals to match the *estimated* supply from the PSUS parking estimation model. (Ex. T) The source of the estimates on the map are cited as “2013 Parcel Land Use and Zoning District Methodology, San Francisco Planning Department.” (Ex. T, map following p. 2)

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##### **5. The DEIR Is Inadequate Because It Lacks the Analyses Set Forth in the *SF Guidelines*.**

The DEIR does not contain the calculations or substantiation for trip distribution, assignment and modal split information required by the 2002 *SF Guidelines*, which state that “**person trip generation rates per unit of square footage for each land use, or other unit as shown in Appendix C, are to be used for estimating levels of activities for the proposed project.**” (Ex. A, p. 9, emphasis added) Those *SF Guidelines* also state that:

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Trip Distribution, Assignment and Modal Split Information: Net new person trips distributed to various directions of travel and assignment of the appropriate modes of travel (auto, transit, walk, and other ) should be calculated, presented in tables and a graphic diagram (for vehicle and transit trips), and discussed in the text. Modal assignments should also be calculate for daily and the P.M. Peak Hour...

The weekday P.M. Peak Period is generally 4:00 - 6:00 , and traffic counts shall generally be conducted during this period, unless otherwise specified in the scope of work. The peak hour must be determined from the counts (normally recorded in 15 minute intervals) for the entire peak period, and should represent the single hour within the peak period with the highest counts. (Ex. A, pp. 9-10)

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***The DEIR lacks information on the calculation of total daily trip generation of the project and the calculation of daily modal assignments and net new person-trips. Instead, the DEIR inadequately presents information on peak hour AM and PM trip generation, thus understating the trip generation of the project and the resulting VMT that produces greenhouse gas emissions.*** The mode share presented in Table 9 of Appendix D of the DEIR at p. 27 “reflects the weekday PM peak hour mode share.” Table 10 also presents only AM and PM peak hour data and lacks daily modal share information, so total mode share cannot be understood. The DEIR is misleading to decision makers and the public.

The 2002 *SF Guidelines* state that since work and on-work trips have different characteristics in terms of distribution and mode of travel, the number of work and non-work (visitor) trips should be calculated separately; Appendix C provides the methodology to compute the work and non-work (visitor) trips for specific land use. (Ex. A, p. 9-10) The DEIR does not calculate the percentage splits between work and non-work trips for specific land uses in the manner specified in Table C-2 based on the trip generation rates in Table C-1 of the 2002 *SF Guidelines*. For example - for residential use, Table C-2 states that 33% of daily trips are from work trips and 67% are from non-work trips; for office use 36% of daily trips are from work and 64% from non-work use; for retail 4% of daily trips are from work and 96% from non-work use.

However the DEIR lacks the calculation of the daily or PM peak hour percentage splits of work/non-work trips based on the trip generation rates per 1000 square feet of land use or number of residential units presented in Table C-1. The 2002 *SF Guidelines* make clear at p. 9 that “Person trip generation rates per unit of square footage for each land use, or other unit shown in Appendix C, are to be used for estimating levels of activity for the proposed project.” The DEIR lacks these person trip generation rates per square footage of land use and understates person trips by presenting information on trips during weekday AM and PM peak periods.

Appendix E to the DEIR lacks substantiation or calculation of the total work and non-work trips for each trip purpose and merely sets forth unsubstantiated claims as to the amount of work and non-work trips divided into auto, transit, walk and other travel, rather than by square footage of land use. Table 9 lacks the total amount or percentage of work and non-work trips for residential, office, retail, restaurant and other use, and merely presents unsubstantiated percentages of work and non-work uses in the various categories of auto, transit, walk and other. Table 9's claim that 54.5% of residential trips are made with autos and 54.8% of residential non-work trips are made with autos provides no meaningful information to the decision maker as to the total amount of residential trips that are made or the percentage of residential trips made based on the land use devoted to residential use or the split between work and non-work trips attributable to residential uses. That split is the basis for the mode share split calculation required by Table C of the *SF Guidelines*. Table 9 of the DEIR fails to provide information needed to calculate VMT for each mode share. VMT is produced by total trips, not only in the AM and PM.

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In addition, the figures set forth in the DEIR also conflict with the vehicle trip distribution information provided in the *SF Guidelines*. Table E-4 of the 2002 *SF Guidelines* provides the daily distribution of work trips to SD-2, but the DEIR lacks information on daily distribution and merely provides data on weekday AM and PM peak hour distribution. Ex. A; DEIR p. 4.C.57. Again, the DEIR Table is not substantiated and is supported only by an unexplained reference to Kittleson & Associates 2017 and *SF Guidelines* 2002. The DEIR did not follow the *SF Guidelines* as to calculation of trip distribution.

The external person-trip generation by mode presented in Table 4.C.14 at page 4.C.58 of the DEIR is unsubstantiated and unsupported by substantial evidence. The support cited for this Table is merely Kittleson & Associates 2018 and *SF Guidelines* 2002. No explanation of the method or basis of calculation of the modes is provided, and modes are not provided as to trip purpose or type of trip (whether residential, office, retail or daycare). The allegations in the Table constitute unsupported conclusions and do not amount to substantial evidence.

There is also no calculation or substantiation to support the average vehicle occupancy as to mode share set forth in Table 9 of Appendix D page 12. The source cited for the average vehicle occupancy and PM peak hour mode share are merely general references to Kittleson & Associates 2017, the American Community Survey Five-Year (2011-2015) Estimates, and *SF Guidelines*, 2002. While the American survey may provide information as to residential non-work trips, there is no evidence that it provides information as to work or other trips, such as retail trips.

Also, the mode shares and average vehicle occupancy rates used in the DEIR consist of unsupported conclusions and are not supported by substantial evidence. The mode shares and average vehicle occupancy rates “for residential work trips” were based on the U.S. survey 2011-2015 estimates (DEIR p. 4.C.57), but the DEIR does not provide a supporting reference for the residential non-work trips, office work-trips or non-work trips, retail work trips or non-work trips, restaurant work-trips or non-work trips or daycare work or non-work trips. The DEIR is inadequate for failing to provide an explanation of the manner in which this information was derived. Also, as stated above, in *TNCs & Congestion*, **since TNC use became significant in 2016**, there is not substantial evidence that the increased mode shares by TNCs were taken into account in arriving at the DEIR’s conclusions, and the DEIR’s transportation analysis is inadequate for failing to take such information into account.

As to Mode Share, the DEIR states at page 4.C.57 that:

Person-trips generated by the proposed project and project variant were distributed to San Francisco’s four Superdistricts and the greater Bay Area and then assigned to travel modes based on mode shares presented in the *SF Guidelines* in order to determine the number of auto, transit, walk and “other” trips. The “other” mode includes trips taken by bicycle, motorcycle, for-hire vehicles such as transportation network companies, taxis,

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and other modes. The person-trips shown as “auto” person trips reflect the total number of persons traveling by automobile and some automobiles would transport more than one person or multiple people, each of whom is making one person trip. Vehicle trips are calculated as the number of auto person trips divided by the average vehicle occupancy. Mode shares and average vehicle occupancy rates for residential work trips are based on United States Census Bureau five-year estimates of commute trip travel behavior from the 2011-2015 American Community Survey for Census Tract 154, which includes the project site. External person-trip generation estimates by mode and vehicle types are shown in Table 4.C.14: External Person-Trip Generation by Mode.

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Thus, the DEIR used inaccurate estimates of mode share that pre-dated the great increase in TNCs that occurred in 2016.

DEIR Appendix D explains at page 27 that mode share by trip purpose (work or non-work) is presented in Table 9. The internal trips presented in Table 7 would be expected to occur for the most part by walking and bicycling. As a result, the preliminary modal split percentages presented in Table 9 would change. Table 10 provides a comparison of modal splits before and after the calculation of internal trips for the Mixed-Use Office Scenario and Mixed-Use Multi-Family Housing Scenario. The resulting person-trips by mode and external person- and vehicle-trips are shown in Table 11.

The traffic study in Appendix D of the DEIR admits at page 22 that the *SF Guidelines* do not provide a specific methodology to assess the amount of trips that could remain within a large mixed-use project site and claims that refinements were made to the standard travel demand analysis “to account for the size and land use mix of the project.” However, the DEIR lacks explanation of the nature of the refinements made and substantiation of the accuracy of the methodology used to estimate the internal trip capture rates. Thus, substantial evidence does not support the DEIR’s conclusions as to the internal trip capture rates stated in the DEIR.

As explained herein, the internal trip capture rates used in the DEIR for the proposed project are not supported by the referenced studies or other reports. Similarly, the conclusions as to mode share and average vehicle occupancy stated in Appendix D at page 27-29 are also unsupported by explanation or analysis. Again, the source of the conclusions is only Kittleson and an un referenced page of the 2002 *SF Guidelines*.

The traffic study in DEIR Appendix D also explains at page 22 that:

To better estimate the trip-making patterns of the proposed project, a modified trip generation model specific to the 3333 California Street project was developed. The methodology was developed using the National Cooperative Highway Research Program Report 684, ITE, and is similar to the approach used in the analysis of the Mission rock Project at Seawall Lot 337 and Pier 48, and the Pier 70 Mixed-Use District Project.





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The two studies cited in footnote 2 and 3 on page 22 of Appendix D of the DEIR are the Transportation Research Board, National Cooperative Highway Research Program Report 684, 2011, *Enhancing Trip Capture Estimation for Mixed-Use Developments* and the ITE Journal, 2010 and 2011, *Improved Estimation of Internal Trip Capture for Mixed-Use Development and Alternative Approaches to Estimating Internal Traffic Capture of Mixed-Use Projects*.

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However, the DEIR fails to provide any explanation of the methodologies discussed in the referenced publications, which the DEIR cites as support for its estimates of the internal trip capture rate. The cited publications are not contained in the DEIR or Appendix D.

In addition, the DEIR's mode share analysis is inaccurate and inadequate because it fails to take into account the current mode share of vehicle trips currently occurring by transportation network companies such as Uber and Lyft and the 3333 California Street project proposal to add five new loading zones around the perimeter of the site which will attract such transportation network companies and other delivery vehicles.

Also, the DEIR fails to estimate the amount of VMT which the proposed non-residential use (54,117 gsf of retail and 49,999 gsf of new office use - DEIR p. 2.8) of the project/variant would cause substantially induce. Simply admitting that the project would cause substantial VMT would be caused is inadequate under CEQA because it fails to supply information to decisionmakers and the public as to the degree of the significant impact and nature of the cause(s).

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**6. The EIR's Traffic Analysis Fails to Adequately Analyze VMT Generated by Customers of the Proposed New Retail Uses.**

The DEIR claims that the following thresholds of significance and screening criteria used to determine if a land use project would result in significant impacts under CEQA are consistent with CEQA section 21099 and the thresholds of significance for other land uses recommended in OPR's Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA (OPR proposed transportation impact guidelines):

For residential projects, a project would generate substantial additional VMT if it exceeds the regional household VMT per capita minus 15 percent. This metric is consistent with OPR's proposed transportation impact guidelines stating that a project would cause substantial additional VMT if it exceeds both the existing city household VMT per capita minus 15 percent and existing regional household VMT per capita minus 15 percent.

For office projects, a project would generate substantial additional VMT if it exceeds the regional VMT per employee minus 15 percent.

For retail projects, the planning department uses a VMT efficiency metric approach for



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retail projects; a project would generate substantial additional VMT if it exceeds the regional VMT per retail employee minus 15 percent.

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For mixed-use projects, each proposed land use is evaluated independently, per the significance criteria described above. DEIR p. 4.C.49.

For mixed-use projects or retail land use, the threshold of significance used in the DEIR is *not* consistent with the OPR proposed transportation impact guidelines). Those OPR proposed transportation impact guidelines actually state at page III:16 that:

**Retail Projects.** Lead agencies should usually analyze the effects of a retail project by assessing the change in total VMT, because a [sic] retail projects typically re-route travel from other retail destinations. A retail project might lead to increases or decreases in VMT, depending on previously existing retail travel patterns.

Page III:23 of those OPR Guidelines state that:

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

The DEIR failed to analyze adequately the project's potential change in total VMT because it only analyzed VMT caused by employees of the new retail uses. THE DEIR is inadequate because it failed to analyze VMT caused by customers of the proposed new retail uses. Also, as previously stated, the DEIR is inadequate because it determined whether increased VMT was significant based on a comparison with VMT per capita for various land use, rather than based on a comparison with total VMT. Given the increase in employment and population in the City and the rapid growth in TNCs, substantial evidence does not support the DEIR's use of significance standards for the proposed project/variant based on VMT per capita.

The 3333 California project site is in Superdistrict 2. (San Francisco Transportation Information Map, accessed December 26, 2018) According to Appendix D of the San Francisco Planning Department Transportation Analysis Impact Guidelines, October 2002, TABLE E-12 VISITOR TRIPS to SD-2 – RETAIL, percentages of automobile trips made to retail locations in SD-2 from residents in the districts described below are made at the rates listed below:

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64.3 % of visitors from All Origins  
78.4 % of visitors from Superdistrict 1  
56.5 % of visitors from Superdistrict 2  
60.9 % of visitors from Superdistrict 3  
81.2 % of visitors from Superdistrict 4



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65.8 % of visitors from the East Bay  
81.2 % of visitors from the North Bay  
95.1 % of visitors from the South Bay and  
62.5 % of visitors from other locations. (Ex. A, excerpts of said Appendix D)

11  
(TR-1)  
cont'd

Page C-1 of Appendix C to the San Francisco Planning Department Transportation Impact Analysis Guidelines state that the “essential data necessary for the calculation of trip generation is contained in Tables C-1 and C-2, and in the trip distribution, mode split, and auto occupancy tables contained in Appendix E.” (Ex. A, attached) Table C-1 of that Appendix shows that Eating/Drinking uses have higher trip rates than General Retail and all other uses except Supermarket, at the following rates of trips per 1,000 gross square feet of space:

General Retail	150.0
Supermarket	297.0
Eating/Drinking	
Quality Sit-Down	200.0
Composite Rate	600.0
Fast Food	1400.0
Office	
General	18.1
Residential (all types)	
2+ bedrooms	10.0/unit
1 Bedroom/studio	7.5/unit
Senior Housing	5.0/unit (Ex.----)

These rates were used by the City in the EIR for the 901-16th Street and 1200-17th Street project in estimating trip generation for project retail; San Francisco rates were also used for estimating trip generation for project residential uses and calculating Daily Person trips in that Draft EIR for that project. (Ex. U, pp. IV.A.31, 32) The retail mode splits and AVO were based on the *San Francisco Guidelines* Appendix E, and showed that retail work trips accounted for only 4% of the daily auto retail person trips (262/5923) and retail non-work trips accounted for 96% of the daily auto retail person trips (5661/5923). *Ibid.* That EIR also showed, based on the *San Francisco Guidelines* Appendix E, that the Average Vehicle occupancy for retail work trips was 1.23 but the Average Vehicle Occupancy for retail non-work trips was 1.90. *Ibid.* According to Appendix E of the *San Francisco Guidelines*, 64.3 % of all visitor trips to SD-2 were made by automobile, with 1.88 persons per auto. (Ex. A)

Table C-2 of Appendix C of the San Francisco Transportation Impact Analysis Guidelines shows at page C-4 that the percentage splits between work and non-work trips for Retail (including Supermarkets & Eating/Drinking Establishments) is 4% work and 96% non-work for a daily 24-hour period. (Ex. A) Of the 54,117 gross square feet of total retail uses in the proposed 3333 California Street project, 40,004 gsf would be for general retail, 4,287 gsf for sit-down restaurant and 9,826 gsf for composite restaurant. (DEIR pp. S-49) According to Table



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4.C.11 of the DEIR, of the total 19,644 daily person-trip generation estimated for the proposed project, 12,753 person trips generated by the project would be from total retail uses, or 64.9 % of the daily person trips. Since 96% of the retail trips would be for non-work trips, 96% of the 12,753 retail non-work person trips, or 12,243 daily person trips would be generated by customer, or non-work retail trips.

11  
(TR-1)  
cont'd

Thus, the DEIR is inadequate because it failed to include approximately 12,243 daily person trips that would be generated by retail customers of the project, or non-work retail trips. Omission of this information misleads the decision maker and the public as to the true impacts of the project.

The DEIR failed to analyze whether a likely increase in VMT per retail customer, or non-work trips, could cause substantial additional VMT. DEIR p. 4.C.80. The DEIR only analyzed whether the likely increase in VMT per employee associated with provision of retail parking spaces may increase VMT per employee enough to exceed the threshold of 15 percent below the regional average for retail uses. DEIR p. 4.C.80. Based on the information set forth herein showing that 12,243 daily person trips would be generated by retail customers, the DEIR lacks substantial evidence to show that the significance standard used in the DEIR was a reasonable measure of VMT increase for the proposed project/variant, especially since the standard considered retail work-trips and not retail customer-trips. For these reasons, including the fact that the DEIR failed to analyze 64.9% of the daily person trips from total proposed retail uses, the DEIR also lacks substantial evidence to support its conclusion that reducing the retail parking supply in the manner stated in Mitigation Measure M-TR-2 would reduce the significant impact of the proposed project and variant on VMT to a less than significant level. DEIR 4.C.80.

12  
(TR-4)

Vehicle miles traveled (VMT) measures the amount and distance vehicles would travel on the roadway as a result of a project or plan. (Ex. C, TDM Technical Justification, p. 6) That justification confirms that transportation demand management programs are “designed to reduce *Vehicle Miles Traveled* by residents, tenants, employees, and visitors.” Thus, the DEIR is inadequate for failing to analyze potentially significant increase in visitor travel.

The DEIR also lacks a coherent and complete explanation of which retail uses would use the parking spaces being provided for retail uses. The DEIR contains numerical estimates of “Long-Term” and “Short-Term” proposed parking space supply for Retail, Sit-down and Composite retail uses. DEIR p. 4.C.118. Is the proposed Long-Term supply intended for employees of the retail uses and the proposed Short-Term supply intended for customers of the retail uses? Since it is a reasonable assumption that the proposed Short-Term supply is intended for customers of the retail uses, customers of the retail uses are expected to drive to the site, but the EIR inadequately lacks any estimate of the impact of that driving by retail customers on increased VMT, or the cumulative impact of retail customer driving with driving by customers of the adjacent Laurel Village Shopping Center. With respect to the mitigation measures proposed to reduce retail parking spaces, would those measures reduce long-term or short-term retail



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parking spaces?

The DEIR's analysis of the cumulative impact on VMT was also deficient for the reasons stated above.

The EIR also fails to analyze the combined or cumulative effect on VMT caused by the proposal to construct new project retail uses along two blocks of California Street that are immediately adjacent to the existing two-block long retail neighborhood shopping center of Laurel Village. The combination of the two adjacent shopping areas would likely attract more retail customers to the project area due to the potentially increased variety of retail uses and availability of a wider range of retail services including substantial amounts of new restaurant uses (both composite and sit-down) proposed for the project site. Due to the amount of potential added retail options that the proposed project would add to the area (54,117 gsf), the project area including the Laurel Village Shopping Center would likely become a shopping destination which would attract more customer traffic in combination than would occur with either component of the retail uses alone. Due to the increased attraction of retail customers to a retail shopping destination, the DEIR is seriously inadequate for failing to have analyzed the VMT likely caused by retail customers of the proposed project/variant as a project impact, and also as a cumulative impact on the VMT likely generated by the project retail uses in combination with the VMT generated by existing retail uses in the Laurel Village Shopping Center. The proposed addition of a Whole Foods market at the City Center on Geary Boulevard at Masonic, which is two blocks from the project site, together with the VMT caused by visitors to the Target store currently located at that site, and the visitors to the Trader Joe's market located on Masonic one block away from the project site, should also have been included in a cumulative impact analysis. In sum, based on my experience in shopping at Laurel Village, the proposed project could cause significantly increased VMT in the area of the proposed project because the area would become more of a shopping destination than it is presently. Thus, the EIR is inadequate for failure to estimate VMT from retail customers as an impact of the project and as a cumulative impact with VMT from existing customers of Laurel Village Shopping Center and other nearby commercial uses.

**7. Feasible Mitigation Should Be Adopted to Reduce the Project's Significant Impact on VMT and its Incremental Cumulative Effects on Regional VMT.**

The following Mitigation Measure should be adopted as a condition of approval of the proposed project/variant.

**MITIGATION MEASURE - NO RESIDENTIAL PARKING PERMITS FOR RESIDENTS OF, OR PERSONS WORKING AT, THE PROJECT.**

In order to reduce VMT from project residents or workers parking in the areas surrounding the project site, as a condition of approval, the project sponsor shall be

12  
(TR-4)  
cont'd

13  
(TR-5)

required to agree to a deed restriction recorded against the property providing that persons living at 3333 California Street and workers employed at 3333 California Street shall not be entitled to apply for a residential parking permit in the residential parking permit area that includes the 3333 California Street site, and the project sponsor shall be required to fund development of a program at the City agency that governs issuance of residential parking permits (currently believed to be MTA) in an amount not to exceed \$2 million (two million dollars) to be used to enable that agency to modify and screen applications for residential parking permits and identify persons residing or working at 3333 California Street who would not be eligible to apply for residential parking permits and to implement amendments to application procedures for residential parking permits sufficient to enable the agency to identify persons residing or working at 3333 California Street. This condition shall be incorporated into any approval of the project, including without limitation into any approval rendered by the Board of Supervisors or the Planning Commission.

13  
(TR-5)  
cont'd

## **8. The DEIR Inadequately Analyzes Whether the Proposed Project/Variant Would Cause Major Traffic Hazards.**

14  
(TR-7)

### **A. The Project Would Cause Significant Hazards of Collision with Oncoming Vehicles.**

Plan sheet C.4.03 shows that trucks with a 50-foot wheelbase would turn into the oncoming traffic lane/area when turning right from Euclid Avenue to onto Laurel Street, when travelling right at the curve of Laurel Street where it intersects Mayfair Drive, and when turning right from Laurel Street onto California Street. (Ex. V) At each of these locations, trucks with a 50-foot wheelbase would turn into the oncoming traffic lane/area. (Ex. V) At the curve of Laurel Street where it intersects Mayfair Drive, traffic often backs up onto northbound Laurel Street in peak hours and after school hours due to vehicles stopping on northerly bound Laurel Street while they are waiting to turn left into the Laurel Village Shopping Center. I have also seen vehicles traveling southbound on Laurel Street adjacent to the Laurel Village Shopping Center backup as they approach the entrance to the Laurel Village Shopping Center to the right, due to vehicle back-ups at the entrance to the Shopping Center. According to plan sheet C.403, a truck traveling northbound on the curve of Laurel Street which has a 50-foot wheelbase would turn into the oncoming traffic lane where vehicles southbound on Laurel Street back up, thereby creating a risk of collision. Such trucks turning right at the corner of Laurel Street eastbound onto California Street would also turn into the oncoming westbound traffic lane on California Street as they approach the 100-foot commercial loading zone proposed to be installed next to the bus stop on eastbound California Street. Such truck turns would also cause a collision hazard, because vehicles often back up in the eastbound lanes on California Street at the intersection of Laurel Street in the peak afternoon traffic periods. Plan Sheet C.4.06 shows that buses with a 40-foot wheelbase turning right in these areas would also turn into oncoming traffic lanes and have

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the same risk of collision. (Ex. V) The DEIR is inadequate because it failed to analyze adequately this traffic hazard impact and and analyze and adopt mitigation measures that could reduce the significant impact from causing major traffic hazards.

14  
(TR-7)  
cont'd

### **B. The Project Would Cause a Potentially Significant Hazard to Pedestrians.**

15  
(TR-8)

The DEIR failed to analyze adequately the significant hazard to pedestrians that would result from unloading operations conducted at the proposed 100-foot long commercial loading zone proposed to be installed on California Street adjacent to the project site. Preliminary Design 08/2018 and plan sheets C2.02 and L1.01 show that this 100-foot commercial loading zone would be adjacent to a "PEDESTRIAN ACCESS POINT" and the pedestrian sidewalk on California Street. (Ex. L) Trucks off-loading freight from this loading zone would likely cross the sidewalk to deliver freight to the site, and some such crossings would likely traverse that pedestrian access point. The proposed 100-foot commercial loading zone is adjacent to a major pedestrian access point in the proposed project. The off-loading of freight in this area could cause major hazards to pedestrians using the sidewalk in this area. The DEIR is inadequate because it failed to analyze this potentially significant impact and provide mitigation measures to avoid or substantially reduce this impact.

The following mitigation measure is feasible and would mitigate this hazard to a less than significant level:

**MITIGATION MEASURE.** All freight loading or unloading will be conducted in the underground garages provided in the proposed project/variant.

### **C. The Proposed Project/Variant Would Cause a Major Hazard From Vehicle Speed Reductions On Pine Street Approaching the Proposed Bulb-Out on Presidio Avenue at Pine Street Such that There Would be Increased Risk of Rear-End Collisions or Other Hazards.**

16  
(TR-7)

Sheet C2.02 shows a new proposed bulb-out would be installed adjacent to the right westbound traffic lane on Pine Street at the corner of Presidio Avenue and Pine Street. (Ex. L) Pine Street is a Major Arterial containing three one-way lanes of westbound travel. DEIR 4.C.5. During commute hours, traffic is very heavy on Pine Street westbound, with substantial vehicles traveling from downtown work locations. The proposed bulb-out at this location would cause traffic to slow down at the intersection of Pine Street and Presidio Avenue where visibility is already impaired due to the upward slope. Due to vehicles slowing down near this bulb-out, the proposed project would have increased risk of rear-end crashes or other hazards to vehicles traveling on this major artery and also could cause potential traffic back-ups which would also cause increased risk of collisions. The DEIR is inadequate for failing to analyze this potentially significant impact and mitigation measures that could reduce the impact to insignificance. The DEIR's claim that the project's proposed streetscape changes, including bulbouts, would not

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increase the risk of rear-end crashes or other hazards is conclusory and not supported by substantial evidence. The following mitigation measure would mitigate this impact to insignificance:

**MITIGATION MEASURE:** Eliminate the proposed bulb-out at the intersection of Pine Street and Presidio Avenue as shown in plan sheet C2.02.

**D. The DEIR Is Inadequate in Failing to Analyze the Potentially Significant Hazards From TNC and Delivery Vehicles Double-Parking Near Proposed Loading Zones.**

The five proposed new loading zones proposed to be installed on streets surrounding the project would attract TNCs and other delivery vehicles. Such vehicles are known to stop in the street when there is not an easily accessible or available turn-in area, such as when a loading zone is occupied. Literature previously discussed herein documents this hazard from TNCs. The DEIR fails to analyze adequately the traffic hazards caused by such vehicles potentially stopping in the street near the proposed project loading zones, including without limitation the increased hazards from the risk of collisions.

**E. The DEIR Fails to Analyze Potentially Significant Traffic Hazards From Vehicles Queueing at Project Site Driveways.**

The DEIR acknowledges that based on a review of existing conditions, the addition of project-generated traffic could result in queues and potential conflicts with existing traffic operations in the vicinity of the proposed Laurel Street driveway between California Street and Mayfair Drive with potential conflicts being between vehicles entering/exiting the Laurel Village Shopping Center surface parking lot and vehicles accessing the proposed project's below-grade parking garage from the Laurel Street northernmost driveway. DEIR p. 4.C.81. During times of peak demand, queues can spill back across the sidewalk and onto Laurel Street and affect operations of the adjacent, closely spaced intersections at California Street and at Mayfair Drive. *Ibid.* The DEIR included an improvement measure which is not binding for this impact. The DEIR is inadequate in failing to include as a binding mitigation measure the proposed queue abatement measures stated in Improvement Measure I-TR-3 and the following measure, which should be adopted as conditions of approval of the proposed project:

**MITIGATION MEASURE:** If significant queues develop on Laurel Street near the intersections of Mayfair Drive or California Street, entrance to the project garages on Laurel Street will be limited to residential occupants of the buildings along California Street. If such queues are reported to the Planning Director, the Planning Department will propose and support modifications to project approvals that will be sufficient to abate such queues to be approved by the Board of Supervisors, Planning Commission or other applicable authority.

16  
(TR-7)  
cont'd



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**MITIGATION MEASURE:** The terms of Improvement Measure I-TR-3: Driveway Queue Abatement at DEIR p. 4.C.82 are incorporated herein by reference as Mitigation Measures required as a condition of approval of the proposed project/variant.

16  
(TR-7)  
cont'd

## CONCLUSION

For the reasons set forth above, the DEIR is inadequate under CEQA and must be revised and the revision submitted for public comment.

Very truly yours,



Kathryn R. Devincenzi

ATTACHMENTS: Exhibits A - V

**EXHIBIT A**

**TRANSPORTATION IMPACT ANALYSIS GUIDELINES  
FOR ENVIRONMENTAL REVIEW**

October 2002

The Planning Department  
City and County of San Francisco



## II . Overview of Process and Procedures

These guidelines update and revise the *Guidelines for Environmental Review: Transportation Impacts* (July, 1991) and *Interim Transportation Impact Analysis Guidelines for Environmental Review* (January 2000), and supersede all previously published transportation analysis guidelines. This document reflects the most current data available regarding San Francisco travel characteristics. A major portion of the analysis guidance is based on the findings of the *Citywide Travel Behavior Survey - Employees and Employers* (May, 1993), the *Citywide Travel Behavior Survey - Visitor Travel Behavior* (August, 1993), and updates or enhancements to those reports. In addition, the *Guidelines* employ certain findings and assumptions from major San Francisco study reports, including those for: Mission Bay (Case No. 1996.771E; EIR certified September 17, 1998); Transbay Terminal/Caltrain Extension (Case No. 2000.048E); and Van Ness Avenue (Case No. 1987.586; EIR certified on December 17, 1987). The data in the Citywide Travel Behavior Study (CTBS) was subsequently confirmed by the 1995 *Citywide Travel Behavior Study* that was sponsored by the San Francisco County Transportation Authority.

It should be noted that these are only guidelines. It must not be assumed that the information provided herein constitutes a complete scope of work for any transportation analysis. The *Guidelines* provide a broad overview, while individual transportation study scopes of work are required to provide a level of detail tailored to fit the size and complexity of transportation issues associated with particular projects. Moreover, once a scope of work is prepared and approved under the direction of the Planning Department, the specific direction contained within that scope will provide a more precise focus than that which appears in these *Guidelines*.

For clarification, the following represents an overview of the process involved in the preparation of a transportation impact analysis for environmental review purposes. No estimate or assumption is made or inferred regarding time lines for the various steps.

- (1) The project sponsor or a designated representative files an Environmental Review (EE) application with the Planning Department following the instructions contained in that application form (available at the Department and on-line). When the application is accepted by the Department, a case number is assigned and a staff person from the Department's Major Environmental Analysis section is designated as the coordinator for environmental review. This individual will likely be different than the staff person handling the Transportation Impact Report. All Department staff assigned to the project will coordinate activities throughout the review process. Filing for environmental review generally (but not always) precedes starting the review of transportation issues.
- 2) Determination concerning whether a transportation impact report is required is based on the scale, location, and/or potential level of activity of the proposed



### 3. Travel Demand Analysis

Travel demand analysis shall include textual information, supported by tables or figures detailing the project's trip generation, trip distribution, trip assignment and modal split characteristics.

Net new travel demand generated by the project is to be estimated, based on the difference between existing and proposed land uses. Person trip generation rates per unit of square footage for each land use, or other unit as shown in Appendix C, are to be used for estimating levels of activity for the proposed project. The rates were developed by an examination of various studies and sources, including the Citywide Travel Behavior Study, the ITE Trip Generation manual and special purpose studies, many of which are specific to San Francisco. No single source or analysis provides, by itself, an adequate means to define trip generation for all the situations encountered in San Francisco. Trip generation rates may sometimes need to be determined by other means, such as surveys of similar land uses, if so specified in the scope of work.

To "net-out" existing land uses that will be replaced, the existing levels of trip activity should, in most cases, be based on actual observations rather than on estimates based on rates in these *Guidelines* or other sources.

Each analysis should apply the trip generation rates from the *Guidelines* individually to the proposed uses, compare the proposed trips to existing levels of trip activity, and show the differences ("net new") by land use and in aggregate.

The Travel Demand Analysis is to include the following, unless otherwise directed in the work scope (Note that different or additional analysis periods may be defined in the scope of work process.) :

- Trip Generation Information: Project trip generation information (total person trips) by land use for existing and proposed uses. The total unadjusted daily and P.M. peak hour trips by mode can be calculated. The number of daily and peak hour vehicles (autos) generated by the project should also be calculated by using the auto occupancy rates noted in the tables in Appendix E.
- Work and Non-Work Trip Generation Information: Since work and non-work trips have different characteristics in terms of distribution and the mode of travel, the number of work and non-work (visitor) trips should be calculated separately. Appendix C provides the methodology to compute the work and non-work

(visitor) trips for a specific land use.

- Trip Distribution, Assignment and Modal Split Information: Net new person trips distributed to various directions of travel and assigned to the appropriate modes of travel (auto, transit, walk, and other) should be calculated, presented in tables and a graphic diagram (for vehicle and transit trips), and discussed in the text. Modal assignments should also be calculated for daily and the P.M. Peak Hour.

The weekday P.M. Peak Period is generally 4:00-6:00, and traffic counts shall generally be conducted during this period, unless otherwise specified in the scope of work. The peak hour must be determined from the counts (normally recorded in 15 minute intervals) for the entire peak period, and should represent the single hour within the peak period with the highest counts. The Planning Department may also request data for other periods to reflect the peak period of trip generation by the land use.

## **4. Transportation Impact Analysis**

Analysis for all projects is to be conducted for project-specific impacts, and for cumulative impacts.

### **A. Traffic Impacts**

Project-Specific Impacts. The project generated traffic impacts must be calculated for intersections identified in the scope of work using the methodologies explained in Appendix B. LOS levels for the specified intersections must be discussed in the text and presented in a table showing Existing, Existing plus Project and Cumulative intersection levels of service. The traffic attributable to the project is normally assumed to be included in the cumulative forecast, and should not be added to the cumulative totals. The percent contribution of the project should be shown both as a percentage of the total cumulative traffic and as a percentage of the growth in traffic (cumulative less existing) for each intersection.

The specific intersections to be analyzed will be identified in the approved scope of work for the transportation analysis, and based on an initial assessment of areas that could be impacted by the project. When a wide area may be impacted, the intersections selected for analysis may only be those that would experience the greatest change or have the greatest likelihood of degrading to an unacceptable LOS with the addition of the project traffic.

Cumulative (Horizon Year) Impacts. The transportation impact analysis should present and discuss the cumulative traffic impacts. The horizon year (normally 10 to 20 years in the future, depending on the location) should be used for the cumulative analysis year unless otherwise specified in the scope of work. The analysis is to assume a growth factor of one percent per year for "background" traffic, unless an areawide cumulative

## Appendix C

## TRIP GENERATION METHODOLOGY

The trip generation approach in these "Guidelines" has been revised to reflect updated information that has become available since the 1991 version of the "Guidelines." The intent of this revised approach is to make the maximum use of relevant and refined data from the "Citywide Travel Behavior Survey" (CTBS) and other sources (such as the ITE "Trip Generation" reports, the San Francisco Land Use Database and transportation studies), and to better integrate trip generation with other aspects of the analysis process. As more refined data becomes available, it will also be incorporated into the methodology outlined here. Some of the changes may include the use of employee densities in the trip generation process, and the introduction of an adjustment factor to recognize linked and internal trips.

The essential data necessary for the calculation of trip generation is contained in Tables C-1 and C-2, and in the trip distribution, mode split, and auto occupancy tables contained in Appendix E. Multiple sources of information, as are cited in footnotes of Tables C-1 and C-2 and the "Selected Sources" were necessary to develop the rates and factors in the tables since no one source was complete in itself nor provided the linkage between the different collection and analysis methodologies. Some judgement derived from experience with San Francisco development and transportation activities was also applied to the development and refinement of the information. The tables in Appendix E are derived from the data in the CTBS reports.

The land uses in Tables C-1 and C-2 represent the majority of the projects being developed in San Francisco. However, there are a number of uses that might occur on an infrequent basis which are not specifically represented. In those cases, it may be appropriate to use other data sources or studies for trip generation rates which would be specified during the scoping process. Data sources could include field surveys or acceptable published data such as that from the Institute of Transportation Engineers (ITE) and the San Diego Association of Governments (SANDAG). In its *Trip Generation* publication, the Institute of Transportation Engineers (ITE) provides one of the largest sources of commonly used trip generation data. Most of this data, however, was collected in a suburban environment with low transit usage and land use and travel patterns different than San Francisco. Furthermore, the rates are based on vehicle trips as opposed to person trips, and there is no corresponding auto occupancy data for the sources. In some cases, it may be possible to use the data with an appropriate conversion to person trips. This would require the assumption of an auto occupancy rate and a percentage of non-auto trips. For example, if the auto occupancy rate were 1.3 and the "Other modes" trips were 10%, the conversion factor would be  $1.3/0.90$ , or 1.44. One hundred ITE vehicle trips would equate to 144 person trips.

## C-1



### NET NEW TRIPS: PROCEDURES FOR ADJUSTMENTS BASED ON EXISTING LAND USES ON THE PROJECT SITE

For project sites that are not vacant or were occupied until recently, adjustments to calculated daily and p.m. peak hour project-generated additional person trips may be made to account for the existing activities on a project site. Whenever feasible, any such adjustment should be based on conducting counts of actual existing commercial trip-making at the project site per specific direction from Planning Department MEA transportation staff. Unless surveys of existing modal splits and distributions are available or conducted, appropriate modal splits and distributions should be applied for the geographic area in which the project site is located in order to estimate net changes for each mode, e.g., vehicles, transit, walking, or other. Net new trips would be derived as follows:

- Calculated additional trips for the project (for daily & pm peak hour)
- Existing observed trips (from actual counts)
- = Net new trips

Whenever it would be impractical to conduct actual counts of existing commercial trip-making activity at a project site, e.g., because the business has recently ceased operations, procedures for estimating and netting out existing trips shall be developed only according to specific direction from Planning Department MEA transportation staff. Whenever the level of trip-making associated with previous uses appears to have been low and/or prior uses have been discontinued for a substantial period of time, application of the concept of net new trips would be inappropriate and the analysis should be based on estimates of trip generation for the proposed project without adjustments.

In cases of existing or recently discontinued residential uses proposed to be replaced by any type of new project, Planning Department residential trip rates from Appendix C and appropriate modal split/distribution census tract data based on procedures described in Appendix D should be applied to estimate existing trips. Net new trips should, in turn, be derived by subtracting existing trips from new trips estimated to be generated by the proposed project.

Whenever a project is proposed to replace an existing or recently discontinued parking facility, netting out existing trips linked to the parking facility is generally inappropriate. The inherent character of parking facilities is to accommodate vehicular trips generated by commercial (and sometimes residential) land uses in the vicinity and to concentrate these vehicular trips in immediate proximity to the parking facility's access points. The basic analytical presumption should be that drivers who have previously parked in a parking facility to be displaced by a proposed project will seek to find other parking nearby and thus these vehicular trips should be treated as remaining at the intersections within the project study area. Therefore, while some reassignments to reflect greater dispersal of vehicles previously using a parking facility on the project site may be appropriate, the reassigned vehicles should be assumed to remain in the project study area. Thus, netting out of vehicles associated with a parking facility on the project site is generally not appropriate. One clear exception to this presumption would apply when the proposed project would replace the underlying land use which primarily accounts for users of the associated parking facility. Appropriate treatment for other exceptional situations should be according to specific direction from Planning Department MEA transportation staff.

TABLE C-1  
TRIP GENERATION RATES & EMPLOYEE DENSITIES  
FOR TYPICAL LAND USES

LAND USE TYPE	TRIP RATES		EMPLOYEE DENSITY
	RATE PER LAND USE (1)	PM PEAK HOUR (% DAILY)	AVERAGE DENSITY PER EMPLOYEE (2)
Office			
General	18.1	8.5%	276
Government---			
Administrative	36.4	16.2%	276
Government---			
High Public Use	43.3	14.5%	276
General Retail	150.0	9.0%	350
Supermarket	297.0	7.3%	350
Eating/Drinking			
Quality Sit-Down	200.0	13.5%	350
Composite Rate	600.0	13.5%	350
Fast Food	1400.0	13.5%	240
Hotel/Motel	7/room	10.0%	0.9 employees/room (49% daytime work)
Manufacturing/Industrial	7.9	12.4%	567
Athletic Clubs	57.0	10.5%	---
Cineplex Theatres	1.13/seat	23.0%	0.023 employees/seat
Daycare Centers	67.0	18.0%	---
Residential (all types)			
2+ bedrooms	10.0/unit	17.3%	---
1 bedroom/studio	7.5/unit	17.3%	---
Senior Housing	5.0/unit	6.0%	---
Footnotes: (1) Trips per 1,000 gross square feet of space unless otherwise noted.			
(2) Average gross square feet of space per employee.			
Sources: San Francisco Citywide Travel Behavior Survey; Mission Bay 1990 FEIR; 525 Golden Gate FEIR; 1000 Van Ness FEIR; ITE Trip Generation, 6 <sup>th</sup> Edition			

TABLE C-2

## PERCENTAGE SPLITS BETWEEN WORK &amp; NON-WORK TRIPS

LAND USE TYPE	WORK/NON-WORK SPLIT	
	DAILY 24-HOUR PERIOD	PM PEAK HOUR
Office		
General	36%/64%	83%/17%
Government	20%/80%	83%/17%
Retail (including Supermarkets & Eating/Drinking Establishments)	4%/96%	4%/96%
Hotel/Motel	12%/88%	60%/40%
Manufacturing/Industrial	40%/60%	67%/33%
Residential	33%/67%	50%/50%
Sources: South of Market FEIR; Mission Bay 1990 FEIR		
For commercial uses, 100% of all work trips during the PM peak hour and 50% of all non-work trips during the PM peak hour should be treated as outbound.		
For residential uses, all PM peak work trips and 33% of all PM peak hour non-work trips should be treated as inbound to the project; resident inbound/outbound trip directions may or may not correspond to peak outbound regional travel direction.		



## TRIP DISTRIBUTION, MODE SPLIT AND TRIP ASSIGNMENT METHODOLOGY

The steps in the transportation analysis process following trip generation include trip distribution, mode split and trip assignment. Unless a travel demand model is used, the procedure described below should be followed.

### Commercial Land Uses

Once it is determined how many person trips are generated by a project, it is necessary to determine the travel mode for the trips, the number of vehicle (auto) trips, the distribution of the trips, and the assignment of the trips to the appropriate transportation network (e.g., street network or transit service). The modal split and distribution can vary by the type of trip (e.g., work or non-work (visitor)), and the land use at the destination (e.g., office, retail, other). To aid in the process, the tables in Appendix E have been prepared using data from the Citywide Travel Behavior Study (CTBS). The data is provided according to the location of the proposed commercial project: the four Superdistricts (SD) in San Francisco, plus the C-3 District within Superdistrict 1. Because the data has been compiled by generalized locations and categories, it may not provide the maximum possible precision for any one project. Overall, however, it provides an adequate representation, and its use will maintain a consistency and comparability between the analyses of different projects.

For the C-3 District, work trips are categorized "Office" and "All Other." The visitor (non-work) trips for the C-3 District are categorized as "Office," "Retail" and "All Other." For the four Superdistricts, there is one category for work trips and two categories for visitor trips: "Retail" and "All Other." Some other areas of the city (e.g., Van Ness Avenue) also have tables that were derived from studies for those areas.

The number of trips by mode can be derived by applying the "Mode %" figure to the total trips. In order to calculate the number of auto vehicle trips, the number of auto trips needs to be divided by the "Persons Per Auto." For the C-3 District, the number of auto vehicle trips equals the number of "Drive Alone" trips plus the "Rideshare" trips that have been divided by "Persons Per Auto, Rideshare."

The tables in Appendix E provide a general distribution of trips (e.g., SD-3, South Bay) which will be useful in directing certain trips to a particular freeway or transit screenline. A graphic representation of these general distributions normally aids in presenting the tabular data. In the next step, judgment must be used to assign the trips to particular links on the street network or to a transit screenline or a feeder bus line to the mainline corridor service. This information needs to be included in the study report, and a graphic presentation is especially important for the street network. Of course, consistency needs to be maintained between the tabular data

**TABLE E-4**  
**WORK TRIPS to SD-2 -- All**

	Distribution (%)	Mode (%)				Persons Per Auto
		Auto	Transit	Walk	Other	
<b>ALL ORIGINS</b>	<b>100.0</b>	<b>52.8</b>	<b>31.7</b>	<b>12.6</b>	<b>2.9</b>	<b>1.23</b>
<b>Superdistrict 1</b>	<b>8.4</b>	<b>39.3</b>	<b>40.7</b>	<b>16.7</b>	<b>3.3</b>	<b>1.19</b>
<b>Superdistrict 2</b>	<b>35.2</b>	<b>41.0</b>	<b>24.4</b>	<b>30.6</b>	<b>4.0</b>	<b>1.14</b>
<b>Superdistrict 3</b>	<b>15.8</b>	<b>49.9</b>	<b>48.0</b>	<b>0.0</b>	<b>2.1</b>	<b>1.25</b>
<b>Superdistrict 4</b>	<b>15.1</b>	<b>55.9</b>	<b>38.9</b>	<b>3.0</b>	<b>2.2</b>	<b>1.22</b>
<b>East Bay</b>	<b>7.1</b>	<b>67.4</b>	<b>31.0</b>	<b>0.0</b>	<b>1.6</b>	<b>2.02</b>
<b>North Bay</b>	<b>7.0</b>	<b>81.5</b>	<b>16.1</b>	<b>0.0</b>	<b>2.4</b>	<b>1.53</b>
<b>South Bay</b>	<b>10.6</b>	<b>69.9</b>	<b>27.5</b>	<b>0.0</b>	<b>2.6</b>	<b>1.21</b>
<b>Other</b>	<b>0.8</b>	<b>95.7</b>	<b>1.8</b>	<b>0.0</b>	<b>2.5</b>	<b>3.16</b>

**TABLE E-12**  
**VISITOR TRIPS to SD-2 -- RETAIL**

	ALL ORIGINS	Home-Based Origins	Work-Based Origins	All Other Origins	Persons Per Auto
<b>ALL VISITORS</b>					
Distribution (%)	100	45	19	36	1.88
Mode (%)					
Auto	64.3	62.0	63.3	67.6	
Transit	6.9	5.2	8.8	8.1	
Walk	26.2	30.4	25.9	21.0	
Other	2.6	2.4	2.0	3.3	
<b>SUPERDISTRICT 1 RESIDENTS</b>					
Distribution (%)	12	6	1	5	2.30
Mode (%)					
Auto	78.4	72.9	88.9	82.0	
Transit	8.5	10.8	11.1	4.9	
Walk	11.1	12.2	0.0	13.1	
Other	2.0	4.1	0.0	0.0	
<b>SUPERDISTRICT 2 RESIDENTS</b>					
Distribution (%)	55	29	9	17	1.57
Mode (%)					
Auto	56.5	54.5	56.9	59.9	
Transit	7.2	3.9	12.9	9.8	
Walk	34.5	39.8	29.3	28.1	
Other	1.8	1.8	0.9	2.2	
<b>SUPERDISTRICT 3 RESIDENTS</b>					
Distribution (%)	8	4	2	2	2.04
Mode (%)					
Auto	60.9	68.4	33.3	69.3	
Transit	10.0	8.3	12.5	11.5	
Walk	25.5	20.0	54.2	11.5	
Other	3.6	3.3	0.0	7.7	
<b>SUPERDISTRICT 4 RESIDENTS</b>					
Distribution (%)	7	3	2	2	2.49
Mode (%)					
Auto	81.2	75.7	77.3	90.3	
Transit	4.4	5.4	4.5	3.2	
Walk	10.0	13.5	9.1	6.5	

TABLE E-12 (continued)  
VISITOR TRIPS to SD-2 -- RETAIL

	ALL ORIGINS	Home-Based Origins	Work-Based Origins	All Other Origins	Persons Per Auto
<b>EAST BAY RESIDENTS</b>					
Distribution (%)	3	1	1	1	2.31
Mode (%)					
Auto	65.8	100.0	64.7	46.6	
Transit	9.8	0.0	0.0	26.7	
Walk	24.4	0.0	35.3	26.7	
Other	0.0	0.0	0.0	0.0	
<b>NORTH BAY RESIDENTS</b>					
Distribution (%)	2	0	1	1	2.13
Mode (%)					
Auto	81.2	0.0	75.0	87.5	
Transit	0.0	0.0	0.0	0.0	
Walk	18.8	0.0	25.0	12.5	
Other	0.0	0.0	0.0	0.0	
<b>SOUTH BAY RESIDENTS</b>					
Distribution (%)	5	2	1	2	3.47
Mode (%)					
Auto	95.1	100.0	86.7	96.0	
Transit	0.0	0.0	0.0	0.0	
Walk	4.9	0.0	13.3	4.0	
Other	0.0	0.0	0.0	0.0	
<b>OTHER RESIDENTS</b>					
Distribution (%)	8	0	2	6	1.87
Mode (%)					
Auto	62.5	0.0	70.4	59.7	
Transit	7.0	0.0	3.7	7.3	
Walk	20.9	0.0	18.5	22.0	
Other	9.6	0.0	7.4	11.0	

**TABLE E-13**  
**VISITOR TRIPS to SD-2 -- ALL OTHER**

	ALL ORIGINS	Home-Based Origins	Work-Based Origins	All Other Origins	Persons Per Auto
<b>ALL VISITORS</b>					
Distribution (%)	100	44	15	41	2.06
Mode (%)					
Auto	54.8	60.5	41.6	53.5	
Transit	23.4	23.8	17.6	25.1	
Walk	15.2	10.4	32.8	14.0	
Other	6.6	5.3	8.0	7.4	
<b>SUPERDISTRICT 1 RESIDENTS</b>					
Distribution (%)	13	8	2	3	1.93
Mode (%)					
Auto	41.7	46.1	26.7	40.0	
Transit	35.5	32.3	20.0	50.0	
Walk	16.4	18.5	26.7	6.7	
Other	6.4	3.1	26.6	3.3	
<b>SUPERDISTRICT 2 RESIDENTS</b>					
Distribution (%)	27	14	3	10	1.96
Mode (%)					
Auto	50.9	45.4	57.7	56.6	
Transit	23.7	24.4	15.4	25.3	
Walk	19.7	21.0	26.9	15.7	
Other	5.7	9.2	0.0	2.4	
<b>SUPERDISTRICT 3 RESIDENTS</b>					
Distribution (%)	14	6	2	6	2.05
Mode (%)					
Auto	57.1	65.5	36.8	58.0	
Transit	22.3	23.0	10.5	24.0	
Walk	9.9	1.9	42.2	6.0	
Other	10.7	9.6	10.5	12.0	
<b>SUPERDISTRICT 4 RESIDENTS</b>					
Distribution (%)	9	4	1	4	2.16
Mode (%)					
Auto	63.4	60.6	37.5	73.3	
Transit	32.4	36.4	37.5	26.7	
Walk	4.2	3.0	25.0	0.0	
Other	0.0	0.0	0.0	0.0	

TABLE E-13 (continued)  
VISITOR TRIPS to SD-2 -- ALL OTHER

	ALL ORIGINS	Home-Based Origins	Work-Based Origins	All Other Origins	Persons Per Auto
<b>EAST BAY RESIDENTS</b>					
Distribution (%)	11	4	3	4	2.20
Mode (%)					
Auto	52.2	77.1	24.0	46.8	
Transit	25.0	22.9	28.0	25.0	
Walk	14.1	0.0	44.0	6.3	
Other	8.7	0.0	4.0	21.9	
<b>NORTH BAY RESIDENTS</b>					
Distribution (%)	4	2	1	1	1.89
Mode (%)					
Auto	73.6	93.3	22.2	90.0	
Transit	8.8	6.7	11.1	10.0	
Walk	14.7	0.0	55.6	0.0	
Other	2.9	0.0	11.1	0.0	
<b>SOUTH BAY RESIDENTS</b>					
Distribution (%)	8	4	2	2	2.30
Mode (%)					
Auto	80.5	88.9	68.7	75.0	
Transit	8.3	8.3	6.3	10.0	
Walk	5.6	0.0	12.5	10.0	
Other	5.6	2.8	12.5	5.0	
<b>OTHER RESIDENTS</b>					
Distribution (%)	14	2	1	11	2.07
Mode (%)					
Auto	48.3	84.2	57.1	40.6	
Transit	19.7	10.5	14.3	21.9	
Walk	23.8	0.0	28.6	28.1	
Other	8.2	5.3	0.0	9.4	



**EXHIBIT B**

# Target Results Preview

*Initial Vision Scenario does two things:*

## 1. Creates more housing and more affordable housing

This is all “good” news for the targets:

- Meets the housing target
- Improves jobs-housing-transit alignment
- Reduces housing costs for low-income households

## 2. Brings more people into the region

This is both “good” and “bad” for the targets:

- New residents ride transit, walk and bike more than existing residents and GHG/capita and VMT/capita go down
- But they still drive. As a result, total VMT goes up, which increases collisions and particulate emissions from autos

# **Initial Vision Scenario: How was it developed?**

## **Housing Growth Distribution Criteria**

- Locally identified growth in Priority Development Areas or new Growth Opportunity Areas
- Additional housing units based upon a jurisdiction's selected Place Type for a PDA or Growth Area
- Greater housing density proximate to significant transit investments (Existing Transit or Resolution 3434 Transit Expansions)
- Major mixed-use corridors with high potential for transit-served, infill development

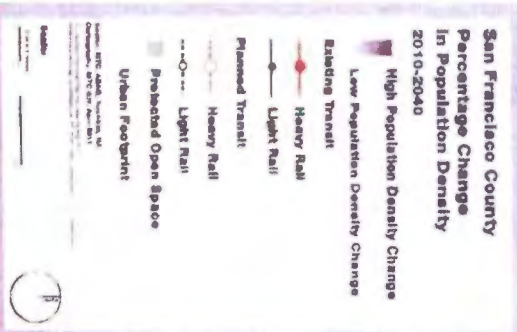
# BayArea Plan



San  
Francisco

Alameda

Emeryville



Planned Future Scenario

010503



City & County of San Francisco

## San Francisco's

### Transit-Focused Neighborhoods

Prepared for ABAG's *Focusing Our Vision*  
Priority Development Areas (PDAs) Program

#### ABAG Priority Development Areas (PDAs)\*

\* Includes

- > Better Neighborhoods & Area Plans (Planning Department)
- > Port development areas (Port of SF)
- > Redevelopment areas (Redevelopment Agency)
- > Special redvlpmt. areas (Mayor's Office, > 1/4 mile surrounding Neighborhood Commercial streets with high frequency transit service and within community plans > 1/4 mile radius around major rail/ferry stations within community plans

#### Muni

Bus network

Metro, streetcar, Central Subway (future)

Proposed Bus Rapid Transit (BRT)

#### BART

BART

#### Caltrain

Caltrain

#### Ferries

Ferry terminal

Proposed ferry terminal

#### Regional Transit Center

Transbay Transit Center



Data Sources: SFMTA, SFCTA, Planning Department  
Redevelopment Agency, Mayor's Office, Port of SF, SFGOV  
Date: 6/29/2007

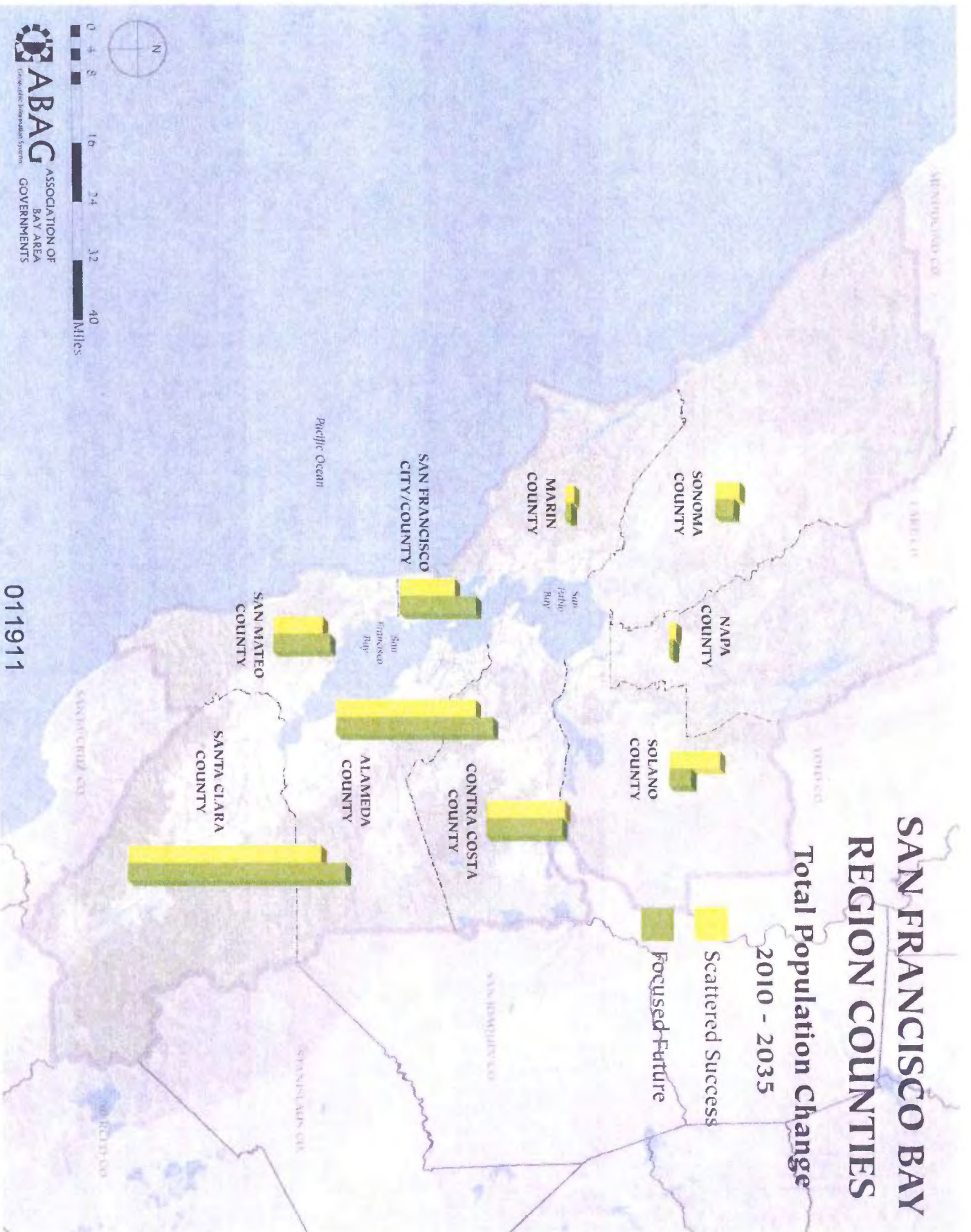
Map: SFMTA Long Range Planning

0 0.25 0.5  
Mile

010241







**EXHIBIT C**



# TRANSPORTATION DEMAND MANAGEMENT TECHNICAL JUSTIFICATION



JUNE 2016

UPTOWN SAN FRANCISCO



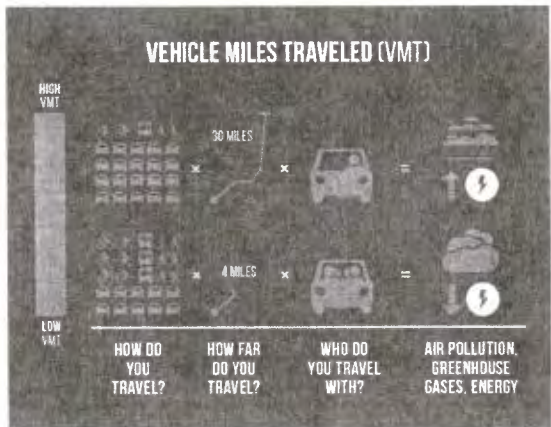
San Francisco  
Planning



SAN FRANCISCO

Vehicle Miles Traveled

Vehicle Miles Traveled measures the amount and distance vehicles would travel on the roadway as a result of a project or plan. An increase in Vehicle Miles Traveled results in an increase of emissions of air pollutants, including greenhouse gases, as well as increased consumption of energy.<sup>4</sup> Typically, development at a greater distance from other uses, located in areas with poor access to non-auto modes of travel, would generate more driving than one that is located proximate to other complementary uses and/or where there are transportation options other than the car.<sup>5</sup>



Shift

**Encourage Sustainable Travel.** The Shift component of the Transportation Sustainability Program creates a TDM Program through an ordinance amending the Planning Code. TDM measures are recognized as effective in reducing Vehicle Miles Traveled generated by projects by supporting transportation choices, including walking, bicycling, public or

private transit, car-share, carpooling and other sustainable modes. The TDM Program requires property owners to implement TDM measures that support project residents, tenants, employees, and visitors in making sustainable trip choices thereby reducing their Vehicle Miles Traveled.

The SHIFT component of the Transportation Sustainability Program is consistent with the approach being put forward by the Office of Planning and Research and SB 743, as well as numerous other local, regional, and state policies as described in Chapter 2 of the TDM Technical Justification. It is also consistent with best practices of other jurisdictions around the country, while being tailored to varying San Francisco settings.



<sup>4</sup> U.S. Environmental Protection Agency, *Our Built and Natural Environments 2nd Ed*, June 2013.  
<sup>5</sup> Office of Planning and Research, *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*, January 2016.



## Chapter 3

### Applicability and Targets

This chapter provides a justification for the TDM Program applicability, including exemptions and targets. In addition, this section describes a Cambridge, Massachusetts case study on which components of the TDM Program was modeled.

#### Land Use Categories and Accessory Parking

Planning Code Section 169 lists the types of Development Projects that the TDM Program applies to. Each Development Project is required to meet a target. The target is based upon the land use(s) associated with the Development Project and the number of Accessory Parking spaces proposed for the land use. The more *Accessory Parking* proposed for a land use, the higher the target for the Development Project to achieve.

The rationale for tying the target to Accessory Parking is based on relevant literature and local data collection, discussed further in Chapter 4 of the TDM Technical Justification, which indicate that areas with more parking are associated with more overall vehicular traffic than areas with less parking. Similarly, as discussed further in Chapter 4 of the TDM Technical Justification, individuals who do not have dedicated offsite parking at their origins or destinations are less likely to drive than those who do. Therefore, more incentives and tools to support non-auto modes and disincentives to using personal vehicles are needed at a site with a greater amount of Accessory Parking spaces than a site with fewer Accessory Parking spaces to encourage sustainable travel and reduce Vehicle Miles Traveled. These incentives, disincentives, and tools that affect mode choice are TDM measures. This approach does not restrict the ability of a property owner to build Accessory Parking up to existing Planning Code requirements or allowances; instead, it provides flexibility to property owners in developing a TDM Plan to reduce Vehicle Miles Traveled that best fits

the needs of the Development Project and neighborhood.

The purpose of trips made to land uses often varies. In order to simplify application of the TDM Program, definitions were classified into four land use categories based upon reducing Vehicle Miles Traveled from the primary trip generator associated with that land use.<sup>14</sup> The four land use categories were organized, based upon research, into categories representing a continuum from highest to lowest estimated number of vehicle trips per parking space provided for primary users (visitors and customers, employees, or residents): Land Use Category A represents uses with the highest rate of vehicle trips per parking space and Land Use Category D represents uses with the lowest rate of vehicle trips per parking space.



<sup>14</sup> Exceptions are schools and hospitals, where those trips and associated parking are much shorter in duration and are often a side trip within a larger tour. Therefore, the visitor/customer trips are more effectively influenced at the origin (e.g., home) and/or ultimate destination (e.g., work) of those tours. In addition, it may be necessary to accommodate driving trips for medical visits.

provision of off-street parking and the choice to drive among individuals traveling to or from the site (similar to the focus of one of the questions in the nine city United States study). Following data collection and an empirical review of the data, this research found that reductions in off-street vehicular parking for office, residential, and retail developments reduce the overall automobile mode share associated with those developments, relative to projects with the same land uses in similar contexts that provide more off-street vehicular parking.<sup>51</sup> In other words, more off-street vehicular parking is linked to more driving and that people without dedicated parking spaces are less likely to drive.

Based upon the recent research, besides Shuttle Bus Service, a reduced Parking Supply is the most effective TDM measure available in the menu. Therefore, for the purposes of the TDM Program, the maximum point value a Development Project could receive from the Parking Supply measure was assigned a high value of 11 points. Eleven options are provided for this TDM measure, depending upon the Development Project's parking supply compared to the neighborhood parking rate.

The neighborhood parking rate is number of existing Accessory Parking spaces provided per Dwelling Unit or per 1,000 square feet of non-residential uses for each transportation analysis zone within San Francisco. A full description of the methodology for estimating the neighborhood parking rate is included in Appendix B of the TDM Technical Justification document and may be refined over time. If a Development Project is parked at or below the neighborhood parking rate, the Development project would receive points for this TDM measure.<sup>52</sup>

Using the neighborhood parking rate as a basis for assigning points accounts for the variability in geography throughout San Francisco and the effect this can have on travel behavior. The purpose of the TDM Program is to reduce the Vehicle Miles Traveled that would be otherwise estimated to occur from new development (in SF-CHAMP or other transportation modeling software) based upon the new development's transportation analysis zone location. SF-CHAMP provides an estimate of Vehicle Miles Traveled at the geographic scale of a transportation analysis zone, but it does not include inputs for site level characteristics like TDM measures, including Accessory Parking supply. Although not an input into SF-CHAMP, based upon the recent research, the existing Accessory Parking supply within a transportation analysis zone has a relationship with the Vehicle Miles Traveled for that transportation analysis zone. Therefore, a new development would mostly likely not reduce Vehicle Miles Traveled as it relates to Parking Supply, if the new development is not parked at least at or below the neighborhood parking rate.

## Factors Rejected for Point Value Assignment

Other factors were considered in assigning point values, such as cost, other City policy goals, and Municipal Code requirements, but those factors were dismissed because they do not reflect the core purpose of the TDM Program of reducing Vehicle Miles Traveled. In regards to cost, the economics of each project will vary greatly as to whether the TDM measures selected for the project will result in an additional cost or cost savings. For example, the upfront cost of constructing a garage structure parking and underground parking is approximately \$50,000 to \$80,000 per space, respectively, in 2014

<sup>51</sup> Fehr and Peers, 2015b.

<sup>52</sup> In the future, as more research is conducted and as part of updates to the TDM Program Standards, Planning staff may recommend to the Planning Commission that Development

Projects parked above the neighborhood parking rate should receive negative points.



**EXHIBIT D**



# Memorandum

**Date:** 04.04.2016

**To:** Wade Wietgreffe, San Francisco Planning Department  
 Carli Paine, San Francisco Municipal Transportation agency

**From:** Drew Cooper, Michael Schwartz, San Francisco County Transportation Authority

**Subject:** Land Use Categories

The City and County of San Francisco recommends introduction of a Transportation Demand Management (TDM) ordinance which, if approved, will require developers to choose from a menu of improvements to reduce their project's impact on the transportation network through a reduction in vehicle miles traveled (VMT). While the goal of reduced VMT applies to all new development, the applicable measures and points target varies depending on the land use. With this in mind, the TDM Program (Program) has four (4) land use categories. Each use outlined in Section 102 of the Planning Code (Definitions) has been assigned to a category and must meet the requirements of that category.

The remainder of this memo describes the trips associated with the land use and parking spaces for each of the categories.

**Category A:** Land uses in Category A most closely reflect retail use. Sample land uses include formula retail, museums, entertainment venues, and grocery stores. Many Category A trips are associated with visitors and customers. These trips tend to be shorter in nature, and each parking space accommodates significantly more driving than parking spaces in other groups (see Attachment 1). TDM measures in this category are intended to reduce VMT from visitors and customers (as opposed to store employees), and the targets reflect the higher trip rate associated with each parking space.

**Category B:** Land uses in Category B most closely reflect office use. Sample land uses include Office, Child Care Facility, and School. While these uses may be associated with some visitor/customer trips, many of the trips will be made by employees and the TDM measures should focus on reducing employee related VMT. Since parking spaces associated with Category B land uses tend to have less turnover (and therefore lower VMT) than Category A, the Program assigns lower targets per parking space.

**Category C:** Projects in Category C reflect residential use. Parking spaces in Category C generate fewer trips than Category B, reflected in the Program targets. TDM measures for projects in this category target VMT reduction for residents.

**Category D:** Land uses in Category D are associated with the lowest amount of trip generation, due to lower employment density and a low rate of visitors/customers. Sample land uses in Category D include Manufacturing, Power Plant, and Shipyard. TDM measures for Category D target employee VMT reduction and Program targets are commensurately lower than all other categories.

## Attachment

### 1. Estimated Auto Trips Per Parking Space by Land Use, Results of 2014/15 SF Field Survey

cc: A. Ben-Pazi, R. Schuett – Planning  
M. Munowitch – SFMTA  
S. Cleveland-Knowles, A. Ruiz-Esquide -- CAO  
JC, RGR – File: TSP (TDM Ordinance)

Attachment 1

**Average Peak Period Auto Trips Per Parking Space**  
**Summer 2014/15 SF Field Data Collection**

	AM	PM	Combined
Residential	0.37	0.50	0.87
Retail	3.75	9.87	13.61
Ratio -- Retail:Residential	10.03	19.71	15.58

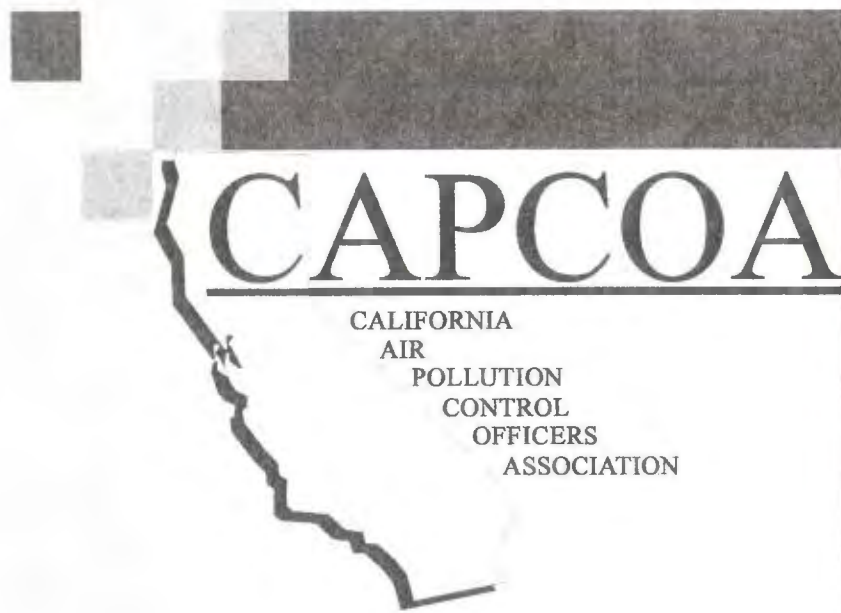
AM + PM Peak Period Auto Trips by Number of Parking  
Spaces at Residential Buildings



AM + PM Peak Period Auto Trips by Number of Parking  
Spaces at Retail Establishments



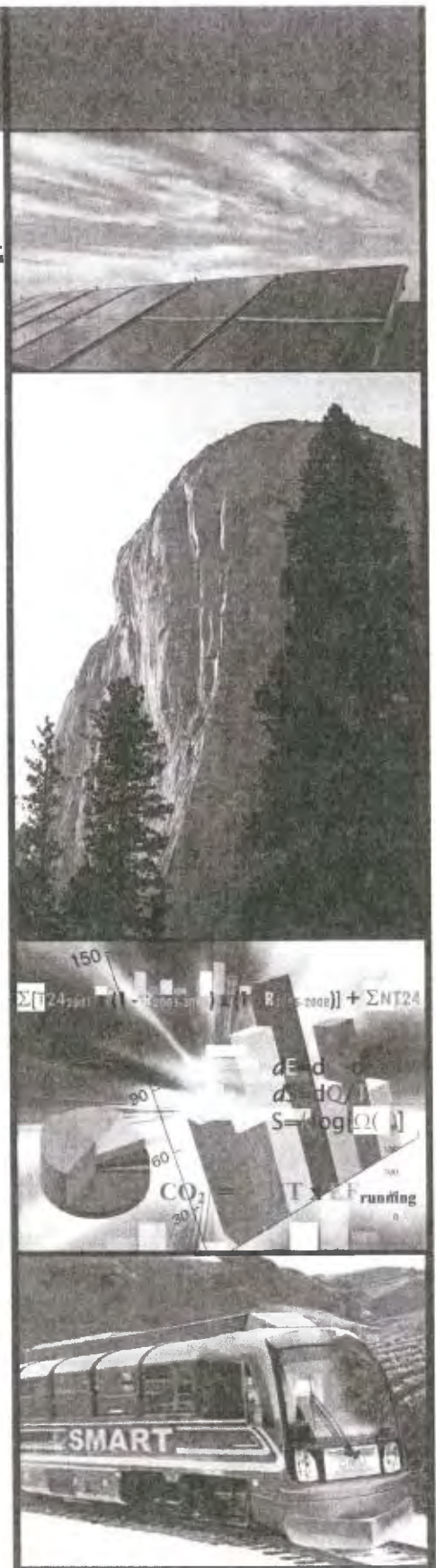
**EXHIBIT E**



# Quantifying Greenhouse Gas Mitigation Measures

A Resource for Local Government  
to Assess Emission Reductions from  
Greenhouse Gas Mitigation Measures

August, 2010





**Lack of Detailed Information:** The quantification methods provided in this report have been developed to allow them to be applied to a range of project conditions and still yield accurate and reliable results. In order to do this, the methods require data inputs that reflect the specific conditions of the project. Because the project has not yet been completed, however, certain information about the project will not be known and must be either estimated or assumed based on standard procedures. For example, at the time of the CEQA process a project proponent might know the number of residential dwelling units that will be in the project, but not know the actual square footage individual units will have. Similarly, while the project proponent may know a general type of non-residential land uses planned, these are often generalized categories such as retail and do not reflect the true diversity and range of source category parameters that would occur between the specific types of retail that the project eventually has. Nor can a project proponent predict specific appliances that will be in buildings or frequency of use. Further, most projects rely on generalized trip rate and trip lengths information that are not specific to the project; these estimates may over or underestimate the actual trip rates and trip lengths generated by the project. In each of these cases, estimates of future conditions are made based on accepted procedures and available data. This Report does not provide, or in any way alter, guidance on the level of detail required for the review or approval of any project. For the purposes of CEQA documents, the current CEQA guidelines address the information that is needed.<sup>2</sup>

The lack of precise and accurate data inputs limits the quality of the quantified project baseline and mitigated emissions, however. This limitation can be minimized to the extent the project proponent is able to provide better predictive data, or establish incentives, agreements, covenants, deeds, or other means of defining and restricting future uses to allow more precise estimates of the emissions associated with them. Some of these means of refining the data may also be creditable as mitigation of the project. The approval of any such enhancements of the data, or credit as mitigation, is at the discretion of the agency reviewing the project.

**Use of Case Studies:** One method of enhancing the data available for a project is the use of case studies. Case studies generally have detailed information regarding a particular effect. However, there are limitations of using this information to quantify emissions in other situations since adequate controls may not have been studied to separate out combined effects. There may be features or characteristics in the case-study that do not translate to the project and therefore may over or underestimate the GHG emission reductions. For the most part, case studies were not used as the primary source in the development of the quantification methods in this report. Where case studies were used to enhance underlying data, the studies were carefully reviewed to ensure that appropriate controls were used and the data meet the quality requirements of this Report.

<sup>2</sup> See: California Natural Resources Agency: 2007 CEQA Guidelines – Title 14 California Code of Regulations, Sections 15125, 15126.2, 15144, and 15146.

at these levels based on empirical evidence.<sup>4</sup> Maximums are provided for the location/development type of the project. The Global Maximum values can be found in the top row of Chart 6-2.

These include:

- Urban: 75% VMT
- Compact Infill: 40% VMT
- Suburban Center (or Suburban with NEV): 20%
- Suburban: 15% (limited empirical evidence available)

*Specific Rules for Subcategories within Transportation-* Because of the unique interactions of measures within the Transportation Category, each subcategory has additional rules or criteria for combining measures.

- ❖ **Land Use/Location Strategies – Maximum Reduction Factors:** Land use measures apply to a project area with a radius of ½ mile. If the project area under review is greater than this, the study area should be divided into subareas of radii of ½ mile, with subarea boundaries determined by natural “clusters” of integrated land uses within a common watershed. If the project study area is smaller than ½ mile in radius, other land uses within a ½ mile radius of the key destination point in the study area (i.e. train station or employment center) should be included in design, density, and diversity calculations. Land use measures are capped based on empirical evidence for location setting types as follows:<sup>5</sup>

- Urban: 65% VMT
- Compact Infill: 30% VMT
- Suburban Center: 10% VMT
- Suburban: 5% VMT

- ❖ **Neighborhood/Site Enhancements Strategies – Maximum Reduction Factors:** The neighborhood/site enhancements category is capped at 12.7% VMT reduction (with Neighborhood Electric Vehicles (NEVs)) and 5% without NEVs based on empirical evidence (for NEVs) and the multiplied combination of the non-NEV measures.
- ❖ **Parking Strategies – Maximum Reduction Factors:** Parking strategies should be implemented in one of two combinations:
  - Limited (reduced) off-street supply ratios plus residential permit parking and priced on-street parking (to limit spillover), or
  - Unbundled parking plus residential permit parking and priced on-street parking (to limit spillover).

<sup>4</sup> As reported by Holtzclaw, et al for the State of California. Note that CTR strategies must be converted to overall VMT reductions (from work-trip VMT reductions) before being combined with strategies in other categories.

<sup>5</sup> As reported for California locations in Holtzclaw, et al. “Location Efficiency: Neighborhood and Socioeconomic Characteristics Determine Auto Ownership and Use – Studies in Chicago, Los Angeles, and San Francisco.” *Transportation Planning and Technology*. 2002, Vol. 25, pp. 1–27.

## Transportation

MP# LU-1.7 &amp; LU-2.1.1.4

PDT-1

Parking Policy / Pricing

### 3.3 Parking Policy/Pricing

#### 3.3.1 Limit Parking Supply

**Range of Effectiveness:** 5 – 12.5% vehicle miles travelled (VMT) reduction and therefore 5 – 12.5% reduction in GHG emissions.

**Measure Description:**

The project will change parking requirements and types of supply within the project site to encourage “smart growth” development and alternative transportation choices by project residents and employees. This will be accomplished in a multi-faceted strategy:

- Elimination (or reduction) of minimum parking requirements<sup>52</sup>
- Creation of maximum parking requirements
- Provision of shared parking

**Measure Applicability:**

- Urban and suburban context
- Negligible in a rural context
- Appropriate for residential, retail, office, industrial and mixed-use projects
- Reduction can be counted only if spillover parking is controlled (via residential permits and on-street market rate parking) [See PPT-5 and PPT-7]

**Baseline Method:**

See introduction to transportation section for a discussion of how to estimate trip rates and VMT. The CO<sub>2</sub> emissions are calculated from VMT as follows:

$$\text{CO}_2 = \text{VMT} \times \text{EF}_{\text{running}}$$

Where:

VMT = vehicle miles traveled

EF<sub>running</sub> = emission factor for running emissions

**Inputs:**

The following information needs to be provided by the Project Applicant:

- ITE parking generation rate for project site
- Actual parking provision rate for project site

<sup>52</sup> This may require changes to local ordinances and regulations.



**Transportation**

MP# LU-1.7 &amp; LU-2.1.1.4

**PDT-1****Parking Policy / Pricing****Mitigation Method:**

$$\% \text{ VMT Reduction} = \frac{\text{Actual parking provision} - \text{ITE parking generation rate}}{\text{ITE parking generation rate}} \times 0.5$$

**Assumptions:**

Data based upon the following references:

- [1] Nelson\Nygaard, 2005. Crediting Low-Traffic Developments (p. 16)  
<http://www.montgomeryplanning.org/transportation/documents/TripGenerationAnalysisUsingURBEMIS.pdf>

All trips affected are assumed average trip lengths to convert from percentage vehicle trip reduction to VMT reduction (% vehicle trips = %VMT).

**Emission Reduction Ranges and Variables:**

Pollutant	Category Emissions Reductions <sup>53</sup>
CO <sub>2</sub> e	5 – 12.5% of running
PM	5 – 12.5% of running
CO	5 – 12.5% of running
NO <sub>x</sub>	5 – 12.5% of running
SO <sub>2</sub>	5 – 12.5% of running
ROG	3 – 7.5% of total

**Discussion:**

The literature suggests that a 50% reduction in conventional parking provision rates (per ITE rates) should serve as a typical ceiling for the reduction calculation. The upper range of VMT reduction will vary based on the size of the development (total number of spaces provided). ITE rates are used as baseline conditions to measure the effectiveness of this strategy.

Though not specifically documented in the literature, the degree of effectiveness of this measure will vary based on the level of urbanization of the project and surrounding areas, level of existing transit service, level of existing pedestrian and bicycle networks and other factors which would complement the shift away from single-occupant vehicle travel.

<sup>53</sup> The percentage reduction reflects emission reductions from running emissions. The actual value will be less than this when starting and evaporative emissions are factored into the analysis.

**Transportation**

MP# LU-1.7 &amp; LU-2.1.1.4

**PDT-1****Parking Policy / Pricing****Example:**

If the ITE parking generation rate for the project is 100 spaces, for a low range a 5% reduction in spaces is assumed. For a high range a 25% reduction in spaces is assumed.

- Low range % VMT Reduction =  $[(100 - 95)/100] * 0.5 = 2.5\%$
- High range % VMT Reduction =  $[(100 - 75)/100] * 0.5 = 12.5\%$

**Preferred Literature:**

To develop this model, Nelson\Nygaard [1] used the Institute of Transportation Engineers' *Parking Generation* handbook as the baseline figure for parking supply. This is assumed to be unconstrained demand. Trip reduction should only be credited if measures are implemented to control for spillover parking in and around the project, such as residential parking permits, metered parking, or time-limited parking.

**Alternative Literature:**

- 100% increase in transit ridership
- 100% increase in transit mode share

According to *TCRP Report 95, Chapter 18* [2], the central business district of Portland, Oregon implemented a maximum parking ratio of 1 space per 1,000 square feet of new buildings and implemented surface lot restrictions which limited conditions where buildings could be razed for parking. A "before and after" study was not conducted specifically for the maximum parking requirements and data comes from various surveys and published reports. Based on rough estimates the approximate parking ratio of 3.4 per 1,000 square feet in 1973 (for entire downtown) had been reduce to 1.5 by 1990. Transit mode share increased from 20% to 40%. The increases in transit ridership and mode share are not solely from maximum parking requirements. Other companion strategies, such as market parking pricing and high fuel costs, were in place.

**Alternative Literature Sources:**

[1] TCRP Report 95, Chapter 18: Parking Management and Supply: Traveler Response to *Transportation System Changes*. (p. 18-6)  
[http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp\\_rpt\\_95c18.pdf](http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_95c18.pdf)

**Other Literature Reviewed:**

None

## Transportation

## PDT-4

## Parking Policy / Pricing

**3.3.4 Require Residential Area Parking Permits**

**Range of Effectiveness:** Grouped strategy. (See PPT-1, PPT-2, and PPT-3)

**Measure Description:**

This project will require the purchase of residential parking permits (RPPs) for long-term use of on-street parking in residential areas. Permits reduce the impact of spillover parking in residential areas adjacent to commercial areas, transit stations, or other locations where parking may be limited and/or priced. Refer to Parking Supply Limitations (PPT-1), Unbundle Parking Costs from Property Cost (PPT-2), or Market Rate Parking Pricing (PPT-3) strategies for the ranges of effectiveness in these categories. The benefits of Residential Area Parking Permits strategy should be combined with any or all of the above mentioned strategies, as providing RPPs are a key complementary strategy to other parking strategies.

**Measure Applicability:**

- Urban context
- Appropriate for residential, retail, office, mixed use, and industrial projects

**Alternative Literature:**

- $-0.45$  = elasticity of vehicle miles traveled (VMT) with respect to price
- 0.08% greenhouse gas (GHG) reduction
- 0.09-0.36% VMT reduction

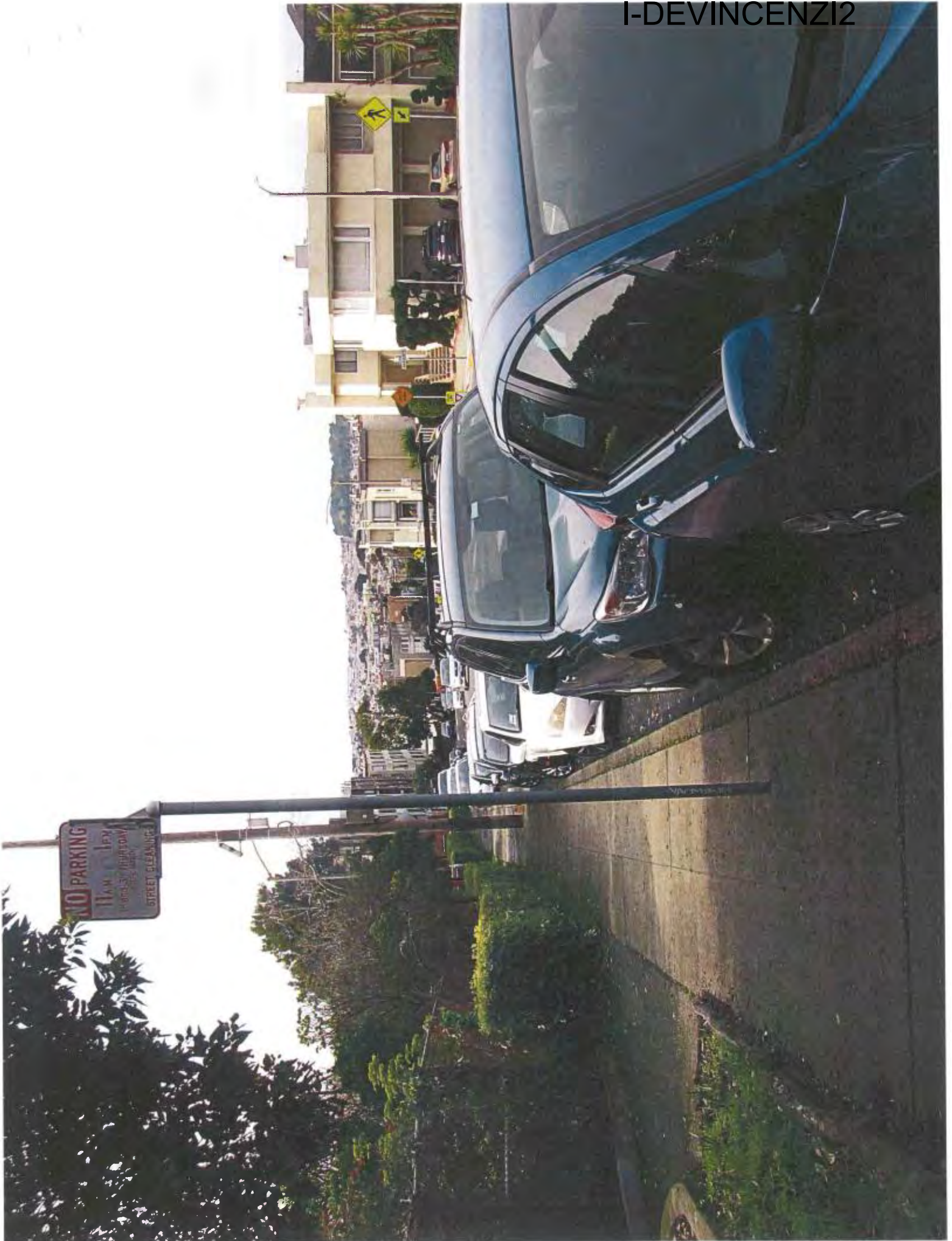
*Moving Cooler* [1] suggested residential parking permits of \$100-\$200 annually. This mitigation would impact home-based trips, which are reported to represent approximately 60% of all urban trips. The range of VMT reductions can be attributed to the type of urban area. VMT reductions for \$100 annual permits are 0.09% for large, high-density; 0.12% for large, low-density; 0.12% for medium, high-density; 0.18% for medium, low-density; 0.18% for small, high-density; and 0.12% for small, low-density. VMT reductions for \$200 annual permits are 0.18% for large, high-density; 0.24% for large, low-density; 0.24% for medium, high-density; 0.36% for medium, low-density; 0.36% for small, high-density; and 0.24% for small, low-density.

**Alternative Literature References:**

- [1] Cambridge Systematics. *Moving Cooler: An Analysis of Transportation Strategies for Reducing Greenhouse Gas Emissions. Technical Appendices.* Prepared for the Urban Land Institute.  
[http://www.movingcooler.info/Library/Documents/Moving%20Cooler\\_Appendix%20B\\_Effectiveness\\_102209.pdf](http://www.movingcooler.info/Library/Documents/Moving%20Cooler_Appendix%20B_Effectiveness_102209.pdf)



**EXHIBIT F**







**EXHIBIT G**

- [Home -](#)
- [NYC Parking -](#)
- [San Francisco Parking -](#)
- [Hoboken Parking -](#)
- [Oakland Parking -](#)
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Parking near Laurel Village Shopping Center

## Laurel Village Shopping Center Parking

3445 California St, San Francisco, CA 94118, USA

### PARKING OPTIONS (44)

- California Pacific Medical Center  
8 min walking  
Parking Garage  
\$8  
for 2h
- 47-53 Manzanita Ave SF  
2 min walking
- 3490a California St SF  
2 min walking  
Free
- 3490a California St SF  
2 min walking  
Free
- 47-53 Manzanita Ave SF

**EXHIBIT H**





## Selected Works of Rachel R Weinberger (/rachel\_weinberger/)

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Article

### Death by a Thousand Curb-cuts: Evidence on the effect of minimum parking requirements on the choice to drive

*Transport Policy* (2012)

Rachel R Weinberger, None

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## Abstract

Little research has been done to understand the effect of guaranteed parking at home –in a driveway or garage—on mode choice. The research presented here systematically examines neighborhoods in the three New York City boroughs for which residential, off-street parking is possible but potentially scarce. The research is conducted in two stages. Stage one is based on a Google Earth® survey of over 2,000 properties. When paired with the City's tax lot database, that survey served as the basis to estimate on-site parking for New York City neighborhoods. With parking availability estimated, a generalized linear model based on census tracts as the unit of analysis, is used to estimate the maximum likelihood parameters that predict the proportion of residents who drive to work in the Manhattan Core. The research shows a clear relationship between guaranteed parking at home and a greater propensity to use the automobile for journey to work trips even between origin and destinations pairs that are reasonably well and very well served by transit. Because journey to work trips to the downtown, for most cities, and New York City is no exception, are the most easily served by transit we infer from this finding that non-journey to work trips are also made disproportionately from these areas of high on-site parking.

## Disciplines

Environmental Policy (<http://network.bepress.com/social-and-behavioral-sciences/public-affairs-public-policy-and-public-administration/environmental-policy>),  
 Infrastructure (<http://network.bepress.com/social-and-behavioral-sciences/public-affairs-public-policy-and-public-administration/infrastructure>),  
 Policy Design, Analysis, and Evaluation (<http://network.bepress.com/social-and-behavioral-sciences/public-affairs-public-policy-and-public-administration/policy-design-analysis-and-evaluation>),  
 Transportation (<http://network.bepress.com/social-and-behavioral-sciences/public-affairs-public-policy-and-public-administration/transportation>) and  
 Urban Studies and Planning (<http://network.bepress.com/social-and-behavioral-sciences/urban-studies-and-planning>)

## Publication Date

2012

## Citation Information

Rachel R Weinberger. "Death by a Thousand Curb-cuts: Evidence on the effect of minimum parking requirements on the choice to drive" *Transport Policy* Vol. 20 (2012)  
 Available at: [http://works.bepress.com/rachel\\_weinberger/8/](http://works.bepress.com/rachel_weinberger/8/)

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**EXHIBIT I**



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# Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA

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Implementing Senate Bill  
743 (Steinberg, 2013)

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January 20, 2016

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**Residential and Office Projects.** A tour-based analysis is usually the best way to analyze VMT associated with residential and office projects. Where tour-based models are employed for office project analyses, because workplace location influences overall travel, either employee work tour VMT or VMT from all employee tours may be attributed to the employment center (and the same should be used to set the significance threshold). For this reason, screening maps (discussed in more detail below) using tour-based regional travel demand models can be used where they are available. Where tour-based tools or data are not available for all components of an analysis, an assessment of trip VMT can serve as a reasonable proxy. For example, where research-based evidence on the efficacy of mitigation measures is available for trip-based, then estimating the threshold, analyzing unmitigated project VMT, and mitigation would all need to be undertaken using a trip-based methods, for an apples-to-apples comparison. In this case, home based trips can be the focus for analysis of residential projects; home-based work trips can be the focus of the analysis for office projects.

For office projects that feature a customer component, such as a government office that serves the public, a lead agency can analyze the customer VMT component of the project using the methodology for retail development (see below).

