

File No. 191035

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

Board Item No. 22

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

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

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

Board of Supervisors Meeting

Date: November 12, 2019

#### Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                             |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report               |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                     |
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**OTHER** (Click on the text of checked items to view documents)

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">Appeal Letter - October 7, 2019</a>                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">Appellant's Supplemental Appeal Materials - November 7, 2019</a> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">Planning Department Appeal Response - November 4, 2019</a>       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">Project Sponsor Appeal Response - November 1, 2019</a>           |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">Environmental Impact Report (EIR) - Volume 1</a>                 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">EIR Volume 2a - Appendices A and B</a>                           |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">EIR Volume 2b - Appendix C, Part 1</a>                           |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">EIR Volume 2b - Appendix C, Part 2</a>                           |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">EIR Volume 2b - Appendix C, Part 3</a>                           |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">EIR Volume 2c - Appendices D through G</a>                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">EIR RTC - Volume 2, Attachments, Part 1</a>                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">EIR RTC - Volume 2, Attachments, Part 2</a>                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">EIR RTC - Volume 2, Attachments, Part 3</a>                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">EIR RTC Errata Memo - August 29, 2019</a>                        |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">Draft Mitigation Monitoring and Reporting Program</a>            |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <a href="#">Hearing Notice and Clerical Documents</a>                        |
| <input type="checkbox"/> | <input type="checkbox"/>            |  |

Prepared by: Brent Jalipa

Date: November 7, 2019

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

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



# Laurel Heights Improvement Association of San Francisco, Inc.

BY HAND

October 7, 2019

San Francisco Board of Supervisors  
c/o Clerk of the Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2019 OCT 7 PM 3:11

Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028ENV  
Appeal of Planning Commission's Certification of EIR/CEQA Findings

As President of Laurel Heights Improvement Association of San Francisco, Inc. (LHIA), I am authorized to file this Notice of Appeal and the accompanying appeal from the certification of the Final Environmental Report (EIR) for the 3333 California Street project by the San Francisco Planning Commission on September 5, 2019, along with the related approval of California Environmental Quality Act (CEQA) findings and statement of overriding considerations under CEQA, which related CEQA approvals are also appealed, Case No. 2015-014028CUA. I am authorized to act as agent of LHIA for all purposes of this appeal. A copy of the Planning Commission's decision is attached.

Appellant LHIA and its officers submitted comments to the Planning Commission and the Environmental Review Officer during the EIR comment period both in writing during the public review period and orally and in writing at the public hearings on the EIR and related CEQA findings. Face pages of some of those written comments are attached as Exhibit A to the accompanying letter of LHIA in support of this appeal.

Members of LHIA reside in properties that are within 300 feet of the 3333 California Street site on Laurel Street and Euclid Avenue as shown in the approximate annotations I have made on the map attached as Exhibit A to LHIA's accompanying letter of appeal, and other LHIA members reside in properties nearby the 3333 California Street site. Members of LHIA will be affected by the construction and operational noise, traffic, air emissions, impairment of the historical resource, excavation, destruction of trees and other impacts caused by the proposed project.

Laurel Heights Improvement Association of SF, Inc.



By: Kathryn Devincenzi, President





**SAN FRANCISCO  
PLANNING DEPARTMENT**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2019 OCT -7 PM 3:11

**Planning Commission Motion No. 20512**

HEARING DATE: September 5, 2019

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

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Case No.: 2015-014028ENV  
Project Title: 3333 California Street Mixed-Use Project  
Zoning: RM-1 (Residential, Mixed, Low Density District)  
40-X Height and Bulk District  
Block/Lot: Assessor's Block 1032/Lot 003  
Lot Size: 446,490 square feet (10.25 acres)  
Project Sponsor: Laurel Heights Partners  
Don Bragg - (415) 857-9324  
[dbragg@pradogroup.com](mailto:dbragg@pradogroup.com)  
Staff Contact: Kei Zushi - (415) 575-9038  
[CPC.3333CaliforniaEIR@sfgov.org](mailto:CPC.3333CaliforniaEIR@sfgov.org)

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED-USE PROJECT AND PROJECT VARIANT AT 3333 CALIFORNIA STREET. BOTH THE PROJECT AND PROJECT VARIANT WOULD DEMOLISH THE EXISTING ANNEX BUILDING, SURFACE PARKING LOTS, AND CIRCULAR GARAGE RAMPS; PARTIALLY DEMOLISH THE EXISTING FOUR-STORY OFFICE BUILDING AND DIVIDE IT INTO TWO SEPARATE BUILDINGS, VERTICALLY EXPAND THE EXISTING BUILDING TO ADD TWO TO THREE LEVELS; AND CONSTRUCT THIRTEEN NEW BUILDINGS. IN TOTAL, THE PROJECT WOULD INCLUDE 824,691 SQUARE FEET OF RESIDENTIAL USES (CONTAINING A TOTAL OF 558 UNITS), 54,117 SQUARE FEET OF RETAIL USE, 49,999 SQUARE FEET OF OFFICE USE, AND 14,690 SQUARE FEET OF CHILD CARE USE. THE PROJECT VARIANT WOULD INCLUDE 978,611 SQUARE FEET OF RESIDENTIAL USES (CONTAINING A TOTAL OF 744 UNITS), 48,593 SQUARE FEET OF RETAIL USE, AND 14,650 SQUARE FEET OF CHILD CARE USE. BOTH THE PROJECT AND PROJECT VARIANT WOULD ALSO INCLUDE VEHICULAR PARKING, BICYCLE PARKING, LOADING FACILITIES, AND STREETScape IMPROVEMENTS.

MOVED, that the San Francisco Planning Commission (hereinafter "commission") hereby CERTIFIES the final environmental impact report identified as case no. 2015-014028ENV, the "3333 California Street Mixed-Use Project" (hereinafter "project and variant"), based upon the following findings:

1. The City and County of San Francisco, acting through the planning department (hereinafter "department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code. Regs. Title 14, section 15000 *et seq.*, (hereinafter "CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
  - A. The department determined that an environmental impact report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on September 20, 2017.

- B. The department held a public scoping meeting on October 16, 2017 in order to solicit public comment on the scope of the project's environmental review.
  - C. On April 25, 2018, the department published an initial study and provided public notice in a newspaper of general circulation of the availability of the initial study for public review and comment; this notice was mailed to the department's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on April 25, 2018.
  - D. On November 7, 2018, the department published the draft EIR (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment, and of the date and time of the commission public hearing on the DEIR; this notice was mailed to the department's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on November 7, 2018.
  - E. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site on November 7, 2018.
  - F. On November 7, 2018, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.
  - G. A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on November 7, 2018.
- 2. The historic preservation commission held a duly advertised hearing on said DEIR on December 5, 2018 at which historic preservation commission formulated its comments on the DEIR.
  - 3. The planning commission held a duly advertised public hearing on said DEIR on December 13, 2018 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on January 8, 2019.
  - 4. The department prepared responses to comments on environmental issues received at the public hearing and in writing during the 62-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a response to comments document, published on August 22, 2019, distributed to the commission and all parties who commented on the DEIR, and made available to others upon request at the department.
  - 5. A final EIR (hereinafter "FEIR") has been prepared by the department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the responses to comments document, all as required by law.
  - 6. Project EIR files have been made available for review by the commission and the public. These files are available for public review at the department at 1650 Mission Street, Suite 400, and are part of the

record before the commission. The project files are also available on the internet at the following address: <https://www.ab900record.com/3333cal>.

7. On September 5, 2019, the commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
8. The commission hereby does find that the FEIR concerning file no. 2015-014028ENV reflects the independent judgement and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the responses to comments document contains no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
9. The commission, in certifying the completion of said FEIR, hereby does find that the project or project variant described in the EIR as well as the revised project and revised variant would have the following significant unavoidable environmental impacts, which cannot be mitigated to a level of insignificance:
  - A. The proposed project or project variant would have a significant, project-specific impact on historic architectural resources;
  - B. The proposed project or project variant would have a significant, project-specific transit capacity utilization impact related to transportation and circulation; and
  - C. The proposed project or project variant would have a significant, project-specific construction noise impact.
10. The commission reviewed and considered the information contained in the FEIR prior to approving the proposed project.

I hereby certify that the foregoing motion was ADOPTED by the Planning Commission at its regular meeting of September 5, 2019.

  
Jonathan P. Ionir  
Commission Secretary

AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore, Richards  
NOES: None  
ABSENT: None  
ADOPTED: September 5, 2019



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Motion No. 20513

HEARING DATE: SEPTEMBER 5, 2019

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

Reception:  
**415.558.6378**

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**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Record No.:* 2015-014028ENV  
*Project Address:* 3333 California Street (aka 3333 California Street Mixed-Use Project)  
*Existing Zoning:* Residential – Mixed, Low Density [RM-1] Zoning District  
40-X Height and Bulk District  
*Proposed Zoning:* Residential – Mixed, Low Density [RM-1] Zoning District;  
3333 California Street Special Use District  
40-X, 45-X, 67-X, 80-X and 92-X Height and Bulk Districts  
*Block/Lot:* 1032/003  
*Block/Lot:* 1032 / 003  
*Project Sponsor:* Laurel Heights Partners, LLC  
c/o: PSKS  
150 Post Street, Suite 320  
San Francisco, CA 94108  
*Staff Contact:* Nicholas Foster, AICP, LEED GA – (415) 575-9167  
[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)

ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING FINDINGS OF FACT, FINDINGS REGARDING IMPACTS FOUND NOT TO BE SIGNIFICANT THAT DO NOT REQUIRE MITIGATION, POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE REDUCED TO LESS-THAN-SIGNIFICANT LEVELS THROUGH MITIGATION, SIGNIFICANT IMPACTS THAT CANNOT BE REDUCED TO LESS-THAN-SIGNIFICANT LEVELS WITH MITIGATION, , EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND A STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO APPROVALS FOR THE 3333 CALIFORNIA STREET MIXED-USE PROJECT ("PROJECT"), LOCATED ON LOT 003 OF ASSESSOR'S BLOCK 1032.

### PREAMBLE

The 3333 California Street Mixed-Use Project ("Project") comprises a project site of approximately 10.25-acres (or approximately 447,361 square feet) on the block bounded by California Street to the north, Presidio Avenue to the east, Masonic Avenue to southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the west.

The Project would redevelop the subject property with a mix of residential, retail, child care, open space, and parking uses. The existing 14,000 gross-square-foot (gsf) annex building, surface parking lots and ramp structures would be demolished, and the existing 455,000 gsf office building ("Center Office Building"), would be partially demolished and adaptively reused for residential uses (as two separate

buildings, "Center Building A" and "Center Building B") with up to three stories added to each. The Project would also construct thirteen new buildings, ranging from 4-story duplex townhouses to 6-story apartment buildings, as residential-only buildings ("Masonic"; "Euclid"; "Mayfair"; and the seven "Laurel Duplex" buildings), and mixed-use buildings ("Plaza A"; "Plaza B"; and "Walnut") containing non-residential uses on the ground and second floors. Overall, the Project includes a total of approximately 1,428,000 gsf of new and rehabilitated floor area, comprising: approximately 978,000 gsf of residential floor area (include 744 dwelling units); approximately 35,000 gsf of retail floor area; an approximately 15,000 gsf childcare facility (accommodating approximately 175 children); approximately 400,000 gsf devoted to off-street parking with 857 parking spaces (including approximately 10 car share spaces); and 839 bicycle spaces.

A total of 25% of the Project's dwelling units will be deed-restricted, on-site affordable units designated for low-income senior households. These affordable units will be located in the proposed Walnut Building on California Street and consist of 185 studio and 1-bedroom units for seniors plus 1 on-site manager's unit.

The Project would provide 52 percent of the overall lot area (approximately 233,000 square feet) as grade-level open area, some of which would be public open space and some of which would be private open space exclusively for residents. The Project would include a total of approximately 125,000 square feet (or roughly 2.88 acres) of publicly-accessible landscaped open space with multi-purpose plazas, lawns, and pathways. New public pedestrian walkways would cross the property in a north-south direction between California Street and the intersection of Masonic and Euclid avenues approximately along the line of Walnut Street and in an east-west direction between Laurel Street and Presidio Avenue along the line of Mayfair Drive. The Project would also include streetscape improvements to enhance the safety of, and strengthen the network of, existing sidewalks and street crossings that abut the Site. These physical improvements to the Site are in service of meeting the goals and objectives of the Better Streets Plan. Specifically, the Project would include the following streetscape and pedestrian improvements: a new at-grade street crossing; sidewalk expansion; enhanced paving; installation of new street trees and street lighting on various public rights-of-way. Some of these improvements require a major encroachment permit from the Department of Public Works and are subject to Board of Supervisors approval.

The proposed scope of work before the Commission was analyzed in the EIR as the "Project Variant" (or just "Variant"). The primary difference between the base project and the Variant is that the Variant includes 185 senior affordable dwelling units plus 1 on-site manager's unit instead of office use within the Walnut Building. Under the Variant, the Walnut Building would also contain four additional floors (22 feet taller) to accommodate the residential uses. On August 19, 2019, the Project Sponsor submitted a letter to the Department requesting Conditional Use Authorization of the Variant. The Project is more particularly described in Attachment A (See Below).

The Project Sponsor filed an Environmental Evaluation Application for the Project with the San Francisco Planning Department ("Department") on March 29, 2016.

Pursuant to and in accordance with the requirements of Section 21094 of CEQA and Sections 15063 and 15082 of the CEQA Guidelines, the Department, as lead agency, published and circulated a Notice of Preparation ("NOP") on September 20, 2017, which solicited comments regarding the scope of the environmental impact report ("EIR") for the proposed project. The NOP and its 30-day public review comment period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential impacts of the proposed project. The Department held a public scoping meeting on October 16, 2017, at the Jewish Community Center of San Francisco at 3200 California Street.

During the approximately 30-day public scoping period that ended on October 20, 2017, the Department accepted comments from agencies and interested parties that identified environmental issues that should be addressed in the EIR. Comments received during the scoping process were considered in preparation of the Draft EIR.

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

The Department published a Draft EIR for the project on November 7, 2018, and circulated the Draft EIR to local, state, and federal agencies and to interested organizations and individuals for public review. On November 7, 2018, the Department also distributed notices of availability of the Draft EIR; published notification of its availability in a newspaper of general circulation in San Francisco; posted the notice of availability at the San Francisco County Clerk's office; and posted notices at locations within the project area. The Planning Commission held a public hearing on December 13, 2018, to solicit testimony on the Draft EIR during the public review period. A court reporter, present at the public hearing, transcribed the oral comments verbatim, and prepared written transcripts. The Department also received written comments on the Draft EIR, which were sent through mail, hand delivery, or email. The public comment period on the Draft EIR ended on January 8, 2019. In addition, the Department has continued to receive comments on the EIR, which do not raise issues not already addressed.

The Department then prepared the Responses to Comments on Draft EIR document ("RTC"). The RTC document was published on August 22, 2019, and includes copies of all of the comments received on the Draft EIR and written responses to each comment.

In addition to describing and analyzing the physical, environmental impacts of the revisions to the Project, the RTC document provided additional, updated information, clarification and modifications on

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

The Commission reviewed and considered the Final EIR for the Project and found the contents of said report and the procedures through which the Final EIR was prepared, publicized and reviewed complied with the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*) ("CEQA"), the CEQA Guidelines (14 Cal. Code Reg. section 15000 *et seq.*), and Chapter 31 of the San Francisco Administrative Code.

The Commission found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Planning Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and certified the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines, and Chapter 31 by its Motion No. 20512.

The Commission, in certifying the Final EIR, found that the Project described in the Final EIR will have the following significant and unavoidable environmental impacts:

- Cause a substantial adverse change in the significance of a historical resource, as defined in section 15064.5 of the CEQA Guidelines, located at 3333 California Street.
- Result in an adverse transit capacity utilization impact for Muni route 43 Masonic during the weekday a.m. peak hour under baseline conditions.
- Expose people to or generate noise levels in excess of applicable standards or cause a substantial temporary or periodic increase in ambient noise levels.

The Planning Commission Secretary is the Custodian of Records for the Planning Department materials, located in the File for Case No. 2015-014028ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California.

On September 5, 2019, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2015-014028ENV to consider the approval of the Project. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written

materials and oral testimony presented on behalf of the Project, the Planning Department staff, expert consultants and other interested parties.

This Commission has reviewed the entire record of this proceeding, the Environmental Findings, attached to this Motion as Attachment A and incorporated fully by this reference, regarding the alternatives, mitigation measures, improvement measures, environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, and the proposed MMRP attached as Exhibit C and incorporated fully by this reference, which includes both mitigation measures and improvement measures. The entire record, including Attachment A and Exhibit C was made available to the public.

**MOVED**, that the Planning Commission hereby adopts these findings under the California Environmental Quality Act, including rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations, as further set forth in Attachment A hereto, and adopts the MMRP attached as Exhibit C, based on substantial evidence in the entire record of this proceeding.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 5, 2019.

  
Jonas P. Lonn  
Commission Secretary

AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore  
NAYS: Richards  
ABSENT: None  
ADOPTED: September 5, 2019



# ATTACHMENT A

## 3333 CALIFORNIA STREET MIXED-USE PROJECT

### California Environmental Quality Act findings:

#### FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

#### SAN FRANCISCO PLANNING COMMISSION

September 5, 2019

In determining to approve the 3333 California Street Mixed-Use Project ("Project"), as described in Section I.A. Project Description, below, the following findings of fact and decisions regarding mitigation measures and alternatives are made and adopted, and the statement of overriding considerations is made and adopted, based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act, California Public Resources Code Sections 21000-21189.3 ("CEQA"), particularly Sections 21081 and 21081.5, the Guidelines for implementation of CEQA, California Code of Regulations, Title 14, sections 15000-15387 ("CEQA Guidelines"), particularly sections 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

This document is organized as follows:

**Section I** provides a description of the project proposed for adoption, project objectives, the environmental review process for the project, the approval actions to be taken and the location of records;

**Section II** identifies the impacts found not to be significant that do not require mitigation;

**Section III** identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures;

**Section IV** identifies significant impacts that cannot be avoided or reduced to less-than-significant levels and describes any applicable mitigation measures as well as the disposition of the mitigation measures;

**Section V** identifies mitigation measures considered but rejected as infeasible for economic, legal, social, technological, or other considerations;

**Section VI** evaluates the different project alternatives and the economic, legal, social, technological, and other considerations that support approval of the project and the rejection as infeasible of alternatives, or elements thereof, analyzed; and

**Section VII** presents a statement of overriding considerations setting forth specific reasons in support of the actions for the project and the rejection as infeasible of the alternatives not incorporated into the project.

The Mitigation Monitoring and Reporting Program ("MMRP") for the mitigation measures that have been proposed for adoption is attached with these findings as Exhibit 1 to Attachment A to Motion No. 20513. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. The MMRP provides a table setting forth each mitigation measure listed in the Final Environmental Impact Report for the Project ("Final EIR") that is required to reduce or avoid a significant adverse impact. The MMRP also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in the MMRP.

These findings are based upon substantial evidence in the entire record before the San Francisco Planning Commission (the "Commission"). The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report ("Draft EIR" or "DEIR") or the Responses to Comments document ("RTC") in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

I. PROJECT DESCRIPTION, OBJECTIVES, ENVIRONMENTAL REVIEW PROCESS, APPROVAL ACTIONS, AND RECORDS

The Project would redevelop the subject property with a mix of residential, retail, commercial, child care, open space, and parking uses. The Project would include the adaptive reuse of the existing office building at the center of the site, which would be separated into two buildings for residential uses, and the construction of thirteen new residential and mixed-use buildings along the California Street, Masonic Avenue, Euclid Avenue, and Laurel Street frontages.

Overall, the Project is proposed to include 744 dwelling units within 977,437 gross square feet (gsf) of residential/commercial floor area; 34,496 gsf of retail floor area; a 14,665 gsf childcare facility; 401,234 gsf devoted to off-street parking with 847 parking spaces; 125,226 square feet of privately owned, publicly accessible open space and 86,570 square feet of other open space, including private open space for residents.

The Project is more particularly described below in Section I.A

A. Project Description.

1. Project Location and Site Characteristics.

The Project site ("Project Site") is a 446,490-square-foot, or 10.25-acre, single parcel located on Lot 003 of Assessor's Block 1032. The irregularly shaped parcel is bounded by California Street to the north, Presidio Avenue to the east, Masonic Avenue to southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the west.

The Project Site is located within the Laurel Heights area of San Francisco's Presidio Heights neighborhood. It is adjacent to the Pacific Heights and Western Addition neighborhoods (to the east) and just north of the Anza Vista area of the Inner Richmond neighborhood. The parcel is located within an RM-1 Zoning District and a 40-X Height and Bulk District. Low- to mid-rise residential uses surround the Project Site to the north, east, south, and west across California

Street, Presidio Avenue, Euclid Avenue, and Laurel Street. Other land uses near the site include the SF Fire Credit Union, at the southwest corner of California Street and Presidio Avenue, adjacent to the Project Site; the Jewish Community Center of San Francisco (JCCSF), at the northwest corner of California Street and Presidio Avenue, across the street from the Project Site; San Francisco Fire Station No. 10, across Masonic Avenue southeast of the Project Site; the San Francisco Municipal Railway's (Muni) Presidio Division and Yard at 875 Presidio Avenue (a bus storage, maintenance depot, and administration building, across Euclid and Masonic avenues south of the Project Site); and the Laurel Village Shopping Center along California Street, across Laurel Street west of the Project Site.

The Project Site, which currently serves as the University of California, San Francisco ("UCSF") Laurel Heights Campus, is developed with a four-story, 455,000 gsf office building (including a 93,000 gsf, three-level, 212-space, partially below-grade parking garage) at the center of the site; a one-story, 14,000 gsf annex building at the corner of California and Laurel streets; three surface parking lots with a total of 331 spaces, and a three-level, partially below-grade parking garage with a total of 212 spaces; and landscaping or landscaped open space. Current uses on the campus are office, research, laboratory, child care, and parking. UCSF is in the process of shifting its uses to other campus locations in the city.

The surface parking lots and the parking garage are connected by an internal roadway system and the circular garage ramp structures north of the existing office building's east wing. The main entrance on California Street is accessed through an existing 28-foot-wide curb cut with one inbound lane and one outbound lane. The Mayfair Drive (22-foot-wide curb cut) and Laurel Street (22-foot-wide curb cut) access driveways have one inbound lane and one outbound lane. Access to the existing parking garage is also available from the Presidio Avenue driveway (28-foot-wide curb cut). Pedestrian access to the campus is provided at California Street, Laurel Street, and Euclid Avenue, and an internal sidewalk system leads to the existing office building's entrances along its north and west façades. The Project Site is well-served by Muni transit service with bus routes on California Street, Presidio Avenue, and Walnut Street.

## 2. Project Characteristics.

The Project would redevelop the 10.25-acre Project Site with a mix of residential, retail, commercial, child care, open space, and parking uses. The existing 14,000 gsf annex building and the two circular garage ramp structures would be demolished, and the existing 455,000 gsf office building and partially below-grade parking garage would be partially demolished. The Project would include the adaptive reuse of the existing office building at the center of the site for residential uses (as two separate buildings, "Center Building A" and "Center Building B") and the construction of thirteen new residential and mixed-use buildings along the California Street, Masonic Avenue, Euclid Avenue, and Laurel Street frontages: "Plaza A"; "Plaza B"; "Walnut"; "Masonic"; "Euclid"; "Mayfair"; and "Laurel Duplexes."

Overall, the Project is proposed to include 744 dwelling units (including market-rate units and affordable units, consisting of approximately 185 deed-restricted, onsite affordable units designated for low-income senior households in the proposed Walnut Building on California Street, with an additional manager's unit) within 977,437 gsf of residential floor area; 34,496 gsf of

retail/commercial floor area (in the proposed Plaza A, Plaza B, and Walnut buildings); a 14,665 gsf child care facility (in the proposed Walnut building); 401,234 gsf devoted to off-street parking with 847 parking spaces; 125,226 square feet of privately owned, publicly accessible open space, and 86,570 square feet of other open space, including private open space for residents. The residential unit breakdown for the 744 units would consist of approximately 419 studio and one-bedroom units (56.3 percent), 195 two-bedroom units (26.2 percent), 103 three-bedroom units (13.8 percent), and 27 four-bedroom units (3.6 percent).

a. Proposed Buildings.

The Project includes the adaptive reuse of the existing office building as two separate buildings, which would be adapted for residential use and strengthened to accommodate vertical additions and the construction of thirteen new residential and mixed-use buildings, each as described below. The descriptions are presented beginning with the renovated buildings at the center of the Project Site, then the new buildings by street location in a clockwise fashion from California Street.

i. Center Building A

The adaptively reused Center Building A would be an 89,735-gross-square-foot building (including common areas and amenity space for residents) for 51 dwelling units. Two stories would be added to Center Building A. Residential uses would be provided on renovated Levels 1 through 4 and the two new levels (Levels 5 and 6). Level 1 would have a residential lobby (entrance from the proposed Walnut Walk) and building common areas. Levels 5 and 6 would be set back from the perimeter of the lower floors of Center Building A. The depth of the proposed setbacks would range from approximately 12 to 43 feet with private terraces proposed for the setback areas on Level 5. The overall height of Center Building A would be approximately 80 feet.

ii. Center Building B

Center Building B would be a 254,398 gsf building with 231,667 gsf of residential floor area (including common areas and amenity space for residents) for 139 dwelling units; and 22,731 gsf of space for parking. Two and three stories would be added to the east and west portions of Center Building B, respectively, for an overall height of 80 feet at the east portion and 92 feet at the west portion. The building would have residential uses on the east portions of Basement Levels B1 and B2 (which is possible because the site's south-to-north and west-to-east downward-trending slope means that these levels are not completely subsurface at these "basement" levels). Basement Level B2 would include a new residential lobby on Masonic Avenue with pedestrian access via Masonic Plaza. The basement levels would also include building common areas, elevator lobbies, mechanical rooms, and a class 1 bicycle storage room, with vehicle parking spaces that would serve Center Buildings A and B. Residential and common area uses would also be provided on Center Building B's renovated Levels 1

through 4, the reconstructed level and three new levels on its central portion (Levels 5 to 7), and the reconstructed level and two new levels on its eastern portion (Levels 5 and 6). Level 1 would have a residential lobby (with an entrance from the proposed Walnut Walk) and building common areas.

The existing basement levels in Center Building B would be renovated for residential uses, and portions of two levels (Basement Levels B1 and B3) would serve as the Center B Building Garage for residents of Center Buildings A and B. These residents could also park in the proposed California Street and Masonic garages. Access to the Center B Building, California Street, and Masonic garages would be provided from curb cuts and driveways on Presidio Avenue, Walnut Street, and Masonic Avenue.

iii. Plaza A Building

The Plaza A Building at the corner of Laurel and California streets would be a four-story, 45-foot-tall, 150,900-gross-square-foot building with 66,755 gsf of residential floor area (including common areas and amenity space for residents) for 67 dwelling units, 14,816 gross square feet of ground-floor retail/commercial space, and 69,329 gsf of space for parking, circulation, and storage and mechanical rooms on two parking levels. The proposed building would frame a trapezoidal-shaped interior courtyard and would be set back approximately 18 feet from the north (California Street) property line at Level 1 only. An approximately 4,290-square-foot plaza would be developed within this setback area (California Plaza). The proposed building would be constructed to the west (Laurel Street) property line except at its southwest corner (near Laurel Street and Mayfair Drive) where it would be set back from Laurel Street by approximately 13 feet and from Mayfair Drive by approximately 38 feet. The proposed setback from Mayfair Drive would increase to approximately 48 feet starting at Level 2. The primary residential entrance would be on Laurel Street, with secondary entrances on the proposed Mayfair Walk. Retail/commercial spaces would be accessed from California Street.

Parking for the residents of the Plaza A Building would be provided in the California Street Garage on Basement Level B1 (under the Plaza A Building) and Basement Level B2 (under the Plaza B Building) and would be accessed from the proposed driveway and garage ramp on Laurel Street. The proposed driveway and garage ramp on Laurel Street would be restricted to right-turn in and right-turn out movements. Parking for retail/commercial uses would be provided on Basement Level B2 (under the Plaza A Building) and would be accessed from the proposed driveway and garage ramp on the Walnut Street extension. Basement Level B1 would have a class 1 bicycle parking storage room (67 spaces) for residents.

iv. Plaza B Building

The Plaza B Building between the proposed Plaza A Building and the Walnut Street extension would be a four-story, 45-foot-tall, 152,544-gross-square-foot building with 72,035 gsf of residential floor area (including common areas and amenity space for residents) for 61 dwelling units, 11,180 gross square feet of retail/commercial space, and 69,329 gross square feet of space for parking, circulation, and storage and mechanical rooms on two parking levels. The inverted L-shaped building would frame the proposed Cypress Square on two sides and would be constructed to the California Street property line. The primary residential entrance would be on California Street, with secondary entrances on the Walnut Street extension and the proposed Cypress Square. Retail/commercial spaces would be accessed from California Street.

The Plaza B Building would have a partially below grade basement level due to the site's south-to-north and west-to-east downward-trending slope (toward California Street and Presidio Avenue). Basement Level B1 would have retail/commercial space and a residential lobby on California Street, a class 1 bicycle parking storage room for the retail/commercial uses, shower and locker facilities for the retail/commercial uses, residential parking for Center Building A and Center Building B, and a ramp from the Walnut Street extension to the retail/commercial parking on Basement Level B2 (under the Plaza A Building). An at-grade class 1 bicycle parking storage room would contain 61 spaces for residents.

Parking for residents of the Plaza B Building would be provided in the California Street Garage on Basement Level B2 and would be accessed from the proposed driveway and garage ramp on Laurel Street. The proposed driveway and garage ramp on Laurel Street would be restricted to right-turn in and right-turn out movements. Parking for the retail/commercial uses would be provided on Basement Level B2 under the Plaza A Building and would be accessed from the proposed driveway and garage ramp off the Walnut Street extension.

v. The Walnut Building

The proposed Walnut Building, east of the Walnut Street extension, would have a total of 336,700 gsf, with 147,590 gsf of residential uses (185 studios and 1-bedrooms for seniors, and a managers unit), 8,500 gsf of retail/commercial uses, a 14,665-gross-square-foot childcare use, and an 165,945-gross-square-foot below-grade parking garage with 233 parking spaces. The overall height of the proposed Walnut Building would be approximately 67 feet and 5 levels over Basement Level B1.

The proposed structure would be rectangular in shape with two interior courtyards. The proposed Walnut Building would be constructed to the California Street property line at the northwest corner. The southwest corner of the proposed building would be set back approximately 35 feet from the Walnut Street sidewalk and approximately 72 feet from the proposed Mayfair Walk. The

southeast corner of the proposed building would be set back approximately 25 feet from the Presidio Avenue sidewalk with Basement Levels B1 and B2 and topped by the eastern end of Mayfair Walk and the Presidio Overlook. The northeast corner of the building is set back 9 feet from the California Street property line. Entrances to the retail/commercial and child care center parking spaces would be from California Street. The portion of the proposed California Street Garage under the Walnut Building would be accessed from the proposed driveway and garage ramp off the Walnut Street extension and from the proposed driveway off Presidio Avenue.

Due to the south-to-north and west-to-east downward-trending slope, the Walnut Building would have one below-grade and two partially below-grade basement levels. Basement Level B3 would be accessed from the Presidio Avenue entry driveway and garage ramp with egress from the Masonic Avenue exit-only driveway. An internal garage ramp would provide access to Basement Level B2. The north portion of Basement Level B2 (along California Street) would be developed with an at-grade, centrally located retail/commercial space and an elevator lobby for the proposed child care center space. Basement Level B2 would also include class 1 bicycle parking storage room for the child care use (10 spaces) at the northeast corner and space for circulation with ramp access to Basement Level B3 and the Presidio Avenue entry driveway and Masonic Avenue exit-only driveway. At-grade retail/commercial and child care space elevator lobbies fronting California Street would be developed on the northwest portion of Basement Level B1, and an L-shaped child care center would be developed on its east portion, facing California Street and Presidio Avenue, with access to a triangular-shaped outdoor terrace overlooking the adjacent SF Fire Credit Union. The remainder of Basement Level B1 would be devoted to parking for residents of Center Building A and Center Building B, a class 1 bicycle parking storage room for the retail/commercial uses, and space for circulation with access from the proposed driveway and garage ramp off the Walnut Street extension. Levels 1 through 5 would have exclusively residential uses.

vi. The Masonic Building

The triangular-shaped Masonic Building would be bounded by the proposed Walnut Walk on the west, the private terraces and landscaped area between the building and Center Building B on the north, and Masonic Avenue on the southeast. It would be a four- to six-story, 40-foot-tall, 97,725-gross-square-foot building with 83,505 gsf of residential floor area (including residential amenity space) for 57 dwelling units and 14,220 gsf of space for parking, circulation, and storage and mechanical rooms on a single parking level. The proposed building would be set back approximately 10 feet from the southeast (Masonic Avenue) property line. The proposed Masonic Plaza would be developed in the space between Center Building B and the Masonic Building. The residential entrances would be on Masonic Avenue and on the proposed Walnut Walk.

Due to the site's southwest-to-northeast downward-trending slope, the Masonic Building's first level (Basement Level B1) would be a partially below-grade parking garage (the Masonic Garage), with a residential lobby at the northeast corner of the floor adjacent to the proposed garage entry and driveway. The footprint for the proposed Masonic Garage would extend under the proposed Walnut Walk and Euclid Building. Basement Level B1 would be accessed from the proposed driveway off Masonic Avenue adjacent to the residential lobby at the northeast corner of the proposed building. The residential uses along Masonic Avenue and southwest of the proposed garage entry and driveway would have separate entrances via stoops, while those along the north portion would have separate private terraces (facing the landscaped area between Center Building B and the Masonic Building). Two separate residential common areas and a class 1 bicycle parking storage room for residents would be provided at the center of this floor, and a residential common area at the northwest corner.

A portion of the parking for the residential uses would be provided in mechanical stackers on the single-level parking garage (the Masonic Garage) accessed from Masonic Avenue. The mechanical stacker system would be a multicar, independently accessed system that residents would use to retrieve and return their own vehicles (i.e., they would be able to operate the system without assistance from a valet).

vii. The Euclid Building

The Euclid Building would be a roughly square building surrounding an internal courtyard. The proposed building would be bounded by the private terraces and landscaped area between it and Center Building A on the north, the proposed Walnut Walk on the east, Euclid Avenue on the south, and the proposed private terraces on the west between it and the Laurel Duplexes. The Euclid Building would be a four- to six-story, 40-foot-tall, 226,530-gross-square-foot building with 184,170 gsf of residential floor area (including common areas) for 139 dwelling units and 42,360 gsf of space for parking and circulation in the single-level parking garage (the Masonic Garage) accessed from Masonic Avenue. The proposed building would be set back approximately 67 feet from the south (Euclid Avenue) property line. The proposed Euclid Green would be developed within this setback and would extend west to Laurel Street. The eastern portion of this space would be private open space (Euclid Terrace) associated with the Euclid Building amenity spaces.

Due to the site's southwest-to-northeast downward-trending slope, the Euclid Building would have a partially below-grade floor. Level 1 would have at-grade residential uses arrayed around the internal courtyard along the north side, the northern portion of the east side, and the west side. The building would have separate at-grade entrances to the residential lobby, a residential common area, and an amenity space near the proposed Walnut Walk at the center of the east side. Separate partially below-grade common area spaces and a class 1 bicycle



parking storage room would be developed along the south (Euclid Avenue) side of this floor. Level 2 would have residential uses arrayed around the internal courtyard. The residential common areas and lobby along the south portion of the floor would be connected to the residential common areas, lobby, and interior courtyard below. The next three floors (Level 3 – Level 5) would have residential uses along each side, surrounding the internal courtyard. The top floor (Level 6) would also have residential uses but only along the north, east, and west sides. At Level 6, the proposed building would be set back from the lower floors along its south elevation (Euclid Avenue). The Euclid Building's proposed below-grade basement level would be part of the proposed Masonic Garage and would be accessed from Masonic Avenue.

viii. The Laurel Duplexes

Seven detached duplexes would be developed along Laurel Street between Euclid Avenue and the proposed Mayfair Building. Construction of the seven duplexes would result in the development of 60,260 gsf of total floor area with 55,300 gsf of residential floor area and 4,960 gsf of parking and storage space. Each duplex would include four floors, would range in height from 37 to 40 feet, and would have a centralized building core for the elevators and stairs. Six of the seven duplexes would be set back approximately 25 feet from Laurel Street. The fourth duplex in the row would be set back approximately 60 feet from Laurel Street to retain two existing Coast Live Oak trees.

Each of the Laurel Duplexes would have individual two-car parking garages located at the rear of the duplexes. Driveway access would be provided through a separate entry/exit driveway just south of the Mayfair Building that would be shared to provide access to the Laurel Duplexes and Mayfair Garage.

ix. Mayfair Building

The rectangular Mayfair Building would be bounded by the proposed Mayfair Walk on the north, the proposed landscaped area to the east between it and Center Building A, the proposed Laurel Duplexes on the south, and Laurel Street on the west. The Mayfair Building would be a four-story, 40-foot-tall, 59,040-gross-square-foot building with 46,680 gsf of residential floor area (including common areas) for 30 dwelling units, and 12,360 gsf of space for parking, circulation, and storage and mechanical rooms on a single parking level. The proposed building would be set back approximately 6 to 23 feet (average 15 feet) from the west (Laurel Street) property line.

Due to the site's south-to-north and west-to-east downward-trending slope, the Mayfair Building would have a below-grade parking level with access from Laurel Street. The basement level would provide space for residential parking (most of which would have mechanical lifts), circulation (including connections to the proposed California Street and Masonic garages), a mechanical room, and

a class 1 bicycle parking storage room (30 spaces). Residents would be able to retrieve and return their own vehicles from the mechanical stacker (i.e., they would be able to operate the mechanical stacker system without assistance from a valet). The ground floor would be developed with a residential lobby (at the northwest corner) with stepped access from the proposed Mayfair Walk. The ground floor would also include residential uses with private terraces along the north and south sides. The top three floors would be developed with residential uses, with private balconies at the top floor along the west side.

b. Streetscape Changes

Circulation changes would include the introduction, elimination, or relocation of existing curb cuts on Presidio, Masonic, and Euclid avenues; on Laurel Street; and on Mayfair Drive as follows:

- The existing 28-foot-wide curb cut at the California Street entrance would be reduced to 22 feet with the development of curb bulb-outs at the extension of Walnut Street into the project site, which would terminate with a roundabout. The Walnut Street extension would provide access to two of the California Street Garage entrances.
- The existing 29-foot-wide curb cut on Presidio Avenue would remain, but would be adjusted slightly to follow the proposed modification to the alignment of the west curb on Presidio Avenue, to be parallel to the existing east curb. The driveway would provide in and out access for the off-street freight loading area and separate in-only access to the California Street Garage for retail/commercial, child care, and residential parking uses.
- A new 16-foot-wide curb cut would be provided for vehicles exiting to Masonic Avenue from the California Street Garage and Basement Level B3 of Center Building B.
- A new 20-foot-wide curb cut on Masonic Avenue would provide in and out access to the proposed Masonic Garage.
- The existing 27-foot-wide curb cut on Laurel Street (between Mayfair Drive and Euclid Avenue) would be removed.
- The Laurel Duplexes would have independent access to their respective garages (14 independent parking spaces in total) via an entry/exit driveway from Laurel Street, shared with Mayfair Garage.
- The existing 22-foot-wide curb cut on Mayfair Drive would be relocated to immediately south of the proposed Mayfair Building and modified to be an 18-foot-wide curb cut and driveway to provide in and out access to the proposed Mayfair Building's below-grade parking garage.

- A new 20-foot-wide curb cut on Laurel Street would provide right-turn in access to and right-turn out egress from the proposed California Street Garage.

The Project Site would be integrated with the existing street grid. Pedestrian promenades would be developed to align with Walnut Street and connect to Masonic and Euclid avenues (north/south direction), and to align with Mayfair Drive and connect to Presidio and Masonic avenues and Pine Street (east/west direction). The north-south running Walnut Walk and the east-west running Mayfair Walk would be closed to vehicular traffic. The northern portion of Walnut Walk would be the extension of Walnut Street into the Project Site, which would provide vehicular access to the California Street Garage and terminate at a roundabout. Pedestrians would be able to walk through the project site from Laurel, California, and Walnut streets to Presidio Avenue, Masonic Avenue, Pine Street, and Euclid Avenue. In addition, a pedestrian walkway between the Plaza A and Plaza B buildings (Cypress Stairs) would provide access from the California Street sidewalk (at the midblock between Laurel and Walnut streets) to Cypress Square, one of the proposed onsite plazas that would be open to the public. Pedestrian access would also be provided at Walnut Street, at Presidio Avenue near the corner of Pine Street at the eastern terminus of Mayfair Walk (the proposed Pine Street Steps and Plaza), at the intersection of Masonic and Euclid Avenues at the southern terminus of Walnut Walk (the proposed Corner Plaza), and at the western terminus of Mayfair Walk. In addition, access to the proposed Euclid Green would be developed at the corner of Laurel Street and Euclid Avenue. These spaces would be designed to be compliant with the Americans with Disabilities Act.

The Project would include an encroachment at the eastern property boundary along Presidio Avenue, immediately north of the intersection with Pine Street and Masonic Avenue, to accommodate streetscape improvements. The Project would reconfigure the curb line in this area to regularize the property's frontage on Presidio Avenue. These proposed modifications to the eastern edge of the property would be combined with the reconfiguration of the triangular-shaped pedestrian island and the right-most travel lane for southbound traffic on Presidio Avenue merging onto Masonic Avenue, the construction of a corner bulb-out on the west side of the Masonic Avenue/Presidio Avenue/Pine Street intersection, the installation of a continental crosswalk crossing Presidio Avenue (to Pine Street), and the widening of the Presidio Avenue sidewalk (from 10 to 15 feet). These streetscape changes would result in an approximately 2,170-square-foot space that would be integrated with the proposed Pine Street Steps and Plaza.

The Project would also reconfigure the west curb line on Masonic Avenue at its intersection with Euclid Avenue. The Project would reconfigure the triangular-shaped pedestrian island and right-most travel lane for southbound traffic on Masonic Avenue merging onto Euclid. The existing triangular-shaped pedestrian island would be incorporated into an approximately 4,000-square-foot open space (the proposed Corner Plaza) that would be integrated with the southern end of the proposed Walnut Walk.

The Project would add a corner bulb-out at the northeast corner of Laurel Street/Mayfair Drive, which would be an approximately 650-square-foot space that would highlight the primary east-west pedestrian access to the site, the proposed Mayfair Walk.

Streetscape changes would also include proposed sidewalk widening along Masonic Avenue (from 10 to 15 feet), along Euclid Avenue (from 10.5 to 12 feet), and along Laurel Street (from 10 to 12 feet); and proposed corner bulb-outs at the southwest and southeast corners of the California Street/Walnut Street intersection, and at the northeast corner of the Laurel Street/Euclid Avenue intersection.

c. Transportation Demand Management Plan

The Project includes a Transportation Demand Management ("TDM") Plan, in compliance with Section 169 of the Planning Code. The Project would implement TDM Measures from the following categories of measures in the TDM Program Standards: active transportation; car-share; delivery; family-oriented; information and communications; and parking management. The TDM Ordinance requires, prior to issuance of a certificate of occupancy, that a property owner facilitate a site inspection by the Planning Department and document implementation of applicable aspects of the TDM Plan, and maintain a TDM Coordinator, allow for Department inspections, and submit periodic compliance reports throughout the life of the Project.

d. Open Space

The Project would retain approximately 52 percent of the overall lot area (approximately 232,846 square feet, excluding green roofs) as open area with portions to be developed with a combination of privately-owned, publicly accessible open space and private open space for residents. The Project would include new landscaped open space throughout the Project Site, including:

- California Plaza (approximately 4,290 square feet) Cypress Square (12,052 square feet) and Cypress Stairs (1,255 square feet)
- Mayfair Walk (30,605 square feet)
- Presidio Overlook (10,450 square feet)
- Lower Walnut Walk (23,730 square feet) Walnut Drive (6,904 square feet) and Walnut Court (10,921 square feet)
- Euclid Green (approximately 18,004 square feet), and
- Pine Street Steps (7,015 square feet)

There would also be approximately 86,570 square feet of other open space, including private open space for residents, including rooftop decks, ground-level terraces, interior

courtyards and private internal walkways. In addition to the privately-owned publicly accessible open space and open space only for residents, the proposed improvements at the Presidio Avenue/Pine Street/Masonic Avenue intersection (the proposed Pine Street Steps and Plaza) and the Masonic Avenue and Euclid Avenue intersection (the proposed Corner Plaza) would be partially within the public right-of-way and would total approximately 12,000 square feet of open area.

e. Construction Activities

The proposed new buildings would be supported on continuous and/or individual foundations bearing on native stiff to very stiff clay, medium dense sand, or bedrock. The perimeter walls of new buildings adjacent to the existing parking garage may need to be supported on drilled piers that gain support in the bedrock below the elevation of the bottom of the existing parking garage. Foundation work would not be required to support the proposed addition of up to a maximum of two residential floors to the adaptively reused Center Buildings A and B; however, where shear walls terminate at the foundation level, new or expanded footings would be required for the improved seismic systems for Center Buildings A and B.

Approximately 274,000 square feet of the 446,479-square-foot Project Site would be modified as a result of the Project. Approximately 47,000 cubic yards of demolition debris would be generated by the Project. The depths of excavation would range from 7 to 40 feet below the existing grade (including the elevators and automobile stacker pits) with a total of approximately 241,000 net cubic yards of excavated soils generated during the approximately seven-year construction period. Thus, approximately 288,000 cubic yards of demolition debris and excavated soils would be removed from the project site.

f. Construction Schedule

The Project would be constructed in four overlapping development phases, with full build-out expected to occur approximately seven to fifteen years after project entitlements. Under an up-to-15-year construction timeframe, the same development program would be implemented; however, periods of dormancy would be introduced between construction phases, and some construction activities currently assumed as concurrent would occur separately over a longer timeframe. The project sponsor may also choose to develop the Project in a different order than the preliminary four-phase construction program described below.

The four development phases are preliminarily identified as 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). Construction would not commence until all existing uses at the UCSF Laurel Heights Campus, including the existing child care center, have vacated. The preliminary construction schedule assumes spring 2020 as the start of construction and spring 2027 as the end of construction.

Phase 1 construction activities associated with the development of the Masonic and Euclid buildings would last approximately 30 months. Construction staging, including concrete truck staging, would occur onsite on the surface parking lots on the west side of the site closest to Laurel and California streets. Phase 1 would include the demolition of the existing annex building and the southern portion of the existing office building (including the auditorium); excavation for the parking garage and building foundations; construction of a sewer line extension under Masonic Avenue; construction of a gas line extension under Euclid, Masonic and Presidio avenues; and the construction of the Masonic and Euclid buildings. Open space improvements would include the development of Masonic Plaza between Center Building B and the Masonic Building, the southern portion of the proposed Walnut Walk, a portion of the proposed Euclid Green, and the proposed Euclid Terrace private open space (adjacent to the eastern end of the proposed Euclid Green), as well as adjacent public right-of-way improvements along portions of Masonic and Euclid avenues. Initial occupancy may occur prior to the overall construction completion of the phase (anticipated to be the final quarter of 2022).

The rehabilitation and adaptive reuse of the existing office building at the center of the site under Phase 2 (Center Buildings A and B) would last 24 months, with demolition activities anticipated to commence in month 20 of Phase 1, during the exterior work on the Masonic and Euclid Buildings. Construction staging would occur onsite on the surface parking lot at the northeast portion of the site closest to California Street and on the surface parking lot closest to Laurel Street. Concrete truck staging would occur onsite on the internal roadway on the northwest portion of the site, on the west end of the proposed Mayfair Walk, and on the surface parking lot closest to Laurel Street. Phase 2 would include the demolition of the northern portion of the existing office building and the circular garage ramp structures; the partial demolition of the existing office building (to be separated into two structures); limited excavation; and interior renovations and seismic upgrades to adaptively reuse the existing office building as two separate residential buildings. Initial occupancy may occur prior to the overall construction completion of the phase (anticipated to be the final quarter of 2023). Logistically, portions of the Phase 3 garage construction necessary to commission Phase 2 may occur during this phase.

Under Phase 3, construction of the Plaza A, Plaza B, and Walnut buildings along California Street would last approximately 36 months with demolition activities anticipated to commence on month 15 of Phase 2, during the exterior work on the Center A and B Buildings. Construction staging would occur onsite on the surface parking lot closest to Laurel Street. The parking lanes along the south side of California Street and the east side of Laurel Street would be used for staging through the duration of Phase 3. Concrete truck staging would occur onsite from the extension of Walnut Street and near the western terminus of the proposed Mayfair Walk. Concrete truck staging would also occur in the parking lane on the west side of Masonic Avenue (for dispatch) and the parking lane on the east side of Laurel Street. Phase 3 would include the demolition of the existing surface parking lots along California Street, and excavation for the parking garage and building foundations. Open space improvements would include the

development of the northern portion of Walnut Walk, Mayfair Walk, Presidio Overlook, and Pine Plaza as well as adjacent public right-of-way improvements along California Street and Presidio Avenue. Initial occupancy may occur prior to the overall construction completion of the phase (anticipated to be the first quarter of 2026).

Phase 4 construction activities associated with the development of the Mayfair Building and Laurel Duplexes would last approximately 20 months, with demolition activities anticipated to commence on month 30 of Phase 3, during the interior work on the Plaza A, Plaza B, and Walnut Buildings. Construction staging would occur within the parking lane along the east side of Laurel Street and on a portion of the parking lane on the north side of Euclid Avenue (near Laurel Street), which would be used for staging through the duration of Phase 4. Concrete truck staging would occur in the parking lane on the west side of Masonic Avenue (for dispatch) and the parking lane on the east side of Laurel Street. Phase 4 would include a limited amount of demolition; and limited excavation for the parking garage and building foundations. Open space improvements would include the development of the western end of the proposed Euclid Green as well as adjacent public right-of-way improvements along Euclid Avenue and Laurel Street. Initial occupancy may occur prior to the overall construction completion of the phase (anticipated to be the second quarter of 2027)

B. Project Objectives.

The Project Sponsor, Laurel Heights Partners LLC seeks to achieve the following objectives by undertaking the project:

1. Redevelop a large underutilized commercial site into a new high quality walkable mixed-use community with a mix of compatible uses including residences, neighborhood-serving ground floor retail, onsite child care, potential office/commercial uses, and substantial open space.
2. Create a mixed-use project that encourages walkability and convenience by providing residential uses, neighborhood-serving retail, onsite child care, and potential office/commercial uses on site
3. Address the City's housing goals by building new residential dwelling units on the site, including onsite 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.
4. Open and connect the site to the surrounding community by extending the neighborhood urban pattern and surrounding street grid into the site through a series of pedestrian and bicycle pathways and open spaces, including a north-south connection from California Street to Euclid Avenue that aligns with Walnut Street and an east-west connection from Laurel Street to Presidio Avenue.

5. Create complementary designs and uses that are compatible with the surrounding neighborhoods by continuing active ground floor retail uses along California Street east from the Laurel Village Shopping Center, adding to the mix of uses and businesses in the area, and providing activated, neighborhood-friendly spaces along the Presidio, Masonic and Euclid avenue edges compatible with the existing multi-family development to the south and east.
6. 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.
7. Provide substantial open space for project residents and surrounding community members by creating a green, welcoming, walkable environment that will encourage the use of the outdoors and community interaction.
8. 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.
9. Include sufficient off-street parking for residential and commercial uses in below-grade parking garages to meet the project's needs.
10. Work to retain and integrate the existing office building into the development to promote sustainability and eco-friendly infill redevelopment.

C. Environmental Review.

The City and County of San Francisco, acting through the planning department (hereinafter "department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code section 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code. Regs. Title 14, section 15000 et seq., (hereinafter "CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

The department determined that an environmental impact report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on September 20, 2017. The department held a public scoping meeting on October 16, 2017 in order to solicit public comment on the scope of the project's environmental review.

On April 25, 2018, the department published an initial study and provided public notice in a newspaper of general circulation of the availability of the initial study for public review and comment; this notice was mailed to the department's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site on April 25, 2018.

On November 7, 2018, the department published the draft EIR (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for



public review and comment, and of the date and time of the commission public hearing on the DEIR; this notice was mailed to the department's list of persons requesting such notice, and to property owners and occupants within a 300-foot radius of the site. Also, on November 7, 2018, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, and to government agencies, the latter both directly and through the State Clearinghouse.

A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on November 7, 2018.

The historic preservation commission held a duly advertised hearing on said DEIR on December 5, 2018 at which historic preservation commission formulated its comments on the DEIR. The planning commission held a duly advertised public hearing on said DEIR on December 13, 2018 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on January 8, 2019.

The department prepared responses to comments on environmental issues received at the public hearing and in writing during the 62-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a response to comments document, published on August 22, 2019, distributed to the commission and all parties who commented on the DEIR, and made available to others upon request at the department.

A final EIR (hereinafter "FEIR") was prepared by the department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the responses to comments document, all as required by law.

Project EIR files have been made available for review by the commission and the public. These files are available for public review at the department at 1650 Mission Street, Suite 400, and are part of the record before the commission. The project files are also available on the internet at the following address: <https://www.ab900record.com/3333cal>.

On September 5, 2019, the commission reviewed and considered the information contained in the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, and found that the FEIR reflected the independent judgement and analysis of the City and County of San Francisco, was adequate, accurate and objective, and that the responses to comments document contained no significant revisions to the DEIR that would require recirculation of the document pursuant to CEQA Guideline section 15088.5, and certified the FEIR as complete, and in compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code

D. Approval Actions.

The Project requires the following approvals:

1. Actions by the City Planning Commission

- Certification of Environmental Impact Report (EIR) and adoption of findings under CEQA.
- Adoption of Findings of Consistency with the general plan and priority policies of Planning Code section 101.1.
- Recommendation to the Board of Supervisors of an amendment to the Height and Bulk Map to increase height limits along California Street from 40 to 45 feet to accommodate higher ceilings for ground-floor retail uses, at the center of the site (from 40 feet to 80 and 92 feet) for the renovated buildings resulting from the adaptive reuse of the existing office building, and along California Street at the location of the Walnut Building (from 40 to 67 feet).
- Recommendation to the Board of Supervisors of an amendment to the Special Use District Map to designate the boundaries of the Special Use District.
- Recommendation to the Board of Supervisors of a Special Use District to reflect other planning code compliance issues, including to allow office and retail uses at the project site and to modify or waive the requirements of Resolution 4109.
- Conditional Use/Planned Unit Development authorization to permit development of buildings with height in excess of 40 feet and provide for minor deviations from the provisions for measurement of height, to provide for additional dwelling unit density, and to provide other exceptions to the planning code requirements applicable to the project site.
- Recommendation to the Board of Supervisors to approve a Development Agreement with respect to, among other community benefits, the project sponsor's commitment to the amount of affordable housing developed as part of the project and to develop and maintain privately-owned, publicly accessible open space and vesting the project's entitlements for a 15-year period.
- Approval of a Transportation Demand Management Plan (Planning Code section 169).

2. Actions by the San Francisco Board of Supervisors

- Adoption of findings under CEQA.
- Adoption of Findings of Consistency with the General Plan and priority policies of Planning Code section 101.1.
- Approval of planning code and zoning map amendments, including Special Use District to reflect other planning code compliance issues, including to allow office

and retail uses at the project site and to modify or waive the requirements of Resolution 4109, and an amendment to the Height and Bulk Map.

- Approval of Development Agreement.
- Adoption of an ordinance approving a major encroachment permit that would include sidewalk improvements, sidewalk expansion, and removal and replacement of street and significant trees.

3. San Francisco Public Works

- Approval of Subdivision Map.
- Public hearing on removal and replacement of street trees and significant trees, streetscape improvements in the public right-of-way, including new curb cuts on Masonic Avenue (two) and Laurel Street (eight), of encroachment permit for the proposed development of the Corner Plaza at Masonic and Euclid avenues, the Pine Street Steps and Plaza at the Masonic/Pine/Presidio intersection, curb bulb-outs and associated streetscape improvements on the west side of Presidio Avenue at the intersection with Pine Street and Masonic Avenue, on the west side of Masonic Avenue at the intersection with Euclid Avenue, and on the east side of Laurel Street at the intersection with Mayfair Drive, and for sidewalk widening
- Approval of a street space permit from the Bureau of Street Use and Mapping if sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s).
- Recommendation to Board of Supervisors to approve legislation for sidewalk widening.

4. San Francisco Municipal Transportation Agency

- Approval of request for on-street commercial truck (yellow) and passenger (white) loading zones on Laurel Street, California Street, Masonic Avenue, and Euclid Avenue.
- Approval of a special traffic permit from the Sustainable Streets Division if sidewalk(s) are used for construction staging and pedestrian walkways are constructed in the curb lane(s).
- Approval of construction within the public right-of-way (e.g., bulbouts and sidewalk extensions) to ensure consistency with the Better Streets Plan.
- Approval of the placement of bicycle racks on the perimeter sidewalks and within the project site

5. San Francisco Department of Building Inspection
  - Review and approval of demolition, excavation, and site/building permits.
  - Review and approval of construction permit for non-potable water system.
  - Approval of a permit for nighttime construction if any night construction work is proposed that would result in noise greater than five dBA above ambient noise levels, as applicable.
  - Review and approval of plumbing plans for non-potable water reuse system per the Non-potable Water Ordinance.
6. San Francisco Public Utilities Commission
  - Review and approval of Erosion and Sediment Control Plan, in accordance with article 4.1 of the public works code.
  - Review and approval of any changes to sewer laterals (connections to the City sewer system).
  - Review and approval of any changes to existing publicly-owned fire hydrants, water service laterals, water meters, and/or water mains.
  - Review and approval of the size and location of new fire, standard, and/or irrigation water service laterals.
  - Review and approval of post-construction stormwater design guidelines including a Stormwater Control Plan, in accordance with City's 2016 Stormwater Management Requirements and Design Guidelines.
  - Review and approval of a Landscape Plan per the Water Efficient Irrigation Ordinance.
  - Approval of the use of dewatering wells per article 12B of the health code (joint approval by the San Francisco Department of Public Health).
  - Review and approval of documentation for non-potable water reuse system per the Non-potable Water Ordinance.
7. San Francisco Department of Public Health
  - Review and approval of a Site Mitigation Plan, in accordance with San Francisco Health Code article 22A (Maher Ordinance).
  - Review and approval of a Construction Dust Control Plan, in accordance with San Francisco Health Code article 22B (Construction Dust Control Ordinance).

- Approval of the use of dewatering wells per article 12B of the health code (joint approval by the San Francisco Public Utilities Commission).
- Review and approval of design and engineering plans for non-potable water reuse system and testing prior to issuance of a Permit to Operate.

8. Actions by Other Government Agencies

- Bay Area Air Quality Management District
  - Approval of any necessary air quality permits for installation, operation, and testing (e.g., Authority to Construct/Permit to Operate) for individual air pollution sources, such as boilers and emergency standby diesel generator.
  - Approval of Asbestos Dust Mitigation Plan for construction and grading operations.

E. Findings About Significant Environmental Impacts and Mitigation Measures.

The following Sections II, III and IV set forth the findings about the determinations of the Final EIR regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide written analysis and conclusions regarding the environmental impacts of the Project and the mitigation measures included as part of the Final EIR and adopted as part of the Project.

In making these findings, the opinions of the Planning Department and other City staff and experts, other agencies and members of the public have been considered. These findings recognize that the determination of significance thresholds is a judgment within the discretion of the City and County of San Francisco; the significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and City staff; and the significance thresholds used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

These findings do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, a full explanation of these environmental findings and conclusions can be found in the Final EIR (which includes the Initial Study, Draft EIR, and Response to Comments document) and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the determination regarding the Project impacts and mitigation measures designed to address those impacts. For ease of reference only, the page of the Initial Study (IS), Draft EIR (DEIR) or Response to Comments document (RTC) is noted after the impact number where the primary discussion and analysis of that impact can be found. In making these findings, the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures are hereby ratified, adopted and incorporated in these findings, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

As set forth below, the mitigation measures set forth in the Final EIR and the attached MMRP are hereby adopted and incorporated, to substantially lessen or avoid the potentially significant impacts of the Project. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure is nevertheless hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control. The impact numbers and mitigation measure numbers used in these findings reflect the numbers contained in the Final EIR.

In Sections II, III and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding to address each and every significant effect and mitigation measure, the initial finding obviates the need for such repetition because in no instance are the conclusions of the Final EIR, or the mitigation measures recommended in the Final EIR for the Project, being rejected.

F. Location and Custodian of Records.

The public hearing transcripts and audio files, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Jonas P. Ionin, is the Custodian of Records for the Planning Department and the Planning Commission.

II. IMPACTS FOUND NOT TO BE SIGNIFICANT AND THUS DO NOT REQUIRE MITIGATION

Under CEQA, no mitigation measures are required for impacts that are less than significant (Pub. Res. Code § 21002; CEQA Guidelines §§ 15126.4, subd. (a)(3), 15091). As more fully described in the Final EIR and the Initial Study, and based on the evidence in the whole record of this proceeding, it is hereby found that implementation of the Project would not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation:

Land Use

- Impact LU-1 (IS 110): The proposed Project would not physically divide an existing community.
- Impact LU-2 (IS 110): The proposed Project would not conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect, such that a significant environmental impact would result.
- Impact C-LU-1 (IS 111): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative land use impacts.

- Population and Housing
- Impact PH-1 (IS 112): The proposed Project would not directly or indirectly induce substantial population growth in an area.
- Impact PH-2 (IS 120): The proposed Project would not displace substantial numbers of existing housing units or people necessitating the construction of replacement housing.
- Impact C-PH-1 (IS 120): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to significant cumulative population and housing impacts.

#### Cultural Resources

- Impact CR-2 (DEIR 4.B.47): The Project would not materially alter, in an adverse manner, the physical characteristics of any offsite historical resources that justify their inclusion in the California Register of Historical Resources.
- Impact C-CR-1 (DEIR 4.B.48): The impacts of the proposed Project, in combination with other past, present, and reasonably foreseeable future projects, would not materially alter, in an adverse manner, the physical characteristics of historical resources that justify their eligibility for inclusion in the California Register of Historical Resources, resulting in a cumulative impact.

#### Transportation and Circulation

- Impact TR-1 (DEIR 4.C.68): Construction of the proposed Project would not result in substantial interference with pedestrian, bicycle, or vehicle circulation and accessibility to adjoining areas thereby resulting in potentially hazardous conditions.
- Impact TR-3 (DEIR 4.C.81): The proposed Project would not cause major traffic hazards.
- Impact TR-5 (DEIR 4.C.88): The proposed project would not result in an adverse impact related to a substantial increase in transit delays.
- Impact TR-6 (DEIR 4.C.88): The proposed Project would not cause significant impacts on regional transit.
- Impact TR-7 (DEIR 4.C.92): The proposed Project would not result in substantial overcrowding on public sidewalks, create potentially hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the site and adjoining areas.
- Impact TR-8 (DEIR 4.C.94): The proposed project would not create potentially hazardous conditions for bicyclists and would not interfere with bicycle accessibility to the project site or adjoining areas.

- Impact TR-9 (DEIR 4.C.96): The proposed Project's freight loading demand would be met during the peak loading hour.
- Impact TR-10 (DEIR 4.C.98): The proposed Project's passenger loading demand would be met during the peak loading hour and would not create hazardous conditions or significant delays for transit, bicycles or pedestrians.
- Impact TR-11 (DEIR 4.C.99): The proposed Project would not result in significant impacts on emergency access to the project site or adjacent locations.
- Impact C-TR-1 (DEIR 4.C.101): Construction of the proposed Project, in combination with reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative construction-related transportation impacts.
- Impact C-TR-3 (DEIR 4.C.104): The proposed Project would not contribute considerably to a major traffic hazard.
- Impact C-TR-4 (DEIR 4.C.105): The proposed Project would not contribute considerably to significant cumulative transit capacity impacts on Muni screenlines.
- Impact C-TR-5 (DEIR 4.C.108): The proposed Project would not contribute considerably to significant cumulative transit delay impacts.
- Impact C-TR-6 (DEIR 4.C.108): The proposed Project would not contribute considerably to significant cumulative transit capacity impacts on regional transit routes.
- Impact C-TR-7 (DEIR 4.C.112): The proposed Project would not contribute considerably to significant cumulative pedestrian impacts.
- Impact C-TR-8 (DEIR 4.C.112): The proposed Project would not contribute considerably to a significant cumulative bicycle impact.
- Impact C-TR-9 (DEIR 4.C.113): The proposed Project would not contribute considerably to a significant cumulative freight loading impact.
- Impact C-TR-10 (DEIR 4.C.114): The proposed Project would not contribute considerably to a significant cumulative passenger loading impact.
- Impact C-TR-11 (DEIR 4.C.114): The proposed Project would not contribute considerably to a significant cumulative impact on emergency vehicle access.

#### Noise

- Impact NO-4 (DEIR 4D.62): Operation of the proposed project would not cause substantial permanent increases in ambient noise levels along roadway segments in the project site vicinity.



- Impact NO-5 (DEIR 4.D.64): The proposed Project's occupants would not be substantially affected by future noise levels on the site.
- Impact NO-6 (DEIR 4.D.67): Operation of the proposed Project would not expose people and structures to or generate excessive groundborne vibration or noise levels.
- Impact C-NO-1 (DEIR 4.D.68): Construction noise as a result of the proposed Project, combined with construction noise from reasonably foreseeable projects in the project area, would not cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity during construction.
- Impact C-NO-2 (DEIR 4.D.71): Operation of the proposed Project, in combination with other development, would not cause a substantial permanent increase in ambient noise levels in the project vicinity.

#### Air Quality

- Impact AQ-1 (DEIR 4.E.38): During construction, the proposed Project would generate fugitive dust and criteria air pollutants which would not violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.
- Impact AQ-2 (DEIR 4.E.49): At project build-out, the operation of the proposed Project would not result in emissions of criteria air pollutants at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.
- Impact AQ-3 (DEIR 4.E.52): Construction and operation of the proposed Project would not generate toxic air contaminants, including DPM, at levels which would expose sensitive receptors to substantial pollutant concentrations.
- Impact AQ-4 (IS 145): The proposed project or project variant would not generate emissions that create objectionable odors affecting a substantial number of people.
- Impact AQ-4 (DEIR 4.E.60): The proposed Project would not conflict with implementation of the 2017 Bay Area Clean Air Plan.
- Impact C-AQ-1 (DEIR 4.E.66): The proposed Project, in combination with past, present, and reasonably foreseeable future development in the project area, would not contribute to cumulative regional air quality impacts.
- Impact C-AQ-2 (DEIR 4.E.66): The proposed Project, in combination with past, present, and reasonably foreseeable future development in the project area, would not contribute to cumulative health risk impacts on sensitive receptors.

#### Greenhouse Gas Emissions

- Impact C-GG-1 (IS 148): The proposed Project would generate greenhouse gas emissions, but not at levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions.

#### Wind and Shadow

- Impact WS-1 (IS 151): The proposed Project would not alter wind in a manner that substantially affects public areas.
- Impact WS-2 (IS 156): The proposed Project would not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas.
- Impact C-WS-1 (IS 156): The proposed Project, in combination with past, present, and reasonably foreseeable future projects in the project site vicinity, would not result in a cumulatively considerable contribution to cumulative wind impacts.
- Impact C-WS-2 (IS 162): The proposed Project, in combination with past, present, and reasonably foreseeable future projects in the project site vicinity, would not result in a cumulatively considerable contribution to cumulative shadow impacts.

#### Recreation

- Impact RE-1 (IS 166): The proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated, or such that the construction of new facilities would be required.
- Impact RE-2 (IS 170): Construction of open space as part of the proposed Project would not result in substantial adverse physical environmental impacts beyond those analyzed and disclosed in the initial study.
- Impact C-RE-1 (IS 171): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts on recreational facilities or resources.

#### Utilities and Service Systems

- Impact UT-1 (RTC 6.21): Sufficient water supplies are available to serve the Project in normal, dry, and multiple dry years unless the Bay-Delta Plan Amendment is implemented; in that event, the SFPUC may develop new or expanded water supply facilities to address shortfalls in single and multiple dry years but this would occur with or without implementation of the proposed project or its variant. Impacts related to new or expanded water supply facilities cannot be identified at this time or implemented in

the near term; instead, the SFPUC would address supply shortfalls through increased rationing, which could result in significant cumulative effects, but the Project would not make a considerable contribution to impacts from increased rationing.

- Impact UT-2 (IS 180): The SFPUC has sufficient water supply available to serve the project site from existing entitlements and resources and would not require new or expanded water supply resources or entitlements.
- Impact UT-3 (IS 182): The proposed project or project variant would be served by a landfill with sufficient permitted capacity.
- Impact UT-4 (IS 185): Construction and operation of the proposed Project would comply with all applicable statutes and regulations related to solid waste.
- Impact C-UT-1 (IS 185): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts on utilities and service systems.

#### Public Services

- Impact PS-1 (IS 189): The proposed Project would increase demand for fire protection and police protection, schools, and other public services, but not to the extent that would require new or physically altered fire or police, schools, or other public facilities, the construction of which could result in significant environmental impacts.
- Impact C-PS-1 (IS 196): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts on public services.

#### Biological Resources

- Impact BI-2 (IS 202): The proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

#### Geology and Soils

- Impact GE-1 (IS 208): The proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault and strong seismic ground shaking.
- Impact GE-2 (IS 210): The proposed Project would not result in substantial soil erosion or the loss of topsoil.
- Impact GE-3 (IS 211): The proposed Project is not located on a geologic unit or soil that is unstable (or could become unstable as a result of the project), potentially resulting in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse.

- Impact GE-4 (IS 212): The proposed Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property.
- Impact C-GE-1 (IS 215): The proposed Project, in combination with past, present, and reasonably foreseeable future projects in the project site vicinity, would not result in a cumulatively considerable contribution to cumulative impacts related to geology and soils.

#### Hydrology and Water Quality

- Impact HY-1 (IS 217): The proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality.
- Impact HY-2 (IS 221): The proposed Project would not 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.
- Impact HY-3 (IS 222): The proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion, siltation, or flooding on or off site.
- Impact HY-4 (IS 223): The proposed Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Impact C-HY-1 (IS 224): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts related to hydrology and water quality.

#### Hazards and Hazardous Materials

- Impact HZ-1 (IS 231): The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Impact HZ-2 (IS 232): The proposed Project would not 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.
- Impact HZ-3 (IS 237): The proposed Project would not result in hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste, but

would involve the usage of minor amounts of routine hazardous materials within one-quarter mile of an existing or proposed school.

- Impact HZ-4 (IS 238): The project site is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 but would not create a significant hazard to the public or the environment.
- Impact HZ-5 (IS 239): The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and would not expose people or structures to a significant risk of loss, injury, or death involving fires.
- Impact C-HZ-1 (IS 240): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts related to hazards and hazardous materials.

#### Mineral and Energy Resources

- Impact ME-1 (IS 240): The proposed Project would not result in the loss of availability of a known mineral resource or locally important mineral resource recovery site.
- Impact ME-2 (IS 242): The proposed Project would not encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner.
- Impact C-ME-1 (IS 245): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts on mineral and energy resources.

#### Agriculture and Forest Resources (IS 246)

- The Project site and vicinity are located within an urbanized area of San Francisco. No land in San Francisco has been designated as agricultural land or forest land, and therefore there would be no impacts to agricultural or forest resources.

### III. FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH THE IMPOSITION OF MITIGATION MEASURES

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible (unless mitigation to such levels is achieved through adoption of a project alternative). The findings in this Section III and in Section IV concern mitigation measures set forth in the Final EIR. These findings discuss mitigation measures as identified in the Final EIR for the Project. The full text of the mitigation measures is contained in the Final EIR and in Exhibit 1, the Mitigation Monitoring and Reporting Program. The impacts identified in this Section III would be reduced to a less-than-significant level through implementation of the mitigation measures contained in the Final EIR, included in the Project, or

imposed as conditions of approval and set forth in Exhibit 1. Impacts identified in Section IV would remain significant and unavoidable even with implementation of the mitigation measures contained in the Final EIR, included in the Project, or imposed as conditions of approval and set forth in Exhibit 1.

The Commission recognizes that some of the mitigation measures are partially within the jurisdiction of other agencies. The Commission urges these agencies to assist in implementing these mitigation measures, and finds that these agencies can and should participate in implementing these mitigation measures.

#### Cultural Resources

Impact CR-2 (IS 125): Construction activities of the proposed Project could cause a substantial adverse change in the significance of an archaeological resource.

The project area was part of the Lone Mountain, and later Laurel Hill, Cemetery from the mid-1850s to the 1940s. As a result, the project has a high historic archaeological sensitivity based on the possible presence of historic burials or other features associated with the cemetery. The project has the potential to adversely impact significant prehistoric and historical archaeological resources, if such resources are present within the project site.

Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reportings

Mitigation Measure M-CR-2b: Interpretation

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measures M-CR-2a and M-CR-2b would reduce impact CR-2 to a less-than-significant level.

Impact CR-3 (IS 133): Construction activities of the proposed Project could disturb human remains, if such remains are present within the project site.

There are gaps in the current understanding of prehistoric land use history. Given this lack of understanding, although unlikely, it is possible Native American human remains may be encountered during project construction. Further, there is a high potential for the project to encounter human remains associated with the historic-era Laurel Hill Cemetery. In the event that construction activities disturb unknown human remains within the project area, any inadvertent damage to human remains would be considered a significant impact.

Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reportings

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-CR-2a would reduce impact CR-3 to a less-than-significant level.

Impact CR-4 (IS 134): Construction activities of the proposed Project could disturb tribal cultural resources, if such resources are present within the project site.

CEQA Section 21074.2 requires the lead agency to consider the effects of a project on tribal cultural resources. As defined in Section 21074, tribal cultural resources are sites, features, places, cultural

landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed, or determined to be eligible for listing, on the national, state, or local register of historical resources. Pursuant to State law under Assembly Bill 52 (Public Resources Code section 21080.3.1), on September 21, 2017, the Planning Department requested consultation with Native American tribes regarding possible significant effects that the project may have on tribal cultural resources. The Planning Department received no response concerning the project.

Based on the background research there are no known tribal cultural resources in the project area; however, based on the archeological sensitivity assessment, the project site is an archaeologically sensitive area with a moderate potential for prehistoric archeological resources. Prehistoric archeological resources may also be considered tribal cultural resources. In the event that construction activities disturb unknown archeological sites that are considered tribal cultural resources, any inadvertent damage would be considered a significant impact.

Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reportings

Mitigation Measure M-CR-2b: Interpretation

Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measures M-CR-2a, M-CR-2b, and M-CR-4 would reduce impact CR-4 to a less-than-significant level.

Impact C-CR-1 (IS 136): The proposed Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would result in a cumulatively considerable contribution to significant cumulative impacts on as-yet unknown archaeological resources, human remains, or tribal cultural resources.

Archeological resources, tribal cultural resources, and human remains are non-renewable resources of a finite class. All adverse effects to archeological resources erode a dwindling cultural/scientific resource base. Federal and state laws protect archeological resources in most cases, either through project redesign or by requiring that the scientific data present within an archeological resource be archeologically recovered. As discussed above, the project could have a significant impact related to archeological resources, tribal cultural resources, and disturbance of human remains. The project's impact, in combination with other projects in the area that would also involve ground disturbance and that could also encounter previously recorded or unrecorded archeological resources, tribal cultural resources, or human remains, could result in a significant cumulative impact.

Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reportings

Mitigation Measure M-CR-2b: Interpretation

Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measures M-CR-2a, M-CR-2b, and M-CR-4 would reduce impact C-CR-1 to a less-than-significant level.

## Transportation and Circulation

Impact TR-2 (DEIR 4.C.74): The proposed Project would cause substantial additional Vehicle Miles Travelled (VMT) and/or substantially induce automobile travel.

More off-street vehicular parking is linked to more driving and VMT. If the project provided parking at a substantially higher rate than the existing neighborhood average rate for retail uses, it could result in VMT that would exceed the threshold of 15 percent below the regional average for retail uses, the significance threshold for the nonresidential use, a potentially significant impact.

### Mitigation Measure M-TR-2: Reduce Retail Parking Supply

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-TR-2 would reduce impact TR-2 to a less-than-significant level.

Impact C-TR-2 (DEIR 4.C.102): The proposed Project's incremental effects on regional VMT would be significant, when viewed in combination with past, present, and reasonably foreseeable future projects.

More off-street vehicular parking is linked to more driving and VMT. If the project provided parking at a substantially higher rate than the existing neighborhood average rate for retail uses, it could result in VMT that would exceed the threshold of 15 percent below the regional average for retail uses, the significance threshold for the nonresidential use, a potentially significant impact.

### Mitigation Measure M-TR-2: Reduce Retail Parking Supply

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-TR-2 would reduce impact C-TR-2 to a less-than-significant level.

## Noise and Vibration

Impact NO-2 (DEIR 4.D.51): Construction of the proposed Project would expose structures to, or generate excessive groundborne vibration levels but not excessive groundborne noise.

Groundborne vibrations from certain aspects of Project construction have the potential to affect the existing offsite structures nearest to the project site. Most offsite structures, including historic buildings and some older buildings along Presidio Avenue and Masonic Avenue, and older residential structures along Euclid Avenue and Laurel Street, and newer residential and commercial structures along California Street, would be too distant from the proposed construction activities on the project site to be susceptible to structural damage. However, excavators used during excavation work along certain portions of California Street have the potential to cause structural damage at the nearest offsite structure, the SF Fire Credit Union building, when operating within 8 feet of this building. This would be a significant impact.

### Mitigation Measure M-NO-2: Vibration Monitoring Program for SF Fire Credit Union Building

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-NO-2 would reduce impact NO-2 to a less-than-significant level.



Impact NO-3 (DEIR 4.D.58): Operation of the proposed Project would not result in a substantial permanent increase in ambient noise levels in the immediate project vicinity, or permanently expose persons to noise levels in excess of standards in the San Francisco General Plan and the San Francisco Noise Ordinance.

Stationary equipment associated with project includes HVAC systems, cooling towers, an emergency generator, ventilation systems, and trash compactors, but the design and selection of this equipment is not complete. It is possible that HVAC and cooling equipment at the project buildings could result in excessive noise. A mitigation measure is identified to ensure that project equipment noise levels would comply with Police Code section 2909 requirements with respect to both existing offsite and future onsite land uses.

#### Mitigation Measure M-NO-3: Stationary Equipment Noise Controls

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-NO-3 would reduce impact NO-3 to a less-than-significant level.

#### Biological Resources

Impact BI-1 (IS 198): The proposed Project 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 Wildlife or U.S. Fish and Wildlife Service; and the proposed Project would interfere substantially with the movement of 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.

Tree removal and construction-related activities associated with the project could adversely affect bird breeding and nest behaviors at the project site and in the immediate vicinity. 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. Although adult birds can escape the project site to avoid direct harm during construction, eggs or chicks associated with active nests could still be permanently affected (i.e. abandoned or killed) by project construction activities. The project may result in the displacement of nesting migratory birds and/or the abandonment of active nests should construction and vegetation removal occur during the typical nesting season (January 15 through August 15). A mitigation measure is identified to ensure that project activities do not result in the take of an active nest.

The 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 project would comply with Planning Code section 139's feature-related standards.

#### Mitigation Measure M-BI-1: Preconstruction Nesting Bird Surveys and Buffer Areas

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-BI-1 would reduce impact BI-1 to a less-than-significant level.

Impact C-BI-1 (IS 204): The proposed Project, in combination with past, present, and reasonably foreseeable future projects, would result in a cumulatively considerable contribution to cumulative impacts related to biological resources.

Cumulative development within the vicinity of the project site would occur within a dense urban environment that lacks suitable habitat for candidate, sensitive, or special-status species. Future projects such as 3700 California Street and 2670 Geary Boulevard, may result in an increase in population density, taller buildings, and tree removal. Such development could have an impact on nesting and migratory birds that would be reduced to less-than-significant levels with implementation of mitigation measures associated with meeting the requirements of the Migratory Bird Treaty Act and California Fish and Game Code. Additionally, these future projects would also be subject to, and comply with, the requirements of Planning Code section 139, incorporation of bird-safe glazing treatment on 100 percent of any feature-related hazards (e.g., balconies, free-standing glass walls, or skywalks).

#### Mitigation Measure M-BI-1: Preconstruction Nesting Bird Surveys and Buffer Areas

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-BI-1 would reduce impact C-BI-1 to a less-than-significant level.

#### Geology and Soils

Impact GE-5 (IS 212): The proposed Project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The project would entail excavation to a depth of up to 40 feet to accommodate the below-grade basement levels, foundations, and site terracing, extending into the Colma Formation at certain locations. For paleontologically sensitive areas, the objective of implementing mitigation measures is to reduce adverse impacts on paleontological resources by recovering fossils and associated contextual data prior to and during ground-disturbing activities. Ground-disturbing activities as a result of the project could expose and cause impacts on unknown paleontological resources, which would be a potentially significant impact.

#### Mitigation Measure M-GE-5: Inadvertent Discovery of Paleontological Resources

The Commission finds that, for the reasons set forth in the Final EIR, implementing Mitigation Measure M-GE-5 would reduce impact GE-5 to a less-than-significant level.

#### IV. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that, where feasible, changes or alterations have been required, or incorporated into, the Project to reduce the significant environmental impacts as identified in the Final EIR. The Commission finds that the mitigation measures in the Final EIR and described below are appropriate, and that changes have been required in, or incorporated into, the Project, pursuant to Public Resources Code section 21002 and CEQA Guidelines Section 15091, that may lessen, but do not avoid (i.e., reduce to less-than-significant levels),

the potentially significant environmental effects associated with implementation of the Project that are described below. Although all of the mitigation measures set forth in the MMRP, attached as Exhibit 1, are hereby adopted, for some of the impacts listed below, despite the implementation of feasible mitigation measures, the effects remain significant and unavoidable.

The Commission further finds based on the analysis contained within the Final EIR, other considerations in the record, and the significance criteria identified in the Final EIR, that feasible mitigation measures are not available to reduce some of the significant Project impacts to less-than-significant levels, and thus those impacts remain significant and unavoidable. The Commission also finds that, although mitigation measures are identified in the Final EIR that would reduce some significant impacts, certain measures, as described in this Section IV below, are uncertain or infeasible for reasons set forth below, and therefore those impacts remain significant and unavoidable or potentially significant and unavoidable.

Thus, the following significant impacts on the environment, as reflected in the Final EIR, are unavoidable. But, as more fully explained in Section VII, below, under Public Resources Code section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, it is found and determined that legal, environmental, economic, social, technological and other benefits of the Project override any remaining significant adverse impacts of the Project for each of the significant and unavoidable impacts described below. This finding is supported by substantial evidence in the record of this proceeding.

#### Cultural Resources

Impact CR-1 (DEIR 4B.41): The proposed Project would cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5 of the CEQA Guidelines.

The Midcentury Modern-designed corporate campus at 3333 California Street, built between 1956 and 1966, is eligible for listing in the California Register of Historical Resources as an individual property under Criterion 1 for its association with the broad pattern of development in San Francisco as a unique urban adaptation of a typically suburban property type (corporate campus) and under Criterion 3 for its uniform Midcentury Modern architectural qualities, and for its association with master landscape design firm Eckbo, Royston & Williams and master engineering firm of John J. Gould & H. J. Degenkolb & Associates. As such, the property is considered a "historical resource" for the purposes of the CEQA.

The Historic Resources Evaluation Response prepared for the Project by the Planning Department evaluated the Project's proposed treatment of the property for consistency with the Secretary's Standards, and concluded that the Project would not comply with Standards 1, 2, 5, 6, 9, or 10 for several reasons, including the removal of elements that convey the project site's history as a corporate campus, the construction of new buildings on formerly open and/or landscaped space at the project site, and the changes to the massing and materiality of the office building. Moreover, the project would materially alter the physical characteristics of 3333 California Street that convey its historic significance and that justify its inclusion in the California Register.

The project would materially impair the historical significance of 3333 California Street. Accordingly, the project would result in a substantial adverse change to 3333 California Street, a significant impact under CEQA.

Mitigation Measure M-CR-1a: Documentation of Historical Resource

Mitigation Measure M-CR-1b: Interpretation of the Historical Resource

Although implementation of these mitigation measures could reduce the severity of the impact to 3333 California Street that would result from implementation of the project, the impact would be significant and unavoidable.

Transportation and Circulation

Impact TR-4 (DEIR 4.C.83): The proposed Project would result in an adverse transit capacity utilization impact for Muni route 43 Masonic during the weekday a.m. peak hour under baseline conditions.

The project would result in an adverse impact on the 43 Masonic Muni route by increasing ridership to exceed the 85 percent capacity utilization and contributing more than 5 percent on this route during the weekday a.m. peak hour under baseline conditions. This increase in transit demand could not be accommodated by adjacent transit capacity, given the 43 Masonic is the only transit line within one half of a mile that serves the northbound destinations for the assumed distribution of project trips. Therefore, the project would have a significant impact on an individual Muni line.

Mitigation Measure M-TR-4: Monitor and Provide Fair-Share Contribution to Improve 43 Masonic Capacity

Although implementation of this mitigation measure would result in transit route improvements expected to allow Muni to maintain transit headways, reducing the project's impact to a less-than-significant level, the options for providing additional service and SFMTA's ability to implement improvements is uncertain. Accordingly, the project's impact would be considered significant and unavoidable.

Noise and Vibration

Impact NO-1 (DEIR 4.D.36): Construction of the proposed Project 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.

The nearest noise-sensitive receptors are located between 60 and 240 feet from the nearest portion of the site. These uses would experience temporary and intermittent noise associated with excavation and construction activities. The temporary daytime construction noise increases at sensitive residential land uses on the south side of Euclid Avenue, the west side of Laurel Street, and the north side of California Street would be as high as 16 dBA, 17 dBA, and 10 dBA above ambient levels, respectively, during some phases of the construction program, which would be considered a substantial increase. Although construction-related impacts are considered temporary, they would be persistent over certain phases of construction during the seven-year construction period and would represent a 10-dBA increase over ambient noise levels, creating a significant impact.

Onsite noise-sensitive receptors would include residential dwellings (in all-new and renovated buildings) and both a child care center and residential dwellings in the proposed Walnut Building. Future onsite sound levels are not yet known and will be based on a number of factors, including levels of traffic noise received at onsite receptors within the project site, the noise shielding effect of intervening buildings, and noises generated by use of the project buildings including traffic, commercial activities, and residential activities. Regardless of future ambient sound levels, it can be reasonably assumed based on the estimated sound levels for offsite receptors, that during construction of subsequent phases of the four-phase construction program, there would be periodic increases over ambient daytime noise levels of 10 dBA or more at onsite receptor locations, which would be a significant impact.

A mitigation measure is intended to reduce the potential for construction noise impacts at offsite receptors and future onsite receptors.

#### Mitigation Measure M NO-1: Construction Noise Control Measures

Implementation of construction-related noise control measures in Mitigation Measure M-NO-1 would reduce the project's temporary or periodic increases in ambient noise levels to the maximum extent feasible. However, these construction-related measures would not necessarily reduce noise increases at the sensitive residential land uses on the south side of Euclid Avenue, the west side of Laurel Street, the north side of California Street, and future onsite receptors to below the +10 dBA standard over ambient conditions during construction activities that would generate high levels of noise (i.e., general excavation of all phases and certain building construction activities. Because the certainty of the construction noise reductions from implementation of Mitigation Measure M-NO-1 are not assured, the impact is considered significant and unavoidable.

#### V. MITIGATION MEASURES REJECTED AS INFEASIBLE

No mitigation measures identified in the Final EIR are rejected as infeasible.

#### VI. EVALUATION OF PROJECT ALTERNATIVES

This Section describes the reasons for approving the Project and the reasons for rejecting the alternatives as infeasible. CEQA requires that an EIR evaluate a reasonable range of alternatives to the proposed project or the project location that substantially reduce or avoid significant impacts of the proposed project. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide the decision maker with a basis of comparison to the proposed Project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the proposed Project.

#### Alternatives Considered, Rejected and Reasons for Rejection

The Planning Commission rejects the Alternatives set forth in the Final EIR and listed below based upon substantial evidence in the record, including evidence of economic, legal, social, technological, and other considerations described in this Section, in addition to those described in Section VII below, which are hereby incorporated by reference, that make these alternatives infeasible. In making these determinations, the Commission is aware that CEQA defines "feasibility" to mean "capable of being

accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines § 15364.) Under CEQA case law, the concept of “feasibility” encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project; and (ii) the question of whether an alternative is “desirable” from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

A. No Project Alternative

Under the No Project Alternative, the Project site would generally remain in its existing condition and would not be redeveloped with a mix of residential, retail, child care, and open space uses. This alternative would reduce or avoid impacts associated with construction activities, and effects associated with the operation of more intense uses on the site. All structures on the site would be retained, and the existing site would continue to function as an office use, at the city’s standard office occupancy rate of 276 gross square feet of space per employee, a slight increase in the number of onsite employees compared to existing conditions). The existing 543 parking spaces would remain.

The existing glazing has been modified from the original system and, based on current condition of the office building’s glass curtain wall system, would likely require in-kind replacement. No other modifications, repairs, or restoration activities would be conducted on the exterior. In addition, the interior of the existing office building could be altered as part of tenant leasing agreements. Any such alterations would not result in a change to the amount of currently leasable office space.

The existing land use controls on the project site would continue to govern site development and would not be changed.

The No Project Alternative would reduce the impacts of the project because no new development would occur. None of the significant and unavoidable impacts associated with the project would occur. The No Project Alternative would have less-than-significant impacts or no impacts on topics determined in the Final EIR or initial study to be either less than significant or less than significant with mitigation under the project, and would not require mitigation measures.

The No Project Alternative is hereby rejected as infeasible because, although it would eliminate the significant and unavoidable historic architectural resources, transportation and circulation, and noise and vibration impacts of the Project, it would fail to meet all of the basic objectives of the Project. In particular, this alternative would fail to achieve objectives regarding the development of a walkable mixed-use community with a mix of compatible uses including residences, neighborhood-serving ground floor retail, onsite child care, potential office/commercial uses, and substantial open space; it would fail to address the City’s housing goals because it would not create any new residential dwelling units on the site; and it would fail to extend the neighborhood urban pattern and surrounding street grid into the site, a key urban design principle consistent with the Planning Department’s early input on the Project, which has been incorporated into the Project’s design.

For these reasons, it is hereby found that the No Project Alternative is rejected because it would not meet the basic objectives of the Project and, therefore, is not a feasible alternative.

B. Full Preservation – Office Alternative

Under the Full Preservation – Office Alternative, the existing four-story office building would be retained in its entirety and would continue as office use. A one-level vertical addition would be constructed on the roof to expand the usable space for office uses, replacing the existing mechanical penthouse. New construction on the project site would be limited to the northern portion of the site adjacent to California Street. Two new multi-family residential buildings (the Plaza B and Walnut buildings) and the California Street Garage would be developed in the areas occupied by the surface parking lots on that portion of the site. The annex building, the perimeter brick wall that borders the north and west (partial) boundaries of the project site, and a portion of the surface parking lot on the western portion of the site, south of Mayfair Drive, would be retained. Existing conditions on the southern and eastern portions of the project site would be maintained. The most prominent views of the project site, from the east on Pine Street (looking west) and from the south on Masonic Avenue (looking north), would be retained with minimal change as would views from Laurel Street (looking east).

The footprint of the office building would remain the same as under existing conditions. One floor of additional usable office space would be added, increasing the height of the office building from 55 feet 6 inches to 66 feet 8 inches. The addition would be set back 15 feet from the east, west, and south sides of the existing office building; would have a contemporary design with steel and glazing, and would be visually subordinate in relation to the overall size of the existing building. With the vertical addition to the existing office building and the retention of the annex building, there would be a total of 406,459 gross square feet of office uses under the Full Preservation – Office Alternative (406,459 more gross square feet than under the project, which would not contain office uses).

The Plaza B and Walnut buildings would have different land uses, building footprints, and building heights compared to the project. These new residential buildings would have no ground-floor retail along California Street or child care uses as they would with the project. The Plaza B and Walnut buildings along California Street would provide a total of 167 residential units (577 fewer residential units than the project).

One new below-grade parking garage (the California Street Garage) would be constructed. The California Street Garage would have two levels of below-grade parking rather than the three levels in the project. The parking garage under the existing office building would be retained. The parking program for this alternative would retain 102 of the 331 existing surface parking spaces on the project site; the remaining 229 surface parking spaces would be replaced by spaces in the new California Street Garage. The 212 parking spaces in the existing garage would be retained. Overall, there would be 765 off-street parking spaces: 167 spaces for residential uses, 585 spaces for office uses, and 13 car-share spaces. Thus, the Full Preservation – Office Alternative would provide 82 fewer spaces than the project's 847 off-street parking spaces. Except for spaces in the retained surface parking lots, off-street parking (663 spaces) would be in the California Street Garage and the retained parking garage.

The Full Preservation – Office Alternative would be constructed in approximately two years, with excavation and site preparation for construction of the Plaza B and Walnut buildings and the California Street Garage and alterations to the existing office building occurring as part of a single phase (5 to 13 years less than the proposed Project).

The Full Preservation – Office Alternative would not cause a substantial adverse impact on the historic resource at 3333 California Street, as the project site would continue to convey its historic and architectural significance as a Midcentury Modern-designed corporate campus. Mitigation Measure M-CR-1a: Documentation of Historical Resource and Mitigation Measure M-CR-1b: Interpretation of the Historical Resource would not be required.

Like the project, the Full Preservation – Office Alternative would result in adverse impacts on the 43 Masonic by increasing ridership to exceed the 85 percent capacity utilization during the weekday a.m. peak period under baseline conditions, although to a lesser degree. Therefore, similar to the project, this alternative would have a significant impact on an individual Muni line and mitigation would be required. Implementation of Mitigation Measure M-TR-4: Monitor and Provide Fair Share Contribution to Improve 43 Masonic Capacity would reduce the impact, but the impact would remain significant and unavoidable after mitigation.

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 offsite sensitive receptor locations would be reduced from those under the project. However, the type of construction equipment and use characteristics would not change because demolition, excavation, and construction activities, even though more limited, would still occur. Thus, the potential to generate substantial temporary noise increases of at least 10 dBA over ambient levels at various offsite locations along surrounding streets would remain significant and unavoidable, as discussed in greater detail in the Final EIR. Construction noise impacts under this alternative (although more limited in terms of the number of noise events) would be significant and implementation of Mitigation Measure M-NO-1: Construction Noise Control Measures would be required, which would reduce but not eliminate construction noise impacts. As with the project, construction noise impacts under the Full Preservation – Office Alternative would remain significant and unavoidable with implementation of Mitigation Measure M-NO-1.

The Full Preservation – Office Alternative is rejected as infeasible because, although it would eliminate the significant and unavoidable historic architectural resources impact identified for the Project, and would reduce the significant and unavoidable transportation and circulation and noise impacts, it would fail to meet some of the project objectives, and would meet many of the other project objectives to a lesser extent than the project. The Full Preservation – Office Alternative would fail to open and connect the site to the surrounding community because it would not construct the Walnut and Mayfair walks. Accordingly, it would fail to extend the neighborhood urban pattern and surrounding street grid into the site, a key urban design principle consistent with the Planning Department's early input on the Project, which has been incorporated into the Project's design. It would also fail to provide active ground floor retail uses or activated neighborhood-friendly spaces along the adjacent streets. The alternative would increase the City's housing supply compared to current conditions, but to a substantially lesser extent than would the Project, with only 167 units, 577 fewer residential units and a



corresponding reduction in the number of affordable senior housing units. The alternative would be consistent with the City's goals and policies in the General Plan Housing Element and the City's progress toward meeting its ABAG Regional Housing Needs Allocation number but to a lesser extent than the project. Although this alternative would redevelop a large underutilized commercial site, it would do so to a lesser degree and with a limited mix of uses, reducing walkability and convenience because no onsite child care and retail uses would be provided. In addition, the open space in this alternative would not be as varied or designed to maximize pedestrian accessibility.

In addition, the City has numerous Plans and policies, including in the General Plan (Housing and Transportation Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly described in the materials considered by the Commission at the September 5, 2019 hearing regarding the Final EIR certification and project approvals, which are incorporated by reference as though fully set forth herein. The Full Preservation – Office Alternative does not promote these Plans and policies to the same extent as the project, particularly due to the lower number of units provided in the Alternative (167) as compared to the Project. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently affordable housing); Policy 1.10 (support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips); Objective 4 (foster a housing stock that meets the needs of all residents across life cycles); Policy 4.1 (develop new housing for families with children); Policy 4.4 (encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible); Policy 4.5 (ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities).

For these reasons, it is hereby found that the Full Preservation – Office Alternative is rejected because, although it would eliminate the significant and unavoidable historic architectural resources impact and would reduce the identified significant and unavoidable transportation and circulation and noise impacts identified for the project, it would fail to meet some project objectives, as well as several City Plans and policies related to the production of housing, including affordable housing, particularly housing and jobs near transit, and urban design, to the same extent as the project. It is, therefore, not a feasible alternative.

C. Full Preservation – Residential Alternative

Under the Full Preservation – Residential Alternative, the existing office building would be mostly retained and converted to residential use. A one-level vertical addition would be constructed to add more space for the residential use. New construction would be restricted to the northern and western portions of the site adjacent to California Street and Laurel Street/Mayfair Drive. As under the project, three new mixed-use multi-family residential buildings with ground-floor retail (the Plaza A, Plaza B, and Walnut buildings), one new multi-family residential building (the Mayfair Building), and two garages (the California Street and Mayfair garages) would be constructed. The annex building, perimeter brick wall, and surface parking lots on the northern portion of the site would be demolished to make way for the new construction. On the western portion of the site along Laurel Street and south of Mayfair Drive, the concrete pergola, terraced formal landscaping, and surface parking would be mostly retained, and development would not be as extensive as it would under the project because the Laurel Duplexes would not be constructed. Existing conditions on the southern and eastern portions of the project site would be maintained. The view through the project site to the existing building from Laurel Street (looking west) would be altered with development of the Mayfair Building. The most prominent views of the project site, from the east on Pine Street (looking west) and from the south on Masonic Avenue (looking north), would be retained with minimal change.

The footprint of the office building would be altered slightly from that under existing conditions, and would be retained as one building instead of being divided into two. Building demolition would be limited to the north-facing entry, the northerly extension of the east wing, and the exposed concrete piers over the garage along with the circular garage ramp structures. Only one floor of residential use would be added, instead of three floors. Similar to the project, this alternative would adaptively reuse the existing office building for residential use and would replace the glass curtain window wall system. Under this alternative the new window wall system would be designed to be compatible with the character of the historic resource. The vertical addition would increase the height of the existing building from 55 feet 6 inches to 66 feet 8 inches. Its design and setbacks would be similar to those described for the Full Preservation – Office Alternative. With the addition of one floor to the existing building, there would be a total 369,818 gross square feet of residential space for 190 residential units in the building.

The land use program, footprints, and heights for the Plaza A, Plaza B, Walnut, and Mayfair buildings would be substantially the same as under the project. Development of the four new buildings along California and Laurel streets would total 335,361 gross square feet of residential use with 344 residential units, 14,650 gross square feet of child care use, and 44,306 gross square feet of retail use. The Plaza A and Plaza B buildings would be 45 feet tall, with ground floor retail. The Walnut Building would be 67 feet tall and would include ground floor retail and child care space. The Mayfair Building would be a four-story residential building with a proposed height of 40 feet. Overall, under Alternative the Full Preservation – Residential Alternative, there would be 224,277 fewer gross square feet than under the project.

The Full Preservation – Residential Alternative would provide two new below-grade parking garages (the California Street and Mayfair garages, one fewer than the project); and partly retain the parking garage under the existing office building. The parking program would replace and

expand the existing 543 surface and subsurface parking spaces on the project site. Unlike the project, 80 of the 331 surface parking spaces on the project site would be retained. Overall, there would be a total of 746 off-street parking spaces under this alternative: 534 spaces for residential uses, 115 spaces for retail uses, 29 spaces for the child care use, 60 commercial parking spaces, and 8 car-share spaces. Thus, the Full Preservation – Residential Alternative would provide 203 more off-street parking spaces than there are currently and 101 fewer spaces than the project's 847 off-street parking spaces.

The Full Preservation – Residential Alternative would be constructed in approximately five and a half years and two phases. Construction activities included in the phases are discussed below; and as with the construction program for the proposed project the phases could be developed in a different order. First phase: 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. Second phase: Demolition of the existing annex building and the surface parking lots on the north and west portions of the site, excavation and site preparation for construction of the California Street buildings and the Mayfair Building and associated garages.

The Full Preservation – Residential Alternative would not cause a substantial adverse impact on the historic resource at 3333 California Street, as the project site would continue to convey its historic and architectural significance as a Midcentury Modern-designed corporate campus. Mitigation Measure M-CR-1a: Documentation of Historical Resource and Mitigation Measure M-CR-1b: Interpretation of the Historical Resource would not be required.

Like the project, the Full Preservation – Residential Alternative would result in adverse impacts on the 43 Masonic by increasing ridership to exceed the 85 percent capacity utilization during the weekday a.m. peak period under baseline conditions, although to a lesser degree. Therefore, similar to the project, this alternative would have a significant impact on an individual Muni line and mitigation would be required. Implementation of Mitigation Measure M-TR-4: Monitor and Provide Fair Share Contribution to Improve 43 Masonic Capacity would be required. Similar to the project, the SFMTA's ability to provide additional capacity or improve transit headways is uncertain; thus, the impact would remain significant and unavoidable after mitigation.

Under this alternative, the construction program would be shorter than that for the project and would be completed in two phases rather than four. However, the type of construction equipment and use characteristics would not change because demolition, excavation, and construction activities, even though more limited, would still occur. Thus, the potential to generate substantial temporary noise increases of at least 10 dBA over ambient levels at various offsite locations along surrounding streets, and, during the second phase of construction, at certain onsite locations that could be occupied after completion of the first phase, would remain significant and unavoidable, as discussed in greater detail in the Final EIR. Construction noise impacts under this alternative (although more limited in terms of the number of noise events) would be significant and implementation of Mitigation Measure M-NO-1: Construction Noise Control Measures would be required, which would reduce but not eliminate construction noise impacts. As with the project, construction noise impacts under the Full Preservation – Residential Alternative would remain significant and unavoidable with implementation of Mitigation Measure M-NO-1.

The Full Preservation – Residential Alternative is rejected as infeasible because, although it would eliminate the significant and unavoidable historic architectural resources impact identified for the Project, and would reduce the significant and unavoidable transportation and circulation and noise impacts, it would fail to meet several of the project objectives to the same extent as the project. This alternative would not open and connect the site to the surrounding community to the same extent as the project, as only Mayfair Walk, and not Walnut Walk, would be developed to extend through the entire site. Accordingly, it would not, to the same extent as the project, extend the neighborhood urban pattern and surrounding street grid into the site, a key urban design principle consistent with the Planning Department's early input on the Project, which has been incorporated into the Project's design. The alternative would increase the City's housing supply compared to current conditions, but to a lesser extent than would the Project, with 210 fewer residential units and a corresponding reduction in the number of affordable senior housing units. This would be less consistent with the City's goals and policies in the General Plan Housing Element and the City's progress toward meeting its ABAG Regional Housing Needs Allocation number. This alternative would redevelop a large underutilized commercial site, although to a lesser degree and with less density than the project, and it would provide fewer activated neighborhood-friendly spaces along the adjacent streets than would the project. In addition, the open space in this alternative would not be as varied and is not designed to maximize pedestrian accessibility.

In addition, the City has numerous Plans and policies, including in the General Plan (Housing and Transportation Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly described in the materials considered by the Commission at the September 5, 2019 hearing regarding the Final EIR certification and project approvals, which are incorporated by reference as though fully set forth herein. The Full Preservation – Residential Alternative does not promote these Plans and policies to the same extent as the project. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently affordable housing); Policy 1.10 (support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips); Objective 4 (foster a housing stock that meets the needs of all residents across life cycles); Policy 4.1 (develop new housing for families with children); Policy 4.4 (encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible); Policy 4.5 (ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities).

For these reasons, it is hereby found that the Full Preservation – Residential Alternative is rejected because, although it would eliminate the significant and unavoidable historic architectural resources impact and would reduce the identified significant and unavoidable transportation and circulation and noise impacts identified for the project, it would fail to meet several of the project objectives and City Plans and policies related to the production of jobs and housing, including affordable housing, particularly near transit, and urban design, to the same extent as the project. It is, therefore, not a feasible alternative.

D. Partial Preservation – Office Alternative

Under the Partial Preservation – Office Alternative, the existing office building would be mostly retained for continued office use and altered with minor demolition. A two-story addition would be added to the roof to expand the office use. New construction on the project site would be limited to the northern and western portions of the site. As under the project, three new mixed-use multi-family residential buildings with ground-floor retail (the Plaza A, Plaza B, and Walnut buildings), one new multifamily residential building (the Mayfair Building), and two garages (the California Street and Mayfair garages) would be constructed. The annex building, circular garage ramp structures, surface parking lots, and open and landscaped areas on the northern portion of the site along California and Laurel streets would be demolished to make way for the new construction. On the western portion of the site along Laurel Street and south of Mayfair Drive, the concrete pergola, terraced formal landscaping, brick retaining wall, and surface parking would be removed; however, development would not be as extensive as it would under the project because one fewer Laurel Duplex would be constructed and footprints would be slightly different. Existing conditions on the southern and eastern portions of the project site would be maintained. The view through the project site to the existing building from Laurel Street (looking west) would be altered with development of the Mayfair Building and Laurel Duplexes. The most prominent views of the project site, from the east on Pine Street (looking west) and from the south on Masonic Avenue (looking north), would be retained with minimal change.

Under this alternative, the existing office building's north-facing entry, the northerly extension of the east wing, and the exposed concrete piers over the garage would be demolished, and the continuous full-height, slightly recessed curtain wall glazing and the glass curtain wall system would be replaced in kind for office use, rather than altered for residential use. The existing office building's auditorium space would be retained. This alternative's stepped, two-story, 24-foot-tall vertical addition would increase the height of the existing office building from 55 feet 6 inches up to 80 feet. The first story of the vertical addition would be set back 15 feet from the east, west, and south sides of the existing office building. The second story would be set back an additional 45 feet and 120 feet, respectively, from the east and west sides of the new floor addition immediately below. The addition would be designed with modern materials, such as steel and glazing, and would be visually subordinate to the existing structure, matching its stepped approach. With the addition of two floors to the existing office building and the enclosure of the northeastern portion of the existing office building (where the northerly extension of the east wing, exposed concrete piers over the garage, and circular garage ramp structures would be demolished), there would be a total 402,404 gross square feet of office space under this alternative (26,404 more gross square feet than under existing conditions [with demolition of the existing 14,000-gross-square-foot

annex building)) and 402,404 more gross square feet than under the project, which would not contain office uses).

The footprints of the Plaza A, Plaza B, and Walnut buildings on California Street and the Mayfair Building on Laurel Street (including the California Street and Mayfair garages) would not change compared to the project. The Plaza A and Plaza B buildings would be 65 feet tall, with ground floor retail (20 feet taller than the project). As with the project, the Walnut Building would be 67 feet tall and would include ground floor retail and child care space. The Mayfair Building would be a four-story residential building with a proposed height of 40 feet. Six Laurel Duplexes (not seven as with the project) would be constructed along Laurel Street. Five would be set back 25 feet from Laurel Street, a similar setback as that for the project. The fourth duplex in the row would be set back 60 feet from Laurel Street to retain two existing Coast Live Oak trees, as with the project. The footprints would disturb slightly less surface area than under the project because there would be one less building, and the last duplex on the south end would have a slightly smaller footprint in order to retain the south wing of the existing office building and a portion of the green lawn at the northeast corner of Euclid Avenue and Laurel Street. Each duplex would be four stories tall and building heights would range from 37 to 40 feet, as with the project.

This alternative would provide two new below-grade parking garages and five individual two-car parking garages, and would partially retain the three-level, partially below-grade parking garage, as with the project. The parking program for the Partial Preservation – Office Alternative would replace and expand the existing 543 surface and subsurface parking spaces on the project site. Overall, there would be a total of 1,132 off-street parking spaces: 456 spaces for residential uses, 69 spaces for retail uses, 570 spaces for office uses, 21 spaces for the child care use, and 16 carshare spaces. Thus, this alternative would provide 285 more parking spaces than the project's 847 off-street parking spaces. There would be 30 off-street residential parking spaces for the Mayfair Building; 10 spaces for the Laurel Duplexes would be in private, two-car parking garages. Off-street parking spaces for the remaining residential use (416 spaces) would be provided in the California Street Garage. All 69 off-street parking spaces for the retail use and all 21 spaces associated with the child care use would also be located in the California Street Garage along with 16 car-share spaces. The 570 off-street parking spaces for the office use would be located in the California Street Garage (506 spaces) and the retained parking garage under the existing office building (64 spaces).

This alternative would be constructed in approximately five and a half years in three phases. Construction activities included in the phases are discussed below; and, as with the project, the construction phases could be developed in a different order. First phase: 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. Second construction phase: Demolition of the existing annex building and the surface parking lots on the north portion of the site and excavation and site preparation for construction of the California Street buildings and associated California Street Garage. Third phase: Demolition of the surface parking lot and associated landscaping on the west portion of the site near Laurel Street and excavation and site preparation for construction of the Mayfair Building (and associated Mayfair Garage) and the Laurel Duplexes.

New construction and changes to the existing office building would result in moderate changes to the distinctive materials, features, spaces and spatial relationships on the northern and western portions of the property. Although the retention, rehabilitation, and reuse of the existing office building under this alternative would avoid the physical loss of the office building, the removal of many of the character-defining site and landscape features in combination with the construction of ten new buildings along California and Laurel streets would be substantial enough to hinder the site's ability to convey its historically open feel such that the property could no longer convey its historic and architectural significance as a Midcentury Modern-designed corporate campus. Although this alternative would reduce the impact on the historic architectural resource, the extent of the alterations to the character-defining building, site, and landscape features would, on balance, materially alter the physical characteristics of the property at 3333 California Street that convey its historic and architectural significance and that justify its inclusion in the California Register. As such, the Partial Preservation – Office Alternative would reduce the magnitude of the impact compared to the project, but not to a less-than-significant level, and the substantial adverse impact on the historic resource at 3333 California Street would remain. For this reason, as with the project, implementation of Mitigation Measure M-CR-1a: Documentation of Historical Resource and Mitigation Measure M-CR-1b: Interpretation of the Historical Resource would be required for this alternative. Implementation of these mitigation measures would reduce the significant impact, but not to a less-than-significant level.

Like the project, the Partial Preservation – Office Alternative would result in adverse impacts on the 43 Masonic by increasing ridership to exceed the 85 percent capacity utilization during the weekday a.m. peak period under baseline conditions, and would increase ridership more than the project would, resulting in a slightly greater significant impact. Therefore, this alternative would have a significant impact on an individual Muni line and mitigation would be required. Implementation of Mitigation Measure M-TR-4: Monitor and Provide Fair Share Contribution to Improve 43 Masonic Capacity would be required. Similar to the project, the SFMTA's ability to provide additional capacity or improve transit headways is uncertain; thus, the impact would remain significant and unavoidable after mitigation.

The construction program for this alternative would be shorter than the project, and would require three phases rather than four. However, the type of construction equipment and use characteristics would not change because demolition, excavation, and construction activities, even though more limited, would still occur. Thus, the potential to generate substantial temporary noise increases of at least 10 dBA over ambient levels at various offsite locations along surrounding streets, and, during the subsequent phases of construction, at certain onsite locations that could be occupied after completion of the earlier phases, as discussed in greater detail in the Final EIR. Construction noise impacts under this alternative would be significant and implementation of Mitigation Measure M-NO-1: Construction Noise Control Measures would be required, which would reduce but not eliminate construction noise impacts. As with the project, construction noise impacts under the Partial Preservation – Office Alternative would remain significant and unavoidable with implementation of Mitigation Measure M-NO-1.

The Partial Preservation – Office Alternative is rejected as infeasible because, although it would reduce the significant and unavoidable historic architectural resources and noise impacts

identified for the project, it would not eliminate them, and it would result in a slightly greater significant and unavoidable transportation and circulation impact, and it would fail to meet several of the project objectives to the same extent as the project. This alternative would not open and connect the site to the surrounding community to the same extent as the project, as only Mayfair Walk, and not Walnut Walk, would be developed to extend through the entire site. Accordingly, it would not, to the same extent as the project, extend the neighborhood urban pattern and surrounding street grid into the site, a key urban design principle consistent with the Planning Department's early input on the Project, which has been incorporated into the Project's design. The alternative would increase the City's housing supply compared to current conditions, but to a lesser extent than would the Project, with 288 fewer residential units and a corresponding reduction in the number of affordable senior housing units. This would be less consistent with the City's goals and policies in the General Plan Housing Element and the City's progress toward meeting its ABAG Regional Housing Needs Allocation number. This alternative would redevelop a large underutilized commercial site, although to a lesser degree and with less density than the project, and it would provide fewer activated neighborhood-friendly spaces along the adjacent streets than would the project. In addition, the open space provided in this alternative would not be as varied and would have less pedestrian accessibility and ease of use.

In addition, the City has numerous Plans and policies, including in the General Plan (Housing and Transportation Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly described in the materials considered by the Commission at the September 5, 2019 hearing regarding the Final EIR certification and project approvals, which are incorporated by reference as though fully set forth herein. The Partial Preservation – Office Alternative does not promote these Plans and policies to the same extent as the project particularly due to the lower number of units provided in the Alternative (456) as compared to the Project. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently affordable housing); Policy 1.10 (support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips); Objective 4 (foster a housing stock that meets the needs of all residents across life cycles); Policy 4.1 (develop new housing for families with children); Policy 4.4 (encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible); Policy 4.5 (ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities).



For these reasons, it is hereby found that the Partial Preservation – Office Alternative is rejected because, although it would reduce the significant and unavoidable historic architectural resources and noise impacts identified for the project, it would not eliminate them, and it would result in a slightly greater significant and unavoidable transportation and circulation impact, and it would fail to meet several of the project objectives and City Plans and policies related to the production of housing, including affordable housing, particularly near transit, and urban design, to the same extent as the project. It is, therefore, not a feasible alternative.

E. Partial Preservation – Residential Alternative

Under the Partial Preservation – Residential Alternative, the existing office building would be partially retained as a single building and adapted for residential use, with a two-story addition on the roof. This addition would be shorter and less noticeable than the addition for the project and the setbacks, on all sides except the north side, would make the addition more visually subordinate to the existing building. While, like the project, the south wing and associated landscape and the northerly extension of the east wing would be demolished, the center of the remaining existing building would not be removed to create two separate buildings connected by a bridge. The glass curtain wall system would be replaced with a compatible design that reflects the new residential use. A portion of the three-level, partially below-grade parking garage would also be retained; however, the circular garage ramp structures and the annex building and perimeter brick wall that borders the north and west (partial) boundaries of the project site would be demolished. With the addition of two floors and the enclosure of the northeastern and southwestern portions of the existing building (i.e., where the northerly extension of the east wing and the whole south wing would be demolished), there would be a total of 330,282 gross square feet of residential uses (or 162 residential units) in the adaptively reused residential building.

The land use program, footprints, and heights for the Plaza A, Plaza B, Walnut, and Mayfair buildings and the Laurel Duplexes would be substantially similar to the project. New construction under this alternative would be more limited than under the project but expanded from that under the full preservation alternatives and the Partial Preservation – Office Alternative to add development along Euclid Avenue on the southern portion of the site. There would be no new construction along Masonic Avenue southeast of Euclid Avenue, as the Masonic Building would not be built. The footprint of the Euclid Building would be reduced compared to the project to retain the existing private courtyard to the east, and the building would be four stories tall instead of six.

The Euclid Building would be bounded by the private terraces and landscaped area between it and the adaptively reused residential building on the north, the adaptively reused residential building's courtyard on the east, Euclid Avenue on the south, and by the private terraces and landscaped area between it and the Laurel Duplexes on the west. It would be set back approximately 100 feet from the south (Euclid Avenue) property line, instead of 67 feet as under the project. As with the project, the Euclid Building would not include a retail use.

The Partial Preservation – Residential Alternative would provide three new below-grade parking garages: the California Street, Mayfair, and Euclid garages; and would partly retain the parking

garage under the existing building. The Masonic Garage would not be built. Each of the Laurel Duplexes (except the fourth duplex at the Laurel Street midblock) would have private, two-car parking garages. The Euclid Garage would have a smaller footprint than the Masonic Garage planned for the project. As with the project, the parking program would replace and expand the existing 543 surface and subsurface parking spaces on the project site. Overall, there would be a total of 800 off-street parking spaces: 588 spaces for residential uses, 115 spaces for retail uses, 29 spaces for the child care use, 60 commercial parking spaces, and 8 car-share spaces. This alternative would provide 47 fewer parking spaces than the project. The Mayfair and Euclid garages would provide 166 off-street residential parking spaces for the adaptively reused residential building (66 spaces), Euclid Building (68 spaces), Mayfair Building (30 spaces), and the Laurel Duplexes (2 spaces). The other 12 off-street residential parking spaces for the Laurel Duplexes would be provided within the private, two-car parking garages for all but one of the Laurel Duplexes. All other off-street parking associated with the residential use (410 spaces) would be in the California Street Garage and the retained parking garage under the adaptively reused residential building. All off-street parking associated with retail (115 spaces) and child care (29 spaces) uses and the commercial parking spaces (60) and car-share spaces (8) would be located in the California Street Garage.

The Partial Preservation – Residential Alternative would be constructed in approximately six and a half years in four phases. Construction activities included in each of the phases are discussed below; and, as with the project, the order of the construction phases may change. First phase: Demolition of the existing annex building, circular garage ramp structures, the northerly extension of the east wing of the existing office building, and the south wing of the existing office building; and excavation and site preparation for construction of the Euclid Building (and associated Euclid Garage). Second phase: Rehabilitation and adaptive reuse of the existing office building. Third phase: Demolition of the surface parking lots on the north portion of the site and excavation and site preparation for construction of the California Street buildings and associated California Street Garage. Fourth phase: Demolition of the surface parking lot and associated landscaping on the west portion of the site near Laurel Street for construction of the Mayfair Building (and associated Mayfair Garage) and the Laurel Duplexes.

New construction and changes to the existing office building would result in substantial changes to the distinctive materials, features, spaces and spatial relationships on the northern, western, and southern portions of the property. Although the retention and adaptive reuse of a portion of the existing office building under this alternative would avoid the physical loss of the office building, the removal of character-defining site and landscape features, in combination with the construction of 12 new buildings along California Street, Laurel Street, and Euclid Avenue, would be substantial enough to hinder the site's ability to convey its historically open feel such that the property could no longer convey its historic and architectural significance as a Midcentury Modern-designed corporate campus. Although this alternative would reduce the impact on the historic architectural resource, the extent of the alterations to the character-defining building, site, and landscape features would, on balance, materially alter the physical characteristics of the property at 3333 California Street that convey its historic and architectural significance and that justify its inclusion in the California Register. As such, the Partial Preservation – Residential Alternative would reduce the magnitude of the impact compared to

the project, but not to a less-than-significant level, and the substantial adverse impact on the historic resource at 3333 California Street would remain. For this reason, as with the project, implementation of Mitigation Measure M-CR-1a: Documentation of Historical Resource and Mitigation Measure M-CR-1b: Interpretation of the Historical Resource would be required for this alternative. Implementation of these mitigation measures would reduce the significant impact, but not to a less-than-significant level.

Like the project, the Partial Preservation – Residential Alternative would result in adverse impacts on the 43 Masonic by increasing ridership to exceed the 85 percent capacity utilization during the weekday a.m. peak period under baseline conditions, although to a lesser degree. Therefore, similar to the project, this alternative would have a significant impact on an individual Muni line and mitigation would be required. Implementation of Mitigation Measure M-TR-4: Monitor and Provide Fair Share Contribution to Improve 43 Masonic Capacity would be required. Similar to the project, the SFMTA's ability to provide additional capacity or improve transit headways is uncertain; thus, the impact would remain significant and unavoidable after mitigation.

The construction program would be slightly shorter than that for the project and would be completed in the same number of phases. The type of construction equipment and use characteristics would not change because although durations would be slightly more limited, the same types of demolition, excavation, and construction activities would still occur, generating noise increases of 10 dBA or more over ambient levels at offsite locations along surrounding streets, and, during the subsequent phases of construction, at certain onsite locations that could be occupied after completion of the earlier phases, as discussed in greater detail in the Final EIR. Therefore, construction noise impacts from these activities would remain significant and unavoidable. For these reasons, implementation of Mitigation Measure M-NO-1: Construction Noise Control Measures would be required. Implementation of this mitigation measure would reduce but not eliminate the significant impact.

The Partial Preservation – Residential Alternative is rejected as infeasible because, although it would reduce the significant and unavoidable historic architectural resources and transportation and circulation impacts identified for the project, it would not eliminate them, it would not reduce or eliminate the significant and unavoidable noise impact, and it would fail to meet several of the project objectives to the same extent as the project. This alternative would not open and connect the site to the surrounding community to the same extent as the project, as only Mayfair Walk, and not Walnut Walk, would be developed to extend through the entire site. Accordingly, it would not, to the same extent as the project, extend the neighborhood urban pattern and surrounding street grid into the site, a key urban design principle consistent with the Planning Department's early input on the Project, which has been incorporated into the Project's design. The alternative would increase the City's housing supply compared to current conditions, but to a lesser extent than would the Project, with 156 fewer residential units and a corresponding reduction in the number of affordable senior housing units. This would be less consistent with the City's goals and policies in the General Plan Housing Element and the City's progress toward meeting its ABAG Regional Housing Needs Allocation number. This alternative would provide fewer activated neighborhood-friendly spaces along the adjacent streets than

would the project. In addition, the open space provided in this alternative would not be as varied and would have less pedestrian accessibility and ease of use.

In addition, the City has numerous Plans and policies, including in the General Plan (Housing and Transportation Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly described in the materials considered by the Commission at the September 5, 2019 hearing regarding the Final EIR certification and project approvals, which are incorporated by reference as though fully set forth herein. The Partial Preservation – Residential Alternative does not promote these Plans and policies to the same extent as the project. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently affordable housing); Policy 1.10 (support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips); Objective 4 (foster a housing stock that meets the needs of all residents across life cycles); Policy 4.1 (develop new housing for families with children); Policy 4.4 (encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible); Policy 4.5 (ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities).

For these reasons, it is hereby found that the Partial Preservation – Residential Alternative is rejected because, although it would reduce the significant and unavoidable historic architectural resources and transportation and circulation impacts identified for the project, it would not eliminate them, it would not reduce or eliminate the significant and unavoidable noise impact, and it would fail to meet several of the project objectives and City Plans and policies related to the production of housing, including affordable housing, particularly near transit, and urban design, to the same extent as the project. It is, therefore, not a feasible alternative.

F. Code-Conforming Alternative

Under the Code-Conforming Alternative, 26 new buildings would be constructed (13 more than under the project) and the existing office building would be adaptively reused for residential use without being separated into two different structures, for a total of 27 buildings. This alternative would provide 629 residential units, no office uses or child care uses, and a limited retail program of approximately 14,995 square feet.

The term "code conforming" is not defined in the planning code or CEQA. Referring to this alternative as "code-conforming" indicates that the alternative could be approved without the

need to amend the current planning code or zoning map; such an alternative need not be limited to a project that is “principally permitted” or could be constructed “as-of-right.” This alternative is considered “code conforming” because it could be developed with a conditional use authorization or a planned unit development authorization under Planning Code sections 303 and 304, and with modification of stipulations that are applicable under the provisions of Planning Code section 174(b). For example, amendments to the Height and Bulk Map are not included in the code-conforming alternative

Under this alternative, project site changes would be greater than those under the project. The existing conditions on the northern portion of the site would be altered with development of three new buildings. However, the California Street buildings would all be 40 feet tall, shorter than under the project. Demolition of the south wing of the existing office building and the auditorium under the east wing of the existing office building (along its south edge near Masonic Avenue) would allow for the development of the Masonic and Euclid buildings and the associated Masonic Garage on the southern and eastern portions of the project site. The footprint of the Euclid Building would be smaller than with project to allow for development on the grass lawn along the edge of Euclid Avenue. Existing conditions on the southern and western portions of the project site along Euclid Avenue east of Laurel Street, and along Laurel Street south of Mayfair Drive, would be altered more substantially with development of 21 separate, two-unit, four-story townhomes. There would be 10 townhomes along Euclid Avenue instead of the Euclid Green (publicly-accessible open space under the Project) and the Euclid Terrace (private open space under the Project). Along Laurel Street 11 new townhomes would be developed instead of the multi-family Mayfair Building and seven Laurel Duplexes.

Under the Code-Conforming Alternative, the existing building’s northerly extension of the east wing, a portion of the existing parking garage, the auditorium under the east wing, and the whole south wing would be demolished. The retained building would be adaptively reused as a residential building and the glass curtain and painted aluminum window wall system would be replaced with a compatible design that reflects the change in use from office to residential. With partial demolition, the footprint of the retained building would be altered from that under existing conditions and the project. There would be a total of 259,157 gross square feet of residential uses (135 residential units) in the adaptively reused residential building.

This alternative would provide two new below-grade parking garages: the California Street Garage, which would be constructed under the Plaza A, Plaza B, and Walnut buildings and the Masonic Garage, which would be developed under the Masonic and Euclid buildings. The parking garage under the existing office building would be partly retained. In addition, each of the duplexes along Euclid Avenue and Laurel Street would have private, two-car parking garages. Unlike the project, the Mayfair Garage would not be constructed because the Mayfair Building would not be part of this alternative.

Overall, there would be a total of 740 off-street parking spaces under this alternative: 629 spaces for residential uses, 45 spaces for retail uses, 60 commercial parking spaces, and 6 car-share spaces. Thus, the Code-Conforming Alternative would provide 107 fewer spaces than the project. A total of 287 off-street residential parking spaces for the adaptively reused residential building (82 spaces), the Euclid Building (102 spaces), the Masonic Building (61 spaces), and the

duplexes along Euclid Avenue and Laurel Street (42 spaces) would be provided within the Masonic Garage and within the private, two-car parking garages for the Euclid and Laurel duplexes. All other off-street parking associated with the residential use (342 spaces) would be provided in the California Street Garage and the retained parking garage under the adaptively reused residential building. All off-street parking associated with retail uses (45 spaces) would also be located in the California Street Garage along with the commercial parking spaces (60 spaces) and car-share spaces (6 spaces).

As with the project, the Code-Conforming Alternative would be constructed in four phases, over a similar 7-year construction timeframe. Construction activities included in the representative phases are discussed below, and as with the project, the construction phases could be implemented in a different order. First phase: Demolition of the circular garage ramp structures, the northerly extension of the east wing of the existing office building, the auditorium under the east wing of the existing office building, and the south wing of the existing office building; excavation on the southern and eastern portions of the site and site preparation and construction of the Masonic and Euclid buildings (and associated Masonic Garage) as well as the duplexes along Euclid Avenue. Second phase: Alterations to the existing office building for its adaptive reuse as a residential building. Third phase: Demolition of the existing annex building and the surface parking lots on the north portion of the site and excavation and site preparation for construction of the California Street buildings and associated California Street Garage. Fourth phase: Demolition of the surface parking lot and associated landscaping on the west portion of the site near Laurel Street and excavation and site preparation for construction of the duplexes along Laurel Street.

Changes to the character-defining features of the building, site, and landscape, in tandem with the construction of 26 new buildings, would result in a material change to the property's distinctive materials, features and spatial relationships that convey its historic and architectural significance as an urban adaptation of a suburban corporate campus model. New construction and changes to the existing office building would result in substantial adverse changes to the distinctive materials, features, spaces, and spatial relationships on the property. Although the retention, rehabilitation, and reuse of the existing office building under the Code-Conforming Alternative would, like the project, avoid the physical loss of the office building, and would make less substantial changes to the existing office building than would the project, the removal of character-defining site and landscape features, in combination with the construction of 26 new buildings along California Street, Laurel Street, Masonic Avenue, and Euclid Avenue, would be more substantial than that under the proposed Project, as more of the historic site and landscape would be removed. On balance, the historic resource impacts of this alternative would be comparable in degree to those of the project. The extent of the alterations to the character-defining building, site and landscape features would materially alter the physical characteristics of 3333 California Street that convey its historic and architectural significance as a Midcentury Modern-designed corporate campus and that justify its inclusion in the California Register. As such, the Code-Conforming Alternative would cause a substantial adverse impact on 3333 California Street. For this reason, as with the project, implementation of Mitigation Measure M-CR-1a: Documentation of Historical Resource and Mitigation Measure M-CR-1b: Interpretation of

the Historical Resource would be required. Implementation of these mitigation measures would reduce the significant impact of this alternative, but not to a less-than-significant level.

Like the project, the Code-Conforming Alternative would result in adverse impacts on the 43 Masonic by increasing ridership to exceed the 85 percent capacity utilization during the weekday a.m. peak period under baseline conditions, although to a lesser degree. Therefore, similar to the project, this alternative would have a significant impact on an individual Muni line and mitigation would be required. Implementation of Mitigation Measure M-TR-4: Monitor and Provide Fair Share Contribution to Improve 43 Masonic Capacity would be required. Similar to the project, the SFMTA's ability to provide additional capacity or improve transit headways is uncertain; thus, the impact would remain significant and unavoidable after mitigation.

The construction program under this alternative would be the same as the project. The type of construction equipment and use characteristics would not change because demolition, excavation, and construction activities would still occur and would be similar to those of the project. These activities would generate noise increases of 10 dBA or more over ambient levels at offsite locations along surrounding streets, and, during the subsequent phases of construction, at certain onsite locations that could be occupied after completion of the earlier phases, as discussed in greater detail in the Final EIR. Therefore, construction noise impacts from these activities would remain significant and unavoidable. For these reasons, implementation of Mitigation Measure M-NO-1: Construction Noise Control Measures would be required. Implementation of this mitigation measure would reduce but not eliminate the significant impact.

The Code-Conforming Alternative is rejected as infeasible because, although it would reduce the significant and unavoidable transportation and circulation impact, it would not eliminate it, and it would not reduce or eliminate the significant and unavoidable historic architectural resources or noise impacts, and it would fail to meet several of the project objectives to the same extent as the project. This alternative would not open and connect the site to the surrounding community to the same extent as the project, as only Mayfair Walk, and not Walnut Walk, would be developed to extend through the entire site. Accordingly, it would not, to the same extent as the project, extend the neighborhood urban pattern and surrounding street grid into the site, a key urban design principle consistent with the Planning Department's early input on the Project, which has been incorporated into the Project's design. The alternative would increase the City's housing supply compared to current conditions, but to a lesser extent than would the Project, with 115 fewer residential units and a corresponding reduction in the number of affordable senior housing units. This would be less consistent with the City's goals and policies in the General Plan Housing Element and the City's progress toward meeting its ABAG Regional Housing Needs Allocation number. This alternative would provide a significantly reduced level of active ground floor retail uses, and fewer activated neighborhood-friendly spaces along the adjacent streets, than would the project. In addition, this alternative would not construct as much open space for project residents and community members, and would not retain Euclid Green; those new open spaces would be in less varied types with less pedestrian accessibility and ease of use. Although this alternative would redevelop a large underutilized commercial site at a similar development intensity compared to the project, it would have a more limited mix of uses, reducing walkability and convenience.

In addition, the City has numerous Plans and policies, including in the General Plan (Housing and Transportation Elements) related to the production of housing, including affordable housing, particularly near transit, as more particularly described in the materials considered by the Commission at the September 5, 2019 hearing regarding the Final EIR certification and project approvals, which are incorporated by reference as though fully set forth herein. The Code-Conforming Alternative does not promote these Plans and policies to the same extent as the project. Relevant policies include, but are not limited to, the following. From the Housing Element: Objective 1 (identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing); Policy 1.8 (promote mixed use development including permanently affordable housing); Policy 1.10 (support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips); Objective 4 (foster a housing stock that meets the needs of all residents across life cycles); Policy 4.1 (develop new housing for families with children); Policy 4.4 (encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible); Policy 4.5 (ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels); Policy 12.1 (encourage new housing that relies on transit use and environmentally sustainable patterns of movement). From the Transportation Element: Objective 2 (use the transportation system as a means for guiding development and improving the environment); Policy 2.1 (use rapid transit and other transportation improvements as catalyst for desirable development and coordinate new facilities with public and private development); Policy 2.5 (provide incentives for use of transit, carpools, vanpools, walking and bicycling, and reduce need for new or expanded automobile and parking facilities).

For these reasons, it is hereby found that the Code-Conforming Alternative is rejected because, although it would reduce the significant and unavoidable transportation and circulation impact, it would not eliminate it, and it would not reduce or eliminate the significant and unavoidable historic architectural resources or noise impacts. Moreover, the Code-Conforming Alternative would fail to meet several of the project objectives and City Plans and policies related to the production of housing, including affordable housing, particularly near transit, and urban design, to the same extent as the project. It is, therefore, not a feasible alternative.

G. Alternatives Proposed By Members of the Public

During the public comment period, the Laurel Heights Improvement Association of San Francisco, Inc. ("LHIA") presented a conceptual site plan and narrative of an alternative (and variant) to the project that purported to include the same number of residential units as the proposed project and the project variant analyzed in the Final EIR (558 units and 744 units, respectively), 460 parking spaces, and one-level of underground parking, underground freight loading, and a three-year construction schedule ("LHIA Alternative"). The LHIA Alternative is described and analyzed in the Final EIR in Section 5.H. Alternatives in the Responses to Comments document. The Commission finds that, as noted in the Final EIR, assuming that the LHIA Alternative could be constructed as described, the LHIA Alternative is not considerably different than Alternative C – the Full Preservation – Residential Alternative, because it would



convert the existing office use to residential use while conforming to the Secretary of the Interior Standards for Rehabilitation, and would have similar building footprints as Alternative C for the new residential buildings, such that a similar amount of the historic landscape design would be preserved. Thus, the EIR did not need to be recirculated to include the LHIA Alternative.

In addition, the Commission finds that, based on substantial evidence in the record, in particular, the August 15, 2019 letter from Public Works to planning department staff and the April 2nd and 4th, 2019 letters from the project sponsor to planning department staff, the LHIA Alternative is not a feasible alternative because the LHIA Alternative could not, in fact, be constructed as described in the comment letter. As determined by the project sponsor, and verified by experts at Public Works, the LHIA Alternative and variant would include fewer units than the project or the project variant, approximately 48% of the units would be studios or have nested bedrooms, and would not meet the planning code's dwelling unit mix requirements. In addition, the LHIA Alternative could not include 460 parking spaces or underground freight loading without additional excavation than purported, due to the height of the existing garage opening on Presidio Avenue, the floor to floor height of the existing garage levels, and demolition of the ramps leading to the existing garage levels. The Commission finds that the LHIA Alternative would fail to meet several of the project objectives and City policies related to urban design, similar to the reasons set forth above Alternative C – the Full Preservation - Residential Alternative, and incorporated herein. In addition, the LHIA Alternative would not meet the City's goals and policies related to family-sized housing, including but not limited to, Housing Element Policy 4.1 which encourages the development of new housing for families with children due to the number of units that would be studios or have nested bedrooms.

For these reasons, the Commission finds that neither the LHIA Alternative, nor its variant, are considerably different from alternatives already contained in the FEIR and are not feasible alternatives, and thus were not required to be included in the Final EIR. Nevertheless, they are hereby rejected as they are not feasible alternatives for the reasons set forth above.

## VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Section 21081 and CEQA Guidelines Section 15093, the Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs the significant and unavoidable impacts and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, this determination is that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the Final EIR and the preceding findings, which are incorporated by reference into this Section, and in the documents found in the administrative record, as described in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Commission specifically finds that there are significant benefits of the Project in spite of the unavoidable significant impacts. The Commission further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been

eliminated or substantially lessened where feasible. Any remaining significant effects on the environment found to be unavoidable are found to be acceptable due to the following specific overriding economic, technical, legal, social and other considerations:

- The Project would redevelop a large underutilized commercial site into a new high quality walkable mixed-use community with a mix of compatible uses including residences, including 185 residences for low-income seniors, neighborhood-serving ground floor retail, onsite child care, potential commercial uses, and substantial open space.
- The Project would create a mixed-use community that encourages walkability and convenience by providing residential uses, neighborhood-serving retail, onsite child care, and potential commercial uses on the same site.
- The Project would address the City's housing goals by building 744 new residential dwelling units on the site, including 185 onsite affordable housing units for seniors, and a substantial percentage of units with two or more bedrooms, consistent with the City's General Plan Housing Element and ABAG's Regional Housing Needs Allocation for the City.
- The Project would open and connect the site to the surrounding community by extending the neighborhood urban pattern and surrounding street grid into the site through a series of pedestrian and bicycle pathways and open spaces. The Project would include a north-south connection from California Street to Euclid Avenue that aligns with Walnut Street (Walnut Walk), and an east-west connection from Laurel Street to Presidio Avenue (Mayfair Walk).
- The Project would complement and be compatible with the surrounding neighborhoods by continuing active ground floor retail uses along California Street east from the Laurel Village Shopping Center. New retail space would add to the mix of uses and businesses in the area. The Project would provide active neighborhood-friendly spaces along the Presidio, Masonic and Euclid avenue edges, in a manner that is compatible with the existing multi-family development to the south and east.
- The Project would provide substantial open space for project residents and surrounding community members, including 125,226 square feet of privately-owned, publicly accessible space and 86,570 square feet of open space for residents, in a green, welcoming, walkable environment that will encourage the use of the outdoors and community interaction. The privately-owned, publicly accessible open space is designed to maximize pedestrian accessibility, including disabled access.
- The Project would include sufficient off-street parking for residential and commercial uses in below-grade parking garages, allowing the at-grade space to be oriented towards pedestrians.

- The Project would redevelop the existing office building into residential uses in a sustainable and eco-friendly infill development.
- Under the terms of the Development Agreement, the Project Sponsor would provide a host of additional assurances and benefits that would accrue to the public and the City, including, but not limited to: increased affordable housing units exceeding amounts otherwise required by the City's Planning Code, with approximately 25% of all Project dwelling units consisting of deed-restricted, onsite affordable units designated for low-income senior households in the proposed Walnut Building on California Street; construction and maintenance of 125,226 square feet of privately-owned, publicly accessible open space; transportation demand management measures exceeding the level otherwise required; provision of approximately 14,000 gross square feet of rentable area for an onsite child care facility with adjacent open space for child care use; workforce obligations; streetscape improvements, and a contribution to the City's AWSS system expansion.
- The Project would be constructed at no cost to the City, and would provide substantial direct and indirect economic benefits to the City, including at least \$10 million in property tax revenue on a previously tax-exempt parcel, and would provide 430-600 jobs on-site during construction.
- The Project is consistent with the City's General Plan, in particular the Housing Element, the Urban Design Element, the Commerce and Industry Element, and the Transportation Element, as more particularly described in the materials considered by the Commission at the September 5, 2019 hearing regarding the Final EIR certification and project approvals, which are incorporated by reference as though fully set forth herein.

Having considered the above, the Planning Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects identified in the Final EIR, and that those adverse environmental effects are therefore acceptable.



# Laurel Heights Improvement Association of San Francisco, Inc.

2019 OCT -7 PM 3:11

BY HAND

October 7, 2019

San Francisco Board of Supervisors  
c/o Clerk of the Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
San Francisco, CA 94102

Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028CUA/PCA/MAP/DUA  
Appeal of Certification of Final Environmental Impact Report

Laurel Heights Improvement Association of San Francisco, Inc. (LHIA) hereby appeals from the certification of the Final Environmental Report (EIR) for the 3333 California Street project by the San Francisco Planning Commission on September 5, 2019, along with the related approval of California Environmental Quality Act (CEQA) findings and statement of overriding considerations under CEQA, which related CEQA approvals are also appealed.

Appellant LHIA and its officers submitted comments to the Planning Commission and the Environmental Review Officer during the EIR comment period both in writing during the public review period and orally and in writing at the public hearings on the EIR and related CEQA findings. Face pages of some of those written comments are attached hereto as Exhibit A along with excerpts of pertinent minutes of the September 5, 2019 meeting of the Planning Commission. (Ex. A) I am authorized to file this appeal on behalf of the Appellant LHIA.

Members of LHIA reside in properties that are within 300 feet of the 3333 California Street site on Laurel Street and Euclid Avenue as shown in the approximate annotations I have made on the map attached as Exhibit B, and other LHIA members reside in properties nearby the 3333 California Street site. Members of LHIA will be affected by the construction and operational noise, traffic, air emissions, impairment of the historical resource, excavation, destruction of trees and other impacts caused by the proposed project.

**1. The EIR is Inadequate Under CEQA Because It Failed to Identify and Describe Feasible Mitigation Measures that Would Reduce or Avoid the Proposed Project's Significant Adverse Impact on the Historical Resource.**

The EIR is defective because it failed to identify and describe modifications to the proposed project site plan that would reduce or avoid the proposed project's significant adverse impact on the historical resource. The EIR inexcusably ignored use of the Secretary of the

Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer (Secretary's Standards) even though CEQA specifically identifies the Secretary's Standards as means for mitigating an impact upon a historic resource.

The 10.25-acre 3333 California Street site of the Fireman' Fund Insurance Company Home Office is a historical resource listed on the California Register of Historical Places. (Ex. C, confirmation of listing) The California Register identifies what resources deserve to be protected. Public Resources Code section 5024.6.

The main building, designed in the International Style, and surrounding landscaping constitute an integrated resource in which the window-walls contributed to the "seamlessness between the interior and exterior space." (approved Nomination, Ex.D, section 8, p. 23) The resource is also significant as a work of acclaimed landscape architects (Eckbo, Royston & Williams), the structural engineers (John J. Gould & H.J. Degenkolb), architect (Edward B. Page), and 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. Fireman's Fund was the only major insurance company headquartered in San Francisco and was a leader among all insurance companies in its embrace of new ideas. (*Ibid.*)

The FEIR admits that the proposed project "would cause a substantial adverse change in the significance of a historical resource." FEIR 4.B.41. CEQA contains a specific provision equating a substantial adverse change in the significance of an historic resource with a significant effect on the environment. Public Resources Code section 21084.1.

Public Resources Code § 21001(b) confirms the legislative admonition to protect historic resources:

The Legislature further finds and declares that it is the policy of the state to:

...(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

An EIR must propose and describe any feasible measures that can be implemented to reduce or avoid each potentially significant environmental effect of the project. Public Resources Code sections 21002.1(a), 21100(b)(3); 14 Cal.Code Regs. section 15126.4(a)(1); *Practice Under the California Environmental Quality Act* (CEB) section 14.2. A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely. 14 Cal. Code Regs. section 15370(b), including measures which minimize impacts by limiting the degree or magnitude of the action and its implementation; see also Pub. Resources Code sections

21002.1(a), 21081(a)(1). Mitigation measures may consist of measures included in the project as proposed, such as changing the project to reduce adverse impacts, and measures that could reduce adverse impacts if imposed as conditions of project approval. 14 Cal.Code Regs. section 15126.4(a)(1)(A).

With respect to historical resources, the CEQA Guidelines specify that modifications that conform with the Secretary's Standards generally mitigate an impact to below a level of significance:

(1) Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

(2) In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur. 14 Cal.Code Regs. section 15126.4(b)(1) and (2).

The EIR considered only insufficient mitigation for the project's significant impact on historical resources consisting of documentation of the historical resource that the Proposed Project would alter (M-CR-1a) and development of an interpretative program focused on the history of the project site (M-CR-1b). DEIR pp. 4.B.45-46. Neither of these measures would substantially reduce or avoid the significant physical impact upon the listed historical resource. Thus, the EIR failed to identify and describe any mitigation measure that would reduce the significant physical impact which the Proposed Project would have upon the historic resource.

Evidence in the record shows that design changes to the Proposed Project that would conform with the Secretary's Standards would reduce impacts of the Proposed Project on the historic resource. Architectural historian Nancy Goldenberg provided expert opinion stating that the design changes identified in the Community Full Preservation Alternative (558 residential units) and the Community Full Preservation Variant (744 residential units) would comply with the Secretary's Standards for mitigation of impacts upon a historic resource. ( Ex. 1 to LHIA's January 8, 2019 comments on Draft EIR - January 7, 2019 analysis by TreanorHL) Some of the design changes illustrated in this analysis could have been feasibly used to mitigate some of the impacts of the Proposed Project upon the historic resource even if the entire alternative was not adopted to avoid more of the impacts.

Similarly, the design changes set forth in the Community Preservation Lookalike Variant (744 units) are feasible as mitigation because that variant makes modifications that use the developer's site plan as a beginning point and was presented to the Planning Commission as feasible mitigation. (Ex. E hereto with modification to include senior affordable housing instead of other affordable housing and other clarifications, and Ex. A to LHIA's August 28, 2019 submittal to Planning Commission) This 744-unit variant would preserve the Eckbo Terrace and avoid new construction on the historically significant green spaces along Laurel Street and Euclid Avenue, add a one-story set back addition to the main building consistent with the Secretary's Standards, have approximately 20,000 gross square feet more of residential use than the developer's July 3, 2019 proposed 744-unit Variant, and involve much less excavation.

Design aspects of the Community Full Preservation Alternative Variant 2 could also be employed as feasible mitigation for the Project's impacts upon the historic resource. The concepts in this alternative were presented to the Planning Commission as feasible mitigation. (Ex. F hereto; Ex E hereto, with modifications in statement of Frisbie, and Ex. C to LHIA's August 28, 2019 submittal to Planning Commission). As a 744-unit alternative, this proposal would comply with the Secretary's Standards by preserving virtually all of the character-defining features of the main building and its integrated landscaping and adding a one-level addition to the main building; it would achieve more residential square footage than the developer's 744-unit variant.

The Board of Supervisors should revoke the Planning Commission's certification of the EIR because it failed to comply with CEQA requirements as to identification and description of mitigation measures. An EIR must identify and describe mitigation measures to minimize the significant environmental effects identified in the EIR. Public Resources Code sections 21002.1(a), 21100(b)(3); 14 Cal. Code Regs. section 15126.4. The requirement that EIRs identify mitigation measures implements CEQA's policy that agencies adopt feasible measures when approving a project to reduce or avoid its significant environmental effects. Public Resources Code sections 21002, 21081(a).

Mitigation measures must be designed to minimize significant environmental impacts, not necessarily to eliminate them. Public Resources Code section 21100(b)(3); 14 Cal. Code Regs. section 15126(a)(1). Any action that is designed to minimize, reduce, or avoid a significant environmental impact or to rectify or compensate for the impact qualifies as a mitigation measure. 14 Cal. Code Regs. Sections 15126(a)(1), 15370. The following specific requirements for mitigation measures are set forth in 14 Cal. Code Regs. section 15126.4:

Mitigation measures should be identified for each significant effect described in the EIR.

If several measures are available to mitigate a significant adverse impact, the EIR should discuss each measure and identify the reason for selecting a particular

measure.

The description must distinguish between mitigation measures that are included in the project as proposed and other measures that the lead agency determines could reasonably be expected to reduce significant effects if required as conditions of project approval.

Mitigation measures must either be incorporated into the design of the project or be fully enforceable through conditions, agreements, or other means. CEB, *Practice Under the California Environmental Quality Act*, p. 14-4.

An EIR should focus on mitigation measures that are feasible, practical, and effective. *Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 365.

A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely. 14 Cal.Code Regs. section 15370(b); see also Public Resources Code sections 21002.1(a), 21081(a)(1). *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230, 239. The CEQA Guidelines provide a broad definition of mitigation. Under 14 Cal.Code Regs. Section 15370, mitigation” includes the following:

Avoiding an impact altogether by not taking a certain action or part of an action;

Minimizing an impact by limiting the magnitude of a proposed action and its implementation;

Rectifying an impact by repairing, rehabilitating, or restoring the affected environmental resource. CEB, *Practice Under the California Environmental Quality Act*, p. 14-7.

An EIR’s discussion of mitigation measures should distinguish between measures proposed by the project proponent and measures that the lead agency determines could reduce significant adverse impacts if imposed as conditions of project approval. 14 Cal.Code Regs. Section 15126.4(a)(1)(A).

Some mitigation measures make a change in the proposed project, such as not taking a certain action or not building a certain part of the project, to avoid the identified significant impact entirely. 14 Cal.Code Regs. Section 15370(a). Examples include:

Changing a project to avoid a wetland area on the project site;

Restricting demolition or alteration of significant historic structures or cultural sites; and

Prohibiting activities that produce significant noise impacts. CEB, *Practice Under the*



*California Environmental Quality Act*, p. 14-8.

Some mitigation measures do not avoid an impact entirely but limit the scope or magnitude of a proposed activity or development. 14 Cal.Code Regs. Section 15370(b). Examples include:

Changing a project plan to reduce the amount of wetland fill;

Avoiding the most important habitat of a wildlife species;

Establishing a buffer zone on a project site to reduce adverse effects on adjacent areas;

Preserving areas of native vegetation.

Shielding activities, or restricting the hours during which activities are conducted, to reduce noise impacts. CEB, *Practice Under the California Environmental Quality Act*, p. 14-8 to 14-9.

The EIR's failure to identify and describe design mitigation measures that would conform with the Secretary's Standards was prejudicial because it omitted information that would have been important to the decisionmaker as to measures which could reduce the significant impact of the proposed project on the historic resource. As previously stated in LHIA's August 28, 2019 submission to the Planning Commission, the City failed to apply the Secretary's Standards to the design of the project, even though City of San Francisco Preservation Bulletin No. 21 states that:

For both Article 10-designated historic resources and CEQA-identified historical resources, the *Standards* will be applied to any work involving new construction, exterior alteration (including removal or demolition of a structure), or any work involving a sign, awning, marquee, canopy or other appendage for which a City permit is required. (Ex. U to LHIA's August 28, 2019 submittal to Planning Commission, excerpt)

The City's failure to apply the Secretary's Standards to the design of the project was prejudicial, as application of the standards should have resulted in a project that did not cause a significant adverse impact on a historical resource. The project sponsor was warned that the project had not been designed according to the historic preservation standards, but the project sponsor expressed disregard for the "rules." (Ex. Y to LHIA August 28, 2019 submittal to Planning Commission) It appears that the City's Urban Design Advisory Team (UDAT) reviewed the project for compliance with the Urban Design Guidelines. (See Ex. GG to LHIA September 5, 2019 submittal to Planning Commission, UDAT Notes)

Thus, the Board should revoke the Planning Commission's certification of the Final EIR because it failed to identify and describe feasible measures to mitigate the Proposed Project's

impacts on the historical resource by use of the Secretary's Standards.

**2. The EIR is Inadequate Because It Fails to Adequately Analyze Alternatives to the Proposed Project.**

As stated above, LHIA presented four alternatives to the decisionmaker for consideration which would substantially reduce impacts upon the historic resource. Expert architectural historian Nancy Goldenberg prepared an analysis confirming that the Community Full Preservation Alternative, the Community Variant alternative, and Preservation Alternative C from the Draft EIR would comply with the Secretary's Standards. (Ex. 1 to January 8, 2019 LHIA comment on Draft EIR)

However, the EIR failed to analyze any alternative that had 744 residential units or a number of residential units similar to those in the 744-unit Project Variant that became the Proposed Project shortly before the Planning Commission hearing. The alternatives discussed in the EIR had 167, 534, 456, 588 and 629 residential units, the Proposed Project had 558 residential units and the Project Variant had 744 residential units. DEIR S.49.

However, as LHIA informed the Planning Commission, the EIR failed to analyze the 744-unit Community Full Preservation Variant as an "alternative" in the EIR, erroneously claiming that the range of alternatives described in the Draft EIR was adequate, and also by relying upon misstatements made by the developer and SF Public Works as to the nature of the Community Full Preservation Alternative and Community Full Preservation Alternative Variant. (August 28, 2019 LHIA comments to Planning Commission, p. 9) The EIR's failure to adequately analyze alternatives to the proposed project is in part due to the shifting and unstable description of the project, as evidenced by the later release of the proposed SUD and information about the affordable housing obligation of the project contained in the proposed Development Agreement. *Ibid.*

The EIR failed to adequately evaluate LHIA's alternatives because an employee of the developer prepared a misstatement of LHIA's alternatives and the San Francisco Public Works Department relied upon that misstatement in preparing a claim that LHIA's alternatives were infeasible. Among the misstatements were assumptions that the sizes of residential units would be larger in LHIA's alternatives than were used in the Proposed Project, that LHIA's alternative would have double corridors instead of single corridors in some buildings, erroneous assumptions about excessive circulation space, and that the California Front and California Back buildings would have twice as many elevator shafts as contemplated. (Exs. O to LHIA's August 28, 2019 submission to Planning Commission, statement of engineer as to misstatements concerning community alternatives) Also, while Public Works claimed that it used project CAD files in performing its analysis, Public Works claimed it had no CAD files relating to 3333 California Street in response to LHIA's request for such files under the California Public Records

Act. (Ex. R)

Historical architect Goldenberg has verified that using the developer's proposed unit sizes, 558 or 744 residential units fit in the spaces in the Community Preservation Alternative and Community Preservation Alternative Variant, respectively, and provided unit sizes for both alternatives. (Ex.G hereto as clarified, and Ex. F to LHIA's August 28, 2019 comments on Draft EIR.

It should be noted that the Street Design Advisory Team did not request that a passageway be cut all the way through the main building, as the developer proposes. The Street Design Advisor Team requested only a portal through Building a and stated that it need not be a straight axial pathway:

SDAT requests a clear, primary east-west connection [sic] allows and encourages the public to traverse the site from Mayfair to the intersection of Presidio and Pine. The entirety of the path should be accessible to all users...

SDAT requests a single, clear, and primary north-south connection that both allows and encourages members of the public to traverse the site along the Walnut alignment, connecting to the intersection of Masonic and Euclid. This north/south pathway may meander through the site and doesn't need to be a straight axial pathway. Consider accomodating [sic] a portal through building A to support north-south public access. The entirety of the pathway should be accessible to all users. The major N-S should be clearly legible.... (Ex. FF to September 5, 2019 LHIA submittal to Planning Commission)

Note that the City can only request such pathways through the privately-owned site because the Better Streets Plan only applies to City streets. (See Ex. LL, excerpts Better Streets Plan, [www.sfbetterstreets.org](http://www.sfbetterstreets.org))

The EIR's failure to adequately describe and analyze alternatives to the Proposed Project is related to its shifting and unstable project description explained further herein. The end result, however, is that the EIR failed to evaluate an alternative having 744 or a similar number of residential units after the proposed project changed to the 744-unit Variant shortly before the Planning Commission hearing on certification of the EIR. Given the circumstances, the range of alternatives presented to the decisionmaker was manifestly unreasonable and inadequate. Together with the shifting project description, the EIR's failure to describe and analyze alternatives and mitigation measures was prejudicial because it deprived the decisionmakers of important information as to means that could reduce or avoid the significant effects of the proposed project upon this historic resource.

**3. The EIR Lacked an Accurate, Stable and Finite Project Description and the Environmental Impacts of the Revised Project Were Not Adequately Evaluated in**

**the EIR or in any CEQA Document.**

Although the EIR discussed the 744-unit Project Variant, the August 17, 2017 plan sheets did not contain any plans for 744 residential units and only contained plans for a 558-residential unit project; for the Walnut Building those plans showed 49,999 gross square feet of office space, 24,324 gross square feet of retail space, 14,690 gross square feet of childcare space and no residential space in the Walnut Building. (Ex. G, August 17, 2017 Planning Application Resubmittal, plan sheet G3.02a.) Walnut retail was assumed to be “retail general,” Plaza A & B assumed half of the retail area would be “retail general” and half would be “food and beverage,” and the Euclid retail was assumed to be “food and beverage.” (Ex. G, August 17, 2017 plan sheet G3.02a.) That plan sheet stated that the proposed project would provide 138 retail parking spaces, 100 office parking spaces, 29 childcare parking spaces, 558 residential parking spaces and 60 commercial parking spaces, with a total of 885 parking spaces and 10 car share parking spaces. *Ibid.*

Approximately two years later, the developer’s July 3, 2019 Planning Application Resubmittal 2 still described the proposed project as having 558 residential units (with no residential units in the Walnut building) but for the first time contained plans for 744 residential units in EIR Variant 1 showing 186 residential units in the Walnut building of small sizes consistent with senior housing, 34,496 gross square feet of retail use, 14,665 gross square feet of childcare use and no office use. (Ex. H, July 3, 2019 Planning Application Resubmittal, sheets G3.01a-G3.01d, VAR.00, VAR.01a-VAR.01b, VAR.11-VAR.17, VAR.18-VAR.21) July 3, 2019 plan sheet G3.01b stated that the proposed project would have 86 retail parking spaces, 80 office parking spaces, 29 childcare parking spaces, 558 residential parking spaces and no commercial parking spaces, for a total of 763 parking spaces. (Ex. H. plan sheet G3.01b) As to the EIR Variant, July 3, 2019 plan sheet VAR.01b states that the proposed project variant would have 74 retail parking spaces, 29 childcare parking spaces, 744 residential parking spaces, no office parking spaces, no commercial parking spaces, for a total of 857 parking spaces. (Ex. H, plan sheet VAR.01b)

The City refused to disclose drafts of the Special Use District in June 2019. (Ex. I)

The project description became further uncertain with the release of the Proposed Special Use District on approximately July 30, 2019 on the Board of Supervisors website in File No. 190844. (Ex. S) The Special Use District included Flexible Retail and Social Service or Philanthropic Facilities (which include public uses) and NC-S uses that the EIR did not analyze. (See LHIA’s August 28, 2019 submission to Planning Commission, p. 8-9) The Draft EIR only analyzed traffic trips from 34,480 sf of general retail, 4,287 sf of full-service restaurant and 9,826 sf of composite restaurant uses. (Ex. M to LHIA’s August 28, 2019 submission to Planning Commission, Ex. M, EIR Appendix D, Transportation and Circulation Calculation Details)

Under Planning Code section 713, the NC-S zoning classification does not permit Flexible Retail, Social Service or Philanthropic Facilities, so the Special Use District is proposing more uses than would normally be permitted in an NC-S district. Further, Flexible Retail is not permitted in Supervisorial District 2 in which the project site is located. (Ex. I to August 28, 2019 LHIA submission to Planning Commission) Also, Flexible Retail is not permitted in the Sacramento Street Neighborhood Commercial District (Planning Code, Article 7, Table 724) or Fillmore Street Neighborhood Commercial Transit District (Planning Code Article 7, Table 760). According to the Planning Commission *Standards for the transportation Demand Management Program*, adopted August 4, 2016, Social Service or Philanthropic Facility land uses are classified as an office use. (Ex. Q, pp 5-7)

Entertainment, Arts and Recreation Uses are also prohibited in an NC-S District. Planning Code section 713. However, Entertainment, Arts and Recreation Uses are allowed in Flexible Retail uses. Thus, the Special Use District for the Project would allow the uses permitted in an NC-S District plus various other more intensive uses that would not be otherwise allowed to be located in an NC-S District, including Flexible Retail (which includes Entertainment, Arts and Recreation Uses and various other types of uses) and Social Service and Philanthropic Facilities (which includes public service uses under Planning Code section 102). (Ex. I to LHIA's August 28, 2019 submission to Planning Commission)

The NC-S classification which the Special Use District incorporated permits operations from 6:00 a.m. until 2:00 a.m. (with 24-hour use conditionally permitted by the Planning Commission) and permits nighttime entertainment and many other uses not studied in the EIR. (See Ex. T, Planning Code section 713 listing uses permitted under NC-S controls) In addition, the intensity of uses is increased under Flexible Retail classification, because Flexible Retail requires at least 2 types of uses to share a single space and up to 5 types can share a space. (Planning Code sections 102, 179.2) Also, Flexible Retail would not require neighborhood notification under Planning Code section 311 unless the underlying use requires conditional use authorization from the Planning Commission. At a meeting of the Coalition for San Francisco Neighborhoods, a representative told me that her neighborhood had to enlist the services of the SF Police Department to deal with trouble from Flexible Retail uses conducting internet gambling while misrepresenting the site use as teaching people about computers.

At the September 5, hearing, a representative of the Jewish Community Center (JCC) stated that the JCC will consider how the JCC "will offer" our community services to the low income neighbors at the site. There is also a recorded document stating that the developer has a Memorandum of Understanding with the JCC, but does disclose the nature of the understanding. (Ex. K to LHIA August 28, 2019 submission to Planning Commission) The developer did not respond to LHIA's request for information as to the substance of his Memorandum of Understanding with the JCC. ( Ex. J)

Since Flexible Retail and Social Service and Philanthropic Facility uses are not allowed in NC-S districts, LHIA could not be expected to have anticipated that the project would be changed at the final hour to permit such intense uses. The release of these changes in the nature of the proposed project after the close of the comment period on the Draft EIR prejudiced LHIA's rights under CEQA, because LHIA could no longer ask questions concerning or make comments as to these changes to which the City was required to respond under CEQA in the Final EIR. Also, LHIA was prejudiced by learning of this information and the information in the proposed Development Agreement shortly before the September 5, 2019 Planning Commission hearing, when there was not adequate time to secure the services of experts to explore potential impacts of the newly disclosed uses and matters. Further, LHIA's ability to formulate alternatives to the 744-unit project Variant was prejudiced by these late disclosures of the nature of the revised project. Had LHIA known of these details earlier, it could have presented alternatives that contained less intensive non-residential uses while achieving the same number of residential units or other alternatives or mitigation measures.