Models and methodologies used to calculate thresholds, estimate project VMT, and estimate VMT reduction due to mitigation should be comparable. For example:

- A tour-based estimate of project VMT should be compared to a tour-based threshold, or a trip-based estimate to a trip-based VMT threshold.
- Where a travel demand model is used to estimate thresholds, the same model should also be used to estimate trip lengths as part of estimating project VMT
- Where only trip-based estimates of VMT reduction from mitigation are available, a trip-based threshold should be used

**Retail Projects.** Lead agencies should usually analyze the effects of a retail project by assessing the change in total VMT, because a retail projects typically re-route travel from other retail destinations. A retail project might lead to increases or decreases in VMT, depending on previously existing retail travel patterns.

**Considerations for All Projects.** Lead agencies should not truncate any VMT analysis because of political or other boundaries. CEQA requires environmental analyses to reflect a "good faith effort at full disclosure." (CEQA Guidelines § 15151.) Thus, where methodologies exist that can estimate the full extent of vehicle travel from a project, the lead agency should apply them to do so. Analyses should also consider both short- and long-term effects on VMT.

January 20, 2016

## General Principles to Guide Consideration of VMT Thresholds

The CEQA Guidelines set forth the general rule for determining significance:

The determination of whether a project may have a significant effect on the environment calls for **careful judgment** on the part of the public agency involved, **based to the extent possible on scientific and factual data**. An ironclad definition of significant effect is not always possible because **the significance of an activity may vary with the setting**. For example, an activity which may not be significant in an urban area may be significant in a rural area.

(CEQA Guidelines § 15064(b) (emphasis added).) SB 743 directs OPR to establish specific “criteria for determining the significance of transportation impacts of projects[.]” (Pub. Resources Code § 21099(b)(1).)

As noted above, CEQA Guidelines Section 15064(b) confirms that context matters in a CEQA analysis. Further, lead agencies have discretion in the precise methodology to analyze an impact. (*See Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 409 (“the issue is not whether the studies are irrefutable or whether they could have been better” ... rather, the “relevant issue is only whether the studies are sufficiently credible to be considered” as part of the lead agency’s overall evaluation).) Therefore, lead agencies may perform multimodal impact analysis that incorporates those technical approaches and mitigation strategies that are best suited to the unique land use/transportation circumstances and specific facility types they are evaluating. For example, pedestrian safety need not be addressed on the mainline portion of a limited access freeway that prohibits pedestrian travel. Likewise, where multimodal transportation is to be expected, analysis might address safety from a variety of perspectives.

To assist in the determination of significance, many lead agencies rely on “thresholds of significance.” The CEQA Guidelines define a “threshold of significance” to mean “an identifiable **quantitative, qualitative or performance level** of a particular environmental effect, non-compliance with which means the effect will **normally** be determined to be significant by the agency and compliance with which means the effect **normally** will be determined to be less than significant.” (CEQA Guidelines § 15064.7(a) (emphasis added).) Agencies may adopt their own, or rely on thresholds recommended by other agencies, “provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.” (*Id.* at subd. (c).) Substantial evidence means “**enough relevant information** and reasonable inferences from this information that a fair argument can be made to **support a conclusion, even though other conclusions might also be reached.**” (*Id.* at § 15384 (emphasis added).)

Thresholds of significance are not a safe harbor under CEQA; rather, they are a starting point for analysis:

[T]hresholds cannot be used to determine automatically whether a given effect will or will not be significant. Instead, thresholds of significance can be used only as a measure of whether a certain environmental effect “will normally be determined to be significant” or “normally will be determined to be less than significant” by the agency. ... In each instance, notwithstanding compliance with a pertinent threshold of significance,



January 20, 2016

the agency must still consider any fair argument that a certain environmental effect may be significant.

(*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1108-1109.)

Finally, just as the determination of significance is ultimately a “judgment call,” the analysis leading to that determination need not be perfect. The CEQA Guidelines describe the standard for adequacy of environmental analyses:

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.

(CEQA Guidelines § 15151 (emphasis added).)

These general principles guide OPR’s recommendations regarding thresholds of significance for vehicle miles traveled set forth below.

#### D. Recommendations Regarding Significance Thresholds

Section 21099 of the Public Resources Code states that the criteria for determining the significance of transportation impacts must promote: (1) reduction of greenhouse gas emissions; (2) development of multimodal transportation networks; and (3) a diversity of land uses.

Various state policies establish quantitative greenhouse gas emissions reduction targets. For example:

- Assembly Bill 32 requires statewide greenhouse gas reductions to 1990 levels by 2020, and continued reductions beyond 2020.
- Pursuant to Senate Bill 375, the California Air Resources Board establishes greenhouse gas reduction targets for metropolitan planning organizations to achieve based on land use patterns and transportation systems specified in Regional Transportation Plans and Sustainable Community Strategies. Targets for the largest metropolitan planning organizations range from 13% to 16% reduction by 2035.
- Executive Order B-30-15 sets a GHG emissions reduction target of 40 percent below 1990 levels by 2030.
- Executive Order S-3-05 sets a GHG emissions reduction target of 80 percent below 1990 levels by 2050.
- Executive Order B-16-12 specifies a GHG emissions reduction target of 80 percent below 1990 levels by 2050 specifically for transportation.

January 20, 2016

than significant transportation impact. (In other words, a project that generates greater than 85 percent of regional per capita VMT, but less than 85 percent of city-wide per capita VMT, would still be considered to have a less than significant transportation impact.) Residential development in unincorporated county areas generating VMT that exceeds 15 percent below VMT per capita in the aggregate of all incorporated jurisdictions in that county, *and* exceeds 15 percent below regional VMT per capita, may indicate a significant transportation impact. These thresholds can be applied to both household (tour-based) VMT and home-based (i.e. trip-based) VMT assessments.

**Recommended threshold for office projects:** A project exceeding a level of 15 percent below existing *regional VMT per employee* may indicate a significant transportation impact.

Office projects that would generate vehicle travel exceeding 15 percent below existing VMT per employee for the region may indicate a significant transportation impact. In cases where the region is substantially larger than the geography over which most workers would be expected to live, it might be appropriate to refer to a smaller geography, such as the county. Tour-based analysis of office project VMT, for example development of a tour-based screening map, typically should consider either total employee VMT or employee work tour VMT. Where tour-based information is unavailable for threshold determination, project assessment, or assessment of mitigation, home-based work trip VMT may be used throughout the analysis to maintain an “apples-to-apples” comparison.

**Recommended threshold for retail projects:** A net increase in total VMT may indicate a significant transportation impact

Because new retail development typically redistributes shopping trips rather than creating new trips,<sup>7</sup> estimating the total change in VMT (i.e. the difference in total VMT in the area affected with and without the project) is the best way to analyze a retail project’s transportation impacts.

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

---

framed in terms of efficiency is superior to a simple numerical threshold because CEQA is not intended as a population control measure”).)

<sup>6</sup> As used in these recommendations, the term “regional” refers to the metropolitan planning organization or regional transportation planning agency boundaries within which the project would be located.

<sup>7</sup> Lovejoy et al. 2012.

January 20, 2016

accessibility created by transportation infrastructure investments (whether at the project or program level), the resulting changes in VMT might provide an appropriate basis for tiering.

*Mitigation and alternatives.*

Induced VMT has the potential to reduce or eliminate congestion relief benefits, increase VMT, and increase other environmental impacts that result from vehicle travel. If those effects are significant, the lead agency will need to consider mitigation or alternatives. In the context of increased travel induced by capacity increases, appropriate mitigation and alternatives that a lead agency might consider include the following:

- Tolling new lanes to encourage carpools and fund transit improvements
- Converting existing general purpose lanes to HOV or HOT lanes
- Implementing or funding travel demand management offsite
- Implementing Intelligent Transportation Systems (ITS) strategies to improve passenger throughput on existing lanes

Tolling and other management strategies can have the additional benefit of preventing congestion and maintaining free-flow conditions, conferring substantial benefits to road users as discussed above.

F. Analyzing Safety Impacts Related to Transportation

Public Resources Code section 21099 suggests that while automobile delay is not an environmental impact, lead agencies may still evaluate project impacts related to safety. The CEQA Guidelines currently suggest that lead agencies examine projects' potential to "[s]ubstantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)".

As with any other potential impact, CEQA requires lead agencies to make a judgment call "based to the extent possible on scientific and factual data." (State CEQA Guidelines § 15064(b).) Also like any other potential impact, "the significance of an activity may vary with the setting." (Ibid.) Lead agencies must base their evaluations of safety on objective facts, and not personal or subjective fears. The purpose of this section is to review some relevant considerations in evaluating potential transportation-related safety impacts.

Transportation by its nature involves some degree of collision risk. Every project will affect transportation patterns, and as a result may involve some redistribution of that risk.

Lead agencies may consider whether a project may cause substantially unsafe conditions for various roadway users. This section is not intended to provide a comprehensive list of potential transportation safety risks, but rather guidance on how to approach safety analysis given numerous potential risks.

Generally:

- Safety analysis in CEQA should focus on risk of fatality or injury, rather than property damage.
- Lead agencies should focus on concerns that affect many people, not just an individual.

**EXHIBIT J**





08.17.2017  
PLANNING APPLICATION SUBMITTAL

**3333 CALIFORNIA STREET** SAN FRANCISCO, CA

**SKS** | JAMES CORNER FIELD OPERATIONS

**ARUP BAR architects**

**JENSEN**

**SCE**

JENSEN

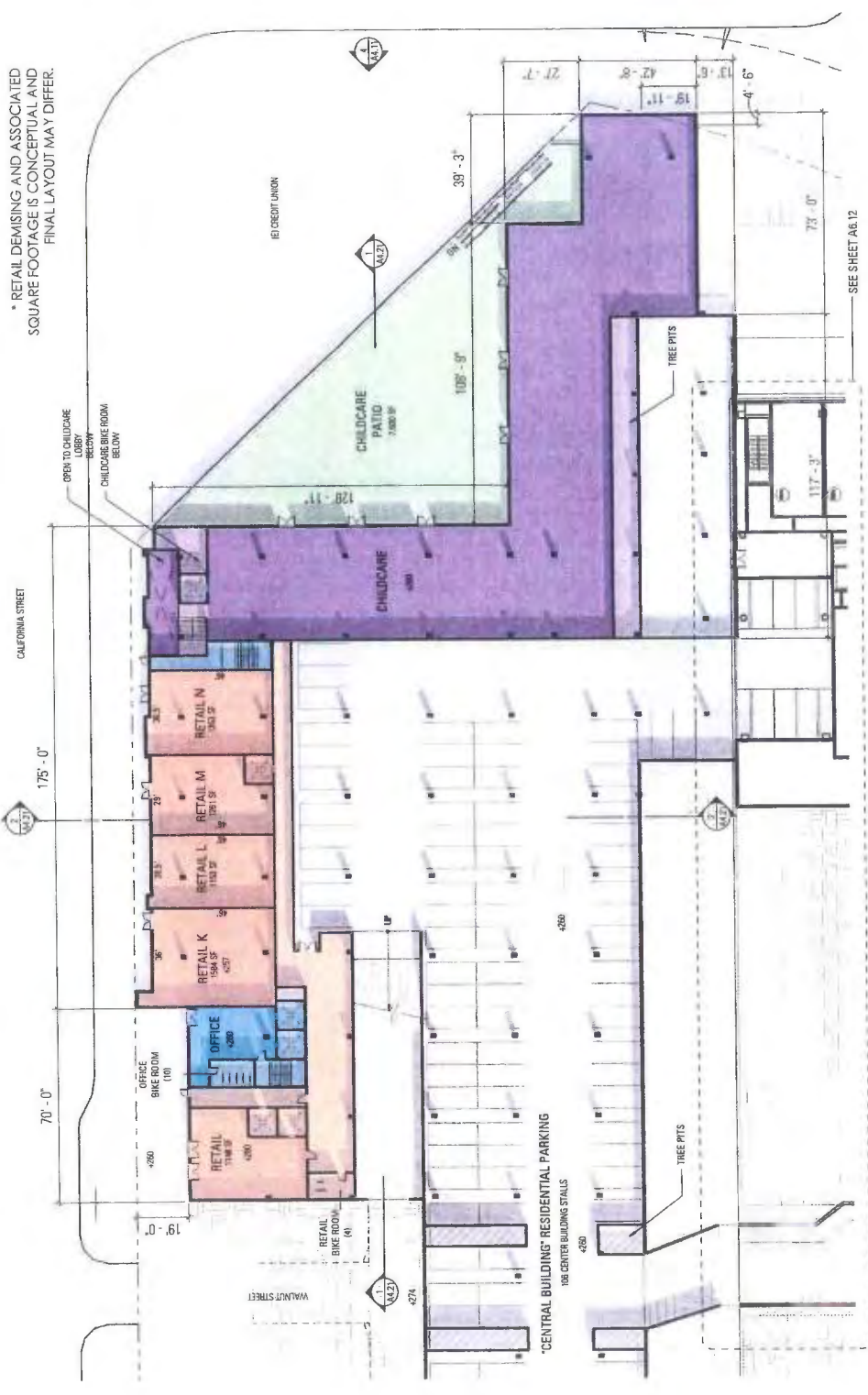
ARUP BAR architects



**JAMES  
CORNER  
FIELD  
OPERATIONS**



\* RETAIL DEMISING AND ASSOCIATED  
SQUARE FOOTAGE IS CONCEPTUAL AND  
FINAL LAYOUT MAY DIFFER.



PLAN LEVEL B1 +260'  
SEE SHEET A1.03 FOR MORE INFORMATION

- CHILD CARE  
USABLE  
S.O.H.
  - RETAIL  
USABLE  
S.O.H.
  - OFFICE  
CORE
  - RESIDENTIAL  
CORE
  - RESIDENTIAL  
HOMES
  - LANDSCAPED  
ROOF
- LEGEND INTENDED FOR USE ONLY  
WHERE PLANS ARE REPRODUCED  
IN COLOR



"WALNUT" BUILDING PLANS - B1  
A4.02

3333 CALIFORNIA STREET SAN FRANCISCO, CA

Logos for S&S, JENSEN SCP, and ARUP BAR architects.

08.17.2017  
PLANNING APPLICATION SUBMITTAL



**RECEIVED**

JAN 08 2019

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

3333 California Street, Mixed-use Project

Devincenzi Comments on Draft Environmental Impact Report

Planning Department Case No: 2015-014028ENV

Exhibits to Transportation Comments Part 2, Exhibits K-V

**EXHIBIT K**

## CITY PLANNING COMMISSION

## RESOLUTION NO. 4109

RESOLVED, That Proposal No. Z-52.62.2, an application to change the Use District Classification of the hereinafter described parcel of land from a First Residential District to a Commercial District, be, and the same is hereby APPROVED; subject to the stipulations submitted by the applicant and set forth herein:

Commencing at a point on the S/L of California Street distant thereon 187 feet west of the W/L of Presidio Avenue (produced), thence westerly on said line 707.375 feet to a curve to the left having a radius of 15 feet, thence 23.562 feet measured on the arc of the curve to the left to the E/L of Laurel Street, thence southerly on the E/L of Laurel Street 127.227 feet to the curve to the left having a radius of 60 feet, thence 77.113 feet measured on the arc of the curve to the left to a curve to the right having a radius of 120 feet, thence 149.153 feet measured on the arc of the curve to the right to a curve to the right having a radius of 4033 feet, thence 388.710 feet measured on the arc of the curve to the right to a curve to the left having a radius of 20 feet, thence 35.186 feet measured on the arc of the curve to the left to the northwest line of Euclid Avenue, thence N 73° 12' E on the northwest line of Euclid Avenue 512.934 feet to a curve to the left having a radius of 65 feet, thence 42.316 feet, measured on the arc of the curve to the left to the northwesterly line of Masonic Avenue (proposed extension), thence N 35° 54' E, 380.066 feet to the arc of a curve to the left having a radius of 425 feet, thence 254.176 feet measured on the arc of the curve to the left, thence N 52° 36' 29.74" W, 252.860 feet to the point of commencement. Being the major portion of Lot 1A, Block 1032, containing 10.2717 acres, more or less.

RESOLVED, FURTHER, That this change shall be and at all times remain contingent upon observance by the owner or owners and by his or their successors in interest of the conditions contained in the following stipulations as to the use of the land affected.

1. The character of the improvement for commercial purposes of the subject property, or any portion thereof, shall be limited to a building or buildings designed as professional, institutional or office buildings, including service buildings which are normally accessory thereto.
2. The aggregate gross floor area of all such buildings, calculated exclusive of cellars, of basement areas used only for storage or services incidental to the operation and maintenance of a building, and of indoor or other covered automobile parking space, shall not exceed the total area of the property allotted to such use.

- 2 -

3. For each five hundred square feet of gross floor area in such buildings, calculated as in stipulation 2, above, there shall be reserved and kept available on the property or the portion thereof allotted to such use, one off-street automobile parking space, or equivalent open space suitable for the ultimate provision of such parking space as needed for the accommodation of users of the premises.

4. No such building, other than a minor accessory building having a floor area of not more than 400 square feet, shall occupy any portion of the property which is within 100 feet of the line of the Euclid Avenue boundary thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.

5. If the subject property, or any portion thereof, is developed as a site for residential buildings, such buildings shall be limited as follows:

a. No residential building other than a one-family dwelling or a two-family dwelling shall occupy any portion of the property which is within 100 feet of the Euclid Avenue boundary line thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.

b. No dwelling within the said described portion of the subject area shall occupy a parcel of land having an area of less than thirty three hundred (3300) square feet, nor shall any such dwelling cover more than fifty percent (50%) of the area of such parcel or be less than twelve (12) feet from any other such dwelling, or be set back less than ten (10) feet from any presently existing or future public street, or have a height in excess of forty (40) feet, measured and regulated as set forth in pertinent section of the Building Code of the City and County of San Francisco.

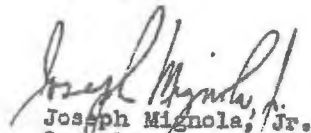
c. No residential building in other portions of the subject property shall have a ground coverage in excess of fifty percent (50%) of the area allotted to such building.

6. Development of the subject property, or of any separate portion thereof, for commercial use as stipulated herein, shall include provisions for appropriate and reasonable landscaping of the required open spaces, and prior to the issuance of a permit for any building or buildings there shall be submitted to the City Planning Commission, for approval as to conformity with these stipulations, a site plan showing the character and location of the proposed

- 3 -

building or buildings, and related parking spaces and landscaped areas upon the property, or upon such separate portion thereof as is allotted to such building or buildings. It shall be understood that approval of any such plan shall not preclude subsequent approval by the Commission of a revised or alternative plan which conforms to these stipulations.

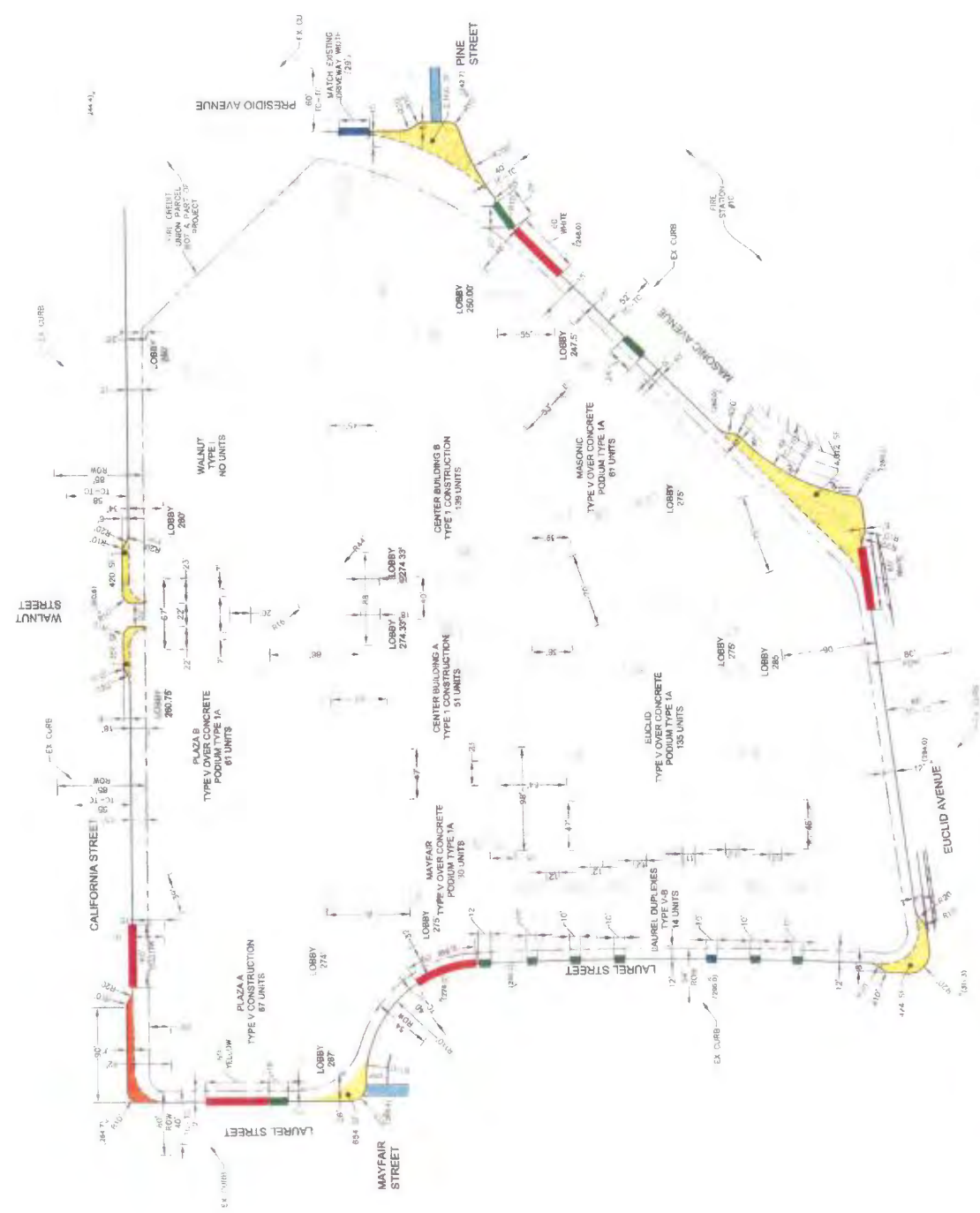
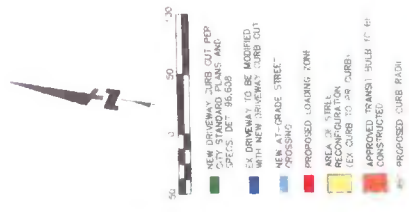
I hereby certify that the foregoing resolution was adopted by the City Planning Commission at its special meeting on November 13, 1952, and I further certify that the stipulations set forth in the said resolution were submitted in a written statement placed on file.

  
Joseph Mignola, Jr.  
Secretary

Ayes : Commissioners Kilduff, Towle, Devine, Williams  
Noes : None  
Absent: Commissioners Brooks, Lopez, Prince  
Passed: November 13, 1952

**EXHIBIT L**





PROPOSED SITE PLAN AND HORIZONTAL CONTROL PLAN

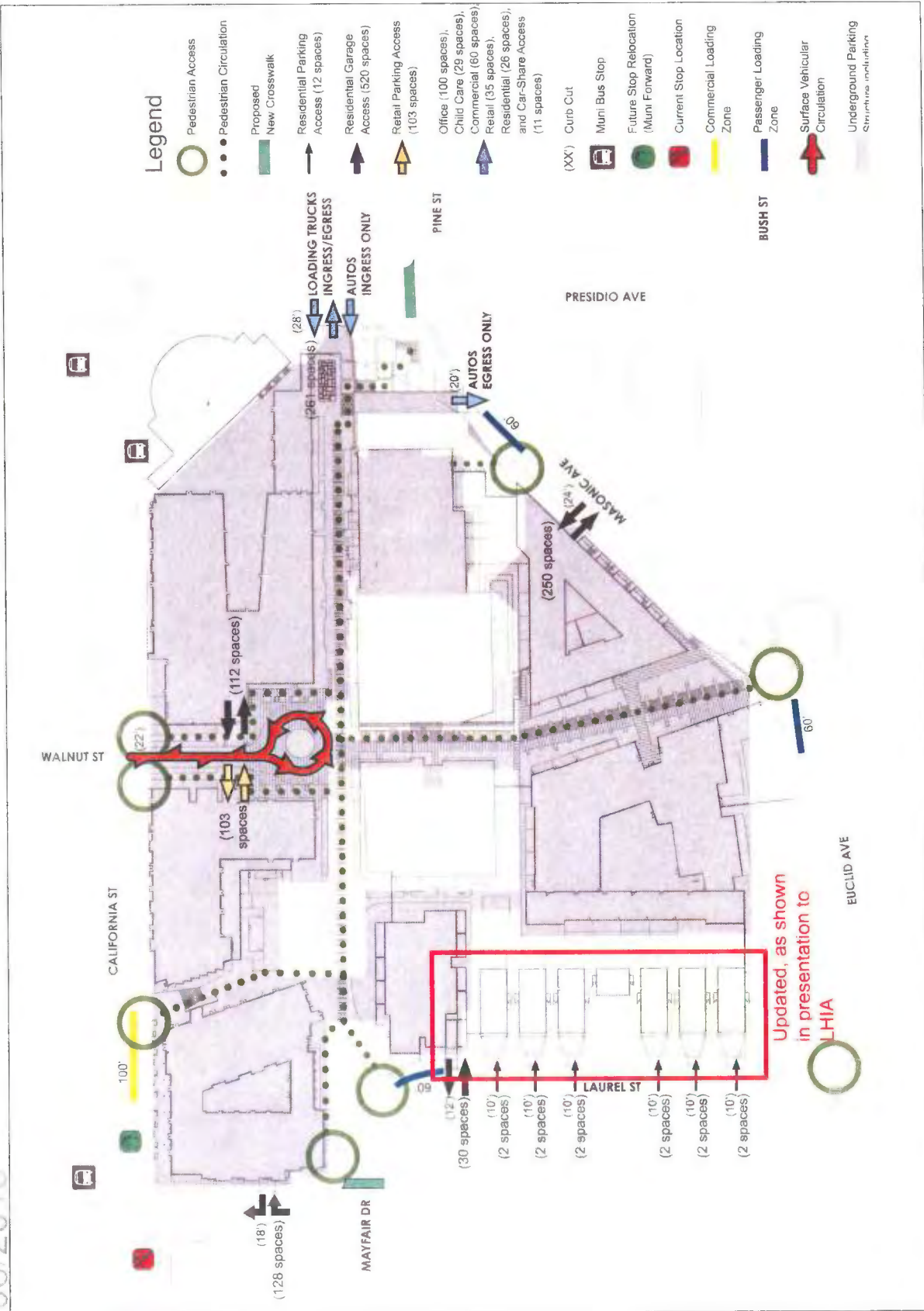
C2.02

3333 CALIFORNIA STREET SAN FRANCISCO, CA

08.17.2017  
PLANNING APPLICATION SUBMITTAL

PRELIMINARY DESIGN

08/2018





- PEDESTRIAN ACCESS POINT
- PUBLICLY ACCESSIBLE PEDESTRIAN PATHWAY
- PRIVATE GARAGE ACCESS
- PARKING GARAGE ACCESS
- BUS STOPS
- EXISTING BUS STOP TO BE RELOCATED
- LOADING ZONE
- VEHICULAR CIRCULATION
- INDICATES UNDERGROUND PARKING STRUCTURE, INCLUDING LOADING AREAS

SEE SHEET C2.02 FOR EXISTING AND PROPOSED DRIVEWAY AND BULBOUT DIMENSIONS.

SITE DIAGRAM - SITE ACCESS

L1.01



08.17.2017  
PLANNING APPLICATION SUBMITTAL

3333 CALIFORNIA STREET SAN FRANCISCO, CA

SKS | JENSEN | ARUP BAR architects | SCP

JAMES FIELD OPERATIONS

**EXHIBIT M**



Kathy Devincenzi <krdevincenzi@gmail.com>

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## Transportation analysis zones

2 messages

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**Wietgreffe, Wade (CPC)** <wade.wietgreffe@sfgov.org>  
To: "krdevincenzi@gmail.com" <krdevincenzi@gmail.com>

Fri, Nov 16, 2018 at 10:44 AM

Hello Kathy,

The below webpage includes documentation for the SF-CHAMP model, the model we use to estimate vehicle miles traveled by transportation analysis zone. The executive summary under model documentation discusses the transportation (aka traffic) analysis zones.

<https://www.sfcta.org/modeling-and-travel-forecasting>

**Wade Wietgreffe, AICP, Principal Planner**  
**Environmental Planning Division**

San Francisco Planning Department  
1650 Mission Street, Suite 400 San Francisco, CA 94103  
Direct: 415.575.9050 | [www.sfplanning.org](http://www.sfplanning.org)

San Francisco Property Information Map

---

**Kathy Devincenzi** <krdevincenzi@gmail.com>  
To: wade.wietgreffe@sfgov.org

Fri, Nov 16, 2018 at 12:05 PM

Thank you very much.  
[Quoted text hidden]



**San Francisco Travel Demand  
Forecasting Model Development**

*Executive Summary*

**Final  
Report**



*prepared for*  
**San Francisco County Transportation Authority**

*prepared by*  
**Cambridge Systematics, Inc.**

*Updated by:*  
**San Francisco County Transportation Authority**

*October 1, 2002*

---



# 1.0 Introduction

## ■ Overview

The San Francisco County Travel Demand Forecasting Model (San Francisco Model) was developed for the San Francisco County Transportation Authority (SFCTA) to provide detailed forecasts of travel demand for various planning applications. These applications included developing countywide plans, providing input to microsimulation modeling for corridor and project-level evaluations, transit planning, and neighborhood planning. The objective was to accurately represent the complexity of the destination, temporal and modal options and provide detailed information on travelers making discrete choices. These objectives led to the development of an activity-based model that uses a synthesized population as the basis for decision-making rather than zonal-level aggregate data sources. The activity-based model has nine primary components.

Most of the model components were estimated using household survey data collected by the Metropolitan Transportation Commission (MTC) for San Francisco residents only. Each model component was calibrated using various observed data sources, then the full model was validated using traffic count and transit ridership data for each of five time periods. The model is applied as a focused model, which combines trip-making from the entire Bay Area (derived from the MTC's BAYCAST trip tables) with the travel demand from San Francisco residents produced by the activity-based model.

## ■ Contents of this Report and Related Reports

This executive summary discusses all nine model components and provides an overview of the data required to run the model. It is designed to provide an overview of the process and a brief summary of the results. There were numerous technical reports developed during the process; these should be referred to for more detail. The primary reports are listed below:

- Data Development
- Population Synthesis
- Vehicle Availability Model
- Tour and Trip Generation and Time-of-day Models
- Destination Choice Models

## 3.0 Data Development

There were three primary areas of data development: data collected as part of the stated preference survey, the development of the synthetic population data, and data used as input to the San Francisco model. There are individual reports for each of these areas. An overview of these data is provided below.

### ■ Stated Preference Survey

The stated preference survey was conducted for 609 households in San Francisco in June, 1999 to collect data on transit and auto travel characteristics. The primary focus of the survey was to collect preference data on transit reliability, crowding and personal security and auto parking availability and cost. The survey was conducted by Corey, Canapary and Galanis and the design of the survey was completed by Mark Bradley Research and Consulting, with other members of the Cambridge Systematics team.

The purpose of the survey was to provide data that can be incorporated into the mode choice model estimation process, in the areas of transit reliability, crowding and personal security and auto availability and cost. The analysis of these data was conducted as part of the mode choice model process.

### ■ Synthetic Sample Generation

A prototypical sample of persons and households was generated for San Francisco County using three primary data sources: the U.S. Census Public Use Microdata Sample (PUMS), the population and employment data developed for San Francisco County, and other socioeconomic data developed for the MTC. There is a hierarchy of zonal systems for these three datasets:

- Six Public Use Microdata Areas (PUMAs), containing
- 127 MTC Traffic Analysis Zones (MTAZs), containing
- 766 San Francisco Traffic Analysis Zones (SFTAZs).

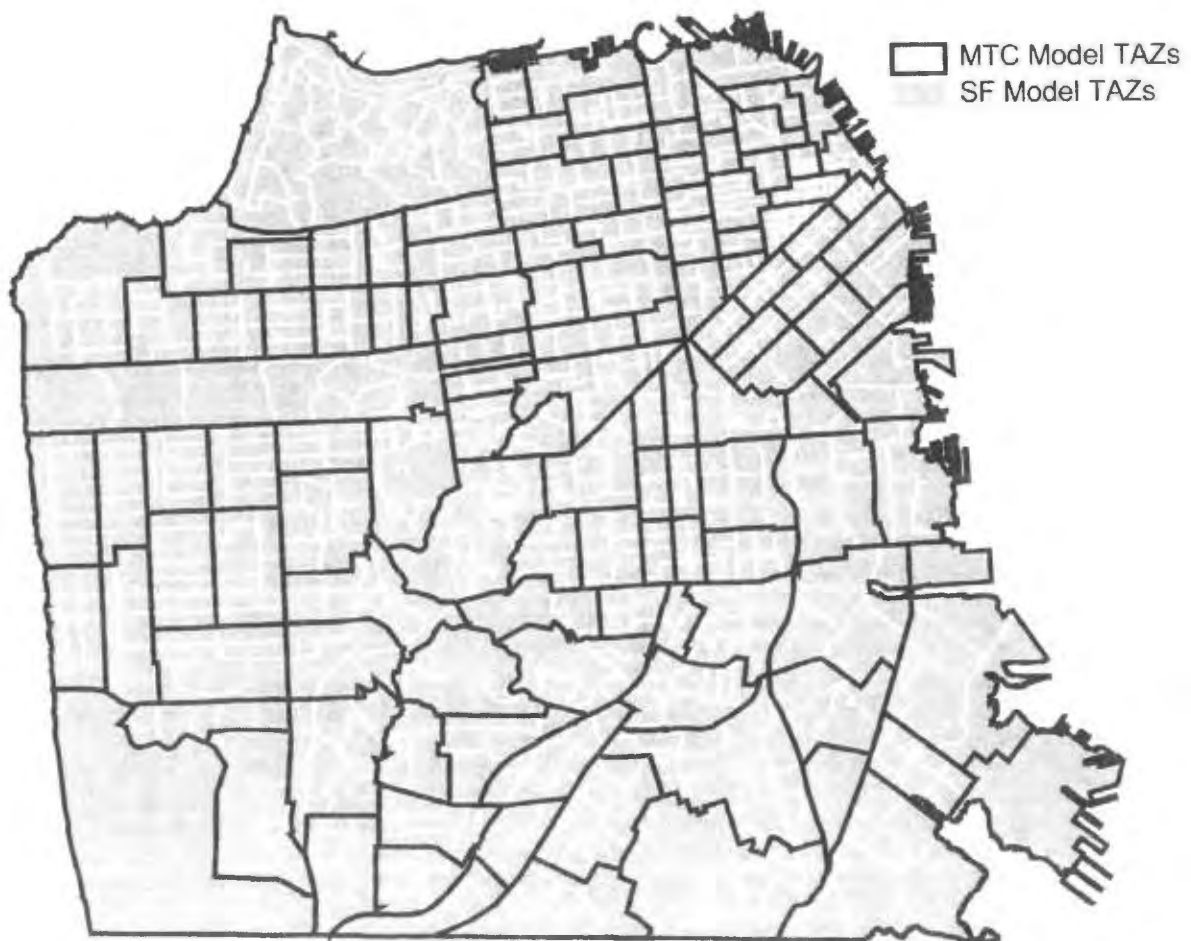
Figure 3.1 shows the boundaries of the SFTAZs and MTAZs. The PUMAs are not shown because they are relatively large areas used to preserve the anonymity of long form respondents.

The prototypical sample contains marginal distributions across three dimensions:

- Household size and number of workers (nine categories);
- Household income (four categories); and
- Age of head of household (three categories).

There are a total of 108 possible combinations of the above dimensions ( $9 \times 4 \times 3$ ). The nine categories for household size/number of workers were chosen because they efficiently distinguish between important household life-cycle groups. The specific breakdowns for income and age were chosen because they correspond to categories that are available in the MTC future year land use files, so updating the populations to future years can be kept consistent with MTC breakdowns within zones. Also, all of these categorizations are compatible with the Census tables available in the Census Transportation Planning Package (CTPP) Urban Element.

**Figure 3.1 Map of San Francisco Model & MTC regional model TAZ boundaries**





## ■ Other Model Data

### Aggregate Zonal Data

Some of the data used by the model components are aggregate zonal data developed as either necessary inputs or because these are desired for testing planning policies. Table 3.1 provides a list of these aggregate variables and the model components that use these variables. The socioeconomic data were developed from parcel-level data aggregated to traffic analysis zones and adjusted to match control totals, as follows:

- The San Francisco Planning Department provided a current parcel database and a current business and employment database. The parcel database provides current estimates of residential units at the block and lot level and the business and employment database contains current estimates of employment by type at the block and lot level. These are aggregated to the traffic analysis zones.
- The San Francisco Planning Department, the Presidio Trust, the San Francisco Redevelopment Agency and the Port of San Francisco maintain lists of new development projects under construction, approved, and under review, as well as information on development potential for major area plans. These are used to allocate forecast data by traffic analysis zone.
- The Association of Bay Area Governments' *Projections '98* was used as a control total for countywide forecasts of population and employment. The San Francisco Planning Department has subsequently updated these forecasts to reflect the *Projections 2000* data.

The employment data in San Francisco uses a different categorization compared to the MTC data. The original MTC databases classified employment by six categories – retail, service, other, agricultural, manufacturing and trade. The new San Francisco socioeconomic databases classified employment by a different set of six categories:

- Cultural, institutional and educational services (CIE),
- Medical and health services (MED),
- Management, information, and professional services (MIPS),
- Production, distribution and repair (PDR),
- Retail and entertainment (RETAIL), and
- Visitor (VISITOR).

These employment categories were defined by the San Francisco Planning Department in the 1998 Citywide Land Use Study. Most models retained the distinctive employment categories, but some used a common set of categories across all areas, where basic information on the SIC codes falling under each category was used to regroup the MTC categories into four San Francisco categories – PDR, MIPS, Retail and Service.

Pedestrian environment factors (PEF) were developed to evaluate urban design projects and estimate changes in pedestrian and bicycle modal options. PEFs will allow local planners to:

## ■ Vehicle Availability Model

The vehicle availability model is a multinomial logit model that predicts the vehicles available in each household for each San Francisco resident. Given the location of the household, the characteristics of the household members, and the primary work place location of each of its workers, the model estimates the probabilities of having none, one, two, or three or more vehicles available.

A large number of households (42.9%) in San Francisco in 1990 had only one vehicle and the average number of vehicles for all households was 1.16. The number of vehicles is defined as automobiles plus trucks; also available in the survey data are the numbers of motorcycles, mopeds and bicycles owned by the household, but these were not included in the number of vehicles available for household travel. The model was limited to four alternatives (0, 1, 2, or 3+ vehicles available) because of the relatively small number of households with four or more vehicles available (1.8%). The average number of vehicles in the fourth alternative (households with three or more vehicles available) was 3.36.

Information was assembled from a number of sources to create the estimation data set. For example, the household survey came from MTC, population and employment datasets were developed by the consultant team working with Planning Dept data, Pedestrian Environment Factors were developed by SFCTA staff with assistance from staff of other city departments and consultant team, and parking costs based on small survey undertaken by consultant team. The structure of this data set is a file with one record for each San Francisco household in the travel survey, with data on income, location, and the age and employment status of the various household members. (Driver's license status was not used in estimation, because it is not available in the PUMS Census data used to apply the models.) The household file was supplemented by adding zonal data, level of service data, and accessibility data. The zonal data included population, households, and employment by type, area in square miles, area type, pedestrian environment factor, and parking costs. The level of service data included both auto and transit travel times and costs between the residence zone and each household member's workplace. The accessibility data included measures of how many jobs of various types could be reached by transit or car in various travel time bands.

## ■ The Full Day Pattern Models

As Table 4.1 indicates, the full day pattern model predicts:

- The purpose class of the primary home-based tour (work, education, other, or none)
- The trip chain type of the primary home-based tour (1 or more stops before, after, neither, or both)
- The number of home-based secondary tours (0, 1, or 2+)



## 6.0 Model Validation

Details of the model validation results are in the corresponding model validation report. Highlights of these results are presented here for travel behavior and trip assignment.

### ■ Travel Behavior Validation

Travel behavior was validated by comparing travel data in a household travel survey to related travel data in the travel demand forecasting model. For the validation of the 1998 SFCTA regional travel demand forecasting model, we compared the trip data in the 1990 Census, the 1990 MTC household survey data with the same data in the model.

The model components were calibrated individually using various observed data sources, including the decennial census, household surveys, observed traffic counts and transit ridership, vehicle registrations, and many other sources. The specific sources used to calibrate each individual model are described below. This effort involved calibrating each model separately, then reviewing highway and transit assignment results for each of the five time periods to make additional adjustments in the model components. The adjustments were all made to constants within the models, there were no adjustments to model coefficients. Highlights of results of the calibration are summarized below for each model component.

#### Vehicle Availability

The vehicle availability model was calibrated primarily on two key variables, number of workers per household and super-district, using the 1990 Census as the primary source of observed data. A second validation test was used to evaluate the total number of vehicles estimated by the vehicle availability model compared to Department of Motor Vehicle (DMV) estimates of auto registrations. These data were different by 5 percent. Unfortunately, the 1990 MTC survey, which was used to estimate the model, contained different results for vehicle availability than the 1990 Census. Since, the 1990 Census has a much larger sample size; these data were used to calibrate the vehicle availability model. The results, therefore, have indirect effects on the market segmentation of autos and workers that were carried out in the mode split model.

## **Full-Day Pattern Tour Models**

The full-day pattern tour models were calibrated by converting tours to trips and comparing these to the 1996 MTC household survey of San Francisco and Bay Area residents, expanded to match the 1998 population. The MTC survey trips were summarized as only those weekday trips in the survey that had an origin and destination within San Francisco County. The comparison of trips was developed from the full-day pattern tour model by reallocating the following "trips" from each "tour" for comparison purposes. The 1996 MTC Survey was used because the number of trips within San Francisco County was very low in the 1990 MTC Survey because of under-reporting of trips that occurred in this survey. The under-reporting of trips is not consistent across time periods or across trip purposes, which may have influenced model estimation that was based on the 1990 MTC survey. The differences between trips by time period was confirmed with initial assignments by time periods using the un-calibrated San Francisco model that revealed the off-peak time periods were significantly under-estimated compared to traffic counts. The vast majority of under-reporting of trips in the 1990 MTC survey were in other tours. A comparison of the calibrated San Francisco model trips to the 1996 MTC survey by tour type and time of day shows that the all trips by tour type and by time of day are within +/- 10 percent compared to the 1996 MTC survey.

Trip rates per household were compared by trip purpose and time of day. Trip rates overall are similar, but the trips per household by trip purpose are quite different. The San Francisco model differentiates between trips to work or school with an intermediate stop from those without an intermediate stop and thus has fewer trips identified as work or school trips and many more trips identified as non-home-based. The comparison of trip rates across time period is reasonable, except that early AM and evening time periods are somewhat under-estimated compared to the MTC survey. This is most likely a result of the model estimation process, which was based on the 1990 MTC survey that showed significantly fewer trips in these time periods.

## **Destination (Primary and Intermediate Stop) Choice Models**

The destination choice models were calibrated against the 1990 MTC survey data for primary destinations by purpose and trip length frequency distributions. The results reflect very reasonable allocation of destinations among four areas of the City and those destinations located outside the City. Another evaluation of work locations is the estimate of employment that results from the work location model compared to actual employment by neighborhood. Because some of these data were not actually observed, these results were considered reasonable when compared to estimated values by neighborhood. The biggest differences were the two neighborhoods in the Core business district, which were underestimating employment, but calibration results also show that the destinations in the core are within three percent for each tour type and are actually overestimated in these results.

The destination choice model was also calibrated by comparing trip length and duration frequency distributions. The observed trip lengths are derived from the 1990 MTC survey and reported as the average time and distance to/from the primary destination. These results

show reasonable average trip lengths for all tour types. Trip duration frequency distributions were evaluated to determine reasonable by tour purpose. Observed and estimated values of trip duration by travel time increment reflect reasonable comparisons.

The validation of the intermediate stop choice model was challenging because similar models of destination choice have not included separate validation of the intermediate stop choice component for comparison. The validation test was to review the total tour length by tour purpose compared to the observed values. Distance was selected as the primary validation test for this model to isolate the location of the destination from the congestion effects during a particular time period. The results of this validation test are that both work and other tours are over-estimated slightly by the model, while work-based tours are under-estimated. Additional calibration adjustments to try and reconcile these differences were not pursued because further adjustments would have negatively impacted the results of the highway assignments by time period.

### **Mode Choice (Tour and Trip) Models**

The tour and trip mode choice models were calibrated by tour purpose. Alternative-specific constants for each mode were adjusted to match observed modal shares from the 1990 MTC Household Survey. The structure of the activity-based models require that tour models are calibrated first to match tours by mode and market segment, then trip models are calibrated to match trips by trip mode and tour mode. The trips resulting from applying the calibrated alternative-specific constants were then assigned to highway and transit networks and compared to observed traffic counts and transit boardings by mode. The calibration results for tour and trip modes show a very close match between estimated and adjusted observed tours and trips by mode and purpose.

Initially, estimated transit boardings were discovered to be much higher than observed boardings, particularly for local bus and MUNI Metro transit modes. There are four possible reasons for the transit over-estimation; there may be too many trips generated by the pattern models (too many trips going in to mode choice); the transfer rate may be too high; the calibration targets observed in the 1990 MTC survey may be incorrect; or, the observed transit boardings may be too low.

A comparison of estimated versus observed traffic volumes on the highway network confirmed that the number of trips generated by the pattern models was reasonable when compared to independent estimates of travel. An analysis of the estimated transfer rates also confirmed that the number of estimated transfers for San Francisco residents is reasonable. Therefore, it was concluded that either the transit calibration target values generated from the household survey were too high or the observed transit boardings are low. Because the transit boardings are calculated annually by MUNI, they were held constant and both the observed and estimated transit shares were adjusted to better match boardings.

**EXHIBIT N**





## DATA

The SFCTA DataMart includes data and reports of interest to the technical as well as general community. SFCTA maintains this information as part of ongoing transportation planning activities. *[Disclaimer: This data should be used for planning purposes only.]*

## DATAMART CATEGORIES

- SF-CHAMP Model Documents and Data
- Statistics about San Francisco.
- Survey Data and Reports.
- Geographic Information System (GIS) maps and data.

For modeling and/or GIS related information, please send an email to [data@sfcta.org](mailto:data@sfcta.org) (<mailto:data@sfcta.org>).

The Transportation Authority does **not** collect traffic counts nor maintain the City's GIS database.

Please contact MTA (<http://www.sfmta.com/cms/rtraffic/trafficrelatedindx.htm>) for traffic counts and [datasf.org](http://datasf.org) (<http://datasf.org/>) for GIS files for the GIS database.



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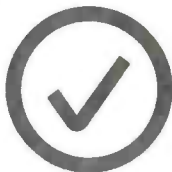
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1 of 57



SF-CHAMP 5 - FROGGER - San Francisco's Newly-updated Travel Model

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**EXHIBIT O**



## SAN FRANCISCO PLANNING DEPARTMENT

### Executive Summary Transportation Impact Analysis Guidelines – Update HEARING DATE: SEPTEMBER 28, 2017

*Project Name:* Transportation Impact Analysis Guidelines for Environmental Review – Update  
*Staff Contact:* Manoj Madhavan, (415) 575-9095  
 manoj.madhavan@sfgov.org  
*Reviewed by:* Wade Wietgreffe, (415) 575-9050  
 wade.wietgreffe@sfgov.org  
*Recommendation:* None – Informational Only

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

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415.558.6409

Planning  
Information:  
415.558.6377

#### PURPOSE OF HEARING:

The Planning Department uses the Transportation Impact Analysis Guidelines for assessing project's transportation impacts as part of the California Environmental Quality Act. The department is undergoing comprehensive updates to the guidelines, which the department last updated in 2002. The purpose of this informational hearing is to provide an understanding on the transportation topics within the guidelines, a brief overview of the update, status of the update, feedback sought, and the anticipated outcomes and schedule.

The public can find more information and sign up to receive notifications from the department about updates here: <http://sf-planning.org/transportation-impact-analysis-guidelines-environmental-review-update#resources>.

#### THE WAY IT IS NOW:

The Environmental Planning division within the Planning Department reviews projects for potential impacts on the environment, a process known as environmental review. The Planning Department conducts environmental review pursuant to the California Environmental Quality Act (CEQA). As part of environmental review, the Planning Department reviews background technical studies, such as transportation impact studies, to assess a project's effects on the physical environment.

These background technical studies support the conclusions of the environmental impact evaluation and guide decision-makers during project approval. To assist in the preparation of transportation impact studies, the Planning Department provides to consultants and city staff a guidance document, the Transportation Impact Analysis Guidelines. The Planning Department periodically updates the guidelines, with the last update in 2002.

The current guidelines updated and revised the Guidelines for Environmental Review: Transportation Impacts (July, 1991) and Interim Transportation Impact Analysis Guidelines for Environmental Review (January 2000). The current guidelines cover the following transportation topics (in the order presented in the guidelines):

- Traffic
- Transit
- Parking
- Pedestrian
- Bicycle
- Freight Loading and Service
- Passenger Loading
- Construction

To assess these impacts, the department estimates how many trips people in newer developments may take, the ways they travel, and their common destinations based on the findings of the Citywide Travel Behavior Survey - Employees and Employers (May, 1993); the Citywide Travel Behavior Survey - Visitor Travel Behavior (August, 1993); revolving five-year estimates from US Census, American Community Survey data; San Francisco County Transportation Authority San Francisco Chained Activity Model, which is based upon, among other sources, observed behavior from California Household Travel Survey (2010-2012), and major San Francisco transportation studies.

The guidelines are just that. The Planning Commission does not formally adopt the guidelines. The department may use the guidelines for multiple projects, but the department has discretion on applying specifics within the guidelines on a project by project basis. The guidelines provide basic details regarding methodologies and standards, but individual transportation study scopes of work are required to provide a level of detail tailored to fit the size and complexity of transportation issues associated with particular projects. Once the department approves a scope of work, the specific direction contained within that scope will provide a more precise focus than that which appears in the guidelines.

Since 2002, the department has instituted various updates to the conditions, data, and methodology within the guidelines. Records of these updates exist in various materials. One substantial example of updates that occurred was a March 2016 Planning Commission resolution that removed automobile delay from CEQA and added vehicle miles traveled as a transportation criterion. Since that time, the state has not issued subsequent guidance and the department has taken a leadership role in working with other jurisdictions on updates to their own transportation criteria. The state also changed the CEQA Guidelines to remove parking, by itself, as a significant impact under CEQA.

Also since that time, San Francisco has experienced changes in the demographics of the population, the types of new jobs, and the cost of housing, among other variables that affect travel behavior. Some of these changes create greater constraints on our transportation systems, including more competition for curb space. One of the major changes has been with emerging mobility services and technologies that have changed the way some people travel (using transportation network companies such as Uber and Lyft) and interact with goods (home deliveries). These changes also affect the percentages of how people travel (known as mode splits in the transportation analysis methodology). For example, we understand anecdotally that people may be shifting from using their own vehicles or transit to instead use transportation network companies such as Uber and Lyft.



## THE WAY IT WOULD BE:

The department is in the midst of updating the guidelines comprehensively. The purpose of the update is to achieve high quality deliverables, meaningful analysis, efficient reviews, and better project outcomes through clear standards, methodology, and criteria; understandable, transparent, and predictable process; updated mitigation measures, designs, outcomes, and policies; user-friendly figures; and illustrative examples of project analysis.

To address some of the changes since 2002 described in earlier paragraphs, San Francisco has undertaken a substantial amount of planning and policy work the last 15 years. For example, the San Francisco Municipal Transportation Agency was only three months old when the department last updated the guidelines; now the SFMTA includes a planning division. Over these years, interagency coordination to address issues has also improved. This includes coming together on things like transportation ordinances; developing land use and transportation area plans together; creating an inter-agency team that reviews projects compliance with the better streets plan; and embarking on a long-range transportation vision for San Francisco. Some of these planning and policies changes have affected the CEQA transportation review process. For example, our analysis has placed greater emphasis on safety, in reaction to San Francisco's Vision Zero commitments. On the other hand, the work of these agencies and some of these policies result in fewer projects with significant transportation impacts and sometimes avoid them altogether. Therefore, the department is focusing the guidelines updates on addressing CEQA issues and not focusing on other issues that San Francisco can better address through policies, programs, and projects.

### Potential Updates

This update may change process for transportation review, thresholds of significance, and analysis methodology concerning transportation impacts. It may also affect the transportation review process. At this point in time, staff is considering the following substantive updates to the following topics (in the order the department will present the topics in the guidelines):

- Process – scoping out topics from transportation review earlier in the process based upon the characteristics of the project, site, and surroundings (e.g., through a checklist)
- Walking/Accessibility– Assessing the need to conduct a quantitative capacity analysis and update definitions and examples of hazards and accessibility impediments.
- Bicycling– Assessing the need to update definitions and examples of hazards and accessibility impediments.
- Transit – Assessing the need to conduct a quantitative capacity analysis and revisiting the need, methodology and thresholds for transit delay.
- Emergency Access – Update definitions and examples of inadequate emergency access.
- Loading – Refine estimates of passenger and commercial loading demand, attempting to account for rise in for-hire vehicles and e-commerce deliveries.
- Vehicle Miles Traveled/Induced Auto Travel – Potential quantification of the relationship between parking supply and induced automobile travel.
- Traffic Hazards – Update definitions of types of traffic hazards as well and standards that can be implemented to potentially avoid traffic hazards (which may be incorporated into walking/accessibility and bicycling).
- Construction – Consideration of the effects of excavation on overall project construction and the resulting duration/intensity of construction phases.

- Parking – Further updates that reflect Senate Bill 743, including potentially a checklist or map-based approach for when projects will not require a parking demand and supply estimate and secondary effect analysis.

## PROCESS

For this effort, the department is undertaking a few different efforts to inform the updates, as described below.

### Travel Demand

Substantial data collection and analysis is currently underway, primarily at newer development sites. This data collection will result in the creation of refined estimates of how many trips people in newer developments take, the ways they travel, and their common destinations.

The department contracted with a transportation consulting firm, Fehr & Peers, to develop a methodology for collecting data and updating the travel demand methodology used in the guidelines. Fehr & Peers has collected the following data and are in the process of analyzing and interpreting this data in order to update:

- The number of trips people in newer developments take using 24-hour person counts using cameras at all access points to 81 sites across San Francisco (including 19 office, 11 hotel, 30 retail, and 22 residential sites);
- The estimates of passenger and commercial loading demand, using 24-hour time lapse recordings (5-minute resolution) at one designated loading zone for 70 sites; and
- The way people travel (using transit, car, bike etc.) and their destinations, using PM peak period (3PM – 7PM) intercept surveys (i.e., by intercepting people to ask questions) at 72 sites.

The department will review the results of the analysis and determine what estimates to incorporate into the guidelines update or whether the department or others will need to collect additional data to provide such estimates.

### Kick-Off Meeting and Survey

The department held a kick-off meeting for the guidelines update on July 27, 2017. We invited several local and regional government agencies (i.e., the SF Fire Department, SF Police Department, SF Municipal Transportation Agency, SF Public Works, SF Public Utilities Commission, SF Department of Public Health, SF Office of Community Investment and Infrastructure, University of California – SF, Mayor's Office of Disability and Mayor's Office and Community and Workforce Development, SF County Transportation Authority, Caltrans, BART, Caltrain, SamTrans, and AC Transit) and environmental planning and transportation planning consultants.

At the meeting, the department presented an overview of the guidelines update and a topic by topic technical breakdown of current guidelines and what the department is considering updating in terms of analysis methodology and thresholds of significance. Following the presentation, attendees could attend breakout sessions for each topic to provide technical approach feedback. We also followed up with a survey soliciting general feedback, as well as adding questions soliciting specific technical feedback on each topic based on what we heard from attendees at the kick-off meeting. We received approximately 30 responses to the follow-up survey when we closed the feedback period on August 25, 2017.

From the kick-off meeting and survey, we received feedback about some recurring themes, which are themes we regularly encounter from members of the public commenting on CEQA documents: how to analyze the impacts of Transportation Network Companies (e.g., loading and vehicle miles traveled), loading issues, particularly related to people with disabilities and senior citizens, and project's compliance with various codes and policies.

### Planning Commission Hearing

One of the basic purposes of CEQA is to inform decision makers and the public about the potential, significant environmental effects of activities *before* decision makers decide to approve or deny a project. The decision making process since 2002 has likely become more complicated. However, the fundamental purposes of CEQA have not changed. Therefore, a goal of the outcomes from the guidelines update is to provide informative analysis to the Planning Commission and the public regarding the CEQA transportation impacts of projects. For this hearing, we are soliciting feedback on how the department can do just that. Members of the public can provide feedback at the Planning Commission Hearing or by sending an email to [CPC.TransportationReview@sfgov.org](mailto:CPC.TransportationReview@sfgov.org) until by 5 PM on October 20, 2017.

### Future

Based upon feedback from the Planning Commission at this hearing, the public by October 20, and earlier outreach efforts, the department will summarize feedback received into a memorandum outlining which topics the department is considering as part of the guidelines update. The department will categorize feedback not related to CEQA and will forward that feedback to agencies who may be responsible for addressing it. In addition, the department will continue to engage on the guidelines updates consultants (e.g., brownbags) and San Francisco agencies, particularly the San Francisco Municipal Transportation Agency and San Francisco County Transportation Authority, and regional and state transportation agencies as relevant.

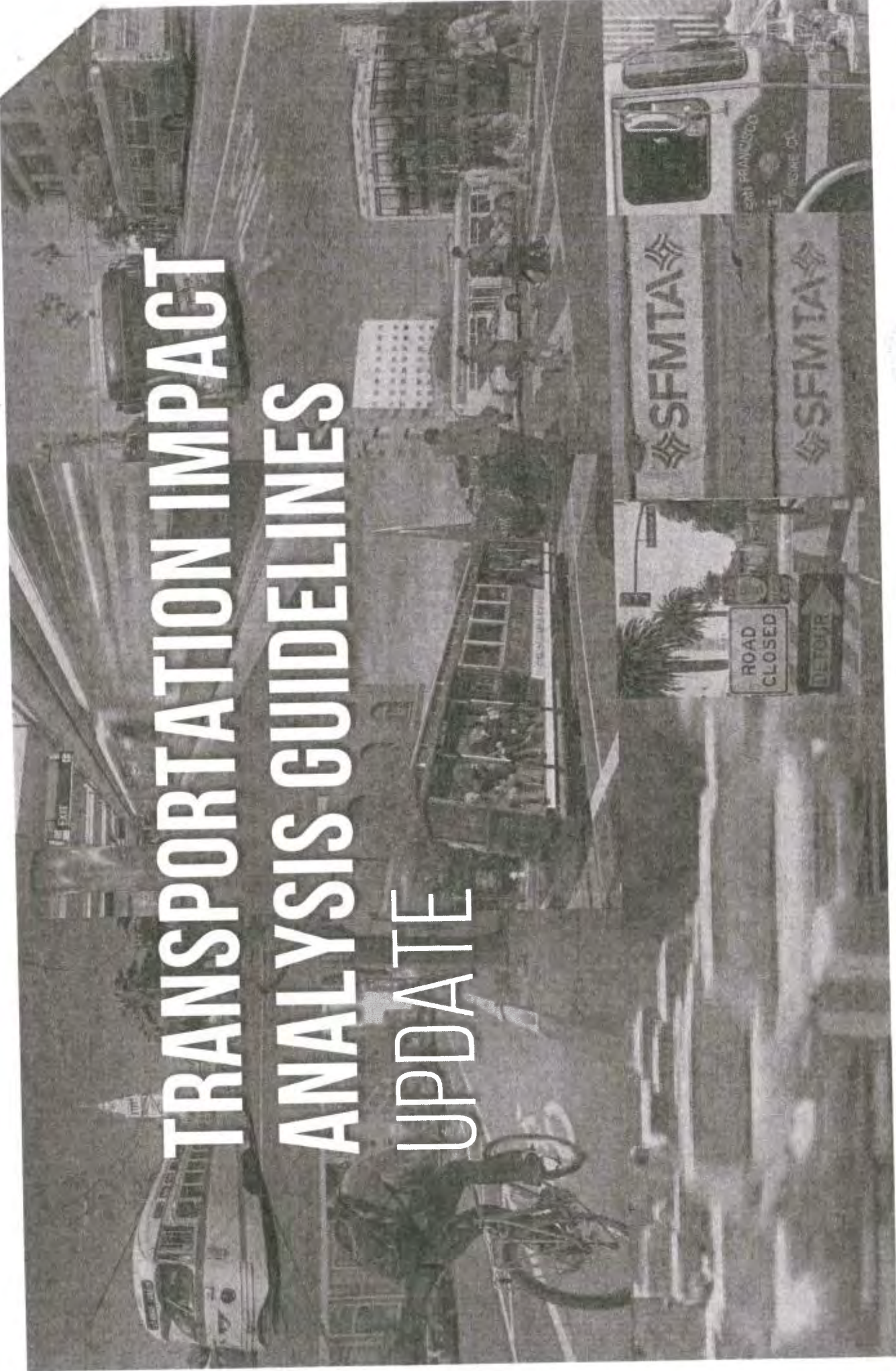
The department will issue a series of memorandums in 2017 and 2018 that provide updates to topics within the guidelines. Staff will be posting these memorandums, as well as other relevant materials, to this webpage: <http://sf-planning.org/transportation-impact-analysis-guidelines-environmental-review-update#resources>.

### REQUIRED COMMISSION ACTION

Informational item. No action required.

**EXHIBIT P**





# TRANSPORTATION IMPACT ANALYSIS GUIDELINES UPDATE

**Wade Wietgreffe, AICP**  
Transportation Team Manager

**Manoj Madhavan**  
Transportation Team Lead Planner



**San Francisco  
Planning**



# WHAT HAS CHANGED SINCE 2002



BETWEEN 1/1/2003 AND 1/1/2017

SF Population

+92k

Bay Area Population

+900k

Source: California Dept. of Finance

BETWEEN 10/2002 AND 9/2016

SF Jobs

+149k

Professional/  
Business

+75k

Education/ Health

+35k

Leisure/ Hospitality

+27k

Source: SF City Scorecard



# TRANSPORTATION NETWORK COMPANIES (TNCs)



TNCs are vehicles!



# TRAVEL DEMAND

## Data Collection Sites

- Hotel (11)
- Office (19)
- Residential (22)
- Retail (30)

## Superdistricts



**EXHIBIT Q**





## EMERGING MOBILITY | TNCS AND CONGESTION

[HOME \(//WWW.SFCTA.ORG/EMERGING-MOBILITY\)](http://WWW.SFCTA.ORG/EMERGING-MOBILITY)

[EMERGING MOBILITY STUDIES \(//WWW.SFCTA.ORG/EMERGING-MOBILITY/STUDIES\)](http://WWW.SFCTA.ORG/EMERGING-MOBILITY/STUDIES)

[FAQS \(//WWW.SFCTA.ORG/EMERGING-MOBILITY/FAQ\)](http://WWW.SFCTA.ORG/EMERGING-MOBILITY/FAQ)

[RIDE-HAIL/TNC STUDIES \(//WWW.SFCTA.ORG/EMERGING-MOBILITY/RIDE-HAIL-COMPANIES\)](http://WWW.SFCTA.ORG/EMERGING-MOBILITY/RIDE-HAIL-COMPANIES)



## OVERVIEW AND KEY FINDINGS

"TNCS and Congestion" report provides the first comprehensive analysis of how Transportation Network Companies Uber and Lyft collectively have affected roadway congestion in San Francisco.

### Key findings in the report:

The report found that Transportation Network Companies accounted for approximately 50 percent of the rise in congestion in San Francisco between 2010 and 2016, as indicated by three congestion measures: vehicle hours of delay, vehicle miles travelled, and average speeds.

Employment and population growth were primarily responsible for the remainder of the worsening congestion.

Major findings of the TNCS & Congestion report show that collectively the ride-hail services accounted for:

- 51 percent of the increase in daily vehicle hours of delay between 2010 and 2016;
- 47 percent of the increase in vehicle miles travelled during that same time period; and
- 55 percent of the average speed decline on roadways during that same time period.
- On an absolute basis, TNCS comprise an estimated 25 percent of total vehicle congestion (as measured by vehicle hours of delay) citywide and 36 percent of delay in the downtown core.

Consistent with prior findings from the Transportation Authority's 2017 TNCS Today report, TNCS also caused the greatest increases in congestion in the densest parts of the city - up to 73 percent in the downtown financial district - and along many of the city's busiest corridors. TNCS had little impact on congestion in the western and southern San Francisco neighborhoods.

The report also found that changes to street configuration (such as when a traffic lane is converted to a bus-only lane), contributed less than 5 percent to congestion.





# TNCs & Congestion

San Francisco County Transportation Authority





## Executive Summary

Congestion in San Francisco worsened between 2010 and 2016. The Transportation Authority's Congestion Management Program monitoring indicates that average AM peak arterial travel speeds decreased since 2009 by -26%, while PM peak arterial speeds have decreased by -27% during this same time period. Vehicle hours of delay on the major roadways increased by 40,000 hours on a typical weekday, while vehicle miles travelled on major roadways increased by over 630,000 miles on a typical weekday.

During this period significant changes occurred in San Francisco. Roadway and transit networks changed, including the implementation of transit red carpet lanes, the expansion of the bicycle network, and the opening of the Presidio Parkway (rebuilt Doyle Drive). San Francisco added 70,000 new residents and over 150,000 new jobs, and these new residents and workers added more trips to the City's transportation network. Finally, new mobility alternatives emerged, most visibly TNCs.

In recent years, the vehicles of transportation network companies (TNCs) such as Uber and Lyft have become ubiquitous in San Francisco and many other major cities. Worldwide, the total number of rides on Uber and Lyft grew from an estimated 190 million in 2014 to over 2 billion by mid-2016 (1). In San Francisco, this agency (the San Francisco County Transportation Authority or SFCTA) estimated approximately 62 million TNC trips in late 2016,

comprising about 15% of all intra-San Francisco vehicle trips and 9% of all intra-San Francisco person trips that fall (2).

The rapid growth of TNCs is attributable to the numerous advantages and conveniences that TNCs provide over other modes of transportation, including point-to-point service, ease of reserving rides, shorter wait times, lower fares (relative to taxis), ease of payment, and real-time communication with drivers. The availability of this new travel alternative provides improved mobility for some San Francisco residents, workers and visitors, who make over one million TNC trips in San Francisco every week, though these TNC trips may conflict with other City goals and policies.

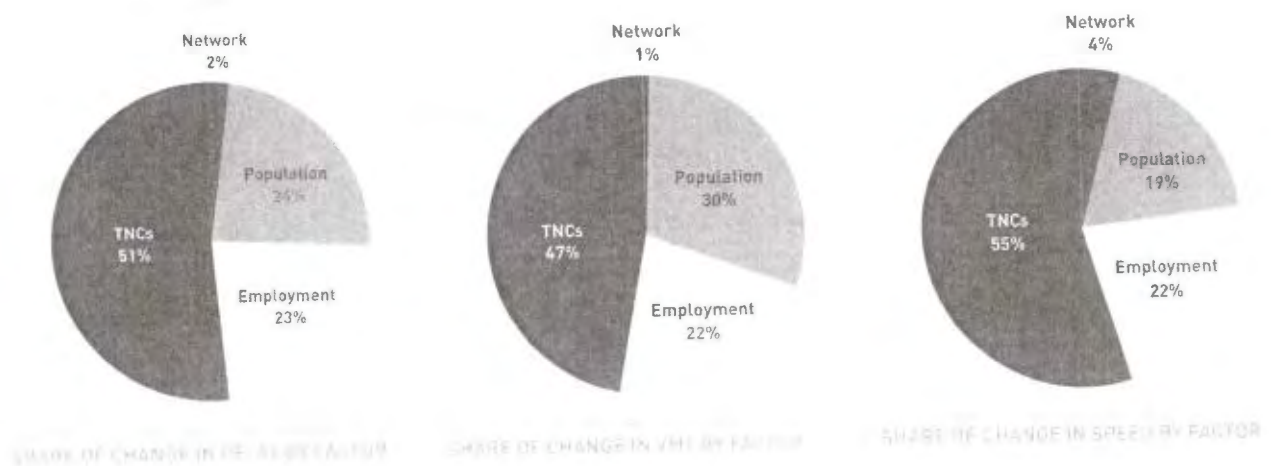
The purpose of this report is to identify the extent to which TNCs contributed to increased roadway congestion in San Francisco between 2010 and 2016, relative to other potential contributing factors including employment growth, population growth, and changes to the transportation system. This information is needed to help the Transportation Authority fulfill our role as the county Congestion Management Agency and inform our policy and planning work. As the Congestion Management Agency for San Francisco, the Transportation Authority is required by state law to monitor congestion and adopt plans for mitigating traffic congestion that falls below certain

thresholds. The report is also intended to inform the Transportation Authority board which is comprised of the members of the San Francisco Board of Supervisors, as well as other state and local policy-makers, and the general public, on the relationship between TNCs and congestion in San Francisco.

This document:

- Identifies common measures of roadway congestion;
- Discusses factors that contribute to roadway congestion; and
- Quantifies the relative contributions of different factors, including population, employment, road network changes and TNCs, to observed changes in congestion in San Francisco between 2010 and 2016, by location and time of day.

The report utilizes a unique TNC trip dataset provided to the Transportation Authority by researchers from Northeastern University in late 2016, as well as INRIX data, a commercial dataset which combines several real-time GPS monitoring sources with data from highway performance monitoring systems. These data are augmented with information on network changes, population changes, and employment changes provided by local and regional planning agencies, which are used as input to the Transportation Authority's activity-based regional travel demand model SF-CHAMP.



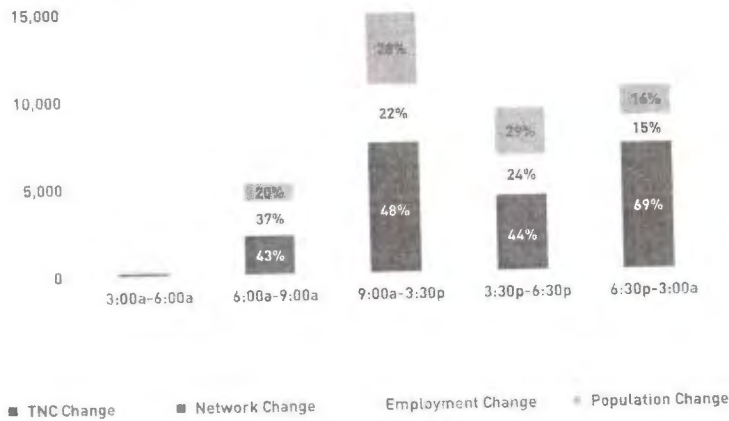
## DO TNCs AFFECT CONGESTION?

Yes. When compared to employment and population growth and network capacity shifts (such as for a bus or bicycle lane), TNCs accounted for approximately 50% of the change in congestion in San Francisco between 2010 and 2016, as indicated by three congestion measures: vehicle hours of delay, vehicle miles travelled, and average speeds. Employment and population growth—encompassing citywide non-TNC driving activity by residents, local and regional workers, and visitors—are primarily responsible for the remainder of the change in congestion.

- Daily vehicle hours of delay (VHD) on the roadways studied increased by about 40,000 hours during the study period. We estimate TNCs account for 51% of this increase in delay, and for about 25% of the total delay on San Francisco roadways and about 36% of total delay in the downtown core in 2016, with employment and population growth accounting for most of the balance of the increased in delay.
- Daily vehicle miles travelled (VMT) on study roadways increased by over 630,000 miles. We estimate TNCs account for 47% of this increase in VMT, and for about 5% of total VMT on study roadways in 2016.
- Average speeds on study roadways declined by about 3.1 miles per hour. We estimate TNCs account for 55% of this decline.



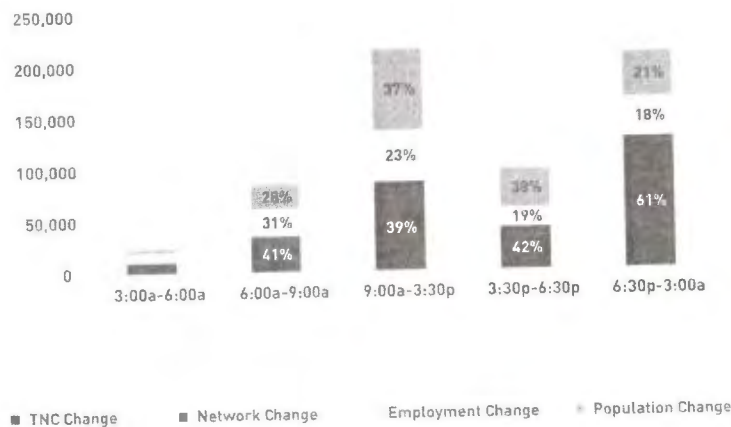
FIGURE 1 CHANGE IN VEHICLE HOURS OF DELAY BY TIME PERIOD BY FACTOR



## WHEN DO TNCS AFFECT CONGESTION?

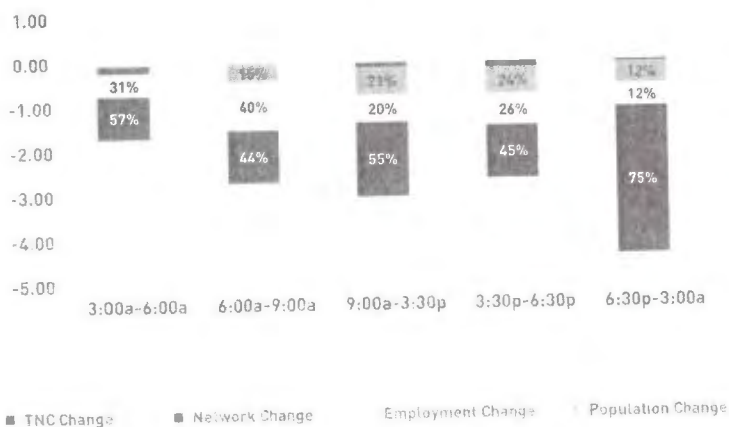
During the AM peak, midday, and PM peak periods, TNCS cause between 43% and 48% of the increased delay and account for about 20% of total delay during these time periods. Employment growth and population growth combined account for just over half of the increased delay. In the evening time period, TNCS are responsible for 69% of the increased delay, and for about 40% of the total delay.

FIGURE 2 CHANGE IN VEHICLE MILES TRAVELED BY TIME PERIOD BY FACTOR



Similarly, during the AM peak, midday, and PM peak periods, TNCS cause about 40% of the increased vehicle miles travelled, while employment and population growth combined are responsible for about 60% of the increased VMT. However, in the evening time period, TNCS are responsible for over 61% of the increased VMT and for about 9% of total VMT.

FIGURE 3 CHANGE IN SPEED (MI/HR) BY TIME PERIOD BY FACTOR



TNCS are responsible for about 45%-55% of the decline in average speed during most times of day, and are responsible for 75% of the declines in speed during the evening time period.

FIGURE 4 - CHANGE IN VEHICLES HOURS OF DELAY



#### WHERE DO TNCs AFFECT CONGESTION?

TNCs increase congestion throughout the city, but their effects are concentrated in the densest parts of the city, and along many of the city's busiest corridors, as shown in **Figure 4**. In Supervisorial District 6, TNCs add almost 6,000 daily hours of delay, accounting for about 45% of the increased delay, and 30% of total weekday delay. In District 3, TNCs add almost 5,000 daily hours of delay, accounting for almost 75% of the increased delay and about 50% of total delay. TNCs are responsible for approximately 40%-60% of increases in VMT in many areas of the city. District 6 and District 10 have experienced the greatest increases in VMT between 2010 and 2016, and TNCs account for 41% and 32% of the increases in these districts, respectively.



FIGURE 5: CHANGE IN VEHICLE HOURS OF DELAY BY SUPERVISOR DISTRICT BY FACTOR

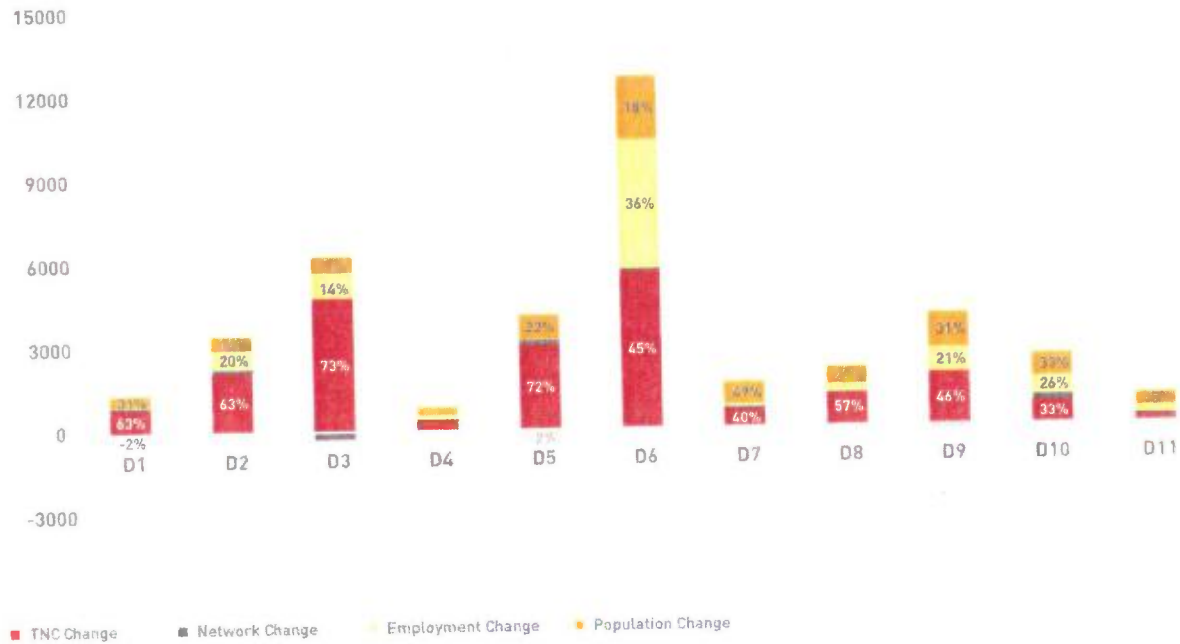
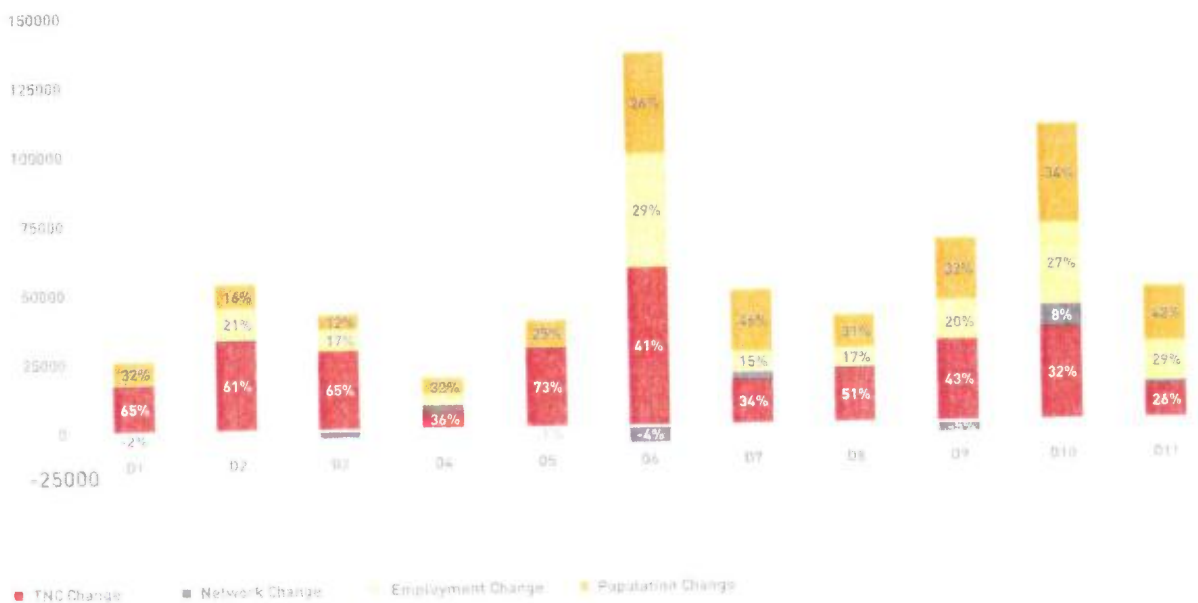


FIGURE 6: CHANGE IN VEHICLE MILES TRAVELED BY SUPERVISOR DISTRICT BY FACTOR





## What Factors Affect Congestion San Francisco?

### POPULATION AND EMPLOYMENT

Population and employment changes can directly affect roadway congestion. Increases in population will lead to increases in trip-making as people seek to participate in activities such as working, shopping, and going to school. Depending on travelers' choices of travel modes (such as walking, biking, taking transit, or driving), roadway motor vehicle congestion may be affected. Between 2010 and 2016, the population of San Francisco increased 8.8% from approximately 805,000 people to 876,000 (3). While about half of San Francisco trips are by walking, transit, and biking, a significant share of trips involve private vehicles, likely leading to increased congestion. Similarly, increases in employment lead to total travel as more people go to work. Between 2010 and 2016, employment in San Francisco increased significantly (28.4%) from approximately 545,000 jobs to over 700,000 jobs (4). According to the Census, approximately 48% of commute trips to, from or within San Francisco were by automobile.

### NETWORK CAPACITY

Changes to network capacities affect roadway congestion. Increases in roadway capacity may alleviate motor vehicle congestion, at least in the short term, while decreases in roadway capacity may increase congestion. The analyses in this paper capture capacity changes between 2010 and 2016 and therefore encompass network capacity changes such as the rebuilding of Doyle Drive and medium-term changes such as the reallocation of right-of-way to transit red carpet lanes and bicycle lanes. To a more limited extent, the analyses could reflect short-term changes in capacity, for example the effect on congestion of construction-related, permitted lane closures that may temporarily reduce capacity for a number of days or hours. However, there is no data on unpermitted short-term capacity reductions associated with construction, delivery or other activities, and thus they are not considered in this analysis. In addition to roadway network changes, changes to transit network capacities may influence roadway congestion by inducing people to shift modes or take new trips, and are included in this analysis.

### TNCs

As the TNCs Today report documents, TNCs comprise a significant share of intra-San Francisco travel. TNCs may decrease congestion by inducing mode shifts to more sustainable modes by providing first- and last-mile connections to transit services, or by reducing auto ownership levels and thus incentivizing people to make more transit, bike and walk trips. In addition, higher TNC





vehicle passenger occupancies resulting from “ridesplitting” where TNCs are shared concurrently could, in theory, reduce the number of vehicle trips if they are replacing a trip that would otherwise be in a vehicle with fewer occupants. Conversely, TNCs may increase congestion if their convenience causes a walk, transit, or bike trip to shift to a TNC vehicle trip. According to recent studies, between 43% and 61% of TNC trips substitute for transit, walk, or bike travel or would not have been made at all (5,6,7,8). TNC passenger pick up and drop off activity may also result in increased congestion by disturbing the flow in curb lanes or traffic lanes. Finally, out-of-service miles (or “deadhead” miles) resulting from TNCs repositioning themselves to more optimal locations for getting new passengers, or from driving to pick up passengers who have reserved rides (whether single passenger or shared), also increases the amount of vehicular traffic and congestion.

#### OTHER FACTORS

Given the rapid pace of technological change in the transportation sector, other factors may also be contributing to changes in congestion. For example, increased use of online shopping and delivery services might exacerbate roadway congestion due to an increase in delivery vehicle trips and loading durations. Conversely, if these deliveries are in place of multiple vehicle trips that would have been made by individuals, they may reduce roadway congestion. New emerging mobility alternatives such as dockless shared bikes and scooters may reduce congestion if they induce mode shifts away from vehicle trips, though if these trips are shifted from transit, walk, or bike their effect on congestion would likely be minimal.

## EMPIRICAL ANALYSIS

This study is structured as a before-and-after assessment between 2010 conditions when TNC activity was negligible and 2016 conditions when it was significant. We derived measures of roadway conditions in both years from GPS-based speed data licensed from INRIX as previously described. We estimated the relationship between the change in TNC activity and the change in roadway travel time, assuming zero TNCs in 2010, and incorporating a 2016 “counterfactual” scenario in which TNCs do not exist.

We do this using a fixed-effects panel data regression model (9). The fixed-effects models estimate coefficients based on the change between 2010 and 2016 conditions. There is precedent for using both before-and-after analysis and panel data models in transportation analysis, including to study changes in congestion (10), TNC growth (11), and the effects of new technology (12).

We converted the observed travel times to implied volumes using volume-delay functions (VDFs). This time-implied volume is the model’s dependent variable, and the conversion ensures that it is linearly related to the background volumes and TNC volumes. There is one observation for each directional roadway segment, for each time-of-day, with data in 2010 and in 2016 for each observation. To control for road and transit network changes, as well as changes in socioeconomic conditions, the model includes the

background traffic volume as a variable, as estimated by SF-CHAMP version 5.2. Because SF-CHAMP version 5.2 does not account for TNCs, this background traffic reflects the expected traffic volume change with no TNCs. The model also includes measures of TNC activity for each observation, with those measures set to zero in 2010. **Table 1** shows the model estimation results.

The estimated parameter on the SF-CHAMP background volume is approximately 0.92, not significantly different than 1. This is logical, because we expect that each vehicle added in background traffic should have an effect on congestion of adding about 1 vehicle to the implied volume. The Presidio Parkway scaling factor accounts for major construction that was underway on those links in 2010 but not 2016.

We include two measures of time and location-specific TNC activity. The TNC volume parameter measures net effect of TNCs. If TNCs purely substitute for other car trips, the estimated TNC parameter should be 0 as they substitute for other vehicles already counted in the background volumes. Negative values would be consistent with TNCs reducing traffic, while a value of positive 1 would be consistent with TNCs purely adding itself to background traffic. The estimated coefficient of 0.69 can be interpreted as meaning that TNCs do not purely add to traffic through induced travel or shifts from non-vehicular modes.

TABLE 1. FIXED-EFFECTS PANEL ESTIMATION RESULTS

### PARAMETER ESTIMATES

Variable	Parameter	Standard Error	T-statistic
SF-CHAMP background volume	0.9172	0.0541	16.952
Presidio Parkway scaling factor	-0.3648	0.0189	-19.327
TNC Volume	0.6864	0.0720	9.5387
Average impact duration of TNC PUDO on major arterials (s)	144.75	7.7195	18.751
Average impact duration of TNC PUDO on minor arterials (s)	79.486	12.114	6.5617

### MODEL STATISTICS

Number of Entities	7081
Number of Time Periods	2
R-squared between groups	0.5819
R-squared within groups	0.2985





## Conclusion

Congestion in San Francisco worsened between 2010 and 2016. The Transportation Authority's Congestion Management Program monitoring indicates that average AM peak arterial travel speeds decreased since 2009 by -26%, while PM peak arterial speeds have decreased by -27% during this same time period. Vehicle hours of delay on the study roadways increased by 40,000 hours on a typical weekday, while vehicle miles travelled on study roadways increased by over 600,000 miles on a typical weekday. In addition, travel times have become less reliable.

During this period significant changes occurred in San Francisco. Roadway and transit networks changed, including the rebuilding of Doyle Drive, the implementation of transit red carpet lanes, and the expansion of the bicycle network. San Francisco added 70,000 new residents and over 150,000 new jobs, and these new residents and workers add more trips to the city's transportation network. Finally, new mobility alternatives emerged, most visibly TNCs. TNCs have become an important travel option in San Francisco.

By late 2016, TNCs were estimated to generate over one million intra-San Francisco vehicle trips in a typical week, representing approximately 15% of all intra-SF vehicle trips, and the number and share of TNC trips in San Francisco has undoubtedly increased since 2016. The rapid growth of TNCs is attributable to the numerous advantages and conveniences that TNCs provide over other modes of transportation, and the availability of this new travel alternative has undeniably provided improved mobility for many San Francisco residents and workers.

TNC vehicle trips contribute significantly to increased congestion. After accounting for the effects of increased employment, increased population, and transportation network changes, TNCs are estimated to cause 51% of the increase in vehicle hours of delay, 47% of the increase in vehicle miles traveled, and 55% of the decline in speeds citywide between 2010 and 2016.

It is important to note that the effect of TNCs on congestion varies considerably by time-of-day. During most of the day, approximately 40% to 50% of the increase in vehicle hours of delay is attributable to TNCs, but in the evening, almost 70% of the increase in vehicle delay is due to TNCs. Similarly, during most of the day approximately 40% on the increase in vehicle miles traveled is due to TNCs, but in the evening TNCs account over 60% of increased VMT. Speeds declined by about 2 to 3 miles per hour during most of the day, with TNCs accounting for about 45% to 55% of this decrease. However, evening speeds declined by almost 4.5 miles per hour on study roadways, and TNCs are estimated to cause 75% of this decrease.

The effects of TNCs on congestion also varies significantly by location. The greatest increases in vehicle hours of delay occurred in Supervisorial Districts 3, 5 and 6, with over 70% of the increase in delay in Districts 3 and 5 due to TNCs, and about 45% of the increase in delay in District 6 due to TNCs. Vehicle miles traveled increased most significantly in Districts 6 and 10, with TNCs accounting for 41% and 32% of the increased VMT in these districts, respectively. While the total increase in VMT in Districts 3 and 5 were less than observed in other districts, the share of this increase attributable to TNCs in these districts was between 65% and 75%, the highest in the city. Average speeds have declined in all districts, with the greatest relative declines occurring in Districts 3, 6, 9 and 10.



**EXHIBIT R**

# **Disruptive Transportation: The Adoption, Utilization, and Impacts of Ride-Hailing in the United States**

Regina R. Clewlow, Ph.D. (corresponding author)  
Gouri Shankar Mishra, Ph.D.

## **FOR MEDIA OR OTHER INQUIRIES:**

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Keywords: shared mobility, carsharing, ridesharing, ride-hailing, Uber, Lyft, travel behavior

## **RECOMMENDATION CITATION**

Clewlow, Regina R. and Gouri S. Mishra (2017) Disruptive Transportation: The Adoption, Utilization, and Impacts of Ride-Hailing in the United States. Institute of Transportation Studies, University of California, Davis, Research Report UCD-ITS-RR-17-07

- Among adopters of prior carsharing services, 65% have also used ride-hailing. More than half of them have dropped their membership, and 23% cite their use of ride-hailing services as the top reason they have dropped carsharing.

## Vehicle Ownership and Driving

- Ride-hailing users who also use transit have higher personal vehicle ownership rates than those who only use transit: 52% versus 46%.
- A larger portion of “transit only” travelers have no household vehicle (41%) as compared with “transit and ride-hail” travelers (30%).
- At the household level, ride-hailing users have slightly more vehicles than those who only use transit: 1.07 cars per household versus 1.02.
- Among non-transit users, there are no differences in vehicle ownership rates between ride-hailing users and traditionally car-centric households.
- The majority of ride-hailing users (91%) have not made any changes with regards to whether or not they own a vehicle.
- Those who have reduced the number of cars they own and the average number of miles they drive personally have substituted those trips with increased ride-hailing use. Net vehicle miles traveled (VMT) changes are unknown.

## Ride-hailing and Public Transit Use

- After using ride-hailing, the average net change in transit use is a 6% reduction among Americans in major cities.
- As compared with previous studies that have suggested shared mobility services complement transit services, we find that the substitutive versus complementary nature of ride-hailing varies greatly based on the type of transit service in question.
- Ride-hailing attracts Americans away from bus services (a 6% reduction) and light rail services (a 3% reduction).
- Ride-hailing serves as a complementary mode for commuter rail services (a 3% net increase in use).
- We find that 49% to 61% of ride-hailing trips would have not been made at all, or by walking, biking, or transit.
- Directionally, based on mode substitution and ride-hailing frequency of use data, we conclude that ride-hailing is currently likely to contribute to growth in vehicle miles traveled (VMT) in the major cities represented in this study.

**EXHIBIT S**



## TNCs Today

A Profile of San Francisco Transportation Network Company Activity





## Executive Summary

Transportation network companies (TNCs) such as Uber and Lyft are an increasingly visible presence on San Francisco streets, but there has been no comprehensive data source to help the public and decision-makers understand how many TNC trips occur in San Francisco, how much vehicle travel they generate, and their potential effects on congestion, transit ridership, and other measures of system performance. The California Public Utilities Commission (CPUC) regulates TNCs and requires data reporting by TNCs, but will not share these data with local jurisdictions and the public.