The Draft EIR stated that the manner in which the developer would comply with affordable housing requirements was still unknown. DEIR 2.10. Information about the proposed Development Agreement was also disclosed for the first time on approximately July 30, 2019 and further provisions of the proposed Development Agreement continued to be released until shortly before the September 5, 2019 Planning Commission hearing. Exhibit D to the Development Agreement is a Affordable Housing Program that states that the developer has agreed to construct 185 studio and one-bedroom affordable residential units for senior households in addition to the 558 residential units initially proposed. (Ex. J to LHIA's August 28, 2019 submission to Planning Commission, DA p. D-1) The 185 senior affordable units will all be located in a single residential building known as the Walnut Affordable Housing Building. (Ex. J to LHIA's August 28, 2019 submission to Planning Commission, DA p. D-4)

After providing that the Housing Entity formed by the developer will seek Low Income Housing Tax Credits and City-issued tax-exempt bond financing for construction, and may apply for the state Multifamily Housing Program and the Infill Infrastructure Grant Program, the Development Agreement provides for Transfer of Walnut Land to City in the event the developer fails to construct the affordable housing:

If the Tax Credit closing does not occur by the Outside Date, subject to extension for any applicable Excusable Delay, and construction of any Building occurs during the Term, then City shall have the right to acquire, and Developer agrees to transfer to the City, fee ownership of the Walnut Land pursuant to the form of grant deed (the "Grant Deed") attached as Attachment D-2), with the Approved Legal Description attached to it as Exhibit A. (Ex. J LHIA's August 28, 2019 submission to Planning Commission, p. D-7)

Further, if the developer is not able to transfer the Walnut Land to the City in the condition

required by that section of the agreement, then the City will accept a payment in the amount of the Walnut Land burdened with the affordable housing requirement. (Ex. K, response of OEWD Project Manager, Joint Development to LHIA's request for information and Ex. J to LHIA's August 28, 2019 submission to Planning Commission, p. D-9)

This developer previously indicated he would build affordable housing in a project on Dolores Street but failed to do so and instead paid a fee to the City. (Ex. Q to August 28, 2019 LHIA submittal to Planning Commission) Also, in several meetings I attended with developer Dan Safier, he complained that residential construction costs were too high. In view of the current high construction costs in the City and the foregoing matters, there is a reasonable possibility that the developer will not build the affordable senior housing on the site and the City will take over the Walnut Land. However, this important aspect of the potential project was also not known during the comment period on the Draft EIR, a time when LHIA could have made inquiries relevant to the City's potential uses of the Walnut Land to which the City would have to respond in the Final EIR. LHIA could also have formulated alternatives to the default scenarios in the Development Agreement and secured experts as to potential impacts of use of the Walnut land by the City.

Exhibits D-1 Walnut Parcel Title Condition and Exhibit D-2 Baseball Arbitration Appraisal Process were not provided on the Board of Supervisors' website as of August 26, 2019.

As of the time of the release of the proposed Development Agreement, the project clearly shifted to have 744 residential units, including 185 units of affordable senior housing, and the prospect of City ownership of a portion of the site called the Walnut Land. A couple months before the release of the proposed development agreement, I inquired of Leigh Lutensky of OEWD as to the status of negotiations concerning the development agreement but was told that they were being kept confidential at that time. The EIR's Responses to Comments erroneously claims that the project will comply with the provisions of the Planning Code as to affordable housing, but in reality, the proposed Development Agreement would waive those Code requirements. Responses 5.B.21; Development Agreement, Exhibit D, p. D-6, Paragraph H.

For a project to be stable, the DEIR, the FEIR and the final approval must describe substantially the same project. *Washoe Meadows Community v. Department of Parks and Recreation* (2017) 17 Cal.App.5th 277, 288. Due to the late designation of the project as having 744 residential units, release of important modifications in the project as to non-residential uses that would be allowed in the Special Use District, plus the provision in the Development Agreement concerning acquisition of the Walnut Land by the City, the revised project ultimately recommended by the Planning Commission was never subject to a formal comment period and sent "conflicting signals to decision makers and the public about the nature and scope of the project" rendering the CEQA process "fundamentally inadequate and misleading." *Citizens for a*

*Sustainable v. City and County of San Francisco Treasure Island* (2014) 227 Cal.App.4th 1036, 1052 (*Treasure Island*)

Just as in *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 (*Inyo*), where the adopted final project differed significantly from the proposed project in the EIR, the CEQA process presented a moving target which impaired the public's ability to participate in the environmental review process. (See also *Washoe, supra*, 17 Cal.App.5th at 288). An agency's failure to propose a stable project is not confined to "the informative quality of the EIR's environmental forecasts." *Washoe, supra*, 17 Cal.App.5th at 228. The issue is not whether the revised project has the same footprint, location and environmental impacts as the Project, but rather whether the DEIR provided an accurate description of the Project and alternatives regardless of environmental impacts. The pertinent inquiry is whether the City provided "[a] curtailed, enigmatic or unstable project description." *Inyo, supra*, 71 Cal.App.3d at 198. As *Inyo* and *Washoe* make clear, the City's failure to provide a stable project description throughout the environmental review process violated CEQA, regardless of the comparative environmental impacts between the revised project and the project. The nature of the affordable housing scenarios for the project and the nature of the non-residential uses that would be permitted in the Special Use District were not disclosed or analyzed in the Draft EIR. A failure to maintain a stable project description is a failure to proceed in the manner required by law subject to *de novo* review. *Washoe, supra*, 17 Cal.App.5th at 287.

Moreover, the project was further changed in the Responses to Comments on the DEIR as to the amount of parking that would be provided for retail uses. The Responses state that in the revised Project Variant, the number of retail parking spaces would be reduced from 188 spaces to 74 spaces. Responses 2.33. The Responses stated that for the revised project, the proposed retail parking spaces would be reduced from 198 spaces to 86 spaces. Responses 2.33. The Responses claim that this amount of parking would result in the provision of parking at approximately 2.14 spaces per 1,000 gross square feet and that the existing neighborhood parking rate for retail is approximately 1.55 spaces for each 1,000 gross square feet. Responses 2.33. The Responses claim that the revised Variant would exceed this rate by approximately 38 percent and that the City has determined that exceeding the neighborhood parking rate by 38 percent would not result in the generation of substantial VMT, and thus the threshold of 15 percent below the regional average for retail use would not be exceeded. Responses 2.33. LHIA was prejudiced by the late disclosure of this information as to the reduction in the retail parking provided for in the revised Variant when the public comment period on the Draft EIR had closed and there was not sufficient time to retain an expert to evaluate whether substantial evidence supported the EIR's claim that the revised Variant's impact on causing substantial additional VMT and/or substantially inducing automobile travel would not exceed the regional average for retail use or other applicable significance standard. The information on the reduction of retail parking was provided after the comment period on the Draft EIR ended and shortly before certification of the EIR.



The Draft EIR had stated that the proposed project would provide 198 retail parking spaces, 558 residential parking spaces, and 129 parking spaces for “Other Non-residential (Office & Daycare), for a total of 885 parking spaces. DEIR4.C.77. The proposed Project Variant would provide 188 retail parking spaces, 744 residential parking spaces and 29 “Other Non-residential (Daycare)” parking spaces, for a total of 961 parking spaces. DEIR4.C.77.

The Board should reverse the certification of the FEIR due to the unstable project description.

**4. The Objectives of the Proposed Project Stated in the EIR Were Overly Narrow and Preclude Consideration of Mitigation Measures and Alternatives to the Proposed Project.**

The project objectives are artificially narrow and stated ambiguously and/or in excessive detail so as to preclude consideration of mitigation measures and reasonable alternatives for achieving the project’s main features. In *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26, 28, the court noted that the CEQA Guidelines require a “general description” of a project’s characteristics. This requirement means that the EIR must describe the main features of a project, rather than all of the details or particulars. *Practice Under the California Environmental Quality Act* (CEB) section 12.4. A project description must state the objectives sought by the proposed project. The statement of objectives should include the underlying purpose of the project, and it should be clearly written to guide the selection of alternatives to be evaluated in the EIR. 14 Cal. Code Regs. section 15124(b).

A project description “should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” 14 Cal.Code Regs section 15124; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437. An EIR’s description of the project should identify the project’s main features and other information needed for an assessment of the project’s environmental impacts. *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1053.

However, the project objectives went beyond stating key objectives of the project and used ambiguous and subjective terms that could be interpreted to achieve the narrow result sought by the agency rather than to achieve the basic goals of the project. Examples include the terms “high quality walkable” mixed-use community, a mix of “compatible” uses, “substantial” open space, “neighborhood-serving” retail, project “that encourages walkability and convenience” “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 Country of San Francisco,” extend “the neighborhood urban pattern and surrounding street grid into the site through a series of pedestrian and bicycle pathways and open spaces,” “create complementary designs and uses that are compatible with the surrounding neighborhoods,” 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 surrounding community members by creating a green, welcoming, walkable environment that will encourage the use of the outdoors and community interaction," incorporate open space "in multiple, varied types designed to maximize pedestrian accessibility and ease of use," and work "to retain and integrate the existing office building into the development to promote sustainability and eco-friendly infill redevelopment. DEIR 2.12

Examples of objectives that were stated with excessive detail and/or were ambiguous also include "a north-south connection from California Street to Euclid Avenue that aligns with Walnut Street and an east-west connection from Laurel Street to Presidio Avenue," continue "active ground floor retail uses along California Street east from Laurel Village Shopping Center," "providing activated, neighborhood-friendly spaces along the Presidio, Masonic and Euclid Avenue edges compatible with the existing multi-family development to the south and east." DEIR 2.12.

The DEIR unlawfully stated the project objectives ambiguously and with excessive detail so that they described the detailed characteristics of the developer's plans and to preclude consideration of other alternatives and mitigation measures that could achieve the basic objectives of the proposed project.

**5. The EIR Failed to Analyze the Project's Potentially Significant Shadow Impacts on Existing Open Spaces that Have Been Used by the Public for Recreational Purposes, on Sidewalks on the East Side of Laurel Street, and on Publicly Accessible Open Space Proposed by the Project.**

The City's Shadow Analysis Procedures and Scope Requirements state that the proposed project is subject to review under CEQA if it "would potentially cast new shadow on a park or open space such that the use and enjoyment of that park or open space could be adversely affected," and such procedures describe potentially affected properties as including "parks, publicly-accessible open spaces, and community gardens." (Ex. Q to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study) 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, Initial Study for 1629 Market Street Project, p. 19)

The Initial Study for 3333 California Street 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 1.)

Those procedures further provide that:

“Potentially Affected Properties. Potentially affected properties including: parks, publicly-accessible open spaces, and community gardens identified in the graphical depictions should be listed and described. The description of these properties should include the physical features and uses of the affected property, including but not limited to: topography, vegetation, structures, activities, and programming. Each identified use should be characterized as ‘active’ or passive.’ Aerial photographs should be included, along with other supporting photos or graphics. The programming for each property should be verified with the overseeing entity, such as the Port of San Francisco, the Recreation and Parks Department, etc. Any planned improvements should also be noted.” (Ex. Q to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 2.)

The shadow study in the Initial Study shows frequent shadows on the Lower Walnut Walk and Cypress Square which the developer proposes to use as community benefits and open space. (Ex. L, excerpts from shadow study, footnote 132 to Initial Study, and 7-3-2019 plan sheet G3.03 as to proposed open space) The EIR admitted that these “proposed areas would be shaded mostly by proposed new buildings for much of the day and year.” IS p. 161. However, the City erroneously excluded these impacts from the CEQA Analysis, claiming that as “open spaces that would be newly developed as part of the proposed project or project variant, they are not considered environmental resources that are part of the existing environment for the purposes of CEQA. Shadow on these spaces would not interfere with any existing recreational use or with any pre-existing expectations for sunlight on these future spaces.” IS p. 161. However, under the standards set forth above, the preexisting use of the open space is irrelevant in determining whether a proposed project would cast a new shadow on proposed common open space for the project.

Moreover, the open spaces containing lawns along Presidio Avenue are currently used for

recreational purposes and are not shaded. The Initial Study admits that the public currently has access to this existing open green space along Presidio Avenue but relies upon the unsupported conclusion that shadow under the proposed project or project variant would not increase because this area “would remain sunny from mid-morning through mid-afternoon throughout the year.” IS p. 161. The Initial Study cites no evidence for this conclusion, and Page 12 of the shadow study shows frequent net new shading in this area. (Ex. L, Page 12 of IS FN 132 shadow study, Extent of Net New Project Shading Throughout the Year) Based on this fair argument of a significant shadow impact, the Draft EIR should have analyzed the potentially significant impact of shading on the Presidio Avenue green space.

The City used the wrong significance standard to avoid analyzing shadow impacts on the open spaces in the northern portion of the site where the Market Plaza would be constructed, which currently contains mature trees and is open to the public. The Initial Study erroneously claimed that these open spaces are not considered environmental resources that are part of the existing environment for purposes of CEQA because they would be newly developed as part of the proposed project. IS p. 161. Merely because these open space areas are proposed to be developed as a different type of open space than they are currently used, does not change the fact that they are currently open space that is not shaded.

The cover of the Initial Study shows that open space areas in the northern portion of the property are not currently shaded. The Initial Study, claims, without support, that these areas are not now accessible to the public, but the cover of the Initial Study shows they are open to the public. Further, I have walked through these areas many times to cut through the property or to photograph trees and vegetation in these open areas. Thus, substantial evidence does not support the claim in the Initial Study that these areas are not open to the public. These areas are currently open spaces that are not shaded.

The Initial Study admits that these areas “would be shaded mostly by proposed new buildings for much of the day and year.” IS. p. 161. This information constitutes a fair argument that the proposed project would cause a significant impact upon existing open space on the project site. Thus, the City failed to proceed as required by law in failing to analyze the significant impact of project shadows on these open space areas because the nature of their use as open space would change and erroneously denied that the public currently has access to these areas. I have also observed people walking across these areas to access public parking to the east of these areas on the project site.

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 review procedures, had the Planning Commission known of the potentially significant shadow impacts, it could have scaled the project back to avoid shadowing

the proposed project's 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 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.

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. D, Nomination, p. 5) Among the character defining features of this historically significant resource, the nomination listed "Vegetation features that helps [sic] 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." (Ex. D, section 7, p. 20) The subject lawn areas and the Terrace are currently used as publicly-accessible open spaces, and the Board should alter the project to retain them as open spaces. These areas would be significantly shaded by the proposed project, except for the lawns on the south side of the site. (Ex. L, plan sheet G3.03 as to project open space and excerpts from IS FN 132 project and project Variant shading) Thus, the EIR should have treated the shading of these areas as a potentially significant impact on the environment and evaluated that impact in the Draft EIR.

Since the evidence shows that new shadows would be frequent on the publicly-accessible open spaces, the EIR should have evaluated these shadows as a potentially significant impact on the environment. As acknowledged in the Initial Study for 1629 Market Street Project, the "designation of topics as 'Potentially Significant' in the Initial Study means that the EIR will consider the topic in greater depth and determine whether the impact would be significant." Ex. P to June 8, 2019 comments of Devincenzi on Initial Study, p. 4.

Similarly, the shadow study in the Initial Study showed that the proposed project would cause frequent new shadows on the sidewalks on the east side of Laurel Street. Ex. L, p. 12, Extent of Net New Project Shading Throughout the Year.) The EIR should have analyzed these

shadows on sidewalks as a potentially significant impact of the proposed project. 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 ambiguously claimed that shadow on nearby sidewalks would be transitory and determined that impact would not be significant by using an erroneous significance 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 should have evaluated these shadows as a potentially significant impact on the environment and make a determination in the Draft EIR of whether the impact would be significant under the correct significance standard. The City failed to proceed as required by law in failing to analyze the impact on Laurel sidewalks as a potentially significant impact.

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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 66.) The Initial Study failed to use this standard.

The EIR should have followed the City’s shadow analysis procedures and identified and described 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 4.)

In addition, the Initial Study inaccurately stated 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.

It should be noted that shadows are physical impacts, not aesthetic impacts exempt from CEQA in certain transit-served areas. The EIR on the Housing Element of the San Francisco General Plan clearly treats shadows as a physical effect along with wind impacts and analyzes aesthetic impacts in a separate section. ( Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study- 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study- Final EIR 2004 and 2009 Housing Element p. V.J-3)

**6. The City Failed to Balance the Required Factors and Made Findings as to Mitigation Measures and Alternatives that Were Conclusory, Inaccurate and Not Supported by Substantial Evidence.**

**A. Failure to Consider and Balance the Required Factors.**

Public Resources Code section 21061.1 provides that “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (See also, Public Resources Code section 21081(a)(3); 14 Cal.Code Regs sections 15091(a)(3) and 15364) To determine whether a mitigation measure or alternative is infeasible, as that term is used in CEQA and the CEQA Guidelines, an agency must necessarily weigh and balance its pros and cons taking account of a broad range of factors. *Practice Under the California Environmental Quality Act* (CEB) section 17.29. After weighing these factors, an agency may conclude that a mitigation measure or alternative is impractical or undesirable from a policy standpoint and reject it as infeasible. *Practice Under the California Environmental Quality Act* (CEB) section 17.29. In *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417, the court noted that a determination of infeasibility involves balancing economic, environmental, social, and technological factors.

However as to the 3333 California Street project, the City failed to take into account and weigh and balance the pros and cons of the environmental, social, technological and economic factors of the alternatives and mitigation measures in finding them to not be feasible. The City omitted the key environmental factor of reducing or avoiding the project’s impact upon the historic resource.

The City’s findings were not based on the correct legal standard of whether the alternative or mitigation measure was “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” As discussed herein, findings rejecting alternative and mitigation measures were based on the City’s view of desirability and other subjective criteria rather than whether the alternative or mitigation measure was capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

The findings also omitted the factor of whether the project or alternative or mitigation measure were capable of being accomplished in a reasonable period of time, overlooking the fact that the proposed Development Agreement would grant the developer a 15-year time period

within which to construct the project, extended by any litigation. The findings failed to take into account the factor of whether alternatives or mitigation measures were capable of being accomplished in a reasonable period of time, including the Community Preservation Alternative, Community Preservation Alternative Variant and Community Preservation Alternative Variant 2, which were designed to be constructed in approximately 4 years by reducing excavation and demolition of portions of the main building. Thus, the City failed to proceed in the manner required by law in that it failed to take into account and balance and weigh the required factors in making findings rejecting alternatives and mitigation measures as infeasible.

**B. Findings Were Ambiguous and Not Supported by Substantial Evidence.**

The finding that where feasible, changes or alterations have been required, or incorporated into, the project to reduce the significant impact on historical resource is false, inaccurate, and not supported by substantial evidence. (Planning Commission Motion, p. 30) Similarly, the finding that all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible, is false, inaccurate and not supported by substantial evidence. (Planning Commission Motion p. 50) As explained above, the EIR failed to identify and describe Mitigation Measures that would significantly reduce the impact on the historical resource. There is also no substantial evidence to support the proposed finding that feasible mitigation measures are not available to reduce some of the significant project impacts to less-than-significant levels, that significant impacts are unavoidable or that legal, environmental, economic, social, technological and other benefits of the project override any remaining significant adverse impacts of the project for each of the significant and unavoidable impacts described in the motion put before the Planning Commission. *Ibid.* These findings are conclusory, ambiguous and not supported by substantial evidence. The findings lack enough relevant information to enable the decisionmaker to understand the basis for the findings.

With respect the significant impact on the historic resource, the findings mention only mitigation measures relating to documentation of the resource, which would not reduce the severity of the impact to a less than significant level. (Planning Commission Motion p. 31) The City failed to identify and describe measures which could substantially reduce the significant physical effect of the project on the historic resource and noise from construction activities. LHIA's proposed mitigation measures for each of those impacts are feasible and should be adopted. Thus, the Board should overturn the finding as to mitigation measures in the Motion adopted by the Planning Commission.

The findings regarding alternatives to the proposed project are also conclusory, ambiguous and not supported by substantial evidence. The finding that Alternative B, the Full Preservation -Office Alternative, would fail to open and connect the site to the surrounding community because it would not construct the Walnut and Mayfair walks and that the Planning Department gave input that the surrounding street grid be extended into the property is inaccurate



for the reasons stated above, including that the department only requested a portal through the property that could meander through the site and did not have to be a straight axial pathway. There is an existing ADA compliant portal through the property that connects the site to the surrounding community that can be opened to the public. (Ex. M, UCSF explanation that there is a ground-floor access point that connects the northeast parking lot to a south facing lower patio area that is accessible to Euclid and Masonic avenues; Ex.JJ to LHIA's September 5, 2019 submittal to Planning Commission)

The finding at page 35 of the motion claiming that this alternative would fail to provide "active ground floor retail uses or activated neighborhood-friendly spaces along the adjacent streets," is not supported by substantial evidence because the finding lacks enough relevant information and evidence to enable the reader to understand what is meant by "active" or "activated neighborhood-friendly spaces along the adjacent streets." Essentially, these terms amount to ambiguous and unsupported conclusions that are not relevant to the meaning of feasibility under CEQA. Also, Laurel Village is immediately adjacent to the proposed project and provides many neighborhood-friendly spaces. I am familiar with the adjacent Laurel Village shops and its friendly and safe neighborhood atmosphere.

The finding also ignored the fact that there are a well-regarded existing café and childcare center on the property. I am familiar with the café, as I found the lunch I had there to be of a good quality and also found the location, looking out over the Terrace, to be pleasant. Similarly, the finding that this Alternative "would fail to meet some project objectives, as well as several City Plans and policies related to the production of housing, including affordable housing, particularly housing and jobs near transit, and urban design, to the same extent as the project," is conclusory, ambiguous, not supported by substantial evidence. The finding lacks enough relevant evidence to enable the reader to understand what is meant by the referenced plans or by the degree to which the alternative would not meet objectives "as well as" the project, or the degree to which the alternative would fail to meet project objectives. Thus, the finding fails to satisfy the legal standard for infeasibility under CEQA.

The findings rejecting Alternative C, the Full Preservation - Residential Alternative, as infeasible are also conclusory, ambiguous, lacking in sufficient detail, not supported by substantial evidence and fail to satisfy the legal standard for infeasibility under CEQA. The finding at page 38 of the motion that this alternative would not open and connect the site to the surrounding community to the same extent as the project, as only Mayfair Walk, and not Walnut Walk, would be developed to extend through the entire site, is ambiguous, conclusory and lacking enough relevant information to understand what is meant by "to the same extent as the project" or the degree of difference between the project and the alternative. As explained above, the finding is also inaccurate and incorrect because there is an existing ADA accessible passageway that runs from north to south through the main building and connects with the surrounding community. (Ex. M and Ex.JJ to LHIA's September 5, 2019 Planning

Commission submittal) This inadequate finding is related to the overly narrow description of the project in the EIR. The City requested only a portal through the property which could meander and need not run along the Walnut axis.

The finding that Alternative C would increase the housing supply “but to a lesser extent than would the project” is ambiguous, conclusory and not supported by substantial evidence. The finding lacks enough relevant information to understand what is meant by “to a lesser extent than would the project” or why the degree of difference makes the Alternative infeasible. This finding is further evidence that the range of alternatives described in the EIR is unreasonable, as the DEIR does not contain a single alternative with 744 residential units or more that could be adopted instead of the 744-unit project Variant that is now described as the project in the Development Agreement. Alternative C would have 534 housing units. DEIR p. 6.75. Of the five alternatives analyzed in the EIR, four of the five involve fewer residential units than the proposed project or project variant and all five involve fewer gross square feet of development than either the proposed project or project variant. DEIR 5.H.11.

The claim that the amount of housing produced would be “less consistent” with the City’s goals also fails to satisfy the legal standard for feasibility under CEQA and is ambiguous and conclusory. Merely not meeting all project objectives, increasing housing to a “lesser extent than would the Project,” or being less consistent with the City’s goals does not make an alternative infeasible under CEQA. (Planning Commission Motion p. 38) The finding is conclusory and lacks enough relevant information to understand why the degree of difference would make the alternative infeasible. “Feasible” is defined in Public Resources Code section 21061.1 as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. By claiming that Alternative C and other Alternatives would be less consistent with City goals, the City indicated that the range of alternatives selected for discussion in the EIR did not satisfy basic project objectives while reducing significant impacts, so the range selected was not reasonable.

Similarly, the assertion at page 38 of the Planning Commission Motion that Alternative C “would provide fewer activated neighborhood-friendly spaces along the adjacent streets than would the project” is false, inaccurate, ambiguous, conclusory and not supported by substantial evidence because it lacks enough relevant information to understand what is meant by “activated neighborhood-friendly spaces.” Members of the public currently walk through the site and conduct active recreational activities in the green spaces on the perimeter of the site. Also, Laurel Village and Presidio Avenue retail uses are located on streets immediately adjacent to the project site and provide neighborhood-friendly spaces. The proposed finding is also inaccurate and ignored the fact that there is an existing café and childcare center on the property. Even if the alternative would provide “fewer” activated neighborhood-friendly spaces along adjacent streets that fact alone would not make it infeasible under CEQA because the finding lacks relevant information as to the degree of difference. Since I live in the neighborhood, I am familiar with

the fact that Laurel Village, Sacramento Street shops, Trader Joe's, Target at City Center and Geary Boulevard and Presidio Avenue shops provide abundant activated neighborhood-friendly spaces in close proximity to the proposed project, and recreational activities are conducted by members of the public on the green spaces on the perimeter of the project site.

Also inaccurate, ambiguous, conclusory and not supported by substantial evidence is the allegation that the open space in this Alternative would not be "as varied" and is not designed to maximize pedestrian accessibility. Alternative C contains the historically significant natural landscaping designed by master landscape architects Eckbo, Royston & Williams, which includes the Eckbo Terrace, over one hundred trees, and numerous natural, green landscaped spaces that have been used by the public for recreational purposes. (Ex. D, nomination excerpts) Since the open space in the proposed project would be mostly hardscape with strips of planter boxes along the edges, the record does not contain substantial evidence that this type of concrete-intensive landscaping would be varied to any degree. The finding does not provide enough information to understand what is meant by "as varied" or the degree of difference that would exist. Also, the discussion does not provide sufficient detail to understand what is meant by the unsupported conclusion that the alternative is not designed to maximize pedestrian accessibility. I am familiar with the fact that the landscaped areas of the site are now open to the public and contain numerous pathways that meander through the site and connect with surrounding sidewalks, and that there is an existing ADA accessible pathway through the main building. The finding lacks enough relevant information to understand what is meant by "maximize pedestrian accessibility." The project objectives of providing open connections were stated ambiguously or overly narrowly so that only the exact type of connections desired by the developer would suffice. DEIR p. 2.12. As previously stated, the Planning Department requested a north/south portal that could meander through the site and did not request that a 40-foot wide hole be cut through the main building.

Similarly ambiguous, conclusory, lacking in sufficient detail and not supported by substantial evidence is the proposed finding that Alternative C "would fail to meet several of the project objectives and City Plans and policies related to the production of jobs and housing, including affordable housing, particularly near transit, and urban design, to the same extent as the project." (Planning Commission Motion p. 39) The finding lacked relevant information on the degree to which the alternative would fail to meet several project objectives and City plans and policies related to the designated subjects and why that degree of difference would make the alternative infeasible. Also, the specific nature of the objectives and City plans and policies that the alternative would allegedly not meet is not described, nor is there explanation of the degree by which the Alternative would fail to meet the objectives of the plans or policies and why that degree of difference would constitute infeasibility under CEQA.

The EIR's discussion of Alternative E: Partial Preservation - Residential Alternative is also ambiguous, conclusory and not supported by substantial evidence. The discussion does not

contain sufficient detail to understand the meaning of “substantial changes to the distinctive materials, features, spaces and spatial relationships on the northern, western, and southern portions of the property,” or “the removal of character-defining site and landscape features,” in combination with the construction of 12 new buildings along California Street, Laurel Street, and Euclid Avenue. (Planning Commission Motion p. 44) No explanation is provided as to how the alterations “would be substantial enough to hinder the site’s ability to convey its historically open feel such that the property could no longer convey its historic and architectural significance as a Midcentury Modern-designed corporate campus.”

Similarly unexplained and conclusory is the allegation that the extent of the alterations “would, on balance, materially alter the physical characteristics of the property at 3333 California Street that convey its historic and architectural significance.” Many of the characteristics described in the nomination would remain, including the horizontal lines of projecting edges of concrete floors, horizontal bands of nearly identical window units, uninterrupted glass walls, window units of aluminum and glass, wrought iron desk railings that match gates in the landscape, brick accents and trim, the Terrace, brick wall set in running band pattern similar in appearance to brick used in exterior of main building, two of the gated entrances, and vegetation features along Euclid Avenue that help integrate the site with that of the surrounding residential neighborhoods. (Ex. D, Nomination section 7, pages 18-20)

Also inadequate under CEQA is the conclusory and unsupported proposed finding that Alternative E is rejected because, although it would reduce the significant and unavoidable historic architectural resources and transportation and circulation impacts of the project, it would not eliminate them, it would not reduce or eliminate the significant and unavoidable noise impact, and it would fail to meet several of the project objectives to the same extent as the project. (Motion p. 45) First, the finding uses the wrong legal standard, as it implies that an alternative must eliminate an entire impact, but an alternative under CEQA may reduce impacts. Again, insufficient information is provided as to how Alternative E would not meet several of the project objectives or promote City plans and policies “to the same extent as the project” or why the degree of difference would make the alternative infeasible. For example, Alternative E would have 44,306 gross square feet of ground-floor retail spaces (DEIR p. 6.135) which is more than the amount of retail space in the 744-unit Project Variant, and there is no explanation of why Alternative E would not promote mixed-use to the same extent as the project. Thus, this finding is not supported by substantial evidence. Also, merely because Mayfair Walk would be constructed and not Walnut walk does not establish that the connectivity of the site would be so substantially less to be infeasible. As explained above, there is an existing ADA accessible pathway through the main building, and the Planning Department only suggested a portal, not a complete cut through the main building to create a Walnut walk.

The claim that Alternative E would increase the housing supply to a lesser extent than would the project is ambiguous, conclusory and fails to constitute substantial evidence that could

support a finding of infeasibility. No explanation is provided as to why the degree of difference in the production of housing would make the alternative infeasible. Further, the claim is evidence of the inadequate range of alternatives analyzed in the DEIR, which lacked a 744-unit or similar alternative other than the Project Variant, which became the Project shortly before the Planning Commission hearing, as evidenced by release of the Development Agreement. (Motion before Planning Commission p. 45)

The allegation that Alternative E would provide fewer activated neighborhood-friendly spaces along the adjacent streets than would the project is ambiguous and insufficient for the reasons stated above as to proximity of the site to Laurel Village and other nearby retail areas and the existence of recreational spaces used by the public on the perimeter of the site. Also, no explanation is given as to why Alternative E would provide open space that is not as varied and would have less pedestrian accessibility. As stated above, the existing landscaping is historically significant and contains over 100 trees and natural green spaces. There is an existing ADA accessible passage through the site.

Claims that various alternatives would not provide housing that can easily rely on public transportation, walking and bicycling for the majority of daily trips is also conclusory and not supported by substantial evidence. There is a bus stop adjacent to the project site and pathways currently meander through the site and are used by members of the public and no information is given on why residents of an alternative plan would not also “easily” rely on public transportation, walking and bicycling for the majority of daily trips.

The proposed finding that the Community 558-unit Alternative and Community 744-unit Variant are not considerably different than Alternative C - the Full Preservation Residential Alternative is clearly erroneous, ambiguous, incomplete and not supported by substantial evidence. The Community alternatives would have more residential units than the 534-unit Alternative C, and the findings indicate that alternatives are being rejected if they have even a small degree of difference in the amount of residential units. If a small degree of difference in the number of residential units would make an alternative infeasible according to the City, the same small degree of difference would make an alternative with more housing units “considerably” different under the standards used in the EIR. The proposed findings claim that Alternative C would be “less consistent” with city goals because it would produce less housing (534 Units) than the 744-unit project. However, the claim that the Community 744-unit variant is not considerably different than 534-unit Alternative C is clearly inaccurate, erroneous and not supported by substantial evidence with respect to the key factor of the amount of new housing units produced. DEIR p. 5.H.19. Also, as previously stated, the DEIR relied on false characterizations and erroneous assumptions concerning the Community Alternatives provided by the developer’s staff and SF Public Works, so did not really analyze the Community Alternative or Community 744-unit Variant as submitted by the Community. (See August 28, 2019 statement of Richard Frisbie and August 20, 2019 TreanorHL Preservation Alternative

Feasibility Evaluations-Exhibits O and F, respectively of LHIA's August 28, 2019 submission to Planning Commission)

The DEIR improperly refused to consider the Community Alternative or Community Variant as an alternative analyzed in the EIR, stating:

In addition to the LHIA Alternative or its variant not being considerably different from the analyzed alternatives, the feasibility of the LHIA Alternative or its variant is highly speculative. Accordingly, it is not included or analyzed as an alternative to the proposed project or project variant in this EIR." Responses to Comments. p 5.H.67.

Thus, the proposed finding is false, misleading, inaccurate, ambiguous and/or not supported by substantial evidence in claiming that the "LHIA Alternative or its Variant is not considerably different from the analyzed alternatives. LHIA alternatives are described and analyzed in the Final EIR in Section 5.H. Alternatives in the Responses to Comments document." (Motion before Planning Commission, p. 49) The City clearly treated the Community alternatives in a second-class category that was different from the other alternatives, including by making assumptions as to architectural details that were not presented for the other alternatives.

The City and SF PUC also unreasonably assumed that the size of units in the Community Alternatives would be greater than those shown in plans for the proposed Project or Project variant. (August 28, 2019 Statement of Frisbie) Other incorrect and unreasonable assumptions include assumptions concerning more elevators and stairways than intended in the Community alternatives. *Ibid.* Substantial evidence does not include evidence that is inaccurate or erroneous. Architect Goldenberg confirmed that her analysis used the developer's unit sizes in evaluating that the number of units would fit in the Community Alternative and Community Alternative Variant spaces. (Ex.N and Ex. O) Therefore, the proposed finding's rejection of the Community Alternative and Community 744-unit Variant is inadequate under CEQA because the rejection is based on erroneous and unreasonable assumptions and inaccurate characterizations concerning the Community Alternative and Community 744-unit Variant.

Based on accurate characterization of the Project, respected architect Nancy Goldenberg has submitted a statement demonstrating that the Community Alternative and Community Alternative 744-unit Variant would achieve the same number of housing units as the proposed Project and Project variant; the analysis also demonstrated that a mix of dwelling units could be achieved by having substantial numbers of two-bedroom and three-bedroom units. (Exs. O & N hereto and Ex. F to August 28, 2019 LHIA submission to Planning Commission) For the reasons stated by Nancy Goldenberg and Richard Frisbie, the allegations concerning the Community Alternative and Community 744-unit Variant set forth in the Responses to Comments, including at p. 50, are inaccurate, clearly erroneous, based on erroneous and unreasonable assumptions and fail to constitute substantial evidence.

**7. The EIR Failed to Describe the Project's Inconsistency With San Francisco's General Plan as to Preservation of Historical Resources and Neighborhood Character.**

An EIR must discuss any inconsistencies between a proposed project and applicable general plans. 14 Cal.Code Regs section 15125(d). By doing so, a lead agency may be able to modify a project to avoid any inconsistency. *Orinda Association v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1169. However, the EIR failed to discuss inconsistencies of the project with General Plan policies relating to protection of historical resources and neighborhood character.

San Francisco's General Plan is intended to be an integrated, internally consistent and compatible statement of objectives and policies and its objectives, and policies are to be construed in a manner which achieves that intent. Sec. 101.1(b) of the Planning Code, which was added by Proposition M, November 4, 1986, provides as follows:

The following Priority Policies are hereby established. They shall be included in the preamble to the General Plan and shall be the basis upon which inconsistencies in the General Plan are resolved:

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

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

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

That commuter traffic not impede Muni transit services or overburden our streets or neighborhood parking;

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

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

That landmarks and historic buildings be preserved; and

That our parks and open space and their access to sunlight and vistas be protected from development. (Ex. BB to LHIA August 28, 2019 submittal to Planning Department, San Francisco General Plan, excerpts)

While the EIR acknowledges that the project would have a significant adverse impact on a historical resource under CEQA, it failed to describe the project's inconsistency with the General Plan policies that state that historic buildings be preserved and that existing neighborhood character be preserved and protected. The EIR is inadequate because it merely noted that this General Plan policy to preserve historic resources exists, but failed to describe the inconsistency between the proposed project and this policy. DEIR 4.B.34. Moreover, it used an erroneous legal standard, indicating that Planning Code section 101.1 allowed the City to balance the eight master plan priority policies, whereas CEQA requires that an EIR describe *any* inconsistency with a general plan policy. *Ibid.*

Similarly, the EIR failed to describe the project's inconsistency with the General Plan policy that existing neighborhood character be preserved and protected. The EIR avoided the issue and brushed off the issue of "loss of neighborhood character" as a "controversial issue." DEIR 5.7.

In addition, the EIR failed to discuss the inconsistency of the proposed rezoning and the mandate of Housing Element Policy 1.4: to "Ensure that community based planning processes are used to generate changes to land use controls." Explanatory material provided by the Planning Department states:

The Planning Department has in recent years planned for growth through community plans...This process has provided a way for stakeholders to help direct the future of their area... To provide certainty to citizens who feared that the Housing Element would cause increases in density to their neighborhoods without input, the document *mandates* that this process must continue to be used in the event of proposed changes to land use controls, such as increased housing density or height. It also *dictates* that any such changes must be generated through a community based planning process initiated in partnership with the neighborhood, initiated by the Board of Supervisors. It states that any changes to land use policies and controls that result from the community planning process may be proposed only after an open and publicly noticed process, after review of a draft plan and environmental review, and with comprehensive opportunity for community input. (Ex. S to August 28, 2019 LHIA submission to Planning Commission, emphasis added)

2014 Housing Element Policy 1.4, and its predecessor in the 2009 Housing Element state:

Ensure that community based planning processes are used to generate changes to land use



controls.” (Ex. S to August 28, 2019 LHIA submission to Planning Commission)

Its interpretative text states:

Community plans are an opportunity for neighborhoods to work with the City to develop a strategic plan for their future, including housing, services and amenities...Zoning changes that involve several parcels or blocks should always involve significant community outreach. Additionally, zoning changes that involve several blocks should always be made as part of a community based planning process...

Any new community based planning processes should be initiated in partnership with the neighborhood, and involve the full range of City stakeholders. The process should be initiated by the Board of Supervisors, with the support of the District Supervisor, through their adoption of the Planning Department’s or other overseeing agency’s work program; and the scope of the process should be approved by the Planning Commission. To assure that the Planning Department, and other agencies involved in land use approvals conduct adequate community outreach, any changes to land use policies and controls that result from the community planning process may be proposed only after an open and publicly noticed process, after review of a draft plan and environmental review, and with comprehensive opportunity for community input. (Ex. S to LHIA August 28, 2019 submittal to Planning Commission)

The developer’s proposed subdivision plan would divide the 10-acre site into approximately 12 lots. (Ex. T to LHIA August 28, 2019 submittal to Planning Commission )

The City failed to conduct a City-run planning process as to the proposed zoning changes. Developer Dan Safier described his proposed project to the community in a meeting in which members of the public were not allowed to speak. At the end of his powerpoint presentation, Dan Safier took approximately 3 written questions and ended the meeting. There was no opportunity afforded for public discussion of potential zoning changes. The day before, in the office of Supervisor Farrell, the President of Laurel Heights Improvement Association stated to Dan Safier “I would like to know what the project is before you go public with it.” Dan Safier declined to provide any information and stated “This is not a negotiation.” I was present at this meeting in my capacity of Vice-President of LHIA at that time.

Thereafter, the developer conducted poster-board sessions in which exhibits were placed around the room, but no opportunity was provided for an open discussion by members of the public in attendance. At one of these sessions, I heard a representative of the developer tell a member of the public that the project did not involve zoning changes. I approached developer Dan Kingsley and told him what I had heard, and Dan Kingsley stated “Kathy, you and I know that the project involves zoning changes.” I watched, and Dan Kingsley did not approach his

representative to correct the error.

The EIR does not describe the project's inconsistency with Housing Element Policy 1.4. The failure to provide a City-run planning process resulted in a developer-driven process that silenced public discourse.

**8. The EIR Failed to Adequately Analyze the Proposed Project's Inconsistency With the Housing Element of the General Plan and Related Applicable Land Use Plans or Regulations and Would Have a Substantial Impact Upon the Existing Character of the Vicinity.**

The Housing Element EIR states 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, excerpt from 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, excerpt from 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, excerpts from 2014 Housing Element p. I.70.) Policy 11.4 of the 2014 Housing Element refers to this map and states the policy to:

“Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.” (Ex. L to June 8, 2018 Comments of Kathryn

Devincenzi on 3333 California Street Initial Study, 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 37.)

The EIR failed to adequately analyze the inconsistency of the proposed Special Use District with the generalized densities and 40-foot heights designated in the General Plan as applicable to the Project area, in that the density of the proposed 34,000 square feet of retail uses together with 744 residential units exceeds the generalized density of the area, and the project’s proposed heights of 80 and 92 feet exceed the 40-foot heights designated on the Generalized Citywide Height Map for the area.

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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 10.)

In addition, Housing Element Policy 7.5 supports process and zoning accommodation for affordable housing, as it provides that:

“Encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval process.... Local planning, zoning, and building codes should be applied to all new development, however when quality of life and life safety standards can be maintained zoning accommodations should be made for permanently affordable housing. For example, exceptions to specific requirements, including open space requirements, exposure requirements or density limits, where they do not affect neighborhood quality and meet with applicable design standards, including neighborhood specific design guidelines, 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 29.)

Thus, the proposed project would conflict with the Housing Element of the General Plan because the proposed project would seek to use a Special Use District to change the permitted uses to allow retail uses 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 the reasons stated herein, 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 37.)

The Housing Element EIR explains that:

“The San Francisco Planning Code, which incorporates by reference the City’s Zoning maps, governs permitted uses, densities and the configuration of buildings in San Francisco. Permits to construct new buildings (or to alter or demolish existing ones) cannot be issued unless either the proposed action conforms to the Planning Code, or an exception is granted pursuant to provisions of the Planning Code, or a reclassification of the site occurs....

Section 263 of the Planning Code contains special exceptions to the height limits for certain uses within certain areas. Buildings and structures exceeding the prescribed height may be approved by the Planning Commission according to the procedures for conditional use approval in Section 303 of the Planning Code; provided, however, that such exceptions may be permitted only in the areas specified and only to the extent stated in each section.” (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V-A-32-33.)

The City’s Preliminary Project Assessment (“PPA”) for the 3333 California Street project 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, 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 and upon seeking the additional density allowed as a Planned Unit Development, the estimated maximum is 660 dwelling units. If the Resolution did not apply, these respective amounts become 558 and 743...

The subject property is within a 40-X Height and Bulk District, restricting the maximum height of buildings to 40 feet above grade, as measured generally from curb at the center of each existing and proposed building. The upper measurement of the height limit changes depending on the grade at that location per Planning Code Section 260(a)(1). Additionally, the upper measurement of the height of a building varies based on the roof

form per Planning Code Section 260(a)(2). While in general the proposal accurately applies these methodologies, curbs along the Walnut Street extension may not be used as the base of measurements because the Walnut Street extension is not a public right-of-way...The additional stories proposed for the altered structures will require that the project seek a Height District reclassification which is reviewed and approved by the Board of Supervisors...

The existing office building is 66.5 feet tall from the existing grade to the finished roof... The project proposed a lot line adjustment that would extend the property's Masonic Avenue Boundary into the public right-of-way. This adjustment requires a General Plan Referral because it includes the vacation of a public way and transportation route owned by the City and County. This adjustment will also require review by the Department of Public Works as a partial street vacation request...

Open Space. Additional information is needed to determine how the project complies with this requirement for each individual unit and to confirm that the spaces comply with the dimensional requirements for either private or common spaces... (Ex. M to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, 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." to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V.B-33.)

The Initial Study admits that the "project as proposed is not consistent with the provisions set forth in the planning code for the RM-1 Zoning District and would not comply with development restrictions identified in Resolution 4109, described below. The existing office use

within the project site, as well as the scale of the existing office building within the project site, does not conform to the low-density residential character described for the RM-1 Zoning District.” IS p. 22.

The Initial Study misinterprets Resolution 4109 and fails to mention that it contains a limitation on the aggregate gross floor area of all buildings on the property of a gross floor area that “shall not exceed the total area of the property allotted to such use,” a limitation of 50% as to lot coverage of residential development, and a prohibition on any residential dwelling other than a one-family dwelling or a two-family dwelling occupying any portion of the property which is within 100 feet of the Euclid Avenue boundary line thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended, occupying a parcel of land having an area of less than 3300 square feet, and a requirement that such buildings be set back 12 feet from any other building and 10 feet from any street. The new buildings proposed on the site propose to violate these limitations, including the gross floor area limitations, and the Mayfair and Euclid Buildings propose to violate the prohibition on any residential dwelling other than a one-family dwelling or a two-family dwelling being erected at the locations of the proposed buildings and/or would also violate the use limitations which prohibit retail uses. The Initial Study failed to analyze these provisions of Resolution 4109, and retail uses are not allowed under that Resolution. (Ex. N to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, Resolution 4109 and Stipulation as to Character of Improvements.)

The Initial Study states that the “proposed project would include amendments to the planning code and zoning maps to rezone a portion of the site from the current RM-1 zoning and 40-X Height and Bulk Districts.” IS p. 22. However, the proposed planning code and zoning map amendments were not provided in the Initial Study, so the Initial Study’s description of the proposed project is inadequate and incomplete. Also, the Initial Study states that these:

“changes would be implemented through the creation of a Special Use District (SUD) that would establish land use zoning controls for the project site. An ordinance establishing the SUD would require a recommendation by the Planning Commission and approval by the Board of Supervisors. In addition, the project sponsor would seek approval of a Conditional Use authorization/Planned Unit Development to permit development of buildings in excess of 50 feet in height; to allow for more units than principally permitted in the RM-1 Zoning District, to allow certain planning code exceptions to open space requirements, dwelling unit exposure, and rear yard setback requirements mandated by the planning code in an RM-1 Zoning District; and to provide a waiver or modification of any applicable conditions of Resolution 4109.” IS p. 23.

As discussed above, the City’s Preliminary Project Assessment stated that amending Resolution 4109 would require review and approval of the Board of Supervisors.



Since the proposed project is within a 40-X Height and Bulk District, it does not meet the criteria required to allow the Planning Commission to increase the height limit pursuant to Planning Code section 253, which provides that “wherever a height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, **is prescribed by the height and bulk district in which the property is located**, any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code.” Further, under Planning Code section 253:

“In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and **may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.** (Emphasis added.)

Since the property has a height limit of 40 feet in an RM-1 district, Planning Code section 253 does not authorize a height limit increase.

In addition, the proposed project would not meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in the Planning Code and further would not meet the requirements of Planning Code section 304 for a Planned Unit Development, including that the requirements that the project shall:

- (1) Affirmatively promote applicable objectives and policies of the General Plan;
- (2) Provide off-street parking adequate for the occupancy proposed;
- (3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;
- (4) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property (by adding 34,496 square feet of retail uses together with 744 residential units);
- (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 did not explain the nature of the “minor deviations” from the provisions for measurement of height that would be sought, so the project description was incomplete, and the EIR did not identify them so the nature of the project can be known, and comments could address inaccuracies and conflicts with land use policies.

The proposed project would fail to affirmatively promote applicable objectives and policies of the General Plan as to density and height.

Approval of a Planned Unit Development cannot be substantially equivalent to a reclassification of property, which it would if misused in this matter, because the 744 residential units in the project variant would exceed the additional density of 660 units allowed as a Planned Unit Development above existing density limits (which include Resolution 4109) and the 558 project units would exceed the approximately 508 units allowed under the applicable stipulations as to future development contained in Resolution 4109, which can only be changed by the Board of Supervisors. (See Ex. O to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, developer’s calculation of permitted densities under alleged PUD boost)

Moreover, the proposed project, which is located in an R District, would not “include Commercial Uses **only to the extent that such uses are necessary to serve residents of the immediate vicinity**, subject to the limitations for NC-1 Districts under this Code.” The Initial Study did 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 failed to substantiate the nature of the proposed deviations from the provisions for the measurement of height as being minor and failed 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:

“For construction of new residential buildings and alteration of existing residential buildings in R Districts, Section 311 of the Planning Code requires consistency with the design policies and guidelines of the General Plan and with the Residential Design Guidelines that are adopted for specific areas. ...The guidelines apply to development in all RH and RM districts, and are intended to maintain cohesive neighborhood identity, preserve historic resources, and enhance the unique setting and character of the City and its residential neighborhoods.

The guidelines are based on the following design principles, which are also used to determine compliance with the guidelines:

- Ensure that the building’s scale is compatible with surrounding buildings.
- Ensure that the building respects the mid-block open space.
- Maintain light to adjacent properties by providing adequate setbacks.
- Provide architectural features that enhance the neighborhood’s character.
- Choose building materials that provide visual interest and texture to a building.
- Ensure that the character-defining features of an historic building are maintained.” (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V.A-34.)
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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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V.B-2). None of these exceptions apply to the proposed project.

The Initial Study used 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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. 4.)

The Initial Study for the 3333 California Street project acknowledged 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 put 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.

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 to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. IV-35.)

The Housing Element EIR acknowledged that “[i]mplementation of the 2009 Housing Element could result in impacts related to existing character if new housing is out of scale with development in an existing neighborhood or if new development is so different it would change the existing character of an area.” Such impacts would occur if a Special Use District or other deviations were used for the purposes proposed by the project proponent, especially for the improper purposes set forth above. The new buildings would still be out of scale with surrounding development and disrupt the area’s character through their dominating appearance, so the significant adverse physical impacts would remain despite approval of an Special Use District under the circumstances requested by the project proponent.

The 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 Initial Study’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 failed to adequately 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 acknowledged that to some extent conflicts with land use plans and policies under the proposed project “could be embodied in a considerable contribution to a cumulative physical environmental impact” and “such cumulative physical impacts are addressed and analyzed under the specific environmental topics section in the initial study and will also be addressed in Chapter 4, Environmental Setting and Impacts, of the EIR.” This statement constituted recognition that plans and policies with which the project would conflict were adopted for the purpose of avoiding or mitigating an environmental effect. In addition, the Housing Element EIR recognized that :

“Implementation of the 2004 Housing Element and 2009 Housing Element could result in impacts related to conflicts with existing land use policy, plans, or regulations if the Housing Elements resulted in housing development that was not consistent with zoning and land use designations as outlined in governing land use plans and/or the City’s Planning Code to the extent those regulations help to avoid or mitigate potential environmental impacts. For example, if a height limit in a particular area was designed to avoid impacting a view from a public vantage point, there could be an impact from a policy that increased the height limits.” (Ex. C to June 8, 2018 Comments of Kathryn Devincenzi on 3333 California Street Initial Study, p. V.B-29.)

Also, as previously noted, 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.

**9. The EIR Failed to Adequately Analyze the Proposed Project’s Inconsistency with General Plan Policies Stated in the Urban Design Element.**

The Project proposes to construct new buildings on portions of the natural green open spaces along Laurel Street and Euclid Avenue, which have public views of the City; install street trees along Euclid Avenue and Laurel Street that would impair these hilltop views (See Exhibit KK hereto); and add 2-3 floors onto the main building with heights up to 80 feet and 92 feet, which would disrupt and conflict with the height and prevailing scale of development in the surrounding neighborhood. The EIR failed to adequately analyze the inconsistency of these aspects of the proposed Project with the following policies of the Urban Design Element of the General Plan, 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.

Policy 3.4: Promote building forms that will respect and improve the integrity of open spaces and other public areas.

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

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

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. (See Ex. V to June 8, 2018 Kathryn Devincenzi comments on 3333 California Street Initial Study, Urban Design Element of San Francisco General Plan, excerpts).

The EIR failed to discuss inconsistencies with the above policies of the Urban Design Element.

**10. The EIR Failed to Analyze the Proposed Project’s 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 to June 8, 2018 comments of Devincenzi on Initial Study, 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:

“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 to June 8, 2018 comments of Devincenzi on Initial Study, 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.

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 to June 8, 2018 comments of Devincenzi on Initial Study, San Francisco 2004 and 2009 Housing Element EIR. p. V.O-46.)

The EIR failed 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.* The EIR is inadequate because it failed to analyze the potentially significant changes which the project would have to the existing environment due to loss of topsoil.

As evidenced by the Langan Treadwell Rollo report and the Initial Study, substantial amounts of existing topsoil would be removed to construct underground parking garages in the Masonic Building, Mayfair Building, Plaza A and B Buildings and Walnut Building and new multi-unit buildings. Paved pathways and stairways would be constructed on areas which are

now planted with vegetation and grasses. 37 percent of the site is now landscaping or landscaped open space. IS p. 210.

The EIR failed to 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.**

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 to June 8, 2018 comments of Devincenzi on Initial Study, excerpts from Nomination of Laurel Heights Improvement Association for listing of Fireman's Fund Insurance Company Home Office in the National Register of Historic Places, p. 6) [Note that the copy of the nomination included in the City's reference materials was a draft version; although the final version of the nomination was provided to the San Francisco Planning Department, that Department has not included the final version of the nomination in the reference materials provided with the Initial Study.]

The plaque previously placed on the site to commemorate the former site of Laurel Hill Cemetery 1854-1946, California Historical Landmark #760, recognized the site as “the most revered of San Francisco's hills.” (Ex. F to June 8, 2018 comments of Devincenzi on Initial Study, 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 to June 8, 2018 comments of Devincenzi on Initial Study, 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 to June 8, 2018 comments of Devincenzi on Initial Study, photographs of areas of Laurel Hill proposed for excavation; see also Ex. P, 7-3-2019 plan sheet G.2.08 showing existing slopes to be excavated)

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 is inadequate because it failed to analyze the substantial alteration of the south, east and western slopes of Laurel Hill as a result of construction of the Euclid, Masonic and Mayfair buildings and underground garages as a potentially significant impact and analyze alternatives and mitigation measures that could avoid or reduce the impact.

- C. The Proposed Project Would Expose People or Structures to Potential Substantial Adverse Effects Including the Risk of Loss, and/or Would Be Located on a Geologic Unit or Soil That is Unstable or Would Become Unstable as a Result of the Project and Potentially Result in On-Site or Off-Site Landslide, Lateral Spreading, Subsidence, Liquefaction or Collapse.**

The Langan Treadwell Rollo Preliminary Geotechnical Investigation dated 3 December 2014 (“LTR”, Ex. H to June 8, 2018 comments of Devincenzi on initial Study ) constitutes expert evidence supported by fact that all of the aforementioned potentially significant impacts could occur as a result of the proposed project. The EIR violated the requirements of CEQA because it failed to analyze these impacts potentially significant impacts and failed 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, because 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 3,700 cubic yards of soil would be reused on the project site as fill. IS p. 78.

Significantly, LTR recommended 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.” (IS, LTR, p. 22)

This recommendation is evidence that the existence of various Building Code provisions, the preparation of plans by a qualified geotechnical engineer, and the review of construction plans by the Department of Building Inspection cannot be relied upon as providing adequate or effective mitigation for the hazards described above, given the reality that the project proponent and/or contractor will focus on minimizing costs of construction and the fact that regulatory standards are subject to interpretation. LTR did not rely upon an expectation of regulatory compliance as mitigation for these potentially significant adverse effects of the project. Rather, LTR recommended that on-site monitoring of various excavation and construction activities by a licensed geotechnical professional would be required to mitigate the potential adverse impacts of

this project. While LTR recommended that such on-site monitoring be performed, the project does not incorporate it as an enforceable, binding mitigation measure imposed as a condition of approval of the project.

The EIR failed to adopt the following mitigation measure which was feasible because it was recommended by LTR:

**“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.”

Thus, the EIR was inadequate for failure to adequately analyze significant impacts from soil instability during construction of the project and mitigation measures that could reduce effects.

**11. The Proposed Project Would Have a Potentially Significant Impact on Biological Resources and Would Conflict With Local Policies or Ordinances Protecting Biological Resources.**

The proposed project would have a significant adverse impact on the environment because it would remove 185 onsite trees to allow for demolition, excavation and site preparation, including 19 onsite Significant Trees (i.e. trees within 10 feet of the public right-of-way that meet specific height, trunk, diameter, and canopy width requirements) and 15 protected street trees along California Street, and adequate mitigation is not included as a condition of approval of the proposed project. (IS p. 69)

The EIR 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;

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 to June 8, 2018 comments of Devincenzi on Initial Study, excerpts from CEQA Appendix G; and Ex. C to June 8, 2018 comments of Devincenzi on Initial Study, excerpts from Housing Element EIR, p. V.N-29.

The EIR failed to analyze whether the proposed project would conflict with local policies and only analyzed select provisions of one local ordinance, the San Francisco Urban Forestry Ordinance (SFUFO), which it misinterpreted.

The EIR failed 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 Francisco organizations and, to the extent practical, all owners and occupants of properties that are on or across the from the block face where the affected Tree is located, 30 days notice of the proposed removal and also post a notice on the affected Tree 30 days before the proposed removal. SF UFO section 806 (a) (2). If during that notice period, any person files with the Department written objections to the Removal, the Director shall hold a hearing to consider public testimony concerning the proposed Tree Removal. Under SF UFO section 806(a)(3)(A), seven days notice must be given of the hearing date in the manner provided in SF UFO section 806(a)(3)(A). Under SFO section 806(a)(3)( C), the Director’s decision is appealable to the Board of Appeals.

Also under SF UFO section 810A, as “part of the Director’s determination to authorize removal of a significant tree, the Director shall consider the following factors related to the tree:

- (1) Size, age, and species;
- (2) Visual and aesthetic characteristics, including the tree’s form and whether it is a prominent landscape feature or part of a streetscape;
- (3) Cultural or historic characteristics, including whether the tree has significant ethnic appreciation or historical association or whether the tree was part of a historic planting program that defines neighborhood character;
- (4) Ecological characteristics, including whether the tree provides important wildlife habitat, is part of a group of interdependent trees, provides erosion control, or acts as a wind or sound barrier;
- (5) Locational characteristics, including whether the tree is in a high traffic area or low tree density area, or provides shade or other public benefits;
- (6) Whether the tree constitutes a hazard tree as set forth in Section 802(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 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 failed to identify the trees which were present on the Laurel Hill cemetery. Due to these factors, the proposed removal of Significant Trees is a significant impact that should have been evaluated in the EIR.

In addition, the San Francisco Urban Forest Plan (SF UFP) recognizes that “trees and other vegetation clean our air and water, create greener neighborhoods, calm traffic, improve public health, provide wildlife habitat and absorb greenhouse gases.” Ex. J to June 8, 2018 comments of Devincenzi on Initial Study, 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 failed to analyze whether the project as proposed could be built without the removal of each of the Significant Trees.

The IS's reliance on regulatory compliance to prevent significant adverse impacts to these resources was not sufficient because it was not based on a project specific analysis of potential impacts and the specific effect of regulatory compliance. Such project specific analysis of potential impacts and the specific effect of regulatory compliance was not included in the Initial Study. The effect of regulatory compliance on these resources cannot be determined because the decision to remove a Significant Tree is discretionary. Also, the environmental evaluation did not commit the project sponsor to implementation of specific performance criteria as mitigation measures agreed as a condition of approval of the project or objective performance criteria for measuring whether the goals related to these resources would be achieved. Such specific measures were not provided or agreed to as mitigation measures adopted as a condition of approval of the proposed project.

Absent a binding agreement or approval decision which implements specific mitigation measures that contain objective performance criteria that would measure whether the policy goals for protection of these resources would be achieved, the substantial adverse impact from removal of 185 onsite trees, including 19 onsite Significant Trees and 15 protected street trees remains significant and should have been analyzed as a significant impact in the EIR.

Mitigation measures imposed as a condition of approval of the proposed project should have included the following feasible measures:

**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 to June 8, 2018 comments of Devincenzi on Initial Study, 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.

**12. The Proposed Project Would Have a Potentially Significant Adverse Effect, Either Directly or Through Habitat Modifications, on Resident or Migratory Birds.**

The proposed project would remove 185 onsite trees to allow for demolition, excavation and site preparation, including 19 onsite Significant Trees (i.e. trees within 10 feet of the public right-of-way that meet specific height, trunk, diameter, and canopy width requirements) and 15 protected street trees along California Street. (IS p. 69)

In addition to the significance standards stated in the preceding section, the Housing Element EIR acknowledges that “new construction could result in impacts related to biological resources if new housing would result in disturbance from construction activities, tree removal...interference with migration, construction of tall buildings with glass walls that could increase bird strikes and possibly interrupt a migration corridor...”. (Ex. C to June 8, 2018 comments of Devincenzi on Initial Study, p. V.N-30, 46)

The Initial Study acknowledges that the proposed project “would result in the temporary loss of nesting and foraging habitat through the removal of onsite trees and vegetation during construction” and states that “after the approximately 7- to 15-year construction period and incorporation of site landscaping (including the planting of up to 250 new trees on the project site) birds would be expected to inhabit the project site.” IS p. 199. The IS does not state how soon after the incorporation of site landscaping bird habitation would be expected to occur on site.

The Initial Study also discloses that tree removal and construction-related activities associated with the proposed project could adversely affect bird breeding “at the project site and in the immediate vicinity.” IS 199. “Construction activities that may cause visual disturbance or alter the ambient noise environment include vegetation removal, demolition of existing buildings, and construction of foundations and new buildings.” IS p. 199-200. The Initial Study also acknowledges that “landscaped areas within the project site may provide suitable habitat for 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 should have been evaluated as a significant impact in the EIR, along with mitigation measures and alternatives that could reduce or avoid the impact. The Initial Study provided potential mitigation only for interference with onsite bird nests.

In addition, the Initial Study admits that the proposed project “would increase the number of new buildings at the project site and the heights of existing buildings, which could create potential obstacles for resident or migratory birds. This could result in an increase in bird injury or mortality in the event of a collision. The existing office building at the center of the site would be partially demolished and separated into two buildings connected by a bridge at the fourth floor. The separated buildings (i.e. Center Buildings A and B) would be adaptively reused as residential buildings and would include two- to three-story vertical additions, increasing the height from approximately 55.5 feet tall to up to 92 feet tall, and a connecting bridge at the fourth floor. In addition, the proposed project includes the construction of 3 new structures at the site ranging from 37 to 45 feet in height (37 to 67 feet for the project variant), some of which would include balconies. San Francisco Planning Code section 139 addresses ‘feature-related hazards’, which are defined as ‘free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size.’ The proposed project or project variant would comply with the feature-related standards of planning code section 139 by using bird-safe glazing treatment on 100 percent of any feature-related hazards (e.g. balconies, free-standing glass walls, or skywalks). With planning code section 139 compliance and implementation of Mitigation Measure M-B1-1, the proposed project or project variant would not interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors. This impact therefore, would be less than significant with mitigation.” IS p. 201-202.

However Mitigation Measure M-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 should have been analyzed in the EIR as a significant impact. In addition, the Initial Study's assertion that "the proposed project or project variant would comply with the feature-related standards of planning code section 139 by using bird-safe glazing treatment on 100 percent of any feature-related standards of planning code section 139 (e.g., balconies, free-standing glass walls, or skywalks)" conflicts with the standards of Planning Commission Resolution 9212, which states that "clear, untinted glass should be used at and near the street level." Ex. C to June 8, 2018 comments of Devincenzi on Initial Study, excerpts from Housing Element EIR, p. V.A-35. The EIR should have analyzed any and all conflicts between the bird-safe glazing treatment and the Planning Commission Resolution 9212 standards for clear, untinted glass at and near street level, because conflicts between applicable plans indicate that the impact may not be insignificant as a result of regulatory compliance.

Renderings of the proposed project show clear glass walls and do not depict frosted glass, permanent stencils, or the like. The EIR should have identified 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.

### **13. The Proposed Project Could Have a Significant Hazard and Hazardous Materials Impact.**

The Initial Study states that hazards or hazardous material would be significant if the project would:

Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials,

Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment. IS p. 227-228.

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 is inadequate because it failed to disclose each such site which lists the project site and the nature of the listing so that potential impacts from hazards and hazardous materials could 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 would not further address the issue of hazardous materials or waste. Ex. S to June 8, 2018 comments of Devincenzi on Initial Study, CEB, *Practice Under CEQA*, section 13.65 p. 13-74. The City failed to include in the EIR the information “on other lists of hazardous materials sites compiled pursuant to Government Code section 65962.5.

The Initial Study acknowledges that during construction, particularly excavation and grading, construction workers would be exposed to chemicals in the soil and groundwater through skin contact, ingestion or inhalation of airborne dust or vapors, and the “public, including nearby offsite residents and future site occupants, could be exposed to these chemicals through inhalation of airborne dust or vapors or contact with accumulated dust if proper precautions were not implemented.” IS p. 232.

Langan Treadwell Rollo evaluated the additional samples collected in August 2014 from the location of the former onsite USTs following removal of the waste oil UST against the environmental screening levels for commercial uses, but the San Francisco Health Department requested that the soil gas results for the site be compared to current environmental screening

levels for residential uses. IS p. 229-230. Volatile organic compounds were detected in soil gas at concentrations exceeding residential environmental screening levels, at two of seven sampling locations. IS p. 230. “The health department also requested that a site mitigation plan and a demolition and construction dust control plan be prepared for the site. The site mitigation plan would include soil and groundwater handling procedures, designs for minimization measures that control human exposure to remaining hazardous substances, an environmental contingency plan, and a health and safety plan....All compliance documentation would be reviewed and approved by the health department.” IS p. 230.

However, the Housing Element EIR states that “redevelopment of former commercial and industrial sites to residential uses would be required to undergo remediation and cleanup under DTSC and the SFBRWQCB before construction activities could begin. If contamination at any specific project were to exceed regulatory action levels, the project proponent would be required to undertake remediation procedures prior to grading and development under the supervision of the City’s SFDPH, HMUPA, or the SFBRWQCB (depending on the nature of any identified contamination). Ex. C to June 8, 2018 comments of Devincenzi on Initial Study, p. V.Q-42.

The Initial Study did 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 did not disclose the mitigation measures that would be used, the EIR should have analyzed the project’s impact from hazardous materials as a potentially significant impact, and analyze mitigation measures. The Initial Study did not disclose 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.

**14. The EIR is Inadequate Because It Failed to Determine Whether Measures to Mitigate the Significant Impact from Construction Noise Were Feasible**

The EIR states that construction noise impacts would remain significant and unavoidable with implementation of Mitigation Measure M-NO-1. DEIR 4.D.41. The Final EIR continues to offer this mitigation but fails to analyze or find infeasible the other measures to reduce construction noise proposed by LHIA. Responses to Comments 5.F.6. The responses inadequately brush off the mitigation measures suggested in the comment as “unnecessary” but the significant impact from construction noise remained unmitigated. Responses to Comments 5.F.6. Thus, the findings claiming that there were no feasible mitigation measures for significant impacts such as the significant impact from construction noise were not supported by substantial evidence.

The EIR failed to proceed in the manner required by law in failing to evaluate the feasibility of mitigation measures NOISE-1 through NOISE-9 proposed by LHIA and make a finding as to whether each such mitigation measure was feasible. (January 8, 2019 comments of LHIA on Draft EIR. pp. 1-4, NOISE-1)

There is no substantial evidence that it would not be feasible to adopt compliance with the San Francisco Police Code as a condition of approval of the project. Similarly, there is no substantial evidence that it would not be feasible to prohibit construction work at night except in an emergency. (January 8, 2019 comments of LHIA on Draft EIR. pp. 1-4, NOISE-3) There is no substantial evidence that it would not be feasible to provide to LHIA written evidence that impact tools and equipment 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 are equipped with acoustically attenuating shields or shrouds recommended by manufacturers thereof and approved by the Director of Public Works or the Director of Building Inspection as best accomplishing maximum noise attenuation, as described in section 2907 of the SF Police Code. (January 8, 2019 comments of LHIA on Draft EIR. pp. 1-4, NOISE-8)

The City failed to proceed in the manner required by law in failing to make findings based on the factors required by CEQA as to whether it would be feasible to implement these measures as mitigation for the project’s significant impact on construction noise.

**15. 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 claimed 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. The DEIR relied upon various writings as support for this conclusion. However, 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 to January 8, 2019 comments of Devincenzi on Draft EIR) The DEIR failed to consider the fair argument that the amount of trips generated for the office, retail and other uses based on square footage of space or number of residential units could cause substantial additional VMT.

These San Francisco 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, as to nonresidents of the site, 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 would be the cause of VMT, rather than the proposed -retail restaurants, retail goods and other retail services.

To the contrary, the DEIR inconsistently admits that numerous factors other than the amount of parking included in the proposed project or project variant would influence VMT:

Factors affecting travel behavior include the presence of parking, development density, the diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. The transportation authority's SF-CHAMP accounts for a variety of factors to estimate VMT throughout San Francisco, but SF-CHAMP is not sensitive to site-level characteristics such as project-specific TDM measures or the amount of parking provided on a site, which itself is considered a TDM measure. DEIR p. 4.C.74.

Thus, diversity of land uses and development density are factors that affect travel behavior. There is no evidence that would support the DEIR's use of the significance standard that the amount of parking provided in the project alone can be used as the determining factor as to whether a project could cause a significant impact from substantial additional VMT. DEIR p. 4.C.74.

The DEIR and Responses to Comments inaccurately claim that various publications support its conclusions as to the effect of parking spaces on causing VMT and on generalizations in such publications. As explained in LHIA's January 8, 2019 comments on the Draft EIR, which are incorporated by reference herein, the publications do not support the DEIR's



conclusions and the FEIR lacks substantial evidence to support the standard it used to determine the significance of the project Variant's impact upon substantially inducing automobile travel and/or causing substantial additional VMT; thus, the EIR fails to adequately analyze whether the project Variant would cause substantial additional VMT and/or substantially induce automobile travel, and lacks substantial evidence to support its conclusion that the impact of the project Variant on these matters would be less than significant. Among other things, the EIR's transportation analysis failed to follow guidelines for analysis of the San Francisco Planning Department, CAPCOA and other agencies. A CAPCOA report states that parking supply reduction cannot reduce VMT unless spillover parking is controlled (via residential permits and on-street market rate parking) in and around the project, such as residential parking permits, metered parking, or time-limited parking. (Ex. E to Devincenzi January 8, 2018 comments on Draft EIR, p. 9) Such measures have not been implemented, and there are substantial areas in the vicinity of the project where parking is not time-limited. *Ibid.* The Responses to Comments failed to adequately respond to comments as to these matters.

**16. 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.**

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.

The Scope of Work for the 3333 California Street transportation demand analysis confirms that the DEIR used the TAZ zone information to estimate VMT:

**Vehicle Miles Traveled:** KAI will utilize the San Francisco Transportation Information Map to obtain vehicle miles traveled data from the Planning Department data, which includes average daily VMT estimates by us for the region and the project's traffic analysis zone (TAZ 709). DEIR Appendix D, Scope of Work-Final dated July 11, 2017, p. 3.

For purposes of the VMT analysis, KAI assumes the baseline (Year 2020) conditions VMT for the region and the Project's transportation analysis zone for each of the uses proposed by the Project and Variant will be the same as Existing. DEIR Appendix D, Scope of Work-Final dated July 11, 2017, p. 6.

The DEIR explains that the San Francisco Transportation Authority uses a model called SF-CHAMP to estimate VMT by private automobiles and taxis for different land uses within individual TAZs:

The San Francisco Transportation Authority (transportation authority) uses SF-CHAMP to estimate VMT by private automobiles and taxis for different land use types within individual TAZs. Travel behavior in SF-CHAMP is calibrated by transportation authority staff based on observed behavior from the California Household Travel Survey 2010-2012, census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area's actual population, who make simulated travel decisions for a complete day. The transportation authority uses a tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from the project. DEIR p. 4.C.7.

As explained herein, the SF-CHAMP model does not include trips made by transportation network companies.

As explained at DEIR p. 4.C.27, the analyses in CEQA documents typically present the existing environmental setting as the baseline conditions against which the project conditions are compared to determine whether an impact is significant. The DEIR used the TAZ data to estimate baseline conditions:

For purposes of the VMT analysis, the baseline conditions VMT for the region and the project's transportation analysis zone for each of the uses proposed by the project and project variant would be the same as existing. DEIR p. 4.C.30

The DEIR analyzed impacts of the proposed project or project variant by comparing the baseline conditions described in the "Baseline Conditions" discussion (pp. 4.C.27-4.C.31) to conditions under full buildout of the proposed project or project variant. DEIR p. 4.C.46. For the cumulative analysis, future year 2040 cumulative conditions are compared to project buildout conditions for the proposed project and project variant. The year 2040 was selected because it is the latest year that travel demand forecasts are available from the transportation authority's travel demand forecasting model, SF-CHAMP. DEIR p. 4.C.46.

The 3333 California Street proposed project/variant includes significant changes to the transportation network that would attract substantial numbers of automobiles, delivery vehicles, trucks and other vehicles to five new loading zones proposed to be installed on streets surrounding the perimeter of the site. Plan sheet C2.02 showed four new passenger loading zones proposed to be installed on streets surrounding the perimeter of the property and

PRELIMINARY DESIGN 08/2018 showed one new 100-foot commercial loading zone proposed on California Street near the northwestern edge of the property. (Ex. L to January 8, 2019 comments of Devincenzi on Draft EIR) The DEIR is inadequate because it omitted VMT that could be generated by automobiles, delivery vehicles, trucks and other vehicles attracted to these new loading zones, and such omission is substantial in view of the explosive growth of transportation network companies and food and other delivery vehicles documented in articles attached to the January 8, 2019 comments of Devincenzi on the Draft EIR. 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. DEIR 4.C.7.

The January 8, 2019 comments of Devincenzi on the Draft EIR, at pages 23-26, discussed City documents discussing the explosive growth in TNC and food and other delivery trips since the 2002 San Francisco Guidelines were formulated, including the October 2018 Draft Report *TNCs & Congestion* by the San Francisco County Transportation Authority and the San Francisco County Transportation Authority's *TNCs Today*, Final Report, June 2017.

Thus, substantial evidence does not support the EIR's determination of the degree of traffic increase potentially caused by the project Variant based on comparison of project parking with the neighborhood parking rate while ignoring the parking that would occur in loading zones or other on-street areas by transportation network and delivery companies.

The Responses to Comments claims that no recent studies allow for the department to make VMT estimates at the project level, and based on the inference of available data, recent studies do not indicate a magnitude of an increase in VMT that would change the conclusions. Responses to Comments 4.35. This conclusion is not supported by substantial evidence.

The Response to Comments claims that *TNCs Today* and *TNCs & Congestion* does not provide household-level travel behavior data and that this data is limited to trips made in San Francisco which does not provide an "apples-to-apples" comparison to transportation network company activity in the region, which the threshold of significance is based on. Responses to Comments 4.37-4.38. However, this claim evaded the issue of whether the Project's construction of loading zones around the perimeter of the site would attract parking in those zones by TNCs and delivery vehicles so that omission of that parking made the analysis of the degree to which project parking would exceed the neighborhood parking rate inaccurate and not supported by substantial evidence. Thus, the EIR also failed to adequately respond to the comment on the impact of parking by TNCs drawn to Project loading zones.

**17. The EIR Failed to Adequately Analyze the Significant Project and Cumulative Impacts on Greenhouse Gas Emissions that the Project/Variant Could Generate.**

The State Air Resources Board confirmed that the proposed project/variant will result in additional greenhouse gas emissions (GHG) from construction activities, but stated that the applicant has committed to secure carbon offsets issued by a accredited carbon registry in an amount sufficient to offset construction emissions. (Ex. CC to August 28, 2019 LHIA comments to Planning Commission) In addition, the applicant committed “to explore” feasible GHG emissions reduction measures for net additional operation-related GHG emissions, including by purchasing voluntary carbon offsets issued by an accredited carbon registry in an amount sufficient to offset the net increase in operation-related GHG emissions. (Ex. CC to August 28, 2019 LHIA comments to Planning Commission) While these commitments may have been sufficient to qualify as a leadership project under AB 900, the GHG analysis constitutes substantial evidence of a fair argument that the project /variant could have a potentially significant project or cumulative impact under CEQA on production of GHG from project operations and/or construction that should have been evaluated in the EIR. The applicant did not commit to purchase carbon offsets for operation-related GHG emissions but merely committed to “explore” purchasing them.

The Initial Study claimed that projects that are consistent with the City’s GHG reduction strategy would be consistent with Bay Area and State GHG reduction goals. IS p. 147. However, the IS did not provide any specific information on how the proposed project/variant would implement measures that would be consistent with the City’s GHG reduction strategy other than by making the general claim that the proposed project/variant “would be required to comply” with various City codes and programs, which were generally identified by name. (IS p. 148-149) No information was provided as to the specific measures or design features that would be taken to comply with the various local programs. There is no substantial evidence that the City’s codes and programs that address GHG emissions contain the type of performance-based standards that may be relied upon in mitigating impacts in CEQA proceedings. Consistency with various City codes and programs is an inadequate factor upon which the City could base a determination of significance in relation to the increase in GHG emissions resulting from the project/variant, because the City codes and programs lack specific requirements that result in reductions of GHG emissions to a less than significant level. The EIR failed to adequately analyze this potentially significant impact and has not shown that the local codes and programs actually address the emissions that would result from the project/variant. For example, there is no evidence that street tree programs address emissions resulting from a typical housing project.

Further, there is no substantial evidence that the project will comply with the requirements in City codes and programs, and the specific requirements of those codes and programs are not described. The developer’s AB 900 application relies upon purchase of carbon credits to offset the increase in GHG emissions from project construction activities, and

exploration of other options to reduce the net increase in GHG emissions from project operations. Thus, the threshold of significance for project GHG emissions used in the EIR is not supported by substantial evidence. In view of the evidence of a net increase in GHG emissions resulting from construction activities and operations of the project/variant, the EIR should have analyzed the project's potentially significant impact on GHG production and discussed measures which could mitigate or reduce GHG emissions

Also, as previously stated in comments submitted by Richard Frisbie as to the Draft EIR, the AB 900 proceeding did not evaluate all GHG emissions that would indirectly result from the proposed project/variant. The proceeding omitted GHG emissions from the substantial amounts of concrete and steel that would be manufactured to construct the underground garages in the project/variant and the other indirect sources, as documented in the prior statement of Richard Frisbie submitted as comments on the Draft EIR, including GHG that would result from transportation and reprocessing of construction debris that would result from the demolition activities of the project/variant.

The EIR failed to adequately determine whether the project/variant would have potentially significant effects on cumulative GHG emissions, because it did not first determine the extent of the cumulative problem by examining the effects of past projects, the effects of other current projects, and the effects of probable future projects. As the second required step, the City failed to determine whether the project/variant's incremental contribution to that problem is cumulatively considerable.

The EIR failed to comply with CEQA because it 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/variant.

The EIR is also 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 2020, or other applicable goals of the City or other agencies. Similarly, the EIR failed to provide substantial evidence demonstrating that project/variant GHG emissions would be consistent with SB 32's goal of reducing GHG emissions by 40% below 1990 levels by 2030, 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, or the targets of Executive Order B-30-15 of reducing GHG emissions to 40 percent below 1990 levels by 2030. Also, the Initial Study 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 a net increase in GHG emissions from 7-15 years of construction activities commencing in approximately 2020 or 2021, so the

GHG analysis should have been performed for a longer time-range.

The Initial Study and EIR lack substantial evidence showing that a requirement to comply with local regulations has proven effective as to GHG reduction with respect to large projects, such as 3333 California. Given the specific evidence generated in the leadership project proceedings that the project/variant would have a net increase in GHG emissions from construction activities, as to which the applicant did not rely upon compliance with local law or design guidelines as mitigation for GHG emissions, the evidence in the record demonstrates a potentially significant increase in project and cumulative GHG emissions from construction activities. The same is the case for GHG emissions from operations of the project/variant. The EIR is inadequate because it failed to analyze this potentially significant project and/or cumulative impact and to adopt feasible mitigation measures that would reduce the significant cumulative impact of the project/variant.

Similarly, with respect to emission of GHG from project/variant operations, the applicant committed only “to explore” project design features/on-site reduction measures and other possible reductions, but did not commit to implement them. Given the evidence that the project/variant would result in a net increase in operational GHG emissions, there is a fair argument that a potentially significant project and cumulative impact on GHG emissions could result, which the EIR failed to analyze, since the project/variant did not commit to comply with local regulations in the CARB proceeding or to purchase carbon credits. The Initial Study failed to render a proper determination of whether the activities undertaken by the project/variant to reduce GHG would be consistent with local GHG reduction plans. The Initial Study simply glossed over the subject with conclusory statements unsupported by factual analysis.

The developer had pertinent information available which quantified GHG emissions from the proposed project/variant, and the EIR’s failure to disclose this information in the DEIR violated the principle stated in CEQA Guidelines section 15064(b) that lead agencies should quantify GHG emissions where quantification is possible and will assist in the determination of significance. The requirements imposed in the AB900 proceedings that the developer purchase carbon credits or explore other mitigation for the projected net increase in GHG emissions from construction and operation of the proposed project/variant constitutes substantial evidence that quantification of the GHG emissions in this proceeding would have assisted in determining the significance of the impact and in analyzing the project’s impacts and cumulative impacts on GHG.

#### **18. The EIR Inaccurately Analyzed the Project’s Inconsistency With Current Zoning Controls.**

The EIR failed to acknowledge that current zoning controls limit the aggregate gross floor area to the total area of the property (approximately 435,600 square feet) and that the proposed

San Francisco Board of Supervisors  
October 7, 2019  
Page 68

project/variant would substantially exceed the permitted gross floor area. (Ex. EE. to August 28, 2019 LHIA comments to Planning Commission, Dean Macris Memo dated June 25, 1986.) According to the EIR, the proposed project variant would have a total of 1,476,987 gross square feet of floor area. (DEIR p. 2.100) Therefore the project variant would add 1,041,387 gross square feet of permitted gross floor area to the site.

The EIR failed as an informational document because this information on the massive increase in permitted floor area is important information that should have been taken into account in formulating alternatives to the proposed project and feasible mitigation measures. The EIR's discussion of the terms of Planning Commission Resolution 4109, which currently applies to the site, omitted this important information from its discussion of the conditions currently applicable to development of the site. (DEIR pp. 3.10, 3.6)

### CONCLUSION

For the foregoing reasons and those stated in other comments of LHIA and its officers in relation to this proposed project, the Board of Supervisors should overturn the Planning Commission's certification of the Final EIR, adoption of CEQA findings including findings rejecting alternatives and/or mitigation measures, and adoption of statement of overriding considerations. The Board should order the Planning Department to perform supplemental environmental review under CEQA as to all the aforesaid matters and to release the supplemental environmental document for public comment. Among other things, the Board should order the Planning Department to analyze alternatives to the 744-unit proposed project and mitigation measures using the Secretary's Standards to mitigate the significant impacts of the proposed project upon the historic resource. Since the Planning Commission's conditional use/planned unit development authorization was dependent upon adequate CEQA review, in the appeal of those approvals filed concurrently herewith, LHIA has objected to the approval of the project/CU/PUD and urged the Board to overturn those approvals of the Planning Commission. The project's significant adverse impact on the historic resource should be mitigated by adopting design changes described in the alternatives proposed by the community. Such design changes are feasible and should be adopted to comply with CEQA requirements.

Respectfully submitted,

Laurel Heights Improvement Association of SF, Inc.



By: Kathryn Devincenzi, President

Attachments: A through T

Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA  
Laurel Heights Improvement Association Appeal of Planning  
Commission's Certification of Final EIR/ CEQA Findings

## **EXHIBITS A - H**



## **EXHIBIT A**



# *Laurel Heights Improvement Association of San Francisco, Inc.*

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

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.

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

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BY HAND

January 8, 2019

San Francisco Planning Department  
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San Francisco, CA 94103

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CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
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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.**

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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January 8, 2019

San Francisco Planning Department  
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San Francisco, CA 94103

**RECEIVED**

JAN 08 2019

Re: Draft EIR for 3333 California Street, San Francisco, CA 94118  
Planning Department Case No: 2015-014028ENV  
State Clearinghouse No: 2017092053

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

- 1. The DEIR Fails to Adequately Analyze Whether the Proposed Project/Variant Would Cause Substantial Additional VMT and/or Substantially Induce Automobile Travel and/or Have a Cumulative Impact on VMT and/or Substantially Induce Automobile Travel in Combination with Other Reasonably Foreseeable Development and Projects.**

The Draft EIR admits that the proposed project or project variant would cause substantial additional Vehicles Miles Traveled (VMT) and/or substantially induce automobile travel. DEIR p. 4.C.74. The DEIR fails to estimate the total amount of VMT that would result from this significant impact on VMT and claims that the amount of parking included in the proposed project or project variant would result in VMT that would be beyond the significance threshold for the non-residential use. *Ibid*. Similarly, the DEIR admits that the proposed project or project variant's incremental, cumulative effects on regional VMT would be significant, when viewed in combination with past, present and reasonably foreseeable future projects. DEIR p. 4.C. 102. The DEIR claims that both the project and cumulative impact on VMT would be reduced to a less than significant level by reducing retail parking provided by the proposed project/variant. DEIR pp. 4.C. 80 and 103.

In these comments, the term "project" shall include the proposed project and the proposed project variant, unless otherwise indicated.

The DEIR's traffic analysis is inadequate because it fails to state the total Vehicle Miles Traveled (VMT), understates the impact by discussing VMT per person in the AM and PM peak periods, fails to analyze VMT likely to result from special aspects of the project configuration and fails to support its conclusions with substantial evidence. In particular, the DEIR's central claims that the amount of parking included in the proposed project would result in VMT that would be beyond the significance threshold for non-residential use and that merely reducing some of the retail parking spaces would mitigate the impact to a less than significant level, are



# 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  
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DEC 05 2018

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

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

## 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



# Laurel Heights Improvement Association of San Francisco, Inc.

November 27, 2018

By E-Mail to: [Commissions.secretary@sfgov.org](mailto:Commissions.secretary@sfgov.org) and  
[tim.frye@sfgov.org](mailto:tim.frye@sfgov.org) and [allison.vanderslice@sfgov.org](mailto:allison.vanderslice@sfgov.org)

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

Dear President Wolfram and Commissioners:

Re: 3333 California Street, Draft Environmental Impact Report  
SF Planning Department Case No: 2015-014028ENV  
Hearing Date: December 5, 2018

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CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
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## INTRODUCTION

There are two new Full Preservation Alternatives which are feasible.

This Commission should support the Neighborhood Full Preservation Alternative because such an alternative is feasible and would avoid substantial adverse changes in character-defining features of the historically significant resource. This Alternative would include the same number of housing units as the proposed project (558 units) and the project variant (744 units). This Commission should request that the Draft EIR (DEIR) be revised to substitute the Neighborhood 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.

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. NEIGHBORHOOD FULL PRESERVATION ALTERNATIVE



# *Laurel Heights Improvement Association of San Francisco, Inc.*

BY HAND

August 28, 2019

President Myrna Melgar and Commissioners  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

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AUG 28 2019

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028CUA/PCA/MAP/DUA  
Certification of Final EIR  
Planning Commission Hearing: September 5, 2019

**1. The Community Preservation Lookalike Variant is Feasible as Mitigation and Would Achieve 744 Housing Units, Including Senior Affordable Housing, While Mitigating Significant Adverse Impacts on the Historically Significant Main Building and Integrated Landscaping, and Other Alternatives Are Feasible.**

Although we object to the developer's plan, if the Commission is inclined to consider it, we request that the Commission order that it be modified as follows in order to mitigate the project/variant's significant adverse impact upon the historically significant resource. The Community Preservation Lookalike Variant (Ex. A hereto) basically uses the developer's site plan with the following modifications:

Removes approximately 30 feet from the south side of the Euclid building to preserve green space

Removes 2 Laurel townhomes toward the top of Laurel Street to preserve the green space

Reduces the height of the five remaining Laurel townhomes from 40 to 30 feet with a 15-foot set back on the third level, to conform with the scale of the homes across the street on Laurel (Ex. B, photo of 20-foot tall homes on Laurel)

Constructs a ground-level passageway through the main building (aligned with Walnut Street) under a Light Court to avoid cutting a 40-foot pathway all the way through the main building

Constructs a set-back, one-level addition to the top of the main building, to conform with the Secretary of Interior's Standards for the Treatment of Historic Properties



# *Laurel Heights Improvement Association of San Francisco, Inc.*

BY HAND

September 5, 2019

President Myrna Melgar and Commissioners  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028CUA/PCA/MAP/DUA  
Certification of Final EIR, CU  
Planning Commission Hearing: September 5, 2019

**1. The EIR Failed to Identify and Describe Feasible Mitigation Measures that Would Reduce or Avoid the Proposed Project's Significant Adverse Impact on the Historical Resource.**

The EIR is defective because it failed to identify and describe modifications to the proposed site plan that would reduce or avoid the proposed project's significant adverse impact on the historical resource. Such modifications would avoid building on the historic green space and landscaping and would avoid cutting a 40-foot wide pathway all the way through the main building, and instead cut a ground-level pathway with a Light Court above, and construct only a one-level addition on top of the main building. Such modifications were proposed as mitigation in LHIA's August 28, 2019 submission to the Planning Commission.

Under the Street Design Advisory Team request, a ground -level portal through Building A is feasible and need not be a straight axial pathway:

SDAT requests a clear, primary east-west connection [sic] allows and encourages the public to traverse the site from Mayfair to the intersection of Presidio and Pine. The entirety of the path should be accessible to all users...

SDAT requests a single, clear, and primary north-south connection that both allows and encourages members of the public to traverse the site along the Walnut alignment, connecting to the intersection of Masonic and Euclid. This north/south pathway may meander through the site and doesn't need to be a straight axial pathway. Consider accomodating [sic] a portal through building A to support north-south public access. The entirety of the pathway should be accessible to all users. The major N-S should be clearly legible.... (Ex. FF)



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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**

**CITY & COUNTY OF S.F.**  
DEPT. OF CITY PLANNING  
RECEPTION

Re: 3333 California Street, Mixed-Use Project  
Initial Study: Case No. 2015-014028ENV

These preliminary comments are submitted as to the Initial Study but are not required by June 8, 2018, because the Planning Department has confirmed that the City will not issue a negative declaration after the public comment period on the Initial Study and the City will prepare an Environmental Impact Report (EIR) under the California Environmental Quality Act, Public Resources Code sections 21000 *et seq.* (CEQA) as to this proposed project. The EIR on the project has not yet been released, and under applicable law, comments on the potentially significant environmental impacts and other analyses required by CEQA are not due until the end of the public review period on the draft EIR or hearing held by the decisionmaker on the proposed project. Ex. A, e-mails dated March 22 and 28, 2018 with Planning Department.

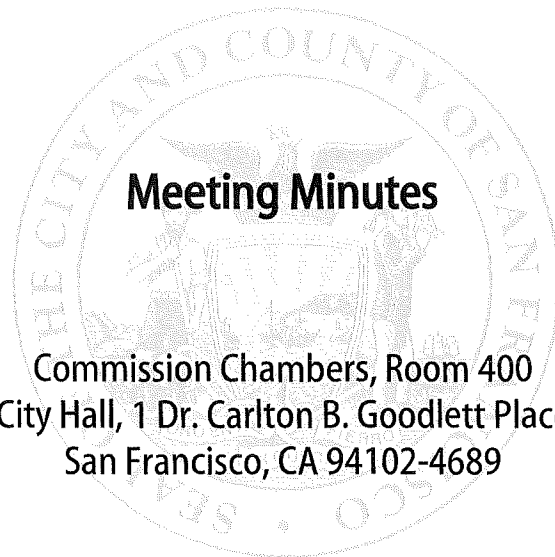
Also, the Initial Study ("IS") does not provide the complete CEQA analyses of significant impacts on traffic, air quality, noise and historical resources, and those analyses may contain information pertinent to the IS's evaluations of impacts the City proposes to treat as not significant under CEQA. Based on the additional information provided in the Draft EIR, comments as to significant impacts and nonsignificant impacts may be provided after the Draft EIR is released.

In addition, pertinent information is missing from the Initial Study, and complete copies of all the reference materials cited in the Initial Study were not provided as of June 4, 2018. Further, the Initial Study is incomplete, inaccurate and/or inadequate to support determinations that certain impacts of the proposed project would not be significant. Under CEQA Guidelines section 15063(d)(3), an Initial Study must include sufficient information to support its conclusions, but the IS does not include such sufficient information.

### **Governing Principles**

It is important to recognize that a significant effect on the environment is defined in CEQA as a substantial or potentially substantial adverse change in the environment. Public Resources Code

# SAN FRANCISCO PLANNING COMMISSION



## Meeting Minutes

Commission Chambers, Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**Thursday, September 5, 2019**  
**1:00 p.m.**  
**Regular Meeting**

**COMMISSIONERS PRESENT:** Fung, Hillis, Johnson, Koppel, Melgar, Moore, Richards

**THE MEETING WAS CALLED TO ORDER BY VICE PRESIDENT KOPPEL AT 1:09 PM**

**STAFF IN ATTENDANCE:** Jon Francis, David Winslow, Nick Foster, Kei Zushi, John Rahaim – Planning Director, Jonas P. Ionin – Commission Secretary

**SPEAKER KEY:**

- + indicates a speaker in support of an item;
- indicates a speaker in opposition to an item; and
- = indicates a neutral speaker or a speaker who did not indicate support or opposition.

**A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE**

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2017-008431DRP (K. PHUNG: (415) 558-6373)  
2220 TURK BOULEVARD – near the corner of Nido Avenue; Lot 032 in Assessor's Block 1112 (District 2) – Request for **Discretionary Review** of Building Permit Application No. 2017.0612.9029 for the addition of three Accessory Dwelling Units within the existing building within a RH-2 (Residential House, Two Family) Zoning District and 30-X Height and Bulk District. The project originally proposed five ADUs, two of which did not require a Variance. The Zoning Administrator held public hearings on December 6, 2017 and on January 17, 2018 for a Variance request to the exposure requirements for three proposed

ACTION: Took DR and Disapproved the BPA  
 AYES: Fung, Johnson, Koppel, Melgar, Moore, Richards  
 ABSENT: Hillis  
 DRA: 0661

**G. 3:00 P.M.**

Items listed here may not be considered prior to the time indicated above. It is provided as a courtesy to limit unnecessary wait times. Generally, the Commission adheres to the order of the Agenda. Therefore, the following item(s) will be considered at or after the time indicated.

11. 2015-014028ENV (K. ZUSHI: (415) 575-9038)  
3333 CALIFORNIA STREET (AKA 3333 CALIFORNIA STREET MIXED-USE PROJECT) – south side of California Street, west side of Presidio Avenue, north side of Masonic and Euclid Avenues, and east side of Laurel Street, Lot 003 in Assessor's Block 1032 (District 2) – Certification of the **Final Environmental Impact Report**. The EIR evaluated four scenarios including a base project and variant and a revised base project and revised variant. The proposed project includes converting the existing office building into two residential buildings with up to three stories added, constructing 13 additional buildings onsite, ranging from 4-story duplex townhouses to 6-story apartment buildings, creating a total of 744 dwelling units (including 185 on site affordable senior dwelling units and 1 manager's unit), 34,496 square feet of non-residential uses along California Street, below-grade parking garages with 857 parking spaces, and a 14,665 gross square-foot child care facility. The project site is located within a RM-1 (Residential-Mixed, Low Density) Zoning District and 40-X Height and Bulk District.

**Please Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on January 8, 2019. Public comment will be received when the item is called during the hearing. However, comments submitted may not be included in the Final EIR.**

*Preliminary Recommendation: Certify*

SPEAKERS: = Nick Foster – Staff report  
 = Kei Zushi – Staff report  
 + Leigh Lutenski – OEWD presentation  
 + Dan Saphir – Project presentation  
 + Emily Gosack – Design presentation  
 - Kathy Devincenzi – Secretary of Interior Standards  
 + Speaker – Disproportionate percent of income toward housing  
 + Marcy Glazer – Support  
 + Charles Ferguson – Support  
 - Speaker – Construction  
 - Kelly Roberson – Community alternative  
 - Speaker – Community alternatives  
 - Judy Doane – 30-day extension  
 - Anne Harvey – Community alternative  
 + Laura Foote – Maximize housing, community plan  
 + Sarah Brett-Schwartz – Support  
 + Madeline Hill – Support  
 - Nancy Goldenberg – Community alternative  
 + Speaker – Love story

- + Molly Alarcon – Support
- Patricia Vaughey – Opposition
- Speaker – Opposition
- Paul Wiles – Opposition
- + Lee Bishop – Housing problem
- + Mark Bernstein – Balance competing interest
- + Sumara Cisneros – Housing crisis, family friendly
- + Ron Miguel – Support
- Peter Wong – Homelessness, cost of living, loss of public resources
- + Gabe Citron – Support
- + Speaker – Support
- + Stewart Aranoff – Support
- + Greg Scott – Support
- + Carla Hassegen – Support
- + Will Hollerin – Support
- Michelle Ewald – Community plan
- = David Goldman – Flexible retail, construction
- Barbara Corsin – 30-day extension
- Christina Ortega-Norris – Community alternative
- Barbara Brenner – Community alternative
- Don Gillson – Community alternative
- + Gabrielle Hagne – Support
- Wendy Stoval – Livability
- + Michael Chen – Support
- + Jane Natoli – Support
- Adam McDunough – Community alternative
- + Caroline Bosch – Support
- + Lynne Segway – Support
- + Jake Shimano – Support
- + Bob Atkinson – Support
- = Kathy Peck – 30-day continuance
- Eileen Boken – Community alternative
- Speaker – Community alternative
- = Larry Mathews – Residential only
- Herbert Weiner – 30-day extension
- + Sheila – NIMBYism
- + Melanie Stein – Support
- + Maryanne Massemberg – Support, except parking
- + Leonard Desoko – Union support
- + Javier Flores – Union support
- + Bill Hudson – Support
- + Barbara Gualco – Mercy Housing response to questions

ACTION: Certified

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

RESOLUTION: 20512

- 12a. 2015-014028ENV (N. FOSTER: (415) 575-9167)  
3333 CALIFORNIA STREET (AKA 3333 CALIFORNIA STREET MIXED-USE PROJECT) – south  
 side of California Street, west side of Presidio Avenue, north side of Masonic and Euclid

Avenues, and east side of Laurel Street, Lot 003 in Assessor's Block 1032 (District 2) – Request for **Adoption of Findings and Statement of Overriding Considerations** under the California Environmental Quality Act (CEQA). The proposed project ("Project") includes converting an existing office building into two residential buildings with up to three stories added to each, constructing 13 additional new buildings, ranging from 4-story duplex townhouses to 6-story apartment buildings, creating a total of 744 dwelling units (including 185 on site affordable senior dwelling units), 34,496 square feet of non-residential uses along California Street, below-grade parking garages with space for 857 parking spaces, a 14,665 gross square-foot child care facility, 41,288 square feet of private open space, and 127,126 square feet of privately owned, publicly accessible open space that will include public pathways through the site and an existing open space at Euclid Avenue. The project site is currently located within a RM-1 (Residential-Mixed, Low Density) Zoning District and 40-X Height and Bulk District.

*Preliminary Recommendation: Adopt Findings and Statement of Overriding Considerations*

SPEAKERS: Same as item 11.  
 ACTION: Adopted Findings and Statement of Overriding Considerations  
 AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore  
 NAYS: Richards  
 MOTION: 20513

- 12b. 2015-014028PCAMAP (N. FOSTER: (415) 575-9167)  
3333 CALIFORNIA STREET (AKA 3333 CALIFORNIA STREET MIXED-USE PROJECT) – south side of California Street, west side of Presidio Avenue, north side of Masonic and Euclid Avenues, and east side of Laurel Street, Lot 003 in Assessor's Block 1032 (District 2) – Request for **Planning Code and Zoning Map Amendments**. Ordinance introduced by Supervisor Catherine Stefani to amend the Planning Code to add Section 249.86 to create the 3333 California Street Special Use District (SUD). The purpose of the SUD is to facilitate the development of a mixed-use project in a transit-rich location with residential, non-residential, child care, open space, and related uses, and to give effect to the Development Agreement for the 3333 California Street Mixed-Use Project. The Ordinance would specify development controls that apply to the SUD, allowing additional (non-residential) permitted uses along California Street; specifying parking for childcare use, affordable housing, and open space requirements; specifying director determination and discretionary review controls; and extinguishing City Planning Commission Resolution 4109. The Ordinance would also amend Zoning Maps SU03 and HT03, reclassifying the height and bulk designation of the site from 40-X to 40-X, 45-X, 67-X, 80-X, and 92-X. The proposed amendments will be before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

*Preliminary Recommendation: Approve*

SPEAKERS: Same as item 11.  
 ACTION: Approved  
 AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore, Richards  
 RESOLUTION: 20514

- 12c. 2015-014028DVA (N. FOSTER: (415) 575-9167)  
3333 CALIFORNIA STREET (AKA 3333 CALIFORNIA STREET MIXED-USE PROJECT) – south side of California Street, west side of Presidio Avenue, north side of Masonic and Euclid

Avenues, and east side of Laurel Street, Lot 003 in Assessor's Block 1032 (District 2) – Request for Approval of a **Development Agreement** between the City and County of San Francisco and Laurel Heights Partners, LLC, for the development of the 3333 California Street Mixed-Use Project, with various public benefits, including 25% affordable housing, a child care center comprised of approximately 14,690 square feet, and approximately 4.47 acres of open space; approving certain development impact fees for the Project and waiving certain Planning Code fees and requirements; and confirming compliance with or waiving certain provisions of Administrative Code, Chapter 56, and ratifying certain actions taken in connection therewith. Pursuant to San Francisco Administrative Code Section 56.4(c), the Director of Planning has received and accepted a complete application for the amendment of the above-mentioned development agreement which is available for review by the public at the Planning Department in Planning Department Case File No. 2015-014028DVA.

*Preliminary Recommendation: Adopt a Recommendation for Approval*

SPEAKERS: Same as item 11.

ACTION: Adopted a Recommendation for Approval

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

RESOLUTION: 20515

- 12d. 2015-014028CUA (N. FOSTER: (415) 575-9167)  
3333 CALIFORNIA STREET (AKA 3333 CALIFORNIA STREET MIXED-USE PROJECT) – south side of California Street, west side of Presidio Avenue, north side of Masonic and Euclid Avenues, and east side of Laurel Street, Lot 003 in Assessor's Block 1032 (District 2) – Request for **Conditional Use Authorization** pursuant to Planning Code Sections 253, 303, and 304 to allow structures to exceed 40 feet in a RM Zoning District; for a change of use for an existing child care facility (to be replaced at a different location on the project site); and to allow a Planned Unit Development (PUD) with the requested modifications from the requirements of the Planning Code. The proposed project includes converting an existing office building into two residential buildings with up to three stories added to each, constructing 13 additional new buildings, ranging from 4-story duplex townhouses to 6-story apartment buildings, creating a total of 744 dwelling units (including 185 on site affordable senior dwelling units and 1 manager's unit), 34,496 square feet of non-residential uses along California Street, below-grade parking garages with space for 857 parking spaces, a 14,665 gross square-foot child care facility, 41,270 square feet of private-and common-open space, and 125,226 square feet of privately-owned, publicly-accessible open space that will include public pathways through the site and an existing open space at Euclid Avenue. The project site is currently located within a RM-1 (Residential-Mixed, Low Density) Zoning District and 40-X Height and Bulk District.

*Preliminary Recommendation: Approve with Conditions*

SPEAKERS: Same as item 11.

ACTION: Approved with Conditions as amended by Staff

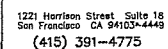
AYES: Fung, Hillis, Johnson, Koppel, Melgar, Moore, Richards

MOTION: 20516

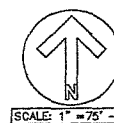
ADJOURNMENT 7:17 PM

ADOPTED SEPTEMBER 19, 2019

## **EXHIBIT B**



San Francisco, CA



5295725

JOB NO:	DATE: 190314
10320003	DRAWN: DC
	CHECKED: DC

300 FOOT  
RADIUS MAP

The information contained herein has been obtained from sources that we deemed reliable and current at the time of preparation. We have no reason to doubt its accuracy but we do not guarantee it.



## **EXHIBIT C**

**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 D**

**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 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 structure with an open character. The Service Building is a brick building with a closed character. The Office Building is an International Style structure 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.

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## Narrative Description

### Section 7 - Table of Contents

SETTING.....	6
BUILDINGS.....	6
Office Building .....	7
Plan .....	7
Structure, Materials, and Mechanical Systems.....	9
Architecture .....	10
Service Building .....	10
LANDSCAPE.....	11
Landscape Features Associated with the Mid-1950s Design .....	11
Brick Wall.....	11
Parking Lots and Internal Circulation.....	11
Topography in Relationship to the Spatial Organization and Function of the Site .....	12
Major Vegetation Features .....	12
Entrance Court .....	12
Terrace .....	13
Landscape Features Associated with the Mid-1960s Design .....	13
INTEGRITY .....	14
Buildings.....	15
Landscape .....	16
Combined Buildings and Landscape .....	18

Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

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 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 owner and 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

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.

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).



Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

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.

Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

Another addition was made under this permit to the Service Building. This was small rectangular structure 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. According to the San Francisco Chronicle, this move was necessary because, "Height limitations prevented adding to the existing building."<sup>14</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**

Prior to construction, debris from the cemetery was cleared, taking care to leave several large trees which would be used in the 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

<sup>14</sup> San Francisco Chronicle, "Massive New Data Center," 30 May 1975.

Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

arrangement of the parking, internal roads, and outdoor spaces.<sup>15</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 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>16</sup>

Eckbo considered the Fireman's Fund site to be an example of this approach and included a description, site plan, and nine photographs as one of the five projects he used to illustrate these principals for 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>17</sup> An extensive article on the new

<sup>15</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 an article in the *San Francisco Sunday Examiner and Chronicle* (30 November 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*. 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) in other parts of the book 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.

<sup>16</sup> Eckbo, *Urban Landscape Design*, 45.

<sup>17</sup> *Architect and Engineer*, "Ten Years of Building and Engineering Construction," 12.

Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

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>18</sup> Eckbo made a similar point (“ . . . leaving the major portion of the site for gardens”) in his description in *Urban Landscape Design*.<sup>19</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>20</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.

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>21</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,

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<sup>18</sup> *Architect and Engineer*, “New Fireman’s Fund Building,” 17.

<sup>19</sup> Eckbo, *Urban Landscape Design*, 47.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*, 48.

Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

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. Mozingo, 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>102</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 Mozingo 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 listening to birds instead of honking taxis."<sup>103</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>104</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>105</sup> Mozingo noted that corporations "considered the designed landscape essential to the functioning of their management

<sup>102</sup> Mozingo, *Campus, Estate, and Park*, 258.

<sup>103</sup> Mozingo, *The Corporate Estate*, 28.

<sup>104</sup> *Ibid.*, 34.

<sup>105</sup> *Ibid.*, 44.

## **EXHIBIT E**

## STATEMENT OF RICHARD FRISBIE

The following are clarifications or modifications to the Community Preservation Lookalike Variant and Community Full Preservation Alternative Variant 2 that LHIA previously submitted with its August 28, 2019 letter to the Planning Commission:

### **Community Preservation Lookalike Variant**

On page 2 of the discussion of the Community Preservation Lookalike Variant, paragraph 3 pertains only to excavation for garages.

On page 3 of the discussion of the Community Preservation Lookalike Variant, the terms “middle-income families” are changed to “seniors”.

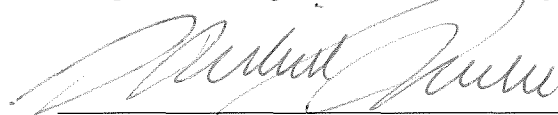
On page 4 of the discussion of the Community Preservation Lookalike Variant, the terms “the CFPV 2 would excavate only under the existing parking lots along California Street” is changed to “for garages, the CFPV 2 would excavate only under the existing parking lots along California Street.” Following this sentence, the following new sentence shall be included: “In the CFPV2, the Euclid building and the pathway along the Walnut Walk would be constructed at the same elevation as the developer’s plan, as shown in Figure 4.”

### **Community Full Preservation Alternative Variant 2**

On page 12 of the Community Full Preservation Alternative Variant 2, the terms “a ground level 15 ft high (Level 1) by 20 ft. wide entry/exit” are changed to “a new passageway through the first floor of the main building or higher portions of the main building if needed to accommodate the slope of the property.”

On page 9, the terms “ground level Walnut Passage” are changed to “Walnut Passage.”

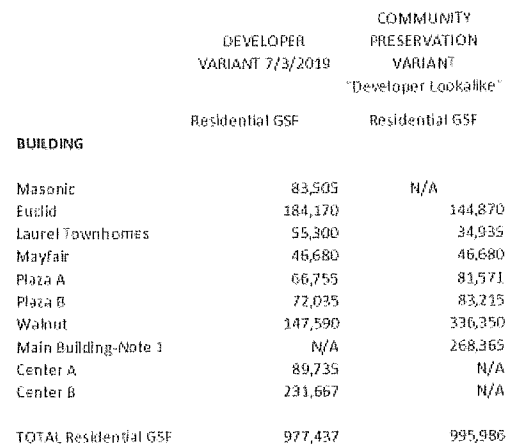
DATED: October 6, 2019

  
Richard Frisbie

## OVERVIEW

The Community Preservation Lookalike Variant utilizes approximately 90 percent of the developers' proposed buildings, designs and locations as can be seen below.

Figure 4: Community Preservation Lookalike Variant





The major differences are that the Community Preservation Lookalike Variant:

1. Would preserve the key Historic defining characteristics of the site as noted above.
2. Would create an All-Residential development with the retention of the existing café, childcare facility and office space in the Main Building noted below.
3. Would excavate only for a single, approximately two underground parking garage whereas the developer proposes to excavate for four new under-ground parking garages spread across the site, some consisting of three levels.
4. Would eliminate the Masonic Building to preserve the Historic Eckbo Terrace and also to provide a location for the childcare play area in sunlight as opposed to being placed in the heavily shadowed area alongside the Credit Union, as proposed in the developer's plan.
5. Would make modifications to the Euclid Building by removing approximately 30 ft. from the southside of the proposed building to move it off the historically significant green space.
6. Would eliminate two Laurel St. Townhomes from Euclid Green in order to fully preserve the historically significant green space at the top of Laurel Hill.

For a summary of changes that the Community Preservation Lookalike Variant would implement see "Summary of Building Changes" at the end of the document.

Furthermore, the Community Preservation Lookalike Variant would:

(1) convert the interior of the main building to residential use while retaining the existing 1,500 gs cafe, 11,500 gsf childcare center, and 5,000 gsf of the existing office space (at the developer's option, this existing office space could be converted to residential use),

(2) construct three new residential buildings (the Plaza A, Plaza B and Walnut) along

California Street where parking lots are now located; the new Mayfair Building near the intersection of Mayfair Drive and Laurel; five new townhomes along Laurel St; and the new Euclid Building along Euclid Avenue;

(3) provide housing units affordable to and sized for middle-income families, with additional on-site affordable housing as determined by the Board of Supervisors,

(4) require all freight loading and unloading to be conducted in the underground freight loading areas accessed from Presidio Ave. and Mayfair Ave.

(5) require 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, Laurel Hill greenspace and existing landscaped green spaces along Presidio Avenue, all of which would be designated as community benefits in the development agreement,

(7) maintain public vistas of the downtown and Golden Gate Bridge and the historically significant main building and integrated landscaping.

(9) provide units in the Walnut Building for senior housing.

(9) the Community Preservation Lookalike Variant would use all the space for residential use and would not rezone the site for approximately 34,496 gsf of retail uses as the developer proposes.

**THE COMMUNITY PRESERVATION LOOKALIKE VARIANT WOULD PROVIDE THE SAME AMOUNT OF NEW HOUSING UNITS IN LESS THAN FOUR YEARS WITHOUT ADVERSELY IMPACTING A HISTORICALLY SIGNIFICANT RESOURCE.**

The Community Preservation Lookalike Variant would preserve all the key 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.

The Community Preservation Lookalike Variant would have the same number of residential units as the developer's proposed variant (744 units) and would be constructed in less than four years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed, to the greatest extent feasible pursuant to staging.

The Community Preservation Lookalike Variant would entail far less excavation, as it would have approximately two levels of parking in a single new underground garage. In contrast, the developer's variant proposes to construct four new underground parking garages, to provide a total of 873 parking spaces. The CFPV 2 would excavate only under the existing parking lots along California St.- the easiest, least disruptive, quickest most efficient excavation- whereas the developer would carry out major excavation in all quadrants of the site including major excavations on Masonic, on Euclid including the excavation of major portions of Laurel Hill as well as under the parking lots along California St.

The Community Preservation Lookalike Variant would preserve the existing Eckbo Terrace and the green landscaped areas along Euclid and Presidio Avenues as well as partly along Laurel Street. The existing Eckbo Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public. The new ground level Walnut Passage will run

through the first floor of the main building, opening up into a larger landscaped Center Court mid-building, and lead onto the Walnut Walk alongside Eckbo Terrace and thence onto Masonic Avenue and would be open to the public and marked with signage identifying it as a public thoroughway.

The character-defining features of the existing main building that the Community Preservation Lookalike Variant would retain include all of the following:

- Plan of the building open along Eckbo Terrace and to views of the distant city.

- Horizontality of massing.

- Horizontal lines of projecting edges of concrete floors.

- Horizontal bands of nearly identical compatible window units.

- Uninterrupted glass walls.

- Brick accents and trim

- Wrought iron deck railings that match gates in landscaping.

The character-defining features of the existing landscape that the Community Preservation Lookalike Variant would preserve 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 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 the three circular tree beds constructed of modular sections of concrete.

All passenger loading, pick-ups and drop-offs are proposed to be internal to the site, and turnarounds will be provided in front of the main building. All freight loading and unloading is proposed to be conducted in the underground freight loading areas accessed from Presidio Avenue and Mayfair.

In the Community Preservation Lookalike Variant, the Masonic Building and two Laurel Townhomes are eliminated and the Walnut building re-designed. The Euclid building, reduced in size to preserve the Euclid Green area, the remaining five Laurel Townhomes, the Mayfair building, Plaza A and Plaza B utilize the developer's footprint and architectural design throughout. The Main Building utilizes Levels 1-4 of the developer's architectural design and adds one setback story at Level 5 consistent with the Secretary of the Interior Standards for the treatment of historic properties, thereby retaining the historic characteristics of the main building and integrated landscaping. Contrary to the developer, the Community Preservation Lookalike Variant does not sever the Main Building with a full height 40 ft gap, thereby creating two separate structures.

As noted previously, the Community Preservation Lookalike Variant creates a ground-level Walnut Passage while fully retaining the historic characteristics of the building.

The Main building, Walnut, Plaza A and Plaza B will have direct access to the underground parking garage. The Laurel Townhomes have their own organic parking. For the Mayfair and Euclid Buildings, parking will be provided in the new underground parking garage constructed under the California Street Front and Back Buildings.

Truck loading and unloading for the buildings along California St. as well as the Main and Mayfair buildings would occur in the underground garage accessed from Presidio Avenue and Mayfair Avenue.

## **SUMMARY OF BUILDING CHANGES**

The Community Preservation Lookalike Variant generally utilizes the developer's footprint and architectural design, unit configuration layouts, sizes, etc. except for the Masonic Building (which is not constructed) and the expanded Walnut Building.

The Community Preservation Lookalike Variant preserves both the historic Eckbo Terrace and the existing green spaces along Euclid and Masonic Avenues (by eliminating the Masonic Building) and partly along Laurel Street.

To this day, these green spaces are used by families, friends, children, moon-watchers, etc. The historically green space is preserved by modifying the south side of the Euclid Building (removing 30 ft.) and eliminating two Laurel St. townhomes at the top of Laurel St. as noted above.

## Analysis of Buildings:

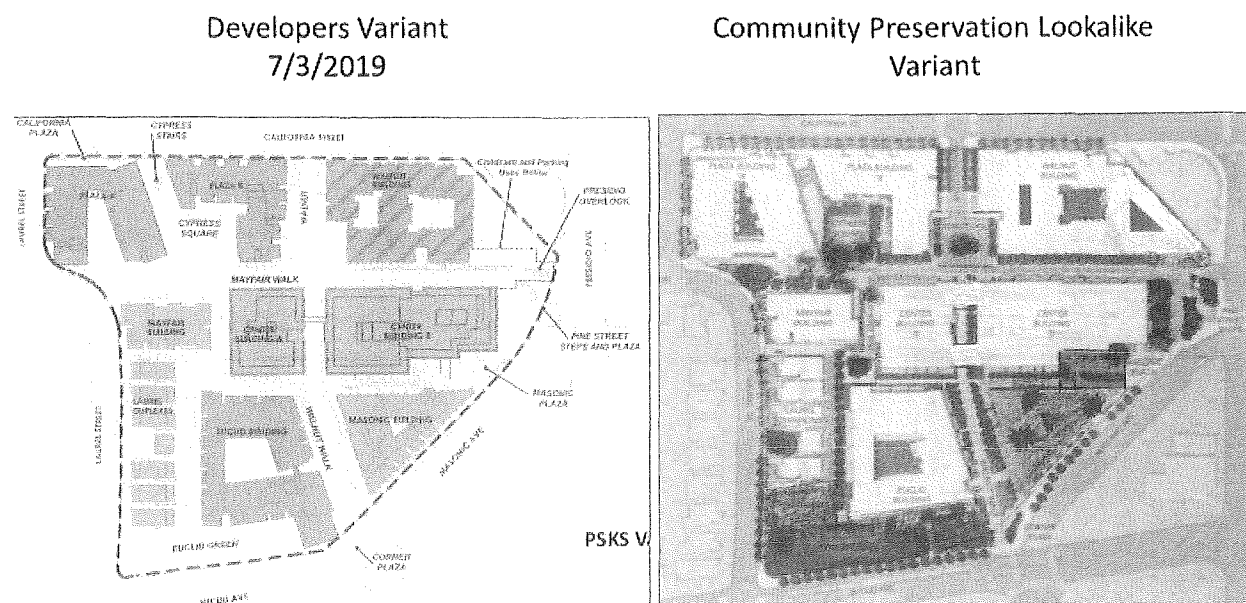


Figure 3

As can be seen from the layout above the Community Preservation Lookalike Variant generally mirrors the developers proposed building plans. The primary differences are the elimination of the Masonic Building, modifications to the Euclid Building and redesign of the Walnut Building.

All retail has been converted into residential gsf and affected building heights reduced appropriately.

As shown above, the Community Preservation Lookalike Variant produces an additional 20,000 residential gsf over and above that produced by the developers.

**Masonic Building:** Eliminated.

**Euclid Building:** Identical to developers' submission of 07.03.2019 with the following modification to preserve Laurel Hill greenspace. The south side of the building is cut back approximately 30 ft. (loss of

approximately 35,000gsf). Additionally, the remaining top floor units on the south side are set back 15 ft. to moderate the bulk and intensity of the Euclid Avenue appearance (loss of approximately 4,000gsf). It should be noted that the Euclid Building can be expanded on the east side by approximately 25 ft. along the entire 256 ft (ref. Dwg.A8.01 from submission) by aligning Walnut Walk with Eckbo Terrace which would more than offset the space eliminated by the modification to the south side noted above.

**This potential expansion has not been accounted for in the Community's plan.**

No underground parking garage.

References: A8.01(modified as noted above), .02(same comment), A8.03(same comment), A8.04(same comment), A8.05(same comment), A8.06(same comment), A8.11(same comment), A8.12, A8.21(same comment), A8.22, A8.23(same comment), A8.24(same comment), A8.25(same comment), A8.30, A8.41.

**Laurel Townhomes:** Generally identical to developer's submission of 07.03.2019 modified to reduce height to 30 ft. and set top floor back 15 ft.

Reference A10.01(two southernmost duplexes eliminated to preserve Historic green space), A10.02(same comment), A10.03, A10.11(modified for height, setback and elimination of Duple 01 & 02), A10.12(same comment), A10.13(same comment), A10.21(same comment), A10.23(same comment), A10.24(same comment), A10.25(same comment).

As noted previously the two townhomes at the top of Laurel St. have been eliminated to preserve the green space. The height of the five remaining townhomes is lowered from 40 ft. to 30 ft. to be compatible with the 20 ft. homes on the west side of the Laurel St. block. Additionally, the third floor is set back 15 ft.



**Mayfair Building:** Generally identical to developer's 07/03/2019 submission: predominant references A9.01, A9.02, A9.03, A9.04, A9.11, A9.12, A9.21, A9.22, A9.30, A9.60 .

No underground parking garage.

**Plaza A:** Generally identical to developer's submission of 07.03.2019: references A2.00, A2.01, A2.02, A2.21(modified for the parking design), A2.22(same note on parking), A2.30, A2.41.

All retail gsf is converted to residential. As a result, the height of the building is lowered from 45 ft. to 40 ft., which allows it to comply with the existing height limit.

**Plaza B:** Same comments as to Plaza A above. Developer's submission of 07.03.2019: references A3.00(retail converted to residential), A3.01, A3.02, A3.03, A3.21(modified for the parking design), A3.22(same comment on parking), A3.24(retail converted to residential; building height adjusted accordingly), A3.25, A3.41, A3.42.

**Walnut Building:** The enhanced Walnut Building is re-designed to provide a 7-story residential building. As this building is flanked by the Main Building and the Credit Union and is opposite the approximately 65 ft. tall JCC, it is compatible with the character of its surroundings. The 48,050 square foot net footprint was determined from dimensions in Submittals of 03.06.2017 & 07.03.2019: references VAR 13, 14, 19.

General dimensions: Southside east-west 305ft; Northside east-west 240ft; North-south : 175ft.;

Triangle at Credit Union: 155ft. base, 175ft. height. Adjusted for light-courts and setbacks.

**Main Building/Center A&B:** Use the developer's unit configurations and sizes from 03/03/2019:

predominant references A6.02, A6.03, A6.04, A6.05, A6.06, A6.07, A6.08, A6.09, A6.19(modified for Walnut Passage; no Levels 6 and 7), A6.21(modified for Walnut Passage; no levels 6 and 7), A6.22(no Levels 6 and 7), A6.30, A6.46(no Levels 6 and 7).

The Community Preservation Lookalike Variant, unlike the developer's, preserves the historic characteristics of the building and fully complies with the Secretary of the Interior's Standards for the treatment of historic properties.

The Draft EIR acknowledges that the developer's design would have a substantial adverse effect on the historic characteristics of the listed building and landscaping.

The developer proposes to cut a 40 ft. gap through all levels of the main building, thereby creating two separate structures and adding 2 and 3 new levels on top, thereby impairing the horizontality of the building.

The Community Preservation Lookalike Variant, in accordance with the SOISs, adds one set back level, Level 5, to the main building. As noted above, the developer would add Level 5, Level 6 and Level 7.

**Walnut Passage:** In order for the developer to create the 40 ft. wide Walnut Walk which would connect the north and south sides of the property in alignment with Walnut St., the developer proposes to bifurcate the building with a 40 ft cut through all existing levels of the building.

**There is a better solution.**

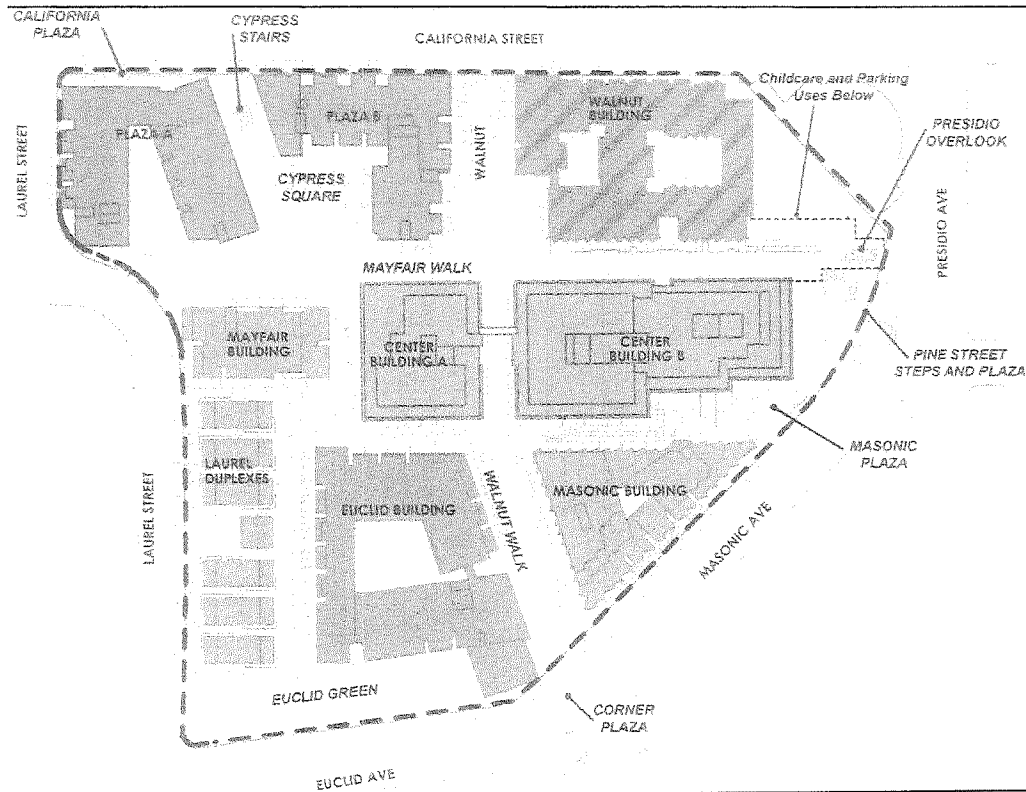
The Community Preservation Lookalike Variant design calls for a ground level 15 ft high (Level 1) by 20 ft. wide entry/exit on the north and south sides of the building. This entry/exit would extend 35 ft. into the building where it would open up into a 35 ft. wide by 75 ft. long landscaped Center Court which also serves as a Light Court in the building. This design fully maintains the historic characteristics of the Main

building while at the same time meeting the developer's desire in alignment with Walnut Street for connectivity.

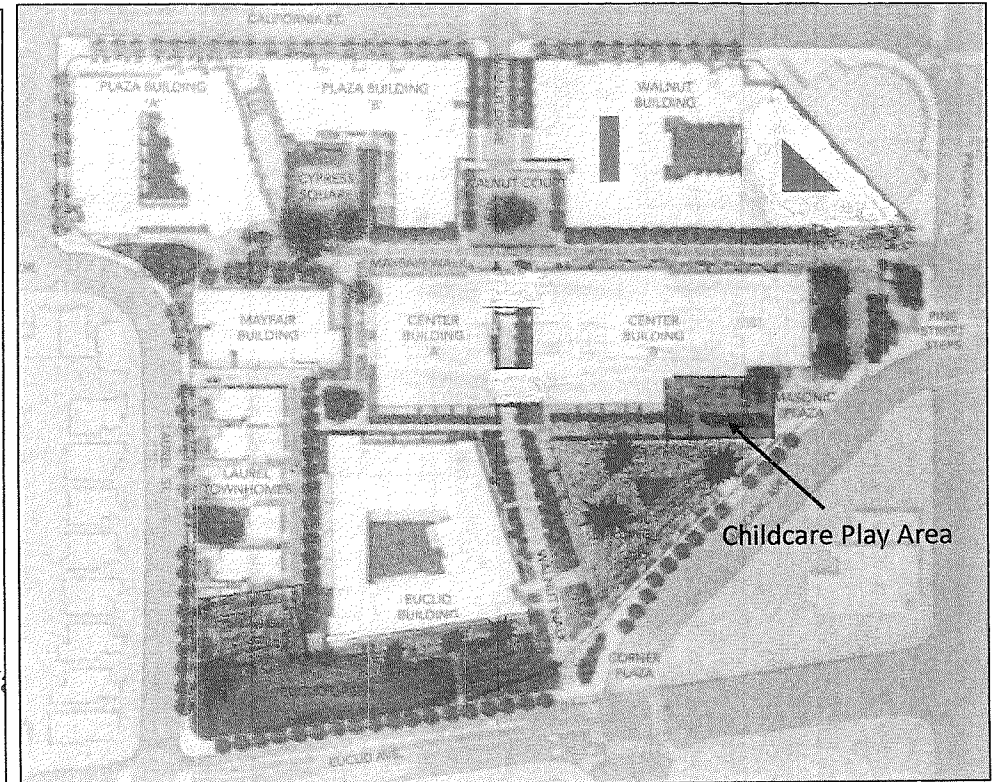
**A case of form follows function.**

**Summary:** Same number of units(744) in less than 4 years, more residential gsf than the developer's proposal, compliant with RM-1 zoning , historically compatible, neighborhood responsive.

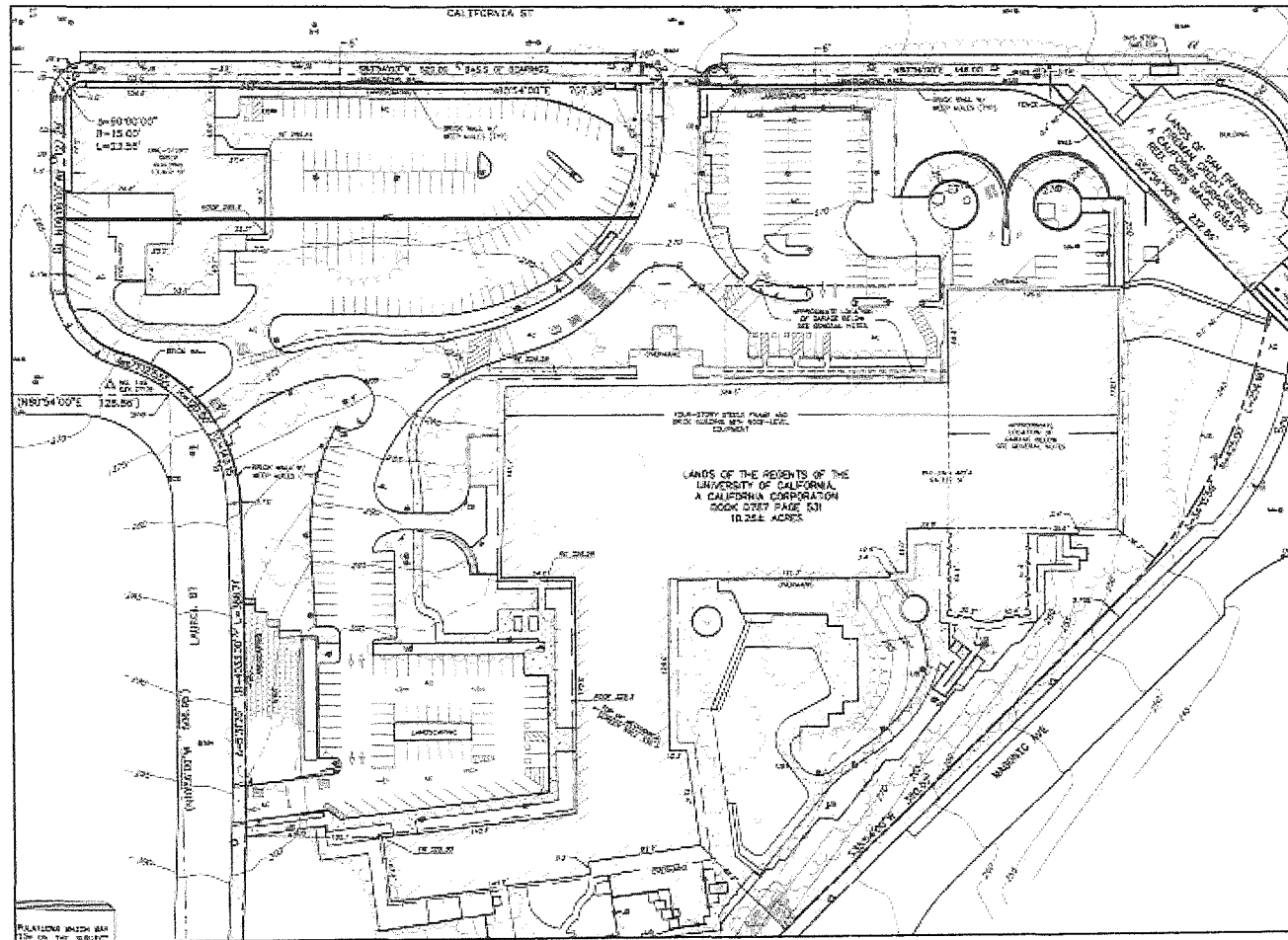
## Developers Variant 7/3/2019



## Community Preservation Lookalike Variant



## 3333 California "As Is" Site Topography & Layout



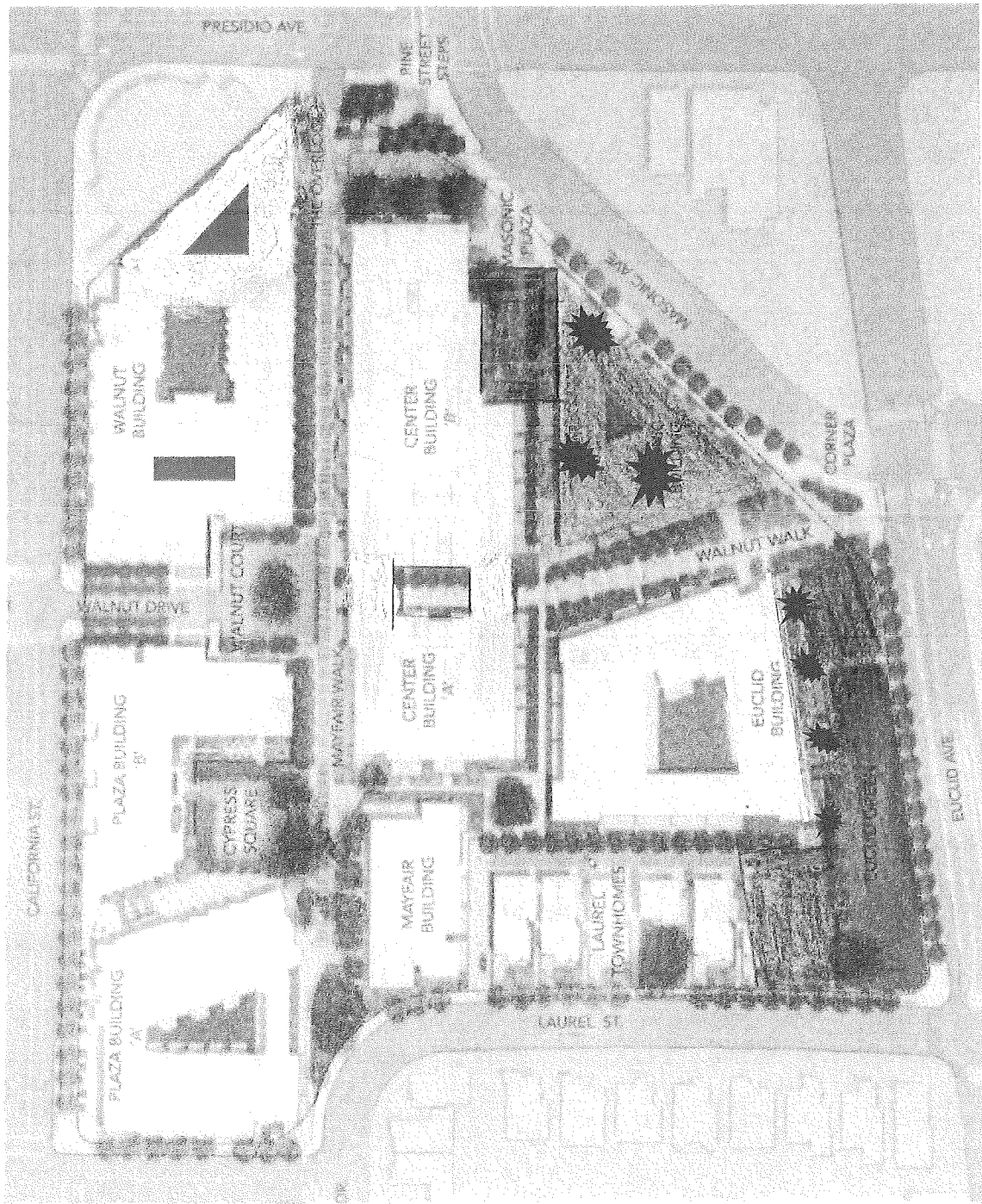
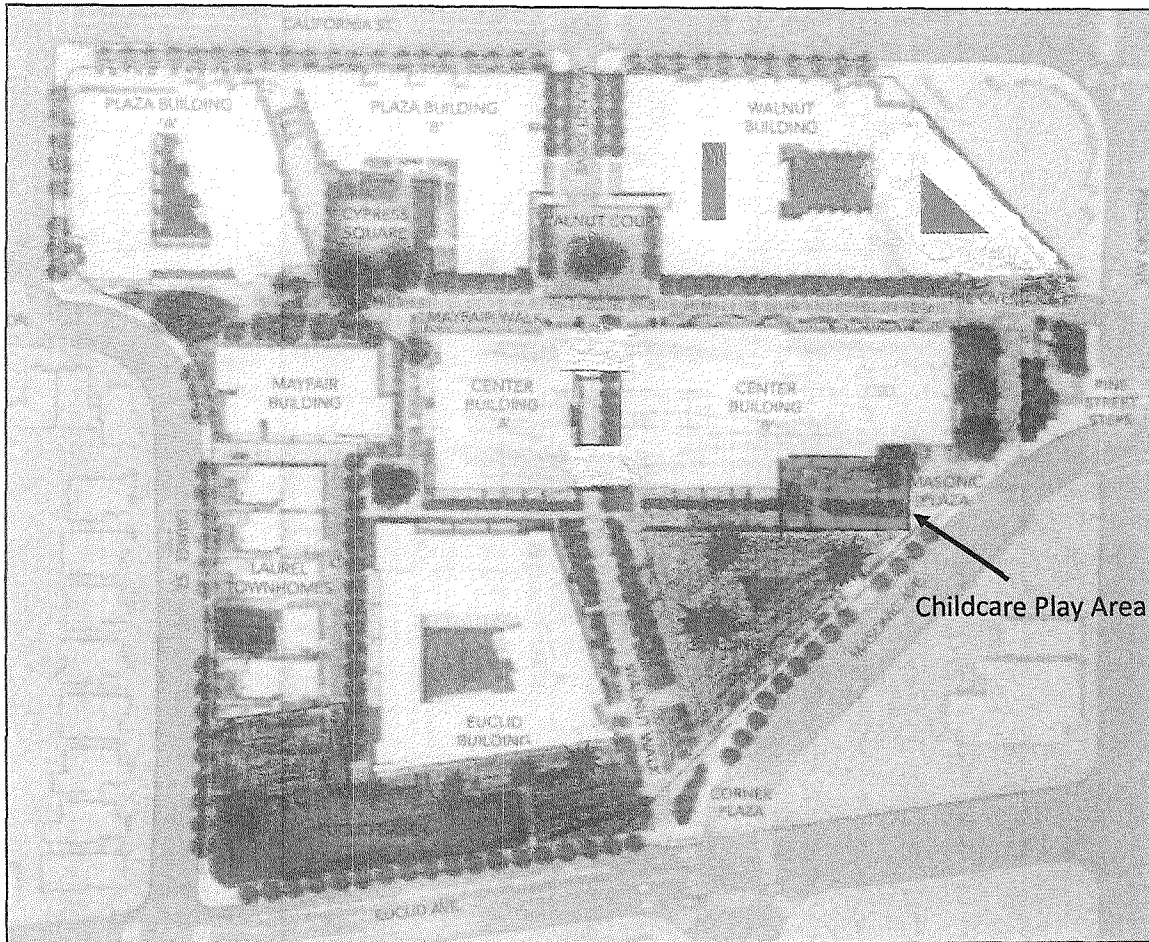


Figure 4: Community Preservation Lookalike Variant



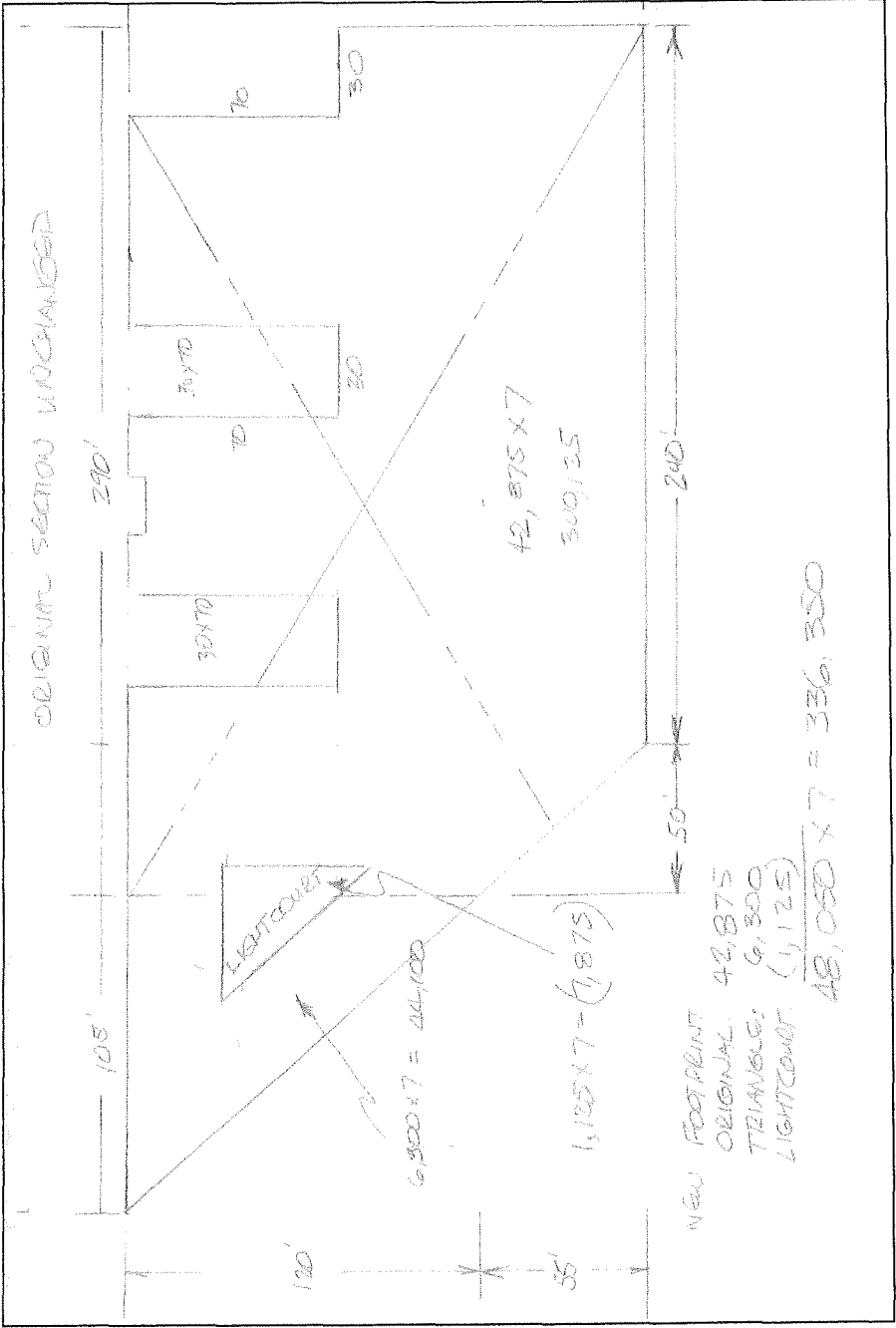
	DEVELOPER VARIANT 7/3/2019	COMMUNITY PRESERVATION VARIANT "Developer Lookalike"
	Residential GSF	Residential GSF
<b>BUILDING</b>		
Masonic	83,505	N/A
Euclid	184,170	144,870
Laurel Townhomes	55,300	34,935
Mayfair	46,680	46,680
Plaza A	66,755	81,571
Plaza B	72,035	83,215
Walnut	147,590	336,350
Main Building-Note 1	N/A	268,365
Center A	89,735	N/A
Center B	231,667	N/A
<b>TOTAL Residential GSF</b>	<b>977,437</b>	<b>995,986</b>

# Community Preservation Lookalike Variant Euclid Build Modifications





# Community Full Preservation Alternative Variant 2 Walnut Building Layout



# 1. Dimensions Along California St.

3333 CALIFORNIA STREET FIXED USE PROJECT

NOVEMBER 7, 2018  
Case No. 2018-014028ENV

15

## Comparison of Developer & Community Preservation Lookalike Variants

BUILDING	DEVELOPERS VARIANT 7/3/2019			COMMUNITY PRESERVATION LOOKALIKE VARIANT		
	Residential GSF	Units	Avg. Size	Residential GSF	Units	Avg. Size
Masonic	83,505	57	1,465	N/A	0	
Euclid	184,170	139	1,325	144,870	109	1329
Laurel Townhomes	55,300	14	3,950	34,935	10	3494
Mayfair	46,680	30	1,556	46,680	30	1556
Plaza A	66,755	67	996	81,571	82	996
Plaza B	72,035	61	1,181	83,215	71	1172
Walnut	147,590	186	793	336,350	283	1189
Main Building	N/A			268,365	159	1688
Center A	89,735	51	1,760	N/A		
Center B	231,667	139	1,667	N/A		
TOTAL	977,437	744	1,314	995,986	744	1339

Level 1- Underground Garage connected to Existing Garage  
 (750' X 130')– 1,500gsf(triangle) + 1,400gsf =97,400gsf

The site plan shows a rectangular area with dimensions 750' X 130'. The area is divided into two sections: a triangle and a rectangle. The triangle has a base of 750' and a height of 130'. The rectangle has a width of 750' and a length of 130'. The total area is 97,400gsf. The plan also shows various features such as 'LANDSCAPING WALL', 'BASIS OF BEARINGS', and 'BUS STOP SHELTER'. The bearings for the boundaries are S80°54'00"W 520.00 and N80°54'00"E 446.00. The plan is dated 03/10/10 and includes a north arrow.

Existing Underground Garage

Mayfair

FOUR-STORY STEEL FRAME AND BRICK BUILDING WITH ROOF-LEVEL EQUIPMENT

LANDS OF THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, A CALIFORNIA CORPORATION  
BOOK D787 PAGE 531  
10.25± ACRES

ASSESSOR'S BLOCK 1002

RE 329.28

RE 329.28

RE 329.30

RE 329.3

TOP OF MECHANICAL SCREEN WALL 329.7

OVERHANG

OVERHANG

LANDSCAPING

LANDSCAPING

LAUREL ST

MASONIC AVE

1422

142.5'

145.8'

82.9'

9.2'

17.5'

102.1'

300'

295'

285'

275'

265'

255'

245'

235'

225'

215'

205'

195'

185'

175'

165'

155'

145'

135'

125'

115'

105'

95'

85'

75'

65'

55'

45'

35'

25'

15'

5'

0'

126.86'

125'

120'

115'

110'

105'

100'

95'

90'

85'

80'

75'

70'

65'

60'

55'

50'

45'

40'

35'

30'

25'

20'

15'

10'

5'

0'

126.86'

125'

120'

115'

110'

105'

100'

95'

90'

85'

80'

75'

70'

65'

60'

55'

50'

45'

40'

35'

30'

25'

20'

15'

10'

5'

0'

126.86'

125'

120'

115'

110'

105'

100'

95'

90'

85'

80'

75'

70'

65'

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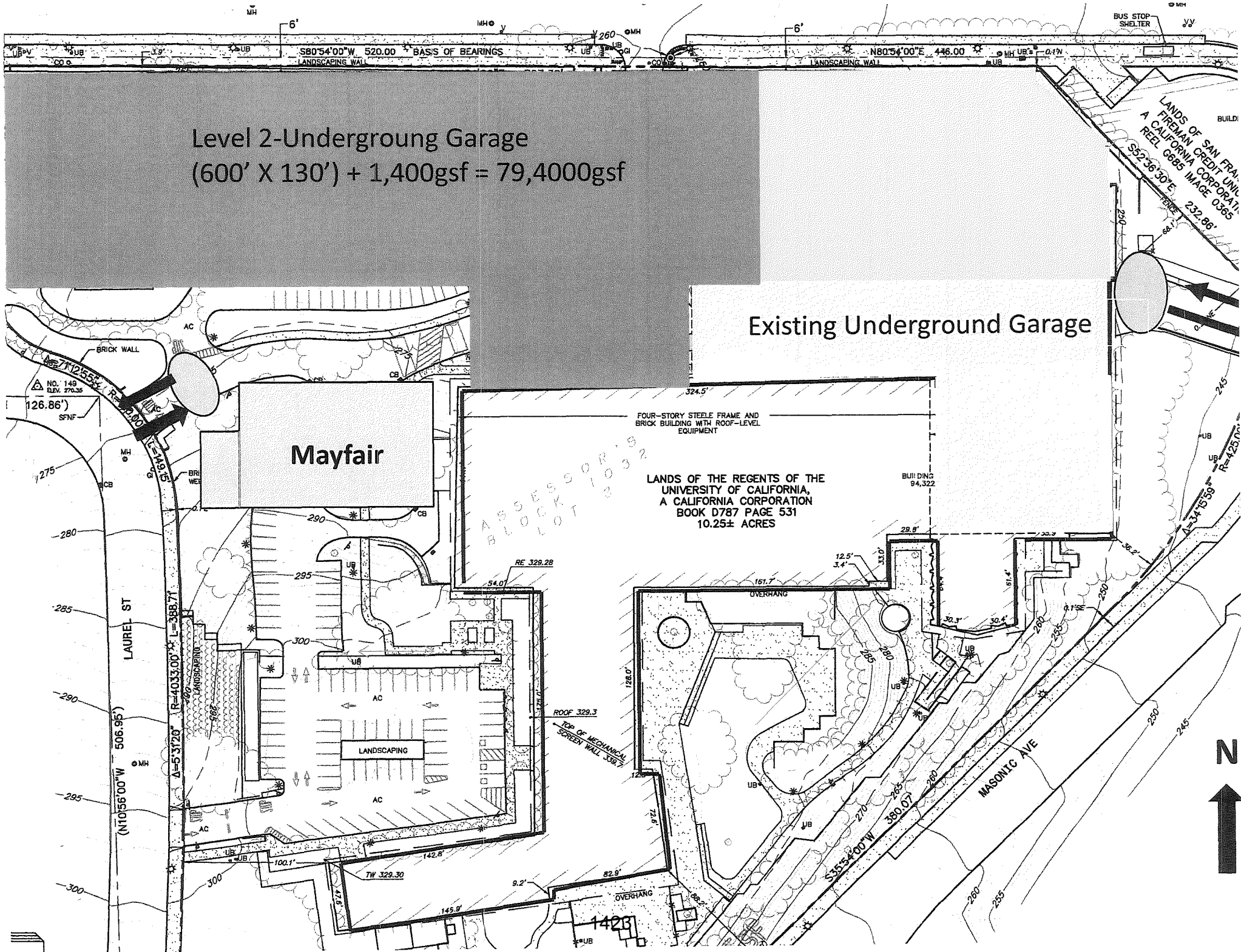
Level 2-Underground Garage  
(600' X 130') + 1,400gsf = 79,4000gsf

Existing Underground Garage

Mayfair

FOUR-STORY STEEL FRAME AND  
BRICK BUILDING WITH ROOF-LEVEL  
EQUIPMENT

LANDS OF THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA,  
A CALIFORNIA CORPORATION  
BOOK D787 PAGE 531  
10.25± ACRES



## **EXHIBIT F**

## **COMMUNITY FULL PRESERVATION ALTERNATIVE VARIANT 2**

### **OVERVIEW**

The Community Full Preservation Alternative Variant 2 – CFPV2 -would construct the same number of new housing units as the developer's proposed project variant (744 units) and would be completed in approximately four years rather than the 7-15 years requested by the developer to complete his proposals. The CFPV2 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 CFPV 2 would excavate for a single approximately two level underground parking garage. In contrast, the developer proposes to excavate for four new underground garages, some consisting of three levels.

The Community Full Preservation Alternative Variant 2 would:

(1) convert the interior of the main building to residential uses while retaining the existing 1,500 gsf cafe, 11,500 gsf childcare center, and 5,000 gsf of the existing office space (at the developer's option, this existing office space could be converted to residential use),

(2) construct three new residential buildings (California Front, California Back, Walnut) along California Street where parking lots are now located, construct the Mayfair new residential building near the intersection of Mayfair Drive and Laurel Street, and construct five Laurel St. townhomes north of the Euclid Green

(3) provide at least 64 flat-type family-sized units in the California Front Building, with affordable senior housing in the enhanced Walnut Building.

(4) Construct 5 Laurel St. Duplexes using the Developers' design and layouts,

except that the fourth story would be removed and the third story set back 15 feet at its front. See section “Summary of Building Calculations” in the last section.

(5) excavate for approximately two levels of underground parking.

(6) propose all freight loading and unloading to be conducted in the underground freight loading areas accessed from Presidio Avenue and all passenger loading and unloading to be conducted inside the site in turnarounds or in the underground parking garage.

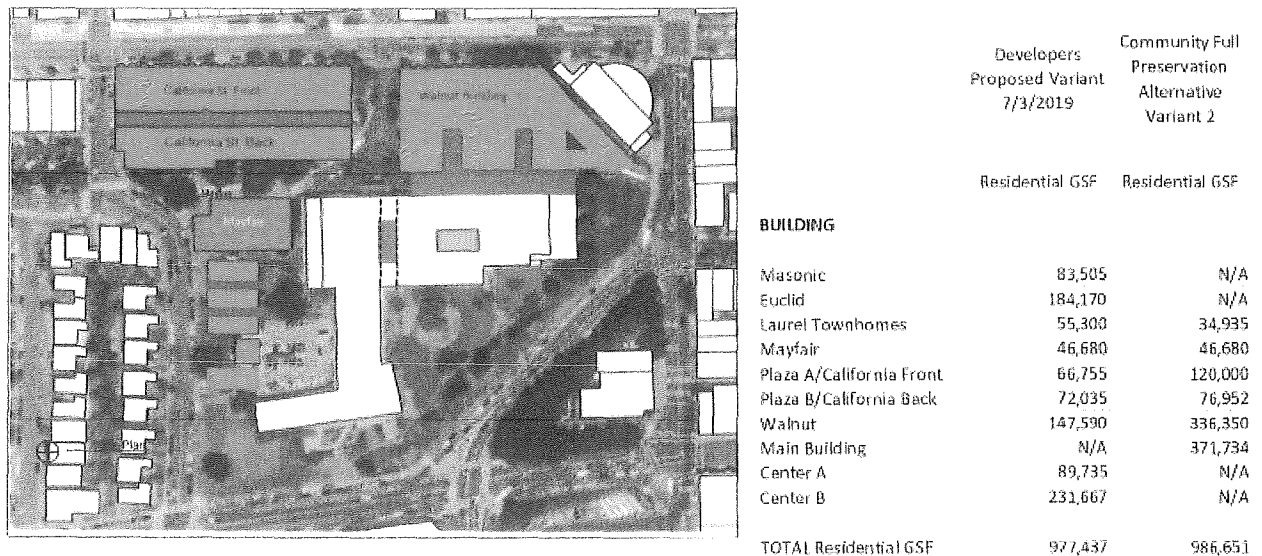
(7) retain the historically significant landscaping designed by the renowned landscape architects of Eckbo, Royston & Williams which is integrated with the window-walled main building, including without limitation the Eckbo Terrace and the existing landscaped green spaces along Euclid Avenue, Presidio Avenue and some of Laurel St. (see layout) which would be designated as community benefits in the development agreement,

(8) preserve the majority of the 195 mature trees on the site which are comprised of 48 different tree species (Initial Study p. 16), and

(9) maintain public vistas of the downtown and Golden Gate Bridge and the historically significant main building and integrated landscaping.



Figure 2: Community Full Preservation Alternative Variant 2



The CFPA Variant 2 would add units to the Walnut Building which could be used for senior housing and additional units within the other buildings. The CFPAV 2 would use all the new construction for residential use and would not rezone the site to permit the approximately 34,500 gsf of retail uses, as the developer proposes.

**THE COMMUNITY FULL PRESERVATION ALTERNATIVE VARIANT 2 WOULD PROVIDE THE SAME AMOUNT OF NEW HOUSING UNITS IN APPROXIMATELY FOUR YEARS WITHOUT ADVERSELY IMPACTING A HISTORICALLY SIGNIFICANT RESOURCE.**

The CFPAV 2 would preserve 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 CFPAV 2 would have the same number of residential units as the developer's proposed project Variant (744) and would be constructed in approximately four

years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed, to the greatest extent feasible pursuant to staging. The CFPV 2 would entail far less excavation, as it would have only one new, approximately two level, underground parking garage along California Street and a total of approximately 558 on-site parking spaces. In contrast, the developers' variant proposes to construct four new underground parking garages, to provide a total of 873 parking spaces. The CFPV 2 would excavate only under the existing parking lots along California St.- the easiest, least disruptive, quickest most efficient excavation- whereas the developer would carry out major excavation on all quadrants of the site including major excavations on Masonic, on Euclid (which entails a substantial portions of Laurel Hill), as well as under the existing parking lots along California St.

This CFPV 2 would retain the existing Eckbo Terrace, the existing landscaped green spaces along Euclid Avenue, Presidio Avenue and some of Laurel St. (see layout). The existing Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public. A new ground level Walnut Passage would be constructed to connect Walnut and Masonic Avenue and be opened to the public.

The character-defining features of the existing main building that this CFPV 2 would retain include all of the following:

- Plan of the building with wings open along the sides to the immediate landscape and to views of the distant city.

- Horizontality of massing.

- Horizontal lines of projecting edges of concrete floors.

Horizontal bands of nearly identical  
window units.

Uninterrupted glass walls.

Brick accents and trim.

Wrought iron deck railings that match gates in the landscape.

The character-defining features of the existing landscape that this CFPav 2 would retain include all of the following:

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.

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).

All passenger loading, pick-ups and drop-offs are proposed to be internal to the site,

and turnarounds will be provided in front of the main building on California/Walnut. All freight loading and unloading is proposed to 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 south and east sides of the property and portions of the west side, and (3) the planted banks along Masonic street.

In this CFPV 2 the existing 1,500 gsf cafe and 11,500 gsf childcare center would remain in their present locations in the main building. 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 CFPV2, new residential buildings (California Front & Back and Walnut) would be constructed along California Street where parking lots are currently located, and a Mayfair building generally identical to the Developers' plan would also be constructed.

The new California Front building units would be designed for families, averaging 1,875gsf. This building 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 25 feet wide and 100 feet in length with 25% of that length consisting of a private rear yard. Approximately 16 new buildings containing 64 units would be built in the California Front building between Laurel Street and Walnut Street. Two adjacent residential units would share one elevator, a common stairway and one mechanical shaft. The

elevator would provide access to the underground garage constructed under these buildings.

The new California Street Back building 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 not have private rear yards. They would be sculpted to be a minimum of 42 ft. from the large Monterey Cypress trees that remain from the Laurel Hill Cemetery, so the lengths of the buildings would vary from approximately 35 to 72 feet long, and each unit would be approximately 25 feet wide. They would have 60 units, with the average unit size 1,283 gsf depending on location, and the buildings would be 40 feet tall and be constructed between Laurel Street and Walnut Street. Two adjacent residential units would share one elevator, a common stairway and one mechanical shaft.

In this CFPV2, approximately 270 residential units would be provided in the existing main building, averaging 1,377gsf. 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 70-foot tall Walnut Building would be built along California Street between Walnut Street and Presidio Avenue. This building would contain approximately 310 residential units with an average 1,085 gsf. The developer can configure the size of the units. For these units, parking with direct access would be provided in the new underground garage constructed under this building.

In the CFPV2, a new 40-foot tall Mayfair Building, based on the Developers' design and layout, would be constructed approximately east of Mayfair Drive at Laurel Street. The Mayfair Building would have 30 residential units with an average size of 1,556 gsf. The Mayfair Building would not contain an underground parking garage. For these units, parking 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.

Under the CFPV2, all Truck Loading or Unloading is proposed to occur in the underground garage accessed on Presidio Avenue, and trucks and automobiles will have ingress and egress to these areas for loading, unloading, pick-ups, drop-offs and parking. 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.

## **SUMMARY OF BUILDING CALCULATIONS**

The Community Full Preservation Alternative Variant 2 re-purposes the historic main building and utilizes a combination of new designs and the developers design, unit configuration layouts, sizes, etc.

The Community Full Preservation Alternative Variant 2 preserves both the historic Eckbo Terrace and the existing landscaped green spaces along Euclid Avenue and Presidio

Avenue and some of Laurel Street.

To this day the green spaces are used by families, friends, children, moon-watchers, etc..

The Community Full Preservation Variant 2 uses much of the DEIR Community Full Preservation Alternative Variant submitted in response to the Draft EIR with the following major changes: Developer's Laurel Hill Duplexes added(5); Developer's Mayfair Building adopted; Walnut Building enhanced; one level, Level 5, added to the core of the main building; ground level Walnut Passage created. California St. Front and Back Buildings remain unchanged.

There is no retail.

The Community Full Preservation Alternative Variant 2 is shown on pg. 3 above.

**Masonic Building:** Eliminated to preserve the historic green-space encompassing Eckbo Terrace. Retaining this historic green space will provide a place for the public to host resident events such as July 4 barbecues, etc. with views of the City.

No underground parking garage in this area.

**Euclid Building:** Eliminated to preserve the historic parklike greenspace and the historic main building that occupies Laurel Hill. It allows the childcare center and play area to remain in its present location in the sun as opposed to the developer's proposed heavily shadowed area alongside the Credit Union.

No underground parking garage in this area.

**Laurel Duplexes:** Similar to developer's submission of 07.03.2019 modified to reduce height to 30 ft. and top floor set back 15 ft. References: A10.01(two southernmost duplexes eliminated to preserve Historic Laurel Hill), A10.02(same comment), A10.03, A10.11(modified for height, setback and elimination of Duplex 01 & 02), A10.12(same comment), A10.13(same comment), A10.21(same comment), A10.23(same comment), A10.24(same comment), A10.25(same comment).

As noted previously the two townhomes at the top of Laurel St. have been eliminated to preserve this historic green space. The five remaining townhomes are lowered from 40 ft. to 30 ft. to better reflect the 20 ft. homes on the west side of Laurel St. Additionally the third floor is set back 15 ft.

**Mayfair Building:** Generally identical to developers' 07/03/2019 submission: predominant reference A9.01, A9.02, A9.03, A9.04, A9.11, A9.12, A9.21, A9.22, A9.30, A9.60.

No underground parking garage.

**California St. Front:** The 4-story townhome buildings occupy an approximately 400 ft. long by 75ft. deep (plus 25 ft backyard) section along California St. between Laurel St. and Walnut St. presently occupied by surface parking lots. Reference: Site Survey R0.00



PPA/EEA 03.23.2016; Draft EIR Fig. 2.23; DEIR Fig. 2.24. Building footprint 30,000gsf.

**California St. Back:** The 4-story townhome buildings occupy approximately 375 ft. of the rear portion of this section along California St. between Laurel St. and Walnut St. In order to preserve the historic Monterey Cypress trees the units vary in depth from 35 ft. to 72 ft. The footprint of these building is approximately 19,238gsf.

**Walnut Building:** The enhanced Walnut Building is re-designed to provide a 7-story residential building. As this building is flanked by the Main Building and the Credit Union and is opposite the 65 ft. tall JCC, it is compatible with the character of its surroundings. The 48,050 square foot net footprint was determined from dimensions in developer's Submittals of 03.06.2017 & 07.03.2019: reference VAR 13, 14, 19.

General dimensions: Southside east-west 305ft; Northside east-west 240ft; North-south : 175ft.; Triangle near Credit Union: 155ft. base, 175ft. height. Adjusted for light-courts and setbacks.

**Main Building:** The Community Full Preservation Alternative Variant 2, unlike the developer's Variant, does not destroy the historic characteristics of the building and fully complies with the Secretary of the Interior's Standards for the treatment of historic properties. The Draft EIR acknowledges that the developer's design would have a substantial adverse effect on the historic characteristics of the listed building and

landscaping.

The developer proposes to cut a 40 ft. gap through all levels of the main building thereby creating two separate structures, and adding two and three levels on top, thereby impairing the horizontality of the building.

The Community Full Preservation Alternative Variant 2, in accordance with the SOISs, adds one level, Level 5, to the main building. The developer would add add Level 5, Level 6 and Level 7.

**Walnut Passage:** In order to construct the developer's 40 ft. wide Walnut Walk which would connect the north and south sides of the property in alignment with Walnut St. the developer proposes to bifurcate the building with a 40 ft cut through all existing levels of the building.

**There is a better solution.**

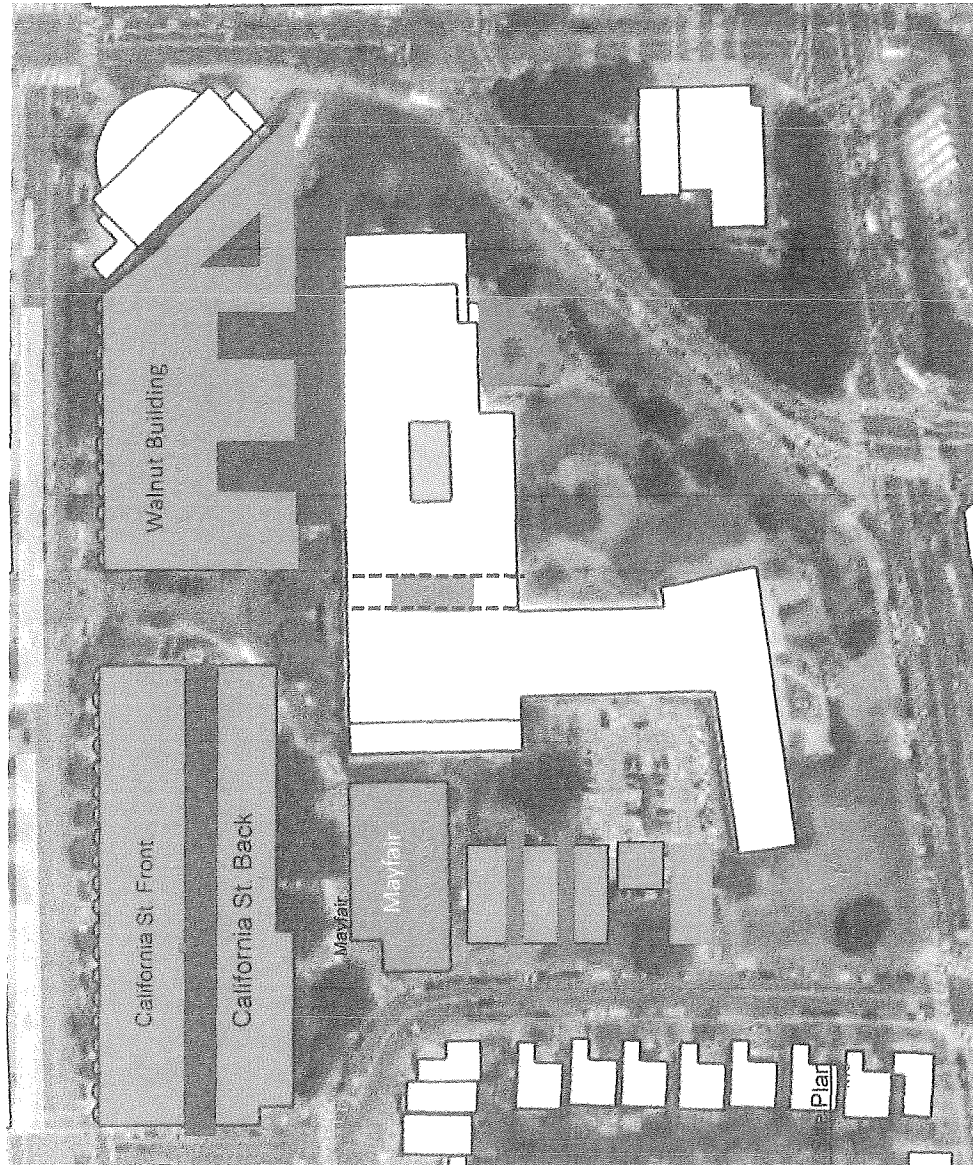
The Community Full Preservation Alternative Variant 2 design calls for a ground level 15 ft high (Level 1) by 20 ft. wide entry/exit on the north and south sides of the building. This entry/exit would extend 35 ft. into the building where it would open up into a 35 ft. wide by 75 ft. long landscaped Center Court which also serves as a Light Court in the building. This design fully maintains the historic characteristics of the Main building while at the same time meeting the developer's desire for connectivity in alignment with Walnut St.

**A case of form follows function.**

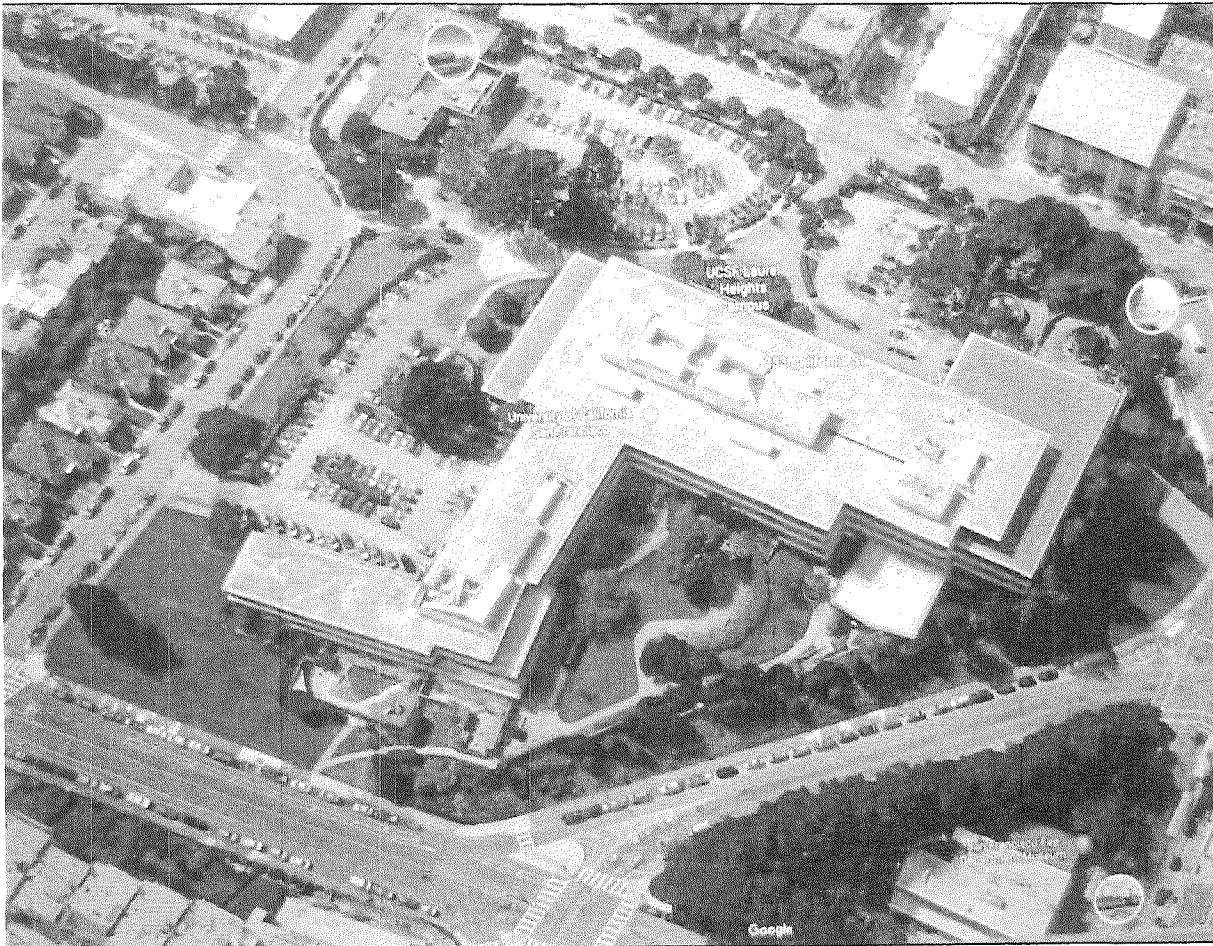
**Summary:** Same number of units (744) in less than 4 years, more residential gsf than the

developer's proposal, compliant with RM-1 zoning, historically compatible, neighborhood responsive.

# Community Full Preservation Alternative Variant 2



## Community Full Preservation Alternative Variant 2 Determination of Eligibility



STATE OF CALIFORNIA - THE NATURAL RESOURCES AGENCY  
EDMUND C. BROWN, JR., Governor  
OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION  
P.O. BOX 942856  
SACRAMENTO, CA 94285-0001  
(916) 445-7005 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 4951(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.

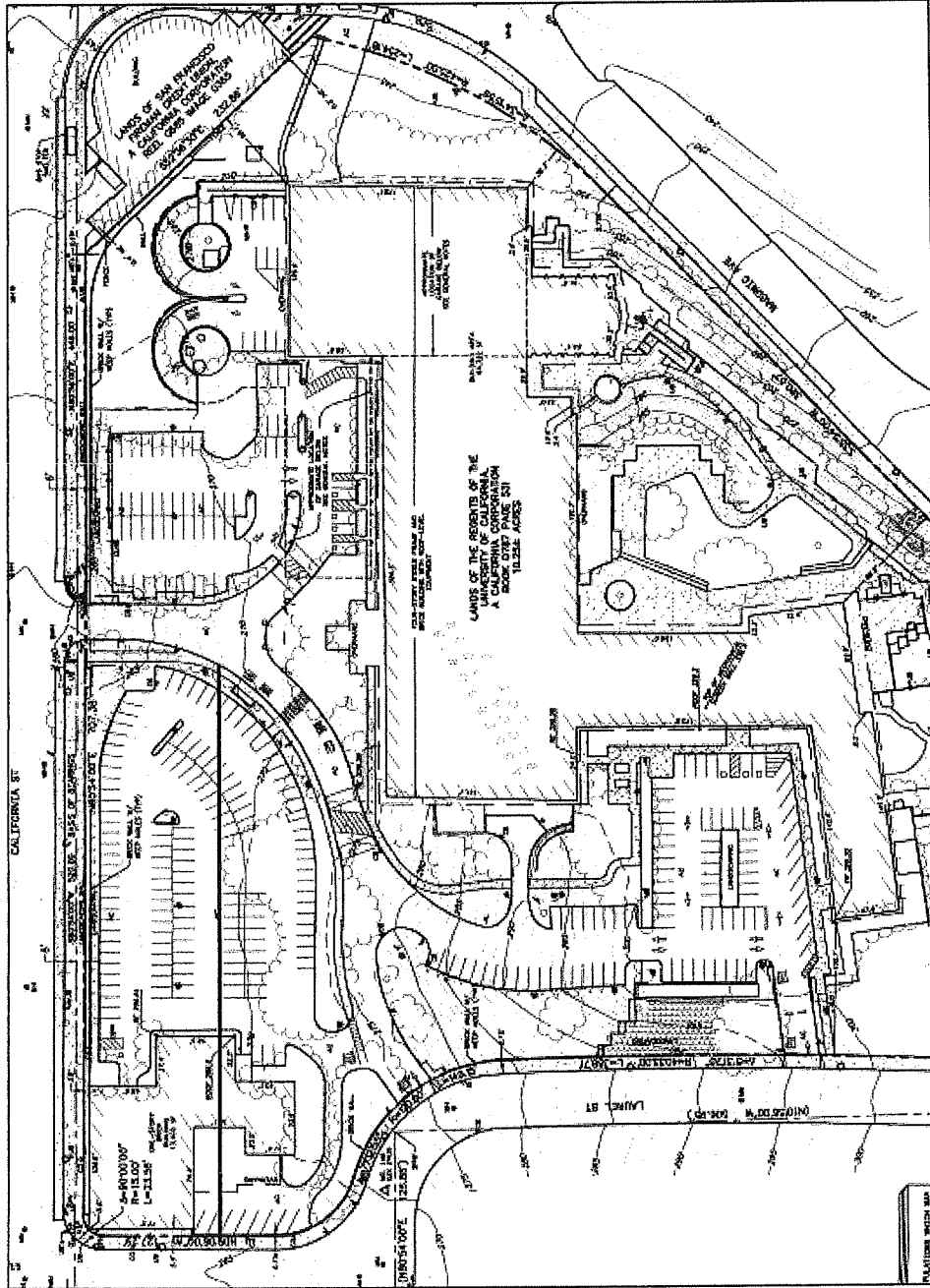
If you have any questions or require further information, please contact Jay Correia of the Registration Unit at (916) 445-7008.

Sincerely,

  
Julianne Polanco  
State Historic Preservation Officer

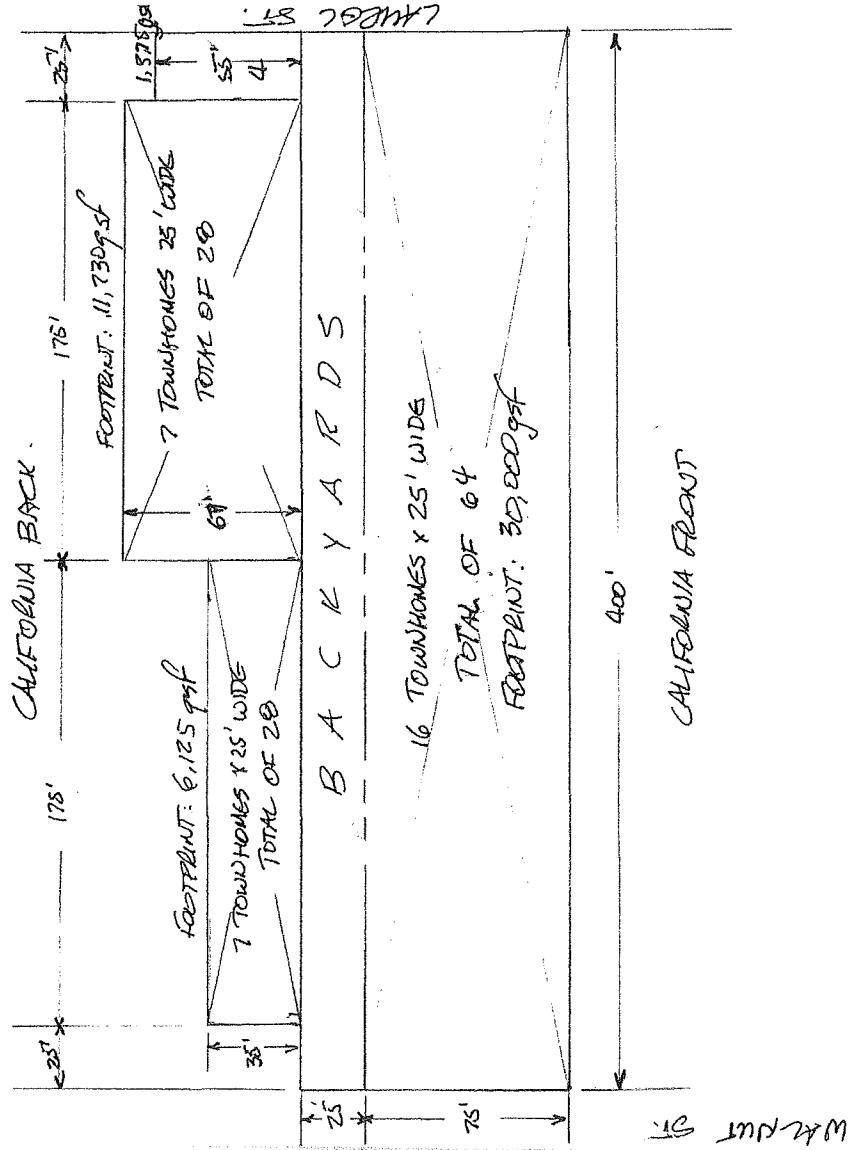
Enclosure

# 3333 California "As Is" Site Topography & Layout



# Community Full Preservation Alternative Variant 2

## California St. Layouts



# Community Full Preservation Alternative Variant 2

## California St. Calculations

### CFPA VARIANT 2

#### CALIFORNIA FRONT & BACK -

CALIFORNIA FRONT 400' Leavel St. to Walnut St.

(Site Survey 20.00 dtd 03.23.2016)

Sixteen Rows 25' Wide Units

Each unit 25' x 75'

Total Units : 64

#### CALIFORNIA BACK 375' Length -

Seven Tomatoes 25' Wide x 35' Deep

Seven " 25' " x 67' Deep

One " 25' " x 55' "

Total Units : 60

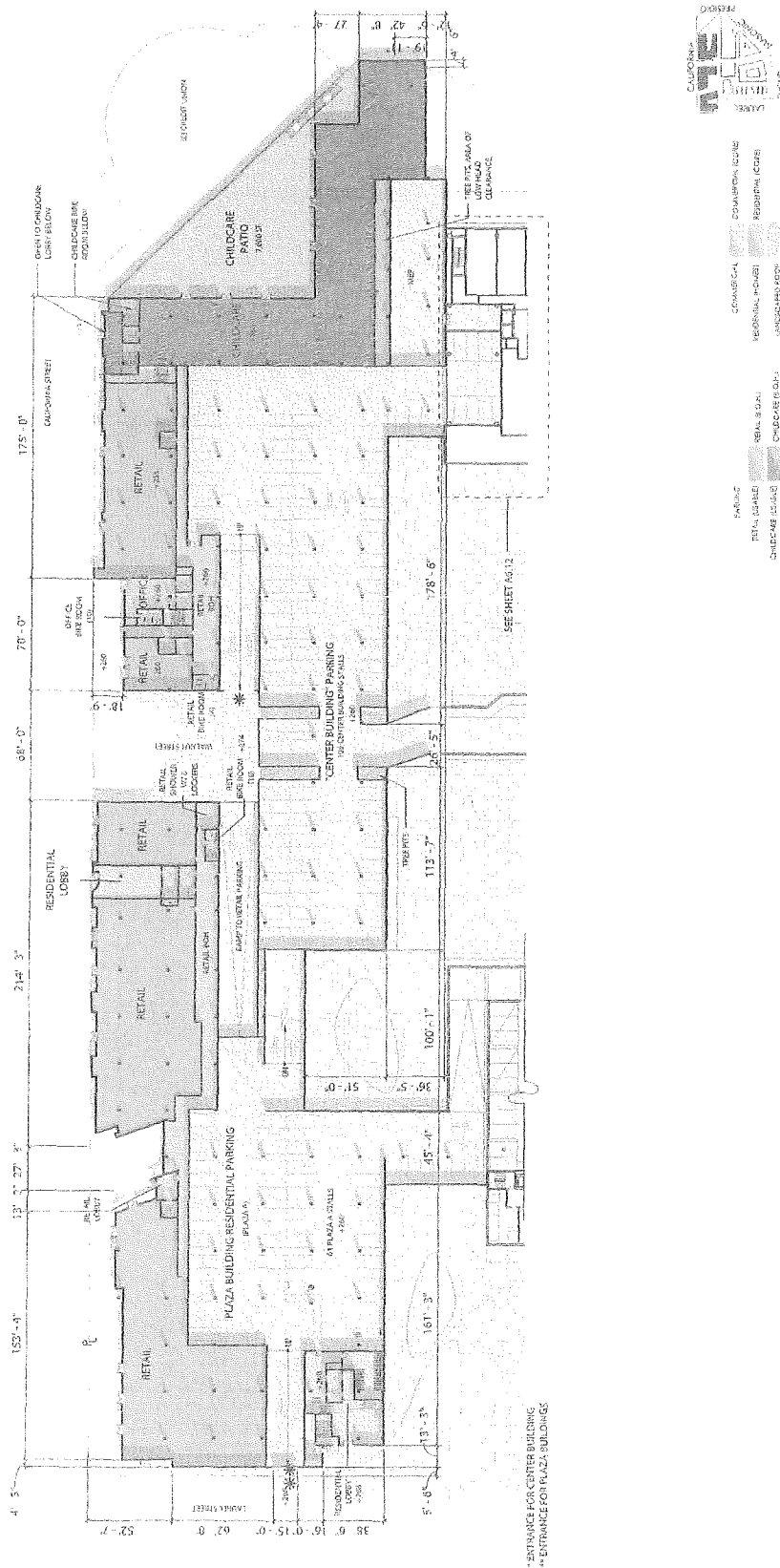
#### Root Plants:

Calif. Front: 30,000 sqft x 4 = 120,000 sqft

Calif. Back: 19,238 sqft x 4 = 76,952 sqft



# 1. Dimensions Along California St.



Source: Laurel Heights Partners, LLC (2017)

3333 CALIFORNIA STREET MIXED-USE PROJECT

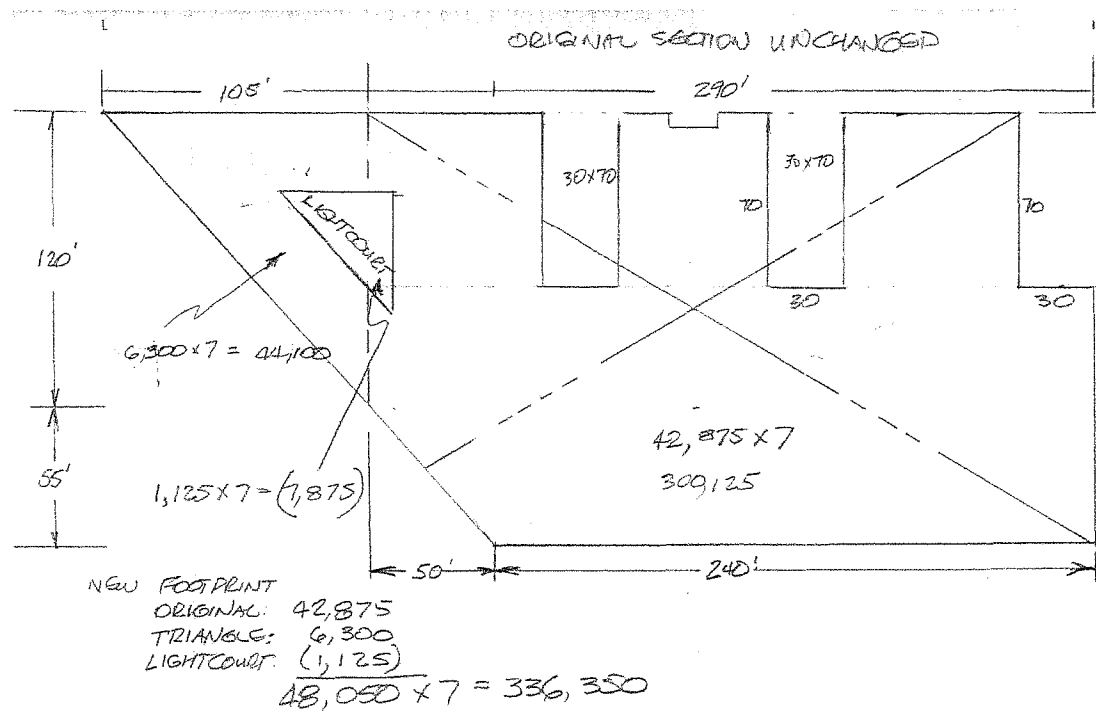
FIGURE 2.23: PROPOSED CALIFORNIA STREET GARAGE AND CENTER BUILDING B GARAGE - BASEMENT LEVEL B1

November 7, 2018  
Case No. 2015-01402XENV

2.65

3333 California Street Mixed-Use Project  
Draft EIR

## Community Full Preservation Alternative Variant 2 Walnut Building Layout



## Comparison of Developers' Variant and Community Full Preservation Alternative Variant 2

	Developers Proposed Variant 7/3/2019			Community Full Preservation Alternative Variant 2		
	Residential GSF	Units	Avg. Size	Residential GSF	Units	Avg. Size
<b>BUILDING</b>						
Masonic	83,505	57	1,465	N/A		
Euclid	184,170	139	1,325	N/A		
Laurel Townhomes	55,300	14	3,950	34,935	10	3,494
Mayfair	46,680	30	1,556	46,680	30	1,556
Plaza A/California Front	66,755	67	996	120,000	64	1,875
Plaza B/California Back	72,035	61	1,181	76,952	60	1,283
Walnut	147,590	186	793	336,350	310	1,085
Main Building	N/A			371,734	270	1,377
Center A	89,735	51	1,760	N/A		
Center B	231,667	139	1,667	N/A		
<b>TOTAL Residential GSF</b>	<b>977,437</b>	<b>744</b>	<b>1,314</b>	<b>986,651</b>	<b>744</b>	<b>1,326</b>

Level 1- Underground Garage connected to Existing Garage  
(750' X 130')- 1,500gsf(triangle) + 1,400gsf =97,400gsf

Existing Underground Garage

Mayfair

FOUR-STORY STEEL FRAME AND  
BRICK BUILDING WITH ROOF-LEVEL  
EQUIPMENT

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LANDSCAPING

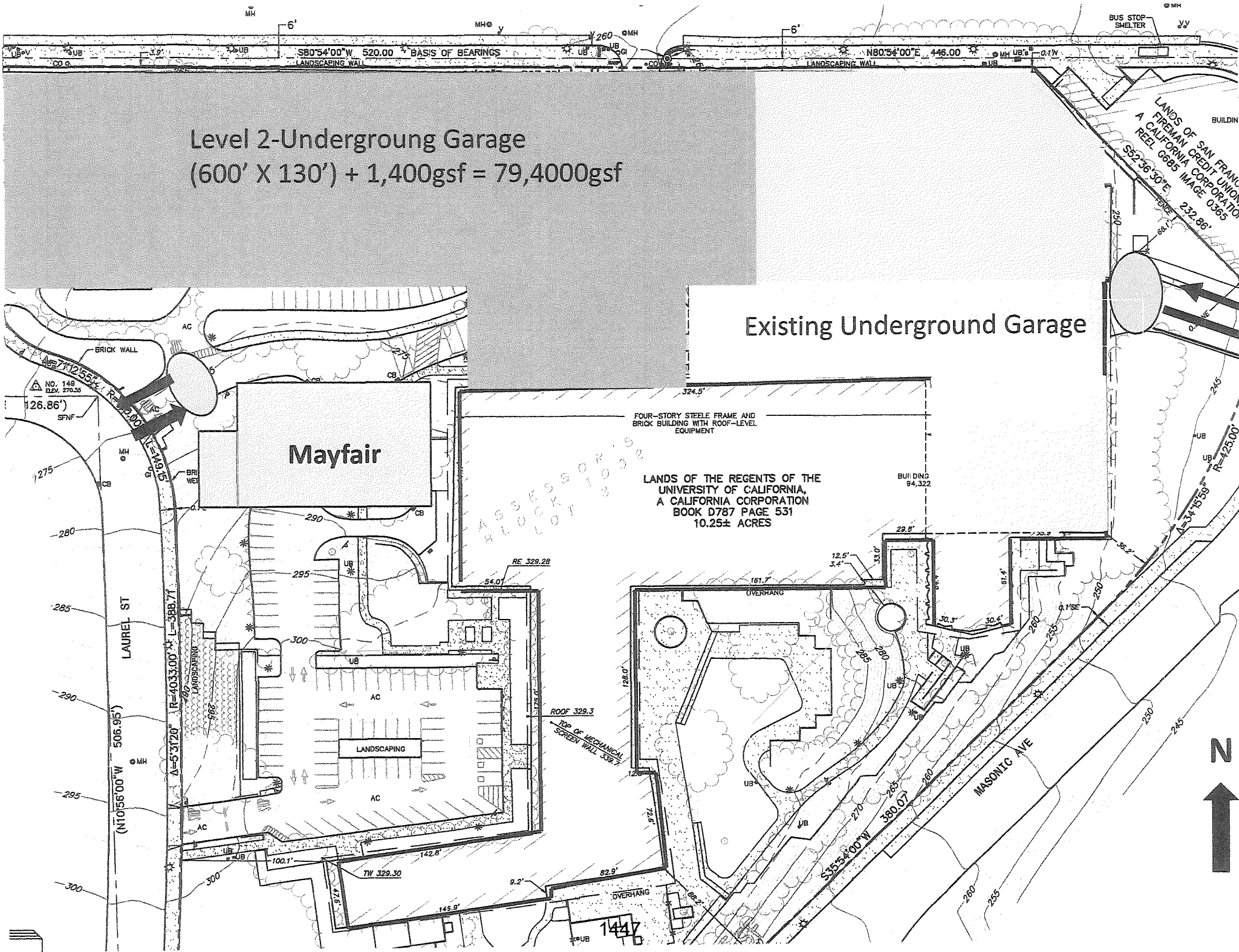
MASONIC AVE

N



Level 2-Underground Garage  
(600' X 130') + 1,400gsf = 79,4000gsf

Existing Underground Garage



**COMMUNITY FULL PRESERVATION ALTERNATIVE VARIANT 2**

**and**

**COMMUNITY PRESERVATION LOOKALIKE VARIANT**

**PARKING NARRATIVE**

Find attached the drawings of the layout, with dimensions, of the new California St. underground garage. In addition, a Summary of the Developers and FPCA Parking details is also attached.

There is 93,000gsf of parking under the main building, shown in pink, which provides 212 parking spaces as well as spaces for truck loading/unloading. This will be connected to the new parking garage. Cars will be able to enter and leave the garage complex via Presidio, California (at Walnut) and Laurel.

This portion of the garage is connected internally to the main building via elevators and stairways.

The new one and a half level underground garage will consist of approximately 174,000 gsf of parking providing 346 spaces for cars, 6 freight loading docks and 600 bicycle spaces.

Total parking gsf is approximately 267,000 gsf for a total of 558 car parking spaces.

The Walnut Building as well as the California Building, Front and Back will have elevator and stairway access to the new parking garage. There will be additional entryways to/from the garage for residents of the Mayfair Building.

The Laurel townhomes have their own organic parking and are not shown in the totals.

# PARKING GARAGE SUMMARY

	A	B	C	D	E
1					
2					
3					
4		GROSS SQUARE FEET	SPACES	AVG. SIZE GSF	
5	<b>DEVELOPER (VAR.01a)</b>				
6	TOTAL	401,234	857	468	includes 693 bicycles and 6 freight loading spaces.
7					
8					
9	<b>COMMUNITY ALTERNATIVES</b>				
10	UCSF Existing	93,000	212	439	
11	New Level 1	96,000			
12	New Level 2	78,000			
13	New Total	174,000	346	500	
14	<b>TOTAL</b>	267,000	558	478	includes 693 bicycles and 6 freight loading spaces.

Level 1- Underground Garage connected to Existing Garage  
(750' X 130')- 1,500gsf(triangle) + 1,400gsf =97,400gsf

Existing Underground Garage

Mayfair

FOUR-STORY STEEL FRAME AND  
BRICK BUILDING WITH ROOF-LEVEL  
EQUIPMENT

LANDS OF THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA,  
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BOOK D787 PAGE 531  
10.25± ACRES

N





Level 2-Underground Garage  
(600' X 130') + 1,400gsf = 79,4000gsf

Existing Underground Garage

Mayfair

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## **EXHIBIT G**

# PROJECT AREAS

PROJECT TOTALS	Bldg	Residential Gross SF	Retail Gross SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
	Plaza A	66,150	14,178	0	0	64,550	144,878
	Plaza B	72,220	11,328	0	0	62,070	145,618
	Walnut	0	24,324	49,999	14,690	174,440	263,453
	Center Bldg A	89,465	0	0	0	0	89,465
	Center Bldg B	233,423	0	0	0	19,258	252,681
	Masonic	88,906	0	0	0	35,986	124,892
	Euclid	177,345	4,287	0	0	51,991	233,623
	Laurel Duplexes	54,111	0	0	0	4,728	58,839
	Mayfair	43,071	0	0	0	15,750	58,821
	<b>Total</b>	<b>824,691</b>	<b>54,117</b>	<b>49,999</b>	<b>14,690</b>	<b>428,773</b>	<b>1,372,270</b>

# UNIT MIX/COUNT

PROJECT TOTALS	Level	JR	1-BED	2-BED	3-BED	4-BED or PH	TOTAL
	Plaza A	18	22	23	4	0	67
	Plaza B	9	21	25	6	0	61
	Walnut	0	0	0	0	0	0
	Center Bldg A	0	24	11	10	6	51
	Center Bldg B	0	50	51	29	9	139
	Masonic	0	27	24	10	0	61
	Euclid	0	50	54	31	0	135
	Laurel Duplexes	0	0	1	1	12	14
	Mayfair	0	14	6	10	0	30
	<b>Total</b>	<b>27</b>	<b>208</b>	<b>195</b>	<b>101</b>	<b>27</b>	<b>558</b>
		5%	37%	35%	18%	5%	100%

# PARKING PROVIDED

PROJECT TOTALS	Bldg	Residential Parking	Retail Parking *	Office Parking	Childcare Parking	Commercial Parking	Total	Car share	Loading Areas
	Plaza A	67	43	0	0	0	-	0	0
	Plaza B	61	34	0	0	60	-	10	0
	Walnut	0	48	100	29	0	-	0	3
	Center Bldg A	51	0	0	0	0	-	0	0
	Center Bldg B	139	0	0	0	0	-	0	0
	Masonic	61	0	0	0	0	-	0	3
	Euclid	137	13	0	0	0	-	0	0
	Laurel Duplexes	12	0	0	0	0	-	0	0
	Mayfair	30	0	0	0	0	-	0	0
	<b>Total</b>	<b>558</b>	<b>138</b>	<b>100</b>	<b>29</b>	<b>60</b>	<b>885</b>	<b>10</b>	<b>6</b>
	* Plaza A+B retail parked at 3/1000, assumed half of area at 2/1000 "retail general" and half of area 4/1000 "food and beverage"								
	* Walnut retail parked at 2/1000, assumed "retail general"								
	* Euclid retail parked at 4/1000, assumed to be "food and beverage" and are located in the California Street garage								
	* The parking spaces for the Laurel townhomes without a garage are located in the Euclid garage (2)								
	* 6 Plaza A Residential spaces are located in the Plaza B parking area								

BIKE PARKING (SEC. 155):

REQUIRED CLASS ONE:

RES: 100 + 1/4 DU OVER 100 = 215

OFFICE: 1/5,000 GSF = 49,999/5,000 = 10

RETAIL: 1/7,500 GSF = 54,117/7,500 = 8

CHILDCARE: 1/20 CHILDREN = 172/20 = 9

PROVIDED

558 - COMPLIES

10 - COMPLIES

14 - COMPLIES / EXCEEDS

10 - COMPLIES

REQUIRED CLASS TWO:

RES: 1 / 20 DU = 558/20 = 28

OFFICE: 2 REQ'D IF <50,000 GSF

RETAIL: 10 + 1/10,000 >50K GSF = 10

FOOD/BV: 1/750 SF = 15,882/750 = 23

CHILDCARE: 1/20 CHILDREN = 8

PROVIDED

37 - COMPLIES / EXCEEDS

2 - COMPLIES

10 - COMPLIES

23 - COMPLIES

10 - COMPLIES / EXCEEDS

3333 CALIFORNIA STREET SAN FRANCISCO, CA

PROJECT DATA - SUMMARY



SKS

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ARUP BAR architects



08.17.2017  
PLANNING APPLICATION SUBMITTAL

G3.02a

## **EXHIBIT H**

**PLANNING APPLICATION**  
**RE-SUBMITTAL 2**

JULY 03, 2019

PLANNING APPLICATION RESUBMITAL 1 - FEBRUARY 22, 2019  
PLANNING APPLICATION SUBMITAL - AUGUST 1, 2017

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**3333 CALIFORNIA STREET** SAN FRANCISCO, CA

COVER SHEET



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07.03.2019

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## PROJECT AREAS

PROJECT TOTALS	Bldg	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Retail Core	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
	Plaza Bldg A	66,755	7,408	7,408		0	0	62,190	143,7
	Plaza Bldg B	72,035	5,590	5,590		0	0	50,542	133,7
	Walnut	0	14,265	0		49,999	13,630	152,425	230,3
	Center Bldg A	89,735	0	0	0	0	0	0	89,7
	Center Bldg B	231,667	0	0	0	0	0	22,731	254,3
	Masonic	83,505	0	0	0	0	0	14,220	97,7
	Euclid	184,170	0	0	0	0	0	42,360	226,5
	Laurel Duplexes	55,300	0	0	0	0	0	4,960	60,2
	Mayfair	46,680	0	0	0	0	0	12,360	59,0
Total		829,847	27,263	12,998	0	49,999	13,630	361,788	1,295,5

## UNIT MIX/COUNT

Level	JR	1-BED	2-BED	3-BED	4-BED or PH	TOTAL
Plaza Bldg A	18	22	23	4	0	67
Plaza Bldg B	9	21	25	6	0	61
Walnut	0	0	0	0	0	0
Center Bldg A	0	24	11	10	6	51
Center Bldg B	0	51	49	30	9	139
Masonic	0	22	25	10	0	57
Euclid	0	55	54	30	0	139
Laurel Duplexes	0	0	0	2	12	14
Mayfair	0	12	7	11	0	30
Total	27	207	194	103	27	558
	5%	37%	35%	18%	5%	100%

3333 CALIFORNIA STREET SAN FRANCISCO, CA

PROJECT DATA - SUMMARY



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## PARKING PROVIDED

Bldg	Dwelling Units	Res 0 to 1.5/du	Res Total TDM Provided	Childcare	Childcare Req'd 1.5/25 children	Total TDM Provided	Retail (general) x 0.8 *	Retail (general) Code 1.5/500 asf	Total Retail TDM Provided	Retail (F&B) x 0.8*	Retail (F&B) Code 1.5/200 asf	Total Retail TDM Provided	Office x 0.8*	Office Code 1.5/500 asf	Total Office TDM Provided	Commercial	Commercial Req'd	Total Com. Provided
Plaza Bldg A	67	101	67	0	0	0	5,926	18	18	5,926	44	14	0	0	0	0	0	0
Plaza Bldg B	61	92	61	0	0	0	4,472	13	10	4,472	34	14	0	0	0	0	0	0
Walnut	0	0	0	179 children	11	29	11,412	34	30	0	0	0	39,999	120	80	0	0	0
Center Bldg A	51	77	51							0	0	0				0	0	0
Center Bldg B	139	209	139	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Masonic	57	86	57	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Euclid	139	209	139	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Laurel Duplexes	14	21	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mayfair	30	45	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total				837	558	11	29	65	58	78	28		120	80		0	0	0
Car Share:		4 Required Residential		5 Required Non-Residential		9 Total Required		10 Total Car Share Provided								Total Parking on Site:		763
* Occupied Floor Area (OFA) is assumed to be 80% of tenant floor area per NODP01																		

## CLASS 1 BIKE PARKING

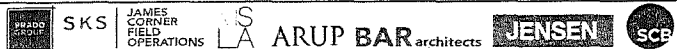
CLASS ONE BIKE	Bldg	Dwelling Units	Stalls Req'd 1/du to 100 then 1/4du	Total Res. Provided	Childcare	Stalls Req'd 1/20 children	Total Provided	Retail (general) x 0.8	Retail (general) Req'd 1/7,500sf	Total Retail Provided	Retail (F&B) x 0.8	Retail (F&B) Req'd 1/7,500sf	Total Retail Provided	Office x 0.8	Office Req'd 1/5,000sf	Total Office Provided	
	Plaza Bldg A	67	67	67	0	0	0	5,926	1	0*	5,926	1	0*	0	0	0	
	Plaza Bldg B	61	61	61	0	0	0	4,472	1	2	4,472	1	2	0	0	0	
	Walnut	0	0	0	179 children	9	10	14,265	2	4	0	0	0	39,999	8	8	
	Center Bldg A	51	51	51	0	0	0	0	0	0	0	0	0	0	0	0	
	Center Bldg B	139	110	139	0	0	0	0	0	0	0	0	0	0	0	0	
	Masonic	57	89	57	0	0	0	0	0	0	0	0	0	0	0	0	
	Euclid	139	110	139	0	0	0	0	0	0	0	0	0	0	0	0	
	Laurel Duplexes	14	14	14	0	0	0	0	0	0	0	0	0	0	0	0	
	Mayfair	30	30	30	0	0	0	0	0	0	0	0	0	0	0	0	
Total			532	558		9	10		3	6		2	2		8	8	
* Class 1 bike parking for retail in the Plaza buildings is centralized at the B1 level in Plaza B and adjacent to a locker and shower room																Total on Site:	584

## CLASS 2 BIKE PARKING

CLASS TWO BIKE	Bldg	Dwelling Units	Stalls Req'd 1/20 du	Total Res. Provided	Childcare	Stalls Req'd 1/20 children	Total Provided	Retail (general) x 0.8	Retail (general) Req'd 1/2,500sf	Total Retail Provided	Retail (F&B) x 0.8	Retail (F&B) Req'd 1/750sf	Total Retail Provided	Office x 0.8	Office min 2, plus 1/50,000 sf	Total Office Provided
	Plaza Bldg A	67	3	4	0	0	0	5,926	2	2	5,926	8	8	0	0	0
	Plaza Bldg B	61	3	4	0	0	0	4,472	2	2	4,472	6	6	0	0	0
	Walnut	0	0	0	179 children	9	10	8,500	4	4	0	0	0	39,999	3	4
	Center Bldg A	51	3	4	0	0	0	0	0	0	0	0	0	0	0	0
	Center Bldg B	139	7	8	0	0	0	0	0	0	0	0	0	0	0	0
	Masonic	61	3	4	0	0	0	0	0	0	0	0	0	0	0	0
	Euclid	139	7	8	0	0	0	0	0	0	0	0	0	0	0	0
	Laurel Duplexes	14	1	2	0	0	0	0	0	0	0	0	0	0	0	0
	Mayfair	30	2	2	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>			<b>29</b>	<b>36</b>		<b>9</b>	<b>10</b>		<b>8</b>	<b>8</b>		<b>14</b>	<b>14</b>		<b>3</b>	<b>4</b>

3333 CALIFORNIA STREET SAN FRANCISCO, CA

PROJECT DATA - PARKING SUMMAR



07.03.2019  
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Level	Residential Gross SF	Retail Uses SF	Retail Food and Bev. SF	Retail Core	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
3	24,615	0	0	0	0	0	0	24,615
2	24,615	0	0	0	0	0	0	24,615
1	14,745	2,268	2,268	0	0	0	0	19,281
B1	2,780	5,140	5,140	0	0	0	25,285	38,345
B2	0	0	0	0	0	0	36,905	36,905
B3	0	0	0	0	0	0	0	0
<b>Total</b>	<b>66,755</b>	<b>7,408</b>	<b>7,408</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>62,190</b>	<b>143,761</b>

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Retail Core	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
4	7,200	0	0	0	0	0	0	7,200
3	21,430	0	0	0	0	0	0	21,430
2	22,055	0	0	0	0	0	0	22,055
1	20,220	0	0	0	0	0	0	20,220
B1	1,130	5,590	5,590	0	0	0	13,982	26,292
B2	0	0	0	0	0	0	36,560	36,560
B3	0	0	0	0	0	0	0	0
<b>Total</b>	<b>72,035</b>	<b>5,590</b>	<b>5,590</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>50,542</b>	<b>133,757</b>

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
3	0	0	0	0	0	0	0
2	0	0	0	28,750	0	0	28,750
1	0	6,850	0	19,900	0	0	26,750
B1	0	1,350	0	1,349	12,450	41,615	56,764
B2	0	6,065	0	0	1,180	45,275	52,520
B3	0	0	0	0	0	65,535	65,535
<b>Total</b>	<b>0</b>	<b>14,265</b>	<b>0</b>	<b>49,999</b>	<b>13,630</b>	<b>152,425</b>	<b>230,319</b>

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
7	0	0	0	0	0	0	0
6	6,400	0	0	0	0	0	6,400
5	9,060	0	0	0	0	0	9,060
4	15,840	0	0	0	0	0	15,840
3	19,440	0	0	0	0	0	19,440
2	18,840	0	0	0	0	0	18,840
1	11,370	0	0	0	0	0	11,370
B1	2,055	0	0	0	0	14,220	16,275
<b>Total</b>	<b>83,505</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,220</b>	<b>97,725</b>

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
6	19,240	0	0	0	0	0	19,240
5	33,000	0	0	0	0	0	33,000
4	33,000	0	0	0	0	0	33,000
3	33,000	0	0	0	0	0	33,000
2	31,600	0	0	0	0	0	31,600
1	34,330	0	0	0	0	0	34,330
B1	0	0	0	0	0	42,360	42,360
<b>Total</b>	<b>184,170</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>42,360</b>	<b>226,530</b>

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
7	0	0	0	0	0	0	0
6	9,830	0	0	0	0	0	9,830
5	9,830	0	0	0	0	0	9,830
4	17,783	0	0	0	0	0	17,783
3	17,783	0	0	0	0	0	17,783
2	17,783	0	0	0	0	0	17,783
1	16,726	0	0	0	0	0	16,726
B1	0	0	0	0	0	0	0
B2	0	0	0	0	0	0	0
B3	0	0	0	0	0	0	0
<b>Total</b>	<b>89,735</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>89,735</b>

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
7	12,216	0	0	0	0	0	12,216
6	23,191	0	0	0	0	0	23,191
5	28,540	0	0	0	0	0	28,540
4	33,839	0	0	0	0	0	33,839
3	35,462	0	0	0	0	0	35,462
2	35,736	0	0	0	0	0	35,736
1	36,189	0	0	0	0	0	36,189
B1	11,800	0	0	0	0	10,034	21,834
B2	13,694	0	0	0	0	0	13,694
B3	1,000	0	0	0	0	12,697	13,697
<b>Total</b>	<b>231,667</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>22,731</b>	<b>254,398</b>

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
4	9,270	0	0	0	0	0	9,270
3	14,390	0	0	0	0	0	14,390
2	15,550	0	0	0	0	0	15,550
1	13,300	0	0	0	0	0	13,300
B1	2,790	0	0	0	0	4,960	7,750
<b>Total</b>	<b>55,300</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,960</b>	<b>60,260</b>

Level	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
4	10,020	0	0	0	0	0	10,020
3	11,010	0	0	0	0	0	11,010
2	10,960	0	0	0	0	0	10,960
1	10,990	0	0	0	0	0	10,990
B1	3,700	0	0	0	0	12,360	16,060
<b>Total</b>	<b>46,680</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,360</b>	<b>59,040</b>

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PROJECT DATA - AREAS BY BUILDING



PLAZA BLDG A	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	3	5	11	10	2	0	28
	2	5	11	10	2	0	28
	1	8	0	3	0	0	11
	B1	0	0	0	0	0	0
	B2	0	0	0	0	0	0
	B3	0	0	0	0	0	0
	<b>Total</b>	18	22	23	4	0	67
	<b>Percentage</b>	27%	33%	34%	6%	0%	

PLAZA BLDG B	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	4	3	1	3	0	0	7
	3	3	7	9	2	0	21
	2	3	7	10	2	0	22
	1	0	6	3	2	0	11
	B1	0	0	0	0	0	0
	B2	0	0	0	0	0	0
	B3	0	0	0	0	0	0
	<b>Total</b>	9	21	25	6	0	61
	<b>Percentage</b>	15%	34%	41%	10%	0%	

MASONIC	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	6	0	1	3	1	0	5
	5	0	0	2	4	0	6
	4	0	5	7	1	0	13
	3	0	4	8	2	0	14
	2	0	7	5	1	0	13
	1	0	5	0	1	0	6
	B1	0	0	0	0	0	0
	<b>Total</b>	0	22	25	10	0	57
	<b>Percentage</b>	0%	44%	39%	16%	0%	100%

EUCLID	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	6	0	0	4	8	0	12
	5	0	11	15	3	0	29
	4	0	11	15	3	0	29
	3	0	11	15	3	0	29
	2	0	14	2	2	0	18
	1	0	8	3	11	0	22
	B1	0	0	0	0	0	0
	<b>Total</b>	0	55	54	30	0	139
	<b>Percentage</b>	0%	37%	40%	23%	0%	100%

CENTER A	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	TH top	0	0	0	0	0	0
	5	0	0	0	0	0	0
	4	0	7	4	2	0	1
	3	0	7	3	3	0	1
	2	0	7	3	3	0	1
	1	0	3	1	2	0	0
	B1	0	0	0	0	0	0
	B2	0	0	0	0	0	0
	B3	0	0	0	0	0	0
	<b>Total</b>	0	24	11	10	6	5
	<b>Percentage</b>	0%	47%	22%	20%	12%	100%

CENTER B	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	TH top	0	0	0	0	0	0
	6	0	2	4	1	0	1
	5	0	5	10	4	0	1
	4	0	7	7	7	0	2
	3	0	7	9	8	0	2
	2	0	11	8	6	0	2
	1	0	7	7	4	0	1
	B1	0	7	2	0	0	0
	B2	0	5	2	0	0	0
	B3	0	0	0	0	0	0
	<b>Total</b>	0	51	49	30	9	13
	<b>Percentage</b>	0%	37%	35%	22%	6%	100%

LAUREL DUPLEXES	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	1	0	0	0	2	12	1
	<b>Total</b>	0	0	0	2	12	1
	<b>Percentage</b>	0%	0%	0%	14%	86%	100%

MAYFAIR	Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
	4	0	1	1	4	0	1
	3	0	1	2	4	0	1
	2	0	4	2	2	0	1
	1	0	6	2	1	0	1
	<b>Total</b>	0	12	7	11	0	3
	<b>Percentage</b>	0%	40%	23%	37%	0%	100%

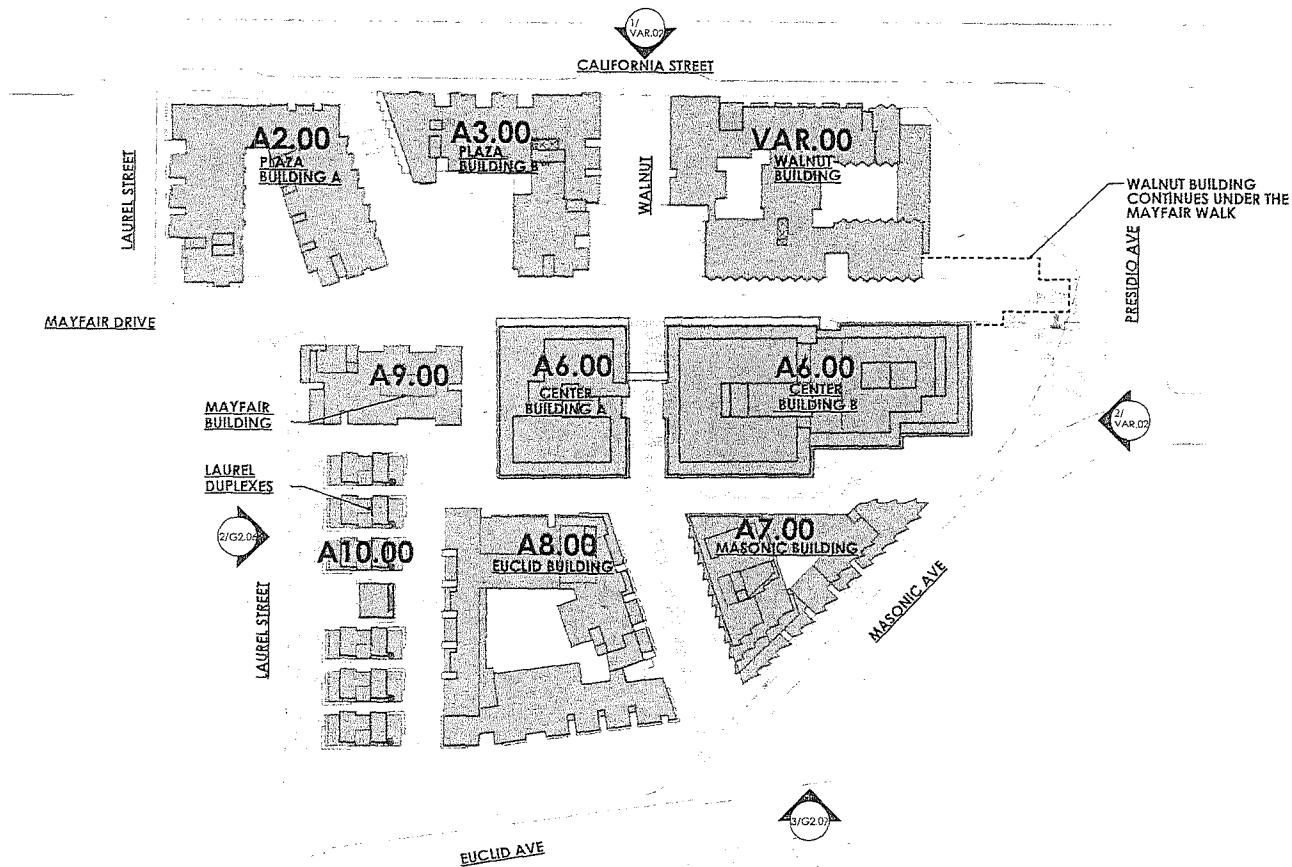
3333 CALIFORNIA STREET SAN FRANCISCO, CA

PROJECT DATA - UNIT COUNT BY BUILDING



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PLANNING APPLICATION RESUBMITTAL

G3.01d



3333 CALIFORNIA STREET SAN FRANCISCO, CA

KEYING SITE PLAN - EIR VARIANT 1



SKS

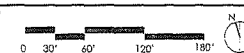
JAMES  
CORNER  
FIELD  
OPERATIONS

LA

ARUP BAR architects



07.03.2019



VAR.00

# WALNUT VARIANT AREAS

Level	Residential Gross SF	Retail SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
5	26,910	0	0	0	0	0	26,910
4	29,445	0	0	0	0	0	29,445
3	29,445	0	0	0	0	0	29,445
2	29,445	0	0	0	0	0	29,445
1	31,180	0	0	0	0	0	31,180
B1	1,165	8,500	0	0	13,465	39,635	62,765
B2	0	0	0	0	1,200	47,865	49,065
B3	0	0	0	0	0	78,445	78,445
<b>Total</b>	<b>147,590</b>	<b>8,500</b>	<b>0</b>	<b>0</b>	<b>14,665</b>	<b>165,945</b>	<b>336,700</b>

# WALNUT VARIANT UNIT MIX

Level	JR	1-BED	2-BED	3-BED	4-BED	TOTAL
5	0	36	0	0	0	36
4	0	39	0	0	0	39
3	0	39	0	0	0	39
2	0	37	0	0	0	37
1	0	34	1	0	0	35
B1	0	0	0	0	0	0
B2	0	0	0	0	0	0
B3	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>185</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>186</b>
<b>Percentage</b>	<b>0%</b>	<b>99%</b>	<b>1%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>

# VARIANT TOTALS AREAS

Bldg	Residential Gross SF	Retail Gross SF	Retail Food and Bev. SF	Office Gross SF	Childcare Gross SF	Garage Gross SF	TOTAL GSF
Plaza Bldg A	66,755	7,408	7,408	0	0	69,329	150,900
Plaza Bldg B	72,035	5,590	5,590	0	0	69,329	152,544
Walnut Variant	147,590	8,500	0	0	14,665	165,945	336,700
Center Bldg A	89,735	0	0	0	0	0	89,735
Center Bldg B	231,667	0	0	0	0	22,731	254,398
Masonic	83,505	0	0	0	0	14,220	97,725
Euclid	184,170	0	0	0	0	42,360	226,530
Laurel Duplexes	55,300	0	0	0	0	4,960	60,260
Mayfair	46,680	0	0	0	0	12,360	59,040
<b>Total</b>	<b>977,437</b>	<b>21,498</b>	<b>12,998</b>	<b>0</b>	<b>14,665</b>	<b>401,234</b>	<b>1,427,832</b>

# VARIANT UNIT MIX TOTALS

Level	JR	1-BED	2-BED	3-BED	4-BED or PH	TOTAL
Plaza Bldg A	18	22	23	4	0	67
Plaza Bldg B	9	21	25	6	0	61
Walnut Variant	0	185	1	0	0	186
Center Bldg A	0	24	11	10	6	51
Center Bldg B	0	51	49	30	9	139
Masonic	0	22	25	10	0	57
Euclid	0	55	54	30	0	139
Laurel Duplexes	0	0	0	2	12	14
Mayfair	0	12	7	11	0	30
<b>Total</b>	<b>27</b>	<b>392</b>	<b>195</b>	<b>103</b>	<b>27</b>	<b>744</b>
	<b>4%</b>	<b>53%</b>	<b>26%</b>	<b>14%</b>	<b>4%</b>	<b>100%</b>

3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: DATA



SKS

JAMES  
CORNER  
FIELD  
OPERATIONS



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JENSEN



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VAR.01a

# PARKING PROVIDED

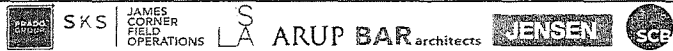
VARIANT PARKING	Bldg	Dwelling Units	Res 0 to 1.5 / DU	Res Total TDM Provided	Childcare	Childcare Req'd 1.5/25 children	Total TDM Provided	Retail (general) x 0.8 *	Retail (general) Code 1.5/500 osf	Total Retail TDM Provided	Retail (F&B) x 0.8*	Retail (F&B) Code 1.5/200 osf	Total Retail TDM Provided	Office x 0.8*	Office Req'd 1.5/500 osf	Total Office TDM Provided	Commercial	Commercial Req'd	Total Com. Provided
	Plaza Bldg A	67	101	67	0	0	0	5,926	18	16	5,926	44	14	0	0	0	0	0	
	Plaza Bldg B	61	92	61	0	0	0	4,472	14	12	4,472	34	14	0	0	0	0	0	
	Walnut	186	279	186	179 children	11	29	6,800	21	18	0	0	0	0	0	0	0	0	
	Center Bldg A	51	77	51	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Center Bldg B	139	209	139	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Masonic	57	86	57	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Euclid	139	209	139	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Laurel Duplexes	14	21	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Mayfair	30	45	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total		1,116		744	11		29	53		46	78		28	0		0	0		0
Car Share		5 Required Residential			3 Required Non-Residential			8 Total Required			10 Total Car Share Provided						Total Parking on Site: 857		
* Occupied Floor Area (OFA) is assumed to be 80% of tenant floor area per NOPDR1																			

CLASS ONE BIKE	Bldg	Dwelling Units	Stalls Req'd 1/du to 100 then 1/4du	Total Res. Provided	Childcare	Stalls Req'd 1/20 children	Total Provided	Retail (general) x 0.8	Retail (general) Req'd 1/7,500sf	Total Retail Provided	Retail (F&B) x 0.8	Retail (F&B) Req'd 1/7,500sf	Total Retail Provided	Office x 0.8	Office Req'd 1/5,000sf	Total Office Provided
	Plaza Bldg A	67	67	67	0	0	0	5,926	1	0*	5,926	1	0*	0	0	0
	Plaza Bldg B	61	61	61	0	0	0	4,472	1	2	4,472	1	2	0	0	0
	Walnut	186	122	186	179 children	9	10	6,800	1	4	0	0	0	0	0	0
	Center Bldg A	51	51	51	0	0	0	0	0	0	0	0	0	0	0	0
	Center Bldg B	139	110	139	0	0	0	0	0	0	0	0	0	0	0	0
	Masonic	57	89	57	0	0	0	0	0	0	0	0	0	0	0	0
	Euclid	139	110	139	0	0	0	0	0	0	0	0	0	0	0	0
	Laurel Duplexes	14	14	14	0	0	0	0	0	0	0	0	0	0	0	0
	Mayfair	30	30	30	0	0	0	0	0	0	0	0	0	0	0	0
Total		653	744		9	10		2	6		2	2		0	0	0
* Class 1 bike parking for retail in the Plaza buildings is centralized at the B1 level in Plaza B and adjacent to a locker and shower room																Total on Site: 762

CLASS TWO BIKE	Bldg	Dwelling Units	Stalls Req'd 1/20 du	Total Res. Provided	Childcare	Stalls Req'd 1/20 children	Total Provided	Retail (general) x 0.8	Retail (general) Req'd 1/2,500sf	Total Retail Provided	Retail (F&B) x 0.8	Retail (F&B) Req'd 1/750sf	Total Retail Provided	Office x 0.8	Office min 2, plus 1/5,000 sf	Total Office Provided
	Plaza Bldg A	67	3	4	0	0	0	5,926	2	2	5,926	8	8	0	0	0
	Plaza Bldg B	61	3	4	0	0	0	4,472	2	2	4,472	6	6	0	0	0
	Walnut	186	9	9	179 children	9	10	6,800	3	4	0	0	0	0	0	0
	Center Bldg A	51	3	4	0	0	0	0	0	0	0	0	0	0	0	0
	Center Bldg B	139	7	8	0	0	0	0	0	0	0	0	0	0	0	0
	Masonic	61	3	4	0	0	0	0	0	0	0	0	0	0	0	0
	Euclid	139	7	8	0	0	0	0	0	0	0	0	0	0	0	0
	Laurel Duplexes	14	1	2	0	0	0	0	0	0	0	0	0	0	0	0
	Mayfair	30	2	2	0	0	0	0	0	0	0	0	0	0	0	0
Total		38	45		9	10		8	8		14	14		0	0	0
																Total on Site: 77

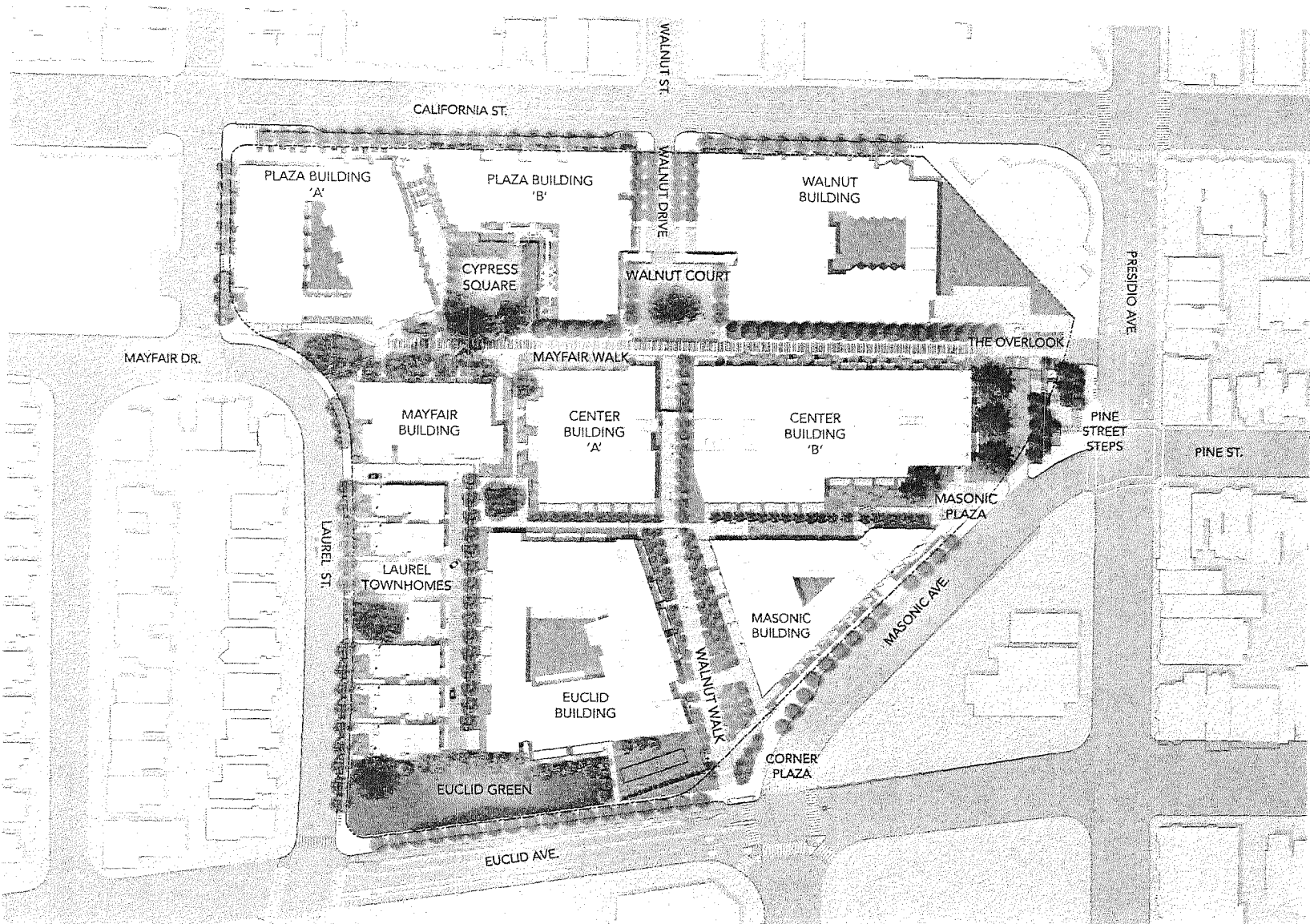
3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: PARKING SUMMARY



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VAR.01b



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LANDSCAPE SITE PLAN



SKS

JAMES  
CORNER  
FIELD  
OPERATIONS

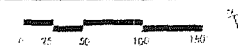


ARUP BAR architects

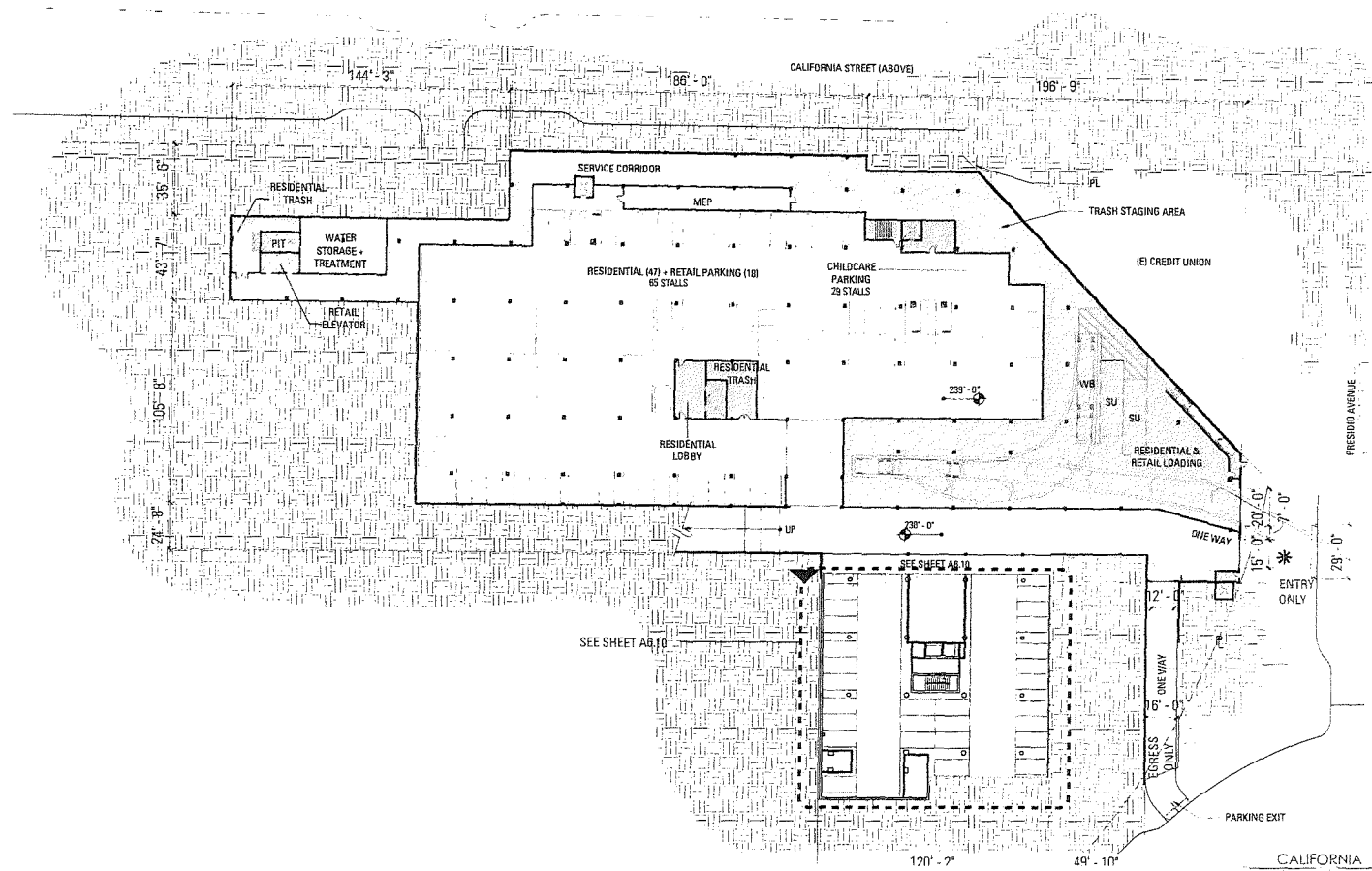
JENSEN



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PLANNING APPLICATION SUBMITTAL



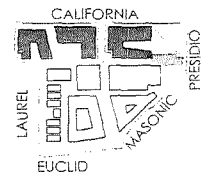
VAR.04



- CHILDCARE  
USABLE
- PARKING
- RETAIL  
USABLE
- OFFICE
- RESIDENTIAL  
HOME
- LANDSCAPED  
ROOF
- CHILDCARE  
A.O.H.
- RETAIL  
3 O.T.
- OFFICE  
CORE
- RESIDENTIAL  
CORE

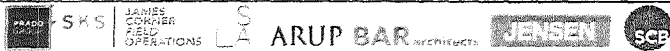
LEGEND INTENDED FOR USE ONLY  
WHERE PLANS ARE REPRODUCED  
IN COLOR

\* ENTRY FOR: RETAIL, SR. HOUSING, CHILDCARE, OFFICE, & CENTER BUILDING B (SELECT STALLS)  
\*\* LOADING AREA USED FOR RETAIL, OFFICE, AND RESIDENTIAL TRASH  
COLLECTION AS WELL AS RESIDENTIAL AND RETAIL LOADING.

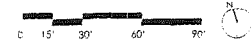


3333 CALIFORNIA STREET SAN FRANCISCO, CA

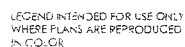
EIR VARIANT 1: CALIFORNIA STREET PARKING GARAGE - LEVEL B3



07.03.2019  
PLANNING APPLICATION RESUBMITTAL



VAR.11

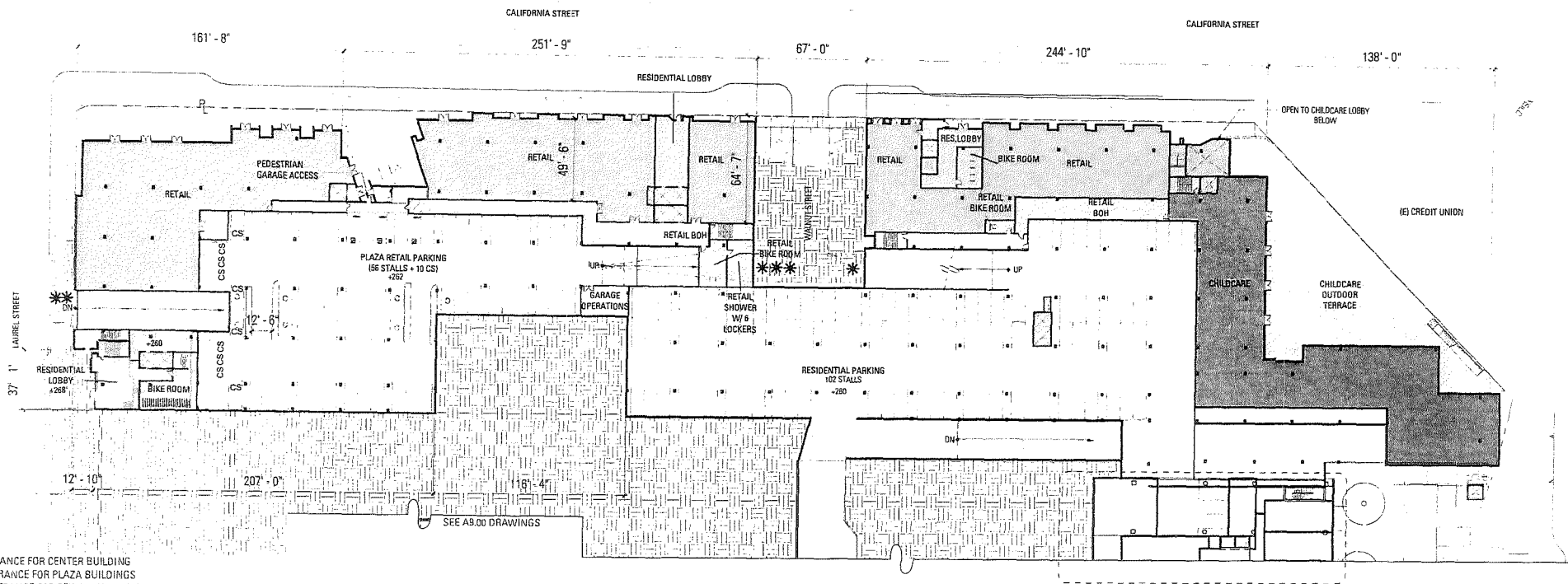


PRADO SKS JAMES CORNER FIELD OPERATIONS S A ARUP BAR JENSEN SCB

07.03.2019  
PLANNING APPLICATION RESUBMITTAL



VAR.12



- ENTRANCE FOR CENTER BUILDING
- ENTRANCE FOR PLAZA BUILDINGS
- ENTRANCE FOR RETAIL AND CAR SHARE

CHILDCARE  
USABLE

PARKING

RETEL

OFFICE

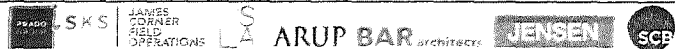
RESIDENTIAL

LANDSCAPED

LEGEND INTENDED FOR USE ONLY  
WHERE PLANS ARE REPRODUCED  
IN COLOR

3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: CALIFORNIA STREET PARKING GARAGE - LEVEL B1

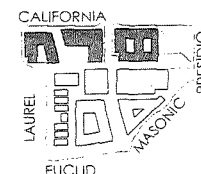
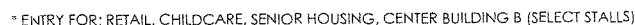


07.03.2019  
PLANNING APPLICATION RESUBMITTAL

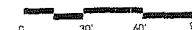


VAR.13

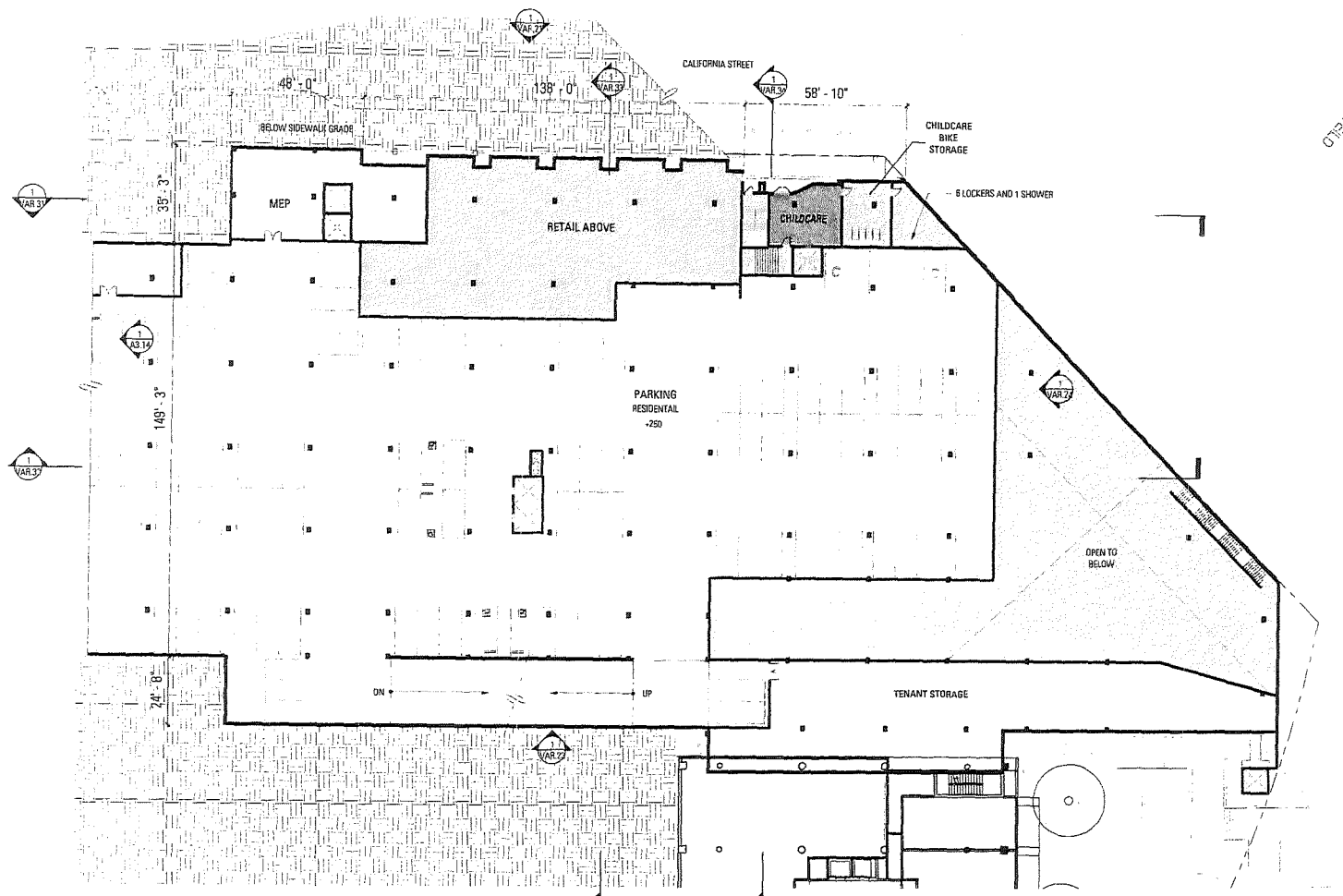




EIR VARIANT 1: "WALNUT" BUILDING PLANS - B3

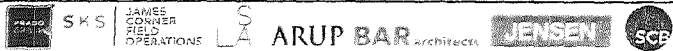


VAR.14



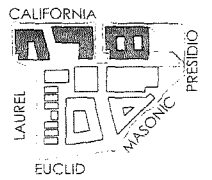
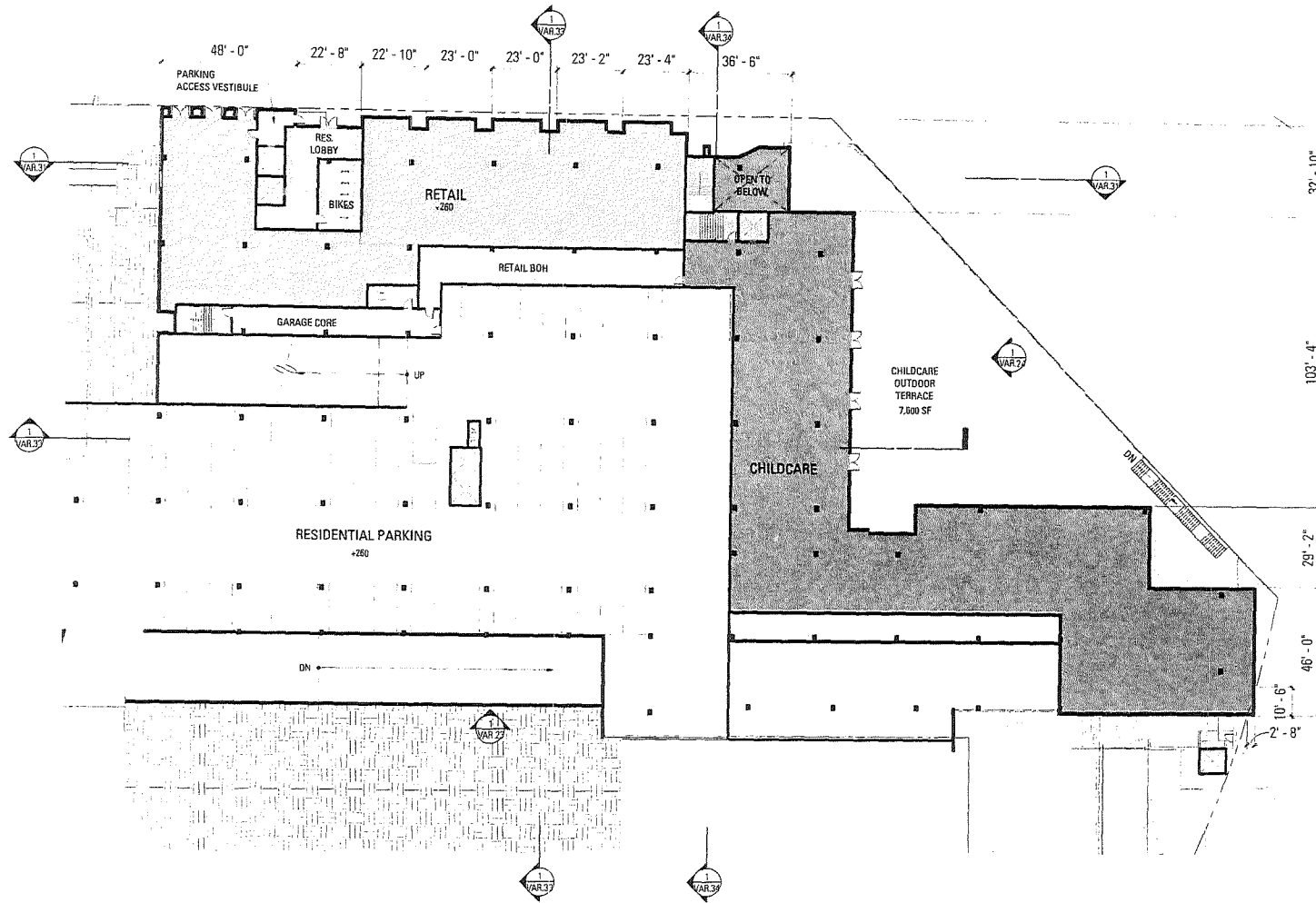
3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING PLANS - B2



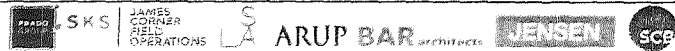
07.03.2019  
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VAR.15



3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING PLANS - B1



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VAR.16

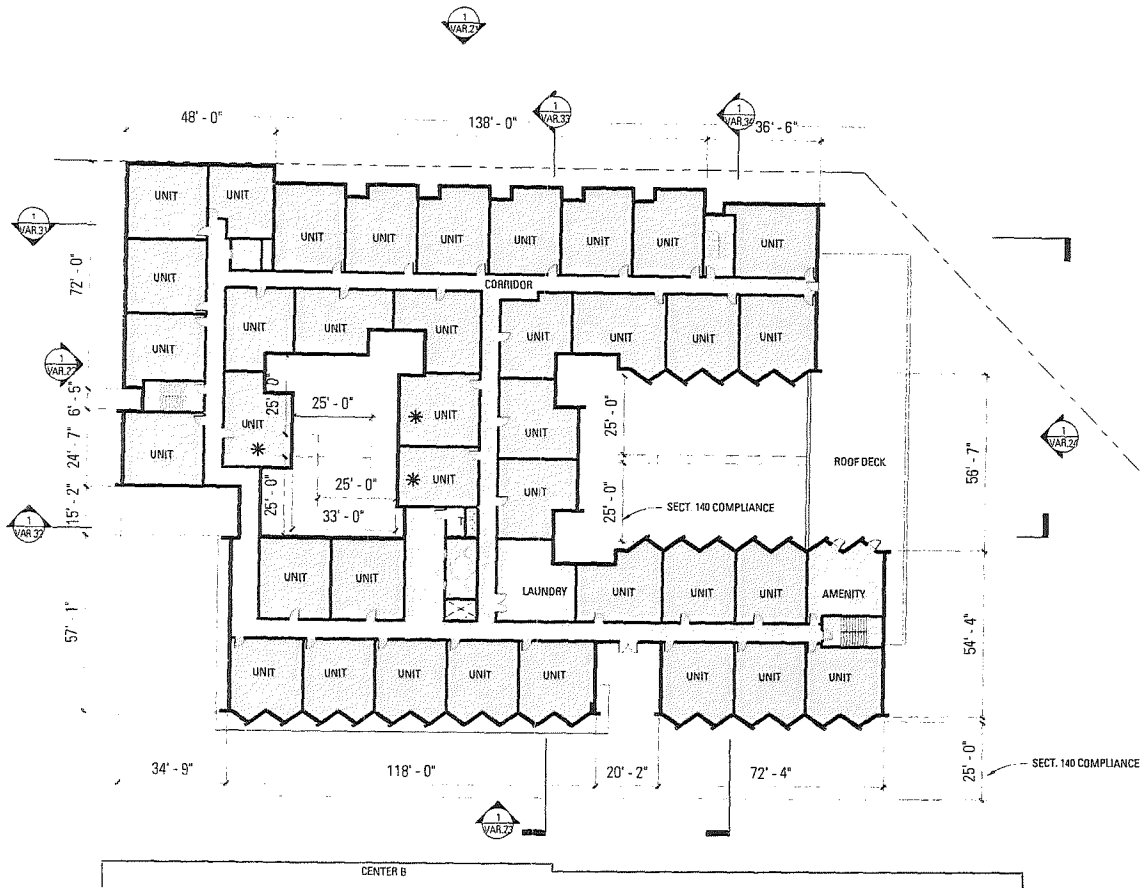
3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING PLANS - LEVEL 1

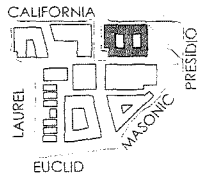
07.03.2019  
PLANNING APPLICATION RESUBMITTAL

Figure 1 is a schematic representation of the experimental design. It shows a horizontal timeline with four phases: Baseline (0-15 min), Training (15-30 min), Transfer (30-45 min), and Retention (45-90 min). The phases are represented by colored bars: Baseline is light blue, Training is dark blue, Transfer is light green, and Retention is dark green. The timeline is marked with 0, 30, 60, and 90 minutes.

VAR.17



\* UNIT REQUIRES MODIFICATION TO SECTION 140.35' - 0' DEPTH REQUIRED.  
33'-0' PROVIDED



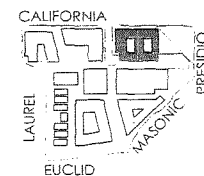
3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING PLANS - LEVEL 2



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PLANNING APPLICATION RESUBMITTAL

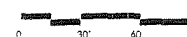
VAR.18



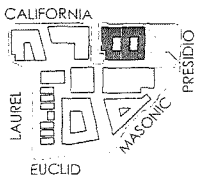
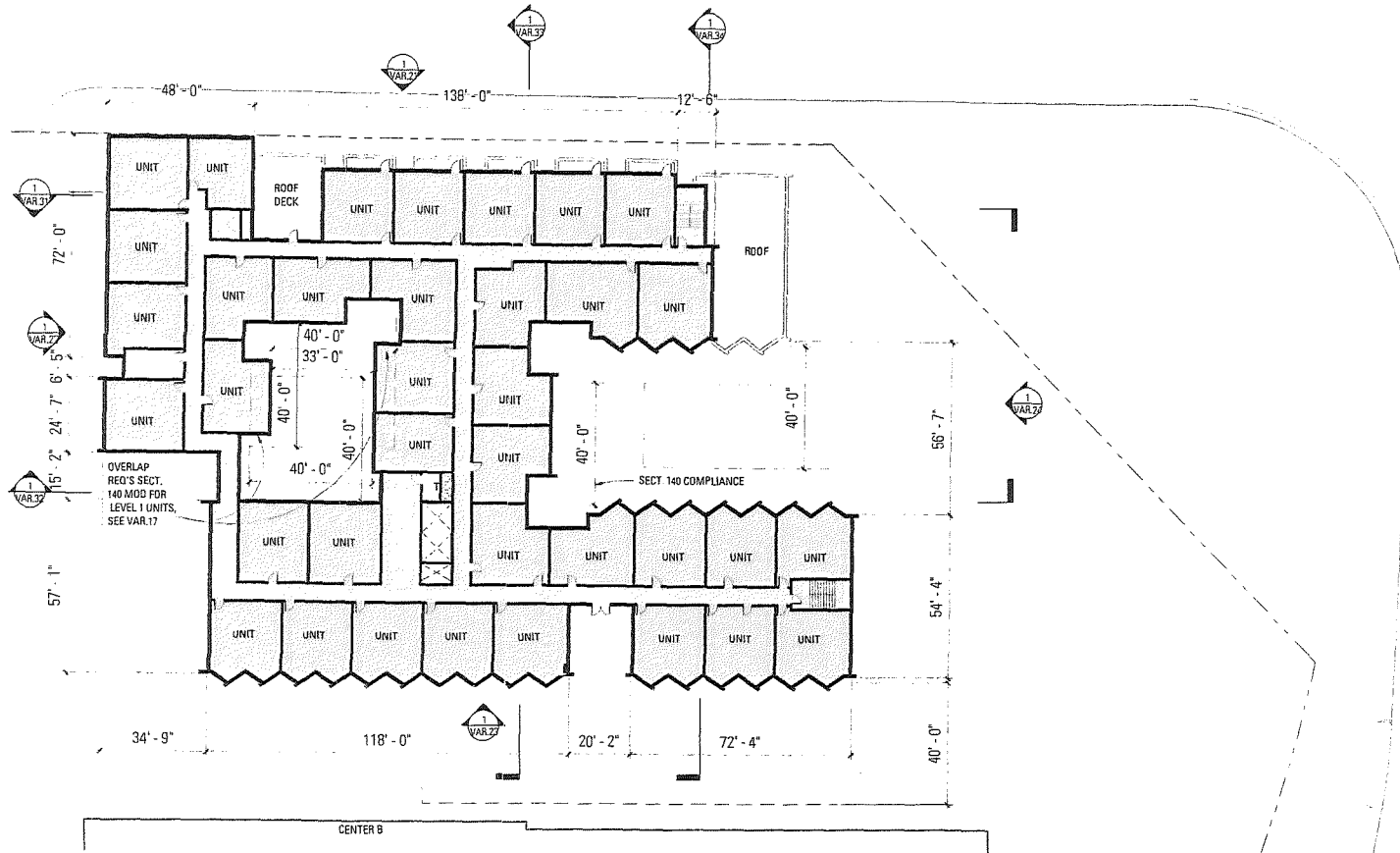
3333 CALIFORNIA STREET SAN FRANCISCO, CA

## EIR VARIANT 1: "WALNUT" BUILDING PLANS - LEVEL 3-4

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PLANNING APPLICATION RESUBMITTAL



VAR.19

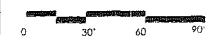


3333 CALIFORNIA STREET SAN FRANCISCO, CA

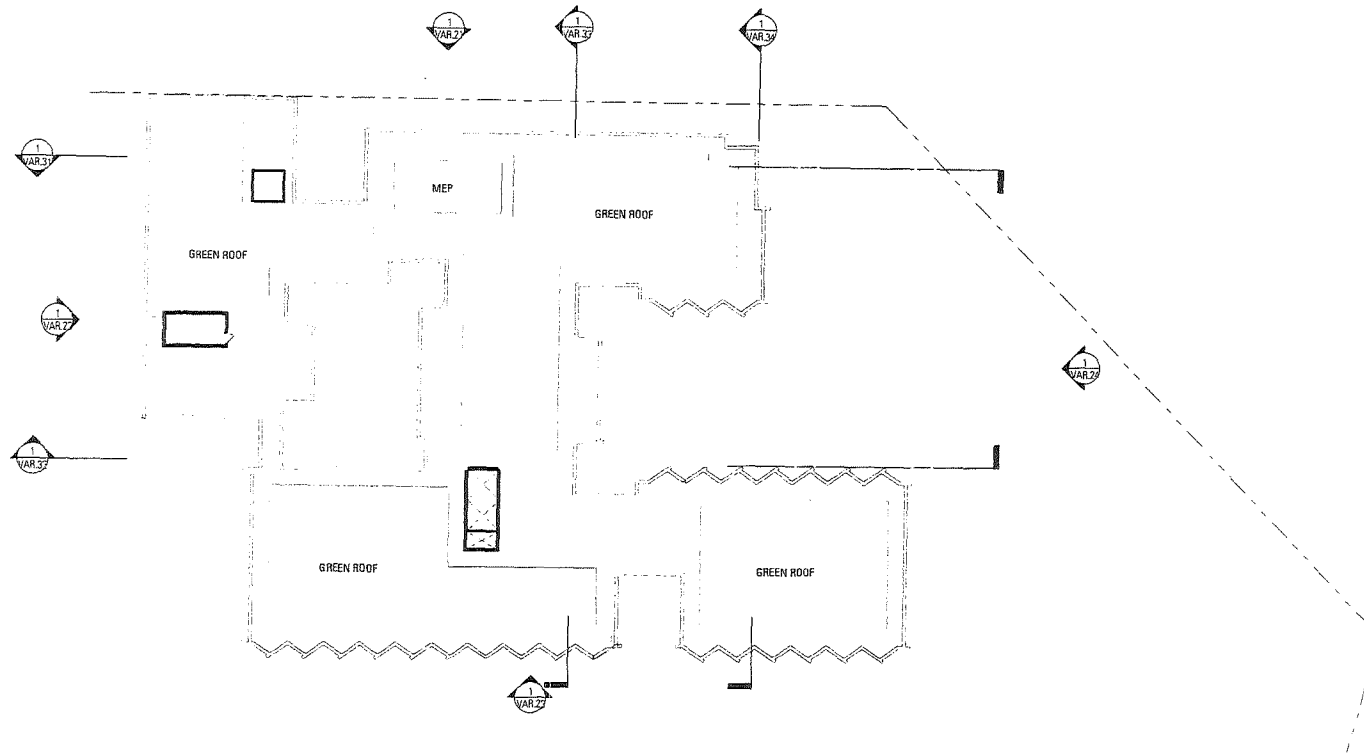
EIR VARIANT 1: "WALNUT" BUILDING PLANS - LEVEL 5



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PLANNING APPLICATION RESUBMITTAL



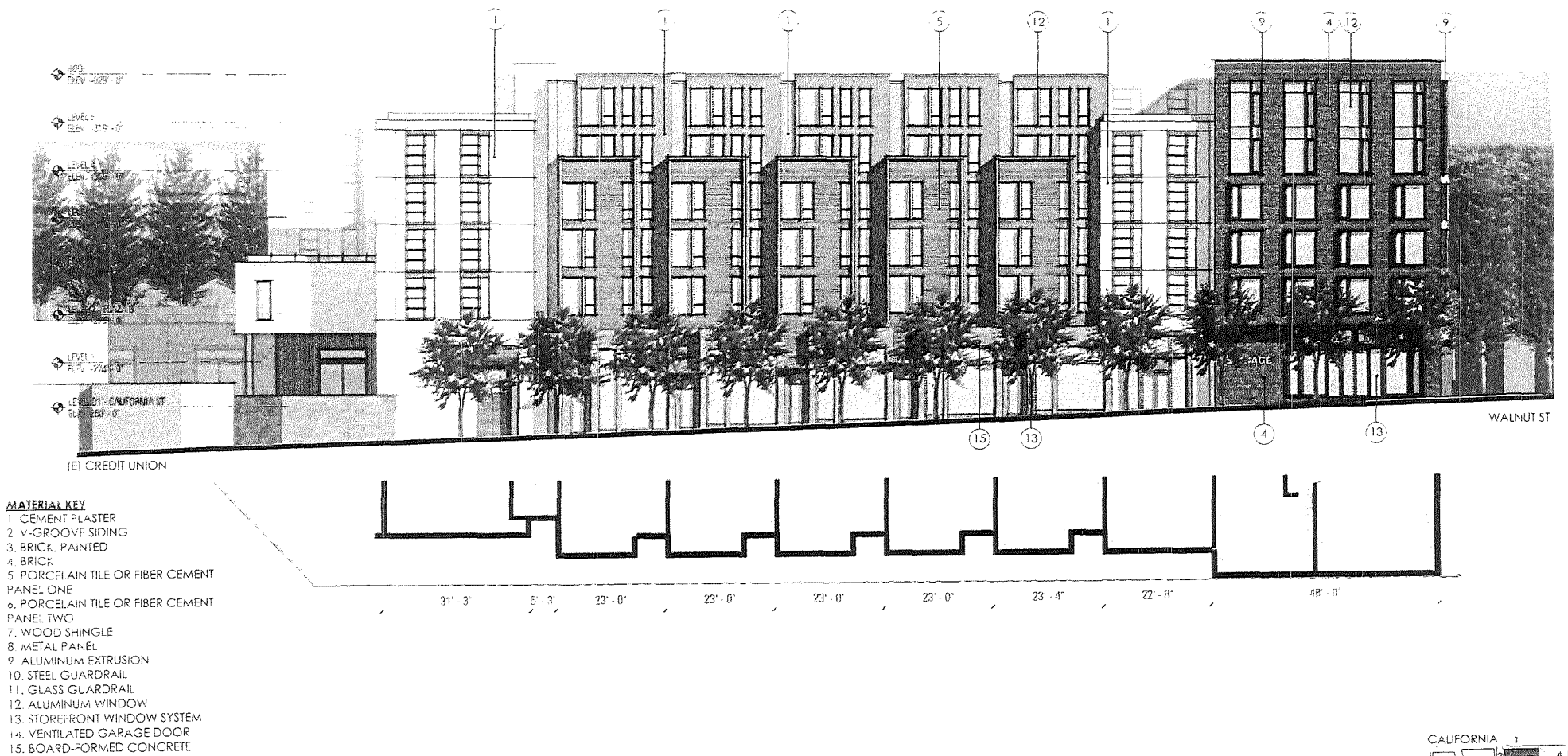
VAR.20

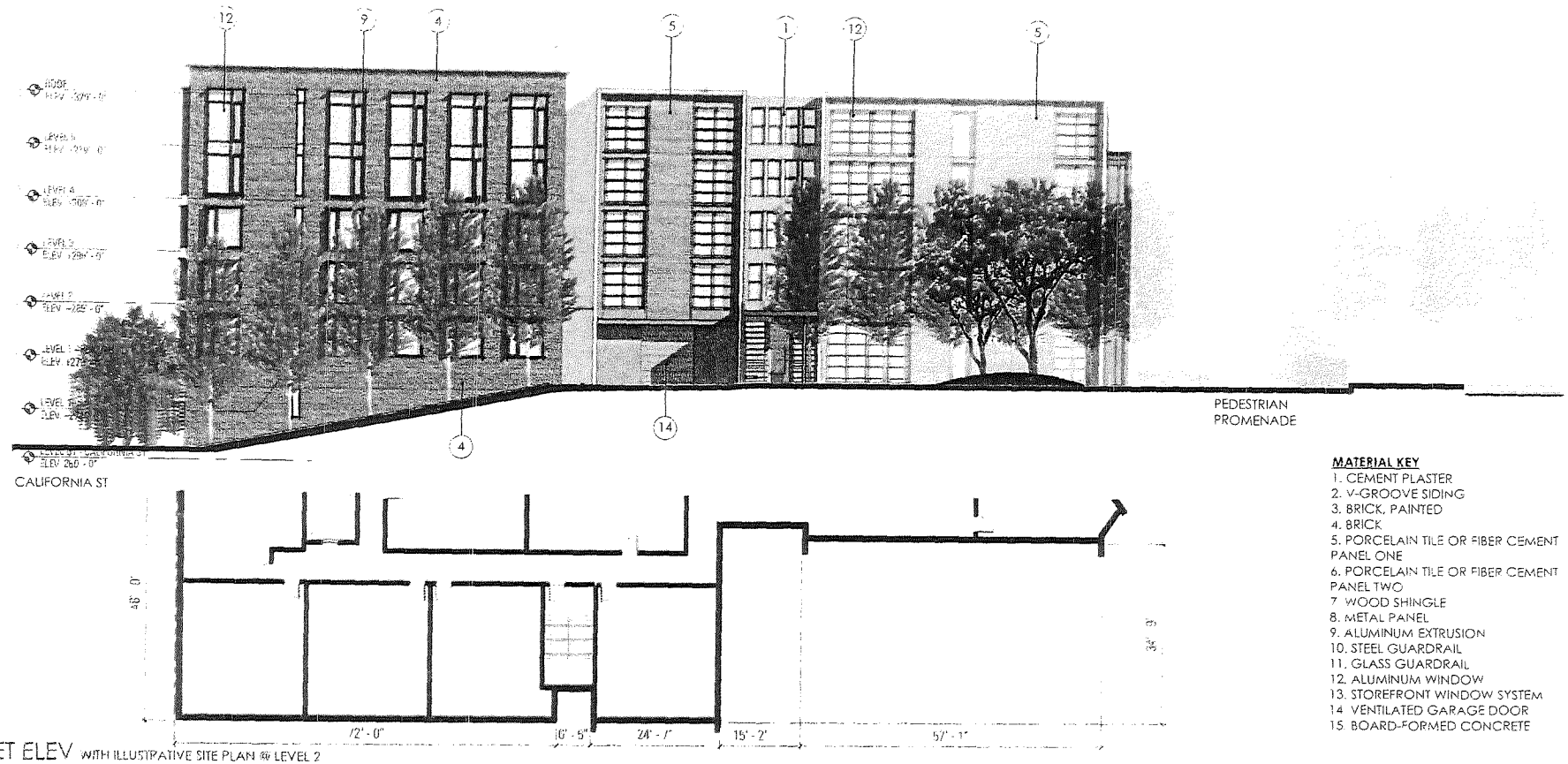


3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING PLANS - ROOF

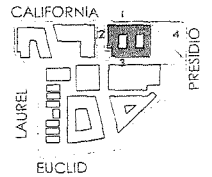






2. WALNUT STREET ELEV WITH ILLUSTRATIVE SITE PLAN @ LEVEL 2

\*BASEPOINT FOR PLANNING CODE HEIGHT MEASUREMENT. SEE SHEET G3.04



3333 CALIFORNIA STREET SAN FRANCISCO, CA

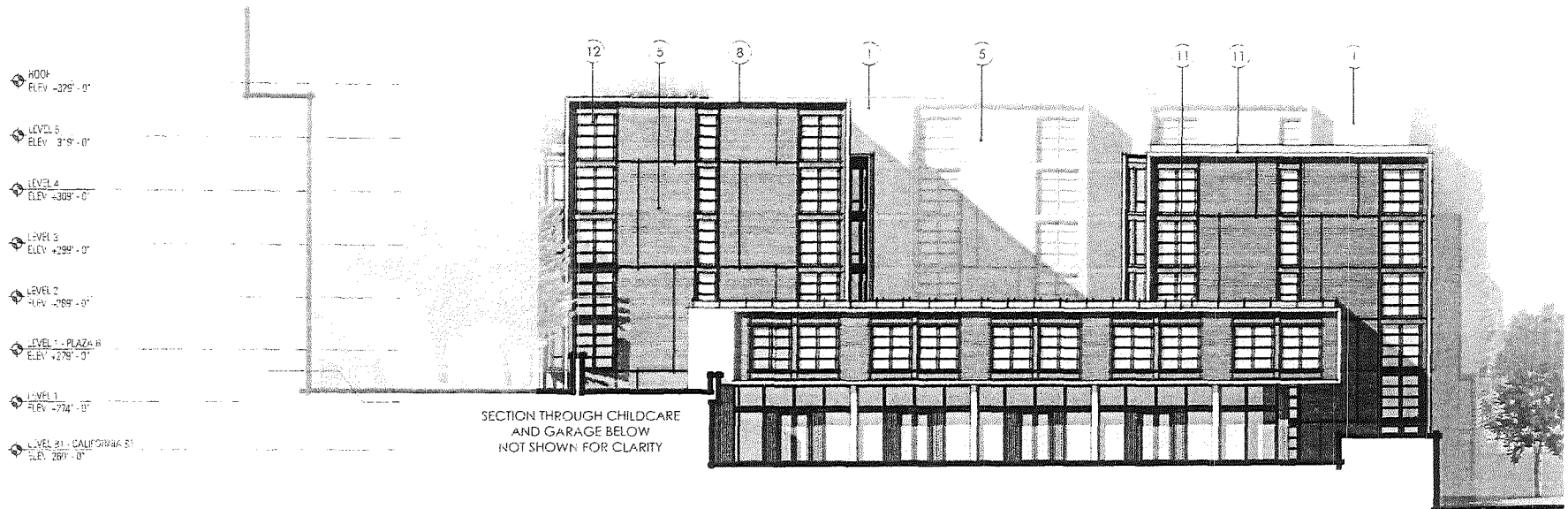
EIR VARIANT 1: "WALNUT" BUILDING ELEVATIONS

SKS JAMES CORNER FIELD OPERATIONS ARUP BAR architects JENSEN SCE

07.03.2019  
PLANNING APPLICATION RESUBMITTAL

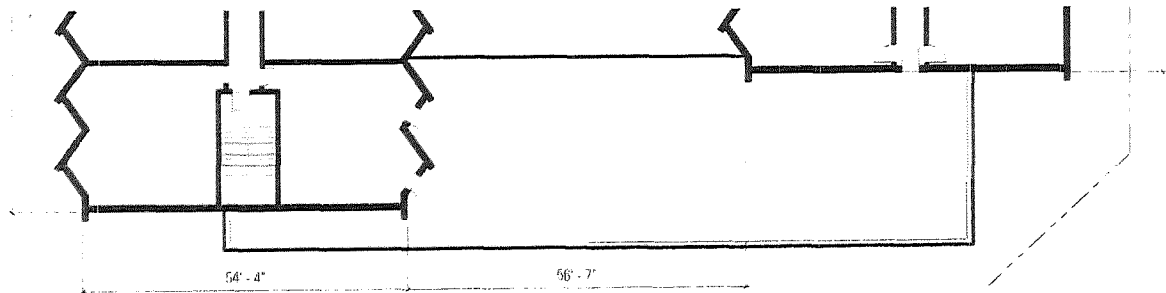
VAR.23





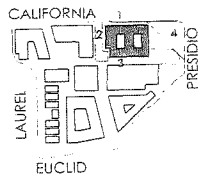
#### MATERIAL KEY

1. CEMENT PLASTER
2. V-GROOVE SIDING
3. BRICK, PAINTED
4. BRICK
5. PORCELAIN TILE OR FIBER CEMENT PANEL ONE
6. PORCELAIN TILE OR FIBER CEMENT PANEL TWO
7. WOOD SHINGLE
8. METAL PANEL
9. ALUMINUM EXTRUSION
10. STEEL GUARDRAIL
11. GLASS GUARDRAIL
12. ALUMINUM WINDOW
13. STOREFRONT WINDOW SYSTEM
14. VENTILATED GARAGE DOOR
15. BOARD-FORMED CONCRETE



#### 4. PRESIDIO ELEVATION (EAST) WITH ILLUSTRATIVE SITE PLAN @ LEVEL 2

\*BASEPOINT FOR PLANNING CODE HEIGHT MEASUREMENT, SEE SHEET G3 04



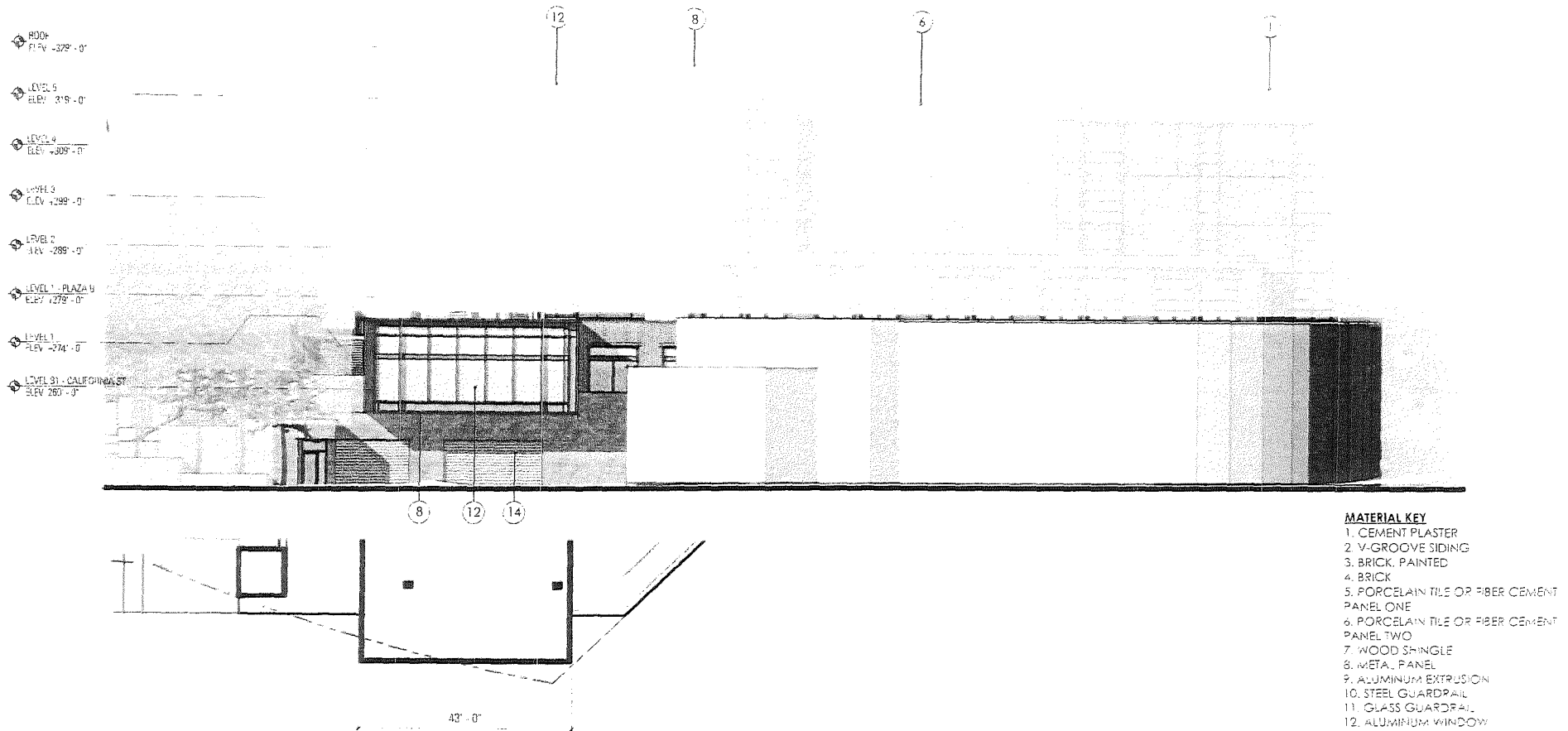
3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING ELEVATIONS



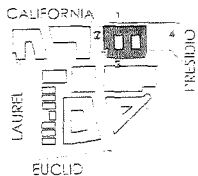
07.03.2019  
PLANNING APPLICATION RESUBMITTAL

VAR.25



4. PRESIDIO ELEVATION (EAST) WITH ILLUSTRATIVE SITE PLAN @ LEVEL B1

\*BASEPOINT FOR PLANNING CODE HEIGHT MEASUREMENT. SEE SHEET G3.04



3333 CALIFORNIA STREET SAN FRANCISCO, CA

EIR VARIANT 1: "WALNUT" BUILDING ELEVATIONS



07.03.2019  
PLANNING APPLICATION RESUBMITTAL

VAR.26

Building	Total Units	Base O.S. Req'd (100/du)	Units with Private O.S.	Provided Private O.S.	Remaining Area	Area Req'd as Common (x1.33)	Provided Common O.S.	Remaining Area Req'd on Project Site
Plaza Bldg A	67	6,700	1	100	6,600	8,778	5,550	3,228
Plaza Bldg B	61	6,100	11	818	5,282	7,025	5,180	1,845
Walnut Variant	186	18,600	0	0	18,600	24,738	6,370	18,368
Center Bldg A	51	5,100	12	1,200	3,900	5,187	435	4,752
Center Bldg B	139	13,900	39	3,900	10,000	13,300	1,275	12,025
Masonic	57	5,700	11	1,100	4,600	6,118	0	4,718
Euclid	139	13,900	24	2,400	11,500	15,295	9,660	5,635
Laurel Duplexes	14	1,400	14	1,400	0	0	0	0
Mayfair	30	3,000	12	1,200	1,800	2,394	700	1,694
<b>Total</b>	<b>744</b>	<b>74,400</b>	<b>124</b>	<b>12,118</b>	<b>62,282</b>	<b>82,835</b>	<b>29,170</b>	<b>52,665</b>

**COMMON SITE PLAN OPEN SPACE CONTRIBUTING TO SECTION 135 REQUIREMENT:**

CYPRESS SQUARE + EASTERN MAYFAIR WALK: 24,780 SF  
 LOWER WALNUT WALK: 16,850 SF  
 CALIFORNIA PLAZA: 4,290 SF  
 OVERLOOK: 10,450 SF

**TOTAL COMMON OPEN SPACE\*: 56,370 SF, EXCEEDS REQUIRED -- COMPLIES**

**LOCATIONS FOR REQUIRED OPEN SPACE ON SITE:**

PLAZA BLDG A: 3,228 SF REQUIRED ON PROJECT SITE  
 3,228 (OF 4,290) SF PROVIDED AT CALIFORNIA PLAZA

PLAZA BLDG B: 1,845 SF REQUIRED ON PROJECT SITE  
 1,845 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE

WALNUT: 18,368 SF REQUIRED ON PROJECT SITE  
 10,450 (OF 10,450) SF PROVIDED AT OVERLOOK  
 7,918 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE

CENTER BLDG. A: 4,752 SF REQUIRED ON PROJECT SITE  
 4,752 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE

CENTER BLDG. B: 12,025 SF REQUIRED ON PROJECT SITE  
 6,400 (OF 16,850) SF PROVIDED AT LOWER WALNUT WALK  
 5,625 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE

MASONIC: 4,718 SF REQUIRED ON PROJECT SITE  
 4,718 (OF 16,850) SF PROVIDED AT LOWER WALNUT WALK

EUCLID: 5,635 SF REQUIRED ON PROJECT SITE  
 5,635 (OF 16,850) SF PROVIDED AT LOWER WALNUT WALK

LAUREL DUPLEXES: 0 SF REQUIRED ON PROJECT SITE

MAYFAIR: 1,694 SF REQUIRED ON SITE  
 1,694 (OF 24,780) PROVIDED AT CYPRESS SQUARE

\* UNIT WITH CODE COMPLYING OPEN SPACE  
 (MAX 100 SF/UNITS COUNTED TOWARD REQUIREMENT)

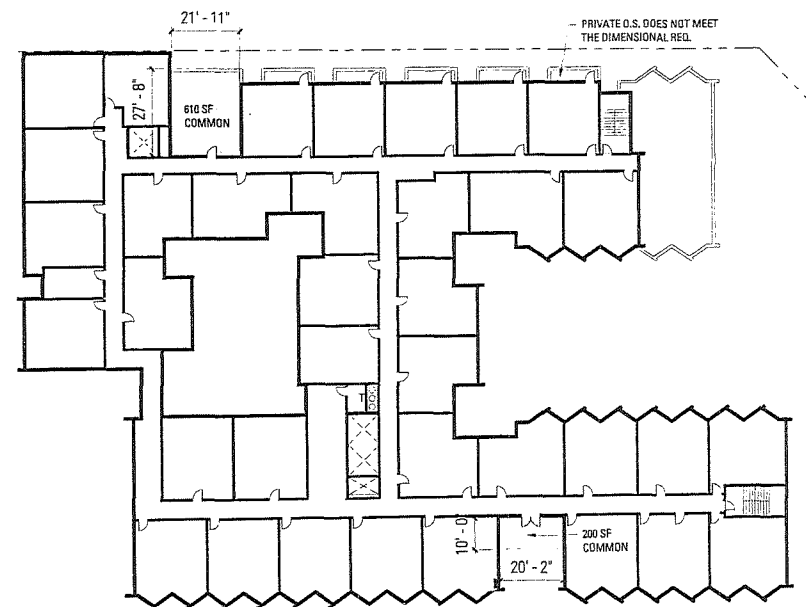
**OPEN SPACE USE**

CALIFORNIA PLAZA: 3,228 SF FOR PLAZA A BLDG  
 T: 3,228 SF OF 4,290

CYPRESS SQUARE: 1,845 SF FOR PLAZA B BLDG  
 7,918 SF FOR WALNUT BLDG  
 4,752 SF FOR CENTER BLDG A  
 5,625 SF FOR CENTER BLDG B  
 1,694 SF FOR MAYFAIR BLDG  
 T: 21,834 SF OF 24,780

OVERLOOK: 10,450 SF FOR WALNUT  
 T: 10,450 SF OF 10,450

LOWER WALNUT WALK: 6,400 SF FOR CENTER BLDG B  
 4,718 SF FOR MASONIC BLDG  
 5,635 SF FOR EUCLID BLDG  
 T: 16,753 SF OF 16,850



**LEVEL 5 - WALNUT OPEN SPACE**

1" = 20'-0"

**LEVEL 5 SUMMARY:**

COMMON: 810 SF  
 PRIVATE: 0 SF

**WALNUT TOTALS:**  
 COMMON: 6,370 SF  
 PRIVATE: 0 SF COMPLIANT AND COUNTED

**3333 CALIFORNIA STREET** SAN FRANCISCO, CA



JAMES  
CORNER  
FIELD  
OPERATIONS

S  
LA

ARUP BAR architects

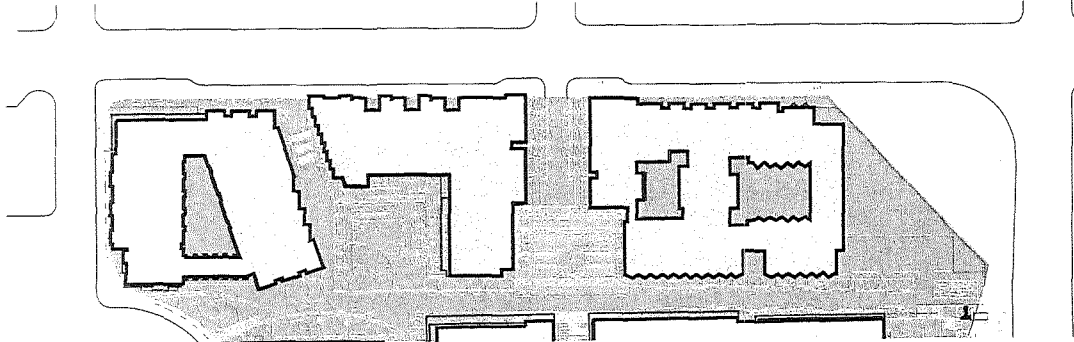
JENSEN



07.03.2019  
 PLANNING APPLICATION RESUBMITTAL

**EIR VARIANT 1: OPEN SPACE**

**VAR.43**



The project is composed of a site plan with several different buildings. Each building's height is measured independently and in compliance with the provisions of Section 260.

Section 260(a)(1)(B): Where the lot slopes downward from the street the point of measurement shall be taken from curb. This point may be used to measure all portions of the building within 100-ft of the street or to a point equidistant between such street and the street on the opposite side of the block - whichever is greater.

Where the lot slopes upward from the street, the point of measurement shall be taken from the curb at the centerline of the frontage or building step for the first 10-ft of the building. At all other sections the height shall be taken at the average of the grades on either side of the building or building step.

Avg. Slope of Curb	Maximum width for portions of the building that may be measured from a single point
0% - 5% Slope:	No Requirement
6% - 15% Slope:	65-ft
15% - 20% Slope:	55-ft

BUILDING	MEASUREMENT NARRATIVE
WALNUT	The Walnut Building is within height measurement "Area C" and "Area D" and fronts California Street, Walnut Street, Extension and Presidio Street. For the western portions of the building the project elects to measure downsloping from the Walnut Street Extension per Section 260(a)(1)(D). The slope of the Walnut Street Extension varies, with the Southern part on under 5% and the portion closer to California requiring stepping. Per Table 260 the portion closer to California Street is measured in 55-ft segments. The measurement from the Walnut Street Extension is downsloping and is carried to the line equidistant between Walnut Street and Presidio Avenue. The Eastern portions of the Walnut building building fall within "Area D" and is measured upsloping from Presidio per Section 260(a)(1)(B). The slope of Presidio is less than 5% and is therefore measured at the midpoint of the frontage. Measuring from Presidio Avenue is upsloping and complies with Section 260(a)(1)(C), with the first 10-ft measured from the center of the road to an existing curb, then the measurement is made from the top of new grades on either side of the building. The measurement is taken to 45-ft, to allow an additional 5-ft for adequate retail and commercial floor-to-floor heights. See sheet A.4.2.
SENIOR	A and B for building section showing height compliance.

**FIR Variant 1:** The Walnut Senior Building is requesting a height increase to 67-ft as part of the PUD

LOT AREA: 446,468 SF  
45% OF LOT AREA: 200,911 SF REQUIRED REAR YARD EQUIVALENT +  
OPEN AREA PROVIDED: 252,846 SF OR 52% OF SITE AREA

 DENOTES OPEN AREA

Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA  
Laurel Heights Improvement Association Appeal of Planning  
Commission's Certification of Final EIR/ CEQA Findings

## **EXHIBITS I - T**



# **EXHIBIT I**

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**IMMEDIATE DISCLOSURE REQUEST**

2 messages

**Kathy Devincenzi** <krdevincenzi@gmail.com>

Thu, Jun 20, 2019 at 8:09 PM

To: CityAttorney &lt;cityattorney@sfcityatty.org&gt;, "Pearson, Audrey (CAT)" &lt;Audrey.Pearson@sfcityatty.org&gt;

Bcc: Richard Frisbie &lt;frfbeagle@gmail.com&gt;

**IMMEDIATE DISCLOSURE REQUEST**

Please see attached immediate disclosure request under the Sunshine Act for copies of a clearly identified document.


Thank you,

Laurel Heights Improvement Association of SF, Inc.

By: Kathryn Devincenzi, President

(415) 221-4700

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 **20190620224510.pdf**  
27K

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**CityAttorney** <cityattorney@sfcityatty.org>

Mon, Jun 24, 2019 at 3:25 PM

To: Kathy Devincenzi &lt;krdevincenzi@gmail.com&gt;

Cc: CityAttorney &lt;cityattorney@sfcityatty.org&gt;, "Pearson, Audrey (CAT)" &lt;Audrey.Pearson@sfcityatty.org&gt;

Dear Ms. Devincenzi,

We have received your request for draft copies of the SUD ordinance for 3333 California Street. We decline to produce our internal drafts of the ordinance, pursuant to the attorney-client privilege (Cal. Gov't Code § 6276.04; Cal. Evid. Code § 954) and the work product privilege (Cal. Gov't Code § 6276.04; Cal. Code of Civil Pro. § 2018.030). As to drafts of the SUD ordinance that were shared externally as attachments to the draft development agreement, those drafts will only become available to the public 10 days before the agreement is presented for approval, pursuant to Admin Code 67.24(a).

Please send replies to cityattorney@sfcityatty.org

Sincerely,



Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

[www.sfcityattorney.org](http://www.sfcityattorney.org)

Find us on: Facebook Twitter Instagram

[Quoted text hidden]



image001.jpg  
51K



# Laurel Heights Improvement Association of San Francisco, Inc.

## IMMEDIATE DISCLOSURE REQUEST

June 20, 2019

BY EMAIL TO: [cityattorney@sfcityatty.org](mailto:cityattorney@sfcityatty.org)

Custodian of Records  
San Francisco City Attorney's Office

This is a request pursuant to the San Francisco Sunshine Ordinance, San Francisco Administrative Code sections 67.1 *et seq.*, for the following document :

1. All drafts of a special use district for 3333 California Street, including drafts recorded electronically in Word.

Please note that section 67.24 of the San Francisco Administrative Code requires that such drafts be produced.

Please contact me if you have any questions. Also, please let me know when the documents are ready for inspection and copying. I wish to review the documents to determine the number of paper copies to be made.

Thank you in advance for your cooperation.

Very truly yours,

Laurel Heights Improvement Association of SF, Inc.

By: Kathryn R. Devincenzi

cc: Audrey Williams Pearson  
Deputy City Attorney

## **EXHIBIT J**



Kathy Devincenzi <krdevincenzi@gmail.com>

---

## April 22, 2019 Memorandum of Understanding

1 message

---

**Kathy Devincenzi** <krdevincenzi@gmail.com>

Fri, Jun 14, 2019 at 5:53 PM

To: Dan Safier <dsafier@pradogroup.com>

Bcc: Richard Frisbie <frfibeagle@gmail.com>

To: Laurel Heights Partners, LLC

c/o Prado Group, Inc.

Attn: Daniel Safier

Please send us a complete copy of the Memorandum of Understanding between Laurel Heights Partners, LLC and the Jewish Community Center of San Francisco Relative to the Re-Development of 3333 California Street, San Francisco, dated April 22, 2019. That April 22, 2019 Memorandum is referred to in paragraph 3 of the attached document recorded on May 3, 2019.

Thank you,

Laurel Heights Improvement Association of SF, Inc.

By: Kathryn Devincenzi, President

22 Iris Avenue, San Francisco, CA 94118

(415) 221-4700



**20190614202449.pdf**

4185K

RECORDING REQUESTED BY:  
AND WHEN RECORDED MAIL TO:

Laurel Heights Partners, LLC  
c/o Prado Group, Inc.  
150 Post Street, Suite 320  
San Francisco, CA 94108  
Attn: Daniel Safier

San Francisco Assessor-Recorder  
Carmen Chu, Assessor-Recorder  
DOC- 2019-K763199-00  
Friday, MAY 03, 2019 10:56:03  
Ttl Pd \$179.00 Rcpt # 0005991929  
okc/KC/1-6

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

**MEMORANDUM OF MEMORANDUM OF UNDERSTANDING BETWEEN LAUREL  
HEIGHTS PARTNERS, LLC AND THE JEWISH COMMUNITY CENTER OF SAN  
FRANCISCO RELATIVE TO THE RE-DEVELOPMENT OF 3333 CALIFORNIA  
STREET, SAN FRANCISCO** Lot 008, Block 102

3200 California Street Lot 008 Block 102

This Memorandum of Memorandum of Understanding between Laurel Heights Partners, LLC and the Jewish Community Center of San Francisco Relative to the Re-Development of 3333 California Street, San Francisco ("Memorandum") is made and entered into as of April 22, 2019, by and between Laurel Heights Partners, LLC ("LHP") and the Jewish Community Center of San Francisco ("JCCSF"), who agree as follows:

1. LHP is the owner of that certain real property in the City and County of San Francisco, State of California, more particularly described on Exhibit 1 attached hereto and incorporated herein by this reference (the "LHP Property").

2. JCCSF is the owner of that certain real property in the City and County of San Francisco, State of California, more particularly described on Exhibit 2 attached hereto and incorporated herein by this reference (the "JCCSF Property").

3. LHP and JCCSF have entered into that certain Memorandum of Understanding between Laurel Heights Partners, LLC and the Jewish Community Center of San Francisco Relative to the Re-Development of 3333 California Street, San Francisco, dated April 22, 2019, as the same may be amended and modified from time to time (the "Agreement"), the provisions and conditions of which are hereby incorporated herein by this reference.

4. This Memorandum is being recorded to give notice to the public that the LHP Property and the JCCSF Property are subject to the provisions and conditions of the Agreement and that any successor or assigns will be bound by and subject to the provisions and conditions of the Agreement.

5. This document may be executed in counterparts, each of which will be deemed to be an original, but all of which together will constitute one instrument.

6. In the event of any conflict between this Memorandum and the Agreement, the provisions and conditions of the Agreement shall prevail.

IN WITNESS WHEREOF, LHP and JCCSF have executed this Memorandum as of the date first set forth above.

**LHP:**

Laurel Heights Partners LLC,  
a Delaware limited liability company

By: 3333 California LP, a Delaware limited  
partnership,  
Its Managing Member

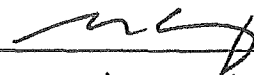
By: PSKS LH LLC, a Delaware limited  
liability company,  
Its General Partner

By: Prado LH LLC, a California limited  
liability company,  
Its Managing Member

By:   
Daniel J. Safier, Its Manager

**JCCSF:**

Jewish Community Center of San Francisco,  
a California nonprofit public benefit corporation

By: 

Print Name: MARC GLAZER

Its: CEO



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of San Francisco )

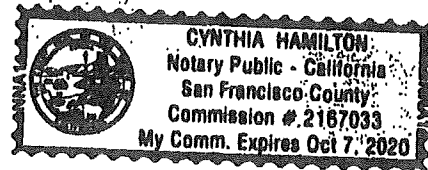
On 4/22/19, before me, Cynthia Hamilton, a Notary Public, personally appeared Don Sefiel, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Cynthia Hamilton



## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Francisco)

On 04/25/2019 before me, Joe Cavalli, Notary Public  
(Insert name and title of the officer)

personally appeared Marc Galar  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]

(Seal)

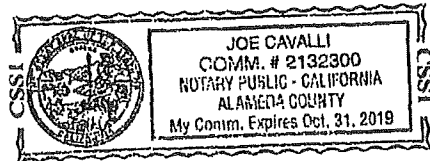


EXHIBIT 1 TO MEMORANDUM OF AGREEMENT  
LEGAL DESCRIPTION OF LHP PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, IN THE COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEGINNING at a point on the Southerly line of California Street, said point being the Easterly extremity of the curve with a 15 foot radius joining the Easterly line of Laurel Street with the Southerly line of California Street, as shown on "Map of Laurel Heights, filed July 28, 1947, in Map Book "P", at Pages 55 and 56, Official Records of the City and County of San Francisco; running thence North 80°54' East 707.375 feet along the Southerly line of California Street to the Southwesterly boundary of the property of the Standard Oil Company of California; thence South 52°36' 29.74 seconds East along said boundary 232.860 feet; thence Southwesterly along the arc of a curve to the right whose tangent deflects 54°14' 30.74 seconds to the right from the preceding course, radius 425 feet, central angle 34°15'59", a distance of 254.176 feet; thence South 35°54' West tangent to the preceding curve 380.066 feet; thence Southwesterly along the arc of a curve to the right, tangent to the preceding course, radius 65 feet, central angle 37°18' a distance of 42.316 feet to tangency with the Northwesternly line of Euclid Avenue; thence South 73°12' West along said line of Euclid Avenue 312.934 feet; thence leaving said line of Euclid Avenue, and running Southwesterly, Westerly, and Northwesternly along the arc of a curve to the right, tangent to the preceding course, radius 20 feet, central angle 100°48' 01.51", a distance of 35.166 feet; thence Northwesternly along the arc of a reverse curve to the left, parallel to and concentric with and radially distant 6 feet Northeastly from the Northeastly line of Laurel Street, as shown on said map of Laurel Heights, radius 4033 feet, central angle 5°31' 20.27", a distance of 388.710 feet; thence Northwesternly along the arc of a compound curve to the left, radius 120 feet, central angle 71°12' 55.45", a distance of 149.153 feet; thence Northwesternly along the arc of a reverse curve to the right, radius 60 feet, central angle 73°38' 14.21", a distance of 77.113 feet to tangency with the Easterly line of Laurel Street; thence North 9°06' West along said line of Laurel Street 127.290 feet to the beginning of the above mentioned curve joining the Easterly line of Laurel Street with Southerly line of California Street; thence Northwesternly, Northerly, and Northeastly along the arc of a curve to the right, radius 15 feet 90°00', a distance of 23.562 feet to tangency with the Southerly line of California Street and the point of beginning.

APN: Lot 003, Block 1032

**EXHIBIT 2 TO MEMORANDUM OF AGREEMENT**  
**LEGAL DESCRIPTION OF JCCSF PROPERTY**

Real property located in the City of San Francisco, County of San Francisco, State of California, more particularly described as follows:

Lot 38, as shown on that certain Map entitled: "Parcel Map being a merger and removal from the condominium regime of all the units and common areas as they are shown on at Map filed in Book 19 of Condominium Maps at pages 127-129, Official Records, City and County of San Francisco also being a merger of the lands described in vesting deeds G637 O.R. 410, G637 O.R. 412, G637 O.R. 413 & G637 O.R. 417, H844 O.R. 91, also being merger lots 5, 6, 24, 25, 28, 29, and 31-37 of Assessor's Block 1021 also being a portion of Western Addition Block No. 800 San Francisco, California", which Map was filed for record on December 7, 2001, in Book 45 of Parcel Maps, at Page(s) 38 to 39, in the Office of the Recorder of the City and County of San Francisco, State of California.

Block 1021, Lot 038

## **EXHIBIT K**

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## Feasibility Analysis and Questions re 3333 California Street

9 messages

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Kathy Devincenzi <krdevincenzi@gmail.com>

Wed, Aug 21, 2019 at 12:39 PM

To: "Lutenski, Leigh (ECN)" <leigh.lutenski@sfgov.org>

Cc: Catherine Stefani <catherinestefanie@sfgov.org>, Richard Frisbie <frfbeagle@gmail.com>

Ms. Lutenski,

We are trying to understand the proposed Development Agreement and appreciate your meeting with us for a limited period on August 19, 2019.

Please provide us with a copy of the City's economic feasibility analysis concerning the proposed 3333 California Street project, including without limitation analysis of the feasibility of constructing the proposed project and/or affordable senior housing on site; construction costs; project scale; potential rental or sales revenues; capitalization rates; interest rates; equity return rates; land value; and available local, state and federal housing finance programs including Low Income Housing Tax Credits readily available for market rate housing; tax-exempt bond financing; Federal Housing Administration and U. S. Department of Housing and Urban Development mortgage insurance; available City or local housing finance programs such as Enhanced Infrastructure District and tax increments; zoning changes that increase or decrease development potential; variable City exactions including community benefit fees, capacity charges, community facilities districts; the value of state density bonus, concessions and incentives under California Government Code Section 65915 and any other state law that confers value to development and which project sponsors may attempt to avail themselves of and public-private partnership development agreements where applicable and other factors as deemed reasonably relevant (as described in Planning Code section 415.10 as factors the City considers).

Also, please give us answers to the following questions about the proposed Development Agreement for 3333 California Street.

What is the estimated in lieu payment that would be required at time of original project approval if the developer elected not to build affordable units on site or used another exception from building affordable on-site units?

On page D-9, if the Developer fails to transfer the Walnut Land to the City and the City instead accepts an "in lieu payment in the amount of Fair Market Value," does that mean the fair market value of the Walnut Land only or of the in lieu payment that would have been required as to the total project at time of original project approval?

If page D-9 refers to the Fair Market Value of the Walnut Land only, does that mean the value of the Walnut Land as entitled with the senior affordable housing attached to it, and if so what is the estimated value of that Walnut Land as encumbered with the requirement of building affordable housing on it?

How did the City's analysis of the economic feasibility of the 3333 California Street project take into account the impact on feasibility caused by the potential increase in construction costs during the 15-year period of the Development Agreement, as extended for any litigation?

If the City takes ownership of the Walnut Land, can the City change the use of the Walnut Land, and if so, what process would be used to change the use of the Walnut Land?

Page 28 of the Development Agreement states:

There is no requirement under this Agreement that Developer initiate or complete development of the Project, or any portion thereof. There is also no requirement that development be initiated or completed within any period of time or in any particular order, subject to the requirement to complete Associated Community Benefits for each Building (or for any market rate residential unit in excess of three hundred eighty-six (386), as applicable commenced by Developer as set forth in Section 4.1. Does this mean that the Developer can construct 386 market rate residential units under the new Special Use District zoning and then terminate the Development Agreement requirement that the Developer build the senior affordable housing units on site?

Page 39 of the Development Agreement states:

Developer shall, upon thirty (30) days prior notice to the City, have the right, in its sole and absolute discretion, to terminate this Agreement in its entirety at any time if Developer does not Commence Construction on any part of the Project Site by the Date which is five (5) years following the Effective Date as such five (5) year date may be extended by any Litigation Extension. If the Developer terminates the Development Agreement under this provision, would the new Special Use District remain in effect, unless otherwise amended by the Board of Supervisors?

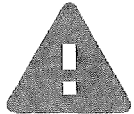
Thank you very much for your cooperation in this regard.

Laurel Heights Improvement Association of SF, Inc.  
By: Kathryn Devincenzi, President

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**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>  
To: krdevincenzi@gmail.com

Wed, Aug 21, 2019 at 12:39 PM



## Message not delivered

Your message couldn't be delivered to **catherinestefanie@sfgov.org** because the remote server is misconfigured. See technical details below for more information.

The response from the remote server was:

550 5.4.1 [catherinestefanie@sfgov.org]: Recipient address rejected: Access denied  
[DM2GCC01FT008.eop-gcc01.prod.protection.outlook.com]

Final-Recipient: rfc822; catherinestefanie@sfgov.org

Action: failed

Status: 5.4.1

Remote-MTA: dns; sfgov-org.mail.protection.outlook.com. (104.47.63.36, the server for the domain sfgov.org.)

Diagnostic-Code: smtp; 550 5.4.1 [catherinestefanie@sfgov.org]: Recipient address rejected: Access denied  
[DM2GCC01FT008.eop-gcc01.prod.protection.outlook.com]

Last-Attempt-Date: Wed, 21 Aug 2019 12:39:18 -0700 (PDT)

**Cc:** Catherine Stefani <catherinestefanie@sfgov.org>; Richard Frisbie <frfbeagle@gmail.com>

**Subject:** Feasibility Analysis and Questions re 3333 California Street

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

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**Lutenski, Leigh (ECN)** <leigh.lutenski@sfgov.org>

Thu, Sep 12, 2019 at 2:59 PM

To: Kathy Devincenzi <krdevincenzi@gmail.com>

Cc: "Stefani, Catherine (BOS)" <catherine.stefani@sfgov.org>, Richard Frisbie <frfbeagle@gmail.com>, "WONG, CAROL (CAT)" <Carol.R.Wong@sfcityatty.org>, "PEARSON, AUDREY (CAT)" <Audrey.Pearson@sfcityatty.org>, "Pena, Iowayna (ECN)" <iowayna.pena@sfgov.org>

Hello Kathy,

Please see responses to your questions below in red bold text, as well as the attached financial feasibility analysis.

Thanks, Leigh

Please provide us with a copy of the City's economic feasibility analysis concerning the proposed 3333 California Street project, including without limitation analysis of the feasibility of constructing the proposed project and/or affordable senior housing on site; construction costs; project scale; potential rental or sales revenues; capitalization rates; interest rates; equity return rates; land value; and available local, state and federal housing finance programs including Low Income Housing Tax Credits readily available for market rate housing; tax-exempt bond financing; Federal Housing Administration and U. S. Department of Housing and Urban Development mortgage insurance; available City or local housing finance programs such as Enhanced Infrastructure District and tax increments; zoning changes that increase or decrease development potential; variable City exactions including community benefit fees, capacity charges, community facilities districts; the value of state density bonus, concessions and incentives under California Government Code Section 65915 and any other state law that confers value to development and which project sponsors may attempt to avail themselves of and public-private partnership development agreements where applicable and other factors as deemed reasonably relevant (as described in Planning Code section 415.10 as factors the City considers).

**Please see attached financial feasibility analysis per your request.**

Also, please give us answers to the following questions about the proposed Development Agreement for 3333 California Street.

What is the estimated in lieu payment that would be required at time of original project approval if the developer elected not to build affordable units on site or used another exception from building affordable on-site units?

The City's current in-lieu fee is calculated based on the project's residential gross square feet (977,437) x MOHCD affordable housing fee (\$199.50/gsf) x inclusionary percentage (30% for rental gsf or 33% for ownership gsf). However, this project does not include a fee-out option for the affordable housing requirement.



On page D-9, if the Developer fails to transfer the Walnut Land to the City and the City instead accepts an "in lieu payment in the amount of Fair Market Value," does that mean the fair market value of the Walnut Land only or of the in lieu payment that would have been required as to the total project at time of original project approval?

**The City would get the fair market value of the Walnut Land, as determined by the Baseball Arbitration Appraisal Process outlined in Exhibit D-2.**

If page D-9 refers to the Fair Market Value of the Walnut Land only, does that mean the value of the Walnut Land as entitled with the senior affordable housing attached to it, and if so what is the estimated value of that Walnut Land as encumbered with the requirement of building affordable housing on it?

**Per my response above, the value of the Walnut Land would be determined by the Baseball Arbitration Appraisal Process assumptions outlined in Exhibit D-2.**

How did the City's analysis of the economic feasibility of the 3333 California Street project take into account the impact on feasibility caused by the potential increase in construction costs during the 15-year period of the Development Agreement, as extended for any litigation?

**The analysis includes reasonable assumptions as to the potential future change in construction costs.**

If the City takes ownership of the Walnut Land, can the City change the use of the Walnut Land, and if so, what process would be used to change the use of the Walnut Land?

**The City would employ standard processes and approvals to change the allowable use of the Walnut Land in that case.**

Page 28 of the Development Agreement states: There is no requirement under this Agreement that Developer initiate or complete development of the Project, or any portion thereof. There is also no requirement that development be initiated or completed within any period of time or in any particular order, subject to the requirement to complete Associated Community Benefits for each Building (or for any market rate residential unit in excess of three hundred eighty-six (386), as applicable commenced by Developer as set forth in Section 4.1.

Does this mean that the Developer can construct 386 market rate residential units under the new Special Use District zoning and then terminate the Development Agreement requirement that the Developer build the senior affordable housing units on site?

**Please refer to sections 11.1 and 11.3 starting on page 39 of the Development Agreement.**

Page 39 of the Development Agreement states: Developer shall, upon thirty (30) days prior notice to the City, have the right, in its sole and absolute discretion, to terminate this Agreement in its entirety at any time if Developer does not Commence Construction on any part of the Project Site by the Date which is five (5) years following the Effective Date as such five (5) year date may be extended by any Litigation Extension.

If the Developer terminates the Development Agreement under this provision, would the new Special Use District remain in effect, unless otherwise amended by the Board of Supervisors?

Similar to above, please refer to section 11.3 Termination and Vesting starting on page 39 of the Development Agreement. If the DA terminates the developer loses all vesting and entitlement rights to build the project. The SUD zoning controls do not have an expiration date and will remain effective. However, the developer or any subsequent property owner for that parcel would need to apply to the City for permits and approvals in order to redevelop the site after the DA ends.

**Note: I will be out on maternity leave starting September 20<sup>th</sup> through the end of the year.**

-----  
Leigh Lutenski

Project Manager, Joint Development

Office of Economic and Workforce Development

San Francisco City Hall, Room 448

Direct: 415-554-6679

Email: leigh.lutenski@sfgov.org

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 **3333 California Summary - 8-23-19.pdf**  
79K

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**Kathy Devincenzi** <krdevincenzi@gmail.com>

Fri, Sep 20, 2019 at 12:43 PM

To: "Lutenski, Leigh (ECN)" <leigh.lutenski@sfgov.org>

Cc: Richard Frisbie <frfbeatle@gmail.com>, "catherine.stefani" <Catherine.Stefani@sfgov.org>

Ms. Lutenski,

Who will be handling the 3333 California Street matter at OEWD in your absence? We will have a response to your September 12, 2019 email.

[Quoted text hidden]

[Quoted text hidden]

**RESIDENTIAL APARTMENTS/ CONDOMINIUMS AND WALNUT SENIOR HOUSING**

Underwriting	Prado/SKS 2017									Prado/SKS
Phase	Phase 3			Phase 2		Phase 1			Phase 4	All Phases
Parcel	Euclid	Masonic	Center A	Center B	Plaza A	Plaza B	Walnut	Laurel	Mayfair	All Parcels
1.) Unlevered IRR	4.1%	2.9%	3.6%	5.8%	3.3%	3.2%	-3.6%	-0.4%	4.0%	3.2%
2.) Levered IRR	3.4%	1.4%	2.1%	6.3%	1.7%	1.5%	NA	-4.9%	3.2%	1.8%
3.) Trended Return-On-Cost	4.7%	4.3%	4.6%	5.3%	4.4%	4.4%	1.9%	3.6%	4.5%	4.2%

Underwriting	Base Case [1]									Base [1]
Phase	Phase 1			Phase 2		Phase 3			Phase 4	All Phases
Parcel	Euclid	Masonic	Center A	Center B	Plaza A	Plaza B	Walnut	Laurel	Mayfair	All Parcels [2]
4.) Unlevered IRR	5.0%	4.8%	6.0%	4.8%	4.2%	4.3%	NA	46.4%	20.3%	5.7%
5.) Levered IRR	4.9%	4.5%	5.8%	4.1%	3.4%	3.4%	NA	56.0%	25.3%	5.9%
6.) Trended Return-On-Cost	4.3%	4.2%	NA	NA	4.2%	4.2%	NA	NA	NA	NA
7.) Net Operating Income	\$ 8.2M	\$ 3.3M	NA	NA	\$ 4.5M	\$ 4.2M	NA	NA	NA	\$ 20.2M
8.) Total Development Costs	\$ 188.9M	\$ 78.2M	\$ 95.2M	\$ 252.6M	\$ 106.3M	\$ 100.9M	\$ 113.2M	\$ 60.1M	\$ 52.1M	\$ 1,047.5M
9.) Market Rate/Mgr Units	139	57	51	139	67	61	1	14	30	559
10.) BMR Units - 15% AMI	0	0	0	0	0	0	23	0	0	23
11.) BMR Units - 50% AMI	0	0	0	0	0	0	51	0	0	51
12.) BMR Units - 60% AMI	0	0	0	0	0	0	74	0	0	74
13.) BMR Units - 80% AMI	0	0	0	0	0	0	37	0	0	37
14.) Total Units	139	57	51	139	67	61	186	14	30	744

Underwriting	Adjusted Capitalization Rates [1]									Adjusted [1]
Phase	Phase 1			Phase 2		Phase 3			Phase 4	All Phases
Parcel	Euclid	Masonic	Center A	Center B	Plaza A	Plaza B	Walnut	Laurel	Mayfair	All Parcels [2]
15.) Unlevered IRR	5.7%	5.5%	6.0%	4.8%	4.9%	5.0%	NA	46.4%	20.3%	6.2%
16.) Levered IRR	6.2%	5.8%	5.8%	4.1%	4.6%	4.7%	NA	56.0%	25.3%	6.7%
17.) Trended Return-On-Cost	4.3%	4.2%	NA	NA	4.2%	4.2%	NA	NA	NA	NA
18.) Net Operating Income	\$ 8.2M	\$ 3.3M	NA	NA	\$ 4.5M	\$ 4.2M	NA	NA	NA	\$ 20.2M
19.) Total Development Costs	\$ 188.9M	\$ 78.2M	\$ 95.2M	\$ 252.6M	\$ 106.3M	\$ 100.9M	\$ 113.2M	\$ 60.1M	\$ 52.1M	\$ 1,047.5M
20.) Market Rate Units	139	57	51	139	67	61	1	14	30	559
21.) BMR Units - 15% AMI	0	0	0	0	0	0	23	0	0	23
22.) BMR Units - 50% AMI	0	0	0	0	0	0	51	0	0	51
23.) BMR Units - 60% AMI	0	0	0	0	0	0	74	0	0	74
24.) BMR Units - 80% AMI	0	0	0	0	0	0	37	0	0	37
25.) Total Units	139	57	51	139	67	61	186	14	30	744

\*\*\* All financial and programmatic estimates are preliminary in nature, subject to change, and for illustrative purposes only. \*\*\*

**Notes:**

- [1] Assumes AHP, MHP, & IIG funding and corresponding AMI affordability tiers for Walnut parcel.  
 [2] Includes any net subsidy required for Walnut parcel. Additionally, does not account for prior parking costs allocated to Walnut parcel.

## **EXHIBIT L**

# PLANNING CODE REQUIRED OPEN SPACE SUMMARY (SECTION 135):

PROJECT TOTALS	Building	Total Units	Base O.S. Req'd (100/du)	Units with Private O.S.	Provided Private O.S.	Remaining Area	Area Req'd as Common (x1.33)	Provided Common O.S.	Remaining Area Req'd on Project Site
	Plaza Bldg A	67	6,700	1	100	6,600	8,778	5,550	3,228
	Plaza Bldg B	61	6,100	4	400	5,700	7,581	5,180	2,401
	Walnut	0	0	0	0	0	0	0	0
	Center Bldg A	51	5,100	12	1,200	3,900	5,187	435	4,752
	Center Bldg B	139	13,900	39	3,900	10,000	13,300	1,275	12,025
	Masonic	57	5,700	11	1,100	4,600	6,118	1,400	4,718
	Euclid	139	13,900	24	2,400	11,500	15,295	9,660	5,635
	Laurel Duplexes	14	1,400	14	1,400	0	0	0	0
	Mayfair	30	3,000	12	1,200	1,800	2,394	700	1,694
	<b>Total</b>	<b>558</b>	<b>55,800</b>	<b>117</b>	<b>11,700</b>	<b>44,100</b>	<b>58,653</b>	<b>24,200</b>	<b>34,453</b>

## COMMON SITE PLAN OPEN SPACE CONTRIBUTING TO SECTION 135 REQUIREMENT.

CYPRESS SQUARE + WESTERN MAYFAIR WALK: 24,780 SF  
 LOWER WALNUT WALK: 16,850 SF  
 CALIFORNIA PLAZA: 4,290 SF  
 OVERLOOK: 10,450 SF

TOTAL COMMON OPEN SPACE\*: 56,370 SF, EXCEEDS REQUIRED -- COMPLIES

## LOCATIONS FOR REQUIRED OPEN SPACE ON SITE

PLAZA BLDG A: 3,228 SF REQUIRED ON PROJECT SITE  
 3,228 (OF 4,290) SF PROVIDED AT CALIFORNIA PLAZA

PLAZA BLDG B: 2,401 SF REQUIRED ON PROJECT SITE  
 2,401 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE

WALNUT: 0 SF REQUIRED ON PROJECT SITE

CENTER BLDG. A: 4,752 SF REQUIRED ON PROJECT SITE  
 4,752 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE

CENTER BLDG. B: 12,025 SF REQUIRED ON PROJECT SITE  
 6,400 (OF 16,850) SF PROVIDED AT LOWER WALNUT WALK  
 5,625 (OF 24,780) SF PROVIDED AT CYPRESS SQUARE

MASONIC: 4,718 SF REQUIRED ON PROJECT SITE  
 4,718 (OF 16,850) SF PROVIDED AT LOWER WALNUT WALK

EUCLID: 5,635 SF REQUIRED ON PROJECT SITE  
 5,635 (OF 16,850) SF PROVIDED AT LOWER WALNUT WALK

LAUREL DUPLEXES: 0 SF REQUIRED ON PROJECT SITE

MAYFAIR: 1,694 SF REQUIRED ON SITE  
 1,694 (OF 24,780) PROVIDED AT CYPRESS SQUARE

## OPEN SPACE USE

CALIFORNIA PLAZA: 3,228 SF FOR PLAZA A BLDG  
 T: 3,228 SF OF 4,290

CYPRESS SQUARE: 2,401 SF FOR PLAZA B BLDG  
 4,752 SF FOR CENTER BLDG A  
 5,625 SF FOR CENTER BLDG B  
 1,694 SF FOR MAYFAIR BLDG  
 T: 14,472 SF OF 24,780

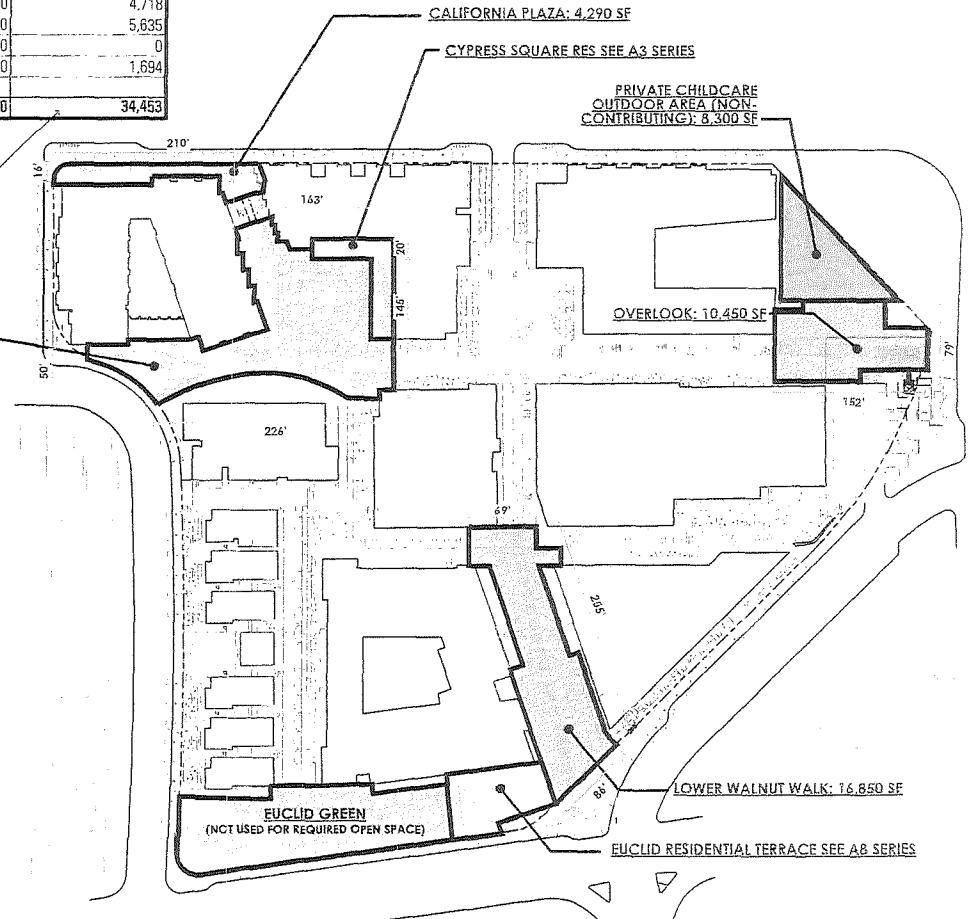
LOWER WALNUT WALK: 6,400 SF FOR CENTER BLDG B  
 4,718 SF FOR MASONIC BLDG  
 5,635 SF FOR EUCLID BLDG  
 T: 16,753 SF OF 16,850

## OPEN SPACE SUMMARY (SECTION 135):

PUBLICLY ACCESSIBLE OPEN SPACE MEETS THE DIMENSIONAL REQUIREMENTS OF SECTION 135(g)(1) & (2): ALL SPACES ARE AT LEAST 15'x15' AND 300 SF MIN

ALL INNER COURT CONDITIONS COUNTED TOWARDS OPEN SPACE CALCULATIONS ARE MIN. 20' WIDE AND AT LEAST AS WIDE AS THE BUILDINGS FRONTING THEM.

\* NOTE: AREAS HIGHLIGHTED ARE SECTION 135 COMPLIANT. OTHER PUBLIC, COMMON, AND PRIVATE OPEN SPACE IS PROVIDED, BUT NOT DENOTED ON THIS DIAGRAM



3333 CALIFORNIA STREET SAN FRANCISCO, CA



SKS

JAMES CORNER FIELD OPERATIONS

S

ARUP BAR architects

JENSEN



PLANNING CODE DIAGRAMS - Sec. 135

07.12.2019

PLANNING APPLICATION RESUBMITTAL

G3.03

A

# 3333 CALIFORNIA MIXED-USE PROJECT

Refined Annual Shadow Fan Diagram (Factoring in Existing Shadow)



EXTENTS OF NET NEW PROJECT SHADING  
THROUGHOUT THE YEAR

**FULL YEAR**

Proposed Project  
Refined Shadow Fan  
of Proposed Project  
occasional  
shadow frequent  
shadow

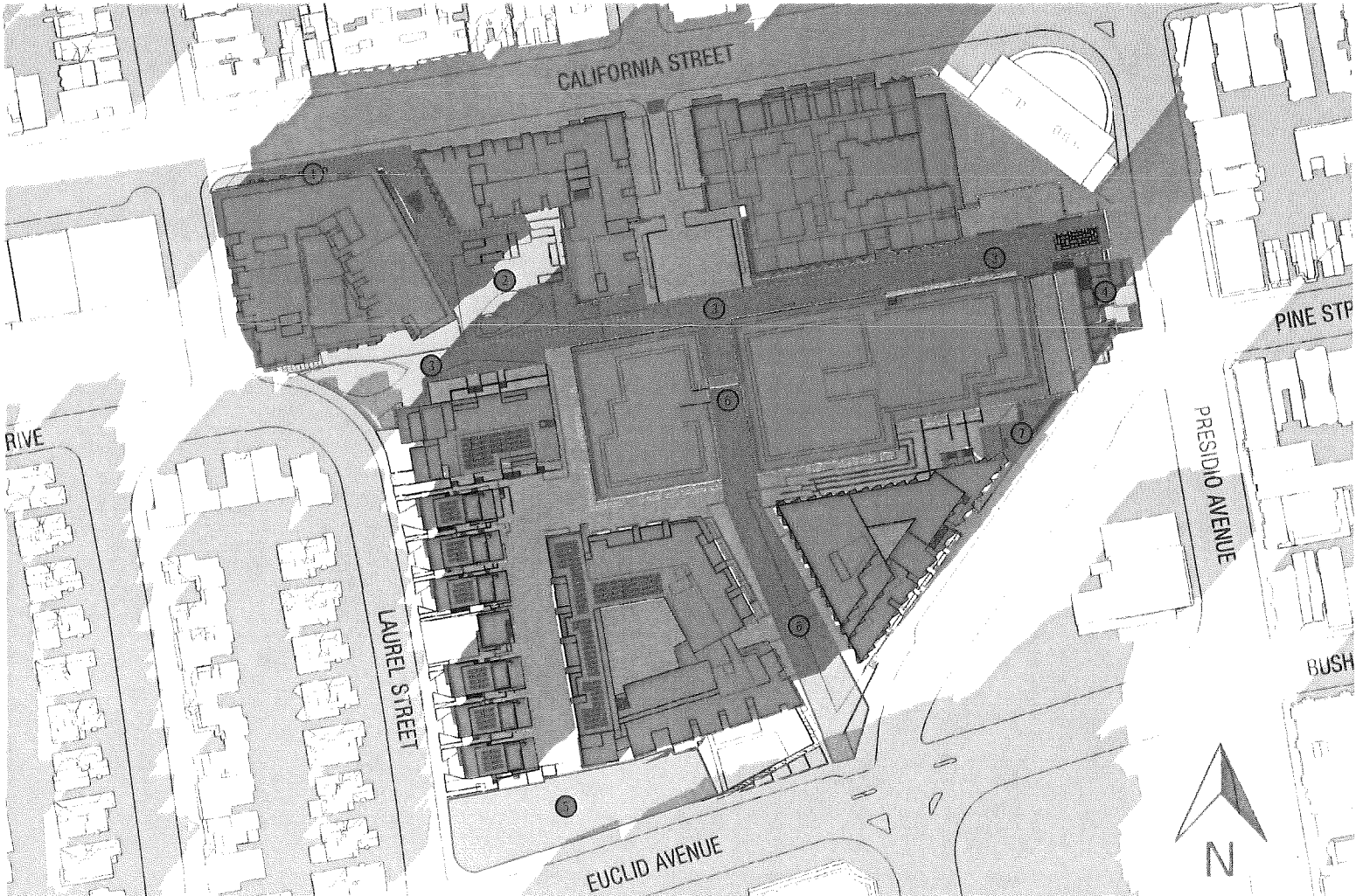
SF Rec Park Open Spaces  
① Laurel Hill Playground

Note: No other existing publicly accessible open spaces are within the vicinity affected by net new project generated shading.