The purpose of this report is to provide information on TNC activity in San Francisco, in order to help the San Francisco County Transportation Authority (Transportation Authority) fulfill its role as the Congestion Management Agency for San Francisco County. The report is also intended to inform the Transportation Authority board which is comprised of the members of the San Francisco Board of Supervisors, as well as state and local policy-makers in other arenas, and the general public, on the size, location and time-of-day characteristics of the TNC market in San Francisco.

The information presented is a profile of estimated local TNC usage (trips made entirely within San Francisco) from mid-November to mid-December of 2016. The TNC data was originally gathered by researchers at Northeastern University from the Application Programming Interfaces (APIs) of Uber and Lyft and then shared with the Transportation Authority. The Transportation Authority's data team cleaned and analyzed the data for presentation here.



While this document provides a broad range of descriptive information about TNC trips, it does not evaluate the effects of these TNC trips on the performance of the San Francisco transportation system, nor does it explain TNC customer trip purposes, demographic characteristics, or longer term effects on vehicle ownership and residential and employment location. This report does not identify the extent to which TNCs affect congestion. Many factors contribute to increased congestion—population and employment growth, construction activity, increased delivery and other transportation services, and TNCs.

Subsequent reports and studies by the Transportation Authority and others will address these important analytic and policy topics in depth, including the effects of TNCs on roadway congestion, public transit operations and ridership, disabled access, and equity.

The report is structured around six primary questions:

### HOW MANY TNCs OPERATE IN SAN FRANCISCO TODAY?

- The San Francisco Treasurer's Office estimates that 45,000 Uber and Lyft drivers may operate in San Francisco, and in 2016 sent notices requiring them to register their business with the city.
- Almost 21,000 drivers are estimated to have complied with the requirements to register their business with the city. Of that number, only 29% are San Francisco residents.
- On a typical weekday, over 5,700 TNC vehicles operate on San Francisco streets at peak times, with the peak period occurring between 6:30pm and 7:00pm. On Fridays, over 6,500 TNC vehicles are on the street during the peak of 7:30pm to 8:00pm. This is over 15 times the number of taxis on the street at these times of day.

### HOW MANY TNC TRIPS ARE OCCURRING IN SAN FRANCISCO?

- On a typical weekday, TNCs make over 170,000 vehicle trips within San Francisco, which is approximately 12 times the number of taxi trips, and 15% of all intra-San Francisco vehicle trips. This represents a conservative estimate of total TNC trips in San Francisco because the study's dataset does not include trips with a regional origin or destination.
- Assuming TNC occupancy rates are similar to taxi occupancy rates, it is estimated that at least 9% of all San Francisco person trips use TNCs.

## WHEN ARE TNC TRIPS OCCURRING IN SAN FRANCISCO?

- Significant numbers of TNC vehicle trips occur on both weekdays and weekends, with the highest number on Fridays with over 222,500 trips, and the lowest number on Sundays with approximately 129,000 trips.
- On weekdays, TNC usage is concentrated during the AM and PM peak periods when congestion is greatest, and extends into the evenings on Friday. Saturday and Sunday TNC trips occur primarily in the afternoon and evening.

## WHERE ARE TNC TRIPS OCCURRING IN SAN FRANCISCO?

- TNC trips are concentrated in the densest and most congested parts of San Francisco including the downtown and northeastern core of the city. At peak periods, TNCs are estimated to comprise 25% of vehicle trips in South of Market.
- TNC trips are concentrated on the busiest arterials, yet also operate extensively on neighborhood streets, including along major public transit lines.

## HOW MANY VEHICLE MILES TRAVELED (VMT) DO TNCs GENERATE WITHIN SAN FRANCISCO?

- Intra-SF TNC trips generate approximately 570,000 vehicle miles of travel (VMT) on a typical weekday, comprising as much as 20% of intra-SF-only VMT, at

least 6.5% of average total weekday VMT citywide, and may account for more than 10% of weekend VMT, primarily during the AM peak, PM peak, and early evening time periods. These estimates include both in-service and out-of-service vehicle miles.

- Approximately 20% of total TNC VMT are out-of-service miles. This is significantly lower than the more than 40% of taxi VMT that are out-of-service miles. The greater efficiency of TNCs is likely due to the higher number of TNC vehicles and more efficient technology.

## DO TNCs PROVIDE A HIGH DEGREE OF GEOGRAPHIC COVERAGE THROUGHOUT THE ENTIRE CITY?

- TNCs provide broader service across the city than taxis, particularly in the western neighborhoods.
- TNCs provide fewer trips per population and employment in southern and southeastern areas of the city, which may reflect the presence of fewer TNC vehicles, or neighborhood preferences or demographics.

For more information, or to obtain a downloadable file of Transportation Authority processed data, visit the TNCs Today website at [www.sfcta.org/tncstoday](http://www.sfcta.org/tncstoday).





## Introduction

Transportation network companies (TNCs) such as Uber and Lyft are visible presences on San Francisco's streets, in both the downtown core as well as in the city's neighborhoods. These companies allow people to use a smartphone app to request and pay for rides sourced from a pool of available drivers. These services are taxi-like in that they provide point-to-point transportation primarily in private vehicles. The success of TNCs in attracting rides in San Francisco and other cities reflects the high unmet demand for premium services and the extensive benefits they provide to users who can afford their services. Initially TNCs offered some distinct advantages over taxis including the ability to easily reserve a ride, the ability for both driver and passenger to contact each other and to know the location of the other using GPS, ease of payment, cheaper fares, shorter wait times, and more availability at all times of day due to a larger supply of vehicles. Taxis now offer some of these features, although the supply of taxis is still significantly smaller than TNCs, and taxi fares are higher.

The advantages of TNCs over taxis and other transportation modes are in part a result of the technological innovation of directly connecting travelers and drivers, but are also in part an outcome and reflection of the relatively light regulatory requirements under which TNCs operate, relative to taxis and other for-hire vehicles. The biggest difference between TNCs and other modes is the significantly lower barrier for drivers to enter the market. California state law grants municipalities the ability to regulate taxis, and in San Francisco, the taxi medallion system limits the number of taxi vehicles that can serve the city. In addition, taxis are subject to price controls, must provide access to all areas of the city, must provide service to people with

disabilities, have greater insurance requirements, and are subject to driver background checks and vehicle inspections. In contrast, there is no limit on the number of TNCs that may operate on San Francisco streets, no price controls, no geographic service area requirements, minimal disabled access requirements, limited driver background checks and few vehicle inspection or driver training requirements (TRB 2015).

There is a perception that TNC vehicles now comprise a significant number of the vehicles on San Francisco streets, having increased rapidly since TNCs started operating in the city seven years ago. However, there has been little data to either confirm or refute this perception. The California Public Utilities Commission (CPUC), which regulates TNCs due to the inter-city, non-hail nature of the service they provide, requires TNCs to report to the CPUC an extensive set of information on service provision including where and when trips are starting and ending, the availability of disabled-accessible vehicles, traffic incidents, and hours and miles logged by drivers. However, the CPUC has refused to share these TNC data with San Francisco, stating that it is authorized to withhold official information if disclosure of the information is against the public interest (CPUC Letter to the Transportation Authority, 2017). However, recent SFMTA Travel Decisions Survey results indicate that TNCs are growing in significance as a share of overall San Francisco travel, doubling in mode share served between 2014 and 2015 (SFMTA 2014, SFMTA 2015). In addition, it has been noted that Uber reported an annual tripling of trips in San Francisco (TRB 2015). However, these data sources provide no reliable estimates of the true number of TNC trips occurring in San Francisco, where TNC trips are occurring, or when TNC trips are occurring.





## Purpose

The purpose of this report is to provide information on TNC activity in San Francisco, in order to help the San Francisco County Transportation Authority (Transportation Authority) fulfill its role as the Congestion Management Agency for San Francisco County. The report is also intended to inform the Transportation Authority board which is comprised of the members of the San Francisco Board of Supervisors, as well as state and local policymakers in other arenas, and the general public, on the size, location and time-of-day characteristics of the TNC market in San Francisco.

This document provides estimates of how many TNCs are operating in San Francisco during all times of day and days of week, imputes the number, location, and timing of intra-San Francisco TNC trips based on TNC driver trip acceptance information (referred to in this report as pickups) and TNC driver drop off information (referred to as drop-offs). The report estimates the amount of daily vehicle miles travelled (VMT) generated by TNCs, and contextualizes these relative to the other travel modes operating in San Francisco, including private vehicles, public transit, walking and biking. TNC trips between San Francisco and other counties (regional TNC trips) are not included in these estimates, and as a result these numbers represent a lower-bound estimate of the number of actual TNC vehicles and trips operating in San Francisco. Note that the data on which this report is based does not include any information on TNC trip purposes, travel party size, fares paid, traveler attributes such as gender, income, disability, mode choice shifts, or induced travel.

The information presented is a profile of local TNC usage in San Francisco from mid-November to mid-December of 2016, excluding dates around the Thanksgiving 2016 holiday. The TNC data was originally gathered by researchers at Northeastern University from the Application Programming Interfaces (APIs) of Uber and Lyft which show the locations of available vehicles to mobile apps, and then was shared with the Transportation Authority through a research collaboration over the past year. The other data referenced in the report come from a variety of sources including Caltrans, the San Francisco Municipal Transportation Agency (SFMTA), and the Transportation Authority's SF-CHAMP travel demand model.

This document does not evaluate the near-term impacts of TNCs on the performance of the San Francisco transportation system, nor does it explain potential longer-term effects of TNC provision on vehicle ownership or residential and employment location.

This report does not identify the extent to which TNCs affect congestion. Many factors contribute to increased congestion—population and employment growth, construction activity, increased delivery and other transportation services, and TNCs. Subsequent reports by the Transportation Authority through this project and the larger Emerging Mobility Services and Technology (EMST) policy framework and the Connect SF long-range planning process, both being undertaken in coordination with other City agencies, will address these important analytic and policy questions in depth.



## Methodology

This research team developed and applied multiple procedures to estimate TNC trips within San Francisco. First, the team acquired data on TNC vehicle locations that was gathered from the Uber and Lyft APIs. The research team then cleaned this location data, removing unnecessary, anomalous, or redundant information. Finally, the team identified trips and imputed missing attributes.

### DATA COLLECTION

In order to provide real-time information to drivers and passengers, Lyft and Uber expose certain data through public-facing APIs. This information includes nearby vehicle locations, estimated times-to-pickup, and sometimes, estimated costs. The data exposed through the APIs also includes, among other things, a vehicle identifier associated with a sequence of time-stamped coordinates, and the service types associated with that vehicle, such as UberX or UberPOOL. Sending a request to the API returns a text file response containing this information for the nearest available vehicles. When a vehicle becomes unavailable, either because the driver has turned off their app or they have accepted a ride request, the vehicle disappears from the datastream. Similarly, when the vehicle becomes available, either because the driver has turned on their app or they have completed a ride request, it reappears in the datastream. Researchers at Northeastern University implemented a systematic method for collecting this datastream such that it geographically covers all of San Francisco. The Northeastern University researchers collected information on vehicle locations every five seconds for approximately six weeks. The data collection methodology has no impacts on either drivers or riders.

### DATA CLEANING

The research team collected data by sampling available TNC vehicles using a geographic grid that covers all of San Francisco. This sampling procedure means that any available Uber or Lyft vehicle may be detected by multiple sampling locations. Furthermore, because data is being collected almost continuously in time for each sampling location, the same vehicle will often appear repeatedly in the datastream for each individual sampling location. The first step in the data preparation process involved cleaning the information in the datastream. In addition, the raw data may at times contain anomalous data, which was also screened out to ensure the reasonableness of the GPS traces. The result was a set of unique GPS traces for each TNC vehicle.

### TRIP IDENTIFICATION, TRIP MATCHING AND ATTRIBUTE IMPUTATION

Cleaning resulted in a set of unique "pre-trip" vehicle trajectories that reflect when a vehicle became available (due to the driver dropping off a passenger or starting a shift) and when the vehicle became unavailable (due to the driver accepting a passenger or ending a shift). Once pre-trips and pickup and drop-off locations were defined, "trips" were imputed by linking the pickup and trip drop-off locations. Lyft trips were created first because the Lyft API reveals a persistent vehicle identifier, with which it is possible to build an aggregate matrix of Lyft flows from pickup locations to dropoff locations by detailed time-of-day. This matrix of flows is used to estimate the vehicle miles traveled generated by TNCs. Uber's API does not have persistent identifiers that are necessary to connect pickup and dropoff locations, so the research team used the Lyft matrix of pickup and dropoff flows by travel analysis zone (TAZ) and time-of-day as a starting point, and then proportionally fitted the matrix to match Uber trip pickup locations and drop-off locations by time-of-day.

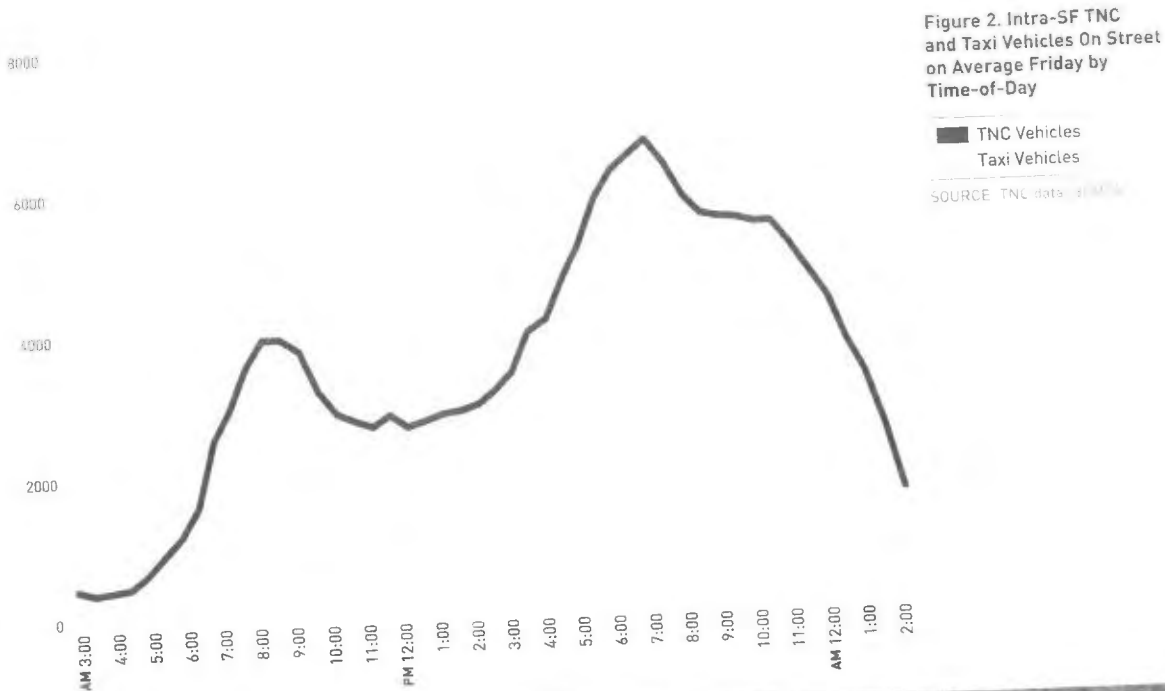
A unique aspect of the Uber and Lyft driver labor market is that drivers may drive for both services simultaneously. As a result, these driver vehicles may appear in both the Uber and Lyft datastreams. It is necessary to identify these "matched pre-trips" in order to avoid double-counting of TNC pre-trips and trips. Matched pre-trips were identified by comparing the start and end times of the pre-trips and selecting only those pre-trips whose start and end times both occurred within a limited time window, as well as selecting only pre-trips that traversed the same set of network links in the same sequence. The pre-trip (and associated trip) were then assigned to either Lyft or Uber, based on which pre-trip ended first, representing the first platform on which a driver accepted the trip.

For pre-trips, out of service travel times and distances could be calculated directly from the cleaned and processed datastream. For Lyft trips, trip travel times could be derived from the datastream. Because the datastream does not contain the information on the actual paths used by TNCs on trips, it was necessary to impute distances between observed pickup and dropoff locations using information from the Transportation Authority's SF-CHAMP model. For Uber trips, both travel times and distances were imputed from the model system.

### DATA LIMITATIONS

It must be emphasized that the TNC information documented in this report does not represent direct observa-





### HOW MANY TNC TRIPS ARE OCCURRING IN SAN FRANCISCO?

Two types of TNC trips were estimated: vehicle trips and person trips. The number of TNC vehicle trips is important because more vehicle trips generally leads to increased congestion and conflicts with other street users, while more person trips may indicate enhanced mobility. Again, only those trips with both pickup and drop-off location within San Francisco are considered in the following summaries.

“Vehicle trips” in Table 2 refers to movements by motor vehicles with origins and destinations entirely within San Francisco. Vehicles may carry different numbers of people, or may be public transit vehicles or taxis. Trucks are excluded. Approximately 170,000 TNC vehicle trips are estimated to occur within San Francisco during a typical weekday. This represents approximately 15% of all weekday vehicle trips that both start and end within the city, as shown in Table 2. There are approximately 12 times as many TNC trips as taxi trips during a typical weekday.

Figure 3. Average Wednesday Intra-SF Vehicle Trips by Mode

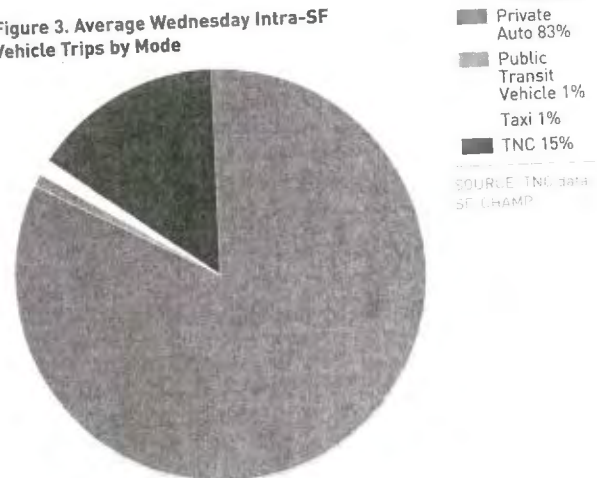


Table 2. Weekday Intra-SF Vehicle Trips by Mode

MODE	VEHICLE TRIPS	%
Private Auto	940,000	83%
Public Transit Vehicle	11,000	1%
Taxi	14,000	1%
TNC	170,000	15%
<b>TOTAL</b>	<b>1,135,000</b>	<b>100%</b>

TNC data; SF CHAMP model; SPM, 7.4

Person trips refers to movements by people with origins and destinations in San Francisco. Person trips are different than vehicle trips because person trips include walking and biking trips (which don't require motor vehicles), and also because private vehicles, public transit vehicles and taxis may carry more than one person. For TNCs and taxis, vehicle trips were converted to person trips using an assumed occupancy rate of 1.66, based on observed data (Schaller, 2017). This assumed occupancy rate affects the TNC share of overall travel. Use of a lower occupancy rate would result in lower TNC person trip mode shares. Approximately 290,000 TNC person trips are estimated to occur within San Francisco during a typical weekday. This represents approximately 9% of all weekday person trips within the city, as shown in Table 3.

**Table 3. Weekday Intra-SF Person Trips by Mode**

MODE	PERSON TRIPS	%
Drive	1,099,000	34%
Public Transit	512,000	16%
Bike	103,000	3%
Walk	1,193,000	37%
Taxi	24,000	1%
TNC	283,000	9%
<b>TOTAL</b>	<b>3,214,000</b>	<b>100%</b>

Source: TNC data; SF-CHAMP travel model; SFMTA

### WHEN ARE TNC TRIPS OCCURRING IN SAN FRANCISCO?

The timing of TNC trips is important because trips that occur during peak periods and weekdays are more likely to exacerbate congestion and delay on roads, affecting both general traffic, surface public transit as well as conflicts with bicycles and pedestrians.

250,000

200,000

150,000

100,000

50,000

0

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

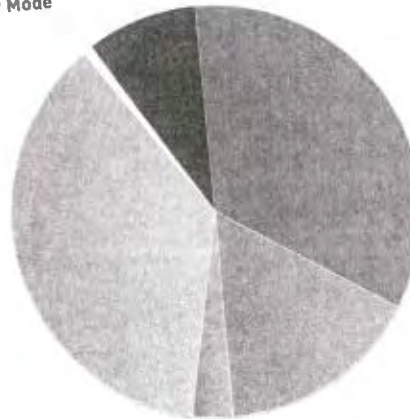
SATURDAY

SUNDAY

**Figure 5. TNC and Taxi Intra-SF Trips by Day-of-Week**

■ TNC Trips  
■ Taxi Trips

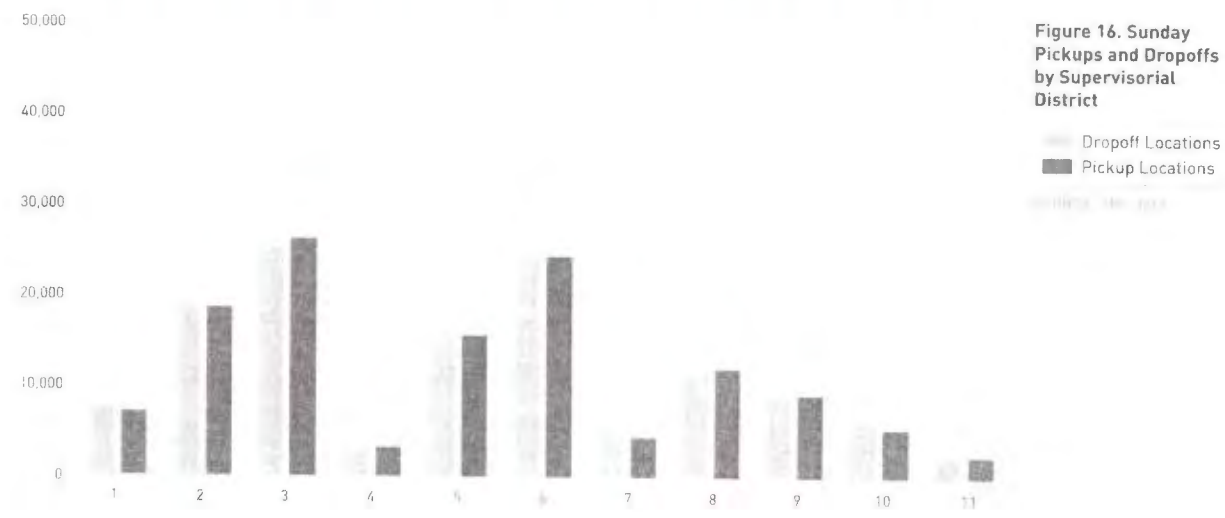
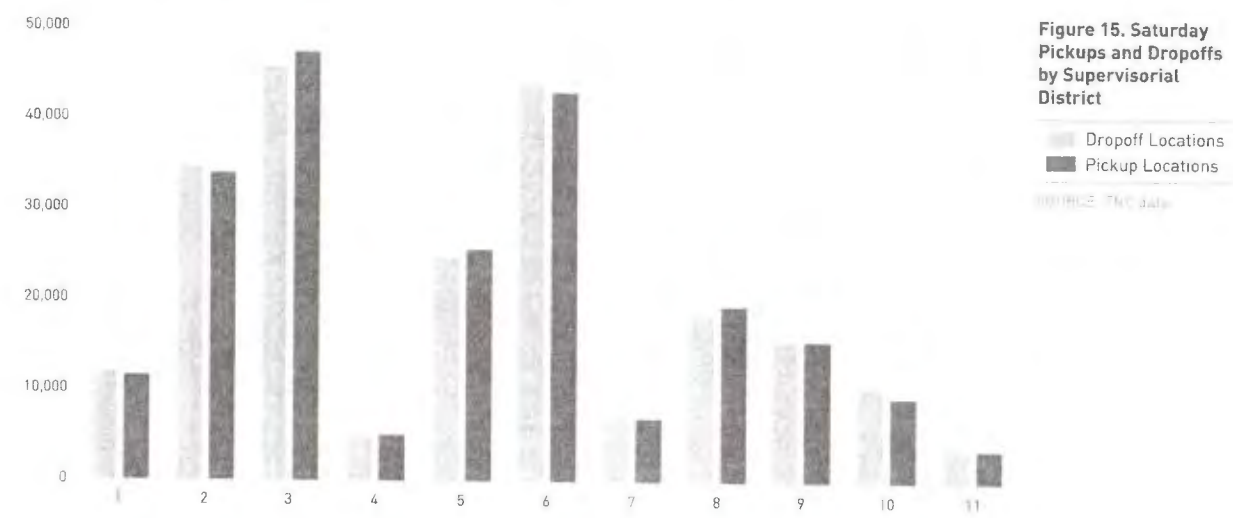
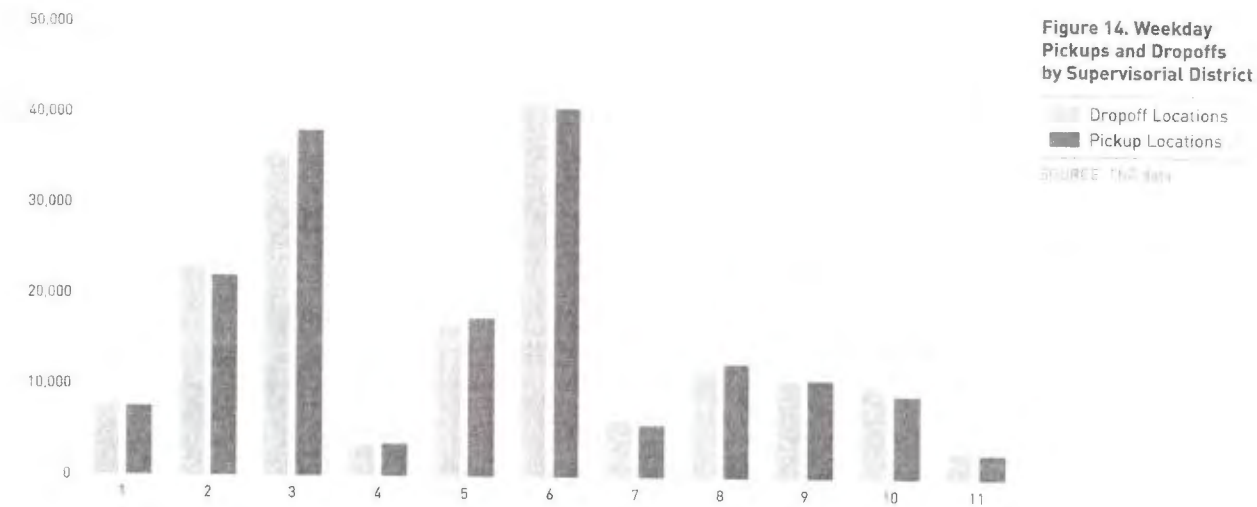
**Figure 4. Average Weekday Intra-SF Person Trips by Mode**



■ Private Auto 34%  
■ Public Transit 16%  
■ Bike 3%  
■ Walk 37%  
■ Taxi 1%  
■ TNC 9%

SOURCE: TNC data; SF-CHAMP

Figure 5 shows the total number of estimated TNC vehicle trips and taxi trips by day-of-week. It shows that TNC trips increase as the week progresses, reaching their peak volume on Friday and hitting their lowest volume on Sunday. This indicates that TNCs are serving both the weekday and



## HOW MUCH VMT DO TNCs GENERATE WITHIN SAN FRANCISCO?

The amount of VMT, or vehicle miles travelled, that is generated by TNCs is important because VMT is a fundamental measure of transportation system performance. Higher levels of VMT are associated with greater levels of emissions of greenhouse gases such as CO<sub>2</sub> as well as other pollutants. In addition, higher levels of VMT are also associated with greater roadway congestion and conflicts. For TNCs and taxis, two types of VMT are important, in-service VMT and out-of-service VMT. In-service VMT refers to the vehicle miles traveled when transporting a passenger. Out-of-service VMT refers to the vehicle miles traveled while circulating to pickup a passenger.

Tables 4–6 show the total trips, total VMT, average total trip length, in-service trip length, out-of-service trip length, and percent out-of-service trip length by day-of-week for local TNCs and taxis. These tables indicate that TNCs and taxis are generally similar in terms of average in-service trip length. However, a notably smaller share of TNCs' total trip lengths are out-of-service miles, while a significant share of total taxi trip length (over 40%) are out-of-service miles. The greater efficiencies of TNCs, as reflected in a lower share of out-of-service miles, are likely primarily a reflection of the larger fleets of TNC drivers operating on the road at any given time, enabling shorter distances to pickup locations. In addition, TNCs' routing software may be more efficient than the taxi dispatch systems. Most critically, Table 4 indicates that the estimated TNC total VMT on a typical weekday is approximately 570,000 VMT, and this estimate is clearly conservative given that it:

- Includes only intra-SF TNC trips (such as trips to and from San Francisco International Airport).
- Underestimates out-of-service VMT because it excludes the additional distance from acceptance location to where the passenger is actually picked up.
- Excludes VMT associated with TNC drivers commuting to SF from non-SF home origins.

This TNC VMT estimate indicates that intra-SF TNCs generate as much as 20% on weekday VMT for intra-SF vehicle trips and at least 6.5% of total weekday VMT in San Francisco, given Caltrans' most recent estimate of weekday VMT traveled on San Francisco streets and highways (Caltrans 2014). Saturday roadway volumes are lower than weekday volumes, yet Saturday TNC VMT is even greater than average weekday TNC VMT. It is possible that TNCs may account for approximately 10% of VMT on Saturdays.

**Table 4. Average Weekday Intra-SF Trip Lengths**

	TNCS	TAXIS
Trips	170,400	14,400
VMT	569,700	65,900
Average Total Trip Length	3.3	4.6
Average In-service Trip Length	2.6	2.6
Average Out-of-service Trip Length	0.7	2.0
% Out-of-service Trip Length	21.0%	43.6%

**Table 5. Average Saturday Intra-SF Trip Lengths**

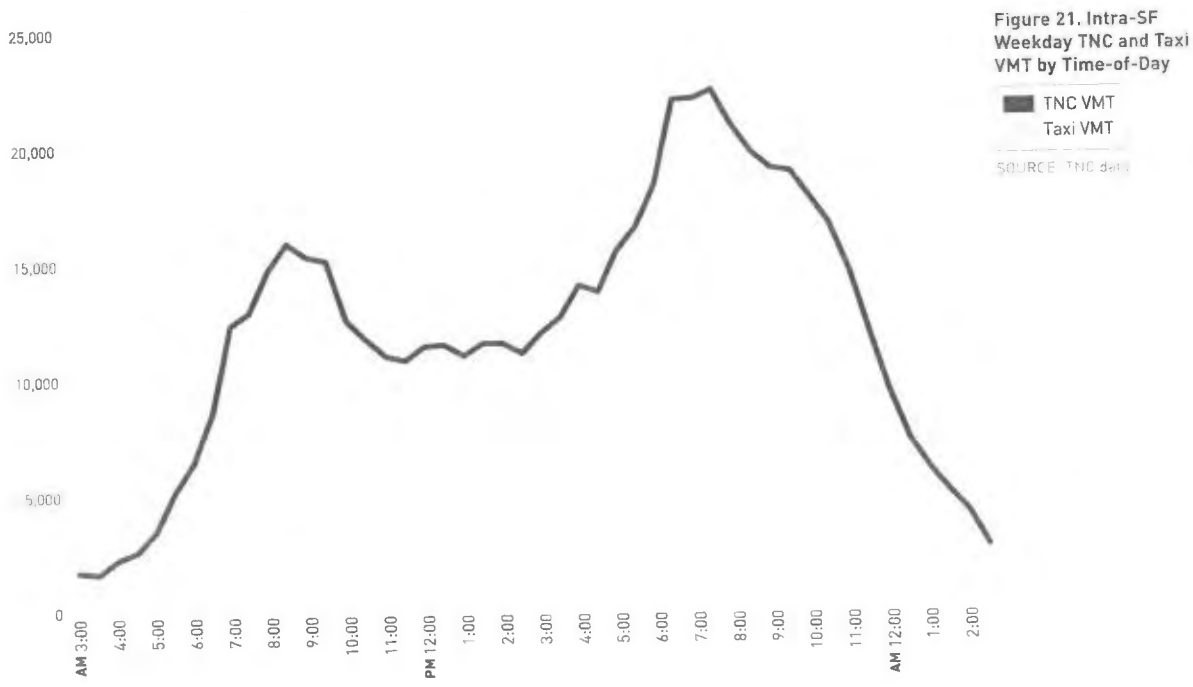
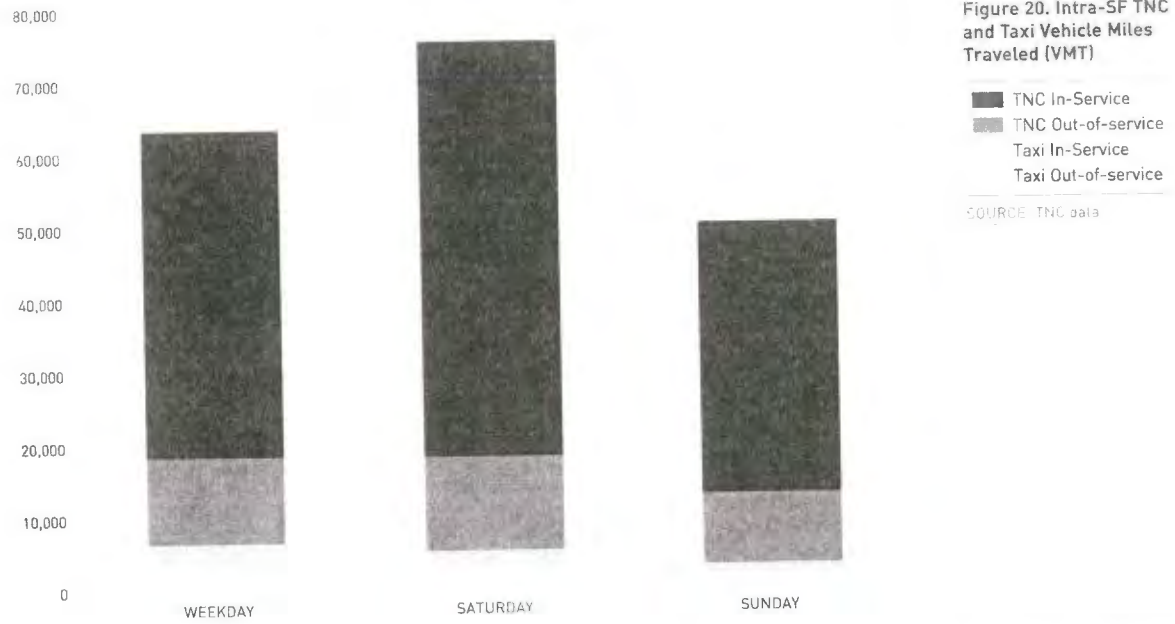
	TNCS	TAXIS
Trips	220,700	12,300
VMT	703,600	53,600
Average Total Trip Length	3.2	4.4
Average In-service Trip Length	2.6	2.4
Average Out-of-service Trip Length	0.6	1.9
% Out-of-service Trip Length	18.6%	44.1%

**Table 6. Average Sunday Intra-SF Trip Lengths**

	TNCS	TAXIS
Trips	129,100	6,700
VMT	471,200	31,900
Average Total Trip Length	3.7	4.8
Average In-service Trip Length	2.9	2.6
Average Out-of-service Trip Length	0.8	2.2
% Out-of-service Trip Length	20.7%	45.5%

Figure 20 (next page) illustrates the amount of estimated in-service and out-of-service VMT generated by local TNCs and taxis for typical weekdays, Saturdays and Sundays. TNCs generate more than 10 times as many VMT as taxis on a typical weekday, while generating 12 times as many trips.

Figure 21 (next page) shows the distribution of weekday VMT by time-of-day for TNCs and taxis. It indicates that most of the VMT generated by TNCs occurs during the AM peak and PM peak hours, with significant VMT also occurring during the evening hours, following the PM peak. VMT generated during periods of peak demand likely exacerbates existing peak period congestion.





**EXHIBIT T**



## Memorandum

Date: 04.06.2016

To: Wade Wietgreffe, San Francisco Planning Department

From: Drew Cooper, SFCTA

Subject: General Non-Residential Off-Street Parking Rate Estimation for San Francisco

The purpose of this memo is to document the estimation of a generalized non-residential off-street parking rate to be used in the TDM program in order to evaluate the parking requirements for new development at a fine-grained spatial level. The Transportation Authority did not make any attempt to separate or consider the distinctions of the various types of non-residential land uses, due to complications in relating off-street publicly available parking to the particular land uses it serves, although this analysis could be done if deemed desirable.

### METHODOLOGY

The Transportation Authority estimated a general non-residential off-street parking rate as the number of public and private off-street parking spaces per 1000 square feet of non-residential land use. For each TAZ, we summarize the non-residential square footage and off-street parking supply for the TAZ and other nearby TAZs within 0.75 miles of network-based walking distance, with decreasing weight given to more distant TAZs.<sup>1</sup> We did this in order to derive a parking rate that is representative of the neighborhood and is not artificially truncated at arbitrary TAZ boundaries, and because parking for land uses within the TAZ may actually be located outside of the TAZ.

**Land Use Data:** Land use data were provided at a parcel level by the San Francisco Planning Department for 2013, and summarized to Traffic Analysis Zones (TAZs), which are the geographic unit used by SF-CHAMP travel demand model. Table 1 describes the types of land use included.

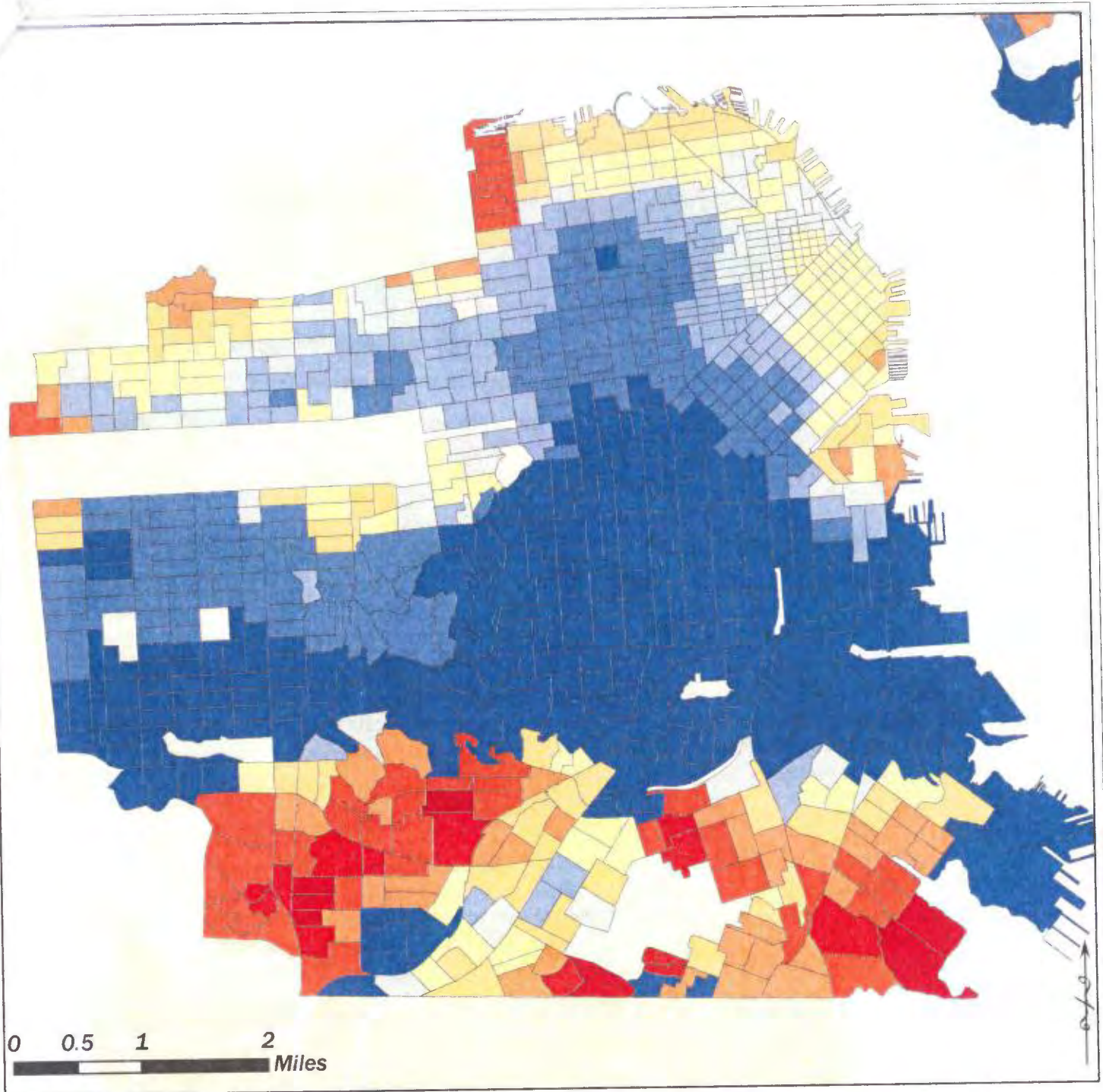
Table 1: Non-Residential Land Uses for Parking Rate Estimation

LAND USE CATEGORY	DESCRIPTION
CIE	Cultural, Institutional & Educational Services
MED	Medical and Health Services
MIPS	Management, Information & Professional Services
PDR	Production, Distribution & Repair
RETAIL	Retail / Entertainment
VISITOR	Visitor Lodging

<sup>1</sup> The weight is a function of distance in the formula  $w = e^{-11.8d}$ , where  $d$  is the distance in miles.

**Parking Data:** Off-street, publicly available parking data were available through SFPark. Off-street, private parking estimates were taken from the Transportation Authority's Parking Supply and Utilization Study.

**Network Data:** Pedestrian network-based walking distances were taken from SF-CHAMP 2012 Base Year model run.



#### Non-Residential Parking Supply Rate (Parking Spaces per kSF)



### *Non-Residential Parking Supply Estimated from SF Park Data*

This map shows TAZ-level estimates of parking supply rates for San Francisco, based off-street parking supply from SFPark and scaled up by 3% to match citywide totals to match the estimated supply from the PSUS parking estimation model

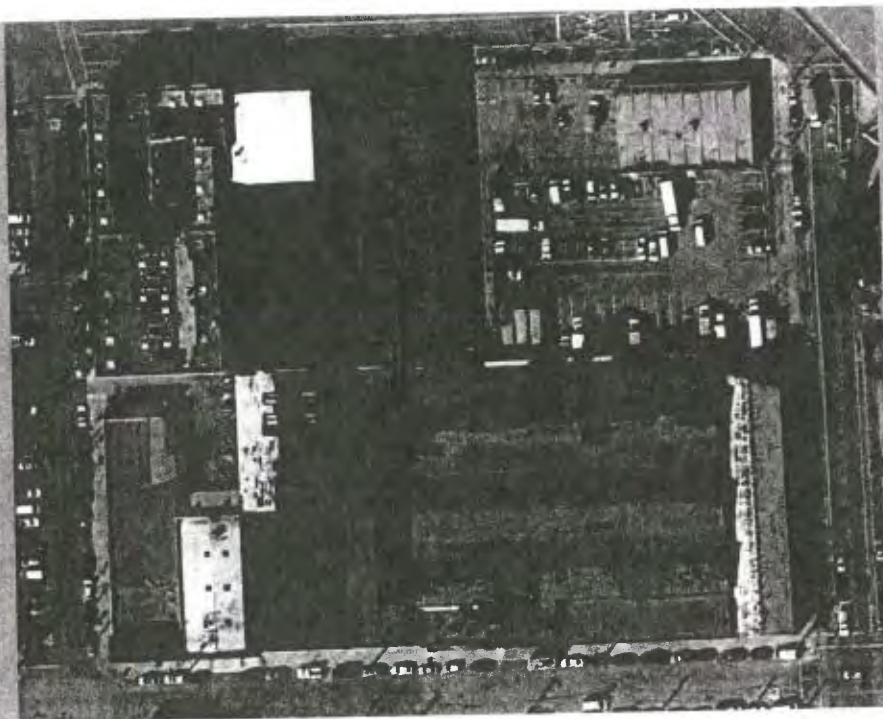


SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY

1455 Market Street, 22nd Floor, San Francisco, CA 94103  
TEL 415.522.4800 FAX 415.522.4829  
EMAIL info@sfcta.org WEB www.sfcta.org

**EXHIBIT U**





## Draft Environmental Impact Report

### 901 16<sup>th</sup> Street and 1200 17<sup>th</sup> Street Project

PLANNING DEPARTMENT  
CASE NO. 2011.1300E

STATE CLEARINGHOUSE NO. 2015022048

Draft EIR Publication Date:	August 12, 2015
Draft EIR Public Hearing Date:	September 17, 2015
Draft EIR Public Comment Period:	August 13, 2015 to September 28, 2015



Written comments should be sent to:  
Sarah B. Jones Environmental Review Officer | 1650 Mission Street, Suite 400 | San Francisco, CA 94103  
or [Sarah.B.Jones@sfgov.org](mailto:Sarah.B.Jones@sfgov.org)

Table IV.A-7 – Person-Trip Rate and Generation

Site Use	Area (SF)/ Units	Trip Rate		Trip Generation			Total
		Daily Rate	PM Peak Hour	Daily Person	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total
1200 17th Street Retail							
Restaurant (Composite)	4,650	0.600	13.5%	2,790	181	196	377
901 16th Street Retail							
General Retail	2,600	0.150	9.0%	390	17	18	35
Community market	15,218	0.297	7.3%	4,520	158	172	330
Restaurant (Composite)	2,500	0.600	13.5%	1,500	97	105	203
Total Retail	24,968	0.368	10.3%	9,200	453	491	944
Residential (Both Buildings)							
Residential (Studio)	53	7.5	17.3%	398	46	23	69
Residential (1-bedroom)	182	7.5	17.3%	1,365	157	79	236
Residential (2-bedroom)	146	10.0	17.3%	1,460	168	85	253
Residential (3-bedroom)	14	10.0	17.3%	140	16	8	24
Total Residential	395	8.513	17.3%	3,363	387	195	582
New Person Trips				12,563	840	686	1,526
Existing Land Use Credit			10.4%	-202	-6	-15	-21
Net New Person Trips				12,361	834	671	1,505

Source: DKS Associates, 2014

Notes:

1. Trip generation rates, PM peak hour percentages, and inbound/outbound splits from City's SF Guidelines Table C-1 and C-2.

Table IV.A-8 – Mode Split and Daily Trip Generation by Trip Type

Land Use	Daily Person Trips									Average Vehicle Occupancy	Total Vehicle Trips <sup>1</sup>
	Auto		Transit		Walk		Other		Total Trips		
	%	Trips	%	Trips	%	Trips	%	Trips			
Retail (Work) <sup>1</sup>	71	262	20	74	6	21	3	11	368	1.23	213
Retail (Non-Work) <sup>1</sup>	64	5,661	12	1,033	22	1,978	2	159	8,832	1.90	2,980
Residential <sup>2</sup>	38	1,284	30	1,017	17	561	15	501	3,363	1.08	1,193
Trip Credit	75	-152	0	0	25	-50	0	0	-202	1.00	-152
Project Total	57	7,055	17	2,124	20	2,510	5	671	12,361	1.67	4,233

Source: DKS Associates, 2015

**Notes:**

1 – Retail mode splits and AVO are based on *SF Guidelines Appendix E*; retail, community market, and restaurant uses combined.

2 – Residential mode splits and AVO are based on an average of the *American Community Survey for Census Tracts 607 and 227.04, Appendix J*.

Table IV.A-9 – PM Peak Hour Trip Generation by Trip Type and Mode

Land Use	PM Peak Hour Person Trips									Average Vehicle Occupancy	Total Vehicle Trips <sup>1</sup>
	Auto		Transit		Walk		Other		Total Trips <sup>2</sup>		
	%	Trips	%	Trips	%	Trips	%	Trips			
Retail (Work) <sup>1</sup>	71	27	20	8	6	2	3	1	38	1.23	22
Retail (Non-Work) <sup>1</sup>	64	581	12	106	22	203	2	16	906	1.90	306
Trip Credit	100	-21							-21	1.00	-21
Residential <sup>2</sup>	38	222	30	176	17	97	15	87	582	1.08	206
Project Total	54	809	19	290	20	302	7	104	1,505	1.58	513

Source: DKS Associates, 2015

**Notes:**

1 – Retail mode splits and AVO are based on *SF Guidelines Appendix E*; retail, community market, and restaurant uses combined.

2 – Residential mode splits and AVO are based on an average of the *American Community Survey for Census Tracts 607 and 227.04, Appendix J*.

*Trip Distribution*

The trip distribution in Table IV.A-10 shows the trip distribution patterns assumed for the proposed project and would include origins or destinations within San Francisco, the East Bay, North Bay, South Bay, and beyond. San Francisco trips are separated into four "Superdistrict" areas of San Francisco as shown in Appendix M in the TIS as 1, 2, 3, and 4. Each Superdistrict corresponds to a quadrant of San Francisco. The project site is located in Superdistrict 3, but the proposed project would include trips to other Superdistricts as described further below.

**Table IV.A-10 – Trip Distribution Patterns**

Origin/ Destination	Retail (Work)	Retail (Non-Work)	Residential	Aggregate PM peak hour
Superdistrict 1	8%	6%	60%	27%
Superdistrict 2	11%	9%	5%	8%
Superdistrict 3	24%	61%	10%	40%
Superdistrict 4	8%	5%	5%	5%
East Bay	16%	6%	6%	6%
North Bay	6%	2%	2%	2%
South Bay	28%	11%	12%	12%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

**Source:** DKS Associates, 2014; SF Guidelines, 2002.

As shown in **Table IV.A-10**, a majority of the non-work, retail trips would travel within San Francisco with the largest percentage of those, 61 percent, traveling within Superdistrict 3, where the project is located. Outside San Francisco, most retail trips would travel to or from the South Bay area. The distribution of residential work and non-work trips correspond to the general distribution of employment in San Francisco, with 60 percent of trips destined to greater downtown San Francisco (SD-1) and the remaining 40 percent split between outlying San Francisco neighborhoods and surrounding areas.

These trip distribution patterns have been applied to the vehicle trip generation for the existing and proposed uses on the project site. This process produces a weighted or aggregate trip distribution pattern based on the total PM peak hour vehicle trips each land use would generate and are shown in **Table IV.A-10**.

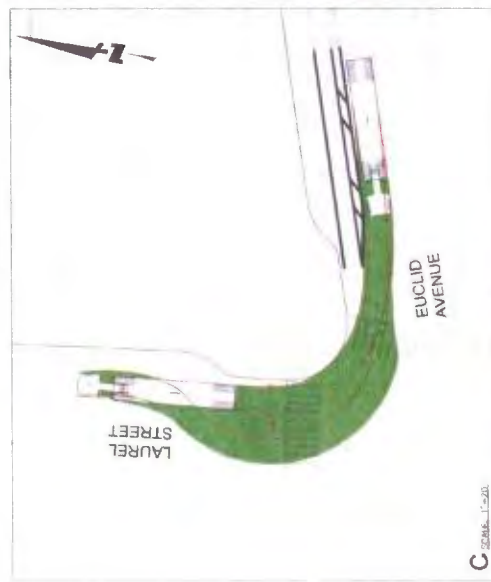
#### *Freight and Service Loading Demand*

The longest truck expected to be accessing the project site would be 45 feet. Based on the service vehicle type distribution, loading demand for approximately 76 percent of the time would be in the form of shorter vehicles (cars, pickups, vans, and small delivery trucks), whose length would be 20 feet or less.

As shown in **Table IV.A-11**, it is estimated that less than one daily truck trip would be generated for the proposed general retail use, about 26 trips for the proposed restaurant use, 20 trips for the community market use, and 14 daily truck trips would be generated for the residential use, for a total of 59 daily truck trips. It is estimated that the proposed project's loading demand would be approximately three loading trips during an average hour and approximately four loading trips during the peak hour.

**EXHIBIT V**





3333 CALIFORNIA  
WB-50 CIRCULATION EXHIBIT



TRUCK TURNING WB-50

08.17.2017  
PLANNING APPLICATION SUBMITTAL

C4.03

3333 CALIFORNIA STREET SAN FRANCISCO, CA





3333 CALIFORNIA  
BUS-40 CIRCULATION EXHIBIT

TRUCK TURNING BUS-40

C4.06

08.17.2017  
PLANNING APPLICATION SUBMITTAL

3333 CALIFORNIA STREET SAN FRANCISCO, CA



**KATHRYN R. DEVINCENZI**  
22 IRIS AVENUE  
SAN FRANCISCO, CALIFORNIA 94118-2727  
Telephone: (415) 221-4700  
E-mail: KRDevincenzi@gmail.com

BY HAND

January 8, 2019

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

**RECEIVED**

JAN 08 2019  
CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

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

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

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

1  
(NO-4)

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

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

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

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

**MITIGATION MEASURE - NOISE-2: SPECIFIC NOISE CONTROL MEASURES**



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2. As a condition of approval of the project, the noise control plan for the proposed project shall include all of the construction noise control measures described in Mitigation Measure M-NO-1: Construction Control Measures set forth at DEIR pp. 4.D.42-51. Notwithstanding the foregoing, the monitoring noise stations shall be required to provide continuous noise monitoring at the nearest potentially impacted receptors whenever construction activities are being conducted and not merely from 7 am to 3 pm on Saturdays.

Also notwithstanding the foregoing, night noise permits shall not be sought except in an emergency and at the time that any night noise permits are requested, the Construction Manager shall also provide written copies of the application for a night noise permit and all accompanying writings to the Laurel Heights Improvement Association by email to KRDevincenzi@gmail.com and frfbeagle@gmail.com or such other email address as LHIA may provide for notice.

#### **MITIGATION MEASURE - NOISE-3: PROHIBITION ON NIGHT CONSTRUCTION WORK EXCEPT IN EMERGENCY**

3. At the 3333 California Street site, construction work shall not be performed at night during the hours of 8:00 pm of any day and 7:00 am of the following day except in an emergency.

#### **MITIGATION MEASURE - NOISE-4: PROCEDURES FOR NOTICE TO RESIDENT ASSOCIATION OF APPLICATION FOR A PERMIT TO PERFORM CONSTRUCTION WORK AT NIGHT**

4. A complete copy of any application for a special permit to perform construction work at night pursuant to section 2908 of the San Francisco Police Code or any other law or regulation must be provided by contractors or representatives of the project sponsor to the Laurel Heights Improvement Association (LHIA) at the same time as it is submitted to the Department of Public Works (DPW) or the Department of Building Inspection (DBI) or any other government agency, and DPW, DBI and any other government agency shall consider comments and/or objections made by LHIA as to any such application. Representatives of the project sponsor shall provide complete copies of any such application to LHIA by email to KRDevincenzi@gmail.com and to frfbeagle@gmail.com or to such other email addresses as LHIA may provide for notice.

#### **MITIGATION MEASURE - NOISE-5: PROVISIONS FOR NOISE MEASUREMENTS**

1  
(NO-4)  
cont'd



5. As a condition of approval of the project, the Department of Public Health Noise Prevention and Control Officer shall arrange for a qualified noise measurement professional(s) to be on call to travel to 3333 California Street and take noise measurements upon complaint about the level of noise by any resident of the area. The qualified noise professional shall arrive at the 3333 California Street site and commence the noise measurements within 15 minutes of receipt by the City of any complaint about the level of noise emanating from the project. The cost of such noise measurement and all related work and travel shall be assessed against the project sponsor as a condition of approval of this project. Receipt of a noise complaint by the City shall include without limitation initial receipt of a noise complaint by DBI, DPW, the Department of Public Health, the Police Department, 311, or any other government agency to which a noise complaint may be made. Copies of all writings regarding noise measurements made by such qualified noise measurement professional(s) and remedial action required or recommended shall be provided immediately to the Laurel Heights Improvement Association at the email addresses described above.

In the event the qualified noise measurement professional retained by the Department of Public Health fails to arrive at the 3333 California Street site and take noise measurements in accordance with this provision, the project sponsor shall deposit the sum of \$20,000.00 (twenty thousand dollars) with the Laurel Heights Improvement Association, and that Association shall be entitled to use these funds to retain a qualified noise professional to perform all the measurements and activities described in this provision. As said sums are drawn down to \$2,000, the project sponsor shall deposit additional \$10,000 payments with said Association for ongoing noise measurements and mitigation in accordance with this provision. The project sponsor hereby grants permission for any qualified noise professional described in this provision to enter onto the 3333 California Street site and take noise measurements and monitor noise conditions and mitigation measures.

**MITIGATION MEASURE - NOISE-6: PROHIBITION ON VARIANCES TO NOISE REGULATIONS**

6. In relation to construction or operational noise that occurs at 3333 California Street, the Directors of Public Health, Public Works, Building Inspection, or the Entertainment Commission, or the Chief of Police or any other government representative, may **not** grant variances to noise regulations, over which they have jurisdiction pursuant to Section 2916 of the SF Police Code. The variance procedure provided by section 2910 of the SF Police Code shall not apply to construction or operational noise that occurs at 3333 California Street.

**MITIGATION MEASURE - NOISE-7: STORAGE AND IGNITION OF**



**CONSTRUCTION EQUIPMENT IN UNDERGROUND GARAGE**

7. To the greatest extent feasible, project sponsor shall store all construction equipment in the existing underground garage located on the project site at all times when such equipment is not in use, and all construction workers shall start up, turn on or perform ignition of all construction equipment in that underground garage.

**MITIGATION MEASURE - NOISE-8: PROOF OF USE OF MUFFLERS AND SOUND ATTENUATING DEVICES**

8. Project sponsor shall provide to the Laurel Heights Improvement Association (LHIA) written evidence that impact tools and equipment shall have intake and exhaust mufflers recommended by the manufacturers thereof and approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation, and written evidence that pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof and approved by the Director or Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation, as described in section 2907 of the SF Police Code. Project sponsor shall provide such written evidence to LHIA by email to the addresses described above for each impact tool or equipment to be used at the 3333 California site at least 48 hours prior to use of any such impact tool(s) and equipment on the site.

**MITIGATION MEASURE - NOISE-9: NOTICE TO RESIDENTS' ASSOCIATION OF NOISE COMPLAINTS AND REPORTS**

9. The Construction Manager or other designated person will provide copies of the noise monitoring log on a weekly basis to the Laurel Heights Improvement Association at the email addresses herein. The log shall include any complaints received, whether in connection with an exceedance or not, as well as any complaints received through calls to 311, DBI, or any other government agency if the contractor is made aware of them (for example, via a DBI notice, inspection, or investigation). The Construction Manager or other designated person shall also contemporaneously submit to the Laurel Heights Improvement Association copies of all reports submitted to the Planning Department Development Performance Coordinator.

2. **The DEIR Is Inadequate Because It Fails to Analyze and Mitigate the Proposed Project's Significant Adverse Impact on a Scenic Vista, Substantial Damage to Scenic Resources and Substantial Degradation of the Existing Visual Character or Quality of the Site and Its Surroundings.**

1  
(NO-4)  
cont'd

2  
(CEQA-3)

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Page 5

2  
(CEQA-3)  
cont'd

Page V.C-11 of the Final EIR for the 2004 and 2009 Housing Element states that a project would have a significant effect on the environment is it would:

1. Have a substantial adverse effect on a scenic vista;
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcropping, and other features of the built or natural environment which contribute to a scenic public setting;
3. Substantially degrade the existing visual character or quality of the site and its surroundings, or
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties.

Since the project site was determined eligible for the National Register of Historic Places and has been listed in the California Register of Historical Resources, its aesthetic qualities are protected by CEQA and are not exempt from CEQA review. Both the existing office building and its integrated landscaping are historically significant resources. (Ex. A, final version of nomination that was approved by State Historical Resources Commission)

**A. The Proposed Project Would Have a Substantial Impact on Scenic Vistas.**

The project site is atop Laurel Hill and commands valued scenic vistas of the downtown and eastern portion of the City and also of the Golden Gate Bridge and other neighborhoods of the City to the northwest. During my years living in the neighborhood, I have seen innumerable members of the public enjoy these views during daytime as well as during nighttime. I have seen jubilant crowds of people view lunar eclipses from the sidewalks atop Laurel Hill at the corner of Laurel Street and Euclid Avenue and from the landscaped green spaces surrounding the main office building. Some photographs I have taken which show the existing condition of some of these views are attached hereto. (Ex. B , photographs taken on October 24, 2017 and January 7, 2019) These photographs show that the portions of the Bank of America Building, Transamerica Pyramid, Salesforce Building and Golden Gate Bridge can be seen from the high ground at Laurel Street and Euclid Avenue, from the landscaped green spaces surrounding the main office building and from public sidewalks along Laurel Street and Euclid Avenue. Also, the historically significant architecture of the main building can be seen across the landscaping on the perimeter of the site, and the site was designed so that the building and landscaping would function as an integrated composition.

The public has used the green landscaped areas surrounding the main building as

3  
(CR-1)  
4  
√(PD-5)

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recreational space for many years, and the public has acquired a permanent right of recreational use in these areas. (Ex. D, letter of attorney Fitzgerald)

4 (PD-5)  
cont'd

The proposed project would construct new buildings on the south site of the site near Euclid Avenue and Masonic Avenue and on the western portion of the site near Laurel Street that would obstruct these public scenic vistas and obstruct the public view of the historically significant main building as viewed from the surrounding landscaping. Also, the proposed new buildings constructed on the landscaped areas surrounding the site would block public access to such vistas. In addition, the project proposes to add new trees/shrubs near the perimeter of the south side of the site and also street trees at this location that would also impair and/or obstruct these scenic vistas. (Ex. E, developer's renderings)

5  
(CEQA-2)

The Final EIR for the 2004 and 209 Housing Element acknowledges that new residential housing could result in an impact related to scenic vistas if it would be developed in a manner that obstructs views from a scenic vista from a public area or introduces a visual element that would dominate or upset the quality of a view. (Ex. F. p. V.C-11) Figure V.C-1 shows street views of an important building in the area of the 3333 California site. Does this Figure describe a streetview of the main building at 3333 California Street as an important building?

The Community Preservation Alternative/Variant would avoid this significant impact on public vistas because it would retain the existing landscaped areas largely in their present form and existing public vistas from sidewalks and open space used by the public. Also, DEIR Alternatives B and C would retain the existing landscaped areas largely in their present form and avoid this significant impact on public vistas. DEIR 6.35 and 6.67.

6  
(AL-2)

7  
(AL-3)

Under CEQA, the City may not approve the Proposed Project/Variant, because a feasible alternative is available that would avoid or substantially reduce the project's significant impact upon scenic resources.

**Mitigation Measure:** Approve an alternative that would preserve the existing landscaped areas surrounding the main building on the southern and western portions of the site in their present form and do not locate any new construction on these areas.

**B. The Proposed Project Would Substantially Damage Scenic Resources, Including but not Limited to Trees, Slopes of Laurel Hill and other Features of the Built or Natural Environment Which Contribute to a Scenic Public Setting.**

8  
(CEQA-3)

The Final EIR for the 2004 and 2009 Housing Element acknowledges that: "New construction could result in impacts related to damaging scenic resources if new housing would directly affect environmental features, such as topographic features, landscaping, or a built

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landmark that contributes to a scenic public setting,” and that “2009 Housing Element Policy 11.6 preserves landmark buildings, some of which could be considered a scenic resource of the built environment.” Ex. F, p. V.C-24-25. [As previously stated in my comments of June 8, 2018 on the Initial Study for 3333 California Street, which are incorporated by reference herein, the proposed project would excavate and remove substantial portions of the topography and existing slope of Laurel Hill (a scenic high point known for its scenic vistas), [the historically significant landscaping and the historically significant built environment that contributes to a scenic public setting. The proposed project would remove 185 onsite trees, including 19 onsite Significant Trees (i.e. trees within 10 feet of the public right-of-way that meet specific height, trunk, diameter, and canopy width requirements) and 15 protected street trees along California Street. (Initial Study p. 69.) The project would remove significant portions of the landscaping surrounding the main building and all of the Terrace designed by the renowned landscape architecture firm of Eckbo, Royston and Williams. Also, new buildings constructed on presently landscaped areas would obstruct public views of the historically significant main building that contributes to the scenic setting as a significant example of modern architecture in the International Style.

The Mitigation Measure above would avoid or substantially reduce this significant impact on the environment.

**C. The Proposed Project Would Substantially Degrade the Existing Visual Character or Quality of the Site and Its Surroundings.**

The Final EIR for the 2004 and 2009 Housing Element acknowledges that new construction could result in impacts related to visual character if new housing would be developed with greater densities or heights than surrounding land uses or introduce incompatible uses in such a way as to substantially degrade the character or quality of the site. (Ex., p. 25.)

The proposed density of the project would be over twice the predominant density of the surrounding residential areas (which are predominantly RH-2 areas) and would add two-three stories to the main building to increase its height to 80 and 92 feet, which would be over twice the scale of the existing neighborhood, which has a predominant 40-foot height limit. The proposed project would fail to comply with 2009 Housing Element Policy 1.1, that requires housing projects to respect existing neighborhood character. (See, for example, Ex. G, photographs of residences along western side of Laurel Street). For the reasons stated above, the proposed project would develop the site with densities and heights that are substantially greater than the densities and heights of the surrounding land uses and would construct new buildings where historically significant landscaping integrated with the main building now exists, thereby substantially degrading the connection between the building and the existing landscaping. The Mitigation Measure set forth above would avoid this significant impact on the environment.

8

(CEQA-3)

cont'd

9

(GEO-1)

10

(CR-1)

11

(CEQA-3)

**D. The Proposed Project Could Create a New Source of Glare or Substantial Light Which Could Adversely Affect Day or Nighttime Views in the Area or Which Could Substantially Impact Other People or Properties.**

11  
(CEQA-3)  
cont'd

The Final EIR for the 2004 and 2009 Housing Element acknowledges that new housing could result in impacts related to glare and light if new housing would introduce new sources of glare or light that are unusual for an urban area, and that new housing could introduce new sources of glare and glare if reflective glass or if bright, decorative or security lighting is used. Renderings of the project show a predominant glass-design, and security lighting would be needed along the proposed pathways and other areas on site. Since the exact type of materials and lighting is not known, the project has the potential to produce significant impacts on light and glare, which the DEIR failed to address. The following mitigation measures would reduce the potential impacts if incorporated as conditions of approval of the proposed project.

**MITIGATION MEASURE.** The project must comply with City Resolution 9212 (or any successor or similar regulation adopted to reduce glare), which prohibits the use of highly reflective or mirrored glass in new construction.

**MITIGATION MEASURE.** The project will not use bright, decorative or security lighting.

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

12  
(PD-6)

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

The DEIR's allegation that the developer's proposal would redevelop an underutilized commercial site into a new mixed-use community is inaccurate. The 446,490 square-foot site is currently mixed-use commercial and retail (café) and is completely utilized for a 362,000 square foot commercial main structure which contains an 1,183 assignable square foot café and an 11,500 gsf childcare center (455,000 gsf office building minus 93,000 gsf of largely below grade parking garage), a 14,000 gsf service building, historically significant landscaping throughout the site and approximately 93,000 square feet of largely below grade parking. (DEIR p. 2.1; Ex. H, café permit; Ex. I, census data describing project site as "MIXED" land use with existing retail use) Under Resolution 4109/Stipulation as to Character of Improvements, the aggregate gross floor area is limited to the total area of the property (approximately 435,600 square feet, according to Dean Macris). (Ex. J, Dean Macris MEMO dated June 25, 1986.) According to the

13  
(PD-3)  
14  
(PP-1)



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DEIR, the aggregate gross floor area of the existing buildings totals approximately 376,000 square feet, which is 84.2 percent of the size of the project site, so at present only 15.8 % of the site may be covered by additional buildings. In addition, since the site zoning changed to R-4 in 1960 and then to RM-1 in 1978, while the prior stipulations of Resolution 4109 continue to apply, the property became a nonconforming use under the Planning Code, so the “total floor area in commercial use may not be expanded.” (Ex. J, Macris MEMO and Ex. K, Passmore February 22, 1981 letter to John Cloudsley, Jr.) Under the current RM-1 zoning, office uses are generally not permitted, and retail uses are generally not permitted. (Ex. L, March 5, 2015 Letter of Determination; see also San Francisco Planning Code section 209.2 and Table 209.2, Zoning Control Table for RM Districts)

14  
(PP-1)  
cont'd

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

15  
(PD-4)

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

Also, since the plans do not specify the size of the proposed new retail uses, it cannot be determined whether the type of retail provided would be of a size that is neighborhood-serving, and some portions of the proposed retail space are very large and could accommodate on-local retail uses. (See August 17, 2017 plan sheet A4.03, and compare with sheet A4.02). Also, by its nature, the proposed 54,000 square feet of retail uses are of a size that would attract customers from areas that are not in the neighborhood. Moreover, the proposed 9,826 square feet of composite food and beverage retail uses (DEIR p. 4.C.54) would attract substantial numbers of persons from outside the neighborhood and are one step up from fast food.

16  
(PD-6)

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

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

16  
(PD-6  
(cont'd)

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

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

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

In addition, the DEIR fails to identify the following conflicts between the developer’s proposed project/variant and the requirements of Resolution 4109/Stipulation as to Character of Improvements. Those requirements provide that: (a) no residential building other than a one-family dwelling or a two-family dwelling shall occupy any portion of the property which is within 100 feet of the Euclid Avenue boundary line thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended, (b) no dwelling within the said described portion of the subject area shall occupy a parcel of land having an area of less than 3300 square feet, nor shall any such dwelling cover more than fifty percent of the area of such parcel or be less than twelve feet from any other such dwelling, or be set back less than 10 feet from any presently existing or future public street, or have a height in excess of forty (40) feet, and (c) no residential building in other portions of the subject property shall have ground coverage in excess of 50% of the area allotted to such dwelling. The developer’s proposed Euclid Building and proposed Laurel duplexes violate these provisions, and the

17  
(PP-1)

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developer's proposed buildings on other portions of the site violate provision ( c) because they have ground coverage in excess of 50% of the area allotted to such dwelling. Do you dispute that the developer's proposed project/variant would violate each of these provisions in the manner set forth above? The DEIR is inaccurate as to the proposed project's conflict with applicable laws

17  
(PP-1)  
cont'd

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

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

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

(a) Conditions prescribed by the Zoning Administrator and the City Planning Commission, and by the Board of Permit Appeals and the Board of Supervisors on appeal, in actions on permits, licenses, conditional uses and variances, and in other actions pursuant to their authority under this Code;

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

The DEIR inaccurately claims that a project objective would be to incorporate open space



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

In addition, the Resolution 4109/Stipulation as to Character of Improvements requires one parking space for each 500 square feet of gross floor area in the commercial buildings on the site. The developer's proposed project/variant fail to comply with these provisions, and the DEIR fails to discuss this conflict.

**4. The DEIR Inaccurately States the Characteristics and Impacts of Alternatives to the Proposed Project/Variant and Fails to Analyze Adequately a Reasonable Range of Alternatives.**

The DEIR inaccurately compares alleged characteristics and impacts of the alternatives with those of the proposed project or project variant and inaccurately evaluates the comparative merits of the alternatives and the ability of each alternative to meet most of the basic project objectives. Due to these inaccuracies and the DEIR's failure to analyze a reasonable range of alternatives, the DEIR fails to foster informed decision making and public participation.

Contrary to the impression created in the DEIR, there was no *public* scoping process that considered various site plans, building retention programs, building heights, views of the character-defining features, land use programs, or feedback from the Architectural Review Committee of the San Francisco Historic Preservation Commission prior to publication of the DEIR. DEIR 6.9. The Planning Department failed to inform the public or the Laurel Heights Improvement Association, which nominated the site for listing on the National Register, of the Architectural Review Committee hearing that considered a range of alternatives on March 21, 2018. The Planning Department went out of its way to exclude the public and LHIA from the formulation of alternatives that would be evaluated in the DEIR.

After the DEIR was published, LHIA and members of the public advocated for a Community Preservation Alternative at a December 5, 2018 hearing of the San Francisco Historic Preservation Commission. The San Francisco Historic Preservation Commission's December 11, 2018 letter to the San Francisco Planning Department expressed interest in seeing the Community Preservation Alternative. (See Ex. 2 to LHIA's transmittal of Treanor SOIS evaluation) Also, the terms of the approved nomination of the site control the nature of the character-defining features of the resource, but the DEIR inaccurately characterizes them as expert opinion.

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(PP-1)  
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(AL-1)

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The DEIR acknowledges that “alternatives with excavation and building construction programs scaled down from that of the proposed project or project variant and taking a shorter period of time to build would result in fewer overall occurrences of adverse construction noise impacts. Although a reduced development alternative would limit the ability to fully achieve some of the basic project objectives, it could reduce the duration of construction noise as well as the overall amount of development, and associated residential, employment, and parking rate increases that generate significant transportation impacts.” DEIR 6.9. However, the DEIR omits a reasonable explanation of the manner in which a reduced development alternative would limit the ability to fully achieve some of the basic project objectives, and in this respect presents an unsupported conclusion that is inadequate. A reduced development alternative could still achieve basic project objectives by providing a lesser amount of development on the site.

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(AL-1)  
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The DEIR claims that its analysis of alternatives is “qualitative relative to the identified impacts of the proposed project or project variant” but such a facile characterization does not justify the ambiguities and unsupported conclusions that are contained in the inadequate alternatives analysis. DEIR p. 6.10.

The DEIR claims that alterations that are not entirely in conformance with *The Secretary of Interior’s Standards for the Treatment of Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (Secretary’s Standards) may, or may not result in a significant impact under the “material impairment” significance standard of CEQA Guidelines Section 15064.5(b)(1). DEIR p.

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(AL-3)

However, Rehabilitation Standard 6 states that “deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. DEIR p. 6.11. The DEIR states that if there are character-defining features identified in the preservation alternatives that would be retained, they would be repaired or replaced in conformance with Standard 6. *Ibid.* However, this claim is inaccurate because Alternative C would not replace the glass curtain walls with new windows that match the old in design, color, texture and materials.

#### **Alternative F: “Code Conforming” Alternative**

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(AL-1)

The DEIR inaccurately claims that its Code Conforming Alternative addresses neighborhood requests for an “all-residential” alternative. The neighborhood actually requested an alternative that would comply with the Existing Zoning ,which includes Resolution 4109, which bans retail on the site. However the Planning Department contorted this request into an alternative that does not reflect the zoning approvals that exist for the site. Instead, the Planning Department conceived of a non-existing zoning alternative that proposes uses that the applicant could apply for but have not been granted. ;Since application for conditional uses and other



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permissions has not yet been considered by the Planning Commission or Board of Supervisors, it cannot be determined whether the Planning Commission or Board of Supervisors would grant the exceptions or approvals requested in the Code Conforming Alternative.

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(AL-1)  
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The City unreasonably configured the so-called Code Conforming Alternative to avoid analyzing the alternative of constructing all new residential buildings in accordance with the RM-1 zoning that applies to the site along with Resolution 4109. For example, the DEIR acknowledges that under Planning Code section 304(d)(5), planned unit developments within residential districts may include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to limitations for neighborhood commercial cluster (NC-21) districts. DEIR p. 6.10. The DEIR inaccurately claims that the Code Conforming Alternative includes limited ground-floor commercial uses because of the existence of this section, but the Planning Commission has not considered whether commercial uses are necessary to serve residents of the immediate vicinity, and a plan sheet shows a large proposed retail space that could be used for non-local retail. The project site is now amply served by retail uses, as it is immediately adjacent to the two-block Laurel Village Shopping Center (which contains two independent grocery stores and a wide range of commercial stores), one block from the Sacramento Street commercial corridor which contains many restaurants, one block from a Trader Joe's grocery store, and approximately one-two blocks from the City Center which includes a Target Store and other stores, and one-two blocks from the Geary Boulevard commercial corridor, and is within walking distance of the Clement Street commercial corridor. Thus, there is a reasonable possibility that, upon consideration of the facts, the Planning Commission would find that commercial uses on the project site are not necessary to serve residents of the immediate vicinity. Importantly, the DEIR lacks any land use or zoning studies discussing the types of commercial uses in the nearby established commercial centers that would support the DEIR's conclusion that any new commercial use is necessary to serve residents of the immediate vicinity.

#### **Alternative A: No Project Alternative**

The DEIR is inaccurate in claiming that Alternative A: No Project Alternative would not achieve any of the project objectives. The site currently includes office uses, a childcare center and a café (which is considered a type of retail use) Census data states that the site is mixed use. (Ex. I) Thus, Alternative A would meet the objective of having a mixed use development, although not to the same degree as the proposed project/variant.

#### **Alternative B: Full Preservation - Office Alternative**

Alternative B: Full Preservation - Office is unreasonably configured in the DEIR to include only 167 residential units and to construct a one-level vertical addition on the roof to expand the usable space for office uses. Given the City's housing needs, a reasonable alternative



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would be configured to reuse the existing office building to provide residential uses. Also, in Alternative B, the Plaza B and Walnut buildings are set back to retain brick perimeter wall along California Street, which could be changed to provide more space for residential uses. DEIR pp. 6.28. Alternative B is also unreasonably configured to eliminate the existing childcare center and fails to mention the existing café in the main building. Also, the Annex could be re-purposed and expanded vertically to accommodate residential use, instead of being kept in its existing state in Alternative B.

THE DEIR inaccurately states that pedestrians would not be able to walk through the site to Presidio, Masonic, or Euclid Avenues under Alternative B. In fact, there is an existing passageway through the main office building that leads to the Eckbo Terrace and exits onto Euclid/Masonic. If reasonably configured, Alternative B could include signage would explain that pedestrians would be allowed to use this north/south throughway. In addition, pedestrians can now walk through the site and exit through the Mayfair or Laurel gate and walk from those points to Euclid Avenue.

Alternative B would excavate for a two-level California Street parking garage DEIR p. 6.29, 49. With a construction program limited to the northern portion of the site, and a shorter, single-phase construction schedule, the number of temporary construction-related noise events that could affect off-site sensitive receptor locations would be reduced from those under the proposed project or project variant. However, construction activities would be similar, e.g., the use of excavators with hoe rams to fracture and remove bedrock as part of the excavation for the California Street garage. Therefore, the potential to generate substantial temporary and periodic noise increases of at least 10 dBA or greater increase over ambient noise levels at off-site locations would remain. The DEIR admitted that under Alternative B, off-site sensitive receptors along the west side of Laurel Street would be exposed to similar, but slightly lower, noise levels due to less construction along Laurel Street and the south side of the project site, and that off-site sensitive receptors along the east side of Presidio Avenue and along the south side of Euclid Avenue would not be as directly exposed to the temporary, construction-related noise increases because of the greater distance from, and the more limited nature of, the construction activities. The DEIR concluded that as a result of the proximity of construction activities to off-site sensitive receptors along California and Laurel Streets, the nature of the construction activities and the potential for encountering bedrock, construction noise impacts under Alternative B (although more limited in terms of the number of noise events) would be significant and would require implementation of Mitigation Measure M-NO-1. DEIR p. 6.49.

### **Alternative C: Full Preservation - Residential Alternative**

Alternative C demolishes the Annex building and concludes that the character-defining features of the existing building are “mostly retained.” DEIR p. 6.65. Site and landscape features contributing to the corporate campus setting are mostly retained. Most prominent views of the

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(AL-3)

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project site are retained with minimal change. *Ibid.*

The DEIR unreasonably configured Alternative C: Full Preservation - Residential Alternative to have 534 residential units and 44,306 square feet of ground-floor retail space. Alternative C would have 24 less residential units than the proposed project, but if reasonably configured would construct 24 residential units in some of the ground-floor space proposed for retail uses.

Alternative C is also unreasonably configured to have a new exit-only driveway onto Masonic Avenue near the intersection with Pine Street for the California Street Garage and the retained parking garage under the adaptively reused building (residential, retail, commercial, daycare, and car-share parking spaces). This exit near the intersection of Masonic with Pine Street would create a potential traffic hazard on a Major Arterial that serves substantial traffic in the P.M. peak hour. This Alternative unreasonably bars automobiles from exiting on Presidio Avenue, which is one of the principal means of egress from the existing underground garage, while Alternative C has three exits onto Laurel Street. DEIR p. 6.71. A reasonable configuration of Alternative C would allow automobile ingress and egress from all existing points of entry that are retained.

The DEIR inaccurately claims that under Alternative C, pedestrians would not be able to travel through the site to, or access the site from, Masonic and Euclid avenues. DEIR p. 6.73. As previously stated herein, there is an existing north/south passageway through the main building that leads from the northern entrance of the building, through the building, opens onto the Eckbo Terrace and leads to Masonic and Euclid avenues, which can be marked with signage as open to the public.

The DEIR states that under Alternative C, solid waste would be collected at the off-street refuse staging area adjacent to the off-street freight loading dock in the California Street Garage and compacted for offsite transport. DEIR 6.74. The DEIR's meaning is unclear. Please clarify whether the proposed off-street refuse and staging area and the adjacent off-street freight loading dock would both be located inside the proposed garage.

As to construction duration, how much time would it take to construct the first phase of Alternative C described at DEIR p. 6.75 (consisting of demolition of the circular garage ramp structures and the northerly extension of the east wing of the existing office building and alterations to the existing office building)?

How much time would it take to construct the second phase of Alternative C described at DEIR p. 6.75 (consisting of demolition of the existing annex building and the surface parking lots on the north and west portions of the site, excavation and site preparation for construction of the California Street buildings and the Mayfair Building and associated garages)?

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The DEIR p. 6.75 states that as with the proposed project or project variant excavation under Alternative C would extend to a depth of approximately 40 feet below ground surface and would encounter bedrock, and site disturbance would occur in an area of know soil and groundwater contaminants from historic uses. Under the proposed project, project variant and Alternative C, please describe which portions of the site would be excavated to a depth of approximately 40 feet below ground surface, which portions of the site would be occupied by underground levels, and state the number of levels of underground garage or other underground structure that would be constructed in each location. It appears from the DEIR that excavation to a depth of approximately 40 feet below ground surface that would encounter bedrock would occur in locations other than under the proposed Walnut building. Also, how long do you expect that it would take to remediate the know soil and groundwater contaminants from historic uses and explain what is known to date about the potential methods of remediation and provide all writings describing the potential methods and duration of remediation and measures that would be taken to protect the public from exposure.

In addition, what is the estimated cost of demolishing the northerly extension of the east wing of the existing office building, repairing and/or supporting the remaining structure in this location, and the estimated duration of that demolition? Also, what is the estimated cost of dividing the existing main building and its southern wing (including any reinforcement needed)? What is the estimated cost of strengthening the existing main building to be able to support additional stories? Note that this information is relevant to the feasibility of alternatives.

Alternative C is also unreasonably configured because it would have 210 fewer residential units than the project variant. A variant of Alternative C could have been developed that constructed residential units in some of the space that Alternative C proposes to use for retail uses.

Please explain why Alternative C would allegedly provide fewer activated neighborhood-friendly spaces along the adjacent streets than the proposed project or project variant. DEIR p. 6.75. Please explain how Alternative C would provide a high quality and varied architectural and landscape design, utilizing the site's topography and other unique characteristics. DEIR p. 6.75. The information provided in the DEIR does not explain this statement. Please explain how Alternative C would construct some open spaces such as the plazas and Mayfair Walk that would be usable to project residents and the public, but not as many as the proposed project or project variant. DEIR p. 6.75. Please explain how Alternative C would partially meet Objective C by providing code-required open space and how each component of such space could be used for recreational purposes.

The DEIR fails to acknowledge at p. 6.76 that Alternative C would retain the views of prominent character-defining features of the property. Alternative C would retain public vistas from the landscaped green spaces along Euclid Avenue and Laurel Street to the integrated

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window-walled building and to the Downtown and other areas of the City, which are also prominent character-defining features of the property. So are views of large trees and other landscaping visible from the public ways.

Please explain exactly what the EIR means by replacing the existing glass curtain wall system with “compatible residential window wall system,” how the new system would be different, and whether the system would retain the geometric patterns which the existing window walls have. DEIR p. 6.76. The DEIR only states that the replacement windows would have “small panes divided by a mullion and muntins.”

Also, please explain the nature of the materials proposed for the vertical addition in Alternative C that would appear visually subordinate to the historic portion of the building. DEIR. pp. 6.77-78. Please explain the nature of the contemporary design that would distinguish the proposed rooftop addition from the original building.

The DEIR states at p. 6.77 that under Alternative C, the rooftop mechanical penthouse would be removed. Please explain the location at which such equipment would be relocated including whether it would be on the exterior of the building and the nature of the equipment. DEIR p. 6.78 states that the existing mechanical penthouse would be replaced, and if replacement on the rooftop is intended, please explain the proposed location of the replacement and the location, height and materials proposed to be used in any proposed screening.

The DEIR inaccurately neglects to mention that under Alternative C, the existing green spaces and lawns used by the public that run along Laurel Street and the landscaped beds along Laurel Street would be retained in addition to such areas along Euclid Avenue, although the drawing on DEIR p. 6.72 shows that these areas would be retained except for the area at which the new proposed Mayfair Building would be constructed.

At page 6.77, the DEIR states that under Alternative C, the proposed addition would increase the height of the existing building (by approximately 12 feet for a total height of approximately 67 feet), but at page 6.78, it describes the addition as a “**two-story, stepped vertical addition.**” (Emphasis added) Please clarify this discrepancy and confirm that under Alternative C, the proposed addition would be one-story and state the amount of additional height that it would have.

The DEIR inaccurately claims that the best examples of the integration of the character-defining features of the site occur on the southern and eastern portions of the site, whereas elsewhere, it identifies the concrete pergola and landscaped beds along Laurel Street as character-defining features. DEIR p. 6.80. The DEIR fails to acknowledge that the landscaping along Laurel Street is also integrated with the main building.

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Alternative C is unreasonably configured because the DEIR lacks any explanation or justification for the conclusion that Alternative C would provide retail parking at a higher rate per square footage of retail space than the proposed project and project variant, respectively. DEIR p. 6.82. The proposed project would provide 54,117 square feet of retail uses, but Alternative C would provide only 44,306 gsf of retail space. Please explain why Alternative C could not provide retail parking at the same rate per square footage of retail as the proposed project and project variant, respectively.

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Also, the DEIR inaccurately claims at page 6.85 that pedestrians would not be able to travel through the site to Masonic and Euclid Avenues because the southern half of the north-south Walnut Walk would not be developed. As previously explained, there is an existing pathway that runs through the office building and opens onto the Eckbo Terrace and runs therefrom to Masonic and Euclid avenues through a gate. Signage could identify this passageway as a public thoroughway. Also, pedestrians can travel through the Walnut gate and through the site and exit onto Mayfair or Laurel streets. The same comments apply to bicycle access under Alternative C.

DEIR p. 6.97 states that all new construction would be subject to the "Historical Building codes." Please explain exactly what codes are meant by this statement and please provide citations to all such applicable codes.

## 5. The DEIR is Inaccurate or Incomplete in Numerous Respects.

The DEIR states that centralized trash rooms "with combined chutes or bins for recyclable, compostable and trash would be located within each residential building on every floor. The combined chutes would terminate into separate recyclable, compostable, and trash bins using tri-waste sorters and would be held within trash collection rooms." DEIR p. 2.78. Please state the amount of noise expected to be generated by the tri-waste sorters, the times of day during which such noise would be generated; also, please state whether such noise was included in the DEIR's analysis of operational noise and describe the details of the analysis that took into account such noise. Please also describe in detail the amount of space that would be occupied by the proposed tri-waste sorters and the trash collection rooms in each proposed location in the proposed project.

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NO-3

The DEIR indicates that the Transportation Demand Program measures supplied for the proposed project/variant, subject to refinement during the planning review process for project entitlements, would include delivery supportive amenities. TDM Measure Delivery-1 states that an area for the receipt and temporary storage of package deliveries would be provided in the off-street loading areas or other locations on the project site. DEIR p. 2.79. Please describe in detail the potential other locations on the project site that could be provided for these delivery supportive amenities and how they would operate.

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

THE DEIR claims that the proposed project would retain approximately 53 percent of the overall lot area (approximately 236,000 square feet, excluding green roofs) as open area with portions to be developed with a combination of common and private open space. DEIR p. 2.83. Please provide the calculation of this proposed open space, including without limitation the amount of open space that could be provided in each component of the open space and state whether each component of the open space would be paved or planted into soils that drain toward groundwater. In this calculation, please specify the location and square footage of such open space that would consist of paved pathways or other paved areas and state how each component of such proposed "open space" meets the requirements of the Planning Code as to usable open space. The DEIR indicates that the proposed Cypress Stairs and Walnut Walk (excluding the Walnut Street "extension," roundabout and walkway between Center Building A and Center Building B) would constitute open space; please explain in detail why the walkway between Center Building A and Center Building B would not constitute open space, including without limitation under the San Francisco Planning Code. (DEIR pp. 2.83)

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

In addition, if there is a possibility of any portion of the site being used for a community garden, please explain the proposed location and size of the proposed community garden and which existing site features would be changed to install it. If there is a possibility of any portion of the site being used for a farmer's market at any time, please explain the proposed location and

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size of the proposed farmer's market and the anticipated times of operation.


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**Conclusion**

The DEIR must be revised to correct the inadequacies described herein, and the revised EIR circulated for public comment.

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(GC-1)

Very truly yours,



Kathryn R. Devincenzi

ATTACHMENTS: Exhibits A-M

**EXHIBIT A**

United States Department of the Interior  
National Park Service

## National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

### 1. Name of Property

Historic name: Fireman's Fund Insurance Company Home Office

Other names/site number: University of California at San Francisco Laurel Heights Campus

Name of related multiple property listing:

N/A

(Enter "N/A" if property is not part of a multiple property listing)

### 2. Location

Street & number: 3333 California Street

City or town: San Francisco 94118 State: CA County: San Francisco 075

Not For Publication: ☐

Vicinity: ☐

### 3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this \_\_\_ nomination \_\_\_ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property \_\_\_ meets \_\_\_ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

\_\_\_ national \_\_\_ statewide \_\_\_ local

Applicable National Register Criteria:

\_\_\_ A \_\_\_ B \_\_\_ C \_\_\_ D

Signature of certifying official/Title:

Date

State or Federal agency/bureau or Tribal Government

In my opinion, the property \_\_\_ meets \_\_\_ does not meet the National Register criteria.

Signature of commenting official:

Date

Title :

State or Federal agency/bureau  
or Tribal Government



Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

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#### 4. National Park Service Certification

I hereby certify that this property is:

- ☐ entered in the National Register  
☐ determined eligible for the National Register  
☐ determined not eligible for the National Register  
☐ removed from the National Register  
☐ other (explain:) \_\_\_\_\_

---

Signature of the Keeper

Date of Action

---

#### 5. Classification

##### Ownership of Property

(Check as many boxes as apply.)

Private: ☒

Public – Local ☐

Public – State ☐

Public – Federal ☐

##### Category of Property

(Check only one box.)

Building(s) ☒

District ☐

Site ☐

Structure ☐

Object ☐

United States Department of the Interior  
National Park Service / National Register of Historic Places Registration Form  
NPS Form 10-900 OMB No. 1024-0018

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## Number of Resources within Property

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>2</u>	<u>          </u>	buildings
<u>1</u>	<u>          </u>	sites
<u>          </u>	<u>          </u>	structures
<u>          </u>	<u>          </u>	objects
<u>3</u>	<u>          </u>	Total

Number of contributing resources previously listed in the National Register 0

## 6. Function or Use

### Historic Functions

(Enter categories from instructions.)

COMMERCE/TRADE Business

### Current Functions

(Enter categories from instructions.)

EDUCATION Research Facility

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## 7. Description

### Architectural Classification

(Enter categories from instructions.)

MODERN MOVEMENT International Style

MODERN MOVEMENT

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**Materials:** (enter categories from instructions.)

Principal exterior materials of the property:

Foundation: concrete

Walls: glass

Walls: aluminum

Walls: brick

Walls: concrete

Roof: asphalt

Other: metal

Landscape walls: brick

Gates in landscape walls: metal

Sidewalks: exposed aggregate concrete

Terraces and patios: exposed aggregate concrete divided into panels by inlaid rows of brick

Circular tree beds: modular sections of concrete

### Narrative Description

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

### Summary Paragraph

The Fireman's Fund Insurance Company Home Office is a 10.2-acre property in a central, predominantly residential area of San Francisco called Laurel Heights. From the property there are views in various directions to distant parts of San Francisco. The property consists of two buildings and a landscape that were designed to function as a single entity. The main building, referred to in this nomination as the Office Building, is a large three- to seven-story building

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located in the center of the property. There is also a much smaller, one-story Service Building in the northwest corner of the property. The two buildings were designed to complement each other in character and materials. The Office Building is a glass walled building with an open character. The Service Building is a brick building with a closed character. The Office Building is an International Style building which despite its size is built into its sloping hillside site in such a way as to minimize its presence. Its four wings, each built for different functions, range from three floors to seven floors. It is characterized by its horizontality, its bands of windows separated by the thin edges of projecting concrete floors, and brick trim. The wings of the building frame outdoor spaces whose landscape design connects the outdoors with the indoors both functionally and conceptually. The landscape design includes outdoor spaces for use by employees, parking lots, circulation paths, and vegetation. The principal outdoor spaces are the Entrance Court, the Terrace, and small areas around the Auditorium.