# C3.8

## 3333 CALIFORNIA MIXED USE MULTI-FAMILY HOUSING VARIANT

Shading diagrams on the Winter Solstice



WINTER SOLSTICE  
DECEMBER 20

3:00 PM

- Proposed Project
- Existing (current) Shadows
- New Shading by Project Variant

### Protect Open Spaces

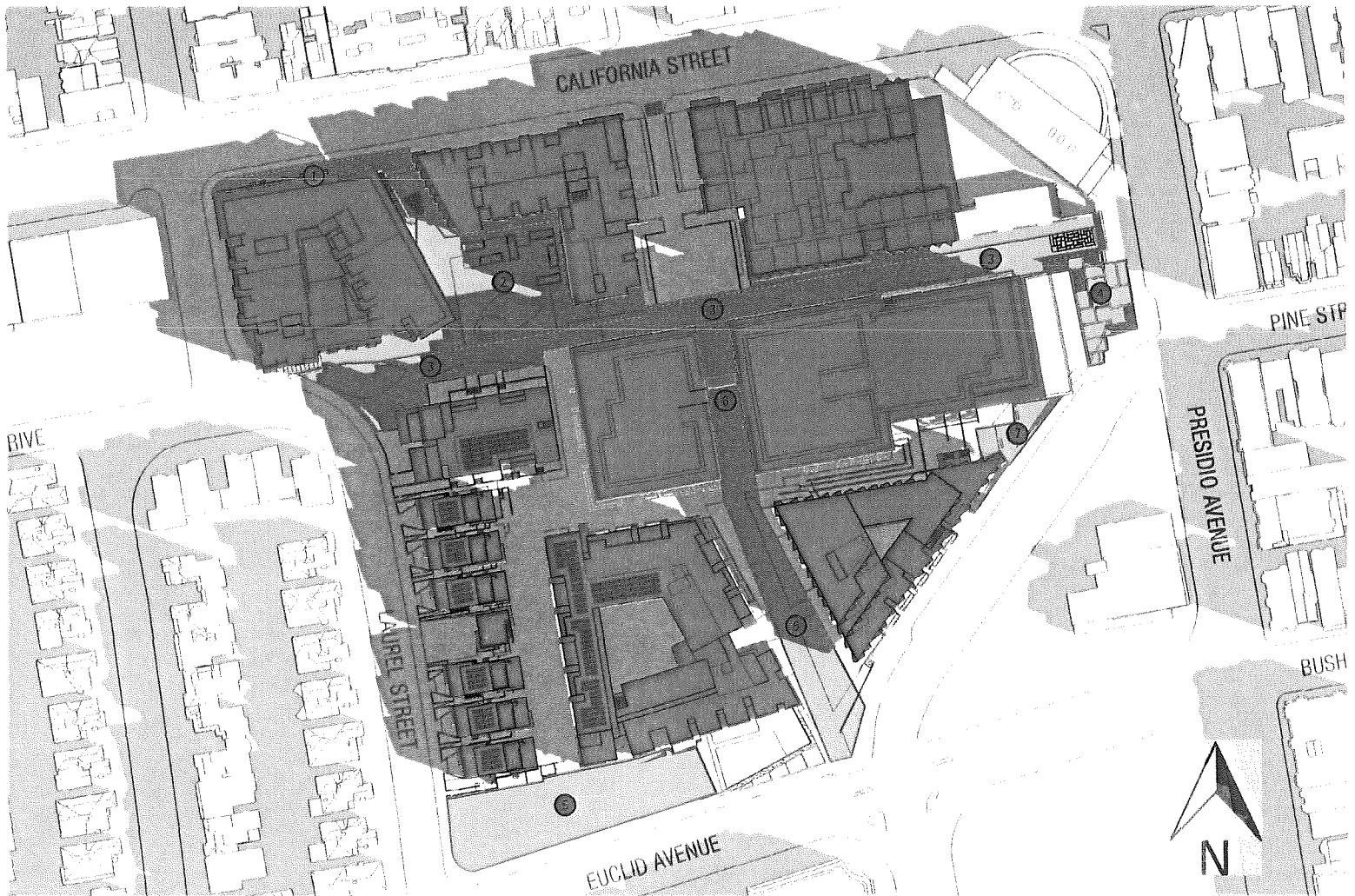
- |                              |                 |
|------------------------------|-----------------|
| ① California Plaza           | ⑤ Euclid Green  |
| ② Cypress Square / Stairs    | ⑥ Walnut Walk   |
| ③ Mayfair Walk               | ⑦ Masonic Plaza |
| ④ Pine Streets Steps / Plaza |                 |



# C2.3

## 3333 CALIFORNIA MIXED USE MULTI-FAMILY HOUSING VARIANT

Shading diagrams near the Fall/Spring Equinoxes



APPROX. FALL EQUINOX (SPRING SIMILAR)  
SEPTEMBER 20

9:00 AM

- Proposed Project
- Existing (current) Shadows
- New Shading by Project Variant

- | Project Open Spaces          |                 |
|------------------------------|-----------------|
| ① California Plaza           | ⑤ Euclid Green  |
| ② Cyprus Square / Stairs     | ⑥ Walnut Walk   |
| ③ Mayfair Walk               | ⑦ Masonic Plaza |
| ④ Pine Streets Steps / Plaza |                 |



## **EXHIBIT M**



University of California  
San Francisco

**UCSF Real Estate**

UCSF Box 0287  
654 Minnesota Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94143

April 8, 2019

San Francisco City Planning Department  
Kei Zushi, Senior Planner  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: UCSF Laurel Heights Campus Access  
3333 California Street, San Francisco, CA 94118

Dear Mr. Zushi:

We have been asked to provide some information related to the property at 3333 California Street, which UCSF sold in 2018 but continues to occupy under a lease.

The UCSF Laurel Heights campus at 3333 California Street is a restricted access campus with strict security control measures in place that allow only authorized UCSF faculty and/or employees unaccompanied access to the building. Any non-UCSF access is allowed only with permission of UCSF.

The UCSF employees at the Laurel Heights Campus are issued a building security access card that allows them to access the building and property. Any non-UCSF visitor is required to enter the building through the main entrance where they must show their driver's license or other identification to the security guard, sign into a log book, and state their business and/or reason for accessing the property in addition to the name of the UCSF employee they are visiting. On the rare occasions that public/community meetings are held at the site with permission of UCSF, the sign-in requirement is still in place and a university employee must remain on-site during that period.

There is a ground-floor building access point through secured doors that connects the northeast parking lot on the north side of the existing building to a south facing lower patio area on the south side of the existing building. This circulation from north to south is through the interior of the existing building and is not open or accessible to the public or pedestrians without a UCSF access card (Photos: 4, 5, 6 & 7). Access through the property from Euclid or Masonic Avenues is restricted by a lockable gate (Photo 9) and passing through this secure gate would be the only way to access the exterior Upper Terrace (Photo 10) from the streets to the south. Pedestrians cannot walk through the site from north to south or west to east to access adjacent streets due to the siting of the existing building.

There is currently a Bright Horizons preschool that is a sub-lessee of UCSF and currently operates at the Laurel Heights Campus. The center hours are 6:30am - 6:00pm and parents are able to drop off/pick up their child at any point during operational hours. Parents must bring their children to their classroom through a secured entry, connect

with their teachers for the hand-off, and sign their children in/out on an online tracking system. Parents receive an e-mail each time their child is signed in and out of the center. Parents are given a temporary parking pass (20 minutes) for the parking lot off Laurel Street and are required to obtain a UCSF building badge to enter the building and a key fob for Bright Horizon's main entry door. The building badge is obtained through UCSF and Bright Horizons is responsible for tracking the key fobs.

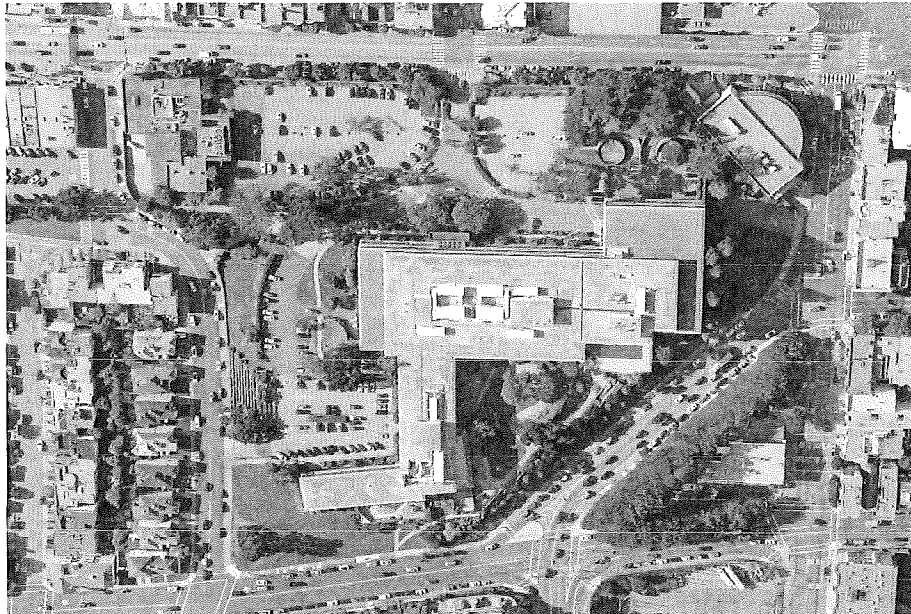
There is also a café that is a sub-tenant of UCSF that is solely for the use of UCSF employees/invitees and is not open to the public. Access to the cafe is either through the interior of the building or off the Upper Terrace using a UCSF issued security access card.

There is a green space at the corner of Laurel Street and Euclid Avenue; however, this area is private property and any use by the public requires UCSF's permission to pass and is currently posted with private property/permission to pass signage.

Please feel free to reach out to me with any additional questions or clarifications at [bruce.lanyon@ucsf.edu](mailto:bruce.lanyon@ucsf.edu).

Sincerely,

DocuSigned by:  
  
0402839309984FC...  
Bruce Lanyon  
Interim Assistant Vice Chancellor  
UCSF Real Estate



**Photo 1: UCSF Laurel Heights Campus at 3333 California Street**



**Photo 2: Main Entrance at 3333 California where visitors are required to sign in with the security guard**



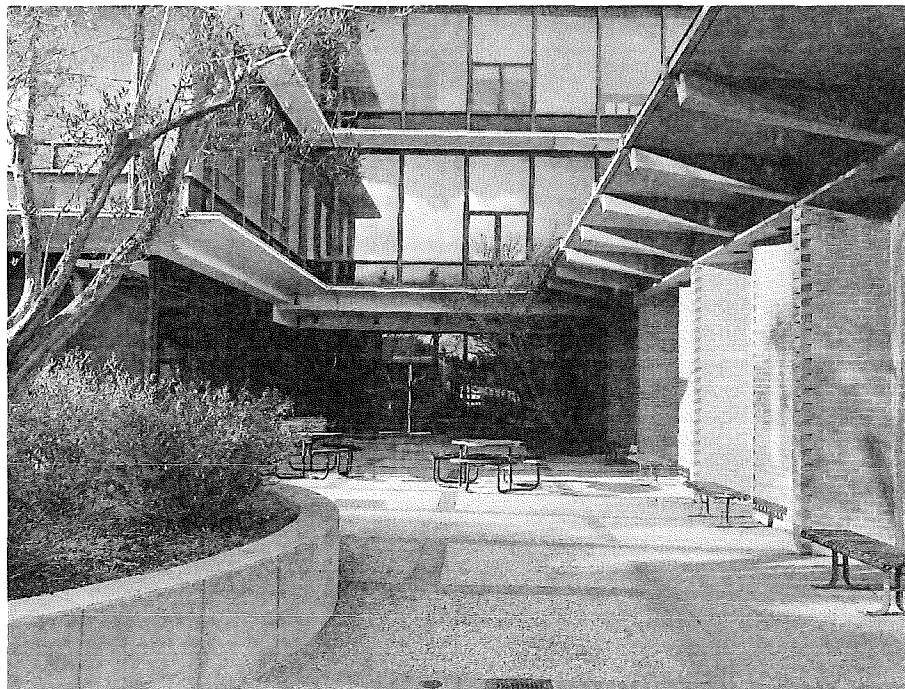
**Photo 3: All exterior doors are not open to the public and require a UCSF issued security access card to gain entry.**



**Photo 4: Door from northeast side of the parking lot that leads through the building interior and opens through another secure door into an exterior southeast facing patio area.**



**Photo 5: Site Security Sign and access card reader at the door off the northeast side of the parking lot.**



**Photo 6: South facing exterior patio area**



Photo 7: Restricted keycard access sign at the door off the south facing patio.

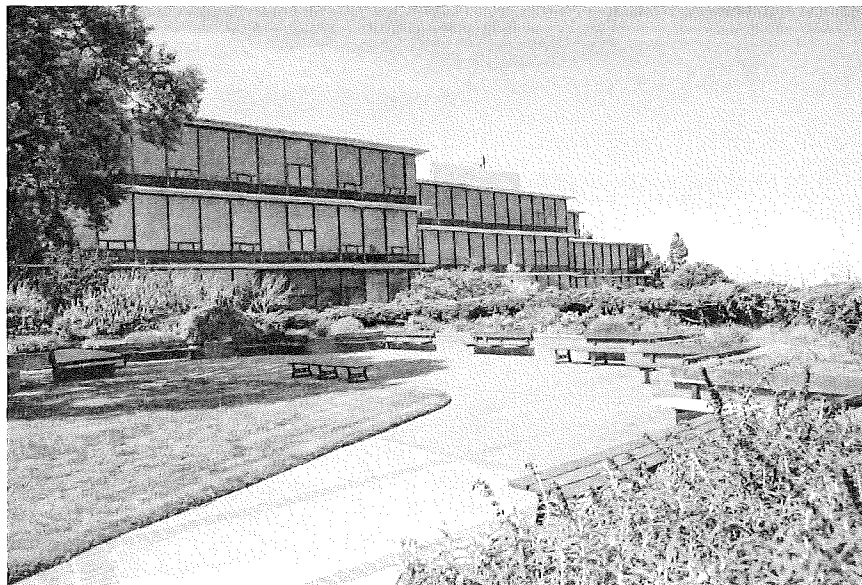


Photo 8: UCSF Laurel Heights Campus is an "Access Controlled Area" Sign





**Photo 9: Access from Euclid and Masonic Avenues is restricted by a secured gate which is kept locked and requires a key to open. The gate is the access to the Upper Terrace.**



**Photo 10: Upper Terrace at 3333 California Street**



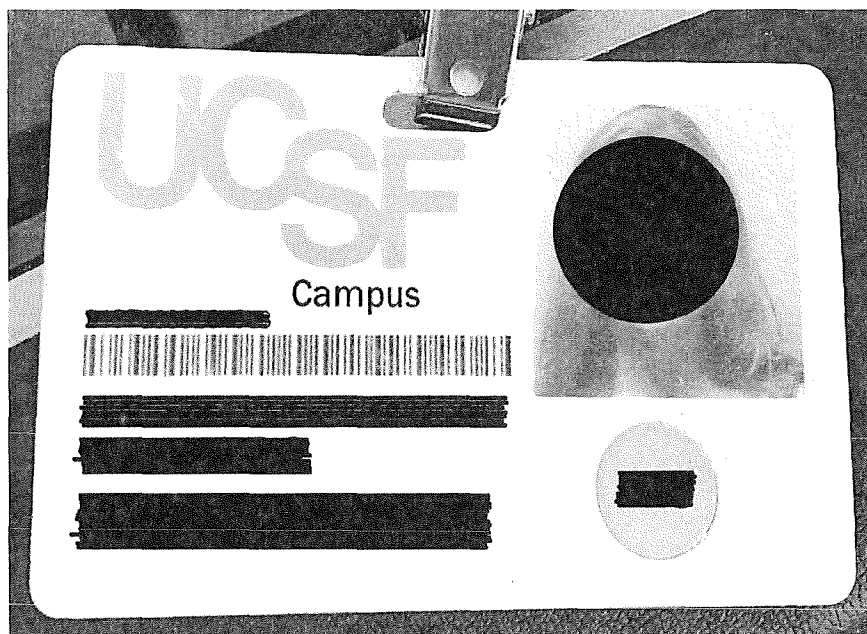


Photo 11: UCSF Security Access Badge

## **EXHIBIT N**

October 2, 2019

3333 California Street  
San Francisco, California

## Secretary of the Interior's Standards Compliance 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>

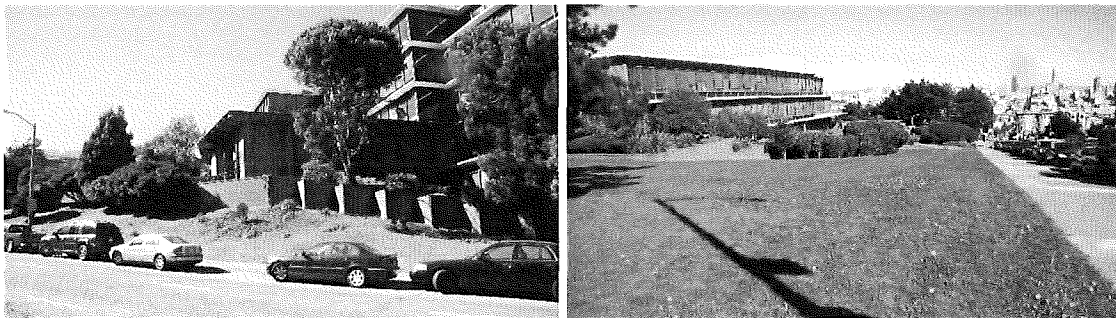


Figure 2 left: View of Property looking northwest, from Masonic. Figure 3, right: View of property looking east, from the corner of Euclid and Laurel.

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.

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<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>

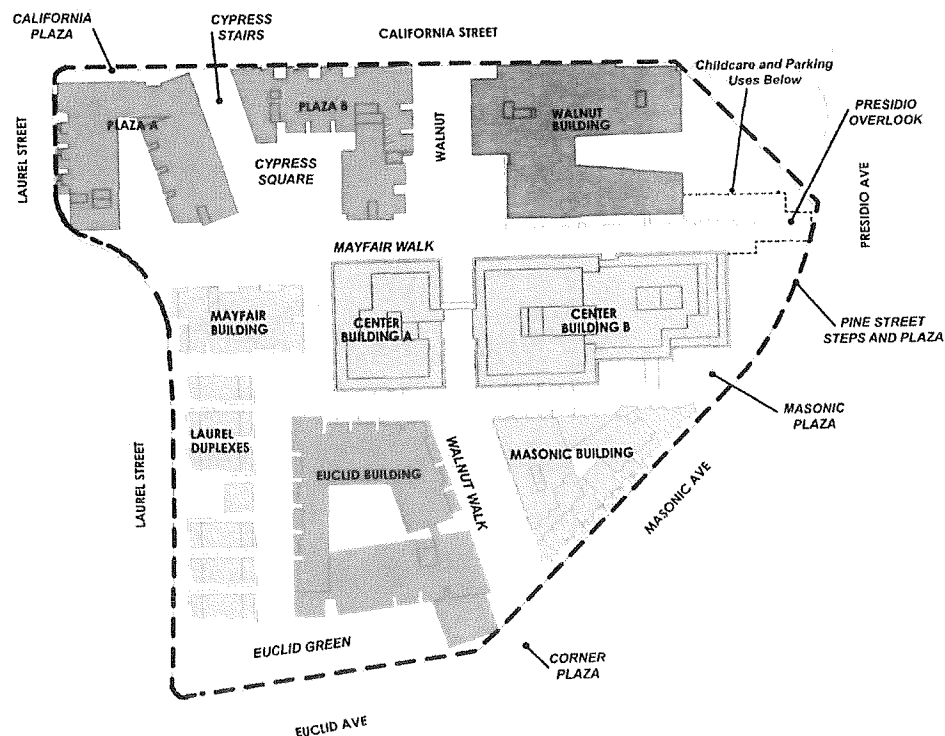


Figure 4 – The Proposed Project site plan

<sup>3 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.

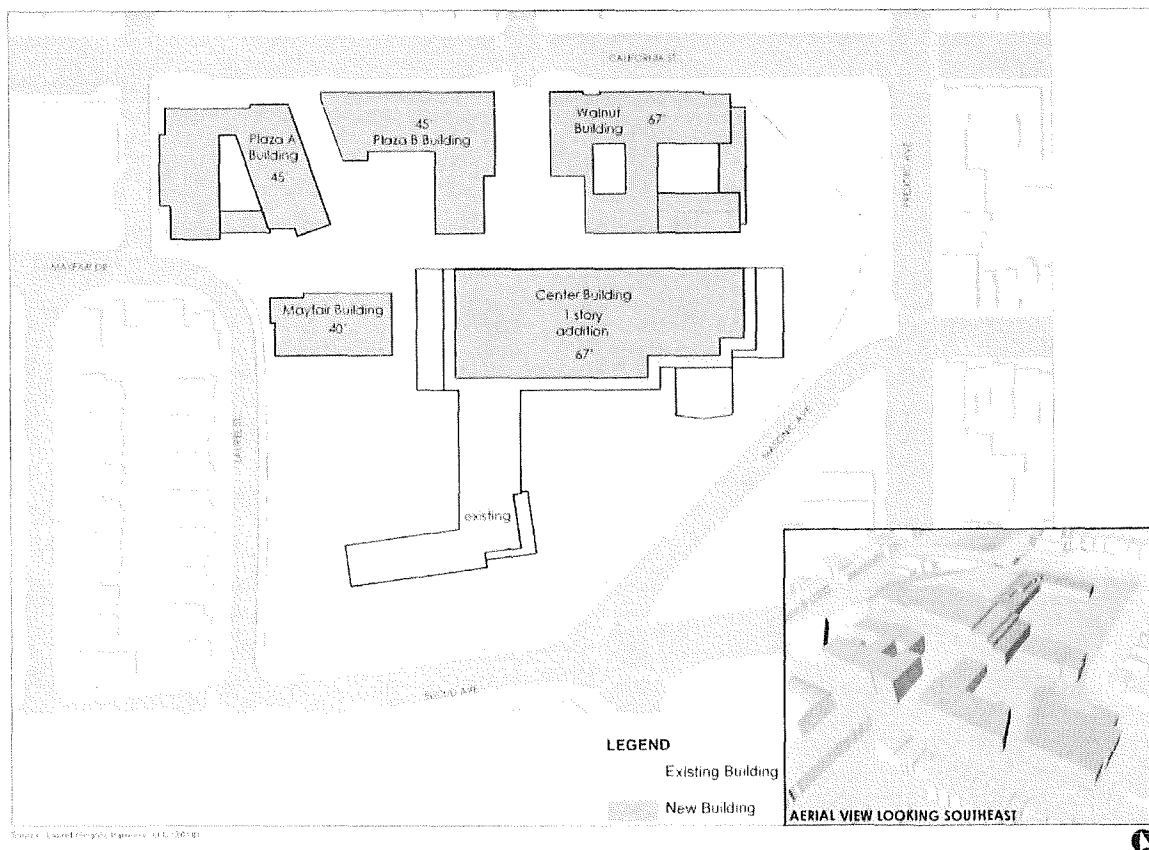


FIGURE 6.5: ALTERNATIVE C: FULL PRESERVATION - RESIDENTIAL ALTERNATIVE SITE PLAN

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.



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. In determining the unit count, TreanorHL used the same unit sizes as was used in the Developer's design. The Community 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. In addition, the Community Alternative would excavate only for a single, one-level underground parking garage and for the foundation for the Mayfair Building. In contrast, the developer proposes to excavate for three new underground garages including a three-level one.

The Community Alternative would keep the main building in its entirety, only adding two 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.

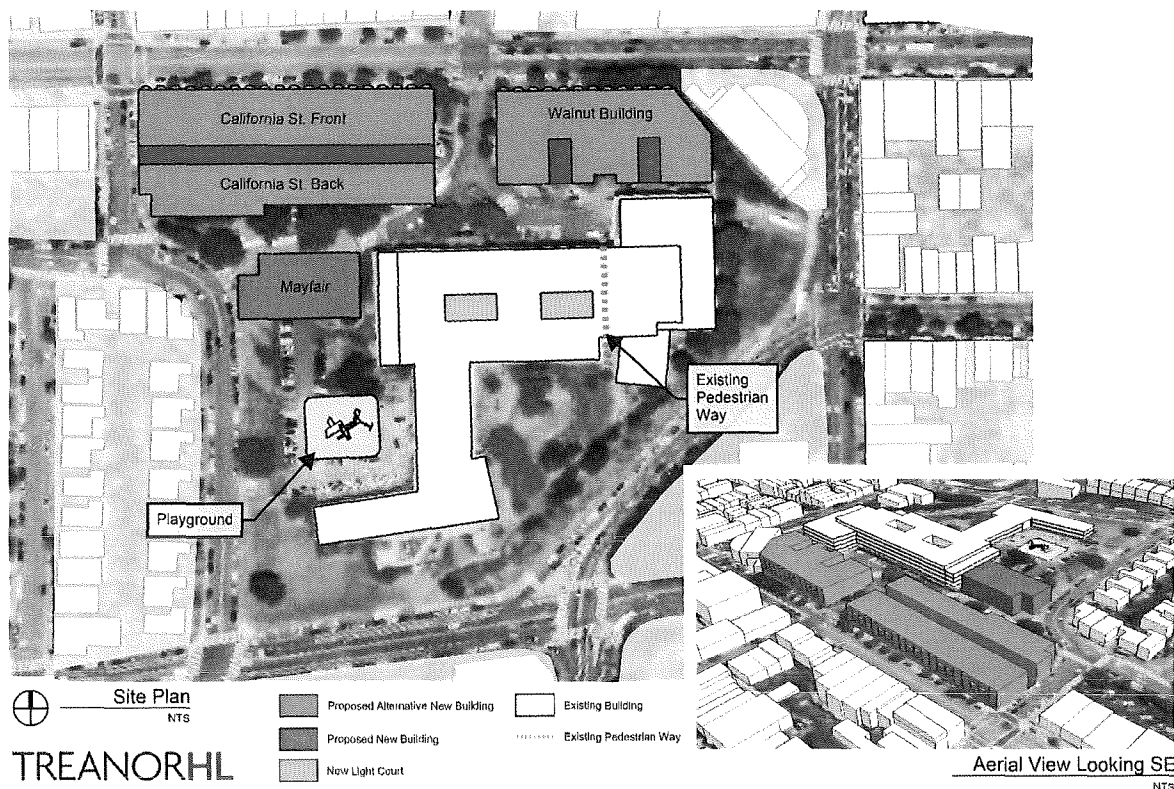


Figure 6 – The Community Full Preservation Alternative

## 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 two 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.

Although not described in the Draft EIR, the developer's August 17, 2017 plan sheet A6.01 has proposed installing bay windows to enhance the residential quality of the design. Since these bay windows would diminish the horizontality of the main building, which is one of the character-defining features of the historic resource, this alteration would not be consistent with the Secretary of the Interior's Standards.

*3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

The Community Preservation Alternate does not propose adding any conjectural features that would create a false sense of historical development. Therefore, the Community Preservation Alternative complies with Standard 3.

Neither the Proposed Project nor Preservation Alternative C propose changes that would create a false sense of historical development, so these designs would also comply with Standard 3.

*4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

As described in the California Register Nomination, the Main Building was constructed in phases. The first part of the building was completed in 1957. However, its siting, plan and structure were designed such that it could accommodate future expansion. This expansion took place from 1963 to 1967, in three phases, which added wings to the building. The work was designed by the original architect, and constructed by the original contractor for the original client (Fireman's Fund). The wings are now over 50 years old, and are considered part of the historic resource even if they were not part of the original construction. Since that time, most alterations have occurred on the interior, typical of open-plan office buildings. Under the Community Preservation Alternative, the wings would be retained; under the Proposed Project they would not be. The Community Preservation Alternative therefore meets Standard 4, while the Proposed Project does not. Similar to the Community Preservation Alternative, Alternative C complies with Standard 4.

*5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*

The Community Preservation Alternative will retain all distinctive features of the main building and landscape, including the curtain wall and footprint. And, by not raising the height of the building, its horizontality will also be retained. Character defining features of the site will also be retained. (The Service Building, however, will be demolished under this scheme, as it would under the Proposed Project and Preservation Alternative C. While the Service Building is an original feature of the site and contributes to its historic significance, the loss of this building would have only a minor impact on the overall integrity of the property). Therefore, the Community Preservation Alternative complies with Standard 5.

The Proposed Project is demolishing too much of the Main Building and the landscaping to comply with Standard 5. Preservation Alternative C is superior to the Proposed Project but will have a greater impact on the property than will the Community Preservation Alternative. Alternative C proposes to replace the

curtain wall and add a vertical addition, which could impact the building's horizontality, which according to the California Register Nomination is an important character defining feature. Therefore, while better than the Proposed Project, Alternative C does not fully comply with Standard 5.

*6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

During the design phase, the property, including building and landscape features, should be carefully surveyed to determine the condition of all character defining features. If any of these features are found to be deteriorated, they should be repaired rather than replaced, and any features that are deteriorated beyond repair should be replaced in kind, or, if substitute materials must be used (if, for example, the same material is no longer available), then the substitute material should match the old in design, color, texture and any other visual qualities. If that is done, then the Community Preservation Alternative will comply with Standard 6.

The Proposed Project, however, since it will remove most of the character defining features of the property, will not comply with this Standard. Alternative C, since it retains more of the historic resource, would not fully comply with Standard 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.

*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, than they too would comply with Standard 8.

*9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

For the Community Preservation Alternate, the exterior envelope of the Main Building will be kept intact, and new construction is proposed primarily along California Street, where currently non-character-defining parking lots exist. These new structures can be designed such that they are compatible with both the Main Building and the existing buildings along the north side of California Street. This can be accomplished by utilizing brick, glass, and concrete as exterior materials (tying into the materials of the Main Building), while maintaining the rhythm and scale of the townhouses across California Street. The Community Alternative will therefore comply with Standard 9. In addition, the Mayfair Building would be designed to be compatible with the Main Building.

The proposed project, on the other hand, does not comply with this Standard. Portions of the Main building will be removed, and most of the landscape will be destroyed. Therefore, the Proposed Project will not comply with Standard 9.

Preservation Alternative C is more compliant than the Proposed Project. However, the massing of the new buildings along California Street is very different from the buildings across California Street, and from the residential development surrounding the site.

*10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

For the Community Preservation Alternative, new construction would be relegated to the parking lots along California Street and a Mayfair Building. The Main Building would retain its existing form, and the curtain wall would be retained (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 two 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 proposal to replace the curtain wall and add a story to the building, it is difficult to see how the original form and integrity of the property could be returned if the changes were reversed. Therefore, Alternative C would not comply with Standard 10.

Conclusion

The above discussion evaluates the Community Preservation Alternative's compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties: Rehabilitation. It also discusses how and whether the Proposed Project and Alternative C complies with these standards. Here are the results:

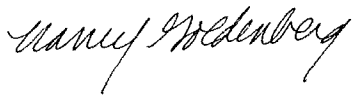
Community Preservation Alternative: Complies with all 10 Standards

Proposed Project: Complies with Standards 3 and 8 only.

Alternative C: Complies with Standards 1, 3, 4, 6, 7, and 8. Partially complies with Standards 2, 5 and 9. Does not comply with Standard 10.

The Community Alternative is clearly superior in its compliance with the Standards than are the other two designs evaluated. In addition, it provides more housing units than Alternative C, and the new construction is more compatible with surrounding neighborhood development.

The evaluation herein applies equally to the Proposed Project Variant, as it would have the same effect on the character-defining features of the resource as the Proposed Project. The Community Full Preservation Alternative Variant's compliance with the Secretary of the Interior's Standards would be the same as that of the Community Full Preservation Alternative.



January 7, 2019

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Nancy Goldenberg, Principal

Date

# **EXHIBIT O**

August 20, 2019

3333 California Street  
San Francisco, California

## Preservation Alternative – Feasibility Evaluations

The Laurel Heights Improvement Association asked TreanorHL to assist in further developing their Preservation Alternative and Community Variant for 3333 California Street in San Francisco. Additionally, the organization wished us to verify that the Preservation Alternative and Community Variant are feasible by confirming the possible number of units per building and the approximate size of the various units.

### EXISTING PLAN REVIEW

1. TreanorHL reviewed the existing building drawings on file for 3333 California Street at the Records Department of the San Francisco Building Department.
  - The review of the plans indicated the light courts in the Preservation Alternative and Community Variant should be relocated to facilitate the retention of the existing stairwells and elevator banks.

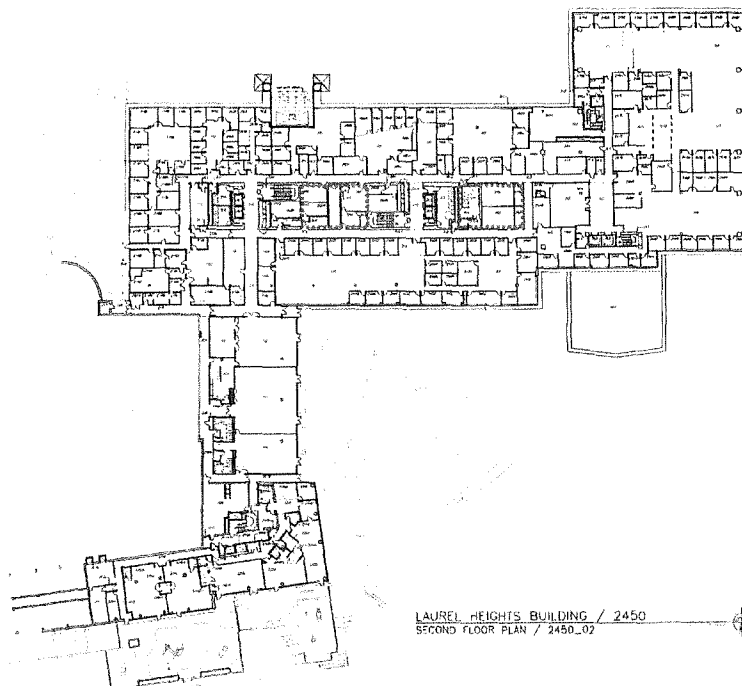


Figure 1. The red dashed boxes identify proposed location of light courts in the Preservation Alternative and Community Variant.





- Reviewing the existing drawings confirmed that the structural columns are fairly regular throughout the main building and wing. Adapting the spaces for residential use can easily be done without impacting the existing column grid.
  - The existing column grid in the main part of the building has a 30-foot spacing. The proposed project calls for creating a 40-foot passthrough all the way up the existing building in the north south direction. This proposed 40-foot wide passthrough in the existing building would be expensive as it does not align with the existing grid. Maintaining the 30-foot grid in the proposed passthrough would require less structural modification to the existing building.
  - The building was likely designed to accommodate the current structure, not additional stories. So, increasing the height of the building by adding additional floors will require significant effort to upgrade the existing structure.<sup>1</sup>
2. The Preservation Alternative and Community Variant retain the southern wing of the existing structure. The existing wing has a more irregular structural column grid than the main part of the building. However, adapting the wing space for residential use will not be any more challenging than in any other part of the structure.
- Exiting was not reviewed, but if additional exiting is needed there are ample opportunities for an additional stair in the wing.
  - Accessibility would be provided, as in the rest of the building, by means of elevators and other features that meet the California Accessibility code.
  - If water damage is present in the wing it can be remediated and corrected.

## FEASIBILITY EVALUATIONS

1. The attached analysis shows that the Preservation Alternative scheme and the Community Variant are feasible in terms of providing equivalent residential units to that of the proposed project. To do this, TreanorHL compared the gross square footage with a reasonable net square footage for the proposed building type, and then calculated how many units of various sizes (studio, one and two bedrooms, etc.) could reasonably fit into the net square footage.
- The California Street buildings (both front and back) were calculated using the high end and low end of the efficiency factor for residential construction. This did not change the number of units per building, but it did affect the size of the units within the structures.
  - Both the Preservation Alternative scheme and the Community Variant provide units that are comparable in size and type to those identified in the proposed project.

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<sup>1</sup> Merrill, Fred H. "Fireman's Fund Insurance Company - 3333 California Street." Received by Mr. D. L. Devincenzi, 7 Feb. 1964.

CALIFORNIA - FRONT (BASE)				CALIFORNIA - FRONT (VARIANT)				Full Preservation Unit Breakdown (.75)				Community Variant Unit Breakdown (.75)				Full Preservation Unit Breakdown (.85)				Community Variant Unit Breakdown (.85)											
Floor Plate Area:		30,000 SF		Floor Plate Area:		30,000 SF		Total NSF:		90,000		Total NSF:		90,000		Total NSF:		102,000		Total NSF:		102,000									
Number of Floors:		4 Floors		Number of Floors:		4 Floors		Total # Units:		56		Total # Units:		64		Total # Units:		56		Total # Units:		64									
Total Gross SF:		120,000 SF		Total Gross SF:		120,000 SF																									
Efficiency Factor:		0.75		0.85		Efficiency Factor:		0.75		0.85		Junior		SF		Units		Total		Junior		SF		Units		Total					
Total NSF:		90,000 SF		102,000 SF		Total NSF:		90,000 SF		102,000 SF		1-Bed								1-Bed											
Full Preservation Unit # Total:		56		56		Community Variant Unit # Total:		64		64		2-Bed		896		7		6,272		2-Bed		1,100		7		7,700					
Average Unit SF:		1,607 SF		1,821 SF		Average Unit SF:		1,406 SF		1,594 SF		3-Bed		1,410		22		31,020		3-Bed		1,550		22		34,100					
												4-Bed		1,955		27		52,785		4-Bed		2,200		27		59,400					
												TOTAL		56		90,077				TOTAL		56		101,290		TOTAL		64		102,050	
CALIFORNIA - BACK (BASE)				CALIFORNIA - BACK (VARIANT)				Full Preservation Unit Breakdown (.75)				Community Variant Unit Breakdown (.75)				Full Preservation Unit Breakdown (.85)				Community Variant Unit Breakdown (.85)											
Floor Plate Area:		19,293 SF		Floor Plate Area:		19,293 SF		Total NSF:		57,879		Total NSF:		57,879		Total NSF:		65,596		Total NSF:		65,596									
Number of Floors:		4		Number of Floors:		4		Total # Units:		52		Total # Units:		60		Total # Units:		52		Total # Units:		60									
Total Gross SF:		77,172 SF		Total Gross SF:		77,172 SF																									
Efficiency Factor:		0.75		0.85		Efficiency Factor:		0.75		0.85		Junior		SF		Units		Total		Junior		SF		Units		Total					
Total NSF:		57,879 SF		65,596 SF		Total NSF:		57,879 SF		65,596 SF		1-Bed		600		8		4,800		1-Bed		700		8		5,600					
Full Preservation Unit # Total:		52		52		Community Variant Unit # Total:		60		60		2-Bed		896		15		13,440		2-Bed		1,000		20		20,000					
Average Unit SF:		1,113 SF		1,261 SF		Average Unit SF:		965 SF		1,093 SF		3-Bed		1,450		24		34,800		3-Bed		1,650		24		39,600					
												4-Bed								4-Bed											
												TOTAL		52		57,520				TOTAL		52		65,200		TOTAL		60		65,625	
MAYFAIR BUILDING (BASE)				MAYFAIR BUILDING (VARIANT)				Full Preservation Unit Breakdown				Community Variant Unit Breakdown				Full Preservation Unit Breakdown				Community Variant Unit Breakdown											
Floor Plate Area:		13,500 SF		Floor Plate Area:		13,500 SF		Total NSF:		40,500		Total NSF:		40,500		Total NSF:		40,500		Total NSF:		40,500									
Number of Floors:		4 Floors		Number of Floors:		4 Floors		Total # Units:		40		Total # Units:		52		Total # Units:		52		Total # Units:		52									
Total Gross SF:		54,000 SF		Total Gross SF:		54,000 SF																									
Efficiency Factor:		0.75		0.75		Efficiency Factor:		0.75		0.75		Junior		SF		Units		Total		Junior		SF		Units		Total					
Total NSF:		40,500 NSF		40,500 NSF		Total NSF:		40,500 NSF		40,500 NSF		1-Bed		800		10		8,000		1-Bed		600		23		13,800					
Full Preservation Unit # Total:		40		40		Community Variant Unit # Total:		52		52		2-Bed		1,100		30		33,000		2-Bed		900		27		24,300					
Average Unit SF:		1,013 NSF		1,013 NSF		Average Unit SF:		779 NSF		779 NSF		3-Bed								3-Bed		1,400		2		2,800					
												4-Bed								4-Bed											
												TOTAL		40		41,000				TOTAL		52		40,900		TOTAL		52		40,900	
WALNUT BUILDING - PORTICO RETAINED (BASE)				WALNUT BUILDING - PORTICO RETAINED (VARIANT)				Full Preservation Unit Breakdown				Community Variant Unit Breakdown				Full Preservation Unit Breakdown				Community Variant Unit Breakdown											
Floor Plate Area:		31,825 SF		Floor Plate Area:		31,825 SF		Total NSF:		95,475		Total NSF:		95,475		Total NSF:		167,081		Total NSF:		167,081									
Number of Floors:		4 Floors		Number of Floors:		7 Floors		Total # Units:		118		Total # Units:		118		Total # Units:		228		Total # Units:		228									
Total Gross SF:		127,300 SF		Total Gross SF:		222,775 SF																									
Efficiency Factor:		0.75		0.75		Efficiency Factor:		0.75		0.75		Junior		SF		Units		Total		Junior		SF		Units		Total					
Total NSF:		95,475 NSF		167,081 NSF		Total NSF:		167,081 NSF		167,081 NSF		1-Bed		525		17		8,925		1-Bed		525		17		8,925					
Full Preservation Unit # Total:		118		228		Community Variant Unit # Total:		228		228		2-Bed		600		44		26,400		2-Bed		600		143		85,800					
Average Unit SF:		809 NSF		733 NSF		Average Unit SF:		733 NSF		733 NSF		3-Bed		900		40		36,000		3-Bed		900		47		42,300					
												4-Bed		1,450		17		24,650		4-Bed		1,300		14		18,200					
												TOTAL		118		95,975				TOTAL		180		7		12,600					
																				TOTAL		228		167,825		TOTAL		228		167,825	
HISTORIC MAIN BUILDING - PORTICO RETAINED (BASE)				HISTORIC MAIN BUILDING - PORTICO RETAINED (VARIANT)				Full Preservation Unit Breakdown				Community Variant Unit Breakdown				Full Preservation Unit Breakdown				Community Variant Unit Breakdown											
Floor Plate Area:		SF		Floor Plate Area:		SF		Total NSF:		253,610		Total NSF:		253,610		Total NSF:		253,610		Total NSF:		253,610									
Number of Floors:		Floors		Number of Floors:		Floors		Total # Units:		292		Total # Units:		292		Total # Units:		340		Total # Units:		340									
Total Gross SF:		362,300 SF		Total Gross SF:		362,300 SF																									
Efficiency Factor:		0.70		0.70		Efficiency Factor:		0.70		0.70		Junior		SF		Units		Total		Junior		SF		Units		Total					
Total NSF:		253,610 NSF		253,610 NSF		Total NSF:		253,610 NSF		253,610 NSF		1-Bed		550		10		5,500		1-Bed		510		10		5,100					
Full Preservation Unit # Total:		292		340		Community Variant Unit # Total:		340		340		2-Bed		650		145		94,250		2-Bed		600		204		122,400					
Average Unit SF:		869 NSF		746 NSF		Average Unit SF:		746 NSF		746 NSF		3-Bed		1,000		97		97,000		3-Bed		900		92		82,800					
												4-Bed		1,410		40		56,400		4-Bed		1,275		34		43,350					
												TOTAL		292		253,150				TOTAL		340		253,650		TOTAL		340		253,650	
BASE				VARIANT				Proposed Project Unit Count				Preservation Alternative Unit Count				Proposed Project Unit Count				Preservation Alternative Unit Count											
Junior		27		Junior		27		Junior		27		Junior		27		Junior		27		Junior		27		Junior		27		Junior		27	
1-Bed		207		1-Bed		207		1-Bed		392		1-Bed		392		1-Bed		392		1-Bed		392		1-Bed		392		1-Bed		392	
2-Bed		194		2-Bed		194		2-Bed		195		2-Bed		195		2-Bed		195		2-Bed		195		2-Bed		195		2-Bed		195	
3-Bed		103		3-Bed		103		3-Bed		103		3-Bed		103		3-Bed		103		3-Bed		103		3-Bed		103		3-Bed		103	
4-Bed		27		4-Bed		27		4-Bed		27		4-Bed		27		4-Bed		27		4-Bed		27		4-Bed		27		4-Bed		27	
Total		558		Total		558		Total		744		Total		744		Total		744		Total		744		Total		744		Total		744	

*Exhibit*

*Encl. sent Monterey 2/4/64*

FIREMAN'S FUND INSURANCE COMPANY

3333 CALIFORNIA STREET  
SAN FRANCISCO, CALIFORNIA

FRED H. MERRILL  
PRESIDENT

February 7, 1964

Mr. D. L. Devincenzi  
President  
Laurel Heights Improvement Association  
of San Francisco  
San Francisco, California

Dear Mr. Devincenzi:

The purpose of this letter is to provide you with a convenient means of conveying to members of the Laurel Heights Improvement Association an account of the substance of my comments to you and Dr. Greenspan at our meeting held here on Tuesday, February 4, concerning the presently proposed Fireman's Fund building addition and our thinking with respect to possible future expansion of our building.

I believe the following adequately summarizes our discussion:

There was general agreement among the three of us that the presently proposed addition to our building was in compliance with all of the stipulations in effect with respect to the Fireman's Fund property.

You indicated that, despite the fact that there are no height limitations for commercial development in effect with respect to the property, the association membership was extremely interested in learning whether our future plans encompassed the addition of another floor to the present building, and would appreciate advice from us in this connection.

I assured you that we do not have plans for an additional floor on the building and that the proposed addition will have a permanent roof rather than a slab suitable as flooring for a further addition. This was for the reason that we have been advised that existing foundations would not be adequate for an additional floor and that in my view an additional floor would not only be detrimental to the appearance of the building but impracticable from a building cost standpoint. While it was not my intention or function, I pointed out, either to alter the stipulations with respect to the property,

-2-

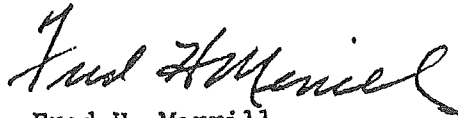
accepted by the San Francisco Planning Commission, or to purport to bind the management of Fireman's Fund, I assured you that during my tenure as President of Fireman's Fund, for the reasons given above, I would not consider the construction of a floor on our building above the presently proposed addition.

I then went on to explain that any expansion of our building beyond that which we have reviewed with the Planning Commission and members of your association would be preceded by appropriate research and development relating to provision for adequate off-street parking facilities. It is our intention, I said, to utilize, ultimately, the present roof area for additional space, but before this done, we would plan to develop more service and parking facilities - most probably on the Presidio and California areas of our property.

I was very pleased to learn that the Association plans to record its approval of our proposed addition and to convey this fact to the Planning Commission. This action is most gratifying to me and to our management. We shall do everything in our power to minimize all inconveniences during the construction period.

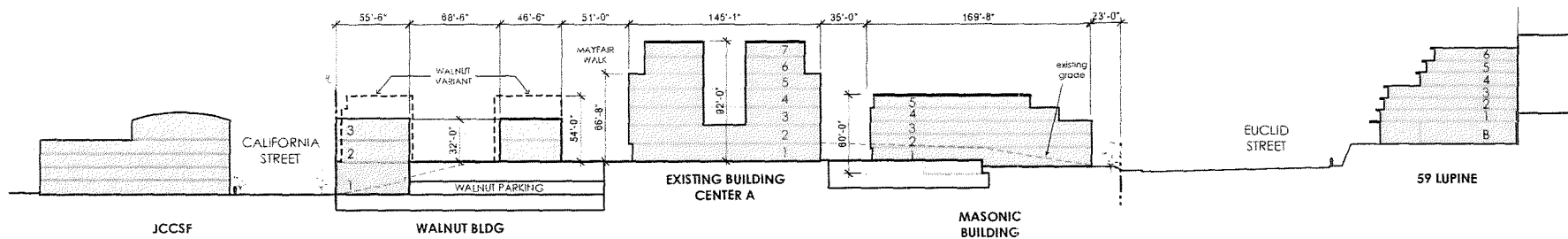
Meanwhile, please be assured that we shall always attempt to maintain the Fireman's Fund building in such a manner that it - as indicated yesterday in the press - will continue to be an asset to our neighborhood.

Sincerely yours,

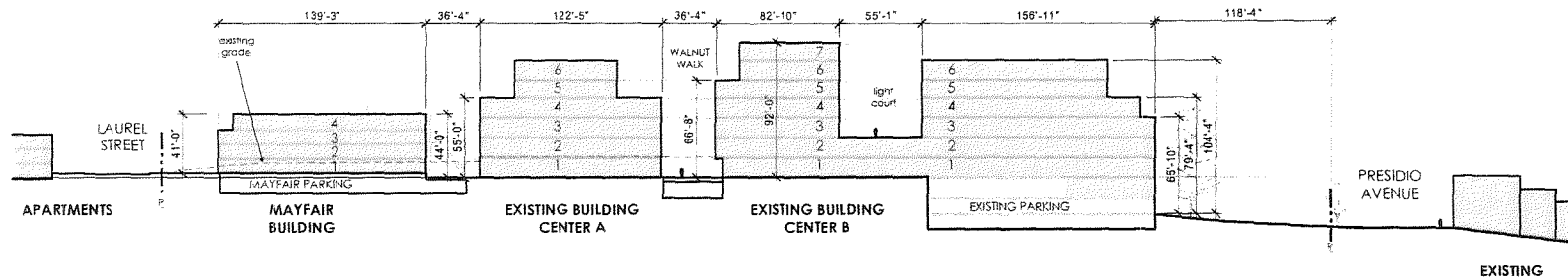


Fred H. Merrill  
President

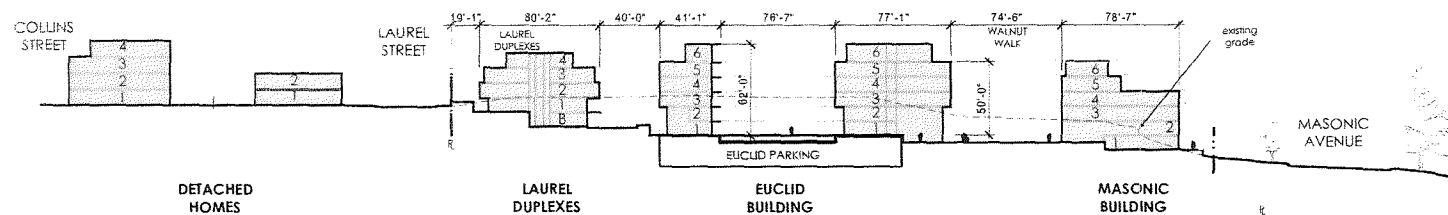
## **EXHIBIT P**



1 NORTH-SOUTH SITE SECTION



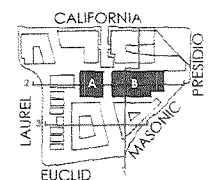
2 EAST-WEST SITE SECTION



3 EAST-WEST SITE SECTION

- CHLDCARE STABLE CHLDCARE 6.0-4
- PARKING
- RETAIL USABLE RETAIL 6.0-4
- OFFICE OFFICE CORP
- RESIDENTIAL HOMES RESIDENTIAL CORP
- LANDSCAPED ROOF

LEGEND INTENDED FOR USE ONLY WHERE PLANS ARE REPRODUCED IN COLOR

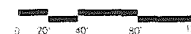


3333 CALIFORNIA STREET SAN FRANCISCO, CA

PROJECT SITE SECTIONS

PRADO GROUP SIKIS JAMES CORNER FIELD OPERATIONS LA ARUP BAR architects JENSEN SCP

7.3.2019  
PLANNING APPLICATION SUBMITTAL (REVISED)



G2.08

## **EXHIBIT Q**



PLANNING COMMISSION

# STANDARDS FOR THE TRANSPORTATION DEMAND MANAGEMENT PROGRAM



ADOPTED AUGUST 4, 2016

Updated June 7, 2018



San Francisco  
Planning



SAN  
FRANCISCO



## SECTION 2

# Transportation Demand Management Plan

This section provides the standards a *property owner* uses in developing a *TDM Plan*.

### 2.1 DETERMINE APPLICABILITY

Any *Development Project* that meets the applicability criteria of Planning Code Section 169.3 shall be subject to the *TDM Program* requirements of Planning Code Section 169 and the TDM Program Standards. The TDM Program Standards require each land use within a Development Project to be categorized as one of four separate *land use categories* (see Section 2.2(a)(1) below), and each land use category within a Development Project to trigger individual TDM *targets* within the overall *TDM Plan* (see Section 2.2(a) below). As such, the TDM Program Standards allow for a mixed use Development Project to have some land uses that must meet a TDM target within the TDM Plan, and some land uses that will not be required to meet a TDM target.

For a Development Project that involves a Change of Use, the Change of Use must result in an intensification of use for the TDM Program to apply. An intensification of use is described as going from a lower land use category to a higher land use category, according to the estimated number of vehicle trips per parking space provided for the primary user. For example, a change from land use category D to land use category B constitutes an intensification of use. If the Change of Use does not result in an intensification of use, the base target score is zero points and the Development Project is not required to submit a TDM Plan or monitoring and reporting.

### 2.2 TDM PLAN STANDARDS

Any Development Project subject to the TDM Program shall submit a *TDM Plan Application* and administrative fee<sup>1</sup> along with its first *Development Application*. The TDM Plan shall document the Development Project's compliance with the TDM Program.

**2.2(a) Targets.** The TDM Program Standards require each Development Project subject to the TDM Program to meet a target, without exceptions. 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.<sup>2,3</sup> The Planning Code contains definitions for over 100 different land uses. In order to simplify the applicability of the TDM Program, the TDM Program Standards classify land use definitions into four land

1 Refer to Planning Department Fee Schedule for potential waivers regarding any administrative fees referenced in the TDM Program Standards.

2 Each land use within a Development Project will fall within a land use category. The TDM Program Standards require each Accessory Parking space to be assigned to a distinct land use, including those Accessory Parking spaces within Development Projects located within Use Districts that permit Accessory Parking up to a certain percentage of gross floor area (e.g., C-3 Districts). If an Accessory Parking space is used by more than one land use (e.g., shared spaces), the Accessory Parking space shall be counted toward each land use for which it is assigned.

3 For any Development Project that meets the applicability criteria of Planning Code Section 169.3 and includes a Parking Garage or Parking Lot, for the purposes of determining the target(s), all parking spaces associated with any such Parking Garage or Parking Lot shall be assigned to distinct land use categories (A, B, and C) that trigger the TDM Plan requirement within the Development Project. The number of such parking spaces assigned to each qualifying land use category shall be proportional, so that the percentage of total parking spaces assigned to a land use category is equal to the percentage of occupied square feet that such land use category represents within the total area of qualifying land use categories within the Development Project. However, no individual land use category within the Development Project shall be assigned such parking spaces in an amount that exceeds the maximum amount of parking permitted for the associated land use(s) by the Planning Code."

TABLE 2-1: LAND USE CATEGORIES AND TARGETS

Land Use Category	Typical Land Use Type	# of Parking Spaces proposed by Land Use	Target
Ⓐ	Retail	Base number: $0 \leq 4$	Base Target: 13 points
		Each additional 2*	1 additional point
Ⓑ	Office	Base number: $0 \leq 20$	Base Target: 13 points
		Each additional 10*	1 additional point
Ⓒ	Residential	$0 \leq 5$	10 points
		$6 \leq 10$	11 points
		$11 \leq 15$	12 points
		$16 \leq 20$	13 points
		Each additional 10*	1 additional point
Ⓓ	Other	Any # of parking spaces	3 points

\* For each additional parking space proposed above the base target, the number of parking spaces will be rounded up to the next highest target. For example, a project within Land Use Category C that proposes 21 parking spaces is subject to a 14 point target.

use categories, based upon reducing *Vehicle Miles Traveled* from the primary trip generator associated with that land use. The TDM Program Standards rank the four land use categories, from highest (A) to lowest (D), according to the estimated number of vehicle trips per parking space provided for that primary user: visitors and customers, employees, or residents as shown in Table 2-1.

Typical types of land uses that fall within each of the four land use categories include: Land use category A: formula retail, museums, entertainment venues, and grocery stores. Land use category B: office, child care facility, school. Land use category C: residential. Land use category D: internet service exchange, manufacturing, and production, distribution, and repair. A complete list of land uses classified from the Planning Code into land use categories is included as Section 2.2(a)(1) of the TDM Program Standards. The rationale for the land use categories is described in Chapter 3 in the TDM Technical Justification document.

The TDM Program Standards set a *base target* that all Development Projects within land use categories A, B, and C are required to meet at 25% of the total available number of points in the relevant land use categories. The TDM Program Standards allow for the base target to change as *TDM measures* are added or removed from the *TDM menu of options* (menu) or points associated with existing TDM measures are refined. As stated in Planning Code Section 169 and defined further in the Glossary of Terms, each TDM measure on the menu shall be designed to reduce Vehicle Miles Traveled by residents, tenants, employees, and visitors and must be under the control of the property owner. This process is described in Section 4 of the TDM Program Standards. The TDM Program Standards require land uses associated with land use category D to achieve a target of three points. The target for these land uses is lower than the other three land use categories because the land uses within this category would not substantially affect *Vehicle Miles Traveled*. The rationale for setting the base target for all land use categories is described in Chapter 3 of the TDM Technical Justification document.

TABLE 2-2: PLANNING CODE LAND USE CATEGORIZATION

Land Use Category	Planning Code Definition Title (Section 102)	
<b>(A)</b> Retail	<ul style="list-style-type: none"> <li>• Adult Business; Automobile Sale or Rental; Automotive Use, Retail;</li> <li>• Bar; Bona Fide Eating Place;</li> <li>• Community Facility; Community Facility, Private;</li> <li>• Drive-Up Facility;</li> <li>• Eating and Drinking Use; Entertainment, General; Entertainment, Nighttime; Entertainment, Outdoor; Entertainment, Arts and Recreation, Non-Commercial; Entertainment, Arts and Recreation, Retail; Entertainment, Arts and Recreation Use;</li> <li>• Gas Station; Gift Store-Tourist Oriented; Grocery, General; Grocery, Specialty; Gym</li> <li>• Jewelry Store</li> <li>• Job Training</li> <li>• Liquor Store</li> <li>• Massage, Chair/Foot; Massage Establishment; Medical Cannabis Dispensary; Mortuary; Movie Theater</li> <li>• Non-Auto vehicle Sales or Rental</li> <li>• Open Air Sales</li> <li>• Pharmacy</li> <li>• Religious Institution; Restaurant; Restaurant, Limited</li> <li>• Service, Financial; Service, Fringe Financial; Service, Limited Financial; Service, Personal; Service, Retail Professional</li> <li>• Sports Stadium</li> <li>• Take-Out Food; Tobacco Paraphernalia Establishment; Trade Shop</li> <li>• Walk-Up Facility</li> </ul>	
<b>(B)</b> Office	<ul style="list-style-type: none"> <li>• Animal Hospital</li> <li>• Cat Boarding; Child Care Facility</li> <li>• Design Professional</li> <li>• Hospital; Hotel</li> <li>• Institutional Education Use</li> <li>• Kennel</li> <li>• Laboratory; Licensed Child Care Facility; Life Science</li> <li>• Motel</li> <li>• Nonprofit Organization</li> <li>• Office, General</li> <li>• Post-Secondary Educational Institution</li> <li>• Residential Care Facility</li> <li>• School; Service, Business; Service, Health; Service, Instructional; Service, Non-Retail Professional; Service, Philanthropic Administrative; Small Enterprise Workspace (S.E.W.); Social Service or Philanthropic Facility</li> <li>• Trade Offices; Trade School</li> </ul>	
<b>(C)</b> Residential	Residential Use	
<b>(D)</b> Other	<ul style="list-style-type: none"> <li>• Agriculture, Large-Scale Urban; Agriculture, Neighborhood; Automobile Assembly; Automobile Wrecking; Automotive Service; Automotive Service Station; Automotive Use, Non-Retail; Automotive Wash</li> <li>• Catering; Community Recycling Collection Center</li> <li>• Food, Fiber and Beverage Processing 1; Food Fiber and Beverage Processing 2</li> <li>• Greenhouse</li> <li>• Hazardous Waste Facility</li> <li>• Internet Service Exchange</li> <li>• Junk Yard</li> <li>• Livery Stable; Livestock Processing 1; Livestock Processing 2</li> <li>• Manufacturing 1, Heavy; Manufacturing 2, Heavy; Manufacturing 3, Heavy; Manufacturing, Light; Maritime Use; Metal Working</li> <li>• Open Recreation Area</li> <li>• Passive Outdoor Recreation; Power Plant; Production, Distribution, and Repair; Public Transportation Facility; Public Utilities Yard</li> <li>• Service, Ambulance; Service, Motor Vehicle Tow; Service, Parcel Delivery; Shipyard; Storage, Commercial; Storage, Self; Storage, Volatile Materials; Storage, Wholesale; Storage Yard</li> <li>• Truck Terminal</li> <li>• Utility and Infrastructure; Utility Installation</li> <li>• Wholesale Sales; Wireless Telecommunication Services (WTS) Facility</li> </ul>	

**2.2(b)(2) Mixed Use Projects.** For projects that propose a mix of land uses, the TDM Program Standards allow six of the 26 TDM measures in the TDM menu to apply to any land use associated with a Development Project, assuming that all users of the Development Project are able to access the TDM measures. The six TDM measures are: Improve Walking Conditions, Bicycle Repair Station, Delivery Supportive Amenities, Shuttle Bus Service, Multimodal Wayfinding Signage, and Real Time Transportation Displays. Therefore, a property owner developing a TDM Plan for a project that proposes a mix of land uses and selecting any of these six TDM measures for one land use category must select the same TDM measure for every other land use category.

**EXAMPLE**

**A property owner proposes new construction that includes 500,000 square feet of office space and 400 dwelling units.**

Office space is identified as land use category B. Residential units are identified as land use category C. Of the six TDM measures identified above, the property owner for land use category B has selected Improve Walking Conditions (Option A), Bicycle Repair Station, and Shuttle Bus Service (Option A). Improve Walking Conditions requires the property owner to make streetscape improvements along or near the frontages of the project site. Bicycle Repair Station requires an on-site bicycle repair station. The property owner will allow this station to be accessed by all users of the Development Project. Shuttle Bus Service requires a local shuttle bus service to be provided free of charge to residents, tenants, employees, and visitors. Given that these three TDM measures will benefit the whole of the Development Project, the property owner must also select these three TDM measures for land use category C.

**2.2(b)(3) Development Projects With Multiple Buildings.** For Development Projects that include multiple buildings, selected physical TDM measures must be proportionately allocated amongst any land use on the a project's site; and/or readily identifiable and accessible to the residents, tenants, employees and/or visitors to a project's site.

**2.2(b)(4) Development Projects With a Substantial Amount of Parking.** A Development Project may propose more Accessory Parking spaces than the TDM menu can address. The following are the approximate<sup>5</sup> number of Accessory Parking spaces for Development Projects within land use categories A, B, and C for which all available points have been exhausted<sup>6</sup> (excluding the Parking Supply measure):

- » Land use category A (Retail Type Uses) = 56 parking spaces.
- » Land use category B (Office Type Uses) = 270 parking spaces.
- » Land use category C (Residential Type Uses) = 280 parking spaces.

Given no more TDM measures and points are available for these Development Projects, excluding the Parking Supply measure, the TDM Program Standards require these projects to include all measures and points, up to a 80% of the total number of points available, applicable for the land use category in the Development Project's TDM Plan. When using the TDM Tool, this percent reduction of the total number of points to achieve is automatically calculated. When using the TDM Tool, this percent reduction of the total number of points to achieve is automatically calculated. The rationale for setting the 80% requirement for these Development Projects is described in Chapter 4 of the TDM Technical Justification Document.

- 5 The exact number will vary and will need to be determined by the Planning Department if a Development Project approaches this number of Accessory Parking spaces. Given some of the TDM measures are based upon location or the size or type of the land use associated with the Development Project, an approximate number is given in the TDM Program Standards, instead of an exact number.
- 6 Chapter 3 of the TDM Technical Justification Document describes the methodology for identifying the total number of available points for each land use category, as every TDM measure is not applicable to every land use. In addition, this number of Accessory Parking spaces assumes the Shuttle Bus Service measure is not available.

TABLE 2-3: TDM MENU OF OPTIONS

Category	Measure	Points	Land Use Category			
			A	B	C	D
<b>ACTIVE-1</b>	Improve Walking Conditions: Option A; or	1 ●	ⓐ	ⓐ	ⓐ	○
	Improve Walking Conditions: Option B; or	1 ●	ⓐ	ⓐ	ⓐ	○
	Improve Walking Conditions: Option C; or	1 ●	ⓐ	ⓐ	ⓐ	○
	Improve Walking Conditions: Option D	1 ●	ⓐ	ⓐ	ⓐ	○
<b>ACTIVE-2</b>	Bicycle Parking: Option A; or	1 ●	ⓐ	ⓐ	ⓐ	ⓐ
	Bicycle Parking: Option B; or	2 ●●	ⓐ	ⓐ	ⓐ	ⓐ
	Bicycle Parking: Option C; or	3 ●●●	ⓐ	ⓐ	ⓐ	ⓐ
	Bicycle Parking: Option D	4 ●●●●	ⓐ	ⓐ	ⓐ	○
<b>ACTIVE-3</b>	Showers and Lockers	1 ●	ⓐ	ⓐ	ⓐ	ⓐ
<b>ACTIVE-4</b>	Bike Share Membership: Location A; or	1 ●	ⓐ	ⓐ	ⓐ	○
	Bike Share Membership: Location B	2 ●●	ⓐ	ⓐ	ⓐ	○
<b>ACTIVE-5A</b>	Bicycle Repair Station	1 ●	ⓐ	ⓐ	ⓐ	○
<b>ACTIVE-5B</b>	Bicycle Maintenance Services	1 ●	ⓐ	ⓐ	ⓐ	○
<b>ACTIVE-6</b>	Fleet of Bicycles	1 ●	ⓐ	ⓐ	ⓐ	○
<b>ACTIVE-7</b>	Bicycle Valet Parking	1 ●	ⓐ	ⓐ	ⓐ	○
<b>CSHARE-1</b>	Car-share Parking and Membership: Option A; or	1 ●	ⓐ	ⓐ	ⓐ	ⓐ
	Car-share Parking and Membership: Option B; or	2 ●●	ⓐ	ⓐ	ⓐ	ⓐ
	Car-share Parking and Membership: Option C; or	3 ●●●	ⓐ	ⓐ	ⓐ	ⓐ
	Car-share Parking and Membership: Option D; or	4 ●●●●	ⓐ	ⓐ	ⓐ	○
	Car-share Parking and Membership: Option E	5 ●●●●●	ⓐ	ⓐ	ⓐ	○
<b>DELIVERY-1</b>	Delivery Supportive Amenities	1 ●	ⓐ	ⓐ	ⓐ	○
<b>DELIVERY-2</b>	Provide Delivery Services	1 ●	ⓐ	ⓐ	ⓐ	○
<b>FAMILY-1</b>	Family TDM Amenities: Option A; and/or	1 ●	ⓐ	ⓐ	ⓐ	ⓐ
	Family TDM Amenities: Option B	1 ●	ⓐ	ⓐ	ⓐ	ⓐ
<b>FAMILY-2</b>	On-site Childcare	2 ●●	ⓐ	ⓐ	ⓐ	ⓐ
<b>FAMILY-3</b>	Family TDM Package	2 ●●	ⓐ	ⓐ	ⓐ	ⓐ

One point may be equal to a 1% reduction in VMT.

ⓐ = applicable to land use category.

ⓐ = applicable to land use category, see fact sheets for further details regarding project size and/or location.

ⓐ = applicable to land use category only if project includes some parking.

ⓐ = not applicable to land use category.

○ = project sponsor can select these measures for land use category D, but will not receive points.

Category	Measure	Points	Land Use Category			
			A	B	C	D
HOV-1	Contributions or Incentives for Sustainable Transportation: Option A; or	2 ●●	ⓐ	ⓐ	ⓐ	○
	Contributions or Incentives for Sustainable Transportation: Option B; or	4 ●●●●	ⓐ	ⓐ	ⓐ	○
	Contributions or Incentives for Sustainable Transportation: Option C; or	6 ●●●●●●	ⓐ	ⓐ	ⓐ	○
	Contributions or Incentives for Sustainable Transportation: Option D	8 ●●●●●●●●	ⓐ	ⓐ	ⓐ	○
HOV-2	Shuttle Bus Service: Option A; or	7 ●●●●●●●	ⓐ	ⓐ	ⓐ	○
	Shuttle Bus Service: Option B	14 ●●●●●●●●●●●●	ⓐ	ⓐ	ⓐ	○
HOV-3	Vanpool Program: Option A; or	1 ●	ⓐ	ⓐ	ⓐ	○
	Vanpool Program: Option B; or	2 ●●	ⓐ	ⓐ	ⓐ	○
	Vanpool Program: Option C; or	3 ●●●	ⓐ	ⓐ	ⓐ	○
	Vanpool Program: Option D; or	4 ●●●●	ⓐ	ⓐ	ⓐ	○
	Vanpool Program: Option E; or	5 ●●●●●	ⓐ	ⓐ	ⓐ	○
	Vanpool Program: Option F; or	6 ●●●●●●	ⓐ	ⓐ	ⓐ	○
	Vanpool Program: Option G	7 ●●●●●●●	ⓐ	ⓐ	ⓐ	○
INFO-1	Multimodal Wayfinding Signage	1 ●	ⓐ	ⓐ	ⓐ	ⓐ
INFO-2	Real Time Transportation Information Displays	1 ●	ⓐ	ⓐ	ⓐ	ⓐ
INFO-3	Tailored Transportation Marketing Services: Option A; or	1 ●	ⓐ	ⓐ	ⓐ	○
	Tailored Transportation Marketing Services: Option B; or	2 ●●	ⓐ	ⓐ	ⓐ	○
	Tailored Transportation Marketing Services: Option C; or	3 ●●●	ⓐ	ⓐ	ⓐ	○
	Tailored Transportation Marketing Services: Option D	4 ●●●●	ⓐ	ⓐ	ⓐ	○
LU-1	Healthy Food Retail in Underserved Area	2 ●●	ⓐ	ⓐ	ⓐ	ⓐ
LU-2	On-site Affordable Housing: Option A; or	1 ●	ⓐ	ⓐ	ⓐ	○
	On-site Affordable Housing: Option B; or	2 ●●	ⓐ	ⓐ	ⓐ	○
	On-site Affordable Housing: Option C; or	3 ●●●	ⓐ	ⓐ	ⓐ	○
	On-site Affordable Housing: Option D	4 ●●●●	ⓐ	ⓐ	ⓐ	○

One point may be equal to a 1% reduction in VMT.

ⓐ = applicable to land use category.

ⓐ = applicable to land use category, see fact sheets for further details regarding project size and/or location.

ⓐ = applicable to land use category only if project includes some parking.

ⓐ = not applicable to land use category.

○ = project sponsor can select these measures for land use category D, but will not receive points.

NOTE: A project sponsor can only receive up to 14 points between HOV-2 and HOV-3.

## **EXHIBIT R**

---

**Your City and County of San Francisco public records request #19-3976 has been closed.**

1 message

---

**City and County of San Francisco Public Records** <sanfrancisco@public-records-requests.com>

Mon, Sep 30, 2019 at 3:36 PM

Reply-To: sanfrancisco\_19-3976-requester-notes@inbound.nextrequest.com

To: krdevincenzi@gmail.com

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

## City and County of San Francisco Public Records

**Hi there**

Record request #19-3976 has been closed and published. The closure reason supplied was:

We have finished conducting a diligent search and found no documents responsive to your request. Therefore, we consider your request closed.

*[View Request 19-3976](http://sanfrancisco.nextrequest.com/requests/19-3976)*

<http://sanfrancisco.nextrequest.com/requests/19-3976>



# Request #19-3976

☒ CLOSED

As of October 6, 2019, 9:13am

## Details

### IMMEDIATE DISCLOSURE REQUEST

This is a request pursuant to the San Francisco Sunshine Ordinance, San Francisco Administrative Code section 67.1, et seq., and the California Public Records Act, Government Code section 6250 et seq., to inspect and copy the following writings and/or documents:

All CAD files relating to 3333 California Street.

Thank you,  
Laurel Heights Improvement Association of SF, Inc.

*Received*

September 27, 2019 via web

*Departments*

Public Works

## Documents

(none)

## Staff

*Point of Contact*

David A. Steinberg

## **EXHIBIT S**

# Board of Supervisors



City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Tel. No. 554-5184  
TDD No. 554-5227

## Legislation Introduced at Roll Call

**Tuesday, July 30, 2019**

### Introduced by a Supervisor or the Mayor

*Pursuant to Charter Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.*

### ORDINANCES

- 190832 [Memorandum of Understanding - Fire Fighters Union Local 798, Unit 1]**  
**Sponsor:** Mayor  
Ordinance adopting and implementing the First Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, Unit 1, to update the Union Security and Surf Rescue Premium provisions. ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee.
- 190833 [Memorandum of Understanding - Fire Fighters Union Local 798, Unit 2]**  
**Sponsor:** Mayor  
Ordinance adopting and implementing the Second Amendment to the 2018-2021 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Fire Fighters Union, Local 798, Unit 2, to update the Union Security and Surf Rescue Premium provisions. ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee.
- 190834 [Memorandum of Understanding - Laborers International Union, Local 261]**  
**Sponsor:** Mayor  
Ordinance adopting and implementing the First Amendment to the 2019-2022 Memorandum of Understanding between the City and County of San Francisco and the Laborers International Union, Local 261, to update the Overtime Compensation and Health Insurance provisions. ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee.
- 190835 [Appropriation - 2012 General Obligation Parks Bond Proceeds - \$3,100,000 - 2015 General Obligation Housing Bond Proceeds - \$92,725,000 - FY2019-2020]**  
**Sponsor:** Mayor  
Ordinance appropriating \$3,100,000 of proceeds from the 2012 General Obligation Parks Bond, Series 2019C, to the Port of San Francisco and appropriating \$92,725,000 of proceeds from the 2015 General Obligation Housing Bond, Series 2019D, to the Mayor's Office of Housing and Community Development in FY2019-2020 and placing \$95,825,000 on Controller's Reserve pending the sale of the bonds. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.

- 181215 [Administrative, Planning Codes - South of Market Community Advisory Committee]**  
**Sponsor:** Haney  
 Ordinance amending the Administrative and Planning Codes to establish the South of Market Community Planning Advisory Committee to advise City officials and agencies on implementation of the Central SoMa Plan, Western SoMa Area Plan, and East SoMa Area Plan; to revise the membership and duties of the SOMA Community Stabilization Fund Community Advisory Committee and the Eastern Neighborhoods Citizens Advisory Committee; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302. SUBSTITUTED AND ASSIGNED to Rules Committee.
- 190842 [Various Codes - Renewing and Extending Waiver and Refund of Investigation Fee - Persons Registered with the Office of Cannabis - One-Year Extension of Medical Cannabis Dispensary Permits and Temporary Cannabis Business Permits]**  
**Sponsor:** Mandelman  
 Ordinance renewing and extending a prior waiver and refund of investigation fees imposed by Building Code, Section 107A.5, for persons registered with the Office of Cannabis through December 31, 2020; amending the Health Code to extend the date beyond which temporary Medical Cannabis Dispensary Permits issued under Article 33 of the Health Code are rendered invalid, from December 31, 2019, to December 31, 2020; amending the Police Code to extend the date beyond which Temporary Cannabis Business Permits issued under Article 16 of the Police Code cannot be extended from December 31, 2019, to December 31, 2020; and amending the Planning Code to extend the date by which a Grandfathered Medical Cannabis Dispensary, as defined in the Planning Code, must have received a permit to operate from the Department of Public Health to be deemed a Temporary Cannabis Sales use, as defined in the Planning Code, from December 31, 2019, to December 31, 2020. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee.
- 190843 [Administrative Code - General Obligation Bond Pass-Throughs to Tenants]**  
**Sponsor:** Peskin  
 Ordinance amending the Administrative Code to allow tenants who have received a pass-through of general obligation bond repayment costs from their landlords to seek relief from the Rent Board based on financial hardship; to limit the number of years for which landlords may impose such a pass-through on tenants; and to extend the time period for tenants to pay such a pass-through. ASSIGNED UNDER 30 DAY RULE to Rules Committee.
- 190844 [Planning Code, Zoning Map - 3333 California Street Special Use District]**  
**Sponsor:** Stefani  
 Ordinance amending the Planning Code to add Section 249.86 to create the 3333 California Street Special Use District and amending Sectional Maps SU03 and HT03 of the Zoning Map; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. ASSIGNED UNDER 30 DAY RULE to Land Use and Transportation Committee.

[Planning Code, Zoning Map - 3333 California Street Special Use District]

**Ordinance amending the Planning Code to add Section 249.86 to create the 3333 California Street Special Use District and amending Sectional Maps SU03 and HT03 of the Zoning Map; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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

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

Section 1.

(a) On \_\_\_\_\_ the Planning Commission conducted a duly noticed public hearing on the proposed 3333 California Street Project (Project), including the proposed Planning Code and Zoning Map amendments, and by Resolution No. \_\_\_\_\_ recommended the proposed amendments for approval. The Planning Commission found that the proposed Planning Code and Zoning Map amendments were, on balance, consistent with the City's General Plan as it is proposed to be amended and with Planning Code Section 101.1(b) for the reasons set forth in Planning Code Resolution No. \_\_\_\_\_. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference

(b) California Environmental Quality Act. At its hearing on \_\_\_\_\_, and prior to recommending the proposed Planning Code and Zoning Map amendments for approval, the Planning Commission certified a Final Environmental Impact Report (FEIR) for the Project

1 pursuant to the California Environmental Quality Act (CEQA) (California Public Resources  
2 Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Section 15000 et  
3 seq.) and Chapter 31 of the Administrative Code. In accordance with the actions  
4 contemplated herein, this Board has reviewed the FEIR and concurs with its conclusions, and  
5 finds that the actions contemplated herein are within the scope of the Project described and  
6 analyzed in the FEIR. The Board hereby adopts and incorporates by reference as though fully  
7 set forth herein the Commission's CEQA approval findings, [including a statement of  
8 overriding considerations], adopted by the Planning Commission on \_\_\_\_\_ in Motion No.  
9 \_\_\_\_\_. This Board also adopts and incorporates by reference as though fully set forth herein  
10 the Project's Mitigation Monitoring and Reporting Program (MMRP). Said findings and MMRP  
11 are on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

12 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
13 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
14 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
15 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
16 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

17 (c) Pursuant to Planning Code section 302, this Board finds that the Planning Code  
18 and Zoning Map amendments will serve the public necessity, convenience, and welfare for  
19 the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_, and the Board  
20 incorporates such reasons herein by reference.

21  
22 Section 2. Article two of the Planning Code is hereby amended by adding Section  
23 249.86, to read as follows:

24 (a) Location. A Special Use District entitled the 3333 California Special Use District (SUD),  
25 the general boundaries of which are California Street to the north, Presidio Avenue to the east,

1 Masonic Avenue to the southeast, Euclid Avenue to the south, and Laurel Street/Mayfair Drive to the  
2 west, as more specifically shown on Section Map SU03 of the Zoning Maps of the City and County of  
3 San Francisco, is hereby established for the purpose set forth below.

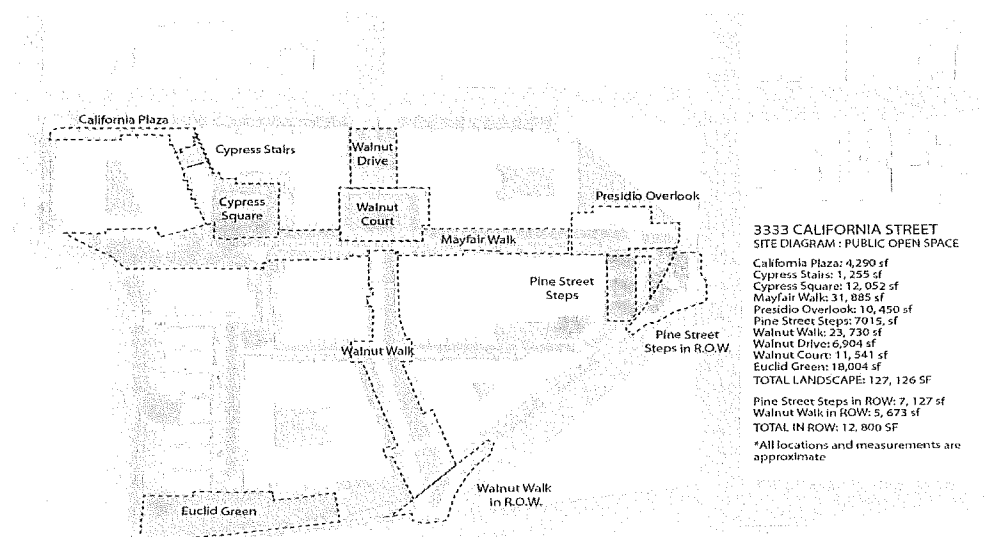
4 (b) Purpose. The purpose of the SUD is to facilitate the development of a mixed use project in  
5 a transit-rich location with residential, non-residential, child care, open space, and related uses, and to  
6 give effect to the Development Agreement for the 3333 California Street project, as approved by the  
7 Board of Supervisors in the ordinance in File No. \_\_\_\_\_. The SUD will provide benefits to the City  
8 including but not limited to: replacement of a large-scale office building with a series of smaller  
9 buildings designed to be consistent with the scale and character of the neighborhood; construction of  
10 hundreds of new housing units, including family sized units and on-site senior housing with  
11 affordability levels exceeding on-site City requirements; and on-site child care facility; and  
12 construction and maintenance of new, publicly accessible open spaces and new connections to the  
13 surrounding street grid, including new pedestrian connections, and other street and streetscape  
14 improvements.

15 (c) Development Controls. Applicable provisions of the Planning Code shall apply to the SUD  
16 except as otherwise provided in this Section. In the event of a conflict between other provisions of the  
17 Planning Code and this Section, the provisions of this Section 249.86 shall control.

18 (1) Additional Permitted Uses. In addition to the uses permitted in the RM-1 zoning  
19 district, the following uses are principally permitted within the ground floor and second floor of all  
20 buildings with frontage on California Street: (i) Flexible Retail Uses; (ii) Social Service or  
21 Philanthropic Facilities; and (iii) non-residential uses, which shall be subject to the use controls of the  
22 NC-S zoning district applicable to such uses.

23 (2) Usable Open Space Requirements. Usable open space required under Section 135  
24 has been designed on an SUD-wide basis. The open space requirement shall be met through a  
25 combination of private and common usable open spaces, as defined in Section 135, that will be

1 associated with individual buildings as well as approximately 56,000 square feet of privately owned,  
 2 publically accessible parks and plazas that will be counted as common usable open space, provided  
 3 such space is otherwise complaint with Section 135(g) and developed in accordance with the  
 4 Development Agreement for the project, including without limitation, Schedule 1 (Community Benefits  
 5 Linkages and impact Fee Schedule) thereof. The open space plan depicted below generally sets forth  
 6 the approximate location and size of such privately owned, publically accessible open space.  
 7 Accordingly, compliance with usable open space requirements for any building in the SUD shall be  
 8 evaluated on a project-wide basis and for consistency with the terms of the Development Agreement.  
 9 Upon expiration or termination of the Development Agreement, the then-applicable open space  
 10 requirements of the Planning Code shall apply to any future development, provided however, that any  
 11 building which has satisfied its open space requirements in accordance with this subsection (c)(2) prior  
 12 to the expiration of the Development Agreement shall be deemed to be Code-conforming as to open  
 13 space requirements and shall not constitute a noncomplying structure or nonconforming use under the  
 14 provisions of Article 1.7, notwithstanding the expiration of the Development Agreement.





1           (3) Child Care Facility Parking. Off-street parking spaces for any child care facility shall be  
2           permitted at a rate of 1.5 parking spaces for each nine (9) children who could be accommodated in the  
3           child care facility under the applicable child care licensing requirements at any one time.

4           (4) Inclusionary Housing. For so long as the Development Agreement is in effect, the  
5           affordable housing requirements of the Development Agreement shall govern. Upon expiration or  
6           termination of the Development Agreement, the then-applicable Inclusionary Affordable Housing  
7           requirements set forth in Planning Code 415 et seq shall apply to any future development, without  
8           reference to the date of any earlier development application.

9           (5) Director Determination. During the term of the Development Agreement, all site and/or  
10          building permit applications for construction of new buildings or alterations of, or additions to existing  
11          structures ("Applications") submitted to the Department of Building Inspection shall be forwarded to  
12          the Planning Department for consistency review. For purposes of this subsection, Applications do not  
13          include any interior modifications or alterations, provided however that any such modification or  
14          alteration shall otherwise comply with the applicable requirements of the Planning Code. In no event  
15          may the Planning Director or Commission approve an Application that is not in substantial  
16          conformance with this Section 249.86, the Development Agreement, or any conditional use  
17          authorization and planned unit development authorization.

18          (6) Discretionary Review. No requests for discretionary review shall be accepted or heard for  
19          projects within the SUD.

20  
21          Section 3. City Planning Commission Resolution 4109, November 13, 1952. Effective  
22          as of the effective date of this ordinance, City Planning Commission Resolution No. 4109, and  
23          all related conditions, stipulations, special restrictions, and other limitations imposed in  
24          connection with the 1952 re-classification of the property (Assessor's Block 1032, Lot A) (the  
25

1 "Property") from a First Residential District to a Commercial District shall no longer apply to  
2 the Property and is hereby extinguished.

3  
4 Section 4. The San Francisco Planning Code is hereby amended by amending Special  
5 Use District Map SU03 of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property	Special Use District Hereby Approved
Assessor's Block/Lot 1032/0033	3333 California Street Special Use District

10  
11 Section 5. The San Francisco Planning Code is hereby amended by amending  
12 Sectional Map HT03 of the Zoning Map of the City and County of San Francisco, based on  
13 Assessor's Parcel Maps on the effective date of this legislation, as follows:

Description of Property	Height and Bulk Districts to be Superseded	Height and Bulk Districts Hereby Approved
Assessor's Parcel Block No. 1032, Lot 003 (an approximately 2.13 acre area of the northwestern portion of Lot 003 from California Street south approximately 215.00' and from Laurel Street east approximately 451.75')	40-X	45-X
Assessor's Parcel Block No. 1032,	40-X	67-X

1	Lot 003 (an approximately 1.64 acre		
2	area of the northeastern portion of Lot		
3	003 from California Street south		
4	approximately 197.00' and		
5	approximately 270.63' west of the		
6	northeastern most property corner		
7	along the California Street frontage)		
8	Assessor's Parcel Block No. 1032,	40-X	80-X
9	Lot 003 (an approximately 0.69 acre		
10	area measuring approximately		
11	190.25' by 158.39' centrally located		
12	within Lot 003 197' south of California		
13	Street)		
14	Assessor's Parcel Block No. 1032,	40-X	92-X
15	Lot 003 (an approximately 1.54 acre		
16	area measuring approximately		
17	190.25' by 182.72' centrally located		
18	on the eastern side of Lot 003 197'		
19	south of California Street)		

20  
21 A pictorial representation of the above height and bulk districts on Assessor's Parcel  
22 Block 1032, Lot 3 is contained in Board of Supervisors File No. \_\_\_\_\_.

23  
24 Section 6. Effective Date and Operative Date. This ordinance shall become effective  
25 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor

1 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,  
2 or the Board of Supervisors overrides the Mayor's veto of the ordinance. This Ordinance shall  
3 become operative only on (and no rights or duties are affected until) the later of (a) 30 days  
4 from the date of its passage, or (b) the date that Ordinance \_\_\_\_\_, approving the  
5 Development Agreement for the Project, has become effective. A copy of said Ordinance is  
6 on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

7  
8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By: \_\_\_\_\_  
11 Audrey Williams Pearson  
12 Deputy City Attorney

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## **EXHIBIT T**

Table amended; Notes (9) and (10) added; Ord. 285-18, Eff. 1/7/2019. Zoning Control Table amended; Ord. 311-18, Eff. 1/21/2019. Zoning Control Table amended; Ord. 116-19, Eff. 7/29/2019.

CODIFICATION NOTE

1. So in Ord. 129-17.

**\*\*Editor's Note:**

*Ordinance 186-17, effective October 15, 2017, requires that "No more than three MCDs shall be permitted at any given time within the boundaries of Supervisorial District 11."*

**SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.**

NC-S Districts are intended to serve as small shopping centers or supermarket sites which provide retail goods and services for primarily car-oriented shoppers. They commonly contain at least one anchor store or supermarket, and some districts also have small medical office buildings. The range of services offered at their retail outlets usually is intended to serve the immediate and nearby neighborhoods. These districts encompass some of the most recent (post-1945) retail development in San Francisco's neighborhoods and serve as an alternative to the linear shopping street.

Shopping centers and supermarket sites contain mostly one-story buildings which are removed from the street edge and set in a parking lot. Outdoor pedestrian activity consists primarily of trips between the parking lot and the stores on-site. Ground and second stories are devoted to retail sales and some personal services and offices.

The NC-S standards and use provisions allow for medium-size commercial uses in low-scale buildings. Rear yards are not required for new development. Most neighborhood-serving retail businesses are permitted at the first and second stories, but limitations apply to fast-food restaurants and take-out food uses. Some auto uses are permitted at the first story. Limited storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is permitted. Existing residential units are protected by limitations on demolitions and prohibitions of upper-story conversions. Accessory Dwelling Units are permitted within the District pursuant to subsection 207(c)(4) of this Code.

**Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S ZONING CONTROL TABLE**

**Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S ZONING CONTROL TABLE**

		NC-S
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
<b>Massing and Setbacks</b>		
Height and Bulk Limits.	§§ <u>102</u> , <u>105</u> , <u>106</u> , <u>250-252</u> , <u>253.3</u> , <u>260</u> , <u>261.1</u> , <u>270</u> , <u>271</u> . See also Height and Bulk District Maps	Varies, but generally 40-X. Lakeshore Plaza SUD requires C for buildings above 26 feet ( <u>1</u> ). See Height and Bulk Map Sheets

		HT02-05, HT07, and HT10-13 for more information. Height sculpting required on Alleys per § <u>261.1</u> .
5 Foot Height Bonus for Active Ground Floor Uses	§ <u>263.20</u>	NP
Rear Yard	§§ <u>130</u> , <u>134</u> , <u>134(a)(e)</u> , <u>136</u>	Not Required.
Front Setback and Side Yard	§§ <u>131</u> , <u>132</u> , <u>133</u>	Not Required.
<b>Street Frontage and Public Realm</b>		
Streetscape and Pedestrian Improvements	§ <u>138.1</u>	Required
Street Frontage Requirements	§ <u>145.1</u>	Required; controls apply to above-grade parking setbacks, parking and loading entrances, active uses, ground floor ceiling height, street-facing ground-level spaces, transparency and fenestration, and gates, railings, and grillwork. Exceptions permitted for historic buildings.
Ground Floor Commercial	§ <u>145.4</u>	Required on certain streets, see § <u>145.4</u> for specific districts.
Vehicular Access Restrictions	§ <u>155(r)</u>	Restricted on some streets, see § <u>155(r)</u> for specific districts
<b>Miscellaneous</b>		
Lot Size (Per Development)	§ <u>102</u> , <u>121.1</u>	N/A
Planned Unit Development	§ <u>304</u>	C
Awning, Canopy, or Marquee	§§ <u>102</u> , <u>136</u>	P
Signs	§§ <u>262</u> , <u>602-604</u> , <u>607</u> , <u>608</u> , <u>609</u>	As permitted by § <u>607.1</u>

General Advertising Signs	§§ <u>262</u> , <u>602</u> , <u>604</u> , <u>608</u> , <u>609</u> , <u>610</u> , <u>611</u>	NP(1)
Design Guidelines	General Plan Commerce and Industry Element	Subject to the Urban Design Guidelines

Zoning Category	§ References	Controls
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
Usable Open Space [Per Dwelling Unit]	§§ <u>135</u> , <u>136</u>	Generally, either 100 square feet if private, or 133 square feet if common.(1)
Off-Street Parking Requirements	§§ <u>145.1</u> , <u>150</u> , <u>151</u> , <u>153</u> - <u>156</u> , <u>161</u> , <u>166</u> , <u>204.5</u>	No car parking required. Maximum permitted per § <u>151</u> . Bike parking required per § <u>155.2</u> . If car parking is provided, car share spaces are required when a project has 50 units or more per § <u>166</u> .
Dwelling Unit Mix	§ <u>207.6</u>	Not required
<b>Use Characteristics</b>		
Single Room Occupancy	§ <u>102</u>	P
Student Housing	§ <u>102</u>	P
<b>Residential Uses</b>		<b>Controls by Story</b>
		<b>1st</b> <b>2nd</b> <b>3rd+</b>
Residential Uses	§ <u>102</u>	P      P      P
Accessory Dwelling Unit Density	§§ <u>102</u> , <u>207(c)(4)</u> , <u>207(c)(6)</u>	P per Planning Code Sections <u>207(c)(4)</u> and <u>207(c)(6)</u> .
Dwelling Unit Density	§§ <u>102</u> , <u>207</u>	1 unit per 800 square feet lot area, or the density permitted in the nearest Residential District, whichever is greater.(1)(4)
Group Housing Density	§ <u>208</u>	1 bedroom per 275 square foot lot area, or the density permitted in the nearest Residential



		District, whichever is greater.(1)		
Homeless Shelter Density	§§ <u>102</u> , <u>208</u>	Density limits regulated by the Administrative Code		
Senior Housing Density	§§ <u>102</u> , <u>202.2(f)</u> , <u>207</u>	P up to twice the number of dwelling units otherwise permitted as a Principal Use in the district and meeting all the requirements of § <u>202.2(f)(1)</u> . C up to twice the number of dwelling units otherwise permitted as a Principal Use in the district and meeting all requirements of § <u>202.2(f)(1)</u> , except for § <u>202.2(f)(1)(D)(iv)</u> , related to location.		
Loss of Dwelling Units		Controls by Story		
		1st	2nd	3rd+
Residential Conversion	§ <u>317</u>	C	NP	NP
Residential Demolition and Merger	§ <u>317</u>	C	C	C

Zoning Category | § References Controls  
**NON-RESIDENTIAL STANDARDS**

**Development Standards**

Floor Area Ratio	§§ <u>102</u> , <u>123</u> , <u>124</u>	1.8 to 1
Use Size	§ <u>102</u> , <u>121.2</u>	P up to 5,999 square feet; C 6,000 square feet and above
Off-Street Parking Requirements	§§ <u>145.1</u> , <u>150</u> , <u>151</u> , <u>153-156</u> , <u>161</u> , <u>166</u> , <u>204.5</u>	No car parking required <sup>1</sup> Maximum permitted per § <u>151</u> . Bike parking required per Section <u>155.2</u> . Car share spaces required when a project has 25 or more parking spaces per § <u>166</u> .
Off-Street Freight Loading	§§ <u>150</u> , <u>152</u> , <u>153</u> - <u>155</u> , <u>161</u> , <u>204.5</u>	None required if gross floor area is less than 10,000 square feet. Exceptions permitted per §§ <u>155</u> and <u>161</u> .

**Commercial Use Characteristics**

Drive-up Facility	§ <u>102</u>	C
Formula Retail	§§ <u>102</u> , <u>303.1</u>	C

Hours of Operation	§ <u>102</u>	P 6 a.m. - 2 a.m., C 2 a.m. - 6 a.m. ( <u>1</u> )		
Maritime Use	§ <u>102</u>	NP		
Open Air Sales	§§ <u>102</u> , <u>703(b)</u>	See § <u>703(b)</u>		
Outdoor Activity Area	§§ <u>102</u> , <u>145.2(a)</u>	P if located in front; C if located elsewhere		
Walk-up Facility	§§ <u>102</u> , <u>145.2(b)</u>	P		
<b>Controls by Story</b>				
<b>NON-RESIDENTIAL USES</b>		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
<b>Agricultural Use Category</b>				
Agriculture, Industrial	§§ <u>102</u> , <u>202.2(c)</u>	NP	NP	NP
Agriculture, Large Scale Urban	§§ <u>102</u> , <u>202.2(c)</u>	C	C	C
Agriculture, Neighborhood	§§ <u>102</u> , <u>202.2(c)</u>	P	P	P
<b>Automotive Use Category</b>				
<b>Automotive Uses*</b>	§ <u>102</u>	NP	NP	NP
Automotive Sale/Rental	§ <u>102</u>	C	NP	NP
Automotive Service Station	§§ <u>102</u> , <u>202.2(b)</u>	P	NP	NP
Automotive Wash	§§ <u>102</u> , <u>202.2(b)</u>	C	NP	NP
Gas Station	§§ <u>102</u> , <u>187.1</u> , <u>202.2(b)</u>	C	NP	NP
Parking Garage, Private	§ <u>102</u>	C	C( <u>1</u> )	C( <u>1</u> )
Parking Garage, Public	§ <u>102</u>	P	P	NP
Parking Lot, Private	§§ <u>102</u> , <u>142</u> , <u>156</u>	C	C( <u>1</u> )	C( <u>1</u> )
Parking Lot, Public	§§ <u>102</u> , <u>142</u> , <u>156</u>	P	P	NP
<b>Entertainment, Arts and Recreation Use Category</b>				
<b>Entertainment, Arts and Recreation Uses*</b>	§ <u>102</u>	NP	NP	NP

Amusement Game Arcade	§ <u>102</u>	C	NP	NP
Arts Activities	§ <u>102</u>	NP( <u>6</u> )	NP( <u>7</u> )	NP( <u>7</u> )
Entertainment, General	§ <u>102</u>	P( <u>1</u> )	P( <u>1</u> )	NP
Entertainment, Nighttime	§ <u>102</u>	P( <u>1</u> )	P( <u>1</u> )	NP
Movie Theater	§§ <u>102</u> , <u>202.4</u>	P( <u>1</u> )	NP( <u>1</u> )	NP
Open Recreation Area	§ <u>102</u>	C	C	C
Passive Outdoor Recreation	§ <u>102</u>	C	C	C
<b>Industrial Use Category</b>				
<b>Industrial Uses*</b>	§§ <u>102</u> , <u>202.2(d)</u>	NP	NP	NP
<b>Institutional Use Category</b>				
<b>Institutional Uses*</b>	§ <u>102</u>	P( <u>1</u> )	P( <u>1</u> )	NP( <u>1</u> )
Child Care Facility	§ <u>102</u>	P( <u>1</u> )	P( <u>1</u> )	P( <u>1</u> )
Hospital	§ <u>102</u>	NP	NP	NP
Medical Cannabis Dispensary**	§§ <u>102</u> , <u>202.2(e)</u>	C	C	NP
Philanthropic Admin. Services	§ <u>102</u>	NP	NP	NP
Public Facilities	§ <u>102</u>	C	C	C
Residential Care Facility	§ <u>102</u>	P( <u>1</u> )	P( <u>1</u> )	P( <u>1</u> )
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§ <u>102</u>	P	P	NP
Adult Business	§ <u>102</u>	NP	NP	NP
Animal Hospital	§ <u>102</u>	C	C	NP
Bar	§§ <u>102</u> , <u>202.2(a)</u>	P( <u>1</u> )	P( <u>1</u> )	NP
Cannabis Retail	§§ <u>102</u> , <u>202.2(a)</u>	C	C	NP
Flexible Retail	§ <u>102</u>	NP( <u>6</u> )	NP	NP

Hotel	§ <u>102</u>	C(4)	C(4)	C(4)
Kennel	§ <u>102</u>	C	C	NP
Liquor Store	§ <u>102</u>	P	NP	NP
Massage Establishment	§ <u>102</u> , <u>303(o)</u>	C	C	NP
Massage, Foot/Chair	§ <u>102</u>	P	C	NP
Mortuary	§ <u>102</u>	C(1)	C(1)	NP
Motel	§§ <u>102</u> , <u>202.2(a)</u>	NP(4)	NP(4)	NP(4)
Restaurant, Limited	§§ <u>102</u> , <u>202.2(a)</u>	P(1)	P(1)	NP
Services, Financial	§ <u>102</u>	P	P	NP(1)
Services, Fringe Financial	§ <u>102</u>	P	NP	NP
Services, Health	§ <u>102</u>	P	P	NP(1)
Services, Instructional	§ <u>102</u>	P	P	NP(1)
Services, Limited Financial	§ <u>102</u>	P	P	NP
Services, Personal	§ <u>102</u>	P	P	NP(1)
Storage, Self	§ <u>102</u>	C	C	NP
Tobacco Paraphernalia Establishment	§ <u>102</u>	C	NP	NP
<b>Non-Retail Sales and Service*</b>	§ <u>102</u>	NP	NP	NP
Design Professional	§ <u>102</u>	P	P	NP
Service, Non-Retail Professional	§ <u>102</u>	C	C	NP(1)
Trade Office	§ <u>102</u>	P	P	NP
<b>Utility and Infrastructure Use Category</b>				
<b>Utility and Infrastructure*</b>	§ <u>102</u>	C(5)	C(5)	C(5)
Power Plant	§ <u>102</u>	NP	NP	NP

\* Not listed below

■(1) LAKESHORE PLAZA SPECIAL USE DISTRICT

**Boundaries:** Applicable only for the Lakeshore Plaza NC-S District as mapped on Sectional Map SU13 and HT13.

**Controls:** Special controls on various features and uses, and residential standards per Section 780.1, and special Height controls per Section 253.3.

■(2) [Note deleted.]

■(3) [Note deleted.]

■(4) BAYSHORE-HESTER SPECIAL USE DISTRICT

**Boundaries:** Applicable only for the Bayshore-Hester Special Use District NC-S District as mapped on the Sectional Map 10SU.

**Controls:** Hotels and Motels may be permitted as a Conditional Use.

■(5) C if a Macro WTS Facility; P if a Micro WTS Facility.

■(6) P in the geographic area described as Flexible Retail Zones in Section 202.9.

■(7) C in the geographic area described as Flexible Retail Zones in Section 202.9.

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 412-88, App. 9/10/88; Ord. 42-89, App. 2/8/89; Ord. 331-97, App. 8/19/97; Ord. 87-00, File No. 991963, App. 5/19/2000; Ord. 260-00, File No. 001424, App. 11/17/2000; Ord. 275-05, File No. 051250, App. 11/30/2005; Ord. 289-06, File No. 050176, App. 11/20/2006; Ord. 269-07, File No. 070671, App. 11/26/2007; Ord. 244-08, File No. 080567, App. 10/30/2008; Ord. 245-08, File No. 080696; Ord. 51-09, File No. 081620, App. 4/2/2009; Ord. 66-11, File No. 101537, App. 4/20/2011, Eff. 5/20/2011; Ord. 47-12, File No. 111315, App. 3/16/2012, Eff. 4/15/2012; Ord. 75-12, File No. 120084, App. 4/23/2012, Eff. 5/23/2012; Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 287-13, File No. 130041, App. 12/26/2013, Eff. 1/25/2014; Ord. 235-14, File No. 140844, App. 11/26/2014, Eff. 12/26/2014; Ord. 14-15, File No. 141210, App. 2/13/2015, Eff. 3/15/2015; Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015; redesignated and amended by Ord. 30-15, File No. 140954, App. 3/26/2015, Eff. 4/25/2015; amended by Ord. 161-15, File No. 150804, App. 9/18/2015, Eff. 10/18/2015; Ord. 33-16, File No. 160115, App. 3/11/2016, Eff. 4/10/2016; Ord. 162-16, File No. 160657, App. 8/4/2016, Eff. 9/3/2016; Ord. 166-16, File No. 160477, App. 8/11/2016, Eff. 9/10/2016; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 130-17, File No. 170204, App. 6/30/2017, Eff. 7/30/2017; Ord. 189-17, File No. 170693, App. 9/15/2017, Eff. 10/15/2017; Ord. 229-17, File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 277-18, File No. 180914, App. 11/20/2018, Eff. 12/21/2018; Ord. 285-18, File No. 180806, App. 12/7/2018, Eff. 1/7/2019; Ord. 303-18, File No. 180915, App. 12/21/2018, Eff. 1/21/2019; Ord. 311-18, File No. 181028, App. 12/21/2018, Eff. 1/21/2019; Ord. 116-19, File No. 181156, App. 6/28/2019, Eff. 7/29/2019)

AMENDMENT HISTORY

Zoning Control Table: 713.69C and 713.69D added; Ord. 66-11, Eff. 5/20/2011. Zoning Control Table: 713.61 amended; Ord. 47-12, Eff. 4/15/2012. Zoning Control Table: 713.43 and 713.44 amended, former categories 713.42, 713.67, and 713.69A deleted; Ord. 75-12, Eff. 5/23/2012. Zoning Control Table: 713.13, 713.54, and 713.69B amended; Specific Provisions: 713.54 added; Ord. 56-13, Eff. 4/27/2013. Zoning Control Table: former categories 713.38 and 713.39 redesignated as 713.36 and 713.37 and amended; Ord. 287-13, Eff. 1/25/2014. Zoning Control Table: 713.26 amended; Specific Provisions: 713.54 amended; Ord. 235-14, Eff. 12/26/2014. Zoning Control Table: 713.92b added; Ord. 14-15, Eff. 3/15/2015. Zoning Control Table: 713.14, 713.15, 713.16, 713.17, and 713.30 amended; Ord. 20-15, Eff. 3/22/2015. Section redesignated (formerly Sec. 713.1); Zoning Control Table: 713.54, 713.91, and 713.92 amended; Ord. 30-15, Eff. 4/25/2015. Introductory material amended; Zoning Control Table: 713.91 amended; Specific Provisions: 713.91 ("Accessory Dwelling Units") added; Ord. 161-15, Eff. 10/18/2015. Zoning Control Table: former categories 713.36 and 713.37 deleted, 713.96 and 713.97 added; Ord. 33-16, Eff. 4/10/2016. Introductory material amended; Specific Provisions: 713.91 amended; Ord. 162-16, Eff. 9/3/2016. Zoning Control Table: 713.33A added; Ord. 166-16, Eff. 9/10/2016. New Zoning Control Table and notes added; Ord. 129-17, Eff. 7/30/2017. Previous Zoning Control Table and Specific Provisions deleted; Ord. 130-17, Eff. 7/30/2017. Zoning Control Table amended; Note (2) deleted; Ord. 189-17, Eff. 10/15/2017. Zoning Control Table amended; Ord. 229-17, Eff. 1/5/2018. Zoning Control Table amended; Ord. 202-18, Eff. 9/10/2018. Zoning Control Table amended; Ord. 277-18, Eff. 12/21/2018. Zoning Control Table amended; Notes (6) and (7) added; Ord. 285-18, Eff. 1/7/2019. Zoning Control Table amended; Note (3) deleted; Ord. 303-

18, Eff. 1/21/2019. Zoning Control Table amended; Ord. 311-18, Eff. 1/21/2019. Zoning Control Table amended; Ord. 116-19, Eff. 7/29/2019.

CODIFICATION NOTE

1. So in Ord. 311-18.

**\*\*Editor's Note:**

*Ordinance 186-17, effective October 15, 2017, requires that "No more than three MCDs shall be permitted at any given time within the boundaries of Supervisorial District 11."*



2019 OCT -7 PM 3:12

BY: 

# BOARD OF SUPERVISORS APPEAL FEE WAIVER FOR NEIGHBORHOOD ORGANIZATIONS

## APPLICATION

### Appellant's Information

Name: Laurel Heights Improvement Association of San Francisco, Inc./By K. Devincenzi, President

Address: 22 Iris Avenue, SF, CA 94118  
Email Address: KRDevincenzi@gmail.com  
Telephone: (415) 221-4700

### Neighborhood Group Organization Information

Name of Organization: Laurel Heights Improvement Association of San Francisco, Inc.

Address: 22 Iris Avenue, San Francisco, CA 94118  
Email Address: KRDevincenzi@gmail.com  
Telephone: (415) 221-4700

### Property Information

Project Address: 3333 California Street

Project Application (PRJ) Record No: 2015-014028ENV/CUA Building Permit No:

Date of Decision (if any): September 5, 2019

### Required Criteria for Granting Waiver

All must be satisfied; please attach supporting materials.

REQUIRED CRITERIA	YES	NO
The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.	<input checked="" type="checkbox"/>	
The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.	<input checked="" type="checkbox"/>	
The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.	<input checked="" type="checkbox"/>	
The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.	<input checked="" type="checkbox"/>	

#### For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

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

#### Submission Checklist:

- ☐ APPELLANT AUTHORIZATION ☐ CURRENT ORGANIZATION REGISTRATION ☐ MINIMUM ORGANIZATION AGE  
☐ PROJECT IMPACT ON ORGANIZATION

☐ WAIVER APPROVED ☐ WAIVER DENIED



# *Laurel Heights Improvement Association of San Francisco, Inc.*

BY HAND

October 7, 2019

San Francisco Planning Department  
Planning Information Center  
1660 Mission Street, First Floor  
San Francisco, CA 94103

Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA  
Fee Waiver for Appeal of Planning Commission's Approval of Conditional Use/ Planned  
Unit Development

I am President of, and am also a member of, the Laurel Heights Improvement Association of San Francisco, Inc. (LHIA). As President of LHIA, I am authorized to file the appeal from the September 5, 2019 decision of the Planning Commission approving conditional use authorization/ planned unit development authorization for the 3333 California Street project and this application for appeal fee waiver. I am authorized to act as agent of LHIA for all purposes of this appeal.

Appellant is appealing on behalf of the LHIA organization that is registered with the Planning Department and that appears on the Planning Department's current list of neighborhood organizations. LHIA was incorporated in approximately 1950 and has been operating since that time. Therefore, appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Evidence establishing existence is attached hereto including minutes of meetings more than 24 months ago, a prior fee waiver granted to LHIA by the Planning Department, and Statement of Information filed with Secretary of State. Also attached is the Certification of Corporate Secretary that I was elected to serve in the office of President of LHIA.

Appellant is appealing on behalf of a neighborhood organization that is affected by the project at 3333 California Street that is the subject of the appeal. Members of LHIA reside in properties that are within 300 feet of the 3333 California Street site on Laurel Street and Euclid Avenue as shown in the approximate annotations I have made on the map attached hereto, and other LHIA members reside in properties nearby the 3333 California Street site. Members of LHIA will be affected by the construction and operational noise, traffic, air emissions, impairment of the historical resource, excavation, destruction of trees and other impacts caused by the proposed project.

Appellant and its members objected to approval of the project both in writing and orally



San Francisco Planning Department  
October 7, 2019  
Page 2

at hearings conducted as to the project.

Very truly yours,

Laurel Heights Improvement Association of SF, Inc.

A handwritten signature in cursive script, reading "Kathryn Devincenzi".

By: Kathryn Devincenzi, President

ATTACHMENTS



# *Laurel Heights Improvement Association of San Francisco, Inc.*

## MINUTES

The Laurel Heights Improvement Association of San Francisco, Inc. held its annual meeting commencing at 6:45 p.m. on September 22, 2008 at The Presidio Café. The meeting was held pursuant to notice sent to the Association's members.

The meeting began with our customary introductions of the members present.

In her capacity of Recording Secretary, Kathy Devincenzi read the minutes of the annual meeting of our members held on October 15, 2007. There being no corrections to the minutes, upon motion by Dana Becker, seconded by Dr. Carolyn Carr, the members unanimously approved the minutes as read.

Treasurer Dr. Jerome Stroumza reported that the Association had \$9,879.88 in a bank account. He stated that the association's yearly expenses had run approximately \$2,478.60, with about \$600.00 being spent on the block party.

President John Rothmann reported that the Laurel Hill playground continues to be well maintained. Also, about 60 to 70 persons attended the Association's block party. Upon motion by Greg Kirkland, the members voted to conduct the block party for another year.

Mrs. Rothmann suggested that the Association use e-mail more effectively. Corresponding Secretary Edie Walker reported that she has e-mail addresses for about two-thirds of the Association's members.

Monica Fernandez provided information on tree planting that could be arranged for the cost of \$165 per tree through Friends of the Urban Forest pursuant to a request by a property owner.

Dr. Jerome Stroumza reported that he had been trained in neighborhood emergency response.

Mr. Nomura reported that the police have been sending a car to monitor traffic on Mayfair Drive.

Upon motion by MJ Thomas, seconded by Dana Becker, the members unanimously elected the following officers and directors:

President - John Rothmann  
Vice President - Kathy Devincenzi  
Corresponding Secretary - Edie Walker

Recording Secretary - Kathy Devincenzi  
Treasurer - Dr. Jerome Stroumza

Directors for Two-Year Terms:

John Rothmann  
Kathy Devincenzi  
Edi Walker  
Peter Chovanos  
John Corsiglia  
Dr. Jerome Stroumza  
William Hikido

Directors for One-Year Term:

Patrick Phillips  
Marie Carr  
Irving Jarkovsky  
Helen Jarkovsky  
Dr. Carolyn Carr  
Dana Becker  
Charlene Tuchmann

The Association remembered Seymour Whitelaw and Carmen Whitelaw who both passed away in the past year.

After our customary raffle of wine, there being no further business, upon motion by Edie Walker, seconded by MJ Thomas, the meeting was adjourned at approximately 8:43 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kathy Devincenzi".

Kathy Devincenzi, Recording Secretary



# *Laurel Heights Improvement Association of San Francisco, Inc.*

## MINUTES

The Laurel Heights Improvement Association of San Francisco, Inc. held its annual meeting commencing at 6:45 p.m. on October 15, 2007 at The Presidio Café. The meeting was held pursuant to notice sent to the Association's members.

The meeting began with our customary introductions of the members present.

Treasurer Dr. Jerome Stroumza reported that the Association had \$11,390.43 in a bank account earning 5.7%. He stated that the association's yearly expenses had run approximately \$2,000.00, with the block party being the major expense. Upon motion by Kathy Devincenzi, seconded by John Rothmann, the members unanimously approved the Treasurer's report as read.

Recording Secretary Kathy Devincenzi read the minutes of the annual meeting of our members held on October 16, 2006. There being no corrections to the minutes, upon motion by Irving Jarkovsky, seconded by Edi Walker, the members unanimously approved the minutes as read.

President Rothmann reported that he had worked with the City to have Spruce Street repaved. Also, the covered brick bus stop at the corner of Collins Street and Euclid Avenue had been vandalized and was removed by the City upon the request of Mr. Rothmann. Mr. Rothmann reported that the fencing on the tennis court had been replaced and that new sand would be placed in the sand box in the Laurel Hill playground. Mr. Rothmann stated that his nine-year-old son, Joel Rothmann, had acted as chair of the block party which the Association held in August. Joyce Scardina-Becker suggested that the block party be held in September when less people would be on vacation. Mr. Rothmann also reported that the school building on Cook Street was being used for administrative offices.

Vice-President Kathy Devincenzi reported that the group of fourteen neighborhood associations which had sued for an environmental impact report on the proposed amendments to the housing element of the City's general plan had won in the California Supreme Court, which denied the City's petition for review. The City will therefore be required to prepare that environmental impact report. Ms. Devincenzi requested that a committee of association members be formed to monitor the plans of the Booker T. Washington center to build a housing complex on Presidio Avenue.

Mrs. Charlene Tuchmann suggested that trees be planted in the neighborhood.

Dr. Raitna Jayne reported that there was excessive noise emanating from the Laurel Village parking lot on Friday and Saturday nights, probably from Starbucks customers. Starbucks does not provide security and flood lights are on at night in the parking lot. President

Rothmann said that he would look into the matter. Also, a 5:15 a.m. garbage collection in the parking lot had caused excessive noise, but had been moved to 6:30 or 6:45 a.m. President Rothmann stated that the Laurel Village merchants maintain the Mayfair strip.

Upon motion by Edi Walker, seconded by Greg Tucker, the members unanimously elected the following officers and directors:

President - John Rothmann  
Vice President - Kathy Devincenzi  
Corresponding Secretary - Edi Walker  
Recording Secretary - Kathy Devincenzi  
Treasurer - Dr. Jerome Stroumza

Directors for Two-Year Terms:

John Rothmann  
Kathy Devincenzi  
Edi Walker  
Peter Chovanos  
John Corsiglia  
Dr. Jerome Stroumza  
William Hikido

Directors for One-Year Term:

Patrick Phillips  
Marie Carr  
Irving Jarkovsky  
Helen Jarkovsky  
Dr. Carolyn Carr  
Dana Becker  
Charlene Tuchmann

The Association remembered Marie Cicoletti who had passed away in the past year.

After our customary raffle of wine, there being no further business, upon motion by Sidney Tuchmann, seconded by Michael Moore, the meeting was adjourned at approximately 8:35 p.m.

Respectfully submitted,



Kathy Devincenzi, Recording Secretary



# State of California Secretary of State

**N**

## Statement of Information

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see instructions.  
**IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

**FX07168****FILED**

In the office of the Secretary of State  
of the State of California

**MAY-29 2018****1. CORPORATE NAME**

LAUREL HEIGHTS IMPROVEMENT ASSOCIATION OF SAN FRANCISCO

**2. CALIFORNIA CORPORATE NUMBER**

C0245361

This Space for Filing Use Only

**Complete Principal Office Address** (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
250 EUCLID AVENUE, SAN FRANCISCO, CA 94118			

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE

**Names and Complete Addresses of the Following Officers** (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
JOHN ROTHMANN	250 EUCLID AVENUE, SAN FRANCISCO, CA 94118			

6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
CATHERINE CARR MAGEE	63 LUPINE AVENUE, SAN FRANCISCO, CA 94118			

7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
MARY JOY THOMAS	556 SPRUCE STREET, SAN FRANCISCO, CA 94118			

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

8. NAME OF AGENT FOR SERVICE OF PROCESS
JOHN ROTHMANN

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
250 EUCLID AVENUE, SAN FRANCISCO, CA 94118			

**Common Interest Developments**

10. ☐ Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

05/29/2018

KATHRYN ROSE DEVINCENZI

VICE-PRESIDENT

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE

SI-100 (REV 01/2016)

APPROVED BY SECRETARY OF STATE



# SAN FRANCISCO PLANNING DEPARTMENT

June 2, 2016

Mr. John Atkins, Member of LHIA  
250 Euclid Avenue  
San Francisco, CA 94118

RE: **Discretionary Review Application Fee Waiver Request**  
Project Address: 245 Euclid Avenue  
Project Case Number: 2015-014114DRP

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. Atkins:

We have confirmed that "Laurel Heights Improvement Association" qualifies as a neighborhood organization and is therefore entitled to a fee waiver.

Enclosed is the original check (# 146) issued on May 5, 2016 on behalf of the Laurel Heights Improvement Association for the above referenced Discretionary Review project application.

Thank you very much for your patience and cooperation.

Sincerely,

Anika Lyons

Acting Finance Manager

146

**LAUREL HEIGHTS IMPROVEMENT ASSOCIATION OF SAN FRANCISCO**  
SAN FRANCISCO, CA 94118

Date May 5, 2016 11-8166/3210 19

Pay to the Order of San Francisco Planning Dept. \$ 562.00

Five hundred sixty-two Dollars

FIRST REPUBLIC BANK  
3333 California St.  
San Francisco, CA 94118  
Tel (415) 831-6688

For Building Per. # 2015-10-02-8734 H. J. Thomas

1:321081669157819000334321 00146

GUARDIAN SAFETY BLUE



# *Laurel Heights Improvement Association of San Francisco, Inc.*

## **CERTIFICATION OF CORPORATE SECRETARY**

I, Linda Glick, Recording Secretary, certify that at the duly noticed meeting of the members of the Laurel Heights Improvement Association of San Francisco, Inc. held on July 15, 2018, the members elected Kathryn R. Devincenzi to serve in the office of President of the Laurel Heights Improvement Association of San Francisco, Inc. and elected Mary Joy Thomas to serve in the office of Treasurer of the Laurel Heights Improvement Association of San Francisco, Inc.

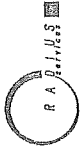
Dated: August 11, 2018

Laurel Heights Improvement Association of San Francisco, Inc.

By: \_\_\_\_\_

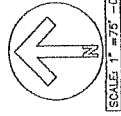
Linda Glick, Recording Secretary





1221 Northern Street, Suite 18  
San Francisco, CA 94103-4418  
(415) 391-4775

BLOCK 1032  
LOT 3  
San Francisco, CA

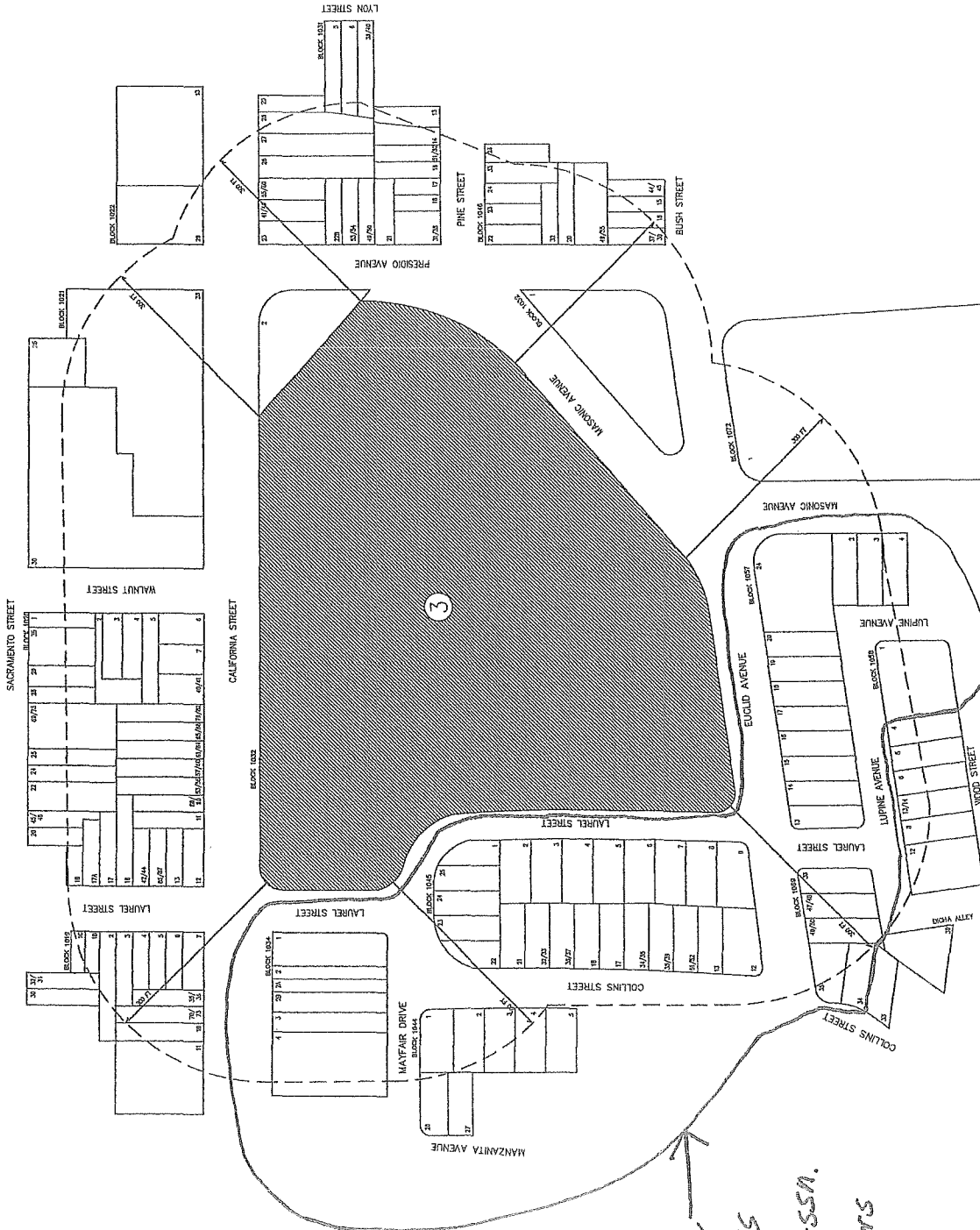


SCALE: 1" = 75' ± 0'

REVISIONS

NO.	DATE	BY	CHKD.
10320003	10/1/03	DC	DC
10320003	10/1/03	DC	DC

300 FOOT  
RADIUS MAP



The information contained herein has been obtained from sources that we deem reliable and correct at the time of preparation. We have no reason to doubt its accuracy but we do not guarantee it.

LAUREL HEIGHTS IMPROVEMENT  
ASSOCIATION OF SAN FRANCISCO  
SAN FRANCISCO, CA 94118

179

Date October 7, 2019 11-8166/3210  
19

Pay to the  
Order of San Francisco Planning Department \$ 640.00

Six Hundred forty and <sup>no</sup>/<sub>100</sub> Dollars



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For FEIR Appeal Fee

Kathryn R. Derucenzi NP

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RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2019 OCT -7 PM 3:12

**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#); [Kathy Devincenzi](#); [dbragg@pradogroup.com](#); [lcongdon@pradogroup.com](#); [Gershwin, Dan](#)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [TOM, CHRISTOPHER \(CAT\)](#); [SHEN, ANDREW \(CAT\)](#); [MALAMUT, JOHN \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Zushi, Kei \(CPC\)](#); [Foster, Nicholas \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [Nuru, Mohammed \(DPW\)](#); [Storrs, Bruce \(DPW\)](#); [Tse, Bernie \(DPW\)](#); [Rivera, Javier \(DPW\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [PEARSON, AUDREY \(CAT\)](#); [Pena, Iowayna \(ECN\)](#); [gxa@coblentzlaw.com](#)  
**Subject:** SUPPLEMENTAL APPEAL MATERIALS/APPEAL RESPONSES: Appeals of CEQA Certification of FEIR, CU Authorization, and Ten Map - Proposed 3333 California Street Project - Appeal Hearing on November 12, 2019  
**Date:** Thursday, November 7, 2019 12:55:13 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

The Office of the Clerk of the Board received the following supplemental appeal materials from Kathryn Devincenzi of the Laurel Heights Improvement Association of SF, Inc., on behalf of the appellants, regarding the appeal of the certification of the Final Environmental Impact Report under the California Environmental Quality Act, an appeal response from Public Works regarding the Tentative Map appeal, and an appeal response from Gregg Miller of Coblentz Patch Duffy & Bass LLP, on behalf of the Project Sponsor, regarding both the Conditional Use and Tentative Map appeal; all for the proposed project at 3333 California Street.

[Appellant's Supplemental Appeal Materials - FEIR Appeal - November 7, 2019](#)  
[Public Works' Appeal Response - Tentative Map Appeal - November 7, 2019](#)  
[Project Sponsor Appeal Response - CU and Tentative Map Appeals - November 7, 2019](#)

**The hearing for these matters are scheduled for 3:00 p.m. special order before the Board on November 12, 2019.**

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 191035](#)  
[Board of Supervisors File No. 191039](#)  
[Board of Supervisors File No. 191043](#)

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

[brent.jalipa@sfgov.org](mailto:brent.jalipa@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under

*the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*



# *Laurel Heights Improvement Association of San Francisco, Inc.*

RECEIVED AFTER THE ELEVEN-DAY  
DEADLINE, BY NOON, PURSUANT TO ADMIN.  
CODE, SECTION 31.16(b)(5)  
(Note: Pursuant to California Government Code, Section  
65009(b)(2), information received at, or prior to, the public  
hearing will be included as part of the official file.)

BY EMAIL

November 7, 2019

San Francisco Board of Supervisors  
c/o Clerk of the Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
San Francisco, CA 94102

Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028CUA/PCA/MAP/DUA  
Appeal of Certification of Final Environmental Impact Report  
Board of Supervisors File No: 191035

**1. The Findings Are Not Supported by Substantial Evidence.**

The statement of Petree A. Powell, MCP, JD submitted today is further evidence that there are feasible measures that would substantially reduce the Project's significant impact upon the historical resource which the EIR failed to describe and that substantial evidence does not support the City's finding that "where feasible, changes or alterations have been required, or incorporated into, the Project to reduce the significant impacts as identified in the EIR." (Planning Commission Motion No. 20513, p. 39) Similarly, the Planning Commission's finding that "all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible," is not supported by substantial evidence. (Planning Commission Motion No. 20513, pp. 62-63)

**2. There is Further Evidence of the Unstable Project Description.**

The City's Response to LHIA's appeal states that the "uses occupying any of the ground floor space designated in the EIR as retail could be social and philanthropic uses." (Response to appeal, p. 14) However, those spaces are now designated as retail spaces in the plan sheets submitted to the Planning Department, and office uses were removed from the Walnut building.

At the October 21, 2019 hearing before the Board of Supervisors Land Use and Transportation Committee, Mr. Craig Salgado, Chief Executive Officer of the JCCSF, testified that the JCC supported the inclusion of the Social Services and Philanthropic Facilities as a use in the Special Use District and "this description provides a helpful pathway as we consider how to serve our growing community." (See Ex. A, transcript of Mr. Salgado's October 21, 2019 statements)

Before the October 21, 2019 hearing before the Board of Supervisors Land Use and Transportation Committee, Mr. Craig Salgado, told me that the JCC was full and he had been looking for office spaces along Sacramento Street. Yet, the project description and EIR did not disclose that expanded space for the JCC was among the uses that could be made of the site.

It would be important for the public to know how much of the retail space could be transferred to Social Service and Philanthropic Facility Use, both to formulate feasible alternatives as well as to analyze the feasibility of alternatives because retail uses bring more vehicular traffic than office uses. The amount of retail use that could be eliminated (to accommodate Social Service uses) would also show the minimum amount of retail space that the developer would regard as acceptable. The public could have used this information in formulating alternatives to the Proposed Project. Also, had the public known of the potential Social Services and Philanthropic Facilities uses, they could have asked questions about the nature and extent of the uses and their potential environmental impacts, to which the City would have been required to respond in the Final EIR.

Moreover, designating social service uses as permitted uses in the Special Use District could facilitate a future request to add additional space to the site plan to accommodate such uses. Before the October 21, 2019 hearing, I also asked Mr. Salgado what uses of the property the JCC could make under the Memorandum of Understanding between the JCC and the developer that was referred to in a recorded document that did not disclose the substance of the understanding. (See Ex. J to LHIA's October 7, 2019 appeal of certification of Final EIR, recorded document referring to a Memorandum of Understanding between developer and JCCSF) Mr. Salgado told me that the Memorandum of Understanding was a private agreement and that he would not disclose it. Based upon the evidence above, it is reasonable to assume that the JCC may make some use of the property. However, this potential use was not disclosed in the EIR so that the public could understand the nature of the uses proposed to be made of the site.

Respectfully submitted,

Laurel Heights Improvement Association of SF, Inc.

A handwritten signature in cursive script, reading "Kathryn Devincenzi".

By: Kathryn Devincenzi, President

Attachments: Exhibit A

## EXHIBIT A

"Good afternoon

I am Craig Salgado, Chief Operating Office of the JCCSF.

I am here today to speak in support of the proposed project at 3333 California St.

For 86 years the JCCSF has served the people of SF from the corner of Presidio and California directly across the street from the project site.

We provide a vibrant public Community space for people of all ages and backgrounds to gather, explore, connect and flourish.

You'll find little children and their care-givers, school age youth, young adults, families, robust and aging seniors as well as folks in mid-life like me walking through our doors for wellness and sports activities, hands on arts and recreation as well as thought provoking arts and cultural events.

The JCC believes that the 3333 Cal. St. development as proposed will create a more vibrant neighborhood with more housing, activities and open spaces which will benefit the broad community that we serve.

We understand the acute need for more housing, especially affordable housing for senior in our city, and are pleased to see that this as an element of the proposed project.

We appreciate that the project includes publicly accessible open spaces and the design thoughtfully stitches together the neighborhood by continuing the street grid.

We believe that this will benefit everybody by encouraging walking and access to outdoor space in an urban neighborhood.

The open space in this project also allows the JCC to continue to have an emergency evacuation location nearby which is critical to our community serving purpose.

The JCC also supports the inclusion of the Social Services and Philanthropic Facilities as a use in the SUD and this designation provides a helpful pathway as we consider how to serve our growing community.

We'd like to thank the Pardo/SKS group for its diligent efforts to involve the community. In the past four years the JCC has been a regular participant on the project neighborhood advisory committee as well as a venue and attendee.



Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA

Laurel Heights Improvement Association Appeal of Planning  
Commission's Certification of Final EIR/ CEQA Findings

Board of Supervisors File No: 191035

Exhibits to Statement of Petree A. Powell, MCP, JD

## **EXHIBITS B-E**

## EXHIBIT B

## IMPACT EVALUATION

**Impact CR-1: The proposed project or project variant would cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5 of the CEQA Guidelines. (*Significant and Unavoidable with Mitigation*)**

The Midcentury Modern-designed corporate campus at 3333 California Street, built between 1956 and 1966, is eligible for listing in the California Register of Historical Resources as an individual property under Criterion 1 for its association with the broad pattern of development in San Francisco as a unique urban adaptation of a typically suburban property type (corporate campus) and under Criterion 3 for its uniform Midcentury Modern architectural qualities, and for its association with master landscape design firm Eckbo, Royston & Williams and master engineering firm of John J. Gould & H. J. Degenkolb & Associates. As such, the property is considered a “historical resource” for the purposes of the CEQA.

The HRER identifies “Character-Defining Features,” presented on pp. 4.B.20-4.B.21, that are the distinctive qualities and characteristics of 3333 California Street site that convey the property’s historic and architectural significance and justify its eligibility for listing in the California Register of Historical Resources.

The proposed project or the project variant would demolish portions of the office building, demolish the annex building, and remove all of the project site’s existing designed landscape elements and features, including, but not limited to, the curvilinear shapes in pathways, driveways, and planting areas; integrated landscape features, including planter boxes and seating; brick perimeter walls; and the concrete pergola and terraced planting feature facing Laurel Street. The clearing of the perimeter of the site under the proposed project or project variant, including hardscape features and mature plantings, would eliminate most of these character-defining landscape features that contribute to and convey the historic and architectural significance of the project site as a Midcentury Modern corporate campus.

The proposed project or project variant would replace the landscaped and open setbacks that characterize the Midcentury Modern corporate campus with a mix of 13 new buildings and new designed landscapes along the periphery of the site. Construction of the proposed new infill buildings would line the street perimeter of the site, obstructing prominent views of the existing office building from public rights-of-way through open landscaped grounds to a greater degree than under current conditions.

Additionally, under the proposed project or project variant, the office building would undergo a series of alterations including demolition of approximately half of the building, including a parking garage, two wings, and a section of the middle of the building, effectively dividing one building into two; replacement of the existing glass curtain wall; replacement of the projecting

4. Environmental Setting and Impacts  
B. Historic Architectural Resources

floor plates with updated projecting floorplates; and construction of new projecting vertical bays. These alterations would materially alter the character-defining Midcentury Modern characteristics of the office building. Overall, the proposed project or project variant would result in substantial changes to the massing and materiality of the office building such that the project site would no longer convey its historic and architectural significance as a Midcentury Modern corporate campus.

The planning department's HRER evaluated project impacts using the relevant Secretary's Standards, which are described in full on pp. 4.B.31-4.B.32. The planning department determined that the proposed project or project variant would not be in conformance with the Secretary's Standards and would materially impair the historic resource at the project site.<sup>27</sup> Standard 1 states that "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." Regarding Standard 1, alteration of the main building for renovation into housing would entail demolition of approximately half of the building footprint and replacement of the existing glass curtain wall, which has been identified as a character-defining feature. Although the floor plates that reveal a deep eave would still be visible in the portions of the main building that would be retained, the changes proposed to adapt the building for a new use would be far beyond the minimal changes identified as being acceptable under Standard 1. Also, the large open landscaped site that contains design elements integrated with the existing office building, which has also been identified as a character-defining feature of the subject property, would largely be infilled with new construction and the site would no longer feel like a corporate campus, thus altering the environment of the property. Thus, the proposed project or project variant would not conform with Standard 1.

Standard 2 states that "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." Standard 5 states that "distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved." Regarding Standard 2 and 5, the proposed project or project variant would involve substantial modifications to both the main building and surrounding landscape such that its historic character would not be retained or preserved. The proposed project or project variant would involve removal of many of the materials of the main building and surrounding landscape that have been identified as character-defining features. The setting would be lost with redevelopment of the open space and construction of 13 new buildings along the periphery of the site. The replacement of the glass curtain wall system would be with a system more weighted toward a residential design, which

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<sup>27</sup> Justin Greving, Preservation Planner, San Francisco Planning Department, *Historic Resource Evaluation Response (Part 2)*, Case No. 2015-014028ENV, 3333 California Street, May 14, 2018. (See EIR Appendix C-4.)

could result in material changes to its distinctive features and finishes, which are present on each of the building's façades. For this reason, the alterations to the building and landscape, through the infill of open spaces and removal of specific elements of the character-defining landscape features, would not conform with Standard 2 and would alter distinctive design elements of the building which would not conform with Standard 5. Additionally, the proposed alterations to the main building would also not preserve the historic character of the property. Altogether, the loss of 50 percent of the building footprint, which would include separating the main building into two distinct forms, and the removal and replacement of the glass curtain wall, would not conform with Standard 2 or 5.

Standard 3 states that "each property shall be recognized as a physical record of its time, place, and use," and, "changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken." Because the proposed project does not include Rehabilitation of the building or retention of the landscape and does not introduce features or elements that create a false sense of historical development, Standard 3 does not apply.

Standard 4 states, "changes that have acquired historic significance in their own right shall be retained and preserved." Aside from the previously determined phases of construction that have all taken on significance, there are no other changes to the property that have taken on significance. Therefore Standard 4 does not apply.

Standard 6 states, "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. Replacement of missing features will be substantiated by documentary and physical evidence." The proposed project or project variant will replace the glass curtain wall with a new glass curtain wall that will not match the existing glass curtain wall in design, color, texture or materials. Thus, the proposed project or project variant would not conform with Standard 6.

Standard 7 states that "chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used." Because the proposed project does not include the retention of historic materials, Standard 7 does not apply. Rehabilitation Standard 8 states that "significant archeological resources affected by a project shall be protected and preserved" and that "if such resources must be disturbed, mitigation measures shall be undertaken." Mitigation has been identified to reduce the potential impact to archaeological resources to a less-than-significant level (see Topic E.3, Cultural Resources, pp. 125-135, of the initial study [EIR Appendix B]). Thus, the proposed project or project variant would conform with Standard 8.

Standard 9 states that "new additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The

#### 4. Environmental Setting and Impacts

##### B. Historic Architectural Resources

new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.” Regarding Standard 9, the proposed project or project variant would include the construction of 13 new buildings that would alter the spatial configuration of the large open designed landscape of the subject property, which is considered a character-defining feature. These open areas help create the campus-like feel of the subject property, and to infill these areas would alter the sense of a corporate campus setting. Other character-defining landscape details, such as curvilinear shapes within the pathways, driveways, and planting areas, and hardscape features such as the brick perimeter and retaining walls, integrated planter boxes and seating would also be removed. Exterior alterations to the main building would substantially alter the general form of the building, both in its general massing but also in the materiality of the exterior elevations. Although the casual observer may infer that the new construction does incorporate the existing building, the alterations in their entirety would not meet the goal of Standard 9 in protecting the integrity of the property and its surrounding environment. Thus, the proposed project or project variant would not conform with Standard 9.

Standard 10 states that “new additions and adjacent or related new construction will 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.” Regarding Standard 10, the proposed project or project variant would involve the removal of most character-defining landscape and site features and substantial modifications to the main building. If new construction were removed in the future, the landscape and site features would not be able to be replaced, and the changes to the main building could not be reversed, leaving the essential form and integrity of the historic property impaired. Thus, the proposed project or project variant would not conform with Standard 10.

For these reasons, including the removal of elements that convey the project site’s history as a corporate campus, the construction of new buildings on formerly open and/or landscaped space at the project site, and the changes to the massing and materiality of the office building, the proposed project and project variant would not be in conformance with Standards 1, 2, 5, 6, 9, and 10, and would materially alter the physical characteristics of 3333 California Street that convey its historic significance and that justify its inclusion in the California Register. As such, the proposed project or project variant would cause a substantial adverse impact on 3333 California Street, a historical resource, and would be considered a significant impact under CEQA.

Chapter 6, Alternatives, presents a range of alternatives that would meet most of the project objectives and could avoid or substantially lessen significant effects of demolition under the proposed project. The Alternatives chapter includes alternatives that would retain, in whole or in part, existing elements of the project site.

Implementation of Mitigation Measures M-CR-1a: Documentation of Historical Resource and M-CR-1b: Interpretation of the Historical Resource, shown below, would lessen the impact of the proposed demolition and new construction within the project site by documenting and presenting the complex's history and character as a Midcentury Modern-designed corporate campus. However, these mitigation measures would not reduce this impact to a less-than-significant level.

**Mitigation Measure M-CR-1a: Documentation of Historical Resource**

Prior to issuance of demolition or site permits, the project sponsor shall undertake Historic American Building/Historic American Landscape Survey-like (HABS/HALS-like) documentation of the building and associated landscape features. The documentation shall be undertaken by a professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History, History, or Architecture (as appropriate) to prepare written and photographic documentation of 3333 California Street. The specific scope of the documentation shall be reviewed and approved by the Planning Department but shall include the following elements:

**Measured Drawings** – A set of measured drawings shall be prepared that depict the existing size, scale, and dimension of the historic resource. Planning Department Preservation staff will accept the original architectural drawings or an as-built set of architectural drawings (e.g., plans, sections, elevations). Planning Department Preservation staff will assist the consultant in determining the appropriate level of measured drawings;

**Historic American Buildings/Historic American Landscape Survey-Level Photographs** – Either Historic American Buildings/Historic American Landscape Survey (HABS/HALS) standard large-format or digital photography shall be used. The scope of the digital photographs shall be reviewed by Planning Department Preservation staff for concurrence, and all digital photography shall be conducted according to the latest National Park Service (NPS) standards. The photography shall be undertaken by a qualified professional with demonstrated experience in HABS/HALS photography. Photograph views for the data set shall include contextual views; views of each side of the building and interior views, including any original interior features, where possible; oblique views of the building; and detail views of character-defining features, including landscape elements.

All views shall be referenced on a photographic key. This photographic key shall be on a map of the property and shall show the photograph number with an arrow to indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included in the data set.

**HABS/HALS Historical Report** – A written historical narrative and report shall be provided in accordance with the HABS/HALS Historical Report Guidelines. The written history shall follow an outline format that begins with a statement of significance supported by the development of the architectural and historical context in which the structure was built and subsequently evolved. The report shall also include architectural description and bibliographic information.

**Video Recordation** – Video recordation shall be undertaken before demolition or site permits are issued. The project sponsor shall undertake video documentation of the affected historical resource and its setting. The documentation shall be conducted by a professional videographer, one with experience recording architectural resources. The documentation shall be narrated by a qualified professional who meets the standards for history, architectural

4. Environmental Setting and Impacts  
B. Historic Architectural Resources

history, or architecture (as appropriate) set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations Part 61). The documentation shall include as much information as possible—using visuals in combination with narration—about the materials, construction methods, current condition, historic use, and historic context of the historical resource. This mitigation measure would supplement the traditional HABS/HALS documentation, and would enhance the collection of reference materials that would be available to the public and inform future research.

**Softcover Book** – A Print-on-Demand softcover book shall be produced that includes the content from the historical report, historical photographs, HABS/HALS photography, measured drawings, and field notes. The Print-on-Demand book shall be made available to the public for distribution.

The project sponsor shall transmit such documentation to the History Room of the San Francisco Public Library, San Francisco Architectural Heritage, the Planning Department, and the Northwest Information Center. The HABS/HALS documentation scope will determine the requested documentation type for each facility, and the project sponsor will conduct outreach to identify other interested groups. All documentation will be reviewed and approved by the Planning Department's Preservation staff before any demolition or site permit is granted for the affected historical resource.

**Mitigation Measure M-CR-1b: Interpretation of the Historical Resource**

The project sponsor shall facilitate the development of an interpretive program focused on the history of the project site. The interpretive program should be developed and implemented by a qualified professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner, such as a museum or exhibit curator. This program shall be initially outlined in a proposal for an interpretive plan subject to review and approval by Planning Department Preservation staff. The proposal shall include the proposed format and location of the interpretive content, as well as high-quality graphics and written narratives. The proposal prepared by the qualified consultant describing the general parameters of the interpretive program shall be approved by Planning Department Preservation staff prior to issuance of the architectural addendum to the site permit. The detailed content, media and other characteristics of such interpretive program shall be approved by Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy.

The interpretative program shall include but not be limited to the installation of permanent on-site interpretive displays or screens in publicly accessible locations. Historical photographs, including some of the large-format photographs required by Mitigation Measure M-CR-1a, may be used to illustrate the site's history.

The primary goal is to educate visitors and future residents about the property's historical themes, associations, and lost contributing features within broader historical, social, and physical landscape contexts. These themes would include but not be limited to the subject property's historic significance as a Midcentury Modern corporate campus designed by Edward B. Page with a landscape designed by Eckbo, Royston & Williams. The interpretive program should be developed in coordination with the archaeological program, which would likely include interpretation of the subject property's inclusion in the larger site of California Registered Landmark 760, Former Site of Laurel Hill Cemetery.



Although the site's past use as the Laurel Hill Cemetery was not part of the determination of historic significance under this evaluation of the historic architectural resource, the former use of the project site as a cemetery was studied in the Cultural Resources section of the initial study (see EIR Appendix B, pp. 125-135). The initial study includes Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reporting, pp. 129-132; Mitigation Measure M-CR-2b: Interpretation, p. 133; and Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program, p. 135; which require testing, monitoring, and data recovery, and preparation of interpretive programs to document the former use of the site as a cemetery as well as to document subsurface tribal cultural resources.

**Impact CR-2: The proposed project or project variant would not materially alter, in an adverse manner, the physical characteristics of any off-site historical resources that justify their inclusion in the California Register of Historical Resources. (*Less than Significant*)**

As discussed under "Nearby Historic Resources Outside of the Project Site" on pp. 4.B.25-4.B.30, there is one historic resource on the block faces that border the project site: San Francisco Fire Station No. 10 at 655 Presidio Avenue. San Francisco Fire Station No. 10 is located directly southeast of the project site across Masonic Avenue. This two-story reinforced concrete building was constructed in 1955 as part of the 1952 Firehouse Bond Act (Bond Act). In 2010, a potential discontinuous historic district, tentatively named the San Francisco 1952 Firehouse Bond Act Thematic Historic District and composed of 20 firehouses including Station No. 10, was identified.

Due to its date of construction, architectural style, and integrity, Station No. 10 appears to contribute to the potential San Francisco 1952 Firehouse Bond Act Thematic Historic District. Despite its proximity to the corporate campus at the project site and its near simultaneous year of construction, the corporate campus and Station No. 10 have no contextual or architectural relationship. Additionally, while the two historic resources were constructed with one year of each other and are both generally designed in the Midcentury Modern architectural style, they express different interpretations of that broadly defined style. The fire station is more utilitarian in design. It includes areas of stucco cladding and a low-pitched roof with overhanging eaves, while the corporate campus reflects uniformly higher-style design and emphasizes horizontality through the use of a flat roof and extensive areas of continuous glazing. Finally, the fire stations that are included in the San Francisco 1952 Firehouse Bond Act Thematic Historic District are discontinuously located within a variety of urban contexts, and do not depend on any one specific type of setting in order to be able to convey their historic significance. Overall, the corporate campus at the project site and the fire station at 655 Presidio Avenue do not share a contextual or architectural relationship. Thus, changes to the corporate campus at the project site would not have an impact on the historic significance of the fire station.

## EXHIBIT C

**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

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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## 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.)

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#### 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 structure

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 structure with an open character. The Service Building is a brick building with a closed character. The Office Building is an International Style structure 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.

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## Narrative Description

### Section 7 - Table of Contents

SETTING.....	6
BUILDINGS.....	6
Office Building .....	7
Plan .....	7
Structure, Materials, and Mechanical Systems.....	9
Architecture .....	10
Service Building .....	10
LANDSCAPE.....	11
Landscape Features Associated with the Mid-1950s Design .....	11
Brick Wall.....	11
Parking Lots and Internal Circulation.....	11
Topography in Relationship to the Spatial Organization and Function of the Site .....	12
Major Vegetation Features .....	12
Entrance Court .....	12
Terrace .....	13
Landscape Features Associated with the Mid-1960s Design .....	13
INTEGRITY .....	14
Buildings.....	15
Landscape .....	16
Combined Buildings and Landscape .....	18

Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

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 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.



Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

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 incorporated into planting islands in the East and West Parking Lots by ERW 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 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

Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

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 , three circular tree beds, the zig-zag alignment of the wall along its eastern edge, and the curved arch of 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

Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

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).

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.

## INTEGRITY

For the period of significance 1957-1968, 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.

Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

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 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 owner and 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

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.

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).

Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

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.

Fireman's Fund Insurance Company  
Name of Property

San Francisco, CA  
County and State

**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 C, the Fireman's Fund Home Office is significant in several ways. It is significant 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. It 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 Gould and Degenkolb engineering firms were among the leading firms in San Francisco for decades after World War II and the Fireman's Fund Home Office was the first designed after Henry Degenkolb became a partner. During the period of significance, both ERW and EDAW were recognized as one of the country's leading landscape architectural firms. In the post-World War II era, ERW/EDAW led the way in expanding the profession of landscape architecture and contributed to the popularization of the modernist design vocabulary and to modernism as an approach to creating outdoor spaces that addressed contemporary needs. 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 National Register 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 1968, covering the period from the year when the first phase of the buildings and landscape were completed to fifty years ago, after which 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 the property and it retains a high level of integrity.

## **EXHIBIT D**



# l'architecture d'aujourd'hui

André BLOC            directeur général  
Pierre VAGO            président du comité de rédaction  
Alexandre PERSITZ    rédacteur en chef

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Numéro 82 — 30<sup>e</sup> Année — Bimestriel  
Février-Mars 1959  
Tirage : 15.500 exemplaires (O.J.D.)  
Directeur de la publicité : A. Margueritte

Abonnements : 1 an (6 numéros) :

France : 6.900 Fr.  
Italie : 11.000 Lires  
Suisse : 69 Fr. suisses  
Allemagne : 70 D.M.  
Amérique du Nord, du Sud, Belgique,  
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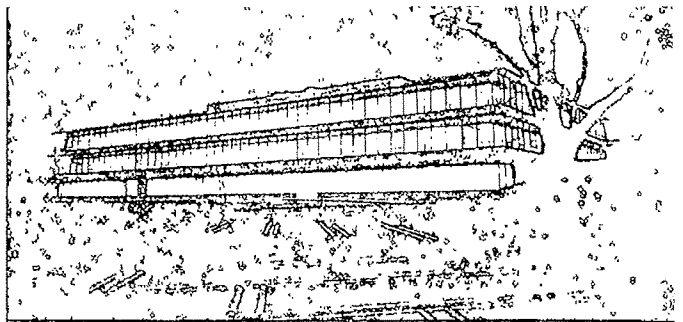
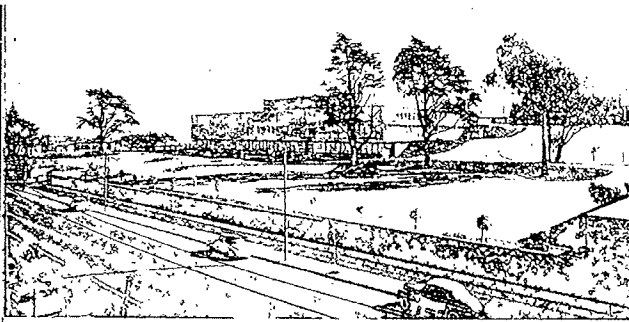
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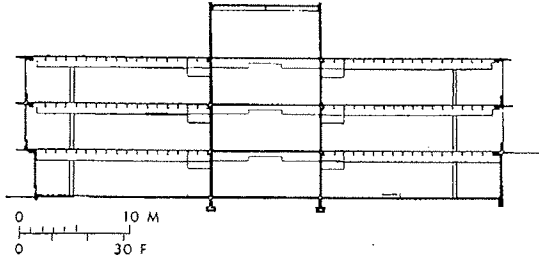
Photos Silverio 2

## LE SIÈGE D'UNE COMPAGNIE D'ASSURANCES, A SAN FRANCISCO

EDWARD B. PAGE, ARCHITECTE.

JOHN J. GOULD ET HENRY J. DEGENKOLB, INGÉNIEURS.

ECKBO, ROYSTON ET WILLIAMS, ARCHITECTES PAYSAGISTES.



Le Siège de la « Fireman's fund Insurance Co » se développe dans un vaste terrain de 5 ha situé sur l'une des collines de San Francisco, dans un quartier résidentiel.

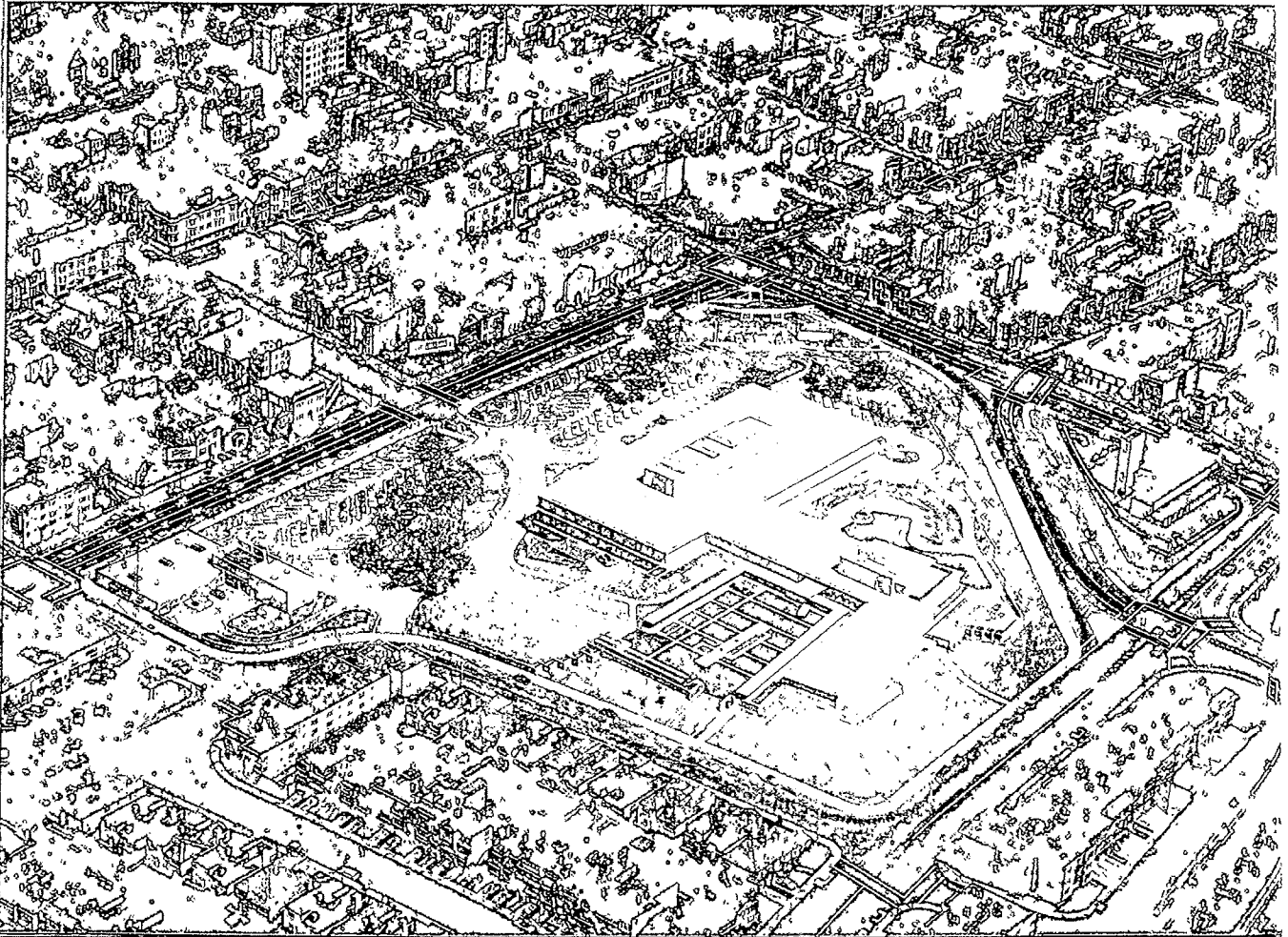
Si l'on vient du centre de la ville, on aperçoit de loin les longs bandeaux de baies vitrées qui affirment l'horizontalité du bâtiment. En effet, à l'opposé de la plupart des grands centres d'affaires construits en hauteur, il a été recherché ici un rythme différent obtenu en fonction d'un terrain libre de dimensions exceptionnelles. Ainsi, les bâtiments sont mis en valeur par les jardins qui ont fait l'objet d'une étude particulière des architectes Eckbo, Royston et Williams.

L'ensemble se compose d'un bâtiment de plan rectangulaire, à trois niveaux, abritant des bureaux, et d'un bloc en forme de L à deux niveaux, destiné à l'administration disposant d'une entrée indépendante et lié au bâtiment principal par le hall d'entrée.

Le public accède à ce hall d'entrée, situé à l'étage, depuis la cour d'honneur. Cette entrée distribue à la fois le grand hall du public et les bureaux de direction répartis dans l'aile basse.

Le personnel entre au niveau inférieur où ont été prévus également : une partie réception, les services courrier, archives, vestiaires, le grand bureau du « cerveau ».

Photo G. Moulin 5





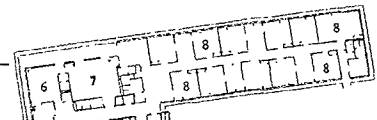
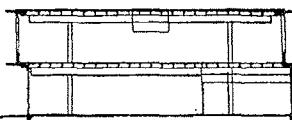
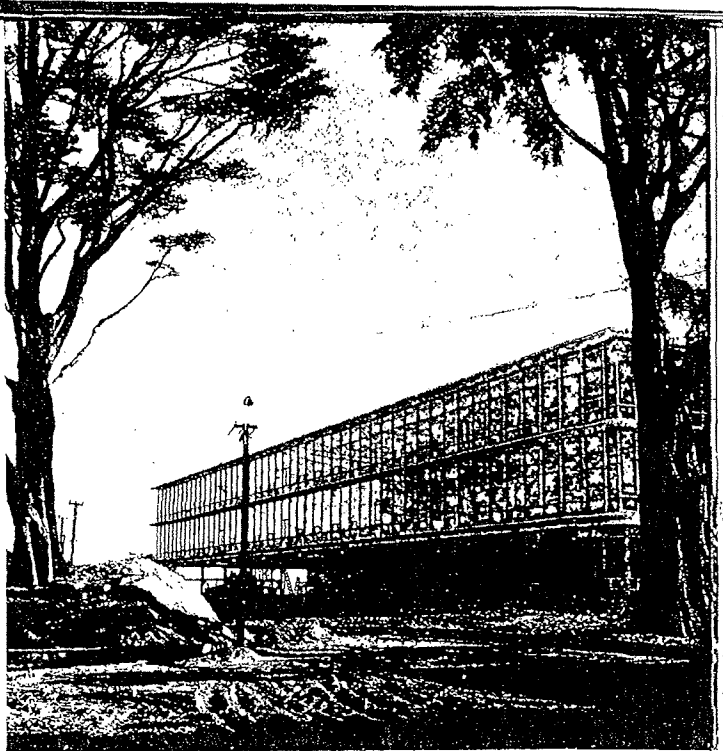
nos E. Braun

rique » qui forme en soi un tout isolé par un double plancher pour le réglage des bles et un système d'air conditionné spécial pour le bon fonctionnement de cet équipement de précision particulièrement sensible aux variations de température. Au rez-de-chaussée ont été répartis les services de statistiques, de comptabilité, de publicité et les nexes sociaux : salles de repos, de jeux et d'enseignement mises à la disposition du personnel, ainsi que la cafeteria de 300 places occupant une surface de 700 m<sup>2</sup> ; ce leterio, d'où l'on dispose d'une vue magnifique sur la ville, les collines et la baie, ut être transformé en salle de réunions pour 900 personnes. Le niveau supérieur est tièrement aménagé en bureaux.

Le bâtiment est réalisé au moyen d'une ossature en B.A. avec des colonnes en acier ; s murs-rideaux sont entièrement en verre et profilé d'aluminium. Le bâtiment principal t établi sur une poutraison de 9 x 12 m avec porte-à-faux de 5 m vers l'extérieur ; centre ont été placés des murs de contreventement de 0,35 d'épaisseur. Les planchers nt faits de dalles nervurées en B.A. de 9 m de portée entre les poutres principales.

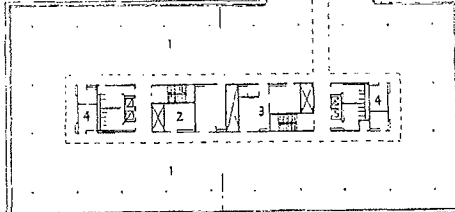
Pour obtenir la meilleure flexibilité fonctionnelle, un module de 0,90 x 0,90 a été lopté. Les plafonds sont établis sur la base de ce module, de même que les panneaux s cloisons amovibles normalisées. Les plafonds suspendus, au-dessus desquels ont été sposées les installations d'éclairage, les bouches d'air conditionné et les émetteurs de dio qui transmettent parfois une musique légère pour faciliter le travail, sont consti- és d'une grille en aluminium en forme de nids d'abeilles.

V. JANSON DE FISCHER.



A. Rez-de-chaussée :  
1. Bureaux collectifs. 2. Petite salle de conférences. 3. Vestiaires. 4. Chambre forte. 5. Cafeteria. 6. Self-service. 7. Cuisine. 8. Salle de repos pour le personnel. 9. Salle de réunions. 10. Publicité.

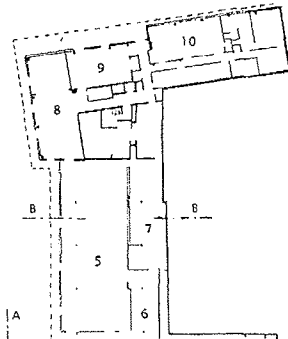
B. Niveau principal :  
1. Hall du public. 2. Petite salle de conférences. 3. Bibliothèque. 4. Vestiaires. 5. Hall d'entrée auquel on accède depuis la cour d'honneur. 6. Président. 7. Contrôle. 8. Bureaux individuels.



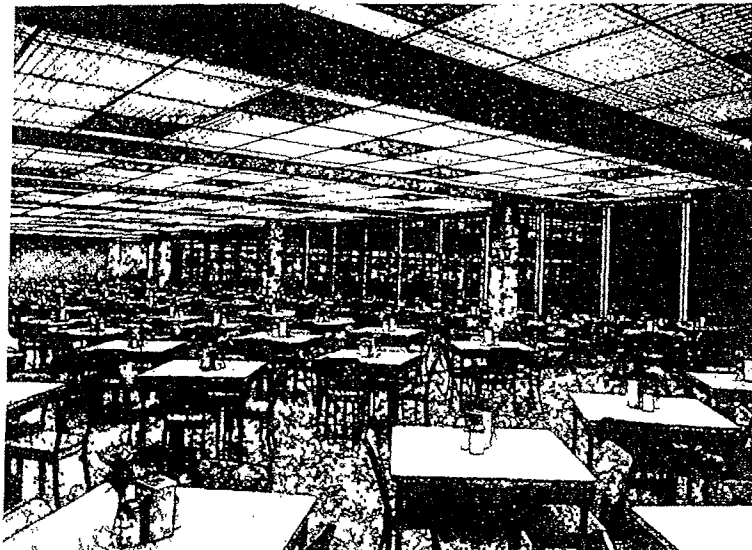
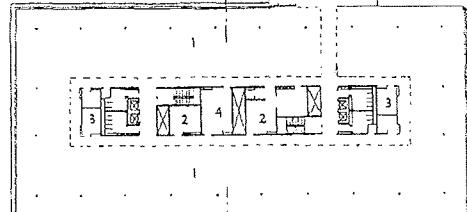
B

0 15 M  
0 50 F

1. Vue prise de la grande voie d'accès reliant ce quartier résidentiel au centre de la ville. 2. Vue de nuit, façade Nord ; on notera l'affirmation de l'horizontalité du bâtiment par le rythme des bandeaux des fenêtres. 3. Façade Est ; on notera la judicieuse utilisation de la pente du terrain ; de gauche à droite, le bloc administratif à deux niveaux, le hall d'entrée formant liaison entre les deux bâtiments. 4. Le bâtiment principal en cours de chantier. 5. Vue aérienne montrant l'implantation des bâtiments, la cour d'honneur, les jardins et les parkings pour 300 voitures. 6. Le cafeteria. 7. Bureau collectif au niveau principal.