Narrative Description

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## SETTING

The Fireman's Fund Home Office property is located in a central area of the north half of the City of San Francisco near the intersection of two principal streets, California and Presidio. The property occupies almost all of a large irregular block bound by California Street on the north, (continuing clockwise) Presidio Avenue on the east, Masonic Avenue on the southeast, Euclid Avenue on the south, and Laurel Street (in straight and curved sections) on the west. Fireman's Fund occupies about 10.2 acres—the entire block except for a small triangular parcel at the corner of California and Presidio. (See Map 1 and Map 4)

The site itself slopes down from about 300 feet in elevation in the southwest corner to about 225 feet in the northeast corner. It is part of a cluster of low hills associated with Lone Mountain whose several high points were developed as cemeteries in the nineteenth century. The Fireman's Fund site was previously a portion of the Laurel Hill Cemetery, and was long recognized for its views. Today there are distant views from the property to the southeast and downtown, to the northwest and a partial view of the Golden Gate Bridge, and to the west into the Richmond District.

The property is surrounded on all sides by thoroughly developed parts of the City of San Francisco. The site itself is at a junction of several different historical developments. To the east and north, the streets are laid out in a modified extension of the original grid of the city. Across Presidio Avenue on the east the neighborhood is called the Western Addition, characterized by a mix of middle-class homes built in the nineteenth century, and by flats and apartments built in



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the years after the earthquake and fire of 1906. To the north, Presidio Avenue is the dividing line between two of San Francisco's wealthiest late-nineteenth- and early twentieth-century neighborhoods, Pacific Heights to the east and Presidio Heights to the west. To the west along California Street is Laurel Village, a post-World War II strip shopping center. To the west and south is Laurel Heights, a post-World War II residential development of houses and apartments. To the southeast across Masonic Avenue is Station 10 of the San Francisco Fire Department.

## **BUILDINGS**

There are two buildings on the Fireman's Fund property. The Office Building, which is by far the larger of the two and is sometimes referred to as the main building, is located in the center of the property and is surrounded by lawns, gardens, and landscaped parking lots. The Service Building, referred to as the Annex since 1985, is a relatively small building located at the northwest corner of the property. Although different in size and function, the two buildings were designed to relate to each other as part of the overall design of the property. The materials and character of the two buildings express these relationships which are simultaneously contrasting and complementary. The character of the Office Building is dominated by its extensive exterior use of glass for walls, which form long bands between the thin exposed edges of its reinforced concrete floors. Brick is used as a secondary material in the building, but also as a visual connector to features of the landscaped grounds and to the Service Building. The Office Building, clad in glass, provides views of the city for its occupants and presents a transparent character to the outside. The almost windowless Service Building encloses its machinery and utilitarian work space.

### **Office Building**

The Office Building as it exists today is the product of two principal periods of construction. The original building was completed in 1957 with the design of its siting, plan, and structure intended to accommodate future expansion. Between 1963 and 1967, a major expansion was undertaken in three phases. Other than these, during the period of ownership of the property by Fireman's Fund, there were many alterations made to the configuration of interior spaces, as was intended in a building with a flexible office plan. All of these changes were designed by the original architect or his successor firm and built by the original general contractor. (See Map 2)

Since Fireman's Fund sold the building in 1983, there have been extensive changes to interiors but only two important changes to the exterior—a new main entry and a darkening of the windows.

### *Plan*

Today, the 354,000 square foot office building occupies a footprint consisting of four rectangular wings. Three of these wings are at right angles to each other and to the principal surrounding

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streets—to California Street, Presidio Avenue, and the grid plans of the Western Addition, Pacific Heights, and Presidio Heights. The fourth wing is at an angle to the others but is parallel to Euclid Avenue.

These four wings have been named in various ways but for the purposes of this nomination are named as follows. The Office Wing (north), parallel to California Street, and the Office Wing (east), parallel to Presidio Avenue, together described as the Office Wing, were designed to house the principal employee work areas and associated functions. With levels of parking partially below ground (referred to as sub-levels), the Office Wing (east) is sometimes called the Garage Wing. The Executive Wing, parallel to Euclid Avenue, was designed for executive offices (and sometimes has been called the Administrative Wing). The Cafeteria Wing, parallel to Laurel Street, which connected the Office Wing and the Executive Wing, was designed to house the cafeteria and other employee services.

Considerations in the arrangement of the four wings of the building included the relation to their functions, the topography of the site, views to and from the building, relationships to the surrounding neighborhoods, access to the site, relationships to outdoor spaces framed by the wings of the building, and parking.

The largest and tallest part of the building—the combination of the Office Wing (north) and the Office Wing (east)—is situated on the lowest elevation, an arrangement that minimizes its visual presence on the surrounding streets and from afar. The lowest part of the building, the Executive Wing, is on the highest ground, which is a way of being the least conspicuous in the most visible location. As much as feasible for a very large building, the Fireman's Fund Home Office blends into its site and its largely residential setting. The horizontality of its design intentionally emphasizes its connection to its site.

The principal entrances to the building are on California Street and Laurel Street. From California Street, the Employee Entrance was designed primarily to provide access for workers in the Office Wing, and the Auditorium entrance was for workers and visitors to the Auditorium and nearby offices. From Laurel Street, the Executive and Visitor Entrance, near the north end of the Cafeteria Wing, was originally the principal entrance both for executives and visitors to the building. Secondary entrances along the east side of the Cafeteria Wing, provide access to the Terrace Garden from the Cafeteria and the employee's lounge.

The Office Wing (east) and the Garage on which it sits altogether is seven stories in height. It consists of three sublevels for parking and four office floors above. The parking garage extends further to the north and west than the office floors but because of the topography and landscaping is not highly visible. The most visible feature of the garage is its pair of circular entrance and exit ramps north of the rest of the structure. On the south side of this wing is a rectangular auditorium

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that extends beyond the volume of the main structure. The north end of the office floors of this wing is raised above the top of the parking garage on concrete piers so that there is a covered driving and parking area. Inside, this wing was designed as open office space with scattered enclosed offices for departmental managers.

The Office Wing (north) is a four-story building. Both California Street entrances are in this wing, one leading back to the Auditorium and the other, which is generally on axis with the entrance gate on California Street. This entrance was altered in 1984–1985 with a remodeled interior lobby and a new entranceway structure on the outside (described below under alterations). Inside, this wing was designed with a central circulation and service core surrounded by generally open office areas on each floor. Scattered on the periphery of the open office areas were a few enclosed offices for departmental managers.

The Cafeteria Wing is a three-story building—the lower story is built into the hillside so that it is exposed only on the east side adjacent to the Terrace. Employee service functions are on the Terrace level where there is access to outdoor gardens and there are distant views to the east. The Executive and Visitor Entrance is on the second level adjacent to the Entrance Court on the west side.

The Executive Wing is a three-story building with its lower story partially built into the hillside. Inside, central corridors originally opened onto private offices for executives on each side. At the east end, offices at the junction with the Cafeteria Wing were originally for the president and the chairman of the Board of Directors of the company; nearby were board rooms, secretaries' offices, and service spaces. Upstairs above the president's office an original penthouse with a lounge, dining room, and outdoor deck was replaced by the 1963–4 addition.

#### *Structure, Materials, and Mechanical Systems*

At the most general level, the structure and materials of the building consist of concrete pile foundations, a mix of steel and reinforced concrete columns, concrete floors and roof, and exterior curtain walls of glass except for limited areas where walls are brick.

Because of the original 1957 plan of the Office Wing (north), special steel columns were designed for this section. The Office Wing was designed with a central reinforced concrete service core surrounded by open office space. To create an office space with a minimum of columns, the concrete roof spanned fifty-five feet from the core to the perimeter. Forty feet from the core were steel columns, beyond which the concrete roof was cantilevered. Ordinary steel columns could not practically be made to support these loads, so special columns were designed with steel channels fastened together as columns. This method produced slimmer columns than other approaches, minimizing their visual presence in the open office areas. When the Office

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Wing (east) was added in 1966–1967, this same structural system was employed to provide a similar interior arrangement.

To produce concrete floors with narrow cantilevered outer edges, which would enhance the appearance of the building as a glass box, floor structures are built of one-way concrete girders and joists. Beyond the line of the windows, the concrete floor structures serve as platforms for washing windows.

Between the concrete floor structures interior spaces are enclosed by continuous horizontal bands of windows. The windows themselves are in regular vertical rectangular units. Extruded aluminum frames hold large middle panels of clear glass above bottom panels of ceramic coated glass, originally blue in color. In alternate window units, there are two types of operable panels at the junction of the top and bottom panels.

Red brick laid in running bond is used in scattered locations for a mix of both functional and aesthetic reasons. It is used at the principal entrances on California and Laurel Streets to make their locations clear. It is used at the west end of the Executive Wing to present a more domestic face to the houses that are near-by on Laurel Street—this brick wall also blocks the afternoon sun from overheating the interior and prevents glare seen from the west. Brick is used for the auditorium extension on the south side of the Office Wing. And, brick is used at the east end of the building on the exposed level of the mostly underground parking garage to screen the parking area from view.

The principal structural features of the auditorium are grouted brick walls and two deep reinforced concrete roof beams. The walls are formed of brick inner and outer surfaces with rebar and grout in between. The angled brick bays of the walls and the plaster over some interior surfaces were used for acoustical reasons.<sup>1</sup>

### *Architecture*

The design of the building is associated with the International Style and the idea that form follows function. The simple structural concept is clearly evident in the appearance of the building. By virtue of its consistent design and use of materials, the building reads visually as a single structure. At the same time, the functions of its different wings are expressed in their size, context, and relationships to the gardens, lawns, and parking areas around the building and to the views to and from the building. The four-story Office Wing accommodates the largest number of workers, originally in open offices. From its open-office floors, there are wide views of the city of San Francisco. The smaller Executive Wing accommodates a relatively small number of

<sup>1</sup> N. C. Stone, "In the News: Fireman's Fund Building Has Unique Acoustic," *Architect and Engineer* 210, No. 3 (September 1957): 43. Robert Cosby, Telephone conversation with Michael Corbett, 3 February 2018.

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workers, originally in private offices. The smaller scale of this wing is oriented to the Entrance Court on the north and a wide lawn on the south.

### **Service Building**

The Service Building, described on original 1955 plans as a Garage and Service Building, has had two substantial additions within the period of significance. Both were designed by the original architect and built by the original general contractor. The brick exterior of the additions matches that of the original building and that used on the Office Building.

As originally designed, the Service Building had an L-shaped footprint of two slightly overlapping rectangles enclosing 10,500 square feet. The larger rectangle was occupied as a garage and the smaller as a maintenance shop. As altered, the footprint is now an irregular cluster of attached rectangles enclosing 13,000 square feet for mechanical and maintenance functions.

The Service Building is a steel frame and reinforced concrete structure enclosed in brick. Its openings are limited to glass and aluminum doors, a few window openings, and ventilating louvers in the boiler room.

## **LANDSCAPE**

### **Landscape Features Associated with the Mid-1950s Design**

The landscape was an integral part of the original design for the new corporate headquarters commissioned by Fireman's Fund in the mid-1950s. The San Francisco-based firm of Eckbo, Royston, and Williams (ERW) was the landscape architect for the original landscape design, completed in 1957, and its successor firm Eckbo, Dean, Austin, and Williams (EDAW) designed the landscape associated with the mid-1960s additions. The landscape setting around the modernist Office Building integrates functional needs (such as parking lots and internal circulation) with large areas of lawns and structured outdoor spaces (the Terrace, Entrance Court, and the Auditorium's outdoor spaces). The landscape is designed to promote the integration between architecture and landscape and uses forms and materials that are characteristic of modernist designs from the mid-twentieth century. (See Map 2 and Map 3)

#### *Brick Wall*

A brick wall, which takes different forms, provides a continuous and unifying element around the edges of the site. It exists as a retaining wall along the perimeter of the property's northeast, north, and west sides. Three gated entrances—one for the employees on California Street and the service and executive/visitor entrances on Laurel Street—are integrated into these sections of the wall. Each of these three entrances has a separate vehicular and pedestrian opening framed by brick pillars and secured by a double-leaf, metal rail gate when the property is closed. On the south side of the Executive/Visitor Gate, the perimeter wall is transformed into low retaining



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walls that define a series of planting beds along the west end and south side of the Executive Wing. The wall continues along the outer edge of the Terrace garden, along the bank that parallels Masonic Avenue, and then reconnects to the southeast corner of the Office Wing (east). Here rectangular brick planting beds have been incorporated into the wall, creating a zig-zag alignment similar to that found in other locations (i.e., on the bank along Laurel Street in the vicinity of the Entrance Court, on the southwest side of the Terrace, and in the bench wall that frames the eastern side of the Terrace).

#### *Parking Lots and Internal Circulation*

Two parking lots occupy the land in front (north) of the Office Building. The East Parking Lot and the West Parking Lot sit on either side of the entry drive, which aligns with the Employee Gate and an employee entrance (E2) into the Office Building.

The entry drive from California Street branches near the front of the Office Building; it continues to the east to provide access into the East Parking Lot and the circular ramps to the Garage. The western branch provides access to the West Parking Lot, and exits at the Laurel Street Service Gate. A short service road connects this branch of the entry drive to the Entrance Court parking lot and provides access to a service area at the west end of the Office Wing.

#### *Topography in Relationship to the Spatial Organization and Function of the Site*

The site slopes downward from its southwest corner, at the intersection of Euclid and Laurel streets. Grading has modified the topography so that the main outdoor spaces are located at different levels of the Office Building, as appropriate to their functions. Although the East and West Parking Lots are at a slightly lower elevation than the Office Building, the design of the landscape links these directly to its first floor. The Terrace garden, framed by the Office and Cafeteria Wings and originally intended to provide employees an outdoor setting for lunch and breaks, provides a direct connection into the Cafeteria Wing. And the Entrance Court, which originally provided parking for the executives and visitors, is at the same grade as the Executive/Visitor Entrance.

#### *Major Vegetation Features*

Lawns create the setting for the Office Building along the west and south sides of the property (and create a compatible connection between the property and the surrounding residential neighborhood) and slope downward toward California and Masonic Streets, respectively.

Some of the large trees which were part of the Laurel Hill cemetery vegetation were saved and ERW incorporated these into planting islands in the East and West Parking Lots in their mid-1950s design. Two Monterey cypress trees on a low mound in the East Parking Lot and a blue gum eucalyptus and several Monterey cypress in the West Parking Lot are remnants of this design feature. Monterey cypress, which were planted at some point after the addition of the

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Garage in the mid-1960s, occupy the land between the East Parking Lot and California Street. These trees, and the brick perimeter wall, buffer views of the parking lots from the street and lessen the apparent size of the Office Building.

Landscaped banks along the west and southeast sides of the site provide a transition between different elevations of the land within the property and the surrounding streets. The presence of these landscaped banks (planted mainly with grass, some larger shrubs, and several trees) help to reduce the need for tall retaining walls and also increase the amount of green space around the edges of the property.

#### *Entrance Court*

The Entrance Court on the west side of the Office Building—in the outdoor space between the Office, Cafeteria, and Executive Wings—provides parking and access to the building's Executive/Visitor Entrance and was one of the two structured outdoor spaces in ERW's mid-1950s design. A narrow, rectangular planting bed (10' x 55') at the center of the asphalt paving creates a U-shaped drive, which connects to the Executive/Visitor Gate on Laurel Street. Sidewalks (exposed aggregate concrete) and narrow planting beds (with Japanese maple trees, azaleas, rhododendron, New Zealand flax, and decorative rocks) line the sides of the Entrance Court's parking lot.

#### *Terrace*

In ERW's mid-1950s design, the principal structured outdoor space was the Terrace, which was intended as a place for employees to sit outside during lunch and at breaks. The Terrace is framed by the south side of the Office Wing and the east side of the Cafeteria Wing, where it is protected from the prevailing west wind and provides views to the east and south of San Francisco. This garden area has two levels. The lower level contains a biomorphic-shaped lawn and a paved patio, which wraps around the lawn's north and east sides. Steps along the east side of the upper-level terrace connect down to the lower level of the garden. Both the terrace and patio are paved with exposed aggregate concrete which is divided into rectangular panels by inlaid rows of red brick aligned with the window frames of the building. A brick retaining wall runs along the east and north sides of the lower-level patio. A raised planting bed, to the east of this wall, provides a visual boundary along the Terrace garden's east side. Three raised, circular beds (one on the upper-level terrace, one at the western edge of the lawn, and one at the north end of the lawn) each contain a tree; the sides of these circular beds are constructed of modular sections of pre-cast concrete. (See Map 3)

The plan for the Terrace provides a classic modernist composition. The biomorphic-shaped lawn contrasts with the rectilinear pattern of the pavement and the geometric form of the three, circular tree beds, the zig-zag alignment of the wall along its eastern edge, and the curved arch of

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hedge in the raised planting bed along its eastern edge. The triangular relationship between the three circular tree beds adds yet another level to the geometry of the composition.

Benches, which appear to have been custom-built for the mid-1950s design, are attached to the interior face of the wall along the Terrace's east side. The wooden boards for the seat and back are attached by metal bolts to a metal frame, which is attached to the wall; both the wood and metal are painted black. Benches of a similar design (three wood boards mounted on a bent metal frame) are mounted onto the patio at various places along its inner edge.

### **Landscape Features Associated with the Mid-1960s Design**

EDAW, the successor firm to the ERW partnership which was dissolved in 1958, prepared the landscape design that accompanied the mid-1960s additions to the Office Building. Just as the mid-1960s architectural additions were intended to be compatible with the original Office Building's design vocabulary, EDAW's design was intended to compliment and reference the original, mid-1950s ERW design. The key parts of the mid-1960s landscape design included the addition of paved features around the east, south, and west sides of the new Auditorium—to create outdoor sitting areas and to facilitate pedestrian circulation—and rebuilding a portion of the brick perimeter wall along Masonic Avenue. These two outdoor sitting areas—one on the east side of the Auditorium and one on its west side—connect to entrances into the Auditorium. (See Map 3)

The Auditorium is located below and to the east of the Terrace. A ramp begins on the south side of the Terrace and leads down to the Auditorium. The ramp bisects the landscaped bank that extends from the Terrace down to Masonic Avenue. The ramp, a part of the original mid-1950s design, is paved in the same exposed aggregate concrete as the Terrace, but lacks the inlaid rows of brick.

The outdoor area on the Auditorium's west side is paved with exposed aggregate concrete divided into panels by a double row of inlaid brick that references, but is not identical to, the pavement in the mid-1950s Terrace. Black metal benches are mounted along the eastern and western sides of the pavement. A raised circular tree bed (with concrete walls identical to the three circular tree beds at the Terrace) is located on its western side.

The outdoor area on the Auditorium's east side is paved with concrete divided into rectangular panels by wood inserts. The east and south sides of this area are enclosed by rectangular brick planting beds which are incorporated into the Masonic Avenue brick perimeter wall. The arrangement of these beds creates a zig-zag alignment for the wall, which is similar to that found in other locations (i.e., the brick perimeter wall along Laurel Street below/west of the Entrance Court, in the retaining wall at the southwest corner of the Terrace, and along the bench wall that frames the east side of the Terrace).

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The landscape along the east side of the property—which is at the same grade as Presidio Avenue—consists of a row of redwood trees planted across the eastern façade of the building, a level lawn between the building and street, and the Presidio Avenue Service Drive which provides access to the sub-level three of the Garage.

## CHRONOLOGY OF DEVELOPMENT

### Overview

The Fireman's Fund Home Office was built in five principal phases. The first four phases were under the ownership of the Fireman's Fund Insurance Company, and the buildings in these first four phases were designed by the same architect and structural engineer and were built by the same general contractor. The grounds were designed within these first four phases by the same landscape architectural firm and its successor firm. The fifth phase was carried out under a new owner—3333 Investors—who purchased the property from Fireman's Fund.

In addition, there have been many interior alterations throughout the life of the building, many within the period of significance and many outside of the period of significance. These are addressed in a general way after the five phases of construction below.

### Buildings

#### *Phase I: Original Construction 1955–1957*

The Fireman's Fund Insurance Company bought the site of its future headquarters in March 1953 for \$650,000 from the San Francisco Unified School District.

Among many stated reasons that Fireman's Fund chose the site were access to public transportation, room on the site to expand, the cost of the site and the cost to build a low structure rather than a tall building downtown. An interview with the architect noted that the site "lent itself to a low-level building, which studies proved was preferable for efficient operation of the company's business."<sup>2</sup> In 1953–1954, in-depth preliminary studies of operations and work flow were undertaken by the architect, Edward B. Page, working with Nicholas Begovich, head of Management Services for Fireman's Fund. In April 1954, Page showed plans of the building to the Laurel Heights Improvement Association which was pleased with "a most attractive building and landscaping."<sup>3</sup>

In mid-June 1955, Edward B. Page submitted applications for building permits for both the Office Building and the Service Building. Plans submitted with the applications were dated 1

<sup>2</sup> Robert George Higginbotham, "Fireman's Fund Building." Student project for Architecture 2N-4, University of California, 1958. Northern Regional Library Facility of the University of California.

<sup>3</sup> Laurel Heights Improvement Association, Correspondence between Harry Thompson and Bernard Kernfeld, 18 April 1954. Archives of the Laurel Heights Improvement Association.

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June 1955. For both buildings, the designers working with the architect were, the structural engineering firm of John J. Gould and H. J. Degenkolb; R. Rolleston West, mechanical engineer; Clyde E. Bentley, electrical engineer; Maurice Sands, interior decorator; and Eckbo, Royston, & Williams, landscape architects. The general contractor for the buildings was MacDonald, Young, & Nelson. The landscape contractor was Watkin & Sibbald.

According to an article in the *San Francisco Chronicle*, the company began moving into the Office Building on 17 June 1957. The dedication of the building on 9 July 1957 was attended by San Francisco Mayor George Christopher and many local business dignitaries. The final cost of the buildings was \$4.5 million, including \$80,000 for the Service Building, plus \$600,000 for the furniture and \$300,000 for the landscaping.

The company stressed that the buildings were designed both for efficient operation and to provide a pleasant working environment, recognizing that insurance companies were noted for high employee turnover and hoping that comfortable and attractive surroundings would help retain employees. Some of the means of establishing these conditions were providing good light and air, views, access to outdoor gardens, recreation facilities, a cafeteria, comfortable furniture, thoughtful choice of colors, and plentiful parking.

While there is no evidence of a master plan, the company and its designers anticipated the future need to expand. According to the general contractor at the time the building was first built, "The Building has been planned for an expansion factor of thirty percent. Future needs will be satisfied by adding a complete floor above the present floors or by adding a wing."<sup>4</sup> Guided by City Planning Commission Resolution 4109, the expansions, which occurred in several phases between 1963 and 1967, were made in a way that would not change the character of the main building or harm the attractive environment created by the landscaped grounds and the relationships between the landscaping and the buildings.

The Fireman's Fund Home Office was the subject of wide popular and professional press coverage when it was first completed. In addition to numerous articles in the San Francisco press, *Business Week* ran an article on the company to coincide with the completion of the building.<sup>5</sup> The principal west coast architectural periodical, the *Architect and Engineer*, ran a long cover story on the building.<sup>6</sup> And, the prominent French journal, *Architecture d'aujourd'hui*, devoted two pages to the architecture and landscape design of the property in a special issue

<sup>4</sup> Graeme K. MacDonald, "New Fireman's Fund Building Incorporates Many Construction Innovations and Ideas," *Architect and Engineer* 210, No. 3 (September 1957), 16.

<sup>5</sup> The most complete San Francisco newspaper article was *San Francisco Chronicle*, "Fireman's Fund Shows New Home," 9 July 1957; *Business Week*, "Casualty Insurer Faces the Music: Fireman's Fund, hardest hit by disasters of 1956, is pushing a comeback program that others may have to copy," 27 July 1957, pp. 92-98.

<sup>6</sup> MacDonald, 11-19.



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on office buildings around the world.<sup>7</sup> Fireman's Fund was the only American building featured among forty-three buildings in sixteen countries on three continents.

*Phase II: One-story Addition 1963–1964*

On 15 November 1963, Fireman's Fund applied for a building permit to add one story to a portion of the original building at a cost of \$800,000. This would add a floor to the Executive Wing, the Cafeteria Wing, and a portion of the west end of the Office Wing (north) with a total of 27,000 square feet. Construction began on 2 March 1964 and was completed in December 1964. The addition matched the original building in its design, materials, and details visible on the exterior.

The architect for this addition was the same as for Phase I and the structural engineer was H.J. Degenkolb & Associates, the successor to the original firm following the death of John Gould. The mechanical engineer was K.T. Belotelkin & Associates and the electrical engineer was Charles M. Krieger & Associates.

*Phase III: Parking Garage, Auditorium, and Office Addition 1965*

In the first half of 1965, Fireman's Fund initiated work on two related additions carried out under separate building permits, one for work that was much larger than the other. On 19 February 1965, the company applied for a permit for an addition on the east side of the Service Building and to build a new underground service tunnel between the Service Building and the main building. The addition was a rectangular block with a flat roof, the same size as the existing Service Building and clad in matching brick on the exterior.

The company applied for a second permit on 24 June 1965, for a large, partially underground, three-level addition whose primary purpose was a parking garage, but which also included more office space and an auditorium. The permit was issued on 24 August 1965 for work to cost \$1,500,000. The footprint of this new 120,000 square foot building was irregular, but the main part of it could be enclosed by a rectangle parallel to Presidio Avenue and at a right angle to the existing California Wing of the Main Building. At the north end of this building were two cylindrical ramps for access to the parking levels from the roof at the level of the previous parking area. The garage provided parking for 271 vehicles. At the south end of the structure was the auditorium which had seating for 300 people. The auditorium was entered at the first sub-level of the structure, one level below the ground floor of the original office building.

This addition was of reinforced concrete construction. The exposed north end of the garage was undisguised concrete. The exposed east side of the first and second sub-levels of the structure

<sup>7</sup> V. Janson de Fischer, "Le Siege d'une Compagnie d'assurance, a San Francisco," *Architecture d'aujourd'hui* 30, No. 82 (January 1959), 82-83.

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was clad in brick with glass clerestories on the second sub-level and in the same aluminum frame and glass window wall as in the original building on the first sub-level. The auditorium was enclosed in brick.

The architect and engineers for this phase were all the same as in Phase II.

*Phase IV: Parking Garage Superstructure and Fourth Floor Additions 1966–1967*

On 14 February 1966, Fireman's Fund notified the Laurel Heights Improvement Association that it was seeking approval for the completion of the fourth floor addition from Phase II and the construction of a three-story office building on the roof of the parking garage built in Phase III. The permit for this work, to cost \$2,000,000, was issued 24 March 1966 and the work was completed in 1967. These changes were in the same materials and details as the original so that the character of the 1957 building remained intact.

Another addition was made under this permit to the Service Building. This was small rectangular building to serve as a new boiler room. Like the previous addition, this was clad in the same brick as on the original.

The architect and engineers for this work were the same as in Phases II and III.

*Interior Alterations 1958–1982*

Building permits were issued for many interior alterations to the building during its ownership by Fireman's Fund. Until the last couple of years, most of these were small jobs involving office spaces, sprinklers, and service features. In 1968–1969 and in 1975–1976, office areas throughout the building were renovated. The flexibility of the large open office areas of the original design anticipated reorganizations and remodelings of these spaces.

Until 1968, the architect for all of this work was Edward B. Page. Beginning in 1968, the work was done by his successor firm of Page, Cloudsley, & Baleix. Until 1970, the general contractor for the work was always MacDonald, Young, & Nelson and its successor firm of MacDonald & Nelson. Beginning in 1971, the contractor for many interior alterations was Herrero Brothers.

*Overcrowding*

By 1970, the building was running out of space. A new three-story office building was proposed about a half block away on Masonic Avenue near Geary, but was never built. Subsequently, planning began for a large new office building and data center on Lucas Valley Road in Marin County for 800 "technical and clerical" employees and for the company's large IBM computers.

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According to the San Francisco Chronicle, this move was necessary because, "Height limitations prevented adding to the existing building."<sup>8</sup>

Beginning in 1977, the corporate owner of Fireman's Fund since 1968, American Express, occupied space in the building and sometimes hired different contractors. By 1982, when portions of the building were leased to outside tenants, interior spaces were remodeled by different teams of designers and builders.

### Landscape

The site was previously a portion of the Laurel Hill Cemetery, which closed in the late 1930s. Prior to construction of the Fireman's Fund Home Office, debris from the cemetery was cleared, taking care to leave several large trees which were incorporated into the landscape design.

#### Phase I: 1955–1957

The firm of Eckbo, Royston, and Williams (ERW) prepared the landscape design and worked with the architects on the site plan that determined the location of the building and the arrangement of the parking, internal roads, and outdoor spaces.<sup>9</sup> Garrett Eckbo's description of the challenges of the design process for a building and site, found in his book *Urban Landscape Design*, provide insights into the resolution of the design for the Fireman's Fund property.

*[T]he site is a piece of real estate, variable in size, form, and topography, produced by land subdivision . . . Thus the landscape design problem is to achieve the best possible development of a space or series of spaces determined by the relationship between the building and the site boundaries. Within these, the specific demands of the program must be satisfied. Problems of orientation and climate control—sun, wind, heat, glare, reflection—must be resolved. Visual demands created by the form and height of the building and the size and position of glass areas must be satisfied. The exterior landscape, beyond the site*

<sup>8</sup> *San Francisco Chronicle*, "Massive New Data Center," 30 May 1975.

<sup>9</sup> Typically, one of the ERW partners would take the lead on a specific project and then oversee all phases of the work. The plans for the ERW design were not located during the research for this nomination, and the lead ERW partner for the Fireman's Fund landscape design could not be determined. A caption for a photograph, in a 1969 article in the *San Francisco Sunday Examiner and Chronicle* (Adams 1969), attributed the design to Ed Williams. This attribution seems reasonable for several reasons. Logistically, the Fireman's Fund project would have been handled by the San Francisco office under the direction of one of the two San Francisco-based partners—Ed Williams and Robert Royston; Garrett Eckbo operated out of their southern California office. Second, Eckbo attributed the Fireman's Fund design to Eckbo, Dean, Austin, and Williams (EDAW), the successor firm to ERW, in his 1964 book *Urban Landscape Design*. In other places in this book, he attributed designs prepared by Royston while an ERW partner (Krusi Park [1954] and Mitchell Park [1956]) to Royston's firm (Royston, Hanamoto, and Mayes) and would have done so with Fireman's Fund if Royston had been the lead designer. Finally, the landscape design for the mid-1960s additions to the Fireman's Fund office building were undertaken by EDAW, which supports the assumption that one of the partners who remained with EDAW being the designer for the original, mid-1950s plan.

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*boundaries, must be analyzed and included or excluded by judicious screening or framing elements. Finally yard spaces which do not relate to building or specific function must be developed in meaningful forms. All of this will be more difficult if the building has been conceived as a self-sufficient unit, and less difficult if the organization of building and site spaces is conceived as one coherent pattern at one time.*<sup>10</sup>

Eckbo considered the Fireman's Fund site to be an example of this approach for the design process between a building and its site and included a description, site plan, and nine photographs of Fireman's Fund as one of the five projects he used to illustrate the "Building and Site" chapter of the book.

The connections between the Fireman's Fund office building and its landscape were a critical part of the image that the company was promoting with its new headquarters. Descriptions of the property in contemporary articles emphasized the "park-like setting" for the building and parking, which together occupied less than half of the site's 10.2 acres. The description in the *Architect and Engineer* in April 1956, noted that "the structure, which will overlook San Francisco, has been designed to relate to its park-like setting."<sup>11</sup> An extensive article on the new headquarters, in the *Architect and Engineer* in September 1957, explained that "The building itself occupies 1.74 acres, and there are 2.75 acres of off-street parking for more than 250 cars. On the rest of the land area, a truly superb job of landscaping has been done. This includes 110 varieties of trees, plants and ground cover that give the area surrounding the building a park-like aspect."<sup>12</sup> Eckbo made a similar point ("... leaving the major portion of the site for gardens") in his description in *Urban Landscape Design*.<sup>13</sup>

The size (10.2 acres), topography and location of the site (sloping downward from the southwest corner and with a panoramic vista of downtown), and the location of existing large trees influenced arrangement of the site features. Garrett Eckbo, describing the design process for the landscape, in *Urban Landscape Design*, wrote that "considerable care was taken in the arrangement of the building, parking areas, and levels [grading] to save all the existing trees."<sup>14</sup> These mature trees, which were mainly in the large parking lots to the north of the Office Building, helped to frame the building in views from California Street and provided vegetation that was proportional to the three original stories of the building's north façade.

<sup>10</sup> Garrett Eckbo, *Urban Landscape Design* (New York: McGraw-Hill Book Company, 1964), 45.

<sup>11</sup> Fred W. Jones, "Ten Years of Building and Engineering Construction," *Architect and Engineer*, 205, No. 1 (April 1956), 12.

<sup>12</sup> MacDonald, "New Fireman's Fund Building," 17.

<sup>13</sup> Eckbo, *Urban Landscape Design*, 47.

<sup>14</sup> Ibid.

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The Office Building was conceived as a series of wings set at right angles to each other, which, in turn, divided the land next to the building into outdoor spaces designed to provide connections between the architecture and the landscape. Additionally, the horizontality of the architecture both in its long, low wings, and in the specific design features of the wings—the division of floors by continuous thin edges of concrete and the walls of the floors consisting of long repetitions of similar window units—helped to balance the massing of the Office Building with the surrounding landscape. The exterior glass walls provided views into the landscape of the outdoor spaces and at certain times of day reflected landscape features (trees, lawn, walls, patterned pavement, etc.), adding yet another level of integration between interior and exterior spaces.

The principal outdoor space—the Terrace—was set on the east side of the building, framed by the Office and Cafeteria Wings, where it was “protected from the prevailing west wind” and on a portion of the site that had been graded to provide “a good view of a large part of San Francisco.”<sup>15</sup> Here a biomorphic-shaped lawn was framed on its west, north, and east sides by a patio, whose exposed aggregate pavement was divided by rows of brick that aligned with the window frames of the building. Benches attached to the niches of the zig-zag of the seat wall, which enclosed the eastern side of the Terrace, provided places for employees “to relax in the sun during lunch or coffee breaks.”<sup>16</sup>

The Entrance Court on the west side of the Office Building—framed by the Office, Cafeteria, and Executive Wings—provided access to the Executive/Visitor Entrance into the building. A narrow, 80-foot-long, rectangular reflection pool at the center of the paving (asphalt divided by rows of red brick inset into the pavement) created a U-shaped drive. Arbor-covered sidewalks lined the outer edges of the pavement, with parallel parking next to the sidewalks.

A brick wall, which took several different forms, provided a continuous and unifying element around the edges of the site. It created a boundary wall along the property's northeast, north, and west sides, and the three gated entrances—one for the employees on California Street and the service and executive/visitor entrances on Laurel Street—were integrated into these sections of the wall. It was transformed into low retaining walls that defined a series of planting beds along the west end and south side of the Executive Wing, and continued—again as a boundary wall—along the outer edge of the Terrace and the parking lot to the east of the building. The brick in the various sections of this wall and in the pavement patterns of the Terrace and Entrance Court was the same as that used in the Office Building and Service Building and helped to integrate the architecture and landscape.

<sup>15</sup> Ibid., 48.

<sup>16</sup> Ibid., 49.



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Lawns, the iconic symbol of the landscape in post-World II suburban design, created the setting for the Office Building along the west and south sides of the property and provided an appropriate interface with the surrounding residential neighborhood. In *Urban Landscape Design*, Eckbo noted that plant materials were chosen based on the existing trees on the site and the climatic conditions. Live oak and red-flowering eucalyptus were the primary species planted, with "secondary themes . . . carried by the Monterey cypress, olives, redwoods, and Bishop pines" that were planted.<sup>17</sup> Shrubs and groundcovers were chosen to add color, fragrance, and "to provide interesting combinations of foliage, color, and texture, so that at all times of the year there will be something of special interest for the passerby to see."<sup>18</sup>

#### *Phase II: 1963–1964*

There were no additions or major changes to the ERW landscape design during Phase II.

#### *Phases III and IV: 1965–1967*

EDAW, the successor firm to the ERW partnership which had been amicably dissolved in 1958, prepared the landscape design that accompanied the mid-1960s additions to the Office Building. Just as the architectural additions were intended to be compatible with original Office Building's design vocabulary, EDAW's design was intended to compliment and reference the original, mid-1950s ERW design. The portion of the parking lot that wrapped around northeast corner of the site and a portion of the original brick perimeter wall along the eastern edge of this lot were removed when the office wing extension, garage, and auditorium were built. The planting islands within the remaining portion of the east parking lot were rearranged to accommodate a new parking pattern. A service drive was added from Presidio Avenue to the ground floor of the Garage. The brick wall, along Masonic Avenue, was rebuilt to accommodate the additions to the building and new service drive. A row of redwood trees were planted across the new eastern façade of the newly extended office wing, and the level land between the building and the street was planted with grass. Paving was added around the east, south, and west sides of the new Auditorium to create outdoor sitting areas and to facilitate pedestrian circulation.

EDAW designed an entrance terrace on the west side of the Auditorium, paved with exposed aggregate concrete divided by rows of inlaid brick that referenced the paving found in the original, mid-1950s Terrace. The new concrete-paved landing on the east side of the Auditorium provided a second, but smaller, outdoor sitting area; this area was enclosed on its east side by rectangular brick planting beds which were incorporated into a new section of the brick wall. The brick in the new planting beds and the new wall section was similar to that of the original wall.

<sup>17</sup> Ibid., 47.

<sup>18</sup> Ibid., 48.

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### 3333 Investors

#### *Phase V: Presidio Corporate Center 1984–1985*

About 1983, Fireman's Fund sold the property to a new owner called 3333 Investors. In 1984 and 1985, 3333 Investors took steps to transform the property into the Presidio Corporate Center, an office building open to leasing by multiple tenants. Apart from numerous relatively minor interior office alterations, this owner made two distinctive changes visible on the exterior of the building.

In the spring of 1984, the aluminum window frames throughout the building were painted a dark color and the glass in the windows including the blue bottom panels of each window unit was darkened. The tinting of these windows was said to have a fifteen year life expectancy.<sup>19</sup>

In permits dated 6 October 1984 and 8 January 1985, the original entrance lobby on California Street was remodeled and a new exterior entrance gateway structure was built. Apart from serving to mark the entrance and to represent a new owner and a new use, it is not clear that this structure had any function. The architect for the new entrance structure was CRS Sirrine of Houston in association with EPR of San Francisco.

### University of California

In February 1985, 3333 Investors sold the property to the Regents of the University of California to be used as the Laurel Heights Campus of the University of California, San Francisco. Since it has owned the property, the university has made minor exterior alterations and extensive interior alterations. The principal exterior alterations have been a project begun in 1986 that added a loading dock on Presidio Avenue and another that added rooftop screens to hide added mechanical equipment.

During the ownership of the University of California, space in the building has been occupied by the California Department of Transportation as well as by the University of California, San Francisco.

In preparation for a move to the new Mission Bay Campus and elsewhere, in 2012 the university began investigating options for the site. On 13 March 2015, the university signed a ground lease with Laurel Heights Partners, a development firm with plans to make extensive changes to the site. In April 2018, Laurel Heights Partners stated that they recently became the fee owner of the property.

<sup>19</sup> University of California, San Francisco, *Office of the Chancellor with the assistance of Ira Fink Associates, University of California, San Francisco – Laurel Heights Site Development Plan: Draft Environmental Impact Report*, ([Berkeley]: Regents of the University of California, 1986), 73.

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## INTEGRITY

For the period of significance 1957–1967, alterations to the property are addressed below for the buildings and the landscape separately, followed by an evaluation of integrity of the property as a whole.

### Buildings

The two buildings of the Fireman's Fund Home Office have a high degree of integrity. Although the original 1957 buildings were altered with major additions in 1963–1967, the changes were all within the period of significance and all were carried out by the same primary team of the architect, the engineer, and the general contractor.

After the period of significance additions and alterations to the buildings have been relatively minor in the context of the whole. Altogether, these changes, which are described herein, have had a limited effect on the character of the buildings.

The principal changes after the period of significance to the Office Building were the addition of two service entrances, a gateway in front of the Employees Entrance on California Street, the darkening of the glass walls, and the addition of rooftop screens to hide mechanical equipment. The most significant of these are the darkening of the windows and the addition of the entrance gateway.

The entrance gateway was built in 1984–1985. It is a two-story structure that frames the path of entry from the street and also the existing walkway along the front of the North Wing. The ground level of this structure is clad in the same brick that is used elsewhere in the building. The second level, which spans brick supports on both sides, is glazed. The use of glass here is compatible with the glass windows that dominate the exterior surface of the original building in the Fireman's Fund era, but is different in its details and character. At present, the gateway is partially hidden by trees, lessening its impact.

Also in 1984–1985, the windows were darkened. This change involved tinting of the glass itself, the aluminum frames of the units of the windows, and the blue bottom panels of the window units. This change affects the character of the building as a whole but does not alter its essential features or design as a glass box open to its immediate landscape and to distant views.

Other alterations visible on the exterior are less important. A service entrance consisting of a roll-up door and loading area was added at either end of the Office Building, accessible from the service drive parallel to Laurel Street at the west end and from Presidio Avenue at the east end. The rooftop screens around mechanical equipment evoke the penthouses on the roofs of the Executive Wing and the Office Wing (north), which were removed in the additions of 1963–1967. They do not have a significant impact on the character of the building.

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Interior changes since the Fireman's Fund era have altered the interior for new uses. As the headquarters of a national insurance company, the interior was designed to provide offices and support services for clerical workers, managers, executives, and others in a mix of open office areas, private offices, meeting rooms, public rooms, and rooms for office machines. For its current use by the University of California (for academic and administrative offices, office-based instruction, and social and behavioral research) open offices have been partitioned, old partitions have been removed or changed, and spaces have been created for specialized purposes. In 1987, a large MRI center was built on the ground floor of the California Street Wing. Along with these changes, for security reasons the building has been divided inside into sections that do not communicate and lobby areas have been remodeled as security checkpoints. These changes alter the visual relationship between the design of the building and its structure. These altered conditions are apparent to occupants and users of the building but cannot be seen from outside the building or by the general public.

The Service Building has been altered with three additions, each in the character of the original, each in the same brick as the original, and all within the period of significance.

### Landscape

The landscape is an integral part of the design for the corporate headquarters commissioned by Fireman's Fund in the 1950s and to the additions to this facility from the 1960s. The ERW/EDAW design retains a high degree of integrity and continues to create a landscape setting around the International Style Office Building. The landscape design continues to promote the integration between interior and exterior space on the site, and the original forms and materials of its key features, which were characteristic of modernist designs from the mid-twentieth century, remain in place.

The Terrace, which was designed as the "centerpiece" of the landscape, continues to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco). The Terrace retains its characteristic biomorphic-shaped lawn surrounded by a paved terrace and patio, and there have been only minor alterations since the end of the period of significance. One tree (likely an oak) at the south end of the lawn has been cut down, and new benches and tables have been added. Some of the original shrubs and flowering plants—described by Eckbo in his book *Urban Landscape Design*—are no longer present; however, the locations of the plants and their general character (trees in circular beds and flowering shrubs and groundcovers in planting beds) remain.

The Entrance Court was altered both during and after the period of significance. Sometime during the period of significance, the reflecting pool at the center of the parking lot was removed and converted into a planting bed; a review of aerial photographs indicates that this alteration occurred between 1961 and 1968. Several other changes occurred after the end of the period of

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significance. Between 1993 and 2001, the distinctive brick stripes in the parking lot pavement were paved over, and the arbors that covered the sidewalks on the north, east, and south sides of the parking lot were removed; the arbor on the west side was left in place. The exposed aggregate concrete paving for the sidewalks was also redone at this time. In the late 1990s, the configuration of the concrete pavement and the arrangement of the custom-built mid-1950s benches to the north of the parking lot were altered. However, the general design and function of the Entrance Court—as an outdoor connection between the Executive/Visitor Gate and the entrance to building on the west side of the Cafeteria Wing—are still evident, and the Entrance Court continues to contribute to the overall integrity of the landscape design.

The short service drive to the west of the Office Building was altered both during and after the period of significance. During the period of significance, the west side of the road was widened to provide additional parking; this change occurred between 1961 and 1968. After the period of significance, a portion of the east side was also widened for parking. However, the original alignment of this short road and its function within the overall landscape design remain. The service drive continues (1) to connect the entry drive and Entrance Court and (2) to provide access from a service area on the west side of the Office Building to the Laurel Street Service Gate. Additionally, the overall design of the internal circulation system (with the two parking lots in front of the Office Building and internal roads) remains intact.

A new feature was added in 2000–2001 (after the end of the period of significance) when a fenced outdoor child care/play area was built on the south side of the Office Building; this area had previously been planted with grass and was part of the large lawn along the south side of the property. As part of this change, a new pedestrian entrance was created for the Terrace's southwest corner by removing a part of the brick retaining wall along the outer, southern side of the Terrace and adding a metal gate. A new sidewalk and pedestrian ramp were added to provide access between Euclid Street and this new entrance. However, the overall design of the Terrace was not altered by the addition of this play area. Additionally, enough of the lawn remains to convey the original landscape setting along the south side of the property.

Some of the materials associated with the vegetation features have been changed. Specifically, most of the original shrubs, groundcovers, and smaller plants have been replaced. Most of these changes to materials likely occurred incrementally, after the end of the period of significance, when plants reached the end of their lifespan, when certain species did not thrive in a specific location, or when the popularity of species changed. However, the major vegetation features retain their original locations and functions within the landscape design and continue to contribute to the historic character of the landscaped setting of the Fireman's Fund property.

The key materials and workmanship of the landscape structures and site furnishings remain including the brick used in the walls throughout the landscape; the exposed aggregate concrete



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for sidewalks; the exposed aggregate concrete divided into panels by rows of brick in the pavement at the Terrace and in the Auditorium's west-side sitting area; the metal for the entrance gates; the custom-designed wood benches found in the Terrace and at the Entrance Court's outdoor sitting area; and the circular tree beds constructed of modular sections of concrete found in the Terrace and in the Auditorium's west-side sitting area.

### **Combined Buildings and Landscape**

Together the buildings and landscape of the Fireman's Fund Home Office constitute a single resource that possesses integrity as measured by the seven aspects of integrity, as follows:

- 1) Location: The property is in its original location. It has not been moved.
- 2) Design: The property retains the essential elements of its design and the relationship between the parts of the design. Alterations to the design since the period of significance are relatively minor. It retains integrity of design.
- 3) Setting: The setting of the property is the same in all major respects as at the time it was first built. It retains integrity of setting.
- 4) Materials: The materials used in the buildings and landscape during the period of significance are all present. The property retains integrity of materials.
- 5) Workmanship: Evidence of workmanship, both from craftsmanship (brick and landscape features) and industrial processes (glass manufacture, concrete finishing, extrusion of aluminum) are all present. The property retains integrity of workmanship.
- 6) Feeling: Because the property as a whole—its buildings and landscape—are little altered and have been well-maintained, it retains integrity of feeling from the period of significance.
- 7) Association: Apart from the lettering on the outside wall near two entrance gates with the name of the current occupant of the property, the property is almost indistinguishable from the time of its ownership by Fireman's Fund Insurance Company. Thus it retains integrity of association.

### **CHARACTER DEFINING FEATURES**

#### **Office Building**

Plan of the building with wings open along the sides to the immediate landscape and to views of the distant city

Horizontality of massing

Horizontal lines of projecting edges of concrete floors

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Horizontal bands of nearly identical window units

Uninterrupted glass walls

Window units of aluminum and glass

Circular garage ramps

Exposed concrete piers over the Garage

Wrought iron deck railings that match gates in the landscape

Brick accents and trim

## **Service Building**

Massing of rectangular volumes

Brick walls with a minimum of openings

## **Landscape**

Terrace, as the “centerpiece” of the landscape, designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco); key character-defining features include its biomorphic-shaped lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick); brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and three circular tree beds constructed of modular sections of concrete.

Entrance Court, providing a connection between the Executive/Visitors Gate on Laurel Street and an entrance to the building on the west side of the Cafeteria Wing; key character-defining features include a central paved parking lot surrounded on its north, east, and west sides by narrow planting beds; exposed aggregate sidewalks along the north, east, and west sides of the parking lot; and a low free-standing brick wall along its north side.

Auditorium's two outdoor sitting areas—one on the east side of the Auditorium and one on its west side—that connect to entrances into the Auditorium; key character-defining features for the area on the west side of the Auditorium include the pavement (exposed aggregate divided into panels by rows of bricks), circular tree bed constructed of modular sections of concrete; and metal benches; key character-defining features for the area on the east side of the Auditorium include the pavement (concrete divided into panels by wood inserted into expansion joints).

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Brick wall (constructed of red brick set in running bond pattern similar in appearance to brick used in exterior of main building) that takes several forms and which forms a continuous and unifying element around the edges of the site.

Three gated entrances—one for the employees on California Street and the service and executive/visitor entrances on Laurel Street—that are integrated into the brick perimeter wall.

Internal Circulation System (entrance drive, service drive, East and West Parking lots)

Vegetation features that helps to integrate the character of the Fireman's Fund site with that of the surrounding residential neighborhoods including (1) the large trees in and around the East and West Parking Lots, (2) the lawns on the west, south, and east sides of the property, and (3) the planted banks along Laurel and Masonic streets.

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## 8. Statement of Significance

### Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- ☒ A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ B. Property is associated with the lives of persons significant in our past.
- ☒ C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ D. Property has yielded, or is likely to yield, information important in prehistory or history.

### Criteria Considerations

(Mark "x" in all the boxes that apply.)

- ☐ A. Owned by a religious institution or used for religious purposes
- ☐ B. Removed from its original location
- ☐ C. A birthplace or grave
- ☐ D. A cemetery
- ☐ E. A reconstructed building, object, or structure
- ☐ F. A commemorative property
- ☐ G. Less than 50 years old or achieving significance within the past 50 years

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## Areas of Significance

(Enter categories from instructions.)

ARCHITECTURE

LANDSCAPE ARCHITECTURE

COMMUNITY DEVELOPMENT

COMMERCE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Period of Significance

1957-1967

\_\_\_\_\_  
\_\_\_\_\_

## Significant Dates

1957

1964

1965

1967

\_\_\_\_\_

## Significant Person

(Complete only if Criterion B is marked above.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Cultural Affiliation

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Architect/Builder

Edward B. Page, Architect

John J. Gould & H.J. Degenkolb/Henry J. Degenkolb & Associates, Structural Engineer  
Eckbo, Royston, & Williams (ERW)/Eckbo, Dean, Austin, & Williams (EDAW), Landscape  
Architects



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**Statement of Significance Summary Paragraph** (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations)

The Fireman's Fund Insurance Company Home Office is eligible for the National Register under Criteria A and C at the local level. Under Criterion A, it is significant in the area of Commerce for its association with the San Francisco insurance industry, an important industry in the history of the city from the Gold Rush to the present. In particular, it represents the postwar boom in San Francisco's insurance industry when many companies built new office buildings. At that time, Fireman's Fund was one of the largest insurance companies in the United States. It was the only major insurance company headquartered in San Francisco. It was a leader among all insurance companies in San Francisco in its embrace of new ideas, symbolized by its move away from downtown to an outlying location. Under Criterion A, the Fireman's Fund Home Office is significant in the area of Community Planning and Development as one of the principal embodiments of the postwar decentralization and suburbanization of San Francisco. Fireman's Fund was the first major office building to be built outside of downtown in a suburban setting and it was the first whose design was fully adapted to the automobile. Under Criterion C, the Fireman's Fund Home Office is significant as the work of three masters, the architect Edward B. Page, the engineering firm of John J. Gould & H.J. Degenkolb/Henry J. Degenkolb & Associates, and the landscape architectural firm of Eckbo, Royston, & Williams (ERW)/Eckbo, Austin, Dean, and Williams (EDAW). As a modernist, through his experiences in Paris in 1930, Edward Page had direct links to the birth of modern architecture and to its development in the United States. The Fireman's Fund Home Office is his best known and most important work. The Fireman's Fund Home Office—with its innovative structural design that provided open floors with minimal columns and exterior walls of glass—represents the beginning of the reputation of the Gould and Degenkolb engineering firms as among the leading structural engineers in San Francisco in the post-World War II period. ERW/EDAW was recognized as one of the country's leading landscape architectural firms during the period of significance, and their designs and writings contributed to the popularization of the modernist landscape design vocabulary and to modernism as an approach to creating outdoor spaces that addressed contemporary needs within a broad range of settings. The Fireman's Fund Home Office represents an example of the firm's mastery of modern design within a corporate landscape context. Additionally, the Fireman's Fund Insurance Company Home Office, a single property including both architectural and landscape architectural elements which were designed to complement each other, is significant under Criterion C as an example of a corporate headquarters in San Francisco that reflects mid-twentieth-century modernist design principles. The period of significance is 1957 to 1967, covering the period from the year when the first phase of the buildings and landscape were completed (1957) to the year the final phase of construction was undertaken (1967) by Fireman's Fund. The Fireman's Fund company continued

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on this site as a leading insurance company in San Francisco and nationally until it sold the property in 1983. Although there are numerous alterations, these alterations do not alter the essential character of the property and it retains a high level of integrity.

**Narrative Statement of Significance** (Provide at least one paragraph for each area of significance.)

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### CRITERION A: COMMUNITY PLANNING AND DEVELOPMENT

For at least twenty-five years after World War II ended in 1945, there was an accelerated general movement of population and growth in the United States out of the central cities and into outlying areas. This regional decentralization and suburbanization took place in housing, retail, office, industrial, and institutional developments. In the San Francisco Bay Area, the two largest urban centers—San Francisco and Oakland—lost population as new housing and other

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developments boomed on agricultural land and sparsely settled areas of Marin, San Mateo, Santa Clara, Alameda, and Contra Costa Counties. While there were many reasons for this movement, a primary factor was the growing use of motor vehicles. In contrast to the densely concentrated older cities, these new suburban areas were spread out, a development facilitated by construction of bridges across the bay in the 1930s to 1950s and the beginning of the construction of freeways.

San Francisco itself experienced its own internal version of this movement. While the City and County of San Francisco shared the same boundaries and much of its expanse was occupied by traditionally dense urban development, there were substantial areas outside the core—but within the city boundaries—that had never been developed or, because of changing conditions, were newly available for development.

Little new industry entered San Francisco in these years, but every other major land use was expanded. The spectrum of new developments of this period did not simply replicate old patterns of development. Instead, they were shaped by the forces that drove suburbanization elsewhere. In addition to motor vehicles, which were used for private transportation, for hauling goods for business and industry, and in competition with streetcars and other forms of transit, cheap energy and plentiful water played a fundamental role. Also, social forces such as a growing middle class, and “white flight” from perceived overcrowding and changing population demographics in central cities were major factors.

Between 1945 and the late 1960s, years that included the construction of the Fireman's Fund Home Office in Laurel Heights, many of the principal developments of the city itself were part of this movement. The developments of these years were different in fundamental ways from what had been built before. The cumulative effort of all these changes changed the character of the city as a whole. By the end of this period, San Francisco was not the dense pedestrian and streetcar city that grew up in the nineteenth and early twentieth centuries. It had become a mix of the earlier city and the “New City,” a term used by University of California scholar James Vance to describe these changes.<sup>20</sup> The co-existence of these two types of urban development in one city introduced new benefits and new problems. The city could better accommodate changing social and economic conditions, but it was plagued with traffic congestion, lack of parking, decreased support for mass transit, air pollution, proliferation of one-way streets, and construction of freeways.

Fireman's Fund was among several large and notable developments of San Francisco's postwar New City. Three of these developments were built on adjacent properties in the southwest corner

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<sup>20</sup> James Vance, *Geography and Urban Evolution in the San Francisco Bay Area* (Berkeley: University of California, Institute of Governmental Studies, 1964), 68.

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of the city. Park Merced, a residential development by the Metropolitan Life Insurance Company of New York consisting of garden apartments and thirteen-story towers on almost 200 acres, was begun just before the war but mostly was built after it, opening in 1950. Stonestown, a complex that included a shopping mall, ten-story towers and garden apartments, and a medical office building on 67 acres, was built in 1949–1952. San Francisco State College (now University), although planned before the war, was built in 1949–1954 on 140 acres. Across town in the southeast corner of the city, Candlestick Park, a 44,000 seat professional sports stadium, was built in 1958–1960. Residential tracts in the central and western parts of the city with hundreds of new homes and housing units, like Lakeshore Park, Laurel Heights, Anza Vista Heights, Midtown Terrace, and Country Club Acres, filled up most of the last open land in San Francisco in the 1940s and 1950s. Also in this period, planning began by the San Francisco Redevelopment Agency for Diamond Heights, a 300-acre site in the center of the city for retail, housing, schools, and other neighborhood functions.

In addition to these large projects, smaller new developments of every kind throughout the city were also shaped by the same conditions. Strip shopping districts (like Laurel Village), new branch libraries, churches, small office buildings, motels, drive-in restaurants, and other types of development were built on in-fill sites and in new areas. A common feature of all of these was the accommodation of automobiles including on-site parking garages and the placement of new buildings with parking lots around them.

As San Francisco was affected by decentralization and suburbanization, both within its borders and in nearby counties, traditional patterns of development persisted as well. One of the strongest traditional patterns was the location of large office buildings downtown. Between 1946 and 1967, twenty-one large office buildings were built in San Francisco. Nineteen of these were medium or high rise buildings on restricted lots downtown.

Despite the strength of the downtown, two major office buildings were built in central areas far from the traditional core of the city. The Fireman's Fund Insurance Company Home Office, originally a 194,000 square-foot building (equivalent to a twenty-story skyscraper on a downtown lot), was a sprawling low-rise building on a 10.2-acre site surrounded by landscaping and parking; it was built in a predominantly domestic-scale residential area. The Jack Tar Hotel and Office Building of 1960, including landscaped grounds, was built in a central location on Van Ness Avenue in a dense urban neighborhood of apartment buildings and multistory automobile dealerships; this large complex included an eight-story hotel and a twelve-story office building of 214,422 square feet.

While Fireman's Fund and the Jack Tar were the only major office developments in this period to locate outside of the traditional downtown but still within the city of San Francisco, they were

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also part of a larger movement that saw new corporate office buildings and other large developments located in suburban areas outside of the city.

### **Evaluation**

The Fireman's Fund Insurance Company Home Office is eligible for the National Register under Criterion A as one of the principal embodiments of the post World War II decentralization and suburbanization of San Francisco. Fireman's Fund was the first major office building to be built outside of downtown in a suburban setting and it was the first whose design was fully adapted to the automobile.

### **CRITERION A: COMMERCE**

Two conditions of San Francisco's early history and growth, namely its reliance on maritime commerce and its frequent large and destructive fires, quickly gave rise to an insurance industry. This industry would play an important role in the local economy as an employer and as a source of investment money in the region. Because insurance companies had a significant presence in San Francisco from the beginning, the city became a center for the insurance industry on the west coast that has diminished since the 1980s but still continues to the present day.

The first of the two conditions was the isolation of San Francisco and its overwhelming dependence on maritime transportation. For the first twenty years of the American period, the most important means for the delivery of goods and people to California was by ship. While the completion of the transcontinental railroad in 1869 introduced another means of transport, San Francisco Bay remained a major world port until after World War II and still remains a significant port today. Ships owned by people and companies in other places came from all over the world to San Francisco. The owners of these ships and their cargos purchased insurance against loss from companies in the eastern United States and Europe. Very early in the period of American control of California, in 1849, insurance companies headquartered in distant places opened offices in San Francisco. In the next ten years, numerous companies from New York, London, Germany, and elsewhere opened San Francisco offices initially for the sale of marine insurance.

The second early condition that gave rise to the San Francisco insurance industry was an outcome of the rapid growth of the city, the haphazard construction of its buildings in flammable materials; these resulted in the destruction by fire six times in the 1850s of large parts of the city.

In response to both of these conditions insurance was provided at first only by distant companies and fire insurance was available only at exorbitant rates if it was available at all. High insurance rates were a primary factor in the improvement of building practices. Under the influence of insurance companies, building laws were enacted and continually strengthened and new buildings in the central commercial district were required to be built in fire-resistant materials.



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Within a few years, local companies emerged in competition with outside companies primarily to sell two primary forms of insurance—marine insurance and fire insurance. Among more than thirty local insurance companies formed in San Francisco in the 1850s–1860s, Fireman's Fund Insurance Company was formed in 1863. Many of these lasted only briefly before they were bought by rivals or went out of business. Fireman's Fund was among the few San Francisco companies that became well-established and among these it was the only one left in business by 1895.<sup>21</sup>

Fireman's Fund succeeded where other local companies failed for a number of reasons. Among these, the company quickly established branch agencies in distant places and sold insurance throughout the United States and abroad, it paid its claims in a number of high risk and high profile situations which gave it a reputation for honesty and reliability, it had wealthy owners who could provide enough capital to survive in more than one case, and it made key innovations on a number of occasions that proved to be influential within the industry.

When the company was founded by local businessmen in 1863, its initial plan was to pay volunteer fire companies ten percent of the company profits for a charity associated with the Fire Department, and came up with the name "Fireman's Fund" for that reason. The idea of the company founders was that firemen would be more conscientious in putting out fires at buildings insured by Fireman's Fund, Fireman's Fund would prosper, and the charity would prosper. The idea didn't work, but the company kept the name.

Within five years of its founding, the company had branch agencies all over California and in New York and Chicago. By the time of the disastrous Chicago fire of 1871, which wiped out much of the central business district, Fireman's Fund covered many buildings there. The company might have gone under like many others did, but by collecting assessments from its stockholders, raised enough money to pay all claims and stay in business. With this action Fireman's Fund became the leading locally based insurance company in San Francisco, a position that it never relinquished.

In 1867, the company built an imposing headquarters in a prestigious location at the southwest corner of California and Sansome Streets. Situated among the leading banks and financial institutions of San Francisco on the principal street of the financial district of that time, the location itself was a statement of the ambitions of the company for success.

For the rest of the nineteenth century, the company prospered while taking over other San Francisco insurance companies and expanding its operations. The company paid claims after big

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<sup>21</sup> William Bronson, *Still Flying and Nailed to the Mast: The First Hundred Years of the Fireman's Fund Insurance Company* (Garden City, New York: Doubleday & Company, 1963), 63.

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fires in Boston and Virginia City, solidifying its reputation. By 1895, it had branch offices for its four regional departments around the country. At the end of the century, the company insured ships and enterprises associated with the high-risk environment of the Klondike Gold Rush in Alaska and Canada. By 1905, the company had regional department offices in Chicago, Boston, New York, Macon, Georgia, and London and had expanded internationally, with "general agents" in Hong Kong, Manila, Singapore, and Honolulu.

Fireman's Fund was by far the leading local insurance company at the time of the 1906 earthquake and fire. Despite the loss of its building and all records, and claims far exceeding the assets of the company, it paid all claims by again assessing its stockholders and by paying in installments. Within six years, the company had fully recovered and increased its assets from about \$3 million to \$9 million.

The importance of the various insurance companies, both home-grown and out-of-town, in San Francisco after the 1906 disaster was reflected in their buildings. Because of the nature of their business and the nature of the disaster, the location, design, and construction of buildings for the San Francisco insurance industry were particularly important. Like the most prestigious banks, San Francisco insurance companies preferred to locate on California Street near Montgomery, and as close as possible to that intersection on nearby streets. Fireman's Fund repaired and re-occupied its old building at the southwest corner of California and Sansome Streets; in 1915 the company completed a new building on the old site. The new building was in the form of a Roman temple. Located across California Street from another Roman temple, the oldest and most prestigious San Francisco bank, the Bank of California, the Fireman's Fund Building asserted the wealth, stability, and historic roots of the Fireman's Fund Insurance Company. The Liverpool & London & Globe Insurance Company, a British company in San Francisco since 1852, built a variation of a classical temple across California Street from Fireman's Fund in the same block in 1912. Another British company, The Royal Globe Insurance Company which was also in San Francisco since the 1850s, built an eleven-story office building at the corner of Sansome and Pine Streets, a block south of Fireman's Fund. Other insurance companies occupied other office buildings in this area.

As the insurance industry prospered, this area was strengthened as its center. In 1913, the Insurance Exchange, a centerpiece of the local insurance industry, opened a new eleven-story exchange and office building next door to Fireman's Fund's headquarters. Later, in 1924, Fireman's Fund built a new eight-story office building next door at 233 Sansome Street, enlarged with another five stories in 1929. In 1927, the sixteen-story Insurance Center Building was built at the northeast corner of Pine and Sansome Streets. All of these insurance company buildings from the years after 1906 were designed by prominent architects of the time. Collectively they asserted the importance of the industry and its associations with San Francisco history and finance.

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Fireman's Fund's leading place in the competitive world of San Francisco insurance was partly due to various innovations and early adoptions of business ideas which gained advantages over rivals. In the nineteenth century, Fireman's Fund was a pioneer in the sale of insurance for grain, cotton, and other agricultural products. In the twentieth century, the company was early to sell automobile insurance. It made money with "war-risk" insurance during World War I. Among companies in San Francisco, it was early to enter new fields like life insurance and health and accident insurance. In the 1920s, Fireman's Fund grew substantially and was known as "the Tiffany" of the insurance world."<sup>22</sup>

The insurance industry throughout the country was fundamentally changed by a United States Supreme Court decision in 1943 that for the first time defined insurance as interstate commerce. This changed the structure of most insurance companies, including Fireman's Fund. This reorganization coincided with the general postwar economic boom, which for some companies including Fireman's Fund, was accompanied by large and rapid growth.

From 1946 to 1954, Fireman's Fund's income from the premiums of policy holders increased from \$67 million to \$191 million. The company benefitted from the introduction of a Special Home Owners policy in 1951 that was a prototype for the standard "all risk" home insurance that became universal within a few years. A historian of the company described 1954 as "one of the most interesting and successful years in the Company's history" during which "an unusual number of aggressive steps [were] initiated... to expand operations and introduce new forms of insurance." In that year the company bought the National Surety Corporation in "one of the largest transactions of its kind ever made."<sup>23</sup>

By the time of World War II, Fireman's Fund was spread out among several buildings in downtown San Francisco. The growth of the postwar years resulted in even more employees and produced a great need to consolidate in one location. Thus, in the booming years after the war the company bought the site for its new headquarters in Laurel Heights in 1953 and built the building that was completed in 1957. A factor in the company's interest in the site was its address on California Street. Although twenty-six blocks west of its traditionally prestigious downtown location, it still had a coveted California Street address.

This was a period of growth for San Francisco's insurance industry in general. Between 1950 and 1960, seven major insurance companies built new office buildings in San Francisco: Home Insurance Company (1950), Pacific Mutual Life (1954), Equitable Life (1955), America Fore (1956), California Union Insurance (1957), John Hancock (1959), and Occidental Life (1960). All of these were tall buildings downtown and none were as large as Fireman's Fund. Other

<sup>22</sup> Ibid., 147.

<sup>23</sup> Ibid., 163.

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slightly later insurance company buildings were Hartford Insurance (1964), the Pacific Insurance Company (1971), and Aetna Life & Casualty Company (1969); the Hartford and Aetna buildings were about the same size as Fireman's Fund after its expansions of the mid 1960s. The best-known and largest building of this period associated with the insurance industry was the Transamerica Pyramid, completed in 1971 two blocks from the heart of the traditional downtown center of San Francisco's insurance industry for the Transamerica Corporation, a holding company for insurance companies and other kinds of financial businesses.

The opening of Fireman's Fund's new building was not accompanied by a slowing of the company's growth. An important and newsworthy source of new business was in the category of inland marine insurance which "will insure any insurable interest against all perils anywhere in the world."<sup>24</sup> This covered motion pictures and their casts, rodeo performers, professional athletes, and other types of activity. Fireman's Fund was second internationally to Lloyd's of London in providing this type of insurance and was often in the news for this line of work.

In 1963, Fireman's Fund combined with the American Insurance Company of Newark, New Jersey, with Fireman's Fund becoming a holding company and changing its name to Fireman's Fund American Insurance Companies. In 1964, a company advertisement stated that "Today, Fireman's Fund American is the largest property and casualty insurance company headquartered in the West. It offers every basic line of insurance for both personal and commercial coverage... through more than 25,000 agents and brokers..."<sup>25</sup> In this period, substantial additions to the Laurel Heights building were made. In 1968, Fireman's Fund and American Express were combined, with American Express moving many employees to Laurel Heights.

### Evaluation

The Fireman's Fund Insurance Company Building is eligible for the National Register under Criterion A for its association with the growth and development of the San Francisco insurance industry, an important industry in the history of the city from the Gold Rush to the present. In particular, it represents the post World War II boom in San Francisco's insurance industry when many companies built new office buildings. At that time, Fireman's Fund was one of the largest insurance companies in the United States. It was the only major insurance company headquartered in San Francisco. It was a leader among all insurance companies in San Francisco in its embrace of new ideas, symbolized by its move away from downtown to an outlying location.

<sup>24</sup> Ibid., 186.

<sup>25</sup> Fireman's Fund American Insurance Companies, "How a San Francisco Insurance Company Became a Pacesetter in the Industry" [advertisement], *San Francisco Chronicle*, 7 January 1964.

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### CRITERION C: DESIGNERS

The Fireman's Fund Insurance Company Home Office was designed by a team under the leadership of the architect, Edward B. Page. The members of the design team including the architect, structural engineer, and landscape architect are presented below, followed by an evaluation.

#### Architect: Edward B. Page

Edward B. Page (1905–1994) was an architect who fit the description of many identified by Pierluigi Serraino in his book, *NorCalMod: Icons of Northern California Modernism*, as largely forgotten but important players in a vital period of architectural practice after World War II.<sup>26</sup> Like many in that period, Page was trained in the Beaux-Arts method and exposed to traditional ideas about planning and style. But in his own work Page was a modernist. He is remembered today largely for his design of one building, the Fireman's Fund Home Office in San Francisco, but in his day was well-recognized for his expertise and for the designs of a number of buildings.

Edward Bradford Page was born in Alameda, a member of the fourth generation of his family in the Bay Area. His great grandfather was a physician from Philadelphia who practiced medicine in Chile, acquired Rancho Cotati in Sonoma County in 1850, and designed a utopian plan for the town of Cotati. Edward Page was one of five brothers and the son of Charles R. Page who became president of the Fireman's Fund Insurance Company in 1937 and served as Chairman of the Board of Directors from 1943 to 1962.

Edward Page studied engineering at the Sheffield Scientific School at Yale and upon graduation in 1928 started another undergraduate course of study in architecture at the Yale School of Fine Arts. He was critical of the program and was encouraged to take a leave of absence. He spent the year 1930 traveling and studying architecture in Europe. Living mostly in Paris, his inclinations toward architectural modernism were confirmed by a brief disillusioning experience working on a competition entry for the Grand Prix de Rome for Jean Labatut at the Ecole des Beaux Arts. He also studied at the Ecole Americaine at Fontainebleau.

Describing himself in later years, as recorded in an interview at the Environmental Design Archives of the University of California at Berkeley, he rejected the traditions of the Beaux Arts and learned as much as he could about modernism. He said that the most valuable part of his education at that time was in Paris cafes, particularly Les Deux Magots which was renowned as a center for artists, writers, and other cultural figures and had an "architects' table"—"you sat there long enough and every architect in the world who came to Paris would come by." In this way he

<sup>26</sup> Pierluigi Serraino, *NorCalMod: Icons of Northern California Modernism* (San Francisco: Chronicle Books, 2006), 8-20.



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met prominent and experienced architects from all over, people who as a young student he would have had no opportunity to talk with otherwise. "We were all rebels," he said, "well into the Modern world of architecture, sneering at the Beaux Arts."<sup>27</sup>

After a year he returned to Yale and, in 1932, received a degree in architecture. He returned to San Francisco at the worst part of the Depression. There was no work in architecture but he got a job as a laborer building the Bohemian Club, an experience that gave him a ground level view of construction and corresponded to one of the essential elements of an education at the Bauhaus.

From 1934 to 1936, Page worked as a junior draftsman for Arthur Brown, Jr., San Francisco's pre-eminent Beaux-Arts architect. In that job, he prepared full size details of pediments, cornices, and other decorative features used in the Department of Labor-Interstate Commerce Commission complex in Washington, D.C. Contrary to his expectations, he came to admire Brown and his work. Without giving up his Modernist ideals, he later modeled his own practice in part on the observation that Brown "did things with pride, never turned out anything second class," and never let considerations of money affect the level of his efforts.<sup>28</sup>

In 1936, Page moved across the hall on the eighth floor of 251 Kearny Street to the office of Bakewell & Weihe. John Bakewell, Jr. was a distinguished Beaux-Arts architect and had been Arthur Brown's partner, and Ernest Weihe was also educated in Paris in the Beaux-Arts method. When business was slow in the office, Page was allowed to work there on his own projects and in 1937-1938 was a draftsman for the Golden Gate International Exposition (G.G.I.E.). Later in life he remembered his design for the Island Club (demolished) at the G.G.I.E. with particular pride. In that job he met John J. Gould and Henry J. Degenkolb with whom he formed a close friendship.<sup>29</sup> Later, Gould and Degenkolb's postwar firm would be the structural engineers for the Fireman's Fund Home Office and Page and Degenkolb worked on several projects together in the course of their careers.

After receiving his architectural license in 1938, Page worked for himself and for others on small projects from 1939 to 1942. On one of these projects, for Lewis Hobart, another prominent Beaux-Arts architect, he worked on drawings for the floor of Grace Cathedral. From 1942-1947, he worked as the Chief of Architecture and Engineering for San Francisco architect Wilbur D. Peugh supervising wartime projects for U.S. Naval Operations.

<sup>27</sup> Edward B. Page, Interview by Michael Corbett, 4 April 1980. Environmental Design Archives, University of California, Berkeley.

<sup>28</sup> Ibid.

<sup>29</sup> Loring Wylie, Telephone conversation with Michael Corbett, 1 February 2018; Bob Cosby, Telephone conversation with Michael Corbett, 3 February 2018.

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In 1947, Page opened his own office in San Francisco. Many of his early projects were in association with others, including the Glen Craggs Housing Project with Wilbur D. Peugh in 1951 and two schools with Cantin & Cantin in 1952. His design for the 1954 Mason B. Wells house in Belvedere won an Award of Merit from the Northern California Chapter of the American Institute of Architects.

As Serraino observed, many Modernist architects of the postwar generation in the Bay Area, did not seek publicity and, despite the quality and success of their work were not well recognized and have not been remembered. Edward Page's approach to his practice fit this profile. He did not seek publicity, he intentionally kept his office small so he would have control over his own projects, and he obtained work largely through referrals. "I operated by selling trust," he said, which was gained by "achieving competence" in dealing with client's needs from listening and responding.<sup>30</sup>

When Page was hired in 1954 to design the Fireman's Fund Home Office, his father was Chairman of the Board of Directors. He insisted however, that he earned the job over many competitors through a series of small projects for the company. One lead to another over a period of time and when the big job came up, he had gained the trust and respect of company managers. On the Fireman's Fund project, Page coordinated the contributions of all. He was described as "the master" by Loring Wylie, an engineer in the Degenkolb office who had a major role working on the additions of the 1960s. Wylie remembered Page's deep involvement with and lead in solving issues with expansion joints as representative of his high level of competence and control.<sup>31</sup> On another technical matter, he designed an innovative system of dispersed lighting for Fireman's Fund in an effort to provide better working conditions.<sup>32</sup>

Following the success of the first phase of the Home Office in 1957, Page designed three subsequent additions in 1963–1967, and branch offices in Fresno, Riverside, San Jose, and Los Angeles. He also consulted on the designs of branches outside of California including those in New York, New Orleans, and Atlanta, where he advised primarily on matters related to the way the insurance business works. Apart from Fireman's Fund, his later projects included his own residence in Sausalito, a garage at the San Francisco airport, and the Faculty Club at Stanford University.<sup>33</sup>

<sup>30</sup> Page, interview.

<sup>31</sup> Wylie, telephone conversation.

<sup>32</sup> Cosby, telephone conversation.

<sup>33</sup> Page's interests extended to history and preservation. With three others including the engineer John J. Gould, he founded the Fort Point Museum Association in 1959. The association initiated efforts to preserve Fort Point, now a part of the Golden Gate National Recreation Area.

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In the work of Edward Page, the Fireman's Fund building was the high point of his career in several ways. It was his largest and best-known building. Its success led to work on at least seven other buildings for Fireman's Fund over the next fifteen years – Fireman's Fund would be the most important client in the history of the firm. Page's success with Fireman's Fund also opened the door to work for other corporate clients.

The International Style design of the Fireman's Fund building represented Page's personal experience of the formative period of modernism in Europe before the Bauhaus was closed by the Nazis and its leaders scattered to the United States and elsewhere. Modernism in America was initially shaped largely by immigrant architects from Europe and by Americans who studied in the United States with European immigrants like Walter Gropius, Mies van der Rohe, and Le Corbusier. Page was among a small number of Americans whose travels and encounters with modernist architects in Europe directly shaped his ideas about architecture. As his largest and best-known building, the Fireman's Fund building is the foremost example in Page's work of this experience.

The core of Bauhaus teachings was about more than the appearance and style of buildings. It was also about the process of design, the relationship of architecture and engineering, the fundamental role of engineering in architecture, and the role of the architect as the master of a collaborative effort. The Fireman's Fund building represents these things in the work of Edward Page. Working with a team that included distinguished engineers, designers, and contractors, Page was recognized and admired as the master in charge whose vision and principles were realized under his leadership.

In 1968, Edward Page took on two partners, John U. Cloudsley, Jr. and John Baleix, long-time employees who had both been hired when the work on the Fireman's Fund Home Office began. The firm of Page, Cloudsley & Baleix continued as the architects for all work on the Home Office, all of which was for interior remodelings, as long as Fireman's Fund owned the property. The principal work of the firm was for Fireman's Fund and remodeling downtown office buildings.<sup>34</sup>

#### **Engineers: John J. Gould & H. J. Degenkolb, Structural Engineers**

The structural engineer for the original 1957 phase of the Fireman's Fund Home Office was the firm of John J. Gould & H. J. Degenkolb. Henry J. Degenkolb had been an employee of Gould until he became a partner in 1956. Fireman's Fund was the first big project of the new

<sup>34</sup> John U. Cloudsley, Jr. (1926–2013), grew up in Stockton, the son of an architect. John Baleix (1928–2014) grew up in Oakland. Both studied architecture at the University of California at Berkeley. Both spent their entire careers with Edward B. Page and Page, Cloudsley & Baleix except for three months in 1959 when Baleix worked for Reid, Rockwell, Banwell & Tarics.

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partnership. After Gould died in 1961, the firm continued as Henry J. Degenkolb & Associates. The Degenkolb firm designed the principal additions to the Fireman's Fund Home Office in the period 1963–1967.

John J. Gould (1898–1961) was born in Switzerland and studied at the Engineering School in Zurich. He worked in Switzerland, Germany, France, the Middle East, and New York City before coming to San Francisco in 1925. From 1933 to 1935 he worked for the State Division of Architecture where he was involved with issues of seismic safety for schools. In 1935 he became the Chief Structural Engineer for the Golden Gate International Exposition. In 1940 he started his own firm. He was active in professional organizations and served as president of the Structural Engineers Association of Northern California. He had a particular interest in the effects of seismic forces on buildings and in designing safely in relation to those forces.

Henry J. Degenkolb (1913–1989) received a B.S. degree in civil engineering from the University of California in 1936. In 1937–1938 he worked for John J. Gould at the San Francisco Bay Exposition Company designing facilities for the Golden Gate International Exposition. During World War II he worked in various industries and in 1946 he was hired by John J. Gould as the firm's chief engineer. Looking back on his career in 1986 he said, "John [Gould] ran the office—that is, the business, the contracts, the management—and I was the center of the back room. I ran the drafting and the design and everything like that."<sup>35</sup> From this, it appears that Degenkolb was the principal structural designer of the Fireman's Fund Home Office in all its phases.

The Firm designed many of San Francisco's major structures of the 1940s–1960s including Park Merced, the International Building, the Bank of California tower, expansion of the San Francisco airport, parking garages at St. Mary's Square and the Civic Center, and many branches of the Bank of America and Pacific Telephone. The Fireman's Fund Home Office was the first large project of the firm after Degenkolb became a partner. According to the National Academy of Engineering, Henry J. Degenkolb "was responsible for the structural design of some of the most distinctive structures in California."<sup>36</sup>

Henry J. Degenkolb was a man of enormous energy and accomplishment. He was an "earthquake chaser" who traveled to earthquake sites around the world to better understand the effects of seismic forces on buildings. He was active in many professional groups, especially those concerned with seismic issues and building codes. At the time of the completion of the Fireman's

<sup>35</sup> Henry J. Degenkolb, *Henry J. Degenkolb: Connections*, The EERI Oral History Series, an oral history conducted 1984–1986 by Stanley Scott, Institute of Governmental Studies, and the Regional Oral History Office, University of California, Berkeley, CA (Oakland: Earthquake Engineering Research Institute), 1994.

<sup>36</sup> William J. Hall, "Henry J. Degenkolb, 1913–1989," *Memorial Tributes: Volume 4* (Washington: National Academies of Sciences, Engineering, and Medicine, 1991), 46.

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Fund Home Office in 1957 he was president of the Structural Engineers Association of Northern California. He was also a lecturer in engineering at the University of California from 1946 to 1961.

The Fireman's Fund building was the first major project of the firm of John J. Gould and H.J. Degenkolb, which later became Henry J. Degenkolb & Associate. The firm is noted for its innovative designs in a long-lived practice that has included many of San Francisco's major structures during the initial design and subsequent expansions of the Fireman's Fund building and continuing up to the present day. The Fireman's Fund building—with its innovative structural design that provided open floors with minimal columns and exterior walls of glass—was a successful debut for the partnership of John J. Gould and Henry J. Degenkolb and for Degenkolb's role as principal designer of the partnership and his subsequent practice after Gould's death. Fireman's Fund represents the beginning of the reputation of Gould and Degenkolb as among the leading structural engineers in San Francisco in the post-World War II period.

**Landscape Architects: Eckbo, Royston, and Williams (ERW)/Eckbo, Dean, Austin, and Williams (EDAW)**

In 1945, Garrett Eckbo, Robert Royston, and Ed Williams—three of the pioneers of modern landscape architecture—formed the partnership of Eckbo, Royston, and Williams (ERW). The firm was responsible for the original mid-1950s landscape design for the Fireman's Fund site, which embodied the characteristics of the modern movement in landscape architecture after World War II. The firm's projects (1945–1958) helped to expand the profession of landscape architecture beyond the scale of the individual residential garden and contributed to the popularization of the modernist landscape design vocabulary and to modernism as an approach to creating outdoor spaces that addressed contemporary needs. The American Society of Landscape Architects (ASLA), in a history that accompanied an award presented to EDAW (its successor firm), noted that ERW “established a compelling portfolio of modernist landscapes.”<sup>37</sup> The partnership soon became “one of the leading firms in the country, highly regarded for its advanced planning, innovative modern vocabulary, and its quality of execution,”<sup>38</sup> and in 1950, ERW was awarded the Gold Medal in Landscape Architecture by the New York Architectural League.<sup>39</sup>

<sup>37</sup> ASLA, *EDAW: Firm History*, accessed 4 January 2018, [http://www.asla.org/uploadedfiles/EDAW\\_History.pdf](http://www.asla.org/uploadedfiles/EDAW_History.pdf).

<sup>38</sup> Marc Treib and Dorothee Imbert, *Garrett Eckbo: Modern Landscapes for Living* (Berkeley: University of California Press, 1997), 49.

<sup>39</sup> *New York Times*, “Arts Awards Announced, Architectural League Gives Medals in Gold Medal Show,” 2 June 1950.

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ERW actively promoted its work and was regularly written about in popular magazines, professional journals, and newspapers of the era; examples include *Sunset*, *House Beautiful*, *House & Garden*, *Architectural Review*, *Progressive Architecture*, and *Architectural Record*. Additionally, ERW designs were regularly used to illustrate a reoccurring feature on modern residential landscape design that ran in the *Los Angeles Times* during the 1950s. The firm gained additional exposure in the early 1950s after Eckbo's book *Landscape for Living*, which was illustrated with examples of ERW's work, was published. The book defined "the modern discipline of landscape architecture for his professional peers and a broader readership"<sup>40</sup> and placed these ideas within the context of the post-World War II society.

As was true of all landscape architectural practices during the early years after the war, ERW was heavily involved in creating residential gardens. By the early 1950s, ERW had "hundreds of completed gardens in four states," with more than 50 located in Marin County alone and others in virtually all of the developing suburban communities in the Bay Area.<sup>41</sup> The firm was a pioneer in expanding the practice of landscape architecture into the scale of neighborhood and community design.<sup>42</sup> The Standard Oil Rod and Gun Club in Richmond (1949) was Royston's (and the firm's) first major park commission. "The facility was an immediate success and attracted the attention of Bay Area planners representing several municipalities."<sup>43</sup> Other park and playground projects soon followed, "many of which gained attention in the national media."<sup>44</sup> The firm worked on numerous new housing projects in both northern and southern California. The 258-acre cooperative housing project of Ladera on the San Francisco peninsula featured an innovation design with "a linear park which tied together the residential clusters and separated automobile and pedestrian circulation."<sup>45</sup> This was an early application of Royston's concept for the "landscape matrix," which was his term for the use of connective or continuous open space around which the balance of the design was oriented.<sup>46</sup> The implementation of this concept into community planning was a major innovation within the profession.<sup>47</sup>

In addition to Fireman's Fund, ERW worked on a range of public outdoor spaces in San Francisco in the post-World War II era including the Venetian Room Roof Garden at the

<sup>40</sup> The Cultural Landscape Foundation, *Garrett Eckbo*, accessed 4 December 2017, [http://tclf.org/pioneer/garrett\\_eckbo](http://tclf.org/pioneer/garrett_eckbo).

<sup>41</sup> *Marin Independent Journal*, "Prize-Winning Landscape Firm," 19 January 1952.

<sup>42</sup> Peter Walker and Melanie Simo, *Invisible Gardens: The Search for Modernism in the American Landscape* (Cambridge, MA: MIT Press, 1994), 141.

<sup>43</sup> Reuben M. Rainey and J.C. Miller, *Robert Royston*, accessed 4 December 2017, <https://tclf.org/pioneer>.

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

<sup>46</sup> John Wallace, *Robert Royston, Landscape Architect* (University of California, Thesis, May 1992), 25.

<sup>47</sup> Rainey and Miller, *Robert Royston*.



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Fairmont Hotel (1946), the entrance court to the Palace of the Legion of Honor (1950), Portsmouth Square (1954), and St. Mary's Park (1957). St. Mary's was one of the earliest large-scale roof-top gardens in the city and sat atop a parking garage in the Chinatown neighborhood. ERW was the landscape architect for Stonestown, a retail, residential, and office complex in the suburban western part of San Francisco (built between 1949 and 1952).

In 1946, Eckbo moved to Los Angeles and opened a second office. This move "expanded the firm's opportunities and gave each partner more breathing space."<sup>48</sup> Royston and Williams, both of whom lived in Marin County, remained in the San Francisco office. Although each partner typically took the lead on a specific project and then oversaw all phases of the work, the designs were generally a combination of individual and collaborative input. Williams, describing the partners working methods in a 1952 profile in the *Marin Independent*, stated that "although we work as individuals—there is a complete exchange of ideas."<sup>49</sup> Another profile of the firm, in the September 1946 issue of the *Architect and Engineer*, explained that the three met as needed in Paso Robles, which was the halfway point between their two offices, "to continue and extend the original ideal of their association which is based upon the premise that three minds are better than one if the best each one has to offer is brought to the fore."<sup>50</sup>

In their history of this pioneering firm in the book *Invisible Gardens: The Search for Modernism in the American Landscape*, Peter Walker and Melanie Simo noted that "although each [partner] was unquestionably capable of running his own firm . . . the three achieved greater strength and flexibility in partnership. Eckbo, the preeminent theorist and reformer, not only led the firm intellectually but also had a broad vision of the potentialities of the field—perhaps broader than any other practitioner at the beginning of the postwar era in the United States. Royston, a gifted designer with a fascination for formal exploration, remained deeply committed to the social purposes of his built work, particularly the private gardens, neighborhood parks, and playgrounds."<sup>51</sup> Williams was "an open space enthusiast who, long before the environmental movement, saw the importance of managing urban growth and conserving natural environments."<sup>52</sup>

In 1958, the ERW partnership was amicably dissolved. Robert Royston formed a new firm with Asa Hanamoto and David Mayes, two associates at ERW. Eckbo and Williams along with Francis Dean, who had become an ERW partner in 1953, formed Eckbo, Dean, and Williams.

<sup>48</sup> Walker and Simo, 132.

<sup>49</sup> *Marin Independent Journal*, "Prize-Winning Landscape Firm," 19 January 1952.

<sup>50</sup> *Architect and Engineer*, "Landscape Architecture A Professional Adventure in Use of Outdoor Space," (September 1946), 11.

<sup>51</sup> Walker and Simo, 118.

<sup>52</sup> Fay Sweet, *The Bigger Picture* (London: Blackdog Publishing, 2009), 6.

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With the addition of Don Austin, in 1964, the partnership became Eckbo, Dean, Austin, and Williams (EDAW). The firm officially became known as EDAW in 1973.

During the 1960s, landscape architectural firms became involved in planning and analysis for entire regions not just individual communities. EDAW, "guided by a progressive vision of the leadership role of landscape architecture,"<sup>53</sup> took on these larger scale projects and was at the forefront of this expansion of the profession. The firm prepared California's first state-wide open space study and followed this with a similar plan for the State of Hawaii.<sup>54</sup> During this period, EDAW began to work on international projects, and as a result of this work, EDAW is recognized as having made a significant contribution to opening the door for western design and planning firms to work in Asia. As it expanded the scale and complexity of its work, EDAW added new professional skills to its capabilities and became recognized for its environmental resources planning and management and its visual analysis capabilities.<sup>55</sup>

By the 1990s, EDAW had grown into a 400-person firm with sixteen offices, including ones in London, Sydney, and Hong Kong that accommodated the needs of its growing international presence. Its expertise ranged from "urban planning and urban regeneration to environmental management and resort design."<sup>56</sup> Examples of three projects that illustrate the scope of the firm's work include a plan for the restoration of the Everglades, Washington, D. C.'s Monumental Core Framework Plan, and the Jinji Lake Waterfront, a masterplan for a new 600,000-person community, in Suzhou, China.<sup>57</sup>

In 2005, EDAW, was acquired by AECOM Technology Corporation, "an expanding family of companies offering integrated services in engineering, transportation, planning and environmental expertise."<sup>58</sup> The firm continued to operate as a distinct entity, as EDAW AECOM, until 2009. At that time, the EDAW name was retired as AECOM fully merged the identities of all its subsidiary firms under the AECOM logo.<sup>59</sup> In recognition of the firm's contributions to the profession of landscape architecture ASLA awarded EDAW the Landscape Architecture Firm Award in 2009.<sup>60</sup>

<sup>53</sup> The Cultural Landscape Foundation, *EDAW*, accessed 4 December 2017, <https://www.tclf.org/pioneer>.

<sup>54</sup> EDAW, *Open Spaces* (San Francisco, CA: Diablo Press, 1969), back cover.

<sup>55</sup> Sweet, 6-9 and 220; ASLA, *EDAW: Firm History*.

<sup>56</sup> Sweet, 9.

<sup>57</sup> Sweet, 6-9 and 220; ASLA, *EDAW: Firm History*; The Cultural Landscape Foundation, *EDAW*.

<sup>58</sup> Sweet, 9.

<sup>59</sup> *World Landscape Architect*, "EDAW is now fully merged into AECOM," accessed 4 January 2018, <http://worldarchitect.com>.

<sup>60</sup> Sweet, 9; ASLA, *EDAW: Firm History*.

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### *Garrett Eckbo*

Garrett Eckbo (1910–2000) was born in New York but moved with his family to Alameda, California in 1912, where he spent the remainder of his childhood. He studied landscape architecture at the University of California, Berkeley and graduated in 1935. After a one year stint designing residential landscapes for a nursery business in Los Angeles, Eckbo placed first in a nationwide design competition and received a scholarship to Harvard's Graduate School of Design; he graduated with a Masters in Landscape Architecture in 1938. While at Harvard, Eckbo chafed at the restrictive Beaux Arts education that dominated the landscape design department. He found more in common with the idea that "architecture and design had a social role and could help improve the quality of life," which was being put forth by Bauhaus founder Walter Gropius and architect/designer Marcel Breuer, both of whom came to Harvard after fleeing Nazi Germany.<sup>61</sup> It was during this period that Eckbo began his life-long practice of writing about his ideas and pushing to expand the boundaries of the landscape architecture profession. In 1938–39, he published, with Harvard classmates Dan Kiley and James Rose, three articles in *Pencil Points* (a leading architectural journal) that described their modernist design ideals and laid out how society, ecology, and landscape architecture were interrelated; these essays became known as the "Harvard Revolution" and helped to usher in the modern era of landscape design.<sup>62</sup>

Eckbo directly influenced several generations of practitioners through his teaching—first at the University of Southern California (1946–58) and then at the University of California, Berkeley (1963–1969) where he was chair of the Department of Landscape Architecture—and through his writing. His book *Landscape for Living*, first published in 1950 and illustrated with examples of work by ERW, defined "the modern discipline of landscape architecture for his professional peers and a broader readership"<sup>63</sup> and put these ideas into the context of the post-World War II society. Eckbo went on to write additional books, each of which continued the themes of his first book within different contexts. He devoted the last ten years of his life to "theoretical study and publication."<sup>64</sup> His last book, *People in a Landscape*, was published in 1998 and continued reoccurring themes of his professional life that landscape design can be an agent of societal change<sup>65</sup> and that "landscapes can link society and nature."<sup>66</sup>

<sup>61</sup> Sweet, 6.