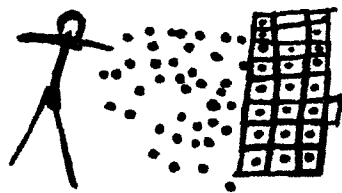


A



7

## **EXHIBIT E**



# URBAN LANDSCAPE DESIGN

GARRETT ECKBO



MCGRAW-HILL BOOK COMPANY

*New York San Francisco Toronto London Sydney*

1615

# CONTENTS

PREFACE . . . . .	v
-------------------	---

## DISCUSSION

I <i>Begin at the Beginning</i> . . . . .	3
II <i>Elements of Space Organization</i> . . . . .	7

## EXAMPLES

III <i>Room and Patio</i> . . . . .	37
IV <i>Building and Site</i> . . . . .	45
V <i>Buildings in Groups</i> . . . . .	59
VI <i>Parks and Playgrounds</i> . . . . .	99
VII <i>Streets and Squares</i> . . . . .	153
VIII <i>Neighborhood, Community, and Region</i> . . . . .	177

## MAINTENANCE

IX <i>Maintenance and Design</i> EDWARD A. WILLIAMS, CO-AUTHOR . .	231
--	-----

BIBLIOGRAPHY . . . . .	240
REFERENCES AND ACKNOWLEDGMENTS . . . . .	240
DESIGN AND ILLUSTRATION CREDITS . . . . .	241
INDEX . . . . .	245



## BUILDING AND SITE

The single building on a site larger than its ground floor area has been the typical concentration of modern architectural and landscape thinking. Much good work has been done, and many good examples publicized, particularly in the residential field. The problem may be summarized as follows: the site is a piece of real estate, variable in size, form, and topography, produced by land subdivision. The building, dominated by the economics of construction and the demands of functional design, will tend to establish its own size and form, even if conditioned by some preconception of form from without. 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 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.

The relation between building size, lot area, and auto-parking requirements will also be critical. More and more the auto becomes the enemy of the landscape, as its asphalt requirements destroy or make impossible green space around buildings. Our land-use patterns are so pinched and penurious that we seem unable to control this expanding force by recognizing the positive value of landscape and pedestrian space in land-use and coverage controls. Another factor might be the control of car sizes in the public interest. This would, of course, be considered a gross violation of the individual freedom of choice between large and small cars. We are reminded of the famous freedom of choice of rich and poor alike to sleep beneath bridges.

On sites larger than the joint requirements of building and parking—a shrinking and idyllic condi-

tion—we have a range in scale from the bare minimum and almost useless strip of foundation planting around the building, through walled patio spaces of minimum or adequate size, to that expansion in comfort and luxury which allows lawns, trees, and the ultimate richness of woods and meadows. The growing tendency for housing and productive enterprises to migrate into the open country may provide them with the temporary illusion of manor house affluence, overlooking other people's farms or woods. But, unless this outlook is over some guaranteed land-use such as a water district or regional park, the forces of exurbanization will soon catch up with them. The peculiar hodgepodge checkerboard leap-frog pattern of modern urbanization renders no open country safe without adequate planning controls by local government. Even these tend to give before the pressure of big-time power structures.

Within basically similar land subdivision patterns, we may have a range in building-site concepts as wide as that from the New England colonial house, standing four-square with its neighbors on a sea of grass with only occasional trees or shrubs to suggest boundaries between them, to the Latin patio house which encloses the entire lot for private living space, creating structural continuities in which individualized architecture is hard to find. These extreme contrasting forms have obvious roots in severe and mild climates, but perhaps are related even more to social attitudes: the puritan combination of tight economy with "I have nothing to hide from my neighbors"; the Latin expansive and rich concept of daily living, combined with demand for absolute family privacy. In our heterogeneous culture the relations between privacy and neighborliness are more variable. The former tends to be self-centered and antisocial while the latter tends to produce self-conscious do-goodism and social maneuvering. Balanced relations between the two are made difficult by social conflicts between individualism and togetherness, competition and cooperation; and by our heavily institutionalized structures of subdivided land-use, with minimum consideration for relations between the parts. The pressures of technology and of community needs are forcing their way through these structures; larger and larger parcels of land are being assembled for unified design and development.



**FIREMAN'S FUND INSURANCE COMPANY**  
San Francisco, Calif.

*Of the 10.2 acres in the Fireman's Fund Insurance Company site, approximately 1¾ acres are devoted to the building and 2¾ acres to parking, leaving the major portion of the site for gardens.*

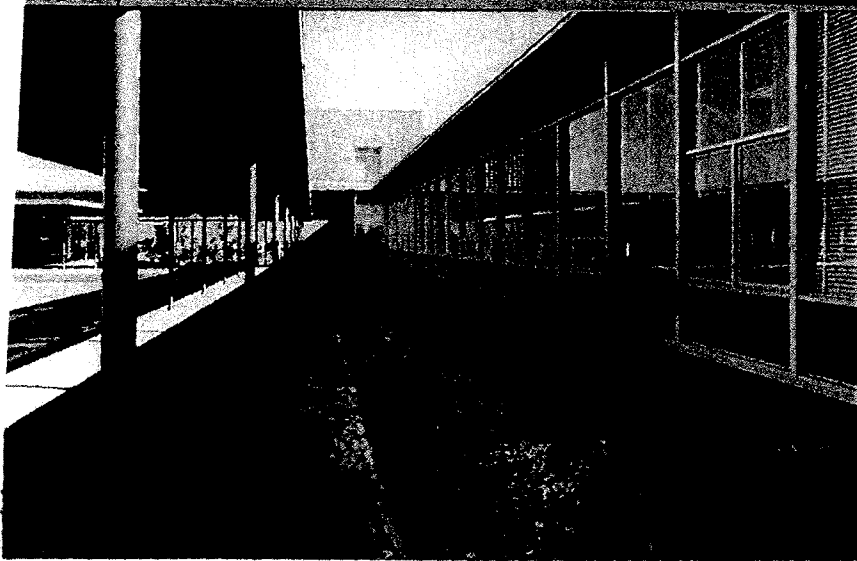
*Considerable care was taken in the arrangement of the building, parking areas, and levels to save all the existing trees. Some of the trees were left on mounds of earth, where the ground was depressed, and others were contained in wells where the ground was raised. In all cases, special pruning, feeding, 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.*

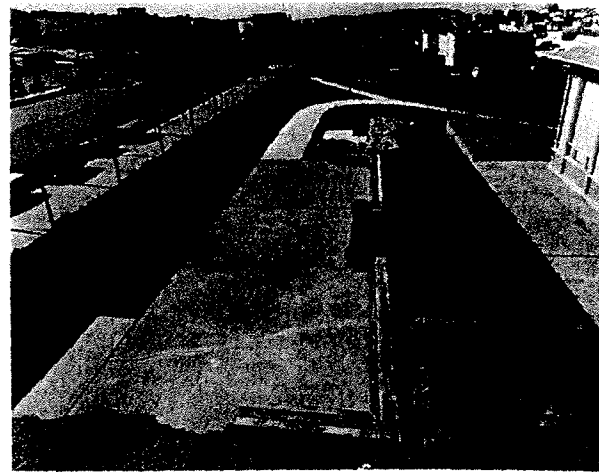
*Taking the cue from the existing trees and from the special climate features of the site, the live oak and red-flowering eucalyptus were chosen to predominate. Secondary themes are carried by the Monterey cypress, olives, redwoods, and Bishop pines.*

*In addition to the general landscaping of the areas between the building and the streets on all sides, there are two special gardens of note. The first is the entrance court, and the second is the terrace adjacent to the cafeteria.*





2



3

The entrance court off Presidio Avenue is U-shaped, its major paving of brick and asphalt, with adequate parking space for those visiting the executive offices. Dominating this court is the 80-ft reflection pool in the center, planted with water lilies. Two planting areas straddling the pool contain a specimen live oak and ground covers of creeping myrtle and pink-flowering sunrose. All along the arbor-covered walks around this court, between arbors and building, are shade-loving plants in great variety, including rhododendrons, azaleas, ferns, fuchsias, and bluebells. Along one side, a long row of alternating blue and white Agapanthus provide a splash of color against a low brick wall.

The terrace off the cafeteria and lounges is particularly useful and colorful. Since it is situated on the east side of the building, it is protected from the prevailing west wind and is elevated so that there is a good view of a large part of San Francisco. Benches have been provided, so that employees can relax in the sun during lunch or coffee breaks. Specimen oaks and magnolias have been planted in this area, and springtime is particularly colorful when the flowering cherry, wild lilac, camellias, Mediterranean broom, wild strawberry, and St.-John's-wort are in bloom. One bed is filled with star jasmine, which provides a delicious fragrance in the summertime.

Careful attention has been paid to the arrangement of the shrubs 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.

4

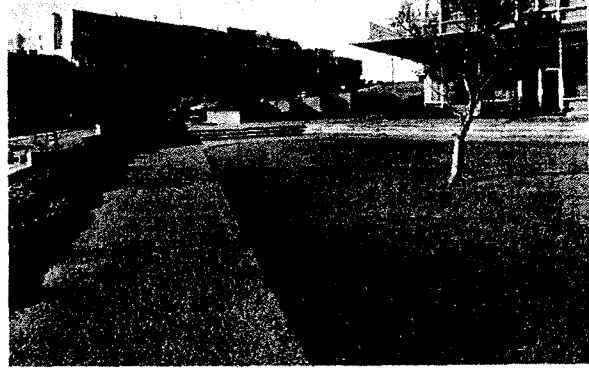


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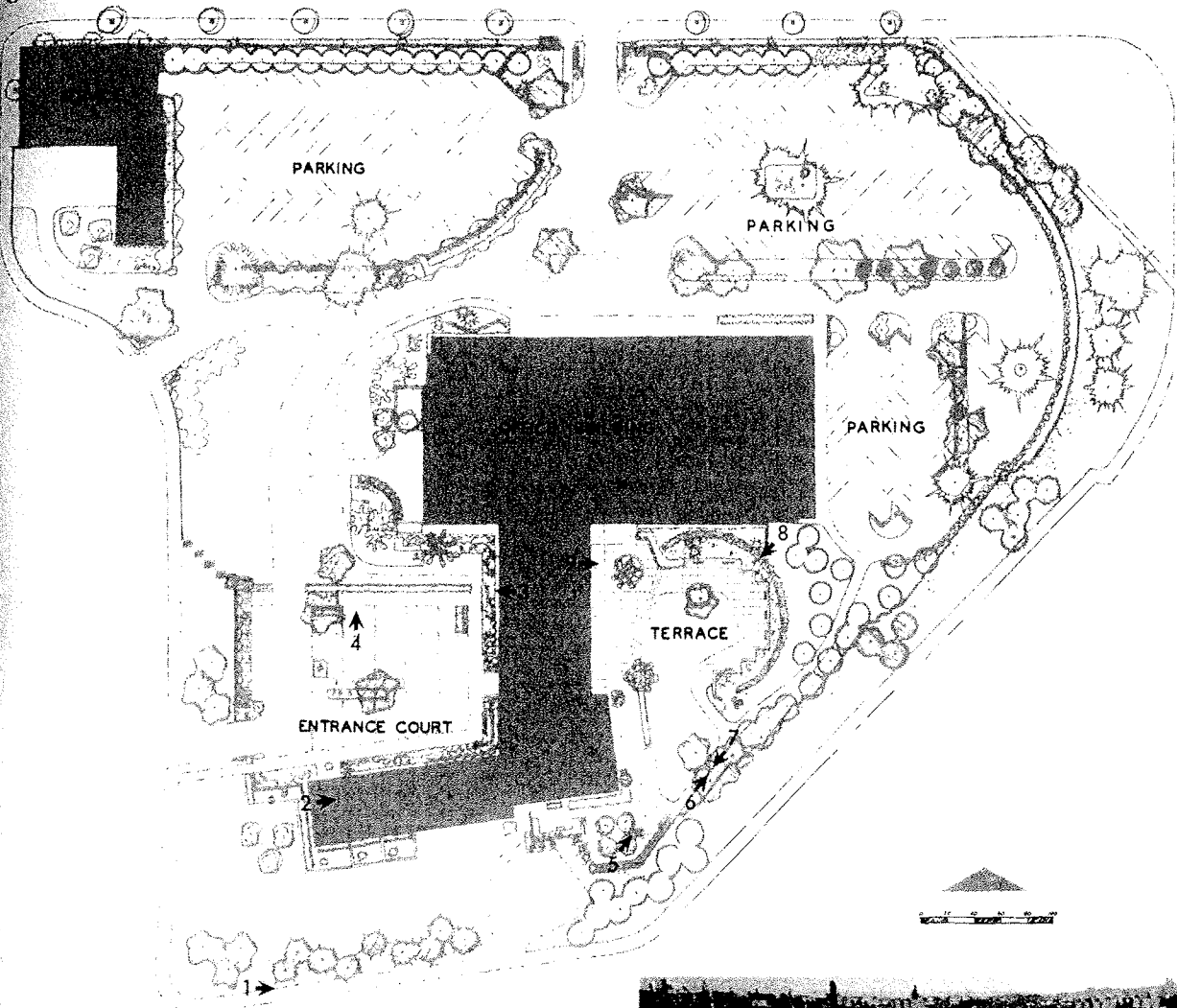




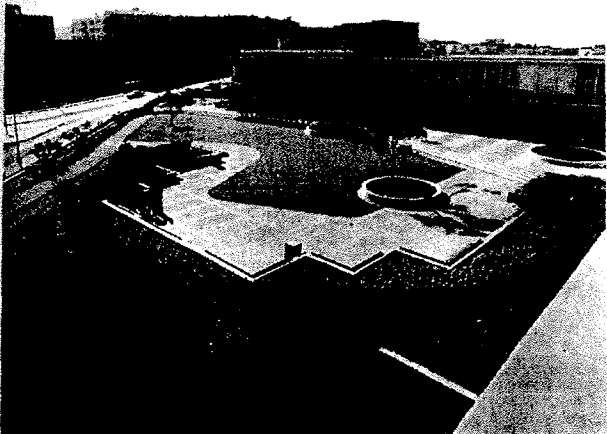
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Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA

Laurel Heights Improvement Association Appeal of Planning  
Commission's Certification of Final EIR/ CEQA Findings

Board of Supervisors File No: 191035

Exhibits to Statement of Petree A. Powell, MCP, JD

## **EXHIBITS    F - H**

## **EXHIBIT F**



# ARCHITECT AND ENGINEER

PACIFIC MUTUAL BUILDING

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1623 JUNE

Vol. 205

No. 1

EDWIN H. WILDER  
Editor

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Cover Picture

City

PACIFIC MUTUAL

BUILDING

San Francisco, Calif.

Robert & Glynn,

Architects

One of San Francisco's newest down-  
town buildings. See page 10 for addi-  
tional data.

ARCHITECTS' REPORTS—

Published Daily

Vernon S. Yallop, Manager

Telephone DOuglas 2-8311

# ARCHITECT AND ENGINEER

ARCHITECT & ENGINEER is indexed regularly by ENGINEERING INDEX, INC.; and ART INDEX

## Contents for

# APRIL

EDITORIAL NOTES . . . . .	4
TEN YEARS OF BUILDING AND ENGINEERING CONSTRUCTION—Mac- Donald, Young & Nelson, Inc. . . . .	8
By FRED W. JONES	
AMERICAN INSTITUTE OF ARCHITECTS—Chapter Activities . . . . .	28
WITH THE ENGINEERS. News and Notes . . . . .	30
BOOK REVIEWS, Pamphlets and Catalogues . . . . .	37
ESTIMATOR'S GUIDE, Building and Construction Materials . . . . .	39
ESTIMATOR'S DIRECTORY, Building and Construction Materials . . . . .	41
BUILDING TRADES WAGE SCALES, Northern, Central & Southern California . . . . .	43
CLASSIFIED ADVERTISING . . . . .	44
CONSTRUCTION CONTRACTS AWARDED and Miscellaneous Data . . . . .	45
IN THE NEWS . . . . .	47
INDEX TO ADVERTISERS . . . . .	50

THE OLDEST PROFESSIONAL MONTHLY BUSINESS MAGAZINE OF THE ELEVEN WESTERN STATES

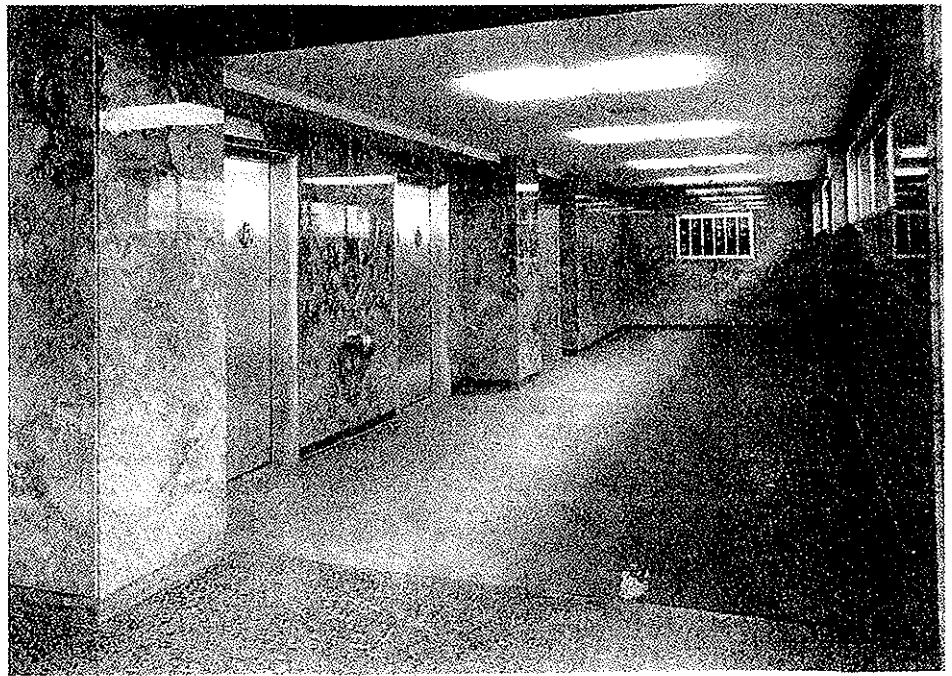
ARCHITECT AND ENGINEER (Established 1905) is published on the 15th of the month by The Architect and Engineer, Inc., 68 Post St., San Francisco 4; Telephone EXbrook 2-7182. President, K. P. Kierulff; Vice-President and Manager, L. B. Thorwood; Treasurer, E. N. Kierulff. — Los Angeles Office: Wentworth F. Green, 439 So. Western Ave. Telephone DUmkirk 7-8135. — Portland, Oregon, Office: R. V. Vaughn, 7117



**ELEVATOR  
LOBBY**

**Pacific Mutual Life  
Insurance Company**

**San Francisco**



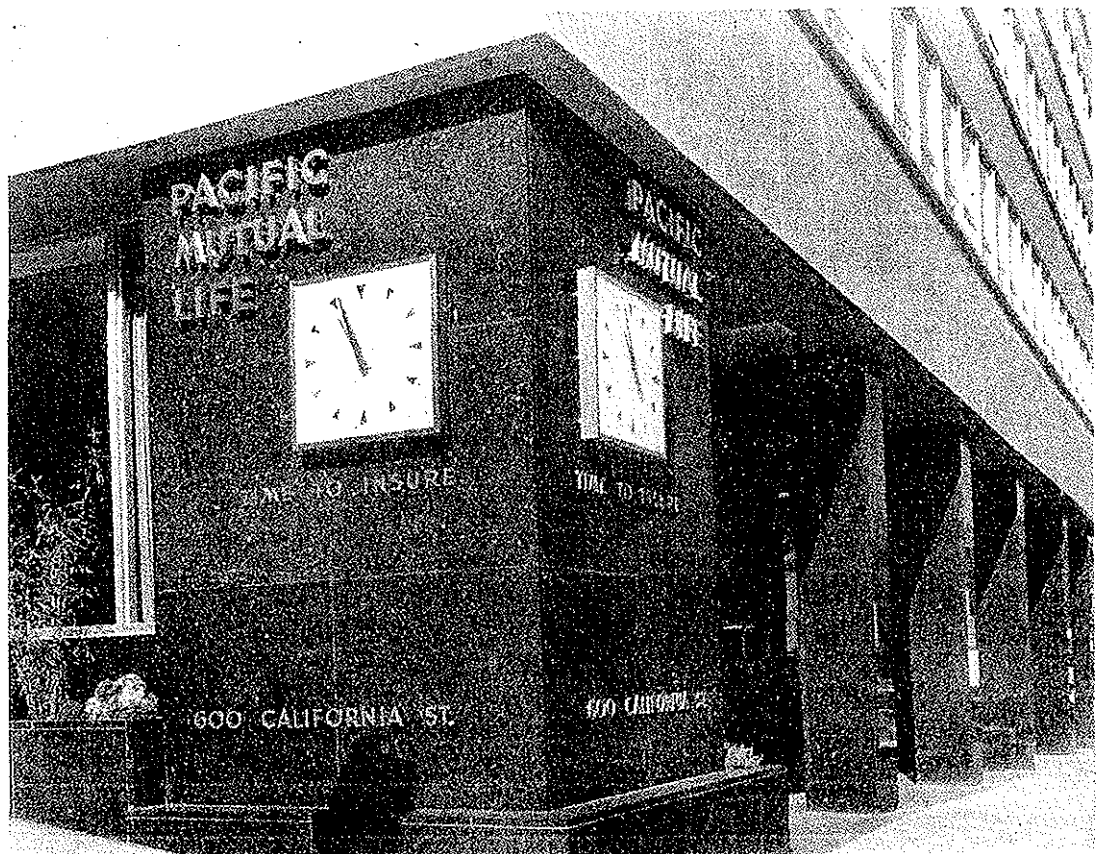
Featured in the terrazzo floor entrance lobby is a deeply carved redwood plaque, nine feet in diameter, executed by Spero Anargyros, and depicting California's world famous giant redwood tree "Wawona," modeled after the Sequoia Big Tree in Yosemite National Park, and which is the Pacific Mutual's trade mark. The lobby itself is finished in red Porta Santa marble, imported from Italy.

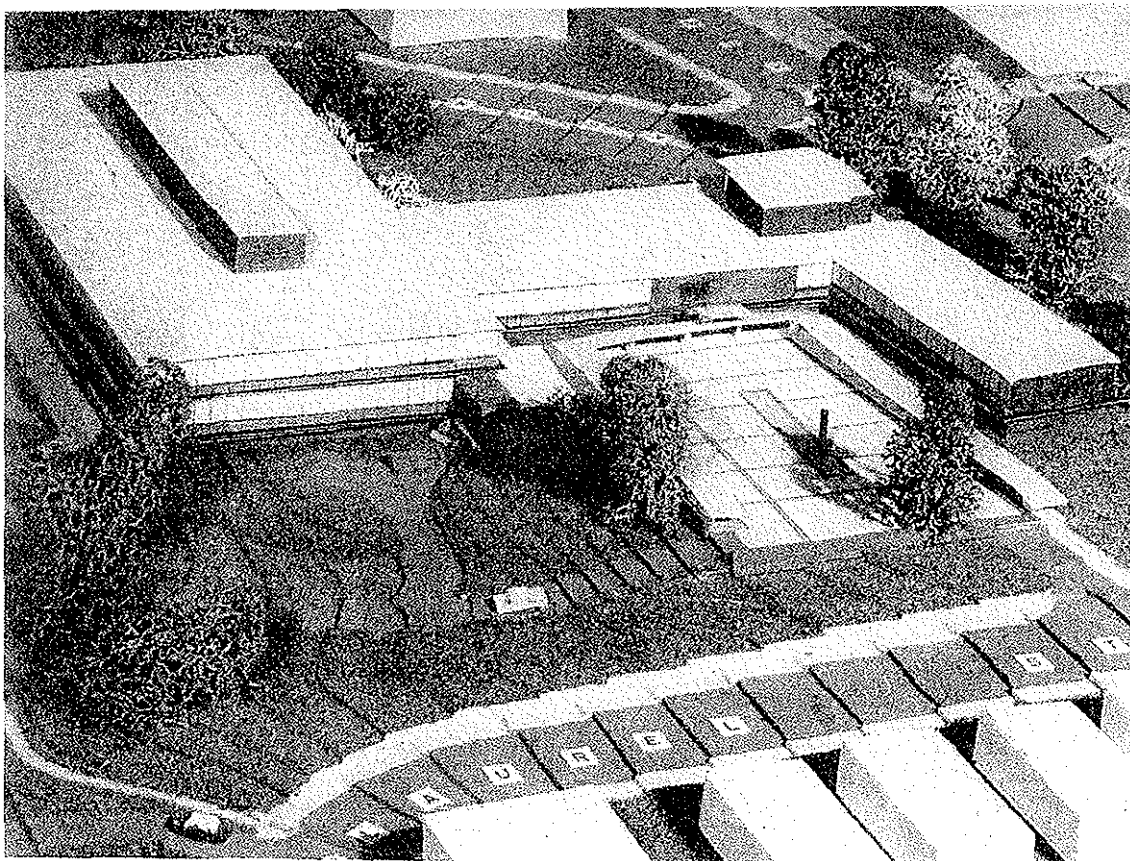
The entrance lobby is banked with the very latest equipment in elevator engineering. Automatic control replaces the old style cars with their attendant operators. A push button panel in each cage enables the passenger to reach his desired floor with dependable speed. Each car carries a maximum of 20 persons.

Now under construction is the home office building for the Fireman's Fund Insurance Group at California

**STREET  
ENTRANCE**

**Pacific  
Mutual  
Life  
Insurance  
Company**





**MODEL of NEW HOME OFFICE BUILDING for Fireman's Fund Insurance Company, San Francisco**  
**EDWARD B. PAGE, Architect**

and Laurel Streets, San Francisco.

The horizontal, country-type structure will be unique among the typically vertical office buildings in San Francisco to conform to the lines of the surrounding area, which is predominantly residential. The 10-acre, tree-shaded lot is an historic site bounded by California Street on the north, Presidio Avenue on the east, Euclid Avenue on the south, and Laurel Street on the west.

The structure, which will overlook San Francisco, has been designed to relate to its park-like setting. A flat roof will cover the 190,000 square feet of building area. Graduating from one floor, at the highest portion of the lot facing Laurel Street, to three floors facing California Street and Presidio Avenue, the building will have two main entrances—a formal court with parking facilities on Laurel Street and an entrance on California Street adjacent to an off-street parking area for more than 200 cars. The exterior of the building will be aluminum and glass with brick facing. Cantilevered construction will provide window walls on all floors.

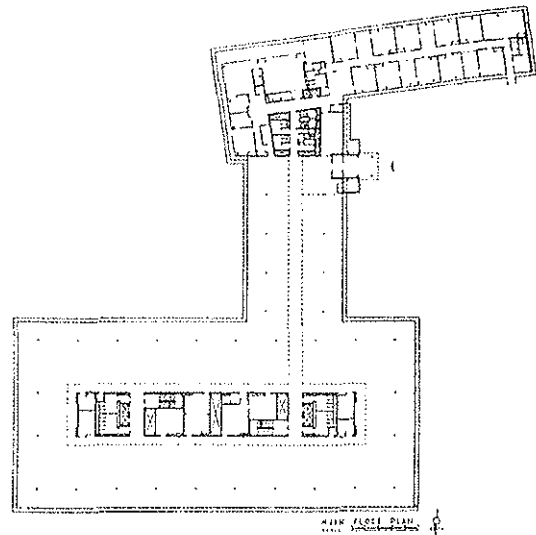
Interior design and facilities of the completely air-conditioned building have been planned for the comfort and convenience of the company's staff of nearly 1,000. Highlighting this planning is a new concept of office lighting, area illumination, which will furnish maximum light quality for optimum working conditions. The modern lighting fixtures will be suspended above an open metal grid, so efficient area illumination will be achieved without the usual forest of visible fixtures. Pleasing, light colors on walls, floors and equipment will eliminate distracting contrasts and complement the over-all feeling of openness.

Although the major three-story working areas is almost the size of a football field — 300' x 144' — most employees will be no more than 40 feet from an outside window. Desk areas will surround a central "core" in which service facilities and conference rooms are grouped.

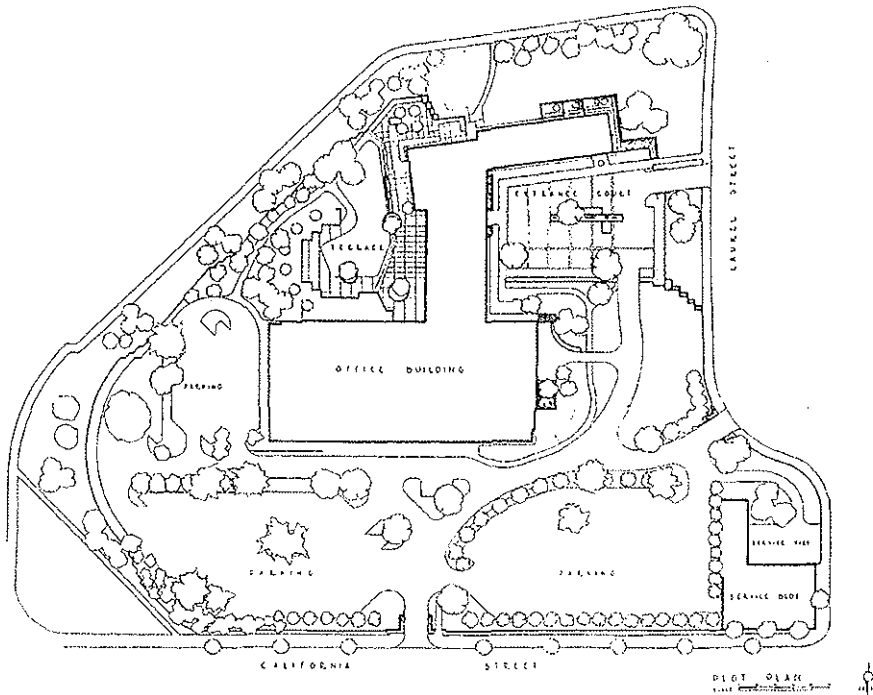
Sunny and light, yet efficient, the employee cafeteria will incorporate modern cafeteria practices in pleasant, relaxed surroundings. Planned to seat 400 employees at



MAIN FLOOR PLAN



PLOT PLAN



#### MEMORIAL TEMPLE

The new California Masonic Memorial Temple is the latest major contract to be awarded MacDonald, Young & Nelson, Inc. The structure will be located on the corner of Taylor and California Streets, San Francisco—one of the last historic sites on famed Nob Hill of early California history.

The \$5,000,000 structure will be faced with white

one time, the cafeteria can—when tables are removed—seat 800 people for large staff meetings. The cafeteria will open to a large, sunny wind-shielded terrace which will have facilities for relaxation and recreation.

Extensive landscaping will surround the Fireman's Fund plant. Of the total estimated \$4 million cost, more than \$3 million will go into the building proper, \$600,000 on new furniture, and \$300,000 on landscaping and parking facilities.

## **EXHIBIT G**



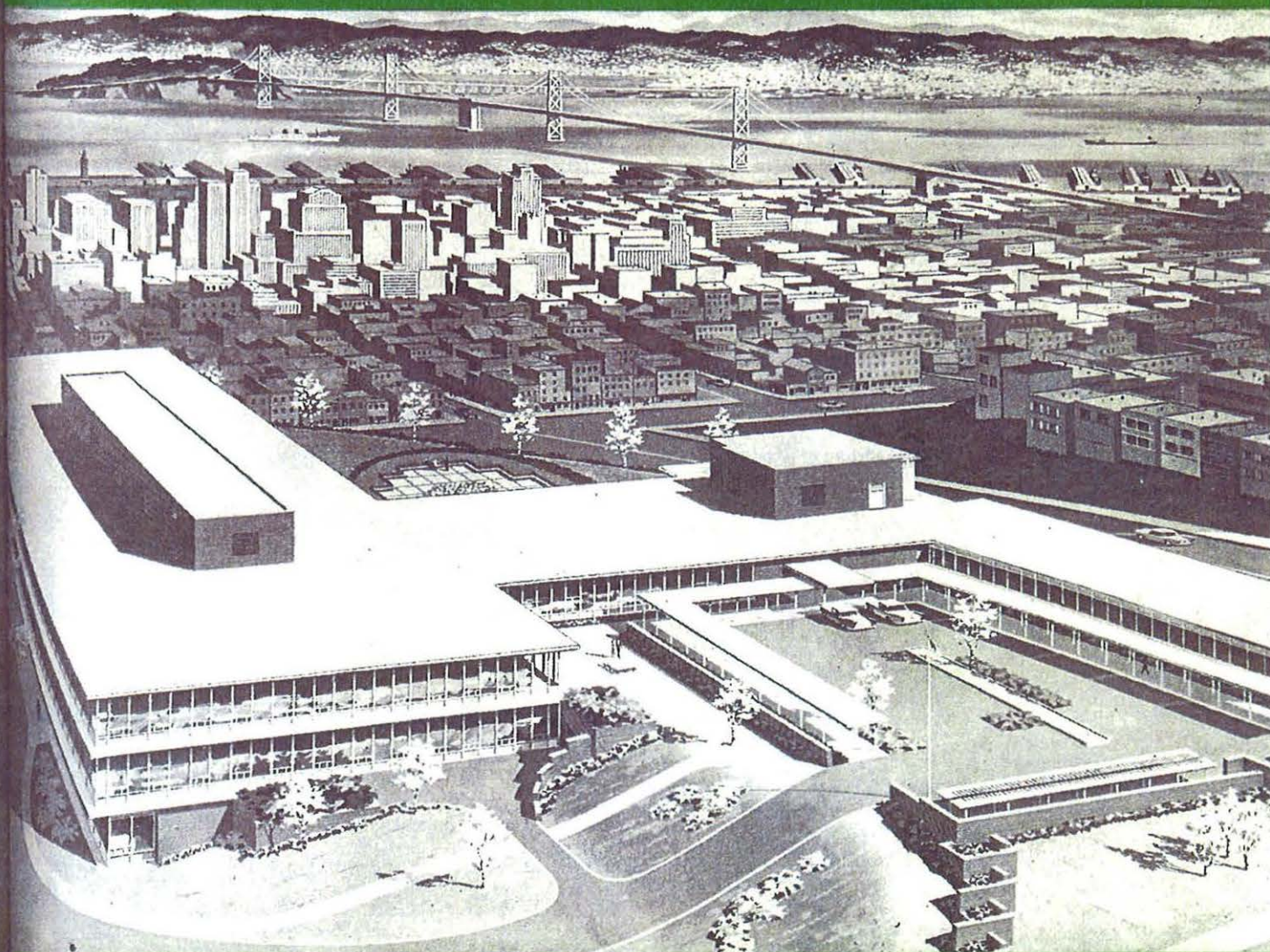
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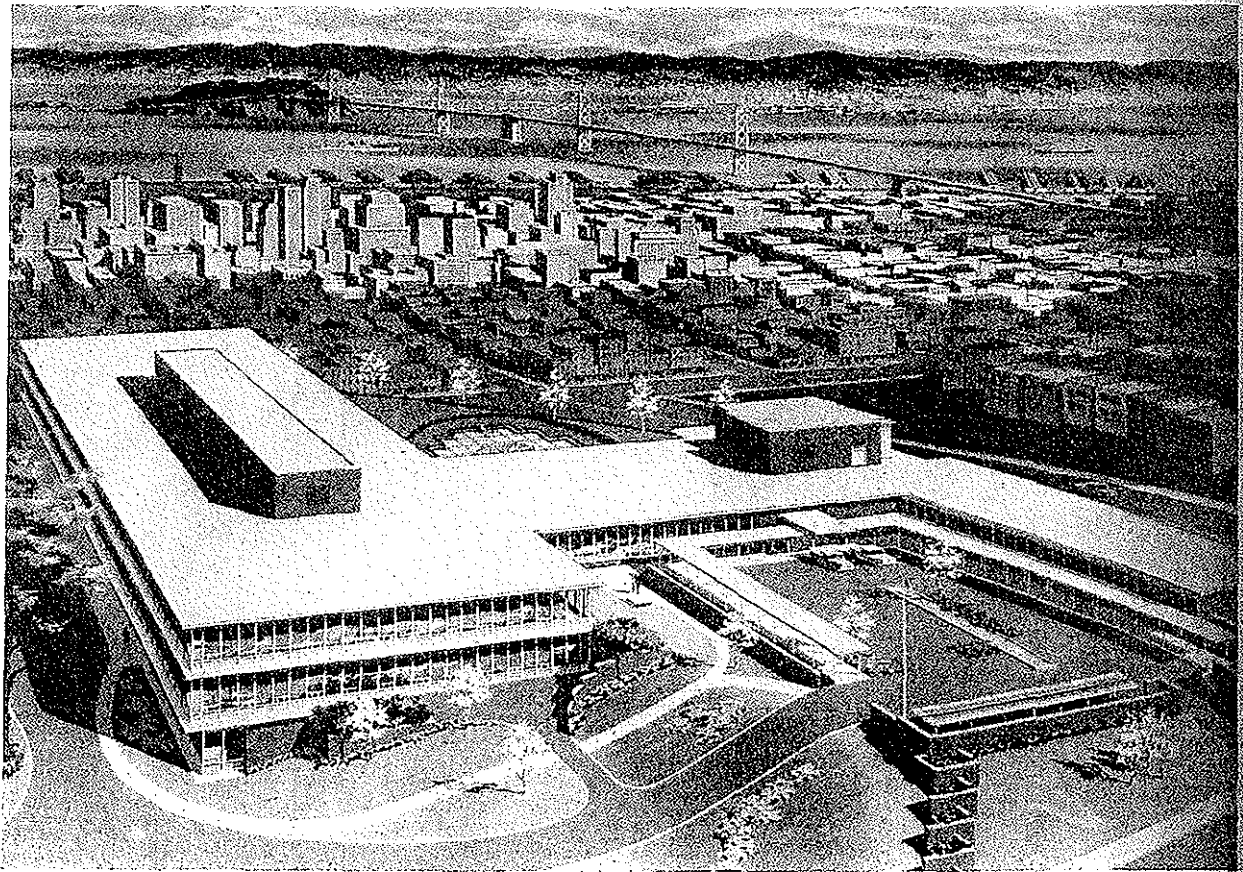
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1957



As builders, we share the pride of the owners in

## Fireman's Fund Home Office!



The design and construction of the Fireman's Fund Home Office building offered important challenges to all who were concerned with making it a reality. To have played a part in finding the answers to these challenges ... to have worked with such able associates to make this dream of a magnificent building come true have been rare privileges!

Architect: Edward B. Page, A.I.A.

Structural Engineers: John J. Gould and Henry J. Degenkolb

Mechanical Engineer: R. Rolleston West

Electrical Engineer: Clyde E. Bentley

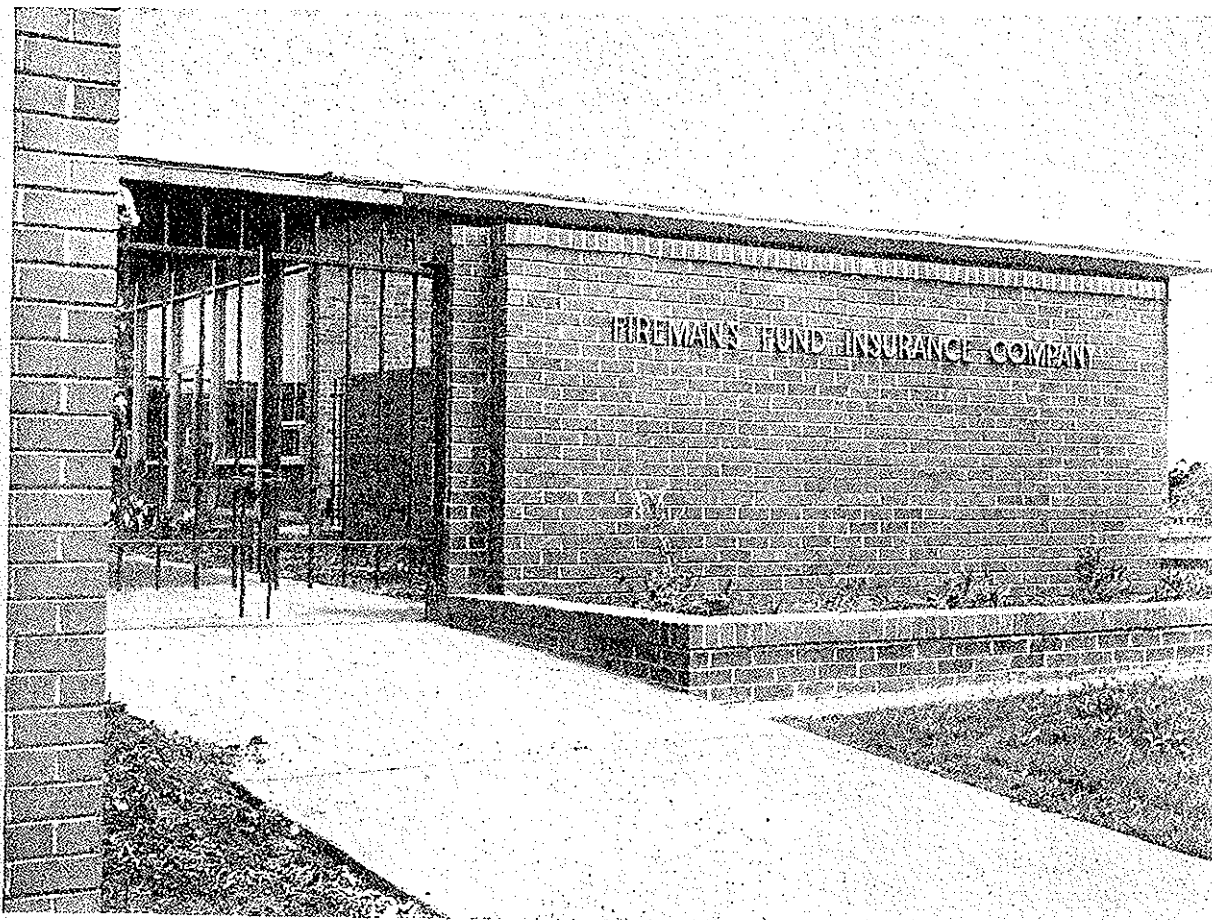
Interior Designer and Consultant: Maurice Sands

Landscape Architects: Eckbo, Royston and Williams

## MacDonald, Young & Nelson, Inc.

GENERAL CONTRACTORS

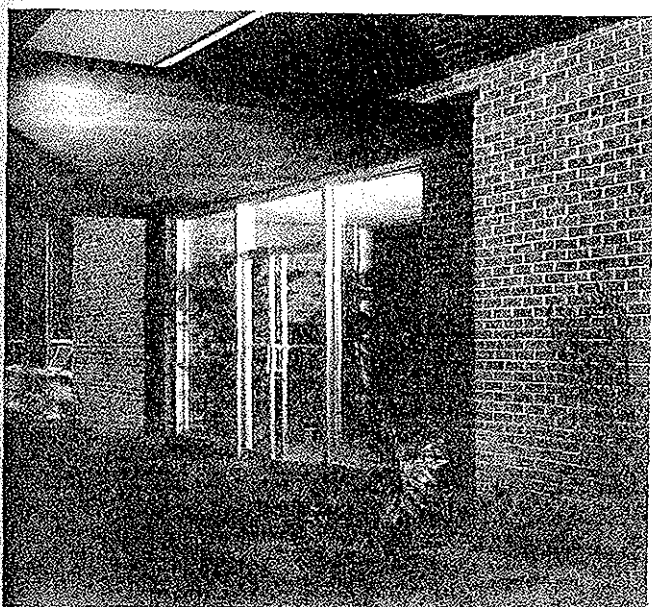
600 California Street, San Francisco



# New Fireman's Fund Building

INCORPORATES MANY CONSTRUCTION INNOVATIONS AND IDEAS

SAN FRANCISCO, CALIFORNIA



Architect: EDWARD B. PAGE, A.I.A.

Structural Engineers: JOHN J. GOULD and  
HENRY J. DEGENKOLB

Mechanical Engineer: R. ROLLESTON WEST

Electrical Engineer: CLYDE E. BENTLEY

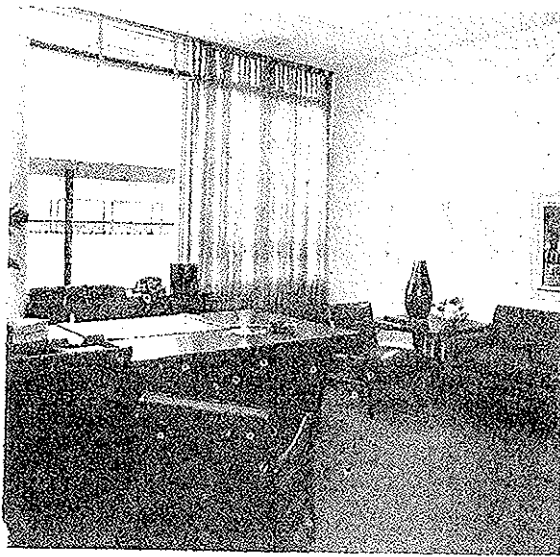
Interior Designer and Consultant:  
MAURIOE SANDS

Landscape Architect: ECKBO, ROYSTROM &  
WILLIAMS

General Contractors:  
MacDONALD, YOUNG & NELSON

ENTRANCE is simple in design, opens onto the large  
court on Laurel Street—250 car parking area adja-  
cent to California Street wing of the building.

## FIREMAN'S FUND BUILDING . . .



**EXECUTIVE OFFICE**

Carpeted in two-tone teak brown, the entire Executive area adjoining Laurel Court is planned around variations of grayed blue-green, lacquer red and gold with neutral chamois-color walls and walnut furnishings.

By **GRAEME K. MacDONALD**, President  
**MacDonald, Young and Nelson, Inc.**  
General Contractors

When the Fireman's Fund Insurance Companies decided to erect a new headquarters, they were determined 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. Such ambitious requirements posed important challenges in the design and construction of the building. The result is that the building incorporates many new techniques and ideas.

One vital requirement was, that the main building should have the largest-possible un-interrupted floor and working area—an important consideration in the operation of a major insurance firm's Home Office. Likewise, particular attention had to be given to providing the greatest amount of daylight and other factors conducive to excellent working conditions for the Home Office staff of nearly 1,000 employees.

As a result of these and other requirements, the

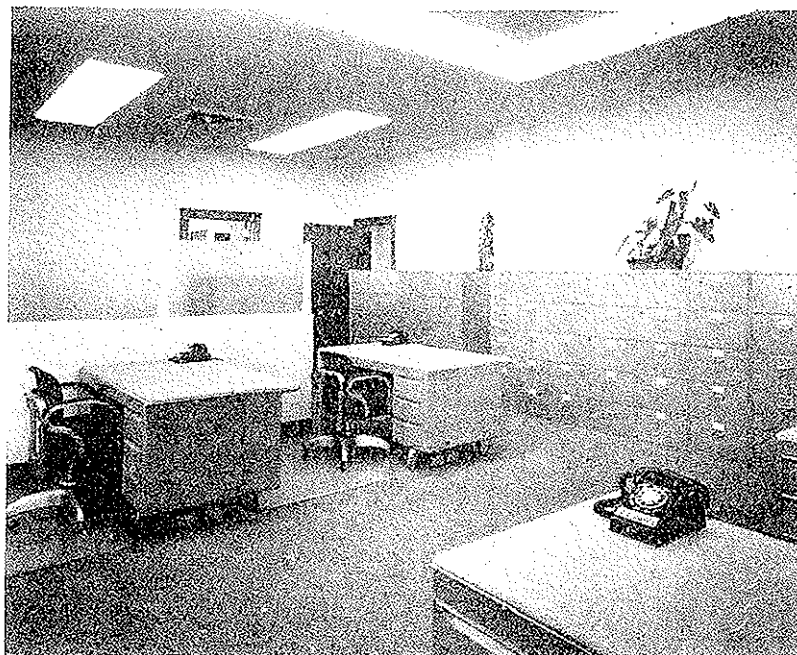
**EXECUTIVE WING** is treated with fissured mineral tile to match the luxuriant appearance of surroundings. Light fixtures and air diffusers are recessed in pattern with the acoustical tile.





## WORK AREA, EXECUTIVE WING

Furniture is finished in warm suede brown accented by bronze gold anodized aluminum trim, features mode-maker style desks and posture chairs.



project's Architects and Engineers evolved a type of cantilevered construction which has been described as a "significant innovation in the commercial building field." This method made it possible to provide a 40-foot span from the core of the building to a series of support columns with an additional 15-foot cantilever to the outside wall of the building, plus a large overhang. This outside wall is actually a "curtain wall" composed entirely of windows, since the weight of the

ceiling is borne by the series of columns.

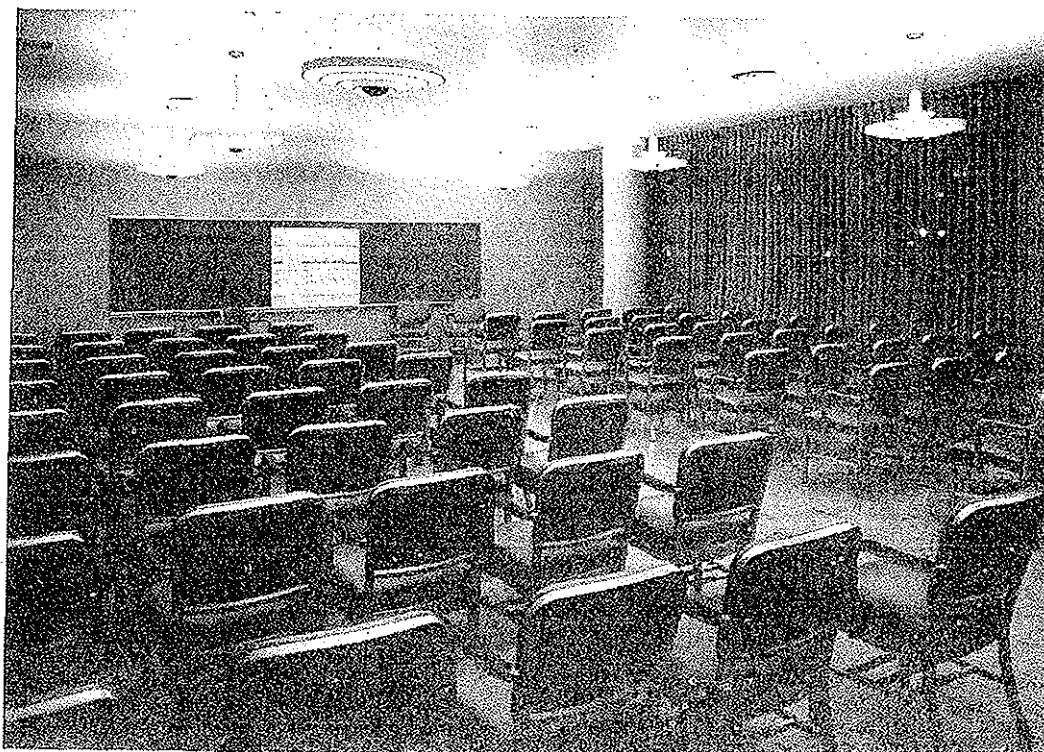
## UNIQUE CONSTRUCTION METHOD USED

Since the maximum utilization of inside space, with the least possible interruption, was regarded as vital, the bearing columns had to have high loading for their size. But, there was a problem: suitable solid steel beams to handle this load were not available as a practical matter. To solve this problem, a method of

## CLASSROOM

One of two such areas, is equipped with sound projection equipment, blackboards and display facilities for use of Educational Department.

Completely air conditioned.



## FIREMAN'S FUND BUILDING . . .



### ACCOUNTING DEPARTMENT

Centered on Terrace Level of California Street wing . . . glare-free light and surrounded by easy on the eyes color scheme.

The core of the building, at which one end of the floor is anchored, takes care of any horizontal load. The concrete core, in a three-level section, was heavily reinforced with 14-inch walls. The girders are of reinforced concrete at 30 foot intervals. The structural framing between the girders is by reinforced concrete joists on 35½ inch centers.

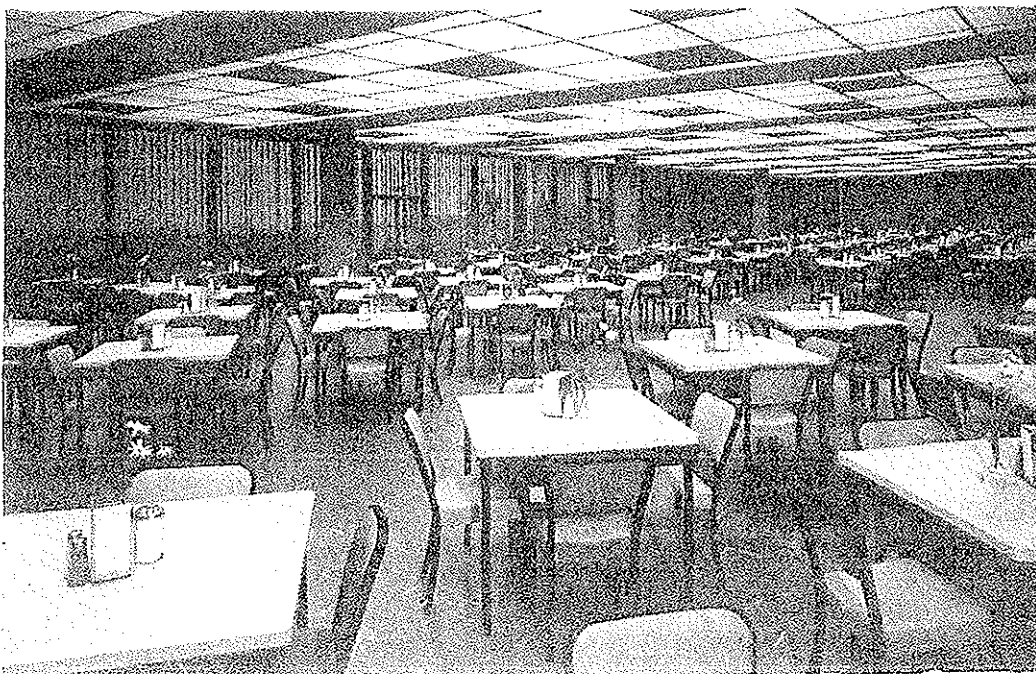
The construction features just described apply to the three-story-high California Street wing of the building which, because it is the largest, is usually referred to as the "main building," but is properly referred to as the "California Avenue Wing." However, the building also has a center section, referred to as the "Laurel Street Wing," and on the South end, the "Euclid Avenue Wing." These two wings are two stories high.

Although these two latter wings are important parts of the entire building, they posed no particular problems from the standpoints of design or construction. Like the rest of the building, these wings are built of reinforced steel and concrete. The entire building has a uniform appearance.

Another structural innovation was the burying of

construction was adopted which is, as far as we know, unique. Instead of solid steel beams, we built up these support columns from laminated steel plates held together by massive high strength bolts, thus achieving the effect of a solid mass of steel measuring eight inches on one side by eight to twelve inches (depending on the requirements for a specific column) on the other.

The net result of this construction method was that it was possible to have the columns' finished dimensions (after the plaster was applied) of no more than 12 inches on one side and from 12 to 20 inches on the other — far smaller than would have been required by conventional methods. The effect in these large room areas is one of extreme lightness and open-ness.



### EMPLOYEES

#### CAFETERIA

Colorful, clean, pleasant cafeteria—aluminum chairs and tables; upholstered chairs in pale yellow plastic and raspberry plastic.

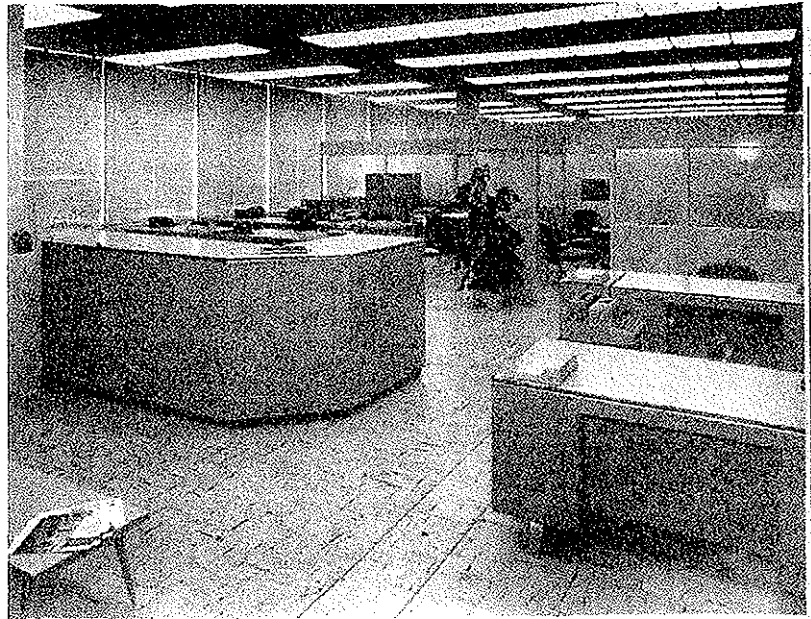


## MODEL AGENCY OFFICE

### Park Level

Semi-permanent display of typical insurance agency office illustrates vividly equipment and furniture installation.

*Photo Courtesy  
General Fireproofing Co.*



Walker Ducts for electrical conduits in  $4\frac{1}{2}$  inch structural concrete floor slab. This differs from ordinary procedure in that normal non-structural concrete fill was eliminated.

### BUILDING EXTERIOR ALL WINDOWS

The exterior of the building is glass with aluminum window casings. Nearly an acre of glass was required

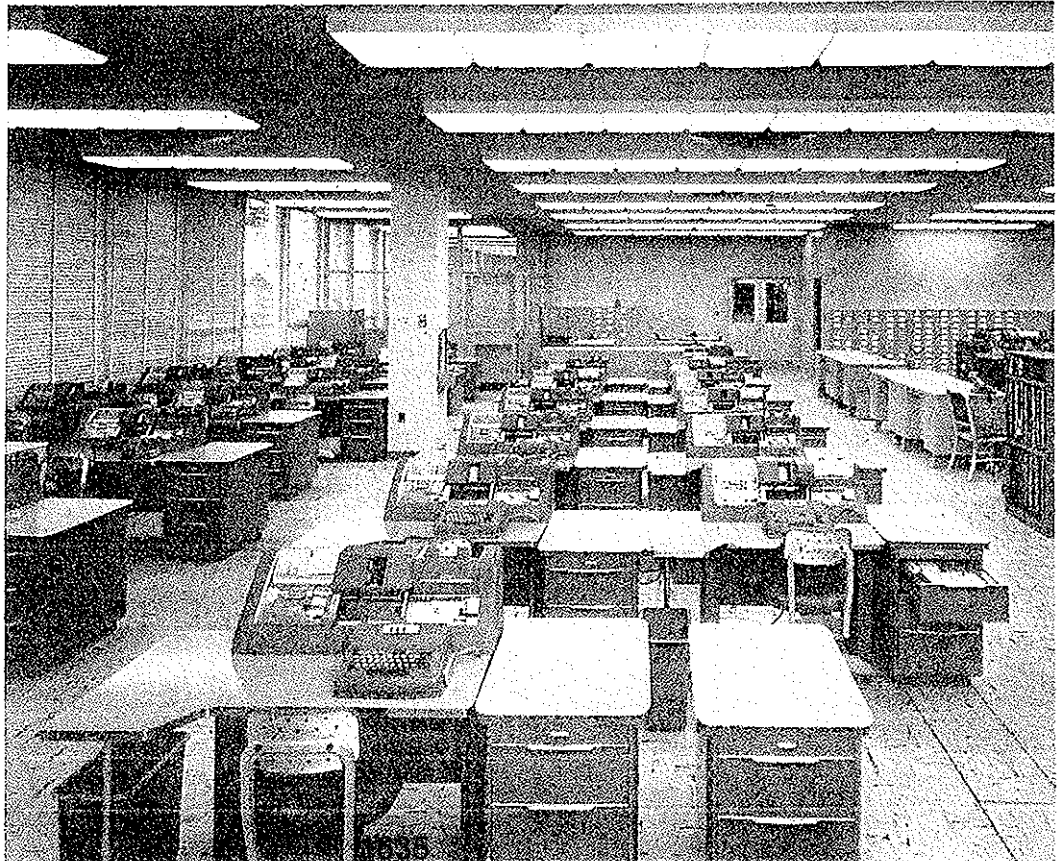
for the floor-to-ceiling exterior of the structure. The spandrels on the lower part of each window are a heat-strengthened glass with ceramic color fused on. As a result, the building has no wood or other surfaces requiring painting. The only exterior upkeep required is washing windows—a job which is facilitated by the wide flat roof overhang which serves as a working platform.

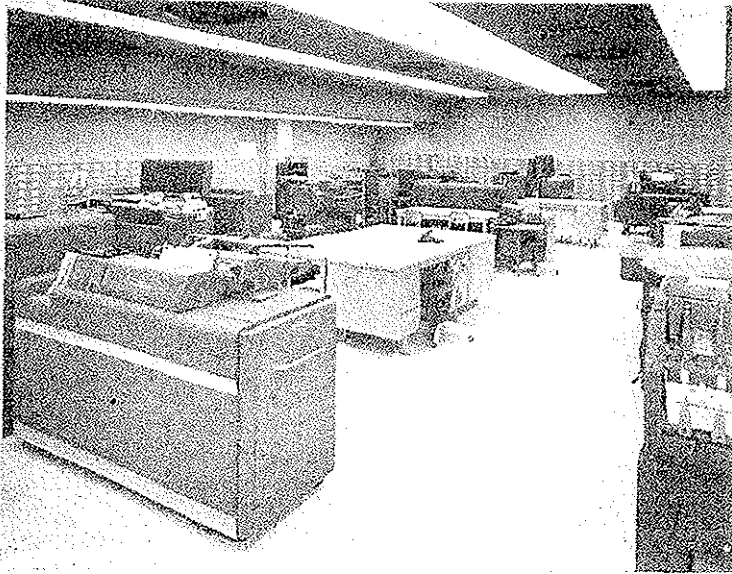
The three-level main portion of the building covers

### PARK LEVEL

Combined overhead lighting and natural daylight at a side of this modern office area offers a perfect combination for automatic machine operators.

*Photo Courtesy  
General Fireproofing Co.*

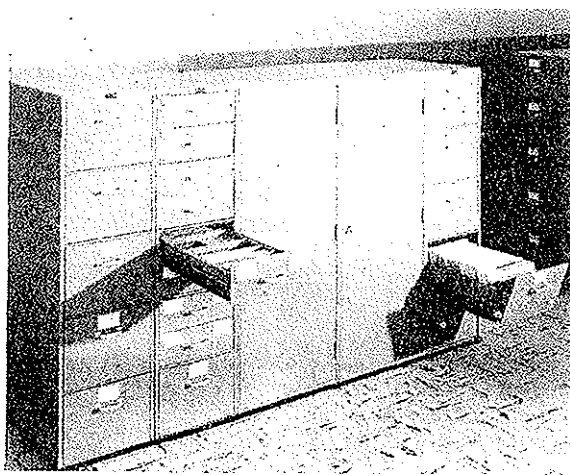




## TABULATION ROOM ON PARK LEVEL

Illustrates portion of automatic tabulating machines which are in constant use . . . room is lined with tabulating card files. Overhead lighting, ventilating and air conditioning.

*Photo Courtesy  
General Fireproofing Co.*



**NEWLY DESIGNED**  
"Point of Service" storage

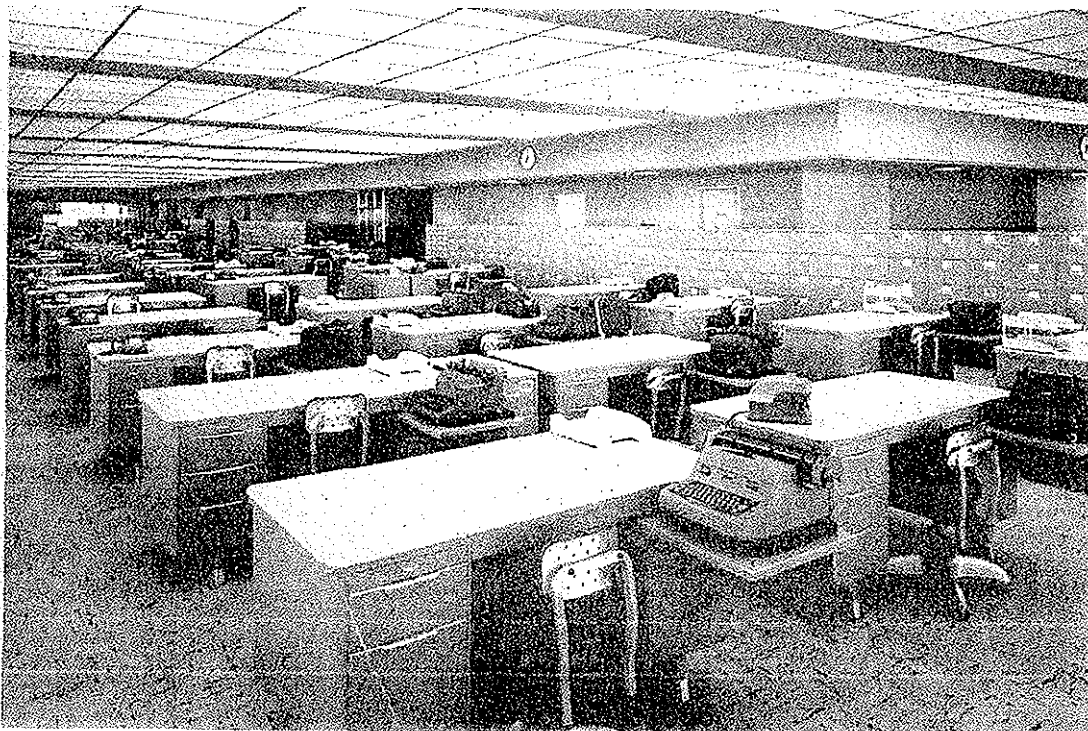
300 by 144 feet—the size of a football field. It is laid out in such a way that most employees are within 40 feet of an outside window.

The entire building provides 195,000 square feet. It has been estimated that, if the building were on an average 100 foot square downtown lot, it would have to be 20 stories high and would have cost another million dollars to build.

The building has been planned for an expansion factor of 30 per cent. Future needs will be satisfied by adding a complete floor above the present floors, or by adding wings.

## BUILDING TAKES SMALL PART OF LAND AREA

Actually, the building takes only a minor fraction of



## COURT LEVEL

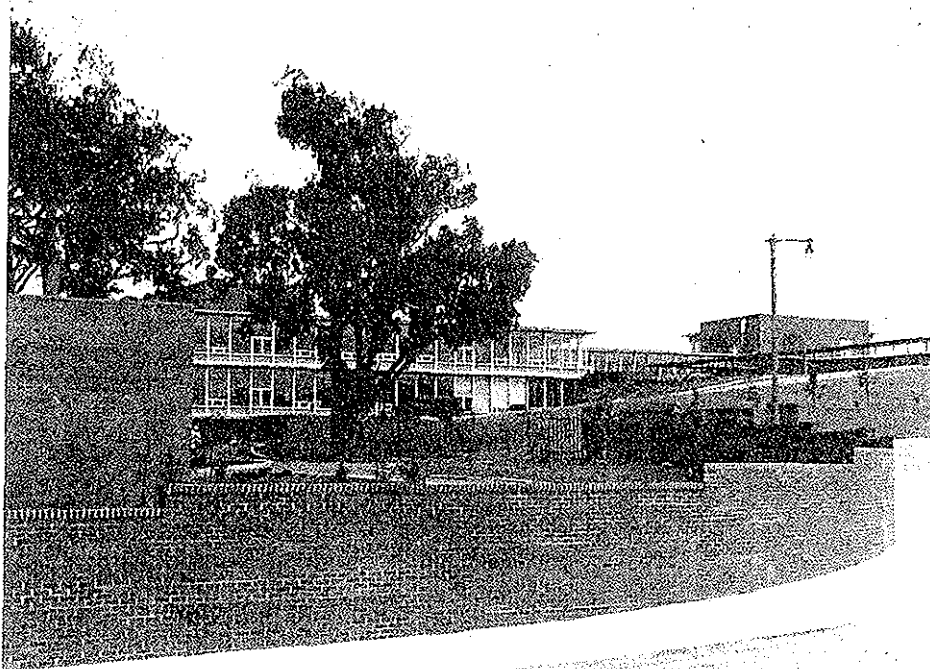
Illustrates the spaciousness of the general office area in direct lighting together with the modern office equipment and file system contribute to comfort of employees.

*Photo Courtesy  
General Fire Proofing Co.*

## POPULAR BRICK

Some 500,000 bricks were used in the grouted brick masonry wall and building trim.

*Photo Courtesy  
United Materials and  
Richmond Brick Co.*



the property's 10.2 acres. 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.

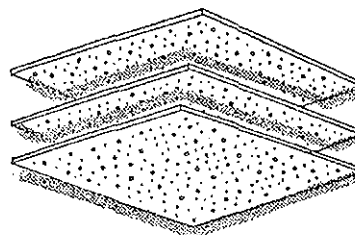
The entire building is completely air-conditioned,



BRICK MASONS doing their part in constructing this modern building.

*Photo Courtesy, George W. Reed & Co.*

It has been our pleasure to install the acoustical portion for MacDonald, Young & Nelson in Fireman's Fund Insurance Co.'s new home office bldg.



## A GOOD INVESTMENT

A wise investment today for new or remodeled interiors is a modern noise quieting ceiling. An even wiser investment is to choose specialists who are experienced in all types of acoustical treatment.

Call or write any of the L. D. Reeder Company branch offices the next time you specify acoustical treatment. Most architects and builders do.

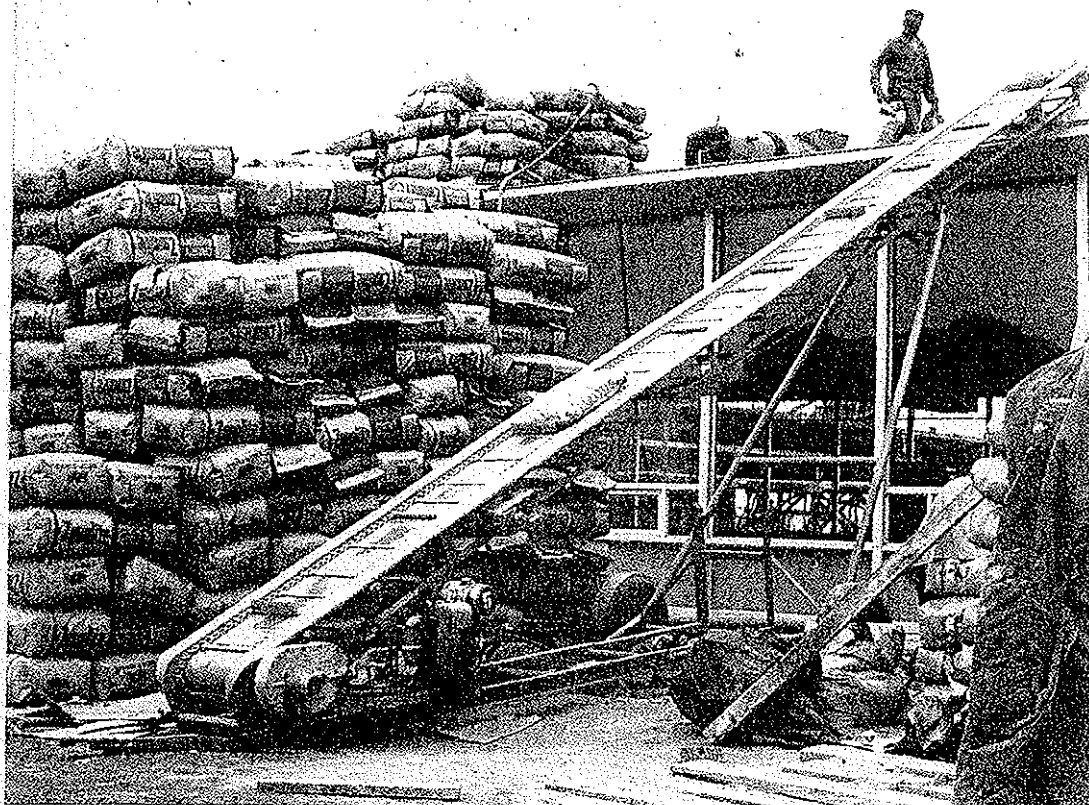
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PORTLAND—1732 S.W. Harbor Drive .....CA 2-1049





## ROOF FILL

Preparation of final roof construction included a large quantity of a soft concrete roof fill.

*Photo Courtesy  
Fraser-Edwards Co.*

and the indoor climate is controlled by two boilers and two large cooling units. A low-level, high fidelity sound system has been installed for music and occasional special announcements. Nearly 600 speakers are set above the louvered metal "ceiling."

In the core of the California Street Wing, there are three fully automatic elevators. The Euclid Avenue Wing has one hydraulic elevator.

A few figures indicate the size of the new Fireman's Fund headquarters. The equivalent of 50 freight car loads of steel—1,500 tons—were used. A total of 70 miles of copper were needed to bring power for lights and equipment to every corner of the building.

The new furniture for the building filled 45 freight cars when it was shipped by the manufacturer. More than 500,000 bricks went into the grouted brick masonry wall and building trim.

## ALL-AROUND CO-OPERATION RESULTED IN A SMOOTH, SWIFT PROJECT

Ground was broken on the project in August, 1955. The building was completed in early June and occupied on June 17, 1957.

It would be difficult to imagine a construction project which, as a practical matter, could have gone

Lightweight Concrete Roof Fills  
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Steel and Aluminum Siding

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Wire Cut Brick	Repressed Paving Brick
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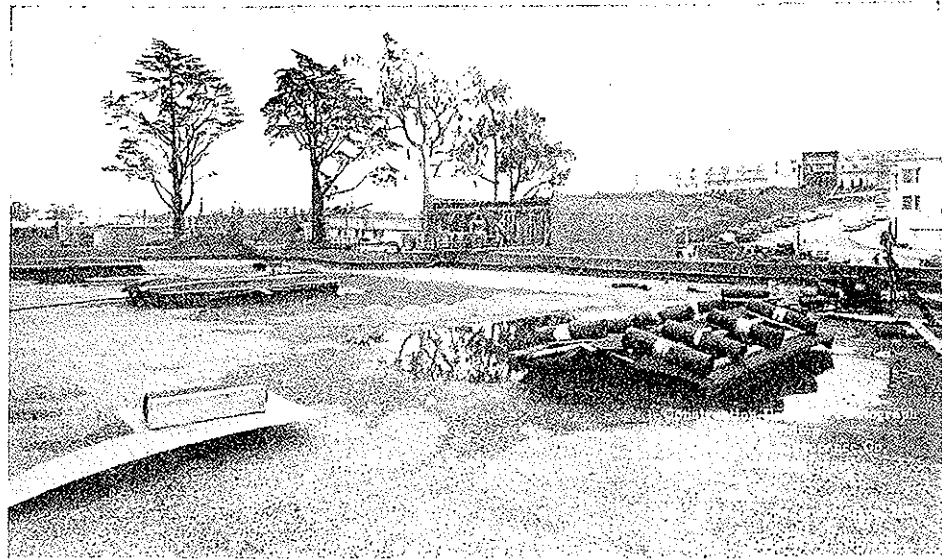
Established 1907

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## ROOF

Is completely  
damp and water  
proofed, with  
tar paper and gravel  
finish.

*Photo Courtesy  
Regal Roofing Co.*



more smoothly, and with more pleasant relationships all around, than the Fireman's Fund Headquarters Building. The outside success of the building and the notable innovations in its structure, were the result of an "all hands" effort. Obviously, it was a pleasure to work with, and for, the management personnel of Fireman's Fund. It was a particular privilege, also, to be associated with such people and firms as:

Edward B. Page, A.I.A., the Architect  
John J. Gould and Henry J. Degenkolb,  
Structural Engineers  
R. Rolleston West, Mechanical Engineer  
Clyde E. Bentley, Electrical Engineer  
Maurice Sands, Interior Designer and  
Consultant  
Eckbo, Royston and Williams,  
Landscape Architects

*It has been a pleasure working with*  
**MacDONALD, YOUNG & NELSON**  
*General Contractor*  
on the new Fireman's Fund Bldg.

Roofing, Waterproofing  
and Dampproofing by

**REGAL ROOFING CO.**  
930 Innes Ave., San Francisco      VAlencia 4-3261

And, last but not least, I would like to give credit, also, to all the personnel of MacDonald, Young and Nelson, who, from top to bottom, played important roles in doing a fine job in which we all take immense pride!

*It has been a pleasure  
working with*

**MAC DONALD, YOUNG & NELSON**

GENERAL CONTRACTORS

*on the new*

**FIREMAN'S FUND  
INSURANCE BUILDING**

■ ■ ■

**GEORGE W. REED & CO.**

*Masonry Contractor*

1390 SOUTH VAN NESS AVENUE

San Francisco

ATwater 2-1226

## **EXHIBIT H**





**3333 CALIFORNIA STREET** SAN FRANCISCO, CA

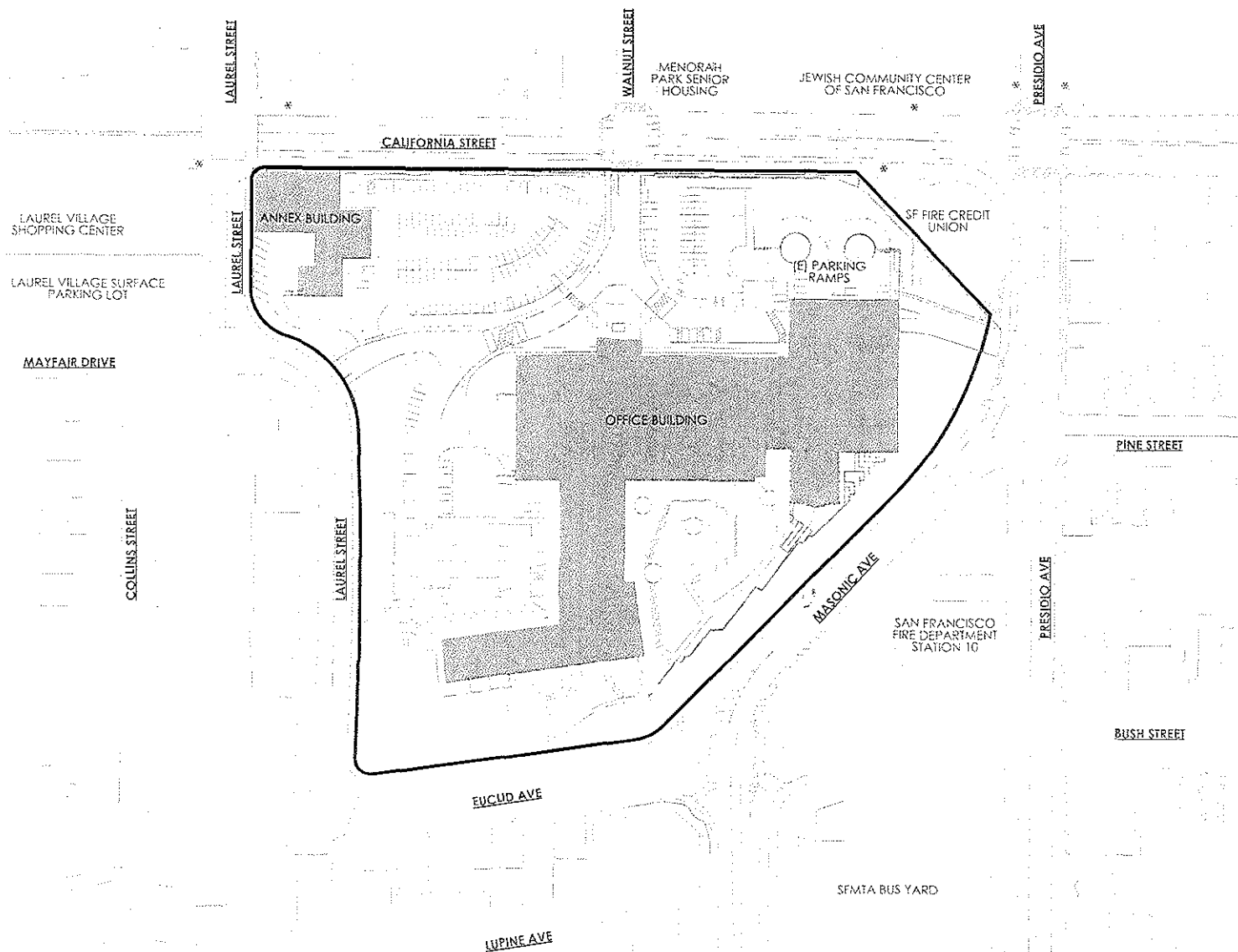
**LANDSCAPE SITE PLAN**



07.03.2019  
PLANNING APPLICATION SUBMITTAL



**VAR.04**



\* DENOTES (E) BUS STOP

**3333 CALIFORNIA STREET** SAN FRANCISCO, CA



SKS

JAMES  
CORNER  
FIELD  
OPERATIONS

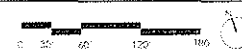
LA

ARUP BAR architects

JENSEN



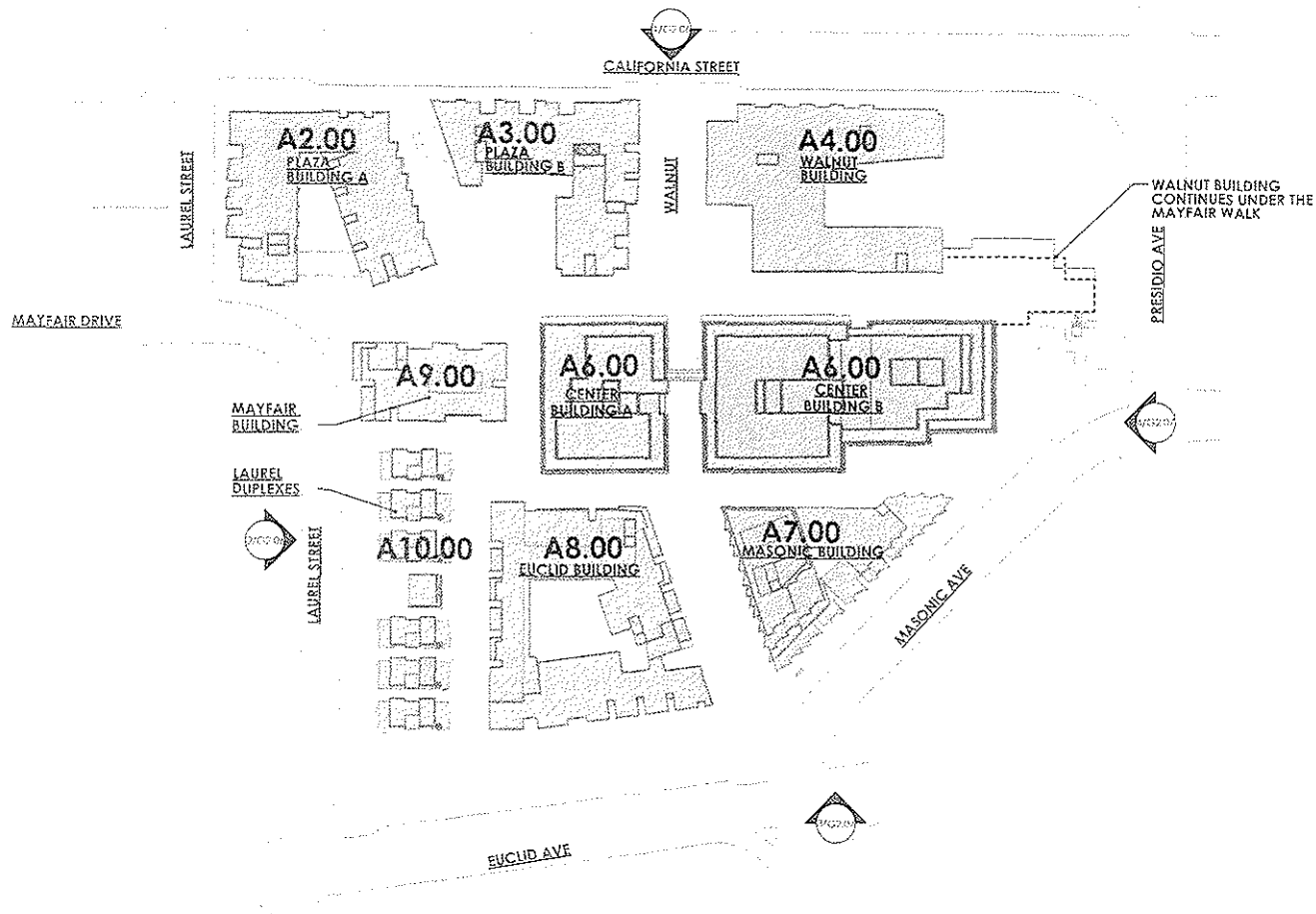
07.03.2019  
PLANNING APPLICATION RESUBMITTAL



SITE PLAN - EXISTING

G1.04





FOLLOWING THE PPA SUBMITTAL THE "PRESIDIO BUILDING" WAS REMOVED FROM THE PROJECT - A5 SERIES IS OMITTED FROM DRAWING SET.

3333 CALIFORNIA STREET SAN FRANCISCO, CA



07.03.2019  
PLANNING APPLICATION RESUBMITTAL

KEYING SITE PLAN - PROPOSED



G1.05

**Petree A. Powell, MCP, JD**  
**13416 Greenwood Court**  
**Sainte Genevieve, MO 63670**  
**314.283-3599**  
**[petreepowell@gmail.com](mailto:petreepowell@gmail.com)**

November 6, 2019  
3333 California Street  
San Francisco, California

## **Use of Secretary of Interior's Standards as Mitigation for Significant Impacts**

### **INTRODUCTION**

This report evaluates the feasibility of use of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*, Weeks & Grimmer (1995) (Secretary's Standards) as design Guidelines to mitigate adverse impacts of the proposed Project and proposed Project Variant for 3333 California Street (collectively "Proposed Project," unless otherwise indicated). (Ex. A, excerpts, Secretary's Standards and Guidelines) The site is recognized as a masterpiece of modern architecture artistically designed with a landscape that is integrated with building forms to create a seamless connection between indoor and outdoor spaces.

The Fireman's Fund Insurance Company Home Office located at 3333 California Street is listed as a historic resource in the California Register of Historical Resources. (Ex. C) The California Environmental Quality Act, Public Resources Code sections 21000 *et seq.* (CEQA) provides protection for historic resources listed in the California Register of Historical Resources and deems a project that may cause a substantial adverse change in the significance of a listed historical resource "a project that may have a significant impact on the environment."

CEQA specifically identifies the historical design Guidelines set forth in the Secretary's Standards as the methods for mitigating impacts upon a historic resource. 14 Cal.Code Regs. section 15126.4(b)(1) and (2). The Secretary's Standards contain both general standards and very specific design Guidelines that provide very detailed instructions on methods that will mitigate impacts. However, the EIR for the Proposed Project failed to discuss use of the Secretary's Standards as measures to mitigate the Project's impacts upon the historic resource, and thus failed to provide the information required to be set forth in an EIR that would have been highly important to the decisionmaker and the public.

Pursuant to Public Resources Code section 21002.1(a), the purpose of an environmental impact report (EIR) is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. The Legislative mandate for mitigation or avoidance of significant effects on the environment where feasible is set forth in Public Resources Code section 21002.1 (b), as follows:

Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.

The informational failure of the EIR violated fundamental CEQA requirements that an EIR “shall describe feasible measures which could minimize significant adverse impacts.” 14 Cal. Code Regs. sections 15126.4(a)(1), 15121(a); Public Resources Code sections 21002.1(a), 21100(b)(3).

Moreover, the failure to discuss the mitigation that could be provided by application of the Secretary’s Standards violated the special CEQA rule applicable to historical resources that makes it mandatory for the lead agency to identify potentially feasible mitigation measures:

A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. 14 Cal.Code Regs. section 15064.5(b)(4).

The Draft EIR states that the developer’s Proposed Project would cause a substantial adverse change in the significance of the historical resource at the property, so it was certainly mandatory that the EIR analyze potential measures that could mitigate the physical impacts upon the historic resource that the Project would cause, and the failure of the EIR to do so violated CEQA. (FEIR 4.B.41) Where the failure to comply with CEQA “results in a subversion of the purposes of CEQA by omitting information from the environmental review process, the error is prejudicial.” *Rural Landowners Association v. Lodi City Council* (1983) 143 Cal.App.3d 1013, 1023. Here, the decisionmaker and public were not informed of State-sanctioned Guidelines that specified methods that would mitigate adverse impacts.

This analysis will discuss specific design Guidelines set forth in the Secretary’s Standards that can reduce adverse impacts to character-defining features of the historic resource located at 3333 California Street. A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely. 14 Cal.Code Regs. section 15370(b); Public Resources Code sections 21002.1(a), 21081(a)(1), 21100(b)(3).

The Draft EIR failed to discuss use of these Guidelines as mitigation measures to reduce adverse impacts of the Proposed Project on one of more character-defining characteristics of the resource. (Ex. B, DEIR 4.B. 46-48) The Draft EIR merely discussed mitigation measures consisting of documentation of the resource by photographs and other means, which do not reduce actual physical impacts on character-defining features of the resource. (DEIR 4.B.46-48)

CEQA requires analysis of both mitigation measures and alternatives. Alternatives provide less flexibility to the decisionmaker because they present fixed configurations of alternative site plans. (DEIR 6.1-6.218) However, use of the Secretary’s Standards and Guidelines provides a full collection of measures that can be used to mitigate significant effects on character-defining features of a historic resource whenever feasible. A full mitigation measure compilation also provides information that is important to members of the public in formulating modifications that can be requested to reduce impacts on a historical resource. Despite the fact that CEQA requires

analysis of both mitigation measures and alternatives, the EIR for 3333 California Street only evaluated alternatives that could reduce some physical effects of the Proposed Project.

## METHODOLOGY

I reviewed the project description, mitigation section, and alternatives discussion of the Draft EIR, pertinent excerpts of the architectural plans for the Proposed Project and the Secretary of the Interior's Standards Compliancy Evaluation for 3333 California Street prepared by TreanorHL, October 2, 2019. I also reviewed the Preservation Alternative – Feasibility Evaluations for 3333 California Street prepared by TreanorHL, August 20, 2019. In addition, I reviewed the nomination of the site for listing on the National Register, which was approved by the State Historical Resources Commission.

## FEASIBILITY SUMMARY

The CEQA Guidelines specify that project modifications which conform with the Secretary's Standards are means to reduce or eliminate significant impacts on the historic resource, as follows:

- (1) Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.
- (2) In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur. (14 Cal.Code Regs. section 15126.4(b)(1) and (2))

With respect to the Proposed Project, the EIR admits that documentation would be inadequate to reduce the adverse impact on the resource to a less than significant level. (FEIR 4.B.41, 4.B.45-47) It should be noted that destruction of a historic resource is irreversible. Likewise if a historic resource loses its essential character-defining features, the resource is destroyed and such destruction cannot be reversed. It is the nature of resource. Historic resources are placed on the national, state and/or local registers because they have some unique affiliation with time, whether it be its architecture, its architect, its engineer, its landscape design, its landscape architect or affiliation with a historic event or person. Not all old structures and sites are nationally, regionally or locally considered worthy of inclusion on a historic register. There must be some feature, some connection to a building style, some uniqueness to the place, building and/or site, or some connection to a person or event in history. If one would tear down the house where Abraham Lincoln wrote the Gettysburg address, it could not be rebuilt and say to the

world, this is where Abraham Lincoln wrote the Gettysburg address. The historic place is simply gone and we are the lesser for it.

The same is true when you strip a historic resource of its essence, even if some hints remain. Here the Proposed Project strips the historic resource of its essential and character-defining features, namely the horizontality of the Office Building, the Terrace, and the landscaping (both hard and soft) from Presidio, Masonic, Euclid to Laurel. Demolishing half the structure that seamlessly blends into the slope of the hill, removing the unique garden Terrace and replacing it with a triangular shaped monolithic structure, and removing the hard and soft landscaping that melds the building into the hillside minimizing the impact to the surrounding homes, is in fact a complete destruction of the essence of the historic resource itself. This is precisely why CEQA prescribes the Secretary of Interior's Standards and Guidelines to mitigate a project's impact on a historic resource's character-defining features.

The requirement that an EIR present information as to feasible mitigation measures and alternatives implements fundamental legislative policies:

The Legislature finds and declares 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, and that the procedures required by this division are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives *or* feasible mitigation measures which will avoid or substantially lessen such significant effects. (Public Resources Code § 21002, emphasis added)

Identification of mitigation measures and alternatives is a fundamental purpose of an EIR:

In order to achieve the objectives set forth in Section 21002, the Legislature hereby finds and declares that the following policy shall apply to the use of environmental impact reports prepared pursuant to this division: (a) The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. (b) Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so. (Public Resources Code § 21002.1)

Mitigation measures and alternatives are to be discussed in separate sections of the EIR:

- (a) All lead agencies shall prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project which they propose to carry out or approve that may have a significant effect on the environment. Whenever feasible, a standard format shall be used for environmental impact reports.
- (b) The environmental impact report shall include a detailed statement setting forth all of the following: (1) All significant effects on the environment of the proposed project. (2) In a separate section: (A) Any significant effect on the environment that

cannot be avoided if the project is implemented. (B) Any significant effect on the environment that would be irreversible if the project is implemented. (3) Mitigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy. (4) Alternatives to the proposed project. (5) The growth-inducing impact of the proposed project. (Public Resources Code § 21100; 14 Cal. Code Regs. § 15126( e) and (f))

The CEQA Guidelines also require that the EIR distinguish between the mitigation measures proposed to be included in the Proposed Project and other measures which are not included but could reasonably be expected to reduce adverse impacts:

15126.4 CONSIDERATION AND DISCUSSION OF MITIGATION MEASURES PROPOSED TO MINIMIZE SIGNIFICANT EFFECTS. (a) Mitigation Measures in General. (1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy. (A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR. (B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures shall not be deferred until some future time. (14 Cal. Code Regs. § 15126.4)

A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely. (14 Cal.Code Regs. section 15370(b, defining mitigation as including “[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation.)

Use of one or more of the Secretary’s Standards as design Guidelines would substantially reduce adverse impacts of the Proposed Project on various character-defining features of the 3333 California Street historical resource. The Rehabilitation Standards acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building’s historic character. (Ex. A, Secretary’s Standards, p. 2) However, the Draft EIR failed to evaluate use of any of the design Guidelines set forth in the Secretary’s Standards as mitigation measures which could reduce or avoid adverse physical effects of the Proposed Project on one or more of the character-defining features of the listed historical resource. (Ex. B, DEIR 4.B.45-4.B.47)

It is feasible to design aspects of the Proposed Project according to the Secretary’s Standards in part because a substantial portion of new construction can be located in the place of parking lots along California Street, where height limits can be increased.. The developer’s design proposes to increase heights in those areas. Also, a new Mayfair building could be constructed, as proposed in the developer’s plans. In addition, the main building can be converted to residential

use while retaining the character-defining characteristics of the building and site, rather than being divided in two and expanded vertically, as proposed by the developer. These factors plus the size of the site provide latitude to achieve the same amount of housing units as the Proposed 744-unit Project. In the Proposed Project, the Laurel duplexes would be two stories higher than the homes across Laurel Street, but the new Plaza A and Plaza B building zoning changes would extend existing height limits by only five feet. The heights of the Plaza A and Plaza B buildings along California Street could be increased by more than 5 feet without having a greater impact upon neighborhood compatibility than the Project's Laurel duplexes would have on the homes across Laurel Street.

Also, the California Historical Building Code provides flexibility with respect to any compliance issues, as it requires agencies to accept solutions to code compliance issues that are reasonably equivalent to regular code when dealing with qualified historical properties such as 3333 California Street. (Title 24 Cal. Code Regs. Part 8, section 8-102.1)

## DESCRIPTION OF CHARACTER-DEFINING FEATURES OF HISTORIC RESOURCE

The Fireman's Fund Insurance Company Home Office is a 10.2-acre property in a 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 entity is the historic resource. And while it should be viewed as one entity, it is true that some portions of the resource are less important than others, such as the service building, parking lots and circular garage ramps.

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. (Ex. C, Nomination, section 7, pp. 4-5) The Office Building is a glass curtain-walled structure with an open 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. (Ex. C, section 7, Nomination p. 5) The Proposed Project would eliminate the essential and most important character-defining features that largely make up the importance of the historic entity.

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. (Ex. C, section 7, Nomination pp. 7-11)

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. On the south side of the Executive/Visitor Gate, the perimeter wall is transformed into low retaining 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). (Ex. C, Nomination, section 7, p. 11)

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. (Ex. C, Nomination, section 7, p. 12)

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 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. (Ex. C, Nomination, section 7, p. 12)

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. (Ex. C, Nomination, section 7, p. 12)

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. (Ex. C, Nomination, section 7, p. 13)

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 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 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. (Ex. C, Nomination, section 7, p. 13) The Proposed Project would entirely eliminate this key character-defining feature and



substitute it with a walkway which would be shaded during virtually the entirety of the day and act as a wind tunnel to pedestrians. Such a miserable substitute comes nowhere close to the current configuration and mature landscaping of the Terrace.

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 sub-level three of the Garage. (Ex. C, Nomination, section 7, p. 14)

Among the **CHARACTER DEFINING FEATURES** identified in the Nomination are the following:

#### **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
- Horizontal bands of nearly identical window units
- Uninterrupted glass walls
- Window units of aluminum and glass
- Wrought iron deck railings that match gates in the landscape
- Brick accents and trim

#### **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.

- 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 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. (Ex. C, Nomination, section 7, pp. 18-20)

The Fireman's Fund Home Office is also 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. It represents the postwar boom in San Francisco's insurance industry when 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. (Ex. C, Nomination, section 8, p. 23)

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. (Ex. C., Nomination, section 8, p. 23)

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. (Ex. C, Nomination, section 8, p. 23)

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. (Ex. C, Nomination, section 8, p. 23)

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. 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. (Ex. C, Nomination, section 8, pp. 29, 32)

The prominent French journal, *Architecture d'aujourd'hui*, devoted two pages to 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 forty-three buildings in sixteen countries on three continents. 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. (*Ibid.* and Ex. D)

Garrett Eckbo 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 his book *Urban Landscape Design*. (Ex. E and Ex. C, Nomination, section 8, pp. 29, 32) Eckbo explained the theory behind this modernistic design:

The single building on a site larger than its ground floor area has been the typical concentration of modern architecture and landscape thinking...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...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. (Ex. E, p. 45)

The April 1956 edition of *Architect and Engineer*, noted that "[t]he horizontal country-type structure will be unique among the typically vertical office buildings in San Francisco to conform to the lines of the surrounding area, which is predominantly residential;" the structure, which will overlook San Francisco, has been designed to relate to its park-like setting." (Ex. F, p. 12) 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.” (Ex. G, p. 17)

## ANALYSIS OF USE OF SECRETARY’S STANDARDS AS MITIGATION FOR SIGNIFICANT IMPACTS ON VARIOUS CHARACTER-DEFINING FEATURES

The Secretary’s Standards are listed below. (See also, DEIR 4.B.32) The Standards are shown in *italics*, the Secretary’s RECOMMENDED Guidelines are highlighted in **bold** print, and actions NOT RECOMMENDED by the Secretary are stated in *underlined italics*, with analysis of how the Secretary’s Standard or recommended Guideline can be used to mitigate adverse impacts which the Proposed Project would cause to various character-defining features of the resource.

Standard #1 is discussed at pages 11-19, Standard #2 at page 19, Standard #4 at page 20, Standard #5 at pages 20, Standard #6 at page 21, Standard #9 at pages 21, and Standard #10 at pages 21-22.

### *Standard #1*

- 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.*

The accompanying Secretary’s design Guidelines seek to avoid negative impacts to a historic building, its site and setting and recommend:

***Identifying, retaining, and preserving features of the building site that are important in defining its overall historic character. Site features may include walls, fences, or steps; circulation systems, such as walks, paths or roads; vegetation, such as trees, shrubs, grass, orchards, hedges, windbreaks, or gardens; landforms, such as hills terracing, or berms; furnishings and fixtures, such as light posts or benches,; decorative elements, such as sculpture, statuary, or monuments; water features, including fountains, streams, pools, lakes, or irrigation ditches; and subsurface archeological resources, other cultural or religious features, or burial grounds which are also important to the site.*** (Ex. A, p. 137)

The Secretary’s Guidelines do not recommend:

*NOT RECOMMENDED: Removing or substantially changing buildings and their features or site features which are important in defining the overall historic character of the property so that, as a result, the character is diminished.* (Ex. A. p. 137)

The Guidelines further recommend:

**Retaining the historic relationship between buildings and the landscape...Minimizing disturbance of the terrain around buildings or elsewhere on**

the site, thereby reducing the possibility of destroying or damaging important landscape features, archeological resources, other cultural or religious features, or burial grounds. (Ex. A, p. 138)

***Identifying, retaining, and preserving building and landscape features that are important in defining the overall historic character of the setting. Such features can include circulation systems, such as roads and streets; furnishings and fixtures, such as light posts or benches; vegetation, gardens and yards; adjacent open space, such as fields, parks, commons, or woodlands; and important views or visual relationships.*** (Ex. A, p. 143)

The Secretary's Guidelines do not recommend:

*NOT RECOMMENDED: Removing or relocating buildings or landscape features, thereby destroying the historic relationship between buildings and the landscape.*

*Changing the grade level of the site if it diminishes its historic character. For example, lowering the grade adjacent to a building to maximize use of a basement, which would change the historic appearance of the building and its relation to the site.* (Ex. A, p. 138)

*Using heavy machinery or equipment in areas where it may disturb or damage important landscape features, archeological resources, other cultural or religious features, or burial grounds.* (Ex. A, p. 138)

*Removing or substantially changing those building and landscape features in the setting which are important in defining the historic character so that, as a result, the character is diminished.* (Ex. A., p. 143)

Focusing new development with increased heights along California Street would allow the character-defining features of the resource located in the southern portion of the site to remain free of development. Such mitigation is exactly what the experts at the Architectural Review Committee of the San Francisco Historic Preservation Commission suggested when reviewing a "set of alternatives" prepared by the City, as follows:

Additional height on new buildings along California Street could be added without a substantial effect on the character-defining features of the site because these features are not as discernible from vantage points along California Street. DEIR 6.7.

In reviewing the alternatives presented to them by Planning Department staff, the Architectural Review Committee recommended revisions to the alternatives including the following:

- Limit changes to the existing building (including additions) but explore conversion of office use to residential use to better meet one of the basic project objectives.

- Preserve character-defining site and landscape features that provide the site with its historically open corporate campus feel with greater development focus on the northern portion of the site to allow the southern portion of the site to remain free of development.
- Balance the retention of the character-defining features of the building and those of the site and designed landscape with emphasis on the retention of views of the southern portion of the site to better convey the integral relationship between the character-defining features of the building, the site, and the designated landscape.
- Preserve views of the site that best exemplify the integration of the character-defining features of the existing building and those of the site and designed landscape such as the building's stepped, multi-story massing and the curvilinear shapes in pathways, driveways, and planting areas; and other integrated landscape features such as the southeast courtyard, retaining wall and mature trees in dense landscaping evident from the south (Masonic and Euclid avenues) and east (Pine Street/Presidio Avenue); and
- Establish land use programs that focus development on limited portions of the site, but at greater intensities (e.g., additional height), particularly on the northern portion of the site along California Street, in order to incorporate more residential units. (DEIR 6.8)

These comments are evidence of the feasibility of using similar Secretary's design Guidelines discussed above which focus on minimal change to the defining characteristics of the building and site, preserving site features that are important in defining its overall character and minimizing disturbance of the terrain around buildings. Had the City presented the Secretary's design Guidelines as mitigation measures, the decisionmakers and members of the public could have applied the Guidelines to sculpt a development that achieved basic project objectives while preserving the defining characteristics of the resource. However, the EIR failed to provide the mitigation options to the decisionmaker, and the City found the alternative site plans described in the Draft EIR infeasible.

Applying the Secretary's Guidelines, I have marked with cross-hatching areas where proposed new residential construction in the Proposed Project can be removed from the southern portion of the site in order to mitigate impacts on character-defining features of the historically significant landscape. (Ex. H) This new residential development can be constructed inside the existing southern wing of the main building or the transferred to the northern portion of the site along California Street. These design changes would avoid adverse impacts on the historic green space which commands valued public views of the City and/or on the character-defining Terrace, which could be used as privately-owned, publicly accessible open space in a modified project. Views of the City and Golden Gate Bridge as seen from the historic green space and Terrace are shown in the attached photographs. (Ex. I)

The developer's renderings depict the manner in which views of the city would be impaired by new street trees proposed to be placed around the perimeter of this green space in the Proposed

Project. (Ex. Q) Removing new street trees from locations where they would impair these public vistas would substantially mitigate the Project's impairment of important landscape features of the site. Under Public Works Code section 806(d)(4)(B), the Director of Public Works may waive one or more required Street Trees by requiring the applicant to either "fulfill all or a portion of the requirement by providing alternative landscaping, including but not limited to sidewalk landscaping, in an amount comparable to or greater than the number of Street Trees waived" or by paying an In-lieu fee pursuant to Section 802.

Mitigation that conforms with the Secretary's Standards would also avoid excavating significant portions of the natural green areas along the slope of Laurel Hill and avoid destroying important landscape features. (Ex. J, 7-03-2019 plan sheet G2.08)

The EIR acknowledged that mitigation which focused on the southern and eastern portions of the site would preserve fine examples of the integration of the character-defining features of the property:

"The southern and eastern portions of the site, where the existing building's stepped, multi-story massing is integrated with the site's topography, open spaces with private courtyards, terraced landscaping, and mature trees, and the green lawn extending east along Euclid Avenue present the best example of the integration of the character-defining features of the property." DEIR 6.80.

In addition, under mitigation which avoided destroying important landscape features, two very large Cypress trees that are survivors of the Laurel Hill Cemetery would be preserved in the Market Plaza. (7-03-2019 plan sheet L2.01)

In addition, the Secretary's Guidelines specifically recommend limiting any Rooftop Addition for a multi-story building to one story in height to minimize its visibility and its impact on the historic character of the resource, as follows:

**Limiting a rooftop addition to one story in height to minimize its visibility and its impact on the historic character of the building.** (Ex. A, p. 160)

**Designing a compatible rooftop addition for a multi-story building, when required for a new use, that is set back at least one full bay from the primary and other highly-visible elevations and that is inconspicuous when viewed from surrounding streets.** (Ex. A, p. 159)

**Designing rooftop additions, elevator or stair towers, decks or terraces, dormers, or skylights when required by a new or continuing use so that they are inconspicuous and minimally visible on the site and from the public right-of-way and do not damage or obscure character-defining historic features.** (Ex. A, p. 101)

The Secretary's Guidelines do not recommend:

NOT RECOMMENDED: Constructing a highly-visible, multi-story rooftop addition that alters the building's historic character. (Ex. A, p. 160)

Constructing a rooftop addition with amenities (such as a raised pool deck with plantings, HVAC equipment, or screening) that is highly visible and negatively impacts the historic character of the building. (Ex. A, p. 160)

Constructing a rooftop addition that is highly visible, which negatively impacts the character of the historic building, its site, setting, or district. (Ex. A, p. 159)

Using the Guidelines stated above, a one-story, set-back addition could feasibly be constructed on the main building instead of a two to three-story addition constructed on a divided building, as proposed in the Project.

The EIR acknowledged that a one-story rooftop addition would not have a significant impact on a defining characteristic of the resource:

A one-story rooftop addition set back 15 feet from the east, west and south facades of the office building, with a contemporary design that would distinguish it from the original building, would not result in a substantial change to the massing of the original building and would be compatible with the original building. (DEIR 6.39-6.41 for Alternative B, DEIR 6.77 for Alternative C) The rooftop addition would have a contemporary design which would distinguish it from the original building, while steel and glazing materials would make it compatible with the original building. (DEIR 6.78)

In fact, Alternative C in the DEIR, the Full Preservation Residential Alternative Site Plan, proposed a 1 story addition to the main building but did not focus increased heights in all the new buildings along California Street. (Ex. K; DEIR 6.67) In Alternative C, the Plaza A and Plaza B Buildings would be only 45 feet tall and the Walnut Building 67 feet tall. *Ibid.* However, Plaza A and Plaza B Buildings could have been made 65 feet tall, as they were in Alternative D: Partial Preservation Office Alternative Site Plan. (Ex. K; DEIR 6.102.)

Alternative C would have 210 fewer units than the project Variant and 44,306 gsf of ground-floor retail space and was found to have inadequate numbers of housing units. Alternative C was unreasonably configured to have insufficient housing even though it would preserve the majority of the character-defining features of the main building and landscaping, and the one-story rooftop addition would not result in a substantial change to the building's massing. (DEIR 6.78) Further, Alternative C "would provide a high quality and varied architectural and landscape design, utilizing the site's topography and other unique characteristics." (DEIR 6.75)

Had the Secretary's Guidelines been applied to focus increased heights at the Plaza A and Plaza B Buildings, some or all of the 44,306 gsf of retail spaces converted to housing units and the Walnut Building be made as tall as needed to accommodate additional housing units, the Project's 744 housing unit objective could have been achieved in Alternative C. However,



Alternative C was not designed to achieve a number of housing units substantially similar to 744 units. The EIR evidenced awareness of the inadequacy of the range of alternatives selected and indicated that they were designed to address the significant impact on transit rather than the significant impact on the historical resource:

Most of the selected alternatives represent some degree of reduced development compared to the proposed project or project variant....The proposed alternatives with “reduced development” programs, depending on the mix of uses and related demand on transit, may result in the reduction in the severity of the transit impact. DEIR 6.9.

It should also be noted that the DEIR inaccurately stated that pedestrians would not be able to travel through the site to, or access the site from, Masonic and Euclid Avenues. (DEIR 6.73) As explained herein, there is an existing north/south pathway that extends from the north side of the main building through to the Eckbo Terrace on the south side, and hence onto a pathway that opens onto Masonic Avenue. While currently used by staff, the pathway could be opened to the public and security doors or walls installed to prevent access to residential areas.

The EIR also acknowledged that the main building could be converted to residential use without dividing it in two:

The planning department acknowledged in the staff report to the ARC that the alternatives could adaptively reuse the existing building for residential use with differences limited to exterior alterations to the glass curtain wall system and other limited code-related changes necessary for residential use. DEIR 6.7.

Had the design Guidelines be provided to the decisionmakers, they would have had State-sanctioned tools to focus increased heights along the northern portion of the property, construct a one-story rooftop addition on the main building, and preserve the defining characteristics of the landscape on the southeastern (Masonic), southern (Euclid), eastern (Presidio) and some or all of the western portion (Laurel) of the site. However, the decisionmaker was not told of the historic design Guidelines that it could use as mitigation.

The EIR also did not inform the decisionmakers that they could use the following Secretary’s guideline, which recommends designing new additions to avoid damage to character-defining features of a historic site, as follows:

**New additions should be designed and constructed so that the character-defining features of the historic building, its site, and setting are not negatively impacted.**  
(Ex. A. p. 79)

To avoid impairing the defining horizontality of the main building, a one to two story internal portal can be constructed through the building with a light court above, rather than a 40-foot wide division all the way through the building, as proposed by the developer. The areas colored solid red on Exhibit H depict the approximate area of this internal pathway with light court above. City staff only requested a north/south connection that could meander through the site, did not need to be a straight axial pathway, and could be a portal through the building. (Ex. L

hereto and Ex. FF to September 5, 2019 LHIA submittal to Planning Commission.) Thus, a design modification could provide a new pathway while preserving the defining horizontality of the main building. This pathway could be sloped to accommodate grade and would not need to incorporate a stairway.

Alternatively, the existing north/south passageway through the main building that leads from the Conference Center entrance to the Eckbo Terrace could be opened to the public and marked with signage. (Ex. L, statement of Devincenzi, photographs and UC description of existing pathway). Using the existing internal pathway, a visitor can take an elevator to the floor above and exit on the upper portion of the Eckbo Terrace, which is level, and thence travel out the gates to Masonic Avenue. A visitor can also travel straight through the existing internal pathway and exit on the lower portion of the Eckbo Terrace, where a sloped pathway leads up to the upper level of the Eckbo Terrace, and thence out to Masonic Avenue. (Ex. L) The gate that leads to Masonic Avenue is open during business hours. (Ex. L)

Other Guidelines could have been used as mitigation to focus the location of new buildings to avoid negative impacts to historic characteristics, as follows:

**Locating new construction far enough away from the historic building, when possible, where it will be minimally visible and will not negatively affect the building's character, the site, or setting.** (Ex. A. p. 161)

**Using site features or land formations, such as trees or sloping terrain, to help minimize the new construction and its impact on the historic building and property.** (Ex. A. p. 162)

**Retaining a historic entrance or porch even though it will no longer be used because of a change in the building's function.** (Ex. A, p. 110)

The Secretary's Guidelines do not recommend:

*NOT RECOMMENDED: Placing new construction too close to the historic building so that it negatively impacts the building's character, the site, or setting.* (Ex. A, p. 161)

*Removing a historic entrance or porch that will no longer be required for the building's new use.* (Ex. A, p. 110)

The availability of large areas along California Street currently used for parking lots, where height limits can be increased, provides a feasible opportunity to locate new construction far enough away from the historic building so that it will not negatively affect the building's character, site or settings. Also, to provide space for additional residential units, the Mayfair Building could be constructed in the area proposed in the developer's plans.

In addition, if the Proposed Project's design was changed to avoid removing the southern wing of the main building, and instead converting that portion of the building to residential use, the revised project could avoid adversely impacting the character-defining feature of the "[p]lan of

the building with wings open along the sides to the immediate landscape and to views of the distant city” and key character-defining features of the Entrance Court. (Ex. C, Nomination, section 7, pp. 18-19) TreanorHL confirmed that the southern wing can be converted to residential use after reviewing the existing building drawings for 3333 California Street on file at the records department of the San Francisco Building Department. (Ex. M, TreanorHL’s August 20, 2019 Preservation Alternative – Feasibility Evaluations; Ex. N, existing building plans) Scale of the existing building is provided in an excerpt from the 1989 EIR for UCSF-Laurel Heights. (Ex. O, p. 35) Retaining the southern wing of the main building would also conform with the Guideline that recommends retaining a historic entrance even though it will no longer be used because of a change in the building’s function.

The following Guidelines relate to repair or replacement of deterioration in the curtain wall systems in the main building:

***Identifying, retaining, and preserving curtain wall systems and their components (metal framing members and glass or opaque panels) that are important in defining the overall historic character of the building. The design of the curtain wall is significant, as are its component materials (metal stick framing and panel materials, such as clear or spandrel glass, stone, terra cotta, metal, and fiber-reinforced plastic), appearance (e.g., glazing color or tint, transparency, and reflectivity), and whether the glazing is fixed, operable or louvered glass panels. (Ex. A., p. 117)***

***Replacing in kind a component or components of a curtain wall system that are too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. If using the same kind of material is not feasible, then a compatible substitute material may be considered as long as it has the same finish and appearance. (Ex. A, p. 118)***

***Installing new glazing or an entire new curtain wall system, when necessary to meet safety-code requirements, with dimensions, detailing, materials, colors, and finish as close as possible to the historic curtain wall components. (Ex. A, p. 120)***

***Replacing windows that are too deteriorated to repair using the same sash and pane configuration, but with new windows that operate differently, if necessary, to accommodate a new use. Any change must have minimal visual impact. (Ex. A, p. 109)***

The Secretary’s Guidelines do not recommend:

***NOT RECOMMENDED: Removing or substantially changing curtain wall components which are important in defining the overall historic character of the building so that, as a result, the character is diminished. (Ex. A, p. 117)***

***Replacing historic curtain wall features instead of repairing or replacing only the deteriorated components. (Ex. A, p. 117)***

Removing a curtain wall component or the entire system, if necessary, that is unrepairable and not replacing it or replacing it with a new component or system that does not convey the same appearance. (Ex. A, p. 118)

Installing new glazing or an entire new curtain wall system, when necessary to meet safety-code requirements, with dimensions and detailing that is significantly different from the historic curtain wall components. (Ex. A, p. 120)

Replacing a window that contributes to the historic character of the building with a new window that is different in design (such as glass divisions or muntin profiles), dimensions, materials (wood, metal, or glass), finish or color, or location that will have a noticeably different appearance from the historic windows, which may negatively impact the character of the building. (Ex. A, p. 109)

The project proponent can comply with these Guidelines if it either repairs deterioration in the curtain wall or replaces deteriorated windows with compatible substitute materials, using the same sash and pane configuration, but with new windows that operate differently, if necessary, to accommodate residential use. Replacement windows that comply with these Guidelines can feasibly be designed and obtained. It is unclear whether the Project would comply with these Guidelines because the August 17, 2017 plan sheet A6.01 indicates that articulated Bay Windows would modulate the horizontality of the main building. (Ex. P)

## *Standard #2*

*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.*

Using the design mitigation described above, impacts of the Proposed Project on the historic resource can be substantially reduced by focusing much of the new construction at the parking lots along California Street, which are not considered character-defining, and designing the project to retain the Eckbo Terrace and the natural green spaces along Laurel Street, Euclid Avenue and Presidio Avenue. The Mayfair building proposed by the developer could also be constructed. A one-story rooftop addition to the main building could be constructed with a new one to two-level internal pathway through the building, with lightwells above, rather than cutting the building in two. Also, as stated above, the southern wing of the main building can feasibly be converted to residential use instead of being demolished. And, the two Laurel duplexes proposed to be constructed at the top of Laurel Hill ( near Euclid) could be removed to avoid encroaching on the historically significant green spaces that exist along Laurel Street and Euclid Avenue and command views of the City. (Ex. H)

In addition, the 2016 California Historical Building Code (CHBC), Title 24 Cal. Code Regs. Part 8, section 8-102.1, can be used to address any compliance issues and is applicable to all issues regarding code compliance for qualified historical buildings or properties. The CHBC is intended to provide solutions for the preservation of qualified historical buildings or properties, to promote sustainability, to provide access for persons with disabilities and to provide a cost-effective approach to preservation. (24 Cal. Code Regs. Section 8-101.2) The CHBC requires

enforcing agencies to accept solutions that are reasonably equivalent to the regular code when dealing with qualified historical buildings or properties. (24 Cal. Code Regs. Section 8-101.2)

Thus, the Secretary's Guidelines set forth above and the CHBC could be used to provide feasible mitigation which would substantially reduce adverse impacts on character-defining features of the resource.

#### *Standard #4*

*4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

The main building was designed to accommodate future expansion, which took place from 1963 to 1967, in three phases, and increased the height of the southern wing and added a north-eastern wing to the building. (Ex. C, Nomination, section 8, pp. 29-31) 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. (Ex. R, Secretary of the Interior's Standards Compliancy Evaluation, Treanor HL, October 2, 2019, p. 9) As explained in TreanorHL's August 20, 2019 analysis, the southern wing can be converted to residential units instead of demolishing it. (Ex. M, p. 2) Thus, the goals of Standard 4 can be achieved by application of the Guidelines which recommend preserving changes that have acquired historic significance.

#### *Standard #5*

*5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*

Changing the design to avoid significant changes to the design of the curtain walls, avoid dividing the main building into two pieces, and avoid adding two to three stories to divided portions of the main building, would retain the distinctive horizontality and design of the main building. As explained above, a one-story set-back addition could be added to the main building without materially impairing its horizontality. Additional square footage can feasibly be added to the Walnut Building and other buildings along California Street instead of raising the height of the main building beyond one story. The Project proposes to increase the height of the divided portions of the main building to 80 and 92 feet. (Ex. P, 7-3-19 plan sheet A6.21) The Project also proposes to increase height limits for new buildings along California Street. Thus, design modifications using the Secretary's Guidelines would comply with Standard 5 and provide feasible mitigation for adverse impacts on the defining horizontality of massing, horizontal bands of nearly identical window units, and uninterrupted glass walls. (Ex. C, Nomination, section 7, pp. 18-19)

#### *Standard #6*

*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.*

As explained above in relation to use of the Secretary's design Guidelines, any features which are deteriorated 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, then the substitute material should match the old in design, color, texture and any other visual qualities. If the Proposed Project is designed with the mitigation measures described above, it could feasibly avoid removing deteriorated character defining features of the resource and could comply with Standard 6. Other than with respect to the windows of the main building, which can be replaced with compatible systems if they cannot be repaired, there is no evidence that any portion of the historic resource (Office Building and Landscaping) is deteriorated beyond repair to leave the decisionmakers "documentation" as its only mitigation measure.

#### *Standard #9*

*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.*

As explained above, the Secretary's Standards recommend limiting any rooftop addition to a multi-story building to a one-story addition to minimize its visibility and its impact on the historic character of the resource. (Ex. A, excerpts, pp. 159-160) These Standards also recommend setting such a rooftop addition back at least one full bay from the primary and other highly-visible elevations so it is inconspicuous when viewed from surrounding streets. *Ibid.* The EIR acknowledged that a one-story set-back rooftop addition with a contemporary design that would distinguish it from the original building would not have a significant impact on a defining characteristic of the resource. (DEIR 6.39-6.41 for Alternative B, DEIR 6.77 for Alternative C)

It is feasible to design a one-story addition that would comply with this Standard and avoid cutting the main building in two; instead, an internal one to two-story portal could be constructed through the main building, with a light well above. This portal could be sloped to grade and would not need to incorporate a stairway.

Using Standard 9, the character-defining horizontality of the main building can be maintained and new construction focused primarily along California Street, where currently non-character-defining parking lots exist. Also, to achieve 744 new residential units, the Mayfair building could be constructed in the location proposed by the developer. The new structures can be designed to be compatible with the main building by utilizing brick, glass, and concrete as exterior materials (tying into the materials of the main building). Compliance with Standard 9 would substantially reduce the adverse impacts of the Proposed Project on the character-defining features of the resource.

## *Standard #10*

*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.*

Using the design modifications discussed herein, new buildings would be focused in the parking lots along California Street and at the Mayfair building location. The main building could retain its existing horizontality, 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. The interior of the main building could be converted to residential use, with lightwells providing interior illumination, and a one-story set-back addition constructed on the rooftop. So, if the proposed new development is removed in the future, the property could easily be returned to its historic appearance.

Using the direction of Standard 10, it would be feasible to design a new one-story addition and adjacent or related new construction 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. Design changes could avoid building on as much of the landscaping as possible while achieving most of the basic objectives of the Proposed Project and could construct a new one-story rooftop addition, rather than cutting the main building in two and adding two to three stories to a divided building. Design changes could also avoid demolishing the southern wing of the main building.

## CONCLUSION

The Secretary's Guidelines provide very detailed design standards that can feasibly be used to substantially reduce or avoid a number or all of the Proposed Project's significant adverse impacts on character-defining features of the historic building and site. In essence, by omitting a discussion of such mitigation measures, the Draft EIR failed to inform the decisionmakers and members of the public of State-sanctioned options that are available to substantially reduce one or more adverse effects that the Proposed Project would have on character-defining features of the resource. The absence of such information was prejudicial to the decisionmakers' ability to make a fully informed decision as to available options and to the public's ability to participate in the CEQA process and to advocate for mitigation measures and alternatives.

Since the EIR did not evaluate use of any of the Secretary's design Guidelines as measures to mitigate significant adverse effects of the Proposed Project, it can reasonably be assumed that the project proponent and/or City made a conscious decision to ignore the design Guidelines prescribed by CEQA for mitigation, not that it would be infeasible to apply one or more of them. In fact, when neighborhood leaders urged the developer to redesign the Project in accordance with the Secretary's Standards after the site had been listed on the California Register, the developer indicated that he did not like the main building and wanted to "forget the rules." (Ex. S, October 17, 2018 email from Devincenzi to Dan Safier) The Draft EIR only considered photographing and documenting the resource before the site would be altered and concluded that such documentation would be inadequate to reduce the impacts of the Proposed Project on the historic resource to an insignificant level. (Ex. B; DEIR 4.B.41-47)

My resume is attached as Exhibit T hereto.

  
Petree A. Powell, MCP, JD

ATTACHMENTS: Exhibits A – T



Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA

Laurel Heights Improvement Association Appeal of Planning  
Commission's Certification of Final EIR/ CEQA Findings

Board of Supervisors File No: 191035

Exhibits to Statement of Petree A. Powell, MCP, JD

## **EXHIBIT A - Part 1**

**THE SECRETARY  
OF THE INTERIOR'S  
STANDARDS FOR  
THE TREATMENT  
OF HISTORIC  
PROPERTIES**  
**WITH**  
**GUIDELINES FOR  
PRESERVING,  
REHABILITATING,  
RESTORING &  
RECONSTRUCTING  
HISTORIC  
BUILDINGS**



U.S. Department of the Interior  
National Park Service  
Technical Preservation Services



Under the National Historic Preservation Act (NHPA), the Secretary of the Interior is responsible for establishing professional standards and for providing guidance on the preservation of the nation's historic properties. *The Secretary of the Interior's Standards for the Treatment of Historic Properties* apply to all grants-in-aid projects assisted through the Historic Preservation Fund (authorized by the NHPA) and are intended to be applied to a wide variety of resource types, including buildings, sites, structures, objects, and districts. The Standards address four treatments: preservation, rehabilitation, restoration, and reconstruction. The treatment Standards, developed in 1992, were codified as 36 CFR Part 68 in the July 12, 1995, Federal Register (Vol. 60, No. 133). They replaced the 1978 and 1983 versions of 36 CFR Part 68, entitled *The Secretary of the Interior's Standards for Historic Preservation Projects*. The revised Guidelines herein replace the Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, published in 1995 to accompany the treatment Standards.

*The Secretary of the Interior's Standards for the Treatment of Historic Properties* are regulatory only for projects receiving Historic Preservation Fund grant assistance and other federally-assisted projects. Otherwise, these Guidelines are intended to provide general guidance for work on any historic building.

Another regulation, 36 CFR Part 67, focuses on "certified historic structures" as defined by the Internal Revenue Service Code of 1986. The Standards for Rehabilitation cited in 36 CFR Part 67 should always be used when property owners are seeking certification for federal tax benefits.

THE SECRETARY OF THE INTERIOR'S **STANDARDS**  
FOR THE TREATMENT OF HISTORIC PROPERTIES  
WITH  
**GUIDELINES** FOR PRESERVING, REHABILITATING,  
RESTORING & RECONSTRUCTING HISTORIC BUILDINGS

Revised by Anne E. Grimmer

*from The Secretary of the Interior's Standards  
for the Treatment of Historic Properties with  
Guidelines for Preserving, Rehabilitating,  
Restoring & Reconstructing Historic Buildings  
Kay D. Weeks and Anne E. Grimmer (1995)*

U.S. Department of the Interior  
National Park Service  
Technical Preservation Services  
Washington, D.C.

2017

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## CONTENTS

### IV PHOTO CREDITS

### VI ACKNOWLEDGEMENTS

### VII PREFACE

## 2 INTRODUCTION

Using the Standards and Guidelines for a Preservation,  
Rehabilitation, Restoration, or Reconstruction Project

Choosing an Appropriate Treatment for the Historic  
Building

## 4 HISTORICAL OVERVIEW

Building Materials

Masonry • Wood • Metals

Building Features and Systems

Roofs • Windows • Entrances and Porches • Storefronts  
• Curtain Walls • Structural Systems • Mechanical  
Systems

Interior Spaces, Features, and Finishes

Building Site

Setting (District/Neighborhood)

Code-Required Work:

Accessibility • Life Safety

Resilience to Natural Hazards

Sustainability

New Exterior Additions to Historic  
Buildings and Related New  
Construction

## 27 STANDARDS FOR PRESERVATION & GUIDELINES FOR PRESERVING HISTORIC BUILDINGS

### 29 INTRODUCTION

### 31 BUILDING MATERIALS

31 Masonry

37 Wood

41 Metals

### 44 BUILDING FEATURES AND SYSTEMS

44 Roofs

46 Windows

49 Entrances and Porches

51 Storefronts

53 Curtain Walls

55 Structural Systems

58 Mechanical Systems

60	INTERIOR SPACES, FEATURES, AND FINISHES
63	BUILDING SITE
66	SETTING (DISTRICT/NEIGHBORHOOD)
69	CODE-REQUIRED WORK
69	Accessibility
71	Life Safety
72	RESILIENCE TO NATURAL HAZARDS
74	SUSTAINABILITY
75	STANDARDS FOR REHABILITATION & GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS
77	INTRODUCTION
80	BUILDING MATERIALS
80	Masonry
88	Wood
93	Metals
98	BUILDING FEATURES AND SYSTEMS
98	Roofs
102	Windows

110	Entrances and Porches
113	Storefronts
117	Curtain Walls
121	Structural Systems
125	Mechanical Systems
128	INTERIOR SPACES, FEATURES, AND FINISHES
137	BUILDING SITE
143	SETTING (DISTRICT/NEIGHBORHOOD)
147	CODE-REQUIRED WORK
147	Accessibility
150	Life Safety
153	RESILIENCE TO NATURAL HAZARDS
155	SUSTAINABILITY
156	NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION
163	STANDARDS FOR RESTORATION & GUIDELINES FOR RESTORING HISTORIC BUILDINGS
165	INTRODUCTION

---

Contents Restoration (cont.)

**168 MATERIALS**

**168** Masonry

**176** Wood

**180** Metals

**184 BUILDING FEATURES AND SYSTEMS**

**184** Roofs

**187** Windows

**190** Entrances and Porches

**193** Storefronts

**196** Curtain Walls

**199** Structural Systems

**202** Mechanical Systems

**204 INTERIOR SPACES, FEATURES, AND FINISHES**

**209 BUILDING SITE**

**214 SETTING (DISTRICT/NEIGHBORHOOD)**

**218 CODE-REQUIRED WORK**

**218** Accessibility

**220** Life Safety

**222 RESILIENCE TO NATURAL HAZARDS**

**224 SUSTAINABILITY**

**225 STANDARDS FOR RECONSTRUCTION &  
GUIDELINES FOR RECONSTRUCTING  
HISTORIC BUILDINGS**

**227 INTRODUCTION**

**230 OVERVIEW**

**232 BUILDING EXTERIOR**

**234 BUILDING INTERIOR**

**236 BUILDING SITE**

**238 BUILDING SETTING  
(DISTRICT/NEIGHBORHOOD)**

**PHOTO CREDITS**

**Front Cover:** Spooner Hall, University of Kansas, Lawrence, KS,  
Henry van Brunt, 1894.

**HISTORICAL OVERVIEW**

**Masonry.** Detail, decorative sandstone door surround.

**Wood.** Detail, Pope-Leighey House, Alexandria, VA, Frank Lloyd Wright,  
1940. Photo: Courtesy National Trust for Historic Preservation, Paul  
Burk, photographer.

**Metals.** Detail, Dunbar Molasses Factory, New Orleans, LA, c. 1920.

**Glass.** Detail, St. John's Abbey, Collegeville, MN, Marcel Breuer, 1958-61.

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## PREFACE

The year 2016 was significant as the Centennial of the National Park Service, which was established as a new bureau within the Department of the Interior by the Organic Act on August 25, 1916. As directed in this legislation, the National Park Service has served for one hundred years as steward of the “Federal areas known as national parks, monuments and reservations...to conserve the scenery and the natural and historic objects and the wild life therein and to...leave them unimpaired for the enjoyment of future generations.”

The year 2016 also marked the 50th anniversary of the passage of the National Historic Preservation Act on October 15, 1966. The Act increased the scope and responsibilities of the National Park Service with regard to the preservation of cultural resources. The National Historic Preservation Act charges the National Park Service (through authority delegated by the Secretary of the Interior) to establish and administer a national historic preservation program and to develop and promulgate standards and guidelines for the treatment of historic properties.

*The Secretary of the Interior’s Standards for Historic Preservation Projects* were first issued in 1978. In 1979 they were published with Guidelines for Applying the Standards and reprinted in 1985. The Standards were revised in 1992, when they were retitled *The Secretary of the Interior’s Standards for the Treatment of Historic Properties*.

The Standards were codified in the Federal Register in 1995, the same year that they were published with guidelines as *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*. These Standards and Guidelines provide a critical part of the framework of the national preservation program. They are widely used at the federal, state, and local levels to guide work on historic buildings, and they also have been adopted by Certified Local Governments and historic preservation commissions across the nation.

In 2010 the National Park Service issued *A Call to Action: Preparing for a Second Century of Stewardship and Engagement*, a plan to chart a path for its next 100 years. This plan identified a number of actions with the goal to “preserve America’s special places in the next century,” which included updating National Park Service policies and guidance. The project to update *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* was undertaken as part of this broader effort.

Since these Guidelines were first published in 1995, a greater number of buildings and building types, telling a broader range of stories that are part of the nation’s heritage, have been recognized as “historic”



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and eligible for listing in the National Register of Historic Places. These guidelines have been updated and expanded to address the treatment of these buildings constructed with newer materials and systems from the mid- and late-20th century.

The updated Guidelines have the same organization as the prior version, beginning with an introduction and a historical overview, followed by chapters that focus on each of the four treatments: preservation, rehabilitation, restoration, and reconstruction. The historical overview has been expanded; not only has the information on historic materials, systems, features, and special issues that comprised the previous edition been more fully developed, but new entries have been added on glass, paint and other coatings, composite materials, imitative materials, and curtain walls.

In each of the four chapters, the “Recommended” and “Not Recommended” treatments have been updated and revised throughout to ensure that they continue to promote the best practices in preservation. The section on exterior additions to historic buildings in the Rehabilitation Guidelines has been broadened also to address related new construction on a building site. A section on code-required work is now included in all of the chapters. “Energy Efficiency” has been eliminated, since it is more fully covered by the guidance provided on sustainability in *The Secretary of the Interior’s Standards for Rehabilitation and Illustrated Guidelines on Sustainability*

*for Rehabilitating Historic Buildings* (published in 2011), which has general applicability to all the treatments and is incorporated here by reference. Sections on “Resilience to Natural Hazards” have been added, but these topics will be more fully addressed in separate documents and web features. Finally, the updated Guidelines feature all new, and many more, illustrations in color.

Herewith Technical Preservation Services issues the National Park Service Centennial edition of *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*, updated and revised in recognition of the 50th anniversary of the National Historic Preservation Act, to ensure that the preservation guidance for historic buildings provided by the National Park Service continues to be meaningful and relevant in the 21st century.

Technical Preservation Services  
National Park Service

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## INTRODUCTION

### Using the Standards and Guidelines for Preservation, Rehabilitation, Restoration, and Reconstruction Projects

The Secretary of the Interior's Standards for the Treatment of Historic Properties address four treatments: preservation, rehabilitation, restoration, and reconstruction. As stated in the regulations (36 CFR Part 68) promulgating the Standards, "one set of standards ...will apply to a property undergoing treatment, depending upon the property's significance, existing physical condition, the extent of documentation available, and interpretive goals, when applicable. The Standards will be applied taking into consideration the economic and technical feasibility of each project." These Standards apply not only to historic buildings but also to a wide variety of historic resource types eligible to be listed in the National Register of Historic Places. This includes buildings, sites, structures, objects, and districts.

Guidelines, however, are developed to help apply the Standards to a specific type of historic resource. Thus, in addition to these Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, there are also guidelines for cultural landscapes, historic lighthouses, historic vessels, historic furnished interiors, and historic covered bridges.

The purpose of *The Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* is to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to beginning work. It is always recommended that preservation professionals be consulted early in any project.

The Guidelines are intended as an aid to assist in applying the Standards to all types of historic buildings. They are not meant to give case-specific advice or address exceptions or unusual conditions.

They address both exterior and interior work on historic buildings. Those approaches to work treatments and techniques that are consistent with The Secretary of the Interior's Standards for the Treatment of Historic Properties are listed in the "Recommended" column on the left; those which are inconsistent with the Standards are listed in the "Not Recommended" column on the right.

There are four sections, each focusing on one of the four treatment Standards: Preservation, Rehabilitation, Restoration, and Reconstruction. Each section includes one set of Standards with accompanying Guidelines that are to be used throughout the course of a project.

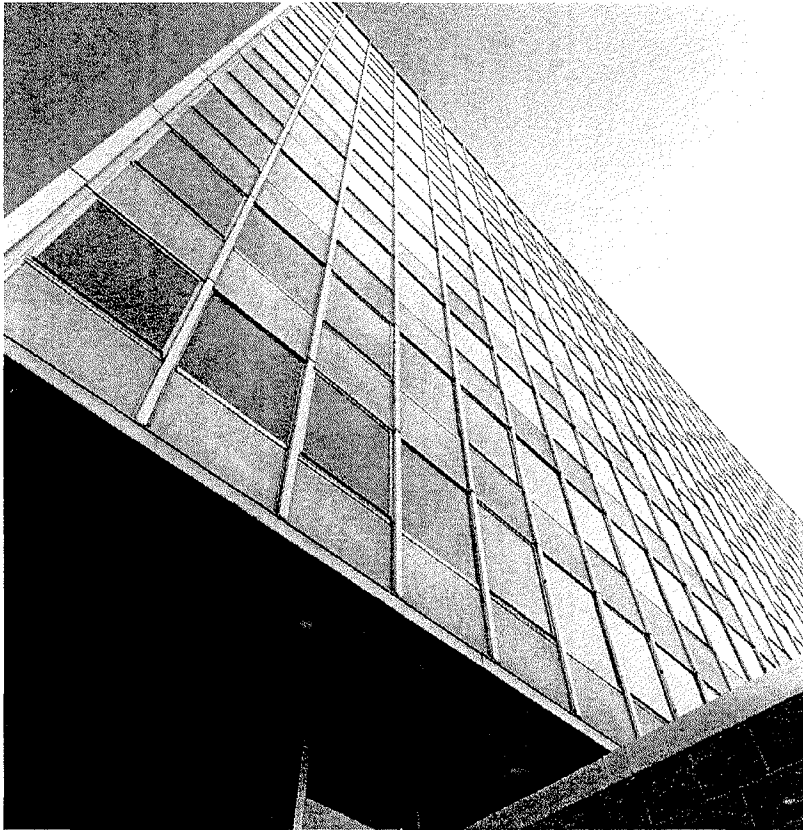
**Preservation** is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project. However, new exterior additions are not within the scope of this treatment. The Standards for Preservation require retention of the greatest amount of historic fabric along with the building's historic form.

**Rehabilitation** is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. The Rehabilitation Standards acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character.

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## Curtain Walls

Curtain wall construction was originally based on a steel framework. Today, most curtain wall construction utilizes an extruded aluminum framework, which became popular in the 1930s in the U.S. and came into its own after World War II. A curtain wall is not a structural system and, although it is self supporting, does not carry the weight of the building. Rather, it is an exterior wall hung or attached to the structural system. Curtain wall construction most frequently employs glass, metal panels, thin stone veneer, and other cladding materials, although louvers and vents, like glass panels, can also be set into the metal framework. Newer curtain wall systems may



incorporate rain screens and glass fiber reinforced concrete panels (GFRC). Because curtain wall construction uses relatively lightweight and less expensive materials, it reduces building costs, which, in part, explains its popularity.

There are essentially two types of curtain wall systems: *stick* systems and *unitized* or *modular* systems. A *stick* system is a framing system composed of long metal pieces (sticks) put together individually using vertical pieces (mullions) between floors and horizontal pieces between the vertical members. The framing members may sometimes be assembled in a factory, but the installation and glazing is done on site. A *unitized* or *modular* curtain wall system consists of ready-to-hang, pre-assembled modules which already include glazing or other panel infill. These modular units are usually one story in height and approximately five- to six-feet wide. Both types of curtain walls are attached to floor slabs or columns with field-drilled bolts in mated, adjustable anchor brackets.

Glass panels in curtain wall systems can be fixed or operable and can include spandrel glass, clear, or tinted glass. Stone veneer panels may be slate, granite, marble, travertine, or limestone. Metal panels can be aluminum plate, stainless steel, copper, or other non-corrosive types of metal. Other materials used in curtain wall systems include composite panels (such as honeycomb composite panels, consisting of two thin sheets of aluminum bonded to a thin plastic layer or rigid insulation in the middle); architectural terra cotta; glazed ceramic tile; and fiber-reinforced plastic (FRP).

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and corridors on upper floors to the private spaces behind them (i.e., offices, apartments, or hotel rooms). This hierarchy of spaces continues to define the historic character of many high-rise buildings. However, in commercial structures built on speculation with open floor plans, the upper floors, especially, are likely to have been reconfigured many times. In some cases, these interiors may have little historic character but, in others, the spaces and their appearance may have acquired significance because of a specific tenant, use (such as a boardroom or executive office), or an event.

### Features and Finishes

Historic character-defining features and finishes can range from very elaborate to very simple and plain, or from formal to utilitarian. The interior features that are important to a particular building generally reflect its original or historic use. Thus, the interior features and finishes of industrial and factory buildings are basic and practical, with exposed structural systems; wood, brick, or concrete walls and floors; large windows or monitors with clerestory windows to provide natural light; and minimal or no door and window surrounds. Commercial, office, hotel, and high-rise apartment buildings have public spaces that often include highly-decorated lobbies, elevator lobbies with marble flooring, wood or marble wainscoting in the upper corridors and, particularly in office buildings, offices separated from hallways by heavy doors with glass transoms and glass wall partitions for borrowed light. The repetitive pattern itself of the corridors on the upper floors in these multi-story buildings is also often significant in defining their historic character. Individual historic residential structures frequently have painted plaster walls and ceilings, door and window trim, fireplaces with mantels, wood flooring, and a staircase if the house has more than one story. Some mid-to late-20th-century houses that are less traditional in design have simpler and less-ornamented interiors.

### Building Site

The building site consists of a historic building or buildings, structures, and associated landscape features and their relationship within a designed or legally-defined parcel of land. A site may be significant in its own right or because of its association with the historic building or buildings.



### Setting (District/Neighborhood)

The setting is the larger area or environment in which a historic building is located. It may be an urban, suburban, or rural neighborhood or a natural landscape in which buildings have been constructed. The relationship of buildings to each other, setbacks, fence patterns, views, driveways and walkways, and street trees and other landscaping together establish the character of a district or neighborhood.



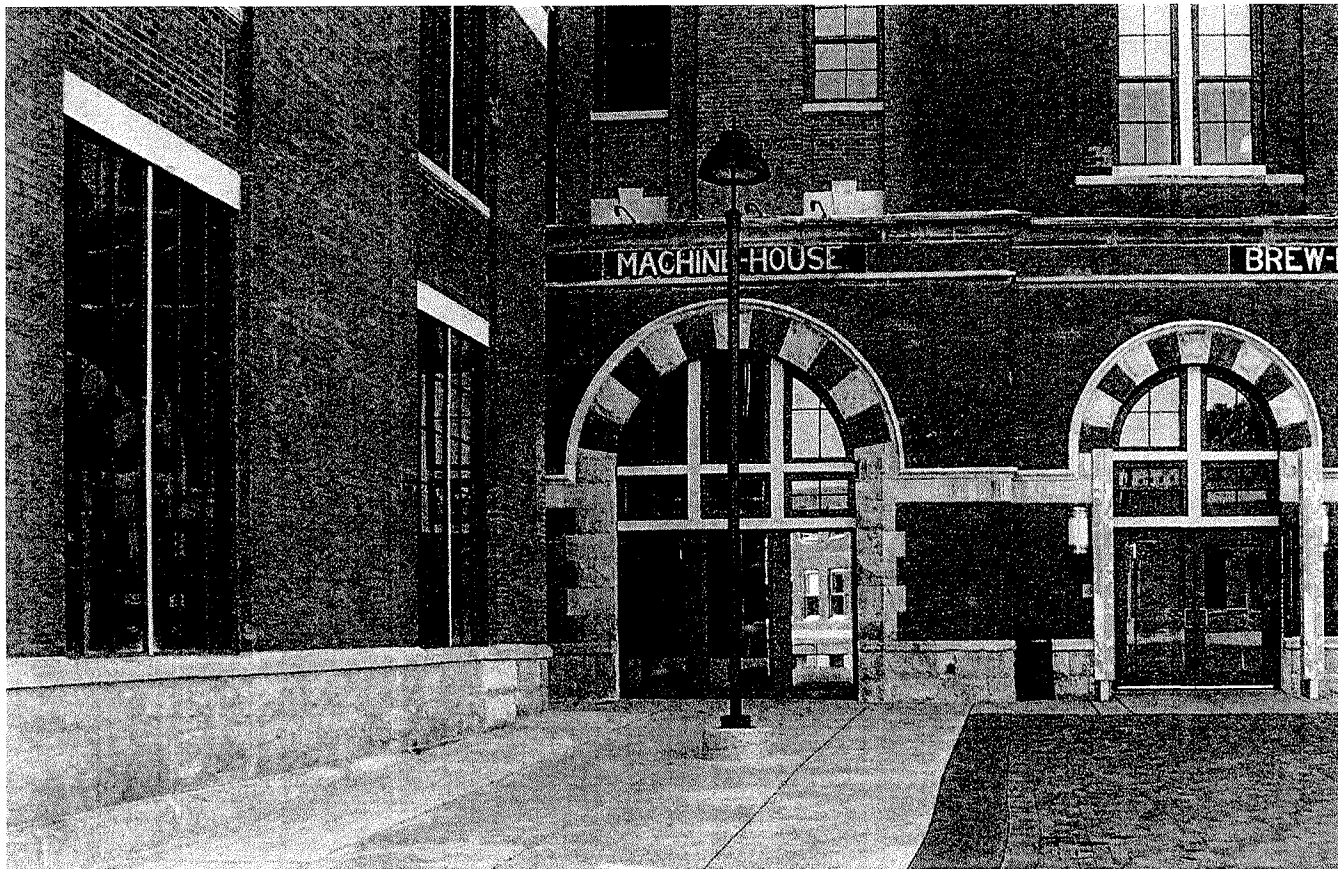
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### Special Requirements: Code-Required Work

*Sensitive solutions to meeting code requirements are an important part of protecting the historic character of the building. Thus, work that must be done to meet accessibility and life-safety requirements must always be assessed for its potential impact on the historic building.*

### Accessibility

It is often necessary to make modifications to a historic building to make it compliant with accessibility code requirements. Federal rules, regulations, and standards provide guidance on how to make historic buildings accessible. Work must be carefully planned and undertaken in a manner that results in minimal or no loss of historic exterior and interior character-defining spaces, features, or finishes. The goal should be to provide the highest level of access with the least impact to the historic building.





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## Sustainability

Before implementing any energy improvements to enhance the sustainability of a historic building, the existing energy-efficient characteristics of the building should be evaluated. Historic building construction methods and materials often maximized natural sources of heating, lighting, and ventilation to respond to local climatic conditions. The key to a successful project is to identify and understand any lost original and existing energy-efficient aspects of the historic building, as well as to identify and understand its character-defining features to ensure they are taken into account. The most sustainable building may be one that already exists. Thus, good

preservation practice is very often synonymous with sustainability. There are numerous treatments—traditional as well as new technological innovations—that may be used to upgrade a historic building to help it operate more efficiently while retaining its character.

The topic of sustainability is addressed in detail in *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*. Although specifically developed for the treatment Rehabilitation, the Sustainability Guidelines can be used to help guide the other treatments.



## New Exterior Additions and Related New Construction

A new exterior addition to a historic building should be considered in a rehabilitation project only after determining that requirements for a new or continuing use cannot be successfully met by altering non-significant interior spaces. If the existing building cannot accommodate such requirements in this way, then an exterior addition or, in some instances, separate new construction on a site may be acceptable alternatives.

A new addition must preserve the building's historic character, form, significant materials, and features. It must be compatible with the massing, size, scale, and design of the historic building while differentiated from the historic building. It should also be designed and

constructed so that the essential form and integrity of the historic building would remain if the addition were to be removed in the future. There is no formula or prescription for designing a compatible new addition or related new construction on a site, nor is there generally only one possible design approach that will meet the Standards.

New additions and related new construction that meet the Standards can be any architectural style—traditional, contemporary, or a simplified version of the historic building. However, there must be a balance between differentiation and compatibility to maintain the historic character and the identity of the building being enlarged.

New additions and related new construction that are either identical to the historic building or in extreme contrast to it are not compatible. Placing an addition on the rear or on another secondary elevation helps to ensure that it will be subordinate to the historic building. New construction should be appropriately scaled and located far enough away from the historic building to maintain its character and that of the site and setting. In urban or other built-up areas, new construction that appears as infill within the existing pattern of development can also preserve the historic character of the building, its site, and setting.





## GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS

### INTRODUCTION

In **Rehabilitation**, historic building materials and character-defining features are protected and maintained as they are in the treatment **Preservation**. However, greater latitude is given in the **Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings** to replace extensively deteriorated, damaged, or missing features using either the same material or compatible substitute materials. Of the four treatments, only **Rehabilitation** allows alterations and the construction of a new addition, if necessary for a continuing or new use for the historic building.

#### Identify, Retain, and Preserve Historic Materials and Features

The guidance for the treatment **Rehabilitation** begins with recommendations to identify the form and detailing of those architectural materials and features that are important in defining the building's historic character and which must be retained to preserve that character. Therefore, guidance on *identifying, retaining, and preserving* character-defining features is always given first.

#### Protect and Maintain Historic Materials and Features

After identifying those materials and features that are important and must be retained in the process of **Rehabilitation** work, then *protecting and maintaining* them are addressed. Protection generally involves the least degree of intervention and is preparatory to other work. Protection includes the maintenance of historic materials and features as well as ensuring that the property is protected before and

during rehabilitation work. A historic building undergoing rehabilitation will often require more extensive work. Thus, an overall evaluation of its physical condition should always begin at this level.

#### Repair Historic Materials and Features

Next, when the physical condition of character-defining materials and features warrants additional work, *repairing* is recommended. **Rehabilitation** guidance for the repair of historic materials, such as masonry, again begins with the least degree of intervention possible. In rehabilitation, repairing also includes the limited replacement in kind or with a compatible substitute material of extensively deteriorated or missing components of features when there are surviving prototypes features that can be substantiated by documentary and physical evidence. Although using the same kind of material is always the preferred option, a substitute material may be an acceptable alternative if the form, design, and scale, as well as the substitute material itself, can effectively replicate the appearance of the remaining features.

#### Replace Deteriorated Historic Materials and Features

Following repair in the hierarchy, **Rehabilitation** guidance is provided for *replacing* an entire character-defining feature with new material because the level of deterioration or damage of materials precludes repair. If the missing feature is character defining or if it is critical to the survival of the building (e.g., a roof), it should be replaced to match the historic feature based on physical or his-

toric documentation of its form and detailing. As with repair, the preferred option is always replacement of the entire feature in kind (i.e., with the same material, such as wood for wood). However, when this is not feasible, a compatible substitute material that can reproduce the overall appearance of the historic material may be considered.

It should be noted that, while the National Park Service guidelines recommend the replacement of an entire character-defining feature that is extensively deteriorated, the guidelines never recommend removal and replacement with new material of a feature that could reasonably be repaired and, thus, preserved.

### Design for the Replacement of Missing Historic Features

When an entire interior or exterior feature is missing, such as a porch, it no longer plays a role in physically defining the historic character of the building unless it can be accurately recovered in form and detailing through the process of carefully documenting the historic appearance. If the feature is not critical to the survival of the building, allowing the building to remain without the feature is one option. But if the missing feature is important to the historic character of the building, its replacement is always recommended in the **Rehabilitation** guidelines as the first, or preferred, course of action. If adequate documentary and physical evidence exists, the feature may be accurately reproduced. A second option in a rehabilitation treatment for replacing a missing feature, particularly when the available information about the feature is inadequate to permit an accurate reconstruction, is to *design* a new feature that is compatible with the overall historic character of the building. The new design should always take into account the size, scale, and material of the building itself and should be clearly differentiated from the authentic historic features. For properties that have changed over time, and where those changes have acquired

significance, reestablishing missing historic features generally should not be undertaken if the missing features did not coexist with the features currently on the building. Juxtaposing historic features that did not exist concurrently will result in a false sense of the building's history.

### Alterations

Some exterior and interior alterations to a historic building are generally needed as part of a **Rehabilitation** project to ensure its continued use, but it is most important that such alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes. Alterations may include changes to the site or setting, such as the selective removal of buildings or other features of the building site or setting that are intrusive, not character defining, or outside the building's period of significance.

### Code-Required Work: Accessibility and Life Safety

Sensitive solutions to meeting code requirements in a **Rehabilitation** project are an important part of protecting the historic character of the building. Work that must be done to meet accessibility and life-safety requirements must also be assessed for its potential impact on the historic building, its site, and setting.

### Resilience to Natural Hazards

Resilience to natural hazards should be addressed as part of a **Rehabilitation** project. A historic building may have existing characteristics or features that help to address or minimize the impacts of natural hazards. These should always be used to best advantage when considering new adaptive treatments so as to have the least impact on the historic character of the building, its site, and setting.

## Sustainability

Sustainability should be addressed as part of a **Rehabilitation** project. Good preservation practice is often synonymous with sustainability. Existing energy-efficient features should be retained and repaired. Only sustainability treatments should be considered that will have the least impact on the historic character of the building.

The topic of sustainability is addressed in detail in *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*.

## New Exterior Additions and Related New Construction

Rehabilitation is the only treatment that allows expanding a historic building by enlarging it with an addition. However, the **Rehabilitation** guidelines emphasize that new additions should be considered only after it is determined that meeting specific new needs cannot be achieved by altering non-character-defining interior spaces. If the use cannot be accommodated in this way, then an attached exterior addition may be considered. New additions should be designed and constructed so that the character-defining features of the historic building, its site, and setting are not negatively impacted. Generally, a new addition should be subordinate to the historic building. A new addition should be compatible, but differentiated enough so that it is not confused as historic or original to the building. The same guidance applies to new construction so that it does not negatively impact the historic character of the building or its site.

***Rehabilitation as a Treatment.*** When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular time is not appropriate, Rehabilitation may be considered as a treatment. Prior to undertaking work, a documentation plan for Rehabilitation should be developed.

## MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

### RECOMMENDED

### NOT RECOMMENDED

**Identifying, retaining and preserving** masonry features that are important in defining the overall historic character of the building (such as walls, brackets, railings, cornices, window and door surrounds, steps, and columns) and decorative ornament and other details, such as tooling and bonding patterns, coatings, and color.

Removing or substantially changing masonry features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Replacing or rebuilding a major portion of exterior masonry walls that could be repaired, thereby destroying the historic integrity of the building.

Applying paint or other coatings (such as stucco) to masonry that has been historically unpainted or uncoated to create a new appearance.

Removing paint from historically-painted masonry.

**Protecting and maintaining** masonry by ensuring that historic drainage features and systems that divert rainwater from masonry surfaces (such as roof overhangs, gutters, and downspouts) are intact and functioning properly.

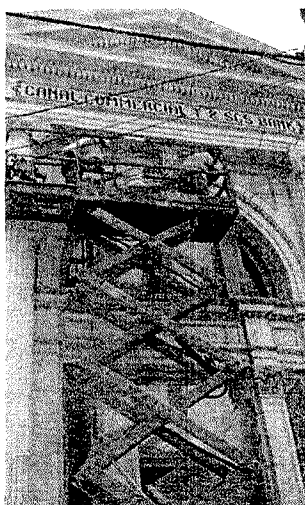
Failing to identify and treat the causes of masonry deterioration, such as leaking roofs and gutters or rising damp.

Cleaning masonry only when necessary to halt deterioration or remove heavy soiling.

Cleaning masonry surfaces when they are not heavily soiled to create a "like-new" appearance, thereby needlessly introducing chemicals or moisture into historic materials.

Carrying out masonry cleaning tests when it has been determined that cleaning is appropriate. Test areas should be examined to ensure that no damage has resulted and, ideally, monitored over a sufficient period of time to allow long-range effects to be predicted.

Cleaning masonry surfaces without testing or without sufficient time for the testing results to be evaluated.



[1] An alkaline-based product is appropriate to use to clean historic marble because it will not damage the marble, which is acid sensitive.

## MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

### RECOMMENDED

Cleaning soiled masonry surfaces with the gentlest method possible, such as using low-pressure water and detergent and natural bristle or other soft-bristle brushes.

### NOT RECOMMENDED

Cleaning or removing paint from masonry surfaces using most abrasive methods (including sandblasting, other media blasting, or high-pressure water) which can damage the surface of the masonry and mortar joints.

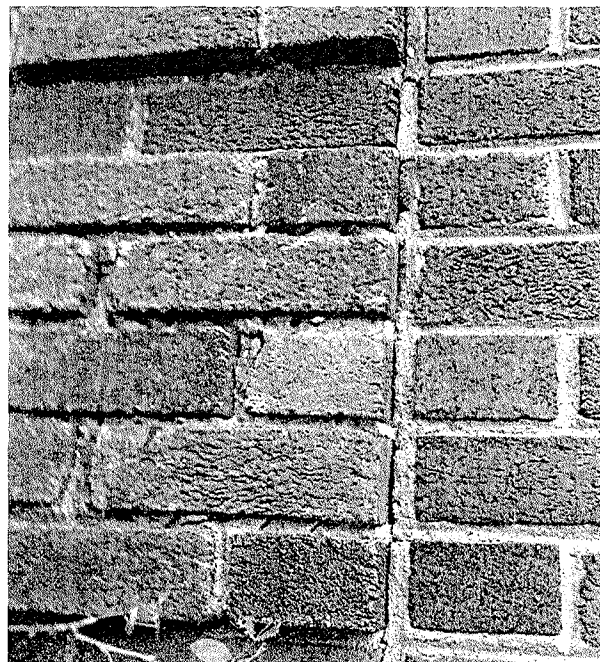
Using a cleaning or paint-removal method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures.

Cleaning with chemical products that will damage some types of masonry (such as using acid on limestone or marble), or failing to neutralize or rinse off chemical cleaners from masonry surfaces.



**[3] Not Recommended:**  
The white film on the upper corner of this historic brick row house is the result of using a scrub or slurry coating, rather than traditional repointing by hand, which is the recommended method.

**[4] Not Recommended:**  
The quoins on the left side of the photo show that high-pressure abrasive blasting used to remove paint can damage even early 20th-century, hard-baked, textured brick and erode the mortar, whereas the same brick on the right, which was not abrasively cleaned, is undamaged.



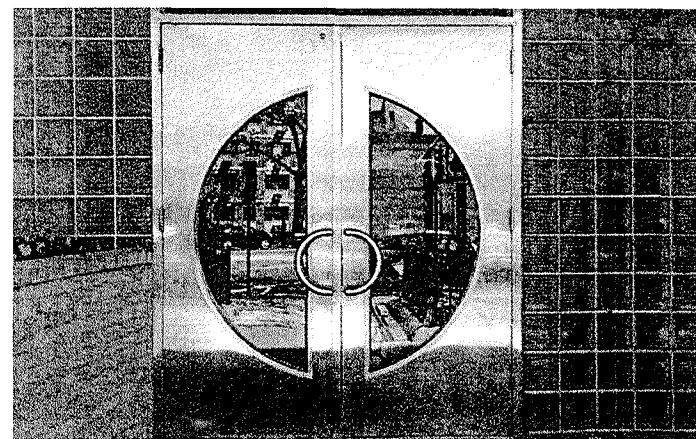
## MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED	NOT RECOMMENDED
Using biodegradable or environmentally-safe cleaning or paint-removal products.	
Using paint-removal methods that employ a poultice to which paint adheres, when possible, to neatly and safely remove old lead paint.	
Using coatings that encapsulate lead paint, when possible, where the paint is not required to be removed to meet environmental regulations.	
Allowing only trained conservators to use abrasive or laser-cleaning methods, when necessary, to clean hard-to-reach, highly-carved, or detailed decorative stone features.	
Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand scraping) prior to repainting.	Removing paint that is firmly adhered to masonry surfaces, unless the building was unpainted historically and the paint can be removed without damaging the surface.
Applying compatible paint coating systems to historically-painted masonry following proper surface preparation.	Failing to follow manufacturers' product and application instructions when repainting masonry features.
Repainting historically-painted masonry features with colors that are appropriate to the historic character of the building and district.	Using paint colors on historically-painted masonry features that are not appropriate to the historic character of the building and district.
Protecting adjacent materials when cleaning or removing paint from masonry features.	Failing to protect adjacent materials when cleaning or removing paint from masonry features.
Evaluating the overall condition of the masonry to determine whether more than protection and maintenance, such as repairs to masonry features, will be necessary.	Failing to undertake adequate measures to ensure the protection of masonry features.
<b>Repairing</b> masonry by patching, splicing, consolidating, or otherwise reinforcing the masonry using recognized preservation methods. Repair may include the limited replacement in kind or with a compatible substitute material of those extensively deteriorated or missing parts of masonry features when there are surviving prototypes, such as terra-cotta brackets or stone balusters.	<p>Removing masonry that could be stabilized, repaired, and conserved, or using untested consolidants and unskilled personnel, potentially causing further damage to historic materials.</p> <p>Replacing an entire masonry feature, such as a cornice or balustrade, when repair of the masonry and limited replacement of deteriorated or missing components are feasible.</p>

## METALS: WROUGHT AND CAST IRON, STEEL, PRESSED METAL, TERNEPLATE, COPPER, ALUMINUM, AND ZINC

RECOMMENDED	NOT RECOMMENDED
<i>Identifying, retaining, and preserving</i> metal features that are important in defining the overall historic character of the building (such as columns, capitals, pilasters, spandrel panels, or stairways) and their paints, finishes, and colors. The type of metal should be identified prior to work because each metal has its own properties and may require a different treatment.	<p>Removing or substantially changing metal features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.</p> <p>Removing a major portion of the historic metal from a façade instead of repairing or replacing only the deteriorated metal, then reconstructing the façade with new material to achieve a uniform or “improved” appearance.</p>
<i>Protecting and maintaining</i> metals from corrosion by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.	<p>Failing to identify and treat the causes of corrosion, such as moisture from leaking roofs or gutters.</p> <p>Placing incompatible metals together without providing an appropriate separation material. Such incompatibility can result in galvanic corrosion of the less noble metal (e.g., copper will corrode cast iron, steel, tin, and aluminum).</p>
Cleaning metals when necessary to remove corrosion prior to repainting or applying appropriate protective coatings.	Leaving metals that must be protected from corrosion uncoated after cleaning.

[11] The stainless steel doors at the entrance to this Art Deco apartment building are important in defining its historic character and should be retained in place.