<sup>62</sup> Treib and Imbert, 25-28 and 182-183; University of California Berkeley Environmental Design Archive, *Garrett Eckbo*, accessed 4 December 2017, <http://archives.ced.berkeley.edu/collections/eckbo-garrett>.

<sup>63</sup> The Cultural Landscape Foundation, *Garrett Eckbo*.

<sup>64</sup> Treib and Imbert, 185.

<sup>65</sup> Dorothee Imbert, *Garrett Eckbo*, accessed 4 December 2017, <https://tclf.org/pioneer>.

<sup>66</sup> Julie V. Iovine, "Garrett Eckbo Is Dead at 89," *New York Times*, 18 June 2000.

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In his numerous residential designs of the 1950s, Eckbo developed a “contemporary vocabulary drawn from the arts of painting and sculpture” that resulted in “spaces and forms that viewers read immediately as modern.”<sup>67</sup> A sampling of his other major design contributions—which illustrate the breadth of his work—include his collaboration (1939–1942) with architects Vernon DeMars and Burton Cairns and landscape architect Francis Violic in applying modernist ideas to the design of approximately 50 migrant worker’s camps for the Farm Security Administration; the widely-publicized ALCOA Forecast Garden (1952–1966) where Eckbo demonstrated the multiple uses for aluminum in the landscape; the Fulton Mall (completed in 1964) which redesigned Fresno’s central business district into a pedestrian mall in an effort to retain its viability as a regional retail center; and the Union Bank Square in Los Angeles (1968), a three-acre plaza next to the 40-story Union Bank headquarters where the design’s “biomorphic and organic forms recall paintings by Joan Miro.”<sup>68</sup>

In their book *Garrett Eckbo: Modern Landscapes for Living*, that accompanied an exhibition on his life, work, and influences on the profession at the University Art Museum in Berkeley in the late 1990s, Marc Treib and Dorothy Imbert wrote that Eckbo “played a central role in the formation and practice of modern landscape architecture”<sup>69</sup> and is considered “. . . one of the most influential landscape architects of this century, fitting design to the needs and desires of contemporary life. His contribution [was] distinct for addressing in equal measure society, the natural landscape, art, and technique.”<sup>70</sup> He was awarded the American Society of Landscape Architects (ASLA) Medal (1975), the highest honor bestowed on an individual by the society. In 1998, he became the first person to be named a Distinguished Alumnus at the University of California, Berkeley’s College of Environmental Design.

### *Robert Royston*

A California native, Royston (1918–2008) was raised on his family’s walnut ranch in the Santa Clara Valley and received his degree in landscape architecture from the University of California, Berkeley in 1940. After serving in the United States Navy during World War II, Royston returned to the Bay Area and joined Eckbo and Williams to form ERW in 1945. In 1958, Royston separated from ERW and formed Royston, Hanamoto, and Mayes (RHM). The Royston firm had a number of different partnership structures and names through the years before becoming Royston, Hanamoto, Alley, and Abey (RHAA) in 1979. RHAA continues to exist today and maintains offices in San Francisco and Mill Valley.

<sup>67</sup> Treib and Imbert, 94-95.

<sup>68</sup> The Cultural Landscape Foundation, *Union Bank Square*, accessed 4 December 2017, <https://www.tclf.org/landscapes/union-bank-square>.

<sup>69</sup> Treib and Imbert, inside cover.

<sup>70</sup> Treib and Imbert, viii.

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Royston played a major role in the development of the post-World War II landscape in the Bay Area, and, as noted in a profile in the *San Francisco Chronicle* in 2006, "it's hard to spend a day in the Bay Area without seeing a landscape designed by the firm."<sup>71</sup> Royston's firm designed the landscapes associated with civic buildings, numerous education campuses and planned communities, and over sixty parks.<sup>72</sup> His early suburban park projects—undertaken between 1946 and 1965—are considered among the most important achievements of his career. In their book *Modern Public Parks: Robert Royston and the Suburban Park*, Reuben Rainey and J. C. Miller made the following assessment of this contribution: "During this twenty year period Royston and his professional partners created a series of suburban parks of varying scale that pioneered new directions in American park design. These projects were innovative in their spatial organization, design details, and materials, creatively reshaping American park design traditions to meet the unprecedented needs of postwar suburban expansions. They attracted national attention in design periodicals and earned a number of design awards from the American Society of Landscape Architects."<sup>73</sup>

By the time he retired in 1998, Royston was widely recognized as one of the pioneers in modern landscape architecture. He influenced the profession through his design innovations in the 1950s and 1960s, the collaborative work of his firm, and his impact on future landscape architects as an educator at his alma mater and other institutions. Royston was awarded numerous awards during his career including ASLA Fellow (1975), the AIA Medal (1978), and the ASLA Medal (1989), the highest honor awarded by the organization.<sup>74</sup> In 2000, he was named a Distinguished Alumnus at the University of California, Berkeley's College of Environmental Design.

#### *Ed Williams*

Ed Williams (1914–1984) was born in Pittsburg, Pennsylvania in 1914 but moved with his family to Berkeley in 1929. He was a classmate and friend of Eckbo's at UC Berkeley and graduated with his degree in landscape architecture 1935. The range of his work, cited in a profile of ERW in the *Architect and Engineer* in 1946, highlighted both William's interests and the expanding breadth of the profession of landscape architecture; the article stated that he had designed parks and playgrounds, had worked on preparing a post war program of public works for San Mateo County that "served as a model for other counties and communities," and had experience in zoning, transit surveys, master planning, subdivision design, private gardens, and

<sup>71</sup> Dave Weinstein, "Painting an Abstract Landscape . . .," *San Francisco Chronicle*, 2 December 2006.

<sup>72</sup> Reuben M. Rainey and J.C. Miller, *Modern Public Parks: Robert Royston and the Suburban Park* (San Francisco, CA: William Stout Publishers, 2006), 140.

<sup>73</sup> Rainey and Miller, *Modern Public Parks*, ix.

<sup>74</sup> The Cultural Landscape Foundation, *Robert Royston*.

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estates. During World War II, he became the head of the mechanical engineering section at Western Pipe and Steel.<sup>75</sup>

In 1940, he and Eckbo founded their first partnership. Williams went on to be a founding partner in the two important twentieth century landscape architecture firms—ERW and EDAW—that evolved from this initial partnership. Williams remained in the EDAW partnership through the rest of his career. In a profile on the ERW in *Invisible Gardens: The Search for Modernism in the American Landscape*, Peter Walker and Melanie Simo noted that Williams was a “skillful designer” who had “placed second in the national competition that sent Eckbo to Harvard.”<sup>76</sup> However his real impacts on the profession were in his work in environmental planning and his management abilities that nurtured the growth of EDAW from a small firm to a large corporation with offices around the globe. Walker and Simo noted that “as the firm grew, Williams assumed more responsibilities in management and planning. For his partners and younger associates, he remained a stabilizing influence—a rock of integrity in a fluid, changing world.”<sup>77</sup> In the 1960s, Williams became the partner in charge of EDAW’s large-scale planning efforts and was at the forefront of expanding the profession into environmental planning. He directed EDAW’s efforts for California’s first state-wide open space study in the mid-1960s and a similar plan for the State of Hawaii.<sup>78</sup> Williams was made a Fellow of ASLA for his designs and for his service to the profession.<sup>79</sup>

### Evaluation

The Fireman’s Fund Insurance Company Home Office is significant under Criterion C as the work of three masters, the architect Edward B. Page, the engineering firm of John J. Gould & H.J. Degenkolb/Henry J. Degenkolb & Associates, and the landscape architectural firm of Eckbo, Royston, & Williams (ERW)/Eckbo, Austin, Dean, and Williams (EDAW).

Edward B. Page was a member of the postwar generation of architects in the Bay Area who introduced modernism on a large scale to the area. He was also a direct link through his experience as a young man, to the architectural ferment over modernism in Europe. The Fireman’s Fund Insurance Company Home Office was his largest and best-known project and is the best representative of his career and work.

John J. Gould & H.J. Degenkolb/Henry J. Degenkolb & Associates and its successor Degenkolb Engineers has been one of the leading structural engineering firms in California from its

<sup>75</sup> *Architect and Engineer*, “Landscape Architecture A Professional Adventure in Use of Outdoor Space,” 20-22.

<sup>76</sup> Walker and Simo, 133.

<sup>77</sup> Walker and Simo, 133.

<sup>78</sup> EDAW, *Open Spaces*, back cover.

<sup>79</sup> ASLA, *EDAW: Firm History*; ASLA, *Fellows Data Base*.



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founding to the present day. The Fireman's Fund building—with its innovative structural design that provided open floors with minimal columns and exterior walls of glass—represents the beginning of the reputation of Gould and Degenkolb as among the leading structural engineers in San Francisco in the post-World War II period.

ERW was established in 1945 by three of the pioneers of modern landscape architecture—Garrett Eckbo, Robert Royston, and Ed Williams. ERW was responsible for the original mid-1950s landscape design for the Fireman's Fund site, and its successor firm EDAW designed the landscape features associated with the mid-1960s additions. During the period of significance, ERW /EDAW was recognized as one of the country's leading landscape architectural firms. Their designs and writings contributed to the popularization of the modernist landscape design vocabulary and to modernism as an approach to creating outdoor spaces that addressed contemporary needs within a broad range of settings. The Fireman's Fund site is significant as an example of the firm's mastery of modern design within the corporate landscape context.

#### **CRITERION C: ARCHITECTURE/LANDSCAPE ARCHITECTURE**

The Fireman's Fund Insurance Company Home Office is a single property that has significant components of architecture and landscape architecture, each of which has a specific context. These contexts are presented below followed by an evaluation of the property as a whole.

##### **Modern Architecture**

The design of the Fireman's Fund Home Office Building drew on the main stream of the history of Modern Architecture, beginning with its European origins: the Bauhaus and the International Style. At the same time, it was influenced by the forces that translated European modernism for the United States.

The Bauhaus, founded by Walter Gropius in 1919, was a school of the arts that sought to heal the division that many saw between the arts and craftsmanship, a division that was an outgrowth of capitalism and the industrialization of western society. The school taught a great variety of crafts and building construction along with theory of art. All of these things could be brought together in architecture, unofficially the first among equals. Unlike the Arts and Crafts Movement, the Bauhaus taught that good design, which was the product of this education, should be applied to mass production and that this was necessary in a modern highly technological society. The mass production of well-designed products including building parts and buildings was an important means of addressing the need for housing and other social issues. The creation of beautiful and useful products in a technological society required collaborative efforts that combined art, craftsmanship, and engineering.

As an emblem of its ideals, in 1926 the Bauhaus moved from Weimar to a new building in Dessau. The building was a composition of rectangular wings, all but one of them two to four

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stories in height, at right angles to each other. Each wing was functionally differentiated from the others and they were arranged so that they framed outdoor spaces. In this way the building and its outdoor spaces functioned together as one. The building was a modern structure of reinforced concrete with steel sash windows. No ornament was applied to the building apart from the lettering of its name.

The idea of the International Style was based in large part on the example of the Bauhaus and the work of its teachers and students. The style was named in a 1932 book, *The International Style* by Henry-Russell Hitchcock and Philip Johnson, who wrote it as a follow-up to an exhibition they curated at the Museum of Modern Art in New York. In 1964, Hitchcock said that the term, “defines a type of architectural design which came into existence in the early 1920s, developed at the hands of a few leaders to classic expression by 1930, and from that time on found wider and wider acceptance throughout the world.” Its three principal elements, he said, were “[1] a new conception of architecture as volume rather than as mass, ... [2] regularity rather than axial symmetry ... as the chief means of ordering design,” and [3] a proscription against “arbitrary applied decoration.”<sup>80</sup> The idea was not that the International Style was a single style but that it was a way of responding to technology that should be the same in any country and that it represented a viable way of addressing the needs for housing and other social problems.

Politics in Germany closed the Bauhaus in 1933 and many of its leaders came to the United States. Walter Gropius went to Harvard, Mies van der Rohe, the head of the Bauhaus at the time it closed, went to the Illinois Institute of Technology, and others went to various parts of the country. Other European modern architects not connected to the Bauhaus—Richard Neutra, Rudolph Schindler, Erich Mendelsohn, and Serge Chermayeff—went to California. These architects and Americans who were influenced by their work brought the International Style to the United States. Before World War II, the number of International Style buildings in the United States was extremely limited.

After World War II as it took hold in the United States, the International Style was embraced in varying degrees for different types of buildings and clients, perhaps most of all for corporate office buildings. In the process of its popularization, the designers and builders of the style omitted the social goals that were part of its original rationale. The style came to represent the values of modern corporations including faith in technology and solving problems based on reason and science. The design of International Style buildings depended on physical features like new technologies and materials. It also depended on a deep understanding of the purpose of buildings and on research on how they are to be used.

<sup>80</sup> Gerd Hatje, ed., “International Style,” *Encyclopedia of Modern Architecture* (New York: Harry N. Abrams, 1964), 151-155.

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In San Francisco, the best-known early examples of the International Style were a few houses designed by Richard Neutra in the 1930s. After the war, Erich Mendelsohn designed the Maimonides Health Center in 1950. The office of Skidmore, Owings, & Merrill opened in San Francisco in 1945 and designed International Style buildings like Mount Zion Hospital in 1950, the Greyhound Maintenance Facility (now California College of the Arts) in 1951, and the Naval Post Graduate School in Monterey in 1954.

The most concentrated area of new corporate office buildings was in downtown San Francisco where the principal builder of these buildings was the insurance industry. Most but not all of these buildings were in the International Style. Of fifteen corporate office buildings downtown built between 1946 and 1965, thirteen were in some version of the International Style, one was in the Moderne Style, and one was based on Independence Hall in Philadelphia, an eighteenth-century Georgian Style brick building. Nine of the fifteen buildings including the Georgian Style building were for the insurance industry.

Modern Architecture had to do with more than the look of buildings. It had to do with the process of the design of buildings, with the adoption of new technologies and materials, and with the relationship of buildings to their surroundings, both their immediate surroundings and their greater surroundings—with their own site and with the city. It also had to do with the expression of the relationship between structure and technology, represented by Louis Sullivan's statement that "form follows function."

The architect of the Fireman's Fund Home Office Building, Edward Page, absorbed ideas about modernism from architectural journals, conversations with architects from many countries in Paris cafes, travel around Europe in 1930 to see early buildings of the Modern Movement, and from fellow architects of his generation. His experience, and that of the architectural profession in the United States in general during World War II reinforced many elements of the Modern Movement—the role of engineers, the use of new technologies and materials, designing without ornament, an economy of means, and the primacy of function as a generator of design.

According to Serraino, writing about San Francisco's modern architects in the 1940s–1960s, "Each took a stance on what being modern meant, and each practiced accordingly."<sup>81</sup> Edward Page's approach to modernism put a premium on technology and sophisticated accommodation of function. Among the best-known figures of Modern Architecture, Page admired Eero Saarinen above all others because "he was the only one who understood that sixty percent of a modern

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<sup>81</sup> Pierluigi Serraino, *NorCalMod: Icons of Northern California Modernism* (San Francisco: Chronicle Books, 2006), 8.

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building was mechanical equipment, electrical, and air-conditioning." Frank Lloyd Wright, Mies van der Rohe, and Le Corbusier did not understand this, he said.<sup>82</sup>

While there is no known evidence of any direct connection, the Fireman's Fund Home Office echoes the design of several of the most influential International Style buildings. Its basic organizational concept is like that of the Bauhaus itself, an arrangement of low-rise perpendicular wings with separate functions and with the wings framing outdoor areas that function with the building. Like the famous property of Philip Johnson, one of the authors of *The International Style*, with its Glass House and its Brick House that were completed in 1949, one of the buildings of the Fireman's Fund Home Office is glass and the other is brick. Like the General Motors Technical Center in Warren, Michigan, designed by Eero Saarinen and built 1953–1955, the Fireman's Fund Home Office represents a radical departure from most contemporary corporate offices as a low-rise building on landscaped grounds in a suburban location.

### Modernism in the Landscape

American landscape design during the late nineteenth and early twentieth centuries was based on ideals of the Ecole des Beaux-Arts. Books, such as *An Introduction to the Study of Landscape Design* by Henry Hubbard and Theodora Kimball (first published in 1917), codified an appropriate spatial organization, style, and features for various types of landscapes and emphasized that the designer's skill or creative input should be focused on how to adapt these standards or patterns to a particular site. Until the latter part of the Great Depression, all university landscape architecture programs in the country taught within this Beaux-Arts framework, and landscape designers absorbed this viewpoint during their training and put it into practice when they graduated. They typically selected or adapted structures, planting arrangements, and details, such as site furnishings, from multiple eras and European traditions to create a formal organization of landscape space with an eclectic mix of historical references.<sup>83</sup>

By the late 1930s, a Modernist sensibility to landscape design had just begun to evolve. In 1938, Harvard professor and designer Christopher Tunnard published *Gardens in the Modern Landscape* in which he asserted that "the old values and the old forms . . . could no longer satisfy contemporary artistic and planning needs."<sup>84</sup> He believed that the right style for the twentieth century was no style at all but rather a new conception of planning the human environment.<sup>85</sup> Tunnard was reacting against the lack of connection between landscape design within the

<sup>82</sup> Page, interview.

<sup>83</sup> The Cultural Landscape Foundation, *Beaux Arts/Neoclassical*, accessed 4 December 2017, <https://tclf.org>.

<sup>84</sup> Marc Treib, "Axioms for a Modern Landscape Architecture" in *Modern Landscape Architecture: A Critical Review* (Berkeley, CA: University of California Press, 1997), 36.

<sup>85</sup> Christopher Tunnard, "Modern Gardens for Modern Houses . . .," *Landscape Architecture* 32 (January 1942).

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predominant Beaux Arts tradition and the realities of modern life. Through his writing and teaching at Harvard, Tunnard championed a modern landscape commensurate in its conceptual and aesthetic authority to the best of modern architecture.<sup>86</sup>

Modernism in the landscape first appeared in residential garden design<sup>87</sup>, and during the 1940s, California designer Thomas Church became one of the leading interpreters of modernist tenets within this setting. The importance of California to the development of the modern landscape design movement continued after World War II. The explosion of residential landscape commissions that accompanied the postwar suburban housing boom provided landscape architects with increased opportunities to apply the tenets of modernism to gardens. *Sunset Magazine*, headquartered in Menlo Park, played a major role in popularizing a version of modernism suited to the California climate and lifestyle through its ongoing articles that showed the general public what a modern garden (and house) could look like and how it could function. Dianne Harris, in her article "Writing a Modern Landscape: Thomas Church as Author," noted that historians and theoreticians have recognized the essential role played by the popular press in publicizing modern design and in helping to promote a new way of seeing "that became essential to the formation of Modernism in design."<sup>88</sup> Modern design became an accepted expression of California's "age of abundance," historian Kevin Starr's characterization of the state's post World War II economic boom.<sup>89</sup>

Garrett Eckbo, one of the principal theorists of modern landscape design, wrote that the "modernist approach to landscape architecture was concerned with the relationship of the landscape to modern architecture and the relationship within the site between space, materials, and people."<sup>90</sup> Modernism in landscape architecture reflected a concern for the specific site or space rather than an adherence to established patterns based on historical forms, which emphasized the Beaux-Arts principles of balance, symmetry, proportionality, and axuality. Designers rejected the axis and symmetry and instead used geometric and biomorphic forms for arrangements of hardscape, circulation, and planting which together often created abstract spatial compositions. In the residential designs where modernism was first expressed, there was a strong functional and visual relationship between interior and exterior space, as expressed in buildings featuring large expanses of windows, courtyards being framed by the buildings, and patios that

<sup>86</sup> Catherine Howlett, "Modernism and American Landscape Architecture," in *Modern Landscape Architecture* (Berkeley, CA: University of California Press, 1997), 32.

<sup>87</sup> Treib, 53.

<sup>88</sup> Dianne Harris, "Writing a Modern Landscape . . .," in *Thomas Church Landscape Architect* (San Francisco, CA: William Stout Publishers, 2003), 178.

<sup>89</sup> Kevin Starr, *Golden Dreams: California in an Age of Abundance, 1950-1963* (New York: Oxford University Press, 2009).

<sup>90</sup> Walker and Simo, 7.

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extended living spaces into the outdoors. Additionally, the same materials used for buildings were often used in the landscape's structures (such as walls or arbors) and paving. Rather than merely being a decorative element, plants were used to define outdoor space. The lawn became a symbol of the landscape in post-World II suburban communities and was used in small and large settings—individual homes, parks, commercial and educational campuses, and civic spaces—as an organizing element of space.<sup>91</sup>

Modern landscapes were intended for people to use and were adapted to the real lives and needs of the times. For example given the supremacy of the automobile in the post-World War II suburban environment, parking lots were incorporated as a conscious part of designs. The expanding post-World War II economy provided landscape architects with a multitude of opportunities to adapt the modernist vocabulary for gardens to the new parks, educational and commercial campuses, and civic spaces being developed in the post war economic boom. This expansion in the profession of landscape architecture was led by a new generation of landscape architects, which included at its forefront Garrett Eckbo, Robert Royston, and Ed Williams—the three partners in the firm responsible for the landscape design of the Fireman's Fund site.

### **Landscape of the Corporate Headquarters**

A new type of cultural landscape, created by a synthesis of modernist buildings and landscape design, developed during the post-World War II era as corporate headquarters moved out of the central city. Louise A. Mazingo, professor of landscape architecture at the University of California, Berkeley and the author of several articles and a book on this development, has noted that corporations moved out of the urban core for a number of reasons. First and foremost, the larger sites available in the suburbs allowed corporations to construct new buildings that fit their current management structure and operational needs. "Efficient office organization now required flexible, expandable offices with movable partitions rather than fixed walls. The dense, constricted downtown became untenable."<sup>92</sup>

By the early 1950s, insurance companies had spearheaded this exodus from the central business district to the peripheral residential areas of the city or to suburban sites. An article in *Business Week* in 1951, quoted by Mazingo in her article "The Corporate Estate in the USA, 1954–1964," noted that there were not enough downtown spaces "in the right places" to meet companies' needs for expansion. The management of these insurance companies believed that it was hard to "hire first class personnel" to work in downtowns that were viewed as undesirable environments. ("Management thinks workers will be happier looking at trees instead of grimy buildings and

<sup>91</sup> David Streatfield, "Where Pine and Palm Meet . . .," *Landscape Journal* 4, No. 2 (Fall 1985), 68; Treib, 53-59.

<sup>92</sup> Louise A. Mazingo, "Campus, Estate, and Park . . .," in *Everyday America: Cultural Landscape Studies After J.B. Jackson* (Berkeley, CA: University of California Press, 2003), 258.



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listening to birds instead of honking taxis.”<sup>93</sup>) The integration of the architecture and landscape typically featured a low-rise, centrally-sited, modernist building(s), an entry drive and large parking lots which were a reflection of the domination of the automobile as the preferred means of transportation for employees and visitors, and an enveloping landscape setting or “green surround” which was often designed to resemble an idealized suburban space.<sup>94</sup> The buildings and parking lots occupied only a fraction of a site’s acreage and the landscaped lawns and outdoor spaces contributed to the “seamlessness between the interior and exterior space, which was a common goal of the modernist architectural aesthetic.”<sup>95</sup> Mozingo noted that corporations “considered the designed landscape essential to the functioning of their management facilities.”<sup>96</sup> This new type of corporate headquarters—with its modernist architecture and landscape—became a part of the effort to “reconceive the white-collar workplace, retain targeted employee groups, and signal eminent corporate standing,”<sup>97</sup> and resulted in what became an “identifiable place, creating a tangible symbol of the corporate persona.”<sup>98</sup>

During the 1950s, landscape architects incorporated these new corporate headquarters in their practices. They became partners—with architects—in the creation of these new corporate environments and developed designs that established connections between the building, the site, and the surrounding landscape.<sup>99</sup> The site planning, automobile approaches, different hierarchies of entrances, parking lots, and lawns used to create an interface between the building and the surrounding landscape, and the outdoor spaces of the post-World War II corporate landscapes all exemplified the functionalism of mid-20th century modernism.<sup>100</sup>

The development and design of the Fireman’s Fund Home Office, located on a 10-acre site on California Street outside of the traditional urban core of the city, was an example of this new corporate environment in San Francisco that exhibited all of these characteristics. An article in the *San Francisco Chronicle*, published to coincide with the official dedication on 9 July 1957, noted that architect Edward B. Page designed the Fireman’s Fund building “from inside out” to meet the specific nature of the insurance company’s work flow within and between departments. The article emphasized the building’s modern sensibility as expressed through the design and materials of the architecture, the company’s concern for the working environment, and an

<sup>93</sup> Louise A. Mozingo, “The Corporate Estate in the USA, 1954-64 . . .,” *Journal of Garden History & Designed Landscapes* 20, No. 1 (April 2000), 28.

<sup>94</sup> Ibid., 34.

<sup>95</sup> Ibid., 44.

<sup>96</sup> Ibid., 28.

<sup>97</sup> Mozingo, “Campus, Estate, and Park,” 266.

<sup>98</sup> Mozingo, “The Corporate Estate,” 26.

<sup>99</sup> Eckbo, *Urban Landscape Design*, 4.

<sup>100</sup> The Cultural Landscape Foundation, *Corporate Office Park*, accessed 4 December 2017, <https://tclf.org>.

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identification with a suburban—rather than urban—landscape setting. This article noted that the new headquarters was “designed to provide efficient business operation and a maximum of light, air, and good morale.”<sup>101</sup> The article described the contemporary nature of the building (its “glass, steel, and aluminum structure; the “ceiling to floor windows that permit sweeping vistas of the city’s skyline”; a “feeling of spaciousness”) while noting a range of amenities that acknowledged the needs of the employees including ample parking, a large cafeteria, and “lounges, reading rooms, guest rooms, and a sheltered outdoor terrace”—all of which were set within “extensive lawns and gardens.”<sup>102</sup> Fireman’s Fund came to be recognized as a local expression of the modern suburban corporate headquarters.<sup>103</sup> It appeared in a 1969 article in the *San Francisco Sunday Examiner-Chronicle* that provided local examples of corporate plazas and landscapes that contributed to the common good while creating an identifiable image for the company. This article noted that “whereas insurance companies suffer chronically from a high rate of employee turnover, that problem has been minimal since Fireman’s Fund’s 1200 workers began enjoying the company park.”<sup>104</sup>

### Evaluation

The Fireman’s Fund Insurance Company Home Office, a single property including both architectural and landscape elements which were designed to complement each other, is significant under National Register Criterion C as an example of a corporate headquarters in San Francisco which reflects mid-twentieth-century modernist design principles. The property is a synthesis of International Style buildings and mid-twentieth century modernist landscape features which reflect key characteristics of a post-World War II suburban corporate headquarters. As an example of the International Style, the building itself expresses the use of new technologies and materials, designing without ornament, an economy of means, a focus on function, an orientation to the landscape, and a process of design that resulted in a characteristic expression in glass and concrete. Key characteristics of a post-World War II suburban corporate headquarters are expressed in the design’s centrally-sited modernist building within a park-like setting that accommodates the automobile as the primary form of transportation and through the arrangement of the office building’s low-rise perpendicular wings which frame outdoor spaces designed to function with the building. The design expresses mid-twentieth century modernist landscape forms and materials including the combination of geometric and biomorphic forms in the design of the Terrace, the use of brick and concrete materials in landscape structures and paving to promote the integration between architecture and landscape, and the presence of a

<sup>101</sup> *San Francisco Chronicle*, “Fireman’s Fund Shows New Home, 9 July 1957.

<sup>102</sup> Ibid.

<sup>103</sup> An article (6 February 1964) by *San Francisco News-Call Bulletin* columnist Guy Wright described Fireman’s Fund as a “refreshing example” of the type of corporate headquarters that the city should be promoting.

<sup>104</sup> Gerald Adams, “Clearings in the Concrete Jungle,” *San Francisco Chronicle*, 30 November 1969.

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broad lawn—an iconic feature in suburban corporate landscapes during the post-World War II era—along the west side and south sides of the property.

## BACKGROUND HISTORY OF THE PROPERTY

### Laurel Hill Cemetery

The Fireman's Fund Insurance Company Home Office is located on the southeast corner of the site of the Laurel Hill Cemetery. The entire cemetery was in a multi-block area bound by Parker Avenue, California Street, Presidio Avenue, and a diagonal line from a point on Presidio Avenue between Sutter and Post Streets to a point near the intersection of Parker and Euclid Avenues.

Laurel Hill Cemetery was begun in 1854 as Lone Mountain Cemetery, one of four cemeteries established in the 1850s and 1860s in central San Francisco as Yerba Buena Cemetery and others further downtown filled up. The name was changed to Laurel Hill Cemetery in 1867. It was referred to as the "Pioneer Cemetery" and was the most prestigious San Francisco burial place for several decades.<sup>105</sup> The design of the cemetery followed the example of parklike cemeteries first built in the eastern United States in the 1830s-1840s with winding paths and landscaped grounds.

Among notable people buried there were Andrew Hallidie, inventor of the cable car; Charles Crocker, one of the Big Four builders of the transcontinental railroad; William Ralston and William Sharon of the Bank of California; and eleven U.S. senators. In addition to these and many other prominent people, there were 107 people in the Japanese Cemetery and an unknown number in the Serbian Cemetery. Altogether there were about 47,000 burials in Laurel Hill Cemetery.

A long effort to move all cemeteries out of San Francisco included banning of future burials in the city beginning 1 August 1901; a law requiring removal of cemeteries from San Francisco that was signed 17 January 1914; an eviction order from the City of San Francisco in November 1937; and removal of burials beginning 26 February 1940.

### Laurel Heights

The cemetery land was purchased from the cemetery association by a real estate developer, Heyman Brothers, who announced in April 1941 plans to develop "an exclusive \$10,000,000 home district, including some 600 residential sites, as well as a million dollar business district"<sup>106</sup> on the site. The original intention was to offer five acres to the city for a park or playground. The residential neighborhood would be called Mayfair Terrace and the business district would be

<sup>105</sup> Michael Svanevik and Shirley Burgett, *City of Souls: San Francisco's Necropolis at Colma* (San Francisco: Custom and Limited Editions, 1995), 43.

<sup>106</sup> *San Francisco Chronicle*, "Laurel Hill: Tract Plans are Revealed," 21 April 1941.

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called Mayfair Village. Development of the property was delayed by World War II. When work resumed in 1947-1948, the residential area was called Laurel Heights and the business district was called Laurel Village. According to the builder, 75% of the home lots were developed by October 1949.<sup>107</sup> By April 1951, a citizen's group called the Laurel Heights Improvement Association had been formed to address neighborhood issues.

### **San Francisco Unified School District Proposed Site of Lowell High School**

Around the time of the end of the war, on 27 June 1945, when the cemetery was gone and the revived development of the neighborhood was imminent, the San Francisco Board of Education initiated action to purchase a portion of the Heyman Brothers property as the site for a new Lowell High School campus. On 28 June 1946, the school district bought about twelve acres, about one fifth of the total area of the cemetery, in the northeast corner of the property for \$194,690. The site of the school property was shown on a November 1947 map called "Map of Resubdivision of a Part of Laurel Heights, San Francisco, Calif." By mid-1950, however, the Board of Education had selected another site for Lowell High School and announced its intention to sell the Laurel Heights property.

The school district offered the site to the San Francisco Department of Parks and Recreation as it was required to do, but preferred to sell it at the highest price possible, with the understanding that it could get \$450,000 for residential development and \$650,000 for commercial development. Zoned for residential use, prolonged and complicated negotiations were necessary to win approval from the City Planning Commission for a rezoning of the site for commercial use.

Taking an active role in the controversy, the Laurel Heights Improvement Association expressed concern that commercial use of the property would diminish property values and the quality of the neighborhood. Referring to the official map that was a reference for those who purchased residential lots, and the designation of the "Future Location of Lowell High School" on the map, the association stated to the City Planning Commission: "Purchasers had every right to believe that in the construction of this school the architecture would be of modern and attractive design, with proper setback lines, well landscaped grounds, open recreation fields, and off-street parking."<sup>108</sup> On 21 June 1951, the City Planning Commission granted the request of San

<sup>107</sup> *San Francisco Chronicle*, "Hansen Homes...", 22 October 1949.

<sup>108</sup> Laurel Heights Improvement Association, "City-Owned Land Bounded by Laurel, Euclid, Presidio and California Streets," a statement presented to the San Francisco City Planning Commission, 9 May 1951.

United States Department of the Interior  
National Park Service / National Register of Historic Places Registration Form  
NPS Form 10-900 OMB No. 1024-0018

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Francisco's Director of Property to withdraw the application which the City had filed on 27 April 1951 for reclassification of the property from First Residential District to Commercial District.<sup>109</sup>

During a two-year period reports and rumors in the press, in newspapers, and in public documents and meetings indicated that interested parties in the property included unnamed potential builders of a tall office building, the federal government, and Fireman's Fund Insurance Company. In October 1952, San Francisco's Director of Property "asked for a speedy rezoning to escape Federal condemnation of the land."<sup>110</sup> Also during this period, the city took approximately two acres from the southeast corner of the twelve-acre property for streets and a fire station.

Ultimately, after presentation of the drawings of an unnamed architect to interested neighbors, an agreement was reached for rezoning of the property for commercial use. This agreement, City Planning Commission Resolution No. 4109 of 13 November 1952, included six stipulations for any development of the site. These are, briefly: 1) that only professional, institutional, or office buildings and associated service buildings were allowed; 2) the total floor area of buildings was limited; 3) off-street parking was required in relation to the number of employees and visitors; 4) setbacks were required on the west and south except for minor service buildings; 5) any development for residential use was subject to planning guidelines; and 6) there must be "appropriate and reasonable landscaping of the required open spaces." Because of this rezoning agreement, all development plans for the property have had to be approved by the City Planning Commission to insure compliance with these requirements.<sup>111</sup>

<sup>109</sup> San Francisco Department of Planning, Letter from Paul Oppermann, Director of Planning to Mr. Eugene J. Riordan, Director of Property, 25 June 1951.

<sup>110</sup> *San Francisco News*, "School Board Asks Action on Rezoning," 24 October 1952.

<sup>111</sup> San Francisco, County Recorder, "Stipulation as to Character of Improvements on that portion of Lot 1A, Block 1032 Affected by Zoning Proposal Z-52.62.2", filed 8 January 1953.

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**Previous documentation on file (NPS):**

- ☐ preliminary determination of individual listing (36 CFR 67) has been requested
- ☐ previously listed in the National Register
- ☐ previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☐ recorded by Historic American Buildings Survey # \_\_\_\_\_
- ☐ recorded by Historic American Engineering Record # \_\_\_\_\_
- ☐ recorded by Historic American Landscape Survey # \_\_\_\_\_

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**Primary location of additional data:**

☐ State Historic Preservation Office

☐ Other State agency

☐ Federal agency

☐ Local government

☒ University

☐ Other

☐ Name of repository: \_\_\_\_\_

**Historic Resources Survey Number (if assigned):** \_\_\_\_\_

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**10. Geographical Data**

**Acreage of Property** 10.2

Use either the UTM system or latitude/longitude coordinates

**Latitude/Longitude Coordinates (decimal degrees)**

Datum if other than WGS84: \_\_\_\_\_

(enter coordinates to 6 decimal places)

1. Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

2. Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

3. Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

4. Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

**Or**

**UTM References**

Datum (indicated on USGS map):

☐ NAD 1927 or ☐ NAD 1983

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1. Zone:	Easting:	Northing:
2. Zone:	Easting:	Northing:
3. Zone:	Easting:	Northing:
4. Zone:	Easting :	Northing:

**Verbal Boundary Description** (Describe the boundaries of the property.)

The Fireman's Fund Insurance Company Home Office occupies Block 1032 Lot 3 as shown on the Assessor's Parcel Map (Map 4 and Map 5). The property occupies most of its block, a total of approximately 447,361 square feet or 10.2 acres. Its irregular shape can be described, clockwise, by California Street on the north, the boundary with an adjacent property (Block 1032 Lot 2) measuring 232.859 feet in length, Presidio Avenue, Masonic Avenue, Euclid Avenue, and Laurel Street.

**Boundary Justification** (Explain why the boundaries were selected.)

The property includes the entire parcel that was purchased by Fireman's Fund Insurance Company in 1953, all of which was developed by the company for its use.

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**11. Form Prepared By**

name/title: Michael R. Corbett, Architectural Historian and  
Denise Bradley, Landscape Historian for

organization: Laurel Heights Improvement Association of San Francisco, Inc.  
street & number: 2161 Shattuck Avenue #203  
city or town: Berkeley state: California zip code: 94704  
e-mail mcorbett@lmi.net  
telephone: 510-548-4123  
date: 19 April 2018

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## Additional Documentation

Submit the following items with the completed form:

- **Maps:** A **USGS map** or equivalent (7.5 or 15 minute series) indicating the property's location.
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

## ATTACHMENTS

- Map 1 Location Map
- Map 2 Sketch Map
- Map 3 Sketch Map Detail
- Map 4 Assessor's Parcel Map
- Map 5 Property Boundary Coordinates
- Map 6 Photo Key
- Figure 1 Perspective drawing of Fireman's Fund Home Office
- Figure 2 Site Plan showing features ca. 1957-1963
- Figure 3 Photo of Terrace taken ca. 1957-1963, view east
- Figure 4 Photo of Terrace taken ca. 1957-1963, view southwest
- Figure 5 Photo of Entrance Court taken ca. 1957-1963, view west
- Figure 6 Photo of Entrance Court taken ca. 1957-1963, view east
- Figure 7 Photo of landscape along the south side of Office Building
- Figure 8 Aerial view of Fireman's Fund property in 1961
- Figure 9 Aerial view of Fireman's Fund property in 1969

## Photographs

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels (minimum), 3000x2000 preferred, at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map. Each photograph must be numbered and that number must correspond to the photograph number on the photo log. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.



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### Photo Log

Name of Property: Fireman's Fund Insurance Company  
City or Vicinity: San Francisco  
County: San Francisco  
State: CA  
Photographer: Michael R. Corbett and Denise Bradley  
Date Photographed: 28 November 2017, 19 December 2017, and 2 February 2018

Description of Photograph(s) and number, include description of view indicating direction of camera:

- 1 of 36. Office Building (Executive Wing) and Landscape Setting, camera facing northeast.
- 2 of 36. Office Building (Executive Wing) and Landscape Setting, camera facing north.
- 3 of 36. Office Building (Cafeteria Wing) and Terrace, camera facing north.
- 4 of 36. Office Building (Office Wing) and Terrace, camera facing north.
- 5 of 36. Office Building (Office Wing) and Terrace, camera facing northeast.
- 6 of 36. Terrace, camera facing west.
- 7 of 36. Office Building (Executive Wing) and landscape along Masonic Avenue, camera facing northwest.
- 8 of 36. Office Building (Auditorium) and landscape along Masonic Avenue, camera facing northwest.
- 9 of 36. Auditorium (outdoor area on west side), camera facing north.
- 10 of 36. Auditorium (outdoor area on east side), camera facing southwest.
- 11 of 36. Office Building (Office Wing East) and landscape along Presidio Avenue, camera facing west.
- 12 of 36. Office Building (Office Wing East/Garage), camera facing southwest.
- 13 of 36. Office Building (Office Wing East), camera facing east.
- 14 of 36. Office Building (Office Wing East/Garage), camera facing northeast.
- 15 of 36. Garage (1965 Addition), camera facing northwest.
- 16 of 36. Garage (1965 Addition), camera facing south.
- 17 of 36. Office Building (Office Wing North and Entry Structure), camera facing east.
- 18 of 36. Office Building Entry Structure (1984–1985) Interior, camera facing west.
- 19 of 36. Office Building (Office Wing North), camera facing east.
- 20 of 36. Entrance Court, camera facing southeast.
- 21 of 36. Office Building (Cafeteria Wing), camera facing northeast.
- 22 of 36. Office Building (Executive/Visitor's Entrance), camera facing east.
- 23 of 36. Entrance Court (Outdoor Sitting Area), camera facing southwest.
- 24 of 36. Entrance Court (Arbor at west end), camera facing northwest.
- 25 of 36. Service Building, camera facing west.
- 26 of 36. West Parking Lot, camera facing northeast.
- 27 of 36. Employee Gate on California Street, camera facing south.
- 28 of 36. Brick wall and landscape setting from California Street, camera facing southeast.
- 29 of 36. Service Building and brick wall from Laurel Street, camera facing northeast.

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- 30 of 36. Brick wall along Laurel Street, camera facing southeast.
- 31 of 36. Laurel Street Service Gate, camera facing east.
- 32 of 36. Brick wall and landscape along Laurel Street, camera facing south.
- 33 of 36. Executive/Visitor Gate, camera facing east.
- 34 of 36. Office Building (Executive Wing), camera facing east.
- 35 of 36. Office Building (Executive Wing detail), camera facing east.
- 36 of 36. Office Building (typical window detail), camera facing north.

**Paperwork Reduction Act Statement:** This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 460 et seq.).

**Estimated Burden Statement:** Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.

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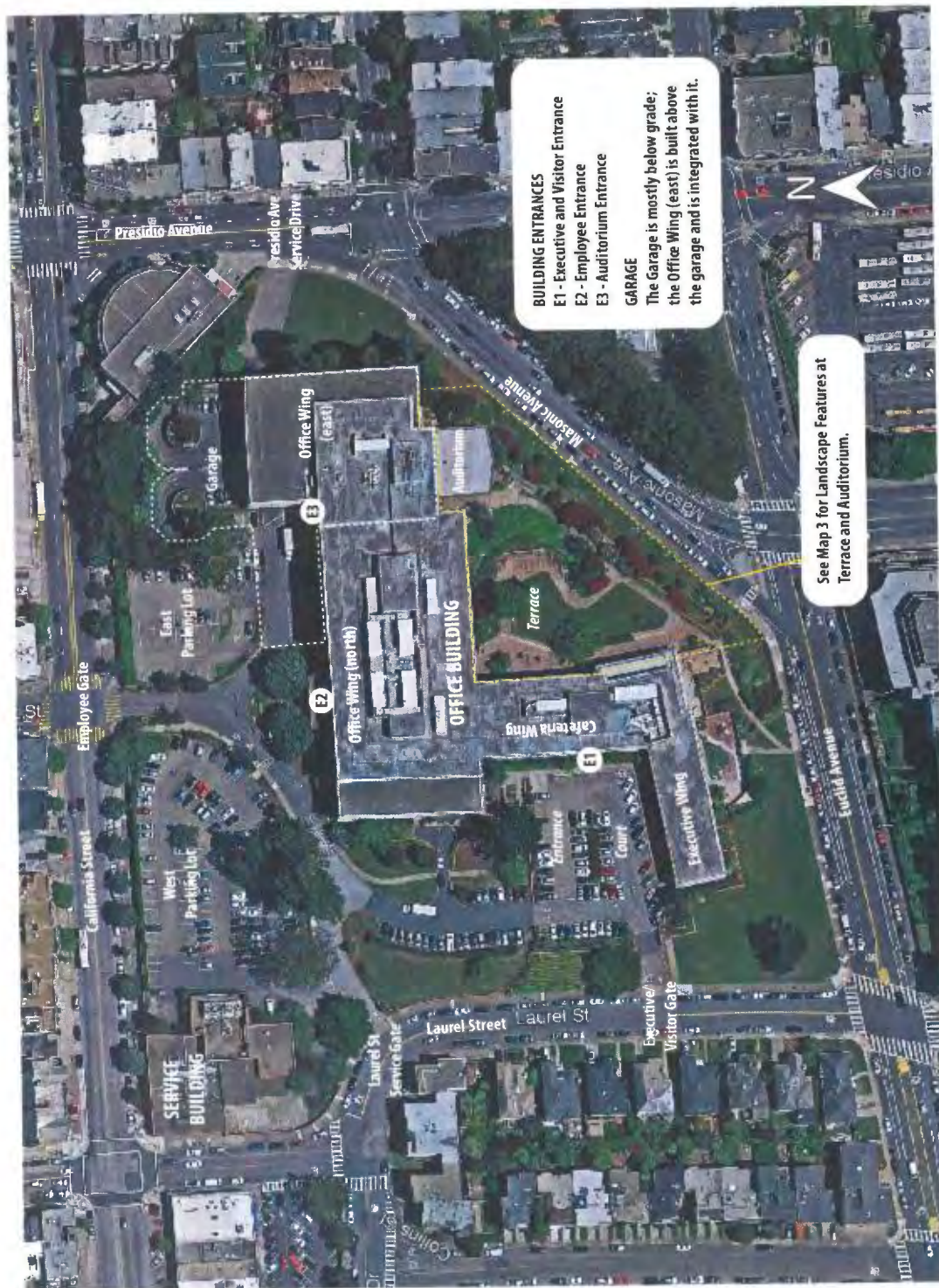
Map 1. Location Map. Source: USGS San Francisco North Quadrangle, 1995.



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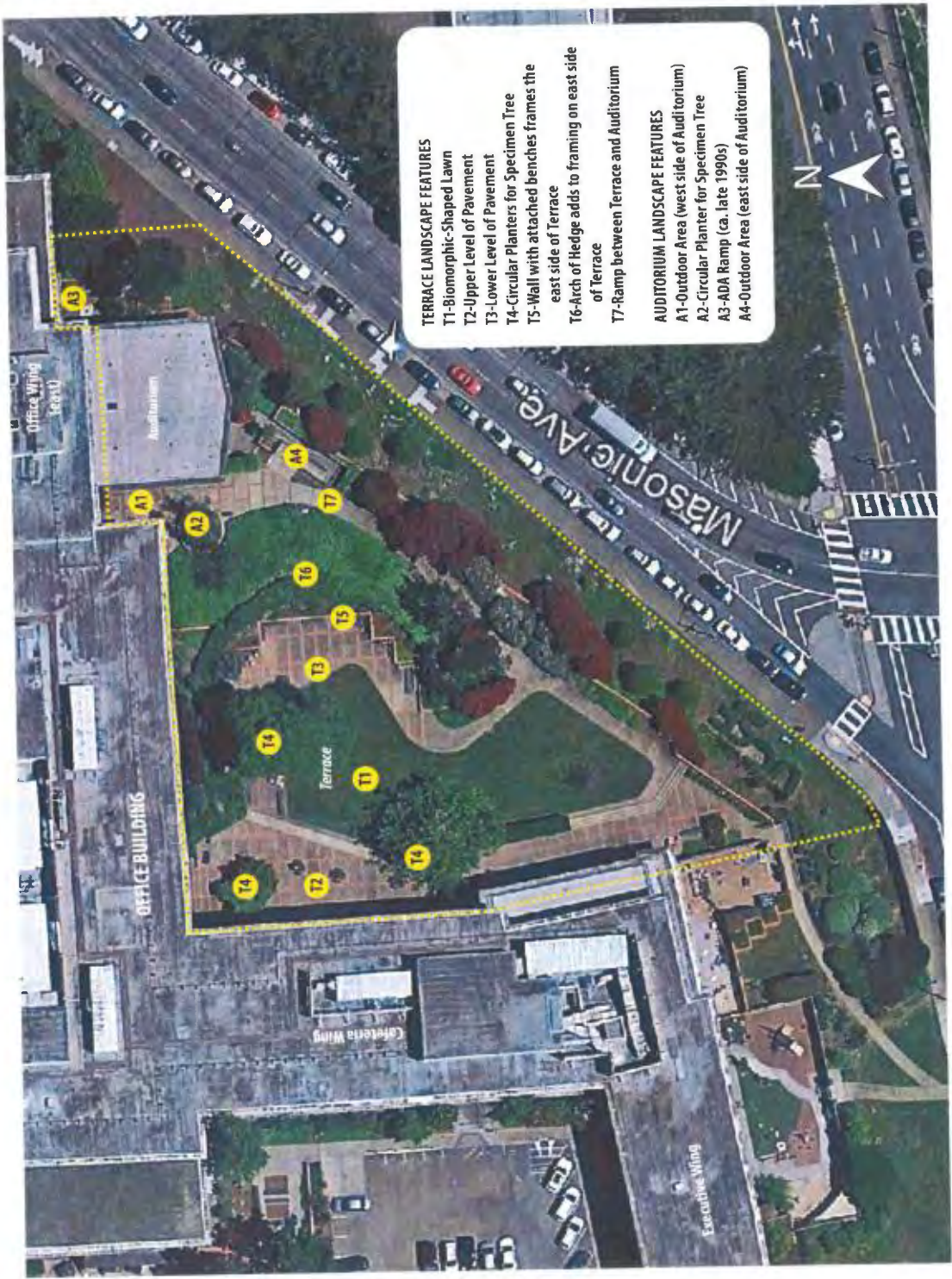
Map 2. Sketch Map. Source: Google Earth, photo taken April 2016, annotated by Denise Bradley and Michael Corbett



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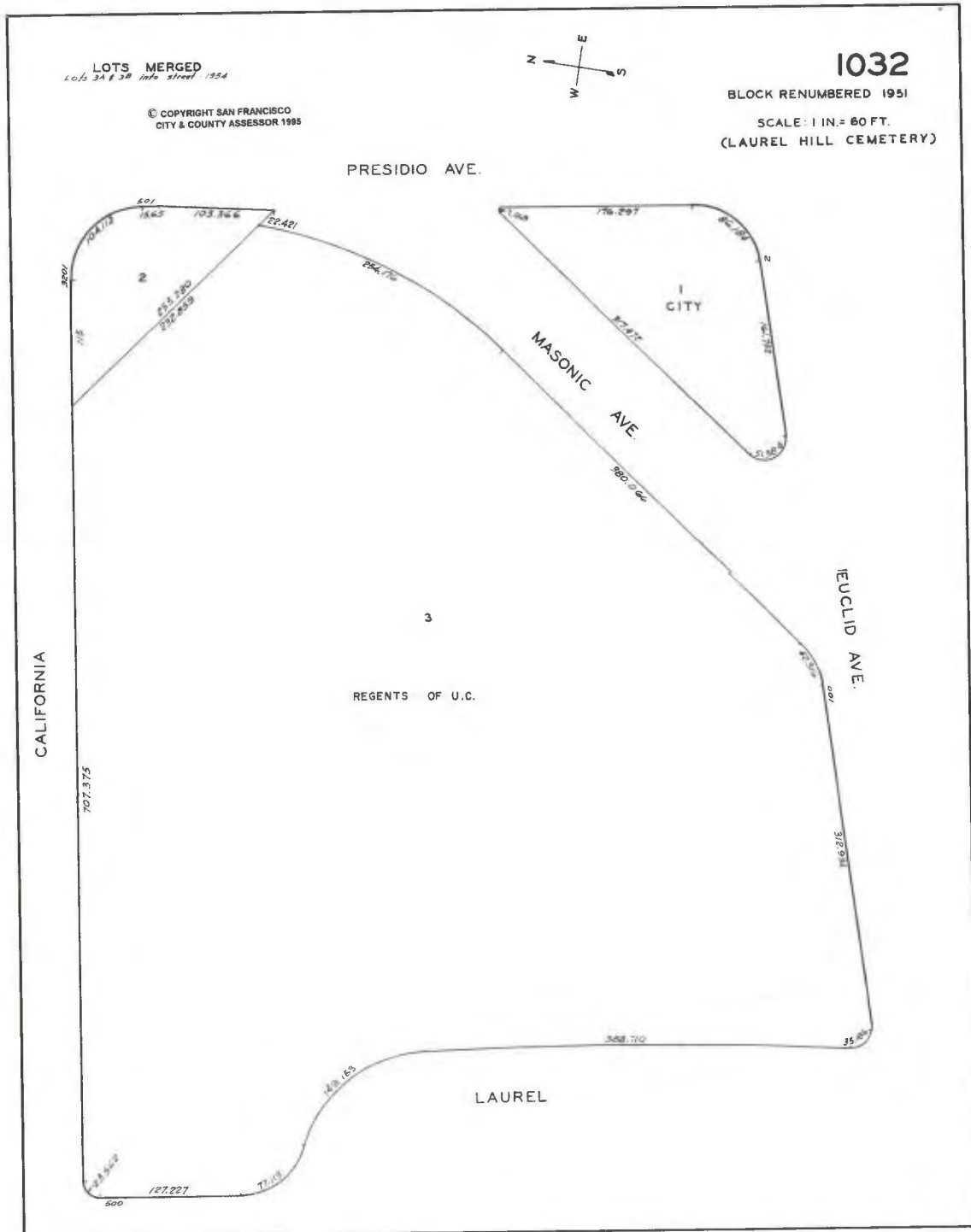


Map 3. Sketch Map, Detail. Source: Google Earth, photo taken April 2016, annotated by Denise Bradley and Michael Corbett

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Map 4. Assessor's Parcel Map showing Fireman's Fund property in Block 1032, Lot 3. Source: City and County of San Francisco Assessor



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Map 6. Photo Key. Source: Google Earth, photo taken April 2016, annotated by Denise Bradley and Michael Corbett



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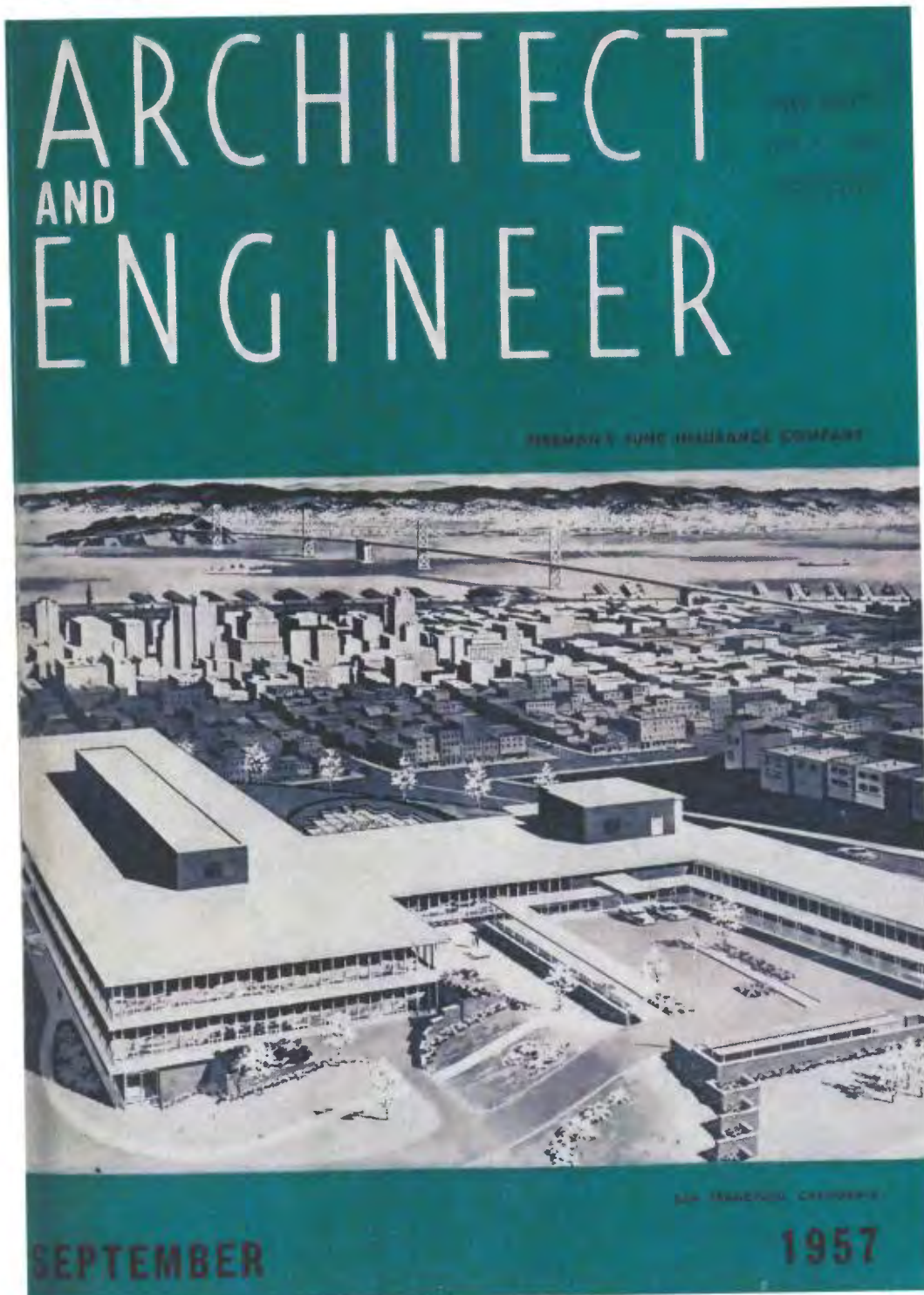


Figure 1. Perspective drawing of Fireman's Fund Home Office, view east. Source: *Architect and Engineer*, cover, September 1957

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Figure 2. Site Plan showing features ca. 1957–1963. Source: Garrett Eckbo, *Urban Landscape Design*, 1964



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Figure 3. Photo of Terrace taken ca. 1957–1963; view east. Source: Garrett Eckbo, *Urban Landscape Design*, 1964

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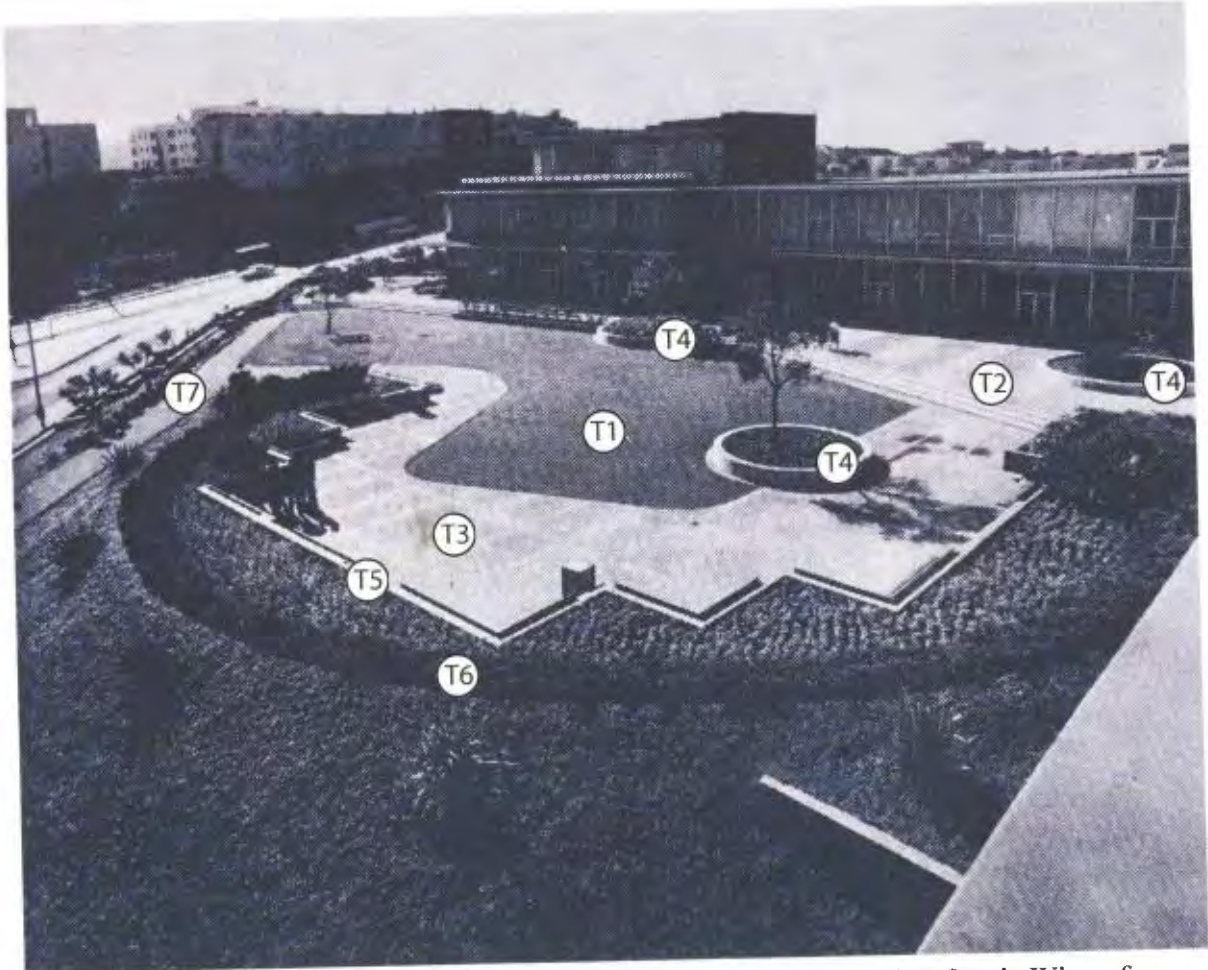


Figure 4. Photo of Terrace taken ca. 1957–1963; view southwest toward Cafeteria Wing of Office Building. Source: Garrett Eckbo, *Urban Landscape Design*, 1964; annotated by Denise Bradley and Michael Corbett

#### TERRACE LANDSCAPE FEATURES

- T1-Biomorphic-Shaped Lawn
- T2-Upper Level of Pavement
- T3-Lower Level of Pavement
- T4-Circular Planters for Specimen Tree
- T5-Wall with Attached Benches frames the east side of Terrace
- T6-Arch of Hedge adds to framing on east side of Terrace
- T7-Ramp to lower level of site



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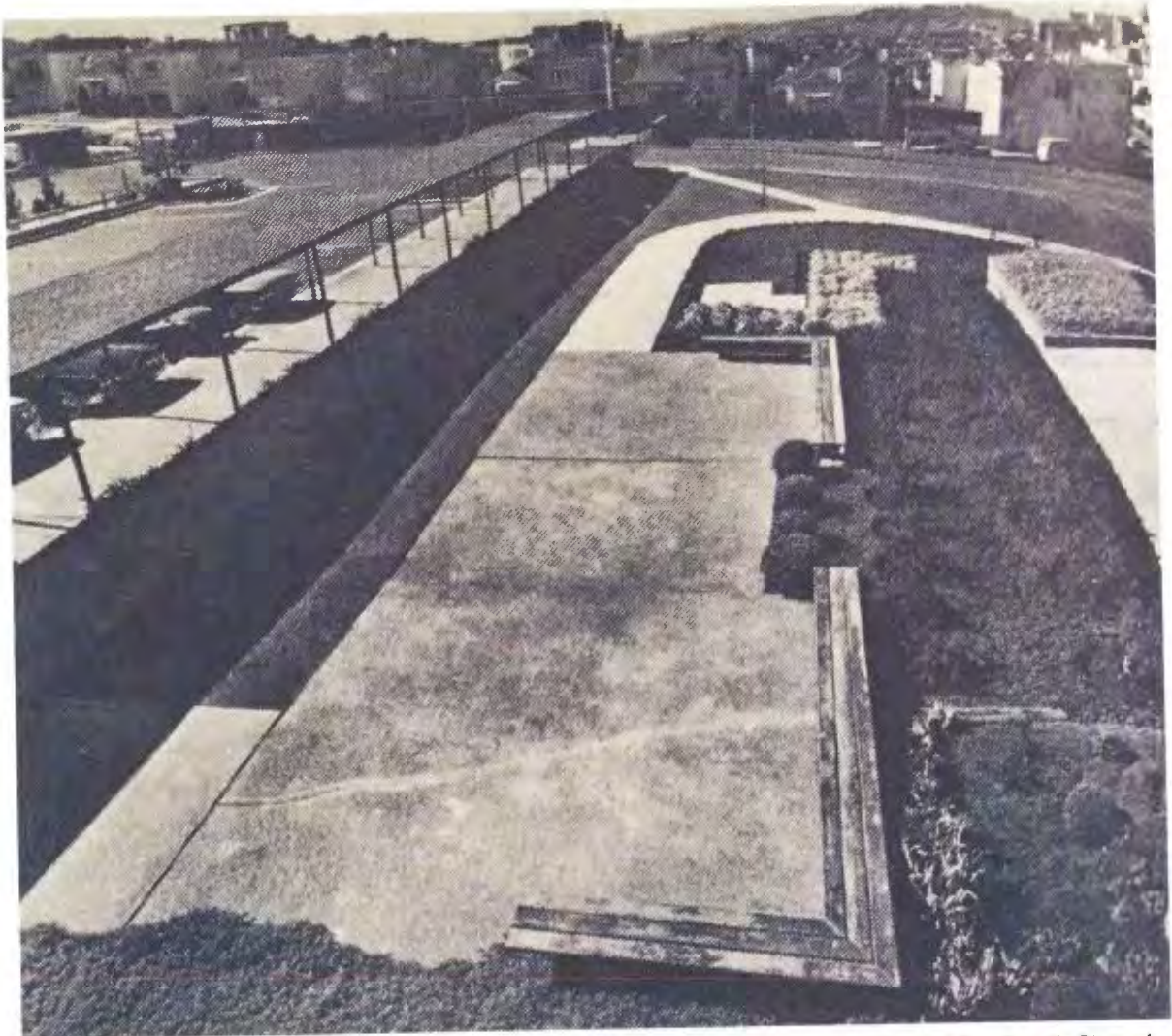


Figure 5. Photo of Entrance Court taken ca. 1957–1963; view to west with parking lot (left) and paved outdoor sitting area (right). Source: Garrett Eckbo, *Urban Landscape Design*, 1964

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Figure 6. Photo of Entrance Court taken ca. 1957–1963; view east of arbor covered sidewalk and foundation planting adjacent to Executive Wing. Source: Garrett Eckbo, *Urban Landscape Design*, 1964



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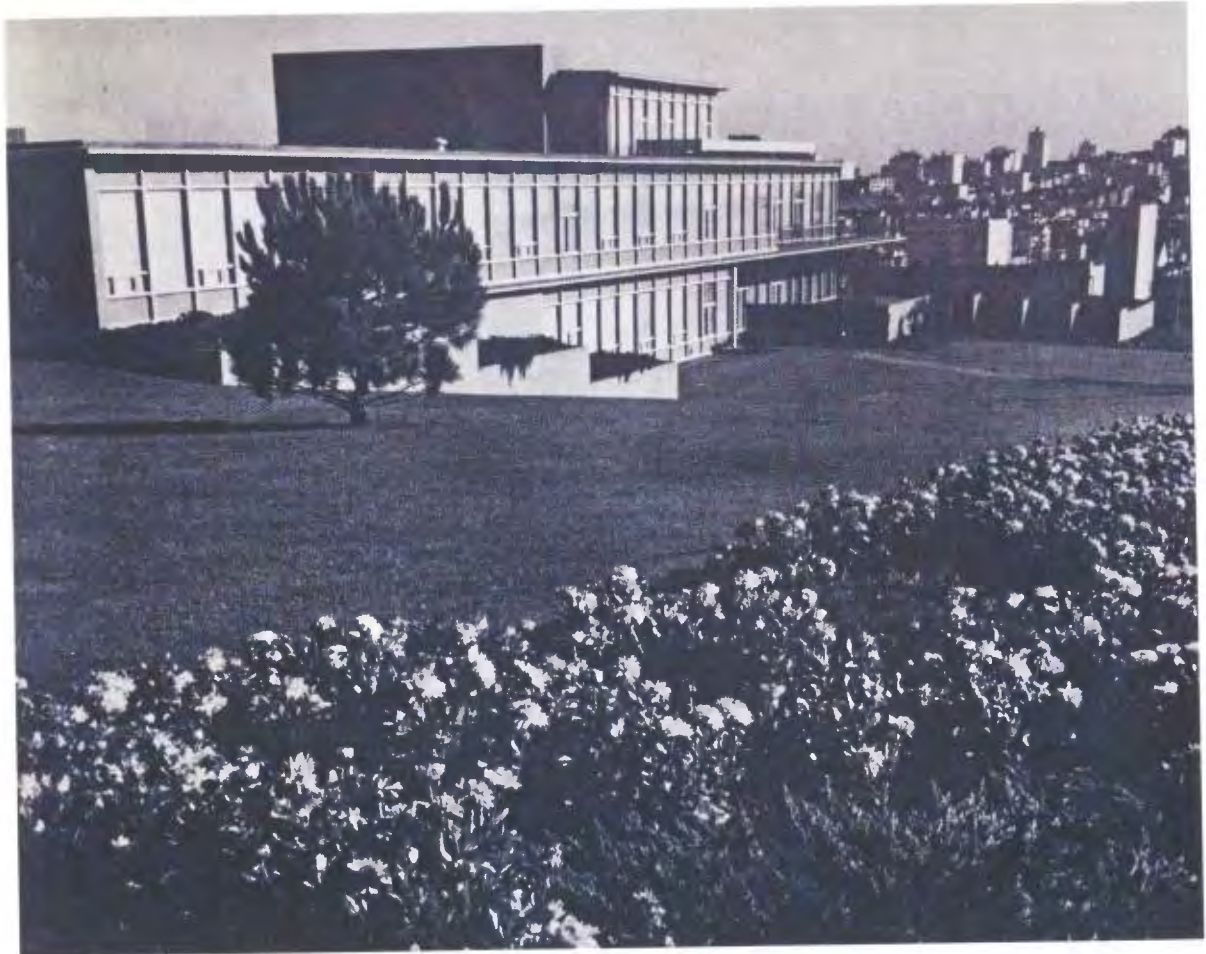


Figure 7. Photo of landscape along the south side of Office Building (Executive Wing) taken ca. 1957–1963. Source: Garrett Eckbo, *Urban Landscape Design*, 1964

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Figure 8. Aerial view of Fireman's Fund property in 1961 after completion of Phase I. Source: Pacific Aerial Surveys, annotated by Denise Bradley and Michael Corbett



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Figure 9. Aerial view of Fireman's Fund property in 1969 after completion of Phases II, III, and IV. Source: Pacific Aerial Surveys, annotated by Denise Bradley and Michael Corbett

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JAN 08 2019

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

3333 California Street, Mixed-use Project

Devincenzi Comments on Draft Environmental Impact Report

Planning Department Case No: 2015-014028ENV

Exhibits to General Comments Part 2, Exhibits B-M



**EXHIBIT B**



















**EXHIBIT C**





















**EXHIBIT D**

Margaret Fitzgerald

30 Wood Street, San Francisco, CA 94118



Date: February 28, 2016

Ms. Mary Woods  
Planner - North West Quadrant  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2414

Submitted separately (See  
Exhibit F of O-LHIA1 [Kathryn  
Devincenzi, Laurel Heights  
Improvement Association])

RE: 3333 California St. Development

23

Dear Ms. Woods:

(PD-5)

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

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

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

public's rights to the open space were secured decades ago through implied dedication, it is not necessary for the general public to rely upon its prescriptive easement rights outlined in this paragraph; rather it is another means to the same end.

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

In sum, the open space at the Site cannot be developed as the public secured such rights through implied dedication prior to 1972 (or, alternatively, by prescriptive easement). In reviewing the development plans for the Site, the City cannot decide to allow development of any of the open space as the recreational rights to the space are held by the public at large. Any project description in the future EIR for the Site that contemplates development of any of the open space would be an inadequate project description and would eviscerate any lower impact alternative presented in the EIR. One only need to look to the seminal land use case decided by the California Supreme Court regarding this very Site<sup>1</sup> to see that an EIR will not be upheld if the project alternatives are legally inadequate. It would be misleading to the public to suggest that a lesser impact alternative is one that allows the public to use the space to which it already has permanent recreational use rights.

In sum, please be advised of the public's permanent recreational rights to all of the existing open space at the Site and please ensure that a copy of this letter is placed in the project file.

Sincerely,

*Meg Fitzgerald*

Margaret N. Fitzgerald

With copies to:

Mark Farrell, Supervisor

Dan Safir, Prado Group

Kathy DiVincenzi, Laurel Heights Improvement Association

Robert Charles Friese, Esq.

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<sup>1</sup> Laurel Heights Improvement Association of San Francisco, Inc. v. The Regents of the University of California, 47 Cal. 3<sup>rd</sup> 376 (1988).



**EXHIBIT E**

# 3333 CALSF

## COMMUNITY MEETING

MASONIC • EUCLID • LAUREL • MAYFAIR







**EUCLID GREEN**  
*The Green*

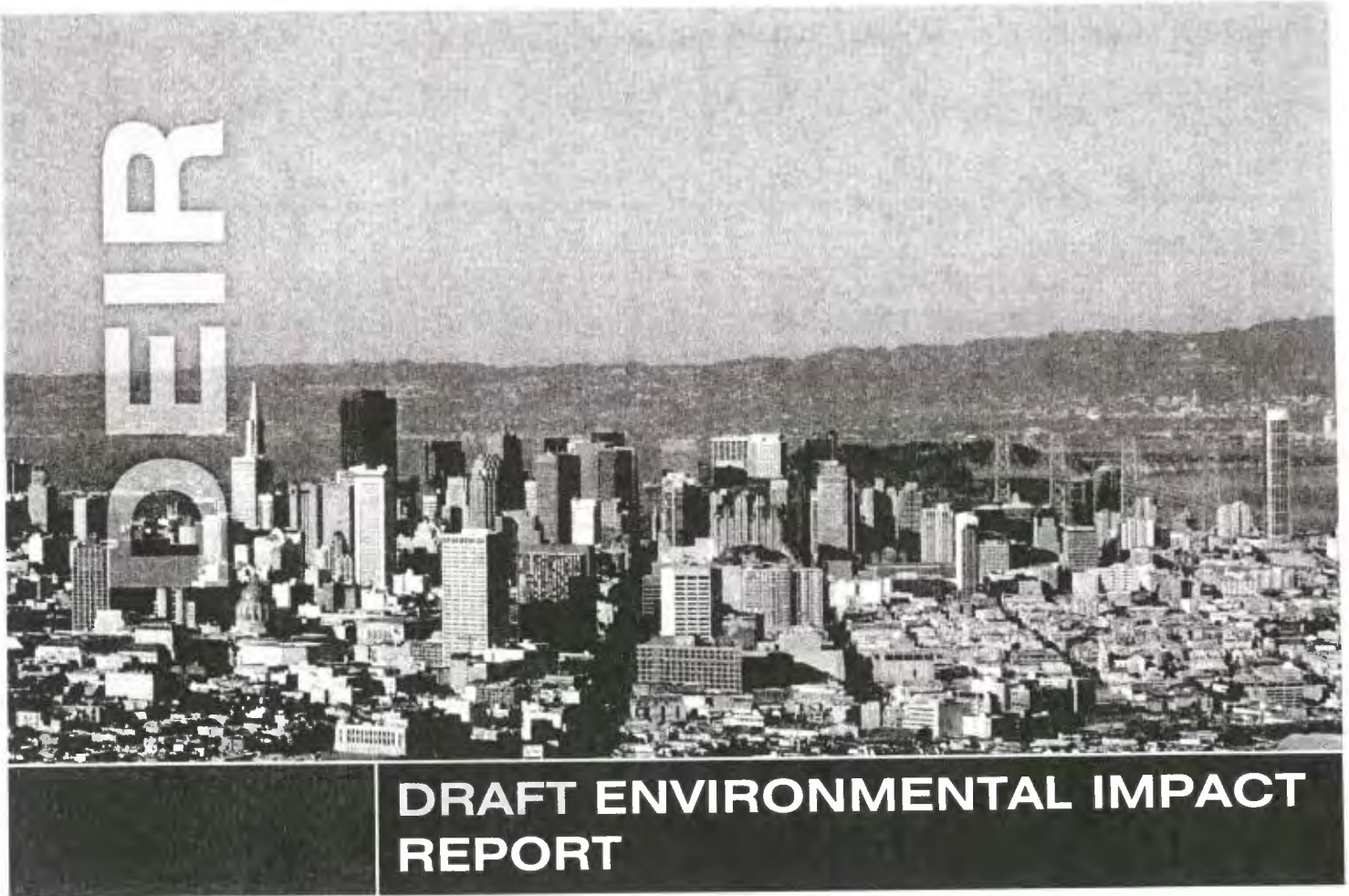


**WALNUT WALK**  
*The River Grove*



**EXHIBIT F**





# San Francisco 2004 and 2009 Housing Element

Volume I: Draft EIR (Section I to Section V.G)

PLANNING DEPARTMENT  
CASE NO. **2007.1275E**

STATE CLEARINGHOUSE NO. 2008102033

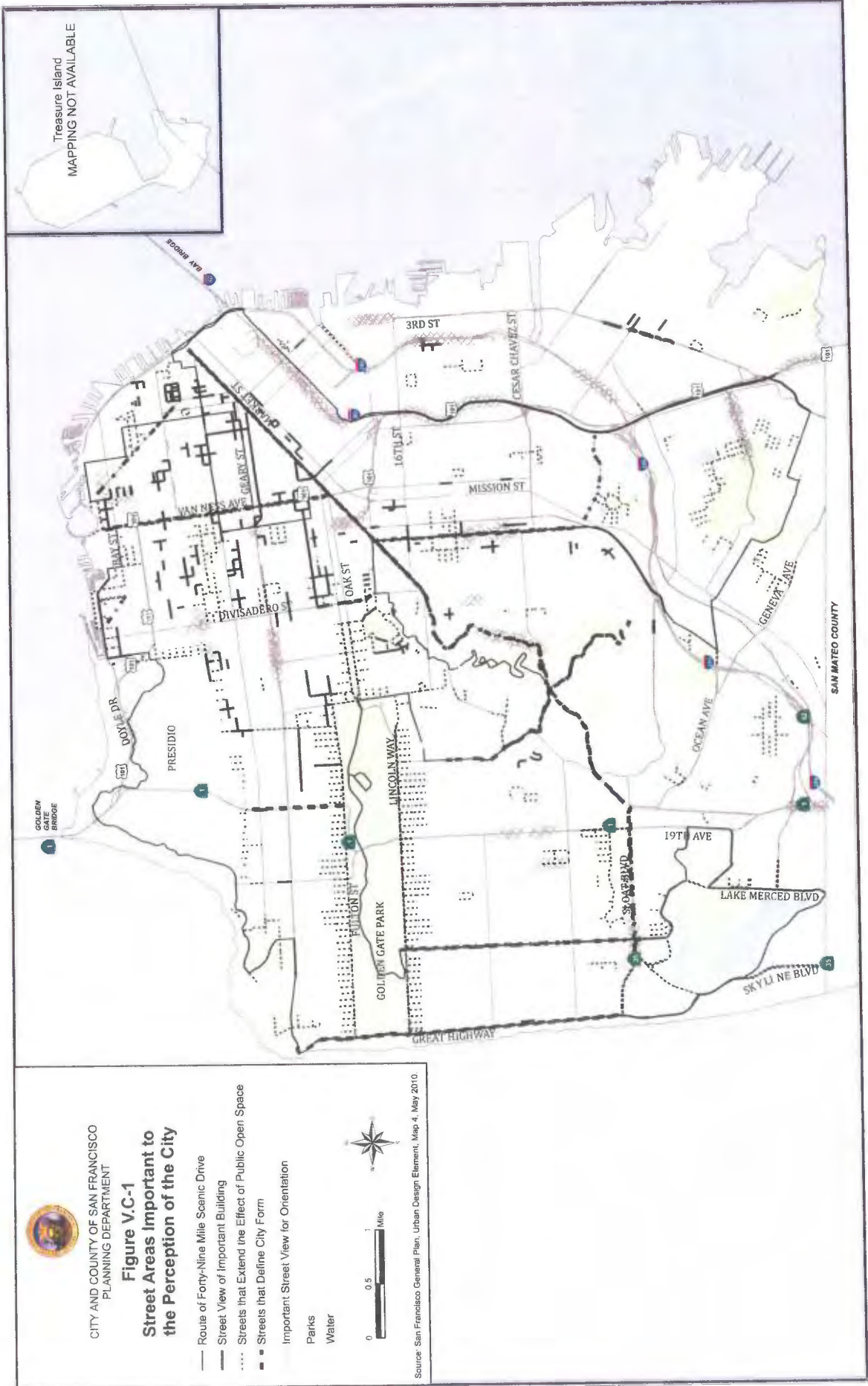


SAN FRANCISCO  
PLANNING  
DEPARTMENT

Draft EIR Publication Date:	June 30, 2010
Draft EIR Public Hearing Date:	August 5, 2010
Draft EIR Public Comment Period:	June 30, 2010 – August 16, 2010

*Written comments should be sent to:*

Environmental Review Officer | 1650 Mission Street, Suite 400 | San Francisco, CA 94103





## IMPACTS

### Significance Thresholds

The proposed Housing Elements would normally have a significant effect on the environment if they would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting;
- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties.

### Impact Evaluation

As discussed previously, the 2004 Housing Element and 2009 Housing Elements would not change the land use objectives and policies in the City's area and redevelopment plans. According to Part I of the 2009 Housing Element (Data and Needs Analysis), the City has available capacity to meet the RHNA. Therefore, the rezoning of land uses is not required. To meet the City's share of the RHNA, the proposed Housing Elements aim to do the following: 1) preserve and upgrade existing housing units to ensure they do not become dilapidated, abandoned, or unsound, and 2) provide direction for how new housing development in the City should occur. With respect to the latter, the 2004 Housing Element encourages new housing in Downtown and in underutilized commercial and industrial areas. The 2004 Housing Element also encourages increased housing in neighborhood commercial districts and mixed-use districts near Downtown. The 2009 Housing Element encourages housing in new commercial or institutional projects and accommodating housing through existing community planning processes.

***Impact AE-1: The proposed Housing Elements would not have a substantial adverse effect on a scenic vista. (Less than Significant)***

New residential housing could result in an impact related to scenic vistas if it would be developed in a manner that obstructs views from a scenic vista from a public area or introduces a visual element that would dominate or upset the quality of a view. The proposed Housing Elements do not change the allowable development in the City. However, the Housing Elements may promote increased density (as described below) which could result in greater bulk and mass of buildings thereby potentially affecting scenic vistas.

As shown in Figure V.C-2, important vistas are primarily viewed from public parks or open space, which would not be at risk for conversion to housing uses. New housing could also encroach into a scenic vista and alter the appearance of the vista. As discussed previously, Telegraph Hill, Russian Hill, Pacific Heights, Buena Vista, and Dolores Heights are areas with outstanding visual features that are unique to

Generally, allowable height and bulks, as established in the San Francisco Planning Code are intended to reflect the City's topography and take advantage of the City's scenic vistas. However, individual development projects could have the potential to affect scenic vistas; this issue is appropriately considered in the project-specific environmental review of proposed new development. Additionally, in some circumstances, modified controls such as increased height limits could result in reductions to building bulk and preservation of views that might otherwise be blocked by a more massive structure. For example, the EIRs for Transbay Terminal<sup>8</sup> and Rincon Hill<sup>9</sup> areas identified this relative difference in the effect of building heights and massing and the respective EIRs for these projects appropriately evaluated increases in building heights. However, it is possible that changes in density standards and encouraging development to maximum allowable heights could indirectly result in taller and bulkier buildings that may potentially affect a scenic vista.

The following 2004 Housing Element policies could counteract the 2004 Housing Element's potential to result in an adverse effect on a scenic vista by preserving existing housing, which would reduce the need for new construction, and the potential for the construction of taller or bulkier buildings. Additionally, policies that promote the preservation of housing within the existing neighborhood scale could be expected to reduce the potential for new development that could affect a scenic vista.

Impact	2004 Housing Element	Corresponding 1990 Residence Element Policy
Retain existing housing, which could reduce demand for construction of new housing, potentially avoiding adverse impacts on scenic vistas.	Policy 2.1: Discourage the demolition of sound existing housing.	3.1: Discourage the demolition of sound existing housing.
	Policy 2.4: Retain sound existing housing in commercial and industrial areas.	3.6: Restrict the conversion of housing in commercial and industrial areas.
Retain existing neighborhood scale	Policy 1.1: Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established	Policy 2.1: Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood character.

<sup>8</sup> As discussed in Section 5.15 (Visual and Aesthetics) of the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final EIS/EIR, March 2004.

<sup>9</sup> As discussed in Section III.B (Visual Quality) of the Rincon Hill Plan Final EIR, Certified May 5, 2005.



***Impact AE-2: The proposed Housing Elements would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting. (Less than Significant)***

New construction could result in impacts related to damaging scenic resources if new housing would directly affect environmental features, such as topographic features, landscaping, or a built landmark that contributes to a scenic public setting. Figure V.K-1 in section V.K (Recreation) depicts San Francisco's open spaces. These open spaces contain the majority of the City's natural scenic resources. As shown in this map, much of San Francisco's larger tracts of open spaces are located on the west side of the City, with some larger open spaces also located along the southern edges of the City. San Francisco's landmark buildings are shown on Figure V.E-1 in section V.E (Cultural and Paleontological Resources). The majority of San Francisco's landmarks are confined to the northeastern portion of the City. The following addresses the potential for the 2004 and 2009 Housing Element policies to substantially damage scenic resources.

#### *2004 Housing Element Analysis*

The 2004 Housing Element includes policies that promote development of vacant and/or underutilized lands (2004 Housing Element Implementation Measure 4.1.4) to a similar degree as the 1990 Residence Element (Policy 1.1). Additionally, as discussed under Impact V.AE-1, the 2004 Housing Element promotes increased residential density more so when compared to the 1990 Residence Element policies. Promoting increased residential densities in tandem with the development or redevelopment of vacant and underutilized lands could result in potential impacts related to scenic resources. For example, new development that could occur on vacant or undeveloped parcels or redevelopment of underutilized parcels could affect existing natural features that would have otherwise remained without the emphasis to develop/redevelop a particular site. Although some 2004 Housing Element policies could increase the potential for development of underutilized and/or vacant lands that may potentially contain scenic resources, 2004 Housing Element Policies 2.1 and 2.4 could reduce the potential for this impact by promoting housing retention and discouraging demolition. Discouraging demolition of existing structures and retaining existing housing units would help ensure that redevelopment of sites would not result in substantial changes to the overall building footprint, thereby reducing the potential to affect any existing scenic resources. Regardless, development of sites with scenic resources could occur, however any impacts to scenic resources under such circumstances would be development specific and appropriately addressed during the environmental analysis prepared for the specific project.

New development would be required to comply with the previously discussed regulations, including the Residential Design Guidelines, Section 311 of the San Francisco Planning Code and the Urban Design Element of the San Francisco General Plan. Additionally, street trees (and other trees including Landmark trees) that may be considered a scenic resource are protected under the City's tree ordinance (as described above), and therefore the 2004 Housing Element policies would not be anticipated to substantially affect the City's street trees. Furthermore, the majority of the City's scenic resources are confined to open spaces designated as public land and under the jurisdiction of the Recreation and Parks Department and other state and federal agencies and therefore are not expected to be converted to residential uses. Therefore, the 2004 Housing Element would not directly or indirectly damage scenic resources, and the



2004 Housing Element would have a *less than significant* impact with respect to substantially damaging scenic resources.

#### *2009 Housing Element Analysis*

As discussed under Impact AE-1, the 1990 Residence Element promotes increased density on a broader, citywide, scale to a greater extent than the 2009 Housing Element. Some policies in the 2009 Housing Element could promote density for affordable housing projects and as a strategy to be pursued during community planning processes. The 2009 Housing Element also promotes development of underused and surplus public lands (Implementation Measure 4). As discussed in the analysis for the 2004 Housing Element policies that promote increased residential densities in tandem with the redevelopment of underutilized lands could result in potential impacts related to scenic resources by increasing the development potential of the site, thereby incentivizing the redevelopment of underused sites. Nonetheless, the 2009 Housing Element, when compared to the 1990 Residence Element, does not aggressively promote density more so than the 1990 Residence Element. When taken as a whole, the 2009 Housing Element would promote density to a lesser extent than the 1990 Residence Element, which could potentially result less development incentive for underused sites. Regardless, development of sites with scenic resources could occur, however any impacts to scenic resources under such circumstances would be development specific and appropriately addressed during the environmental analysis prepared for the specific project. New development would be required to comply with the previously discussed regulations, including the Residential Design Guidelines, Section 311 of the San Francisco Planning Code, the Urban Design Element of the San Francisco General Plan, and the City's tree protection ordinance.

Furthermore, 2009 Housing Element Policies 2.2 through 2.5 and Implementation Measure 37 could reduce this impact for similar reasons as discussed above under the 2004 Housing Element analysis. In addition, 2009 Housing Element Policy 11.6 preserves landmark buildings, some of which could be considered a scenic resource of the built environment. Additionally, the majority of the City's scenic resources are confined to open spaces designated as public land and under the jurisdiction of the Recreation and Parks Department and other state and federal agencies and therefore are not expected to be converted to residential uses. Also, as discussed above, the policies noted would not directly result in new residential development and would, thus, not directly or indirectly damage scenic resources. Therefore, the 2009 Housing Element would not directly or indirectly damage scenic resources, and the 2009 Housing Element would have a *less than significant* impact with respect to substantially damaging scenic resources.

***Impact AE-3: The proposed Housing Elements would not substantially degrade the existing visual character or quality of the site and its surroundings. (Less than Significant)***

New construction could result in impacts related to visual character if new housing would be developed with greater densities or heights than surrounding land uses or introduce incompatible uses in such a way as to substantially degrade the character or quality of the site. The existing visual characteristics throughout the City, similar to the land uses, are varied and reflect the change in the development patterns, land uses, and architectural styles in the City. Telegraph Hill, Russian Hill, Pacific Heights,

character because the 2009 Housing Element would not change allowable land uses or increase allowable building height and bulk. Similarly, as the 2009 Housing Element would not result in changes to the physical land use controls or to allowable uses, the 2009 Housing Element would not be expected to result in substantial changes to the City's existing visual character. Additionally, the following 2009 Housing Element policy would further consider neighborhood character when developing new housing, thereby reducing the potential for new development to degrade the existing visual character.

Impact	2009 Housing Element	Corresponding 1990 Residence Element Policy
Respect existing neighborhood character.	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 12.4: Promote construction of well designed housing that conserves existing neighborhood character.

As shown above, the differences between 2009 Housing Element Policy 11.1 and 1990 Residence Element Policy 12.4 are not significant and would not represent a shift in policy. 1990 Residence Element Policy 12.4 provides guidelines for development that are intended to preserve neighborhood character. The 2009 Housing Element recognizes the diversity in architectural styles throughout the City. 2009 Housing Element Policy 11.1 would ensure that future development would be consistent with existing neighborhood character. Moreover, as with the 2004 Housing Element, there would be no direct or indirect substantial adverse change to visual character attributable to the 2009 Housing Element policies.

Overall, the 2009 Housing Element would promote measures that would increase the housing supply in a manner that does not present conflicts with existing visual character. Development associated with new residential units would be required to comply with the previously discussed regulations and requirements. Therefore, the 2009 Housing Element would have a *less than significant* impact with respect to degradation of existing visual character.

***Impact AE-4: The proposed Housing Elements would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties. (Less than Significant)***

Implementation of the 2004 Housing Element and 2009 Housing Element could result in impacts related to light and glare if new housing would introduce new sources of light or glare that are unusual for an urban area. New housing could introduce new sources of light and glare if reflective glass or if bright, decorative or security lighting is used. However, for infill development that would replace open parking lots or yards, softer lighting that generates less glare than the present security lighting would typically be used. Additionally, residential exterior lighting tends to be focused on specific areas, rather than lighting a wide area such as a surface parking lot or undeveloped parcels. City Resolution 9212 prohibits the use of highly reflective or mirrored glass in new construction. New development would be required to comply

**EXHIBIT G**





**EXHIBIT H**



For Health Department Use Only

Date Application Filed: <i>November 21, 2014</i>	Health District: <i>2 3 4 5</i> OTHER:	Inspector: <i>Amelia G.</i>	Phone: <i>352-3838</i>
Date to Zoning:	Supervisor Initials: <i>KH/KC</i>	Date: <i>11/24/14</i>	
Date from Zoning:			



CITY AND COUNTY OF SAN FRANCISCO  
 DEPARTMENT OF PUBLIC HEALTH, ENVIRONMENTAL HEALTH  
 1390 Market Street, Suite 210, San Francisco, CA 94102

## Zoning Referral for Health Permit

### 1. Business Information

BUSINESS STREET ADDRESS:

*3333 CALIFORNIA ST. STE 232 SAN FRANCISCO, CA 94118*

NAME OF BUSINESS:

*THE VIEW CAFE*

*(located within UCSF campus)*

TOTAL GROSS SQUARE FEET (GSF) OF AREA (includes storage and bathroom areas):

*1183 assignable square feet*

OUTDOOR SEATING AREA?

☐ Yes ☒ No

WHAT FLOOR OF THE BUILDING WILL THE BUSINESS OCCUPY?

☐ Ground (First) Level ☒ Second Level ☐ Third Level ☐ Other Level:

*2014-002287 MIS*

1a. Change of Use (depending of the zoning of the property, neighborhood notification may be required): ☐ Yes ☒ No

If yes, what is the existing use?

1b. Change of Ownership?

If not a change of ownership, then is it a new establishment? ☐ Yes ☐ No

1c. Is the establishment vacant?

If yes, how long was the establishment vacant?

1e. Do you proposed to alter the interior or exterior of the establishment?

If yes, what is the Building Permit Application Number?

1f. Is the business a Formula Retail Chain with 12 or more locations within the U.S.?

If yes, a Formula Retail Affidavit is required. (Formula Retail - P.C. Sec. 703.3 & 703.4)

### 2. Type of Operation

Please indicate the type of operation (summary descriptions on reverse):

☐ Restaurant 790.91

☐ Limited Restaurant 790.90

☐ Bar 790.22

☐ General / Specialty Grocery 790.102(a) and (b)

☒ Other: *COFFEE SHOP*

*(considered limited restaurant use under the planning code)*

If Other, please describe more about this type of operation:

2a. Accessory Use (Business within another business)?

☐ Yes ☒ No

If yes, plans are required.

2b. Days / Hours of Operation: *Monday - Friday, From 7am - 4:30 pm*

### 3. Applicant's Affidavit

NAME:

*SARPRANETH KIM*

☐ Property Owner ☒ Authorized Agent

MAILING ADDRESS: (STREET ADDRESS, CITY, STATE, ZIP)

*1020 GOETTINGEN ST. SAN FRANCISCO, CA 94134*

PHONE:

*(415) 602-7765*

EMAIL:

*SARPRANETH\_KIM@YAHOO.COM*

- I am the owner or authorized agent of the owner of this property.
- The information presented on this application is true and correct to the best of my knowledge.
- Additional information or applications may be required in order to render this application complete.

Applicant's Signature:

Date: *Nov, 21<sup>st</sup>, 2014*

PLEASE SUBMIT THIS FORM TO:

Department of Public Health, Environmental Health  
 1390 Market Street, Suite 210  
 San Francisco CA 94102  
 (415) 252-3800

## PLANNING DEPARTMENT USE ONLY

BLOCK / LOT: <b>1032 / 003</b>	ZONING: <b>Rm-1</b>	RUD / SUD:	LCU / NCU:
ZONING REFERRAL NUMBER: <b>2014-002281 NLS</b>	OFFICIAL SITE ADDRESS (if different):		
BPA NUMBER:	312 NOTICE COMPLETE: <input type="checkbox"/> Yes <input type="checkbox"/> No	PRELIMINARY SCREENING? <input type="checkbox"/> Yes <input type="checkbox"/> No	
CASE NO.:	MOTION NO.:	EFFECTIVE DATE:	CONDITIONS: <input type="checkbox"/> Yes <input type="checkbox"/> No
OTHER:			

## ADDITIONAL DOCUMENTS REQUIRED:

☐ SITE PLAN    ☐ MESSAGE DOCS    ☐ OTHER:

## RECOMMENDATION:

Per Planning Code Section:

☒ APPROVAL    ☐ DISAPPROVAL  
 CONDITIONS OF APPROVAL:

## COMMENTS:

Limited Restaurant is permitted as a continuation of an existing use.

## AUTHORIZATION:

Signature:

*Sharon Young*

Date:

12/5/14

Printed Name:

SHARON YOUNG

Phone:

(415) 558-6346

**Restaurant** <sup>790.91</sup>: A retail eating and/or drinking use which serves prepared, ready-to-eat cooked foods to customers for consumption on or off the premises and which has seating. It may have a Take-Out Food <sup>790.122</sup> as a minor and incidental use. It may provide on-site alcohol sales for drinking on the premises (ABC Types 41, 47, 49, 59, or 75); however, if it does it is required to operate as a Bona Fide Eating Place <sup>790.142</sup>. It is not required to operate within an enclosed building per Section 703.2(b)(1) so long as it is also a Mobile Food Facility <sup>102.34</sup>. Any outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area.

**Limited Restaurant** <sup>790.90</sup>: A retail eating and/or drinking use which serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises, that may or may not have seating. It may provide off-site beer and/or wine sales for consumption off the premises with an ABC Type 20 license within the accessory use limits of Section 703.2(b)(1)(C)(vi).

**Bar** <sup>790.22</sup>: A retail use which provides on-site alcoholic beverage sales for drinking on the premises. ABC License Types include: 42, 48, or 61 (no minors permitted on premises) and 42 or 60 (minors permitted on premises).

**General Grocery** <sup>790.102(a)</sup>: A retail food establishment that offers a diverse variety of unrelated, non-complementary food and non-food commodities. May provide beer, wine, and/or liquor sales for consumption off the premises with ABC Type 20 or 21 within the accessory use limits of Section 703.2(b)(1)(C)(vi). May prepare minor amounts or no food on-site for immediate consumption.

**Specialty Grocery** <sup>790.102(b)</sup>: A retail food establishment that offers specialty food products, such as baked goods, pasta, cheese, confections, coffee, meat, seafood, produce, artisanal goods and other specialty food products, and may also offer additional complementary food and non-food commodities. May provide beer, wine, and/or liquor sales for consumption off the premises with ABC Type 20 or 21 within the accessory use limits of Section 703.2(b)(1)(C)(vi). May prepare minor amounts or no food on-site for immediate consumption.

**Other may include:** **Massage Establishment** <sup>790.60</sup>, **Tobacco Paraphernalia Establishment** <sup>790.123</sup>,

**Medical Cannabis Dispensary** <sup>790.141</sup>, **Service, Personal** <sup>790.116</sup>, **Take-out Food** <sup>790.122</sup>

For more information regarding types of establishments, zoning, and Planning Code questions, you may go on-line to [www.sfplanning.org](http://www.sfplanning.org) or contact the Planning Information Center (PIC) for more information:

## Planning Information Center (PIC)

1660 Mission Street, First Floor

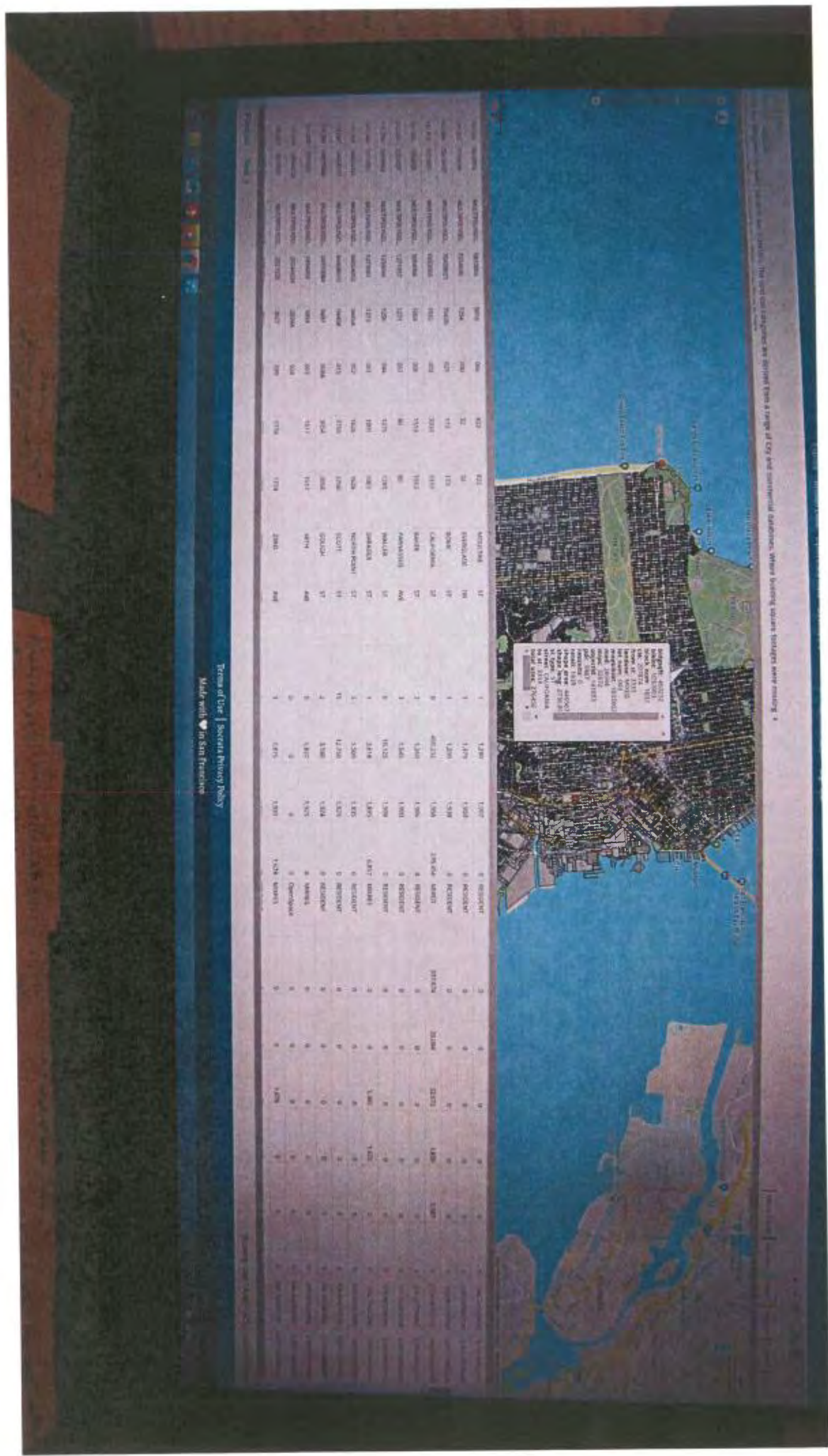
San Francisco CA 94103-2479

TEL: 415.558.6377

Planning staff are available by phone and at the PIC counter. No appointment is necessary.

**EXHIBIT I**





**EXHIBIT J**





City and County of San Francisco  
Department of City Planning

450 McAllister Street  
San Francisco, CA 94102

ADMINISTRATION  
(415) 558-5111 / 558-4850  
CITY PLANNING COMMISSION  
(415) 558-4868  
PLANS AND PROGRAMS  
(415) 558-4841  
IMPLEMENTATION / ZONING  
(415) 558-3055

June 25, 1986

M E M O

UCSF - Laurel Heights  
3333 California St.

TO: Supervisor John Molinari  
FROM: Dean L. Macris  
RE: UCSF-Laurel Heights  
3333 California Street (at Presidio)  
(formerly Fireman's Fund office building)

As a result of recent inquiries about the proposed UCSF-Laurel Heights campus, we have compiled the following background information about the property. Because the University of California is not subject to local zoning regulations, no permits have been filed with the City for the proposed use. Nevertheless, the University has prepared a draft EIR, which we have reviewed. A copy of our comments on the EIR is attached for your information.

Project Description

Two buildings were constructed in three phases (1955-1966) on the 10-acre site as corporate headquarters of Fireman's Fund Insurance Company, which occupied the building through 1982. The building was purchased in 1982 by Presidio Corporate Center and renovation was begun for use as an office building. It was subsequently purchased by the Regents of University of California in February 1985. Current development on the site is as follows:

354,000 square feet of gross building area in main building  
13,000 square feet of gross building area in annex building  
97,500 square feet of parking area (549 spaces)

Building Use

Existing use in 1982	Fireman's Fund	1260 employees
Proposed use in 1988	UCSF School of Pharmacy	400 persons
	CalTrans, approximately	840 persons
	Private lessees	<u>20 persons</u>
		1260 persons
Proposed use in 1995	UCSF School of Pharmacy (CalTrans will vacate when lease expires)	860 persons

3333 California St.

Zoning History

- 1921 Original zoning was "First Residential". Site was formerly a portion of the Laurel Hill Cemetery.
- 1952 Zoning changed to "Commercial" in order to permit development of Fireman's Fund Corporate Headquarters. CPC Resolution 4109 approves zoning change and establishes conditions for use of property (copy attached). Conditions include:
1. Use limited to professional, institutional, or office buildings.
  2. Aggregate gross floor area limited to total area of property (approximately 435,600 square feet).
  3. Parking to be 1 space for each 500 square feet of gross floor area.
  4. No buildings within 100 feet of Euclid Avenue or Laurel Street and Mayfair Drive.
  5. Conditions for residential development if such should occur in future.
  6. Landscaping requirements.
- 1960 Zoning changed to "R-4" (as part of citywide rezoning program), which permits office/institutional use as "transitional". Prior stipulations of Resolution 4109 continue to apply.
- 1978 Zoning changed to "RM-1" (as part of citywide rezoning program), which does not permit office/institutional uses.

However, because use was established in conformity with zoning at time of development, status becomes Non-Conforming Use (NCU) with a 50 year termination date (Section 185(b)). Use also qualifies as a Limited Commercial Use (LCU) (Section 186(a)2) which allows continuation without termination date. Prior stipulations of Resolution 4109 continue to apply.

Compliance provisions permit continuation as office use or conversion to institutional or hospital use without termination date.

Extent of Local Control

The University of California is not subject to local zoning review.

If local zoning did apply, building permit applications for remodeling or conversions to institutional use would not require conditional use or other special use review by Department of City Planning. However, City Planning Commission could elect to review building permit applications and establish conditions for approval under powers of Discretionary Review.

Attachments

0019m

**EXHIBIT K**

City and County of San Francisco

Department of City Planning



February 22, 1981


Mr. John Cloudsley, Jr.  
Page, Cloudsley & Baleix  
400 Montgomery Street  
San Francisco, CA

RE: Fireman's Fund Office Site,  
3333 California Street  
Lot 3 in Assessor's Block 1032;  
Use of Existing Property by  
more than one firm.

Dear Mr. Cloudsley:

This is to confirm the above-described property is considered a nonconforming use under the City Planning Code. Provisions of the Code applicable to nonconforming uses and this RM-1 zoned site will permit the property to be converted from its present use by a single firm to use by more than one firm. The total floor area in commercial use may not be expanded, however.

Sincerely,

  
Robert W. Passmore  
Assistant Director of  
Planning-Implementation  
(Zoning Administrator)

RWP/jf

3333 Calif

**EXHIBIT L**





# SAN FRANCISCO PLANNING DEPARTMENT

## Letter of Determination

March 5, 2015

J. Gregg Miller, Jr.  
Coblentz Patch Duffy & Bass LLP  
One Ferry Building, Suite 200  
San Francisco CA 94111-4213

Site Address:	3333 California Street
File No:	2015-001580ZAD
Assessor's Block/Lot:	1032/003
Zoning District:	RM-1 (Residential, Mixed, Low-Density) District
Staff Contact:	Mary Woods, (415) 558-6315 or <a href="mailto:mary.woods@sfgov.org">mary.woods@sfgov.org</a>

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Dear Mr. Miller:

This letter is in response to your request for a Letter of Determination regarding the property at 3333 California Street. This parcel is located in the RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District. The request includes two main components: (1) confirmation of the current office use and its continuation as a legal, non-conforming use, not subject to Planning Code Section 321 with respect to the Office Development Annual Limit Program; and (2) confirmation that certain deferred maintenance work, property upgrades, and tenant improvements would not be considered an intensification or expansion of the legal, nonconforming office use, pursuant to Planning Code Section 186.

In your letter, dated February 10, 2015, you stated that there are two existing buildings at the site: a "main building" and an "annex building." The main building contains approximately 348,800 gross square feet of office use, and the annex building contains approximately 14,000 gross square feet of office use. The site also contains 541 off-street parking spaces, of which 212 are located in the main building's three levels of below-grade parking. The remaining 329 parking spaces are located in surface lots.

The site was part of the Laurel Hill Cemetery from the mid-1850s until the early 1940s. The San Francisco Unified School District (SFUSD) owned the property until the early 1950s. The Fireman's Fund Insurance Company (Fireman's) purchased the property from SFUSD in April, 1953. It then developed the site in phases between 1955 and 1966 as its corporate headquarters. Fireman's occupied the site from 1957 to 1982 (when it relocated to Novato, California). The property was then sold to a private party in 1982, during which time it underwent office renovations and was occupied with office tenants. In January, 1985, the Regents of the University of California (UC Regents) purchased the property subject to then-existing office leases. UC Regents has occupied and used the site for office uses and ancillary uses since 1985.

J. Gregg Miller, Jr.  
One Ferry Building, Suite 200  
San Francisco, CA 94111-4213

March 5, 2015  
Letter of Determination  
3333 California Street

In your February 10, 2015 letter, you indicated that, currently, the Prado Group, Inc./SKS Partner LLC and the UC Regents have entered into an exclusive negotiating agreement with respect to the future of the property. With that in mind, you are seeking a determination with respect to the current uses, the continuation of those uses, change in tenancy, and associated maintenance work and upgrades. The upgrades may include: replacing the HVAC systems, upgrading the mechanical, electrical and plumbing systems, replacing the glazing system, and improving the landscaping and hardscape.

The site is currently zoned RM-1. Under the RM-1 zoning, office uses are generally not permitted. However, Section 186 of the Planning Code allows for the continuation of legal, non-conforming uses, despite limitations on the duration of such non-conforming uses set forth in Section 185 of the Planning Code. Because the two existing buildings were lawfully constructed and occupied as offices prior to the enactment of the RM-1 zoning in 1978, they have legal, non-conforming use status under Section 186 and, therefore, are not subject to the limitations set forth in Section 185.

Your letter also referenced past letters of determination by the Zoning Administrator in 1981 and 1983, which discussed issues related to multi-tenancy and continuation of the nonconforming office use. In the February 22, 1981 letter, the Zoning Administrator stated that the "...property is considered a nonconforming use...and this RM-1 zoned site will permit the property to be converted from its present use by a single firm to use by more than one firm." In the August 4, 1983 letter, the Zoning Administrator confirmed the continuation of the nonconforming business office use allowing "...business office use of the property at all levels, without expansion, and with activities, signs and hours limited by Section 186(b) of the Code. There is no termination date for continued business office use within these controls."

With regard to Section 321 of the Planning Code, the Office Development Annual Limit Program and associated development impact fees would not apply to the property since they were enacted after the existing office uses were lawfully established in 1957.

With respect to maintenance work, upgrades, and tenant improvements, Section 181 of the Planning Code allows certain maintenance and repair work, and minor alterations to be made to nonconforming uses, as long as such work continues to be consistent with the applicable restrictions of Section 181.

## Determination

Based on City records of the property's continued occupancy as office spaces, and current zoning provisions, it is my determination that the existing office use may continue indefinitely as a legal, nonconforming use, and that the maintenance work, property upgrades and tenant improvements constitute permissible alterations under Section 181 of the Planning Code. In the event that the nonconforming use is abandoned or discontinued for three years or more, Section 183 of the Planning Code shall apply.

**APPEAL:** If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

J. Gregg Miller, Jr.  
One Ferry Building, Suite 200  
San Francisco, CA 94111-4213

March 5, 2015  
Letter of Determination  
3333 California Street

Sincerely,



Corey A. Teague  
Acting Zoning Administrator

cc: Property Owner at: Regents of the University of California, 3333 California Street, Suite 102, San Francisco, CA 94118  
Neighborhood Groups  
Mary Woods, Planner

**EXHIBIT M**

## UDAT NOTES

**Project:** 3333 California

**Planner:** Brittany Bendix

**Date:** November 16, 2017

**Attendees:** David Winslow, Glenn Cabrereros, Maia Small, Brittany Bendix, Jeff Joslin

---

The sloped site occupies a transition zone between several neighborhoods and proposes partial retention and adaptive re-use of an existing non-complying building with respect to height, and non-conforming office use. The site is in an RM -1 / 40-X district. The project is organized around a plaza, a hill top green space, and several public accessible ways. The site is bounded by five street frontages: California, Presidio, Masonic, Euclid, and Laurel.

### **Site Design and Open Space**

#### Walnut extension

UDAT recommend continued effort to reinforce the sense of Walnut as a street rather than a garage access lane. The width of the parking entrances should be no greater than a single lane (12'). Garage doors should be brought close to the face of buildings rather than deeply recessed. Sidewalks should span driveways on Walnut Street. Driveways on Walnut should have curb aprons as opposed to the curb returns shown, allowing for a contiguous public sidewalk into the site.

UDAT recommends the pick-up and drop-off area at the southeastern end of Walnut extension be designed to act and feel primarily as a pedestrian plaza. Consider amenities and design treatments that enhance that use.

Euclid Park seems to show retaining walls and other interruptions. It seems strongest as a single zone of lawn.

### **Parking**

The current proposal shows 558 dwelling units with 885 parking spaces, which translates to 1.6 parking spaces per dwelling unit. The quantity of parking proposed will likely trigger several measures to offset automobile usage through the Transportation Demand Management program (TDM) which is designed to incentivize transit and active transportation modes like walking and biking and depress demand for single occupancy vehicle use by residents of and visitors to the site. Since the project site is within quarter mile (5 minute walk) of numerous transit lines several of which fall on the Muni Rapid network, SDAT strongly encourages the project sponsor to reduce the off-street parking ratio within the project.



Masonic Parking Entrance: Design so as to minimize the cavernous gap in the street wall: explore angling entrance perpendicular to Masonic and reducing the width of the throat. Explore maximizing the slope of the ramp to allow a door and roof covering to come closer to the street.

Laurel parking Entrance:

To diminish the scale of the garage entrance, please consider dividing into two doors 10' wide and setback slightly (2'-3') from face of building wall.

## Architecture

California Building east (office Bldg):

Though proposed as an office building, this should be compatible with the overall context, which is dependent on detailing and materiality that provides a neighborhood sense of scale and character.

California and Laurel (Plaza 'A' Building):

While the use of balconies is encouraged to support an active interface between buildings and public realm, the open, continuous wrap-around balconies appear to remove too much building frontage from the street wall, do not reinforce a sense of individual use, and tend to overemphasize the horizontality of the buildings. Balance the transparency of the balconies to vertically modulate the building façade, and balance the open ness with more solid guardrail.

Laurel Townhomes:

The ground floor frontage reads as mostly garage doors. Explore alternative means for aggregating or minimizing the single car parking function to better express the townhouses with landscaped front yards and entries with porches.

Mayfair Building Elevation:

Please explore materials and detailing compatible with the block face. Minimize the use of metal panels and open balconies.

Bridge: Consider how the bridge across the north-south walnut lane should be invitational and frame and the space at an appropriate scale for pedestrians. There is an opportunity to design this as a visible public serving amenity / celebratory focal element.

As the design of individual buildings continues to develop, please provide larger scale drawings and details.

**KATHRYN R. DEVINCENZI**  
22 IRIS AVENUE  
SAN FRANCISCO, CALIFORNIA 94118-2727  
Telephone: (415) 221-4700  
Email: KRDevincenzi@gmail.com

BY HAND DELIVERY

June 8, 2018

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

**RECEIVED**

JUN 08 2018

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

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

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

1  
(CEQA-5)

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

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

### **Governing Principles**

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

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sections 21068, 21100(d). 14 California Code of Regulations (“CCR”) section 15382 defines a “significant effect on the environment” as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” Under 14 CCR section 15064(a)(1), if there is substantial evidence in light of the whole record before an agency that a project may have a significant effect on the environment, the agency must prepare a draft EIR.

1  
(CEQA-5)  
cont'd

In preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project irrespective of whether an established threshold of significance has been met with respect to any given effect. *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1106-07.

As used in this submission, “project” will mean the proposed project as well as the proposed project variant, unless otherwise indicated.

**1. The Proposed Project Would Have a Significant Adverse Impact on Geology and Soils.**

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

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

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

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

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

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 June 8, 2018  
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“Change substantially the topography or any unique geologic or physical features of the site.” Ex. C, San Francisco 2004 and 2009 Housing Element EIR (“Housing Element EIR”), p. V.O-25.

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

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

Construction of the proposed project or project variant would require earthwork activities across the entire project site. According to the Initial Study, the depths of excavation would range from 7 to 40 feet below the existing grade, with a total of approximately 241,300 net cubic yards of excavated soils generated during the approximately 7 to 15-year construction period. Only approximately 3,700 cubic yards of excavated soils would be reused on the project site as fill. IS p. 207. Evidence of the method used to calculate the amounts of excavated soils was not included in the IS and must be provided in the Draft EIR to afford an opportunity for public comment on the accuracy of the calculation and severity of resulting impacts.

2  
 (GEO-2)

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

As explained in the EIR for the 2009 Housing Element:

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

As evidenced by the Langan Treadwell Rollo report and the Initial Study, substantial amounts of existing topsoil would be removed to construct underground parking garages in the Masonic Building, Mayfair Building, Plaza A and B Buildings and Walnut Building and new multi-unit



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buildings. Paved pathways and stairways would be constructed on areas which are now planted with vegetation and grasses. 37 percent of the site is now landscaping or landscaped open space. IS p. 210.

2  
(GEO-2)  
cont'd

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

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

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

3  
(GEO-3)

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

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





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the Initial Study.]

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

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

The existing Terrace on the 3333 California Street site, “as the ‘centerpiece’ of the landscape, designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco)” currently exists on the site and overlooks views of San Francisco. (Ex. E, Nomination p. 28)

The proposed project would have a significant impact on the environment because it would result in excavation of substantial portions of Laurel Hill and alter existing slopes, including the areas known for its views of the City. (See Ex. G, photographs of areas of Laurel Hill proposed for excavation)

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

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

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

The EIR must analyze the substantial alteration of the south, east and western slopes of Laurel

3  
(GEO-3)  
cont'd



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Hill as a result of construction of the Euclid, Masonic and Mayfair buildings and underground garages as a significant impact and analyze alternatives and mitigation measures that would avoid or reduce the impact.

3  
(GEO-3)  
cont'd

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

4  
(GEO-1)

The Langan Treadwell Rollo Preliminary Geotechnical Investigation dated 3 December 2014 (Ex. H "LTR") constitutes expert evidence supported by fact that all of the aforementioned potentially significant impacts could occur as a result of the proposed project. The Initial Study violates the requirements of CEQA because it fails to analyze these impacts a significant impacts and fails to require binding and enforceable mitigation measures to reduce or avoid these significant effects as a condition of approval of the project.

The Revised Environmental Evaluation explains that massive excavation would occur on the project site for below-grade parking garages, the basement levels of buildings and site terracing, as the project would excavate approximately 61 percent of the surface of the site (274,000/446,479 square feet) at depths of 7 to 40 feet. Revised Environmental Evaluation p. 28. The Initial Study estimates that 241,300 net cubic yards of soils would be excavated (which is 2,171,700 square feet of soils). IS p. 207. Approximately 288,300 cubic yards of demolition debris and excavated soils would be removed from the project site, and approximately 3700 cubic yards of soil would be reused on the project site as fill. IS p. 78.

LTR advises that adverse effects could occur onsite that could result in damage from the following conditions that could result from project activities:

- the presence of fill and loose sand will affect foundation support and excavation support (p. 9).
- the new building to be constructed adjacent to the parking garage may impose surcharge on the basement wall of the parking garage; to avoid surcharging the wall, the western perimeter wall of the new building may need to be supported on drilled piers that gain support in the bedrock below the elevation of the bottom of the parking garage. (LTR, p. 10).
- the proposed single basement will require an excavation of approximately 12 feet below the ground surface; the primary considerations related to the selection of the shoring system are the presence of fill and loose to medium-dense sand and the potential settlement of adjacent structures and improvements caused by movement of temporary shoring (LTR, p. 10).



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- to retain the excavation sides for the multi-level basements, a retaining system with tiebacks may have been used; therefore, tiebacks may be encountered during basement excavation for new structure located east of the parking garage (LTR, p. 10).

- drilling of shafts for the soldier piles will likely require casing and/or use of drilling mud (slurry) to prevent caving; to prevent settlement of adjacent improvements, soldier piles should not be installed by driving or vibratory methods; a monitoring program should be established to evaluate the effects of the construction on the adjacent buildings and surrounding ground (LTR, p. 10-11).

- sand with low fines content was encountered within the zone of excavation.; to reduce caving, lagging boards should be placed with every foot of excavation to limit caving; voids that result from caving soil behind wood lagging should be grouted before proceeding to the next row of lagging (LTR, p. 11).

- the bottom of the excavation should be above the groundwater level; during drilling of the soldier-pile holes, groundwater or perched water may be encountered; to keep the holes from caving, casing and/or drilling slurry may be needed; alternatively, the soldier piles may be installed using auger-case method (LTR, p. 11).

- generally, soldier piles can be installed under the City's sidewalk provided that the top 3 feet of the soldier piles are removed after the permanent basement wall is cast; if tiebacks are needed, it has been our experience that using hollow-stem augers to install tiebacks in sand will result in loss of ground; therefore, tiebacks, if required, should be installed using smooth-cased method (such as a Klemm rig) to reduce loss of ground (LTR, p. 11).

- the soil at subgrade should consist of stiff to very stiff clay, medium dense sand, and bedrock; therefore, the slabs may be supported on grade; if weak soil is present at subgrade level, the weak soil should be removed and replaced as engineered fill (LTR, p. 11).

- the near surface soil was determined to be moderately corrosive; the corrosive soil will adversely affect below grade improvements, such as foundations and utilities; recommendations for protection of buried structures presented in Appendix D are that all steel, iron, etc, should be properly protected against corrosion depending upon the critical nature of the structure; all buried metallic pressure piping should be protected against corrosion (LTR, p. 11).

- if the site grading is scheduled for the rainy season, the near-surface soil may be too wet to achieve adequate compaction during site preparation and fill placement and may deflect significantly under the weight of construction equipment; for these conditions, moisture conditioning of the material and the use of lightweight equipment may be required to lower the soil to a moisture level that will promote proper compaction; methods of moisture conditioning

4  
 (GEO-1)  
 cont'd



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include mixing and turning (aerating) the soil to naturally dry the soil and lower the moisture content to an acceptable level; aeration typically requires at least a few days of warm, dry weather to effectively dry the material (LTR, p. 12).

4  
(GEO-1)  
cont'd

- if localized soft or wet areas are encountered, it may be necessary to over-excavate to a depth of 18 to 24 inches, place a layer of stabilizing geo-synthetic, and backfill with granular material to stabilize the subgrade and bridge the soft material (LTR, p. 12)

- bedrock encountered in the borings consists of serpentinite and sandstone; serpentinite contains naturally occurring asbestos; therefore a Site Mitigation Plan may be needed to be prepared prior to construction; bedrock handling and disposal should be performed in accordance with the Site Mitigation Plan. (LTR, p. 12)

- inclinations of temporary slopes should not exceed those specified in local, state or federal safety regulations; at a minimum the requirements of the current OSHA Health and Safety Standards for Excavations (29 CFR Part 1926) should be followed; temporary slopes less than 10 feet high should be inclined no steeper than 1.5: 1 (horizontal to vertical); in addition, all vehicles and other surcharge loads should be kept at least 10 feet away from the tops of temporary slopes (LTR, p. 13).

- all areas to receive improvements should be stripped of vegetation and organic topsoil; voids resulting from the demolition activities should be properly backfilled with lean concrete or engineered fill as described in the LTR recommendations (LTR, p. 14).

- prior to placement of any engineered fill, the onsite soil exposed by stripping should be scarified to a depth of at least 12 inches, moisture-conditioned to at least three percent above optimum moisture content, and compacted to at least 95 and 90 percent relative compaction for sand and clay, respectively; the soil subgrade should be kept moist until it is covered by select fill (LTR, p. 14).

- if soft areas are encountered during site preparation and grading, the soft material should be removed and replaced with engineered fill; if the soft material is deeper than 24 inches, LTR recommends over-excavating to a depth of 18 to 24 inches, placing a geotextile fabric at the bottom of the excavation, and backfilling with granular material (LTR, p. 14).

- fill should consist of onsite or imported soil that is non-corrosive, free of organic matter or other deleterious material, contains no rocks or lumps larger than four inches in greatest dimension, has a liquid limit of less than 25 and a plasticity index lower than 8, and is approved by the geotechnical engineer (LTR, p. 14).

- fill should be placed in horizontal lifts not exceeding eight inches before compacted,



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moisture-conditioned to above optimum moisture content, and compacted to at least 90 percent relative compaction; fill thicker than five feet and-or consisting of clean sand or gravel should be compacted to at least 95 percent relative compaction (LTR, p. 14).

4  
(GEO-1)  
cont'd

- LTR should be provided with samples of proposed fill at least three days before use at the site; the grading contractor should provide analytical test results or other suitable environmental documentation indicating the imported fill is free of hazardous materials at least three days before use at the site; a bulk sample of approved fill should be provided to LTR at least three working days before use at the site so a compaction curve can be prepared (LTR, p. 14-15)

- where necessary, trench excavations should be shored and braced to prevent cave-ins and/or in accordance with safety regulations; if trenches extend below the groundwater level, it will be necessary to temporarily dewater them to allow for placement of the pipe and/or conduits and backfill (LTR, p. 15).

- if fill with less than 10 percent fines is used, the entire depth of the fill should be compacted to at least 95 percent relative compaction; jetting of trench backfill should not be permitted; special care should be taken when backfilling utility trenches in pavement areas; poor compaction may cause excessive settlements resulting in damage to the pavement section (LTR, p. 15).

- to reduce the potential for water to become trapped in trenches beneath the building or pavements, which trapped water can cause heaving of soils beneath slabs and softening of subgrade soil beneath pavements, an impermeable plug consisting of either native clay or lean concrete, at least five feet in length, should be installed where the trenches enter the building or cross planter areas and pass below asphalt or concrete pavements (LTR, p. 15).

- to reduce the potential for differential movement and cracking, exterior concrete slabs should be underlain by at least 4 inches of Class 2 aggregate base, and the upper 12 inches of the soil subgrade should be compacted to at least 95 and 90 percent relative compaction for sand and clay, respectively (LTR, p. 15).

- the foundation subgrade should be free of standing water, debris, and disturbed materials prior to placing concrete; if fill, soft, or loose soil is present at the foundation subgrade, it should be removed to expose competent material and be replaced by lean concrete (LTR, p. 17).

- to avoid surcharging the basement wall of the parking garage, the western perimeter wall of the new building may need to be supported on drilled piers that gain support in the bedrock below the elevation of the parking garage (LTR, p. 17).





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- drilled piers should be installed by a qualified contractor with demonstrated experience in this type of foundation; loose material may potentially cave during drilling, thus casing and/or drilling fluid may be required (LTR, p.18).

- where space does not permit a sloped excavation, shoring will be required, and a cantilever soldier pile and lagging shoring system is the most appropriate for the depth of the excavation planned and types of soil present; penetration of soldier piles should be sufficient to provide lateral stability (LTR, p. 18).

- a soldier pile and lagging system is relatively flexible, and movement should be anticipated; if the shoring system is properly designed and installed, movements at the top of the shoring should not exceed one inch (LTR, p. 19).

- because the site is in a seismically active region, the wall design should be checked for seismic condition; seismic design parameters recommended for areas in the northwest portion of the site where bedrock is relatively deep or in the eastern and southern portions of the site where bedrock is relatively shallow, should be followed (LTR, p. 21-22).

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

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

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

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recommended that on-site monitoring of various excavation and construction activities by a licensed geotechnical professional would be required to mitigate the potential adverse impacts of this project. While LTR recommended that such on-site monitoring be performed, the project does not incorporate it as an enforceable, binding mitigation measure imposed as a condition of approval of the project.

In addition, the Initial Study recognizes that in the event of an earthquake that exhibits strong to very strong seismic ground shaking, "considerable damage could occur to buildings on the project site, potentially injuring building occupants and neighbors." IS p. 209.

In order to reduce the severity of the aforementioned significant impacts, the following mitigation measures should be imposed in the EIR as conditions of approval of the project:

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

**MITIGATION MEASURE.** Since bedrock encountered in the borings consists of serpentinite and sandstone and serpentinite contains naturally occurring asbestos, a Site Mitigation Plan to reduce or eliminate any exposures of workers or nearby residents to asbestos will be prepared prior to excavation by a qualified, licensed professional and reviewed by LTR prior to excavation; such Site Mitigation Plan will be included in the Draft EIR and will be released for public comment; bedrock handling and disposal must be performed in accordance with the Site Mitigation Plan.

**MITIGATION MEASURE.** Since up to 15 feet of loose to medium dense sand was encountered above the water table, and loose and medium dense sand may densify during an earthquake (IS p. 210), most of the soil susceptible to seismic densification must be removed during excavation; at the conclusion of excavation, LTR will perform any necessary or advisable investigation of the site and verify in writing that most of the soil subject to seismic densification has been removed from the site.

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**MITIGATION MEASURE.** Project sponsor will be required to maintain a water truck on site during all excavation, demolition, filling and other activities that could cause dust and will wet down dust sufficiently to prevent its blowing onto residences across the street from the site on Laurel, Euclid, Presidio and California streets.

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Residents are very concerned that the 7-10 year proposed duration of construction would be too impactful for this residential area, especially since there would be substantial excavation from 7 to 40 feet below grade to accommodate underground garages and foundations. Residents recently learned of this proposed duration, and the developers stated that they would seek a development agreement that would permit them to construct the project over a 15 year period so that “if conditions do not exist to build out the entire project, we can phase construction in order to align with market conditions and financing availability.” (See Ex. I, October 12, 2017 email from Dan Safier) Since the Initial Study indicates that the developers would seek the right to apply for additional zoning changes after a certain period, the developers could seek approval for increases in the project from the Board of Supervisors, so the project could become more impactful. *Ibid.* The EIR must address all phases of the project, including foreseeable future expansion that could increase impacts of the project.

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

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 (BR-1)

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

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

“Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

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



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

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

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

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

The Initial Study fails to analyze whether the proposed project would conflict with any local policies and only analyzes select provisions of one local ordinance, the San Francisco Urban Forestry Ordinance (SFUFO), which it misinterprets.

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

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

Under SF UFO section 810A (b), removal of a significant tree(s) on privately-owned property shall be subject to the rules and procedures governing permits for removal of street trees as set forth in Section 806(b). Under those rules, the Department must give all Interested San

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Francisco organizations and, to the extent practical, all owners and occupants of properties that are on or across the from the block face where the affected Tree is located, 30 days notice of the proposed removal and also post a notice on the affected Tree 30 days before the proposed removal. SF UFO section 806 (a) (2). If during that notice period, any person files with the Department written objections to the Removal, the Director shall hold a hearing to consider public testimony concerning the proposed Tree Removal. Under SF UFO section 806(a)(3)(A), seven days notice must be given of the hearing date in the manner provided in SF UFO section 806(a)(3)(A). Under SFO section 806(a)(3)( C), the Director's decision is appealable to the Board of Appeals.

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

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

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

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

However, some of the onsite significant trees are prominent landscape features and others have





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significant historical association because they were present while the historically significant Laurel Hill cemetery was located on the site, so removal of the onsite significant trees would conflict with the policies stated above. The EIR should identify the trees which were present on the Laurel Hill cemetery. Due to this conflict, the proposed removal of Significant Trees is a significant impact that must be evaluated in the EIR.

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

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

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



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

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 (BR-1)  
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Absent a binding agreement or approval decision which implements specific mitigation measures that contain objective performance criteria that would measure whether the policy goals for protection of these resources would be achieved, the substantial adverse impact from removal of 185 onsite trees, including 19 onsite Significant Trees and 15 protected street trees remains significant and must be analyzed as a significant impact in the EIR.

Mitigation measures imposed as a condition of approval of the proposed project should include the following:

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

**MITIGATION MEASURE.** Prior to their approval, all Tree Protection Plans will be reviewed by appropriate urban forestry staff, and urban forestry staff will be required to perform onsite inspection and enforcement of the Tree Protection plans.

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

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 (BR-2)

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

In addition to the significance standards stated in the preceding section, the Housing Element EIR acknowledges that "new construction could result in impacts related to biological resources

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if new housing would result in disturbance from construction activities, tree removal...interference with migration, construction of tall buildings with glass walls that could increase bird strikes and possibly interrupt a migration corridor...". (Ex. C, p. V.N-30, 46)

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 (BR-2)  
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The Initial Study acknowledges that the proposed project "would result in the temporary loss of nesting and foraging habitat through the removal of onsite trees and vegetation during construction" and states that "after the approximately 7- to 15-year construction period and incorporation of site landscaping (including the planting of up to 250 new trees on the project site) birds would be expected to inhabit the project site." IS p. 199. The IS does not state how soon after the incorporation of site landscaping bird habitation would be expected to occur on site. The Initial Study also discloses that tree removal and construction-related activities associated with the proposed project could adversely affect bird breeding "at the project site and in the immediate vicinity." IS 199. "Construction activities that may cause visual disturbance or alter the ambient noise environment include vegetation removal, demolition of existing buildings, and construction of foundations and new buildings." IS p. 199-200. The Initial Study also acknowledges that "landscaped areas within the project site may provide suitable habitat for resident and migratory birds covered under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711) and the California Fish and Game Code (sections 3503 and 3503.5). IS p. 199.

The information set forth above supports a fair argument that the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. The information set forth above also provides a fair argument that the proposed project would interfere substantially with the movement of native resident or migratory wildlife species or impede the use of native wildlife nursery sites. This impact would be significant under the standards of Appendix G of the CEQA Guidelines and the Housing Element EIR set forth above. The impact on habitat interference would be substantial since it would last at least 7 years and possibly more than 15 years, given the need for the newly planted, unestablished trees to grow to sufficient size to support bird habitat. The Initial Study provides no mitigation for this potentially significant impact on biological resources, so the impact is significant and must be evaluated as a significant impact in the EIR, along with mitigation measures and alternatives that could reduce or avoid the impact. The Initial Study provides potential mitigation only for interference with onsite bird nests.

In addition, the Initial Study admits that the proposed project "would increase the number of new buildings at the project site and the heights of existing buildings, which could create potential obstacles for resident or migratory birds. This could result in an increase in bird injury or mortality in the event of a collision. The existing office building at the center of the site would be partially demolished and separated into two buildings connected by a bridge at the fourth floor. The separated buildings (i.e. Center Buildings A and B) would be adaptively reused as residential buildings and would include two- to three-story vertical additions, increasing the



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height from approximately 55.5 feet tall to up to 92 feet tall, and a connecting bridge at the fourth floor. In addition, the proposed project includes the construction of 3 new structures at the site ranging from 37 to 45 feet in height (37 to 67 feet for the project variant), some of which would include balconies. San Francisco Planning Code section 139 addresses 'feature-related hazards', which are defined as 'free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size.' The proposed project or project variant would comply with the feature-related standards of planning code section 139 by using bird-safe glazing treatment on 100 percent of any feature-related hazards (e.g. balconies, free-standing glass walls, or skywalks). With planning code section 139 compliance and implementation of Mitigation Measure M-B1-1, the proposed project or project variant would not interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors. This impact therefore, would be less than significant with mitigation." IS p. 201-202.

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

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

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In addition, the Initial Study's assertion that "the proposed project or project variant would comply with the feature-related standards of planning code section 139 by using bird-safe glazing treatment on 100 percent of any feature-related standards of planning code section 139 (e.g., balconies, free-standing glass walls, or skywalks)" conflicts with the standards of Planning Commission Resolution 9212, which states that "clear, untinted glass should be used at and near the street level." Ex. C, excerpts from Housing Element EIR, p. V.A-35. The EIR should also analyze any and all conflicts between the bird-safe glazing treatment and the Planning Commission Resolution 9212 standards for clear, untinted glass at and near street level, because conflicts between applicable plans indicate that the impact may not be insignificant as a result of regulatory compliance.

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

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

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 (PP-1)

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

The proposed project would conflict with the following policies of the Urban Design Element, among others:

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

Visibility of open spaces, especially those on hilltops, should be maintained and improved, in order to enhance the overall form of the city, contribute to the distinctiveness of districts and permit easy identification of recreational resources. The landscaping at such locations also provides a pleasant focus for views along streets.

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

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





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

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(PP-1)  
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Policy 3.5: Relate the height of buildings to important attributes of the city patterns and to the height and character of existing development.

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

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

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

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

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

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

Policy 4.2: Provide buffering for residential properties when heavy traffic cannot be avoided. Ex. V, Urban Design Element of San Francisco General Plan.

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

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

Many neighborhoods have defining characteristics such as street trees, buildings with common scales and architectural elements, and residential and commercial uses that make



the neighborhood identifiable and an enriching place to be. The neighborhood is generally considered as that area around a home that can easily be traversed by foot....

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

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

### **Defined Visual Character**

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

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

### **III. Site Design**

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

### **TOPOGRAPHY**

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

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



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

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## **SIDE SPACING BETWEEN BUILDINGS**

GUIDELINE: Respect the existing pattern of side spacing.

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

## **VIEWS**

GUIDELINE: Protect major public views from public spaces.

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

## **IV. Building Scale and Form**

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

### **BUILDING SCALE**

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

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

### **Building Scale at the Street**

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



If a proposed building is taller than surrounding buildings, or a new floor is being added to an existing building, it may be necessary to modify the building height or depth to maintain the existing scale at the street. By making these modifications, the visibility of the upper floor is limited from the street, and the upper floor appears subordinate to the primary facade.

In modifying the height and depth of the building, consider the following measures; other measures may also be appropriate depending on the circumstances of a particular project:

- Set back the upper story. The recommended setback for additions is 15 feet from the front building wall.
- Eliminate the building parapet by using a fire-rated roof with a 6-inch curb.
- Provide a sloping roofline whenever appropriate.
- Eliminate the upper story.

### **Building Scale at the Mid-Block Open Space**

GUIDELINE: Design the height and depth of the building to be compatible with the existing building scale at the mid-block open space.

### **BUILDING FORM**

GUIDELINE: Design the building's form to be compatible with that of surrounding buildings.

Though the Planning Code establishes the maximum building envelope by dictating setbacks and heights, the building must also be compatible with the form of surrounding buildings.

GUIDELINE: Design the building's facade width to be compatible with those found on surrounding buildings.

### **Proportions**

GUIDELINE: Design the building's proportions to be compatible with those found on surrounding buildings.

Proportions are the dimensional relationships among the building's features, and typically involve the relationship between the height and width of building features....Building features must be proportional not only to other features on the building, but also to the features found on surrounding buildings.



**Rooflines**

GUIDELINE: Design rooflines to be compatible with those found on surrounding buildings.

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**V. Architectural Features**

DESIGN PRINCIPLE: Design the building's architectural features to enhance the visual and architectural character of the neighborhood.

In designing architectural features, it is important to consider the type, placement and size of architectural features on surrounding buildings, and to use features that enhance the visual and architectural character of the neighborhood. Architectural features that are not compatible with those commonly found in the neighborhood are discouraged.

**VI. Building Details**

DESIGN PRINCIPLE: Use architectural details to establish and define a building's character and to visually unify a neighborhood.

The use of compatible details visually unifies a neighborhood's buildings, providing continuity and establishing the architectural character of the area.

**WINDOWS**

GUIDELINE: Use windows that contribute to the architectural character of the building and the neighborhood.

Windows are one of the most important decorative features, establishing the architectural character of the building and the neighborhood.

**EXTERIOR MATERIALS**

GUIDELINE: The type, finish, and quality of a building's materials must be compatible with those used in the surrounding area.

When choosing building materials, look at the types of materials that are used in the neighborhood, and how those materials are applied and detailed. Ensure that the type and finish of these materials complement those used in the surrounding area, and that the quality is comparable to that of surrounding buildings. Ex. K, Residential Design Guidelines, excerpts.





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Defining characteristics of the single-family residential buildings on Laurel Street across the street from the site include one-story in height at the front, with a second set-back story, sloped roofs, consistent entrance and front setback patterns and compatible stucco materials. Defining characteristics on Euclid Avenue across the street from the site are two-unit flats or multiple-unit apartment buildings with rear yards sloping toward the site. Defining characteristics of the residences on California Street and Presidio Avenue are approximately four-story buildings designed with traditional architectural forms. The proposed project conflicts with the prevailing character of the surrounding areas and neighborhood in these and other respects, including the existing pattern of mid-block open space, as can be seen in the plans showing the incongruent scale and building forms of the proposed project. Also, the new buildings and additions to existing buildings proposed in the project would disregard or significantly alter the existing topography of the site.

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

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

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

Have a substantial impact upon the existing character of the vicinity.” Ex. C, p. V.B-27-28.

On the Figure IV-3 of the Housing Element EIR, the Generalized Citywide Zoning Map, the project site is shown in a “Residential” area. Ex. C, 2014 Housing Element EIR, p. IV-14-15 and Figure IV-3.

“Figure IV-4 shows a generalized height map of the City.” Ex. C, 2014 Housing Element EIR, p. IV-14 and Figure IV-4. This map shows that the project site is in a height district of “40 ft” or less.

Map 06 of the 2014 Housing Element shows average generalized permitted housing densities by Zoning Districts as 54 average units per acre in medium density areas. Ex. L, 2014 Housing Element p. I.70. Policy 11.4 of the 2014 Housing Element refers to this map and states the policy to:



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 (PP-1)  
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“Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.” Ex. L, p. 37

Policy 11.4 text provides that:

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

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

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

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

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

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

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

Local planning, zoning, and building codes should be applied to all new development, however when quality of life and life safety standards can be maintained zoning



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accommodations should be made for permanently affordable housing. For example, exceptions to specific requirements, including open space requirements, exposure requirements or density limits, where they do not affect neighborhood quality and meet with applicable design standards, including neighborhood specific design guideline, can facilitate the development of affordable housing. Current City policy allows affordable housing developers to pursue these zoning accommodations through rezoning and application of a Special Use District (SUD).” Ex. L, p. 29.

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

For these reasons, the proposed project would also conflict with the following other policies of the 2014 Housing Element:

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

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

Policy 11.5     Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.” Ex. L, p. 37.

The Housing Element EIR explains that:

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

Section 263 of the Planning Code contains special exceptions to the height limits for certain uses within certain areas. Buildings and structures exceeding the prescribed



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height may be approved by the Planning Commission according to the procedures for conditional use approval in Section 303 of the Planning Code; provided, however, that such exceptions may be permitted only in the areas specified and only to the extent stated in each section.” Ex. C, p. V-A-32-33.

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The City’s Preliminary Project Assessment (“PPA”) states that:

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

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

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

The project proposed retail uses throughout the property.

The demolition of existing structures or conversion of floor area dedicated to the site’s 363,218 square feet of existing nonconforming office use is an abandonment of that nonconforming use per Planning Code Section 183. Therefore, to re-establish office uses in the proposed new structures, the uses must comply with any applicable zoning controls.

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



spaces and the date of their establishment to make that determination...

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

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

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

The subject property is within a 40-X Height and Bulk District, restricting the maximum height of buildings to 40 feet above grade, as measured generally from curb at the center of each existing and proposed building. The upper measurement of the height limit changes depending on the grade at that location per Planning Code Section 260(a)(1). Additionally, the upper measurement of the height of a building varies based on the roof form per Planning Code Section 260(a)(2). While in general the proposal accurately applies these methodologies, curbs along the Walnut Street extension may not be used as the base of measurements because the Walnut Street extension is not a public right-of-way...The additional stories proposed for the altered structures will require that the project seek a Height District reclassification which is reviewed and approved by the Board of Supervisors...

The existing office building is 66.5 feet tall from the existing grade to the finished roof...

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

Open Space. Additional information is needed to determine how the project complies with this requirement for each individual unit and to confirm that the spaces comply with the dimensional requirements for either private or common spaces... (Ex. M, PPA. pp. 12-17.

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

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

The Initial Study admits that the "project as proposed is not consistent with the provisions set forth in the planning code for the RM-1 Zoning District and would not comply with development restrictions identified in Resolution 4109, described below. The existing office use within the project site, as well as the scale of the existing office building within the project site, does not conform to the low-density residential character described for the RM-1 Zoning District." IS p. 22. The Initial Study misinterprets Resolution 4109 and fails to mention that it contains a limitation on the aggregate gross floor area of all buildings on the property of a gross floor area that "shall not exceed the total area of the property allotted to such use," a limitation of 50% as to lot coverage of residential development, and a prohibition on any residential dwelling other than a one-family dwelling or a two-family dwelling occupying any portion of the property which is within 100 feet of the Euclid Avenue boundary line thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended, occupying a parcel of land having an area of less than 3300 square feet, and a requirement that such buildings be set back 12 feet from any other building and 10 feet from any street. The new buildings proposed on the site propose to violate these limitations, including the gross floor area

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(PP-1)

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limitations, and the Mayfair and Euclid Buildings propose to violate the prohibition on any residential dwelling other than a one-family dwelling or a two-family dwelling being erected at the locations of the proposed buildings and/or would also violate the use limitations which prohibit retail uses. The Initial Study failed to analyze these provisions of Resolution 4109, and retail uses are not allowed under that Resolution. Ex. N, Resolution 4109 and Stipulation as to Character of Improvements.

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

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

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

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

“In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections **101, 209.1, 209.2, 209.3,**



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and **251** hereof, as well as the criteria stated in Section **303(c)** of this Code and the objectives, policies and principles of the General Plan, and **may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.** (Emphasis added.)

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

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

- (1) Affirmatively promote applicable objectives and policies of the General Plan;
- (2) Provide off-street parking adequate for the occupancy proposed;
- (3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;
- (4) Be limited in dwelling unit density to less than the density that would be allowed by **Article 2** of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;
- (5) In R Districts, include Commercial Uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include Commercial Uses only according to the provisions of **231** of this Code;
- (6) Under no circumstances be excepted from any height limit established by **Article 2.5** of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections **260** and **261** of this Code, and no such deviation shall depart from the purposes or intent of those sections.”

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

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

Approval of a Planned Unit Development cannot be substantially equivalent to a reclassification of property, which it would if misused in this matter, because the 744 residential units in the



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project variant would exceed the additional density of 660 units allowed as a Planned Unit Development above existing density limits (which include Resolution 4109) and the 558 project units would exceed the approximately 508 units allowed under the applicable stipulations as to future development contained in Resolution 4109, which can only be changed by the Board of Supervisors. (See Ex. O, developer's calculation of permitted densities under alleged PUD boost)

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

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

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

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

The Housing Element EIR further explains that:



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

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

- Ensure that the building’s scale is compatible with surrounding buildings.
- Ensure that the building respects the mid-block open space.
- Maintain light to adjacent properties by providing adequate setbacks.
- Provide architectural features that enhance the neighborhood’s character.
- Choose building materials that provide visual interest and texture to a building.
- Ensure that the character-defining features of an historic building are maintained.” Ex. C, p. V.A-34.

The Housing Element EIR also explains that Proposition M, codified in Planning Code section 101.1, established eight Priority Policies including “protection of neighborhood character,” “landmark and historic building preservation,” “protection of open space,” and “preservation and enhancement of neighborhood-serving retail uses.” Ex. C, p. V.A-41-42.

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

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

“The Initial Study evaluates the proposed 1629 Market Street Mixed Use Project to determine whether it would result in significant environmental impacts. The designation of topics as ‘Potentially Significant’ in the Initial Study means that the EIR will consider the topic in greater depth and determine whether the impact would be significant.” Ex. P,

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p. 4.

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

The Initial Study errs in claiming that to approve the proposed project, the city would be required to make findings of project consistency with the planning code. In certain circumstances, the city is required to find that a proposed project is consistent with provisions of the General Plan. Planning Code section 101.1. The proposed project would be inconsistent with provisions of the Urban Design Element and Housing Element of the General Plan for the reasons set forth above, including that the bulk of the buildings does not relate to the prevailing scale of development and would have an overwhelming or dominating appearance, and that the height of buildings does not relate to important attributes of the city patterns and the height and character of existing development. Urban Design Element Policies 3.5 and 3.6. Policy 3.6 explains that it was intended to avoid disruption to the city’s character from buildings that reach extreme bulk, by exceeding the prevailing height and prevailing horizontal dimensions of existing buildings in the area which “can overwhelm other buildings, open spaces and the natural land forms, block views.” Thus, these provisions of the general plan were adopted for the purpose of mitigating or avoiding an environmental effect. At the project site, the proposed new buildings would block public views from the open green spaces and significantly shadow open spaces and overwhelm other buildings.

Also, application of a Special Use District is authorized by the Housing Element to encourage production of affordable housing, not to authorize deviations from residential use district classifications for retail or commercial uses. The Housing Element EIR identified “Policy 7.5: Encourage the production of affordable housing through process and zoning accommodations and prioritize affordable housing in the review and approval processes” as one of the “Policies With Potential for Physical Environmental Impacts.” Ex. C, p. IV-35. The Housing Element EIR acknowledged that “[i]mplementation of the 2009 Housing Element could result in impacts related to existing character if new housing is out of scale with development in an existing neighborhood or if new development is so different it would change the existing character of an

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area.” Such impacts would occur if a Special Use District or other deviations were used for the purposes proposed by the project proponent, especially for the improper purposes set forth above. The new buildings would still be out of scale with surrounding development and disrupt the area’s character through their dominating appearance, so the significant adverse physical impacts would remain despite approval of an Special Use District under the circumstances requested by the project proponent. The project approval would not result in consistency with the policies of the Urban Design Element or Housing Element, because the IS does not identify those elements of the General Plan as proposed to be amended in connection with approval of the proposed project. IS p. 86.

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

Thus, the EIR must analyze the potentially significant impacts which the proposed project would have on conflicts with numerous applicable land use plans, policies and regulations, including those discussed herein, and the substantial impact that the proposed project would have upon the existing character of the vicinity. In the cumulative impact discussion, the Initial Study acknowledges that to some extent conflicts with land use plans and policies under the proposed project “could be embodied in a considerable contribution to a cumulative physical environmental impact” and “such cumulative physical impacts are addressed and analyzed under the specific environmental topics section in the initial study and will also be addressed in Chapter 4, Environmental Setting and Impacts, of the EIR.” This statement constituted recognition that plans and policies with which the project would conflict were adopted for the purpose of avoiding or mitigating an environmental effect.

In addition, the Housing Element EIR recognized that :

“Implementation of the 2004 Housing Element and 2009 Housing Element could result in impacts related to conflicts with existing land use policy, plans, or regulations if the Housing Elements resulted in housing development that was not consistent with zoning and land use designations as outlined in governing land use plans and/or the City’s Planning Code to the extent those regulations help to avoid or mitigate potential



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environmental impacts. For example, if a height limit in a particular area was designed to avoid impacting a view from a public vantage point, there could be an impact from a policy that increased the height limits.” Ex. C, p. V.B-29.

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

**5. The Project Could Have Significant Shadow Impacts on Existing Open Spaces that Have Been Used by the Public for Recreational Purposes, on Sidewalks on the East Side of Laurel Street, and on Publicly Accessible Open Space Proposed by the Project.**

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

The Initial Study states that the “threshold for determining the significance of shadow impacts under CEQA is whether the proposed project or project variant would create new shadow in a manner that substantially affects the use and enjoyment of outdoor recreational facilities or other public areas.” IS p. 156.

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

“If the proposed project is subject to review under the California Environmental quality Act (CEQA) and would potentially cast new shadow on a park or open space such that the use of enjoyment of that park or open space could be adversely affected.” Ex. Q, p. 1.

Those procedures further provide that:

“Potentially Affected Properties. Potentially affected properties including: parks, publicly-accessible open spaces, and community gardens identified in the graphical depictions should be listed and described. The description of these properties should include the physical features and uses of the affected property, including but not limited to: topography, vegetation,



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structures, activities, and programming. Each identified use should be characterized as ‘active’ or passive.’ Aerial photographs should be included, along with other supporting photos or graphics. The programming for each property should be verified with the overseeing entity, such as the Port of San Francisco, the Recreation and Parks Department, etc. Any planned improvements should also be noted.” Ex. Q, p. 2.

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The Initial Study failed to analyze the significance of the shadow impact upon the entire open green spaces used by the public for recreational purposes on the project site.

The Initial Study inaccurately stated that “UCSF currently grants public access” to two existing open green spaces at the perimeter of the project site. In fact, these areas have been used by the public without the permission of the property owner for many years. At the time of issuance of the Initial Study, there were no signs posted indicating that use of the open space was under the permission of the property owner. As explained in the attached letter from attorney Fitzgerald, the public has acquired permanent recreational rights to the open space at the site; the rights were obtained by implied dedication prior to the enactment of Cal. Civil Code section 1009 in 1972. Ex. R) The public has also “acquired a prescriptive easement over the recreational open space. The recreational use has been continuous, uninterrupted for decades, open and notorious and hostile (in this context, hostile means without permission.) Every day, individuals and their dogs use the green space along Laurel, Euclid and along the back of the Site at Presidio. Individuals ignore the brick wall along Laurel and regularly use the green space behind the wall as a park for people and for their dogs. The use of the Site has not been permissive.” *Ibid*.

The Initial Study failed to analyze the impact of shadows on the entire open green space along Laurel, and excluded the open green space along Presidio, because the project proponent seeks permission to build upon, or alter, some of those areas. This is not an of-right project. As explained by the City’s Preliminary Project Assessment, the proposed project fails to comply with numerous requirements of the Planning Code, and rezonings and discretionary approvals would be required to be granted by the Planning Commission and Board of Supervisors. Under applicable discretionary review procedures, the Planning Commission could scale the project back to avoid construction on, or alteration of, the currently publicly-accessible open spaces, and/or make other modifications.

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

Under the CEQA Guidelines, 14 Cal. Code of Regulations section 15382, “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the



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environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.” To assess the changes to the environment that will result from the project, the agency treats existing conditions as the environmental baseline against which the project’s changes to the environment are measured. 14 Cal. Code of Regulations section 15152.

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As established by the nomination of the property to the National Register of Historic Places, the “landscape design connects the outdoors with the indoors both functionally and conceptually.” Ex. E, Nomination, p. 5. Among the character defining features of this historically significant resource, the nomination listed “Vegetation features that helps to integrate the character of the Fireman’s Fund site with that of the surrounding residential neighborhoods including (1) the large trees in and around the East and West parking Lots, (2) the lawns on the west, south and east sides of the property, and (3) the planted banks along laurel and masonic streets.” The subject lawn areas and the Terrace are currently used as publicly-accessible open spaces, and it is possible that the approving agencies will retain them as open spaces. These areas would be significantly shaded by the proposed project, with the 2-3 floors proposed to be added to the top of the building. Thus, significantly shading these areas should be treated as a potentially significant impact on the environment in the EIR.

However, the Initial Study failed to analyze the significance of the shadow impact on the entire open green areas and merely analyzed the potential impact upon the portions of these areas that the project proponent proposes not to build upon. However, Figure 37, Extent of Net New Project Shadow Throughout the Day and Year, shows the entire open green spaces along Laurel Street and Presidio Avenue as in the “frequent shadow” zone. IS p. 158. The area in which the Terrace is located would also be frequently shadowed, and the project as proposed would remove the Terrace. The Initial Study shows that there would be a significant adverse shadow impact upon the areas along Laurel Street, Presidio Avenue and the Terrace which the project proponent proposes to build upon or alter, and the Initial Study failed to analyze the potentially significant impact of shadows on these publicly-accessible areas and failed to make a determination that impacts on these areas would not be significant. Thus, the EIR should analyze the potential shadow impacts on these areas as potentially significant impacts under CEQA. Approving authorities may retain some or all of these open spaces. The Initial Study failed to use the correct significance standard, which required it to analyze whether impacts on these areas could be “potentially significant.” The Initial Study’s exclusion of these areas because they would possibly be within part of the built project was erroneous. The Initial Study acknowledges that the decision-makers could modify the project to continue the usability of these spaces. IS p. 160.

Since the evidence shows that new shadows would be frequent on the publicly-accessible open spaces, the EIR should evaluate these shadows as a potentially significant impact on the environment. As acknowledged in the Initial Study for 1629 Market Street Project, the “designation of topics as ‘Potentially Significant’ in the Initial Study means that the EIR will





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consider the topic in greater depth and determine whether the impact would be significant.” Ex. P, p. 4.

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Similarly, the Initial Study shows that the proposed project would cause frequent shadows on the sidewalks on the east side of Laurel Street. The Initial Study failed to specifically determine that the proposed project would not create new shadow on the sidewalks on the east side of Laurel Street in a manner that substantially affects public areas. Instead, it determined that impact would not be significant by using a lesser standard, stating that “[o]verall, the proposed project or project variant would not increase the amount of shadow on the sidewalks above levels that are common and generally expected in developed urban environments.” IS p. 160. Since the evidence shows that the new shadow would be frequent on sidewalks on the east side of Laurel Street, the EIR must evaluate this shadow as a potentially significant impact on the environment and make a determination of whether the impact would be significant under the correct significance standard.

As acknowledged in the Initial Study for 1629 Market Street Project, to determine the impact insignificant, a determination must be made under CEQA that the proposed project’s net new shadows would not be anticipated to substantially affect the use of “any publicly-accessible areas, including nearby streets and sidewalks.” Ex. P, p. 66.

In addition, the Initial Study shows that the proposed project would cause new shadows on the open space proposed to be used in the project, which would be open to the public. ” The Initial Study admits that “the network of proposed new common open spaces, walkways, and plazas within the project site” “would be shaded mostly by proposed new buildings for much of the day and year.” IS p. 161. Thus, the EIR must analyze shadow impacts on these publicly-accessible areas as significant impacts, but the IS improperly excluded them from analysis as significant impacts. Many of these areas are not now significantly shaded as part of the existing environment, but would be a result of the proposed project.

The EIR should follow the City’s shadow analysis procedures and identify and describe all the potentially newly shadowed areas discussed above in graphic depictions together with aerial photographs and provide a quantitative analysis of the impacts that would result from the project. Ex. Q, p. 4.

In addition, it is inaccurate to state that under the proposed project, the Euclid Green “would be developed as common open space that would be open to the public.” IS p. 160. That green open space is currently used as recreational open space by the public, as I have observed.

It should be noted that shadows are physical impacts, not aesthetic impacts exempt from CEQA in certain transit-served areas. The EIR on the Housing Element of the San Francisco General Plan clearly treats shadows as a physical effect along with wind impacts and analyzes aesthetic



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impacts in a separate section. Ex. C - Final EIR 2004 and 2009 Housing Element p. V.J-3, V.C-1. As further explained in that EIR:

“Shadow is an important environmental issue because the users or occupants of certain land uses, such as residential, recreational/parks, churches, schools, outdoor restaurants, and pedestrian areas have some reasonable expectations for direct sunlight and warmth from the sun. These land uses are termed ‘shadow sensitive.’ (Ex. C - Final EIR 2004 and 2009 Housing Element p. V.J-3)

Thus, shadows are a physical impact and are not an aesthetic impact.

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

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

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

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

Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. IS p. 227-228.

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

Langan Treadwell Rollo evaluated the additional samples collected in August 2014 from the location of the former onsite USTs following removal of the waste oil UST against the environmental screening levels for commercial uses, but the San Francisco Health Department

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

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

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

Since specific mitigation measures have not been developed, disclosed and adopted as a condition of approval of the project, the potentially significant impacts from hazards and hazardous materials has not been mitigated to a level of insignificance. The IS's determination that regulatory compliance will prevent significant adverse impacts was not based on a project specific analysis of potential impacts, potential mitigation measures and the specific effect of regulatory compliance. The Initial Study has not explained the effect of regulatory compliance, identified methods the agencies will consider for mitigating the impact or indicated the expected outcome. By relying on a hope of compliance with regulations that apply to transitory conditions, such as excavation or construction activities that could release hazardous substances, and do not require onsite monitoring to determine compliance, the IS failed to perform a careful



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analysis that would be sufficient to find the impact not significant. Thus, the impact remains significant and must be fully analyzed in the EIR, with review and mitigation approved by all agencies with jurisdiction over the nature of any identified contaminants.

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Since LTR compares soil gas results to the Environmental Screening levels published by the San Francisco Regional Water Quality Control Board, review and approval of mitigation plans by DTSC and the SFBRWQCB may be required in addition to review and approval by the San Francisco Department of Public Health. The EIR should analyze whether the soil gas detections are under the jurisdiction of DTSC and the SFBRWQCB or other agencies besides the San Francisco Department of Public Health and whether the mitigation plan conforms with the supplemental vapor intrusion guidance document for conducting uniform vapor intrusion evaluations in California expected to be released in mid-2018 by the State Water Resources Control Board, the San Francisco Bay Regional Water Quality Control Board, and the Department of Toxic Substances Control. IS, FN302.

Moreover, the Initial Study evaluates only whether the low levels of volatile organic compounds which were detected in soil gas would pose a vapor intrusion concern for commercial or residential residents at the Plaza A building. However, the impact could be significant if a member of the public, such as a resident across the street from the project site, could be exposed to such soil gas released during construction. The EIR should analyze potential impacts on the public and nearby residents of release into the air of such soil gas and also analyze whether such emissions could be emitted within one-quarter mile of a school.

In addition to contamination from the USTs, the Initial Study discloses that “the site may contain onsite hazardous waste associated with medical uses, such as radioactive materials or other contaminants that may be contained within the existing onsite fume hoods, centrifuges, refrigerators, and waste storage containers. There is also the potential for contaminants, including minor radioactive contamination, in the facility plumbing system from disposal of secondary washes. Currently this hazardous waste is properly disposed of offsite under manifest.” IS p. 233.

While UCSF would remove much of the chemicals and radioactive materials as part of their relocation, the date of their relocation is uncertain, as is the manner of disposal of the remaining materials. What is the date on which UCSF employees would be relocated from the site? The Initial Study states that any remaining medical hazardous waste would be disposed of in an approved facility during building demolition or reuse and would not pose a significant hazard to the public or the environment if applicable federal, state and local regulations are followed. IS 233. The Initial Study does not indicate the identified methods the agencies will consider for mitigating the impact, adopt specific mitigation measures, explain the effect of regulatory compliance or indicate the expected outcome. Thus, the potentially significant impact from medical hazardous waste, including radioactive contamination in the plumbing system from



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disposal of secondary washes, must be analyzed as a potentially significant effect in the EIR, together with all appropriate mitigation measures. The EIR should include as a mitigation measure the preclusion of connection of the piping system used for disposal of secondary washes containing minor radioactive contamination with the proposed graywater recycling system proposed to be installed and used on the property. Without such mitigation, water containing radioactive waste contamination could be used for irrigation onsite and the radioactive materials could be spread onsite.

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**MITIGATION MEASURE.** No piping onsite which was used for medical uses, including disposal of secondary washes containing radioactive material, may be connected with any piping used in the graywater recycling system proposed to be installed on the property and used for onsite irrigation and other uses. The project proponent will be required to execute a binding agreement to implement such mitigation measure as a condition of approval of the project.

In addition, the Initial Study states that the building may contain hazardous building materials such as asbestos, lead-based paint, electrical transformers containing PCBs, fluorescent light ballasts containing PCBs or other contaminants, and fluorescent light tubes containing mercury vapors, which could escape in the environment and pose concerns for construction workers and the public if not properly handled or disposed of in accordance with applicable regulations. Again, the impact must be evaluated as a significant impact in the EIR because the Initial Study does not indicate the identified methods the agencies will consider for mitigating the impact, adopt specific mitigation measures, explain the effect of regulatory compliance or indicate the expected outcome. The project proponent proposes to expose substantial amounts of such materials, as it proposes to demolish substantial portions of the existing building and cut a large hole in the building for a passageway.

Also, the Initial Study states that bedrock which would be encountered during site excavation includes serpentinite, which contains naturally occurring asbestos, and during project excavation, naturally occurring asbestos minerals may present a human health hazard if they become airborne and are inhaled. IS p. 235. The Initial Study states that the construction contractor would be required to prepare an asbestos dust mitigation plan specifying measures that would be taken to ensure that no "visible" dust crosses the property boundary during construction. However, the Initial Study indicates that the 17 California Code of Regulations section 93105 requires the use of best available dust mitigation measures to prevent the offsite migration of asbestos-containing dust. Again, the impact must be evaluated as a significant impact in the EIR because the Initial Study does not indicate the identified methods the agencies will consider for mitigating the impact, adopt specific mitigation measures, explain the effect of regulatory compliance or indicate the expected outcome.

Also, under Appendix G of the CEQA Guidelines project hazards and hazardous materials would



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be significant impact if the project would:

“Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.” Ex. B.

The Housing Element EIR uses the same significance standard Ex. C, p. V.Q-40.

The Initial Study identifies several schools/daycare centers are located within a quarter mile of the project site, that states that demolition and construction activities would require handling and transport of hazardous wastes. However, the IS improperly relies upon unspecified future regulatory compliance as the basis for a conclusion that “there would be limited potential for such materials to affect the nearest school.” IS p. 237. The significance standard is triggered by a release within one-quarter mile of an existing school. For the reasons stated above, reliance upon unspecified future regulatory compliance is not sufficient to mitigate the adverse impact, and the potential that such materials could be emitted within one-quarter mile of a school requires the potentially significant impact to be analyzed in the EIR as a significant impact, together with specified mitigation measures that will be incorporated as conditions of approval of the proposed project.

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

Thus, the City has failed to comply with the procedures required by CEQA, because Public Resources Code section 21092.6 requires the agency to include in the draft EIR any information derived from consultation of Government Code section 65962.5 (the Cortese list), but the Initial Study states that it will not further address the issue of hazardous materials or waste. Ex. S, CEB, *Practice Under CEQA*, section 13.65 p. 13-74. The City has failed to include in the IS the information “on other lists of hazardous materials sites compiled pursuant to Government Code section 65962.5. The listings are related to public notice requirements for permitted activities such as air emissions reporting for onsite activities, small quantity generation of hazardous waste in the medical laboratories, and the former USTs discussed in Impact HZ-2.” IS p. 238. The City must state all information contained in the listings on such other sites in the Draft EIR.

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**7. The Proposed Project Could Have a Significant Adverse Impact on Greenhouse Gas Emissions.**

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The Initial Study states that the project's impact on greenhouse gas emissions ("GHG") would be significant if it would:

"Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment" or

"Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases." IS p. 146.

New CEQA Guideline section 15064.4, on the determination of significance of GHG emissions, reflects the existing CEQA principle that there is no iron-clad definition of "significance." CEQA Guidelines section 15064(b). Accordingly, lead agencies must use their best efforts to investigate and disclose all that they reasonably can regarding a project's potential adverse impacts. *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm.* (2001) 91 Cal.App.4th 1344, 1380-81; Ex. T, California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, December 2009. Section 15064.4 is designed to assist lead agencies in performing that required investigation. *Id.*, p. 20; In particular, it provides that lead agencies should quantify GHG emissions where quantification is possible and will assist in the determination of significance, or perform a qualitative analysis, or both as appropriate in the context of the particular project, in order to determine the amount, types and sources of GHG emissions resulting from the project. *Ibid.* Regardless of the type of analysis performed, the analysis must be based "to the extent possible on scientific and factual data." *Ibid.* In addition, lead agencies should also consider several factors. *Ibid.*

As further explained in *Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, December 2009, pp. 21-22:

"With the foregoing principles in mind, the quantification called for in proposed section 15064.4(a)(1) is reasonably necessary to ensure an adequate analysis of GHG emissions using available data and tools, in accordance with Public Resources Code Section 21083.05. Even where a lead agency finds that no numeric threshold of significance applies to a proposed project, the holdings in the *Berkeley Jets and Protect the Historic Amador Waterways* cases, described above, require quantification of emissions if such quantification will assist in determining the significance of those emissions. OPR and the Resources Agency find that quantification will, in many cases, assist in the determination of significance, as explained below. (State CEQA Guidelines, § 15142 ("An EIR shall be prepared using an interdisciplinary approach which will ensure the integrated use of the

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natural and social sciences and the consideration of qualitative as well as quantitative factors.”).)

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First, quantification of GHG emissions is possible for a wide range of projects using currently available tools. Modeling capabilities have improved to allow quantification of emissions from various sources and at various geographic scales. (Office of Planning and Research, *CEQA and Climate Change: Addressing Climate Change Through the California Environmental Quality Act Review*, Attachment 2: Technical Resources/Modeling Tools to Estimate GHG Emissions (June 2008); CAPCOA White Paper, at pp. 59-78. Moreover, one of the models that can be used in a GHG analysis, URBEMIS, is widely used in CEQA air quality analyses. (CAPCOA White Paper, at p. 59) Second, quantification informs the qualitative factors listed in proposed section 15064.4(b). Third, quantification indicates to the lead agency, and the public, whether emissions reductions are possible, and if so, from which sources. Thus, if quantification reveals that a substantial portion of a project’s emissions result from energy use, a lead agency may consider whether design changes could reduce the project’s energy demand.

Proposed section 15064.4(a)(1) also reflects existing case law that reserves for lead agencies the precise methodology to be used in a CEQA analysis. (See, e.g. *Eureka Citizens for Responsible Gov’t v. City of Eureka* (2007) 147 Cal.App.4th 357, 371-373.) As indicated above, a wide variety of models exist that could be used in a GHG analysis. (CAPCOA White Paper, at pp. 59-78.) Further, not every model will be appropriate for every project. For example, URBEMIS may be an appropriate tool to analyze a typical residential subdivision or commercial use project, but some public utilities projects, such as waste-water treatment plants, may require more specialized models to accurately estimate emissions. (*Id.* at pp. 60-65.) The requirement to disclose any limitations in the model or methodology chosen also reflects the standard for adequacy of EIRs in existing State CEQA Guidelines section 15151...

If the lead agency determines that quantification is not possible, would not yield information that would assist in analyzing the project’s impacts and determining the significance of the GHG emissions, or is not appropriate in the context of the particular project, section 15064.4(a) would allow the lead agency to consider qualitative factors or performance criteria...

The existing CEQA Guidelines state that the determination of significance requires a lead agency to use its judgment based on *all* relevant information. (State CEQA Guidelines, § 15064(b); see also *Id.* at §§ 15064.7 (thresholds may be qualitative), 15142 (analysis should be interdisciplinary and both qualitative and quantitative).)

Subdivision (a) would also allow a lead agency to rely on performance-based standards to

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assist in the determination of significance. Just as with quantification, the purpose of engaging in a qualitative or performance standard based analysis is to develop information relevant to a significance determination. Several examples exist of the types of performance standards that might appropriately be used in determining the significance of greenhouse gas emission. Proposed section 15183.5(b)(1)(D), for example, contemplates that a plan for the reduction of greenhouse gas emissions may contain performance based standards. Where such standards are developed as part of such a plan, a lead agency would have evidence indicating that compliance with such standards would indicate that the impact of greenhouse gas emissions would be less than significant. Further, in adopting SB375, the Legislature acknowledged that regional transportation plans, and the environmental impact reports prepared to analyze those plans, may contain performance standards that would apply to transit priority projects. (See, e.g., Public Resources Code, § 21155.2.) Other potential examples include the Bay Area Air Quality Management District's proposed Best Management Practices for Construction Greenhouse Gas Emissions (calling for use of alternative fuels, local building materials and recycling), and the California Public Utilities Commission's Performance Standard for Power Plants [sic] (requiring emissions no greater than a combined cycle gas turbine plant). Compliance with such standards may be relevant to the significance determination, when considered in conjunction with the project's total projected emissions...

Similar to use of a significance threshold, a lead agency must exercise care to ensure that performance standards do not replace a full analysis of all potential emissions. (*Protect the Historic Amador Waterways, supra*, 116 Cal.App.4th at 1109 ("in preparing and EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect.)) For example, while a Platinum LEED ® rating could assist a lead agency in determining whether emissions related to a building's energy use may be significant, that performance standard may not reveal sufficient information to evaluate transportation-related emissions associated with that proposed project.

As indicated above, even a qualitative analysis must be based to the extent possible on scientific and factual data. Further, the type of analysis that is required will depend on the context of a particular project....The following hypothetical examples may illustrate, however, how section 15064.4(a) could operate:

**Project 2:** a large commercial development is proposed in an suburban context. Heavy-duty machinery would be required in various construction phases spanning many months. Following construction, the development would rely on electricity, water and wastewater services from the local utilities. Natural gas burners would be used on site. The development would employ several hundred workers and

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attract thousands of customers daily. A traffic study has been prepared for the project. The local air quality management district's guidance document recommends that projects of similar size and character should use URBEMIS, or another similar model, to estimate the air quality impacts of the development.

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In the context of Project 2 a quantitative analysis would likely be appropriate. The URBEMIS model, which would likely be used to analyze other emissions, could also be used to estimate emissions from both project-related transportation and on-site indirect emissions (landscaping, hot-water heaters, etc.) Modeling is typically done for projects of like size and character. Other models are readily available to estimate emissions associated with utility use. In the context of Project 2, a lead agency may find it difficult to demonstrate a good faith effort through a purely qualitative analysis. (See, e.g., *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm.* (2001) 91 Cal.App.4th 1344, 1370...

#### Factors Potentially Indicating Significance

The qualitative factors listed in the proposed section 15064.4(b) are intended to assist lead agencies in collecting and considering information relevant to a project's incremental contribution of GHG emissions and the overall context of such emissions. Notably, while subdivision (b) provides a list of factors what should be considered by public agencies in determining the significance of a project's GHG emission, other factors can and should be considered as appropriate.

#### Determine Whether Emissions Will Increase or Decrease

The first factor in subdivision (b), for example, asks lead agencies to consider whether the project will result in an increase or decrease in different types of GHG emissions relative to the existing environmental setting. All project components, including construction and operation, equipment and energy use, and development phases must be considered in this analysis. (State CEQA Guidelines, § 15378 (Project includes "the whole of the action").)...

This section's reference to the 'existing environmental setting' reflects existing law requiring that impacts be compared to the environment as it currently exists. (State CEQA Guidelines, § 15125.) This clarification is necessary to avoid a comparison of the project against a 'business as usual' scenario as defined by ARB in the Scoping Plan. Such an approach would confuse 'business as usual' projections used in ARB's Scoping Plan with CEQA's separate requirement of analyzing project effects in comparison to the environmental baseline. (*Compare* Scoping Plan, at p. 9 ('The foundation of the Proposed Scoping Plan's strategy is a set of measures that will cut greenhouse gas





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emissions by nearly 30 percent by the year 2020 as compared to business as usual.’ *with Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1278 (existing environmental conditions normally constitute the baseline for *environmental* analysis); see also *Center for Bio. Diversity v. City of Desert Hot Springs*, Riverside Sup. Ct. Case No. RIC464585 (August 6, 2008) (rejecting argument that a large subdivision project would have a ‘beneficial impact on CO2emissions’ because the homes would be more energy efficient and located near relatively uncongested freeways). Business as usual may be relevant, however, in the discussion of the ‘no project alternative’ in an EIR. (State CEQA Guidelines, § 15126(e)(2) (no project alternative should describe what would reasonably be expected to occur in the future in the absence of the project).)...

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### Thresholds of Significance

The second factor in subdivision (b) asks whether a project exceeds a threshold of significance for GHG emissions...

Several agencies have developed, or are in the process of developing, thresholds of significance for GHG emissions. For example, thresholds are currently being developed, or have already been adopted by the Bay Area Air Quality Management District for operations and construction, the City of Davis for residential developments, and the South Coast Air Quality Management District for industrial projects. Regardless of the threshold chose, however, this section does not alter the pre-existing rule under CEQA that if substantial evidence supports a fair argument that a project may result in significant impacts, despite *compliance* with a threshold, an EIR must be prepared. (*Meija v. City of Los Angeles* (2005) 130 Cal. App.4th 322, 342.) Further, ‘in preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project, irrespective of whether an established threshold of significance has been met with respect to any given effect.’ (*Protect the Historic Amado Waterways, supra*, 116 Cal.App.4th at 1109.)

Consistent with the above, if relying on a threshold developed by another agency, lead agencies must exercise caution in selecting a threshold to ensure that the threshold is appropriately applied...Some agencies have adopted ‘thresholds’ pursuant to other laws that may not be applicable in the CEQA context. ARB has adopted several thresholds pursuant to AB32, for example, to address specific purposes that are unrelated to CEQA. For example, the *de minimus* threshold governs the level at which emissions will be regulated by ARB’s AB 32 regulations. (Health & Safety Code, § 38561(e); Scoping Plan, at pp. 96-97.) CEQA does not permit use of a *de minimus* threshold, however...Additionally, the Reporting Threshold is the level at which emissions from large industrial sources are required to be reported.



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Consistency with a Plan or Regulation

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 (GHG-1)  
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Finally, the third factor in subdivision (b) directs consideration of the extent to which a project complies with a plan or regulation to reduce GHG emissions. That section further states, however, that to be used for the purpose of determining significance, a plan must contain specific requirements that result in reductions of GHG emissions to a less than significant level. This clarification is necessary because of the wide variety of climate action plans and GHG reduction plans that are currently being adopted by public agencies. ARB, for example, recently adopted its statewide Scoping Plan. That plan may not be appropriate for use in determining the significance of individual projects, however, because it is conceptual at this state and relies on the future development of regulations to implement the strategies identified in the Scoping Plan. (Scoping Plan, at p. 9.) Regulations that will require actual reductions of GHG emissions may not be adopted until 2012. (*Ibid.*) Once those regulations are adopted and being implemented, they may, if appropriate, be used to assist in the determination of significance, similar to the current use of air quality, water quality and other similar environmental regulations. (*CBE, supra* 103 Cal.App.4th at 111...

In addition to the regulations that will be developed to implement the Scoping Plan, this factor would also allow lead agencies to consider plans that are developed to reduce GHG emissions on a regional or local level. (Scoping Plan, at p. 26.) The proposed section 15064.4(b)(3) is intended to be read in conjunction with the section 15064(h)(3), as proposed to be amended, and proposed section 15183.5. Those sections each indicate that local and regional plans may be developed to reduce GHG emissions. If such plans reduce community-wide emissions to a level that is less than significant, a later project that complies with the requirements in such a plan may be found to have a less than significant impact.

Notably, CEQA does not provide a specific definition of 'comply' in the context of determining a project's consistency with a particular plan. Some guidance may be gleaned, however, from case law interpreting the requirements that a local government's activities be consistent with its General Plan. In that context, a 'zoning ordinance [for example] is consistent with the city's general plan where, considering all of its aspects, the ordinance furthers the objectives and policies of the general plan and does not obstruct their attainment.' (*City of Irvine v. Irvine Citizens Against Overdevelopment* (1994) 25 Cal.App.4th 868, 879.) **Reading section 15064.4 together with 15064(h)(3), however, to demonstrate consistency with an existing GHG reduction plan, a lead agency would have to show that the plan actually addresses the emissions that would result from the project.** Thus, for example, a subdivision project could not demonstrate 'consistency' with the ARB's Early Action Measures because those measures do not address emissions resulting from a typical housing subdivision. (ARB,

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Expanded List of Early Action Measures for Reduce Greenhouse Gas Emissions in California Recommended for Board consideration, October 2007; see also State CEQA Guidelines, §§ 15063(d)(3) (initial study must be supported with information to support conclusions), 15128 (determination in an EIR that an impact is less than significant must be briefly explained).) (Emphasis added)

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 (GHG-1)  
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## **SECTION 15064.7. THRESHOLDS OF SIGNIFICANCE**

### **Specific Purposes of the Amendment**

Proposed subdivision ( c) of section 15064.7 would allow a lead agency to adopt a threshold developed by another agency, or recommended by experts, provided that such threshold is supported with substantial evidence...In adopting any threshold of significance, including one developed by an expert or agency with specialized expertise, the lead agency must support the threshold with substantial evidence in the administrative record. (State CEQA Guidelines, § 15064.7(b).)...Because any threshold must be supported with substantial evidence, and must be adopted through a public process, any threshold recommended by an expert that is ultimately adopted will undergo sufficient scrutiny to ensure its legitimacy. (State CEQA Guidelines, § 15064.7(b).)

## **SECTION 15126.4 CONSIDERATION AND DISCUSSION OF MITIGATION MEASURES PROPOSED TO MINIMIZE SIGNIFICANT EFFECTS.**

### **Specific Purposes of the Amendment.**

Section 21083.05 of the Public Resources Code expressly requires OPR and the Resources Agency to develop regulations on the ‘mitigation of greenhouse gas emissions.’ The goals of this legislative mandate are to (1) reduce GHG emissions and (2) to provide consistency in the development of GHG emissions reduction measures...

Existing section 15126.4 provides guidance on CEQA’s general mitigation requirements. To emphasize that mitigation of GHG emissions is subject to those existing CEQA requirements, OPR and the Natural Resources Agency added a new subdivision ( c) to the existing section 15126.4. The Amendments identify five general methods of mitigation that may be tailored to the specific circumstances surrounding a specific project...

### Mitigation of Greenhouse Gas Emissions

Comments submitted on the Amendments indicated general concerns that mitigation for GHG emissions may not be effective or reliable. To further clarify the existing mitigation requirements that would apply to measures to reduce greenhouse gas emissions, the



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Natural Resources Agency revised the lead-in sentences in subdivision ( c). Specifically, the Natural Resources Agency added that all mitigation must be supported with substantial evidence and be capable of monitoring or reporting. This addition reflects the requirement in Public Resources Code that a lead agency's findings on mitigation be supported with substantial evidence and that it must adopt a mitigation monitoring and reporting program along with the project if mitigation measures are required. (Public Resources Code, §§ 21081(a)(1), 21081.6.)...

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 (GHG-1)  
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Consistent with section 15126.4(a), a lead agency must support its choice of, and its determination of the effectiveness of, any reduction measures with substantial evidence. Substantial evidence in the record must demonstrate that any mitigation program or measure is [sic] will result in actual emissions reductions...

### **Measures to be Implemented on a Project-by-Project Basis**

Finally, the fifth type of measure that could reduce GHG emissions at a planning level is the development of binding measures to be implemented on a project-specific basis. Proposed subdivision ( c)(5) recognizes that, for a planning level decision, appropriate mitigation of GHG emissions may include the development of a program to be implemented on a project-by-project basis...

This type of mitigation is subject to the limits of existing law, however, Thus, proposed subdivision ( c) (5) should not be interpreted to allow deferral of mitigation. Rather, it is subject to the rule in existing section 15126.4 (a) (1)(B) that such measures 'may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.'

## **SECTION 15130. DISCUSSION OF CUMULATIVE IMPACTS**

### **Specific Purposes of the Amendment**

#### Section 15130(b)(1)(B)

Section 21083(b) of the Public Resources Code requires that an EIR be prepared if the 'possible effects of a project are individually limited but cumulatively considerable.' that section further defines 'cumulatively considerable' to mean that 'the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.'

In determining whether a project may have significant cumulative impacts, a lead agency



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must engage in a two-step process. First, it must determine the extent of the cumulative problem. To do so, a lead agency must examine the ‘effects of past projects, the effects of other current projects, and the effects of probably future projects.’ Once it does so, the lead agency then determines whether the project’s incremental contribution to that problem is cumulatively considerable...

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 (GHG-1)  
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The existing Guideline section 15130(b) addresses the first step of the process. It offers two options for estimating the effects resulting from past, present and reasonably foreseeable projects. A lead agency may either rely on a list of such projects, or a summary of projections to estimate cumulative impacts. Existing section 15130(b)(1)(B) allows a lead agency to rely on projections in a land use document or certified environmental document that addresses the cumulative impact under consideration...

The proposed amendments would also allow a lead agency to rely on information provided in regional modeling programs. The best projections of the cumulative effect of GHG emissions may be available in up-to-date models such as the International Council for Local Environmental Initiative’s Local Government GHG Protocol and the California Climate Action Reserve’s Registry general, industry and project type protocols. (Ex. T, California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97*, pp. 20-28, 30, 46, 49, 50, 53, 54)

The Initial Study failed to quantify GHG emissions that could result from the proposed project, and such quantification is reasonably necessary to ensure adequate analysis of GHG emissions using available data and tools, and such quantification would assist in determining the significance of those emissions. URBEMIS is one model that is widely used in CEQA air quality analyses and can also be used to analyze a project’s GHG emissions. In fact, the local air quality management district’s guidance document recommends that projects of a similar size and character to a large commercial development proposed in a suburban context “should use URBEMIS, or another similar model, to estimate the air quality impacts of the development...” Ex. T, p. 23.

In addition, in June 2010, the BAAQMD adopted recommended thresholds with two alternatives for determining significance for most nonindustrial development projects. One is a bright-line threshold of 1100 MT/year of carbon dioxide equivalent emissions. The other recommended threshold is a per capita threshold of 4.6 MT/yr of CO<sub>2</sub>-equivalent emissions, based on the service population of the project. Ex. S, CEB, *Practice Under the California Environmental Quality Act*, § 20.81A, p. 20-100.

The Housing Element EIR states that BAAQMD has updated their CEQA air quality guidelines and “adopted significance standards for GHGs on June 2, 2010.” The updated CEQA Air





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Quality Guidelines includes significance thresholds, assessment methodologies, and mitigation strategies for GHG emissions. Ex. C, p. V.I-12. The recently adopted GHG thresholds of significance, as discussed in BAAQMD's May 2010 CEQA Air Quality Guidelines, includes two sets of GHG thresholds: one that would apply to specific development projects, and another threshold that would apply to plan-level CEQA analysis. *Ibid.*

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(GHG-1)  
cont'd

The California Resources Agency has identified "the Bay Area Air Quality Management District's proposed Best Management Practices for Construction Greenhouse Gas Emissions (calling for use of alternative fuels, local building materials and recycling" as performance-based standards that are appropriate to use in determining significance of GHG emissions. Ex. T, p. 22.