# **METALS: WROUGHT AND CAST IRON, STEEL, PRESSED METAL, TERNEPLATE, COPPER, ALUMINUM, AND ZINC**

RECOMMENDED	NOT RECOMMENDED
Identifying the particular type of metal prior to any cleaning procedure and then testing to ensure that the gentlest cleaning method possible is selected; or, alternatively, determining that cleaning is inappropriate for the particular metal.	<p>Using cleaning methods which alter or damage the color, texture, or finish of the metal, or cleaning when it is inappropriate for the particular metal.</p> <p>Removing the patina from historic metals. The patina may be a protective layer on some metals (such as bronze or copper) as well as a distinctive finish.</p>
Using non-corrosive chemical methods to clean soft metals (such as lead, tinplate, terneplate, copper, and zinc) whose finishes can be easily damaged by abrasive methods.	Cleaning soft metals (such as lead, tinplate, terneplate, copper, and zinc) with abrasive methods (including sandblasting, other abrasive media, or high-pressure water) which will damage the surface of the metal.
Using the least abrasive cleaning method for hard metals (such as cast iron, wrought iron, and steel) to remove paint buildup and corrosion. If hand scraping and wire brushing have proven ineffective, low-pressure abrasive methods may be used as long as they do not abrade or damage the surface.	Using high-pressure abrasive techniques (including sandblasting, other media blasting, or high-pressure water) without first trying gentler cleaning methods prior to cleaning cast iron, wrought iron, or steel.
Applying appropriate paint or other coatings to historically-coated metals after cleaning to protect them from corrosion.	Applying paint or other coatings to metals (such as copper, bronze or stainless steel) if they were not coated historically, unless a coating is necessary for maintenance.
Repainting historically-painted metal features with colors that are appropriate to the building and district.	Using paint colors on historically-painted metal features that are not appropriate to the building or district.
Applying an appropriate protective coating (such as lacquer or wax) to a metal feature that was historically unpainted, such as a bronze door, which is subject to heavy use.	



## ROOFS

RECOMMENDED	NOT RECOMMENDED
<p><b>Identifying, retaining, and preserving</b> roofs and their functional and decorative features that are important in defining the overall historic character of the building. The form of the roof (gable, hipped, gambrel, flat, or mansard) is significant, as are its decorative and functional features (such as cupolas, cresting, parapets, monitors, chimneys, weather vanes, dormers, ridge tiles, and snow guards), roofing material (such as slate, wood, clay tile, metal, roll roofing, or asphalt shingles), and size, color, and patterning.</p>	<p>Removing or substantially changing roofs which are important in defining the overall historic character of the building so that, as a result, the character is diminished.</p> <p>Removing a major portion of the historic roof or roofing material that is repairable, then rebuilding it with new material to achieve a more uniform or "improved" appearance.</p> <p>Changing the configuration or shape of a roof by adding highly visible new features (such as dormer windows, vents, skylights, or a penthouse).</p> <p>Stripping the roof of sound historic material, such as slate, clay tile, wood, or metal.</p>
<p><b>Protecting and maintaining</b> a roof by cleaning gutters and downspouts and replacing deteriorated flashing. Roof sheathing should also be checked for indications of moisture due to leaks or condensation.</p>	<p>Failing to clean and maintain gutters and downspouts properly so that water and debris collect and cause damage to roof features, sheathing, and the underlying roof structure.</p>
<p>Providing adequate anchorage for roofing material to guard against wind damage and moisture penetration.</p>	<p>Allowing flashing, caps, and exposed fasteners to corrode, which accelerates deterioration of the roof.</p>
<p>Protecting a leaking roof with a temporary waterproof membrane with a synthetic underlayment, roll roofing, plywood, or a tarpaulin until it can be repaired.</p>	<p>Leaving a leaking roof unprotected so that accelerated deterioration of historic building materials (such as masonry, wood, plaster, paint, and structural members) occurs.</p>
<p>Repainting a roofing material that requires a protective coating and was painted historically (such as a terneplate metal roof or gutters) as part of regularly-scheduled maintenance.</p>	<p>Failing to repaint a roofing material that requires a protective coating and was painted historically as part of regularly-scheduled maintenance.</p>
<p>Applying compatible paint coating systems to historically-painted roofing materials following proper surface preparation.</p>	<p>Applying paint or other coatings to roofing material if they were not coated historically.</p>
<p>Protecting a roof covering when working on other roof features.</p>	<p>Failing to protect roof coverings when working on other roof features.</p>
<p>Evaluating the overall condition of the roof and roof features to determine whether more than protection and maintenance, such as repairs to roof features, will be necessary.</p>	<p>Failing to undertake adequate measures to ensure the protection of roof features.</p>

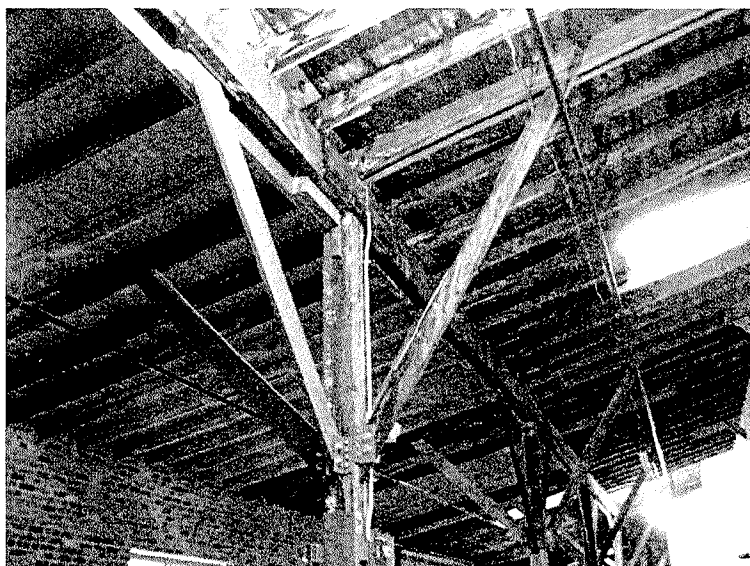
## ROOFS

### RECOMMENDED

### NOT RECOMMENDED

#### Alterations and Additions for a New Use

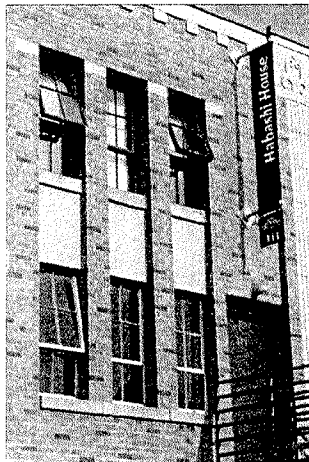
Installing mechanical and service equipment on the roof (such as heating and air-conditioning units, elevator housing, or solar panels) when required for a new use so that they are inconspicuous on the site and from the public right-of-way and do not damage or obscure character-defining historic features.	Installing roof-top mechanical or service equipment so that it damages or obscures character-defining roof features or is conspicuous on the site or from the public right-of-way.
Designing rooftop additions, elevator or stair towers, decks or terraces, dormers, or skylights when required by a new or continuing use so that they are inconspicuous and minimally visible on the site and from the public right-of-way and do not damage or obscure character-defining historic features.	Changing a character-defining roof form, or damaging or destroying character-defining roofing material as a result of an incompatible rooftop addition or improperly-installed or highly-visible mechanical equipment.
Installing a green roof or other roof landscaping, railings, or furnishings that are not visible on the site or from the public right-of-way and do not damage the roof structure.	Installing a green roof or other roof landscaping, railings, or furnishings that are visible on the site and from the public right-of-way.



[17] New wood elements have been used selectively to replace rotted wood on the underside of the roof in this historic warehouse.

## WINDOWS

RECOMMENDED	NOT RECOMMENDED
<i>Identifying, retaining, and preserving</i> windows and their functional and decorative features that are important to the overall character of the building. The window material and how the window operates (e.g., double hung, casement, awning, or hopper) are significant, as are its components (including sash, muntins, ogee lugs, glazing, pane configuration, sills, mullions, casings, or brick molds) and related features, such as shutters.	<p>Removing or substantially changing windows or window features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.</p> <p>Changing the appearance of windows that contribute to the historic character of the building by replacing materials, finishes, or colors which noticeably change the sash, depth of the reveal, and muntin configurations; the reflectivity and color of the glazing; or the appearance of the frame.</p> <p>Obscuring historic wood window trim with metal or other material.</p> <p>Replacing windows solely because of peeling paint, broken glass, stuck sash, or high air infiltration. These conditions, in themselves, do not indicate that windows are beyond repair.</p>
<i>Protecting and maintaining</i> the wood or metal which comprises the window jamb, sash, and trim through appropriate treatments, such as cleaning, paint removal, and reapplication of protective coating systems.	Failing to protect and maintain window materials on a cyclical basis so that deterioration of the window results.
Protecting windows against vandalism before work begins by covering them and by installing alarm systems that are keyed into local protection agencies.	Leaving windows unprotected and subject to vandalism before work begins, thereby also allowing the interior to be damaged if it can be accessed through unprotected windows.
Making windows weathertight by recaulking gaps in fixed joints and replacing or installing weatherstripping.	
Protecting windows from chemical cleaners, paint, or abrasion during work on the exterior of the building.	Failing to protect historic windows from chemical cleaners, paint, or abrasion when work is being done on the exterior of the building.
Protecting and retaining historic glass when replacing putty or repairing other components of the window.	Failing to protect the historic glass when making window repairs.



[21] The windows on the lower floor, which were too deteriorated to repair, were replaced with new steel windows matching the upper-floor historic windows that were retained.

## WINDOWS

RECOMMENDED	NOT RECOMMENDED
Modifying a historic single-glazed sash to accommodate insulated glass when it will not jeopardize the soundness of the sash or significantly alter its appearance.	Modifying a historic single-glazed sash to accommodate insulated glass when it will jeopardize the soundness of the sash or significantly alter its appearance.
Using low-e glass with the least visible tint in new or replacement windows.	Using low-e glass with a dark tint in new or replacement windows, thereby negatively impacting the historic character of the building.
Using window grids rather than true divided lights on windows on the upper floors of high-rise buildings if they will not be noticeable.	Using window grids rather than true divided lights on windows in low-rise buildings or on lower floors of high-rise buildings where they will be noticeable, resulting in a change to the historic character of the building.
Ensuring that spacer bars in between double panes of glass are the same color as the window sash.	Using spacer bars in between double panes of glass that are not the same color as the window sash.
Replacing all of the components in a glazing system if they have failed because of faulty design or materials that have deteriorated with new material that will improve the window performance without noticeably changing the historic appearance.	Replacing all of the components in a glazing system with new material that will noticeably change the historic appearance.
Replacing incompatible, non-historic windows with new windows that are compatible with the historic character of the building; or reinstating windows in openings that have been filled in.	
<i>The following work is highlighted to indicate that it is specific to Rehabilitation projects and should only be considered after the preservation concerns have been addressed.</i>	
Designing the Replacement for Missing Historic Features	
Designing and installing a new window or its components, such as frames, sash, and glazing, when the historic feature is completely missing. It may be an accurate restoration based on documentary and physical evidence, but only when the historic feature to be replaced coexisted with the features currently on the building. Or, it may be a new design that is compatible with the size, scale, material, and color of the historic building.	<p>Creating an inaccurate appearance because the replacement for the missing window is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature to be replaced did not coexist with the features currently on the building.</p> <p>Installing replacement windows made from other materials that are not the same as the material of the original windows if they would have a noticeably different appearance from the remaining historic windows.</p>



(a)



(b)



(c)

[22] **Not Recommended:** (a-b) The original wood windows in this late-19<sup>th</sup>-century building, which were highly decorative, could likely have been repaired and retained. (c) Instead, they were replaced with new windows that do not match the detailing of the historic windows and, therefore, do not meet the Standards (above).

## WINDOWS

RECOMMENDED	NOT RECOMMENDED
Alterations and Additions for a New Use	
<p>Adding new window openings on rear or other secondary, less-visible elevations, if required by a new use. The new openings and the windows in them should be compatible with the overall design of the building but, in most cases, not duplicate the historic fenestration.</p>	<p>Changing the number, location, size, or glazing pattern of windows on primary or highly-visible elevations which will alter the historic character of the building.</p> <p>Cutting new openings on character-defining elevations or cutting new openings that damage or destroy significant features.</p> <p>Adding balconies at existing window openings or new window openings on primary or other highly-visible elevations where balconies never existed and, therefore, would be incompatible with the historic character of the building.</p>
<p>Replacing windows that are too deteriorated to repair using the same sash and pane configuration, but with new windows that operate differently, if necessary, to accommodate a new use. Any change must have minimal visual impact. Examples could include replacing hopper or awning windows with casement windows, or adding a realigned and enlarged operable portion of industrial steel windows to meet life-safety codes.</p>	<p>Replacing a window that contributes to the historic character of the building with a new window that is different in design (such as glass divisions or muntin profiles), dimensions, materials (wood, metal, or glass), finish or color, or location that will have a noticeably different appearance from the historic windows, which may negatively impact the character of the building.</p>
<p>Installing impact-resistant glazing, when necessary for security, so that it is compatible with the historic windows and does not damage them or negatively impact their character.</p>	<p>Installing impact-resistant glazing, when necessary for security, that is incompatible with the historic windows and that damages them or negatively impacts their character.</p>
<p>Using compatible window treatments (such as frosted glass, appropriate shades or blinds, or shutters) to retain the historic character of the building when it is necessary to conceal mechanical equipment, for example, that the new use requires be placed in a location behind a window or windows on a primary or highly-visible elevation.</p>	<p>Removing a character-defining window to conceal mechanical equipment or to provide privacy for a new use of the building by blocking up the opening.</p>

Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA

Laurel Heights Improvement Association Appeal of Planning  
Commission's Certification of Final EIR/ CEQA Findings

Board of Supervisors File No: 191035

Exhibits to Statement of Petree A. Powell, MCP, JD

## **EXHIBIT A - Part 2**

## ENTRANCES AND PORCHES

## RECOMMENDED

## NOT RECOMMENDED



[24] Rotted boards in the beaded-board porch ceiling are being replaced with new matching beaded board.

**Identifying, retaining, and preserving** entrances and porches and their functional and decorative features that are important in defining the overall historic character of the building. The materials themselves (including masonry, wood, and metal) are significant, as are their features, such as doors, transoms, pilasters, columns, balustrades, stairs, roofs, and projecting canopies.

Removing or substantially changing entrances and porches which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Cutting new entrances on a primary façade.

Altering utilitarian or service entrances so they compete visually with the historic primary entrance; increasing their size so that they appear significantly more important; or adding decorative details that cannot be documented to the building or are incompatible with the building's historic character.

Retaining a historic entrance or porch even though it will no longer be used because of a change in the building's function.

Removing a historic entrance or porch that will no longer be required for the building's new use.

**Protecting and maintaining** the masonry, wood, and metals which comprise entrances and porches through appropriate surface treatments, such as cleaning, paint removal, and reapplication of protective coating systems.

Failing to protect and maintain entrance and porch materials on a cyclical basis so that deterioration of entrances and porches results.

Protecting entrances and porches against arson and vandalism before work begins by covering them and by installing alarm systems keyed into local protection agencies.

Leaving entrances and porches unprotected and subject to vandalism before work begins, thereby also allowing the interior to be damaged if it can be accessed through unprotected entrances.

Protecting entrance and porch features when working on other features of the building.

Failing to protect materials and features when working on other features of the building.

Evaluating the overall condition of entrances and porches to determine whether more than protection and maintenance, such as repairs to entrance and porch features, will be necessary.

Failing to undertake adequate measures to ensure the protection of entrance and porch features.

**Repairing** entrances and porches by patching, splicing, consolidating, and otherwise reinforcing them using recognized preservation methods. Repair may include the limited replacement in kind or with a compatible substitute material of those extensively deteriorated features or missing components of features when there are surviving prototypes, such as balustrades, columns, and stairs.

Removing entrances and porches that could be stabilized, repaired, and conserved, or using untested consolidants, improper repair techniques, or unskilled personnel, potentially causing further damage to historic materials.

Replacing an entire entrance or porch feature when repair of the feature and limited replacement of deteriorated or missing components are feasible.

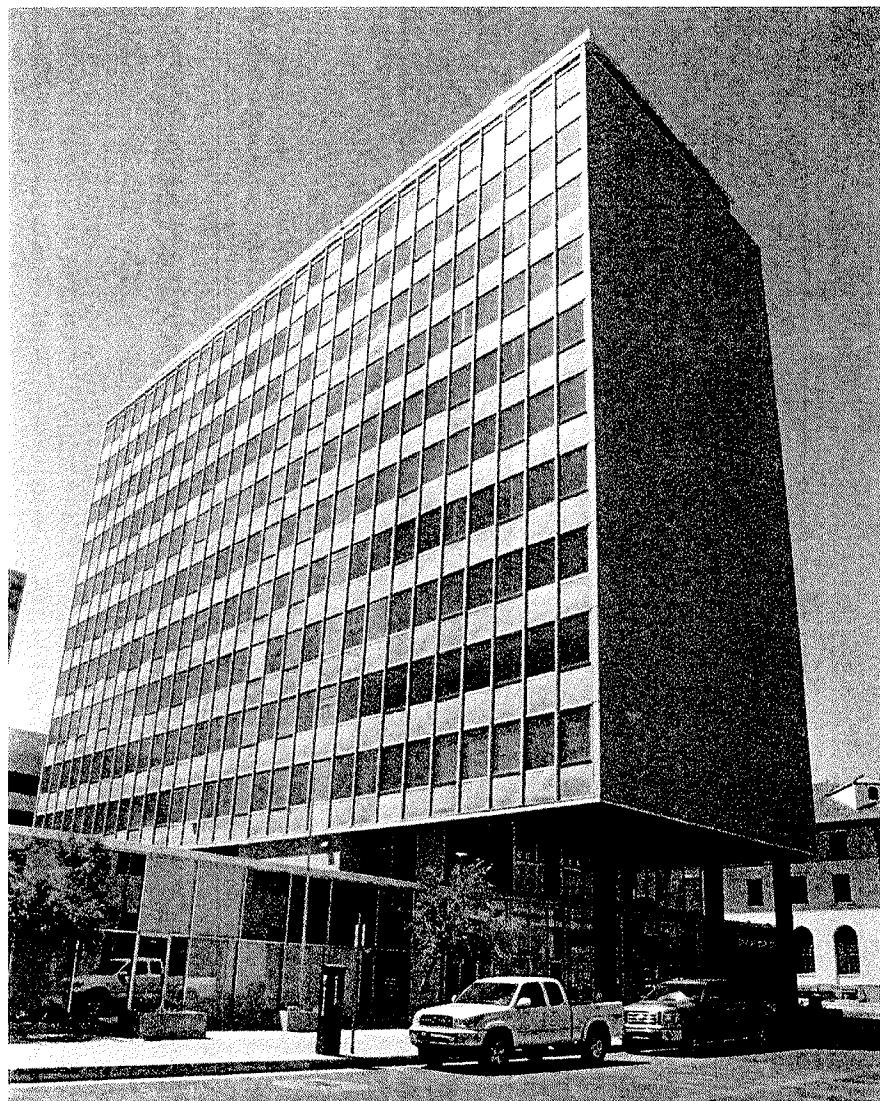


## CURTAIN WALLS

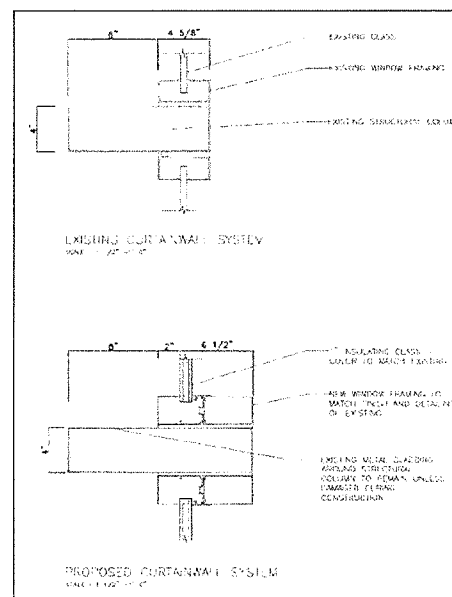
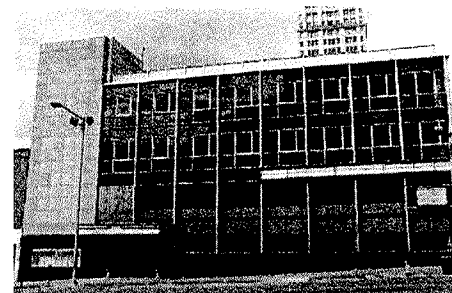
RECOMMENDED	NOT RECOMMENDED
<b>Identifying, retaining, and preserving</b> curtain wall systems and their components (metal framing members and glass or opaque panels) that are important in defining the overall historic character of the building. The design of the curtain wall is significant, as are its component materials (metal stick framing and panel materials, such as clear or spandrel glass, stone, terra cotta, metal, and fiber-reinforced plastic), appearance (e.g., glazing color or tint, transparency, and reflectivity), and whether the glazing is fixed, operable or louvered glass panels. How a curtain wall is engineered and fabricated, and the fact that it expands and contracts at a different rate from the building's structural system, are important to understand when undertaking the rehabilitation of a curtain wall system.	Removing or substantially changing curtain wall components which are important in defining the overall historic character of the building so that, as a result, the character is diminished.  Replacing historic curtain wall features instead of repairing or replacing only the deteriorated components.
<b>Protecting and maintaining</b> curtain walls and their components through appropriate surface treatments, such as cleaning, paint removal, and reapplication of protective coating systems; and by making them watertight and ensuring that sealants and gaskets are in good condition.	Failing to protect and maintain curtain wall components on a cyclical basis so that deterioration of curtain walls results.  Failing to identify, evaluate, and treat various causes of curtain wall failure, such as open gaps between components where sealants have deteriorated or are missing.
Protecting ground-level curtain walls from vandalism before work begins by covering them, while ensuring adequate ventilation, and by installing alarm systems keyed into local protection agencies.	Leaving ground-level curtain walls unprotected and subject to vandalism before work begins, thereby also allowing the interior to be damaged if it can be accessed through unprotected glazing.
Protecting curtain walls when working on other features of the building.	Failing to protect curtain walls when working on other features of the building.
Cleaning curtain wall systems only when necessary to halt deterioration or to remove heavy soiling.	Cleaning curtain wall systems when they are not heavily soiled, thereby needlessly introducing chemicals or moisture into historic materials.

## CURTAIN WALLS

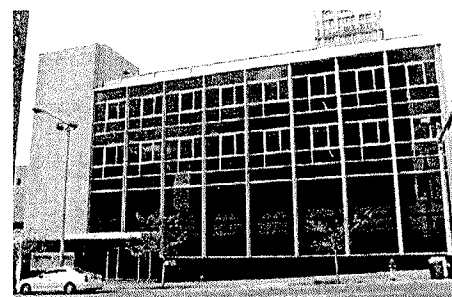
RECOMMENDED	NOT RECOMMENDED
Carrying out cleaning tests, when it has been determined that cleaning is appropriate, using only cleaning materials that will not damage components of the system, including factory-applied finishes. Test areas should be examined to ensure that no damage has resulted.	Cleaning curtain wall systems without testing or using cleaning materials that may damage components of the system.
Evaluating the overall condition of curtain walls to determine whether more than protection and maintenance, such as repair of curtain wall components, will be necessary.	Failing to undertake adequate measures to protect curtain wall components.
<b>Repairing</b> curtain walls by ensuring that they are watertight by augmenting existing components or replacing deteriorated or missing sealants or gaskets, where necessary, to seal any gaps between system components. Repair may include the limited replacement of those extensively deteriorated or missing components of curtain walls when there are surviving prototypes.	Removing curtain wall components that could be repaired or using improper repair techniques.  Replacing an entire curtain wall system when repair of materials and limited replacement of deteriorated or missing components are feasible.
Applying sealants carefully so that they are not readily visible.	
<b>Replacing</b> in kind a component or components of a curtain wall system that are too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. If using the same kind of material is not feasible, then a compatible substitute material may be considered as long as it has the same finish and appearance.	Removing a curtain wall component or the entire system, if necessary, that is unrepairable and not replacing it or replacing it with a new component or system that does not convey the same appearance.
Replacing masonry, metal, glass, or other components of a curtain wall system (or the entire system, if necessary) which have failed because of faulty design with substitutes that match the original as closely as possible and which will reestablish the viability and performance of the system.	Using substitute material for the replacement that does not convey the same appearance of the surviving components of the curtain wall or that is physically incompatible.



[30] Rather than replace the original curtain wall system of the 1954 Simms Building in Albuquerque, NM, with a different color tinted glass or coat it with a non-historic reflective film, the HVAC system was updated to improve energy efficiency. Photo: Harvey M. Kaplan.



[31 a-c] (a) The rehabilitation of the First Federal Savings and Loan Association building in Birmingham, AL, constructed in 1961, required replacing the deteriorated historic curtain wall system because the framing and the fasteners holding the spandrel glass and the windows had failed. (b) Comparative drawings show that the differences between the replacement system, which incorporated new insulated glass to meet wind-load requirements, and the original system are minimal. (c) The replacement system, shown after completion of the project, has not altered the historic character of the building.



## CURTAIN WALLS

## RECOMMENDED

## NOT RECOMMENDED

*The following work is highlighted to indicate that it is specific to Rehabilitation projects and should only be considered after the preservation concerns have been addressed.*

**Designing the Replacement for Missing Historic Features**

Designing and installing a new curtain wall or its components when the historic feature is completely missing. It may be an accurate restoration based on documentary and physical evidence, but only when the historic feature to be replaced coexisted with the features currently on the building. Or, it may be a new design that is compatible with the size, scale, material, and color of the historic building.

Creating an inaccurate appearance because the replacement for the missing curtain wall component is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature did not coexist with the features currently on the building.

Introducing a new curtain wall component that is incompatible in size, scale, material, color, and finish.

**Alterations and Additions for a New Use**

Installing new glazing or an entire new curtain wall system, when necessary to meet safety-code requirements, with dimensions, detailing, materials, colors, and finish as close as possible to the historic curtain wall components.

Installing new glazing or an entire new curtain wall system, when necessary to meet safety-code requirements, with dimensions and detailing that is significantly different from the historic curtain wall components.

Installing impact-resistant glazing, when necessary for security, so that it is compatible with the historic windows and does not damage them or negatively impact their character.

Installing impact-resistant glazing in a curtain wall system, when necessary for security, that is incompatible with the historic curtain walls and damages them or negatively impacts their character.

## BUILDING SITE

## RECOMMENDED

*Identifying, retaining, and preserving* features of the building site that are important in defining its overall historic character. Site features may include walls, fences, or steps; circulation systems, such as walks, paths or roads; vegetation, such as trees, shrubs, grass, orchards, hedges, windbreaks, or gardens; landforms, such as hills, terracing, or berms; furnishings and fixtures, such as light posts or benches; decorative elements, such as sculpture, statuary, or monuments; water features, including fountains, streams, pools, lakes, or irrigation ditches; and subsurface archaeological resources, other cultural or religious features, or burial grounds which are also important to the site.

## NOT RECOMMENDED

Removing or substantially changing buildings and their features or site features which are important in defining the overall historic character of the property so that, as a result, the character is diminished.



[42] This garden is an important character-defining landscape feature on this college campus.

## BUILDING SITE

RECOMMENDED	NOT RECOMMENDED
Retaining the historic relationship between buildings and the landscape.	<p>Removing or relocating buildings or landscape features, thereby destroying the historic relationship between buildings and the landscape.</p> <p>Removing or relocating buildings on a site or in a complex of related historic structures (such as a mill complex or farm), thereby diminishing the historic character of the site or complex.</p> <p>Moving buildings onto the site, thereby creating an inaccurate historic appearance.</p> <p>Changing the grade level of the site if it diminishes its historic character. For example, lowering the grade adjacent to a building to maximize use of a basement, which would change the historic appearance of the building and its relation to the site.</p>
<i>Protecting and maintaining</i> buildings and site features by providing proper drainage to ensure that water does not erode foundation walls, drain toward the building, or damage or erode the landscape.	Failing to ensure that site drainage is adequate so that buildings and site features are damaged or destroyed; or, alternatively, changing the site grading so that water does not drain properly.
Correcting any existing irrigation that may be wetting the building excessively.	Neglecting to correct any existing irrigation that may be wetting the building excessively.
Minimizing disturbance of the terrain around buildings or elsewhere on the site, thereby reducing the possibility of destroying or damaging important landscape features, archeological resources, other cultural or religious features, or burial grounds.	Using heavy machinery or equipment in areas where it may disturb or damage important landscape features, archeological resources, other cultural or religious features, or burial grounds.
Surveying and documenting areas where the terrain will be altered to determine the potential impact to important landscape features, archeological resources, other cultural or religious features, or burial grounds.	Failing to survey the building site prior to beginning work, which may result in damage or loss of important landscape features, archeological resources, other cultural or religious features, or burial grounds.

## BUILDING SITE

RECOMMENDED	NOT RECOMMENDED
Protecting (e.g., preserving in place) important site features, archeological resources, other cultural or religious features, or burial grounds.	Leaving known site features or archeological material unprotected so that it is damaged during rehabilitation work.
Planning and carrying out any necessary investigation before rehabilitation begins, using professional archeologists and methods, when preservation in place is not feasible.	Allowing unqualified personnel to perform data recovery on archeological resources, which can result in damage or loss of important archeological material
Preserving important landscape features through regularly-scheduled maintenance of historic plant material.	Allowing important landscape features or archeological resources to be lost, damaged, or to deteriorate due to inadequate protection or lack of maintenance
Protecting the building site and landscape features against arson and vandalism before rehabilitation work begins by erecting temporary fencing and by installing alarm systems keyed into local protection agencies.	Leaving the property unprotected and subject to vandalism before work begins so that the building site and landscape features, archeological resources, other cultural or religious features, or burial grounds can be damaged or destroyed.  Removing or destroying features from the site, such as fencing, paths or walkways, masonry balustrades, or plant material.
Installing protective fencing, bollards, and stanchions on a building site, when necessary for security, that are as unobtrusive as possible.	Installing protective fencing, bollards, and stanchions on a building site, when necessary for security, without taking into consideration their location and visibility so that they negatively impact the historic character of the site.
Providing continued protection and maintenance of buildings and landscape features on the site through appropriate grounds and landscape management.	Failing to protect and maintain materials and features from the restoration period on a cyclical basis so that deterioration of the site results.
Protecting buildings and landscape features when working on the site.	Failing to protect building and landscape features during work on the site or failing to repair damaged or deteriorated site features.

BUILDING SITE

RECOMMENDED

Evaluating the overall condition of materials and features to determine whether more than protection and maintenance, such as repairs to site features, will be necessary.

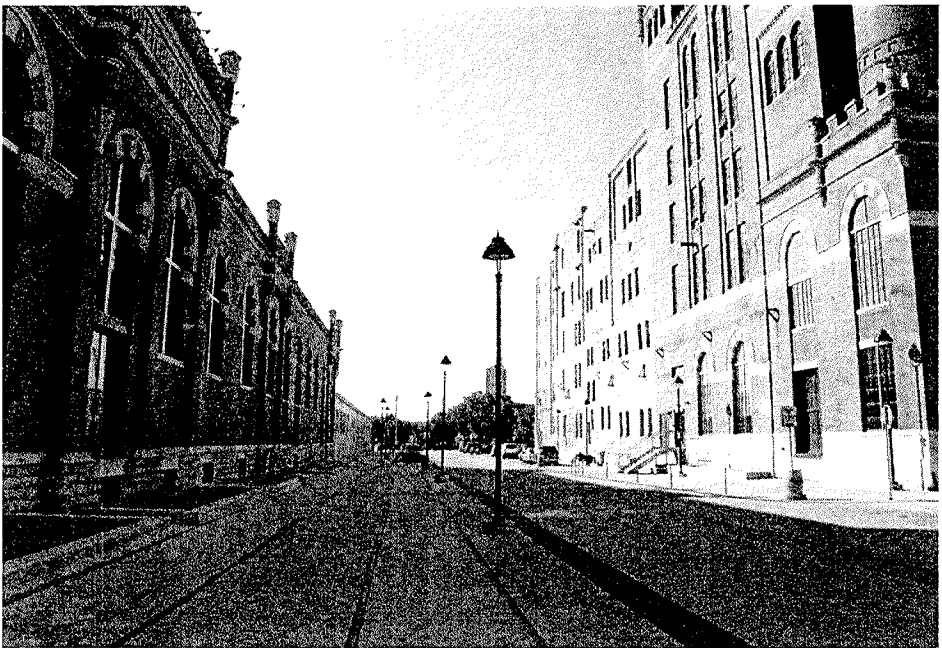
**Repairing** historic site features which have been damaged, are deteriorated, or have missing components order reestablish the whole feature and to ensure retention of the integrity of the historic materials. Repairs may include limited replacement in kind or with a compatible substitute material of those extensively deteriorated or missing parts of site features when there are surviving prototypes, such as paving, railings, or individual plants within a group (e.g., a hedge). Repairs should be physically and visually compatible.

NOT RECOMMENDED

Failing to undertake adequate measures to ensure the protection of the site.

Removing materials and features that could be repaired or using improper repair techniques.

Replacing an entire feature of the site (such as a fence, walkway, or drive) when repair of materials and limited replacement of deteriorated or missing components are feasible.



[43] The industrial character of the site was retained when this brewery complex was rehabilitated for residential use.



[44] **Not Recommended:** (a-b) The historic character of this plantation house (marked in blue on plan on opposite page) and its site was diminished and adversely impacted when multiple new buildings like this (#3 on plan) were constructed on the property (c).



## BUILDING SITE

## RECOMMENDED

## NOT RECOMMENDED

*The following work is highlighted to indicate that it is specific to Rehabilitation projects and should only be considered after the preservation concerns have been addressed.*

## Designing the Replacement for Missing Historic Features

Designing and installing a new feature on a site when the historic feature is completely missing. This could include missing outbuildings, terraces, drives, foundation plantings, specimen trees, and gardens. The design may be an accurate restoration based on documentary and physical evidence, but only when the feature to be replaced coexisted with the features currently on the site. Or, it may be a new design that is compatible with the historic character of the building and site.

Creating an inaccurate appearance because the replacement for the missing feature is based upon insufficient physical or historic documentation, is not a compatible design, or because the feature did not coexist with the features currently on the site.

Introducing a new feature, including plant material, that is visually incompatible with the site or that alters or destroys the historic site patterns or use.

## Alterations and Additions for a New Use

Designing new onsite features (such as parking areas, access ramps, or lighting), when required by a new use, so that they are as unobtrusive as possible, retain the historic relationship between the building or buildings and the landscape, and are compatible with the historic character of the property.

Locating parking areas directly adjacent to historic buildings where vehicles may cause damage to buildings or landscape features or when they negatively impact the historic character of the building site if landscape features and plant materials are removed.

Designing new exterior additions to historic buildings or adjacent new construction that are compatible with the historic character of the site and preserves the historic relationship between the building or buildings and the landscape.

Introducing new construction on the building site which is visually incompatible in terms of size, scale, design, material, or color, which destroys historic relationships on the site, or which damages or destroys important landscape features, such as replacing a lawn with paved parking areas or removing mature trees to widen a driveway.

Removing non-significant buildings, additions, or site features which detract from the historic character of the site.

Removing a historic building in a complex of buildings or removing a building feature or a landscape feature which is important in defining the historic character of the site.

Locating an irrigation system needed for a new or continuing use of the site where it will not cause damage to historic buildings.

Locating an irrigation system needed for a new or continuing use of the site where it will damage historic buildings.



[45] Undertaking a survey to document archeological resources may be considered in some rehabilitation projects when a new exterior addition is planned.

## SETTING (DISTRICT / NEIGHBORHOOD)

### RECOMMENDED

*Identifying, retaining, and preserving* building and landscape features that are important in defining the overall historic character of the setting. Such features can include circulation systems, such as roads and streets; furnishings and fixtures, such as light posts or benches; vegetation, gardens and yards; adjacent open space, such as fields, parks, commons, or woodlands; and important views or visual relationships.

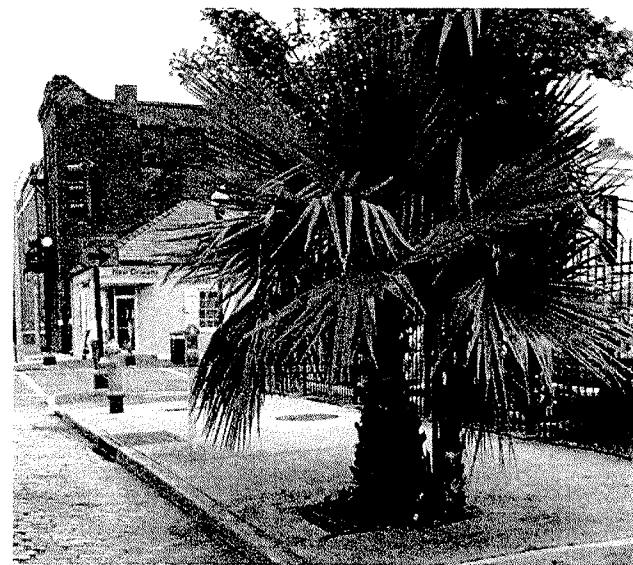
### NOT RECOMMENDED

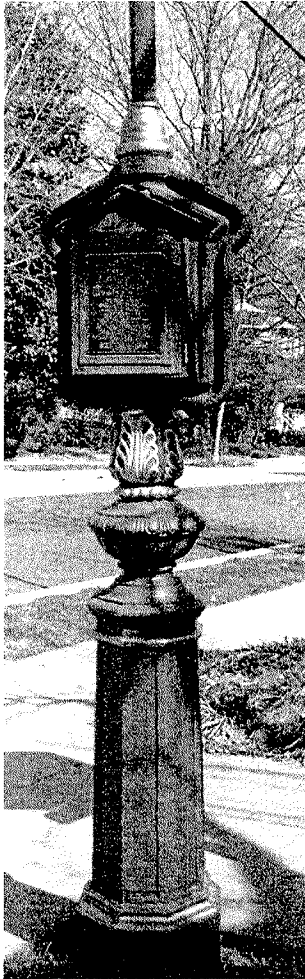
Removing or substantially changing those building and landscape features in the setting which are important in defining the historic character so that, as a result, the character is diminished.



[46] The varied size, shapes, and architectural styles of these historic buildings are unique to this street in Christiansted, St. Croix, USVI, and should be retained in a rehabilitation project.

[47] Original paving stones contribute to the character of the historic setting and distinguish this block from other streets in the district.





[48] Old police and fire call boxes, which are distinctive features in this historic district, have been retained, and now showcase work by local artists.

[49] Low stone walls are character-defining features in this hilly, early-20th-century residential neighborhood.



## SETTING (DISTRICT / NEIGHBORHOOD)

### RECOMMENDED

Retaining the historic relationship between buildings and landscape features in the setting. For example, preserving the relationship between a town common or urban plaza and the adjacent houses, municipal buildings, roads, and landscape and streetscape features.

### NOT RECOMMENDED

Altering the relationship between the buildings and landscape features in the setting by widening existing streets, changing landscape materials, or locating new streets or parking areas where they may negatively impact the historic character of the setting.

Removing or relocating buildings or landscape features, thereby destroying the historic relationship between buildings and the landscape in the setting.



## SETTING (DISTRICT / NEIGHBORHOOD)

RECOMMENDED	NOT RECOMMENDED
<b>Protecting and maintaining</b> historic features in the setting through regularly-scheduled maintenance and grounds and landscape management.	Failing to protect and maintain materials in the setting on a cyclical basis so that deterioration of buildings and landscape features results.  Stripping or removing historic features from buildings or the setting, such as a porch, fencing, walkways, or plant material.
Installing protective fencing, bollards, and stanchions in the setting, when necessary for security, that are as unobtrusive as possible.	Installing protective fencing, bollards, and stanchions in the setting, when necessary for security, without taking into consideration their location and visibility so that they negatively impact the historic character of the setting.
Protecting buildings and landscape features when undertaking work in the setting.	Failing to protect buildings and landscape features during work in the setting.
Evaluating the overall condition of materials and features to determine whether more than protection and maintenance, such as repairs to materials and features in the setting, will be necessary.	Failing to undertake adequate measures to ensure the protection of materials and features in the setting.
<b>Repairing</b> features in the setting by reinforcing the historic materials. Repairs may include the replacement in kind or with a compatible substitute material of those extensively deteriorated or missing parts of setting features when there are surviving prototypes, such as fencing, paving materials, trees, and hedgerows. Repairs should be physically and visually compatible.	Failing to repair and reinforce damaged or deteriorated historic materials and features in the setting.  Removing material that could be repaired or using improper repair techniques.  Replacing an entire feature of the building or landscape in the setting when repair of materials and limited replacement of deteriorated or missing components are feasible.

## SETTING (DISTRICT / NEIGHBORHOOD)

## RECOMMENDED

## NOT RECOMMENDED

**Replacing** in kind an entire building or landscape feature in the setting that is too deteriorated to repair (if the overall form and detailing are still evident) using the physical evidence as a model to reproduce the feature. If using the same kind of material is not feasible, then a compatible substitute material may be considered.

Removing a character-defining feature of the building or landscape from the setting that is unrepairable and not replacing it or replacing it with a new feature that does not match.

Using a substitute material for the replacement that does not convey the same appearance of the surviving building or landscape feature in the setting or that is physically or ecologically incompatible.

*The following work is highlighted to indicate that it is specific to Rehabilitation projects and should only be considered after the preservation concerns have been addressed.*

## Designing the Replacement for Missing Historic Features

Designing and installing a new feature of the building or landscape in the setting when the historic feature is completely missing. This could include missing steps, streetlights, terraces, trees, and fences. The design may be an accurate restoration based on documentary and physical evidence, but only when the feature to be replaced coexisted with the features currently in the setting. Or, it may be a new design that is compatible with the historic character of the setting.

Creating an inaccurate appearance because the replacement for the missing feature is based upon insufficient physical or historic documentation; is not a compatible design, or because the feature did not coexist with the features currently in the setting.

Introducing a new building or landscape feature that is visually or otherwise incompatible with the setting's historic character (e.g., replacing low metal fencing with a high wood fence).

## Alterations and Additions for a New Use

Designing new features (such as parking areas, access ramps, or lighting), when required by a new use, so that they are as unobtrusive as possible, retain the historic relationships between buildings and the landscape in the setting, and are compatible with the historic character of the setting.

Locating parking areas directly adjacent to historic buildings where vehicles may cause damage to buildings or landscape features or when they negatively impact the historic character of the setting if landscape features and plant materials are removed.

Designing new exterior additions to historic buildings or adjacent new construction that are compatible with the historic character of the setting that preserve the historic relationship between the buildings and the landscape.

Introducing new construction into historic districts which is visually incompatible or that destroys historic relationships within the setting, or which damages or destroys important landscape features.

Removing non-significant buildings, additions, or landscape features which detract from the historic character of the setting.

Removing a historic building, a building feature, or landscape feature which is important in defining the historic character of the setting.

## CODE-REQUIRED WORK

### RECOMMENDED

### NOT RECOMMENDED

*Sensitive solutions to meeting accessibility and life-safety code requirements are an important part of protecting the historic character of the building and site. Thus, work that must be done to meet use-specific code requirements should be considered early in planning a **Rehabilitation** of a historic building for a new use. Because code mandates are directly related to occupancy, some uses require less change than others and, thus, may be more appropriate for a historic building. Early coordination with code enforcement authorities can reduce the impact of alterations necessary to comply with current codes.*

### ACCESSIBILITY

Identifying the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting which may be affected by accessibility code-required work.

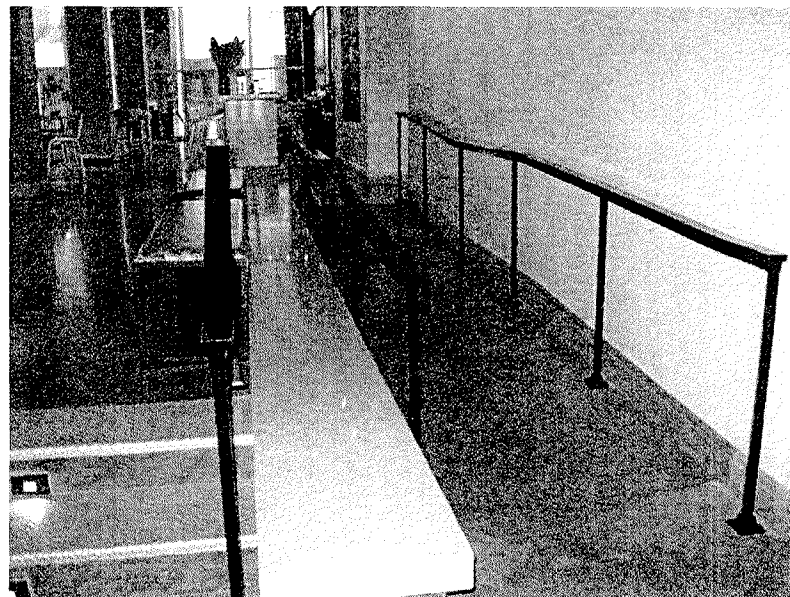
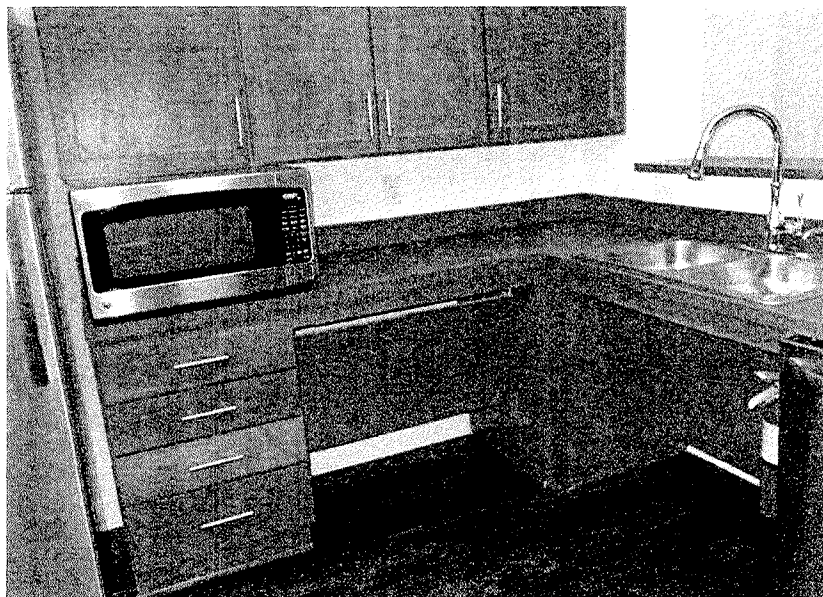
Undertaking accessibility code-required alterations before identifying those exterior features, interior spaces, features, and finishes, and features of the site and setting which are character defining and, therefore, must be preserved.

Complying with barrier-free access requirements in such a manner that the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting are preserved or impacted as little as possible.

Altering, damaging, or destroying character-defining exterior features, interior spaces, features, and finishes, or features of the site and setting while making modifications to a building, its site, or setting to comply with accessibility requirements.

[50] This kitchen in a historic apartment complex was rehabilitated to meet accessibility requirements.

[51] A new interior access ramp with a simple metal railing is compatible with the character of this mid-century-modern building.





CODE-REQUIRED WORK

RECOMMENDED

NOT RECOMMENDED

Working with specialists in accessibility and historic preservation to determine the most sensitive solutions to comply with access requirements in a historic building, its site, or setting.

Making changes to historic buildings, their sites, or setting without first consulting with specialists in accessibility and historic preservation to determine the most appropriate solutions to comply with accessibility requirements.

Providing barrier-free access that promotes independence for the user while preserving significant historic features.

Making modifications for accessibility that do not provide independent, safe access while preserving historic features.

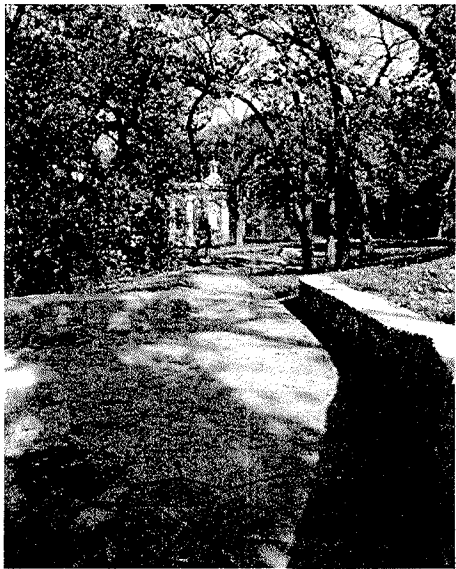
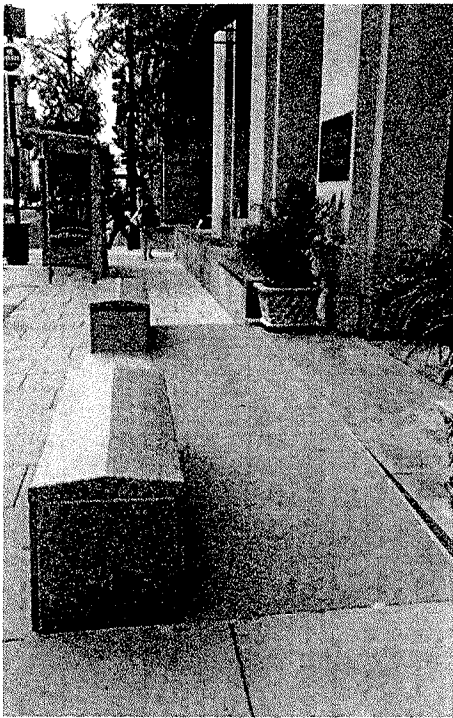
Finding solutions to meet accessibility requirements that minimize the impact of any necessary alteration on the historic building, its site, and setting, such as compatible ramps, paths, and lifts.

Making modifications for accessibility without considering the impact on the historic building, its site, and setting.

[52] The access ramp blends in with the stone façade of the First National Bank in Stephenville, TX, and is appropriately located on the side where it does not impact the historic character of the building. Photo: Nancy McCoy, QuimbyMcCoy Preservation Architecture, LLP.



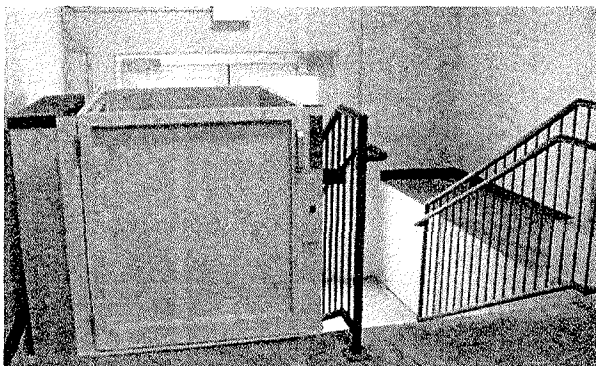
[53] This entrance ramp (right) is compatible with the historic character of this commercial building.



[54] The gently-sloped path in a historic park in Kansas City, MO, which accesses the memorial below, includes a rest area part way up the hill. Photo: STRATA Architecture + Preservation.

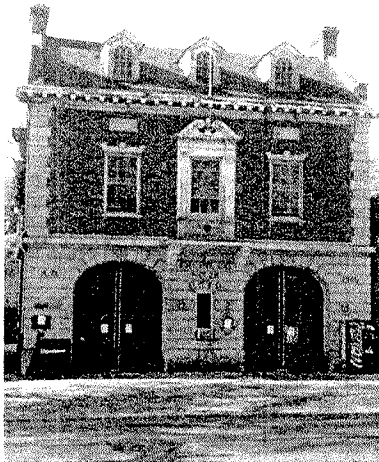
## CODE-REQUIRED WORK

RECOMMENDED	NOT RECOMMENDED
Using relevant sections of existing codes regarding accessibility for historic buildings that provide alternative means of code compliance when code-required work would otherwise negatively impact the historic character of the property.	
Minimizing the impact of accessibility ramps by installing them on secondary elevations when it does not compromise accessibility or by screening them with plantings.	Installing elevators, lifts, or incompatible ramps at a primary entrance, or relocating primary entrances to secondary locations to provide access without investigating other options or locations.
Adding a gradual slope or grade to the sidewalk, if appropriate, to access the entrance rather than installing a ramp that would be more intrusive to the historic character of the building and the district.	
Adding an exterior stair or elevator tower that is compatible with the historic character of the building in a minimally-visible location only when it is not possible to accommodate it on the interior without resulting in the loss of significant historic spaces, features, or finishes.	
Installing a lift as inconspicuously as possible when it is necessary to locate it on a primary elevation of the historic building.	
Installing lifts or elevators on the interior in secondary or less significant spaces where feasible.	Installing lifts or elevators on the interior in primary spaces which will negatively impact the historic character of the space.



[55] The lift is compatible with the industrial character of this former warehouse.





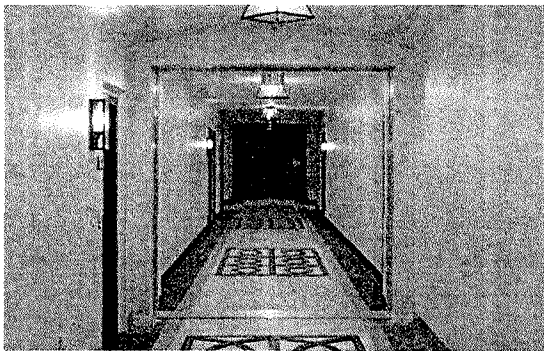
CODE-REQUIRED WORK

RECOMMENDED	NOT RECOMMENDED
LIFE SAFETY	
Identifying the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting which may be affected by life-safety code-required work.	Undertaking life-safety code-required alterations before identifying those exterior features, interior spaces, features, and finishes, and features of the site and setting which are character defining and, therefore, must be preserved.
Complying with life-safety codes (including requirements for impact-resistant glazing, security, and seismic retrofit) in such a manner that the historic building's character-defining exterior features, interior spaces, features, and finishes, and features of the site and setting are preserved or impacted as little as possible.	Altering, damaging, or destroying character-defining exterior features, interior spaces, features, and finishes, or features of the site and setting while making modifications to a building, its site, or setting to comply with life-safety code requirements.
Removing building materials only after testing has been conducted to identify hazardous materials, and using only the least damaging abatement methods.	Removing building materials without testing first to identify the hazardous materials, or using potentially damaging methods of abatement.
Providing workers with appropriate personal equipment for protection from hazards on the worksite.	Removing hazardous or toxic materials without regard for workers' health and safety or environmentally-sensitive disposal of the materials.
Working with code officials and historic preservation specialists to investigate systems, methods, or devices to make the building compliant with life-safety codes to ensure that necessary alterations will be compatible with the historic character of the building.	Making life-safety code-required changes to the building without consulting code officials and historic preservation specialists, with the result that alterations negatively impact the historic character of the building.
Using relevant sections of existing codes regarding life safety for historic buildings that provide alternative means of code compliance when code-required work would otherwise negatively impact the historic character of the building.	

[56 a-b] In order to continue in its historic use, the door openings of this 1916 Colonial Revival-style fire station had to be widened to accommodate the larger size of modern fire trucks. Although this resulted in some change to the arched door surrounds, it is minimal and does not negatively impact the historic character of the building. (a) Above, before; Photo: Fire and Emergency Medical Services Department (FEMS), Washington, D.C.; below, after.

## CODE-REQUIRED WORK

RECOMMENDED	NOT RECOMMENDED
Upgrading historic stairways and elevators to meet life-safety codes so that they are not damaged or otherwise negatively impacted.	Damaging or making inappropriate alterations to historic stairways and elevators or to adjacent features, spaces, or finishes in the process of doing work to meet code requirements.
Installing sensitively-designed fire-suppression systems, such as sprinklers, so that historic features and finishes are preserved.	Covering character-defining wood features with fire-retardant sheathing, which results in altering their appearance.
Applying fire-retardant coatings when appropriate, such as intumescent paint, to protect steel structural systems.	Using fire-retardant coatings if they will damage or obscure character-defining features.
Adding a new stairway or elevator to meet life-safety code requirements in a manner that preserves adjacent character-defining features and spaces.	Altering, damaging, or destroying character-defining spaces, features, or finishes when adding a new code-required stairway or elevator.
Using existing openings on secondary or less-visible elevations or, if necessary, creating new openings on secondary or less-visible elevations to accommodate second egress requirements.	Using a primary or other highly-visible elevation to accommodate second egress requirements without investigating other options or locations.
Placing a code-required stairway or elevator that cannot be accommodated within the historic building in a new exterior addition located on a secondary or minimally-visible elevation.	Constructing a new addition to accommodate code-required stairs or an elevator on character-defining elevations or where it will obscure, damage, or destroy character-defining features of the building, its site, or setting.
Designing a new exterior stairway or elevator tower addition that is compatible with the historic character of the building.	



[58] Fire doors that retract into the walls have been installed here (not visible in photo) preserve the historic character of this corridor.

## NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
New Additions	
Placing functions and services required for a new use (including elevators and stairways) in secondary or non-character-defining interior spaces of the historic building rather than constructing a new addition.	Expanding the size of the historic building by constructing a new addition when requirements for the new use could be met by altering non-character-defining interior spaces.
Constructing a new addition on a secondary or non-character-defining elevation and limiting its size and scale in relationship to the historic building.	Constructing a new addition on or adjacent to a primary elevation of the building which negatively impacts the building's historic character.
Constructing a new addition that results in the least possible loss of historic materials so that character-defining features are not obscured, damaged, or destroyed.	Attaching a new addition in a manner that obscures, damages, or destroys character-defining features of the historic building.
Designing a new addition that is compatible with the historic building.	Designing a new addition that is significantly different and, thus, incompatible with the historic building.
Ensuring that the addition is subordinate and secondary to the historic building and is compatible in massing, scale, materials, relationship of solids to voids, and color.	Constructing a new addition that is as large as or larger than the historic building, which visually overwhelms it (i.e., results in the diminution or loss of its historic character).

## NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

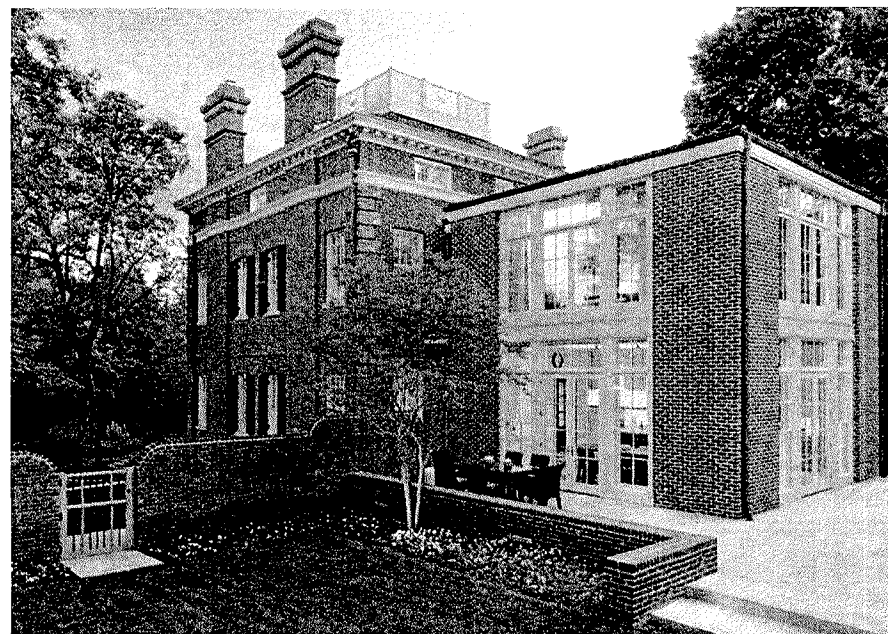
### RECOMMENDED

Using the same forms, materials, and color range of the historic building in a manner that does not duplicate it, but distinguishes the addition from the original building.
Basing the alignment, rhythm, and size of the window and door openings of the new addition on those of the historic building.
Incorporating a simple, recessed, small-scale hyphen, or connection, to physically and visually separate the addition from the historic building.
Distinguishing the addition from the original building by setting it back from the wall plane of the historic building.

### NOT RECOMMENDED

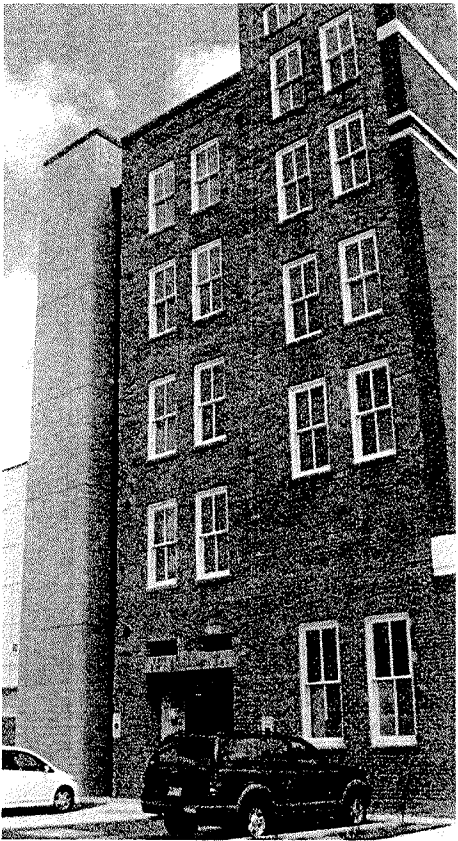
Duplicating the exact form, material, style, and detailing of the historic building in a new addition so that the new work appears to be historic.
--

[61 a-b] The materials, design, and location at the back of the historic house are important factors in making this a compatible new addition.  
Photos: © Maxwell MacKenzie.



NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND  
RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Ensuring that the addition is stylistically appropriate for the historic building type (e.g., whether it is residential or institutional).	
Considering the design for a new addition in terms of its relationship to the historic building as well as the historic district, neighborhood, and setting.	



[62] The stair tower at the rear of this commercial building is a compatible new addition.

## NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

### RECOMMENDED

### NOT RECOMMENDED

#### Rooftop Additions

Designing a compatible rooftop addition for a multi-story building, when required for a new use, that is set back at least one full bay from the primary and other highly-visible elevations and that is inconspicuous when viewed from surrounding streets.

Constructing a rooftop addition that is highly visible, which negatively impacts the character of the historic building, its site, setting, or district.

[ 63] (a) A mockup should be erected to demonstrate the visibility of a proposed rooftop addition and its potential impact on the historic building. Based on review of this mockup (orange marker), it was determined that the rooftop addition would meet the Standards (b). The addition is unobtrusive and blends in with the building behind it.





## NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

### RECOMMENDED

Limiting a rooftop addition to one story in height to minimize its visibility and its impact on the historic character of the building.

### NOT RECOMMENDED

Constructing a highly-visible, multi-story rooftop addition that alters the building's historic character.

Constructing a rooftop addition on low-rise, one- to three-story historic buildings that is highly visible, overwhelms the building, and negatively impacts the historic district.

Constructing a rooftop addition with amenities (such as a raised pool deck with plantings, HVAC equipment, or screening) that is highly visible and negatively impacts the historic character of the building.



[64] Not Recommended:  
It is generally not appropriate to construct a rooftop addition on a low-rise, two- to three-story building such as this, because it negatively affects its historic character.

## NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

### RECOMMENDED

### NOT RECOMMENDED

#### Related New Construction

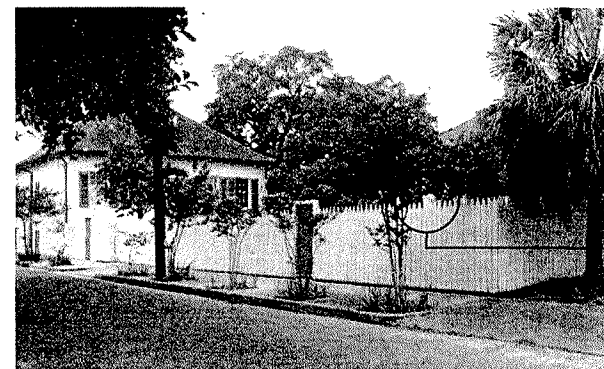
Adding a new building to a historic site or property only if the requirements for a new or continuing use cannot be accommodated within the existing structure or structures.

Adding a new building to a historic site or property when the project requirements could be accommodated within the existing structure or structures.

Locating new construction far enough away from the historic building, when possible, where it will be minimally visible and will not negatively affect the building's character, the site, or setting.

Placing new construction too close to the historic building so that it negatively impacts the building's character, the site, or setting.

[65] (a) This (far left) is a compatible new outbuilding constructed on the site of a historic plantation house (b). Although traditional in design, it is built of wood to differentiate it from the historic house (which is scored stucco) located at the back of the site so as not to impact the historic house, and minimally visible from the public right-of-way (c).



new addition



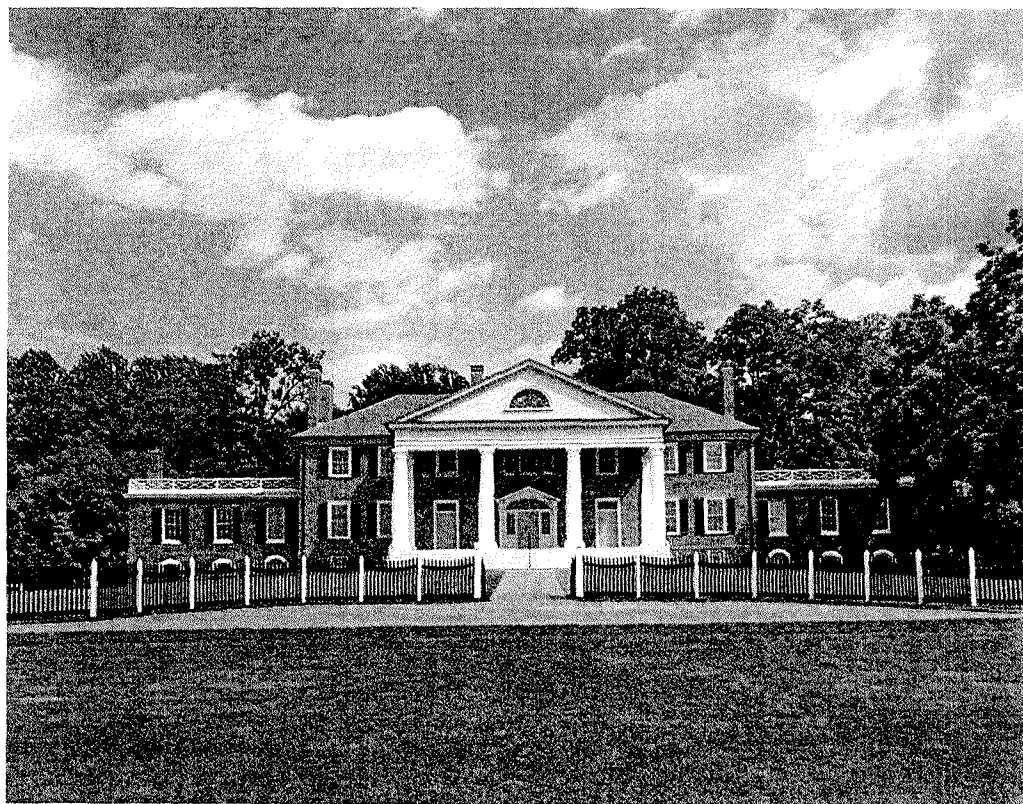
## NEW EXTERIOR ADDITIONS TO HISTORIC BUILDINGS AND RELATED NEW CONSTRUCTION

RECOMMENDED	NOT RECOMMENDED
Designing new construction on a historic site or in a historic setting that it is compatible but differentiated from the historic building or buildings.	Replicating the features of the historic building when designing a new building, with the result that it may be confused as historic or original to the site or setting.
Considering the design for related new construction in terms of its relationship to the historic building as well as the historic district and setting.	
Ensuring that new construction is secondary to the historic building and does not detract from its significance.	<p>Adding new construction that results in the diminution or loss of the historic character of the building, including its design, materials, location, or setting.</p> <p>Constructing a new building on a historic property or on an adjacent site that is much larger than the historic building.</p> <p>Designing new buildings or groups of buildings to meet a new use that are not compatible in scale or design with the character of the historic building and the site, such as apartments on a historic school property that are too residential in appearance.</p>
Using site features or land formations, such as trees or sloping terrain, to help minimize the new construction and its impact on the historic building and property.	
Designing an addition to a historic building in a densely-built location (such as a downtown commercial district) to appear as a separate building or infill, rather than as an addition. In such a setting, the addition or the infill structure must be compatible with the size and scale of the historic building and surrounding buildings—usually the front elevation of the new building should be in the same plane (i.e., not set back from the historic building). This approach may also provide the opportunity for a larger addition or infill when the façade can be broken up into smaller elements that are consistent with the scale of the historic building and surrounding buildings.	

## STANDARDS FOR RESTORATION & GUIDELINES FOR RESTORING HISTORIC BUILDINGS

# Restoration

*Restoration is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.*



Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA

Laurel Heights Improvement Association Appeal of Planning  
Commission's Certification of Final EIR/ CEQA Findings

Board of Supervisors File No: 191035

Exhibits to Statement of Petree A. Powell, MCP, JD

## **EXHIBITS I - L**

## EXHIBIT I

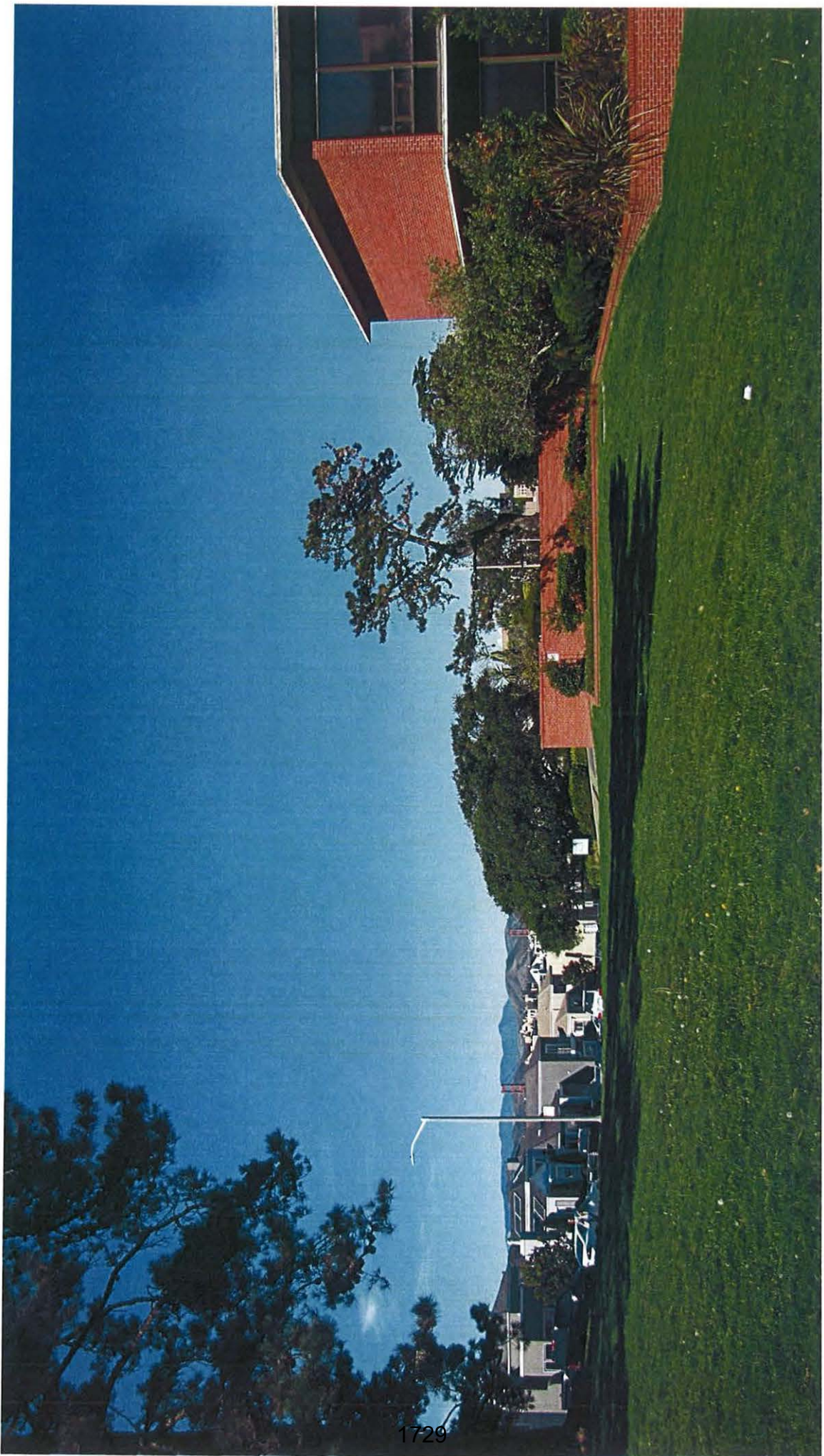
























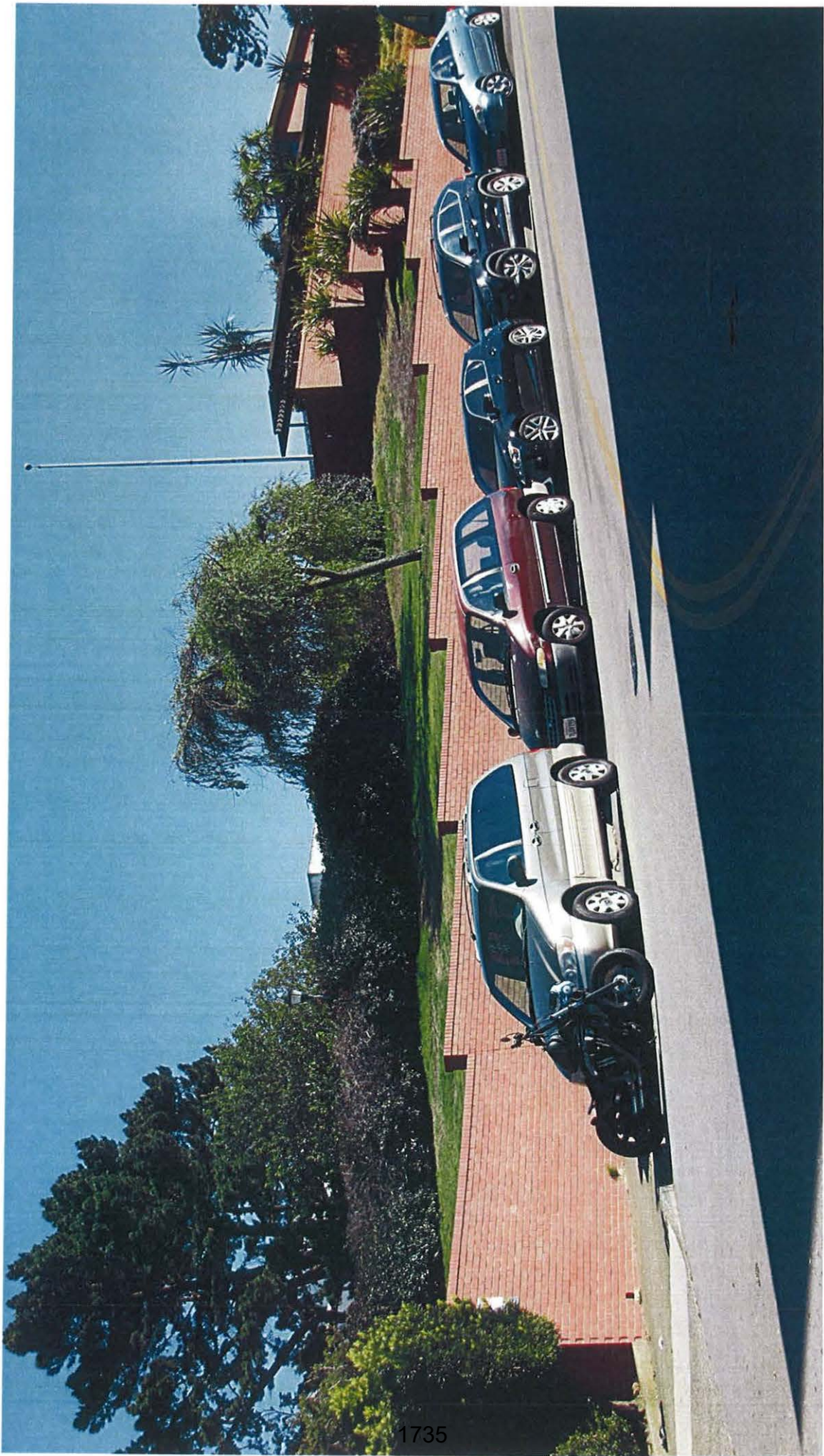


















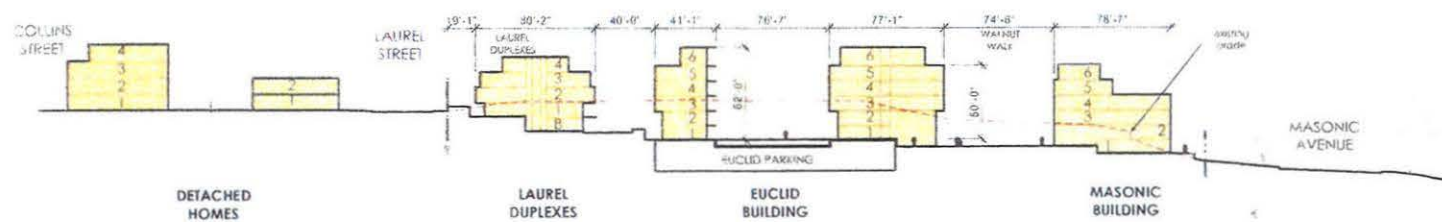
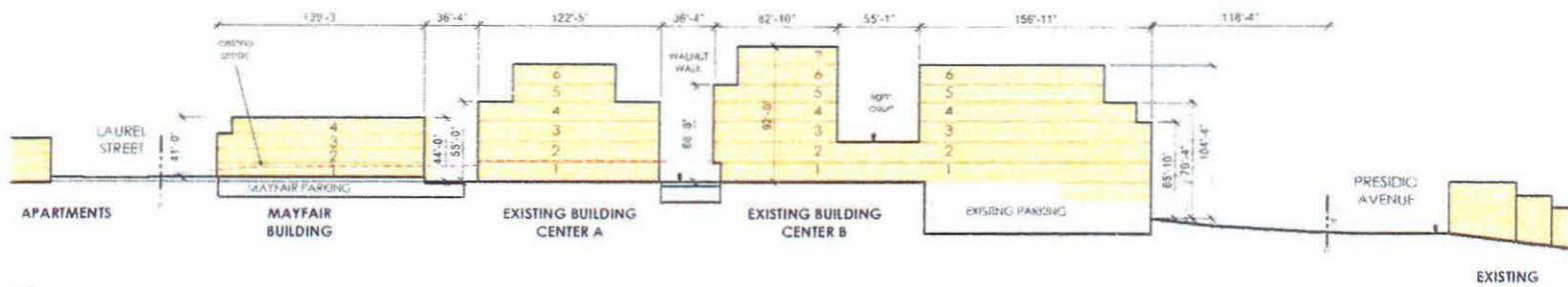
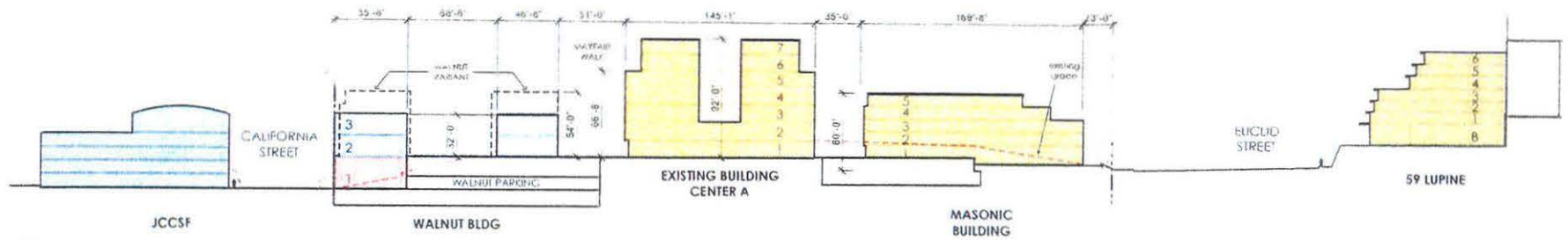








## **EXHIBIT J**



**3333 CALIFORNIA STREET** SAN FRANCISCO, CA

**PROJECT SITE SECTIONS**

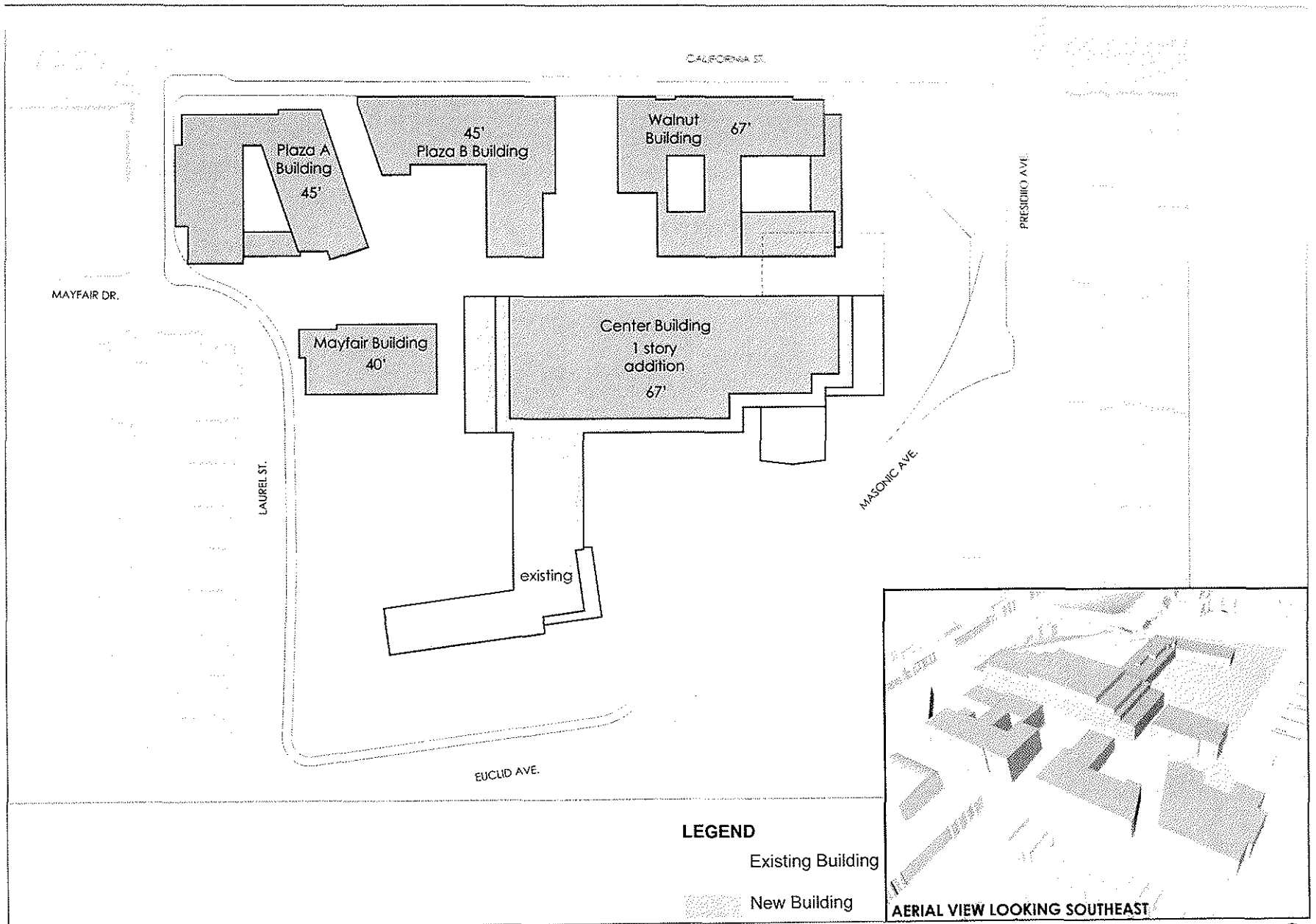
PRAGO GROUP, SIKIS, JAMES CORNER FIELD OPERATIONS, ARUP BAR architects, JENSEN, SCB

7.3.2019  
PLANNING APPLICATION SUBMITTAL (REVISED)



**G2.08**

**EXHIBIT K**

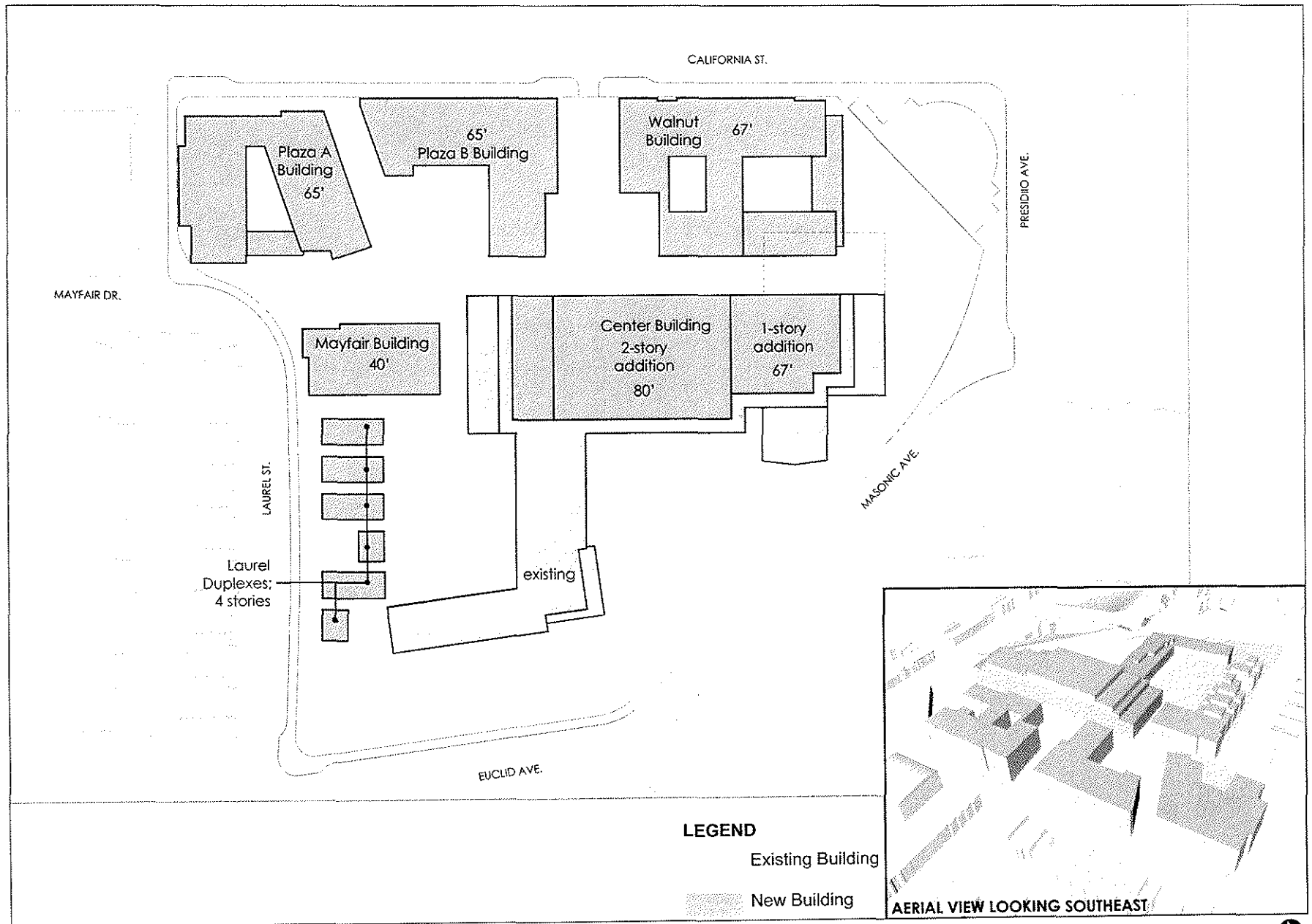


Source: Laurel Heights Partners, LLC (2018)

# 3333 CALIFORNIA STREET MIXED-USE PROJECT

2015-014028ENV

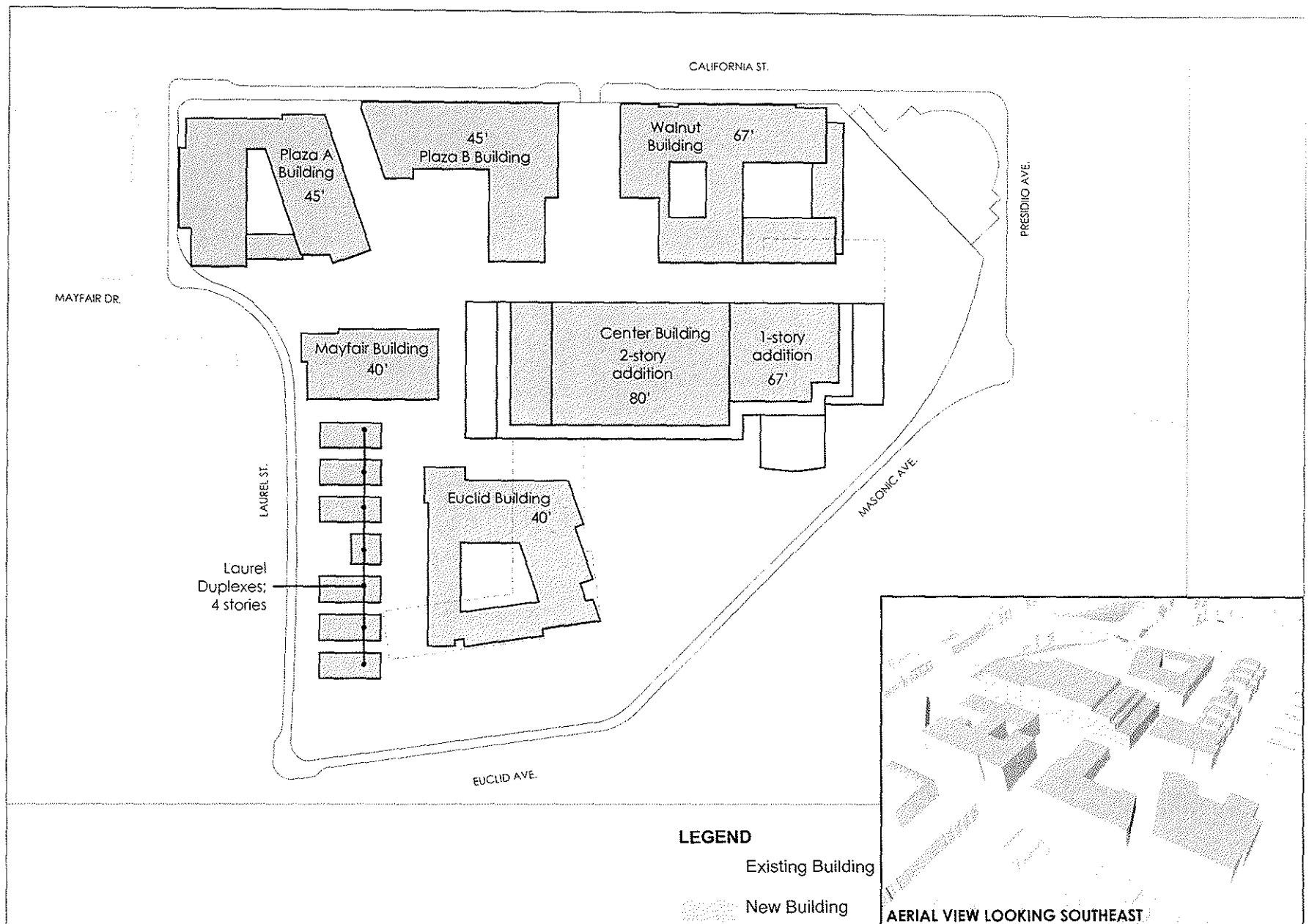
**FIGURE 6.5: ALTERNATIVE C: FULL PRESERVATION - RESIDENTIAL ALTERNATIVE SITE PLAN**



# 3333 CALIFORNIA STREET MIXED-USE PROJECT

2015-014028ENV

FIGURE 6.8: ALTERNATIVE D: PARTIAL PRESERVATION - OFFICE ALTERNATIVE SITE PLAN



Source: Laurel Heights Partners, LLC (2018)

# 3333 CALIFORNIA STREET MIXED-USE PROJECT

2015-014028ENV

## **EXHIBIT L**



## SAN FRANCISCO PLANNING DEPARTMENT

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**DATE:** 6/21/2016

**TO:** Brittany Bendix (Current Planning)

**CC:** SF Public Works: Simon Bertrang; Chris Buck; Brent Cohen; Lynn Fong; Kevin Jensen; Suzanne Levine; Kathy Liu; Michael Rieger; Kelli Rudnick; Rahul Shah;

SFMTA: Damon Curtis; Becca Homa; Charles Rivasplata; Mike Sallaberry; James Shahamiri; Dustin White;

SF Planning: Ben Caldwell; Tina Chang; Paul Chasan; Neil Hrushow; Matthew Priest; Maia Small; Lana Russell; David Winslow;

SFPUC – Water: Jessica Arm; Josh Bardet ; Joan Ryan; Sam Young;

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

**FROM:** The Street Design Advisory Team (SDAT)

**RE:** SDAT Review  
Case NO. 2015-014028PPA  
Address: 3333 California Street  
Neighborhood: Presidio Heights  
Zoning: RM-1 (Neighborhood Mixed, Low Density)  
Area Plan: None  
Block/Lot: 1032/003

*The Street Design Advisory Team (SDAT) provides design review and guidance to private developments working within the City's public right-of-way. SDAT is composed of representatives from the San Francisco Planning Department (SF Planning) Department of Public Works (SF Public Works), the San Francisco Municipal Transportation Agency (SFMTA), and the San Francisco Public Utilities Commission (SFPUC).*

*The 3333 California Street project came to SDAT on May 24, 2016. Below are the SDAT comments from that meeting.*

### CONTEXT

#### Project Description

The project entails the demolition of an existing annex building and surface parking lots, the reuse of an existing office building as residential with ground floor commercial uses, the construction of three 45 foot tall residential and retail mixed-use buildings, the construct a 30-45 foot tall office building, and the construction of two residential buildings ranging in height from 20-40 feet. The Proposal includes 558 residential dwelling units.

#### Better Streets Plan

*The Better Streets Plan (BSP) adopted by the city in December 2010, provides a comprehensive set of guidelines for the design of San Francisco's pedestrian realm. The Plan seeks to balance the needs of all street users, with a*

*continued...*



*particular focus on the pedestrian environment and how streets can be used as public space. The BSP policies can be found at: [www.sfbetterstreets.org](http://www.sfbetterstreets.org).*

- Under the BSP, California Street is classified as a Residential Throughway west of Walnut and a Commercial Throughway east of Walnut. The project team should design all of their California frontage to Commercial Throughway standards due to the commercial nature of the proposed land uses west of Walnut Street. Both Residential and Commercial Throughways have a recommended sidewalk width of 15'.
- Under the BSP Presidio Ave is classified as a Neighborhood Commercial Street with a recommended sidewalk width of 15'.
- Under the BSP Masonic Ave is classified as a Residential Throughway with a recommended sidewalk width of 15'.
- Under the BSP Laurel Street and Euclid Ave are classified as a Neighborhood Residential streets with a recommended sidewalk width of 12'.

#### Citywide Bike Network

The 2009 San Francisco Bicycle Plan contains specific proposed near-term bicycle route network improvement projects for a safe, interconnected bicycle network that supports bicycling as an attractive alternative to private auto use. The San Francisco Bike Plan is the guiding policy document defining where bicycle improvements should be made in the City.

- Presidio Ave and Euclid Ave are designated city bike routes. Presidio Ave is currently marked with sharrows and Euclid Ave is currently marked with striped bike lanes.

## SDAT DESIGN COMMENTS

### Site design and pedestrian circulation

This large project demands a legible hierarchy of open spaces and circulation. At present, the proposal does not provide a clear hierarchy because pathways that appear primary peter off or are interrupted by buildings. The open space system could be made more legible.

SDAT requests a clear, primary east-west connection allows and encourages the public to traverse the site from Mayfair to the intersection of Presidio and Pine. The entirety of the path should be accessible to all users.

Other east-west circulation routes are not as crucial and could be made smaller or deemphasized in scale.

SDAT requests a single, clear, and primary north-south connection that both allows and encourages members of the public to traverse the site along the Walnut alignment, connecting to the intersection of Masonic and Euclid. This north/south pathway may meander through the site and doesn't need to be a straight axial pathway. Consider accommodating a portal through building A to support north-south public access. The entirety of the pathway should be accessible to all users. The major N-S should be clearly legible. Greater emphasis should be placed on the Euclid Masonic corner as it is the primary destination on the southern half of the project site.

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.

SDAT supports bulbouts at the intersection of Walnut and California, however these should extend into both the Walnut and California right-of-ways (instead of solely the California ROW as shown in the PPA plan set). Bulbouts on Walnut Street should be compliant with the Better Streets Plan and should extend a minimum of 5' beyond the property line before the curb return begins. SDAT supports the generous bulbouts on California Ave and encourages the design team to consider how understory plantings, seating, special paving, public art or similar elements can program these large bulbouts and act as a gateway into the project site.

#### **Masonic Ave**

Consider large canopy trees along the Masonic frontage that match the scale of the trees across the street from the project site. This block of Masonic carries high vehicle flows. The street configuration is unlikely to substantively change in the near term. A cohesive tree canopy can have an ameliorative traffic calming effect on the street.

SDAT supports the concept of regulating the Masonic/Euclid intersection by building a corner plaza and reducing the curb radius at Euclid and Masonic.

#### **Mayfair Drive & Laurel Street Intersection**

The Laurel Street has an excessively wide corner radius in the northbound direction at the Mayfair Drive intersection. The project sponsor should reduce the corner radius by squaring off the intersection at this location, creating a 3-way stop at this location. This will result in a corner plaza similar to the one proposed at Masonic and Euclid, which would act as a gateway to the central open space proposed at the NE corner of the site.

#### **Euclid Ave**

Consider a double row of trees in a park edge condition along Euclid, to define the park and bikeway. Design Euclid in the Better Streets Plan "Park Edge Street" typology.

Consider a protected bike facility on Euclid adjacent to the park.

## **STANDARD SDAT COMMENTS**

#### **Street Trees, Understory Plantings and Better Streets Plan**

All landscaping, street trees, site furniture, and special paving should be consistent with guidelines in the Better Streets Plan (BSP). See [www.sfbetterstreets.org](http://www.sfbetterstreets.org).

## STATEMENT OF KATHRYN DEVINCENZI

I have been in the 3333 California Street building many times, including for community meetings, events and review of public records.

There is an existing north-south passageway on the ground-floor of the building that extends from the Conference Center entrance on the north side of the building to the south side of the existing building. This passageway exits on the lower portion of the Terrace. From that exit point, a pathway meanders upward and connects with the upper level of the Terrace, from which a person can exit through gates to Masonic Avenue. On many occasions, I have observed that these gates have been open during working hours. The narrative accompanying Photo 9 to UCSF employee Lanyon's statement is inaccurate insofar as it states that the gate is "kept locked." Included in Exhibit L is a photograph which I have taken showing that this gate was open on November 4, 2019 during business hours. On many prior occasions, I have found this gate to be open during business hours and when employees are working in the building.

The internal passageway also connects with an internal elevator, which a person can take to the floor above and follow internal corridors to exit on the upper portion of the Terrace, adjacent to the café.

The April 8, 2019 memorandum about campus access by UCSF employee Bruce Lanyon acknowledges that this passageway exists and describes it as "a ground-floor building access point through secured doors that connects the northeast parking lot on the north side of the existing building to a south facing lower patio area on the south side of the existing building." Mr. Lanyon claims that this "circulation from north to south is through the interior of the existing building and is not open or accessible to the public or pedestrians without a UCSF access card." While UCSF may now be locking the entrance doors, I have found them open in the past and have entered or exited through these doors during various visits to the site.

Mr. Lanyon's statement also ambiguously claims that access through the property from Euclid or Masonic Avenues is restricted by a "lockable gate" but does not claim that the gate is locked during business hours.

Mr. Lanyon failed to mention the existing internal pathway through the site when he concluded that pedestrians "cannot walk through the site from north to south or west to east to access adjacent streets due to the siting of the existing building." Mr. Lanyon's statement appears to indicate that a person must walk through the building to traverse the site from north to south. Also, his statement is ambiguously phrased and appears to pertain only to an external west-east or north-south pathway through the middle of the site. The existing internal pathway described above is to the east of the building center and allows persons to walk through the building from north to south if the pathway is open to the public.

Mr. Lanyon also omitted other pathways that are open to the public during business hours

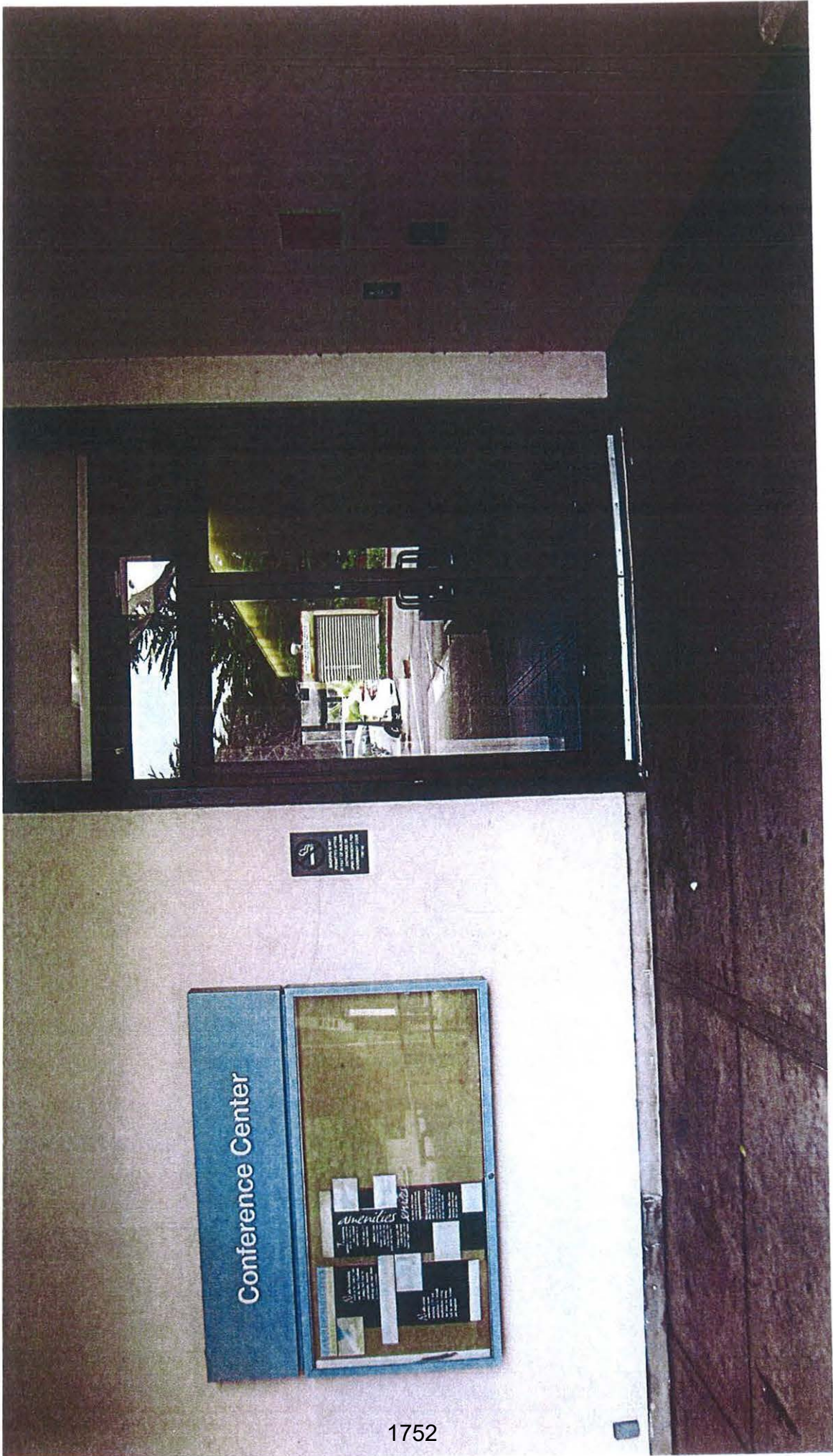
and most of the time. There is a pathway from the northern gate that leads through the property and is open virtually all of the time. From this gate, I have walked through the site and exited through the western gate at Laurel Street near Mayfair. People as well as vehicles commonly enter through these gates and cut through the property from north to west or from west to north. The western gate has been open during business hours but closed at night. Also, a walker can meander through the site and follow internal pathways up to the Executive Wing of the building and exit through the upper gate at Laurel Street.

DATED: November 4, 2019

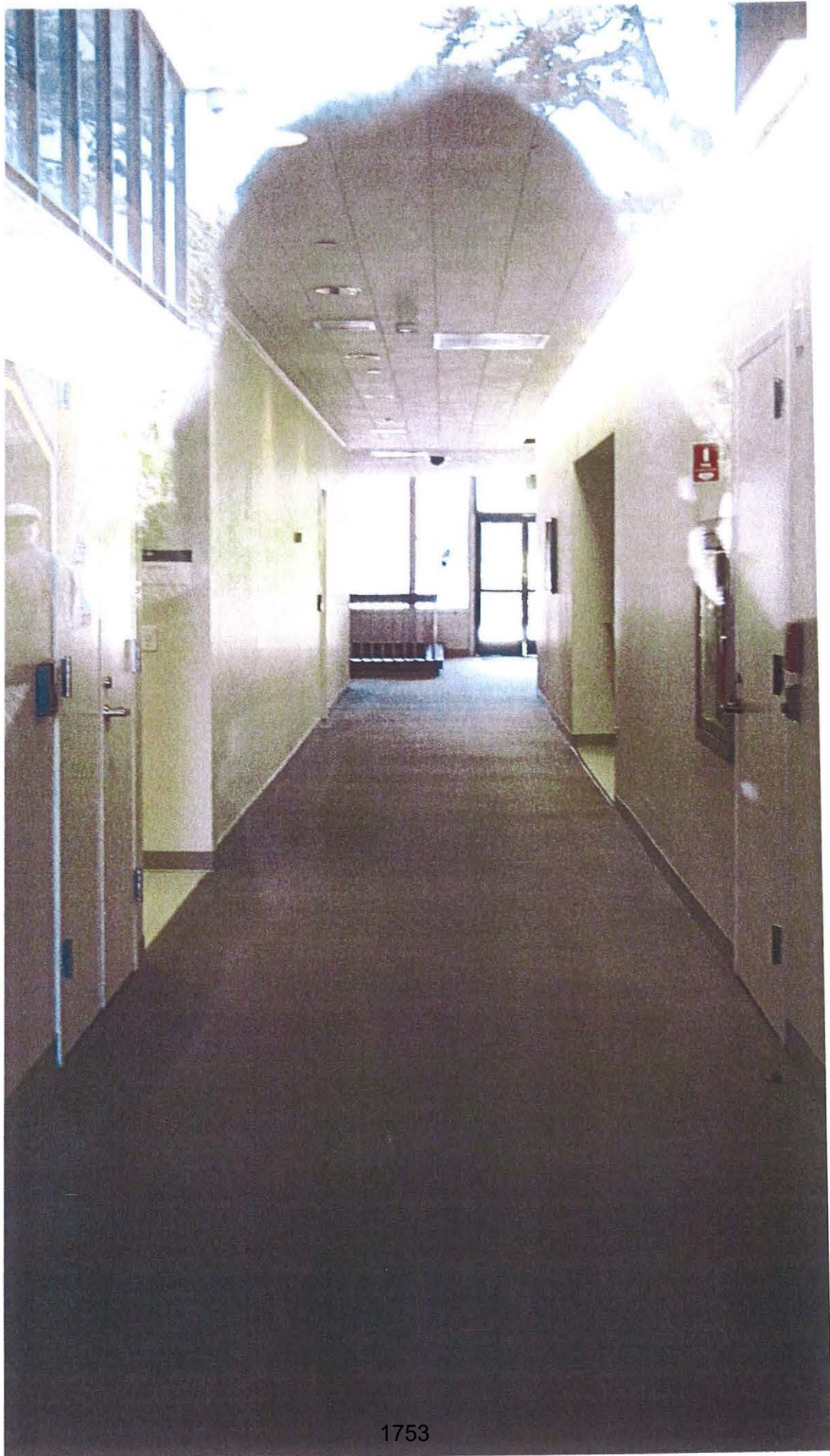
  
Kathryn R. Devincenzi



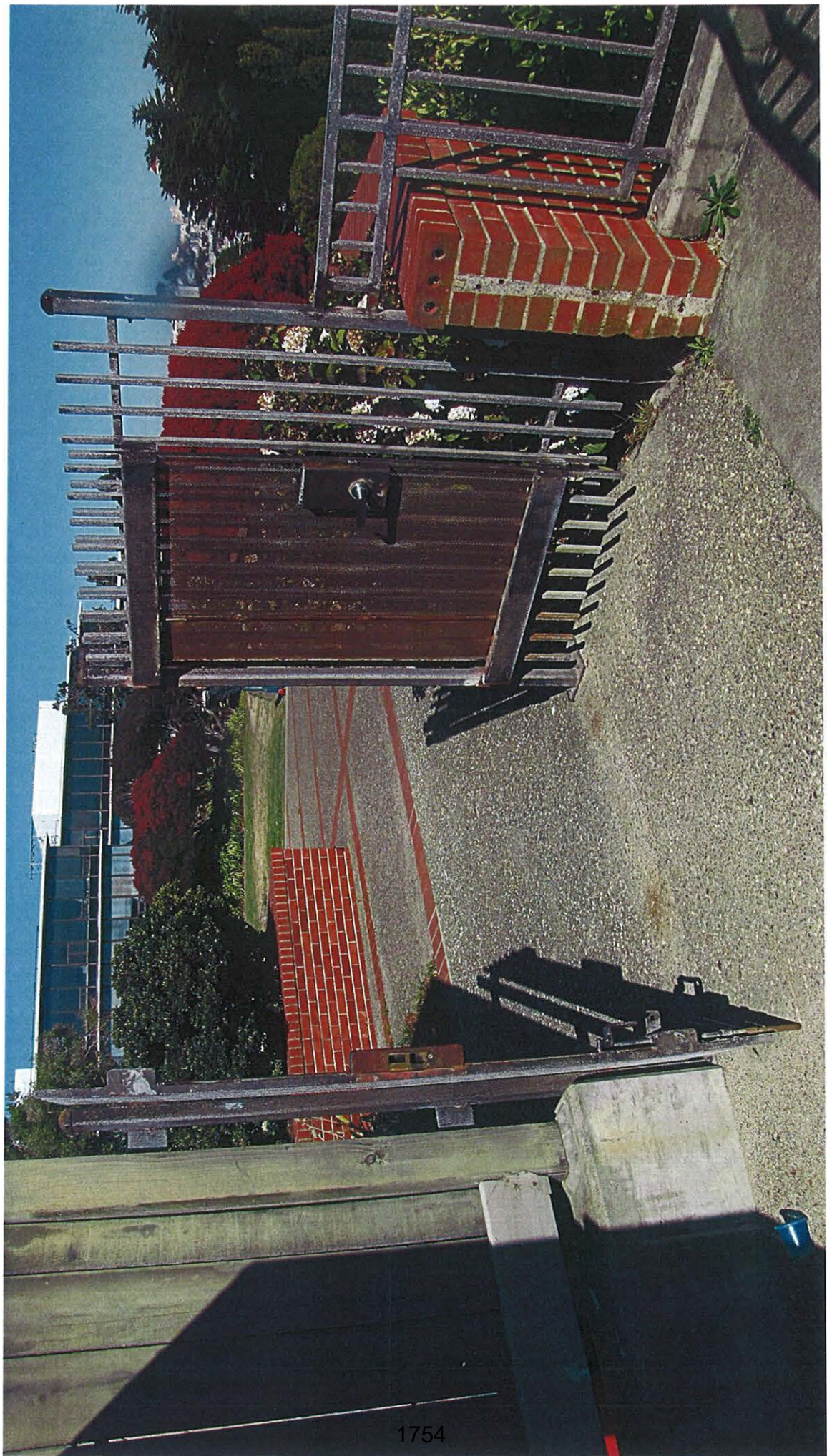
















University of California  
San Francisco

**UCSF Real Estate**

UCSF Box 0287  
654 Minnesota Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94143

April 8, 2019

San Francisco City Planning Department  
Kei Zushi, Senior Planner  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: UCSF Laurel Heights Campus Access  
3333 California Street, San Francisco, CA 94118

Dear Mr. Zushi:

We have been asked to provide some information related to the property at 3333 California Street, which UCSF sold in 2018 but continues to occupy under a lease.

The UCSF Laurel Heights campus at 3333 California Street is a restricted access campus with strict security control measures in place that allow only authorized UCSF faculty and/or employees unaccompanied access to the building. Any non-UCSF access is allowed only with permission of UCSF.

The UCSF employees at the Laurel Heights Campus are issued a building security access card that allows them to access the building and property. Any non-UCSF visitor is required to enter the building through the main entrance where they must show their driver's license or other identification to the security guard, sign into a log book, and state their business and/or reason for accessing the property in addition to the name of the UCSF employee they are visiting. On the rare occasions that public/community meetings are held at the site with permission of UCSF, the sign-in requirement is still in place and a university employee must remain on-site during that period.

There is a ground-floor building access point through secured doors that connects the northeast parking lot on the north side of the existing building to a south facing lower patio area on the south side of the existing building. This circulation from north to south is through the interior of the existing building and is not open or accessible to the public or pedestrians without a UCSF access card (Photos: 4, 5, 6 & 7). Access through the property from Euclid or Masonic Avenues is restricted by a lockable gate (Photo 9) and passing through this secure gate would be the only way to access the exterior Upper Terrace (Photo 10) from the streets to the south. Pedestrians cannot walk through the site from north to south or west to east to access adjacent streets due to the siting of the existing building.

There is currently a Bright Horizons preschool that is a sub-lessee of UCSF and currently operates at the Laurel Heights Campus. The center hours are 6:30am - 6:00pm and parents are able to drop off/pick up their child at any point during operational hours. Parents must bring their children to their classroom through a secured entry, connect

with their teachers for the hand-off, and sign their children in/out on an online tracking system. Parents receive an e-mail each time their child is signed in and out of the center. Parents are given a temporary parking pass (20 minutes) for the parking lot off Laurel Street and are required to obtain a UCSF building badge to enter the building and a key fob for Bright Horizon's main entry door. The building badge is obtained through UCSF and Bright Horizons is responsible for tracking the key fobs.

There is also a café that is a sub-tenant of UCSF that is solely for the use of UCSF employees/invitees and is not open to the public. Access to the cafe is either through the interior of the building or off the Upper Terrace using a UCSF issued security access card.

There is a green space at the corner of Laurel Street and Euclid Avenue; however, this area is private property and any use by the public requires UCSF's permission to pass and is currently posted with private property/permission to pass signage.

Please feel free to reach out to me with any additional questions or clarifications at [bruce.lanyon@ucsf.edu](mailto:bruce.lanyon@ucsf.edu).

Sincerely,

DocuSigned by:  
  
0402639309984FC...  
Bruce Lanyon  
Interim Assistant Vice Chancellor  
UCSF Real Estate

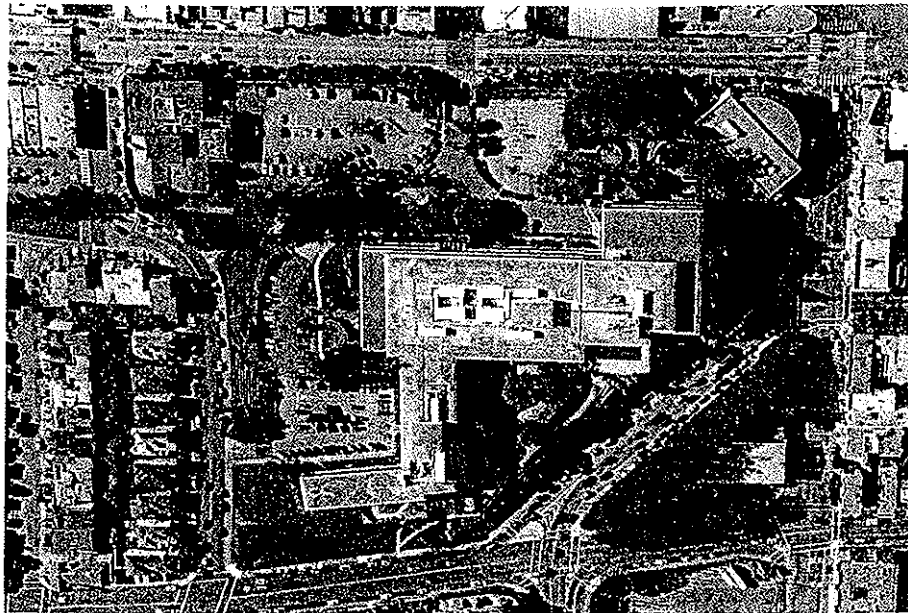


Photo 1: UCSF Laurel Heights Campus at 3333 California Street



Photo 2: Main Entrance at 3333 California where visitors are required to sign in with the security guard



Photo 3: All exterior doors are not open to the public and require a UCSF issued security access card to gain entry.



Photo 4: Door from northeast side of the parking lot that leads through the building interior and opens through another secure door into an exterior southeast facing patio area.

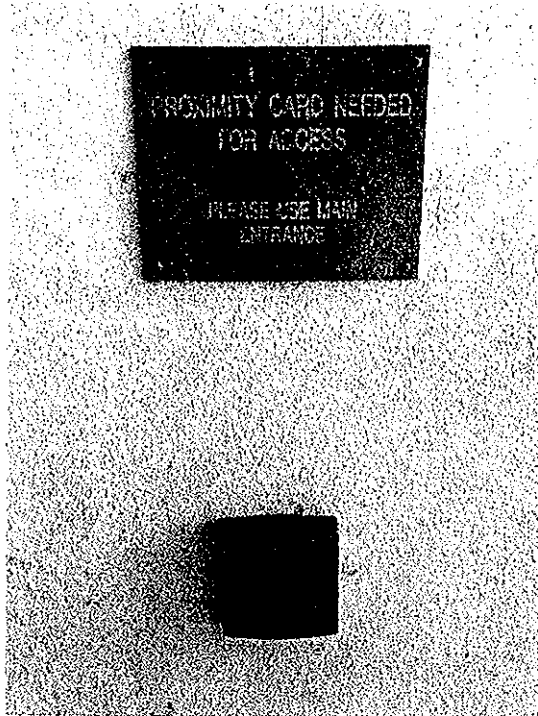


Photo 5: Site Security Sign and access card reader at the door off the northeast side of the parking lot.

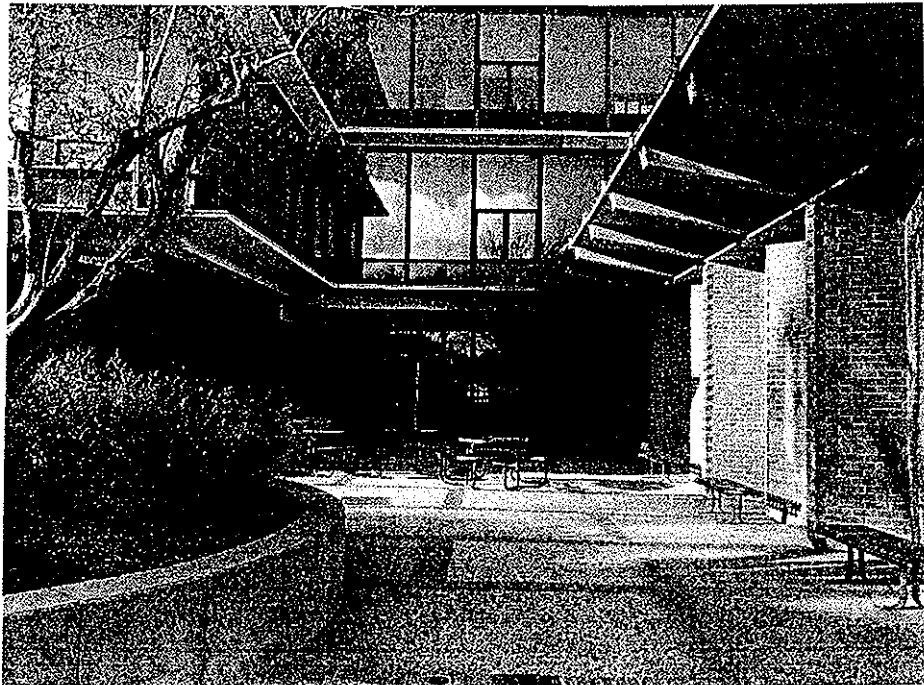


Photo 6: South facing exterior patio area



Photo 7: Restricted keycard access sign at the door off the south facing patio.



Photo 8: UCSF Laurel Heights Campus is an "Access Controlled Area" Sign

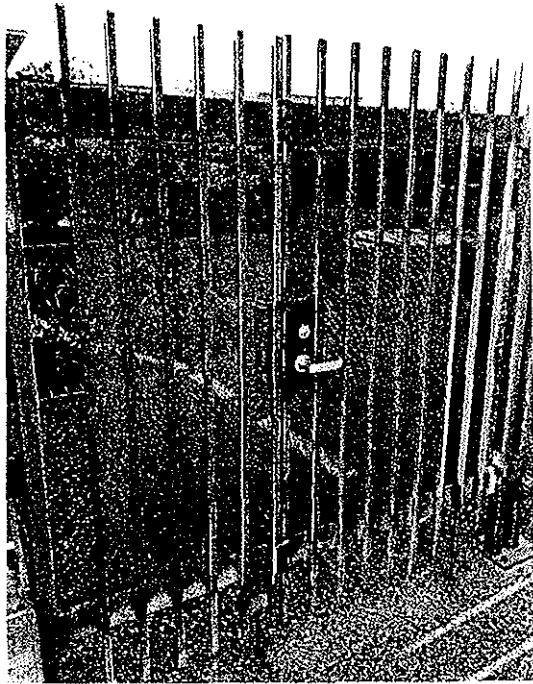


Photo 9: Access from Euclid and Masonic Avenues is restricted by a secured gate which is kept locked and requires a key to open. The gate is the access to the Upper Terrace.

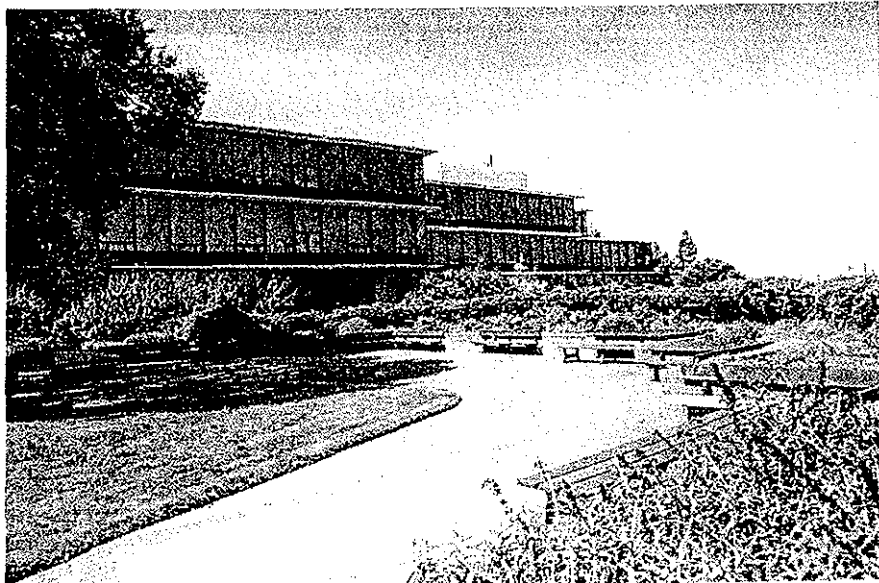


Photo 10: Upper Terrace at 3333 California Street

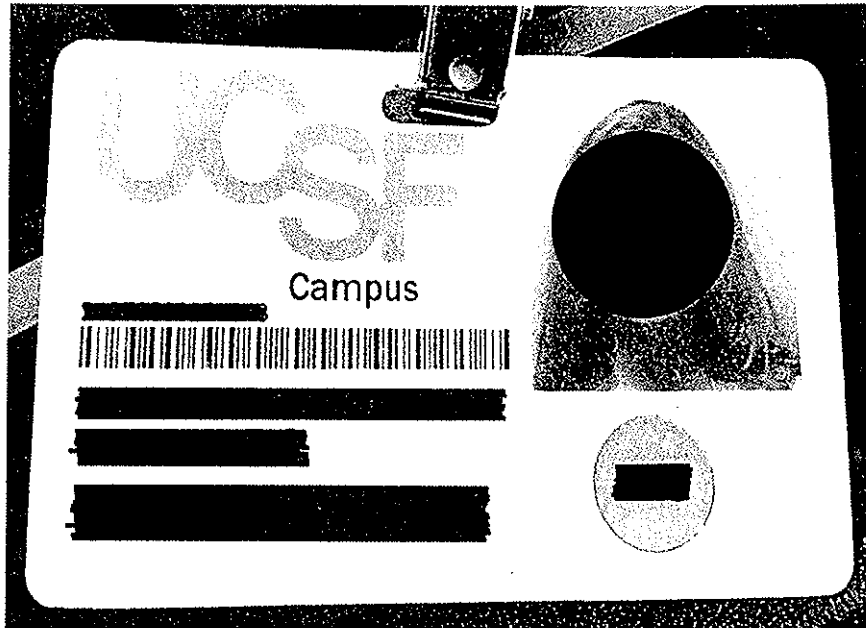


Photo 11: UCSF Security Access Badge



Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA

Laurel Heights Improvement Association Appeal of Planning  
Commission's Certification of Final EIR/ CEQA Findings

Board of Supervisors File No: 191035

Exhibits to Statement of Petree A. Powell, MCP, JD

## **EXHIBITS M - P**

## **EXHIBIT M**

August 20, 2019

3333 California Street  
San Francisco, California

## Preservation Alternative – Feasibility Evaluations

The Laurel Heights Improvement Association asked TreanorHL to assist in further developing their Preservation Alternative and Community Variant for 3333 California Street in San Francisco. Additionally, the organization wished us to verify that the Preservation Alternative and Community Variant are feasible by confirming the possible number of units per building and the approximate size of the various units.

### EXISTING PLAN REVIEW

1. TreanorHL reviewed the existing building drawings on file for 3333 California Street at the Records Department of the San Francisco Building Department.
  - The review of the plans indicated the light courts in the Preservation Alternative and Community Variant should be relocated to facilitate the retention of the existing stairwells and elevator banks.

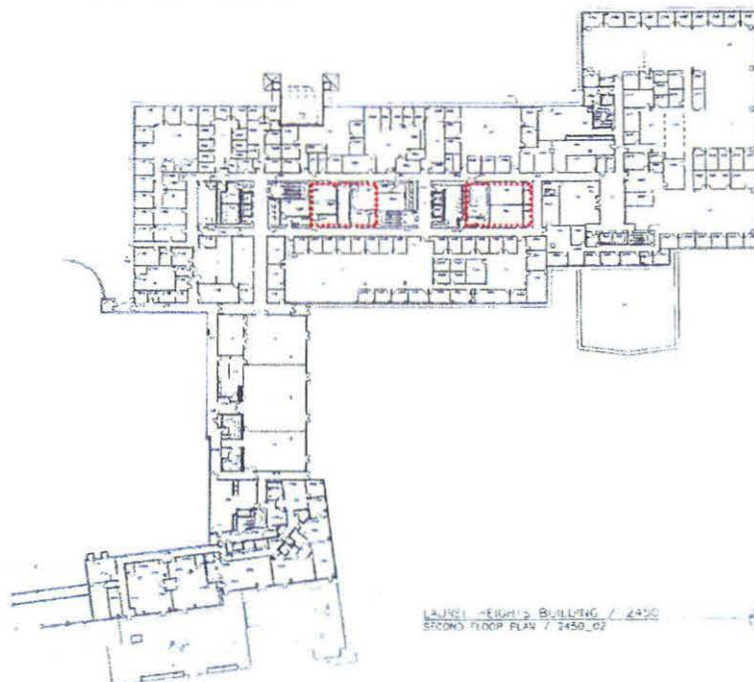


Figure 1. The red dashed boxes identify proposed location of light courts in the Preservation Alternative and Community Variant.

- Reviewing the existing drawings confirmed that the structural columns are fairly regular throughout the main building and wing. Adapting the spaces for residential use can easily be done without impacting the existing column grid.
  - The existing column grid in the main part of the building has a 30-foot spacing. The proposed project calls for creating a 40-foot passthrough all the way up the existing building in the north south direction. This proposed 40-foot wide passthrough in the existing building would be expensive as it does not align with the existing grid. Maintaining the 30-foot grid in the proposed passthrough would require less structural modification to the existing building.
  - The building was likely designed to accommodate the current structure, not additional stories. So, increasing the height of the building by adding additional floors will require significant effort to upgrade the existing structure.<sup>1</sup>
2. The Preservation Alternative and Community Variant retain the southern wing of the existing structure. The existing wing has a more irregular structural column grid than the main part of the building. However, adapting the wing space for residential use will not be any more challenging than in any other part of the structure.
- Exiting was not reviewed, but if additional exiting is needed there are ample opportunities for an additional stair in the wing.
  - Accessibility would be provided, as in the rest of the building, by means of elevators and other features that meet the California Accessibility code.
  - If water damage is present in the wing it can be remediated and corrected.

## FEASIBILITY EVALUATIONS

1. The attached analysis shows that the Preservation Alternative scheme and the Community Variant are feasible in terms of providing equivalent residential units to that of the proposed project. To do this, TreanorHL compared the gross square footage with a reasonable net square footage for the proposed building type, and then calculated how many units of various sizes (studio, one and two bedrooms, etc.) could reasonably fit into the net square footage.
- The California Street buildings (both front and back) were calculated using the high end and low end of the efficiency factor for residential construction. This did not change the number of units per building, but it did affect the size of the units within the structures.
  - Both the Preservation Alternative scheme and the Community Variant provide units that are comparable in size and type to those identified in the proposed project.

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<sup>1</sup> Merrill, Fred H. "Fireman's Fund Insurance Company - 3333 California Street." Received by Mr. D. L. Devincenzi, 7 Feb. 1964.

#### CALIFORNIA - FRONT (BASE)

Floor Plate Area:	30,000 SF	
Number of Floors:	4 Floors	
Total Gross SF	120,000 SF	
Efficiency Factor:	0.75	0.85
Total NSF:	90,000 SF	102,000 SF
Full Preservation Unit # Total:	56	56
Average Unit SF:	1,607 SF	1,821 SF

#### CALIFORNIA - BACK (BASE)

Floor Plate Area:	19,293 SF	
Number of Floors:	4	
Total Gross SF	77,172 SF	
Efficiency Factor:	0.75	0.85
Total NSF:	57,879 SF	65,596 SF
Full Preservation Unit # Total:	52	52
Average Unit SF:	1,113 SF	1,261 SF

#### MAYFAIR BUILDING (BASE)

Floor Plate Area:	13,500 SF	
Number of Floors:	4 Floors	
Total Gross SF	54,000 SF	
Efficiency Factor:	0.75	
Total NSF:	40,500 NSF	
Full Preservation Unit # Total:	40	
Average Unit SF:	1,013 NSF	

#### WALNUT BUILDING - PORTICO RETAINED (BASE)

Floor Plate Area:	31,825 SF	
Number of Floors:	4 Floors	
Total Gross SF	127,300 SF	
Efficiency Factor:	0.75	
Total NSF:	95,475 NSF	
Full Preservation Unit # Total:	118	
Average Unit SF:	809 NSF	

#### HISTORIC MAIN BUILDING - PORTICO RETAINED (BASE)

Floor Plate Area:	SF	27
Number of Floors:	Floors	
Total Gross SF	362,300 SF	drawings A6.00
Efficiency Factor:	0.70	
Total NSF:	253,610 NSF	
Full Preservation Unit # Total:	292	
Average Unit SF:	869 NSF	

#### BASE

Proposed Project Unit Count	Preservation Alternative Unit Count
Junior 27	Junior 27
1-Bed 207	1-Bed 207
2-Bed 194	2-Bed 194
3-Bed 103	3-Bed 103
4-Bed 27	4-Bed 27
Total 558	Total 558

#### CALIFORNIA - FRONT (VARIANT)

Floor Plate Area:	30,000 SF	
Number of Floors:	4 Floors	
Total Gross SF	120,000 SF	
Efficiency Factor:	0.75	0.85
Total NSF:	90,000 SF	102,000 SF
Community Variant Unit # Total:	64	64
Average Unit SF:	1,406 SF	1,594 SF

#### CALIFORNIA - BACK (VARIANT)

Floor Plate Area:	19,293 SF	
Number of Floors:	4	
Total Gross SF	77,172 SF	
Efficiency Factor:	0.75	0.85
Total NSF:	57,879 SF	65,596 SF
Community Variant Unit # Total:	60	60
Average Unit SF:	965 SF	1,093 SF

#### MAYFAIR BUILDING (VARIANT)

Floor Plate Area:	13,500 SF	
Number of Floors:	4 Floors	
Total Gross SF	54,000 SF	
Efficiency Factor:	0.75	
Total NSF:	40,500 NSF	
Community Variant Unit # Total:	52	
Average Unit SF:	779 NSF	

#### WALNUT BUILDING - PORTICO RETAINED (VARIANT)

Floor Plate Area:	31,825 SF	
Number of Floors:	7 Floors	
Total Gross SF	222,775 SF	
Efficiency Factor:	0.75	
Total NSF:	167,081 NSF	
Community Variant Unit # Total:	228	
Average Unit SF:	733 NSF	

#### HISTORIC MAIN BUILDING - PORTICO RETAINED (VARIANT)

Floor Plate Area:	SF	27
Number of Floors:	Floors	
Total Gross SF	362,300 SF	
Efficiency Factor:	0.70	
Total NSF:	253,610 NSF	
Community Variant Unit # Total:	340	
Average Unit SF:	746 NSF	

#### VARIANT

Proposed Project Unit Count	Preservation Alternative Unit Count
Junior 27	Junior 27
1-Bed 392	1-Bed 392
2-Bed 195	2-Bed 195
3-Bed 103	3-Bed 103
4-Bed 27	4-Bed 27
Total 744	Total 744

#### Full Preservation Unit Breakdown (.75)

Total NSF:	90,000		
Total # Units:	56		
	<u>SF</u>	<u>Units</u>	<u>Total</u>
Junior			
1-Bed			
2-Bed	896	7	6,272
3-Bed	1,410	22	31,020
4-Bed	1,955	27	52,785
TOTAL		56	90,077

#### Full Preservation Unit Breakdown (.75)

Total NSF	57,879		
Total # Units	52		
	<u>SF</u>	<u>Units</u>	<u>Total</u>
Junior			
1-Bed	600	8	4,800
2-Bed	896	20	17,920
3-Bed	1,450	24	34,800
4-Bed			
TOTAL		52	57,520

#### Full Preservation Unit Breakdown

Total NSF			40,500
Total # Units			40
	<u>SF</u>	<u>Units</u>	<u>Total</u>
Junior			
1-Bed	900	10	8,000
2-Bed	1,100	30	33,000
3-Bed			
4-Bed			
TOTAL		40	41,000

#### Full Preservation Unit Breakdown

Total NSF:			95,475
Total # Units:			118
	<u>SF</u>	<u>Units</u>	<u>Total</u>
Junior	525	17	8,925
1-Bed	600	44	26,400
2-Bed	900	40	36,000
3-Bed	1,450	17	24,650
4-Bed			
TOTAL		118	95,975

#### Full Preservation Unit Breakdown

Total NSF			253,610
Total # Units			292
	SF	Units	Total
Junior	550	10	5,500
1-Bed	650	145	94,250
2-Bed	1,000	97	97,000
3-Bed	1,410	40	56,400
4-Bed			
TOTAL		292	253,150

#### Community Variant Unit Breakdown (.75)

Total NSF			90,000
Total # Units:			64
	<u>SF</u>	<u>Units</u>	<u>Total</u>
Junior			
1-Bed			
2-Bed	896	14	12,544
3-Bed	1,410	37	52,170
4-Bed	2,000	13	26,000
TOTAL		64	90,714

#### Community Variant Unit Breakdown (.75)

Total NSF			\$7,879
Total # Units			60
	<u>SF</u>	<u>Units</u>	<u>Total</u>
Junior			
1-Bed	600	22	13,200
2-Bed	896	15	13,440
3-Bed	1,410	16	22,560
4-Bed	2,000	7	14,000
TOTAL		60	63,200

#### Community Variant Unit Breakdown

Total NSF	40,500		
Total # Units	52		
	<u>SF</u>	<u>Units</u>	<u>Total</u>
Junior			
1-Bed	600	23	13,800
2-Bed	900	27	24,300
3-Bed	1,400	2	2,800
4-Bed			
TOTAL		52	40,900

#### Community Variant Unit Breakdown

Total NSF:			167,081
Total # Units:			228
	<u>SF</u>	<u>Units</u>	<u>Total</u>
Junior	525	17	8,925
1-Bed	600	143	85,800
2-Bed	900	47	42,300
3-Bed	1,300	14	18,200
4-Bed	1,600	7	12,600
TOTAL		228	167,825

#### Community Variant Unit Breakdown

Total NSF			253,610
Total # Units			340
	<u>SF</u>	<u>Units</u>	<u>Total</u>
Junior	510	10	5,100
1-Bed	600	204	122,400
2-Bed	900	92	82,800
3-Bed	1,275	34	43,350
4-Bed			0
TOTAL		340	253,650

*Exhibit* *Eme. Rent Meeting 7/4/64*

FIREMAN'S FUND INSURANCE COMPANY

3333 CALIFORNIA STREET  
SAN FRANCISCO, CALIFORNIA

FRED H. MERRILL  
PRESIDENT

February 7, 1964

Mr. D. L. Devincenzi  
President  
Laurel Heights Improvement Association  
of San Francisco  
San Francisco, California

Dear Mr. Devincenzi:

The purpose of this letter is to provide you with a convenient means of conveying to members of the Laurel Heights Improvement Association an account of the substance of my comments to you and Dr. Greenspan at our meeting held here on Tuesday, February 4, concerning the presently proposed Fireman's Fund building addition and our thinking with respect to possible future expansion of our building.

I believe the following adequately summarizes our discussion:

There was general agreement among the three of us that the presently proposed addition to our building was in compliance with all of the stipulations in effect with respect to the Fireman's Fund property.

You indicated that, despite the fact that there are no height limitations for commercial development in effect with respect to the property, the association membership was extremely interested in learning whether our future plans encompassed the addition of another floor to the present building, and would appreciate advice from us in this connection.

I assured you that we do not have plans for an additional floor on the building and that the proposed addition will have a permanent roof rather than a slab suitable as flooring for a further addition. This was for the reason that we have been advised that existing foundations would not be adequate for an additional floor and that in my view an additional floor would not only be detrimental to the appearance of the building but impracticable from a building cost standpoint. While it was not my intention or function, I pointed out, either to alter the stipulations with respect to the property,

*End Present memo 11/16/64*

-2-

accepted by the San Francisco Planning Commission, or to purport to bind the management of Fireman's Fund, I assured you that during my tenure as President of Fireman's Fund, for the reasons given above, I would not consider the construction of a floor on our building above the presently proposed addition.

I then went on to explain that any expansion of our building beyond that which we have reviewed with the Planning Commission and members of your association would be preceded by appropriate research and development relating to provision for adequate off-street parking facilities. It is our intention, I said, to utilize, ultimately, the present roof area for additional space, but before this done, we would plan to develop more service and parking facilities - most probably on the Presidio and California areas of our property.

I was very pleased to learn that the Association plans to record its approval of our proposed addition and to convey this fact to the Planning Commission. This action is most gratifying to me and to our management. We shall do everything in our power to minimize all inconveniences during the construction period.

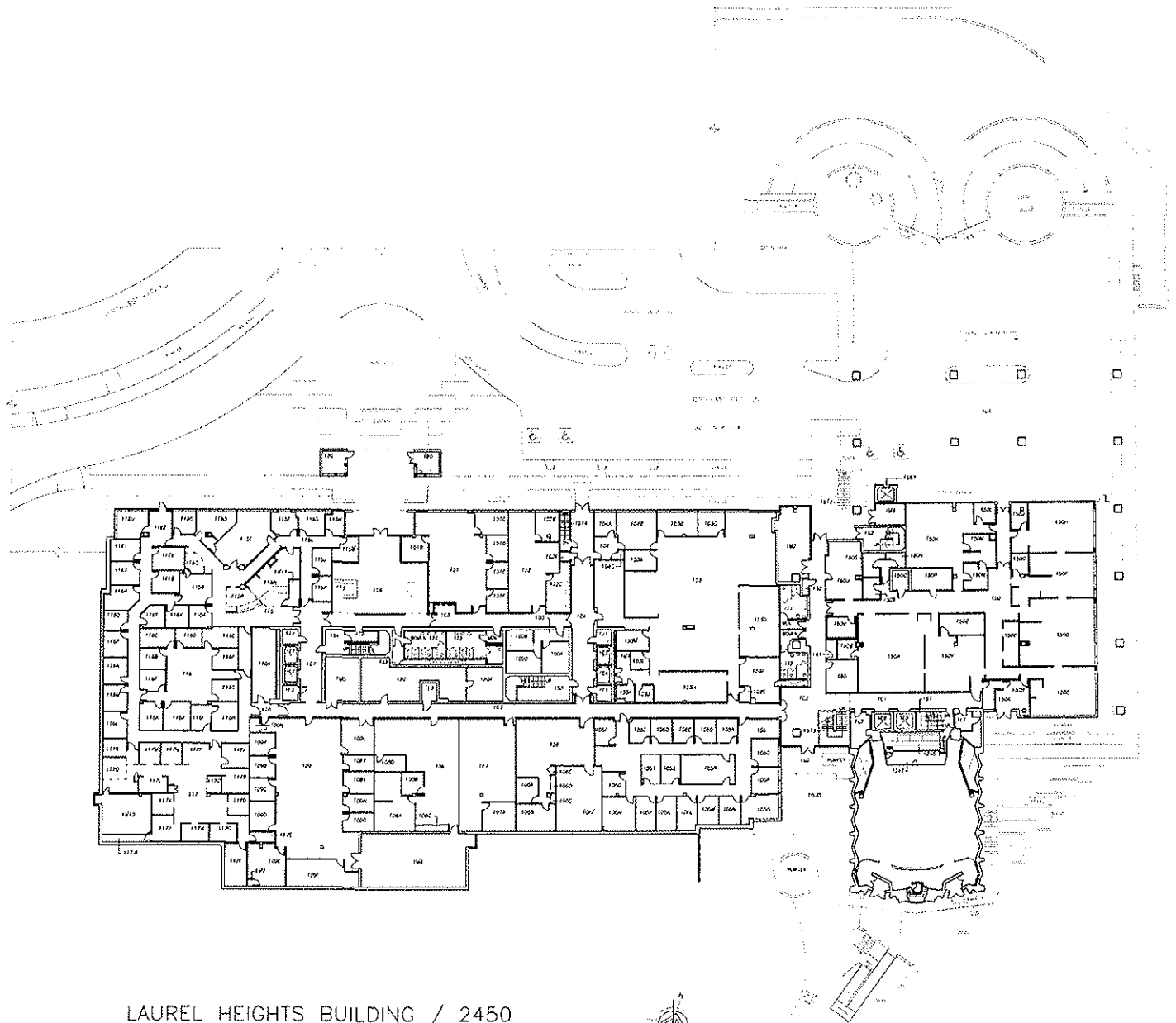
Meanwhile, please be assured that we shall always attempt to maintain the Fireman's Fund building in such a manner that it - as indicated yesterday in the press - will continue to be an asset to our neighborhood.

Sincerely yours,

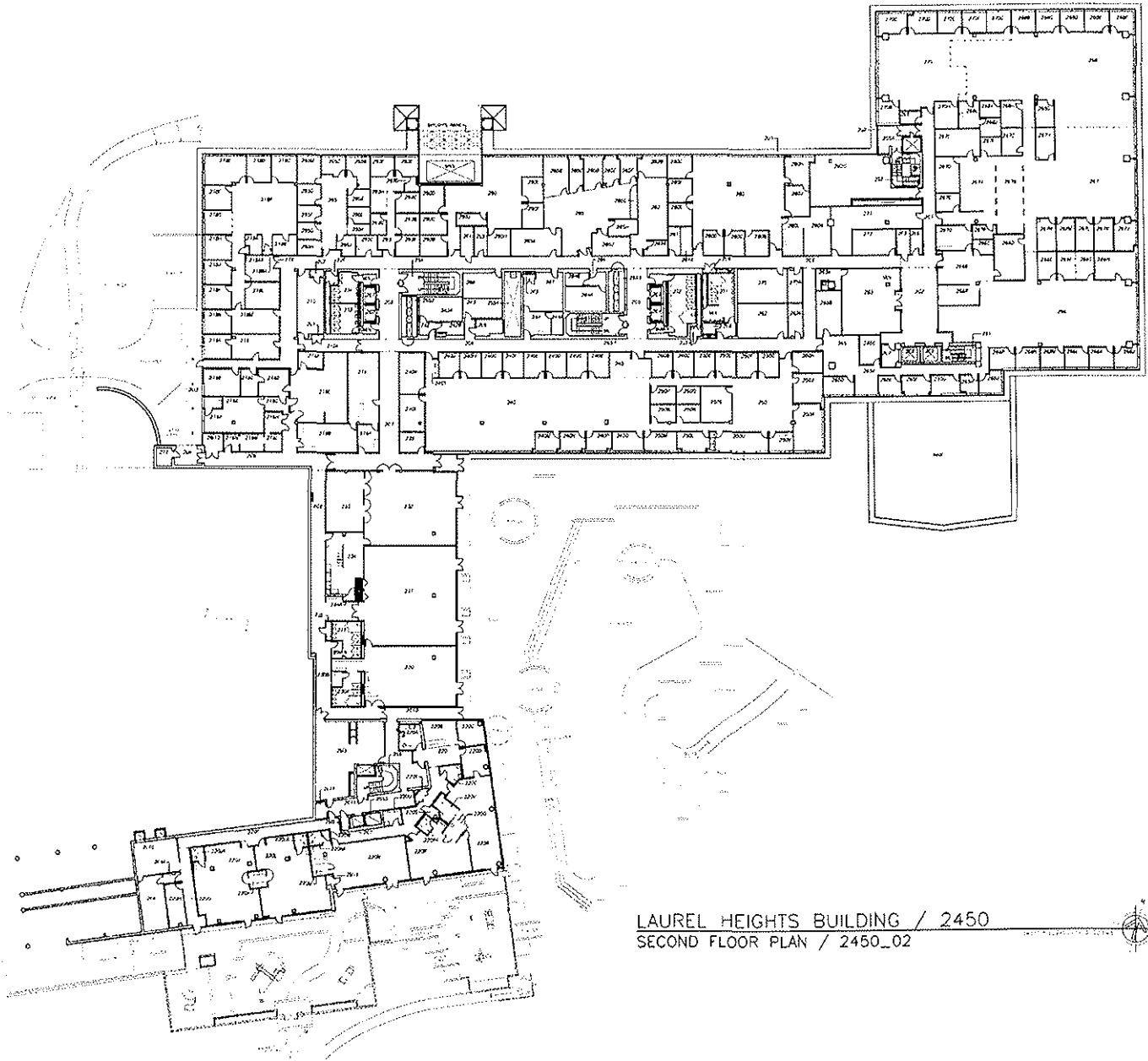
*Fred H. Merrill*  
Fred H. Merrill  
President

## **EXHIBIT N**

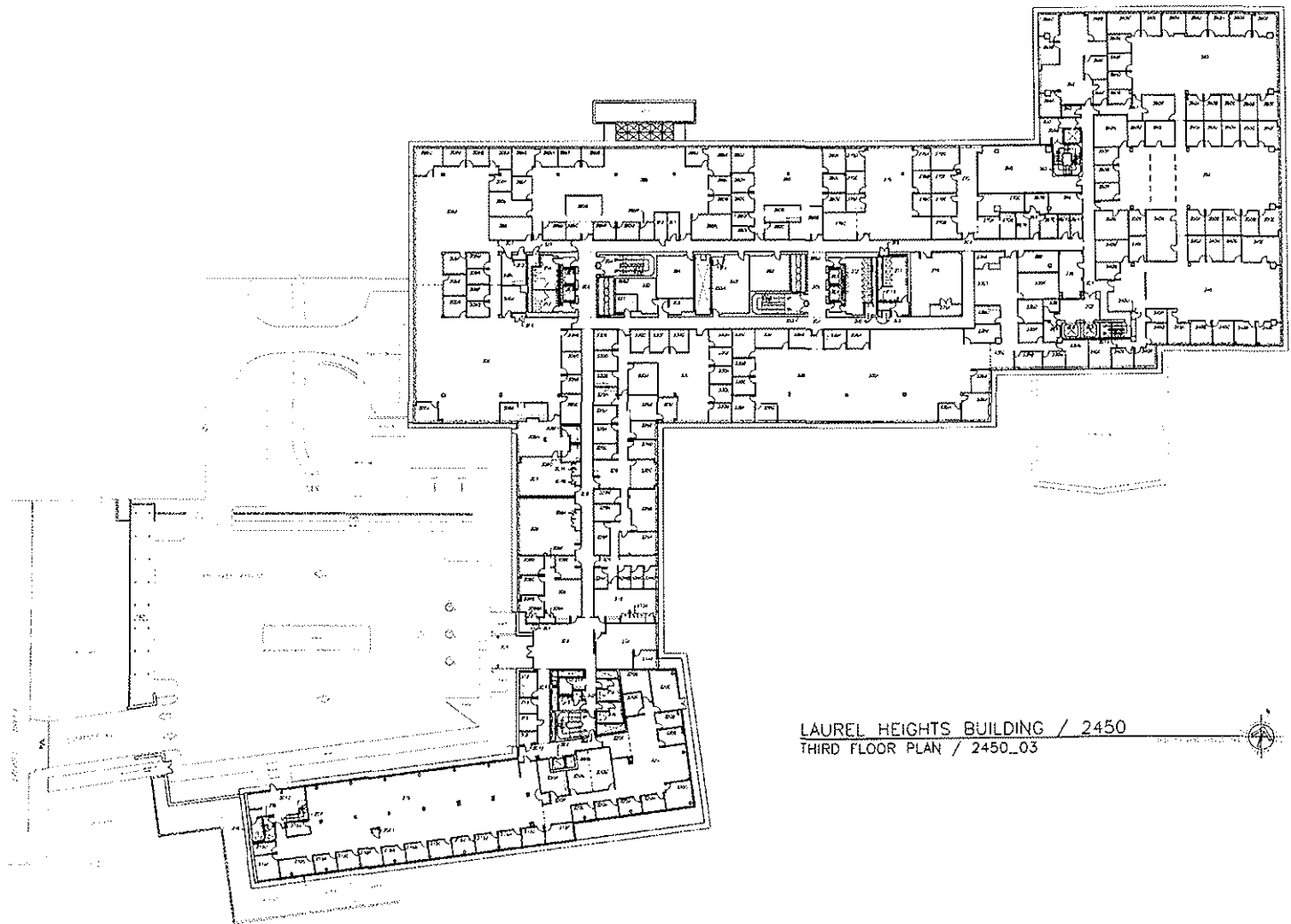




LAUREL HEIGHTS BUILDING / 2450  
FIRST FLOOR PLAN / 2450\_01

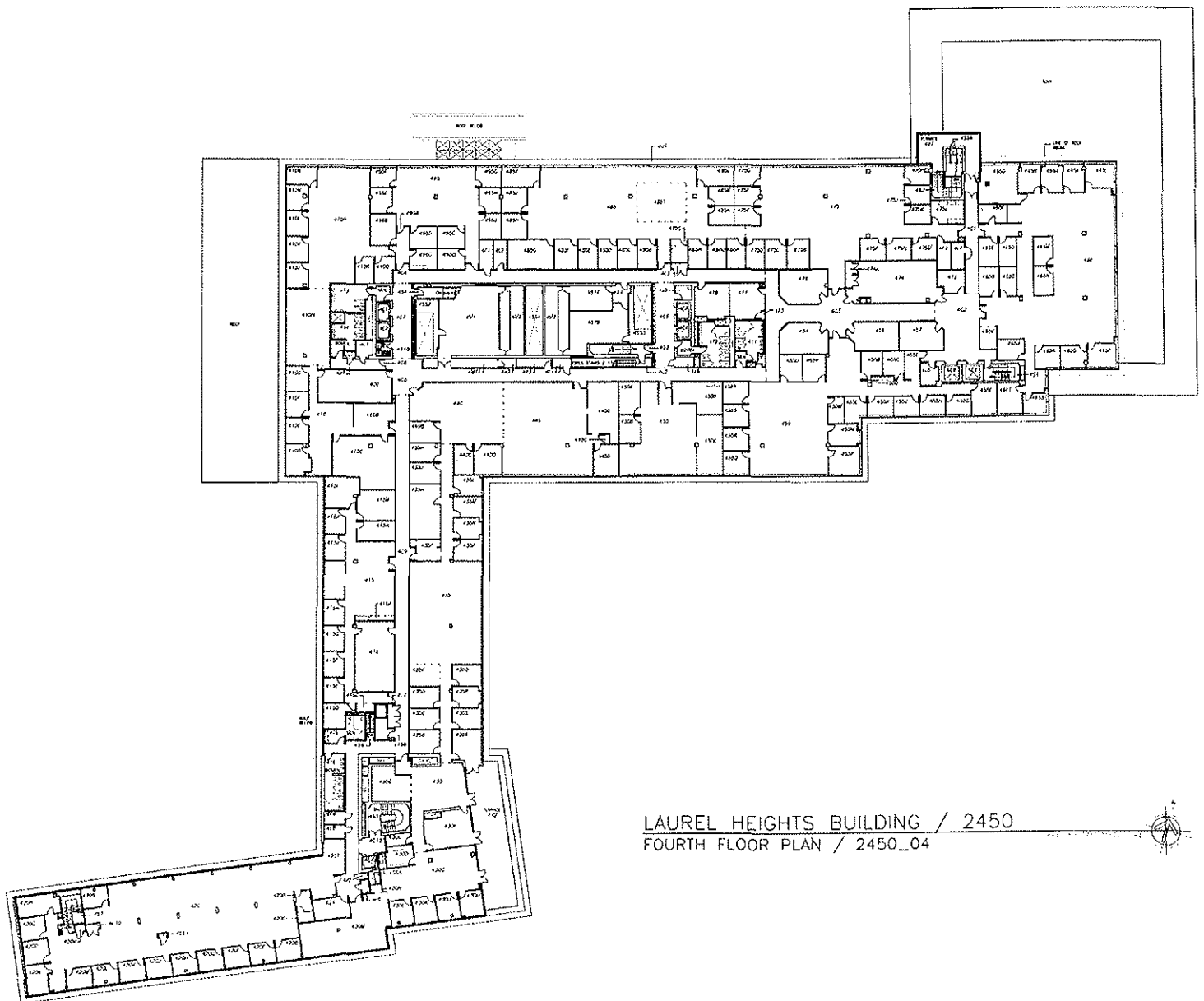


LAUREL HEIGHTS BUILDING / 2450  
SECOND FLOOR PLAN / 2450\_02

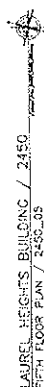


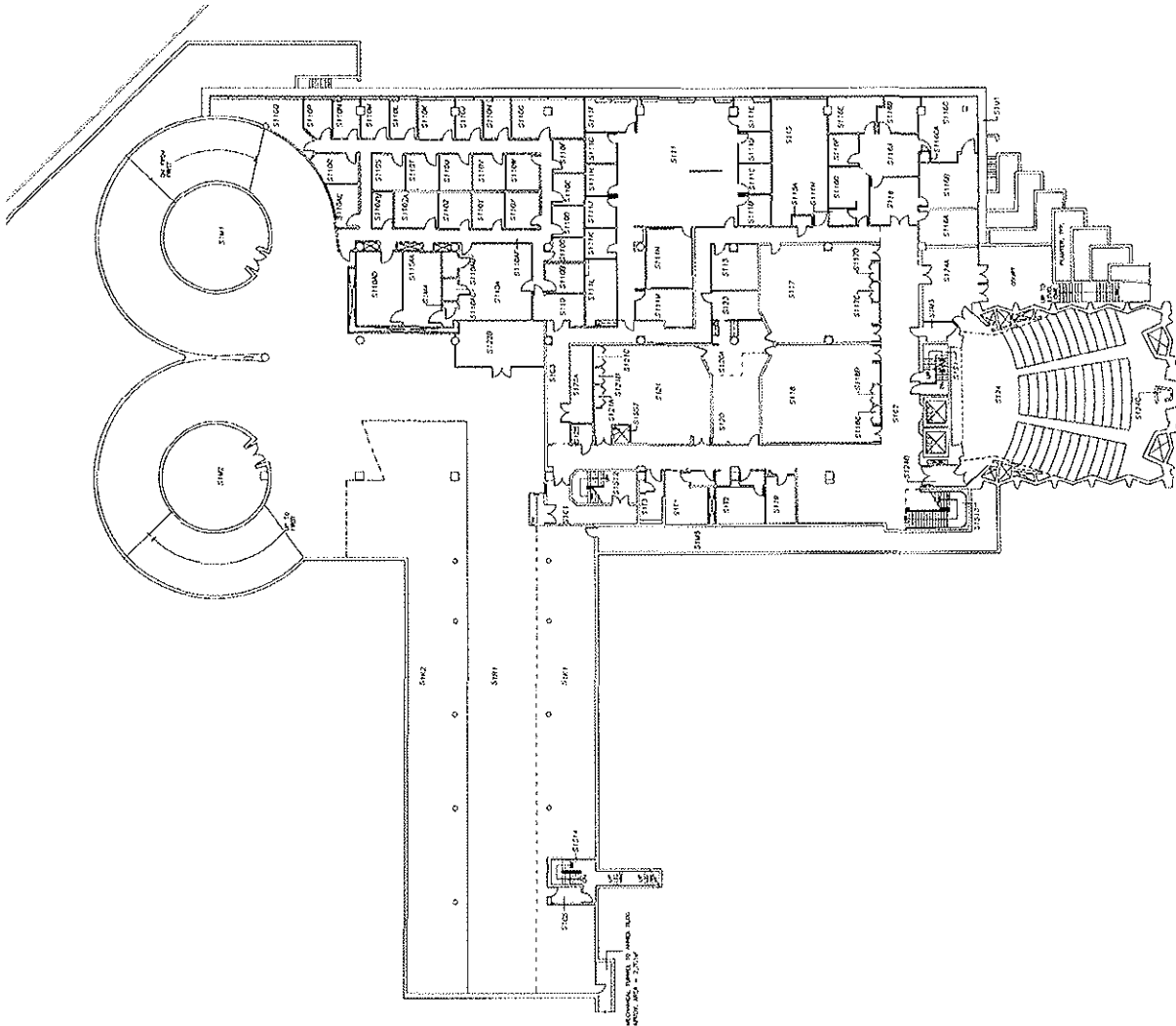
LAUREL HEIGHTS BUILDING / 2450  
THIRD FLOOR PLAN / 2450\_03





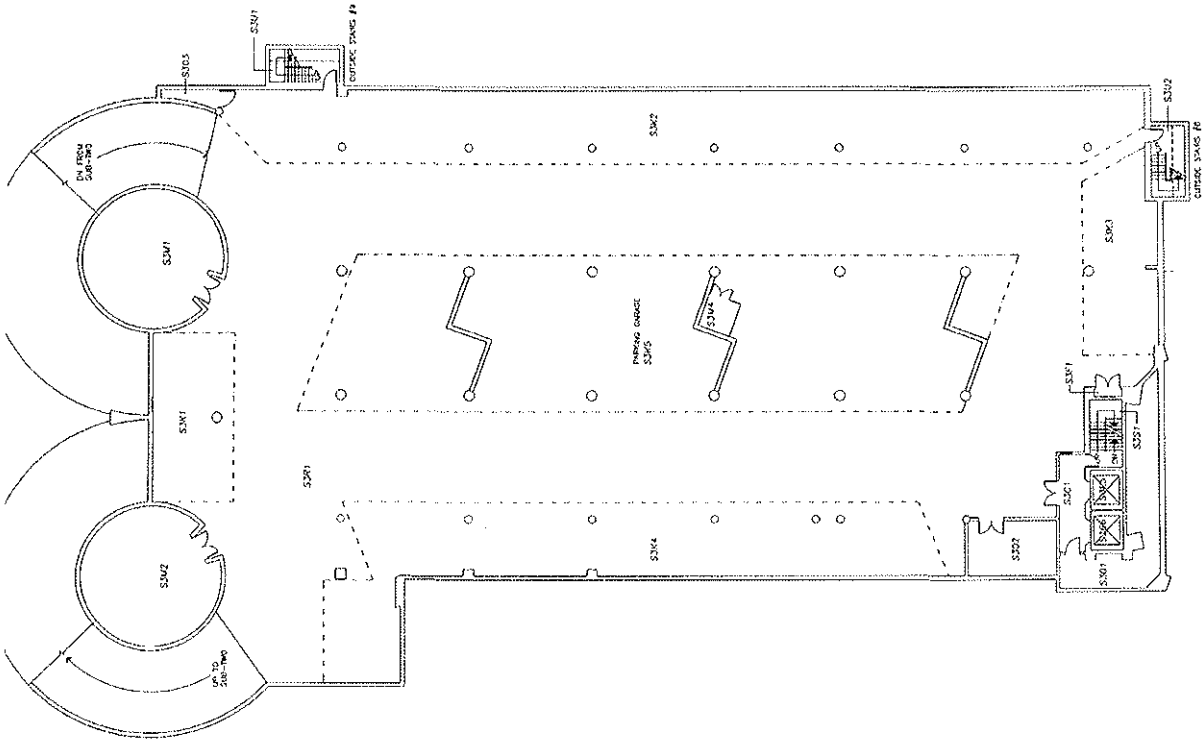
LAUREL HEIGHTS BUILDING / 2450  
FOURTH FLOOR PLAN / 2450\_04





LAUREL HEIGHTS GARAGE / 2450  
FIRST SUB-LEVEL FLOOR PLAN / 2450 ST.