The Initial Study has not provided substantial evidence that the project's GHG emissions, and/or the project's percentage reduction from business as usual ("BAU") correlates with statewide, regional or local goals. The IS's claim that GHG impacts would not be significant was not supported by substantial evidence that the project's energy-efficiency goals, construction-related GHG emission goals, and transportation-related GHG emission goals would be reached.

Moreover, the IS failed to consider "whether the project will result in an increase or decrease in different types of GHG emissions relative to the existing environmental setting. All project components, including construction and operation, equipment and energy use, and development phases must be considered in this analysis." Ex. T, p. 24. Instead, the IS evaluated the project's consistency with applicable local and regional plans for GHG reduction rather than considering whether the project will "result in an increase or decrease in different types of GHG emissions relative to the existing environmental setting." Thus, the IS erroneously used existing plans as the baseline against which potential project effects were analyzed, instead of increases or decreases in different types of GHG emissions relative to the existing environment.

The IS's consistency evaluation was supported by the bald claim that the project would comply with various regulations and programs relating to energy efficiency, waste reduction, tree planting and landscaping, etc. This analysis was inadequate because it was not based on a project specific analysis of potential impacts and the specific effect of regulatory compliance. Also, the environmental evaluation did not commit the project sponsor to implementation of specific performance criteria as mitigation measures agreed as a condition of approval of the project or objective performance criteria for measuring whether the project would achieve the goals of such programs or regulations.

The Initial Study states that "construction-related emissions would still have the potential to conflict with or obstruct implementation of the applicable air quality plan...Both construction and long-term operational emissions have the potential to result in emissions that could conflict with or obstruct implementation of the applicable air quality plan. IS p. 144. "As described above, construction and operation of the proposed project or project variant would generate criteria air



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pollutant and ozone precursor emissions that would contribute to regional air emissions and affect regional air quality. It is possible that the levels of emissions generated during construction or operation could violate or contribute substantially to an existing or projected air quality violation.” IS pp. 144-145.

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(GHG-1)  
cont'd

The Initial Study’s claim that the project would comply with various plans or regulations to reduce GHG emissions is also deficient because the IS has failed to show that the plans or regulations contain specific requirements that would result the proposed project’s reducing GHG emissions to a less than significant level. Ex. T, p. 26. The IS has failed to show that the referenced plans or regulations actually address that emissions that would result from this proposed project or project variant. Ex. T, p. 27.

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

Moreover, the IS’s GHG analysis is deficient under CEQA because it failed to provide substantial evidence that the proposed project’s percentage reduction in GHGs from business as usual would correlate with achieving AB 32’s statewide goal of reducing emissions by approximately 30 percent below BAU by 202, or other applicable goals of the City or other agencies. The IS lacks substantial evidence to show that the proposed project would reduce its GHG emissions to levels that would be consistent with achieving applicable state, regional, local or other agency GHG reduction goals.

The IS does not present substantial evidence demonstrating that project GHG emissions would be consistent with SB 32’s goal of reducing GHG emissions by 40% below 1990 levels by 2030 (IS p. 147, fn. 124), of the goals of Executive Order S-3-05 to reduce emissions to 1990 levels by 2020, and to reduce emissions to 80% below 1990 levels by 2050 (IS p. 147 fn. 121), or the targets of Executive Order B-30-15 of reducing GHG emissions to 40 percent below 1990 levels by 2030. (IS p. 147, fn. 122) Also, the IS inadequately relied on the claim that San Francisco has met the State and regional 2020 GHG reduction targets citywide, but this proposed project would have significant adverse air emissions from 7-15 years of construction and operations which would result for years after 2020, so the GHG analysis analysis should have been performed for a longer time-range.

In addition, the IS failed to implement mitigation measures requiring as a condition of approval that during operations and construction the project proponent implement enforceable measures that would ensure that targeted reductions in GHG emissions would be met, and that compliance with applicable programs and regulations would actually occur.

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For the reasons stated above, the IS failed to follow CEQA procedures in determining the significance of the project's effect on GHG emissions, failed to support with substantial evidence in the record its determination that the project's and project variant's effect on GHG emissions would not be significant, and failed to provide substantial evidence in the record showing that the project and project variant's percentage reduction in GHGs in comparison with business as usual would correlate with achieving state, regional or local goals.

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 (GHG-1)  
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**8. The Determination that the Project Could Not Have Significant Growth-Inducing Impacts is Not Supported by Substantial Evidence.**

11  
 (PH-2)

As required by section 15126.2(d) of the CEQA Guidelines, an EIR must consider the ways in which the proposed project could directly or indirectly foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Implementation of the proposed project would require numerous zoning changes to establish new land use controls for the project site. As previously discussed herein, retail and new office uses are not allowed by the existing zoning set forth in Resolution 4109, and the project would propose to construct housing units in excess of the approximately 508 housing units allowed under Resolution 4109. The zoning changes sought and resulting land uses would change the mix and types of land uses that could be developed on the project site, and would allow for increased building heights and density.

The EIR should analyze whether the proposed project and project variant would result in residential development at a greater average housing density per acre than currently exists on the project site or in the immediate project vicinity.

Also, implementation of the proposed project would include the expansion of infrastructure for the provision of new or expanded distribution lines for water, gas and electrical service and sewer system lines.

The proposed project could be growth inducing if it would extend water supply infrastructure and/or gas and electric distribution infrastructure or sewer service infrastructure beyond what is necessary to serve uses proposed under the project.

The IS states that the project would include construction of new natural gas and sewer lines to serve the project site. IS p. 119. However, the IS provides no support for its conclusion that this infrastructure would not indirectly induce substantial population growth in the project area because the project site is an infill site surrounded by existing development and "the proposed infrastructure improvements would be sized to meet only project needs and would not enable additional development." IS p. 119. The project description did not include specifications as to



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the sizing of new or expanded infrastructure or impose limitations on its size as an enforceable condition of approval of the project.

The following mitigation measure should be adopted as a condition of approval of the proposed project:

**MITIGATION MEASURE.** The EIR will set forth technical specifications that show without question that proposed infrastructure improvements installed in connection with the project would be sized to meet only the needs of the project or project variant as proposed in the project description in the EIR and would not enable additional development; a qualified professional engineer will review the proposed specifications and sign a report verifying that such specifications will allow such infrastructure to only meet the needs of the project or project variant as proposed in the project description in the EIR and would not enable additional development; such report will be included in the Draft EIR and submitted for public comment; and the project approval will incorporate as enforceable mitigation measures such technical specifications that specifically provide that infrastructure installed on and/or nearby the project site would be sized to meet only the needs of the project or project variant as proposed in the project description in the EIR and would not enable additional development.

Absent substantial evidence to support the conclusion that no indirect impacts related to population growth as a result of expansion of infrastructure would occur, the evidence contained in the IS supports a fair argument that the expansion of infrastructure could indirectly foster population growth. The EIR must analyze this impact as a potentially significant impact.

Also, CEQA Guidelines section 15126.2(d) recognizes that increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The EIR should analyze in detail whether the project's demand for water, gas, electricity and sewer service could adversely affect the current supply of water, gas, electricity and sewer service to residences surrounding the site or in the immediate vicinity, so that new or expanded connections could be required.

## 9. The Project Description is Not Stable.

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

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

11  
 (PH-2)  
 cont'd

12  
 (PD-7)

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

12  
 (PD-7)  
 cont'd

In addition, the Initial Study indicates that the Walnut Street extension would be a pathway, and the EIR should clarify that approval would not be sought to make the Walnut Street extension a public street or public right of way. The EIR should also clarify that approval would not be sought to divide the project site into blocks, because the whole site is now one lot and block.

The project description and objectives are artificially narrow and preclude consideration of reasonable alternatives for achieving the project's underlying purpose. By describing the project as "mixed-use," the Initial Study seeks to prejudice the consideration of other adaptive reuse alternatives, such as all-residential development, which would conform with the existing zoning. The proposed project, however, would conflict with the existing land use controls, including controls prohibiting retail uses and new office uses at the site, heights in excess of 40-feet, violation of open space and rear yard requirements, and would seek other deviations. The project description and objectives would require numerous zoning changes, so is not an of-right project. The community has supported new residential construction, and the project objectives should be corrected to seek to achieve adaptive reuse of this historically significant resource in a manner which complies with applicable land use controls and avoids or substantially reduces significant impacts on the environment under CEQA standards. An all-residential alternative should be included in the EIR so as not to artificially limit alternatives considered by omitting information from the EIR that is highly relevant to the Board of Supervisors, which would have to approve zoning changes to permit the project as proposed to proceed.

13  
 (AL-1)

Further, the report of the project sponsor's consultant as to preservation alternatives states that all new construction proposed in the preservation alternative has been designed to the greatest extent that is technically feasible "to be comparable in square footage to the proposed Project or Project Variant." Ex. U, Page & Turnbull, 3333 California Street, Preservation Alternatives Report, excerpts, p. 8. According to the IS, the proposed project would have a total of 1,372,270 gross square feet, whereas the existing uses on the site occupy a total of 469,000 gross square feet. IS pp. 9, 21. The project variant would occupy a total of 1,476,987 gsf. Ex. U, p. 82. The EIR must clarify the actual objectives of the proposed project so as not to preclude consideration of reasonable alternatives for achieving the project's underlying purpose. Considering this information, together with the other information in the IS, it is unclear whether the project objectives are to build mixed-use development, to rezone the site to allow retail and new office uses and increased height limits, to achieve an amount of square footage of development that is now sought by the proposed project or project variant, or to achieve feasible adaptive reuse of a historically significant resource.



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

14  
 (PD-7)

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

Additional floors added to buildings would allow space for more residential units or other uses sought by the developer, and could increase the number of occupants or users of the site, and the consequent volumes of traffic, air emissions, noise and shadows. The impact of shadow would be greater if more than two to three additional stories were added to the existing building. Thus, the information sought is relevant to analysis of environmental impacts.

Very truly yours,



Kathryn Devincenzi

#### ATTACHMENTS

Ex. A - E-mails dated March 22 and 28, 2018 with Planning Department

Ex. B - 14 California Code of Regulations section 15000 *et seq.* (“CEQA Guidelines”), Appridix G, excerpts

Ex. C - San Francisco 2004 and 2009 Housing Element EIR, excerpts

Ex. D - EIR for Pier 70 Mixed-Use District Project, excerpts

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Ex. E - Nomination of Fireman's Fund Insurance Company Home Office for Listing in the National Register of Historic Places, excerpts

Ex. F - State Office of Historic Preservation File on California Historical Landmark #760, excerpts

Ex. G - Photographs

Ex. H - Langan Treadwell Rollo Preliminary Geotechnical Investigation dated 3 December 2014, excerpts

Ex. I - October 12, 2017 e-mail from Dan Safier

Ex. J - San Francisco Urban Forest Plan, excerpts

Ex. K - Residential Design Guidelines, excerpts

Ex. L - 2014 San Francisco Housing Element, excerpts

Ex. M - Preliminary Project Assessment, excerpts

Ex. N - Resolution 4109 and Stipulation as to Character of Improvements

Ex. O - Developer's calculation of permitted densities

Ex. P - Initial Study for 1629 Market Street, excerpts

Ex. Q - San Francisco Planning Department Shadow Analysis Procedures and Scope Requirements

Ex. R - February 28, 2016 Letter from Fitzgerald to San Francisco Planning Department

Ex. S - CEB, *Practice Under CEQA*, excerpts

Ex. T - California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97*, excerpts

Ex. U - Page & Turnbull, *3333 California Street, Preservation Alternatives Report*, excerpts

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

**RECEIVED**

**JUN 08 2018**

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

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

**PART 1, Exhibits A-G**

**EXHIBIT A**

[Quoted text hidden]

**Moore, Julie (CPC)** <julie.moore@sfgov.org>  
To: Kathy Devincenzi <krdevincenzi@gmail.com>

Wed, Mar 21, 2018 at 4:16 PM

Ms. Devincenzi,

I can confirm that the petition is part of the administrative record. We expect to release the initial study next month.

**Julie Moore, Senior Planner**  
**Environmental Planning Division**

San Francisco Planning Department  
1650 Mission Street, Suite 400 San Francisco, CA 94103  
Direct: 415.575.8733 | [www.sfplanning.org](http://www.sfplanning.org)

San Francisco Property Information Map

**From:** Kathy Devincenzi [<mailto:krdevincenzi@gmail.com>]  
**Sent:** Wednesday, March 21, 2018 12:06 PM  
**To:** Moore, Julie (CPC)

[Quoted text hidden]

[Quoted text hidden]

**Kathy Devincenzi** <krdevincenzi@gmail.com>  
To: "Moore, Julie (CPC)" <julie.moore@sfgov.org>

Thu, Mar 22, 2018 at 10:55 AM

Ms. Moore,

Thank you. Please confirm that the City will not issue a negative declaration after the 30-day public comment period on the initial study, and the City will prepare an EIR for 3333 California.

Kathy Devincenzi  
[Quoted text hidden]

**Moore, Julie (CPC)** <julie.moore@sfgov.org>  
To: Kathy Devincenzi <krdevincenzi@gmail.com>

Wed, Mar 28, 2018 at 3:35 PM

Your understanding is correct. Regardless of whether a negative declaration is issued after the 30-day comment period, providing your specific comments about the adequacy of the CEQA environmental review for the project in a timely manner will enable the Department to fulfill our responsibility under CEQA to engage in a good faith effort to disclose significant effects of the proposed project on the physical environment. The sooner you are able to provide such comments, the more thorough this evaluation is likely to be.

Regards,

**Julie Moore, Senior Planner**  
**Environmental Planning Division**



San Francisco Planning Department  
1650 Mission Street, Suite 400 San Francisco, CA 94103  
Direct: 415.575.8733 | [www.sfplanning.org](http://www.sfplanning.org)

San Francisco Property Information Map

**From:** Kathy Devincenzi [mailto:krdevincenzi@gmail.com]  
**Sent:** Thursday, March 22, 2018 10:56 AM

[Quoted text hidden]

[Quoted text hidden]

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**Kathy Devincenzi** <krdevincenzi@gmail.com>  
**To:** "Moore, Julie (CPC)" <julie.moore@sfgov.org>

Wed, Mar 28, 2018 at 3:46 PM

I understand the reason for comments. I wrote to confirm that a negative declaration will not be issued in order to avoid surprise and prejudice.

[Quoted text hidden]



Kathy Devincenzi <krdevincenzi@gmail.com>

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## 3333 California Street

4 messages

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**Kathy Devincenzi** <krdevincenzi@gmail.com>  
To: "Moore, Julie (CPC)" <julie.moore@sfgov.org>  
Bcc: Richard Frisbie <frfbeagle@gmail.com>

Fri, May 11, 2018 at 10:57 AM

Julie,

Thank you for sending me the Initial Study.

We need the reference materials cited in the Initial Study. You said you were having them compiled electronically. Can we pick up a CD(s) containing all the reference materials?

Thank you,

Kathy Devincenzi  
(415) 221-4700

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**Moore, Julie (CPC)** <julie.moore@sfgov.org>  
To: Kathy Devincenzi <krdevincenzi@gmail.com>

Mon, May 14, 2018 at 12:04 PM

Ms. Devincenzi,

I had a miscommunication with the environmental consultant about this. I should receive copies in the next day and will email you when it is available.

My apologies for the delay. In the meantime, I have requested a link to transmit the HRE electronically.

### **Julie Moore, Senior Planner Environmental Planning Division**

San Francisco Planning Department  
1650 Mission Street, Suite 400 San Francisco, CA 94103  
Direct: 415.575.8733 | [www.sfplanning.org](http://www.sfplanning.org)

San Francisco Property Information Map

**From:** Kathy Devincenzi [<mailto:krdevincenzi@gmail.com>]  
**Sent:** Friday, May 11, 2018 10:57 AM  
**To:** Moore, Julie (CPC)  
**Subject:** 3333 California Street

[Quoted text hidden]

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**Kathy Devincenzi** <krdevincenzi@gmail.com>  
To: "Moore, Julie (CPC)" <julie.moore@sfgov.org>

Mon, May 14, 2018 at 12:14 PM

Dear Ms. Moore,

Thank you for your reply. Can we have a 3-week extension on the 30-day review period due to unavailability of the reference materials for the Initial Study?

Kathy Devincenzi

[Quoted text hidden]

---

**Moore, Julie (CPC)** <julie.moore@sfgov.org>  
To: Kathy Devincenzi <krdevincenzi@gmail.com>

Tue, May 15, 2018 at 1:21 PM

The CD is ready for pickup – or if you prefer, I can mail it.

We will extend the comment period to Friday, June 8<sup>th</sup> at 5 p.m.

**Julie Moore, Senior Planner**  
**Environmental Planning Division**

San Francisco Planning Department  
1650 Mission Street, Suite 400 San Francisco, CA 94103  
Direct: 415.575.8733 | [www.sfplanning.org](http://www.sfplanning.org)

San Francisco Property Information Map

**From:** Kathy Devincenzi [<mailto:krdevincenzi@gmail.com>]  
**Sent:** Monday, May 14, 2018 12:15 PM  
**To:** Moore, Julie (CPC)  
**Subject:** Re: 3333 California Street

[Quoted text hidden]

**EXHIBIT B**

**CEQA APPENDIX G:  
ENVIRONMENTAL CHECKLIST FORM**

NOTE: The following is a sample form and may be tailored to satisfy individual agencies' needs and project circumstances. It may be used to meet the requirements for an initial study when the criteria set forth in CEQA Guidelines have been met. Substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

1. Project title: \_\_\_\_\_
2. Lead agency name and address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
3. Contact person and phone number: \_\_\_\_\_
4. Project location: \_\_\_\_\_
5. Project sponsor's name and address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
6. General plan designation: \_\_\_\_\_ 7. Zoning: \_\_\_\_\_
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
9. Surrounding land uses and setting: Briefly describe the project's surroundings:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun? \_\_\_\_\_

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**IV. BIOLOGICAL RESOURCES:**

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### VII. GREENHOUSE GAS EMISSIONS.

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### IX. HYDROLOGY AND WATER QUALITY.

Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XIII. POPULATION AND HOUSING.** Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

**XIV. PUBLIC SERVICES.**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

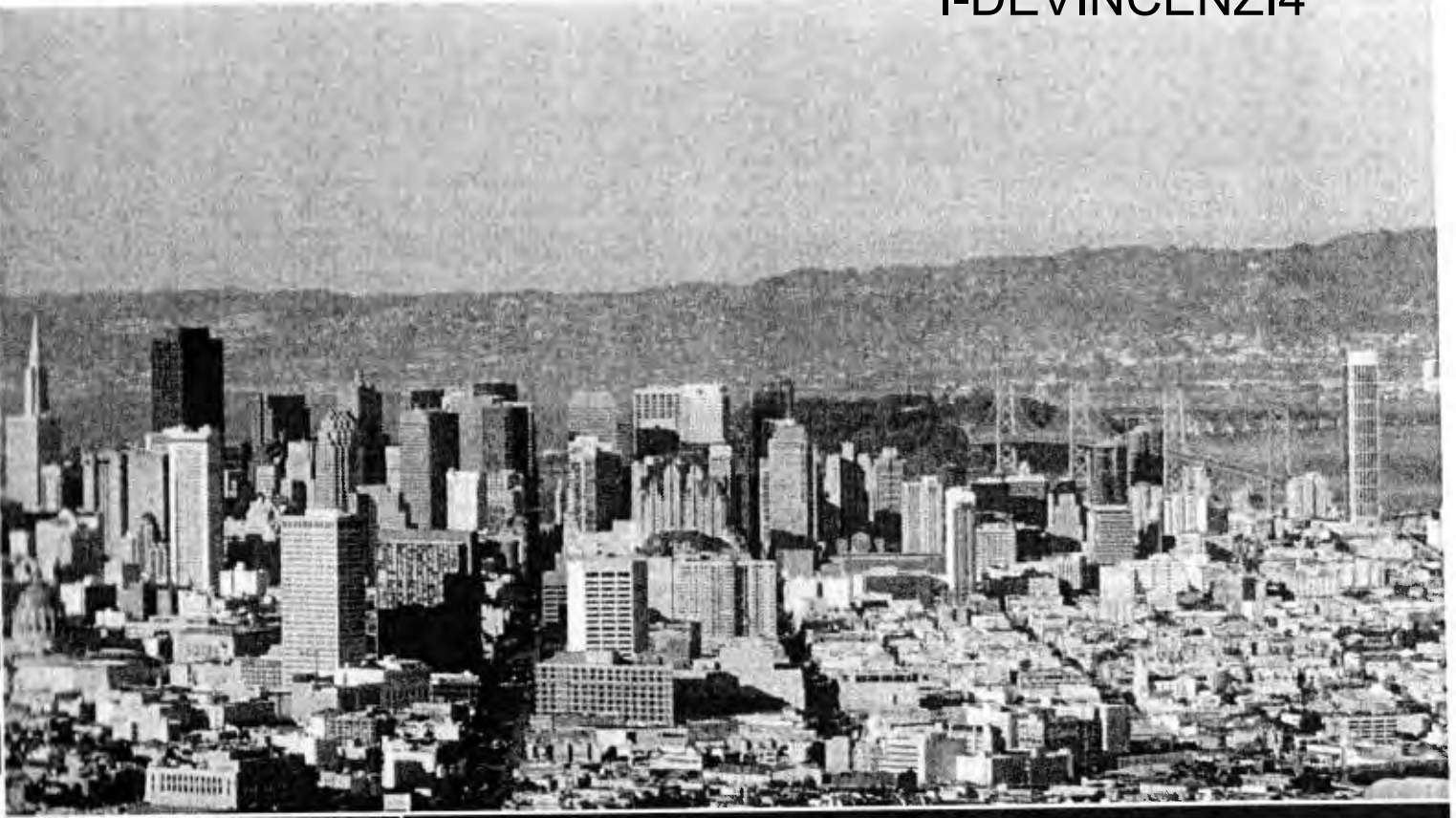
**XV. RECREATION.**

a) Would the project 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

**EXHIBIT C**





## ENVIRONMENTAL IMPACT REPORT

# San Francisco 2004 and 2009 Housing Element

Volume II: Final EIR (Section V.H to IX)

PLANNING DEPARTMENT  
CASE NO. 2007.1275E

STATE CLEARINGHOUSE NO. 2008102033



SAN FRANCISCO  
PLANNING  
DEPARTMENT



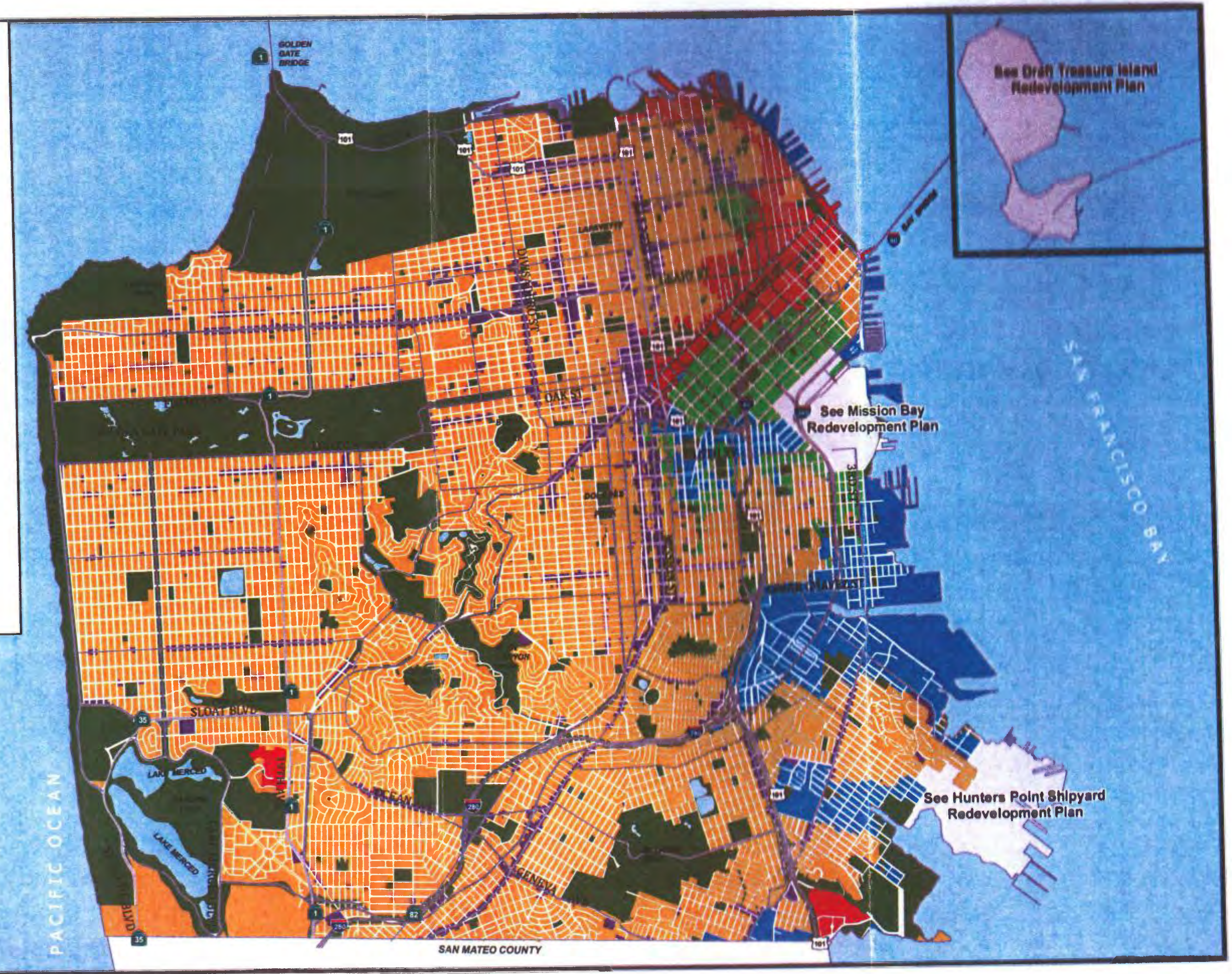
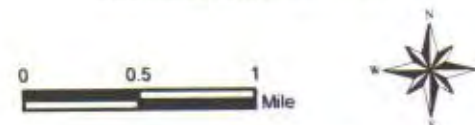



CITY AND COUNTY OF SAN FRANCISCO  
PLANNING DEPARTMENT

**Figure IV-3  
Generalized Citywide  
Zoning Map**

- Public (including parks, openspace and publicly owned buildings)
- Residential
- Neighborhood Commercial
- Mixed Use (Residential/Commercial, Residential/Industrial)
- Commercial
- Industrial & Production, Distribution and Repair
- Water

See Redevelopment Plan



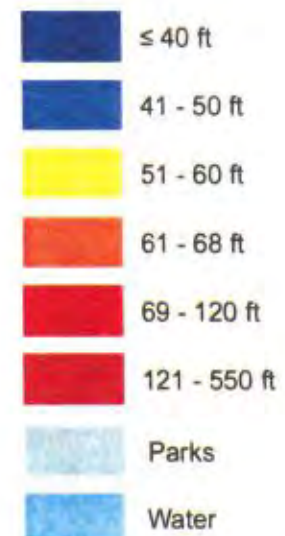




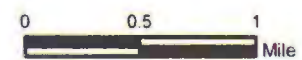
CITY AND COUNTY OF SAN FRANCISCO  
PLANNING DEPARTMENT

**Figure IV-4**  
**Generalized Citywide Height Map**

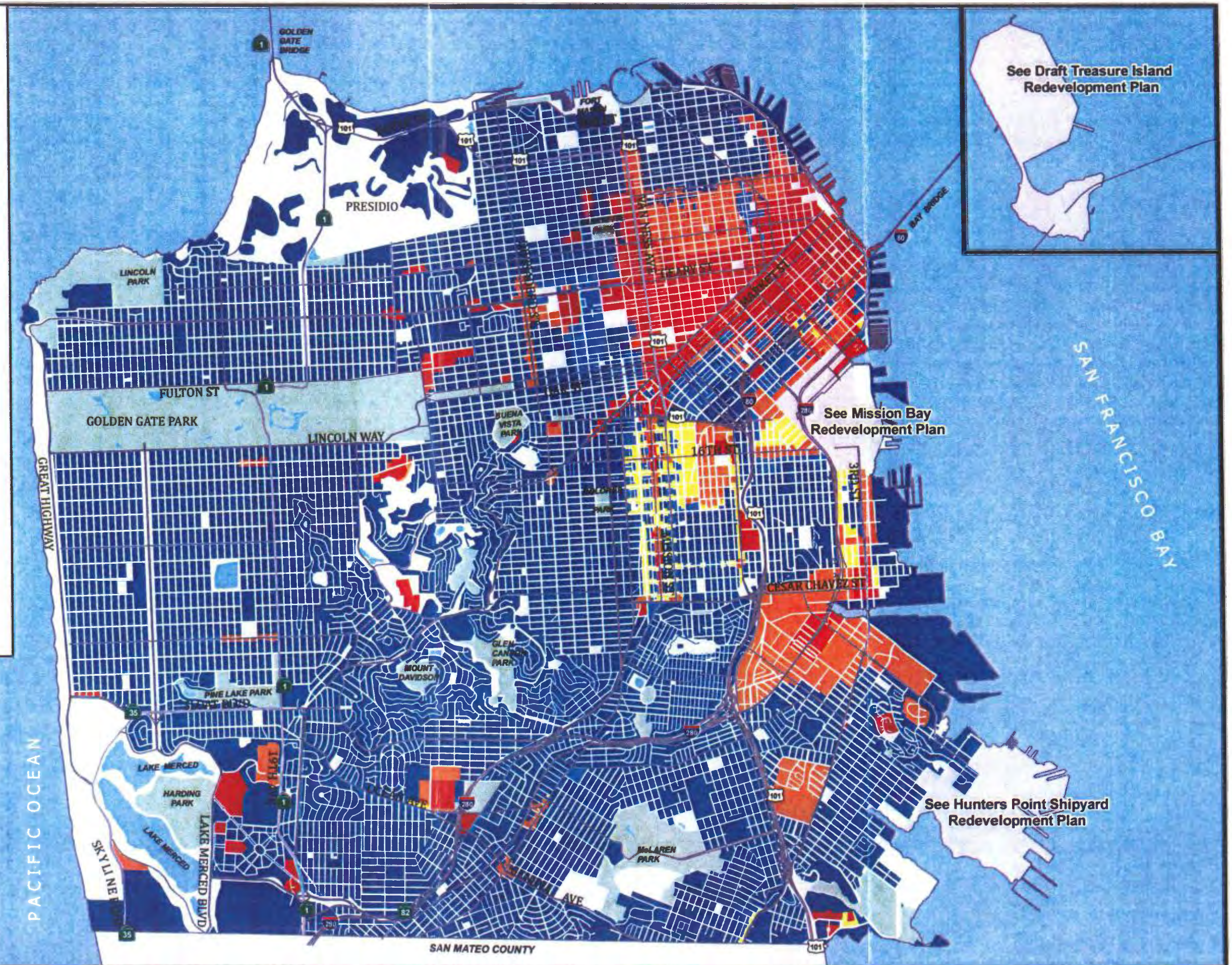
Height Districts



See Redevelopment Plan



Source: CCSF Planning Code, May 2010





**Table IV-8**  
**Policies With Potential for Physical Environmental Impacts<sup>1</sup>**

<b>Corresponding 1990 Residence Element Policy</b>	<b>2004 Housing Element</b>	<b>2009 Housing Element</b>
Policy 2.2: Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are permanently affordable to lower income households.	Policy 1.6: Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development projects.	Policy 1.10: Support new housing projects where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.
Policy 1.3: Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development projects.	Policy 1.7: Encourage and support the construction of quality, new family housing.	Policy 1.6: Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.
Policy 1.5: Allow new secondary units in areas where their effects can be dealt with and there is neighborhood support, especially if that housing is made permanently affordable to lower income households.	Policy 1.8: Allow new secondary units in areas where their effects can be dealt with and there is neighborhood support, especially if that housing is made permanently affordable to lower income households.	Policy 7.5: Encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval processes.
Policy 7.3: Grant density bonuses for construction of affordable or senior housing.	Policy 4.4: Consider granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.	Policy 11.5: Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.
Policy 2.3: Allow flexibility in the number and size of units within permitted volumes of larger multi unit structures, especially if the flexibility results in creation of a significant number of dwelling units that are permanently affordable to lower income households.	Policy 4.5: Allow greater flexibility in the number and size of units within established building envelopes, potentially increasing the number of affordable units in multi-family structures.	
Policy 12.5: Relate land use controls to the appropriate scale for new and existing residential areas.	Policy 11.6: Employ flexible land use controls in residential areas that can regulate inappropriately sized development in new neighborhoods, in downtown areas, and in other areas through a Better Neighborhoods type planning process while maximizing the opportunity for housing near transit.	

increase the likelihood that those individuals would utilize available public transit, or other alternatives modes of transportation (bicycle and walking) to work, decreasing the overall number of vehicle trips or vehicle miles traveled (VMTs) citywide. It also follows that housing in proximity to neighborhood services (such as along neighborhood commercial districts, mixed-use districts, or commercial areas) could reduce vehicle trips by shifting a portion of those trips to transit, bicycle or pedestrian trips. Proximity to neighborhood services could also result in lower VMT. For example, 2004 Housing Element Policies 1.2 and 1.9 and their corresponding implementation measures direct housing to commercial and educational areas more strongly than the 1990 Residence Element, which would reduce vehicle trips by locating housing in proximity to job cores and services. 2009 Housing Element Policies 12.1, 13.1, and 13.3 encourage housing near transit lines and existing transit infrastructure to a greater extent than their corresponding 1990 Residence Element policies. Therefore, no inconsistencies between the proposed Housing Elements and the Transportation Element have been identified.

### ***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 following Urban Design Element policies may be potentially inconsistent with the proposed Housing Elements.

- Objective 3: Moderation of major new development to complement the City pattern, the resources to be conserved and the neighborhood environment.
- Policy 3.3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.
- Policy 3.4: Promote building forms that will respect and improve the integrity of open spaces and other public areas.
- Policy 3.5: Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.
- 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.
- Policy 3.8: Discourage accumulation and development of large properties, unless such development is carefully designed with respect to its impact upon the surrounding area and upon the City.
- Policy 3.9: Encourage a continuing awareness of the long-term effects of growth upon the physical form of the city.
- Policy 4.1: Protect residential areas from the noise, pollution and physical danger of excessive traffic.



Policy 4.2: Provide buffering for residential properties when heavy traffic cannot be avoided.

The proposed Housing Elements would not adversely affect implementation of the above policies. Specifically, 2004 Housing Element Policies 11.1, 11.8, and 11.9 would use new housing to enhance neighborhood vitality and diversity and would ensure increased housing density would not conflict with existing neighborhood character. 2009 Housing Element Policies 11.1 and 11.7 encourage the preservation of neighborhood character. All of these policies would relate directly to the Urban Design Element policies. No inconsistencies between the proposed Housing Elements and the Urban Design Element have been identified.

### **Area Plans**

The General Plan also includes several area (neighborhood) plans that serve to guide the nature of future development within specific districts of the City. The 2004 Housing Element and 2009 Housing Element do not include any changes to the land use objectives and policies in the City's Area Plans or Redevelopment Plans for certain areas in the City. However, the proposed Housing Elements promote specific neighborhood and area plans as part of the planning process. 2004 Housing Element Policy 11.6 calls for the completion of the Better Neighborhoods area plans and 2009 Housing Element Policy 1.1 calls for a community planning process to guide new housing growth. Applicable Area Plans or Redevelopment Plans would continue to guide future development in specific neighborhoods or districts. A number of other planning efforts are currently underway including, but not limited to the Transit Center District Plan, Treasure Island, and Western SoMa, which could result in increased residential development potential in those areas. The estimated new housing construction potential for each of these areas is provided in Table IV-6 in Section IV (Project Description).

The more general policies in the 2004 and 2009 Housing Elements are made more precise in the applicable area plans as they relate to certain parts of the City. 2004 Housing Element Policies 1.7, 4.4, 11.6, 11.7, and 11.8 and 2009 Housing Element Policies 2.1 and 7.5 would promote increased housing density by encouraging the construction of new housing and discouraging demolition of existing housing. 2004 Housing Element Policies 3.1, 3.3, 3.4, and 3.5 and 2009 Housing Element Policies 2.5 and 7.6 encourage the preservation of existing residential units through maintenance and upgrade activities. 2004 Housing Element Policy 11.3 and 2009 Housing Element Policies 8.1, 9.1, 9.2, 9.3 support the production, management, and preservation of affordable housing units in accordance with San Francisco's needs. 2004 Housing Element Policies 11.1, 11.8, and 11.9 and 2009 Housing Element Policies 11.1 and 11.7 would ensure new housing does not conflict with existing neighborhood character. 2004 Housing Element Policies 1.7 and 4.5 and 2009 Housing Element Policy 2.2 encourage family housing. Implementation of the policies in the proposed Housing Elements could also serve to increase energy efficiency of San Francisco's housing stock by directing housing to locations where residents could have reduced reliance on automobiles, such as mixed use neighborhoods and areas surrounding existing transportation infrastructure. The proposed Housing Element policies discussed above further the intent related to housing of the Area Plans discussed below. No inconsistencies between the proposed Housing Elements and specific area plans have been identified.

## Other Development Agreements

### *Executive Park*

Executive Park is a 71-acre area located in southeastern San Francisco. It is bounded on the west by U.S. 101, on the east by the Candlestick Point Special Use District, on the north by Bayview Hill, and on the south by Candlestick State Park and the San Francisco Bay. Adjacent neighborhoods include the Bayview Hunters Point neighborhood to the north, and the Little Hollywood and Visitacion Valley neighborhoods to the northwest. Primary access to Executive Park is from Harney Way, Alana Way, Thomas Mellon Drive and Executive Park East Boulevard. Secondary access is provided via Blanken Avenue to the west, which connects Bayshore Boulevard with Executive Park West Boulevard, and Jamestown Avenue/Hunters Point Expressway to the east. Executive Park is now an office park with some housing on the far eastern end. The office buildings are surrounded by surface parking and the housing is internally focused and gated. The plan envisions a new San Francisco neighborhood: a mixed-used residential neighborhood with attractive public streets and open space connectivity.<sup>17</sup> The Executive Park Area Plan is an ongoing effort that could provide approximately 1,600 additional housing units.

### *Park Merced*

Park Merced is residential neighborhood on approximately 152 acres of land in the southwest portion of San Francisco adjacent to Lake Merced and generally bounded by Vidal Drive, Font Boulevard, Pinto Avenue, and Serrano Drive to the north, 19th Avenue and Junipero Serra Boulevard to the east, Brotherhood Way to the south, and Lake Merced Boulevard to the west. The Plan would increase residential density, provide a neighborhood core with new commercial and retail services, modify transit facilities, and improve utilities within the development site. The principal land use goals are to reduce automobile use by concentrating housing close to employment, increasing the supply of housing, and providing better integrated residential and neighborhood serving retail and office uses; to maximize opportunities to use pedestrian and bicycle pathways; to establish pedestrian-oriented nodes for the location of neighborhood services and amenities, open space, and community services; and to incorporate environmental factors such as sun, shade, and wind into the design and housing materials.<sup>18</sup> The Parkmerced Area Plan is an ongoing effort that could provide approximately 5,600 additional housing units.

## San Francisco Planning Code

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

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<sup>17</sup> Executive Park Area Plan, revised draft, March 19, 2009, website: <http://www.sfplanning.org/Modules/ShowDocument.aspx?documentid=1545>, accessed June 22, 2010.

<sup>18</sup> Park Merced EIR, Part 1 website: [http://www.sf-planning.org/ftp/files/MEA/2008.0021E\\_Parkmerced\\_DEIR\\_V1-01.pdf](http://www.sf-planning.org/ftp/files/MEA/2008.0021E_Parkmerced_DEIR_V1-01.pdf), accessed June 22, 2010.

a reclassification of the site occurs. The following is a summary of Planning Code provisions related to controls on housing.

### ***Existing Zoning (San Francisco Planning Code)***

San Francisco utilizes a zoning system with two separate sets of districts: one that regulates land uses, and another that regulates the height and bulk of buildings. The existing use districts and height limits in the City are described below.

There are a total of 13 residential zoning districts in the City, reflecting a mix of land use. A summary of the planning code provisions for residential uses is provided in the San Francisco Planning Code Zoning Districts, Residential Districts Controls Summary, on the Planning Department's website.<sup>19</sup> Residential zoning designations in the City range in density from RH-1 (D) (House-One Family, Detached Dwellings) to RTO (Residential Transit Oriented Development).

The City contains 25 separate height and bulk districts that range in height from 40 feet to 550 feet. The City is divided into classes of height and bulk districts as indicated on the zoning maps. Additional height limits are imposed for certain use districts, such as areas located within narrow streets or alleys. Section 263 of the Planning Code contains special exceptions to the height limits for certain uses within certain areas. Buildings and structures exceeding the prescribed height may be approved by the Planning Commission according to the procedures for conditional use approval in Section 303 of the Planning Code; provided, however, that such exceptions may be permitted only in the areas specified and only to the extent stated in each section. Some of the areas eligible for exceptions to the height limits include north and south of the Ferry Building, east and west of Chinese Playground, Chinatown corners and parapets, and north of Market residential special use districts, among others.

### **Planning Code Section 295**

Section 295 of the Planning Code, the Sunlight Ordinance, was adopted through voter approval of Proposition K in November 1994 to protect certain public open spaces from shadowing by new structures. Section 295 prohibits the issuance of building permits for new construction or additions that would result in structures greater than 40 feet in height that would shade property under the jurisdiction of, or designated to be acquired by, the Recreation and Park Commission, during the period from one hour after sunrise to one hour before sunset on any day of the year. An exception is permitted if the Planning Commission, upon advice from the Recreation and Park Department general manager and the Recreation and Park Commission, determines that the shadow would have an insignificant impact on the use of such property. In practice, therefore, Section 295 acts as a kind of overlay that further limits heights and/or shapes of certain buildings around protected parks; the Section 295 limit is in addition to the height limits in the Height and Bulk districts.

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<sup>19</sup> San Francisco Planning Department, Zoning Districts, Residential Districts Controls Summary, website: [http://www.sfgov.org/site/uploadedfiles/planning/projects\\_reports/Residential%20Standards%20Summary%20Table.pdf](http://www.sfgov.org/site/uploadedfiles/planning/projects_reports/Residential%20Standards%20Summary%20Table.pdf), accessed April 9, 2009.

All of the open spaces within the City that are under Recreation and Park Department control are protected by Section 295. Privately-owned open spaces, including any open spaces that are required under the Planning Code as part of an individual development proposal, are not subject to Section 295. Section 295 is applicable to the analysis of shadow impacts in Section V.I (Wind and Shade) of this EIR.

**Planning Code Section 147**

Planning Code Section 147, applicable to the C-3, RSD, SLR, SLI, or SSO zoning districts, states that new buildings and additions to existing buildings where height limits are greater than 50 feet must be shaped to minimize shadow on public plazas or other publicly accessible open spaces other than those protected by Section 295, “in accordance with the guidelines of good design and without unduly restricting the development potential of the property.” The following factors must be taken into account in determining compliance with this criterion: the amount of area shadowed, the duration of the shadow, and the importance of sunlight to the type of open space being shadowed. Various areas within the City are zoned RSD, SLR, SLI, or SSO and hence subject to Section 147. Section 147 is applicable to the analysis of shadow impacts in Section IV.I (Wind and Shade) of this EIR.

**Planning Code Section 311 and Residential Design Guidelines**

For construction of new residential buildings and alteration of existing residential buildings in R Districts, Section 311 of the Planning Code requires consistency with the design policies and guidelines of the General Plan and with the Residential Design Guidelines that are adopted for specific areas. Section 311 also states that the Director of Planning may require modifications to the exterior of a proposed residential building—including, but not limited to changes in siting, building envelope, scale, texture, detailing, openings, and landscaping—in order to bring it into conformity with the Residential Design Guidelines and the General Plan. The most recent set of Residential Design Guidelines was adopted in 2003. The guidelines apply to development in all RH and RM districts, and are intended to maintain cohesive neighborhood identity, preserve historic resources, and enhance the unique setting and character of the City and its residential neighborhoods.

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

- Ensure that the building’s scale is compatible with surrounding buildings.
- Ensure that the building respects the mid-block open space.
- Maintain light to adjacent properties by providing adequate setbacks.
- Provide architectural features that enhance the neighborhood’s character.
- Choose building materials that provide visual interest and texture to a building.
- Ensure that the character-defining features of an historic building are maintained.

Various areas within the City are zoned R and hence subject to Section 311 and the Residential Design Guidelines. Section 311 is applicable to the analysis of visual quality in Section V.C (Aesthetics) of this EIR.

### ***Other Controls***

#### **Reflective Glass (Planning Commission Resolution 9212)**

Planning Commission Resolution No. 9212 (1981) established a pair of guidelines for reviewing and acting on proposed building projects. The first guideline states that clear, untinted glass should be used at and near the street level. The second guideline states that mirrored, highly reflective, or densely tinted glass should not be used except as an architectural or decorative element. By prohibiting mirrored or reflective glass, this resolution serves to limit glare. Resolution 9212 is applicable to the analysis of visual quality in Section V.C (Aesthetics) of this EIR.

#### **San Francisco Green Building Ordinance (SFGBO)**

In 2008, the City adopted Chapter 13C (Green Building Requirements) into San Francisco Building Code. The purpose of the requirements is to promote the health, safety, and welfare of San Francisco residents, workers, and visitors by minimizing the use and waste of energy, water and other resources in the construction and operation of the buildings within the City and by providing a healthy indoor environment. The requirements are based on LEED®<sup>20</sup> or GreenPoints<sup>21</sup> rating systems. Upon full implementation of the SFGBO in 2012, residential development will be required to achieve the following minimum standards:

1. Small residential (four or fewer units) – 75 GreenPoints;
2. Mid-sized residential (five or more units less than 75 feet in height) – 75 GreenPoints; or
3. High-rise large residential – 75 GreenPoints or LEED® Silver.

The ordinance requires compliance with the applicable LEED® performance standards or GreenPoint Rated checklists (which applies mostly to residential buildings) for New Construction, Version 2.2, LEED® criteria sustainable Sites (SS) 6.1 and SS6.2 for stormwater management, as well as the best management practices (BMPs) and Stormwater Design Guidelines of the SFPUC (1304C.0.3). Additionally, for high-rise residential buildings (1304C.1.3), new group B (Business) and M (Mercantile) occupancy buildings (1304C.2), and new large commercial buildings (1304C.2.2), water efficient landscaping (LEED® credit WE1.1) and water conservation are required (LEED® credit WE3.2).

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<sup>20</sup> U.S. Green Building Council - LEED Rating Systems information website: <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=222> accessed June 17, 2010.

<sup>21</sup> Build It Green - GreenPoint ratings information website: <http://www.builditgreen.org/greenpoint-rated/> accessed June 17, 2010.



- consider the impacts of ozone control measures on particulate matter (PM), air toxics, and greenhouse gases in a single, integrated plan;
- review progress in improving air quality in recent years; and
- establish emission control measures to be adopted or implemented in the 2009-2012 timeframe

Overall, the intent of the CAP, as described above, would not conflict with the proposed Housing Elements. No inconsistencies between the proposed Housing Elements and the CAP have been identified

### ***The San Francisco Bay Plan***

The San Francisco Bay Plan was completed and adopted by the San Francisco Bay Conservation and Development Commission in 1968 and submitted to the California Legislature and Governor in January 1969. The Bay Plan was prepared by the Commission over a three-year period pursuant to the McAteer-Petris Act of 1965 which established the Commission as a temporary agency to prepare an enforceable plan to guide the future protection and use of San Francisco Bay and its shoreline. In 1969, the Legislature acted upon the Commission's recommendations in the Bay Plan and revised the McAteer-Petris Act by designating the Commission as the agency responsible for maintaining and carrying out the provisions of the Act and the Bay Plan for the protection of the Bay and its great natural resources and the development of the Bay and shoreline to their highest potential with a minimum of Bay fill. The Bay Plan is in the process of being updated. No inconsistencies between the proposed Housing Elements and this Plan have been identified.

### ***Urban Forest Plan***

Pursuant to Chapter 12 of the San Francisco Environment Code, the Urban Forestry Council advises City departments, including the Board of Supervisors and the mayor. Its tasks are to develop a comprehensive urban forest plan; educate the public; develop tree-care standards; identify funding needs, staffing needs, and opportunities for urban forest programs; secure adequate resources for urban forest programs; facilitate coordination of tree-management responsibilities among agencies; and report on the state of the urban forest. The Council's scope of authority is completely advisory and educational in nature. The Council has prepared an Urban Forest Plan, which reviews the creation of San Francisco's urban forest, analyzes the structure and functional benefits of the forests, and identifies the challenges that threaten its future, which could include impacts resulting from housing development. Designed to provide a road map for policy-makers and implementers, the Plan identifies goals that are critical to maximizing the value of the forest. Underlying these goals is the understanding that the urban forest is a living and evolving resource that is adapted to the unique and often challenging conditions of the urban environment. These goals are directed at the owners and managers of the trees that comprise the urban forest. No inconsistencies between the proposed Housing Elements and this Plan have been identified.

### ***Proposition M***

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City Planning Code to establish eight Priority Policies. These

policies, and the sections of this Environmental Evaluation addressing the environmental issues associated with the policies are (1) preservation and enhancement of neighborhood-serving retail uses (Section V.B); (2) protection of neighborhood character (Section V.B); (3) preservation and enhancement of affordable housing (Section V.D with regard to housing supply and displacement issues); (4) discouragement of commuter automobiles (Section V.F); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Section V.B); (6) maximization of earthquake preparedness (Section V.O [Geology and Soils]); (7) landmark and historic building preservation (Section III.E [Cultural Resources and Paleontological Resources]); and (8) protection of open space (Section V.J [Shadows] and Section V.N).

Prior to issuing a permit for any project that requires an Initial Study under CEQA, and prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action that requires a finding of consistency with the General Plan, Section 101.1 requires that the City find that the proposed project or legislation would be consistent with the Priority Policies. As noted above, the consistency of the Project with the environmental topics associated with the Priority Policies is discussed in Chapter V (Environmental Setting, Impacts, and Mitigation Measures) of this EIR. The case report and approval motions for the Project would contain the Planning Department's comprehensive Project analysis and findings regarding consistency of the Project with the Priority Policies.

## CONCLUSION

Overall, the proposed Housing Elements would not conflict with any of the goals of the plans and policies listed in this section. The potential of the proposed Housing Elements to conflict with applicable plans, policies, or regulations is discussed in detail under Impact LU-1 in Section V.B (Land Use and Land Use Planning).

- Mixed Uses (Non-residential);
- Residential;
- Visitor-Serving Retail; and
- Parks and Open Space.

### Existing Zoning

There are a total of 13 residential zoning districts in the City, reflecting a mix of land use. A summary of the planning code provisions for residential uses is provided in the San Francisco Planning Code Zoning Districts, Residential Districts Controls Summary, on the Planning Department's website.<sup>1</sup> The Summary of the Planning Code Standards for Residential Districts provides the name of the zoning district and maximum dwelling unit density, as well as other land use controls. Residential zoning designations in the City include, but are not limited to RH-1 (D) (House-One Family, Detached Dwellings), RH-2 (House-Two Family), RM-1 (Mixed [Apartments and Houses], Low Density) to RM-4 (Mixed [Apartments and Houses], High Density), RC-3 (Residential-Commercial Combined, Medium Density), RED (Residential Enclave District) and RTO (Residential Transit Oriented Development). Generally, RH-1 zoning districts allow for one dwelling unit per lot. RH-1(S) zoning districts allow for an additional minor second unit. RH-2 zoning districts generally allow for two units per lot, with RH-3 zoning districts allowing three units per lot. Residential Mixed zoning districts can allow up to three dwelling units per lot (RM-1), or up to one unit per 200 square feet (sf) of lot area (RM-4). RC-3 districts allow up to three units per lot or one unit per 400 sf of lot area and RC-4 districts allow up to one unit per 200 sf of lot area. RED districts have similar density standards as RC-3 and RM-3 zoning districts, in that, RED districts allow for one dwelling unit per 400 sf of lot area. RTO zoning districts generally allow one dwelling unit per 600 sf of lot area, although these density limits may be exceeded for providing additional affordable housing units and other special uses.

### Existing Height and Bulk Districts

The City contains 25 separate height and bulk districts that range in height from 40 feet to 400 feet. The different classes of height and bulk districts are indicated on the zoning maps. Additional height limits are imposed for certain use districts, such as areas located within narrow streets or alleys. Section 263 of the Planning Code contains special exceptions to the height limits for certain uses within certain areas. Buildings and structures exceeding the prescribed height may be approved by the Planning Commission according to the procedures for conditional use approval in Section 303 of the Planning Code; provided, however, that such exceptions may be permitted only in the areas specified and only to the extent stated in each section. Some of the areas eligible for exceptions to the height limits include north and south of the Ferry Building, east and west of Chinese Playground, Chinatown corners and parapets, and north of

<sup>1</sup> San Francisco Planning Department, Zoning Districts, Residential Districts Controls Summary, website: <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=5358>, accessed April 9, 2009.

Market residential special use districts, among others. Figure IV-4, Generalized Citywide Height Map, shows that generally the western half of the City is dominated by 40-foot height limits. Moving east, towards the Downtown, heights increase along Van Ness Avenue and continue into the Downtown. Additional information on existing height limits is included in the following discussion of individual planning districts.

### **San Francisco Planning Districts**

For purposes of this section of the EIR, the City is discusses with respect to each Planning District, as depicted in Figure V.A-1. The City is comprised of 18 Planning Districts. The following discussion provides a general overview of the existing land use character within each of the 18 Planning Districts. The existing land use character is described in terms of general land uses, height limits, preservation districts, and other characteristics that may pertain to a given planning district, including details of various planning efforts. Over the years, the San Francisco Planning Department has undergone a number of focused planning efforts, initiated by either the Planning Department or the Redevelopment Agency, to guide the development of various areas or neighborhoods within the City. These efforts have resulted in the preparation of Area Plans or Redevelopment Plans. Within each Planning District, applicable Area and Redevelopment plans are also discussed with respect to land use character. These Area and Redevelopment Plans are also discussed in Section V.A (Plans and Policies).

### ***South Bayshore***

The South Bayshore area of the City is bordered to the north by the South of Market and Mission Planning Districts, to the west by the Bernal Heights and South Central Planning Districts, and to the south by San Mateo County and the San Francisco Bay. The entire eastern border of this district fronts along the San Francisco Bay. Existing height limits north of Islas Creek are 40 feet, increasing to 80 and 85 foot height limits along Third Street. West of Third Street heights decrease to 65 feet. Heights south of Islas Creek are 40 feet along Pier 90 and 90, increasing to 85 feet along Third Street and 80 feet for parcels near Pier 88. Land uses north and south of Islas Creek are designated M-2 (Heavy Industrial), and further east, land uses are primarily PDR (Production, Distribution and Repair) zoning districts. PDR zoning districts allow for a variety on non-residential activities and are an important reservoir of space for San Francisco's new and evolving industry and unforeseen activity types. Business and activities allowed in PDR Districts generally share a need for flexible operating space that features large open interior spaces, high ceilings, freight loading docks and elevators, floors capable of bearing heavy loads, and large (often uncovered exterior) storage areas. These uses are often not ideally compatible with housing for operational reasons, including the need for significant trucking and delivery activities, 24-hour operation, and emission of noise, odors and vibrations. North and south of Islas Creek, a variety of PDR-related special use districts exists.

Industrial zoning districts (M-1 and M2 [Light Industrial]) extend south of Islas Creek, along the San Francisco shoreline, with 40 foot height limits. To the east of Hunter's Point Boulevard lies the India Basin shoreline park, which is designated as Open Space. RM-1 zoning districts are located southeast of Innes Avenue and abut the Hunter's Point Naval Shipyard. The Hunter's Point Naval Shipyard generally

***Chapter 35 of the San Francisco Administrative Code***

Chapter 35 of the San Francisco Administrative Code "Residential and Industrial Compatibility and Protection" is designed to protect existing and future industrial businesses from potentially incompatible adjacent and nearby development. The City encourages the use of best available control technologies and best management practices whenever possible to further reduce the potential for incompatibility with other uses, including residential. Another goal of this ordinance is to protect the future residents of industrial and mixed-use neighborhoods by providing a notification process so that residents are made aware of some of the possible consequences of moving to an industrial or mixed-use neighborhood and by encouraging and, if possible, requiring, features in any new residential construction designed to promote the compatibility of residential and adjacent or nearby industrial uses.

***San Francisco Redevelopment Agency Plans***

The San Francisco Redevelopment Agency, formed in 1948, was established for the purpose of improving the environment of San Francisco and creating better urban living conditions through the removal of blight. Authorized and organized under the provisions of the California Community Redevelopment Law, the Agency is an entity legally separate from the City and County of San Francisco, but existing solely to perform certain functions exclusively for and by authorization of the City and County of San Francisco. The Agency operates primarily in redevelopment project areas designated by the Board of Supervisors. Redevelopment Plans within the City are discussed above.

***San Francisco County Countywide Transportation Plan***

Pursuant to state law, in 1990, the San Francisco County Transportation Authority was designated the Congestion Management Agency for San Francisco. The Transportation Authority is responsible for setting transportation investment priorities for the city, developing and maintaining a computerized travel demand forecasting model and related databases, and programming state and federal funds for local transportation projects. The Authority is also responsible for preparing a long-range Countywide Transportation Plan. The Countywide Transportation Plan is the City's blueprint to guide transportation system development and investment over the next thirty years. The Plan is consistent with the broader policy framework of San Francisco's General Plan and particularly its Transportation Element. The Countywide Transportation Plan further develops and implements General Plan principles by identifying needed transportation system improvements.

**IMPACTS*****Significance Thresholds***

The proposed Housing Elements would normally have a significant effect on the environment if they would:

- Physically divide an established community;

- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or
- Have a substantial impact upon the existing character of the vicinity.

### Impact Evaluation

Section V.A (Plans and Policies) of this EIR describes the Area Plans of the General Plan and Redevelopment Plan Areas adopted by the San Francisco Redevelopment Agency that serve to guide the nature of future development in specific neighborhoods or districts in the City. The City's General Plan includes adopted Area Plans for the following areas: Bayview Hunters Point, Central Waterfront, Chinatown, Civic Center, Downtown, East SoMa, Market & Octavia, Mission, Northeastern Waterfront, Showplace Square/Potrero, Rincon Hill, South of Market, Van Ness Avenue, and Western Shoreline. The San Francisco Redevelopment Agency maintains redevelopment plans for the following areas: Bayview Hunters Point, Federal Office Building, Golden Gateway, Hunters Point Shipyard, Mission Bay, Rincon Point - South Beach, South of Market, Transbay, Visitacion Valley, Western Addition A-1, and Yerba Buena Center. Redevelopment Areas also serve to guide the nature of future development in specific areas, and either contain special zoning and land use controls or specify that the controls of the San Francisco Planning Code apply.

Implementation of the proposed Housing Elements would not directly result in changes to applicable height and bulk zoning districts or to allowable uses under the Planning Code. Additionally, the 2004 Housing Element and 2009 Housing Element do not include any changes to any of the land use objectives and policies in the City's Area Plans or Redevelopment Plans. While implementation of the proposed Housing Elements would not directly affect existing Area Plans or Redevelopment Plans, it would encourage new Area Plans with similar planning-related strategies that may be designed to accommodate growth. Applicable Area Plans or Redevelopment Plans would continue to guide future development in specific neighborhoods or districts.

As noted before, ABAG, in coordination with the State Department of Housing and Community Development (HCD), uses population and job growth projections from the State Department of Finance to determine the regional housing needs for the Bay Area and allocates housing to cities and counties within the Bay Area through the Regional Housing Needs Allocation (RHNA). In providing direction for meeting regional housing needs, ABAG's RHNA number focuses on both the amount of housing and the affordability of housing. Currently, the City is generally meeting ABAG's most recent household projections and is slightly exceeding ABAG's latest population estimates. A variety of local factors support growth projections for San Francisco. The desirability of San Francisco, with its wealth of natural and urban amenities, has always appealed strongly to consumers. This desirability has resulted in continued high demand for housing, as evidenced by high property values and a growing population. Therefore, it is expected that residential development in the City would occur regardless of the proposed Housing Elements, and housing element law ensures that local agencies, including San Francisco, plan for



the development of, and make land available for, new housing. To meet the City's share of the RHNA, including its income requirements, the proposed Housing Elements aim to do the following: 1) preserve and upgrade existing housing units to ensure they do not become dilapidated, abandoned, or unsound, and 2) provide direction for how and where new housing development in the City should occur. With respect to the latter, the 2004 Housing Element encourages new housing in Downtown and in underutilized commercial and industrial areas. The 2004 Housing Element also encourages increased housing in neighborhood commercial districts and mixed use districts near Downtown. The 2009 Housing Element encourages housing in new commercial or institutional projects, housing projects near major transit lines, and accommodating housing in appropriate locations and densities through community planning efforts.

Impacts related to land use could occur if the proposed Housing Elements resulted in new development, including infrastructure, which would divide an established community. The 2004 and 2009 Housing Elements encourage future housing development in infill areas or on individual parcels, and future housing development would be expected to take place in established neighborhoods as shown in Figure IV-5 in Section IV (Project Description). The proposed 2004 and 2009 Housing Elements would not change allowable land uses already permitted by the City's Planning Code, therefore the proposed Housing Elements would not physically divide an established community. Furthermore, none of the policies in the 2004 or 2009 Housing Elements would encourage the division of a community. In fact, most policies would encourage residential growth in established areas within an established land use plan. For example, Policies 1.1, 1.2, 1.3, 1.4, and 1.5 of the 2004 Housing Element encourage housing in appropriate geographic locations as well as encouraging higher density and in-fill development. Therefore, implementation of these policies would not result in the division of an established community. Similarly, Policies 1.1, 4.6, 12.1, 12.3, 13.1, and 13.3 of the 2009 Housing Element encourage the development of strategically located housing near existing infrastructure or transit. Therefore, implementation of these policies would not result in the division of an established community. In addition, the 2004 and 2009 Housing Elements do not include any extensions of roadways or other development features through a currently developed area that could physically divide an established community. Therefore, implementation of either of the 2004 or 2009 Housing Elements would have *no impact* resulting from the division of an established community.

***Impact LU-1: The proposed Housing Elements would not conflict with applicable land use plans, policy, or regulations. (Less than Significant)***

Implementation of the 2004 Housing Element and 2009 Housing Element could result in impacts related to conflicts with existing land use policy, plans, or regulations if the Housing Elements resulted in housing development that was not consistent with zoning and land use designations as outlined in governing land use plans and/or the City's Planning Code to the extent those regulations help to avoid or mitigate potential environmental impacts. For example, if a height limit in a particular area was designed to avoid impacting a view from a public vantage point, there could be an impact from a policy that increased the height limits. However, as discussed throughout this document, the proposed Housing Elements would not result in changes to allowable land uses or height and bulk designations.

The following includes a general consistency discussion between City land use and planning policy documents and both the 2004 Housing Element and 2009 Housing Element. As stated in the analysis

***Impact LU-2: The proposed Housing Elements would not have a substantial impact upon the existing character of the vicinity. (Less than Significant)***

The City includes a mix of land uses, including residential, neighborhood retail, institutional and cultural, commercial, industrial, and open space areas. This mix of land uses varies throughout the City: some areas are predominately residential in nature, some predominately commercial, and other areas contain a variety of mixed uses (commercial strips surrounded by residential uses or commercial and industrial areas with small amounts of residential). These various types and mixtures of land uses contribute to the existing land use character throughout the City. The proximity of housing to these various land uses has shaped the development of San Francisco. As discussed throughout this EIR, varied land uses exist within relatively close proximity to residential uses, providing needed services as well as housing in proximity to job cores.

Figures V.B-1 and V.B-2 show the available housing unit capacity and pipeline units that are anticipated to be developed, or have the potential for residential development, outside existing Commercial Districts and within Downtown and Mixed-Use Districts, respectively. As shown in Figure V.B-1, approximately 17,587 units in the City's pipeline occur outside the service area of one of the City's Commercial Districts (calculated as more than 1/4 mile from a commercial district), with capacity for additional 498 units. The areas of the City with the most pipeline or capacity units not served by a Commercial District include Park Merced, Hunters Point Shipyard, and Candlestick neighborhoods. Planning efforts are underway in these areas, and the intent of these efforts is to develop commercial uses to support the new residential development. As shown in Figure V.B-2, approximately 3,134 units in the City's pipeline occur within Downtown and Mixed Use Districts, with capacity for another 8,692 units in these areas. According to the land use inventory prepared by the City, the areas with the greatest potential for development near Downtown and Mixed Use Districts include Rincon Hill, East SoMa, and Mission. These figures reflect the trends that much of San Francisco's residential neighborhoods are located in relatively close proximity to a variety of land uses. The following discusses the potential for the 2004 and 2009 Housing Element policies to affect land use character.

***2004 Housing Element Analysis***

Implementation of the 2004 Housing Element could result in impacts related to land use character if new housing is substantially out of scale with development in an existing neighborhood, or if new development is so different than existing development that the new development would change the existing character of an area. The following 2004 Housing Element policies promote residential development in certain areas of the City and promote increased residential densities. A substantial increase of residential uses in an area that has been traditionally dominated by non-residential uses could result in changes to land use character. Similarly, substantial increases in residential densities in traditionally low-density neighborhoods could result in changes to land use character. The potential for the 2004 Housing Element policies to affect land use character is addressed below.

Overall, the 2004 Housing Element includes policies that would maintain consistency with existing neighborhood and land use character though the encouragement of in-fill development in a manner that does not present conflicts with the existing character of the vicinity. Furthermore, the 2004 Housing Element would not directly result in changes to zoning or height and bulk designations. New housing would be required to comply with the previously discussed regulations, the governing land use plan, the City's Residential Design Guidelines, and the Urban Design Element of the General Plan, which is concerned with the physical character and environment of the City with respect to development and preservation. Finally, Chapter 35 of the City's Administrative Code further reduces incompatibilities between residential and industrial uses. Therefore, the 2004 Housing Element would have a *less than significant* impact with respect to conflicts with existing land use character.

#### *2009 Housing Element Analysis*

Implementation of the 2009 Housing Element could result in impacts related to existing character if new housing is out of scale with development in an existing neighborhood or if new development is so different it would change the existing character of an area. The following 2009 Housing Element policies promote residential development in certain areas of the City and promote increased residential densities. The potential for these policies to affect land use character is addressed below.

Impact	2009 Housing Element	Corresponding 1990 Residence Element Policy
Direct growth to certain areas of the City.	Policy 1.1: Focus housing growth- and the infrastructure necessary to support that growth- according to community plans. Complete planning underway in key opportunity areas such as Treasure Island, Candlestick Park and Hunters Point Shipyard.	Implementation Measure 1.1.2: Pursuit of housing development opportunities in neighborhood and area plans.
	Policy 1.3: Work proactively to identify and secure opportunity sites for permanently affordable housing.	Policy 1.1: Promote development of permanently affordable housing on surplus, underused and vacant public lands.
	Policy 1.6: Consider greater flexibility in the number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.	Policy 2.5: Allow flexibility in the number and size of units within permitted volumes of larger multi-unit structures, especially if the flexibility results in creation of a significant number of dwelling units that are permanently affordable to lower income households.

Impact	2009 Housing Element	Corresponding 1990 Residence Element Policy
Promote housing that fits within existing neighborhood character.	Policy 11.1: Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, respects existing neighborhood character.	Policy 12.4: Promote construction of well designed housing that conserves existing neighborhood character.
	Policy 11.3: Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.	Policy 12.4: Promote construction of well designed housing that conserves neighborhood character.
	Policy 11.5: Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.	Policy 12.5: Relate land use controls to the appropriate scale for new and existing residential areas.
	Policy 11.7: Consider a neighborhood's character with integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.	Policy 12.3: Minimize disruption caused by expansion of institutions into residential areas.
Reduce land use conflicts through support of the long-range planning process.	Implementation Measure 8: Planning, Redevelopment and MOWED should complete long range planning processes already underway: Japantown, Glen Park, the Northeast Embarcadero Study, the Bayview Hunter's Point Plan, Candlestick/Hunters Point, India Basin Shoreline Community Planning Process, Treasure Island and Hunter's Point.	

The 2009 Housing Element recognizes the diversity in architectural structures throughout the City. 2009 Housing Element Policy 11.1 would ensure that future development would be consistent with existing neighborhood character. The 2009 Housing Element advocates for housing to be incorporated into new commercial and institutional development, but notes that housing development in areas of commercial and institutional development should be determined based through a community planning process. Additionally, Implementation Measure 8 calls for the City to complete long range planning processes already underway for many areas of the City. These planning processes have identified locations where the City has determined that new residential development would be appropriate, and where the City has engaged the surrounding communities in a community planning process. The specific environmental

review conducted for those planning efforts will address the compatibility of those plans with the existing land use character.

As discussed previously, the 2009 Housing Element does not, overall citywide, promote increased residential densities more so than the 1990 Residence Element. The 2009 Housing Element promotes increased densities mostly as a strategy to be pursued during community planning processes. Any such community planning process would be required to undergo a separate environmental review pursuant to CEQA, and would be required to address the potential for the proposed land use controls of that community planning effort affect land use character. Furthermore, incremental increases in residential density in those areas that permit residential uses would not substantially change the existing land use character. Additionally, new residential uses would be required to be developed in accordance with the residential design guidelines or other applicable design guidelines, as well as Planning Code density requirements.

Although the 2009 Housing Element promotes housing in certain areas of the City, including within commercial developments and near transit, the proposed 2009 Housing Element would not change allowable land uses. As shown in Figures V.B-1 and V.B-2, much of the City is located in proximity to a variety of land uses including commercial districts and mixed use districts. Therefore, policies that promote additional residential development within mixed-use areas would not result in substantial changes to land use character.

Furthermore, new housing would need to comply with the previously discussed regulations, the governing land use plan, and the Urban Design Element of the General Plan. Finally, compliance with Chapter 35 of the City's Administrative Code further reduces any potential incompatibilities between residential and industrial uses. In addition, the following 2009 Housing Element policies could reduce any potential impacts to character by directly or indirectly encouraging the preservation of neighborhood character.

Similar to the 2004 Housing Element discussed above, overall, the 2009 Housing Element contains policies and measures that would increase the City's housing supply in a manner that does not present conflicts with existing land use character. The 2009 Housing Element would not result in changes to allowable land uses or height and bulk designations and future development would be required to comply with the previously discussed land use regulations. Therefore, the 2009 Housing Element would have a ***less than significant*** impact with respect to conflicts with existing land use character.

### **Cumulative Impacts**

The geographic context for the cumulative impacts associated with land use issues is the City and County of San Francisco. Cumulative impacts occur when impacts from a proposed project that are significant or less than significant combine with similar impacts from other past, present, or reasonably foreseeable projects in a similar geographic area. Changes to the existing land use environment in the area could occur through the conversion of vacant land and low density uses to higher density uses, or through conversion of existing land use (e.g., from commercial to residential). However, it is assumed that future development would be consistent with policies in the adopted General Plan as well as zoning

requirements. Any new development is also anticipated to require CEQA review and design review, as well as other state and local regulations such as San Francisco Administrative Code Chapter 35, which would reduce potential land use conflicts. For this reason, cumulative impacts to land uses as a result of incompatible uses and changes to land use character would be *less than significant*. The contribution of the Housing Elements to such cumulative land use impacts is less than significant and is thus not cumulatively considerable because overall the Housing Elements promote compatibility with the surrounding land uses. This cumulative impact would be *less than significant*.

It is also anticipated that any new development will be reviewed for consistency with adopted land use plans and policies by the City, such as CEQA, the Planning Code, and the California Subdivision Map Act, all of which require findings of plan and policy consistency prior to approval of entitlements for development. For this reason, cumulative impacts associated with inconsistencies of future development with adopted plans and policies would be *less than significant*. In addition, the contribution of the Housing Elements to such cumulative impacts would be *less than significant*. As a result, the proposed Housing Elements would not contribute to any impacts associated with plan or policy inconsistency. This is considered to be a *less than significant* cumulative impact.

## MITIGATION AND IMPROVEMENT MEASURES

### Mitigation Measures

No mitigation measures are warranted by the proposed Housing Elements.

### Improvement Measures

No improvement measures are warranted by the proposed Housing Elements.



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## V. ENVIRONMENTAL SETTING AND IMPACTS

### C. AESTHETICS

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#### INTRODUCTION

This section addresses the potential impacts of the 2004 Housing Element and 2009 Housing Element policies related to scenic vistas, scenic resources, visual character or quality of surrounding area, and potential new sources of light and glare.

#### ENVIRONMENTAL SETTING

##### Visual Character

The visual setting of the City is varied, reflecting the unique visual characteristics of the City's topography, street grids, public open spaces, and distinct neighborhoods. San Francisco's skyline may be characterized by a general pattern of densely clustered high-rise commercial development in the downtown core that tapers off to low-rise development at its periphery. This compact urban form signifies the downtown as the center of commerce and activity and produces a downtown "mound," distinctive from the City's numerous hills. Although distinctive, this form is neither smooth nor uniform. A range of building heights in the downtown creates gaps, peaks, dips and inconsistencies within this pattern, allowing taller buildings and building tops to stand out in profile against the sky. The tension between conformity and variety in the skyline results in a readable and recognizable image for San Francisco, with notable landmarks such as the Transamerica Pyramid, sitting apart from the "mound."

Outside of the highly commercial and built-up downtown area, much of the City is characterized by unique residential neighborhoods, which each exhibit their own distinctive visual character. Neighborhoods within the City can vary greatly in terms of density, scale, architectural style, and general design pattern. Most neighborhoods have a traditional neighborhood commercial district with a main street which provides goods and services to residents in the vicinity. Commercial storefront buildings usually contain businesses on the first floor and residential units above. This type of development creates a village-like appearance, common throughout much of San Francisco's neighborhoods and districts.

Section V.B (Land Use and Land Use Planning) discusses the land use character of the 18 Planning Districts within the City, as depicted on Figure V.A-1, and describes existing height limits and land uses within each of the Planning Districts, including descriptions of neighborhood commercial areas.

##### Open Space

Public open spaces often give a neighborhood its identity, a visual focus, a center for activity and provide a counterpoint to often dense mixed-use residential and commercial neighborhoods by providing visual relief from the built environment. Open spaces in the City include playgrounds, civic spaces, regional parks, and neighborhood parks. Refer to Section V.J (Recreation) for more information about parks and open spaces.

- Executive Order S-01-07 establishing the Low Carbon Fuel Standard (LCFS) requires a 10% or greater reduction in the average carbon intensity for transportation fuels in California regulated by ARB (also a discrete early action measure).
- AB 1493 (Pavley Standard) requires ARB to adopt regulations to reduce GHG emissions for noncommercial passenger vehicles and light-duty trucks of model year 2009 and thereafter.
- Under Senate Bill 107, California's Renewable Portfolio Standard (RPS) requires retail suppliers of electric services to increase procurement from eligible renewable energy resources to 20% by 2010.
- California Executive Order S-14-08 mandates retail suppliers of electric services to increase procurement from eligible renewable energy resources to 33% by 2020.
- Senate Bill (SB) 1368 requires the California Public Utilities Commission (PUC) and CEC to establish GHG emission performance standards for the generation of electricity.

## Regional

The BAAQMD is the primary agency responsible for comprehensive air pollution control in the entire San Francisco Bay Area Air Basin. As such, the BAAQMD works directly with the Association of Bay Area Governments, the Metropolitan Transportation Commission, and local governments and cooperates actively with all federal and state government agencies. The BAAQMD develops rules and regulations, establishes permitting requirements for stationary sources, inspects emissions sources, and enforces such measures through educational programs or fines, when necessary.

BAAQMD has published a document titled *BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans* (BAAQMD CEQA Guidelines, December 1999). In that document BAAQMD provides guidance and recommendations on the methodologies of analysis and suggested thresholds of significance that Lead Agencies can use when analyzing air quality impacts during CEQA review of projects. This document does not address climate change or GHG emissions.

The BAAQMD recently updated their 1999 CEQA Air Quality Guidelines (referenced above) and adopted significance thresholds for GHGs on June 2, 2010. The updated CEQA Air Quality Guidelines includes significance thresholds, assessment methodologies, and mitigation strategies for GHG emissions. The recently adopted GHG thresholds of significance, as discussed in BAAQMD's May 2010 CEQA Air Quality Guidelines, includes two sets of GHG thresholds: one that would apply to specific development projects, and another threshold that would apply to plan-level CEQA analyses. The proposed 2004 and 2009 Housing Elements are an update to the City's General Plan and therefore, the plan-level threshold would be the applicable threshold for the proposed Housing Elements. However, as discussed in Section V.H (Air Quality), according to the BAAQMD, the recently adopted thresholds of significance for GHGs are intended to apply to environmental analyses that have begun on or after adoption of the revised CEQA thresholds (June 2, 2010). Therefore, the proposed project would not be subject to BAAQMD's recently

## V. ENVIRONMENTAL SETTING AND IMPACTS

### J. WIND AND SHADOW

#### INTRODUCTION

This section addresses the potential impacts of the 2004 Housing Element and 2009 Housing Element policies related to wind and shadow. The San Francisco Planning Code contains provisions pertaining to wind and shadow minimization. Because wind and shadow contribute substantially to the San Francisco environment and can be highly susceptible to an impact from development, these issues are analyzed as part of CEQA review in San Francisco.

#### ENVIRONMENTAL SETTING

##### Wind

Wind impacts are generally caused by large building masses extending substantially above neighboring buildings, and by buildings oriented such that a new large wall catches a prevailing wind, particularly if such a wall includes little or no articulation.

Long-term wind data in San Francisco is available from historical wind records from the U.S. Weather Bureau weather station located above the old Federal Building at 50 United Nations Plaza. Table V.J-1 shows that average wind speeds are greatest in the summer and least in the fall. Winds also exhibit a diurnal variation with the strongest winds occurring in the afternoon, and lightest winds occurring in the early morning.

**Table V.J-1**  
**Seasonal Wind Direction Frequency and Average Speed in Knots (%)**

Prevailing Wind Direction	January		April		July		October		Annual	
	Freq	Speed	Freq	Speed	Freq	Speed	Freq	Speed	Freq	Speed
North	12.5	7.9	2.2	11.0	0.3	6.0	3.3	6.6	5.0	7.2
North-northeast	1.3	5.6	0.7	6.1	0.3	6.8	0.7	6.6	0.8	6.0
Northeast	4.5	5.3	1.3	4.7	1.1	7.4	2.2	5.8	1.9	5.6
East-northeast	1.4	6.3	0.6	4.8	0.2	5.1	0.8	5.1	0.8	5.6
East	11.9	4.8	2.6	4.5	0.1	3.9	4.8	4.5	4.8	5.0
East-southeast	2.1	6.4	0.3	5.2	0.1	2.5	0.6	5.8	0.8	5.8
Southeast	9.1	6.4	2.4	7.8	0.2	5.0	3.7	6.6	4.2	6.8
South-southeast	2.8	5.6	0.3	3.8	0.1	3.0	1.3	9.0	1.2	6.4
South	6.7	5.0	4.2	7.1	1.1	4.9	4.5	7.5	4.1	6.4
South-southwest	1.0	4.8	0.4	4.1	0.1	3.0	1.7	12.8	0.9	8.6
Southwest	4.5	8.0	7.7	9.2	15.6	10.1	7.8	9.1	9.3	9.3
West-southwest	1.0	5.9	1.7	7.7	1.2	8.1	2.8	8.8	2.4	8.6
West	13.2	7.2	43.0	10.9	53.0	13.1	34.6	9.1	35.7	10.9
West-northwest	7.5	11.1	20.7	14.1	14.9	14.5	15.2	10.9	13.8	12.7
Northwest	11.5	7.7	9.3	10.7	10.7	11.4	10.8	8.5	10.0	9.7
North-northwest	1.2	5.7	0.6	10.8	0.6	8.5	0.5	7.5	0.7	8.3
Calm	7.7	-	2.1	-	0.3	-	4.6	-	3.7	-

## Shadow

Shading is an important environmental issue because the users or occupants of certain land uses, such as residential, recreational/parks, churches, schools, outdoor restaurants, and pedestrian areas have some reasonable expectations for direct sunlight and warmth from the sun. These land uses are termed "shadow-sensitive". For a discussion of parks and open space in San Francisco, refer to Section V.K (Recreation).

Shadow lengths are dependent on the height and size of the building or object from which they are cast and the angle of the sun. The angle of the sun varies with respect to the rotation of the earth (i.e., time of day) and elliptical orbit (i.e., change in seasons). The longest shadows are cast during the winter months and the shortest shadows are cast during the summer months.

In the City, the presence of the sun's warming rays is essential to enjoying open space. This is because climatic factors, including ambient temperature, humidity, and wind, often combine to create a comfortable climate only when direct sunlight is present. Therefore, the shadows created by new development nearby can critically diminish the utility of the open space. This is particularly a problem in the Downtown area and in adjacent neighborhoods, where there is a limited amount of open space, pressure for new development, and zoning controls that allow tall buildings. Neighborhoods that experience shading issues include the Downtown area and many of the adjacent areas, including Civic Center, Nob Hill, Financial District, Mission Bay, and South of Market. Together these areas could accommodate approximately 12 percent of the City's pipeline housing units and approximately five percent of the overall capacity for new housing within the City.<sup>4</sup> Refer to Figure IV-4 in Section IV. Project Description, which shows the Citywide Height Map.

The City of San Francisco is densely developed with urban uses. As discussed in Section V.K (Recreation), the City is served by over 200 neighborhood park, recreation, and open space facilities. These facilities are considered "shadow-sensitive".

In general, all applications for new construction or additions to existing buildings above 40 feet in height must be reviewed to determine whether a project would cast additional shadows on properties under the jurisdiction of, or designated to be acquired by the Recreation and Park Department. The Planning Department staff develops a "shadow fan" diagram that shows the maximum extent of the shadows cast by a proposed building throughout the year, between one hour after sunrise and one hour before sunset. If the shadow fan indicates a project shadow does not reach any property protected by Planning Code Section 295 (the sunlight ordinance), no further review is required. If the shadow fan shows that a project has potential to shade such properties, further analysis is required.

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<sup>4</sup> This calculation used the entire Downtown District to represent the Civic Center, Nob Hill, and Financial District areas. The aforementioned areas do not encompass the entire Downtown District. Therefore, the percentage of pipeline housing units and overall capacity that are in areas with shading issues are likely overstated.

and are dominated by either coast live oak (*Quercus agrifolia*) or California wax myrtle (*Myrica californica*). Small stands of California wax myrtle forest occur in the eastern portion of Golden Gate Park, but these may be planted trees. However, stands of coast live oak forest within Golden Gate Park are thought to be remnants of the historic vegetation. Stands of coast live oak forest occur at several other natural areas, and those at Buena Vista Park and 15th Avenue Steps are also likely to be remnant stands of the historic San Francisco vegetation. Baker Beach and Fort Funston are also likely to include seabluﬀ scrub habitat, another sensitive community.<sup>5</sup>

In addition, an EIR is currently being prepared for the Significant Natural Resource Areas Management Plan (SNRAMP)<sup>6</sup> Areas on Department of Recreation and Parks property in the City, which are different than the natural areas previous discussed. The SNRAMP will be used by the resource managers over the next 20 years. The 31 Natural Areas located within the City are scattered mostly throughout the central and southern portions of the City and constitute approximately four percent of the total City area. They range in size from less than one acre (i.e., 15th Avenue Steps) to almost 400 acres (i.e., Lake Merced).

The movement and migration of wildlife in urban and suburban areas has been substantially altered due to habitat fragmentation over the past century. This fragmentation is most commonly caused by development, which can result in large patches of land becoming inaccessible and forming a virtual barrier between undeveloped areas, or resulting in additional roads which, although narrow, may result in barriers to smaller or less mobile wildlife species. Fragmented habitat corridors are located throughout the City. Habitat fragmentation results in isolated "islands" of habitat, which prevents the exchange of genetic material within species populations in different geographic areas necessary to maintain the genetic variability to withstand major environmental disturbances such as fire or climate change.<sup>7</sup>

## Wetlands

Wetlands are generally considered to be areas that are periodically or permanently inundated by surface or groundwater, and support vegetation adapted to life in saturated soil. Wetlands are recognized as important features on a regional and national level due to their high inherent value to fish and wildlife, use as storage areas for storm and flood waters, and water recharge, filtration, and purification functions. Technical standards for delineating wetlands have been developed by the U.S. Army Corps of Engineers (ACE) and the U.S. Fish and Wildlife Service (USFWS), which generally define wetlands through consideration of three criteria: hydrology, soils, and vegetation. The ACE and the California Department of Fish and Game (CDFG) have jurisdiction over modifications to stream channels, rivers banks, lakes and other wetland features. Due to the extent of development and past filling within the City, jurisdictional wetlands and other water features are not prevalent within the City. However, wetlands are

<sup>5</sup> These areas include rocky cliffs along the shoreline that are likely to support seabluﬀ scrub habitat.

<sup>6</sup> The Notice of Preparation of an Environmental Impact Report for the Natural Areas Management Plan was released on April 22, 2009.

<sup>7</sup> California Wilderness Coalition, et. al. Missing Linkages: Restoring Connectivity to the California Landscape. (<http://www.calwild.org/resources/pubs/linkages/index.htm>).



Sensitive vegetation communities are also identified by CDFG on its List of California Natural Communities Recognized by the CNDDDB. Impacts to sensitive natural communities and habitats identified in local or regional plans, policies, regulations or by federal or state agencies must be considered and evaluated under the CEQA (CCR: Title 14, Div. 6, Chap. 3, Appendix G).

## **Local**

### ***San Francisco General Plan***

The San Francisco General Plan provides general policies and objectives to guide land use decisions and development throughout the City. General Plan objectives and policies relevant to biological resources are discussed in Section V.A (Plans and Policies) of this EIR.

### ***Chapter 8 of the San Francisco Environmental Code***

Chapter 8 of the San Francisco Environment Code bans the use of tropical hardwood and virgin redwood for reasons including atmospheric imbalance and global warming and that the destruction of rainforests is contributing currently to extinction of 30 species of plant and animal life each day. The City prohibits the use, acquisition or purchase, directly or indirectly, by any City or County department or agency, of any tropical hardwoods or tropical hardwood wood products as well as virgin redwood or virgin redwood wood products.

### ***San Francisco Integrated Pest Management Ordinance***

Chapter 3 of the San Francisco Environmental Code states that the City, in carrying out its operations, shall assume pesticides are potentially hazardous to human and environmental health. City departments shall give preference to reasonably available nonpesticide alternatives when considering the use of pesticides on City property. The Integrated Pest Management Ordinance provides an outline of the City's integrated pest management (IPM) approach.

### ***Urban Forest Plan***

Pursuant to Chapter 12 of the San Francisco Environment Code, the Urban Forestry Council advises city departments, including the Board of Supervisors and the mayor. Its tasks are to develop a comprehensive urban forest plan; educate the public; develop tree-care standards; identify funding needs, staffing needs, and opportunities for urban forest programs; secure adequate resources for urban forest programs; facilitate coordination of tree-management responsibilities among agencies; and report on the state of the urban forest. The Council's scope of authority is completely advisory and educational in nature. The Council has prepared an Urban Forest Plan, which reviews the creation of San Francisco's urban forest, analyzes the structure and functional benefits of the forests, and identifies the challenges that threaten its future. Designed to provide a road map for policy-makers and implementers, the Plan identifies goals that are critical to maximizing the value of the forest. Underlying these goals is the understanding that the urban forest is a living and evolving resource that is adapted to the unique and often challenging

conditions of the urban environment. These goals are directed at the owners and managers of the trees that comprise the urban forest.

### ***Urban Forestry Ordinance***

Section 804 of Article 16, "Urban Forestry Ordinance," in the San Francisco Public Works Code outlines the jurisdiction of the San Francisco Department of Public Works (DPW) over trees and landscaping. DPW has jurisdiction over planning, planting, protection, maintenance, and removal of trees or landscaping in the public right-of-way, as well as over certain trees on private property if they are deemed hazard, landmark, or significant trees. Pursuant to Article 16, the San Francisco Urban Forestry Ordinance's purposes include: realize the optimum public benefits of trees on the City's streets and public places; integrate street planting and maintenance with other urban elements and amenities; promote efficient, cost effective management of the City's urban forest; reduce the public hazard, nuisance, and expense occasioned by improper tree selection, planting, and maintenance; provide for the creation of an equitable, sustained, and reliable means of funding urban-forest management throughout the City; create and maintain a unified urban-forest resource; recognize that trees are an essential part of the City's aesthetic environment; recognize that green spaces are vital to San Francisco's quality of life; and ensure that landscaping in sidewalk areas is properly constructed and maintained in order to maximize environmental benefits, protect public safety, and limit conflicts with infrastructure. Directions are provided for planting and removal of street trees by the DPW and persons outside the DPW.

### **Significant Trees**

Significant trees are defined by City ordinance as trees in, or within 10 feet of, a public right-of-way that are greater than 20 feet tall, have a canopy greater than 15 feet in diameter, or have a trunk greater than 12 inches in diameter at 4.5 feet above grade.<sup>9</sup> Removal of significant trees requires the authorization of the DPW director or the director's designee, and is subject to the rules and procedures governing permits and disclosures as above.

### **Landmark Trees**

In 2007, the San Francisco Board of Supervisors adopted legislation for designation and protection of landmark trees. Landmark trees can be anywhere within San Francisco, including private property. They are designated as such by the Board of Supervisors, based on criteria such as age, location, species, or visual quality. Once the tree has been designated, a notice indicating this designation is recorded for the property on which the tree is located. The City Zoning Administrator is required to identify landmark trees on proposed development or construction sites, and to notify the Urban Forestry Council and DPW. Special permits are required if the property is later proposed for development.<sup>10</sup> The City Zoning

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<sup>9</sup> San Francisco Public Works Code, Article 16, Urban Forestry Ordinance, Available at: <http://www.municode.com/Resources/gateway.asp?pid=14142&sid=5>, Section 810A.

<sup>10</sup> San Francisco Public Works Code, Article 16, Urban Forestry Ordinance, Available at:

Administrator or other City agency must impose measures to protect landmark trees on a construction site.

## IMPACTS

### Significance Thresholds

The proposed Housing Elements would normally have a significant effect on the environment if they would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

### Impact Evaluation

As discussed previously, the 2004 Housing Element and 2009 Housing Elements would not change the land use objectives and policies in the City's area and redevelopment plans. According to Part I of the 2009 Housing Element (Data and Needs Analysis), the City has available capacity to meet the Regional Housing Needs Assessment (RHNA) as determined by the Association of Bay Area Governments (ABAG). Therefore, the rezoning of land uses is not required. To meet the City's share of the RHNA, the proposed Housing Elements aim to do the following: 1) preserve and upgrade existing housing units to ensure they do not become dilapidated, abandoned, or unsound, and 2) provide direction for how new

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<http://www.municode.com/Resources/gateway.asp?pid=14142&sid=5>, Section 810.

housing development in the City should occur. With respect to the latter, the 2004 Housing Element encourages new housing in Downtown and in underutilized commercial and industrial areas. The 2004 Housing Element also encourages increased housing in neighborhood commercial districts and mixed-use districts near Downtown. The 2009 Housing Element encourages housing in new commercial or institutional projects and accommodating housing through existing community planning processes.

***Impact BI-1: The proposed Housing Elements would not have a substantial adverse effect on any candidate, sensitive, or special-status species; riparian habitat or other sensitive natural communities; federally protected wetlands; or interfere with the movement of species. (Less than Significant)***

New construction could result in impacts related to biological resources if new housing would result in disturbance from construction activities, tree removal, construction on or near wetlands or sensitive habitats or riparian areas, interference with migration, take of special status-species (e.g. development/redevelopment of abandoned buildings that provide habitat for bats could impact those species), application of pesticides and herbicides, construction of tall buildings with glass walls that could increase bird strikes and possibly interrupt a migration corridor, and conflict with provisions of an adopted habitat conservation plan. As shown in Figure IV-4 in Section IV (Project Description), the City's height districts allow the tallest buildings (121 to 550 feet) in the Downtown and SoMa areas, with a few exceptions in other areas of the City. Generally, lower heights in the western and southern portions of the City would not affect bird migration. Increases in density could be accomplished by promoting development to full height limits in the Downtown area, which could affect bird migration. On the other hand, increasing density could accommodate more of the City's fair share of the RHNA in fewer buildings, necessitating less new construction and less potential for disturbance or interference to biological resources.

#### *2004 Housing Element Analysis*

The 2004 Housing Element does not propose policies that would directly or indirectly encourage development of areas with sensitive habitat or species. However, the following 2004 Housing Element policies could affect bird migrations by encouraging increased density in Downtown areas.