LAUREL HEIGHTS GARAGE / 2450  
THIRD SUB-LEVEL FLOOR PLAN / 2450\_S3



## **EXHIBIT O**

DRAFT

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# **UNIVERSITY OF CALIFORNIA SAN FRANCISCO – LAUREL HEIGHTS ENVIRONMENTAL IMPACT REPORT**

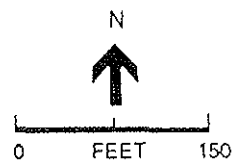
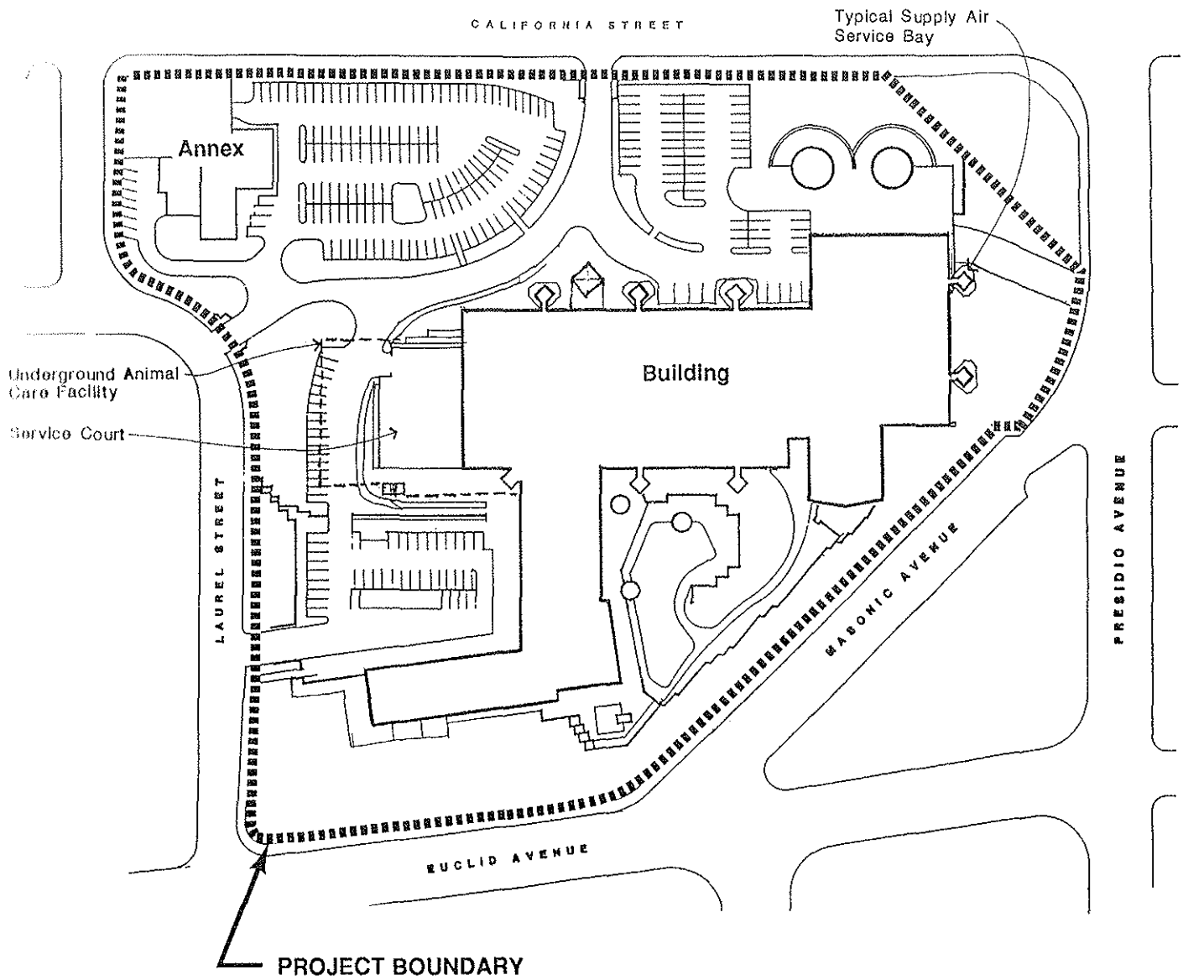
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## **Volume 1: Report**

**October 27, 1989**

Prepared by:  
Office of the Vice Chancellor  
with assistance from  
Environmental Science Associates, Inc.

University of California  
San Francisco



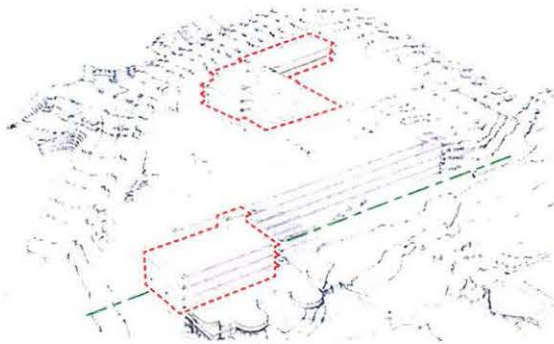
UCSF Laurel Heights

SOURCE: Stone, Marraccini & Patterson Architects

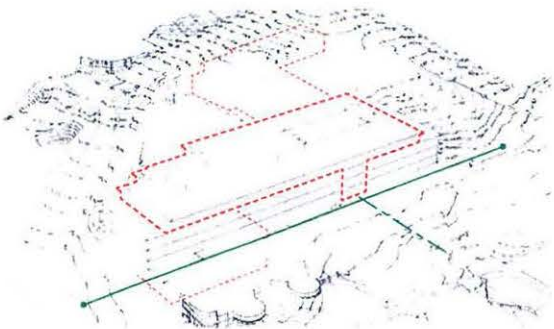
**FIGURE 4  
PROPOSED SITE PLAN**

## **EXHIBIT P**

1 Partial removal of existing structure, freeing up Mayfair Promenade axis.

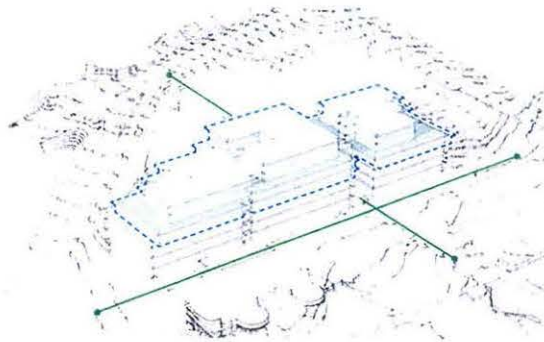


2 Rebuild and reinforce the existing 4th floor and cut opening for Walnut Walk axis.

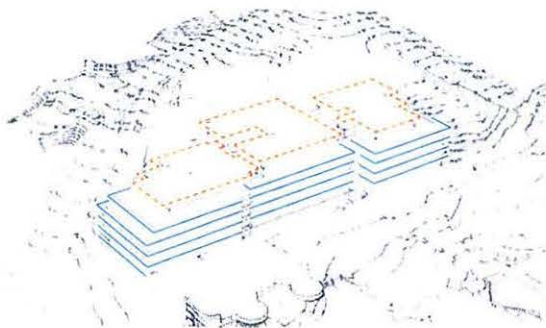


**REMOVALS:** THE SOUTH WING, NORTH WING AND THEATER ARE REMOVED TO REDUCE THE BUILDING BULK AND MASS. AN INTERNAL BAY IS OPENED UP TO CREATE WALNUT WALK.

3 Add one and two floors that are set back from the existing building edge.

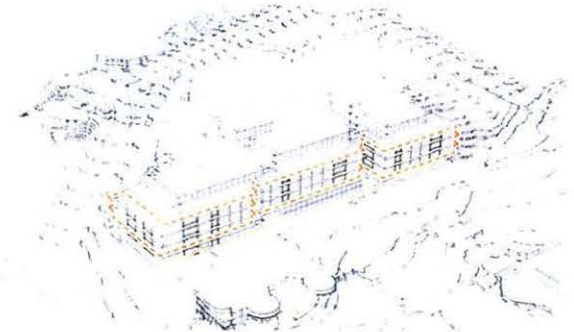


4 Restore the horizontal bands and add warm soffits to upper floor overhangs.

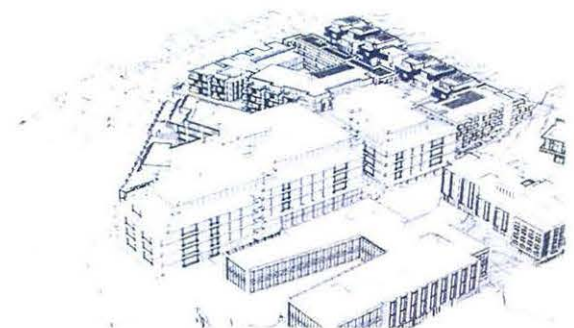


**RESTORE AND REBUILD:** THE EXISTING HORIZONTAL FLOOR LINES WILL BE RESTORED AND THE UPPER FLOORS WILL BE REBUILT WITH SETBACKS.

5 Articulate the exterior with high-performance glass, reveals at demising walls and bay windows at the bedrooms.



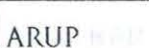
6 Completed design.



**PROPOSED DESIGN:** THE RESIDENTIAL QUALITY OF THE DESIGN IS ENHANCED WITH ARTICULATED BAY WINDOWS AT THE BEDROOMS. THIS MODULATES THE HORIZONTALITY OF THE OVERALL MID-CENTURY COMPOSITION AND RELATES TO THE NEW BUILDINGS AND THE EXISTING NEIGHBORHOOD.

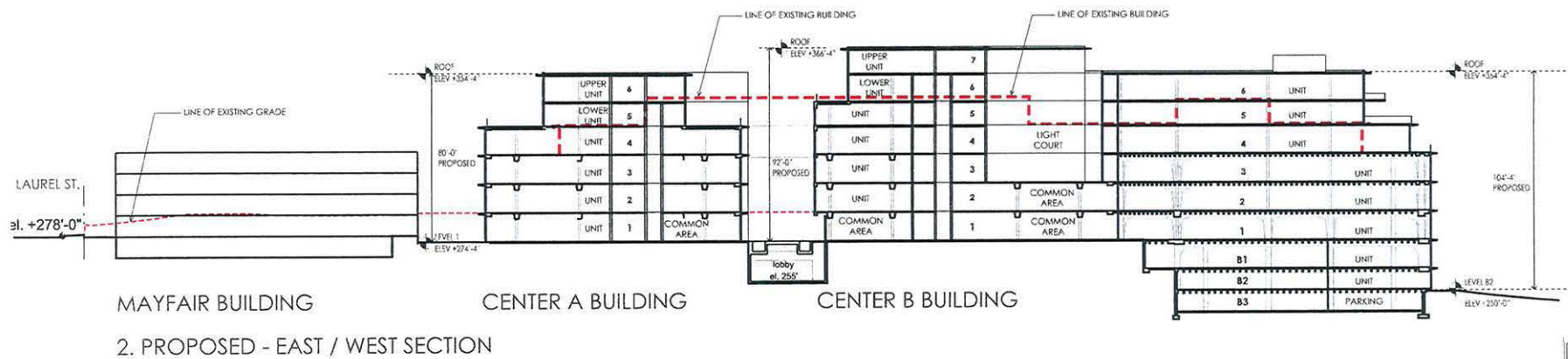
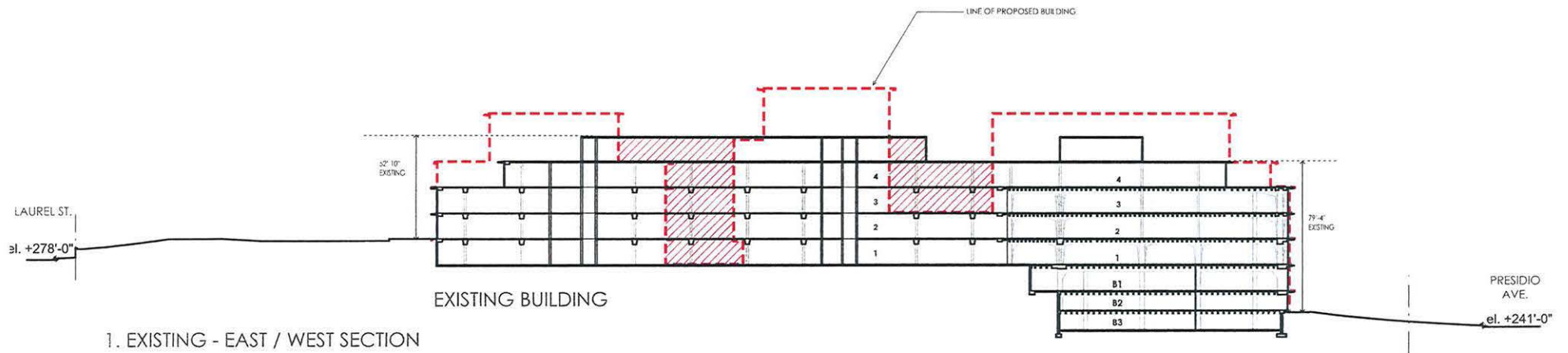
3333 CALIFORNIA STREET SAN FRANCISCO, CA

CENTER A & B: ADAPTIVE REUSE STRATEGY

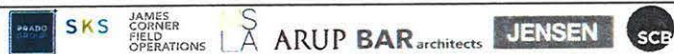


08.17.2017  
PLANNING APPLICATION SUBMITTAL

A6.01



3333 CALIFORNIA STREET SAN FRANCISCO, CA



CENTER A + B: EXISTING & PROPOSED SITE SECTIONS

7.3.2019  
PLANNING APPLICATION SUBMITTAL (REVISED)



A6.21

Re: 3333 California Street, San Francisco, CA  
Record Number: 2015-014028ENV/CUA/PCA/MAP/DVA

Laurel Heights Improvement Association Appeal of Planning  
Commission's Certification of Final EIR/ CEQA Findings

Board of Supervisors File No: 191035

Exhibits to Statement of Petree A. Powell, MCP, JD

## **EXHIBITS Q - T**

## **EXHIBIT Q**





**3333 CALIFORNIA STREET** SAN FRANCISCO, CA

EUCLID GREEN PERSPECTIVE



SKS

JAMES  
CORNER  
FIELD  
OPERATIONS

LA

ARUP BAR architects

JENSEN









07.03.2019  
PLANNING APPLICATION SUBMITTAL

A8.61





**3333 CALIFORNIA STREET** SAN FRANCISCO, CA

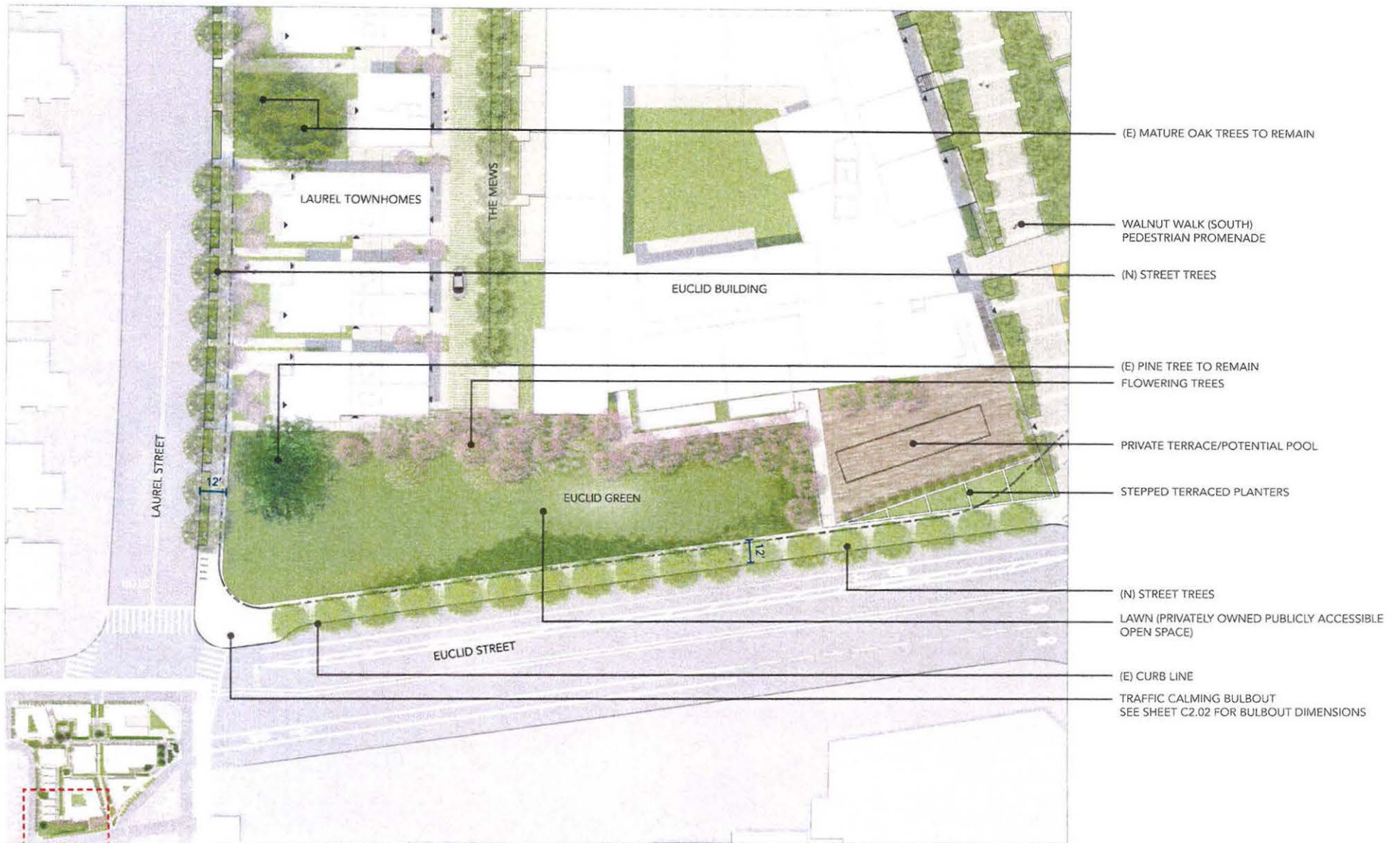




**ARUP BAR** architects
 


EUCLID GREEN - PERSPECTIVE

07.03.2019  
PLANNING APPLICATION SUBMITTAL

**L2.06B**





3333 CALIFORNIA STREET SAN FRANCISCO, CA

ENLARGED PLAN - EUCLID GREEN STREETScape IMPROVEMENTS



JAMES  
CORNER  
FIELD  
OPERATIONS



ARUP BAR architects

JENSEN



07.03.2019

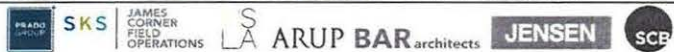
PLANNING APPLICATION SUBMITTAL



L2.06



3333 CALIFORNIA STREET SAN FRANCISCO, CA



07.03.2019  
PLANNING APPLICATION SUBMITTAL

SITE DIAGRAM - STREET TREES



L1.03

## **EXHIBIT R**



October 2, 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."

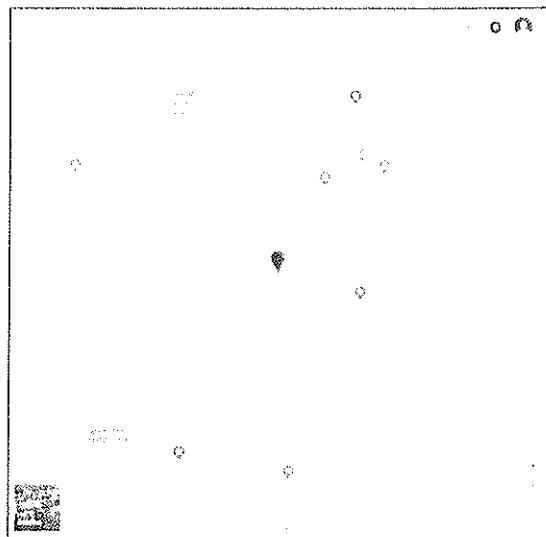


Figure 1 – Location Map

## 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>

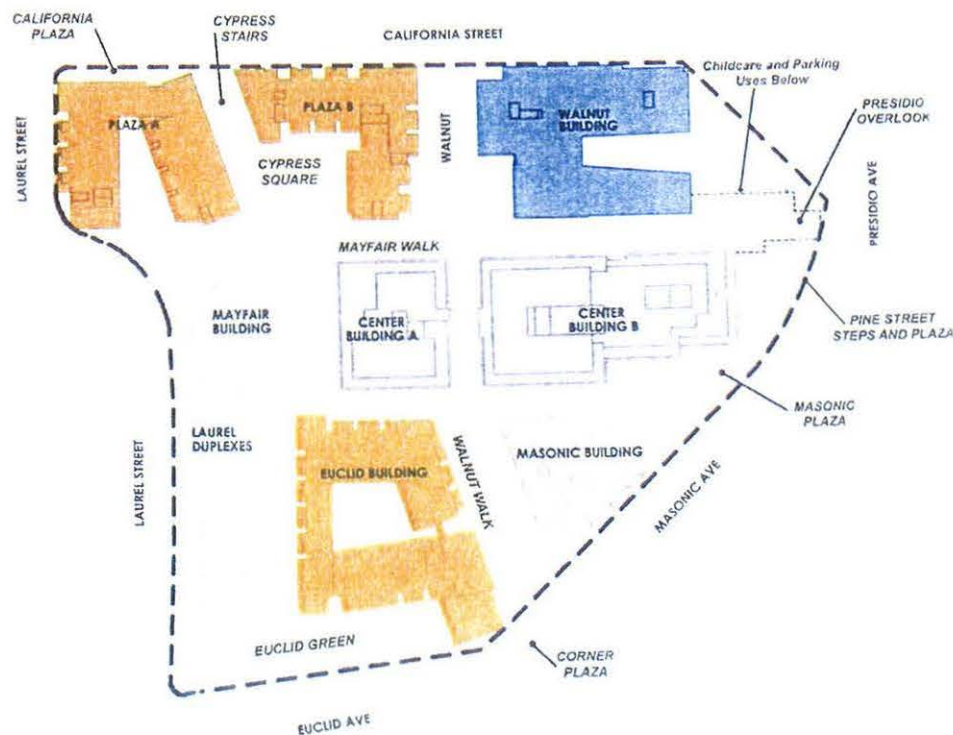


Figure 4 - The Proposed Project site plan

<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.

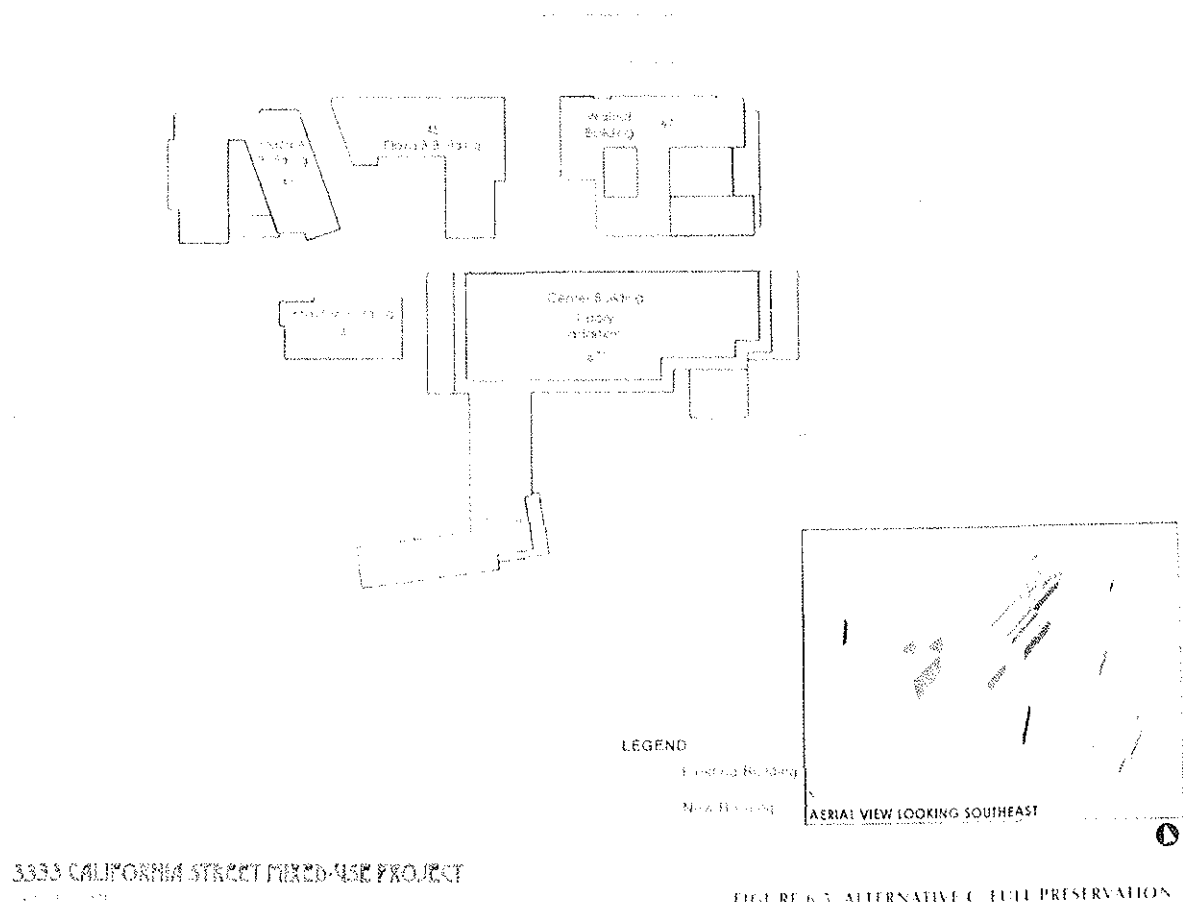


Figure 5 – Full Preservation Alternative C

## 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.

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. In determining the unit count, TreanorHL used the same unit sizes as was used in the Developer's design. The Community 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. In addition, the Community Alternative would excavate only for a single, one-level underground parking garage and for the foundation for the Mayfair Building. In contrast, the developer proposes to excavate for three new underground garages including a three-level one.

The Community Alternative would keep the main building in its entirety, only adding two 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.

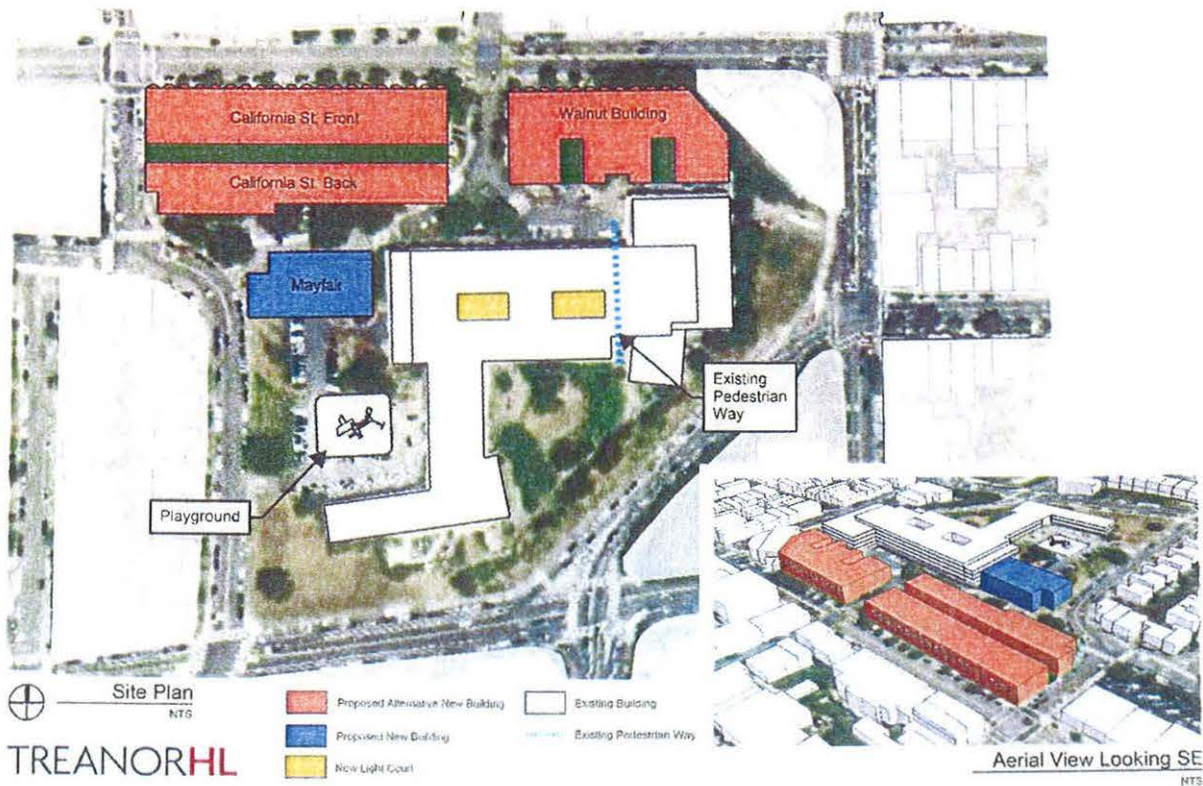


Figure 6 – The Community Full Preservation Alternative

## 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 two 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.



Although not described in the Draft EIR, the developer's August 17, 2017 plan sheet A6.01 has proposed installing bay windows to enhance the residential quality of the design. Since these bay windows would diminish the horizontality of the main building, which is one of the character-defining features of the historic resource, this alteration would not be consistent with the Secretary of the Interior's Standards.

*3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*

The Community Preservation Alternate does not propose adding any conjectural features that would create a false sense of historical development. Therefore, the Community Preservation Alternative complies with Standard 3.

Neither the Proposed Project nor Preservation Alternative C propose changes that would create a false sense of historical development, so these designs would also comply with Standard 3.

*4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*

As described in the California Register Nomination, the Main Building was constructed in phases. The first part of the building was completed in 1957. However, its siting, plan and structure were designed such that it could accommodate future expansion. This expansion took place from 1963 to 1967, in three phases, which added wings to the building. The work was designed by the original architect, and constructed by the original contractor for the original client (Fireman's Fund). The wings are now over 50 years old, and are considered part of the historic resource even if they were not part of the original construction. Since that time, most alterations have occurred on the interior, typical of open-plan office buildings. Under the Community Preservation Alternative, the wings would be retained; under the Proposed Project they would not be. The Community Preservation Alternative therefore meets Standard 4, while the Proposed Project does not. Similar to the Community Preservation Alternative, Alternative C complies with Standard 4.

*5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*

The Community Preservation Alternative will retain all distinctive features of the main building and landscape, including the curtain wall and footprint. And, by not raising the height of the building, its horizontality will also be retained. Character defining features of the site will also be retained. (The Service Building, however, will be demolished under this scheme, as it would under the Proposed Project and Preservation Alternative C. While the Service Building is an original feature of the site and contributes to its historic significance, the loss of this building would have only a minor impact on the overall integrity of the property). Therefore, the Community Preservation Alternative complies with Standard 5.

The Proposed Project is demolishing too much of the Main Building and the landscaping to comply with Standard 5. Preservation Alternative C is superior to the Proposed Project but will have a greater impact on the property than will the Community Preservation Alternative. Alternative C proposes to replace the

curtain wall and add a vertical addition, which could impact the building's horizontality, which according to the California Register Nomination is an important character defining feature. Therefore, while better than the Proposed Project, Alternative C does not fully comply with Standard 5.

*6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

During the design phase, the property, including building and landscape features, should be carefully surveyed to determine the condition of all character defining features. If any of these features are found to be deteriorated, they should be repaired rather than replaced, and any features that are deteriorated beyond repair should be replaced in kind, or, if substitute materials must be used (if, for example, the same material is no longer available), then the substitute material should match the old in design, color, texture and any other visual qualities. If that is done, then the Community Preservation Alternative will comply with Standard 6.

The Proposed Project, however, since it will remove most of the character defining features of the property, will not comply with this Standard. Alternative C, since it retains more of the historic resource, would not fully comply with Standard 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.

*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, than they too would comply with Standard 8.

*9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

For the Community Preservation Alternate, the exterior envelope of the Main Building will be kept intact, and new construction is proposed primarily along California Street, where currently non-character-defining parking lots exist. These new structures can be designed such that they are compatible with both the Main Building and the existing buildings along the north side of California Street. This can be accomplished by utilizing brick, glass, and concrete as exterior materials (tying into the materials of the Main Building), while maintaining the rhythm and scale of the townhouses across California Street. The Community Alternative will therefore comply with Standard 9. In addition, the Mayfair Building would be designed to be compatible with the Main Building.

The proposed project, on the other hand, does not comply with this Standard. Portions of the Main building will be removed, and most of the landscape will be destroyed. Therefore, the Proposed Project will not comply with Standard 9.

Preservation Alternative C is more compliant than the Proposed Project. However, the massing of the new buildings along California Street is very different from the buildings across California Street, and from the residential development surrounding the site.

*10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

For the Community Preservation Alternative, new construction would be relegated to the parking lots along California Street and a Mayfair Building. The Main Building would retain its existing form, and the curtain wall would be retained (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 two 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 proposal to replace the curtain wall and add a story to the building, it is difficult to see how the original form and integrity of the property could be returned if the changes were reversed. Therefore, Alternative C would not comply with Standard 10.

Conclusion



The above discussion evaluates the Community Preservation Alternative's compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties: Rehabilitation. It also discusses how and whether the Proposed Project and Alternative C complies with these standards. Here are the results:

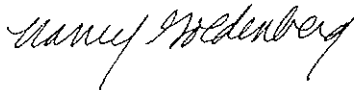
Community Preservation Alternative: Complies with all 10 Standards

Proposed Project: Complies with Standards 3 and 8 only.

Alternative C: Complies with Standards 1, 3, 4, 6, 7, and 8. Partially complies with Standards 2, 5 and 9. Does not comply with Standard 10.

The Community Alternative is clearly superior in its compliance with the Standards than are the other two designs evaluated. In addition, it provides more housing units than Alternative C, and the new construction is more compatible with surrounding neighborhood development.

The evaluation herein applies equally to the Proposed Project Variant, as it would have the same effect on the character-defining features of the resource as the Proposed Project. The Community Full Preservation Alternative Variant's compliance with the Secretary of the Interior's Standards would be the same as that of the Community Full Preservation Alternative.



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Nancy Goldenberg, Principal

January 7, 2019

Date

## **EXHIBIT S**

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**Kathy Devincenzi** <krdevincenzi@gmail.com>

Wed, Oct 17, 2018 at 6:39 PM

To: Dan Safier <dsafier@pradogroup.com>

Cc: Richard Frisbie <frfbeagle@gmail.com>, "M.J. Thomas" <mjinsf@comcast.net>, Catherine Carr <catherine.a.carr@gmail.com>, Linda Glick <lindaglick@hotmail.com>, "John Rothmann (johnrothmann2@yahoo.com)" <johnrothmann2@yahoo.com>

Dan,

Although we gave you the courtesy of notice that we were going to submit to the California Office of Historic Preservation a nomination of the site as a historical resource, you did not afford the same courtesy to us when you went to the Architectural Review Committee of the SF Historic Preservation Commission. There, you presented your consultant's proposed preservation alternatives, and the committee agreed that they were sufficient preservation alternatives for discussion in the EIR. In thirty years of working with neighborhoods, I have never before had anyone fail to inform me of a hearing.

Your alternatives were actually not sufficient, as those alternatives propose office use of the existing structure. We all know that the City needs housing.

As we told you at our last meeting, we are preparing a preservation alternative that would use the main building principally for housing and build other housing on the site. We request that you inform the Planning Department that you agree that this community preservation alternative is to be included in the Draft EIR and that the release of

the Draft EIR should be delayed until January 2, 2019, so the community is not inconvenienced by a hearing the week after Thanksgiving on the Draft EIR. We have been informed that these requests can be granted with the developer's agreement.

Also, we previously attended a meeting that you held with the Laurel Village merchants, and you told them that you wanted to meet with them privately in the future. Many of the meetings you claim to have held were private meetings.

In addition, after the Initial Study was released for your project without a greenhouse gas emissions study or a traffic study, a couple months later you and the Planning Department sent a greenhouse gas emissions analysis and a transportation analysis to the Governor's Office of Planning and Research without informing us that you had applied for environmental review streamlining. Had you truly been interested in openness and collaboration you would have released this information to the public or posted it on your website at the time you submitted it.

Although we met with you at each available opportunity, you took a Top-Down approach and would not plan the development in collaboration with the community. At one of your poster-board sessions, your representatives told people that rezoning was not necessary, and I immediately reported this to Dan Kingsley. He said, "you and I know that rezoning is needed" but I did not see him make any effort to instruct his representative to tell the truth to the community.

You only spoke to the community once about your proposal and would not allow members of the public to speak, answering only a few questions written on cards.

At our last meeting, we told you that you had concealed the historical significance of the property from us and the community and that you now need to redesign the project in accordance with the Secretary of Interior's standards for reuse of historical resources. You said: "Forget the rules, do you like it?" I said that I did and that I thought the seamless connection between the indoor spaces and outdoor landscaping was a brilliant idea and that you could do something really good with the views and landscaping. You replied: "You are not going to redesign this project." We think the rules apply to you and hope you will have a change of heart.

You have chosen to push along with an impactful proposal that is strongly opposed by the majority of the community. Since you have preferred private meetings, I am sure you will understand that the community needs an opportunity to meet without interference to discuss the upcoming schedule and hearings. Knowing the community views as I do, I think they would regard your presence as unwelcome at this point, so we hope you will honor their need to join together in protection of their neighborhood without your interference.

In order to keep communications open, we offer you a meeting with our Association's Executive Committee on Friday October 19 between 11 am and 7 pm or at a mutually convenient time in the next two weeks. You could arrange the location. We understand that you are going to submit revised plans to the Planning Department. You should send them to us as soon as possible.

Also, our Association has held election of officers. John Rothmann has retired and is no longer an officer, so further communications to the Association should be sent to me.

Laurel Heights Improvement Association of SF, Inc.  
By: Kathy Devincenzi, President

[Quoted text hidden]

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Kathy Devincenzi <krdevincenzi@gmail.com>  
To: catherine.stefani@yahoo.com

Wed, Oct 17, 2018 at 6:42 PM

fyi

[Quoted text hidden]

## **EXHIBIT T**

**Petree A. Powell, MCP, JD**  
**13416 Greenwood Court**  
**Sainte Genevieve, MO 63670**  
**314.283-3599**  
***petreepowell@gmail.com***

**Professional Experience:**

***Community Development Director***  
***2014-2016***

***City of Sainte Genevieve, Missouri***  
***165 S. Fourth Street***  
***Sainte Genevieve, MO 63670***

Administrator specializing in community development, historic preservation, planning, zoning, building permitting, code enforcement, flood plain management, and geographic information systems (GIS) for the inventory and documentation of the 825 historic structures and sites within the city limits:

- Acted as staff liaison to the “Ste. Genevieve Heritage Commission” and “Planning Commission”. Reviewed all applications for “Certificates of Appropriateness” to any change, modification or demolition of any historic structure or site with the United States *National Register of Historic Places*\*\*, which includes the *National Historic Landmark District*\*\* approved in 1959, one the first to be made. The District encompasses nearly the entirety of the city;
- Interacted with the Board of Aldermen, including preparation of the revised Preservation Ordinance, historic preservation commission appeals, other planning and community development ordinances and regulations related to planning and community development;
- Reorganized City documentation of the city’s historic structures, and prepared a successful State preservation grant to implement geographic information system in coordination with the City’s Water and Sewer provider. Developed protocol for collection of data for entry into the GIS system and supervised employees collecting said data. Facilitated interaction and contract with the St. Genevieve County Assessor which has significantly more financial resources and the complete version of the GIS program. Prepared and assessed bids for host GIS contractor. Interacted with the host contractor to install appropriate protocols to capture all relevant data, documentation and field observations of the 825 historic structures with the city limits;
- Facilitated use of newly installed GIS program to identify assess and identify structures threatened by the significant flooding of the Mississippi River in December 2015 if the current Corp of Engineers levy failed or flood waters topped the levy surrounding the town site;
- Additional duties include: Supervising Building Department inspections, permitting and code enforcement. Assist in other matters related to city management. Served as the City’s liaison to the downtown Main Street Program, “Ste. Genevieve Downtown Renewal Project”. Assisted in organizational development, non-administration and interaction with public entities.

\*\*Sainte Genevieve was one of the earliest European Settlements west of the Mississippi. The French settlement established circa 1790 as part of the “Illinois Country” upper Mississippi River Valley. Its current population is less than 4500 residents and sits on a flood plain adjacent to the Mississippi River. The city was designated a National Historic Landmark in 1960. Its status was achieved because it possesses the largest extant collection of French vernacular vertical log houses (known as Poteaux-sur-sol and Poteaux-sur-sol) in North America. Ste. Genevieve has 27 of the 32 that still exist in North America. The architecture and cultural landscape in Ste. Genevieve constitutes the unique survival and continuation of French traditional architecture under Spanish, and later, American Rule. It captures the arc of French Settlements in transition to multi-cultural towns on the frontier of settlement in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries. The remaining historic structures represent the German influence on the architecture from 1830 to 1950. After the 1993 flooding of the Mississippi River bypassed the traditional requirements of National Flood Insurance and Corp of Engineers for flood mitigation protocol, an engineered levy was approved and built to protect these unique structures because of the high significance. Further in 2018, the National Park Service was authorized to establish the Ste. Genevieve National Historic Park, which includes the 27 vertical log structures that contribute to the Historic District.

***Interim Director of Finance***  
***(through Interim Public Management, LLC)***  
***2013***

***City of Wentzville, Missouri***  
***310 West Pearce Blvd.***  
***Wentzville, MO 63385***

Providing the interim management of the Finance Department including: overseeing an annual overall budget of \$52 million, including investments of unrestricted and restricted (project) funds; developing internal management procedures and controls concerning investments, travel, purchasing cards, and other AP related matters; assisting other departments with financial aspects of ongoing construction projects; proving support to the Professional Services Committee in the selection of various vendors for the City; and providing analyses and support as requested by the Board of Aldermen and/or the City Administrator.

***City Administrator***  
***2011-2012***

***City of Crestwood, Missouri***  
***1 Detjen Drive***  
***Crestwood, MO 63126***

Acted as first female City Administrator in a City Manager/Mayor/Board of Aldermen form of government in the St. Louis suburban city of nearly 12,000. Oversaw the day to day operations of the full service city (fire, police, public works, parks and recreation). Conducted a comprehensive review of city services

and finances for a city that has lost a substantial part of its retail sales tax base over the last decade with the closing of a regional mall. In light of the City's financial constraints, initiated comprehensive performance management approach to evaluate the necessity of and the performance of city services.

**Consultant**  
**2010-2011**

**St. Louis County Municipal League**  
**121 S. Meramec Avenue**  
**Clayton, Missouri 63105**

As a result of my work for the City of University City and other local municipalities, engaged by the St. Louis County Municipal League to assist local governments in analyzing AmerenUE's proposed electricity rate increase as it relates to municipal street lighting.

**Assistant City Manager**  
**2007 to 2010**

**City of University City, Missouri**  
**6801 Delmar Blvd.**  
**University City, MO 63130**

Reported directly to and assisted the City Manager in all matters within her purview including the research and analysis of city programs and processes, representation at meetings on her behalf, providing information for weekly citizen reports and performing outreach to the community. Took the lead role in the analysis of major programs to enhance revenue and/or reduce costs to the City including:

- evaluated and provided recommendations concerning senior transportation;
- evaluated and devised a comprehensive program for the recovery of the significant debt owed to the City for trash collection;
- evaluated and provided background for performance measurement and management as tools to improve services and decrease costs;
- evaluated and provided a new protocol for enforcement of non-moving traffic violations;
- evaluated and provided recommendations concerning student achievement;
- evaluated and provided recommendations concerning building inspections services;
- acted City's chief sustainability officer and staff liaison to the Green Practices Commission;
- took the lead role in the City and in the region in the investigation of utility-owned street lights and measures to be taken to reduce costs and energy usage local governments;
- prepared a RFP and plan for new green housing in a distressed area of the City and promoted project to development community;
- represented local governments on the regional FOCUS-St. Louis Local Government Sustainability Task Force, lead author of the "Materials (procurement)" component of the report;
- acted as Chairperson of the 100 Year Anniversary of the historic Lions' Gates Commission organizing residents, civic and business leaders for celebratory activities, including a public art project; and
- provided legal advice as needed for various City related matters, including drafting contracts for and with City agencies and community groups; and

Received *Outstanding Assistant City Manager of the Year* by the Missouri City Managers Association 2009-2010

Received on behalf of University City the *Outstanding Local Government Achievement Award for Innovation in Planning and Design* for the Green Homes Project from East-West Gateway Council of Governments 2010.

**Board of Directors and**  
**President**  
**2004-2005**

**St. Francis Homes Association**  
**101 Santa Clara Avenue**  
**San Francisco, California 94127**  
**Self-governed Neighborhood of**  
**565 homes and common space**

As President, acted as full-time chief operating officer of this 401C4 non-profit community association with an annual operating budget of \$800,000 and oversaw the ongoing operations of the various properties owned and that are within the St. Francis Wood historic neighborhood, including but not limited to its parks, parkways, fountains, buildings, monuments, sidewalks and streetscape. These duties include:

- Took the lead role in the Association's significant undertakings, including: initiated small scale contribution (in-kind and donation) campaigns to restore specific historic structures and to actively participate in city-wide initiatives affecting the Association; Contributed to the architectural review and enforcement process of proposed additions and modifications of the historic homes within the Association boundaries;
- Represented the Association in all communications and interactions with homeowners, city officials, local neighborhood organizations, local utilities, vendors to the Association, and Committees that direct the operations of the Association;
- Coordinated and drafted the neighborhood's traffic calming study instituted in conjunction with the City's Livable Streets program and created a community participation process to reach a viable plan;
- Coordinated, planned and lead community meetings concerning topics and issues facing the Association;
- Represented the Association before the local Planning Commission; San Francisco Board of Supervisors and the State; and
- Set forth a process for developing a long range plan for the care and maintenance of the Association's common properties and capital assets.
- Selected for Participation to the National Trust for Historic Preservation Professional Development Training Course in Astoria, Oregon 2004.

**Attorney; Representative on Behalf of**  
**St. Francis Homes Association**  
**2004-2005**

**San Franciscans for Livable Neighborhoods**

Took the lead role in preparing the organization's position paper in response to the City of San Francisco's proposed Housing Element to its General Plan before the state agency in charge of approving/disapproving cities' state mandated General Plan components. The organization is a coalition of 16 neighborhoods which sought to participate in the development of the city's General Plan.

**Board of Directors and  
Chairperson Public Works Committee  
2002-2003**

**St. Francis Homes Association  
San Francisco, CA**

As chairperson of the Public Works (Sidewalks, Streets and Utilities) Committee, developed a comprehensive evaluation program of the historic sidewalks to minimize repairs to historic materials and design, while providing safe passage for pedestrians. Represented the Homes Association in the evaluation, maintenance, execution and implementation of all contracts for repair and asserted all relevant legal claims associated with over seven miles of privately-owned historic sidewalks. Served as the Association's representative in all communications with the City of San Francisco, contractors, utilities and residents concerning all issues concerning the sidewalks and streets.

**Associate Attorney  
1991-1997**

**Armstrong, Teasdale, Schlafly & Davis  
Attorneys at Law, St. Louis, MO**

Practiced all aspects of complex commercial litigation, including breach of contract and other common law claims, violations of federal and state securities law, federal false claims violations, federal deceptive pricing claims, real estate foreclosure and deficiency claims, and Fair Housing Act claims. Continued assisting the State of Missouri in its desegregation litigation, primarily focusing on the Kansas City school desegregation case, *Jenkins v. State of Missouri, et al.*; participated in all strategic litigation decisions, prepared and presented at trial experts in demography and student achievement/testing and assisted in the preparation of legal memoranda regarding the expansion of the magnet school capital improvements and education programs. Acted as the associate representative on the firm's Associates Committee. On partnership tract when relocated to San Francisco with my family in 1997.

**Consultant  
1988-1991**

**Attorney General  
State of Missouri, St. Louis, MO**

While attending law school full time, assisted in the development of the State of Missouri's litigation strategy in the ongoing St. Louis school desegregation case, *Liddell v. Board of Education, et al.* and provided the State the backup fiscal information and other analyses to support its position in the various matters before the Court.

**Supervisor, School Finance  
1986-1988**

**Missouri Department of Elementary and  
Secondary Education, Jefferson City, MO**

Senior Analyst for the State of Missouri's financial obligations in the St. Louis desegregation case, *Liddell v. Board of Education, et al.*; prepared, presented and negotiated the State's position before the Court's Special Master regarding the city and county capital improvements request, magnet school expansion and educational program budgetary requests for FY 87, FY 88 and FY 89; monitored \$100 million budget and provided forecasts to various state officials and the legislature.

**Supervisor, Administrative Services  
1985-1986**

**Missouri Department of Elementary and  
Secondary Education, Jefferson City, MO**

Analyzed and monitored the State of Missouri's financial obligations in the Kansas City school desegregation case, *Jenkins v. State of Missouri, et al.*; prepared budget forecasts and provided research and assistance in the implementation of the Excellence in Education Act of 1985.

**Formal Education**

*University of California-Berkeley*, Berkeley, California  
Masters of City and Regional Planning (MCP), December 2002  
Emphasis: Land Use

Professional Report (alternative to Thesis) on Behalf of the California State Office of Historic Preservation: *A Path to Parity: Adopting a Historic Preservation Element to the General Plan* which is still used today to guide cities in incorporating a Historic Preservation Element to the City's General Plan.

Planning Internship: City of San Rafael Community Development Department, Long Range Planning. January-August 2001. Assisted with the development of the City's Housing Element; evaluated all current housing element programs and completed a comprehensive survey of all new housing units (market rate and affordable) built in San Rafael over the past 5 years.

*Saint Louis University School of Law*, St. Louis Missouri  
J. D. 1991, Cum Laude

Order of the Woolsack (top 10% of class) (rank 17/233)  
Best Oralist, Saint Louis University intra-school Moot Court Competition  
Member, National Moot Court Team  
Academic Achievement Award (Am Jur equivalent): Securities Regulation, Estates Administration

*Webster University, St. Louis, Missouri*  
B.A. 1985

Majors: Business Management and Media/Public Communications  
Internship/Legislative Assistant for the Honorable Kaye H. Steinmetz  
Missouri House of Representatives, Jefferson City, Missouri



**From:** [BOS Legislation, \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#); [Kathy Devincenzi](#); [dbragg@pradogroup.com](#); [lcongdon@pradogroup.com](#); [Gershwin, Dan](#)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [TOM, CHRISTOPHER \(CAT\)](#); [SHEN, ANDREW \(CAT\)](#); [MALAMUT, JOHN \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Zushi, Kei \(CPC\)](#); [Foster, Nicholas \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [Nuru, Mohammed \(DPW\)](#); [Storrs, Bruce \(DPW\)](#); [Tse, Bernie \(DPW\)](#); [Rivera, Javier \(DPW\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [PEARSON, AUDREY \(CAT\)](#); [Pena, Iowayna \(ECN\)](#); [gxa@coblentzlaw.com](#)  
**Subject:** APPEAL RESPONSES: Appeal of CEQA Certification of Final Environmental Impact Report/Conditional Use Authorization - Proposed 3333 California Street Project - Appeal Hearing on November 5, 2019  
**Date:** Monday, November 4, 2019 12:19:56 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

The Office of the Clerk of the Board received the following appeal responses from the Planning Department, regarding the appeals of the certification of the Final Environmental Impact Report under the California Environmental Quality Act and Conditional Use Authorization for the proposed project at 3333 California Street.

[Planning Department's Appeal Response - FEIR Appeal - November 4, 2019](#)

[Planning Department's Appeal Response - CU Appeal - November 4, 2019](#)

**The hearing for these matters are scheduled for 3:00 p.m. special order before the Board on November 5, 2019.**

**NOTE:** These appeal responses was received after compilation of, and is not included in, the hearings' Agenda Packets for the November 5, 2019, Board Meeting. The President may entertain a motion to continue the hearings to the Board of Supervisors' meeting of Tuesday, November 12, 2019, and these responses will be included in that meeting's Agenda Packet.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 191035](#)

[Board of Supervisors File No. 191039](#)

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

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**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under

*the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*



# **Environmental Impact Report Certification Appeal**

## **3333 California Street Mixed-Use Project**

**DATE:** November 4, 2019

**TO:** Angela Calvillo, Clerk of the Board of Supervisors

**FROM:** Lisa Gibson, Environmental Review Officer – (415) 575-9032  
Kei Zushi, Senior Environmental Planner – (415) 575-9038

**RE:** Board of Supervisors File No. 191035  
Planning Case No. 2015-014028ENV – Appeal of the Environmental  
Impact Report Certification for 3333 California Street Mixed-Use  
Project

**HEARING DATE:** November 12, 2019

**ATTACHMENTS:** A: San Francisco Planning Department, Supplemental Memorandum  
to the Planning Commission, Responses to Issues raised in August  
28, 2019 letters submitted by the Laurel Heights Improvement  
Association of San Francisco, Inc., September 4, 2019  
B: San Francisco Planning Department, Shadow analysis excerpt  
from *Initial Study for 3333 California Street Mixed Use Project, 2015-  
014028ENV*, April 25, 2018  
C: San Francisco Planning Department, Site Plan Comparison, EIR  
Alternative C and LHIA Alternative and Variant

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**PROJECT SPONSOR:** Don Bragg, Laurel Heights Partners, LLC; (415) 857-9324

**APPELLANT:** Kathryn Devincenzi, President, Laurel Heights Improvement Association of San  
Francisco, Inc.; (415) 221-4700

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### **INTRODUCTION**

This memorandum and the attached documents are a response to the letter of appeal to the San Francisco Board of Supervisors (the board) regarding the certification of a final environmental impact report (FEIR) under the California Environmental Quality Act (CEQA) for the 3333 California Street Mixed-Use Project (the proposed project). The FEIR was certified by the San Francisco Planning Commission (the commission) on September 5, 2019. The appeal to the board was filed on October 7, 2019 by Kathryn Devincenzi, President of the Laurel Heights Improvement Association of San Francisco, Inc. (hereinafter appellant).

The appeal letter was timely filed on October 7, 2019 and is part of board file 191035. The FEIR, which consists of the draft environmental impact report (draft EIR) and the responses to comments document, were provided to the clerk of the board on November 7, 2018 and August 22, 2019, respectively. The decision before the board is whether to uphold the certification of the FEIR by the commission and deny the appeal, or to overturn the commission's decision to certify the FEIR and return the project to the planning department (hereinafter department) for additional review.

For the reasons set forth in this memorandum, the FEIR complies with the requirements of CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code. It provides an adequate, accurate, and objective analysis of the potential environmental impacts of the proposed project. Accordingly, the department respectfully recommends that the board uphold and affirm the commission's certification of the FEIR.

## **SITE DESCRIPTION AND EXISTING USE**

The 3333 California Street project site is approximately 10.25-acres (or approximately 446,490 square feet). The project site occupies Lot 003 on Assessor's Block 1032 in San Francisco's Presidio Heights neighborhood in the northwest portion of San Francisco. The irregularly shaped parcel is bounded by California Street to the north (an approximately 730-foot-long frontage), Presidio Avenue to the east (an approximately 280-foot-long frontage), Masonic Avenue to southeast (an approximately 422-foot-long frontage), Euclid Avenue to the south (an approximately 348-foot-long frontage), and Laurel Street/Mayfair Drive to the west (an approximately 742-foot-long frontage).<sup>1</sup>

The project site contains a Midcentury Modern corporate campus constructed originally for the Fireman's Fund Insurance Corporation (FFIC) in 1957. The site contains an office building and an annex building designed by Edward B. Page set in a Midcentury Modern landscape designed by Eckbo, Royston & Williams. The office building is designed in the Midcentury Modern architectural style and features low-scale reinforced concrete construction with prominent floor plates that form projecting eaves at each floor and a glass curtain wall with a regular rhythm of aluminum frame windows that constitute the majority of the façade. The project site was constructed in three distinct phases with Edward B. Page designing the original buildings along with their subsequent additions that included horizontal and vertical expansions of the main building and the service building in 1964 and 1966.

Along California Street, the project site is bordered by an approximately 10-foot-tall brick wall with a pedestrian entrance and curb cut for the California Street entrance. The brick wall is set back 5 feet from the north property line, with a planting strip in the setback. At the corner of Laurel and California streets, the brick wall joins with the one-story annex building (approximately 14,000 gross square feet) to wrap around the corner and along Laurel Street. It continues to border the project site to the west, with a pedestrian entrance and curb cut for the Mayfair Drive entrance. South of the Mayfair entrance, the wall is set back behind a formally landscaped, stepped slope and terminates immediately north of the Laurel Street entrance. The existing office building has a brick perimeter wall along its Presidio Avenue and Masonic Avenue frontages and is set back at least 36 feet from the east (Masonic Avenue) property line.

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<sup>1</sup> The two-story building that houses the SF Fire Credit Union, is located on a separate triangular-shaped lot at the northeast corner of Assessor's Block 1032 (corner of California Street and Presidio Avenue), and is not part of the project site.

The eastern portion of the project site has a substantial number of mature trees, landscaping, and open space. Approximately 63 percent of the site is covered by buildings or other impermeable surfaces (e.g., internal roadways and surface parking lots) and 37 percent is landscaping or landscaped open space. The project site's topography exhibits a generally southwest-to-northeast trending downslope.

The project site is developed with a four-story, 455,000-gross-square-foot office building including a three-level, 212-space, 93,000-gross-square-foot partially below-grade parking garage at the center of the site; a one-story, 14,000-gross-square-foot annex building at the corner of California and Laurel streets; three surface parking lots with a total of 331 spaces connected by internal roadways; two circular garage ramp structures leading to below-grade parking levels; and landscaping or landscaped open space. The campus serves as the primary location for UCSF's office and limited laboratory uses for its social, behavioral, and policy science research departments.<sup>2</sup>

## **PROJECT DESCRIPTION**

The project variant analyzed in the FEIR is now the preferred project and was approved by the commission on September 5, 2019. It will be referred to as the project herein. The project would redevelop the project site with a mix of residential, retail, child care, open space, and parking uses. The existing 14,000-gross-square-foot annex building, surface parking lots and garage ramp structures would be demolished, and the existing 455,000-gross-square-foot office building at the center of the site would be partially demolished and adaptively reused for residential uses as two separate buildings, vertically expanded to include one to two new levels (proposed building heights of 80 and 92 feet respectively). Thirteen new buildings ranging in height from 37 to 67 feet would be constructed along the perimeter of the site as follows: three multi-story buildings (residential, child care, and ground-floor retail uses) along California Street between Laurel Street and Presidio Avenue; a single multi-story building (residential uses) along Masonic Avenue; a single multi-story building (residential and ground-floor retail uses) near the intersection of Euclid and Masonic avenues; seven multi-story duplexes along Laurel Street; and a multi-story residential building near the intersection of Laurel Street and Mayfair Drive. Overall, the proposed project would include 744 dwelling units within 977,437 gross square feet of residential floor area; 34,496 gross square feet of ground-floor retail area; a 14,665-gross-square-foot child care center; 401,234 gross square feet of parking with 857 parking spaces; and 236,000 square feet of open areas. Parking would be provided in four below-grade parking garages and seven individual, two-car parking garages accessed from one driveway off of Laurel Street. 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 approximately along the line of Walnut Street, and in an east-west direction between Laurel Street and Presidio Avenue along the line of Mayfair Drive.

## **BACKGROUND**

On March 29, 2016, Laurel Heights Partners, LLC (hereinafter project sponsor) filed an application for the proposed project with the planning department for a CEQA determination. The application was revised and refiled on March 6, 2017 and included a variant to the proposed project.

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<sup>2</sup> UCSF anticipates moving services and staff at the Laurel Heights Campus to other UCSF locations, such as the Mission Bay or Parnassus campuses, prior to commencement of any construction activities on the project site. The specific timeline for this move is not known.

Pursuant to the requirements of Section 21094 of CEQA and Sections 15063 and 15082 of the CEQA Guidelines, the department, as lead agency, published and circulated Notice of Preparation of an Environmental Impact Report (NOP) and Notice of a Public Scoping Meeting on September 20, 2017. The NOP solicited comments regarding the scope of the environmental impact report (EIR) for the proposed project. The NOP and its 30-day public review period were advertised in a newspaper of general circulation in San Francisco and mailed to governmental agencies, organizations and persons interested in the potential impacts of the proposed project. Prior to the close of the public review period (October 20, 2017), the department held a public scoping meeting on October 16, 2017, at the Jewish Community Center of San Francisco at 3200 California Street. Comments received during the scoping process were considered in preparation of the initial study and draft EIR.

An initial study was issued on April 25, 2018, analyzing the potential environmental impacts of the proposed project and project variant. The analysis of potential environmental impacts utilizes significance criteria that are based on the San Francisco Planning Department Environmental Planning Division guidance regarding the environmental effects to be considered significant. The department's guidance is, in turn, based on CEQA Guidelines Appendix G, with some modifications. Based on the analysis in the initial study, as well as detailed analyses and reports prepared in support of the environmental analysis, a draft EIR was published on November 7, 2018. Written public comment was received during the 62-day public comment period from November 8, 2018 through January 8, 2019, and a public hearing was held before the planning commission on December 13, 2019, at which time public testimony on the draft EIR was received.

The department then prepared a responses to comments document (RTC) that includes copies of all of the comments received on the draft EIR. The RTC was published on August 22, 2019 and addresses environmental issues raised by written comments received during the public comment period and oral and written comments received at the public hearing for the draft EIR. The RTC contains additional analysis that clarifies and expands upon the draft EIR contents. In particular, the planning department prepared RTC Section 2 that presents revisions and clarifications to the project description with discussion to support that the impact conclusions in the draft EIR would not change as a result of project revisions. In addition, the RTC provides the department's responses to the public comment received, and RTC Section 6 contains revisions to the text of the draft EIR in response to comments received or based on additional information that became available during the public review period as well as corrections of minor errors in the draft EIR. Following publication of the RTC the project sponsor determined that the preferred project will be the project variant. The planning commission certified the FEIR on September 5, 2019.

After publication of the RTC and prior to the commission's certification of the FEIR, the appellant submitted a comment letter on August 28, 2019. The department reviewed the August 28, 2019 letter and provided a supplemental response on September 4, 2019 (hereafter supplemental response - Attachment A to this appeal response) which was provided to the commission ahead of the certification hearing. In addition, the appellant submitted a comment letter to the commission at the September 5, 2019 hearing, a letter to the director of public works regarding the approval of tentative map at the September 18, 2019 public works hearing, and a comment letter to the San Francisco Municipal Transportation Agency Board of Directors on October 1, 2019. To the extent any of these letters raise issues related to environmental impacts of the project, they are responded to in prior department responses as indicated below, or are responded to in this appeal response.

## **STANDARDS OF ADEQUACY FOR CERTIFICATION OF AN EIR**

Under San Francisco Administrative Code Section 31.16(c)(3), the grounds for appeal of an EIR are limited to whether the EIR complies with CEQA, including whether “it is adequate, accurate and objective, sufficient as an informational document, correct in its conclusions, and reflects the independent judgment and analysis of the City and whether the Planning Commission certification findings are correct.” The Commission’s adoption of CEQA Findings (including associated mitigation measures) and a Statement of Overriding Considerations (e.g., rejecting alternatives on the basis of their financial infeasibility and inability to meet project objectives and the finding of overriding benefits of the project) is part of the approval of the Conditional Use Authorization and Planned Unit Development for the project by the Planning Commission, and is therefore not within the scope of what is appealable to the Board of Supervisors as set forth in Administrative Code Section 31.16(c)(3).

The standards for adequacy of an EIR are set forth in CEQA Guidelines Section 15151, which states:

“An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.”

San Francisco Administrative Code Section 31.16(b)(6) provides that in reviewing an appeal of a CEQA decision, the Board of Supervisors “shall conduct its own independent review of whether the CEQA decision adequately complies with the requirements of CEQA. The Board shall consider anew all facts, evidence and issues related to the adequacy, accuracy and objectiveness of the CEQA decision, including, but not limited to, the sufficiency of the CEQA decision and the correctness of its conclusions.”

## **PLANNING DEPARTMENT RESPONSES**

The 347-page appeal letter of October 7, 2019 includes a cover letter, copies of Planning Commission Motion No. 20512, Planning Commission Motion No. 20513, the CEQA Findings, a 68-page appeal letter, and eight exhibits (Exhibits A-H). The appeal letter contains 18 points expressing the general bases for the appeal. For the most part, the topics of concern raised in the appeal letter are not new in that the concerns have previously been raised during the environmental review process for the project. Therefore, the concerns are addressed in the responses below with references to the EIR, RTC, and the department’s supplemental response to concerns raised in the August 28, 2019 comment letter on the EIR (Attachment A).

**Response 1 (Appellant Point 1, pp. 1-7): The EIR adequately: (1) evaluates the project’s impacts on the identified historic resource (i.e., the existing on-site office building and associated landscape; (2) identifies a significant historic resource impact; (3) identifies feasible mitigation measures; and (4) develops partial and full preservation alternatives to reduce and/or eliminate the significant historic resource impact. The department’s analysis is based on substantial evidence; the appellant has not met its burden to demonstrate otherwise.**

The appellant contends that the EIR did not adequately review potential modifications to the proposed project, including design revisions to the project, which the appellant asserts should have been included as mitigation measures in order to reduce impacts to historic resources. The department responded to a substantially similar set of concerns raised on the draft EIR (see RTC pp. 5.D.14-5.D.16 and RTC p. 5.H.11). In particular, the department conducted analysis to determine the historic resource status of the project site. Based on the background consultant-prepared *Historic Resource Evaluation, Part I – 3333 California Street* (HRE), the department issued a determination in the form of a *Historic Resources Evaluation Response* (HRER) confirming that the project site is eligible for listing in the California Register of Historical Resources under Criterion 1 (events) and Criterion 3 (design/construction) for its association with the broad pattern of development in San Francisco as a corporate campus adapted to the urban environment, as well as for its architecture as a Midcentury Modern building designed by Edward B. Page set within a Midcentury Modern landscape designed by Eckbo, Royston & Williams.<sup>3</sup> The HRER confirmed that the project site is considered a historic resource under CEQA, and determined that the proposed project would result in a significant adverse impact to the historic resource.

That determination was carried forward to and elaborated upon in the EIR's impact evaluation. The EIR summarizes the HRER analysis of the proposed project's conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards). The Secretary's Standards analysis concluded that removal of landscape elements that convey the project site's history as a corporate campus, construction of new buildings on formerly open and/or landscaped space at the project site, and changes to the massing and character-defining features of the office building would substantially alter the physical characteristics of 3333 California Street that convey its historic significance and that justify its inclusion in the California Register. As such the EIR concluded the proposed project would cause a substantial adverse impact on 3333 California Street and would be considered a significant impact under CEQA.

Due to the finding that the proposed project would cause a significant impact to the identified historic resource, the EIR considered and included feasible mitigation measures to reduce impacts to the historic resource. The Department included mitigation measures requiring Historic American Building Survey documentation (HABS) and a Public Interpretation program, which are standard historic preservation mitigation measures that ensure the building and landscape will be documented and that the history and historic significance of the historic resource will be interpreted for the public. The department acknowledged in the EIR that these mitigation measures do not reduce impacts to a less-than-significant level, but determined that they would meaningfully provide information to the public now and in the future about the historic resource. These mitigation measures are feasible and fully enforceable, and have been made conditions of project approval. (CEQA guidelines section 15064.5 (b)(4)).

The appellant suggests, citing CEQA guidelines section 15064.5(b)(3), that the EIR was required to identify and describe design changes as mitigation measures that conform to the Secretary's Standards. This is incorrect. CEQA guidelines section 15064.5(b)(3) serves a different function, explaining that modifications that conform with the Secretary's Standards generally mitigate a historic resource impact to a less-than-significant level. It does not require that a project meet the Secretary's Standards or be

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<sup>3</sup> Subsequent to the department's evaluation, the State Historic Resources Commission determined that the project site is eligible for inclusion in the National Register of Historic Places. Based on this determination, the project site is automatically listed on the California Register of Historical Resources.



modified through mitigation to do so. Among other reasons, meeting the Secretary's Standards may not be feasible or fully enforceable. As discussed on RTC pp. 5.D.8-5.D.9 and RTC pp. 5.D.14-5.D.16, the review of potential impacts to the identified on-site historic resource and identification of feasible mitigation measures that would reduce, but not eliminate, the significant unavoidable impact of the proposed project to this historic resource was accurate, adequate, and thorough and met all departmental requirements, including a conformance evaluation with the Secretary's Standards.

Because the EIR concluded that impacts to the historic resource would be significant, and that proposed mitigation measures would not reduce the impact to a less-than-significant level, the EIR explored a reasonable range of alternatives that would feasibly attain most of the basic project objectives and that would avoid or substantially lessen the significant effects of the project. Six alternatives were evaluated in the EIR, including the No Project Alternative (Alternative A), four preservation alternatives that represent gradual intensities of change to the existing building and project site (alternatives B-E), and the Code Conforming Alternative (Alternative F). As stated on RTC p. 5.H.9, the EIR includes, on EIR pp. 6.5-6.10, a summary of the scoping process for the alternatives, describing it as an iterative process directed by members of the Architectural Review Committee (ARC) of the Historic Preservation Commission and supported by the technical expertise of the department's preservation staff, the project sponsor, and the project sponsor's preservation architect, Page & Turnbull. Evaluation of the alternatives included a review of each one for conformance with the Secretary's Standards and a determination of how each alternative retained the identified character-defining features of the historic resource (see EIR pp. 6.40-6.41 for Alternative B [Full Preservation – Office], EIR pp. 6.78-6.80 for Alternative C [Full Preservation – Residential], EIR pp. 6.113-6.114 for Alternative D [Partial Preservation – Office], and EIR pp. 6.148-6.149 for Alternative E [Partial Preservation – Residential]). Alternatives B and C are full preservation alternatives that would reduce the significant impact to the historic resource to a less-than-significant level by limiting development on the site and retaining most of the office building. Alternatives D and E are partial preservation alternatives that would reduce the significant historic resource impact, but not to a less-than-significant level, because these alternatives would allow for increased development on the north and west portions of the site along with additional modifications to the office building. The Code Conforming Alternative, Alternative F, would still materially alter the physical characteristics of the site and result in a significant historic resource impact.

During the environmental review process, the appellant provided several alternatives to the project. These alternatives and the timeframe when they were submitted to the department for consideration are summarized in Table 1.

**Table 1. Alternatives Proposed by Appellant**

Alternative	Short Name	Date submitted
Community Full Preservation Alternative	LHIA Alternative	January 8, 2019 - Draft EIR comment
Community Full Preservation Alternative Variant	LHIA Variant	January 8, 2019 - Draft EIR comment
Community Preservation Lookalike Variant	Lookalike Variant	August 28, 2019 - Supplemental EIR comment October 7, 2019 – CEQA Appeal Letter
Community Full Preservation Alternative Variant 2	LHIA Alternative Variant 2	August 28, 2019 - Supplemental EIR comment letter October 7, 2019 – CEQA Appeal Letter

The appellant provided a preservation alternative and variant during the draft EIR public comment period. The alternative and variant proposed by the LHIA were not included in the EIR as they were determined not to be considerably different from an alternative in the EIR (see Response 2 below). After the close of the draft EIR public comment period, the appellant provided two additional alternatives, to which the department prepared a supplemental response (see the appellant's August 28, 2019 letter) – the Community Preservation Lookalike Variant (Lookalike Variant) and Community Full Preservation Alternative Variant 2 (LHIA Alternative Variant 2). As stated on pp. 1-5 of the department's supplemental response (Attachment A), the two new alternatives suggested by the appellant after the close of draft EIR public comment period are not considerably different from Alternatives D and E in the EIR and similarly would not reduce the historic resource impact to a less-than-significant level (See comparison site plans in Exhibits A and B to Attachment A of this response). As further explained here and in Response AL-1 on RTC pp. 5.H.6-5.H.17, the EIR analyzed a reasonable range of alternatives pursuant to CEQA Guidelines section 15126.6(a) that feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the identified significant impacts of the project. CEQA does not require that an EIR consider every conceivable alternative or permutation or combination of alternatives.

The appellant further contends that certain individual design modifications could have been identified as mitigation and imposed on the project as a condition of approval to reduce the significant historic resource impact. Appellant previously submitted the modifications noted in the appeal letter in other submittals, but only as a package - as a proposed alternative - without specifying individual design modifications that would substantially or clearly lessen any significant historic resources impacts. CEQA states that a "public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would *substantially lessen* [emphasis added] any significant effects the project would have on the environment."<sup>4</sup> Similarly, the standard for recirculation of an EIR prior to certification includes within the definition of "significant new information" requiring recirculation "a

<sup>4</sup> CEQA Guidelines Section 15021(a)(2). See also CEQA Guidelines Section 15126.4(a)(1), which states that "[A]n EIR shall describe feasible mitigation measures which could minimize significant adverse impacts . . ."

feasible project alternative or mitigation measure considerably different from others previously analyzed would *clearly lessen* [emphasis added] the significant environmental impacts of the project, but the project's proponents decline to adopt it."<sup>5</sup> As discussed in greater detail below, the individual design modifications now being proposed by the appellant as mitigation would neither substantially, nor clearly, lessen the significant historic resource impact of the proposed project.

In considering whether individual design modifications would reduce the significant historic resource impact, the whole of the resource, including the existing office building and integrated landscape, needs to be considered. The historic resource occupies a 10.25-acre site. It is a Midcentury Modern corporate campus that consists of the existing office building, service annex, parking facilities, and the surrounding integrated landscape. As articulated in the HRER, there are numerous character-defining features that contribute to the ability of the historic resource to convey its significance. For the same reason that the building itself is not significant without the surrounding landscape, no single element of the landscape is significant without the surrounding integrated landscape components and building that form the site.

The design modifications proposed by the appellant are similar to those incorporated into the project alternatives that were previously submitted by the appellant. These alternatives were analyzed on the department's supplemental response (Attachment A, pp. 2-5). None of these design modifications, if implemented individually as mitigation measures, would eliminate the project's historic resource impact.

For example, one design modification suggested by the appellant as a proposed mitigation measure and included in the Lookalike Variant is to reduce the height and add upper floor setbacks to the proposed Laurel Duplexes. The modifications proposed for the Laurel Duplexes to reduce the height of these buildings (which are within the existing 40-foot height limit) and include upper floor setbacks would not reduce the historic resource impact because this change does not result in the retention of any character-defining features of the resource. Reduction of the duplexes' height to match the height of the homes across Laurel Street does nothing meaningful to substantially or clearly lessen impacts to the historic resource, which is the existing building integrated with the landscape. Under the Lookalike Variant, approximately 50 percent of the office building would still be demolished to allow for the construction of the Euclid Building. Additionally, in the Lookalike Variant, all of the surrounding character-defining landscape features of the site would all but be eliminated through the construction of the six new buildings on the site (in addition to the Laurel Duplexes).

Another design modification referenced in the Lookalike Variant is to reduce the proposed Euclid Building footprint (by setting back approximately 30 feet from the south side) or eliminate the two proposed Laurel Duplexes closest to Euclid Avenue. Similar to the above explanation, the reductions in proposed building footprint or removal of two proposed buildings would not substantially or clearly lessen impacts on character-defining features of the larger site, which includes the existing building and integrated designed landscape. Approximately 50 percent of the office building would still be demolished to allow for the construction of the Euclid Building. Additionally, all of the surrounding character-defining landscape features of the site would all but be eliminated through construction of the six new buildings (in addition to the Laurel duplexes) on the site.

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<sup>5</sup> CEQA Guidelines Section 15088.5(a)(3).

Similarly, a modified project with a ground-level passageway through the existing office building or a single-story vertical addition to the existing office building - two design modifications included in the Lookalike Variant - would not substantially or clearly lessen the significant historic resource impact in a way that would allow the resource to continue to convey its historic character. The modified project would still require removal of the L-shaped wing of existing office building to allow for construction of the Euclid Building and the surrounding site would still be developed with six new buildings on the site (in addition to the Laurel duplexes). Similar to the above proposed design changes, reducing the height of the addition or incorporating a ground level passageway would not substantially or clearly lessen impacts to the historic resource in any meaningful manner.

In summary, the discrete design modifications cited by the appellant in the broader context of its proposed alternatives would not substantially or clearly lessen impacts to the historic resource in any meaningful way due to the size of the project site and the nature of the affected historic resource (the existing building and landscaped area as a Midcentury Modern corporate campus). In consideration of the size of the site and the nature of the historic resource, the department considered a package of modifications that as a group form a preservation alternative to the proposed project, rather than multiple, individual mitigation measures, just as the appellant did when it proposed its alternatives. As discussed above, the department developed two full preservation alternatives to eliminate the significant historic resource impact and two partial preservation alternatives that reduce but do not eliminate the significant historic resource impact to a less-than-significant level. Including alternatives in an EIR is an acceptable way to analyze how to mitigate a project's significant and unavoidable impacts under CEQA. In proceeding this way, the department included two full and two partial preservation alternatives in the EIR.

The appellant contends that the EIR's failure to identify and describe the design modifications suggested by the appellant as mitigation measures was prejudicial because it omitted information that would have been important to the decisionmakers as to measures which could reduce the significant impact of the proposed project on the historic resource. The appellant does not explain how the alleged omission of the information in the EIR was prejudicial. Project modifications substantially similar to the appellant's suggested design modifications were presented as part of the project alternatives proposed by the appellant to the planning commission, and were analyzed in the department's supplemental response (Attachment A), as discussed above. In certifying the EIR as accurate and in compliance with CEQA (and approving the project), the planning commission reviewed and explicitly or implicitly rejected the appellant's alternatives at its September 5, 2019 hearing regarding EIR certification, and subsequent project approval. Therefore, the EIR is adequate as an informational document because it adequately describes the modifications suggested by the appellant under CEQA.

The appellant has not met its burden to demonstrate that the EIR's analysis of historic resources impacts did not follow all applicable procedural and substantive requirements set forth in CEQA, the CEQA Guidelines, or Chapter 31 of the Administrative Code. The department identified feasible and fully enforceable mitigation measures that reduce impacts to historic resources while acknowledging that impacts are still significant with mitigation. The department analyzed four preservation alternatives that clearly demonstrate proposed modifications to the project that would reduce or eliminate the project's historic resource impacts. These preservation alternatives were rejected as infeasible in the planning commission's CEQA Findings, as were the appellant's alternatives. Additionally, the appellant has not met its burden to demonstrate that the department's application of the Secretary's Standards as part of its

evaluation of the proposed project and in development of preservation alternatives was flawed. The department's analysis is based on substantial evidence; the appellant has not demonstrated otherwise. Thus, there is no evidence to support the appellant's request to overturn certification of the FEIR for this issue.

**Response 2 (Appellant Point 2, pp. 7-8): The EIR is adequate and analyzed a reasonable range of alternatives to the proposed project as required under CEQA. The alternatives proposed by the appellant were appropriately not included in the alternatives chapter of the FEIR.**

The appellant contends that the EIR is not adequate because it did not include the two alternatives submitted by the appellant in comments on January 8, 2019, nor did it include the two additional alternatives submitted by appellant on August 28, 2019 after publication of RTC, nor in general an alternative that would include 744 residential units. The appellant further contends that the San Francisco Public Works' (public works) analysis of the physical feasibility of the two January 8, 2019 alternatives submitted in comments on the draft EIR (discussed further below) is flawed and premised on incorrect assumptions or misstatements made by the project sponsor. The appellant also cites the fact that public works did not provide the computer-aided design (CAD) drawings for the existing office building in response to the appellant's Public Records Act request as a basis to show that the public work's feasibility analysis was flawed. As discussed in greater detail below, these contentions are without merit, and the appellant has not met its burden to demonstrate that the alternatives analysis was inadequate.

*Reasonable Range of Alternatives in the EIR*

The EIR analyzed a reasonable range of alternatives pursuant to CEQA Guidelines section 15126.6(a) that feasibly attain most of the basic objectives of the project while avoiding or substantially lessening the identified significant impacts of the project. In addition to the No Project Alternative, the EIR presents four preservation alternatives and a code-conforming alternative (for a total of six alternatives). The department responded to substantially the same set of concerns that additional alternatives should be considered in the EIR in RTC Response AL-1: Range of Project Alternatives on RTC pp. 5.H.6-5.H.11. In addition, as stated in Response 1 above, and in the department's supplemental response (see Attachment A, pp. 7-8), CEQA does not require that an EIR consider every conceivable alternative or permutation or combination of alternatives; nor does it require that an alternative analysis include an alternative with the same exact number of dwelling units as the project.

Table 1 above lists the names of alternatives submitted by the appellant during the environmental review process as well as the date of submittal for each. The appeal letter includes clarifications regarding the descriptions of the Lookalike Variant and the LHIA Alternative Variant 2 (see Exhibit E, Statement by Richard Frisbie, of the appeal letter) and updates the appellant's Secretary of Interior's Standards Compliancy Evaluation report<sup>6</sup> (Exhibit N of the appeal letter). The appellant's clarifications and updates are minor and do not materially change the EIR's analysis or provide substantial evidence that the EIR failed to analyze a reasonable range of alternatives. Thus, the additional information in the appeal letter does not require additional response.

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<sup>6</sup> This report evaluates three proposed designs: 1) the proposed project (and project variant); 2) Alternative C in the Draft EIR; and 3) Community Preservation Alternative.

*San Francisco Public Works Analysis of LHIA Alternative and Variant*

The department engaged public works architects to assess the physical feasibility of alternatives proposed by the appellant during the environmental review process. The department previously responded to substantially the same set of concerns in the appellant's letter dated August 28, 2019 regarding the accuracy of the public works' analysis. Please see the department's supplemental response (Attachment A, pp. 7-8). As stated there, a public works architect reviewed the August 28, 2019 information submitted by the appellant and concluded that the information in that letter did not alter its prior conclusions that the LHIA Alternative and its variant could not be constructed as presented by the appellant. Response AL-2 on RTC pp. 5.H.62-5.H.67 summarizes the department's consideration of the LHIA Alternative. The department determined that it was not necessary to include that alternative in the EIR because it is considerably similar to Alternative C in the EIR as well as because of public works' determination that the alternative could not be constructed as proposed. See Attachment C for a comparison of the site plans for EIR Alternative C and the LHIA Alternative.

Public works concluded that the LHIA Alternative Variant could provide only up to 576 residential units and 323 parking spaces (not the 744 residential units and 460 parking spaces claimed by LHIA). Public works also concluded that the LHIA Alternative would provide mostly small units (studios, junior one-bedroom units, and one-bedroom units) and thus would not meet the unit mix requirements of planning code section 207.7.<sup>7</sup> Contrary to the appellant's assertions, public works' analysis did not rely on information submitted by the project sponsor as it relates to the feasibility analysis; rather, public works conducted its own independent analysis as addressed in the department's supplemental response (Attachment A, pp. 7-8). Additionally, CAD drawings of the existing building at the site were used by public works staff to aid their feasibility analysis. Public works supplemented its response to the appellant's September 27, 2019 Public Records Act request (Record Request #19-3976) on October 10, 2019 by forwarding the CAD drawings in its files to the appellant.

**Response 3 (Appellant Point 3, pp. 8-14): The project description did not change substantially during the environmental review process, commencing with the publication of the Notice of Preparation of an EIR (NOP) through the certification of the FEIR. Minor revisions and clarification to the project description during the response to comments process do not affect the accuracy or adequacy of the environmental analysis in the EIR.**

The appellant contends that the project description is not accurate or stable because it changed over time; and that, as a result, the environmental impact analysis is inadequate, precluding meaningful review by decision-making bodies and the public. The appellant raised similar concerns related to a stable project description in comments on the draft EIR. As stated on RTC pp. 5.B.38-5.B.39, the descriptions of the project presented in the NOP (published September 20, 2017), the initial study (published April 25, 2018), and the draft EIR (published November 7, 2018) are internally consistent and have included a description of the project variant with 744 residential units since the NOP. The changes described and analyzed in RTC Section 2, Revisions and Clarifications to the Project Description, i.e., site circulation changes along Laurel Street, reduction in off-street parking associated with reduction in size of the proposed retail uses, and the elimination of retail use along Euclid Avenue, do not constitute material or substantial changes to the project and did not prevent the public or decisionmakers from informed participation in the decision-

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<sup>7</sup> Planning Code Section 207.7 requires no less than 25 percent of a project's total units to have two or more bedrooms and no less than 10 percent of the total units to have three or more bedrooms.

making process. These changes were analyzed in the RTC, and the department determined that the EIR impact conclusions would not be altered with these minor revisions to the project.

Specific issues raised by the appellant (and not included in its previous comment letters) as support for their contention that the public was not afforded a meaningful opportunity to comment on the project or its impact because of changes to the project, are as follows:

- identification of the project variant in the EIR as the preferred project
- introduction of revisions and clarifications to the project description
- details of the proposed special use district not disclosed (e.g., flexible retail)
- details of the development agreement related to affordable housing not disclosed

*3a. The project variant (Approved Project) was described in the Notice of Preparation of an EIR, the Initial Study, and Draft EIR.*

The public had sufficient opportunity to comment on the environmental impacts of the project variant, which is the project that was approved by the planning commission at its September 5, 2019 hearing. The NOP (published September 20, 2017) identified that there would be a project variant with a different development program in the Walnut Building, up to 186 residential units instead of office use, for a total of 744 units in the variant. The project description in the initial study (published on April 25, 2018) and draft EIR (published on November 7, 2018) includes a description of the project variant, including a table of its characteristics, a site plan, and an elevation and section for the Walnut Building (as proposed under the project variant). The impact analyses in the initial study and EIR analyzed both the proposed project and project variant. Thus, the appellant's contention that the project variant was not adequately studied, and its plan set was introduced for the first time in July 2019 is not correct.

*3b. Revisions and clarifications to the project were timely disclosed.*

The project and variant were described in detail for both the initial study and the draft EIR. Revisions to the project introduced in the RTC were within the scope of the analysis in the EIR. Additionally, the description of the minor changes to the proposed project and impact analysis provided in RTC Section 2 found that:

- there would not be any new significant impacts beyond those already identified in the draft EIR;
- the changes would not increase the severity of any of the proposed project's impacts identified in the draft EIR;
- mitigation measures identified in the draft EIR and the initial study would continue to be required in order to reduce or avoid the significant environmental impacts of the proposed project; and
- no new or modified measures would be required to mitigate the significant impacts identified for the proposed project (as revised) in either the draft EIR or the initial study.

Thus, the appellant's contention that the minor changes introduced during the responses to comments phase of the environmental review process were not available for public review is not correct. The RTC was published on August 22, 2019, – 14 days prior to the September 5, 2019 FEIR Certification Hearing.

*3c. The proposed special use district was disclosed and adequately analyzed in the EIR.*

The appellant contends that the “flexible retail” and “social service and philanthropic” uses allowed under the proposed special use district were not described in the EIR and that, as a result, the project’s transportation, noise, and air quality impacts were not adequately analyzed. As noted in the department’s supplemental response to substantially the same concern, the transportation, noise and air quality analyses in the EIR cover the zoning provisions of the special use district (see Attachment A, pp. 9-10). Travel demand estimates for retail uses allowed under the flexible retail designation are a function of the size of the retail space, not the number of retail businesses that could occupy the same retail space. That is, the travel demand analysis uses a *rate* of trip generation based on the retail use’s square footage, not a flat number per business. Thus, no change in the analysis results would be expected with flexible retail uses. As further noted in the department’s supplemental response, social service and philanthropic uses would yield fewer daily persons trips per 1,000 square feet (between 23 and 67) than the retail uses (between 150 and 600) that were analyzed in the EIR for the proposed project (see Attachment A, Table 1 on p. 9 and Table 2 on p. 10). As stated in the department’s supplemental response, there is no substantial evidence in the record or provided by the appellant that supports the assertion that social service and philanthropic uses would generate more trips per 1,000 square feet than the retail uses analyzed in the EIR for the proposed project. Even if there were substantial evidence to support the appellant’s assertion, the department’s analysis is considered valid as it is based on the department’s own substantial evidence. Under the project, the proposed uses in the Walnut Building would be retail and child care uses. The uses occupying any of the ground floor space designated in the EIR as retail could be social service and philanthropic uses. Furthermore, the amount of retail square footage in the approved project (approximately 35,000 gross square feet) is approximately 14,000 gross square feet less than the amount studied in the draft EIR. Therefore, as stated in the department’s supplemental response (see Attachment A, p. 10), the total person trips generated by the flexible retail and social service and philanthropic uses would be less than the number of person trips studied for this same amount of non-residential space in the EIR. Accordingly, if the spaces are occupied by social services and philanthropic uses, the EIR would conservatively overstate the number of expected total person trips.

*3d. The development agreement section regarding the provision of affordable housing was adequately described in the EIR.*

The appellant contends that the affordable housing component of the proposed project is not described in sufficient detail in the EIR. For example, the appellant asserts that the proposed land transfer associated with the Walnut Building was never subject to a formal comment period. Whether the Walnut building is owned by the project sponsor or the city (as may result under certain circumstances under provisions of the development agreement), the environmental impacts associated with construction of the Walnut building as well as the impacts related to operation of the development program (ground-level retail, child care, and 186 residential units) have been addressed in the EIR. The appellant’s contention that public comment on the proposed affordable housing provisions of the development agreement should occur as part of the environmental review is not correct. As stated on RTC p. 5.B.21, the department responded to a substantially similar concern. The affordable housing component of the proposed project is described in the initial study (see pp. 118-119) and the EIR (see pp. 2.10, 2.12, 2.106, and 3.11). As discussed, the amount of on-site affordable housing would, at a minimum, meet the requirements of section 415 of the planning code. As explained on p. 2.106 of the EIR, the project sponsor entered into negotiations on a development agreement with the city to set forth the parties’ written agreement



regarding the provision of affordable housing among other community benefits such as public open space at the site. The project sponsor's commitment with respect to the amount of affordable housing to be developed as part of the proposed project would be reflected in actions taken by the board in approval of a development agreement. Where a development agreement does not change the total number and unit mix of proposed housing units in the project, such as in the case for this project, changes in the details of the development agreement, such as the amount of affordable senior housing to be constructed, do not result in physical environmental changes that trigger additional environmental review and do not rise to the level of "significant new information" pursuant to CEQA guidelines section 15088.5(a). In this context, "significant new information" would need to include a disclosure showing that "(1) a new significant environmental impact would result from the project . . . or (2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance."<sup>8</sup> This did not occur here, and all project revisions were appropriately analyzed in the RTC against this CEQA standard. As such, the specific details of the development agreement do not introduce material changes to the project that would require further environmental review.

In summary, none of the revisions made to the project description after circulation of the draft EIR gives rise to "significant new information" under CEQA. Nor do they represent fundamental changes to the project description, contrary to the appellant's statement. The department described these revisions in RTC Section 2, and in its supplemental response, and explained why none of these changes constituted "significant new information" pursuant to CEQA.

The project description was stable and consistent throughout the environmental review process. The department's environmental analysis for the proposed project is based on substantial evidence. The appellant has not met its burden to demonstrate otherwise. All other concerns raised in relation to this topic are not CEQA issues but concerns regarding the commitments related to the ultimate production of affordable housing; therefore, they are not addressed in this response.

**Response 4 (Appellant Point 4, pp. 14-15): The project objectives were clearly described in the EIR and were considered in the process for the development of project alternatives pursuant to CEQA Guidelines sections 15124 and 15126.6.**

The appellant contends that the project objectives were narrowly construed and defined with ambiguous and subjective terms, but contends that they include too much detail, such as "high quality walkable," "high quality and varied architectural and landscape design . . .," or "substantial," effectively precluding consideration of other alternatives.

Similar concerns were raised by the appellant in comments submitted on the draft EIR and addressed on RTC pp. 5.B.33-5.B.37. As stated on RTC p. 5.B.34, CEQA Guidelines section 15124 provides that the project description of an EIR shall include a statement of objectives that describes the underlying purpose of the project and that lead agencies have broad discretion to formulate project objectives.<sup>9</sup> Under CEQA, objectives could be too narrow if they would effectively preclude consideration of a reasonable range of

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<sup>8</sup> CEQA Guidelines Section 15088.5(a)(1)-(2).

<sup>9</sup> See *California Oak Found. v. Regents of Univ. of Cal.* (2010) 188 Cal. App.4th 227, 276.

alternatives.<sup>10</sup> This is not the case here. The objectives listed in the EIR provide adequate context and information about the project sponsor's goals so as to allow the lead agency to develop both mitigation measures and a reasonable range of alternatives to be evaluated in the EIR. The objectives generally reflect the project's goals/purpose while being in compliance with or consistent with City policy considerations for mixed use development on a commercial corridor. The department reviewed the objectives and did not find them overly narrow such that development of both mitigation measures and a reasonable range of alternatives to the project would be precluded.

The appellant claims the project objectives listed on EIR p. 2.12 are ambiguous and subjective. At the same time, the appellant argues the project objectives are too detailed. However, the appellant has not explained how the project objectives are ambiguous or subjective, or conversely how the objectives are too detailed, such that the public would find the objectives misleading or ambiguous for use by the department in their development of alternatives to the project in the EIR.

**Response 5 (Appellant Point 5, pp. 15-20): The shadow analysis in the initial study follows the department's procedures which focus the analysis of shadow impacts on whether or not new shadow would substantially affect the use and enjoyment of outdoor recreation facilities or other public areas, and adequately and accurately determined that they would not create significant impacts.**

The appellant contends that the shadow analysis in the initial study was not conducted properly because it does not correctly identify potentially affected properties and uses an incorrect standard to determine the potential shadow effects of the proposed project; the appellant asserts that the severity of shadow impacts was thus incorrectly characterized as less than significant rather than potentially significant. Similar concerns were raised in a separate letter submitted by the appellant September 5, 2019.

The appellant is incorrect regarding the department's CEQA shadow analysis procedures. Under the department's procedures, shadow analysis is required for the new project shadow on public open space under the jurisdiction of a public agency, such as the Recreation and Park Commission, and publicly accessible private space that is formally designated for public use. The project site is privately owned and not formally designated for public use. Although UCSF as the project site tenant currently grants public access to certain areas of the site, and that access would remain with the project, these spaces would remain privately owned with the project.<sup>11</sup> As such, these spaces are not analyzed for shadow impacts for the purpose of CEQA. However, for information purposes, the initial study prepared for the project provided a description of how onsite publicly accessible open spaces would be shaded. The department explained these procedures on RTC pp. 5.J.52-5.J.53.

As stated in the RTC, the shadow analysis in the initial study summarizes the findings from the *Shadow Analysis Report for the Proposed 3333 California Street Mixed-Use Project* (Shadow Analysis Report), a technical background study conducted in accordance with the planning department's shadow analysis procedures. The shadow analysis summarizing the findings of this study is provided in the Initial Study, attached as Attachment B to this response. As stated there, the standard used in the shadow analysis for determining the significance of shadow impacts under CEQA is whether the proposed project would

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<sup>10</sup> See *N. Coast Rivers Alliance v. Kawamura* (2015) 243 Cal. App. 4th 647, 668.

<sup>11</sup> At the start of the environmental review process, UCSF owned the project site and granted public access to certain areas of the site, but the areas were not formally designated as public open space.

create new shadow in a manner that substantially affects the use and enjoyment of public outdoor recreation facilities or other public areas including sidewalks.

As shown in the shadow analysis (Attachment B, pp. 156-160 of the initial study), the proposed project would not increase the amount of shadow on Laurel Hill Playground or any other City-owned park or open space in the vicinity of the site (e.g., Presidio Heights Playground); nor would it increase the amount of new shadow on adjacent sidewalks, including on the east side of Laurel Street, above levels that are common and generally expected in developed urban environments. As such, the proposed project would result in a less-than-significant shadow impact. No mitigation measures are required.

*Existing On-Site Open Areas Redeveloped as New On-Site Open Spaces*

As stated above, the appellant is mistaken that project shadow on the onsite open spaces is required to be analyzed under CEQA. For informational purposes, the initial study (Attachment B, pp. 155-156) describes how conditions within these spaces would change with the proposed project. As stated there and reiterated on RTC p. 5.J.53, the spaces along Euclid Avenue, Laurel Street, and Presidio Avenue near Pine Street and Masonic Avenue are not formally designated public parks or open spaces, although they are used informally by the neighborhood as open space.

For the reasons discussed above, in the initial study, and in the responses to comments document, the department's conclusion that the project would not result in a significant impact with respect to shadows on existing public parks and sidewalks is based on substantial evidence. The appellant has not demonstrated otherwise.

**Response 6 (Appellant Point 6, pp. 20-27): The CEQA Findings rejecting alternatives are adequate and properly supported by substantial evidence in the record of proceedings.**

The appellant claims that the CEQA Findings rejecting alternatives are inadequate and not supported by substantial evidence. Administrative Code section 31.16(b) does not grant a right to appeal the planning commission's CEQA findings because those findings are not part of the planning commission's certification of the FEIR. Rather, an appeal under section 31.16 is limited to "whether the EIR complies with CEQA, including whether it is adequate, accurate and objective, sufficient as an informational document, correct in its conclusions, and reflects the independent judgment and analysis of the City and whether the Planning Commission certification findings are correct." (San Francisco Admin. Code § 31.16(c)(3).) To the extent the appellant's allegations challenge the information in the EIR, the department provides the following response.

*6a. (Appellant Point 6, pp. 21-27): Substantial evidence to support the findings is available in the record of proceedings.*

The CEQA Findings are presented as Attachment A to Planning Commission Motion No. 20512 and are available in the Board file 191035. The CEQA Findings adopted by the planning commission (hereafter findings) are based on substantial evidence in the entire record for this project, not only the statements in the findings document. The project's administrative record includes the draft EIR, the RTC document, the appendices for all issued documents, the sources cited throughout all of these documents, and the department's supplemental response. The entire record of proceedings is available in the Planning Department's Case Files, Case No. 2015-014028ENV/MAP/PCA/DVA/CUA, as well as on the project's AB

900 Record of Proceedings website (AB900Record.com), and the entire record was made available to the Planning Commission for its consideration of any actions on the project.

The record supports the selection of a range of alternatives specifically focused on reducing significant impacts on historic resources as well as significant transportation and noise impacts, while meeting most of the project objectives identified on EIR p. 2.12. The alternatives selection process is described in the EIR in Chapter 6, on pp. 6.6-6.8 and 6.9, and discussed further in the RTC Section H, Alternatives, in Response AL-1: Range of Project Alternatives (see particularly RTC pp. 5.H.8-5.H-9 and 5.H-11).

The findings present appropriate statements regarding feasibility of the alternatives and mitigation measures that are supported by substantial evidence in the record. The appellant provides no citation or evidence for the proposition that the CEQA findings are based on an improper legal standard. Under CEQA, an agency may approve a project with significant effects on the environment if the agency finds that specific economic, legal, social, technological, or other considerations make the mitigation measures or alternatives identified in the EIR infeasible. (Pub. Resources Code § 21081(a)(3) and (b).) These considerations may include, among other factors, a failure of the mitigation measures or alternatives to meet project objectives, inconsistency with agency goals and policies, or economic infeasibility.

*6b. (Appellant Point 6, pp. 20-21): Construction timeframe was not a basis for rejecting alternatives.*

The appellant questions the 15-year duration of the development agreement. The information presented in the EIR on pp. 2.91 and 2.93, and further discussed in the RTC in Response PD-1: Construction Duration, Phasing and Staging, and Development Agreement on RTC pp. 5.B.9-5.B-10 clarifies the relationship between the construction period and the potential development and development agreement timeframe. Those sections of the EIR and RTC explain, based on documentation from the project sponsor's construction contractor, that the project could be fully built out in 7 years if construction were continuous, and that a 15-year timeframe in the development agreement takes into consideration economic conditions that may affect how the site is built out. Thus, as noted in the EIR and RTC, construction would not occur continuously for 15 years.

The appellant states that the LHIA Alternative or LHIA Variant could be constructed in approximately 4 years (appeal letter p. 21), suggests that this is more "reasonable" than the construction period for the proposed project or the alternatives analyzed in the EIR, and implies that the construction timeframe of the LHIA Alternative/Variant versus the timeframe of the proposed project weighs in favor of the LHIA Alternatives over the project. A similar assertion was addressed in RTC Response AL-2: Laurel Heights Improvement Association of San Francisco, Inc.'s (LHIA) Alternative, on RTC pp. 5.H.56 and 5.H.66. In the appellant's comment letter on the draft EIR presenting the LHIA Alternative, the construction timeframe for the alternative was asserted to be approximately 3 years. However, public works architects in the Bureau of Architecture, in their independent analysis of the LHIA Alternative, concluded that a three-year construction period would be "challenging" because it would require concurrent construction of all buildings and parking garages, and with excavation, construction, and renovation occurring across the site at the same time, construction staging locations would be very limited (RTC p. 5.H.66, and Public Works Independent Peer Review p. 13 [located in RTC Vol.2, Attachment D]). This conclusion is based on the City staff's professional judgment and experience as well as their knowledge of the City's permit process and building code requirements. The appellant, in this appeal, increases the construction time period for its alternatives (the LHIA Alternative, its variant, and LHIA Variant 2) from 3 years to approximately 4 years (appeal letter p. 21). Full buildout of Alternative C, Full Preservation – Residential

Alternative, which provides for a development program similar to that presented in the LHIA Alternative, was estimated to take approximately 5.5 years (see Table 6.1: Comparison of Characteristics of the Proposed Project, Project Variant, and EIR Alternatives, on EIR p. 6.13).

In any event, the findings appropriately did not separately identify the construction period for each of the alternatives studied in the EIR, or the appellant's alternatives as a basis for determining feasibility or rejecting alternatives, because, as shown in Table 6.1 starting on EIR p. 6.13, the construction periods for all of the alternatives would be similar and are reasonable.

*6c. (Appellant Point 6, pp. 20-22): No additional feasible mitigation measures are available to substantially or clearly lessen or eliminate impacts on historic resources.*

The findings appropriately state that mitigation measures have been identified that would lessen but would not eliminate the significant impacts on a historic resource. As explained in Response 1 above, in consideration of the complex nature of the historic resource including the large site and office building integrated with the landscape, design revisions to substantially or clearly lessen significant historic resource impacts of the project would more meaningfully consist of multiple measures that as a whole would comprise an alternative. Therefore, the feasible mitigation measures requiring archival documentation of the historic resource and development of an interpretive program regarding the history of the site would serve to reduce the impact, these measures would not reduce the significant impact to a less-than-significant level. However, multiple alternatives that would eliminate (i.e., mitigate) or substantially or clearly lessen this impact were developed and analyzed in the EIR, two full preservation alternatives and two partial preservation alternatives. CEQA requires consideration of mitigation measures or alternatives to reduce or eliminate significant environmental impacts. When a proposed project must be substantially changed in order to reduce a significant impact to a less-than-significant level, although those changes might be identified as a series of mitigation measures, it is also reasonable to identify a group of design revisions as an alternative to the project and analyze that alternative in the EIR. This is what was done for the 3333 California Street Mixed-Use project. See also, Response 1.

*6d. (Appellant Point 6, pp. 21-26): The findings regarding provision of an open connection between the project site and the surrounding community are supported by substantial evidence.*

There is substantial evidence supporting the finding that Alternatives B, C, and E do not provide an open connection to the surrounding community (CEQA Findings pp. 45, 49, and 56). The findings state that these alternatives "...would fail to extend the neighborhood urban pattern and surrounding street grid into the site..." because Walnut Walk would not be fully constructed under these alternatives and Alternative B also would not construct Mayfair Walk. Thus, these alternatives would not meet one of the project objectives identified on EIR p. 2.13:

- Open and connect the site to the surrounding community by extending the neighborhood urban pattern and surrounding street grid into the site through a series of pedestrian and bicycle pathways and open spaces, including a north-south connection from California Street to Euclid Avenue that aligns with Walnut Street and an east-west connection from Laurel Street to Presidio Avenue.

See Table 6.3: Ability of Alternatives to Meet Basic Project Objectives, on EIR p. 6.18, showing that Alternative B would not meet this objective and Alternatives C and E would only partially meet the objective. The ability to meet project objectives is discussed in the EIR on pp. 6.37 for Alternative B, 6.75-6.76 for Alternative C, and 6.144-6.145 for Alternative E. See also the description and analysis of Alternative B regarding pedestrian access through the site on EIR pp. 6.37 and 6.46; the description and analysis of Alternative C regarding pedestrian access through the site on EIR pp. 6.75 and 6.85; and the description and analysis of Alternative E regarding pedestrian access through the site on EIR pp. 6-142 and 6.155. Each of these descriptions shows that these alternatives would not meet or not fully meet the project objective of extending the neighborhood urban pattern of the surrounding street grid into the project site.

The ability of Alternative B to meet project objectives is also discussed in RTC Section 5.H: Alternatives, under Response AL-1: Range of Project Alternatives. This discussion includes, on RTC p. 5.H.15, issues related to the difficulty of making a pedestrian connection through the retained office building, cross-referencing the response in RTC section 5.B, Project Description, on pp. 5.B.25-5.B.28.

The discussion of Alternative C in RTC Section 5.H: Alternatives, in Response AL-3: EIR Alternative C Full Preservation – Residential Alternative, explains on RTC p. 5.H.84 that the southern portion of Walnut Walk would not be developed under that alternative, nor would a pathway through the building be developed because making the pathway open to the public raises privacy and security concerns for the proposed residential units within the existing building.

The same privacy and security concerns arise if the “existing ADA compliant portal” that the appellant suggests (see appeal letter p. 22) is to be included in the preservation alternatives, because that “portal” would be a 15-foot-tall by 20-foot-wide opening through the retained building that could provide direct access to private residential hallways and lobbies.<sup>12</sup> The suggested internal portal through the building would not provide an open-air walkway directly through the project site between California Street and Masonic and Euclid avenues that would clearly be publicly accessible and extend the existing urban pattern in a north-south direction through the site, unlike the proposed Walnut Walk included in the project, as discussed on pp. 3 and 5 of the department’s supplemental response (Attachment A).

In addition, as noted above, merely including a portal through the existing building without including additional changes to the project site, such as reduced development along California or Laurel streets, (as included in Alternatives B and C) would neither eliminate, nor substantially or clearly lessen the impact to the historic resource.

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<sup>12</sup> The letter from the University of California San Francisco (UCSF) cited in the appeal letter (Exhibit M) does not provide evidence of an existing public passageway through the existing building, because, as the UCSF letter explains on the first page, the doors and gates that would provide access are locked and the doors are accessible only to UCSF employees who have been issued UCSF access cards.

*6e. (Appellant Point 6, pp. 21-24): Terms such as “active use,” “active ground floor retail,” and “neighborhood-friendly uses” are defined in the Planning Code and are consistently used in the EIR.*

The CEQA Findings statement, on p. 45,<sup>13</sup> that Alternative B would “fail to provide active ground floor retail uses or activated neighborhood-friendly spaces along adjacent streets” and a similar statement about Alternative C on p. 49 of the findings, are supported by substantial evidence in the record, contrary to the appellant’s assertions. A similar statement is made about Alternative E (p. 56 of the findings) but only regarding this alternative’s limited activated neighborhood-friendly spaces along adjacent streets, as this alternative includes ground floor retail along California Street. These findings are also supported by substantial evidence.

The appellant states that the findings for Alternatives B and C regarding active ground floor uses and active neighborhood-friendly spaces (e.g., appeal letter p. 22 and p. 23) are ambiguous and conclusory because the findings do not explain the meaning of these terms. Common dictionary definitions of the term “active” include “characterized by action,” “marked by vigorous activity” and “busy.”<sup>14</sup> The Planning Code defines “active use” in section 145.1(b)(2), as follows: “An ‘active use’ shall mean any principal, conditional, or accessory use that, by its nature, does not require non-transparent walls facing a public street or involves the storage of goods or vehicles,” such as a parking garage. Subsection (A) states that on the ground floor residential uses are considered active if more than 50 percent of the linear residential street frontage at that level feature walk-up dwelling units with direct pedestrian access to a public sidewalk. Subsection (C) states that building lobbies are active uses when they comprise specified portions of the building frontage. Subsection (D) identifies specified public uses as active uses.

The EIR consistently uses the term “active use” to mean a use that helps enliven fronting streets by providing spaces where activity and engagement can occur, rather than property frontages consisting of a wall or similar barrier (as under existing conditions). The description of Alternative B, Full Preservation – Office Alternative, on EIR pp. 6.21 and 6.31 explains that there would be no ground-floor use to activate the California street frontage in this alternative because it would retain the existing 10-foot-tall perimeter wall along California and Laurel streets. In its discussion of the ability of Alternative B to meet project objectives, the EIR states on p. 6.37: “This alternative would not provide active ground floor retail uses or activated neighborhood-friendly spaces along the adjacent streets, and therefore would not achieve Objective 5.” In addition, Alternative B would not include the Masonic Building nor the Laurel Duplexes along Laurel Street (see, e.g., EIR Figure 6.2 on EIR p. 6.30), and thus would not include the residential uses nor create neighborhood-friendly spaces there, unlike the project that would activate these streets with residential units having direct pedestrian access to a public sidewalk. See also Attachment A, p. 3 of the department’s supplemental response.

Similarly, the discussion of Alternative C, Full Preservation – Residential Alternative, in RTC Section 5.H: Alternatives, Response AL-3: EIR Alternative C: Full Preservation – Residential Alternative, on RTC p. 5.H.87, uses the term “activated neighborhood-friendly space” to mean that the space would activate the adjacent sidewalks with visitors coming to and from those buildings. The RTC document explains that

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<sup>13</sup> Page numbers cited here are from the CEQA Findings presented as Attachment A to Planning Commission Motion No. 20512 and therefore may differ from page numbers cited in the appeal letter

<sup>14</sup> Merriam Webster Dictionary. 2019. Online at <https://www.merriam-webster.com/dictionary/active>. Accessed November 1, 2019.

Alternative C would have less residential and retail space along California Street than the proposed project. In addition, Alternative C would not include duplexes along Laurel Street but would retain the existing parking lot and driveway entrance (see Figure 6.5 on EIR p. 6.67); therefore, it would have less activated space adjacent to this street. Alternative C also would not include the Masonic Building and would not create neighborhood-friendly spaces along Masonic Avenue (unlike the proposed project), instead maintaining the existing retaining walls and berms that physically separate the site from the surrounding sidewalk and neighborhood. Thus, the record contains descriptions of what active ground floor uses are and what activated neighborhood-friendly space is and supports the findings that Alternatives B and C would provide less active ground floor space and less activated neighborhood-friendly space than would the project.

The fact that there is ground-floor retail space elsewhere in the neighborhood, as described in the appeal letter, in reference to Alternatives B and C (see pp. 22-24), does not change the accuracy of the findings that these alternatives would provide no or substantially less ground-floor retail and/or office space along California Street and/or provide less active neighborhood-friendly spaces along the site perimeter than the approved project. The listings in the appeal letter of other retail locations in the neighborhood do not support a statement that the finding for each of these alternatives is either ambiguous or lacks substantial evidence, as the appropriate comparison is between the approved project and the alternatives analyzed in the EIR, not between the project and/or any project alternative and the existing surrounding uses. Nor does the presence of an existing café hidden within the interior of the project site not visible from any street provide any evidence that the findings rejecting Alternative B (appeal letter p. 22) or Alternative C (appeal letter p. 23) are unsupported.

*6f. (Appellant Point 6, pp. 23 and 26): Substantial evidence in the record supports the finding that the project alternatives meet the city's general plan goals and related policies with respect to housing.*

The appellant contends that the findings related to project alternatives and the project objective to provide housing (including affordable housing) that meets City goals and is consistent with the housing element of the general plan and the regional housing needs allocation (see bullet 3 on EIR p. 2.12) are not supported by substantial evidence. Table 6.1 on EIR pp. 6.13-6.14 presents the differences between the project (the project variant) and each of the alternatives, providing the estimated total unit count and unit mix for each. As stated on p. 46 of the findings, there are many city policies and objectives in both the housing and transportation elements of the general plan related to the production and siting of housing, as well as the type of housing (affordable, family-friendly, etc.). These policies and objectives also promote other City objectives such as the transit first policy and the goal to limit single-occupancy vehicle trips. These goals, policies, and objectives are listed on EIR pp. 4.C.32-4.C.34. Furthermore, planning code section 207.7 requires that at least 25 percent of residential units be two-bedroom units or larger (see RTC p. 5.H.64). As stated on RTC p. 5.B.34, lead agencies have broad discretion to formulate project objectives<sup>15</sup> and the objectives listed on EIR p. 2.12 provide adequate context for the project sponsor's goals to allow the lead agency to develop an appropriate range of alternatives to be evaluated in the EIR. As the department stated on p. 6 in its supplemental response to substantially the same concern submitted on August 28, 2019 (see Response 2, above), CEQA does not require that an EIR analyze every conceivable alternative or other alternatives with the exact same number of residential units, 744, as the project. In any event, no alternative was rejected for its inability to meet any one of the project objectives.

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<sup>15</sup> See *California Oak Found. v. Regents of Univ. of Cal.* (2010) 188 Cal. App.4th 227, 276.



Rather, each alternative was rejected as infeasible based on its inability to meet multiple project objectives, stated city goals and policies, and other factors.

*6g. (Appellant Point 6, pp. 24 and 26): Substantial evidence in the record supports the finding that Alternatives C and E would not provide as much open space as the proposed project.*

The appellant contends that the findings for one of the full and one of the partial preservation alternatives (specifically, Alternatives C and E) regarding the provision of multiple, varied, and interconnected on-site open spaces to maximize pedestrian accessibility (see bullet 8 on EIR p. 2.12) are not supported by substantial evidence. As discussed on EIR pp. 2.83-2.86 (and illustrated on Figure 2.29) the proposed open space program provides multiple and varied on-site open space destinations such as California Plaza, Cypress Square, Euclid Green, and Presidio Overlook; and provides complete north-south and east-west pedestrian pathways that connect to the neighborhood and interconnect the new on-site hardscape and green spaces. Under Alternatives C and E, there would not be as much new open space as under the project because improvements would not be introduced on the southern portion of the site such as improvements to the lawn along Euclid Avenue between Laurel Street and Masonic Avenue, the lower portion of the north-south pedestrian pathway (Lower Walnut Walk), and Corner Plaza in order to preserve most or all of the existing building. Because all (Alternative C) or most (Alternative E) of the existing building would be preserved, they would provide fewer types or varieties of open spaces (active and passive) under these alternatives (C and E), and the open spaces would not be as interconnected, and therefore, as accessible for pedestrians as under the project.

In conclusion, the appellant fails to meet its burden to demonstrate that the CEQA findings are inadequate or unsupported by substantial evidence.

**Response 7 (Appellant Points 7, 8, 9, and 18, pp. 28-43 and pp. 67-68): The EIR accurately and adequately addresses inconsistencies of the project with applicable plans and policies, including those related to preservation of historic resources, neighborhood character, and zoning controls.**

The appellant's assertions that the project would be inconsistent with established policies of the general plan, the housing element, the urban design element, the residential design guidelines and zoning controls, including those in Planning Commission Resolution 4109, were previously raised as comments on the draft EIR and reiterated in letters submitted on August 28, 2019 and September 5, 2019. The department responded to substantially the same concerns (see RTC pp. 5.C.19 through 5.C.22 and the department's supplemental response [Attachment A, p. 11]). Inconsistencies and/or conflicts with established policies in the general plan, including the priority policies and those in the housing and urban design elements that relate to preservation of historic resources and the existing housing and neighborhood character, as well as inconsistencies and/or conflicts with zoning controls, are disclosed in the EIR. See EIR pp. 3.1-3.6 for a discussion of inconsistencies with the general plan and its elements; and pp. 3.6-3.11 for a discussion of inconsistencies with the planning code including the priority policies, zoning, height, the special use district, and Planning Commission Resolution 4109. The EIR's analysis complies with the requirement in CEQA Guidelines section 15125(d) that the EIR "discuss any inconsistencies between the proposed project" and applicable plans.

The EIR analyzes the physical environmental effects that would result from development of the proposed project to determine the significance of such impacts on the environment. To the extent that the project

would be inconsistent with applicable plans, policies, or zoning controls, those inconsistencies are identified in EIR Chapter 3, Plans and Policies, which includes a review of local and regional plans and policies against the details of the proposed project, pursuant to CEQA Guidelines section 15125(d). Inconsistencies in and of themselves are not significant environmental impacts. The physical environmental changes as a result of the project, including those that would arise as a result of conflicts with plans and policies as noted above, are analyzed in the EIR or initial study under appropriate physical topics. For example, the conflict with priority policy 7 (preservation of landmark buildings and historic buildings) is disclosed in Chapter 3 on EIR pp. 3.11 to 3.12 and in Section 4.B, Historic Architectural Resources (EIR pp. 4.B.34 to 4.B.35). The physical environmental change that would result from this conflict is analyzed in Section 4.B, Historic Architectural Resources under Impact CR-1 (pp. 4.B.41 to 4.B.47).

The appellant has not met its burden to demonstrate with substantial evidence support for its claims that the EIR was deficient in its disclosure of potential conflicts with established plans and policies and that these asserted deficiencies rendered inadequate the subsequent analysis of any physical environmental changes that would result from such a conflict. Thus, the environmental impact analysis in the EIR is accurate and adequate and allowed for informed public participation. All other concerns raised in relation to this topic do not address the adequacy of the EIR and are therefore not addressed in this response.

**Response 8 (Appellant Point 10, pp. 45-50): The initial study analysis of geology and soils relied on the information in the preliminary geotechnical investigation. The EIR adequately analyzed the project impacts and found that the project would not result in individual or cumulative significant impacts with respect to geology and soils. The department's determination is based on substantial evidence; appellant has not demonstrated otherwise.**

The appellant contends that the depth and extent of excavation needed for implementation of the project would be so great that it would result in significant geology and soils impacts related to the loss of topsoil, changes to the topography of the site, and increased exposure to geologic hazards due to the presence of unstable soils. The appellant further contends that the recommended measures from the preliminary geotechnical investigation be identified as project mitigation and that they should be imposed as conditions of project approval. The physical environmental impacts of the excavation as well as new construction were fully described and analyzed in the initial study (see pp. 205-212). Additionally, the project is required to comply with the state and local building code, which ensures the safety of all new construction in the City. These concerns were previously raised by the appellant in comments on the initial study and the draft EIR. The department's response is presented on RTC pp. 5.J.94-5.J.109.

For a response to comments related to erosion and loss of topsoil see the department's response on RTC pp. 5.J.105-5.J.107. As stated, loss of topsoil would be an environmental concern if such an action resulted in the removal of soil strata that supports sensitive habitat, agriculture or open space, which would not be the case at this site due to modifications over time and the fact that the site is not sensitive habitat. In addition, once constructed there would be landscaped open areas throughout the site (see RTC pp. 2.21-2.23, and 5.B.20). Thus, the initial study correctly did not identify the loss of topsoil as an environmental impact.

For a response to comments related to topography and loss of unique geologic features see the department's response on RTC pp. 5.J.102-5.J.103 and 5.J.108-5.J.109. As stated, the general topography of the site would remain similar to existing conditions with minor changes related to site grading and terracing to support the adaptive reuse of the existing building and development of the Masonic and Euclid Buildings, and the presence of Laurel Hill would remain evident. As further stated on RTC p. 5.J.108 Laurel Hill is not a unique geologic feature<sup>16</sup> thus, no impacts were identified (see initial study pp. 212-215).

For a response to comments related to increased exposure to geologic hazards see the department's response on RTC p. 5.J.101. The analysis of geologic hazards in the initial study relied on the regulatory process provided by the state and local building code overseen by the San Francisco Department of Building Inspection (building department) as well as information in the preliminary geotechnical investigation. However, a preliminary geotechnical investigation is not an analysis of physical environmental effects under CEQA. The scope of a geotechnical report is specified in the building code (California Code of Regulations, Title 24, Part 2, Volume 2, Chapter 18, Section 1803 Geotechnical Investigations). Although recommendations from the preliminary geotechnical investigation are often best management practices, they are not mitigation measures developed to address a significant physical environmental effect of the project, and are not labeled as mitigation measures in the preliminary geotechnical investigation, contrary to the implication on p. 50 of the appeal letter. As stated in the department's response, a design-level geotechnical report would be prepared as part of the building permit process. Thus, regardless of the proposed depth and extent of excavation or the recommended shoring systems or type of foundation systems, the building department would review each building permit application for all buildings proposed for demolition, alteration, or new construction, and project construction documents (addenda) for compliance with the building code and conformance with the recommendations in the design-level geotechnical report. Therefore, the geotechnical report recommendations are not mitigation measures. In summary, as noted on RTC pp. 5.J.101-5.J.104, the review of the building permit application and plans pursuant to the building department's implementation of the building code, including administrative bulletins, and local implementing procedures (which include information sheets), as well as and state laws, regulations, and guidelines, would ensure that the project would have no significant impacts related to soils (including groundwater) or other geological hazards.

Thus, the appellant is incorrect in asserting that the initial study did not evaluate effects of the project on geology and soils. The appellant has not supported their contention that the project would result in significant physical environmental impacts related to geology and soils because of any site-related concerns or considerations.

**Response 9 (Appellant Point 11, pp. 50-55): The project would not result in significant biological resources impacts related to the loss of trees nor would the project conflict with local tree protection policies and ordinances.**

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<sup>16</sup> Unique geologic or physical feature is one that embodies distinctive characteristics of any regional or local geologic principles, provides a key piece of information important to geologic history, contains minerals not known to occur elsewhere in the county, and/or is used as a teaching tool.

The appellant contends that the project would result in a significant biological resource impact due to the loss of trees and that it would conflict with local tree protection plans or policies. These concerns were previously raised by the appellant in comments on the initial study and the EIR. The department's response is presented on RTC pp. 5.J.84-5.J.89.

The initial study describes the proposed tree removal on pp. 66-70 and 73-74. The impact analysis is provided on pp. 197-203 of the initial study, and, as indicated on pp. 202-203, the proposed project would be consistent with the substantive standards and requirements for tree removal and replacement set forth the City's Urban Forestry Ordinance. As discussed on RTC pp. 5.J.85-5.J.86, removal and replacement of street trees and significant trees was part of the major encroachment permit recommended by public works after a noticed public hearing and adopted by the board of supervisors by ordinance.

Removal of significant trees is not a prohibited action and therefore not in conflict with the ordinance. Additionally, to further clarify that the proposed project would be consistent with the standards of the Urban Forestry Ordinance, the department's response in the RTC included new text for EIR Section 4.F, Initial Study Supplement (see RTC p. 5.J.87). Furthermore, the department's response reiterated the project sponsor's goal of retaining up to ten mature trees, including some that may have been present when the Laurel Hill Cemetery was redeveloped as the Fireman's Fund office campus (see RTC p. 5.J.88). None of the ten mature trees are among the 19 on-site significant trees to be removed.

In its October 7, 2019 letter to appeal the public works' approval of the proposed tentative map associated with the proposed project, the appellant claims that the project would conflict with the biodiversity resolutions passed by the board, department of environment, and planning commission. The appellant states that a member of the native plant society performed a survey on the project site and found nine species of birds on site, including three breeding bird species. This information does not demonstrate that the EIR is inadequate. Even if protected bird species are present at the project site, the project, with the implementation of mitigation measure M-BI-1, would not result in a significant impact to these species under CEQA. This is because, as discussed on initial study pp. 200-201, the project would implement Mitigation Measure M-BI-1: Preconstruction Nesting Bird Surveys and Buffer Areas intended to protect nesting birds and their nests. The department determined that the implementation of Mitigation Measure M-BI-1 would reduce the project's potentially significant impact on nesting birds under the Migratory Bird Treaty Act and California Fish and Game Code to a less-than-significant level by ensuring that project activities would not result in the take of an active nest.

The department determined that the proposed project would not conflict with local tree protection policies or ordinances protecting biological resources, such as San Francisco's Urban Forestry Ordinance. Thus, as stated on RTC p. 5.J.87, the mitigation measures identified by the appellant would not be required because there is no identified significant impact. This determination was based on substantial evidence in the record; the appellant has not met its burden to demonstrate otherwise.

**Response 10 (Appellant Point 12, pp. 55-57): The department's conclusion that the proposed project would not result in significant biological resources impacts related to habitat modifications that could impact nesting migratory birds is supported by substantial evidence; appellant has not demonstrated otherwise.**

The appellant contends that the project would result in a significant biological resource impact due to the loss of habitat and the effect that construction of new buildings would have on birds. These concerns were previously raised by the appellant in comments on the initial study and the EIR. The department's response to these comments is presented on RTC pp. 5.J.91-5.J.94.

The initial study (see pp. 197-202) describes the changes to the site, acknowledges the loss of habitat and its significant impact on nesting birds, and identifies Mitigation Measure M-BI-1 (Preconstruction Nesting Birds Survey and Buffer Areas) as mitigation that could reduce the impact on nesting migratory birds to a less-than-significant level. However, as stated on initial study p. 199 and RTC p. 5.J.92, the loss of habitat resulting from the project was not identified as an impact on candidate, sensitive, or special status species because the trees were not identified as habitat suitable for such species. This determination was made based on review of the California Natural Diversity Database, which did not include any recorded sightings of such species on the site (see p. 5.J.92). The project site is a developed corporate campus. As further explained on p. 5.J.92, there are more attractive options for nesting birds in the immediate area (e.g., the Presidio of San Francisco and Golden Gate Park). Furthermore, new on-site habitat (including landscaped areas and up to 250 newly planted trees) developed over the project development period could be used by nesting birds, with birds potentially returning to the site and its immediate area when a building or group of buildings and associated landscape are completed or at the end of the overall construction period.

As stated on pp. 201-204 of the initial study and reiterated in response to substantially the same concerns about bird strikes, planning code section 139, and planning commission resolution 9212 that were previously raised by the appellant in comments on the draft EIR (see RTC pp. 5.J.93-5.J.94), the project would comply with the requirements in the Standards for the Bird-Safe Buildings (planning code section 139) and would have less-than-significant biological resource impacts with mitigation. The appellant's concerns regarding modifications from planning code section 139 requirements related to bird-safe glazing that can be granted by the Zoning Administrator have been addressed on RTC p. 5.J.93. The project sponsor has committed to use bird-safe glazing on all feature-related hazards<sup>17</sup> (see RTC p. 5.J.93).

The appellant has not provided any evidence that demonstrates that the department erred in determining that the project would result in less-than-significant bird-related impacts with mitigation due to the loss of habitat, construction-related activities, or building features. Thus, as stated on RTC p. 5.J.94, with adherence to all mandatory planning code requirements and implementation of Mitigation Measure M-BI-1, the proposed project would not interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors.

**Response 11 (Appellant Point 13, pp. 57-59): The project would not result in significant impacts related to hazards and hazardous materials because the project would be required to comply with state and local regulations to remediate hazards and hazardous materials.**

The appellant contends that the EIR did not disclose a comprehensive inventory of lists of hazardous sites on which the project site may be listed pursuant to Government Code Section 65962.5. The appellant

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<sup>17</sup> Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size. Feature-related hazards can occur throughout the city.

further contends that the site mitigation plan required pursuant to article 22 of the health code (the Maher Ordinance) should have been disclosed as a mitigation measure. The department previously responded to substantially the same concerns raised by the appellant in comments on the initial study and the EIR (see RTC pp. 5.J.116-5.J.125).

The department (on RTC p. 5.J.123) indicated that regulatory databases in the *Phase I Environmental Site Assessment* were reviewed and that the lists of hazardous sites on which the site is included were disclosed in both the NOP on p. 36, the initial study on pp. 229-231 and 238-239, and the EIR on p. 4.F.6. In addition to the Leaking Underground Storage Tank Sites list, the site is listed on other lists compiled pursuant to Government Code Section 65962.5, as discussed on draft EIR p.4.F.6, in compliance with CEQA section 21092.6. The appellant has not provided evidence that demonstrates that the information about the project site's presence on these lists is incomplete or that the analysis of hazards and hazardous materials is inadequate.

In Section 4.F, Initial Study Supplement, in the EIR as well as in the RTC (see RTC pp. 5.J.121-5.J.125), the department explained why the site mitigation plan is not a mitigation measure. For purposes of CEQA, mandatory compliance with provisions of the Maher Ordinance and other required regulatory actions are not identified as "mitigation measures." The required actions are disclosed in the EIR and adherence is mandatory and overseen by responsible departments and agencies. Required project compliance with state and local codes such as the public works code; public health department implementing procedures; and state laws, regulations, and guidelines would ensure that the proposed project would have less-than-significant impacts related to hazards and hazardous materials. The appellant has not provided evidence that demonstrates that the required site mitigation plan has not been disclosed or that the analysis of hazards and hazardous materials is inadequate.

**Response 12 (Appellant Point 14, pp. 59-60): The EIR identifies all feasible construction noise mitigation measures and delineates the requirements of Article 29 of the San Francisco Police Code and other regulations related to construction noise. The efficacy of the identified mitigation measures is supported by substantial evidence; appellant has not demonstrated otherwise.**

The appellant contends that the department's response to substantially the same noise-related concerns (see RTC pp. 5.F.15-5.F.19) did not provide substantial evidence supporting the department's decision not to incorporate the appellant's suggested measures as conditions of approval. The appellant further suggests that measures proposed by the appellant should have been incorporated as mitigation because the construction noise impact could not be reduced to a less-than-significant level with implementation of Mitigation Measure M-NO-1 (Construction Noise Control Measures), shown in EIR pp. 4.D.42-4.D.43. The appellant's suggested measures include the incorporation of mandatory compliance with Article 29 of the Police Code (the San Francisco Noise Ordinance); continuous noise monitoring; limitations on night noise permits; a request for an on-call qualified professional to conduct noise monitoring upon receipt of noise-related complaints; equipment storage requirements; and various requests for notifications regarding noise complaints, monitoring records, and verification of compliance with requirements of the noise ordinance.

For purposes of CEQA, mandatory compliance with provisions of the San Francisco Noise Ordinance and other required regulatory actions are not identified as "mitigation measures." The required actions are disclosed in the EIR and adherence is mandatory and overseen by responsible departments and agencies

(see EIR pp. 4.D.17-4.D.18, 4.D.36-4.D.37, and 4.D.47). This information is reiterated in the response on RTC pp. 5.F.16- 5.F.17. As indicated on EIR p. 4.D.42 (bullet 7 under Mitigation Measure M-NO-1) and reiterated in Response NO-4, on RTC p. 5.F.16, the construction manager would monitor construction noise continuously. As stated in that response, the noise control measures identified in Mitigation Measure M-NO-1 could be enhanced or augmented by a qualified acoustical consultant in coordination with the department to take advantage of improvements in technology such as new equipment and/or muffling techniques and physical sound barriers. Furthermore, minor changes to Mitigation Measure M-NO-1 were added to address the appellant's previously submitted concern in comments on the draft EIR about the length of daily construction activities. The department's response also addressed suggested measures related to nighttime work, the request for an on-call noise monitor, the various notification requests, and equipment storage. None of the suggested measures put forth by the appellant in their previously submitted comments would effectively reduce the substantial temporary increase in construction noise from the simultaneous use of the two loudest piece of construction equipment beyond that already discussed in the EIR.

The department's responses to comments on the EIR related to the appellant-suggested measures to reduce construction noise are thorough, provide a good-faith response to the concerns raised, and are based on substantial evidence. However, as stated above, and on RTC 5.F.16, the construction noise control measures identified in Mitigation Measure M-NO-1 could be enhanced and/or augmented in the future to further reduce construction noise if new technologies become available in the future. The appellant has not met its burden to demonstrate that its proposed noise mitigation was required to be implemented.

**Response 13 (Appellant Point 15, pp. 60-62): The EIR adequately evaluates the effects of all the proposed land uses on vehicle miles traveled (VMT), identifies a significant VMT impact, and provides mitigation that would reduce the impact to a less-than-significant level by reducing the parking supply of the land use that would result in a significant VMT impact (retail).**

The appellant contends that the EIR lacks substantial evidence supporting the VMT analysis. In addition, The appellant states the department's response to essentially the same set of concerns raised by the appellant in comments on the draft EIR and in letters submitted on August 28, 2019 and September 5, 2019 is not adequate because the literature cited focuses only on the net new vehicle travel demand of the office or retail land uses and neglects to address the net new vehicle trips generated by the other uses. The appellant further states that the department incorrectly focused on the parking supply as the cause of the substantial additional VMT; that the EIR fails to consider net new vehicle trips generated by other uses to determine if considerable additional VMT would be generated by the project; and that the EIR lacks substantial evidence to support the standard used to come to a significance determination with respect to VMT. In addition, the appellant states that the EIR lacks substantial evidence to support the VMT impact finding or to support the finding that the reduction of the retail parking supply to a rate reflective of the neighborhood parking rate for retail land uses would be effective mitigation.

In prior response to these same issues, the department provided an overview of the VMT methodology, approach to analysis, and impact conclusions in the Master Response on RTC pp. 4.19 through 4.49. The Master Response delineates the requirements of the transportation analysis under CEQA, the role of VMT in the transportation analysis, VMT efficiency metrics and thresholds of significance, and the findings of the VMT analysis. The EIR describes the approach to the analysis of VMT on EIR pp. 4.C.48-4.C.52 and

provides a literature review on the influence of parking on VMT on EIR pp. 4.C.74-4.C.76. The impact analysis on EIR pp. 4.C.74-4.C.81 includes information on existing VMT by land use for transportation analysis zone 709 (the project site) and a site-specific assessment of VMT for the proposed residential, retail, and non-residential (office and child care) land uses based on the existing and proposed neighborhood parking rates for each of the proposed land uses. Thus, the type and size of each proposed land use, as well as their corresponding on-site parking spaces, were considered in the VMT analysis. The EIR analysis conforms with state and local requirements and guidelines about VMT analysis and is supported by substantial evidence. The EIR found that the proposed retail land use would generate substantial additional VMT because it would provide retail parking at a substantially greater rate per 1,000 square feet than the neighborhood parking rate (see EIR p. 4.C.78-4.C.80); and that Mitigation Measure M-TR-2: Reduce Retail Parking Supply on EIR p. 4.C.80 would reduce the impact to a less-than-significant level.

The department's response also provided information regarding the methodology for VMT efficiency metrics with respect to retail use and for VMT and its relation to vehicular parking on RTC pp. 4.30-4.35 and 4.39-4.49. Although the existing retail VMT as presented on Table 4.C.3 (EIR p. 4.C.8) is shown as VMT by employee the retail efficiency metric accounts for VMT by visitors. Furthermore, the literature review on RTC pp. 4.41-4.45, supplementing the review provided in the EIR on pp. 4.C.74-4.C.76, augments the evidence in support of the finding that dedicated off-street parking is linked to more driving and that reducing parking supply is an effective mitigation strategy. Thus, the appellant's claim that the significant VMT impact related to the retail land use was solely premised on the parking supply is not correct. As noted, among the factors affecting travel behavior is presence of parking, development density, and diversity of land uses, and SF-CHAMP accounts for most of these factors in estimating VMT. However, SF-CHAMP is not sensitive enough to account for site-specific information such as the amount of parking provided on a site. It is for this reason that the project-specific VMT analysis evaluates the proposed parking rates by land use against the neighborhood parking rates for each proposed land use as a means to determine if a project would generate substantial additional VMT. As discussed on EIR p. 4.C.76, reducing parking supply is one of the most effective transportation demand management measures available as mitigation. Thus, the finding that the VMT impact of the proposed project would be reduced to a less-than-significant level with implementation of Mitigation Measure M-TR-2: Reduce Retail Parking Supply is supported by substantial evidence.

The responses to comments are thorough, provide a good-faith response to the concerns raised, and are based on substantial evidence. The appellant has not provided evidence that would rebut the department's determination that the VMT methodology, significance threshold, approach to analysis, impact conclusion, or efficacy of the identified mitigation were based on substantial evidence, and accordingly has failed to meet its burden.

**Response 14 (Appellant Point 16, pp. 62-64): The EIR correctly estimates travel demand generated by the proposed uses, and evaluates the project effects on VMT related to the proposed loading zones on the adjacent streets, accounting for transportation network companies (TNCs), as appropriate.**

The appellant contends that the EIR did not correctly estimate the net new vehicle trips that the proposed uses would generate. The appellant further contends that the VMT methodology did not account for the vehicle trips that would be generated by the introduction of five new on-street loading zones in the context of the increasing number of transportation network companies (TNCs) within the city that would



serve the project's residents. Therefore, the appellant contends that the EIR did not accurately estimate the additional VMT that would be generated by the proposed project because the transportation analysis relied solely on the comparison of existing parking rates by land use per 1,000 square feet to the proposed parking rates.

The department responded to this same concern in a Master Response on RTC pp. 4.1-4.49. Concerns regarding the impact of TNCs and circling TNC drivers are addressed in subsection B.3, Trip Generation Estimates, under the subheading "Passenger Loading Demand Comparison" on RTC pp. 4.7-4.8, and subsection B.7, Loading Demand under the subheading "Passenger Loading Demand – Transportation Network Company Vehicles" on RTC pp. 4.15-4.16. Concerns regarding the effects on trip generation related to the proposed loading zones are addressed in subsection B.7, Loading Demand under the subheading "Commercial Loading" on RTC p. 4.15. As stated on EIR pp. 4.C.51-4.C.52, based on guidance from the state Office of Planning and Research, minor street changes such as the removal of off- or on-street parking spaces or the adoption, removal, or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, preferred/reserved parking permit program) would not result in a substantial or measurable increase in VMT. The department's response describes how the passenger loading demand analysis in the EIR for the proposed project assumed that all trips designated as "other" under the 2002 *SF Guidelines* were taxi/TNC trips and estimated a higher peak period loading demand than would be assumed under the 2019 *TIA Guidelines*. Thus, TNCs were considered in the transportation analysis. Also, the analysis provided in the EIR using the 2002 *SF Guidelines* provided a conservative estimate of trips that would occur by TNCs. The department's response (see RTC pp. 4.14-4.16) also describes how the demand for commercial and passenger loading zones is generated by the land uses that those spaces would serve; no substantial evidence exists that the provision of the spaces in and of itself would create additional demand or generate additional vehicle trips by delivery vehicles or TNCs.

The department's response to these concerns also included a literature review covering, among other studies, *TNCs Today* and *TNCs and Congestion* (see RTC pp. 4.35-4.39). As stated, the VMT estimates for the project site are well below the VMT threshold of significance. No recent studies allow for an "apples-to-apples" comparison of using TNC vehicle types in a CEQA VMT analysis because of the limitations of the existing available data with respect to household travel behavior and the lack of available data related to TNC trips external to San Francisco. The department provided, for informational purposes only, a hypothetical response for an "apples-to-apples" comparison (see RTC pp. 4.38-4.39). As stated there, even conservatively assuming that all increases in VMT from 2010 (4.9 million miles) to 2016 (5.6 million miles) in San Francisco were attributable to TNCs, the increase in daily VMT per San Francisco population would have been only five percent under such a hypothetical scenario. Thus, any VMT increase from the increased prevalence of TNCs would not change the EIR VMT conclusion. The department's impact determination is based on the department's good faith interpretation of the best available data related to TNCs and travel behavior, the existing low levels of VMT at the site, and the 2002 *SF Guidelines* generally *overestimated* the number of vehicle trips to and from a site even accounting for the increase of for-hire vehicles."<sup>18</sup>

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<sup>18</sup> San Francisco Planning Department. Summary of Changes Memorandum, February 14, 2019, p. 3, [http://default.sfplanning.org/publications\\_reports/TIA\\_Guidelines\\_Summary\\_of\\_Changes\\_Memo.pdf](http://default.sfplanning.org/publications_reports/TIA_Guidelines_Summary_of_Changes_Memo.pdf), accessed October 15, 2019.

The appellant has not substantiated its claim that the travel demand estimates for the proposed project do not account for proposed project's loading demand. In particular, the appellant claims there is loading demand related to re-striping of on-street parking spaces for loading but provides no evidence in support of this claim. Nor has the appellant substantiated that the basis for analyzing the effects of TNCs on VMT is inaccurate and thus, resulting in a flawed conclusion related to the effects on VMT. Furthermore, the EIR did find a significant VMT impact related to the retail land use and identified a reduction to the amount of off-street parking dedicated to retail use as feasible mitigation that would reduce the impact to a less-than-significant level. The appellant has not demonstrated any deficiencies in the substantial evidence upon which the department premised its findings related to existing VMT, or the substantial evidence on how VMT increases were estimated in the EIR, and accordingly has failed to meet its burden.

**Response 15 (Appellant Point 17, pp. 65-67): The greenhouse gas emissions analysis in the initial study follows the department's standard approach and relies upon a qualified Greenhouse Gas Reduction Strategy and mandatory implementation of requirements in city ordinances.**

The appellant contends that the greenhouse gas emissions analysis did not provide specific information as to how the various requirements of the City's Greenhouse Gas (GHG) Reduction Strategy would be implemented and, as a result, failed to adequately analyze the project-level and cumulative impacts of the proposed project. These comments, as well as substantially similar comments submitted in the August 28, 2019 letter, do not raise different issues from those addressed in the RTC (see Responses GHG-1: Methodology, GHG-2: Accuracy of GHG Calculations, or GHG-3: General GHG Concerns on RTC pp. 5.J.7 to 5.J.43.).

The GHG analysis in the initial study adequately presents the impacts of the proposed project with respect to greenhouse gas emissions under CEQA (see initial study pp. 146-150). The City's use of a qualitative threshold for the greenhouse gas emissions analysis in CEQA documents is supported by substantial evidence and was upheld in *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 150. Furthermore, the City's Greenhouse Gas Compliance Checklist for Private Development (dated April 5, 2018 and included in the administrative record as footnote 130 of the initial study) provides additional information related to how the proposed project would meet each of the applicable state and local requirements identified on the GHG Compliance Checklist. For purposes of CEQA, compliance with provisions of the state laws and regulations and local ordinances is mandatory, and is overseen by responsible departments and agencies; these requirements are disclosed in the initial study. As documented in the department's Strategies to Address Greenhouse Gas Emissions, November 2010, and in the Greenhouse Gas Reduction Strategy Update, July 2017, compliance with these requirements has been shown to effectively reduce GHG emissions.<sup>19</sup> Project compliance with state and local laws, regulations, and guidelines would ensure that the proposed project would have less-than-significant impacts related to greenhouse gas emissions. The appellant has not provided evidence that demonstrates that the greenhouse gas emissions analysis is inadequate.

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<sup>19</sup> These documents are, and have been, available on the planning department's website at <https://sfplanning.org/project/greenhouse-gas-reduction-strategies#info>, accessed October 15, 2019.

## **CONCLUSION**

For all of the reasons provided in this appeal response, the FEIR complies with the requirements of CEQA, CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, provides an adequate, accurate, and objective analysis of the potential environmental impacts of the project. The appellant has not demonstrated that FEIR is insufficient as an informational document, or that the planning commission's certification of the FEIR was not supported by substantial evidence in the record. Therefore, the department respectfully recommends that the board uphold the planning commission's certification of the FEIR and deny the appeal.

## **Attachment A**

**September 4, 2019**  
**Planning Department Supplemental Response**  
**to August 28, 2019 Laurel Heights Improvement Assn Letter**

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# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** September 4, 2019

**TO:** President Melgar and Members of the Planning Commission

**FROM:** Kei Zushi, Wade Wietgreffe, and Justin Greving, Environmental Planning

**RE:** 3333 California Street Mixed Use Project (Case No. 2015-014028ENV)  
Responses to Issues Raised in August 28, 2019 Letters Submitted by The  
Laurel Heights Improvement Association of San Francisco, Inc.

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After the Responses to Comments document (RTC) was published on August 22, 2019, the Laurel Heights Improvement Association of San Francisco, Inc. (LHIA) submitted two additional and late comment letters regarding the 3333 California Street Mixed-Use Project. Under CEQA Guidelines section 15207, the department need not respond to late comments. Nevertheless, the department provides the following information related to the late comments.

Both letters are dated August 28, 2019. In this memorandum, the department refers to the letter containing ten identified issues with exhibits A through EE as "Letter 1." "Letter 2" with exhibits A through C5 clarifies, supplements, and modifies the discussion of an alternative previously submitted by LHIA on January 8, 2019.

Letter 1 raises some issues which are not related to CEQA or the certification of the EIR, and this memorandum does not respond to those issues.<sup>1</sup> As noted more particularly below, many of the environmental issues in Letter 1 were previously addressed in the EIR or in the Responses to Comments. LHIA has not presented any new information that would alter the department's conclusions in the EIR as explained in more detail below. Where new environmental issues are raised, LHIA's comments are summarized with a brief response by the department.

In this memorandum, the term "proposed project" refers to the revised project variant analyzed in the EIR and under consideration for approval on September 5, 2019, unless otherwise noted.

## Alternatives

CEQA Guidelines section 15126.6(a) requires that lead agencies consider a reasonable range of potentially feasible alternatives to the project that feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the identified significant impacts of the project. CEQA does not require that an EIR consider every conceivable alternative or permutation or combination of alternatives. As discussed in Response AL-I on RTC pages 5.H.6 to 5.H.17, the 3333 California Street Mixed-Use Project EIR includes a reasonable range of alternatives. In addition to the No Project Alternative, the EIR presents five alternatives. The supplemental comment letters request consideration of two additional alternatives, and the Planning Department, Environmental Planning's responses are below.

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<sup>1</sup> Specifically, this memorandum does not address issues related to the proposed development agreement (Letter 1, item 4); application of the Residential Design Guidelines (Letter 1, item 7); or Planning Commission authorization regarding heights and setbacks (Letter 1, item 8).

1. In Letter 1, item 1: LHIA presents a new alternative called the Community Preservation Lookalike Variant (Lookalike Variant), and requests consideration of this alternative by the Planning Commission. However, this alternative is considerably similar to Alternative E: Partial Preservation – Residential Alternative analyzed in the EIR.

LHIA states that the Lookalike Variant would provide the same number of new residential units as the proposed project (744 units) and approximately 20,000 more gross square footage than the project. According to LHIA, the Lookalike Variant would be constructed in less than four years. LHIA also states that the Lookalike Variant utilizes approximately 90 percent of the project sponsor's proposed buildings, designs, and locations. As described, the Lookalike Variant would: 1) convert the interior of the main building to residential use and retain the existing 1,500-gross-square-foot (gsf) café, 11,500-gsf childcare center, and 5,000-gsf office space; and 2) construct three new residential buildings (Plaza A, Plaza B, and Walnut buildings) along California Street, the new Mayfair building near the intersection of Mayfair Drive and Laurel Street, five new townhomes along Laurel Street, and the new Euclid building along Euclid Avenue. The proposed Masonic Building included in the proposed project would not be constructed in the Lookalike Variant. The Walnut Building would be 7-stories-tall and its footprint would be expanded to include a triangular area next to the SF Fire Credit Union, whereas the Walnut Building would be 6-stories-tall in the proposed project. The Euclid Building would be 35,000 gsf smaller than what is proposed under the project, and it would be configured differently in that it would include a 30-foot setback from Euclid Green compared to the project. Under the Lookalike Variant, the childcare facility would be located in Center Building B instead of in the Walnut Building, as proposed in the project, with an outdoor play area directly south of the existing structure. The Lookalike Variant would not include retail uses.

LHIA states that the Lookalike Variant would include approximately two levels of parking in a single new underground parking garage. LHIA letter does not specify the number of parking spaces that would be provided in the Lookalike Variant. The Lookalike Variant would include a new first-floor-level, 15-foot-tall (at level one), 20-foot-wide Walnut passage, which would run through the first floor of the main building, opening up into a 35-foot-wide, 75-foot-long landscaped center court mid-building (approximately at 35 feet into the building) and leading onto the Walnut Walk alongside Eckbo Terrace and onto Masonic Avenue.

The Lookalike Variant is considerably similar to Alternative E: Partial Preservation – Residential Alternative analyzed in the EIR. See Exhibit A attached, which provides the site plans for Alternative E and the LHIA Lookalike Variant for comparison. Specifically, the Lookalike Variant and Alternative E would: 1) modify the existing main building by removing the south wing and the northern extension of the east wing and convert it to residential use; 2) construct three buildings along California Street; 3) reduce the size of Euclid building by removing the south side of the building (reduction of approximately 35,000 gross square feet compared to the proposed project) to retain the landscape features located at the southeast portion of the site; and 4) construct the five Laurel Duplexes, similar to the proposed project and Alternative E, which would construct seven duplexes on Laurel Street. Two fewer duplexes would enable a larger Euclid Green under the Lookalike Variant. As stated, the Masonic Building would not be constructed under either Alternative E or the Lookalike Variant.

The Lookalike Variant would not reduce the historic resource impact to a less-than-significant level; like Alternative E, the Lookalike Variant would be a partial preservation alternative. Similar to Alternative E, the Lookalike Variant would not fully conform to the Secretary of the Interior's Standards, and it would materially impair the physical characteristics of the historic resource that justify the resource's inclusion in the California Register of Historical Resources. Similar to Alternative E, the Lookalike Variant would alter the existing office building and result in loss of the historic landscaped open space on the project site. In addition, similar to Alternative E, the Lookalike Variant would alter the most prominent views of the project site from the east on Pine Street and from the south on Masonic Avenue. The minor modifications proposed in the Lookalike Variant, such as the removal of two Laurel Duplexes closest to Euclid Green or the additional size added to the Walnut building, would not make it considerably different from Alternative E.

As discussed on EIR pp. 6.148-6.151, the EIR concludes that Alternative E would reduce the magnitude of the historic resources impact compared to the proposed project or project variant, but not to a less-than-significant level. This is because Alternative E would, on balance, materially alter the physical characteristics of the project site that convey its historic significance. For the reasons above, the Lookalike Variant would reduce but not eliminate the significant and unavoidable historic resource impact.

Further, the Lookalike Variant would not achieve some of the key project objectives. First, due to the size and location of the uses presented in the Lookalike Variant, the alternative would not satisfy the primary objectives of the proposed project or project variant to create a "high quality, walkable, mixed-use community within the project site that connects with and complements the existing neighborhood commercial uses." The Lookalike Variant would contain only a very small amount of non-residential uses, and those uses would be "hidden" within the main building and not be visible from the nearby streets. Unlike the Lookalike Variant, Alternative E would meet this objective by providing a mix of uses (except for the office use) similar to that of the proposed project, and would provide retail uses along California Street, where they would be accessible to the general public and visually connected to the retail uses on California Street on either side of the project site. In addition, the Lookalike Variant would only partially meet the objective of opening and connecting the site to the surrounding community by extending the neighborhood urban pattern because it would not provide a north-south connection similar to Walnut Walk as proposed under the proposed project, which is a fully open connection. With only a 15-foot-tall and 20-foot-wide opening at level one (15 feet high), the main building would still create a visual barrier in the north-south direction. Finally, unlike the proposed project, the Lookalike Variant would not help turn Masonic Avenue into a neighborhood street, as opposed to an arterial street, because the Lookalike Variant would not construct the Masonic building which would contribute to the creation of neighborhood-friendly space by providing stoops for residential units along its building frontage.

Thus, the Lookalike Variant is not considerably different from Alternative E included in the EIR and would not eliminate the project's significant and unavoidable historic resource impact.

2. **In Letter 1, item 1: LHIA requests the Commission consider a variant to alternatives previously submitted on January 8, 2019, the Community Full Preservation Alternative Variant 2 (Community Variant 2). However, this alternative is considerably similar to Alternative D: Partial Preservation – Office Alternative analyzed in the EIR, except for the proposed use in the main office building.**

LHIA states that the Community Variant 2 would provide the same number of new residential units as the project (744 units) and would be constructed in less than four years. According to LHIA, the Community Variant 2 would: 1) convert the interior of the main building to residential use and retain the existing 1,500-gsf café, 11,500-gsf childcare center, and 5,000-gsf office space; and 2) construct three new residential buildings (California Front, California Back, and Walnut buildings) along California Street, the new Mayfair building near the intersection of Mayfair Drive and Laurel Street, five new townhomes along Laurel Street, and the new Euclid building along Euclid Avenue. The proposed Masonic Building included in the proposed project would not be constructed in the Community Variant 2. The Community Variant 2 would not include retail uses.

The Community Variant 2 would include an approximately two-level, underground parking garage along California Street and a total of approximately 558 on-site parking spaces. The Community Variant 2 would include a new first-floor-level, 15-foot-tall (at level one), 20-foot-wide Walnut passage, which would run through the first floor of the main building, opening up into a 35-foot-wide, 75-foot-long landscaped center court mid-building (approximately at 35 feet into the building) and leading onto the Walnut Walk alongside Eckbo Terrace and onto Masonic Avenue.

The Community Variant 2 is physically similar to Alternative D: Partial Preservation – Office Alternative that is analyzed in the EIR to address the proposed project's significant historic resource impacts. See Exhibit B attached, which compares the site plans for Alternative D and Community Variant 2. Specifically, like Alternative D, the Community Variant 2 would: 1) modify the existing building by demolishing the northerly extension of the east wing and adding a one-story addition; and 2) allow for the construction of buildings along California Street including a larger Walnut building (larger than under the proposed project or Alternative D), a Mayfair building, and five Laurel Duplexes along Laurel Street. Community Variant 2 would not include construction of a Masonic building. Unlike Alternative D which would retain office use in the existing office building, the Community Variant 2 would convert the remaining building to residential use. However, the massing and footprint of the structures on site under the Community Variant 2 would be physically similar to those under Alternative D.

As discussed on EIR pp. 6.113-6.115, the EIR concludes that Alternative D would reduce the magnitude of the historic resource impact compared to the proposed project or project variant, but not to a less-than-significant level. While Alternative D would retain most of the office building's character-defining features, it would demolish elements of the historic landscape on the northern and western areas of the site as well as portions of the brick perimeter wall and integrated planters along California and Laurel Streets. Prominent views of the site from east on Pine Street and from the south on Masonic and Presidio avenues would be preserved, but the



view through the project site from Laurel Street would be altered with new development. Therefore, Alternative D would, on balance, materially alter the physical characteristics of the project site that convey its historic and architectural significance and is considered a partial preservation alternative.

Similar to Alternative D, the Community Variant 2 would not reduce the project or project variant's historic resources impacts to a less-than-significant level for several reasons. Like Alternative D, the Community Variant 2 would minimally alter the existing office building, but it would result in loss of elements of the historic landscape on the project site that convey its historic and architectural significance and that justify its inclusion in the California Register. In addition, similar to Alternative D, the Community Variant 2 would alter one prominent view of the project site from the west on Laurel Street, while maintaining two other views, from the east on Pine Street and from the south on Masonic Avenue. Given the physical similarities between Alternative D and the Community Variant 2, the impacts to historic architectural resources from the Community Variant 2 would be the same and as stated in the EIR on p. 6.115. The historic resource impact, although reduced, would remain significant and unavoidable.

Further, the Community Variant 2 would not achieve some of the key project objectives. First, due to the size and location of the uses presented in the Community Variant 2, the alternative would not satisfy the primary objectives of the proposed project or project variant to create a "high quality, walkable, mixed-use community within the project site that connects with and complements the existing neighborhood commercial uses." Alternative D would partially meet this objective by redeveloping the project site to a lesser degree than the proposed project. Similarly, Community Variant 2 would contain only a very small amount of non-residential uses, and those uses would be "hidden" within the main building and not be visible from the nearby streets. In addition, the Community Variant 2 would only partially meet the objective of opening and connecting the site to the surrounding community by extending the neighborhood urban pattern, because it would not provide a north-south connection similar to Walnut Walk as proposed under the proposed project, which is a fully open connection. With only a 15-foot-tall and 20-foot-wide opening at level one (15 feet high), the Community Variant 2 would continue to create a visual barrier in the north-south direction. Alternative D would partially meet this objective because it would provide only Mayfair Walk and not Walnut Walk, which is an open, north-south connection on the project site. Finally, unlike the proposed project, the Community Variant 2 would not help turn Masonic Avenue into a neighborhood street, as opposed to an arterial street, because the Community Variant 2 would not construct the Masonic building which would contribute to the creation of neighborhood-friendly space by providing stoops for residential units along its building frontage.

Thus, the Community Variant 2 is not considerably different from Alternative D included in the EIR and would not eliminate the significant and unavoidable historic resource impact.

**3. In Letter 1, item 3, LHIA states the EIR is inadequate because it does not include an alternative with 744 units.**

As discussed on pages 5.H.54 through 5.H.67 of the Responses to Comments document, the department has determined that the LHIA's Community Full Preservation Alternative Variant (referred to as the LHIA Variant in the EIR) submitted on January 8, 2019 is not required to be included as an alternative in the EIR for several reasons. First, the LHIA Variant is considerably similar to Alternative C in the EIR in that the LHIA Variant would avoid the proposed project's significant impacts on the historic architectural character of the existing office building and loss of prominent primary views of character-defining features of the site from Presidio Avenue, Masonic Avenue, and Pine Street that would occur with the proposed project. Second, the LHIA Variant would not attain several of the objectives of the proposed project, including that the project proposes to create a mixed-use development that encourages walkability and convenience by providing a substantial mix of uses. Finally, licensed architects at the department of public works, bureau of architecture, determined that the LHIA Variant could not be constructed as described in the LHIA's January 8, 2019 letter. The public works' analysis concluded that the LHIA Variant could provide only up to approximately 576 residential units, and 323 parking spaces without additional excavation. In addition, the LHIA Variant would not be able to meet the unit mix requirements in the Planning Code section 207.7. Therefore, the department determined that the LHIA Variant is considerably similar to Alternative C. In addition, the public works review and analysis further support not including the alternative as an EIR alternative, although it is discussed in the RTC.

With Letter 2, the LHIA has supplemented and clarified information regarding the LHIA Variant. This information does not alter the overall conclusion the department reached as discussed in more detail in item 4 below.

As discussed in items 1 and 2 above, even if it were possible for the Lookalike Variant and Community Variant 2 to include 744 residential units, neither one of these alternatives would reduce the project's significant historic resource impacts to a less-than-significant level. This is because these alternatives would alter the existing on-site structure and landscape in a manner that would impair the property's ability to convey its historic significance as a Mid-Century Modern corporate campus, similar to Alternatives D and E.

CEQA does not require that an EIR analyze an alternative that would provide exactly the same number of units as the project, and does not require that an EIR analyze every conceivable alternative. The EIR analyzed six alternatives including the No Project alternative. The alternatives studied in the EIR were developed to reduce or avoid significant and unavoidable impacts of the project, particularly the project's historic resource impact, while achieving most of the basic project objectives. Thus, the EIR includes a reasonable range of alternatives, is adequate, and is not required to analyze an alternative that would provide 744 residential units under CEQA.

## San Francisco Public Works Analysis

4. In Letter 2, LHIA clarifies, supplements, and modifies its discussion of the LHIA Alternative and its variant submitted January 8, 2019. However, the supplemental information does not alter the department's determination that these community-proposed alternatives are considerably similar to Alternative C in the EIR. In addition, Public Works' analysis finds these alternatives are not physically feasible.

As discussed in Response AL-2 on Responses to Comments (RTC) pages 5.H.54 to 5.H.69, the department reviewed and considered the LHIA Alternative and its variant. Most attachments to supplemental Letter 2 consist of information previously submitted by LHIA and already considered and analyzed by San Francisco Public Works as part of the RTC analysis. New information provided in the August 28, 2019 letters includes Exhibit F to Letter 1, Preservation Alternative – Feasibility Evaluation prepared by TreanorHL and dated August 20, 2019 and Exhibit 4 to Letter 2, Calculation of Residential Square Footage. Public Works has preliminarily reviewed the supplemental information and determined that it does not alter the prior conclusion summarized in Response AL-2 in the RTC. In addition, Public Works offers the following comments.<sup>2</sup>

- a) The passageway proposed to be constructed through the existing main building may require stairs and an elevator due to an existing two-story grade difference from the north side of the building to the terrace. If this passageway were located further east, then the one-story grade difference would still require stairs and an elevator.
- b) The Feasibility Evaluation (Exhibit F to Letter 1) shows that the existing main building includes 362,300 gross square feet and 253,610 net square feet at 70-percent efficiency. As discussed in the August 15, 2019 Public Works letter, the existing office building includes 458,259 gross square feet. After subtracting areas for parking, the auditorium, childcare, café and elevator shafts, there is 271,154 usable square feet for residential use, which is the amount that the efficiency percentage should have applied to and not 362,300. Rather than using an efficiency factor, Public Works analyzed the CAD<sup>3</sup> files for more accurate estimates and subtracted 91,090 square feet for corridors and all areas more than 50 feet from windows, resulting in 180,064 square feet for residential units based on analysis of the CAD files for the building. At 798 square foot average unit size per community alternative, there would be 226 units.
- c) In calculating the unit breakdown in the existing main building, TreanorHL appears to have used only square footage available in the building without accounting for unit

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<sup>2</sup> San Francisco Public Works, *Email from Vito Vanoni, AIA, Senior Architect & Technical Manager, to Kei Zushi, San Francisco Planning Department*, Comments on TreanorHL's August 20, 2019 Preservation Alternatives - Feasibility Evaluation, September 4, 2019.

<sup>3</sup> CAD stands for computer-aided design and refers to software used in art and architecture and engineering and manufacturing to assist in precision drawing.

configuration. The depth of the building is an important factor in the analysis that TreanorHL did not appear to consider. Due to the 144-foot depth of the main portion of the building, an overwhelming majority of units would be too narrow for 1-bedroom, 2-bedroom or 3-bedroom units; most units would be studios or junior 1-bedrooms.