Impact	2004 Housing Element	Corresponding 1990 Residence Element Policy
Direct growth to certain areas of the City.	Policy 1.1: Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas	Policy 2.1: Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood character.  Policy 2.2: Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of

Impact	2004 Housing Element	Corresponding 1990 Residence Element Policy
	Policy 3.3: Maintain and improve the condition of the existing supply of public housing.	Policy 5.4: Maintain and improve the existing supply of public housing.
Promote preservation of residential buildings.	Policy 3.6: Preserve landmark historic residential buildings.  Implementation Measure 3.6.6: The Planning Department will encourage property owners to use preservation incentives to repair, restore, or rehabilitate historic resources in lieu of demolition. These include federal tax credits for rehabilitation of qualified historical resources, Mills Act property tax abatement programs, the State Historic Building Code, and tax deductions for preservation easements.	Policy 5.5: Preserve landmark historic residential buildings.

As shown above, the 2004 Housing Element proposes policies that discourage demolition and promote the maintenance of existing public housing (including Policies 2.1, 3.3, and 3.6) to a degree similar to the 1990 Residence Element, which could reduce the amount of new housing required to meet the City's housing needs. Essentially, both the 1990 Residence Element and 2004 Housing Element recognize the need for the retention and maintenance of existing housing, and therefore do not represent a shift in policy. The preservation of existing housing reduces the potential for new development to build to maximum allowable height and bulk limits, thereby reducing the potential for subsequent biological resource impacts resulting from new development at maximum allowable height and bulk limits.

Although the 2004 Housing Element would not result in the construction of residential units, it would shape how new residential development should occur and ensures that there is adequate land available to meet future housing needs. Potential impacts related to biological resources would be offset by compliance with the Open Space Element of the San Francisco General Plan, Chapter 8 of the San Francisco Environment Code, San Francisco's Green Building Ordinance, San Francisco's IPM Ordinance, San Francisco's Urban Forest Plan, and San Francisco's Urban Forestry Ordinance to minimize impacts related to biological resources. Furthermore, any new development within the City would be subject, on a project-by-project basis, to independent CEQA review. Therefore, the 2004 Housing Element would have a *less than significant* impact with respect to biological resources.



Impact	2009 Housing Element	Corresponding 1990 Residence Element Policy
	Implementation Measure 64: Planning staff shall support affordable housing projects in the development review process, including allowing sponsors of permanently affordable housing to take advantage of allowable densities provided their projects are consistent with neighborhood character.	
	Implementation Measure 79: Planning staff shall continue to use community planning processes to develop policies, zoning and standards that are tailored to neighborhood character.	Implementation Measure 2.2.1: Densities compatible with neighborhood character

As shown above, the 2009 Housing Element promotes housing through community planning processes (Policies 1.1, 1.6, and Implementation Measures 8, 80 and 97). The 2009 Housing Element also promotes housing on underused, vacant and surplus lands (Policy 1.3 and Implementation Measures 3 and 4), and housing within mixed-use areas (Policy 1.8 and Implementation Measure 80), thereby directing housing to commercial areas. As discussed previously, directing new housing to certain areas of the City could increase the amount of new housing occurring in those areas, thereby potentially resulting in new development potentially requiring tree removal, construction on or near wetlands or sensitive habitats or riparian areas, interference with migration, take of special status-species (e.g, development/redevelopment of abandoned buildings that provide habitat for bats could impact those species), application of pesticides and herbicides, construction of tall buildings with glass walls that could increase bird strikes and possibly interrupt a migration corridor, and conflict with provisions of an adopted habitat conservation plan.

The 2009 Housing Element generally promotes increased density through community planning processes (Policies 1.4, 1.6, and Implementation Measures 13 and 79) and for affordable housing (Policy 7.5 and Implementation Measures 36 and 64). The 2009 Housing Element also includes a strategy designed to reduce the amount of space required for non-housing functions (Implementation Measure 12). While the 2009 Housing Element contains a policy that advocates for family-sized housing units (Policy 4.1 and Implementation Measure 32), overall density increases from such policy would be speculative as less units would be accommodated within a given building envelope. However, as discussed in the analysis of the 2004 Housing Element, increased density standards could result in more units within a given building envelope, which could be partially achieved by the construction of multi-family housing built to maximum allowable height and bulk, thereby potentially resulting in new development potentially requiring tree removal, construction on or near wetlands or sensitive habitats or riparian areas, interference with migration, take of special status-species (e.g, development/redevelopment of abandoned buildings that provide habitat for bats could impact those species), application of pesticides and

herbicides, construction of tall buildings with glass walls that could increase bird strikes and possibly interrupt a migration corridor, and conflict with provisions of an adopted habitat conservation plan.

Similar to the 2004 Housing Element, major themes of the 2009 Housing Element include the preservation and maintenance of existing housing. The following 2009 Housing Element policies discourage demolition and encourage the maintenance of the City's existing housing stock, thereby reducing the amount of new housing required to meet the City's housing needs and subsequent biological resource related impacts resulting from development at maximum allowable height and bulk limits.

Impact	2009 Housing Element	Corresponding 1990 Residence Element Policy
Discourage demolition and improve existing housing supply.	Policy 2.3: Prevent the removal or reduction of housing for parking.	
	Policy 2.4: Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.	Objective 5: To maintain and improve the physical condition of housing while maintaining existing affordability levels. Policy 5.1: Assure that existing housing is maintained in decent, safe sanitary conditions at existing affordability levels. Policy 5.2: Promote and support voluntary housing rehabilitation which does not result in the displacement of lower income occupants.
	Policy 3.1: Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs	Policy 3.1: Discourage the demolition of sound existing housing.
	Policy 3.2: Promote voluntary housing acquisition and rehabilitation to protect affordability for existing occupants.	Policy 5.2: Promote and support voluntary housing rehabilitation which does not result in the displacement of lower income occupants.
	Policy 3.4: Preserve "naturally affordable" housing types, such as smaller and older ownership units.	
	Policy 3.5: Retain permanently affordable residential hotels and single room occupancy (SRO) units.	Policy 3.7: Preserve the existing stock of residential hotels.
	Policy 9.3: Maintain and improve the condition of the existing supply of public housing, through programs such as HOPE SF.	Policy 5.4: Maintain and improve the existing supply of public housing. Policy 7.5: Encourage energy efficiency in new residential development and weatherization in existing housing to reduce overall housing costs.

As shown above, the 2009 Housing Element proposes policies that discourage demolition and promote the maintenance of existing public housing (including Policies 2.4, 3.1, 3.2, 3.4, 3.5 and 9.3) to a degree similar to the 1990 Residence Element. The maintenance and preservation of existing housing would help to preserve the existing housing stock, requiring less new development to meet housing goals, thereby resulting in less development at maximum allowable height and bulk limits. 2009 Housing Element Policy 2.4, 3.1, 3.2, 3.4, 3.5 and 9.3 are essentially the same as their corresponding 1990 Residence Element policies. Essentially, both the 1990 Residence Element and 2009 Housing Element recognize the need for the retention and maintenance of existing housing, and therefore do not represent a shift in policy. The preservation of existing housing reduces the potential for new development to build to maximum allowable height and bulk limits, thereby reducing the potential for subsequent biological resource impacts resulting from new development at maximum allowable height and bulk limits.

The 2009 Housing Element does not propose policies that would directly or indirectly encourage development of areas with sensitive habitat or species. Overall, the 1990 Residence Element promotes increased density on a broader, citywide, scale to a greater extent than the 2009 Housing Element. However, there are three areas under which the 2009 Housing Element promotes greater density than the 1990 Residence Element. These include the following themes: increasing density near transit; construction of affordable housing; and development through the community planning process. Neither the 2009 Housing Element nor the 1990 Residence Element propose increased density specifically for the Downtown area and, therefore, do not represent a shift in policy. Although the 2009 Housing Element would not result in the construction of residential units, it would shape how new residential development should occur and ensures that there is adequate land available to meet future housing needs. Potential impacts related to biological resources would be offset by compliance with the previously discussed regulations. Therefore, the 2009 Housing Element would have a *less than significant* impact with respect to biological resources.

***Impact BI-2: The proposed Housing Elements would not conflict with any local policies or ordinances protecting biological resources nor would the proposed Housing Elements conflict with the provisions of an adopted habitat conservation plan. (No Impact)***

#### *2004 Housing Element and 2009 Housing Element Analysis*

As discussed under Impact BI-1, the 2004 Housing Element policies promote increased density more so than the 1990 Residence Element. The 2004 Housing Element directs growth to commercial and industrial areas, neighborhood commercial districts, the Downtown and on infill development sites, although to a greater degree than the 1990 Residence Element. The 2004 Housing Element also advocates for housing in community plan areas and along transit corridors, both of which are policies that were not included in the 1990 Residence Element.

Overall, the 1990 Residence Element promotes increased density on a broader, citywide, scale to a greater extent than the 2009 Housing Element. However, there are two areas under which the 2009 Housing Element promotes greater density than the 1990 Residence Element. These include the following themes: increasing density for affordable housing projects and increased density as a strategy to be pursued during the community planning process. As shown above, the 2009 Housing Element promotes housing through

community planning processes, near transit and other infrastructure, and in proximity to neighborhood services. The 2009 Housing Element also promotes housing on underused, vacant and surplus lands, and housing within mixed-use areas, thereby directing housing to commercial areas.

Directing growth to certain areas of the City and increased density could increase the amount of new housing occurring in those areas, thereby resulting in new development built to maximum allowable height and bulk, potentially increasing building height and mass. In seeking to achieve the objectives of the proposed Housing Elements, significant impacts could result if new construction conflicts with local policies or ordinances protecting biological resources or an adopted conservation plan. Although the proposed Housing Elements would not result in the construction of residential units, it would shape how and where new residential development should occur and ensures that there is adequate land available to meet future housing needs. A key strategy for meeting the City's housing goals is to maintain the City's existing housing stock. Both the 2004 Housing Element and 2009 Housing Element propose policies that discourage demolition and promote the maintenance of existing public housing to a degree similar to the 1990 Residence Element. The preservation of existing housing reduces the need for new development to maximum allowable height and bulk limits.

Neither the 2004 Housing Element nor the 2009 Housing Element contains policies that would directly or indirectly conflict with any policies protecting biological resources or any adopted habitat conservation plans. New residential development would be required to comply with the previously discussed regulations and plans, including the Open Space Element of the San Francisco General Plan, Chapter 8 of the San Francisco Environment Code, San Francisco's Green Building Ordinance, San Francisco's IPM Ordinance, San Francisco's Urban Forest Plan, and San Francisco's Urban Forestry Ordinance. Development of the opportunity sites within the City would not fundamentally conflict with any applicable habitat conservation plan (HCP) or natural community conservation plan (NCCP) because neither of these exists in the City. Furthermore, the proposed Housing Elements encourage higher density and infill development in already urbanized areas. Furthermore, the proposed Housing Elements would not result in conflicts with plans and policies related to the protection of biological resources because they would not directly or indirectly result in population growth or new development. Therefore, the 2004 and 2009 Housing Elements would have **no impact** with respect to conflicts with local plans or ordinances protecting biological resources or with the provisions of an adopted habitat conservation plan.

### **Cumulative Impacts**

The geographic context for cumulative biological resources impacts are generally localized and affect the immediate vicinity surrounding development. Cumulative impacts occur when impacts that are significant or less than significant from a proposed project combine with similar impacts from other past, present, or reasonably foreseeable projects in a similar geographic area. This would include the demolition of existing structures or new construction in the project area or immediately adjacent to its project boundaries resulting from past, present and reasonably foreseeable future projects combining with similar impacts from the 2004 Housing Element and 2009 Housing Element. The cumulative effect of development within the City could contribute to impacts related to biological resources. As discussed throughout this EIR, growth would occur regardless of implementation of the proposed Housing

Elements. The proposed Housing Elements provide direction for how residential development in the City should occur. Furthermore, any new development within the City would be subject, on a project-by-project basis, to independent CEQA review as well as policies in the San Francisco General Plan, governing area plans, design guidelines, zoning codes (including development standards), and other applicable land use plans that are intended to reduce impacts to biological resources. The 2004 Housing Element and 2009 Housing Element policies would not directly or indirectly affect biological resources. New development could affect such resources, but would be evaluated on a project-by-project basis. In addition, the 2004 Housing Element and 2009 Housing Element are public policy documents and would not result in direct significant impacts. The contribution of potential impacts from the proposed Housing Elements to the cumulative biological resource impacts would not be cumulatively considerable. Therefore, cumulative impacts related to biological resources would be *less than significant*.

## **MITIGATION AND IMPROVEMENT MEASURES**

### **Mitigation Measures**

No mitigation measures are warranted by the proposed Housing Elements.

### **Improvement Measures**

No improvement measures are warranted by the proposed Housing Elements.



***Industrial Waste Ordinance (Ordinance No. 199-77)***

The San Francisco Industrial Waste Ordinance requires that groundwater meet specified water quality standards before it may be discharged into the sewer system. The Bureau of Systems Planning, Environmental and Compliance of the San Francisco Public Utilities Commission must be notified of projects necessitating dewatering. Should dewatering be necessary, the final soils report would address the potential settlement and subsistence impacts of this dewatering.

***Unreinforced Masonry Buildings Ordinance***

Adopted by the Board of Supervisors in 1992, UMB Ordinance No. 225-92 requires the City to notify all owners of UMBs and requires all property owners to retain a licensed civil structural engineer or architect to file a Building Inventory Form with the City to identify the "hazard class" of a particular UMB building. The ordinance also requires all owners of UMBs to seismically upgrade buildings by February 15, 2006. Building owners are responsible for financing the cost of the work.

The UMB ordinance spells out four different alternative standards for seismic strengthening of UMBs. Each standard requires a different level of construction and range of costs. The ordinance also specifies conditions that must be met if either of the two less extensive and costly approaches is used to seismically upgrade a UMB. The DBI, who is charged with oversight and enforcement of the program, also has the authority to initiate abatement proceedings in cases where an owner fails to seismically upgrade a building.

Exterior alterations, seismic retrofit and/or demolition of UMBs must be evaluated by the Planning Department in order to determine the type of review process required prior to the authorization of a building permit application. Some projects, however, may be approved administratively. Seismic retrofitting of UMBs is guided by the *Architectural Design Guidelines for the Exterior Treatment of Unreinforced Masonry Buildings During Seismic Retrofit*, developed by the American Institute of Architects.

**IMPACTS*****Significance Thresholds***

The proposed Housing Elements would normally have a significant effect on the environment if they would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (Refer to Division of Mines and Geology Special Publication 42.)

- Strong seismic ground shaking;
- Seismic-related ground failure, including liquefaction; or
- Landslides.
- Result in substantial soil erosion or the loss of topsoil;
- Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property;
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or
- Change substantially the topography or any unique geologic or physical features of the site.

### Impact Evaluation

As discussed previously, the 2004 Housing Element and 2009 Housing Elements would not change the land use objectives and policies in the City's area and redevelopment plans. According to Part I of the 2009 Housing Element (Data and Needs Analysis), the City has available capacity to meet the Regional Housing Needs Allocation (RHNA) as determined by the Association of Bay Area Governments (ABAG). Therefore, the rezoning of land uses is not required. To meet the City's share of the RHNA, the proposed Housing Elements aim to do the following: 1) preserve and upgrade existing housing units to ensure they do not become dilapidated, abandoned, or unsound, and 2) provide direction for how new housing development in the City should occur. With respect to the latter, the 2004 Housing Element encourages new housing in Downtown and in underutilized commercial and industrial areas. The 2004 Housing Element also encourages increased housing in neighborhood commercial districts and mixed-use districts near Downtown. The 2009 Housing Element encourages housing in new commercial or institutional projects and accommodating housing through existing community planning processes.

The San Francisco Bay Area and surrounding areas are characterized by numerous geologically young faults. However, there are no known fault zones or designated Alquist-Priolo Earthquake Fault Zones in the City. Therefore, the proposed Housing Elements would have *no impact* with respect to rupture of a known earthquake fault.

Although the proposed Housing Elements would not result in the construction of residential units, all new development would be connected to the City's existing wastewater treatment and disposal system. Development would not involve the use of septic tanks or alternative wastewater disposal systems.

***Impact GE-2: The proposed Housing Elements would not result in substantial soil erosion or the loss of topsoil. (Less than Significant)***

New construction could result in impacts related to soil erosion and the loss of topsoil if new housing, particularly on vacant or undeveloped sites, would result in grading activities, or if new development would require much more extensive grading. This exposure could result in erosion or loss of topsoil. The 2004 and 2009 Housing Element policies that promote increased density could result in heavier buildings on soil types or in proximity to slopes that are susceptible to erosion. Heavier buildings would require stronger and deeper foundations, involving more excavation than lighter buildings.

***2004 Housing Element Analysis***

As discussed under Impact GE-1, the 2004 Housing Element policies promote increased density more so than the 1990 Residence Element. (See 2004 Housing Element Policies 1.1, 1.6, 1.7, 1.8, 4.4, 4.5, 11.6, 11.7, 11.8, 11.9 and Implementation Measures 1.1.1, 1.3.1, 1.6.2, 1.8.1, 1.8.3, 4.4.1, 11.6.1 and 11.7.1.) Directing growth to certain areas of the City and increased density could increase the amount of new housing occurring in those areas, thereby resulting in new development built to maximum allowable height and bulk, potentially increasing building height and mass compared to existing buildings. In addition, new construction could result in impacts related to erosion and the loss of topsoil by promoting housing construction on undeveloped sites. Both the potential for heavier buildings and the construction of housing on vacant or undeveloped sites could result in erosion or the loss of topsoil due to the need for extensive grading.

As discussed under Impact GE-1, the 2004 Housing Element proposes policies that promote development on undeveloped sites to the same extent as the 1990 Residence Element. 2004 Housing Element Policy 1.5 does not represent a policy shift from 1990 Residence Element Policy 1.1. The City's soft site analysis is essentially the identification of the underutilized and vacant sites, which is the subject of 2004 Implementation Measure 4.1.4. A portion of 2004 Implementation Measure 4.1.4 is similar to 2004 Housing Element Implementation Measure 1.3.3 with respect to development of Brownfield sites, which is not viewed as a policy shift. Therefore, the 2004 Housing Element would result in grading activities to an extent similar to the 1990 Residence Element and would result in a similar amount of erosion or loss of topsoil. In addition, as discussed under Impact GE-1, 2004 Housing Element Policies 3.1, 3.3, and 3.4 would retain existing housing by promoting seismic upgrades/retrofits, maintenance of existing housing, and correction of code violations to a degree similar to the 1990 Residence Element. The preservation of existing housing reduces the pressure for new housing development that could result in increased soil erosion or loss of topsoil. However, as discussed under Impact GE-1, 2004 Housing Element Policies 1.7, 4.4, 11.6, 11.7, and 11.8 would promote increased density compared to the 1990 Housing Element. Construction associated with housing could potentially result in substantial soil erosion or the loss of topsoil through the need for grading activities because increased density would result in heavier buildings that would require deeper foundations and more grading. Therefore, the 2004 Housing Element could promote increased density, which could potentially result in more soil erosion and a greater loss of topsoil compared to the 1990 Residence Element. Although the 2004 Housing Element would not result in the construction of residential units, it would shape how new residential development should occur and

on underused, vacant and surplus lands (Policy 1.3 and Implementation Measures 3 and 4), which have the potential to be contaminated. Although some 2009 Housing Element policies could increase the potential to encounter contaminated sites, 2009 Housing Element Policy 13.4 and Implementation Measure 36 could potentially reduce this impact by encouraging preservation of existing housing units, potentially reducing demolition and the corresponding exposure hazards, as described under Impact HZ-1. Furthermore, as discussed extensively in Section V.E (Cultural and Paleontological Resources) under Impact CP-1, and throughout this EIR, both the 2009 Housing Element contains numerous policies that promote the preservation of existing housing units. Retention of existing housing could reduce the potential for new construction that may occur on contaminated sites, but could also maintain units that may already be contaminated with LBP and ACM.

The 2009 Housing Element would not result in the construction of residential units, though all new development would be required to comply with all applicable federal, state, and local regulations. Therefore, the 2009 Housing Element would have a *less than significant* impact with respect to upset and accident conditions involving the release of hazardous materials into the environment.

***Impact HZ-3: The proposed Housing Elements would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (Less than Significant)***

Residential uses typically do not generate hazardous materials and household hazardous materials are typically labeled to ensure proper use. The exact location and quantity of hazardous materials associated with new housing is unknown. However, as discussed under Impact HZ-1, an increase in residential uses could result in additional transport, use and disposal of hazardous materials. The majority of the City's industrial and commercial land uses are clustered in the southeastern portion of the City near U.S. Highway 101. However, the Housing Elements would not directly result in new construction or locating new housing near existing or proposed schools and would have no effect on the emission of hazardous substances.

Although hazardous materials and waste generated from construction of housing may pose a health risk to nearby schools, all businesses associated with housing construction that handle or involve on-site transportation of hazardous materials would be required to comply with the provisions of the City's Fire Code and any additional regulations as required in the California Health and Safety Code Article 1 Chapter 6.95 for a Business Emergency Plan, which would apply to those businesses associated with construction activities. Both the federal and state governments require all businesses that handle more than a specified amount of hazardous materials to submit a business plan to a regulating agency. In addition, implementation of federal and state regulations would minimize potential impacts by protecting schools from hazardous materials and emissions. For example, federal regulations such as RCRA would ensure that hazardous waste is regulated from the time that the waste is generated until its final disposal, and NESHAP would protect the general public from exposure to airborne contaminants that are known to be hazardous to human health. The HMUPA is responsible for CUPA authority in the City and would require all businesses handling hazardous materials to create a Hazardous Materials Business Plan which would reduce the risk of an accidental hazardous materials release.

Brownfield or infill development sites. As discussed under Impact HZ-1, 2004 Housing Element Policies 1.7, 4.4, 11.6, 11.7, and 11.8 could promote increased density and housing construction, which could potentially increase development pressure on hazardous materials sites. 2004 Housing Element Implementation Measures 1.3.3 and 4.1.4 are both related to development of Brownfield sites, but are not considered to represent a shift in City policy. 2004 Housing Element Implementation Measure 4.1.7 more generally states that appropriate sites, which could include Brownfields, shall be identified for permanently affordable housing. Because of restrictions already imposed on such sites, there would be no significant impacts related to hazardous materials sites following remediation. Remediation efforts could, however, impact below ground resources including cultural resources, geology and soils, and hydrology and water quality. Impacts related to hazardous waste sites are typically project-specific and projects on Brownfield sites would be subject to the review and/or mitigation imposed by the City's SFDPH and/or the applicable regulator of hazardous waste. Specific mitigation measures would be developed in consultation with the SFDPH based on the real or perceived contaminants that may be onsite.

As discussed above, the 2004 Housing Element includes policies that would encourage higher residential density in underutilized commercial and industrial areas but also stresses that harmful effects should not occur as a result. For the most part, the areas mentioned in 2004 Housing Element Implementation Measure 1.3.2 comprise the Eastern Neighborhoods portion of the City. As outlined in the Eastern Neighborhoods EIR, the change in land use from an existing industrial use to new residential units would require adherence to strict cleanup levels. Compliance with facility closure requirements specified in Article 21 of the San Francisco Health Code, and site assessment and remediation requirements that may be triggered by Article 22A or the California Land Reuse and Revitalization Act, would ensure that the potential for hazardous materials to be present is addressed and that further remediation would be conducted under the oversight of the appropriate regulatory agency, if required. Because of the well-established regulatory framework for site assessment and remediation, impacts related to exposure to hazardous materials due to land use changes are considered less than significant.

Development of Brownfield sites or redevelopment of former commercial and industrial sites to residential uses would be required to undergo remediation and cleanup under DTSC and the SFBRWQCB before construction activities could begin. If contamination at any specific project were to exceed regulatory action levels, the project proponent would be required to undertake remediation procedures prior to grading and development under the supervision of the City's SFDPH, HMUPA, or the SFBRWQCB (depending upon the nature of any identified contamination). The 2004 Housing Element would direct new construction to Brownfield sites and former commercial and industrial sites that would be required to comply with all applicable federal, state, and local regulations. Therefore, the 2004 Housing Element would have a *less than significant* impact with respect to development of hazardous materials sites.

#### *2009 Housing Element Analysis*

The following 2009 Housing Element implementation measures could result in impacts related to hazardous materials sites by siting residential uses in formerly commercial or industrial areas and on Brownfield or infill development sites. The 2009 Housing Element promotes residential development on



**EXHIBIT D**

# PIER 70 MIXED-USE DISTRICT PROJECT

## VOLUME 2



CITY AND COUNTY OF SAN FRANCISCO  
PLANNING DEPARTMENT: CASE NO. 2014-001272ENV  
STATE CLEARINGHOUSE NO. 2015052024

DRAFT EIR PUBLICATION DATE: DECEMBER 21, 2016

DRAFT EIR PUBLIC HEARING DATE: FEBRUARY 9, 2017

DRAFT EIR PUBLIC COMMENT PERIOD: DECEMBER 22, 2016 -  
FEBRUARY 21, 2017

*Written comments should be sent to:*

Lisa 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)



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

point informing the public of potential risks associated with use of the structure and prohibiting public access.

**Impact GE-4: The Proposed Project would not create substantial risks to life or property as a result of locating buildings or other features on expansive or corrosive soils. (*Less than Significant*)**

Much of the project site is underlain directly by bedrock, which is not expansive. The artificial fill beneath the project site is sandy and gravelly and would not be expansive. The Young Bay Mud is below the water table and is permanently saturated; therefore, it would not be subject to moisture changes that would cause expansion and contraction of the clay materials. Further, any backfill materials used for the Proposed Project would have a low expansion potential and would be adequately compacted in accordance with the recommendations of the geotechnical report prepared for the Proposed Project. Although corrosive soils have been identified at the project site, as discussed in "Corrosive Soils" on pp. 4.N.8-4.N.9, buried features of the Proposed Project would be constructed to resist corrosion in accordance with the San Francisco and Port of San Francisco Building Codes. Therefore, impacts related to problematic soils would be less than significant. No mitigation is necessary.

**Impact GE-5: The Proposed Project would not substantially change the topography or any unique geologic or physical features of the site. (*Less than Significant*)**

The 35-foot-tall Irish Hill remnant is not considered a unique geologic or physical feature because it does not embody distinctive characteristics of any regional or local geologic principles; does not provide a key piece of information important to geologic history; does not contain minerals not known to occur elsewhere in the county; and is not used as a teaching tool. The remnant of Irish Hill is a prominent historic topographic feature in San Francisco. However, it was nearly leveled by extensive blasting and quarrying during the late 1800s and early 1900s, as described in "Project Site Topography and Geology," p. 4.N.2. Therefore, the existing hill is not representative of the original topography. In addition, construction of the new 21<sup>st</sup> Street would remove only the northern spur of the hill, and would not substantially alter the existing topography. Irish Hill is a contributing landscape feature of the Union Iron Works Historic District; the potential effects on this historic resource are addressed in Section 4.D, Cultural Resources.

As described in "Site Grading," in Chapter 2, Project Description, p. 2.67-2.69, site grades would be increased by up to 5 feet to prevent inundation due to sea level rise. However, this grading would not result in a substantial change in topography because no existing slopes would be eliminated and no new slopes would be created as a result of raising the site grade. Therefore, impacts related to alteration of topography and unique geologic or physical features of the site would be less than significant. No mitigation is necessary.

**EXHIBIT E**

## National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions.

**1. Name of Property**Historic name: Fireman's Fund Insurance Company Home OfficeOther names/site number: University of California at San Francisco Laurel Heights Campus

Name of related multiple property listing:

N/A

(Enter "N/A" if property is not part of a multiple property listing)

**2. Location**Street & number: 3333 California StreetCity or town: San Francisco 94118 State: CA County: San Francisco 075Not For Publication: ☐Vicinity: ☐**3. State/Federal Agency Certification**

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this \_\_\_ nomination \_\_\_ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property \_\_\_ meets \_\_\_ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

\_\_\_ national \_\_\_ statewide \_\_\_ local

Applicable National Register Criteria:

\_\_\_ A \_\_\_ B \_\_\_ C \_\_\_ D

Signature of certifying official/Title:

Date

State or Federal agency/bureau or Tribal Government

In my opinion, the property \_\_\_ meets \_\_\_ does not meet the National Register criteria.

Signature of commenting official:

Date

Title :

State or Federal agency/bureau  
or Tribal Government

Fireman's Fund Insurance Company  
 Name of Property

San Francisco, CA  
 County and State

located in the center of the property. There is also a much smaller, one-story Service Building in the northwest corner of the property. The two buildings were designed to complement each other in character and materials. The Office Building is a glass walled building with an open character. The Service Building is a brick building with a closed character. The Office Building is an International Style building which despite its size is built into its sloping hillside site in such a way as to minimize its presence. Its four wings, each built for different functions, range from three floors to seven floors. It is characterized by its horizontality, its bands of windows separated by the thin edges of projecting concrete floors, and brick trim. The wings of the building frame outdoor spaces whose landscape design connects the outdoors with the indoors both functionally and conceptually. The landscape design includes outdoor spaces for use by employees, parking lots, circulation paths, and vegetation. The principal outdoor spaces are the Entrance Court, the Terrace, and small areas around the Auditorium.

## Narrative Description

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## SETTING

The Fireman's Fund Home Office property is located in a central area of the north half of the City of San Francisco near the intersection of two principal streets, California and Presidio. The property occupies almost all of a large irregular block bound by California Street on the north, (continuing clockwise) Presidio Avenue on the east, Masonic Avenue on the southeast, Euclid Avenue on the south, and Laurel Street (in straight and curved sections) on the west. Fireman's Fund occupies about 10.2 acres—the entire block except for a small triangular parcel at the corner of California and Presidio. (See Map 1 and Map 4)

The site itself slopes down from about 300 feet in elevation in the southwest corner to about 225 feet in the northeast corner. It is part of a cluster of low hills associated with Lone Mountain whose several high points were developed as cemeteries in the nineteenth century. The Fireman's Fund site was previously a portion of the Laurel Hill Cemetery, and was long recognized for its views. Today there are distant views from the property to the southeast and downtown, to the northwest and a partial view of the Golden Gate Bridge, and to the west into the Richmond District.

The property is surrounded on all sides by thoroughly developed parts of the City of San Francisco. The site itself is at a junction of several different historical developments. To the east and north, the streets are laid out in a modified extension of the original grid of the city. Across Presidio Avenue on the east the neighborhood is called the Western Addition, characterized by a mix of middle-class homes built in the nineteenth century, and by flats and apartments built in

Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

Horizontal bands of nearly identical window units

Uninterrupted glass walls

Window units of aluminum and glass

Circular garage ramps

Exposed concrete piers over the Garage

Wrought iron deck railings that match gates in the landscape

Brick accents and trim

### **Service Building**

Massing of rectangular volumes

Brick walls with a minimum of openings

### **Landscape**

Terrace, as the “centerpiece” of the landscape, designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco); key character-defining features include its biomorphic-shaped lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick); brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and three circular tree beds constructed of modular sections of concrete.

Entrance Court, providing a connection between the Executive/Visitors Gate on Laurel Street and an entrance to the building on the west side of the Cafeteria Wing; key character-defining features include a central paved parking lot surrounded on its north, east, and west sides by narrow planting beds; exposed aggregate sidewalks along the north, east, and west sides of the parking lot; and a low free-standing brick wall along its north side.

Auditorium's two outdoor sitting areas—one on the east side of the Auditorium and one on its west side—that connect to entrances into the Auditorium; key character-defining features for the area on the west side of the Auditorium include the pavement (exposed aggregate divided into panels by rows of bricks), circular tree bed constructed of modular sections of concrete; and metal benches; key character-defining features for the area on the east side of the Auditorium include the pavement (concrete divided into panels by wood inserted into expansion joints).

**EXHIBIT F**

S U R V E Y  
of  
California Registered Historical Landmarks

Name SITE OF LAUREL HILL CEMETERY Number 760

County San Francisco

Location SE Corner Walnut and California, 3333 California St., San Francisco

Type of Plaque Plaque placed by the California State Park Commission in cooperation with the California Historical Society and the Fireman's Fund Insurance Company, May 31, 1961.

Condition of Plaque Excellent, but needs cleaning

Condition of Base Mounted to brick wall

Condition of Surroundings Good

Wording on Plaque FORMER SITE OF LAUREL HILL CEMETERY  
1854-1946

The builders of the West, Civic and Military Leaders, Jurists, Inventors, Artists, and eleven United States Senators were buried here -- The most revered of San Francisco's hills.

Are there Highway Directional Signs? NO If so, where? \_\_\_\_\_

Remarks:

Plaque on private property.

Submitted by Jim Arbuckle

Date 4-26-79

CHL#760  
04/26/79



Remarks of  
GARDINER JOHNSON  
Member of California Historical Society  
(Past President, The Bar Association of  
San Francisco; now chairman of the  
Association's Committee on the History  
of the Bench and Bar.  
Former Member, California Legislature  
(1935-1947; 18th Assembly District)

San Francisco - May 31, 1961

"LAUREL HILL CEMETERY - BURIAL PLACE OF  
SAN FRANCISCO'S HISTORIC DEAD."

As a member of the California Historical Society I am pleased to join with my associates in that organization and the members of the State Park Commission in placing this plaque marking the site of historic "Laurel Hill Cemetery," which was originally known as "Lone Mountain Cemetery."

The inscriptions on the monuments in a city's early cemeteries usually record the dramatic history and the adventure of its founding. In Laurel Hill Cemetery, which existed from 1854 to 1946, were found the most famous and illustrious names of early San Francisco. For instance, here there were recorded the inscriptions on the graves of eleven United States Senators; six from California; four from Nevada; and one from Oregon.

Here were buried the last remains of Baker and Broderick:

Edward D. Baker, the former San Francisco lawyer who became a United States Senator from Oregon, and who, while still a member of the Senate, was killed leading his first charge at the Battle of Ball's Bluff on the banks of the Potomac on October 21, 1861; and

David C. Broderick, stone-cutter's son and volunteer fireman in New York City, who became a United States Senator from California only to be killed in a duel with Judge David S. Terry of the State Supreme Court. He died on September 16, 1859.



In addition to Broderick, the other United States Senators from California buried in Laurel Hill were James A. McDougall, William M. Gwin, Milton Latham, Aaron A. Sargent, and John F. Miller.

The four Senators from Nevada were William Sharon, James G. Fair, John Percival Jones, and William M. Stewart. The Senator from Oregon was Edward D. Baker.

For many years prior to 1853 San Francisco's principal cemetery was the Cemetery of Yerba Buena which was located in the area between Market, McAllister and Larkin Streets (near where the City Hall stands to-day). By November, 1853, many thoughtful people in San Francisco considered the Yerba Buena Cemetery site to be too near to the city for a permanent burial place. Accordingly, the Lone Mountain Cemetery project was undertaken by a private corporation composed of Nathaniel Gray, Frank B. Austin and William H. Ranlett.

The new cemetery grounds were to be located near "Lone Mountain" situated three or four miles west of the plaza. From the summit of this beautifully-shaped hill it was then possible to obtain one of the finest and most extensive views of both land and water. The title "Lone Mountain" Cemetery was selected by a council of advisers. The name was changed to Laurel Hill Cemetery in 1867.

Originally the planners intended to include in the grounds a tract of land about 320 acres in extent, the entire tract lying between the Presidio and the Mission. Subsequently, it was found that 160 acres would form a sufficiently large cemetery, and so the limits of the original plan were reduced. Because of the reduction in the size of the project, "Lone Mountain" was not situated within the cemetery boundaries, but adjoined them on the south.

The dedication of Lone Mountain Cemetery was held at 11:00 o'clock A.M. on May 30, 1854. It was reported that the weather was beautiful, and that ladies comprised at least one-half of those present. There were no street cars at that time; in fact, there were no streets within miles of the place. The only available

Former Site of Laurel Hill Cemetery 1854-1946

The Builders of the West, Civic and Military Leaders,  
Jurists, Inventors, Artists, and Eleven United States  
Senators Were Buried Here -- The Most Revered of  
San Francisco's Hills.

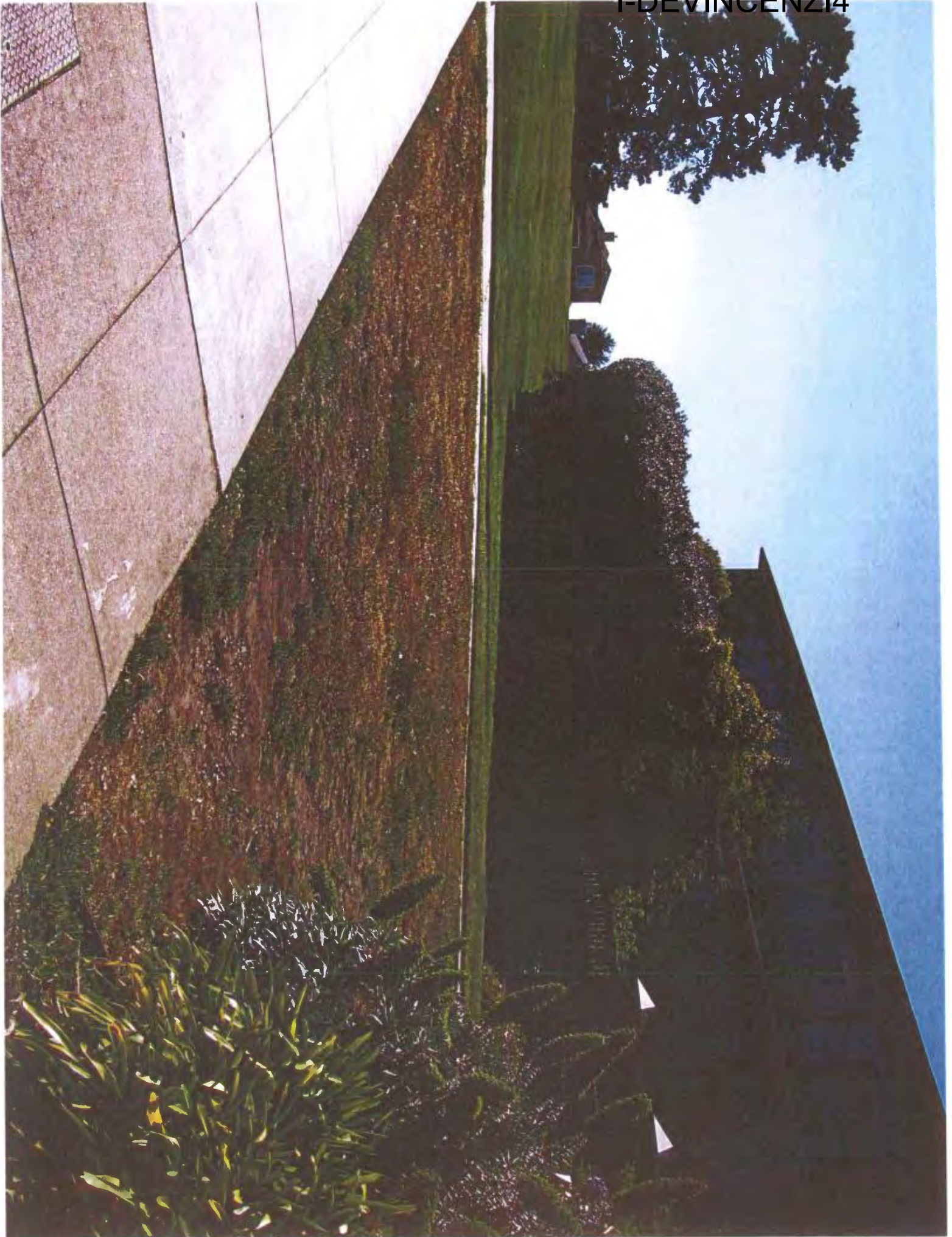
California Registered Historical Landmark No. 760

Plaque Placed by the California State Park Commission  
In Cooperation with the California Historical Society  
and the Fireman's Fund Insurance Company, May 31, 1961.

**EXHIBIT G**











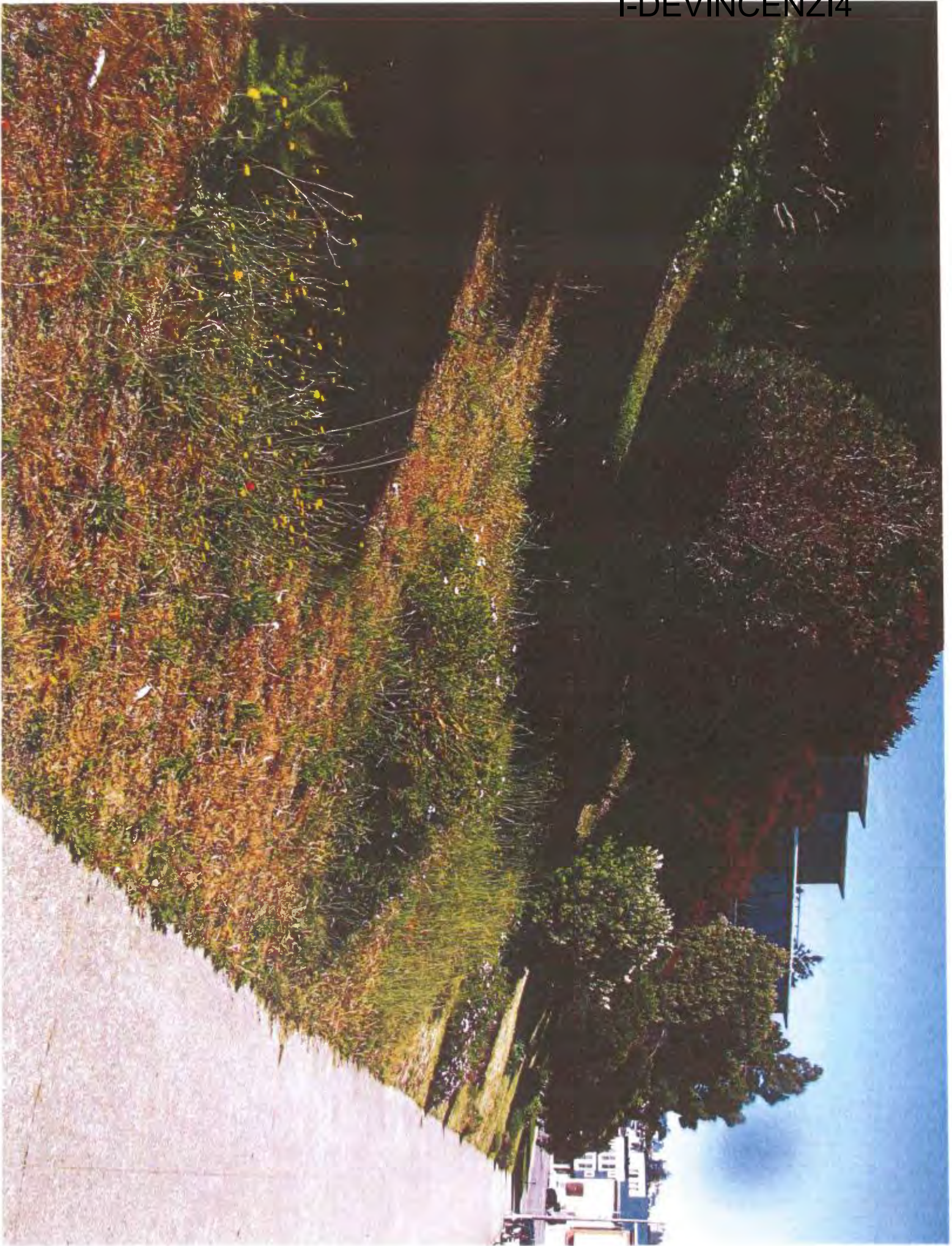




















**RECEIVED**

**JUN 08 2018**

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

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

**PART 2, Exhibits H-M**



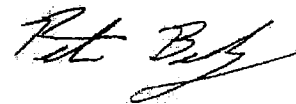
**EXHIBIT H**

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**PRELIMINARY GEOTECHNICAL INVESTIGATION  
3333 CALIFORNIA STREET  
San Francisco, California**

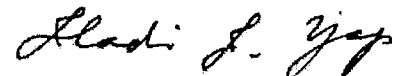
***Prepared For:***  
**The Prado Group**  
**150 Post Street, Suite 320**  
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***Prepared By:***  
**Langan Treadwell Rollo**  
**555 Montgomery Street, Suite 1300**  
**San Francisco, California 94111**



**Peter Brady, P.E.**  
**Senior Staff Engineer**





**Hadi J. Yap, Ph.D. G.E.**  
**Vice President**

**3 December 2014**  
**731639901**

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**LANGAN TREADWELL ROLLO**

Groundwater levels encountered in borings drilled at the site were generally between 18 and 38 feet bgs, which is below the soil susceptible to liquefaction. Therefore, we conclude the potential for liquefaction at the site is very low. Consequently, we conclude the potential for lateral spreading is also very low.

### **6.3 Seismic Densification**

Seismic densification can occur during strong ground shaking in loose, clean granular deposits above the water table, resulting in ground surface settlement. Up to 15 feet of loose to medium dense sand was encountered in the borings above the water table. The loose and medium-dense sand may densify during an earthquake. We estimate settlement that may result from cyclic densification of the sand would be between  $\frac{1}{4}$  and 1 inch, depending on thickness of the sand. The basement for the proposed buildings should remove most of the soil susceptible to seismic densification; therefore, we estimate less than  $\frac{1}{4}$  inch of settlement should occur under the proposed buildings.

## **7.0 DISCUSSION AND CONCLUSIONS**

On the basis of the results of our subsurface exploration, laboratory testing, and engineering studies, we conclude the proposed development is feasible from a geotechnical engineering standpoint. The primary geotechnical issue associated with the proposed development is the presence of fill and loose sand. These materials will affect foundation support and temporary excavation support. Our discussion and conclusions regarding these issues and their impact on the design and construction of the proposed structure are discussed in the following sections.

### **7.1 Foundations and Settlement**

We understand the new buildings are planned with one below-grade level for parking. We anticipate stiff to very stiff clay, medium dense sand, and bedrock will be exposed at the foundation level. Where fill or loose sand is present below the planned depth of excavation additional excavation will be required to gain adequate support. Where this condition exist, the footing can be deepened or the over-excavation backfilled with lean concrete. On the basis of our engineering studies, we conclude the proposed buildings can be supported on shallow footings gaining support in the native soil or bedrock. We estimate total settlement of footings would be on the order of  $\frac{1}{2}$  to 1 inch, depending on the bearing material. Differential settlement between adjacent footings would be on order on one half of the total settlement. Where footing subgrade consists of medium dense sand, we estimate up to  $\frac{1}{4}$  inch of seismic densification settlement could occur as discussed in Section 6.3.

The existing parking garage beneath the eastern wing of the main building extends three levels below grade. New building that will be constructed adjacent to the parking garage may impose surcharge on the basement wall of the parking garage. To avoid surcharging the wall, the western perimeter wall of the new building may need to be supported on drilled piers that gain support in the bedrock below the elevation of the bottom of the parking garage.

## **7.2 Excavation and Shoring**

The proposed single basement will require an excavation of approximately 12 feet below the ground surface. The primary considerations related to the selection of the shoring system are:

- the presence of fill (which contains construction debris) and loose to medium-dense sand
- the potential settlement of adjacent structures and improvements caused by movement of the temporary shoring.

During excavation, the sides of the excavation and adjacent streets should be retained. The most common, and generally the most economical shoring system in the San Francisco Bay area is a soldier-pile-and-wood-lagging system. This shoring system consists of steel piles that are placed in predrilled holes; the annulus between the piles and the sides of the hole is backfilled with concrete. Wood lagging is placed between the soldier piles as excavation proceeds. For an excavation on the order of 12 feet deep, the shoring can be designed as a cantilever system. If the excavation is significantly deeper than 12 feet, tiebacks or internal bracings could be installed to provide lateral resistance and limit deflection. Considering the proposed depth of the excavation, we judge a cantilever soldier-pile-and-lagging shoring system could be used for this project.

A three-level, below-grade, parking garage is present beneath the eastern wing of the main building. To retain the excavation sides for the multi-level basements, a retaining system with tiebacks may have been used. Therefore, tiebacks may be encountered during basement excavation for new structure located east of the parking garage.

Drilling of the shafts for the soldier piles will likely require casing and/or use of drilling mud (slurry) to prevent caving. To prevent settlement of adjacent improvements, soldier

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piles should not be installed by driving or vibratory methods. A monitoring program should be established to evaluate the effects of the construction on the adjacent buildings and surrounding ground.

Sand with low fines content was encountered within the zone of excavation. To reduce caving, lagging boards should be placed with every foot of excavation to limit caving. Voids that result from caving soil behind wood lagging should be grouted before proceeding to the next row of lagging.

The bottom of excavation should be above the groundwater level. During drilling of the soldier-pile holes, groundwater or perched water may be encountered. To keep the holes from caving, casing and/or drilling slurry may be needed. Alternatively, the soldier piles may be installed using auger-cast method.

Generally, soldier piles can be installed under the City's sidewalk provided that the top 3 feet of the soldier piles are removed after the permanent basement wall is cast. If tiebacks are needed, it has been our experience that using hollow-stem augers to install tiebacks in sand will result in loss of ground. Therefore, tiebacks, if required, should be installed using smooth-cased method (such as a Klemm rig) to reduce loss of ground.

The selection, design, construction, and performance of the shoring system should be the responsibility of the contractor and its shoring designer. A structural engineer knowledgeable in this type of construction should design the shoring.

### **7.3 Basement Floor Slabs**

The soil at slab subgrade should consist of stiff to very stiff clay, medium dense sand, and bedrock. Therefore, the slabs may be supported on grade. If weak soil is present at subgrade level, the weak soil should be removed and replaced as engineered fill.

### **7.4 Corrosion Potential**

The near surface soil was determined to be moderately corrosive. The corrosive soil will adversely affect below grade improvements, such as foundations and utilities. The results of the tests and more specific commentary and recommendations for protection of buried structures are presented in Appendix D.

## **7.5 Construction Considerations**

If site grading is scheduled for the rainy season, usually between November and April, the near-surface soil may be too wet to achieve adequate compaction during site preparation and fill placement and may deflect significantly under the weight of construction equipment. For these conditions, moisture conditioning of the material and the use of lightweight equipment may be required to lower the soil to a moisture level that will promote proper compaction. Methods of moisture conditioning include mixing and turning (aerating) the soil to naturally dry the soil and lower the moisture content to an acceptable level. Aeration typically requires at least a few days of warm, dry weather to effectively dry the material. Other soil stabilization alternatives to provide a stable, workable subgrade for grading operations and other equipment include over-excavating the wet soil and replacing with drier material and/or mixing the soil with lime and/or cement.

If localized soft or wet areas are encountered, it may be necessary to over-excavate to a depth of 18 to 24 inches, place a layer of stabilizing geo-synthetic, and backfill with granular material to stabilize the subgrade and bridge the soft material.

At some locations, the excavation for the basement will encounter bedrock. Rock types will vary vertically and laterally. Also, the degree of weathering, fracturing and jointing will vary within each rock type. In San Francisco, excavation in rock has been performed with earth moving equipment, such as loaders and heavy-duty backhoes. However, because the quality of the rock varies, hard rock may be encountered that will require excavation using hoe-rams or dozers equipped with rippers. Jack hammering may be required in areas where the rock exhibits little weathering, fracturing, or jointing and in confined areas, such as footing and utility excavations.

Bedrock encountered in the borings consists of serpentinite and sandstone. Serpentinite contains naturally occurring asbestos. Therefore, a Site Mitigation Plan (SMP) may need to be prepared prior to construction. Bedrock handling and disposal should be performed in accordance with the SMP.



The contractor should be aware that there may be existing shoring elements, such as tiebacks behind basement walls, which could have been installed during the construction of the three-level parking garage. In addition, remnants of building footings within the site may be encountered during excavation.

## **8.0 RECOMMENDATIONS**

Recommendations regarding site preparation, foundation design, floor slabs, and seismic design are presented in the following sections.

### **8.1 Site Preparation and Grading**

This section presents earthwork recommendations for site preparation and grading.

#### 8.1.1 Site Clearing

Site demolition should include the removal of all slabs, foundations, retaining walls, pavements, utilities, and other below-grade improvements that will interfere with the proposed construction. Where utilities that are removed extend off site, they should be capped or plugged with grout. It may be feasible to abandon utilities in-place by filling them with grout, provided they will not impact future utilities or building foundations. The utility lines, if encountered, should be addressed on a case-by-case basis.

#### 8.1.2 Temporary Slopes

Excavations deeper than five feet that will be entered by workers should be shored or sloped for safety in accordance with the Occupational Safety and Health Administration (OSHA) standards (29 CFR Part 1926). Inclinations of temporary slopes should not exceed those specified in local, state or federal safety regulations. As a minimum, the requirements of the current OSHA Health and Safety Standards for Excavations (29 CFR Part 1926) should be followed. The Contractor should determine temporary slope inclinations based on the subsurface conditions exposed at the time of construction. However, temporary slopes less than 10 feet high should be inclined no steeper than 1.5:1 (horizontal to vertical). In addition, we recommend all vehicles and other surcharge loads be kept at least 10 feet away from the tops of temporary slopes.

### 8.1.3 Site and Subgrade Preparation

All areas to receive improvements should be stripped of vegetation and organic topsoil. Stripped materials should be removed from the site or stockpiles for later use in the landscaped areas, if approved by the landscape architect. Voids resulting from the demolition activities should be properly backfilled with lean concrete or engineered fill as described below.

Prior to placement of any engineered fill, the onsite soil exposed by stripping should be scarified to a depth of at least 12 inches, moisture-conditioned to at least three percent above optimum moisture content, and compacted to at least 95 and 90 percent relative compaction<sup>9</sup> for sand and clay, respectively. The soil subgrade should be kept moist until it is covered by select fill.

If soft areas are encountered during site preparation and grading, the soft material should be removed and replaced with engineered fill. If the soft material is deeper than 24 inches, we recommend over-excavating to a depth of 18 to 24 inches, placing a geotextile fabric, such as Mirafi 500X or approved equal at the bottom of the over-excavation, and backfilling with granular material. Alternatively, the over-excavation can be backfilled with lean concrete.

### 8.1.4 Fill Placement and Compaction

Fill should consist of onsite or imported soil that is non-corrosive, free of organic matter or other deleterious material, contains no rocks or lumps larger than four inches in greatest dimension, has a liquid limit of less than 25 and a plasticity index lower than 8, and is approved by the Geotechnical Engineer.

Fill should be placed in horizontal lifts not exceeding eight inches before compacted, moisture-conditioned to above optimum moisture content, and compacted to at least 90 percent relative compaction. Fill thicker than five feet and/or consisting of clean sand or gravel (soil with less than 10 percent fines by weight) should be compacted to at least 95 percent relative compaction.

We should be provided with samples of proposed fill at least three days before use at the site. The grading contractor should provide analytical test results or other suitable environmental documentation indicating the imported fill is free of hazardous materials at least three days before use at the site. If this data is not available, up to two weeks should be allowed to

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<sup>9</sup> Relative compaction refers to the in-place dry density of soil expressed as a percentage of the maximum dry density of the same material, as determined by the ASTM D1557 laboratory compaction procedure.

perform analytical testing on the proposed import material. A bulk sample of approved fill should be provided to us at least three working days before use at the site so a compaction curve can be prepared.

#### 8.1.5 Utility Trenches

We anticipate excavations for utility trenches can be made with a backhoe. All trenches should conform to the current CAL-OSHA requirements.

Utility trenches should be excavated a minimum of four inches below the bottom of pipes or conduits and have clearances of at least four inches on both sides. Where necessary, trench excavations should be shored and braced to prevent cave-ins and/or in accordance with safety regulations. If trenches extend below the groundwater level, it will be necessary to temporarily dewater them to allow for placement of the pipe and/or conduits and backfill.

To provide uniform support, pipes or conduits should be bedded on a minimum of four inches of sand or fine gravel. After pipes and conduits are tested, inspected (if required), and approved, they should be covered to a depth of six inches with sand or fine gravel, which should then be mechanically tamped to at least 90 percent relative compaction. If fill with less than 10 percent fines is used, the entire depth of the fill should be compacted to at least 95 percent relative compaction. Jetting of trench backfill should not be permitted. Special care should be taken when backfilling utility trenches in pavement areas. Poor compaction may cause excessive settlements resulting in damage to the pavement section.

Where utility trenches backfilled with sand or gravel enter the building pads, an impermeable plug consisting of either native clay or lean concrete, at least five feet in length, should be installed where the trenches enter the building. Furthermore, where sand- or gravel-backfilled trenches cross planter areas and pass below asphalt or concrete pavements, a similar plug should be placed at the edge of the pavement. The purpose of these recommendations is to reduce the potential for water to become trapped in trenches beneath the building or pavements. This trapped water can cause heaving of soils beneath slabs and softening of subgrade soil beneath pavements.

#### 8.1.6 Exterior Slabs

To reduce the potential for differential movement and cracking, exterior concrete slabs should be underlain by at least 4 inches of Class 2 aggregate base. The upper 12 inches of the soil subgrade should be compacted to at least 95 and 90 percent relative compaction for sand and clay, respectively.

**TABLE 4**  
**Depths to Bedrock**

<b>Boring</b>	<b>Approximate Ground Surface Elevation Feet</b>	<b>Approximate Depth to Bedrock Feet</b>
B-1	269	31
B-2	269	15
B-3	245	7
B-4	302	18
B-5	301	10
EB-5	246	11

Uplift loads may be resisted by the weight of the footings and any overlying soil. If the weight of these is no sufficient to provide the necessary uplift resistance, drilled piers or anchors may be used. If anchors are required, we should provide recommendations for their design. Drilled pier recommendations are presented in section 8.3.

The foundation subgrade should be free of standing water, debris, and disturbed materials prior to placing concrete. If fill, soft, or loose soil is present at the foundation subgrade, it should be removed to expose competent material and be replaced by lean concrete.

We should check foundation excavations prior to placement of reinforcing steel to check for proper bearing and moisture. Maintaining proper moisture will likely require wetting the excavations periodically until the concrete is placed.

### **8.3 Drilled Piers**

As mentioned in Section 7.1, the existing parking garage beneath the eastern wing of the main building extends three levels below grade. New building that will be constructed adjacent to the parking garage may impose surcharge on the basement wall of the parking garage. To avoid surcharging the wall, the western perimeter wall of the new building may need to be supported on drilled piers that gain support in the bedrock below the elevation of the bottom of the parking garage. After the building layout is finalized, we should evaluate the need and refine our recommendations for drilled piers.

Drilled piers should be designed to derive their axial capacity from skin friction in the bedrock below adjacent building walls and foundations. For axial compression loads, drilled piers should

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be designed using an allowable friction value of 2,000 psf; this value includes a factor of safety of approximately 2. Drilled piers should have a minimum diameter of 24 inches. Piers installed in a group should be spaced at least three diameters on center. For temporary uplift load, the skin friction value recommended for compressive capacity should be used. Total settlement of drilled piers should be small.

Resistance to lateral loads can be obtained from: 1) passive resistance acting on pier caps and grade beams oriented perpendicular to the direction of lateral load, and 2) lateral resistance of the piers. Passive resistance of pier caps and grade beams may be calculated using the recommendations we provided for shallow foundations. Lateral resistance of piers will depend on the stiffness of the pier, the strength of the surrounding soil, allowable deflection of the pier top, and the moment induced by the pier. If drilled piers are used, we can prepare moment and deflection profiles resulting from lateral loads.

Drilled piers should be installed by a qualified contractor with demonstrated experience in this type of foundation. Loose material may potentially cave during drilling, thus casing and/or drilling fluid may be required. Casing should extend to below any caving material. If casing is not extended through caving material, water or drilling slurry should be used, to stabilize holes. Concrete placement should start upon completion of the drilling and clean out. Concrete should be placed from the bottom up in a single operation using a tremie and/or a pumper pipe. The pipe should be maintained at least five feet below the upper surface of the concrete during casting of the piers. As the concrete is placed, casing used to stabilize the hole can be withdrawn. The bottom of the casing should be maintained at least three feet below the surface of the concrete.

#### **8.4 Excavation and Temporary Shoring**

Where space does not permit a sloped excavation, shoring will be required. We judge a cantilever soldier pile and lagging shoring system is the most appropriate for the depth of the excavation planned and types of soil present. For the design of the cantilever shoring system, we recommend using a lateral pressure corresponding to equivalent to an equivalent fluid unit weight of 40 pcf in soil and 25 pcf in rock; the depth to bedrock at boring location is presented in Table 4.

Penetration of soldier piles should be sufficient to provide lateral stability. For lateral resistance below the bottom of the excavation, we recommend using an allowable passive pressure of 2,000 psf. The passive value includes a factor of safety of about 1.5 and can be applied over

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three pile diameters or the pier spacing, whichever is less. If traffic loads are expected within 10 feet of the shoring system, we recommend designing for an additional load of 100 psf applied to the upper 10 feet of the wall.

A soldier pile and lagging system is relatively flexible, and movement should be anticipated. If the shoring system is properly designed and installed, we expect movements at the top of the shoring should not exceed one inch.

## **8.5 Basement Floor Slabs**

We anticipate that stiff to very stiff clay, medium dense sand, or bedrock will be exposed beneath the proposed building floor slabs; therefore, we conclude the slabs can be supported on grade.

If the subgrade is disturbed during excavation for footings and utilities, it should be prepared to provide firm support for casting of the slab. Loose, disturbed materials should be excavated, removed, and replaced with engineered fill or lean concrete during final subgrade preparation.

We recommend installing a capillary moisture break and a water vapor retarder if water vapor moving through the slab is unacceptable or if there are finished floor coverings susceptible to moisture. A capillary moisture break consists of at least four inches of clean, free-draining gravel or crushed rock. The vapor retarder should meet the requirements for Class C vapor retarders stated in ASTM E1745-97. The vapor retarder should be placed in accordance with the requirements of ASTM E1643-98. These requirements include overlapping seams by six inches, taping seams, and sealing penetrations in the vapor retarder. The vapor retarder should be covered with two inches of sand to aid in curing the concrete and to protect the vapor retarder during slab construction. The particle size of the gravel/crushed rock and sand should meet the gradation requirements presented in Table 5.



## 8.6 Permanent Below-Grade Walls

Permanent below-grade walls should be designed using an at-rest lateral pressure equivalent to a fluid unit weight of 60 pcf for soil and 45 pcf for rock. Because the site is in a seismically active region, the wall design should be checked for seismic condition. During earthquakes, the walls will be subjected to active pressure plus seismic pressure increment. We used the procedures outlined in (Sitar, et. al., 2012) to compute the seismic pressure increment. The results of our analyses indicate that the design wall pressure for seismic condition is similar to that for static at-rest condition.

If surcharge loads are present above an imaginary 1.5:1 (horizontal: vertical) projected up from the bottom of a retaining wall, a surcharge pressure should be included in the wall design. If this condition exists, we should be consulted to estimate the added pressure on a case-by-case basis.

Where traffic will pass within 10 feet of walls, traffic loads should be considered in the design of the walls. Traffic loads may be modeled by a uniform pressure of 100 psf applied in the upper 10 feet of the walls.

The lateral earth pressures given assume the walls are properly backdrained to prevent buildup of hydrostatic pressure. Backdrains can be provided by using a prefabricated drainage panels over the entire height of the walls. To protect against moisture migration, below-grade walls should be waterproofed and water stops placed at all construction joints. The waterproofing should be placed directly against the backside of the walls unless the manufacturer of the waterproofing directs otherwise.

## 8.7 Seismic Design

As discussed in Section 4.2, bedrock is relatively deep (31 feet bgs at boring B-1) in the northwest portion of the site, and less than 20 feet bgs (B-2 through B-5) the south and eastern portions of the site.

In accordance with the provision of the 2013 CBC, for the northwestern portion of the site, where bedrock is relatively deep, we recommend seismic design parameters listed below:

- Risk Targeted Maximum Considered Earthquake ( $MCE_R$ )  $S_S$  and  $S_1$  of 1.514g and 0.688g, respectively.
- Site Class D

- Site Coefficients  $F_a$  and  $F_v$  of 1.0 and 1.5, respectively
- Maximum Considered Earthquake (MCE) spectral response acceleration parameters at short periods,  $S_{MS}$ , and at one-second period,  $S_{M1}$ , of 1.514g and 1.032g, respectively.
- Design Earthquake (DE) spectral response acceleration parameters at short period,  $S_{DS}$ , and at one-second period,  $S_{D1}$ , of 1.009g and 0.688g, respectively.

For the eastern and southern portions of the site, where bedrock is relatively shallow, we recommend seismic design parameters listed below:

- Risk Targeted Maximum Considered Earthquake ( $MCE_R$ )  $S_s$  and  $S_1$  of 1.514g and 0.688g, respectively.
- Site Class C
- Site Coefficients  $F_a$  and  $F_v$  of 1.0 and 1.3, respectively
- Maximum Considered Earthquake (MCE) spectral response acceleration parameters at short periods,  $S_{MS}$ , and at one-second period,  $S_{M1}$ , of 1.514g and 0.895g, respectively.
- Design Earthquake (DE) spectral response acceleration parameters at short period,  $S_{DS}$ , and at one-second period,  $S_{D1}$ , of 1.009g and 0.596g, respectively.

## 9.0 FUTURE GEOTECHNICAL SERVICES

Prior to construction, we should review the project plans and specifications to check their conformance to the intent of our recommendations. During construction, we should observe excavation, temporary shoring and foundation installation, subgrade preparation and compaction of backfill. These observations will allow us to compare the actual with the anticipated subsurface conditions and check that the contractor's work conforms to the geotechnical aspects of the plans and specifications.

## 10.0 LIMITATIONS

The conclusions and recommendations presented in this report result from limited engineering studies and are based on our interpretation of the geotechnical conditions existing at the site at the time of investigation. Actual subsurface conditions may vary. If any variations or undesirable conditions are encountered during construction, or if the proposed construction will differ from that described in this report, Langan Treadwell Rollo should be notified to make supplemental recommendations, as necessary.

**EXHIBIT I**

# I-DEVINCENZI4

Dan Safier <dsafier@pradogroup.com>

Thu, Oct 12, 2017 at 3:45 PM

To: John Rothmann <johnrothmann2@yahoo.com>, Dan Kingsley <dkingsley@sksre.com>

Cc: Kathy Devincenzi <krdevincenzi@gmail.com>, Catherine Carr <catherine.a.carr@gmail.com>, "M.J. Thomas" <mjinsf@comcast.net>, Richard Frisbie <frfbeagle@gmail.com>

Dear John, Kathy, Catherine, M.J., and Dick:

First of all John, thank you for the meeting last week at your home. As we agreed in the meeting, we are responding to your recent questions regarding the project. We have re-arranged your questions slightly to group them according to subject. If we haven't answered any of your questions, please let us know. We very much appreciate your willingness to promptly write back to us with your five outstanding issues on the project that are currently preventing us from obtaining LHIA support for the project. We appreciate your doing this so we can set a follow up meeting to find a mutually workable solution.

## LHIA Questions:

**Q: You also stated that Prado wants to have a development agreement to lock in entitlements for longer periods of time than would normally be allowed?**

**A:** Yes, we are looking to enter into a development agreement (DA) with the City for a term of approximately 15 years. For large projects with multiple buildings like 3333 California Street, the City generally requires a DA. The DA vests the entitlements, protecting the entitlements from changes in the law in exchange for certain community benefits. This would include the community benefit of certainty of the entitlements during that period. If we did not build the project during the term of the DA, then the DA would expire and we would lose the protections of the DA.

**Q: What portion of the project would be built first?**

**A:** At this time, we have assumed that the Masonic and Euclid buildings would be built first. In general, we anticipate construction beginning with a staging and site preparation phase, which will include some demolition, then excavation for underground parking, followed by construction of the buildings. With the exception of work on the sidewalks, addition of landscaping, paving, and connecting to the City's various systems and utilities, our general contractor, Webcor Builders, is anticipating that construction will occur within the site. We will be preparing a detailed construction management plan, and the EIR will include mitigation measures around construction emissions, air quality, etc. with which we will have to comply.

**Q: What would you expect to be built in each successive phase of the project?**

**A:** At this time, we anticipate the following in each phase – Phase 1: Masonic and Euclid buildings; Phase 2: Center Buildings A and B; Phase 3: Plaza A, Plaza B and Walnut buildings; and Phase 4: Mayfair Building and Laurel Duplexes.

**Q: What do you anticipate the total period of time will be during each phase of construction?**

**A:** Our current planning assumes that each phase would overlap, e.g., Phase 2 begins approximately 20 months after Phase 1. Specifically, we think Phase 1 could take 30 months, Phase 2 could take 24 months, Phase 3 could take 36 months, and Phase 4 could take 20 months. Assuming an overlap of phases, from start to finish it could take approximately six to seven years to complete all phases of the construction. This construction phasing and related

durations are consistent with and defined in the phasing schedule under review in our environmental application. While the phasing could be accelerated, we have assumed a relatively conservative approach to the construction phasing.

**Q: What is the period of time that you anticipate that construction will occur?**

**A:** We anticipate that construction will occur in the spring of 2020.

**Q: What is the reason for constructing the project in phases?**

**A:** By allowing for potential phased construction, we would have the ability to complete and occupy portions of the project as each phase is completed. If conditions do not exist to build out the entire project, we can phase construction in order to align with market conditions and financing availability.

**Q: How many extensions do you anticipate requesting for the entitlements?**

**A:** None. Any extension of the DA's term would be a material amendment that would require Board of Supervisor's approval.

**Q: During those extended periods, would it be possible for Prado to request changes in the project as related specifically to increased height, increased bulk, increased numbers of residential units, increased amounts of retail or office space? What about the possibility of design changes or other changes? Could Prado apply to change any part of the construction to provide the opportunity to have high rise construction?**

**A:** Once the EIR is certified and the project is approved, any material changes to the project would be subject to new environmental review, would require Planning Commission and Board of Supervisor approvals and also an amendment to the DA. Any increase in height over what is entitled in our project would require a revision to the Planning Code and Zoning Maps that would entail Planning Commission and Board of Supervisors approval.

**Q: There are genuine concerns about reducing open spaces and reduced on-site parking places.**

**A:** Open space will be part of the entitlements and will likely be considered by the City as one of the public benefits supporting the DA -- for that reason alone, reducing the amount of it would be very difficult if not impossible. The open space requirements will be carefully described in the project's approvals and will also be recorded against the property. So, as with any material changes to the approved project, any material change to the open space would be very difficult and would involve a public process and City approval. As to parking spaces, as you know, the City would like to see the number of spaces reduced. We plan to continue advocating for the proposed number of project parking spaces in our application.

**Q: During the phased construction could Prado transfer shares in the project to provide for new or additional investors?**

**A:** We have no plan to transfer any shares in the project and construction lenders generally prohibit any changes of ownership by the project developer during construction and stabilization of a project. PSKS, along with our equity partners and lenders, intend to provide all of the capital necessary to construct, own and operate the project. We plan to

retain day-to-day control of the project during development, construction, stabilization and ongoing operations. We design and build our projects to hold for the long-term owner.

We look forward to reconnecting and thank you again for making the time to meet with us.

Sincerely, Dan



Dan Safier | President & CEO

Prado Group, Inc.

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San Francisco, CA 94108

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**EXHIBIT J**

# SAN FRANCISCO URBAN FOREST PLAN

FINAL FALL 2014





SIDEWALK GARDEN PLANTING.



FOLSOM STREET.



GREEN ROOF ACADEMY OF SCIENCES.

## Introduction

San Francisco was once a largely treeless landscape of expansive grasslands, sand dunes, coastal scrub and wetlands. Today, almost 700,000<sup>1</sup> trees grow along the city's streets, parks and private properties. From the Embarcadero's stately Palms to the tall Cypresses of Golden Gate Park, trees are a beloved feature of the city and critical piece of urban infrastructure.

Our urban forest creates a more walkable, livable and sustainable city. Trees and other vegetation clean our air and water, create greener neighborhoods, calm traffic, improve public health, provide wildlife habitat and absorb greenhouse gases. Annually, the benefits provided by trees in San Francisco are estimated at over \$100 million<sup>2</sup>.

Trees in San Francisco, however, face a number of challenges. Historically underfunded and inadequately maintained, the city's tree canopy is one of the smallest of any large U.S. city. Lack of funding has restricted the City's ability to plant and care for its street trees. Maintenance responsibility is increasingly being transferred to property owners. Widely unpopular with the public, this approach puts trees at further risk for neglect and potential hazards.

Our urban forest is a valuable capital asset worth \$1.7 billion<sup>2</sup>. Like the public transit and sewer systems, it needs a long-term plan to ensure its health and longevity. The Urban Forest Plan offers a vision and strategy to ensure an expanded, healthy and thriving urban forest now and for the future.

<sup>1</sup> United States Forest Service, Northern Research Station, 2007, Assessing Urban Forest Effects and Values: San Francisco's Urban Forest, Resource Bulletin NRS-8, Newton Square, PA: USDA Forest Service.

<sup>2</sup> Simpson, J. R., McPherson, E.C., December 2007, San Francisco Bay Area State of the Urban Forest Final Report, Center for Urban Forest Research, USDA Forest Service, Pacific Southwest Research Station.

# Habitat & Biodiversity

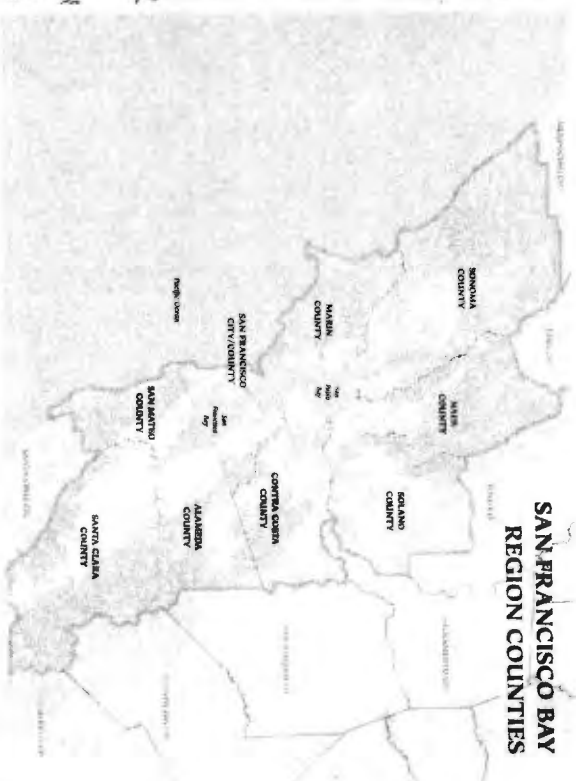
San Francisco is home to diverse ecological communities of native habitats, plants and animals - some of which can be found nowhere else on earth. The term *biodiversity* is short for "biological diversity." It refers to the variety of interconnected species - flora, fauna, fungi and bacteria - that have co-evolved into the local ecological communities, ecosystems and processes of a particular place on Earth. In cities like San Francisco this also includes species imported from other places that contribute positively to the vibrant and thriving dynamics of the city's remaining indigenous ecology.

San Francisco's trees and vegetation support local wildlife by providing food, nectar, shelter and nesting areas for a variety of birds, insects and animals. The Western Tiger Swallowtail butterfly has found an unlikely habitat among Market Street's London Plane trees. The iconic Canary Island Date Palms used to mark prominent streets have contributed to the northward range extension of Hooded Orioles and are a favorite feeding place for the famous Wild Parrots. Several species of raptors nest in Eucalyptus trees which also have served as roosts for Monarch Butterflies. One of the best trees for promoting wildlife diversity is the native Coast Live Oak, which serves a variety of species of insects as well as resident and migratory birds.

The Plan strives to increase the carrying capacity of the city's urban forest to support more wildlife and enhance local biodiversity. Strategies include diversifying plantings on streets with wildlife-serving native as well as non-native trees, shrubs, grasses and perennials. San Francisco still harbors approximately 500 native plant species creating a vast palette of wildlife enhancement opportunities. For specific recommendations see the CROW chapter.

## THE CALIFORNIA FLORISTIC PROVINCE

California including the San Francisco Bay Area is located in one of 34 globally recognized biodiversity hotspots. Combined, these areas contain about half of the plant and animal species on earth yet cover only 2.3% of the earth's surface. These areas are defined by their exceptional number of animal and plant species including high number of endemic (found nowhere else) species.  
Source: *Conservation International*



Yellow-faced Bumble Bee  
*Bombus vosnesenskii*



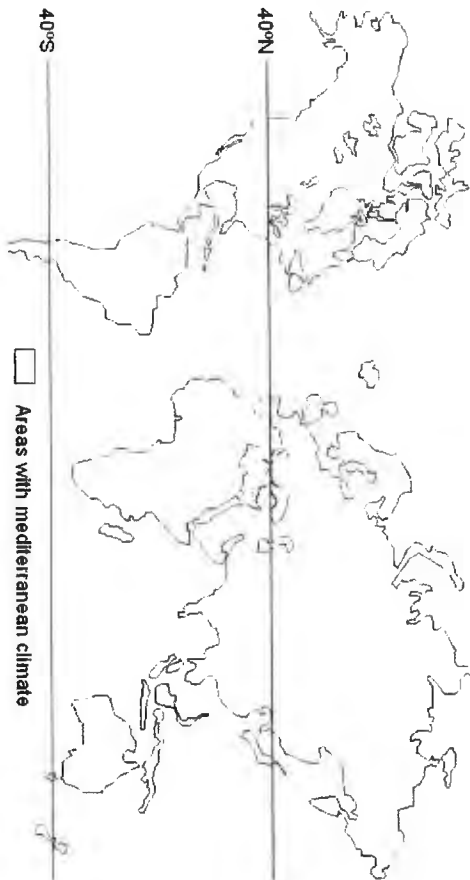
Clarkia rubicunda



Anna's Hummingbird

## MEDITERRANEAN CLIMATE

San Francisco's proximity to the ocean and moderate climate spare the city from extremes of hot and cold. Typical of the California coast, our Mediterranean climate is characterized by dry summers and wet winters. Similar climatic conditions are found in parts of Australia, South America, Africa, and the Mediterranean. This allows a wide variety of animals, trees and other plants from around the globe able to grow and thrive here.



## THE PACIFIC FLYWAY

The Pacific Flyway is a major north-south route of travel for migratory birds throughout North and South America, extending from Alaska to Patagonia. Every year, migratory birds travel some or all of this distance both in spring and in fall, to follow food sources, find breeding grounds, or reach overwintering sites. The San Francisco Bay consists of many protected estuaries and mountain open space preserves that provide suitable winter quarters for birds as they fly south. San Francisco's trees, parks and water bodies provide important habitat for these migratory birds.



Wild Parrot



Green Hairstreak Butterfly



Mission Blue Butterfly

## Related Plans & Documents

The Urban Forest Plan builds on several City focused on improving the city's ecological function, street design and mobility. These documents provide a foundation and starting point for the Urban Forest Plan. For a comprehensive list of Urban Forest related City policies, see **Appendix: Existing San Francisco Urban Forest & Greening Policies, Plans and Codes**.



URBAN FOREST PLAN

The 2006 Urban Forest Plan provided a framework and goals of maintaining, conserving, and expanding upon the existing urban forest in San Francisco. *Adopted 2006.*



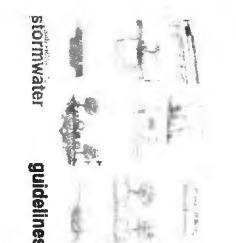
GREEN CONNECTIONS

The Green Connections Project identified a network of streets and paths that improve pedestrian and bicycle access to parks and open spaces. These green connectors' are prioritized for tree and landscape planting that support habitat creation and recreational opportunities. *Completed 2013.*



BETTER STREETS PLAN

A set of standards, guidelines, and implementation strategies to govern how the City designs, builds, and maintains its pedestrian environment. The plan outlines specific design guidelines for a variety of street types. *Adopted 2010.*



STORMWATER DESIGN GUIDELINES

The Stormwater Design Guidelines outline ways to incorporate on-site stormwater management using green infrastructure strategies that include trees and landscaping. *Adopted 2010.*



SAN FRANCISCO GENERAL PLAN

The General Plan's Urban Design and Recreation & Open Space Elements provide policy frameworks that support urban forestry and landscaping on the City's streets and in open spaces.



CLIMATE ACTION PLAN

The Plan includes an inventory of San Francisco's greenhouse gases (GHGs) and set goals for GHG reduction for the city to meet. *Adopted 2004, Update expected in 2014.*



San Francisco Bicycle Plan



PEDESTRIAN & BICYCLE PLANS

The City's Bicycle Plan and WalkFirst strategy both identify priority bicycling and walking streets. Street trees have been proven to have traffic calming benefits and should be employed as part of strategies to create more bikable and walkable streets.



## PLAN GOALS

The Plan is based on the following five goals for the urban forest. Each goal is accompanied by a series of strategies and actions required to achieve it.



### GOAL 1

**GROW THE URBAN FOREST THROUGH NEW PLANTING TO MAXIMIZE THE SOCIAL, ECONOMIC AND ENVIRONMENTAL BENEFITS OF TREES AND URBAN GREENING.**



### GOAL 2

**PROTECT THE URBAN FOREST FROM THREATS AND LOSS BY PRESERVING THE CITY'S EXISTING STREET TREES.**



### GOAL 3

**MANAGE THE URBAN FOREST THROUGH COORDINATED PLANNING, DESIGN AND MAINTENANCE TO ENSURE ITS LONG-TERM HEALTH AND SUSTAINABILITY.**



### GOAL 4

**FUND THE URBAN FOREST BY ESTABLISHING A LONG-TERM FUNDING STRATEGY FOR THE CITY'S TREES.**



### GOAL 5

**ENGAGE RESIDENTS, PUBLIC AGENCIES, COMMUNITY GROUPS AND THE PRIVATE SECTOR IN CARING FOR THE URBAN FOREST AND DEEPENING THEIR CONNECTION TO NATURE.**

- PURSUDE AN EXPANDED AND EQUITABLE DISTRIBUTION OF TREES AND GREENING THROUGHOUT THE CITY
- MAXIMIZE BENEFITS OF THE URBAN FOREST FOR SOCIAL, ENVIRONMENTAL, ECONOMIC.
- PROMOTE A RANGE OF GREENING TOOLS IN THE PUBLIC RIGHT-OF-WAY.

- STABILIZE THE URBAN FOREST BY ACHIEVING A NET ZERO LOSS OF TREES
- REDUCE THE IMPACTS OF DEVELOPMENT ON THE URBAN FOREST.
- DEVELOP STRATEGIES TO COMBAT DISEASES AND PESTS.
- PROMOTE PROPER CARE AND MAINTENANCE OF STREET TREES.

- CREATE A COHESIVE MANAGEMENT PROGRAM FOR THE CITY'S STREET TREES.
- EMPLOY BEST MANAGEMENT PRACTICES IN STREET TREE MAINTENANCE TO CREATE A MORE COST-EFFICIENT AND EFFECTIVE PROGRAM.
- MANAGE AND CARE FOR STREET TREES THROUGHOUT THEIR ENTIRE LIFE CYCLE
- PLAN FOR THE LONG-TERM HEALTH AND BEAUTY OF THE URBAN FOREST.
- COLLECT AND USE DATA TO MANAGE AND MONITOR THE URBAN FOREST.
- IMPROVE COORDINATION AND COMMUNICATION BETWEEN AGENCIES, POLICY MAKERS AND THE COMMUNITY.

- SECURE FUNDING FOR TREE PLANTING, ESTABLISHMENT AND MAINTENANCE
- SEEK PRIVATE FUNDING AND OTHER SOURCES FOR THE URBAN FOREST.
- CONSIDER NEW AND INNOVATIVE FUNDING SOURCES.

- PROMOTE URBAN FOREST EDUCATION AND EXPERIENTIAL OPPORTUNITIES.
- ENCOURAGE PARTICIPATION IN THE PLANTING, ESTABLISHMENT AND MAINTENANCE OF TREES.
- RECOGNIZE TREES WITH SPECIAL CONTRIBUTIONS (ECOLOGICAL, HISTORICAL, SOCIAL OR AESTHETIC) TO SAN FRANCISCO'S LANDSCAPE

ical street tree can intercept range from 760 - 4,000 gallons/tree per year.<sup>3</sup> Large and medium broadleaf evergreen trees, large conifers and some deciduous trees with large leaf surface areas and a mature canopy typically demonstrate greater stormwater benefits. These trees should be considered for planting where space allows to maximize their benefits. Some large stature trees will not be appropriate as street trees due to their size and space requirements, but in those cases sidewalk gardens and medium stature trees can be utilized to maximize stormwater benefits. Recommendations for enhancing stormwater management through the urban forest are described below.

- Improve design of new tree wells to allow better infiltration of stormwater.
- Create sidewalk gardens and install sidewalk landscaping.
- Remove impermeable surfaces where possible.
- Conduct a study to determine which street tree species have the greatest runoff reduction capacity for San Francisco.

<sup>3</sup> Stormwater, Trees, and the Urban Environment: A Comparative Analysis of Conventional Street Tree Pits and Stormwater Tree Pits for Stormwater Management in Ultra Urban Environments, Charles River Watershed Association (2009).

## PUBLIC HEALTH

**124 Target trees to achieve public health benefits, especially for children and seniors.** Some strategies to improve public health through tree planting are described below.

Air quality and respiratory health can be improved by tree planting in:

- High-volume traffic corridors and freeways
- Areas with increased asthma rates

Trees have pedestrian safety and traffic calming effects by buffering of pedestrians from vehicles along:

- Higher-speed arterial streets that are also priority transit or walking streets

Mental health and physical activity are supported by trees in:

- Areas with limited access to parks and green space
- Areas with lower than average tree canopy

Shading and temperature control can be provided by trees in:

- Areas with higher risk of heat vulnerability

## CARBON SEQUESTRATION & CLIMATE CHANGE

**125 Maximize carbon storage potential of urban forest to combat climate change.** Almost half of San Francisco's greenhouse gas emissions come from vehicles. Trees along city streets can provide a direct benefit to reducing San Francisco's climate impacts. As trees grow, they store carbon in woody tissues and soil. Healthy mature forests can sequester carbon for long periods acting as carbon "sinks." A variety of strategies should be considered to support the urban forest's ability to store greenhouse gases:

- Quantify carbon storage potential of City trees by species.
- Re-use urban wood from dead or removed trees to retain carbon storage capacity of woody biomass.
- Research innovative tree farming/harvesting techniques that may increase carbon storage potential.
- Plant trees with high uptake of carbon including fast-growing species and those with significant biomass.

**126 Consider adaptation to climate change in identifying a local tree species palette.** As the climate changes, San Francisco may experience more extreme weather fluctuations that may result in increased fog and rain as well as intense periods of

## *Stabilize the urban forest by achieving a net zero loss of trees.*

Aside from growing the urban forest through new planting, one of the biggest steps the City can take is to protect and stabilize our existing urban forestry assets. The urban forest has an estimated 4% annual mortality rate. This means thousands of trees die or are removed each year. Many are lost to age, disease, vandalism and illegal removal without permits. New tree planting in San Francisco has not historically kept pace with these losses resulting in a shrinking urban forest canopy. Efforts should be made to replace lost trees and expand tree planting whenever possible.

**2203 Replace all dead or removed trees on streets on a 1:1 basis.** To stabilize existing tree resources, the City should plant replacement trees whenever trees are removed. If trees cannot be replaced in the same location, plantings should take place in available planting sites elsewhere on other streets.

**2202 Improve enforcement of existing codes for tree protection including: Public Works Code (Article 16: Urban Forestry Ordinance) and Planning Code (Sec. 138.1 & 428). See Appendix for list of additional tree codes and policies.** The City should continue to enforce and look for ways to improve existing regulations governing tree maintenance, care and planting. The City should regularly track the enforcement of these codes and the agencies responsible for implementing them.

## *Reduce impacts of development on the urban forest.*

**2201 Improve care and maintenance of street trees through a comprehensive management program.** (See MANAGE chapter). Regular ongoing maintenance of the City's trees is one of the most important ways to protect and ensure their long-term health.

**2202 Encourage developers to incorporate existing trees into building and site designs.** While street trees and significant trees (within 10' of the public right-of-way) are afforded certain protections, many trees on vacant or redevelopment sites are removed to allow for new development. Consideration should be given during review of building plans to the existing trees on the site, especially "significant" trees (20 ft or more in height, 15 ft or greater canopy width, and/or 12 inches or greater in trunk diameter). If trees are removed efforts should be made to harvest or re-use the wood if possible.

**2203 Explore regulatory devices to increase protection of trees during permitting process for garages, curb cuts and driveways.** Installation of parking facilities on public and private development often requires the removal of street trees. These include trees of significant size that provide valuable public benefits and a mature canopy. In such cases, where a tree would be impacted, design alternatives such as offset driveways or denial of a permit may be appropriate where existing trees would be removed or new trees cannot be planted.

**2204 Require contractors to carry Tree Protection Bonds during construction projects.** Construction activities frequently result in accidental damage or loss of trees - including street trees. Development projects with the potential to disturb existing trees should be required to carry Tree Protection Bonds as insurance. Such bonds would allow recourse in the event that significant damage to trees occurs during the development process through fines, tree replacement or other measures.

**2205 Improve process for approving Tree Protection Plans for construction projects.** Currently Tree Protection Plans are collected by the Planning Department. Review of these plans should take place with appropriate urban forestry staff. The inspection and enforcement of plans should be carried out. These plans include important provisions to protect trees such as protective barriers, construction exclusion zones, and the restriction of material and equipment storage within tree drip zones.

**2206 Fully integrate DPW into the Building Permit and Project Tracking System (PPTS).** DPW should be fully integrated into the development review and building permit process. The inclusion of DPW into the Permit and Project Tracking System (PPTS) used by the Planning Department and Department of Building Inspection (DBI) will facilitate the effective review of planting issues (e.g. appropriate siting, interference from pre-existing infrastructure, pedestrian and vehicular safety) by staff at an early stage in the development review process. The current process requires more staff time than is necessary, causes undue delay to development projects, and has com-

<b>MAINTAINING STREET TREES</b>	<p>PWC, ARTICLE 16, SEC. 805 (A-B)</p> <p>PWC, ARTICLE 16, SEC. 805 (C)</p> <p>PWC, ARTICLE 16, SEC. 805 (E)</p> <p>PWC, ARTICLE 16, SEC. 808</p> <p>PWC, ARTICLE 16, SEC. 811</p> <p>FINANCING SAN FRANCISCO'S URBAN FOREST: COSTS AND BENEFITS OF A COMPREHENSIVE MUNICIPAL STREET TREE PROGRAM (2012).</p>	<p>Describes general tree maintenance responsibilities of private property owners and DPW.</p> <p>Street tree establishment and replacement of dead trees.</p> <p>Departmental relinquishment of street tree maintenance.</p> <p>Protection of trees and landscape materials</p> <p>Describes criminal, civil, and administrative penalties for violating of the UF Ordinance.</p> <p>Identifies potential funding opportunities for a fully municipally maintained Street Tree program. Analyzed DPW current maintenance structure and program.</p>
<b>REMOVING STREET TREES</b>	<p>PWC, ARTICLE 16, SEC. 806(A)(2-5)</p> <p>PWC, ARTICLE 16, SEC. 806(B)(3)</p>	<p>Procedures for departmental removal of street trees, including appeals process.</p> <p>Procedures for non-departmental removal of street trees, including application fees and appeals process.</p>
<b>THE ADOPTED PRUNING STANDARDS</b>	<p>ENV. CODE, CHAP. 12, SEC. 1206</p> <p>PWC, ARTICLE 16, SEC. 805 (A)</p> <p>URBAN FORESTRY COUNCIL RESOLUTION NO. 007-06-UFC</p>	<p>Describes the required development of these standards, identifying that the UFC was responsible for this work. These standards apply to all trees on public land (including street trees) and provide guidance for good maintenance of trees on private land</p> <p>Notes that DPW will make pruning standards available to the public.</p> <p>Urban Forestry Council Resolution No. 007-06-UFC – (passed in June 2006) Approves the Adopted Pruning Standards. SFE published an easy-to-use booklet on the Standards that we have provided to other City agencies for distribution.</p>
<b>PINE PITCH CANKER</b>	<p>URBAN FORESTRY COUNCIL RESOLUTION NO. 004-10-UFC (ADOPTED MARCH 2010)</p>	<p>Recommended adoption of the Pitch Canker Task Force management recommendations for trees infected by pine pitch canker. (Details contained within position paper they revised in September 2001.)</p>
<b>HAZARD TREE AND HAZARD TREE ABATEMENT</b>	<p>PWC, ARTICLE 16, SEC. 809</p>	<p>Notification, abatement, and enforcement procedures for hazard trees.</p>
<b>LANDMARK TREE PROGRAM</b>	<p>PWC, ARTICLE 16, SEC. 810</p> <p>ENV. CODE, CHAPTER 12, SEC. 1203</p>	<p>Describes the nomination, review, and designation process, along with penalties for violation.</p> <p>Directs UFC to establish criteria, propose administrative procedures, and a tree removal appeal process for landmark trees.</p>
<b>SIGNIFICANT TREE PROGRAM</b>	<p>PWC, ARTICLE 16, SEC. 810A</p>	<p>Describes criteria for trees that are automatically protected under Significant Tree designation (trees within 10' of the public right-of-way that meet certain size thresholds) and additional consideration that will be taken into account for tree removal applications.</p>
<b>SAN FRANCISCO TREE DISPUTE RESOLUTION ORDINANCE</b>	<p>PWC, ARTICLE 16.1</p>	<p>Describes procedures, standards to use to make determinations and possible restorative actions, and liabilities for disputes regarding trees on private property.</p>