- d) Adding two lightwells at all floors in the existing main building may not be feasible due to conflicts with existing structural shear elements. The western light court proposed by LHIA in the main building may not be possible because the area appears to have shear walls at all four sides on all floor levels. The eastern light court proposed in the main building may be possible only at top two floors because there appear to be structural shear elements on all four sides at the lower levels.
- e) Richard Frisbie states in Exhibit O to Letter 1 that two adjacent flats in the California Front and Back buildings would share one elevator, one mechanical shaft, and one common stairway. The 6 California Back buildings less than 55 feet deep would still have efficiencies less than 50% which may not be feasible. In addition, there would still be 14 elevators and 14 stairs extending into parking which reduces the efficiency of the single-story parking.
- f) In calculating the number of residential units that can be provided in the California Front and Back buildings, TreanorHL uses 85-percent efficiency. The 85-percent efficiency is unrealistic because it may account for horizontal circulation but it would not account for the thickness of exterior walls, stairways, elevators, elevator control rooms, mechanical shafts, corridors, trash rooms, and ground floor entry lobbies, which under industry standards should not be included in calculating the usable residential space.

The clarification and supplemental information provided in the August 28, 2019 letters regarding the number of elevators and stairs in the California Front and Back buildings in the LHIA Alternative would increase the available space for residential units and for parking spaces in the underground garage, but not such that the number of units or parking spaces provided would vary substantially from the Public Works' conclusion in its August 15, 2019 letter. Public Works found that the largest shortfall in LHIA Alternative's estimated number of units would be within the existing main building due primarily to portions of the first and second floor being below grade and thus unable to accommodate residential units. With respect to LHIA's assertions regarding efficiency metrics used, Public Works' use of 70- to 74-percent efficiency is based on industry standards, and the sources of the expertise cited in Exhibit O to Letter 1 are unclear. For these reasons, the Public Works' analysis constitutes substantial evidence to support a conclusion that the LHIA Alternative and its variant are not physically feasible, and the August 28, 2019 commenter letters do not change this conclusion.<sup>4</sup>

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<sup>4</sup> San Francisco Public Works, *Email from Vito Vanoni, AIA, Senior Architect & Technical Manager, to Kei Zushi, San Francisco Planning Department, Comments on TreanorHL's August 20, 2019 Preservation Alternatives - Feasibility Evaluation, September 4, 2019.*

## Transportation, Air Quality, and Noise

5. Letter 1, item 2: The EIR adequately analyzes the physical environmental effects of the proposed project including transportation, air quality, and noise impacts associated with flexible retail use under CEQA. The EIR analysis covers the zoning provisions in the Special Use District (SUD), including the allowable flexible retail and social service or philanthropic facility uses.

### Transportation

The EIR assesses the impacts from a range of uses. The commenter does not provide any evidence that flexible retail and social service or philanthropic facilities uses would likely result in an increase in vehicle trips than the proposed uses described in the EIR.

When discussing retail uses for projects generally, including the proposed project, at the time environmental review begins the project sponsor typically does not know all future retail tenants who would occupy the proposed buildings. Therefore, the department provides different trip generation rates for different types of retail to capture the potential impacts of projects. This approach yields conservative (more impactful) trip generation rates. The rates are based on empirical data collection.

The draft EIR analyzed 54,117 square feet of retail for the proposed project, consisting of three different types: retail, sit-down restaurant, and composite restaurant. Table 1 shows the size of retail and associated rates and person trips used in the draft EIR.

**Table 1**

<b>Retail Type</b>	<b>Size (square feet)</b>	<b>Person Trip Generation Rate per 1,000 square feet</b>	<b>Total Person Trips</b>
Retail	40,004	150	6,000
Sit-down restaurant	4,287	200	857
Composite restaurant	9,826	600	5,896
<b>TOTAL</b>	<b>54,117</b>	<b>n/a</b>	<b>12,753</b>

Source: Draft EIR, Appendix D, Travel Demand Memorandum, Tables 4 and 5

The rates are per 1,000 square feet of space. They are not calculated based on the number of businesses within the space as suggested by the commenter. As a space becomes larger, it can accommodate more employees and visitors. Therefore, a 1,000-square-foot space with one business would be estimated to have the same number of person trips as a 1,000-square-foot space with two businesses, like in a flexible retail use setting.

Second, no substantial evidence exists that a social service or philanthropic community use would generate more trips per square feet than the retail types listed in the EIR. The planning code

defines this type of use as an “Institutional Community Use providing assistance of a charitable or public service nature, and not of a profit-making or commercial nature.” The planning code defines an Institutional Community Use as a “subcategory of Institutional Uses that includes Child Care Facility, Community Facility, Private Community Facility, Job Training, Philanthropic Administrative Services, Religious Institution, Social Service or Philanthropic Facility, and Public Facility.” Table 2 lists the person trip generation rates that the department used in environmental review documents for types of uses within this category. All rates are well below the lowest retail person trip generation rates shown in Table 1.

**Table 2**

<b>Retail Type</b>	<b>Person Trip Generation Rate per 1,000 square feet</b>	<b>Source</b>
Child Care Facility	67	3333 California Draft EIR, Appendix D, Travel Demand Memorandum, Table 4 for Daycare Center
Community Facility	23	Potrero Hope SF EIR, Appendix 4.7A, Table 3-1 <sup>5</sup>
Religious Institution	34	950 Gough Street TIS, Table 10 <sup>6</sup>

Lastly, the project sponsor seeks approval for approximately 35,000 square feet or approximately 19,000 square feet less than that studied in the draft EIR. Thus, even if flexible retail and social service or philanthropic community uses would have a higher trip generation *rate* than the retail types listed in the EIR, which is speculative, the total person trips generated from these retail types would not be higher than the person trip amounts studied in the EIR.<sup>7</sup>

All other transportation-related comments are summaries of prior comments and are addressed in the Responses to Comments document.

### **Noise and Air Quality**

The estimated trip generation informs the analysis of a project’s operational air quality and noise impacts. As discussed above, the transportation impact analysis for the proposed project used appropriate transportation generation rates. Thus, the EIR adequately analyzes the project’s operational impacts with respect to noise and air quality.

<sup>5</sup> CDM Smith, Potrero HOPE Transportation Study, Draft #4, Case No. 2010.0515!, October 11, 2012, <http://sfmea.sfplanning.org/Potrero%20Hill%20FEIR%20-%20Appendix%204.7.pdf>, accessed September 4, 2019.

<sup>6</sup> CHS Consulting Group, Transportation Impact Study – Final Report for 950 Gough Street Project, Prepared for City and County of San Francisco Planning Department, Case No. 2012.0506!, April 25, 2014.

<sup>7</sup> The remaining 35,000 square feet of retail would need an average generation rate of approximately 364 person trips per 1,000 square feet to exceed the total number of retail person trips studied in the EIR. This is over 2 times the general retail rate. 35,000 square feet/12,753 person trips = 364 person trips per 1,000 square feet.

## Other CEQA Issues

- 6. Letter 1, item 5: The comment states the EIR failed to describe the project's inconsistency with San Francisco General Plan as to preservation of historical resources and neighborhood character.**

An EIR is required to discuss inconsistencies between the project and applicable general plan, specific plan, and regional plans. The project or variant's potential inconsistencies are described in Chapter 3 of the EIR, starting on page 3.1.

- 7. Letter 1, item 6: The Planning Department correctly applied the Secretary of the Interior's Standards to the project under CEQA.**

The comment states that the department failed to appropriately apply Planning Department's Bulletin No. 21 and the Secretary of the Interior's Standards to the project during project design. The comment is incorrect. The department determined the project site is a historic resource and conducted CEQA as required given the historic resource determination. Department preservation staff directed that an analysis of project impacts to historic resources should be evaluated, determined that there would be a significant unavoidable impact, and oversaw development and analysis of full and partial preservation alternatives which were fully disclosed in the EIR.

- 8. Letter 1, item 9: The EIR adequately analyzes the project's impacts with respect to greenhouse gas emissions under CEQA.**

The EIR adequately analyzes the project's impacts with respect to greenhouse gas emissions under CEQA as provided in the initial study attached as Exhibit B to the EIR. The City's use of a qualitative threshold for greenhouse gas analysis for CEQA is supported by substantial evidence and was upheld *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 150. Certification of a project as an Environmental Leadership Development Project (or an AB 900 project) pursuant to Chapter 6.5 of CEQA requires that the project not result in net new greenhouse gas emissions. The state has determined that this requirement will be met for this project.<sup>8</sup> The greenhouse gas emissions analysis pursuant to AB 900 certification is a separate analysis from that conducted for CEQA. The comments in the August 28, 2019 letter do not raise different issues from those addressed in Responses GHG-1 Methodology, GHG-2 Accuracy of GHG Calculations, or GHG-3 General GHG Concerns on pages 5.J.7 to 5.J.43.

- 9. Letter 1, item 10: The EIR accurately analyzes the project's and project variant's inconsistencies with current zoning controls.**

The EIR analyzes the physical environmental effects of the project and/or its variant. To the extent that the project or variant is inconsistent with current zoning controls, those inconsistencies are

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<sup>8</sup> On January 30, 2019, the California Air Resources Board (CARB) issued Executive Order G-18-101 determining that the proposed project or project variant would not result in any net additional GHGs with payment of offsets for purposes of certification under AB 900.

identified in Chapter 3 of the EIR, and public comments received on that chapter are address in the RTC on pages 5.C.1 to 5.C.27.

### **Other Issues**

The EIR analyzes the physical environmental effects of the project and/or its variant in compliance with CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code. The construction phasing and duration were accounted for in background technical reports prepared for the environmental review of this project.

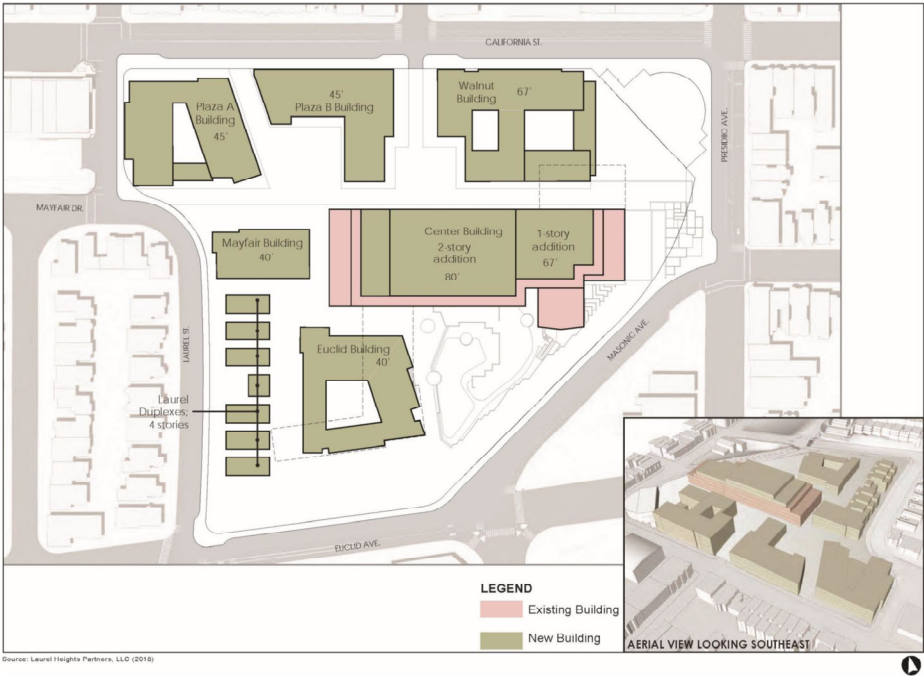
### **Conclusion**

As stated above under CEQA Guidelines section 15207, the department need not respond to late comments on an EIR. Nevertheless, the department responded to the comments submitted one week ago. Based on the above information, the letters submitted by LHIA on August 28, 2019 do not raise any issues that have not been analyzed in the Final EIR, nor would they require consideration of additional alternatives to the project.



Exhibit A: Comparison of Alternative E and LHIA Lookalike Variant

Alternative E: Partial Preservation – Residential Alternative



3333 CALIFORNIA STREET MIXED-USE PROJECT  
2015-014026ENV

FIGURE 6.11: ALTERNATIVE E: PARTIAL PRESERVATION -  
RESIDENTIAL ALTERNATIVE SITE PLAN

LHIA Lookalike Variant

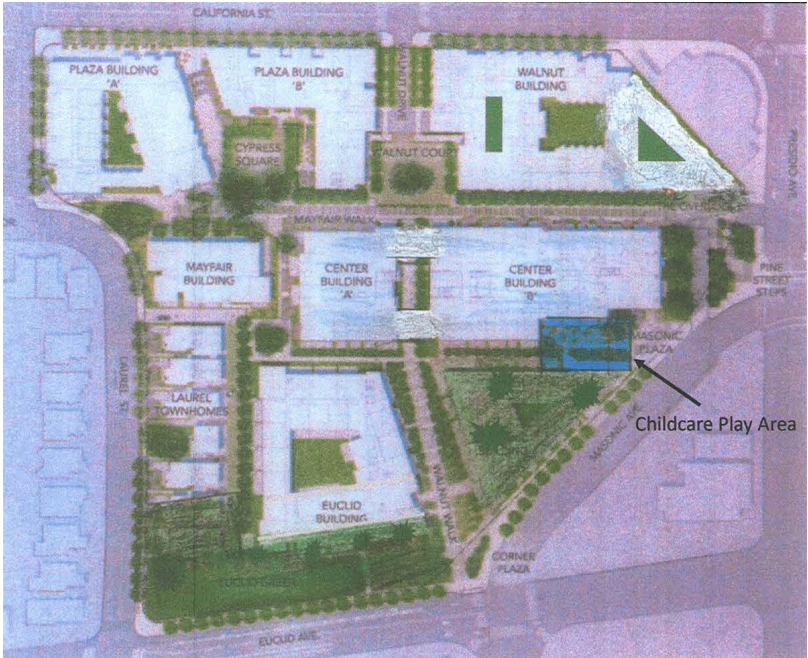
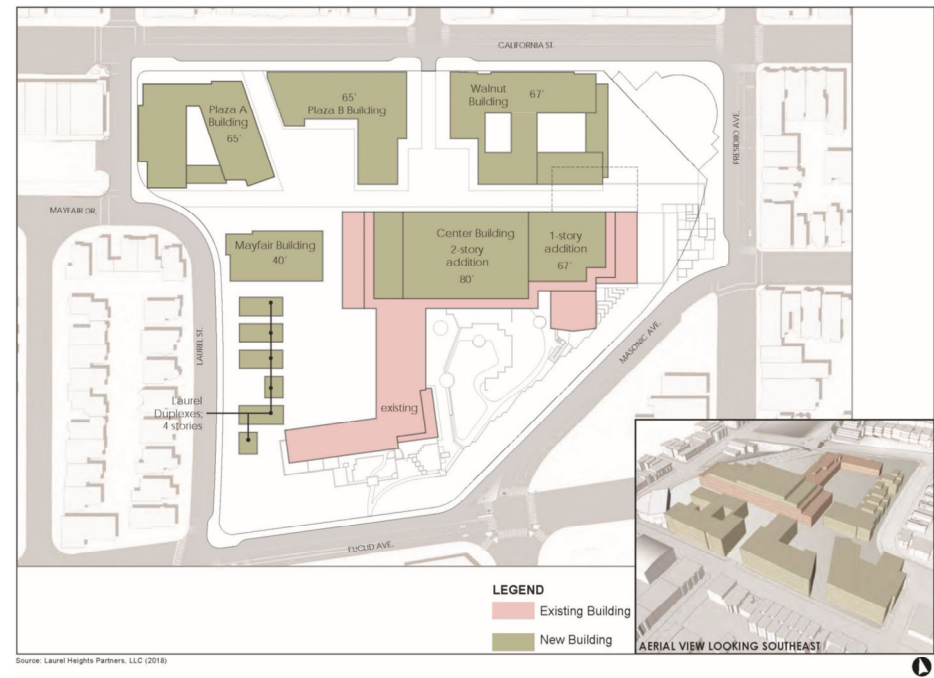


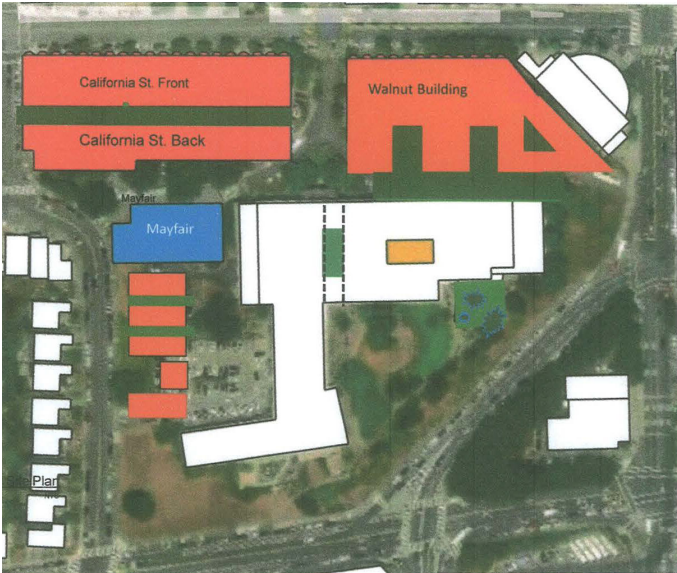
Exhibit B: Comparison of Alternative D and LHIA Variant 2

Alternative D: Partial Preservation – Office Alternative



3333 CALIFORNIA STREET MIXED-USE PROJECT  
2015-014028ENV  
FIGURE 6.8: ALTERNATIVE D: PARTIAL PRESERVATION - OFFICE ALTERNATIVE SITE PLAN

LHIA Variant 2



## **Attachment B**

### **Shadow Analysis Excerpt from 2015-014028ENV Initial Study for 3333 California Street Mixed Use Project**

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conditions on the proposed Euclid Green would not be substantially affected by the proposed development.

**Impact C-WS-1: The proposed project or project variant, in combination with past, present, and reasonably foreseeable future projects in the project site vicinity, would not result in a cumulatively considerable contribution to cumulative wind impacts. (*Less than Significant*)**

As discussed above under Impact WS-1, wind impacts of the proposed project or project variant are not expected to exceed the city's wind hazard criterion at any location. Wind from past, present, and reasonably foreseeable future projects within the project vicinity (see Section B, Project Setting, and Figure 36, pp. 94-99) has no potential to combine with wind impacts of the proposed project or project variant to result in a significant cumulative wind impact on public areas due to these projects' scale, distance from the project site, and/or the nature of the foreseeable project (e.g., transportation improvement projects that would have no impact related to wind under CEQA). Accordingly, no significant cumulative wind impact is anticipated to which the proposed project or project variant, and the other identified cumulative projects in the vicinity could contribute. No mitigation is necessary. This topic will not be discussed in the EIR.

**Impact WS-2: The proposed project or project variant would not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. (*Less than Significant*)**

This subsection discusses the shadow impacts of the proposed project and project variant on outdoor recreation facilities and other public areas in the vicinity of the project site.

### **Approach to Analysis**

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 recreation facilities or other public areas. The analysis of shadow impacts takes into account usage of the open space; time of day and year of project shadow; physical layout and facilities affected; the intensity, size, shape, and location of the shadow; and the proportion of open space affected.

To evaluate the impact of the proposed project or project variant on outdoor public areas, a shadow modeling study was completed using a 3D computer model of the proposed project and project variant, existing and proposed parks, and the existing urban environment to simulate levels of shading from one hour after sunrise through one hour before sunset on four representative times of year: the winter solstice (when sun is the lowest in the sky and shadows are the longest at any given time of day), the spring/fall equinox (shadow on spring equinox behaves identically to that on the

fall equinox), and the summer solstice (the longest day of the year, when the sun is highest in the sky and shadows are the shortest at any given time of day).<sup>132</sup>

For the layout of the proposed new and adaptively reused buildings, see Figure 3 (proposed project) and Figure 32 (project variant), pp. 5 and 83. For elevations and views of the proposed new development see Figures 4 through 21 on pp. 18-20, 25-31, 34, 37, 38, 40, 43, 45, 47, and 49 for the proposed project and Figure 33, p. 84, for the project variant (Walnut Building only).

Shadow from the proposed project would be ephemeral over the course of a day<sup>133</sup> and year<sup>134</sup> and would generally move from west to east in a clockwise sweep radiating from the project site. Figure 37: Extent of Net New Project Shadow Throughout the Day and Year illustrates areas that would be shaded at some point during the day over the course of the year. White unbuilt open areas, such as backyards, on this figure represent areas that would not be shaded by the proposed project at any time during the day (one hour after sunrise and one hour before sunset) due to shadow from existing structures, or represent areas that are outside of the maximum reach of project shadow. The darker areas on the figure would be frequently shaded by the proposed project while lighter areas would be less frequently shaded, and the lightest areas would be occasionally shaded.

### **Recreation and Park Department Properties**

Planning Code section 295 generally prohibits new structures over 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space.

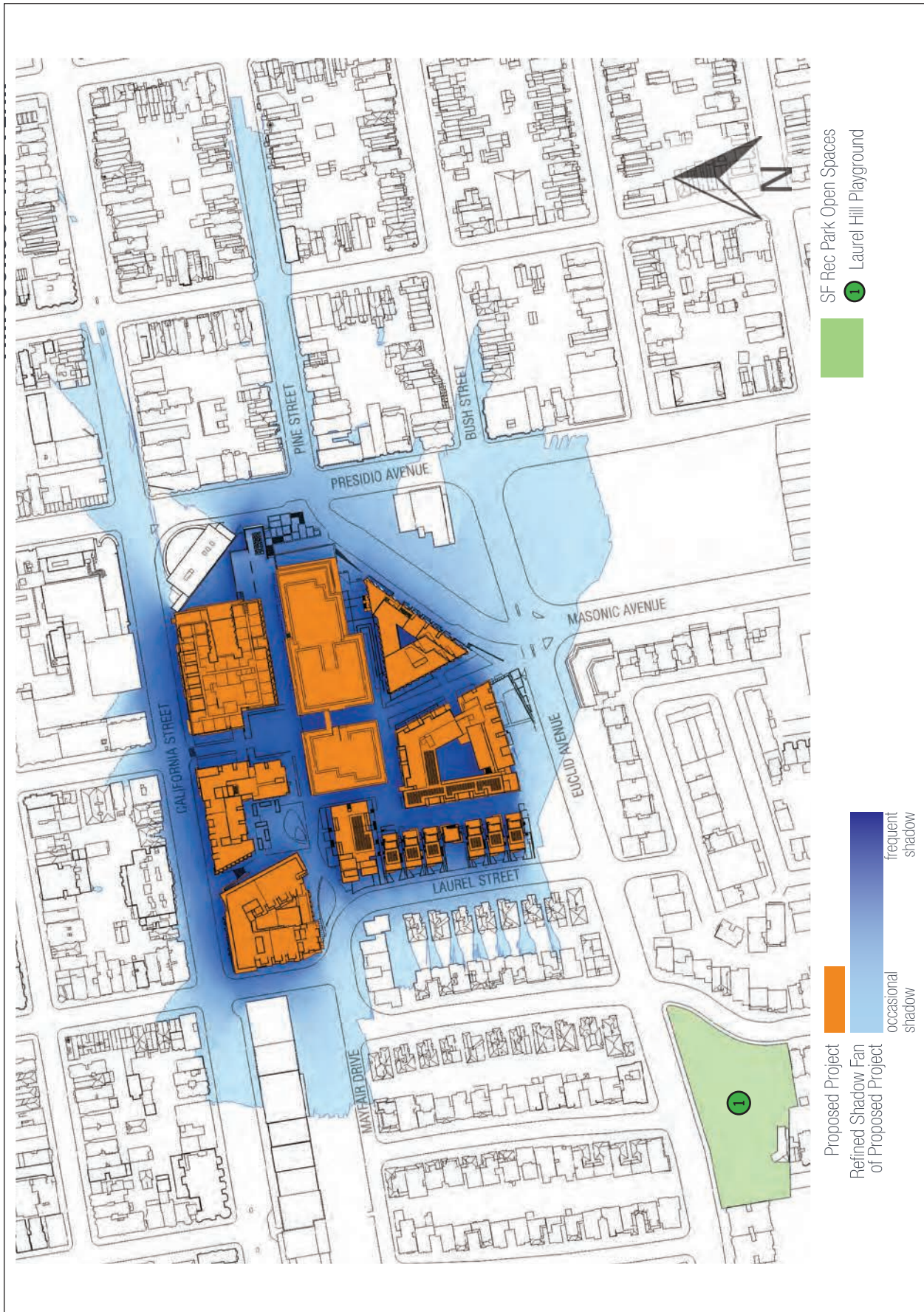
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<sup>132</sup> PreVision Design, Shadow Analysis Report for the Proposed 3333 California Street Mixed-Use Project Per SF Planning Code Section 295 and CEQA Standard, November 3, 2017.

<sup>133</sup> Throughout a day, shadows of objects on the surface of the earth move in the opposite direction from the position of the sun in the sky (relative to the earth). Shadows are longest at sunrise and sunset when the sun is lowest in the sky and shortest at midday when the sun is highest in the sky. At sunrise, when the sun is in the eastern sky, shadows point westward. As the morning progresses, shadows sweep eastward while growing shorter as the sun appears to travel westward while rising in the sky. At midday shadows point northward and are at their shortest. From midday, shadow continues to sweep eastward while growing longer through the afternoon and into the early evening until sunset.

<sup>134</sup> Project shadow to the northwest of the project site represents shadow in the morning around the winter solstice. Project shadow to the north of the project site represents shadow around midday with the longest shadow around the winter solstice, and the shortest shadow around the summer solstice. Project shadow to the northeast of the project site represents project shadow in the late afternoon around the winter solstice. Project shadow to the west and east of the project site represent project shadow in the morning and early evening, respectively, at the spring and summer equinoxes. Project shadow to the southwest of the project site represent shadow in the early morning around the summer solstice.





Source: Prevision Design (2017)

### 3333 CALIFORNIA STREET MIXED-USE PROJECT

2015-014028ENV

**FIGURE 37: EXTENT OF NET NEW PROJECT SHADOW THROUGHOUT THE DAY AND YEAR**

Laurel Hill Playground is the nearest San Francisco Recreation and Park Commission property to the project site. It is a 1.42-acre (61,768-square-foot) urban park, located about 370 feet to the southwest of the project site along the south side of Euclid Avenue. The proposed project or project variant would not create any new shadow on this park at any time throughout the year. There are no other San Francisco Recreation and Park Commission properties that are within, or near, the potential reach of shadow under the proposed project or project variant. For these reasons, the proposed project or project variant would have a less-than-significant shadow impact on San Francisco Recreation and Park Commission property, and no mitigation measures are necessary.

In addition, there are no other public parks or open spaces owned by other city agencies that are within, or near, the potential reach of shadow under the proposed project or project variant. Thus, the proposed project or project variant would have a less-than-significant shadow impact on public parks or open spaces, and no mitigation measures are necessary.

### **Nearby Streets and Sidewalks**

The proposed project or project variant would create new shadow on nearby streets and sidewalks at times of day and year when these areas would not already be shaded by existing buildings in the area.

Around the winter solstice, during the early- and mid-morning hours the proposed project or project variant would shade Laurel Street to the west of the project site. During the early morning through late afternoon, the proposed project or project variant would shade California Street north of the project site. During the mid-afternoon until one hour before sunset, the proposed project or project variant would shade Presidio Avenue, Pine Street, and Euclid Avenue east of the project site.

Around the spring and fall equinoxes, during the early-morning hours the proposed project or project variant would shade Laurel Street to the west of the project site and California Street north of the project site. By mid-morning through midday, project shadow would retreat to the east sidewalk of Laurel Street and the southern side of California Street. By late afternoon, shadow would retreat to the south sidewalk of California Street and would shade Presidio Avenue, Pine Street, and Euclid Avenue to the east of the project site until one hour before sunset.

Around the summer solstice, during the early-morning hours, the proposed project or project variant would shade Laurel Street to the west of the project site and the south sidewalk of California Street north of the project site. By mid-morning through midday, project shadow would retreat to the east sidewalk of Laurel Street and would continue to shade the south sidewalk of California Street until late afternoon. By late afternoon project shadow would begin to shade Euclid Avenue, Pine Street, and Presidio Avenue east of the project site, advancing further eastward and southward until one hour before sunset. Under the project variant, the impact of shadow on nearby streets and sidewalks would be similar to that described for the proposed project except that, due to the increased height of the Walnut Building under the project variant, the potential reach of Walnut Building shadow

would be proportionately greater than that of the proposed project (67 feet tall, or 22 feet taller than the 45-foot-tall Walnut Building under the proposed project). At any time during the day or year, the potential reach of the Walnut Building's shadow under the project variant would be about 50 percent longer than that of the Walnut Building under the proposed project.

Shadow from the proposed project or project variant on nearby sidewalks would be transitory in nature. Overall, the proposed project or project variant would not increase the amount of shadow on the sidewalks above levels that are common and generally expected in developed urban environments. For these reasons, the proposed project or project variant would have a less-than-significant shadow impact on the use of streets and sidewalks in the project vicinity, and no mitigation measures are necessary.

## **Conclusion**

As discussed above, the proposed project or project variant would not create new shadow that substantially affects existing outdoor recreation facilities or other public areas. This impact would be less than significant, and no mitigation is necessary. This topic will not be discussed in the EIR.

Impacts of the proposed project's or project variant's shadow on existing open space currently open to the public, on proposed new common open space within the project site that would be open to the public, and on privately owned, privately accessible open spaces are discussed below for informational purposes.

## **Existing Open Space Currently Open to the Public**

At the perimeter of the project site there are two existing open green spaces to which UCSF currently grants public access. One is at the corner of Euclid Avenue and Laurel Street (proposed Euclid Green), extending eastward along Euclid Avenue. The other is located just north of the Masonic Avenue, Presidio Avenue, and Pine Street intersection (proposed Presidio Overlook and Pine Street Steps and Plaza). As stated above, these spaces are not formally designated parks or open spaces although they are used informally as open space by the neighborhood. As open spaces within the proposed project or project variant, they are not considered environmental resources that are part of the existing environment for the purposes of CEQA. As such, no shadow analysis is required for the purpose of CEQA, but a description of how conditions within these spaces would change with the proposed project or project variant is provided for informational purposes. Decision-makers may consider the usability and comfort of these spaces independent of the environmental review process under CEQA, as part of the decision to approve, modify, or disapprove the proposed project or project variant.

Under the proposed project and project variant, the proposed Euclid Green would be developed as common open space that would be open to the public. Due to the location of this open space at the southern perimeter of the project site and south of the existing and proposed buildings, shadow on



this area under the proposed project or project variant would be similar to that of the existing open space at this location. The space would remain sunny, or mostly sunny, for most of the day throughout the year. Around the summer solstice (June 21) the proposed project or project variant would cast shadows on this open space in the early morning between 6:45 a.m. and 7 a.m. and again in the late afternoon beginning at about 5 p.m. Around the winter solstice (December 20) there would be no shadow from the proposed project or project variant but the hillside and existing residential building across Euclid Avenue shade this open space in the morning until about 11 a.m. and again in the afternoon beginning at about 3 p.m. Around the fall equinox (September 20) there would be no shadow from the proposed project or project variant but the existing residential buildings across Laurel Street would shade this open space in the early evening beginning at about 6 p.m.

The other existing open green space within the project site to which UCSF currently grants public access is just north of the Masonic Avenue, Presidio Avenue, and Pine Street intersection. Under the proposed project and project variant, this area would be reconfigured to become the publicly accessible Presidio Overlook and Pine Street Steps and Plaza. Due to the location of this open space at the eastern perimeter of the project site east of the existing and proposed buildings, shadow on this area under the proposed project or project variant would be similar overall to that of the existing open space at this location. It would remain sunny from mid-morning through mid-afternoon throughout the year.

### **Proposed Common Open Space within the Project Site**

The proposed project or project variant includes construction of a network of proposed new common open spaces, walkways, and plazas within the project site in areas that are not now accessible the public, but would be with implementation of the proposed project or project variant. These proposed areas would be shaded mostly by proposed new buildings for much of the day and year. As open spaces that would be newly developed as part of the proposed project or project variant, they are not considered environmental resources that are part of the existing environment for the purposes of CEQA. Shadow on these spaces would not interfere with any existing recreational use or with any pre-existing expectations for sunlight on these future spaces. No discussion of the proposed project's or project variant's shadow impacts on its proposed common open spaces to be developed as part of the proposed project and project variant and to be available for public use is required under CEQA. However, the decision-makers may consider the usability and comfort of these spaces independent of the environmental review process under CEQA, as part of the decision to approve, modify, or disapprove the proposed project or project variant.

### **Privately Owned, Privately Accessible Open Spaces**

Privately owned, privately accessible open spaces include back yards, courtyards, balconies, and roof decks of nearby buildings. A project would be considered to have a significant impact related to the topic of shadow if the project were to "create new shadow in a manner that substantially

affects outdoor recreation facilities or other *public* areas” (emphasis added). Privately owned, privately accessible open spaces are not considered public areas. Shadow on private open spaces and private property, in general, is a common and expected occurrence in a densely populated city such as San Francisco. The proposed project’s or project variant’s shadow on private open spaces is not considered a significant effect on the environment for the purposes of CEQA. However, the decision-makers may consider special concerns related to shadow, independent of the environmental review process under CEQA, as part of the decision to approve, modify, or disapprove the proposed project or project variant.

The Jewish Community Center of San Francisco (JCCSF) expressed concern about the potential impact of project shadow on its roof deck and courtyard.<sup>135</sup> Based on model testing the proposed project and project variant would at no time cast any net new shadow on the JCCSF’s roof deck and courtyard.<sup>136</sup>

**Impact C-WS-2: The proposed project or project variant, in combination with past, present, and reasonably foreseeable future projects in the project site vicinity, would not result in a cumulatively considerable contribution to cumulative shadow impacts. (*Less than Significant*)**

As discussed above under Impact WS-2, shadow from the proposed project or project variant would not reach any offsite publicly accessible recreation facilities or open spaces (other than sidewalks). In addition, shadow from reasonably foreseeable cumulative projects within the project vicinity (see Section B, Project Setting, and Figure 36, pp. 94-99) has no potential to combine with shadow of the proposed project or project variant on offsite recreation facilities due to their distance from the project site and/or the nature of the foreseeable project (e.g., roadway work that would have no impact related to shadow on public open space or other public spaces under CEQA). Accordingly, no significant cumulative shadow impact would result from the cumulative scenario to which both the proposed project or project variant and the other identified cumulative project would contribute.

For these reasons, the proposed project or project variant, in combination with past, present, and reasonably foreseeable future projects in the project vicinity, would not result in a cumulative shadow impact, and no mitigation is necessary. This topic will not be discussed in the EIR.

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<sup>135</sup> Salgado, Craig, Chief Operating Officer, Jewish Community Center of San Francisco, letter to Julie Moore, San Francisco Planning Department, Response to Notice of Preparation for 3333 California Street Project, October 20, 2017, p. 2.

<sup>136</sup> Phillips, Adam, PreVision Design, email correspondence with Peter Alexander Mye, SWCA Environmental Consultants, November 2, 2017.

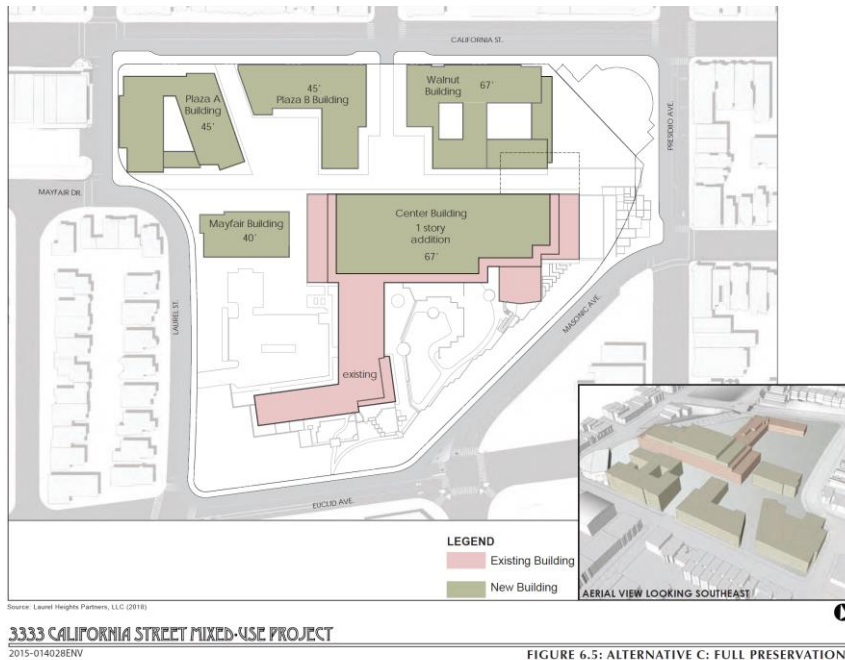
## **Attachment C**

### **Site Plan Comparison EIR Alternative C and LHIA Alternative and Variant**

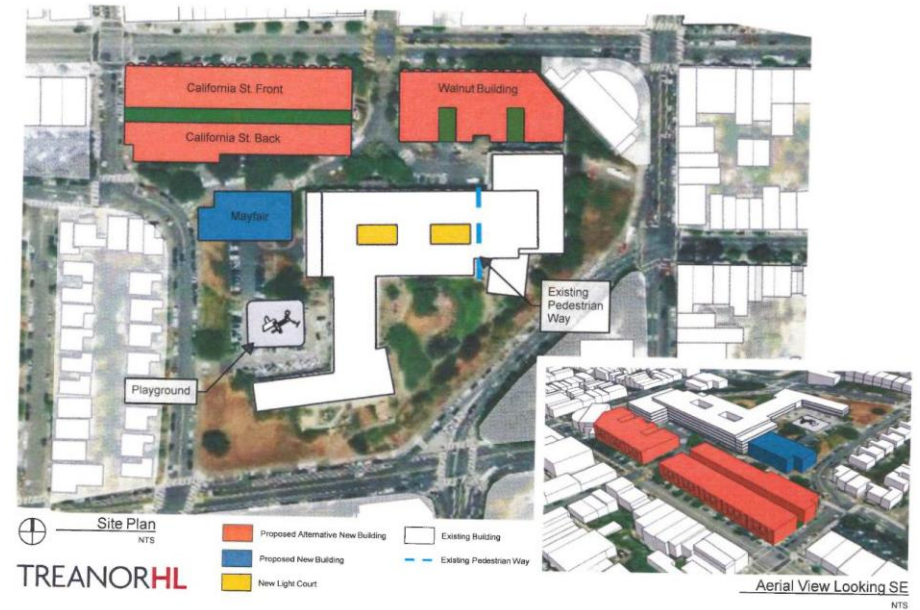
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## Attachment C: Site Plan Comparison, EIR Alternative C and LHIA Alternative and Variant

### Alternative C: Full Preservation – Residential Alternative



### LHIA Alternative and Variant\*



\*The LHIA Variant and LHIA Alternative have the same building footprints. Under the LHIA Variant, the height of the proposed Walnut Building is 67 feet (40 feet under the LHIA Alternative).

**From:** [BOS Legislation. \(BOS\)](#)  
**To:** [Kathy Devincenzi](#); [dbragg@pradogroup.com](#); [lcongdon@pradogroup.com](#); [Gershwin, Dan](#)  
**Cc:** [GIVNER, JON \(CAT\)](#); [STACY, KATE \(CAT\)](#); [JENSEN, KRISTEN \(CAT\)](#); [TOM, CHRISTOPHER \(CAT\)](#); [SHEN, ANDREW \(CAT\)](#); [MALAMUT, JOHN \(CAT\)](#); [Rahaim, John \(CPC\)](#); [Teague, Corey \(CPC\)](#); [Sanchez, Scott \(CPC\)](#); [Gibson, Lisa \(CPC\)](#); [Jain, Devyani \(CPC\)](#); [Navarrete, Joy \(CPC\)](#); [Lynch, Laura \(CPC\)](#); [Lewis, Don \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Sider, Dan \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Dwyer, Debra \(CPC\)](#); [Zushi, Kei \(CPC\)](#); [Foster, Nicholas \(CPC\)](#); [Rosenberg, Julie \(BOA\)](#); [Sullivan, Katy \(BOA\)](#); [Longaway, Alec \(BOA\)](#); [Nuru, Mohammed \(DPW\)](#); [Storrs, Bruce \(DPW\)](#); [Tse, Bernie \(DPW\)](#); [Rivera, Javier \(DPW\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [PEARSON, AUDREY \(CAT\)](#); [Pena, Iowayna \(ECN\)](#); [gxa@coblentzlaw.com](#); [BOS Legislation. \(BOS\)](#)  
**Subject:** APPEAL RESPONSE: Appeal of CEQA Certification of Final Environmental Impact Report - Proposed 3333 California Street Project - Appeal Hearing on November 5, 2019  
**Date:** Friday, November 1, 2019 1:50:34 PM  
**Attachments:** [image001.png](#)

---

Good afternoon,

The Office of the Clerk of the Board received the following appeal response from Daniel S. Gershwin of Coblentz Patch Duffy & Bass LLP, representing the project sponsor, regarding the appeal of the certification of the Final Environmental Impact Report under the California Environmental Quality Act for the proposed project at 3333 California Street.

[Project Sponsor Appeal Response - November 1, 2019](#)

**The hearing for this matter is scheduled for 3:00 p.m. special order before the Board on November 5, 2019.**

**NOTE:** This appeal response was received after compilation of, and is not included in, the hearing's Agenda Packet for the November 5, 2019, Board Meeting. The President may entertain a motion to continue the hearing to the Board of Supervisors' meeting of Tuesday, November 12, 2019, and this response will be included in that meeting's Agenda Packet.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 191035](#)

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

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**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be

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Coblentz  
Patch Duffy  
& Bass LLP

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2019 NOV -1 AM 11:18

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November 1, 2019

Board President Norman Yee and  
Members of the Board of Supervisors  
c/o Ms. Angela Calvillo, Clerk of the Board  
of Supervisors  
City and County of San Francisco  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

**Re: 3333 California Street Project- Laurel Heights Partners LLC Response to EIR  
Certification Appeal (File No. 191035)**

Dear Board President Yee and Members of the Board of Supervisors:

We respond on behalf of our client, Laurel Heights Partners LLC ("Project Sponsor"), to the appeal filed by the Laurel Heights Improvement Association ("LHIA") challenging the EIR certification for the 3333 California Street Project. The appeal is scheduled for consideration by the Board of Supervisors on November 5, 2019 (with a proposed continuance to November 12, 2019), along with appeals of the Conditional Use Authorization/Planned Unit Development and the Tentative Map.

The EIR Appeal fails to meet LHIA's evidentiary burden, is without merit, and should be denied. We respectfully request that the Board of Supervisors affirm the Planning Commission's EIR certification, approve the Planning Commission's decision to approve a Conditional Use Authorization and Planned Unit Development, and approve the Department of Public Works' decision to approve the Tentative Map. The remainder of this letter focuses on the EIR Appeal, and explains the bases for upholding and affirming the Planning Commission's EIR certification.

**I. The 3333 California Street Project Provides Critically Needed Residential Units and Substantial Community Benefits, and Is the Culmination of Five Years of Collaboration with the Community and the City.**

The Project Sponsor proposes to redevelop an underutilized 10.25-acre site with up to 744 residential units, including 185 on-site senior affordable housing units (and one manager's unit), approximately 34,500 square feet of neighborhood-serving retail/commercial uses located along California Street in alignment with the existing Laurel Village shopping center on California Street, a child care facility that could accommodate up to 175 children, and



Board President Norman Yee and Members of the Board of Supervisors  
November 1, 2019  
Page 2

approximately 5.3 acres of open or landscaped space, of which approximately 2.9 acres would be publicly accessible.

The Project will construct 13 new residential and mixed-use buildings, and will adaptively reuse the existing office building, dividing it into two separate buildings and converting it to residential use, and demolishing the remainder. The Project's open space is designed to include publicly accessible pathways running north-south and east-west, weaving the site back into the neighborhood's urban fabric and street grid, encouraging walkability, and conforming to key urban design principles. The Project will provide hundreds of new trees, while retaining certain existing trees. It will also provide substantial streetscape improvements, including corner bulb-outs, landscaping, and other pedestrian friendly improvements.

The Project is anticipated to generate up to 675 construction-related jobs, and upon completion, approximately 206 net new permanent jobs to support Project operations. It will add approximately \$10 million annually in property taxes, and will provide substantial community benefits and pay significant development impact fees, as described in more detail in Section III below.

Over the past five years, the Project Sponsor has worked closely with the City and the community to refine and improve the Project, participating in more than 170 meetings with individual neighbors and other stakeholders and community groups. Many key features of the Project are directly responsive to feedback received from the community and the City. Two key examples are (1) the creation of 744 residential units with 25 percent affordable senior housing units, made possible by a reduction of the originally proposed commercial square footage, and (2) modified plans for the existing office building to allow new, open air north-south and east-west connections to incorporate the Project into the existing street grid.

Simply put, this Project will thoughtfully provide 744 critically necessary residential units in a new, mixed-use community that can be integrated into the existing neighborhood, with substantial community benefits and increases in property tax revenue to fund City programs. Opposition from LHIA cannot be permitted to further delay this important and timely Project, which was the subject of careful, rigorous, and comprehensive environmental review.

## **II. The Recycled Arguments in the EIR Appeal Are Without Merit, Fail to Meet LHIA's Substantial Evidence Burden, and Should Be Rejected.**

LHIA's EIR appeal largely recycles and rehashes arguments made in its comments on the Draft EIR, letters to the Planning Commission submitted prior to the certification of the EIR, and a letter submitted at the Planning Commission certification hearing. LHIA raises 18 separate arguments, all of which are without merit and fail to meet LHIA's burden to provide substantial evidence demonstrating that the EIR fails to comply with CEQA's requirements.



Board President Norman Yee and Members of the Board of Supervisors  
November 1, 2019  
Page 3

"Substantial evidence" is defined by CEQA to include "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact."<sup>1</sup> It does not include "argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment."<sup>2</sup>

LHIA has not and cannot provide the substantial evidence necessary to support its contention that the Board of Supervisors should overturn the EIR certification. Its arguments mischaracterize applicable CEQA law and fail to provide sufficient facts, reasonable assumptions predicated upon facts, or expert opinion supported by fact, particularly in light of the City's rigorous environmental review of the Project.

The vast majority (15) of LHIA's 18 appeal arguments were raised by LHIA as formal comments on the EIR during the comment period, and were responded to comprehensively in the Planning Department's Response to Comments document. These are LHIA Appeal arguments 3 (project description stability), 4 (project objectives), 5 (shadow), 7, 8, and 9 (plans and policies consistency), 10 (geology and soils), 11 (biological resources—trees), 12 (biological resources—birds), 13 (hazards/hazardous materials), 14 (construction noise), 15 (parking and VMT), 16 (VMT forecasting), 17 (GHG analysis), and 18 (consistency with zoning controls).

The Planning Department's formal Appeal Response for the Board explains that none of the LHIA appeal letter's revisions and additions to these 15 appeal arguments provides substantial evidence demonstrating that the Planning Department's prior responses to those comments are inadequate, inaccurate, or insufficient. The Planning Commission correctly determined that the Responses to Comments document adequately considered and addressed these LHIA arguments; the Board should do the same, and reject any contention to the contrary by LHIA.

LHIA's three remaining appeal arguments recycle content from its August 28, 2019 and September 5, 2019 letters to the Planning Commission. These are the remaining LHIA Appeal arguments 1 (historic resource impacts), 2 (adequacy of alternatives analysis), and 6 (CEQA Findings). These arguments are similarly without merit and are unsupported by substantial evidence, as discussed in greater detail below.

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<sup>1</sup> Public Resources Code Sections 21080(e)(1), 21082.2(c).

<sup>2</sup> Public Resources Code Sections 21080(e)(2), 21082.2(c).

Board President Norman Yee and Members of the Board of Supervisors  
November 1, 2019  
Page 4

### **Appeal Argument 1: Historic Resources Impacts**

Appeal argument 1 is LHIA's attempt to recast its four proposed alternatives—already evaluated and determined to be not considerably different from those prepared and analyzed in the EIR—as project mitigation measures. LHIA contends that the EIR needed to identify and describe individual components of the LHIA alternatives as "design mitigation measures" to reduce the Project's historic resources impact. According to LHIA, "some" of the design changes proposed by LHIA in its alternatives could have been used to mitigate the Project's impacts, and the City's decision not to do this was "prejudicial." Mitigation measures, if feasible, are to be included if they would "substantially lessen"<sup>3</sup> or "clearly lessen"<sup>4</sup> a significant environmental effect.

Reviewing the various components of the LHIA alternatives, implementing "some" of those components as mitigation would not "clearly lessen" or "substantially lessen" the historic resources impact. The resource determined by the City to be historic is the entirety of the property, the existing office building and the integrated landscape which occupies a 10.25 acre site, not any particular component of the building or the landscape. Groups of design changes were appropriately and thoughtfully packaged together for identification in the EIR as preservation alternatives, two full and two partial, analyzed in a 218-page section of the EIR. The Planning Department correctly determined that the four LHIA-proposed alternatives were not "considerably different"<sup>5</sup> from the preservation alternatives analyzed in the EIR, and provided supporting substantial evidence in both the Response to Comments and its September 4, 2019 memorandum to the Planning Commission.

The Planning Commission and the public had ample opportunity to consider both the four EIR alternatives and the four considerably similar LHIA alternatives providing all of the information that Appellant has raised—there is no new information here. Any suggestion that the Planning Commission lacked sufficient information to evaluate historic resources impacts, and that this was "prejudicial," is simply incorrect.

### **Appeal Argument 2: Adequacy of Alternatives Analysis**

Appeal argument 2 attempts to critique the EIR's alternatives analysis, asserting that the six alternatives included in the EIR—a no project alternative, two full preservation alternatives, two partial preservation alternatives, and a code-confirming alternative—were not enough.

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<sup>3</sup> CEQA Guidelines Section 15021(a)(2).

<sup>4</sup> CEQA Guidelines Section 15088.5(a)(3).

<sup>5</sup> CEQA Guidelines Section 15088.5(a)(3).

Board President Norman Yee and Members of the Board of Supervisors  
November 1, 2019  
Page 5

LHIA unreasonably asks the City to analyze four more alternatives, for a total of ten, notwithstanding the Planning Department's well-reasoned determination that all of LHIA's proposed alternatives are "not considerably different" from alternatives contained in the EIR.

CEQA requires analysis of a reasonable range of alternatives designed to eliminate or reduce one or more significant environmental effects.<sup>6</sup> As stated in the CEQA Guidelines, "an EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation."<sup>7</sup> The Guidelines state also that "the range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice."<sup>8</sup> There is substantial evidence in the record supporting the reasonableness of the range of alternatives analyzed in the EIR.

Indeed, the range of alternatives presented fostered substantial public participation from LHIA, which put forth its own proposals largely taken from those presented in the EIR. The range of alternatives permitted and resulted in informed decisionmaking. The ultimate rejection of the EIR's alternatives in favor of the Project reflected consideration of the project objectives, the desperate need for new housing in San Francisco, and key urban design principles. LHIA's appeal argument 2 is without merit.

#### **Appeal Argument 6: CEQA Findings**

Appeal argument 6 incorrectly contends that the CEQA Findings were conclusory, inaccurate, and not supported by substantial evidence. LHIA's argument fails on both procedural and substantive grounds.

Procedurally, the CEQA Findings are not appealable to the Board of Supervisors. Under San Francisco Administrative Code Section 31.16(a), certification of an EIR by the Planning Commission is appealable. Administrative Code Section 31.16(c)(3) goes on to explain that "the grounds for appeal of an EIR shall be limited to whether the EIR complies with CEQA, including whether it is adequate, accurate and objective, sufficient as an informational document, correct in its conclusions, and reflects the independent judgment and analysis of the City and whether the Planning Commission certification findings are correct."

Accordingly, allegations regarding the sufficiency of the Commission's CEQA Findings and statement of overriding considerations related to its project approval actions are not within

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<sup>6</sup> CEQA Guidelines Section 15126.6(a) and (c).

<sup>7</sup> CEQA Guidelines Section 15126.6(a).

<sup>8</sup> CEQA Guidelines Section 15126.6(f).

Board President Norman Yee and Members of the Board of Supervisors  
November 1, 2019  
Page 6

the scope of the grounds for appeal as set forth in Section 31.16(c)(3). The Board of Supervisors may, of course, adopt, modify, or reject the Commission's CEQA Findings and statement of overriding considerations in connection with any other project approvals that require action by the Board of Supervisors, but the Commission's CEQA Findings themselves are not a proper subject of appeal.

The Commission's thorough CEQA Findings and the underlying record provide substantial evidence regarding the rejection of project alternatives as infeasible, because the alternatives fail to meet certain City goals, plans, and policies to the same extent as the Project, and they fail to meet project objectives to the same extent as the Project. Similarly, the CEQA Findings and the underlying record provide substantial evidence that the overriding benefits of the Project independently and collectively outweigh the significant and unavoidable environmental effects of the Project.

LHIA takes issue with several specific components of the alternative infeasibility determinations, but only one example is necessary to show that its assertions are without merit. LHIA argues that the Commission's findings for the Full Preservation—Office Alternative are inadequate and ambiguous regarding that alternative's failure to provide active ground floor retail uses or activated neighborhood-friendly spaces along the adjacent streets. LHIA ignores the CEQA Findings' clear statements that the existing perimeter brick wall bordering the north and west (partial) boundaries of the Project Site would be retained, and that new residential buildings along California Street "would have no ground-floor retail along California Street or child care uses as they would with the Project."<sup>9</sup> By taking phrases out of context, and ignoring relevant content, LHIA attempts to argue that there is "ambiguity" in the CEQA Findings where there is none.

On both procedural and substantive grounds, LHIA's contentions regarding the CEQA Findings should be rejected.

### **III. The Substantial Community Benefits Provided by the Project Should Not Be Jeopardized by LHIA's Appeal, Which Is Without Merit.**

As discussed above, the Project will provide numerous and substantial community benefits, will create significant new property tax revenue, and will generate significant development impact fee revenue to fund City projects. These project benefits are too important to allow LHIA to delay the development process any further:

- Approximately 744 new residential units, 325 of which will contain two or more bedrooms, providing much needed, family-friendly housing;

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<sup>9</sup> CEQA Findings p. 34.

Board President Norman Yee and Members of the Board of Supervisors

November 1, 2019

Page 7

- Twenty-five percent of the Project's units will be designated for qualified senior households with an average income of not more than 59% of MOHCD AMI;
- Substantial development impact fees, including contribution to the City's Auxiliary Water Supply System ("AWSS") and payment of the jobs-housing linkage fee and the transportation sustainability fee;
- The Project's circulation and open space plan includes multiple new public pedestrian entrances into and through the Project Site in order to integrate the site into the surrounding neighborhood and street network.<sup>10</sup> The proposed north-south pedestrian connection (Walnut Walk) and the proposed east-west pedestrian connection (Mayfair Walk) will be open to the public and will provide the primary points of access to other publicly accessible common open spaces, plazas, squares, and vista points within the Project Site. The proposed Walnut Walk will align with Walnut Street to the north and the intersection of Euclid and Masonic to the south, incorporating the site into the surrounding street grid;
- Approximately 206 new and permanent on-site retail/commercial jobs, child care jobs, and jobs related to the maintenance and management of the Project;
- While the Project is only required to provide 50% of the target points applicable under the Transportation Demand Program, the Project Sponsor has committed to implement 75% of the applicable target points;
- A child care facility for approximately 175 children, with at least 10% of the capacity made affordable to children from low-income households; and
- Approximately 34,500 square feet of neighborhood-serving retail/commercial space located in the buildings fronting California Street (Plaza A, Plaza B and the Walnut Affordable Senior Housing Building). This retail/commercial corridor is aligned with the existing Laurel Village shopping center on California Street and will be designed to enhance the retail/commercial offerings for the neighborhood.

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<sup>10</sup> The Project's open space is designed with one of the Project's key objectives in mind – to "[o]pen and connect the site to the surrounding community by extending the neighborhood urban pattern and surrounding street grid into the site through a series of pedestrian and bicycle pathways and open spaces, including a north-south connection from California Street to Euclid Avenue that aligns with Walnut Street and an east-west connection from Laurel Street to Presidio Avenue."

Board President Norman Yee and Members of the Board of Supervisors  
November 1, 2019  
Page 8

**IV. The Board of Supervisors Should Reject the EIR Appeal, Uphold and Affirm the Planning Commission's EIR Certification, and Approve the Project.**

For all the foregoing reasons and based on the thorough and extensive record before you, we urge the Board of Supervisors to reject the EIR Appeal and to approve the 3333 California Street Project. This unique project would transform an underutilized site into a vibrant mixed-use community with 744 new homes, including 185 affordable units for seniors, at a time when San Francisco and the region desperately need new housing. Thank you for your careful consideration of this timely and important project.

Respectfully submitted,

COBLENTZ PATCH DUFFY & BASS LLP

By:   
Daniel S. Gershwin

cc (via email only):

John Rahaim, Planning Director  
Daniel A. Sider, Director of Executive Programs  
Lisa Gibson, Environmental Review Officer  
Debra Dwyer, Principal Environmental Planner  
Kei Zushi, Senior Planner  
Audrey Pearson, Deputy City Attorney



# 3333 CALIFORNIA STREET MIXED-USE PROJECT



## DRAFT ENVIRONMENTAL IMPACT REPORT VOLUME 1

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

DRAFT EIR PUBLICATION DATE: NOVEMBER 7, 2018

DRAFT EIR PUBLIC HEARING DATE: DECEMBER 13, 2018

DRAFT EIR PUBLIC COMMENT PERIOD: NOVEMBER 8, 2018 - DECEMBER 24, 2018

**WRITTEN COMMENTS SHOULD REFERENCE  
THE CASE NO. AND BE SENT TO:**

**Kei Zushi, EIR Coordinator**  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
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# 3333 CALIFORNIA STREET MIXED-USE PROJECT



## DRAFT ENVIRONMENTAL IMPACT REPORT VOLUME 2a: APPENDICES A-B

**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 - DECEMBER 24, 2018

**WRITTEN COMMENTS SHOULD REFERENCE  
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# 3333 CALIFORNIA STREET MIXED-USE PROJECT



## DRAFT ENVIRONMENTAL IMPACT REPORT VOLUME 2b: APPENDIX C

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 - DECEMBER 24, 2018

WRITTEN COMMENTS SHOULD REFERENCE  
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[Appendix C - Part 1](#)

[Appendix C - Part 2](#)

[Appendix C - Part 3](#)



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# 3333 CALIFORNIA STREET MIXED-USE PROJECT



## DRAFT ENVIRONMENTAL IMPACT REPORT VOLUME 2c: APPENDICES D-G

**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 - DECEMBER 24, 2018

**WRITTEN COMMENTS SHOULD REFERENCE  
THE CASE NO. AND BE SENT TO:**

**Kei Zushi, EIR Coordinator**  
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PLANNING  
DEPARTMENT**



# 3333 CALIFORNIA STREET MIXED-USE PROJECT



## RESPONSES TO COMMENTS ON DRAFT EIR VOLUME 1

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

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

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M=F&ID=7814627&GUID=9070BA53-6451-46D1-BD36-6834E1A51A96](https://sfgov.legistar.com/View.ashx?M=F&ID=7814627&GUID=9070BA53-6451-46D1-BD36-6834E1A51A96)



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DEPARTMENT



# 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

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SAN FRANCISCO  
**PLANNING**  
DEPARTMENT



# 3333 CALIFORNIA STREET MIXED-USE PROJECT



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

CITY AND COUNTY OF SAN FRANCISCO

PLANNING DEPARTMENT: CASE NO. 2015-014028ENV

STATE CLEARINGHOUSE NO. 2017092053

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SAN FRANCISCO  
**PLANNING**  
DEPARTMENT



# 3333 CALIFORNIA STREET MIXED-USE PROJECT



## RESPONSES TO COMMENTS ON DRAFT EIR VOLUME 2 (ATTACHMENTS A-E, PART 3)

**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

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**SAN FRANCISCO  
PLANNING  
DEPARTMENT**



# SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: August 29, 2019

TO: Members of the Planning Commission

FROM: Kei Zushi, Environmental Planning

Re: **Errata to the Responses to Comments on the Draft Environmental  
Impact Report for the 3333 California Street Mixed-Use Project  
Planning Department Case No. 2015-014028ENV**

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Following publication of the Responses to Comments (RTC) document for the 3333 California Street Mixed-Use Project Draft Environmental Impact Report (Draft EIR), the Planning Department determined it was necessary to update the open space numbers in RTC Section 2, Revisions and Clarifications to the Project Description.

This erratum addresses this issue. Staff-initiated EIR text changes will be incorporated into the Final EIR. New revisions are noted in red with additions noted with double underline and deletions noted in ~~double strikethrough~~.

The revisions below are intended to accurately represent the on-site open space distinguishing the common open space that would be available for use by the public from the private open space that would be provided for the exclusive use of residents and tenants of the proposed buildings on the project site.

RTC Tables 2.4a and Table 2.4b on RTC pp. 2.21 and 2.22, respectively, have been modified as shown on pp. 2 and 3 of this Errata Memo.

The partial paragraph on RTC p. 2.43 under the subsection "Recreation" has been modified as follows:

Changes to the open space network under the revised project or revised variant are described on RTC p. 2.14, listed in RTC Tables 2.4a and 2.4b on RTC pp. 2.21-2.22, and shown on RTC Figure 2.29 on RTC p. 2.23. The revised project or revised variant would include minor modifications to the sizes of some of the proposed open spaces, including some that would be publicly accessible. There would be a minor increase in the total amount of open space on the project site that would be common open space, for both the revised project (an increase from 103,000 square feet to 127,126 square feet) and the revised variant (an increase from 103,000 square feet to 125,226 square feet). ~~and there would be a~~ minor decrease in the total amount of private open space (from 85,000 square feet to ~~81,618~~ 81,200 square feet) for ~~both~~ the revised project and an increase for the revised variant (from 85,000 square feet to 86,570 square feet). The demand for recreational resources would not change noticeably, because the revised project or revised variant would not alter the residential component of the land use program and would only slightly reduce the amount of retail space and its related employment. Thus, with no changes in demand for recreational resources, or in the construction program, and minor increases in the total amount of open space, recreational resources impacts under the revised project or revised variant would be similar to those under the proposed project or project variant, and would be less than significant. Similarly, contributions to any significant cumulative recreational resources impacts would not be cumulatively considerable.

**RTC Table 2.4a: Proposed Open Space for Revised Project**

Open Space	Approximate Size (Square Feet)	Location
<b>Common Open Space</b> <sup>NOTE A</sup>		
California Plaza	<del>3,300</del> <u>4,290</u>	Within the setback of the proposed Plaza A Building along California Street, extending east from the Laurel Street/California Street intersection to the proposed Cypress Stairs
Cypress Square and western Mayfair Walk	<del>28,150</del> <u>24,780</u>	Between the Plaza A and B buildings and the portion of the east-west walkway between the Plaza B Building and Laurel Street
<u>Lower</u> Walnut Walk	<del>16,760</del> <u>16,850</u>	The portion of the north-south walkway between Center Buildings A and B to Masonic and Euclid avenues at Corner Plaza
Euclid Green	<del>18,760</del> <u>18,004</u>	Extending from the intersection of Euclid Avenue and Laurel Street at the southwest corner of the site toward the corner of Masonic and Euclid avenues
Presidio Overlook <u>and part of Mayfair Walk</u>	<del>3,800</del> <u>10,450</u>	At the eastern terminus of Mayfair Walk, accessed from Mayfair Walk or the Pine Street Steps and Plaza
Cypress Stairs	<del>32,230</del> <u>52,752</u>	Between the Plaza A and B buildings
Walnut Extension and Roundabout		Between Plaza B and Walnut buildings
Eastern Mayfair Walk		Between Center Building B and the Walnut Building east of Walnut Extension and Roundabout
Pine Street Steps and Plaza		On east side of Walnut Building and Center Building B near intersection of Masonic and Presidio avenues
Masonic Plaza		Between Center Building B and the Masonic Building along Masonic Avenue
<i>Subtotal</i>	<del>103,000</del> <u>127,126</u>	
<b>Private Open Space</b> <sup>NOTE B</sup>		
Ground-level terraces, interior courtyards and private internal walkways	<del>85,000</del> <u>81,618</u> <u>81,200</u>	Throughout the project site including the Cypress Square residential open space, <del>and the Euclid Residential Terrace, and site area that is not counted towards the public open space</del>

Notes:

<sup>A</sup> ~~A portion of~~ The common open space would be open to the public.

<sup>B</sup> The private open space ~~does~~ includes rooftop decks.

Source: Laurel Heights Partners, LLC; Meyer Studio Land Architects; James Corner Field Operations; BAR Architects; Jensen Architects; Solomon Cordwell Buenz; BKF Engineers; and ARUP (February 2019), 2017, Sheet G-0.01 ~~2-03~~ dated ~~7/24/19~~ 8/26/19



**RTC Table 2.4b: Proposed Open Space for Revised Variant**

Open Space	Approximate Size (Square Feet)	Location
<b>Common Open Space</b> <sup>NOTE A</sup>		
California Plaza	<del>3,300</del> <u>4,290</u>	Within the setback of the proposed Plaza A Building along California Street, extending east from the Laurel Street/California Street intersection to the proposed Cypress Stairs
Cypress Square and western Mayfair Walk	<del>28,150</del> <u>24,780</u>	Between the Plaza A and B buildings and the portion of the east-west walkway between the Plaza B Building and Laurel Street
<u>Lower</u> Walnut Walk	<del>16,760</del> <u>16,850</u>	The portion of the north-south walkway between Center Buildings A and B to Masonic and Euclid avenues at Corner Plaza
Euclid Green	<del>18,760</del> <u>18,004</u>	Extending from the intersection of Euclid Avenue and Laurel Street at the southwest corner of the site toward the corner of Masonic and Euclid avenues
Presidio Overlook <u>and part of Mayfair Walk</u>	<del>3,800</del> <u>10,450</u>	At the eastern terminus of Mayfair Walk, accessed from Mayfair Walk or the Pine Street Steps and Plaza
Cypress Stairs	<del>32,230</del> <u>50,852</u>	Between the Plaza A and B buildings
Walnut Extension and Roundabout		Between Plaza B and Walnut buildings
Eastern Mayfair Walk		Between Center Building B and the Walnut Building east of Walnut Extension and Roundabout
Pine Street Steps and Plaza		On east side of Walnut Building and Center Building B near intersection of Masonic and Presidio avenues
Masonic Plaza		Between Center Building B and the Masonic Building along Masonic Avenue
<i>Subtotal</i>	<del>103,000</del> <u>125,226</u>	
<b>Private Open Space</b> <sup>NOTE B</sup>		
Ground-level terraces, interior courtyards and private internal walkways	<del>85,000</del> <del>81,618</del> <u>86,570</u>	Throughout the project site including the Cypress Square residential open space, <del>and the Euclid Residential Terrace, and site area that is not counted towards the public open space</del>

Notes:

<sup>A</sup> A portion of the common open space would be open to the public.

<sup>B</sup> The private open space ~~does~~ includes rooftop decks.

Source: Laurel Heights Partners, LLC; Meyer Studio Land Architects; James Corner Field Operations; BAR Architects; Jensen Architects; Solomon Cordwell Buenz; BKF Engineers; and ARUP (February 2019), 2017, Sheet G0.01v, dated 8/26/19

FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR 3333 California Street Mixed-Use Project (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions Schedule and Verification of Compliance
<b>MITIGATION MEASURES</b>				
<b>Cultural Resources (Historic Architectural Resources) Mitigation Measures</b>				
<p><b>Mitigation Measure M-CR-1a: Documentation of Historical Resource</b></p> <p>Prior to issuance of demolition or site permits, the project sponsor shall undertake Historic American Building/Historic American Landscape Survey-like (HABS/HALS-like) documentation of the building and associated landscape features. The documentation shall be undertaken by a professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History, History, or Architecture (as appropriate) to prepare written and photographic documentation of 3333 California Street. The specific scope of the documentation shall be reviewed and approved by the Planning Department but shall include the following elements:</p> <p><b>Measured Drawings</b> – A set of measured drawings shall be prepared that depict the existing size, scale, and dimension of the historic resource. Planning Department Preservation staff will accept the original architectural drawings or an as-built set of architectural drawings (e.g., plans, sections, elevations). Planning Department Preservation staff will assist the consultant in determining the appropriate level of measured drawings;</p> <p><b>Historic American Buildings/Historic American Landscape Survey-Level Photographs</b> – Either Historic American Buildings/Historic American Landscape Survey (HABS/HALS) standard large-format or digital photography shall be used. The scope of the digital photographs shall be reviewed by Planning Department Preservation staff for concurrence, and all digital photography shall be conducted according to the latest National Park Service (NPS) standards. The photography shall be undertaken by a qualified professional with demonstrated experience in HABS/HALS photography.</p>	<p>Project sponsor to retain qualified professional consultant.</p> <p>Consultant to prepare documentation.</p> <p>Planning Department shall review, request revisions if appropriate, and ultimately approve documentation.</p> <p>Project sponsor to conduct outreach to identify other interested repositories under the direction of Planning Department Preservation staff.</p>	<p>Prior to issuance of any demolition or site permit for the affected historic resource at 3333 California Street, the qualified professional consultant to submit documentation package per HABS / HAER / HALS Guidelines for review by Planning Department.</p> <p>Prior to issuance of any demolition or site permit for the affected historic resource at 3333 California Street, project sponsor to transmit documentation to the History Room in SF Library, San Francisco Architectural Heritage, and NWIC.</p>	<p>The qualified professional consultant to submit draft and final documentation prepared pursuant to HABS/HAER/HALS Guidelines to Planning Department for review and approval.</p> <p>Following approval of documentation by Planning Department and prior to the start of construction, project sponsor to transmit documentation to the SF History Center in SF Library, Planning Department, and NWIC.</p>	<p>Considered complete when project sponsor transmits documentation to the History Room in SF Library, San Francisco Architectural Heritage, and NWIC as well as any other repositories, if applicable, as identified and agreed with during the outreach process.</p>

FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR 3333 California Street Mixed-Use Project (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Actions Schedule and Verification of Compliance
<p>Photograph views for the data set shall include contextual views; views of each side of the building and interior views, including any original interior features, where possible; oblique views of the building; and detail views of character-defining features, including landscape elements.</p> <p>All views shall be referenced on a photographic key. This photographic key shall be on a map of the property and shall show the photograph number with an arrow to indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included in the data set.</p> <p><b>HABS/HALS Historical Report</b> – A written historical narrative and report shall be provided in accordance with the HABS/HALS Historical Report Guidelines. The written history shall follow an outline format that begins with a statement of significance supported by the development of the architectural and historical context in which the structure was built and subsequently evolved. The report shall also include architectural description and bibliographic information.</p> <p><b>Video Recodation</b> – Video recodation shall be undertaken before demolition or site permits are issued. The project sponsor shall undertake video documentation of the affected historical resource and its setting. The documentation shall be conducted by a professional videographer, one with experience recording architectural resources. The documentation shall be narrated by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate) set forth by the Secretary of the Interior’s Professional Qualification Standards (36 Code of Federal Regulations Part 61). The documentation shall include as much information as possible—using visuals in combination with narration—about the materials, construction methods, current condition, historic use, and historic context of the historical resource. This mitigation measure would supplement the traditional HABS/HALS documentation, and would enhance the collection of reference materials that would be available to the public and inform future research.</p> <p><b>Softcover Book</b> – A Print-on-Demand softcover book shall be produced that includes the content from the historical report, historical photographs, HABS/HALS photography, measured drawings, and field notes. The Print-on-Demand book shall be made available to the public for distribution.</p>				

<b>FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR 3333 California Street Mixed-Use Project (Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Actions Schedule and Verification of Compliance</b>
<p>The project sponsor shall transmit such documentation to the History Room of the San Francisco Public Library, San Francisco Architectural Heritage, the Planning Department, and the Northwest Information Center. The HABS/HALES documentation scope will determine the requested documentation type for each facility, and the project sponsor will conduct outreach to identify other interested repositories. All documentation will be reviewed and approved by the Planning Department's Preservation staff before any demolition or site permit is granted for the affected historical resource.</p> <p><b>18-094 Mitigation Measure M-CR-1b: Interpretation of the Historical Resource</b></p> <p>The project sponsor shall facilitate the development of an interpretive program focused on the history of the project site. The interpretive program should be developed and implemented by a qualified professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner, such as a museum or exhibit curator. This program shall be initially outlined in a proposal for an interpretive plan subject to review and approval by Planning Department Preservation staff. The proposal shall include the proposed format and location of the interpretive content, as well as high-quality graphics and written narratives. The proposal prepared by the qualified consultant describing the general parameters of the interpretive program shall be approved by Planning Department Preservation staff prior to issuance of the architectural addendum to the site permit. The detailed content, media and other characteristics of such interpretive program shall be approved by Planning Department Preservation staff prior to issuance of a Temporary Certificate of Occupancy. The interpretive program shall include but not be limited to the installation of permanent on-site interpretive displays or screens in publicly accessible locations. Historical photographs, including some of the large-format photographs required by Mitigation Measure M-CR-1a, may be used to illustrate the site's history.</p> <p>The primary goal is to educate visitors and future residents about the property's historical themes, associations, and lost contributing features within broader historical, social, and physical landscape contexts. These themes would include but not be limited to the subject property's historic</p>	<p>Project sponsor and their qualified professionals to select materials from 3333 California Street building to display. Project sponsor to establish location(s), media, and characteristics of the display. Project sponsor and their qualified professional to prepare display.</p>	<p>Prior to issuance of architectural addendum to the site permit, the general parameters of the interpretive program shall be approved by Planning Department Preservation staff. Prior to any demolition or removal activities, selection of interpretative materials to occur. Interpretive program shall be approved by Planning Department prior to the issuance of the first Temporary Certificate of Occupancy and updated for each construction phase, if needed.</p>	<p>The qualified professional to submit interpretive materials to Planning Department for approval. Project sponsor to report to Planning Department when display is completed.</p>	<p>Considered complete when Planning Department approve the interpretive program for all construction phases and when the interpretive program is installed.</p>

<b>FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR</b> <b>3333 California Street Mixed-Use Project</b> <b>(Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Actions Schedule and Verification of Compliance</b>
<p>significance as a Midcentury Modern corporate campus designed by Edward B. Page with a landscape designed by Eckbo, Royston &amp; Williams. The interpretive program should be developed in coordination with the archaeological program, which would likely include interpretation of the subject property's inclusion in the larger site of California Registered Landmark 760, Former Site of Laurel Hill Cemetery.</p>				
<b>Cultural Resources (Archaeological Resources) Mitigation Measures</b>				
<p><b>Mitigation Measure M-CR-2a: Archaeological Testing, Monitoring, Data Recovery and Reporting</b></p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the project on buried historical or prehistoric resources. The project sponsor shall retain the services of an archaeological consultant from rotation of the Department Qualified Archaeological Consultants List maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archaeologist to obtain the names and contact information for the next three archaeological consultants on the qualified archaeological consultants list. The archaeological consultant shall undertake an archaeological testing program as specified in the Archaeological Research Design and Treatment Plan and outlined below. In addition, the consultant shall be available to conduct an archaeological monitoring program, as required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or testing programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines section 15064.5 (a) and (c).</p>	<p>Project sponsor to retain qualified professional archaeologist from the pool of archaeological consultants maintained by the Planning Department.</p>	<p>Prior to issuance of site permits and prior to commencement of demolition and soil-disturbing activities for each construction phase, submittal of all plans and reports for approval by the ERO.</p>	<p>The archaeological consultant shall undertake an archaeological testing program as specified herein. (See below regarding archaeological consultant's reports).</p>	<p>Considered complete when project sponsor retains a qualified professional archaeological consultant, and consultant has a scope approved by the ERO for the archaeological testing program.</p>



<b>FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR</b> <b>3333 California Street Mixed-Use Project</b> <b>(Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Actions Schedule and Verification of Compliance</b>
<p><u>Consultation with Descendant Communities</u></p> <p>On discovery of an archaeological site<sup>1</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group, an appropriate representative<sup>2</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archaeological field investigations of the site and to consult with the ERO regarding appropriate archaeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archaeological site per Mitigation Measure M-CR-2b (below). A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p> <p><u>Archaeological Testing Program</u></p> <p>The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP) that tiers off the Archaeological Research Design and Treatment Plan. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the project, at the discretion of the project sponsor either:</p>	<p>Project sponsor/archaeological consultant.</p> <p>Project sponsor and archaeological consultant at the direction of the ERO.</p> <p>Project sponsor and archaeological consultant in consultation with the ERO.</p>	<p>Upon discovery of an archaeological site associated with descendant groups, and for the duration of the archaeological investigation of the associated site.</p> <p>Prior to any excavation, site preparation or construction an ATP for such phase is to be submitted to and approved by the ERO.</p> <p>At the completion of the archaeological testing program.</p>	<p>Project sponsor/archaeological consultant shall contact the ERO and appropriate descendant group representative upon discovery of an archaeological site.</p> <p>Archaeological consultant to undertake ATP in consultation with ERO.</p> <p>Archaeological consultant to submit results of testing. Based on findings, the project sponsor and archaeological consultant, in consultation with ERO, to determine the final steps.</p>	<p>Considered complete upon submittal of Final Archaeological Resources Report.</p>
<p>A) The project shall be redesigned so as to avoid any adverse effect on</p>				

<sup>1</sup> The term "archaeological site" is intended here to minimally include any archaeological deposit, feature, burial, or evidence of burial.

<sup>2</sup> An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America.

<b>FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR</b> <b>3333 California Street Mixed-Use Project</b> <b>(Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Actions Schedule and Verification of Compliance</b>
<p>the significant archaeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p><u>Archaeological Monitoring Program</u></p> <p>If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program (AMP) shall be implemented, the AMP would minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. A single AMP or multiple AMPs may be produced to address project phasing. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context. The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;</li> <li>The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits; and</li> <li>The archaeological monitor shall record and be authorized to collect</li> </ul>	<p>Project sponsor and archaeological consultant in consultation with the ERO.</p>	<p>Project sponsor, archaeological consultant, and ERO shall meet prior to commencement of soils-disturbing activities for each construction phase. If ERO determines that archaeological monitoring is necessary, monitor throughout all soils-disturbing activities for each construction phase</p>	<p>If required, archaeological consultant to prepare AMP in consultation with the ERO. Project sponsor, archaeological consultant, archaeological monitor, and project sponsor's contractors shall implement the AMP, if required by the ERO</p>	<p>Considered complete on approval of AMP by ERO; submittal of report regarding findings of AMP.</p>

<b>FINAL MITIGATION MONITORING AND REPORTING PROGRAM FOR</b> <b>3333 California Street Mixed-Use Project</b> <b>(Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Actions Schedule and Verification of Compliance</b>
<p>soil samples and artifactual/ecofactual material as warranted for analysis.</p> <p>If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, pile driving activity that may affect the archaeological resource shall be suspended until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the project, at the discretion of the project sponsor either:</p> <p>A) The project shall be redesigned so as to avoid any adverse effect on the significant archaeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><u>Archaeological Data Recovery Program</u></p> <p>If the ERO, in consultation with the archaeological consultant, determines that an archaeological data recovery program shall be implemented based on the presence of a significant resource, the archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). No archaeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archaeologist. The</p>	<p>Project sponsor and project archaeological consultant.</p> <p>Project sponsor and archaeological consultant in consultation with the ERO.</p>	<p>After completion of the approved archaeological monitoring program</p> <p>If there is a determination by the ERO that an ADRP is required.</p>	<p>Submit report on findings of AMP</p> <p>If required, archaeological consultant to prepare an ADRP in consultation with the ERO.</p>	<p>Considered complete on approval of the FARR by ERO.</p>



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

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<p><u>Human Remains and Associated or Unassociated Funerary Objects</u></p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the ERO and the Medical Examiner of the City and County of San Francisco, and in the event of the Medical Examiner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC), which shall appoint a Most Likely Descendant (MLD). The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98). The project sponsor and ERO shall make all reasonable efforts to develop a burial agreement with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). The agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the MLD agrees to scientific analyses of the remains and/or associated or unassociated funerary objects, the archaeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and associated and unassociated funerary objects shall be reinterred or curated as specified in the agreement. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. However, if the ERO, project sponsor and MLD are unable to reach an agreement on scientific treatment of the remains and associated and unassociated funerary objects, the ERO, with cooperation of the project sponsor, shall ensure that the remains and/or mortuary materials are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance.</p> <p>Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity will additionally follow protocols laid out in the Archaeological Research Design</p>	<p>Project sponsor and archaeological consultant shall notify the San Francisco Medical Examiner and if applicable, Native American Heritage Commission who will appoint a Most Likely Descendant. Project sponsor, ERO, and the Most Likely Descendant shall make all reasonable efforts to develop a burial agreement.</p>	<p>In the event human remains and/or funerary objects are encountered project sponsor's construction contractor to immediately contact archaeological consultant and ERO.</p>	<p>Archaeological consultant/sponsor or contractor to contact San Francisco Medical Examiner and ERO and implement regulatory requirements, if applicable, regarding discovery of Native American human remains and associated/unassociated funerary objects.</p>	<p>Considered complete on notification of the San Francisco Medical Examiner, ERO, and NAHC, if necessary, and completion of burial agreement and/or analysis.</p>

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<p>and Treatment Plan, the ATP, and any agreement established between the project sponsor, Medical Examiner and the ERO.</p> <p><u>Final Archaeological Resources Report</u></p> <p>The archaeological consultant shall submit a Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the FARR. The FARR may be submitted at the conclusion of all construction activities associated with the project.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA Department of Parks and Recreation [DPR] 523 series) and/or documentation for nomination to the National Register of Historic Places (National register)/California Register of Historical Resources (California register). In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project sponsor and archaeological consultant in consultation with ERO.</p> <p>Archaeological consultant at the direction of the ERO.</p>	<p>If applicable, after completion of archaeological data recovery, inventorying, analysis and interpretation.</p> <p>If applicable, upon approval of Final Archaeological Resources Report by ERO.</p>	<p>If applicable, archaeological consultant to submit a FARR to ERO for approval.</p> <p>Once approved, archaeological consultant to distribute FARR and provide written certification to ERO that required FARR distribution has been completed.</p>	<p>Considered complete upon approval of Final Archaeological Resources Report by ERO and distribution of FARR as directed by ERO.</p>
<p><b>Mitigation Measure M-CR-2b: Interpretation</b></p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, and to the extent that the potential significance of some such resources is premised on the California register Criteria 1 (Events), 2 (Persons), and/or 3 (Design/Construction), the following measure shall be undertaken to avoid any potentially significant adverse effect from the project on buried historical resources if significant archaeological resources are discovered.</p> <p>The project sponsor shall implement an approved program for interpretation of significant archaeological resources. The project sponsor shall retain the</p>	<p>Project sponsor and archaeological consultant at the direction of the ERO.</p>	<p>Prior to issuance of final certificate of occupancy.</p>	<p>Archaeological consultant to develop program for post-recovery interpretation of resources. All plans and recommendations for interpretation by the archaeological consultant shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until deemed final by the</p>	<p>Considered complete upon installation of approved interpretation program, if required.</p>

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<p>services of a qualified archaeological consultant from the rotational qualified archaeological consultant list maintained by the Planning Department archaeologist having expertise in California urban historical and prehistoric archaeology. The archaeological consultant shall develop a feasible, resource-specific program for post-recovery interpretation of resources. The particular program for interpretation of artifacts that are encountered within the project site will depend upon the results of the data recovery program and will be the subject of continued discussion between the ERO, consulting archaeologist, and the project sponsor. Such a program may include, but is not limited to, any of the following (as outlined in the Archaeological Research Design and Treatment Plan): lectures, exhibits, websites, video documentaries, and preservation and display of archaeological materials. To the extent feasible, the interpretive program shall be part of a larger, coordinated public interpretation strategy for the project area.</p> <p>The archaeological consultant's work shall be conducted at the direction of the ERO, and in consultation with the project sponsor. All plans and recommendations for interpretation by the consultant shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO.</p>				
<p><b>Mitigation Measure M-CR-4: Tribal Cultural Resources Interpretive Program</b></p> <p>If the Environmental Review Officer (ERO) determines that a significant archaeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource (TCR) and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible.</p> <p>If the ERO, in consultation with the affiliated Native American tribal representatives and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the project sponsor shall implement an interpretive program of the TCR in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum,</p>	<p>Project sponsor at the direction of the ERO.</p> <p>Project sponsor in consultation with the ERO.</p>	<p>For the duration of soil-disturbing activities throughout all construction phases.</p> <p>Prior to issuance of final certificate of occupancy.</p>	<p>Project sponsor shall contact the ERO and appropriate Native American tribal representative upon discovery of an archaeological resource that constitutes a TCR.</p> <p>A qualified consultant, the project sponsor, a Native American tribal representative, and the ERO shall collaborate on the development of a feasible, resource-specific program for post-recovery</p>	<p>Considered complete upon installation of approved interpretation program, if required.</p>



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<p>and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.</p>			<p>interpretation of resources. The interpretive plan shall be submitted first and directly to the ERO for review and comment, and shall be considered a draft report subject to revision until deemed final by the ERO. The ERO to approve final interpretation program. Project sponsor to implement an approved interpretation program.</p>	
<b>Transportation and Circulation Mitigation Measures</b>				
<p><b>Mitigation Measure M-TR-2: Reduce Retail Parking Supply</b> The proposed project or project variant shall provide retail parking in an amount not to exceed the existing neighborhood rate of 1.55 by 38 percent (or 2.14 spaces per 1,000 gross square feet).</p>	<p>Project sponsor or qualified consultant to develop a draft parking plan to achieve the required retail parking rate.</p>	<p>Prior to approval of the Conditional Use/PUD application.</p>	<p>The project sponsor or qualified consultant to provide a draft parking program to the Planning Department for review and approval.</p>	<p>Considered complete upon review and approval of the parking reduction plan by the Planning Department.</p>
<p><b>Mitigation Measure M-TR-4: Monitor and Provide Fair-Share Contribution to Improve 43 Masonic Capacity</b> Based on an evaluation of the transit ridership generated by the proposed project or project variant, monitoring of transit capacity utilization for the 43 Masonic route shall be initiated when the first phase of development has been completed and occupied. The transit monitoring phase shall involve the following steps.</p> <ul style="list-style-type: none"> <li>The project sponsor shall fund a transit capacity study to be reviewed and approved by the SFMTA. The project sponsor shall obtain current ridership on the 43 Masonic route from SFMTA and an assessment of the capacity utilization shall be conducted at the 43 Masonic route's maximum load point for weekday a.m. peak hour conditions.</li> </ul>	<p>Project sponsor or qualified consultant at the direction of the SFMTA shall prepare a transit capacity study to determine whether capacity utilization exceeds 85 percent for the 43 Masonic route. If so, then SFMTA will determine whether adding bus(es) or other</p>	<p>Baseline study conducted prior to the issuance of the first Certificate of Occupancy of the first phase of development, and subsequent ridership study after the first phase of the development is occupied. No studies shall be required if fair-share contribution is paid.</p>	<p>SFMTA to review the study and determine if the capacity utilization of the 43 Masonic line at its maximum load point exceeds 85 percent as measured at the completion of any individual project phase. If so, and the SFMTA has committed to implement M-TR-4, the project sponsor shall provide the fair share contribution subject to the limits stated in M-TR-4 to</p>	<p>Considered complete upon payment of fair-share contribution or review and approval of the transit capacity study by SFMTA, if applicable and payment of fair-share contribution. If SFMTA determines one or</p>

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<ul style="list-style-type: none"> <li>If the capacity utilization exceeds 85 percent, a fair share contribution payment shall be made to SFMTA by the project sponsor, calculated in a Transit Mitigation Agreement, to contribute to the cost of providing additional bus service or otherwise improving service on the 43 Masonic route.</li> </ul> <p>The fair share contribution as documented in EIR Appendix D shall not exceed the following amounts across all phases. Payment of the following fair share contribution levels would mitigate the impacts of the estimated transit ridership added by full development of the proposed project or project variant.</p> <ul style="list-style-type: none"> <li>Proposed Project – \$182,227</li> <li>Project Variant – \$218,390</li> </ul> <p>These amounts shall be increased by consumer price index per year plus a one-time escalation of 0.5 percent.</p> <p>SFMTA will determine whether adding bus(es) or other measures are more desirable to increase capacity along the route and will use the funds provided by the project sponsor to implement the most desirable measure, which may include, but is not limited to, the following:</p> <ol style="list-style-type: none"> <li>Instead of adding more buses to a congested route, increase travel speeds along the route, which would allow for buses to move faster, thus increasing efficiency and reliability. In this case, the project sponsor's fair share contribution may be used to fund a study to identify appropriate and feasible improvements and/or implement a portion of the improvements that would increase travel speeds enough to increase capacity along the bus route. Such improvements could include transit only lanes, transit signal priority, and transit boarding improvements.</li> <li>Increase capacity along the corridor by adding a new Muni service route in this area. If this option is selected, the project sponsor's fair share contribution may fund the purchase of the new vehicles.</li> </ol> <p>If the capacity utilization with the proposed project or project variant based on SFMTA's ridership data is less than 85 percent after a particular phase of the proposed project or project variant is completed and occupied, then the project</p>	<p>measures are more desirable to increase capacity along the route and will use the funds provided by the project sponsor to implement the most desirable measure</p>		<p>capital costs for SFMTA to implement one of the designated capacity enhancement measures.</p>	<p>more fair-share payments is required, considered complete upon payment of the final fair-share payment.</p>

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<p>sponsor's fair share payment shall be \$0 and the process shall repeat at the subsequent phase. Each subsequent fair share calculation shall take account of amounts paid for prior phases, to ensure that payments are not duplicative for the same transit rider impacts.</p>				
<b>Noise and Vibration Mitigation Measures</b>				
<p><b>Mitigation Measure M-NO-1: Construction Noise Control Measures</b></p> <p>The project sponsor shall implement a project-specific Noise Control Plan that has been prepared by a qualified acoustical consultant and approved by the Planning Department. The Noise Control Plan may include, but is not limited to, the following construction noise control measures. Implementation of applicable construction noise control measures shall apply to all phases of the construction period.</p> <ul style="list-style-type: none"> <li>Muffle and maintain all equipment used on site. All internal combustion engine driven equipment shall be fitted with mufflers that are in good working condition.</li> <li>Position stationary noise sources, such as temporary generators and pumps, as far from nearby receptors as possible, within temporary enclosures and shielded by barriers (which could reduce construction noise by as much as 5 dB) or other measures, to the extent feasible.</li> <li>Use "quiet" models of air compressors and other stationary equipment where such technology exists.</li> <li>Prohibit unnecessary idling of internal combustion engines.</li> <li>Impact tools (e.g., jack hammers, pavement breakers, rock drills) used for project construction shall be "quiet" gasoline-powered compressors or electrically powered compressors, and electric rather than gasoline- or diesel- powered engines shall be used to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be</li> </ul>	<p>Project sponsor and construction contractor shall prepare and implement Noise Control Plan.</p>	<p>Draft Noise Control Plan to be submitted to Planning Department and Department of Public Health prior to issuance of the first building permit or other permit that allows ground disturbance.</p> <p>Draft construction-noise monitoring program to be submitted to the Planning Department and Department of Public Health prior to start of excavation of all construction phases, prior to building construction of the Euclid and Masonic buildings, and the Laurel Duplexes and Mayfair Building.</p>	<p>Planning Department and Department of Public Health shall review and approve Noise Control Plan and construction-noise monitoring programs.</p> <p>Project sponsor, qualified contractor(s) to prepare a weekly noise monitoring log which shall be made available to the Planning Department when requested. Any weekly report that includes an exceedance or for a period during which a complaint is received shall be submitted to the Development Performance Coordinator within 3 business days following the week in which the exceedance or complaint occurred.</p> <p>Project sponsor shall notify the Planning Department Development Performance Coordinator of any night noise permit requests when submitted and any emergency/unanticipated activity causing noise with potential to exceed standard as soon as possible.</p>	<p>Project sponsor, qualified consultant, and/or construction contractor(s) to submit final noise monitoring report to the Planning Department Development Performance Coordinator at the completion of each construction phase.</p> <p>Considered complete at the completion of project construction and submittal of final noise monitoring reports.</p>

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<p>used, which could achieve a reduction of 5 dBA. Quieter equipment shall be used when feasible, such as drills rather than impact equipment.</p> <ul style="list-style-type: none"> <li>Clearly post allowable construction hours (i.e., 7 a.m. to 8 p.m.) on signs around the project site through the duration of construction.</li> <li>During the excavation component of all construction phases, during building construction (framing of structure and major exterior work) of the Euclid and Masonic buildings, the Laurel Duplexes, and Mayfair Building, prepare and implement a daytime construction-noise monitoring program (e.g., 7 a.m. to 7 p.m. during weekdays, and 7 a.m. to 3 p.m. on Saturdays and all other times that excavation or major exterior construction of the identified buildings occurs). Three monitoring stations shall be required to provide continuous noise monitoring at the nearest potentially impacted receptors to the south (along Euclid Avenue), to the west (along Laurel Street), and to the north (along California Street). Selection of the three monitoring locations shall be coordinated between the Planning Department, construction contractor, and ultimately the affected residential property owners. The program shall be set up to alert the Construction Manager or other designated person(s) when noise levels exceed allowable limits (10 dBA above established ambient levels). If noise levels are found to exceed applicable noise limits due to construction-related activities, corrective action shall be taken, such as halting or moving specific construction activities, fixing faulty or poorly operating equipment, and installing portable barriers.</li> <li>Designate a Construction Manager who shall: <ul style="list-style-type: none"> <li>Clearly post his/her name and phone number(s) on signs visible during each phase of the construction program.</li> <li>Notify area residents of construction activities, schedules, and impacts.</li> <li>Receive and act on complaints about construction noise disturbances.</li> </ul> </li> </ul>				



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<ul style="list-style-type: none"> <li>Determine the cause(s) and implement remedial measures as necessary to alleviate potentially significant problems related to construction noise</li> <li>Request night noise permits from the San Francisco Department of Building Inspection (DBI) if any activity, including deliveries or staging, is anticipated outside of work hours that has the potential to exceed noise standards. If such activity is required in response to an emergency or other unanticipated conditions, night noise permits shall be requested as soon as feasible for any ongoing response activities.</li> <li>Notify the Planning Department's Development Performance Coordinator at the time that night noise permits are requested or as soon as possible after emergency/unanticipated activity causing noise with the potential to exceed noise standards has occurred.</li> </ul> <p><u>Plan Review, Implementation, and Reporting</u></p> <p>The Noise Control Plan shall be reviewed and approved by the San Francisco Department of Public Health and Planning Department prior to implementation. Noise monitoring shall be completed by a qualified noise consultant.</p> <p>A noise monitoring log report shall be prepared by the Construction Manager or other designated person(s) on a weekly basis and shall be made available to the Planning Department when requested. 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 or DBI if the contractor is made aware of them (for example, via a DBI notice, inspection, or investigation). Any weekly report that includes an exceedance or for a period during which a complaint is received should be submitted to the Development Performance Coordinator within 3 business days following the week in which the exceedance or complaint occurred. A report also shall be submitted to the Planning Department Development Performance Coordinator at the completion of each construction phase. The report shall document noise levels, exceedances of threshold levels, if reported, and corrective action(s) taken.</p>				

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<p><b>Mitigation Measure M-NO-2: Vibration Monitoring Program for SF Fire Credit Union Building</b></p> <p>Prior to excavation activities along California Street, including for the Walnut Building and California Street Garage, a detailed vibration assessment and monitoring plan shall be completed to ensure that construction activities and equipment are selected and designed to ensure groundborne vibration levels at the SF Fire Credit Union do not exceed levels protective of the structural integrity of the building.</p>	<p>Project sponsor to retain a qualified consultant to prepare a detailed vibration assessment and monitoring plan.</p>	<p>The detailed vibration assessment and monitoring plan is to be submitted to Planning Department prior to issuance of demolition or site permits for Walnut Building and California Street Garage.</p>	<p>Planning Department to approve vibration assessment and monitoring plan.</p> <p>Project sponsor, qualified consultant, and/or construction contractor(s) to submit weekly reports during excavation, foundation and exterior construction activities to the Planning Department Development Performance Coordinator, and Department of Building Inspection upon request.</p> <p>Planning Department shall review and approve pre-construction assessment and vibration monitoring plan.</p>	<p>Considered complete at the completion of Walnut Building and California Street Garage excavation and submittal of final vibration monitoring report to the Planning Department.</p>
<p>The project contractor shall:</p> <ul style="list-style-type: none"> <li>Retain the services of a qualified structural engineer or vibration consultant to prepare a pre-construction building assessment and vibration monitoring plan of the SF Fire Credit Union building.</li> <li>Prior to excavation activities for the Walnut Building and the California Street Garage, perform inspection of the SF Fire Credit Union building to document existing building conditions with written and photographic descriptions of the existing condition of visible exteriors and in interior locations upon permission of the owner. The assessment shall determine specific locations to be monitored and include annotated drawings to locate digital photo locations, survey markers, and/or other monitoring devices to measure vibrations. Based on the construction program for the proposed project or project variant and the condition of the SF Fire Credit Union building, the structural engineer and/or vibration consultant shall develop a vibration monitoring plan to protect the SF Fire Credit Union building. The pre-construction assessment and vibration monitoring plan shall be submitted to the Planning Department prior to issuance of construction permits for excavation for the Walnut Building and the California Street Garage.</li> </ul>	<p>Project sponsor to retain a qualified structural engineer or vibration consultant to carry out pre-construction assessment.</p>	<p>Prior to excavation activities for the Walnut Building and California Street Garage, the qualified consultant shall perform pre-construction inspection of the SF Fire Credit Union building.</p>		

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<ul style="list-style-type: none"> <li>Inform the SF Fire Credit Union of upcoming construction activities that may generate high levels of vibration, including excavator use that may occur within 15 feet of this building (thereby providing a 7-foot protective buffer to the 8-foot distance where damage may occur).</li> <li>Perform vibration monitoring at the SF Fire Credit Union building during excavation activities for the Walnut Building and the California Street Garage when operating heavy equipment (i.e., excavators) within 15 feet of the building foundation. Vibration monitoring shall be conducted on a daily basis, as needed, when heavy equipment operates within 15 feet of the building foundation. When vibration levels exceed allowable threshold the Construction Manager, structural engineer, or other designated person(s) shall be alerted.</li> <li>Should the measured vibration levels at the SF Fire Credit Union building during excavation for the Walnut Building and the California Street Garage exceed 0.5 PPV (in/sec) at any time, or if damage to the SF Fire Credit Union building is observed, construction personnel shall immediately cease excavation and implement vibration control measures such as adjustment of excavation methods to reduce vibration of soil or use of equipment that generates lower levels of vibration. Examples of equipment that may generate lower levels of vibration may include smaller sized back-hoes.</li> <li>If damage to the SF Fire Credit Union building occurs, the building shall be remediated to its pre-construction condition at the conclusion of ground-disturbing activity, as shown in the pre-construction assessment, with the consent of the building owner.</li> </ul> <p><b>Plan Review, Implementation, and Reporting</b></p> <p>The Detailed Vibration Assessment Plan shall be reviewed and approved by the San Francisco Planning Department prior to implementation. Vibration measurements shall be completed by a qualified structural engineer or vibration consultant.</p>				

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<p>A vibration monitoring log report is to be prepared by the Construction Manager or other designated person(s) on a weekly basis during excavation for the Walnut Building and California Street Garage, and shall be made available to the Planning Department Development Performance Coordinator and building department when requested. A final report on the vibration monitoring shall be submitted to the Planning Department following completion of Walnut Building and California Street Garage excavation and prior to the issuance of a Certificate of Occupancy. The report shall document vibration levels, exceedances of the threshold level, if reported, and corrective action(s) taken.</p>				
<p><b>Mitigation Measure M-NO-3: Stationary Equipment Noise Controls</b></p> <p>Noise attenuation measures shall be incorporated into all stationary equipment (including HVAC equipment) installed on all buildings that include such stationary equipment as necessary to meet noise limits specified in Section 2909 of the Police Code. Interior noise limits shall be met under both existing and future noise conditions. Noise attenuation measures could include provision of sound enclosures/barriers, addition of roof parapets to block noise, increasing setback distances from sensitive receptors, provision of louvered vent openings, and location of vent openings away from adjacent residential uses.</p> <p>After completing installation of the HVAC equipment but before receipt of the Final Certificate of Occupancy for each building, the project sponsor shall conduct noise measurements to ensure that the noise generated by stationary equipment complies with section 2909 (a) and (d) of the San Francisco Noise Ordinance. No Final Certificate of Occupancy shall be issued for any building until the standards in the Noise Ordinance are shown to be met for that building.</p>	<p>Project sponsor and construction contractor(s) shall implement noise attenuation measures and conduct noise measurements identified in M-NO-3.</p>	<p>Prior to issuance of building permit, incorporate practices identified in M-NO-3 into the project construction plans.</p> <p>Before receipt of the Final Certificate of Occupancy for each building, the project sponsor shall conduct noise measurements.</p>	<p>Project sponsor to provide copies of project construction plans to Planning Department that show incorporation of practices identified.</p> <p>Before receipt of the Final Certificate of Occupancy for each building, the project sponsor shall submit noise measurements results to the Planning Department Development Performance Coordinator. The noise measurement results from the stationary equipment shall demonstrate compliance with sections 2909 (a) and (d) of the San Francisco Noise Ordinance.</p>	<p>Considered complete upon submittal of project construction plans incorporating identified practices and noise measurements results demonstrating compliance with the San Francisco Noise Ordinance.</p>
<b>Biological Resources Mitigation Measures</b>				
<p><b>Mitigation Measure M-BI-1: Preconstruction Nesting Bird Surveys and Buffer Areas</b></p> <p>Nesting birds and their nests shall be protected during construction by implementation of the following measures for each construction phase:</p>	<p>Project sponsor and qualified biologist shall</p>	<p>Vegetation/tree removal activities shall be</p>	<p>Before each construction phase. If qualified biologist proposes to</p>	<p>Considered complete upon</p>

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<p>a. To the extent feasible, conduct initial activities including, but not limited to, vegetation removal, tree trimming or removal, ground disturbance, building demolition, site grading, and other construction activities which may compromise breeding birds or the success of their nests outside of the nesting season (January 15 through August 15).</p> <p>b. If construction during the bird nesting season cannot be fully avoided, a qualified wildlife biologist* shall conduct pre-construction nesting surveys within 14 days prior to the start of construction or demolition at areas that have not been previously disturbed by project activities or after any construction breaks of 14 days or more. Surveys shall be performed for suitable habitat within 250 feet of the project site in order to locate any active nests of common bird species and within 500 feet of the project site to locate any active raptor (birds of prey) nests.</p> <p>c. If active nests are located during the preconstruction nesting bird surveys, a qualified biologist shall evaluate if the schedule of construction activities could affect the active nests and if so, the following measures would apply:</p> <p>i. If construction is not likely to affect the active nest, construction may proceed without restriction; however, a qualified biologist shall regularly monitor the nest at a frequency determined appropriate for the surrounding construction activity to confirm there is no adverse effect. Spot-check monitoring frequency would be determined on a nest-by-nest basis considering the particular construction activity, duration, proximity to the nest, and physical barriers which may screen activity from the nest. The qualified biologist may revise his/her determination at any time during the nesting season in coordination with the Planning Department.</p> <p>ii. If it is determined that construction may affect the active nest, the qualified biologist shall establish a no-disturbance buffer around the nest(s) and all project work shall halt</p>	<p>implement measures to protect nesting birds and their nests.</p>	<p>conducted during the non-breeding season (i.e., August 16 through January 14), OR preconstruction surveys shall be conducted for work scheduled during the breeding season (January 15 through August 15).</p> <p>The preconstruction survey shall be conducted within 14 days prior to the start of work or after any construction breaks of 14 days or more during the bird nesting season (January 15 through August 15)</p>	<p>modify nest buffer distances, Planning Department shall review and approve in coordination with California Department of Fish and Wildlife before the buffer distances are reduced.</p>	<p>completion of preconstruction nesting bird surveys or completion of vegetation removal and grading activities outside of the bird breeding season.</p>



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<p>within the buffer until a qualified biologist determines the nest is no longer in use. Typically, these buffer distances are 250 feet for passerines and 500 feet for raptors; however, the buffers may be adjusted if an obstruction, such as a building, is within line-of-sight between the nest and construction.</p> <p>iii. Modifying nest buffer distances, allowing certain construction activities within the buffer, and/or modifying construction methods in proximity to active nests shall be done at the discretion of the qualified biologist and in coordination with the Planning Department, who would notify CDFW. Necessary actions to remove or relocate an active nest(s) shall be coordinated with the Planning Department and approved by CDFW.</p> <p>iv. Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest, work within the no-disturbance buffer(s) shall halt until the nest occupants have fledged.</p> <p>v. Any birds that begin nesting within the project area and survey buffers amid construction activities are assumed to be habituated to construction-related or similar noise and disturbance levels, so exclusion zones around nests may be reduced or eliminated in these cases as determined by the qualified biologist in coordination with the Planning Department, who would notify CDFW. Work may proceed around these active nests as long as the nests and their occupants are not directly impacted.</p> <p>d. In the event inactive nests are observed within or adjacent to the project site at any time throughout the year, any removal or relocation of the inactive nests shall be at the discretion of the qualified biologist in coordination with the Planning Department, who would notify and seek approval from the CDFW, as appropriate. Work may proceed around these inactive nests.</p>				

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<p>* Typical experience requirements for a “qualified biologist” include a minimum of four years of academic training and professional experience in biological sciences and related resource management activities, and a minimum of two years of experience conducting surveys for each species that may be present within the project area.</p>				
<b><i>Geology and Soils Mitigation Measures</i></b>				
<p><b>Mitigation Measure M-GE-5: Inadvertent Discovery of Paleontological Resources.</b></p> <p>Before the start of any drilling or excavation activities, the project sponsor shall retain a qualified paleontologist, as defined by the Society of Vertebrate Paleontology, who is experienced in on-site construction worker training. The qualified paleontologist shall train all construction personnel who are involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils that are likely to be seen during construction, and proper notification procedures should fossils be encountered. If potential vertebrate fossils are discovered by construction crews, all earthwork or other types of ground disturbance within 50 feet of the find shall stop immediately and the monitor shall notify the Environmental Review Officer. The fossil should be protected by an “exclusion zone” (an area approximately five feet around the discovery that is marked with caution tape to prevent damage to the fossil). Work shall not resume until a qualified professional paleontologist can assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the qualified paleontologist may record the find and allow work to continue, or recommend salvage and recovery of the fossil. The qualified paleontologist may also propose modifications to the stop-work radius based on the nature of the find, site geology, and the activities occurring on the site. If treatment and salvage is required, recommendations shall be consistent with Society of Vertebrate Paleontology’s 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources, and currently accepted scientific practice, and shall be subject to review and approval by the Environmental Review Officer. If required, treatment for fossil remains may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection [e.g.,</p>	<p>Project sponsor to retain appropriately qualified paleontologist to conduct training for construction personnel and to review procedures for Stop Work notices for inadvertent discoveries. Project sponsor and contractor(s) to report any fossils encountered.</p>	<p>Prior to and during any excavation, site preparation or soil disturbance for each construction phase. ERO to approve training materials and ensure notification procedures are up to date.</p>	<p>The project sponsor’s paleontological consultant shall notify the ERO immediately if work should stop, as indicated, and consult with the qualified paleontologist to develop recommendations for monitoring, treatment, and salvage, as needed.</p>	<p>Considered complete upon completion of ground-disturbing activities, if no paleontological resources are encountered, or upon completion of recovery or report preparation as directed by the ERO.</p>

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<p>the University of California Museum of Paleontology], and may also include preparation of a report for publication describing the finds. The Planning Department shall ensure that information on the nature, location, and depth of all finds is readily available to the scientific community through university curation or other appropriate means.</p>				
<b>IMPROVEMENT MEASURES FOR THE 3333 CALIFORNIA STREET MIXED USE PROJECT</b> <i>(Improvement measures are not required under CEQA. The EIR identifies Improvement Measures to avoid or reduce the less-than-significant impacts of the proposed project or project variant. The decision-makers may adopt these Improvement Measures as conditions of approval.)</i>				
<b>Transportation and Circulation Improvement Measures</b>				
<b>Improvement Measure I-TR-1: Project Construction Updates</b> <p>To minimize construction impacts on access for nearby residences, institutions, and businesses, the project sponsor should provide nearby residences and adjacent businesses with regularly updated information regarding construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel or parking lane closures, and sidewalk closures via a newsletter and/or website.</p>	<p>Project sponsor and project construction contractor(s).</p>	<p>Implement measure throughout all phases of construction.</p>	<p>Project sponsor and project construction contractor(s) to provide documentation regarding compliance with Improvement Measure I-TR-1 to Planning Department.</p>	<p>Considered complete at the completion of project construction.</p>
<b>Improvement Measure I-TR-3: Driveway Queue Abatement</b> <p>It will be the responsibility of the owner/operator of the proposed parking garage to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.</p> <p>If a recurring queue occurs, the owner/operator of the parking facility will employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses.</p> <p>Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; ingress/egress restrictions, such as limiting access to right-in/right-out; employment of parking attendants; installation of "LOT FULL" signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of parking occupancy sensors and signage directing</p>	<p>Project sponsor/building management representative and Planning Department.</p>	<p>Ongoing during building occupancy.</p>	<p>Project sponsor/building management representative to ensure that recurring vehicle queues do not occur adjacent to the project site.</p> <p>Planning Department shall notify the project sponsor/building management representative in writing if recurring queues are suspected. Project sponsor/building management representative to hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. If the Planning Department determines that a recurring queue does exist, the</p>	<p>Ongoing during building occupancy.</p>



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<p>drivers to available spaces; transportation demand management strategies such as customer/employee shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.</p> <p>If the Planning Director, or his or her designee, suspects that a recurring queue is present, the department will notify the property owner in writing. Upon request, the owner/operator will hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant will prepare a monitoring report to be submitted to the department for review. If the department determines that a recurring queue does exist, the facility owner/operator will have 90 days from the date of the written determination to abate the queue.</p> <p><b>Improvement Measure I-TR-9a: Schedule and Coordinate Deliveries</b></p> <p>Per Planning Code section 169.5, the project will maintain a transportation demand management (TDM) coordinator.<sup>3</sup> The project's TDM coordinator will work with delivery providers and building tenants to schedule and coordinate loading activities to ensure that any freight loading/service vehicles can be accommodated either in the proposed on-street or on-site/off-street loading spaces. Loading and moving activities will be minimized during peak periods and spread across the day, thereby reducing activity during the peak hour for loading. The TDM coordinator will work with tenants to find opportunities to consolidate deliveries and reduce the need for peak period deliveries whenever possible. Deliveries will be scheduled to minimize loading activities during peak periods and reduce potential for conflicts with traffic, transit, bicyclists, and pedestrians on the surrounding street network. Freight loading/service vehicles will be monitored and actively discouraged from parking illegally or obstructing traffic, transit, bicycle, or pedestrian flow along the project frontages.</p> <p><b>Improvement Measure I-TR-9b: Monitor Loading Activity and Implement Loading Management Strategies as Needed</b></p> <p>After completion of the proposed project or project variant, the project sponsor will conduct a utilization study of commercial and passenger loading spaces. If</p>	<p>Project sponsor/building management representative/ TDM coordinator.</p>	<p>Prior to issuance of certificates of occupancy for new buildings. Implementation of this measure is ongoing, after building occupancy.</p>	<p>The project sponsor shall provide documentation to the Planning Department regarding procedures to implement this improvement measure.</p>	<p>Ongoing during building occupancy.</p>
<p>project sponsor/building management representative shall have 90 days from the date of the written determination to abate the queue.</p>				
<p>project sponsor/building management representative shall have 90 days from the date of the written determination to abate the queue.</p>				

<sup>3</sup> The project sponsor of a development project subject to the requirements of planning code section 169 must designate a TDM coordinator. The TDM coordinator may be an employee for the development project (e.g., property manager) or the project sponsor may contract with a third-party provider(s) (e.g., transportation brokerage services as required for certain projects pursuant to planning code section 163). The TDM coordinator shall be delegated authority to coordinate and implement the TDM Plan.

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<p>the result of the study indicates that fewer than 15 percent of the loading spaces (e.g., 1 space) are available during the peak loading period, the project sponsor will implement loading management strategies and/or provide additional or expanded loading supply to meet the loading demand.</p> <p>Additional loading strategies could include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Expanding efforts to coordinate with parcel delivery companies to schedule deliveries during off-peak hours</li> <li>• Installing delivery supportive amenities such as lock boxes and unassisted delivery systems to allow delivery personnel access and enable off-peak hour deliveries</li> <li>• Coordinating delivery services across buildings to enable the delivery of several buildings' packages to a single location</li> <li>• Requiring deliveries to the retail and restaurant components of the proposed project or project variant to occur during early morning or late evening hours</li> <li>• Reserving on-street parking spaces for smaller delivery vehicles through the SFMTA Temporary Signage Program</li> </ul>	<p>conduct a loading utilization study with an approach reviewed and approved by Planning transportation staff.</p>	<p>loading utilization study.</p>	<p>to implement this improvement measure.</p>	<p>approval of the loading utilization study by the planning department. If Planning determines one or more loading strategies is/are recommended, considered complete upon implementation of loading management strategies.</p>

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**From:** Anne Harvey <annetharvey@hotmail.com>  
**Sent:** Thursday, November 7, 2019 12:47 PM  
**To:** BOS-Supervisors; Wong, Jocelyn (BOS); Peskin, Aaron (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Yee, Norman (BOS); Brown, Vallie (BOS); Haney, Matt (BOS); Mar, Gordon (BOS)  
**Cc:** laurelHeights2016@gmail.com; Richard Frisbie  
**Subject:** 3333 California Street recordNumber 2015-0142028CUA/PCA/MAP/DUA  
**Attachments:** DouglasSierraClubOpinion.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hearing set before Board of Supervisors to be heard November 12, 2019

Dear Honorable Members of the San Francisco Board of Supervisors,

I am writing to you this morning in connection with the EIR and Conditional Use Authorization for the proposed project at 3333 California Street to voice my support for the points made by the the Laurel Heights Improvement Association.

I am writing to request that the board overturn the PUD Authorization and that it reject the EIR as being inadequate. All along the developer and the planning commission seem to have considered the environmental issues to be simply a nuisance and to be swept under the floor. The developers even want to cut down healthy trees before they have received permission for the project. This land may be privately owned, but its existence and its environment is a public resource. It is wonderful nature in the middle of our urban environment. I would like to see it developed for housing for people, but done in a sensitive way. The property is served by wonderful public transportation. The 1 California line runs from downtown at the Hyatt Regency and Embarcadero all the way out to 33rd Avenue. The 43 Masonic line runs from Fort Mason through the Presidio past USF, the Panhandle, to UCSF Parnassus. The property is only a few short blocks from the 38 Geary line, and major complex at Target, and Trader Joe's. Availability of public transportation that is frequent and reliable would make it a wonderful place to live in and not need an automobile.

It is ridiculous to allow the development to include retail, when there is so much shopping readily available nearby. Also more retail would probably negatively affect the longtime valued businesses in Laurel Village, such as Bryans and Calmart, as well as shops on the Sacramento corridor. In fact, from what I can see the developer wants to attract shoppers in cars to drive to the area as a destination for shopping.

The Environmental Impact Report was defective, and it seems that the alternatives put forward by the community never received actual consideration by the planning commission. I would also like to note that the developer is proposing a 15 year time frame for the construction of the housing, whereas the neighborhood alternative would require only 3 years. I imagine that the developer would take advantage of that long time frame to build the market rate, multimillion dollar units first. I can just imagine the havoc that would be played out on the California Street corridor with accidents and bus delays as the construction drags out for over a decade.

Finally, I would encourage the Board to seriously consider issues about the effects of development on the environment and in this regard have attached as a PDF to this email, the dissenting opinion of Supreme Court Justice William Douglas in *Sierra Club v. Morton*, 405 US 727 (1972) found at pages 741-752. In this opinion, Justice Douglas treats natural objects such as trees as potential litigants for administrative purposes. This case came to my mind when I saw that the

developer had posted legal notices to the public regarding this development on sidewalk trees and have a certain time to act. I hope that the San Francisco Board of Supervisors will attach as much importance to the environment and the neighborhood as Justice Douglas does in this matter.

Respectfully submitted,

Anne T Harvey  
415-931-5678

727

DOUGLAS, J., dissenting

As we conclude that the Court of Appeals was correct in its holding that the Sierra Club lacked standing to maintain this action, we do not reach any other questions presented in the petition, and we intimate no view on the merits of the complaint. The judgment is

*Affirmed.*

MR. JUSTICE POWELL and MR. JUSTICE REHNQUIST took no part in the consideration or decision of this case.

MR. JUSTICE DOUGLAS, dissenting.

I share the views of my Brother BLACKMUN and would reverse the judgment below.

The critical question of "standing"<sup>1</sup> would be simplified and also put neatly in focus if we fashioned a federal rule that allowed environmental issues to be litigated before federal agencies or federal courts in the name of the inanimate object about to be despoiled, defaced, or invaded by roads and bulldozers and where injury is the subject of public outrage. Contemporary public con-

available simply at the behest of a partisan faction, but is exercised only to remedy a particular, concrete injury.

"It will be seen, also, that by leaving it to private interest to censure the law, and by intimately uniting the trial of the law with the trial of an individual, legislation is protected from wanton assaults and from the daily aggressions of party spirit. The errors of the legislator are exposed only to meet a real want; and it is always a positive and appreciable fact that must serve as the basis of a prosecution." *Id.*, at 102.

<sup>1</sup> See generally *Data Processing Service v. Camp*, 397 U. S. 150 (1970); *Barlow v. Collins*, 397 U. S. 159 (1970); *Flast v. Cohen*, 392 U. S. 83 (1968). See also MR. JUSTICE BRENNAN'S separate opinion in *Barlow v. Collins*, *supra*, at 167. The issue of statutory standing aside, no doubt exists that "injury in fact" to "aesthetic" and "conservational" interests is here sufficiently threatened to satisfy the case-or-controversy clause. *Data Processing Service v. Camp*, *supra*, at 154.

cern for protecting nature's ecological equilibrium should lead to the conferral of standing upon environmental objects to sue for their own preservation. See Stone, *Should Trees Have Standing?—Toward Legal Rights for Natural Objects*, 45 S. Cal. L. Rev. 450 (1972). This suit would therefore be more properly labeled as *Mineral King v. Morton*.

Inanimate objects are sometimes parties in litigation. A ship has a legal personality, a fiction found useful for maritime purposes.<sup>2</sup> The corporation sole—a creature of ecclesiastical law—is an acceptable adversary and large fortunes ride on its cases.<sup>3</sup> The ordinary corporation is a “person” for purposes of the adjudicatory processes,

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<sup>2</sup> *In rem* actions brought to adjudicate libelants' interests in vessels are well known in admiralty. G. Gilmore & C. Black, *The Law of Admiralty* 31 (1957). But admiralty also permits a salvage action to be brought in the name of the rescuing vessel. *The Camanche*, 8 Wall. 448, 476 (1869). And, in collision litigation, the first-libeled ship may counterclaim in its own name. *The Gylfe v. The Trujillo*, 209 F. 2d 386 (CA2 1954). Our case law has personified vessels:

“A ship is born when she is launched, and lives so long as her identity is preserved. Prior to her launching she is a mere congeries of wood and iron . . . . In the baptism of launching she receives her name, and from the moment her keel touches the water she is transformed . . . . She acquires a personality of her own.” *Tucker v. Alexandroff*, 183 U. S. 424, 438.

<sup>3</sup> At common law, an officeholder, such as a priest or the king, and his successors constituted a corporation sole, a legal entity distinct from the personality which managed it. Rights and duties were deemed to adhere to this device rather than to the officeholder in order to provide continuity after the latter retired. The notion is occasionally revived by American courts. *E. g.*, *Reid v. Barry*, 93 Fla. 849, 112 So. 846 (1927), discussed in *Recent Cases*, 12 Minn. L. Rev. 295 (1928), and in Note, 26 Mich. L. Rev. 545 (1928); see generally 1 W. Fletcher, *Cyclopedia of the Law of Private Corporations* §§ 50–53 (1963); 1 P. Potter, *Law of Corporations* 27 (1881).

whether it represents proprietary, spiritual, aesthetic, or charitable causes.<sup>4</sup>

So it should be as respects valleys, alpine meadows, rivers, lakes, estuaries, beaches, ridges, groves of trees, swampland, or even air that feels the destructive pressures of modern technology and modern life. The river, for example, is the living symbol of all the life it sustains or nourishes—fish, aquatic insects, water ouzels, otter, fisher, deer, elk, bear, and all other animals, including man, who are dependent on it or who enjoy it for its sight, its sound, or its life. The river as plaintiff speaks for the ecological unit of life that is part of it. Those people who have a meaningful relation to that body of water—whether it be a fisherman, a canoeist, a zoologist, or a logger—must be able to speak for the values which the river represents and which are threatened with destruction.

I do not know Mineral King. I have never seen it nor traveled it, though I have seen articles describing its proposed “development”<sup>5</sup> notably Hano, Protectionists vs. recreationists—The Battle of Mineral King,

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<sup>4</sup> Early jurists considered the conventional corporation to be a highly artificial entity. Lord Coke opined that a corporation's creation “rests only in intendment and consideration of the law.” *Case of Sutton's Hospital*, 77 Eng. Rep. 937, 973 (K. B. 1612). Mr. Chief Justice Marshall added that the device is “an artificial being, invisible, intangible, and existing only in contemplation of law.” *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 518, 636 (1819). Today, suits in the names of corporations are taken for granted.

<sup>5</sup> Although in the past Mineral King Valley has annually supplied about 70,000 visitor-days of simpler and more rustic forms of recreation—hiking, camping, and skiing (without lifts)—the Forest Service in 1949 and again in 1965 invited developers to submit proposals to “improve” the Valley for resort use. Walt Disney Productions won the competition and transformed the Service's idea into a mammoth project 10 times its originally proposed dimensions. For example,



N. Y. Times Mag., Aug. 17, 1969, p. 25; and Browning, Mickey Mouse in the Mountains, Harper's, March 1972, p. 65. The Sierra Club in its complaint alleges that "[o]ne of the principal purposes of the Sierra Club is to protect and conserve the national resources of the Sierra Nevada Mountains." The District Court held that this uncontested allegation made the Sierra Club "sufficiently aggrieved" to have "standing" to sue on behalf of Mineral King.

Mineral King is doubtless like other wonders of the Sierra Nevada such as Tuolumne Meadows and the John Muir Trail. Those who hike it, fish it, hunt it, camp

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while the Forest Service prospectus called for an investment of at least \$3 million and a sleeping capacity of at least 100, Disney will spend \$35.3 million and will bed down 3,300 persons by 1978. Disney also plans a nine-level parking structure with two supplemental lots for automobiles, 10 restaurants and 20 ski lifts. The Service's annual license revenue is hitched to Disney's profits. Under Disney's projections, the Valley will be forced to accommodate a tourist population twice as dense as that in Yosemite Valley on a busy day. And, although Disney has bought up much of the private land near the project, another commercial firm plans to transform an adjoining 160-acre parcel into a "piggyback" resort complex, further adding to the volume of human activity the Valley must endure. See generally Note, Mineral King Valley: Who Shall Watch the Watchmen?, 25 Rutgers L. Rev. 103, 107 (1970); Thar's Gold in Those Hills, 206 The Nation 260 (1968). For a general critique of mass recreation enclaves in national forests see Christian Science Monitor, Nov. 22, 1965, p. 5, col. 1 (Western ed.). Michael Frome cautions that the national forests are "fragile" and "deteriorate rapidly with excessive recreation use" because "[t]he trampling effect alone eliminates vegetative growth, creating erosion and water runoff problems. The concentration of people, particularly in horse parties, on excessively steep slopes that follow old Indian or cattle routes, has torn up the landscape of the High Sierras in California and sent tons of wilderness soil washing downstream each year." M. Frome, The Forest Service 69 (1971).

in it, frequent it, or visit it merely to sit in solitude and wonderment are legitimate spokesmen for it, whether they may be few or many. Those who have that intimate relation with the inanimate object about to be injured, polluted, or otherwise despoiled are its legitimate spokesmen.

The Solicitor General, whose views on this subject are in the Appendix to this opinion, takes a wholly different approach. He considers the problem in terms of "government by the Judiciary." With all respect, the problem is to make certain that the inanimate objects, which are the very core of America's beauty, have spokesmen before they are destroyed. It is, of course, true that most of them are under the control of a federal or state agency. The standards given those agencies are usually expressed in terms of the "public interest." Yet "public interest" has so many differing shades of meaning as to be quite meaningless on the environmental front. Congress accordingly has adopted ecological standards in the National Environmental Policy Act of 1969, Pub. L. 91-190, 83 Stat. 852, 42 U. S. C. § 4321 *et seq.*, and guidelines for agency action have been provided by the Council on Environmental Quality of which Russell E. Train is Chairman. See 36 Fed. Reg. 7724.

Yet the pressures on agencies for favorable action one way or the other are enormous. The suggestion that Congress can stop action which is undesirable is true in theory; yet even Congress is too remote to give meaningful direction and its machinery is too ponderous to use very often. The federal agencies of which I speak are not venal or corrupt. But they are notoriously under the control of powerful interests who manipulate them through advisory committees, or friendly working relations, or who have that natural affinity with the agency

which in time develops between the regulator and the regulated.<sup>6</sup> As early as 1894, Attorney General Olney predicted that regulatory agencies might become "indus-

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<sup>6</sup> The federal budget annually includes about \$75 million for underwriting about 1,500 advisory committees attached to various regulatory agencies. These groups are almost exclusively composed of industry representatives appointed by the President or by Cabinet members. Although public members may be on these committees, they are rarely asked to serve. Senator Lee Metcalf warns: "Industry advisory committees exist inside most important federal agencies, and even have offices in some. Legally, their function is purely as kibitzer, but in practice many have become internal lobbies—printing industry handouts in the Government Printing Office with taxpayers' money, and even influencing policies. Industry committees perform the dual function of stopping government from finding out about corporations while at the same time helping corporations get inside information about what government is doing. Sometimes, the same company that sits on an advisory council that obstructs or turns down a government questionnaire is precisely the company which is withholding information the government needs in order to enforce a law." Metcalf, *The Vested Oracles: How Industry Regulates Government*, 3 *The Washington Monthly*, July 1971, p. 45. For proceedings conducted by Senator Metcalf exposing these relationships, see Hearings on S. 3067 before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, 91st Cong., 2d Sess. (1970); Hearings on S. 1637, S. 1964, and S. 2064 before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, 92d Cong., 1st Sess. (1971).

The web spun about administrative agencies by industry representatives does not depend, of course, solely upon advisory committees for effectiveness. See Elman, *Administrative Reform of the Federal Trade Commission*, 59 *Geo. L. J.* 777, 788 (1971); Johnson, *A New Fidelity to the Regulatory Ideal*, 59 *Geo. L. J.* 869, 874, 906 (1971); R. Berkman & K. Viscusi, *Damming The West*, The Ralph Nader Study Group Report on The Bureau of Reclamation 155 (1971); R. Fellmeth, *The Interstate Commerce Omission*, The Ralph Nader Study Group Report on the Interstate Commerce Commission and Transportation 15-39 and *passim* (1970); J. Turner, *The Chemical Feast*, The Ralph Nader Study Group Report on Food

727

DOUGLAS, J., dissenting

try-minded," as illustrated by his forecast concerning the Interstate Commerce Commission:

"The Commission . . . is, or can be made, of great use to the railroads. It satisfies the popular clamor for a government supervision of railroads, at the same time that that supervision is almost entirely nominal. Further, the older such a commission gets to be, the more inclined it will be found to take the business and railroad view of things." M. Josephson, *The Politicos* 526 (1938).

Years later a court of appeals observed, "the recurring question which has plagued public regulation of industry [is] whether the regulatory agency is unduly oriented toward the interests of the industry it is designed to regulate, rather than the public interest it is designed to protect." *Moss v. CAB*, 139 U. S. App. D. C. 150, 152, 430 F. 2d 891, 893. See also *Office of Communication of the United Church of Christ v. FCC*, 123 U. S. App. D. C. 328, 337-338, 359 F. 2d 994, 1003-1004; *Udall v. FPC*, 387 U. S. 428; *Calvert Cliffs' Coordinating Committee, Inc. v. AEC*, 146 U. S. App. D. C. 33, 449 F. 2d 1109; *Environmental Defense Fund, Inc. v. Ruckelshaus*, 142 U. S. App. D. C. 74, 439 F. 2d 584; *Environmental Defense Fund, Inc. v. HEW*, 138 U. S. App. D. C. 381, 428 F. 2d 1083; *Scenic Hudson Preservation Conf. v. FPC*, 354 F. 2d 608, 620. But see Jaffe, *The Federal Regulatory Agencies In Perspective: Administrative Limitations In A Political Setting*, 11 B. C. Ind. & Com. L. Rev. 565 (1970) (labels "industry-mindedness" as "devil" theory).

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Protection and the Food and Drug Administration *passim* (1970); Massel, *The Regulatory Process*, 26 Law & Contemp. Prob. 181, 189 (1961); J. Landis, *Report on Regulatory Agencies to the President-Elect* 13, 69 (1960).

The Forest Service—one of the federal agencies behind the scheme to despoil Mineral King—has been notorious for its alignment with lumber companies, although its mandate from Congress directs it to consider the various aspects of multiple use in its supervision of the national forests.<sup>7</sup>

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<sup>7</sup> The Forest Reserve Act of 1897, 30 Stat. 35, 16 U. S. C. § 551, imposed upon the Secretary of the Interior the duty to “preserve the [national] forests . . . from destruction” by regulating their “occupancy and use.” In 1905 these duties and powers were transferred to the Forest Service created within the Department of Agriculture by the Act of Feb. 1, 1905, 33 Stat. 628, 16 U. S. C. § 472. The phrase “occupancy and use” has been the cornerstone for the concept of “multiple use” of national forests, that is, the policy that uses other than logging were also to be taken into consideration in managing our 154 national forests. This policy was made more explicit by the Multiple-Use Sustained-Yield Act of 1960, 74 Stat. 215, 16 U. S. C. §§ 528–531, which provides that competing considerations should include outdoor recreation, range, timber, watershed, wildlife, and fish purposes. The Forest Service, influenced by powerful logging interests, has, however, paid only lip service to its multiple-use mandate and has auctioned away millions of timberland acres without considering environmental or conservational interests. The importance of national forests to the construction and logging industries results from the type of lumber grown therein which is well suited to builders’ needs. For example, Western acreage produces Douglas fir (structural support) and ponderosa pine (plywood lamination). In order to preserve the total acreage and so-called “maturity” of timber, the annual size of a Forest Service harvest is supposedly equated with expected yearly reforestation. Nonetheless, yearly cuts have increased from 5.6 billion board feet in 1950 to 13.74 billion in 1971. Forestry professionals challenge the Service’s explanation that this harvest increase to 240% is not really over-cutting but instead has resulted from its improved management of timberlands. “Improved management,” answer the critics, is only a euphemism for exaggerated regrowth forecasts by the Service. N. Y. Times, Nov. 15, 1971, p. 48, col. 1. Recent rises in lumber prices have caused a new round of industry pressure to auction more federally owned timber. See Wagner, Resources Report/Lumber-

The voice of the inanimate object, therefore, should not be stilled. That does not mean that the judiciary takes over the managerial functions from the federal

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men, conservationists head for new battle over government timber, 3 National J. 657 (1971).

Aside from the issue of how much timber should be cut annually, another crucial question is *how* lumber should be harvested. Despite much criticism, the Forest Service had adhered to a policy of permitting logging companies to "clearcut" tracts of auctioned acreage. "Clearcutting," somewhat analogous to strip mining, is the indiscriminate and complete shaving from the earth of all trees—regardless of size or age—often across hundreds of contiguous acres.

Of clearcutting, Senator Gale McGee, a leading antagonist of Forest Service policy, complains: "The Forest Service's management policies are wreaking havoc with the environment. Soil is eroding, reforestation is neglected if not ignored, streams are silting, and clearcutting remains a basic practice." N. Y. Times, Nov. 14, 1971, p. 60, col. 2. He adds: "In Wyoming . . . the Forest Service is very much . . . nursemaid . . . to the lumber industry . . ." Hearings on Management Practices on the Public Lands before the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs, pt. 1, p. 7 (1971).

Senator Jennings Randolph offers a similar criticism of the leveling by lumber companies of large portions of the Monongahela National Forest in West Virginia. *Id.*, at 9. See also 116 Cong. Rec. 36971 (reprinted speech of Sen. Jennings Randolph concerning Forest Service policy in Monongahela National Forest). To investigate similar controversy surrounding the Service's management of the Bitterroot National Forest in Montana, Senator Lee Metcalf recently asked forestry professionals at the University of Montana to study local harvesting practices. The faculty group concluded that public dissatisfaction had arisen from the Forest Service's "overriding concern for sawtimber production" and its "insensitivity to the related forest uses and to the . . . public's interest in environmental values." S. Doc. No. 91-115, p. 14 (1970). See also Behan, Timber Mining: Accusation or Prospect?, American Forests, Nov. 1971, p. 4 (additional comments of faculty participant); Reich, The Public and the Nation's Forests, 50 Calif. L. Rev. 381-400 (1962).

Former Secretary of the Interior Walter Hickel similarly faulted clearcutting as excusable only as a money-saving harvesting practice

agency. It merely means that before these priceless bits of Americana (such as a valley, an alpine meadow, a river, or a lake) are forever lost or are so transformed as to be reduced to the eventual rubble of our urban environment, the voice of the existing beneficiaries of these environmental wonders should be heard.<sup>8</sup>

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for large lumber corporations. W. Hickel, *Who Owns America?* 130 (1971). See also Risser, *The U. S. Forest Service: Smokey's Strip Miners*, 3 *The Washington Monthly*, Dec. 1971, p. 16. And at least one Forest Service study team shares some of these criticisms of clear-cutting. U. S. Dept. of Agriculture, *Forest Management in Wyoming* 12 (1971). See also Public Land Law Review Comm'n, *Report to the President and to the Congress* 44 (1970); Chapman, *Effects of Logging upon Fish Resources of the West Coast*, 60 *J. of Forestry* 533 (1962).

A third category of criticism results from the Service's huge backlog of delayed reforestation projects. It is true that Congress has underfunded replanting programs of the Service but it is also true that the Service and lumber companies have regularly ensured that Congress fully funds budgets requested for the Forest Service's "timber sales and management." M. Frome, *The Environment and Timber Resources*, in *What's Ahead for Our Public Lands?* 23, 24 (H. Pyles ed. 1970).

<sup>8</sup> Permitting a court to appoint a representative of an inanimate object would not be significantly different from customary judicial appointments of guardians *ad litem*, executors, conservators, receivers, or counsel for indigents.

The values that ride on decisions such as the present one are often not appreciated even by the so-called experts.

"A teaspoon of living earth contains 5 million bacteria, 20 million fungi, one million protozoa, and 200,000 algae. No living human can predict what vital miracles may be locked in this dab of life, this stupendous reservoir of genetic materials that have evolved continuously since the dawn of the earth. For example, molds have existed on earth for about 2 billion years. But only in this century did we unlock the secret of the penicillins, tetracyclines, and other antibiotics from the lowly molds, and thus fashion the most powerful and effective medicines ever discovered by man. Medical scientists still wince at the thought that we might have inadvertently wiped

Perhaps they will not win. Perhaps the bulldozers of "progress" will plow under all the aesthetic wonders of this beautiful land. That is not the present question. The sole question is, who has standing to be heard?

Those who hike the Appalachian Trail into Sunfish Pond, New Jersey, and camp or sleep there, or run the

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out the rhesus monkey, medically, the most important research animal on earth. And who knows what revelations might lie in the cells of the blackback gibbon nesting in his eyrie this moment in the Virunga Mountains of Rwanda? And what might we have learned from the European lion, the first species formally noted (in 80 A. D.) as extinct by the Romans?

"When a species is gone, it is gone forever. Nature's genetic chain, billions of years in the making, is broken for all time." *Conserve—Water, Land and Life*, Nov. 1971, p. 4.

Aldo Leopold wrote in *Round River* 147 (1953):

"In Germany there is a mountain called the Spessart. Its south slope bears the most magnificent oaks in the world. American cabinetmakers, when they want the last word in quality, use Spessart oak. The north slope, which should be the better, bears an indifferent stand of Scotch pine. Why? Both slopes are part of the same state forest; both have been managed with equally scrupulous care for two centuries. Why the difference?

"Kick up the litter under the oaks and you will see that the leaves rot almost as fast as they fall. Under the pines, though, the needles pile up as a thick duff; decay is much slower. Why? Because in the Middle Ages the south slope was preserved as a deer forest by a hunting bishop; the north slope was pastured, plowed, and cut by settlers, just as we do with our woodlots in Wisconsin and Iowa today. Only after this period of abuse was the north slope replanted to pines. During this period of abuse something happened to the microscopic flora and fauna of the soil. The number of species was greatly reduced, i. e., the digestive apparatus of the soil lost some of its parts. Two centuries of conservation have not sufficed to restore these losses. It required the modern microscope, and a century of research in soil science, to discover the existence of these 'small cogs and wheels' which determine harmony or disharmony between men and land in the Spessart."



Allagash in Maine, or climb the Guadalupe in West Texas, or who canoe and portage the Quetico Superior in Minnesota, certainly should have standing to defend those natural wonders before courts or agencies, though they live 3,000 miles away. Those who merely are caught up in environmental news or propaganda and flock to defend these waters or areas may be treated differently. That is why these environmental issues should be tendered by the inanimate object itself. Then there will be assurances that all of the forms of life<sup>9</sup> which it represents will stand before the court—the pileated woodpecker as well as the coyote and bear, the lemmings as well as the trout in the streams. Those inarticulate members of the ecological group cannot speak. But those people who have so frequented the place as to know its values and wonders will be able to speak for the entire ecological community.

Ecology reflects the land ethic; and Aldo Leopold wrote in *A Sand County Almanac* 204 (1949), “The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land.”

That, as I see it, is the issue of “standing” in the present case and controversy.

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<sup>9</sup> Senator Cranston has introduced a bill to establish a 35,000-acre Pupfish National Monument to honor the pupfish which are one inch long and are useless to man. S. 2141, 92d Cong., 1st Sess. They are too small to eat and unfit for a home aquarium. But as Michael Frome has said:

“Still, I agree with Senator Cranston that saving the pupfish would symbolize our appreciation of diversity in God’s tired old biosphere, the qualities which hold it together and the interaction of life forms. When fishermen rise up united to save the pupfish they can save the world as well.” *Field & Stream*, Dec. 1971, p. 74.

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**From:** Major, Erica (BOS)  
**Sent:** Thursday, November 7, 2019 11:47 AM  
**To:** BOS Legislation, (BOS); Board of Supervisors, (BOS)  
**Subject:** FW: 2015-014028CUA/PCA/MAP/DUA

**Categories:** 191039, 191035

For 3333 Cali appeals.

**Erica Major**  
**Assistant Clerk**  
Board of Supervisors  
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**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, November 07, 2019 11:36 AM  
**To:** BOS-Supervisors <[bos-supervisors@sfgov.org](mailto:bos-supervisors@sfgov.org)>; Major, Erica (BOS) <[erica.major@sfgov.org](mailto:erica.major@sfgov.org)>  
**Subject:** FW: 2015-014028CUA/PCA/MAP/DUA

---

**From:** Zarin Randeria <[thezarin@yahoo.com](mailto:thezarin@yahoo.com)>  
**Sent:** Thursday, November 7, 2019 9:25 AM  
**To:** Stefani, Catherine (BOS) <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>  
**Subject:** RE: 2015-014028CUA/PCA/MAP/DUA

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Dear Supervisor,

This entire project is ill conceived and the EIR is inadequate under CEQA because it failed to identify modifications to the proposed project site plan that would reduce or avoid the proposed project's significant adverse impact on the Historical Resource.

The Board of Supervisors should overturn or modify the "conditional use authorization" because the proposed project at the size and intensity is not necessary or desirable for and not compatible with the needs of our Neighborhood or Community. We have Laurel Shopping Center adjacent to this property, and have Trader Joe's Target, CVS, and various shops, boutiques restaurants, banks hardware stores etc., all around us on Sacramento, Masonic, Geary and nearby Clement Streets, which we can all walk to and shop in. Additionally this project has reduced parking spaces from 188 to only 74 spaces. So, how are people from out of the area supposed to shop there? This makes absolutely NO SENSE at all.

Alternatively, the Board should eliminate flexible retail and social services and philanthropic facilities from the Special Use District because they were not disclosed in the EIR and are not necessary for or compatible with the Neighborhood.

I also request the Board to ask the developers to modify the project to remove construction from the green spaces from Euclid and

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**From:** Major, Erica (BOS)  
**Sent:** Thursday, November 7, 2019 11:47 AM  
**To:** BOS Legislation, (BOS); Board of Supervisors, (BOS)  
**Subject:** FW: 2015-014028CUA/PCA/MAP/DUA 3333 California St. development

**Categories:** 191035

For 3333 Cali appeals.

**Erica Major**  
**Assistant Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102  
Phone: (415) 554-4441 | Fax: (415) 554-5163  
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**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, November 07, 2019 11:35 AM  
**To:** BOS-Supervisors <[bos-supervisors@sfgov.org](mailto:bos-supervisors@sfgov.org)>; Major, Erica (BOS) <[erica.major@sfgov.org](mailto:erica.major@sfgov.org)>  
**Subject:** FW: 2015-014028CUA/PCA/MAP/DUA 3333 California St. development

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**From:** Michael Coholan <[michael@hilltopllc.com](mailto:michael@hilltopllc.com)>  
**Sent:** Thursday, November 7, 2019 10:07 AM  
**To:** Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>; Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>; Safai, Ahsha (BOS) <[ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org)>; Stefani, Catherine (BOS) <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>; Mar, Gordon (BOS) <[gordon.mar@sfgov.org](mailto:gordon.mar@sfgov.org)>; Ronen, Hillary <[hillary.ronen@sfgov.org](mailto:hillary.ronen@sfgov.org)>; Haney, Matt (BOS) <[matt.haney@sfgov.org](mailto:matt.haney@sfgov.org)>; Yee, Norman (BOS) <[norman.yee@sfgov.org](mailto:norman.yee@sfgov.org)>; Mandelman, Rafael (BOS) <[rafael.mandelman@sfgov.org](mailto:rafael.mandelman@sfgov.org)>; Fewer, Sandra (BOS) <[sandra.fewer@sfgov.org](mailto:sandra.fewer@sfgov.org)>; Brown, Vallie (BOS) <[vallie.brown@sfgov.org](mailto:vallie.brown@sfgov.org)>; Walton, Shamann (BOS) <[shamann.walton@sfgov.org](mailto:shamann.walton@sfgov.org)>  
**Subject:** 2015-014028CUA/PCA/MAP/DUA 3333 California St. development

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Dear Supervisors,

As I 35 year Laurel Heights neighborhood resident I am writing to affirm my support of the appeals filed by the Laurel Heights Improvement Association of SF, Inc. with respect to the 3333 California St. development that you will hear at your upcoming Nov. 12<sup>th</sup> meeting. Specifically, my concerns with the project's EIR are as follows:

- 1. The EIR is Inadequate Because It Fails to Adequately Analyze Alternatives to the Proposed Project.**
- 2. The EIR Failed to Describe the Project's Inconsistency With San Francisco's General Plan as to Preservation of Historical Resources and Neighborhood Character.**
- 3. The Board Should Eliminate Flexible Retail and Social Service and Philanthropic Facilities from the Special Use District Because they Were Not Disclosed in the EIR and Are Not Necessary For or Compatible With the Neighborhood.**

For the foregoing reasons and those stated in other comments of LHIA and its officers in relation to this proposed project, the Board of Supervisors should overturn the Planning Commission's certification of the Final EIR, adoption of CEQA findings including findings rejecting alternatives and/or mitigation measures, and adoption of statement of overriding considerations. The Board should order the Planning Department to perform supplemental environmental review under CEQA as to all the aforesaid matters and to release the supplemental environmental document for public comment.

Sincerely,

Michael Coholan



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**From:** Major, Erica (BOS)  
**Sent:** Thursday, November 7, 2019 11:42 AM  
**To:** BOS Legislation, (BOS); Board of Supervisors, (BOS)  
**Subject:** FW: Record Number: 2015-014028CUA/PCA/MAP/DUA, 3333 California Street, San Francisco

**Categories:** 191035

For 3333 Cali appeals

**Erica Major**  
**Assistant Clerk**  
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**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, November 07, 2019 11:35 AM  
**To:** BOS-Supervisors <bos-supervisors@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>  
**Subject:** FW: Record Number: 2015-014028CUA/PCA/MAP/DUA, 3333 California Street, San Francisco

---

**From:** Arlene <arlenefilippi@yahoo.com>  
**Sent:** Thursday, November 7, 2019 9:56 AM  
**To:** Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Laurel Heights Email <laurelheights2016@gmail.com>  
**Subject:** Record Number: 2015-014028CUA/PCA/MAP/DUA, 3333 California Street, San Francisco

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I ask that the Planning Commission's Certification of the Final EIR for the above noted Project be reversed. It is my hope that as Supervisors, you will recommend to the Planning Department that they perform a supplemental environmental review. My reasons are many; but in the interest of time, I point out the following.

This Project was only recently designated the "Special Use District". Under this zoning classification, Flexible Retail and NC-S uses are now included. But, under the existing Planning Code, the NC-S zoning does not permit Flexible Retail - so it would seem that the Special Use District is proposing more uses than would normally be permitted in an NC-S district. More importantly, Flexible Retail is not permitted in Supervisorial District 2, the area in which this Project is located. The EIR did not disclose potential Flexible Retail in their report. Therefore, it is my opinion that the EIR is inadequate and failed to analyze the significant adverse impact that this proposed Project would have on our neighborhood.

I would appreciate your consideration and thank you for your time.

Arlene Filippi  
42 Wood Street  
San Francisco, CA 94118

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**From:** Major, Erica (BOS)  
**Sent:** Thursday, November 7, 2019 11:49 AM  
**To:** BOS Legislation, (BOS)  
**Subject:** FW: 3333 California  
**Attachments:** 3333appeal.doc

**Categories:** 191039, 191035

Sorry, here's the attachment.

**Erica Major**  
**Assistant Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102  
Phone: (415) 554-4441 | Fax: (415) 554-5163  
[Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



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**From:** Board of Supervisors, (BOS)  
**Sent:** Thursday, November 07, 2019 11:32 AM  
**To:** BOS-Supervisors <[bos-supervisors@sfgov.org](mailto:bos-supervisors@sfgov.org)>; Major, Erica (BOS) <[erica.major@sfgov.org](mailto:erica.major@sfgov.org)>  
**Subject:** FW: 3333 California

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**From:** Linda Glick <[lindaglick@gmail.com](mailto:lindaglick@gmail.com)>  
**Sent:** Wednesday, November 6, 2019 9:40 PM  
**To:** Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>; Peskin, Aaron (BOS) <[aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)>; Safai, Ahsha (BOS) <[ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org)>; Stefani, Catherine (BOS) <[catherine.stefani@sfgov.org](mailto:catherine.stefani@sfgov.org)>; Mar, Gordon (BOS) <[gordon.mar@sfgov.org](mailto:gordon.mar@sfgov.org)>; Ronen, Hillary <[hillary.ronen@sfgov.org](mailto:hillary.ronen@sfgov.org)>; Haney, Matt (BOS) <[matt.haney@sfgov.org](mailto:matt.haney@sfgov.org)>; Yee, Norman (BOS) <[norman.yee@sfgov.org](mailto:norman.yee@sfgov.org)>; Mandelman, Rafael (BOS) <[rafael.mandelman@sfgov.org](mailto:rafael.mandelman@sfgov.org)>; Fewer, Sandra (BOS) <[sandra.fewer@sfgov.org](mailto:sandra.fewer@sfgov.org)>; Walton, Shamann (BOS) <[shamann.walton@sfgov.org](mailto:shamann.walton@sfgov.org)>  
**Cc:** Richard Frisbie <[frfibeagle@gmail.com](mailto:frfibeagle@gmail.com)>  
**Subject:** 3333 California

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Sent from [Mail](#) for Windows 10

To: The San Francisco Board of Supervisors  
RE: 3333 California Appeals

11/6/2019

Record #: : 3333 California Street,  
Record Number: 2015-014028CUA/PCA/MAP/DVA

While the appeals address specific deficiencies with compliance I want to comment on how this project will impact the neighborhood from a resident's perspective.

San Francisco is known for its diverse neighborhoods that each have their own characteristics and history. However these neighborhoods share a sense of community created by local merchants, publicly accessible open space and adequate infrastructure, i.e., transit and fire and safety support.

Yes, the District 2 needs to participate in solving the housing shortage in San Francisco.

Yes, San Francisco needs more housing but does the market rate housing proposed by the 3333 California St. project really offer a solution to the diversity of the population?

**The EIR Failed to Describe the Project's Inconsistency With San Francisco's General Plan as to Preservation of Historical Resources and Neighborhood Character.**

**The Board Should Overturn or Modify the Conditional Use Authorization Because the Proposed Project, At the Size and Intensity Contemplated, Is Not Necessary or Desirable for, and Compatible With, the Neighborhood or the Community.**

Fireman's Fund designed the 3333 California building to capitalize on the Laurel Hill vistas and trees. The buildings blend into the landscaping of the site. While the developer states that the current site is not integrated into the neighborhood that is not the case. Neighbors' criss-cross today's property as they visit surrounding merchants.

Today the neighborhood is served by retail that is a mixture of national chains and locally owned stores. Supporting the existing retail as well as leasing the existing vacancies should be a priority. What we do not need is additional retail vacancies or new retail that cannibalizes our neighborhood retail.

**The EIR Failed to Analyze the Project's Potentially Significant Shadow Impacts on Existing Open Spaces that Have Been Used by the Public for Recreational Purposes, on Sidewalks on the East Side of Laurel Street, and on Publicly Accessible Open Space Proposed by the Project.**

**The Board Should Order the Project Modified to Remove New Construction From the Green Spaces at the Top of Laurel Street and along Euclid Avenue.**

One of the major characteristics of the Laurel Heights is that we know our neighbors. What facilitates that is the open space on the east side of Laurel St. where on any day you can see neighbors talking with each other as they walk their dogs, play with children or just say hello to each other as they walk the neighborhood.

The development proposal will show how much public access space there will be. However meandering hard surface walkways in the shade can not replace the contiguous green space on Laurel St.

**The EIR is Inadequate Because It Failed to Determine Whether Measures to Mitigate the Significant Impact from Construction Noise Were Feasible.**

The developer is forecasting that construction would be on-going from 7 to 15 years. The traffic disruption and noise over this extended period is unacceptable. A neighborhood should not feel like it is under siege for this long. We have recommended some mitigating measures which should be given serious consideration.

Your decision on November 12, 2019 need not be an “either/or” one but rather one that provides much needed housing for a diverse income base and preserves a community.

Regards,

Linda Glick  
585 Laurel St.

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**From:** Richard Frisbie <frfibeagle@gmail.com>  
**Sent:** Wednesday, November 6, 2019 3:43 PM  
**To:** Board of Supervisors, (BOS); Peskin, Aaron (BOS); Safai, Ahsha (BOS); Stefani, Catherine (BOS); Mar, Gordon (BOS); Ronen, Hillary; Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Fewer, Sandra (BOS); Brown, Vallie (BOS); Walton, Shamann (BOS); Wong, Jocelyn (BOS)  
**Subject:** Comments on 3333 California St. Record No. 2015-014028CUA/PCA/MAP/DUA  
**Attachments:** COMMUNITY PRESERVATION LOOKALIKE VARIANT NARRATIVE w Drawing Table Bldg Summary.docx; EIR Inadequacies.docx; Cal Mart Bryan's Letter001.pdf

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I would ask that the Board of Supervisors take a serious look at both new Variants presented by the Community, something the Planning Department has studiously avoided doing as it clearly recognizes that the issues raised are serious and pertinent.

Both the Community Preservation Lookalike Variant (CPLV) and the Community Full Preservation Alternative Variant 2 (CFPAV2) are deserving of a detailed review. To date the Planning Department has totally ignored the former (attached) so any conclusions/comments as to the feasibility of the Community's alternatives are without merit. Hard to comment thoughtfully on something you haven't studied.

We believe the two latest Variants, particularly the Community Preservation Lookalike, are the basis for a credible and effective compromise between the Community and the developer. These two plans offer an opportunity to bring all the Stakeholders together.

I would ask that the Board of Supervisors address the inadequacies, inaccuracies and misleading conclusions contained within the EIR-see attached. This is by no means a complete list but it highlights the sleight of hand used to avoid addressing any inconvenient truths.

I would ask that: the 7-15 year entitlement period be scaled back to something a little more human and compassionate. What about the neighbors who live around the site? How is their peace of mind, quality of life and essential well-being factored into the decision? What is San Francisco's commitment to balancing efficiency against humanity? Or is this simply someone else's problem. I believe it is grossly unfair asking the Community to support an uncertain, open-ended long-term development period. We deserve certainty.

I would ask that: no retail be approved for 3333 California Street. It is unwanted and unneeded and threatens the very livelihood of our existing small and family owned businesses-see

attached letter from Cal Mart and Bryan's. One only need walk along Sacramento Street, Presidio Avenue and even Laurel Village to see the empty storefronts and to appreciate the increasing stress that the "Amazon" effect is creating.

And Flexible Retail is the least desirable. The types of businesses that could be allowed are totally inappropriate for a development that extols its neighborhood friendliness, family orientation, senior housing, etc.

The Law of Unintended Consequences states that **"if it can happen, it will happen."** What prevents a future unscrupulous landlord opening an internet gambling site, or a massage parlor that exceeds the term, or a marijuana dispensary, or.....under the guise of Flexible Retail?

It has happened in a San Francisco neighborhood already. Internet gambling was touted as a "computer learning center"; the massage parlor "branched out"; .....and then it became a Public Safety problem involving SFPD.

Are these potential businesses appropriate sitting side-by-side with a senior housing project AND a childcare center? Potentially sharing the very same building. And right across the street from the JCC?

If adult oriented businesses such as massage parlors, tattoo parlors, bars, internet gaming centers, etc. (and lets be clear-these are adult businesses by any credible definition) are never intended it would seem to be very straightforward to use the Development Agreement as a means to specifically exclude them from any potential presence at 3333 California St. Failure to do so is a tacit agreement by both the City, the Board of Supervisors and the developer that these type businesses are in play in the future. Very hard to explain away a failure to address their exclusion in the Development Agreement. These businesses, however credible, have no place in a family-oriented neighborhood. If you believe these businesses are inappropriate for this location simply write that exclusion down-this is not rocket science.

I look forward to the hearing November 12<sup>th</sup>.

Respectfully,

F. Richard Frisbie

## IMPACT OF PSKS 3333 DEVELOPMENT PLAN ON LAUREL VILLAGE

1. The surrounding neighborhoods are well served by a diversity of retail businesses in Laurel Village, Sacramento Street, Presidio Avenue, Trader Joe's, an expanding City Center with both Target a Whole Foods-all within two blocks of 3333 California St.
2. The proprietors of Laurel Village have ample capacity to serve the residents of 3333 California St. as well as 3700 California St. especially considering that these new residents will replace the approx. 1,500 employees of UCSF that shopped at Laurel Village for many years.
3. Cal Mart & Bryan's presently operate their checkout lines at approx. 50% capacity and can double the throughput as needed.
4. There is already room for more retail along Sacramento St. as a number of storefronts remain empty.
5. The recent closures of Beautiful and Noah's Bagels, preceded by Gymboree, and the potential closure of others strongly reinforces the position that new retail is both unneeded and unwanted.
6. Laurel Village Merchants have requested that PSKS cease creating the erroneous impression that there would be "long lines" in the Laurel Village stores if PSKS is not allowed to change 3333's zoning and add additional retail.
7. The retail traffic associated with 3333 would negatively impact the parking lot for Laurel Village which is already insufficient for Laurel Village's needs. In addition, 3333 retail parking does not fully meet the retail traffic demands generated at 3333 and this overflow traffic will park in Laurel Village further harming the Customers, and Merchants of Laurel Village.
8. PSKS's plan to charge for parking at 3333 will only exacerbate this harmful situation. Furthermore, it is blatantly unfair to have Laurel Village Merchants provide parking for the competition at 3333.
9. The 7-15 year construction period will be catastrophic to Laurel Village. During last year's streetscape fiasco Cal Mart's business declined over 30%. According to Ron Giampoli of Cal Mart it is doubtful that Cal Mart would remain in business with a 7-15 year construction period. Other businesses in Laurel Village were impacted equally and would be put under immense pressure by the development plan for 3333.
10. Bryan's and Cal Mart are unique and iconic stores that serve Customers from all parts of the city. The loss of one or both would immeasurably impoverish the surrounding neighborhoods.

Ronald Giampoli

T. Z...

## EIR INADEQUACIES

The EIR is inadequate for failing to examine any mitigation measures for an historic listed resource. the EIR failed to identify and describe feasible mitigation measures that would reduce or avoid the proposed project's significant adverse impact on the historical resource.

The EIR is further inadequate and incomplete by failing to adequately analyze alternatives to the proposed project. the community proposed two alternatives and the planning department willfully chose to totally ignore the community preservation lookalike variant(attached). Any conclusions drawn as to the adequacy of the community's alternatives are therefore invalid due to the failure to even analyze one of the alternatives, and one based exclusively on the developers proposed plans.

The objectives of the proposed project stated in the EIR were deliberately crafted to be overly narrow and intended to preclude consideration of mitigation measures and alternatives to the proposed project.

The EIR failed to analyze the project's 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, the west side of Presidio Ave. and on publicly accessible open space proposed by the project.

The EIR failed to analyze and address the proposed project's inconsistency with:

San Francisco's General Plan as to Preservation of Historical Resources and neighborhood character.

The Housing Element of the General Plan and related applicable land use plans or regulations and would have a substantial impact upon the existing character of the vicinity.

The General Plan Policies stated in the Urban Design Element.

The proposed project would expose people or structures to potential substantial adverse effects including the risk of loss, and/or would be located on a geologic unit or soil that is unstable or would become unstable as a result of the project and potentially result in on-site or off- site landslide, lateral spreading, subsidence, liquefaction or collapse.

The EIR is incomplete and inaccurate as it failed to analyze whether the proposed project could have a significant hazard and hazardous materials impact.

The EIR 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 and furthermore is inadequate because it used inaccurate models to forecast vehicle- trips and the EIR'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, the TNCs.

The EIR failed to adequately analyze the significant project and cumulative impacts on greenhouse gas emissions that the project/variant could generate.

## COMMUNITY PRESERVATION LOOKALIKE VARIANT

### OVERVIEW

The Community Preservation Lookalike Variant, CPLV, would construct the same number of new housing units as the developer's proposed variant (744 units) and would be completed in approx. five years rather than the 7-15 years requested by the developer to complete his proposals. In addition, the Community Preservation Lookalike Variant would increase the residential gross square feet by approx. 20,000gsf more than the developer's proposal.

The Community Preservation Lookalike Variant would preserve the key 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 Preservation Lookalike Variant utilizes approximately 90 percent of the developers' proposed buildings, designs and locations as can be seen below.

Figure 4: Community Preservation Lookalike Variant



	DEVELOPER VARIANT 7/3/2019	COMMUNITY PRESERVATION VARIANT "Developer Lookalike"
	Residential GSF	Residential GSF
BUILDING		
Masonic	83,505	N/A
Euclid	184,170	144,870
Laurel Townhomes	55,300	34,935
Mayfair	46,680	46,680
Plaza A	66,755	81,571
Plaza B	72,035	83,215
Walnut	147,590	336,350
Main Building-Note 1	N/A	268,365
Center A	89,735	N/A
Center B	231,667	N/A
TOTAL Residential GSF	977,437	995,986

The major differences are that the Community Preservation Lookalike Variant:

1. Would preserve the key Historic defining characteristics of the site as noted above.
2. Would create an All-Residential development with the retention of the existing café, childcare facility and office space in the Main Building noted below.
3. Would excavate only for a single, approximately two underground parking garage, whereas the developer proposes to excavate for four new under-ground parking garages spread across the site, some consisting of three levels.
4. Would eliminate the Masonic Building to preserve the Historic Eckbo Terrace and also provide a location for the childcare play area in sunlight as opposed to being placed in the heavily shadowed area alongside the Credit Union, as proposed in the developer's plan.
5. Would make modifications to the Euclid Building by removing approximately 30 ft. from the southside of the proposed building to move it off the historically significant green space.
6. Would eliminate two Laurel St. Townhomes from Euclid Green in order to fully preserve the historically significant green space at the top of Laurel Hill.

For a summary of changes that the Community Preservation Lookalike Variant would implement see "Summary of Building Changes" at the end of the document.

Furthermore, the Community Preservation Lookalike Variant would:

- (1) convert the interior of the main building to residential use while retaining the existing 1,500 gs cafe, 11,500 gsf childcare center, and 5,000 gsf of the existing office space (at the developer's option, this existing office space could be converted to residential use),
- (2) construct three new residential buildings (the Plaza A, Plaza B and Walnut) along

California Street where parking lots are now located; the new Mayfair Building near the intersection of Mayfair Drive and Laurel; five new townhomes along Laurel St north of Euclid Green; and the new Euclid Building with modifications along Euclid Avenue;

(3) provide affordable senior housing on-site with additional affordable housing on-site as determined by the Board of Supervisors,

(4) propose that all freight-loading and unloading be conducted in the underground freight loading areas accessed from Presidio Ave. and Mayfair Ave.

(5) propose that all passenger-loading and unloading 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, the existing landscaped green spaces along Euclid and Presidio Avenues and some of Laurel Street, all of which would be designated as community benefits in the development agreement,

(7) maintain public vistas of the downtown and Golden Gate Bridge from the landscaping and main building as well as maintain the historically significant main building and integrated landscaping.

(9) provide units in the Walnut Building for affordable senior housing.

(9) the Community Preservation Lookalike Variant would use all the new space for residential use and would not rezone the site for approximately 34,496 gsf of retail uses, as the developer proposes.

**THE COMMUNITY PRESERVATION LOOKALIKE VARIANT WOULD PROVIDE THE SAME AMOUNT OF NEW HOUSING UNITS(744) IN APPROX. FIVE YEARS WITHOUT DESTROYING A HISTORICALLY SIGNIFICANT RESOURCE.**

The Community Preservation Lookalike Variant would preserve all the key 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.

The Community Preservation Lookalike Variant would have the same number of residential units as the developer's proposed variant (744 units) and would be constructed in less than four years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed, to the greatest extent feasible pursuant to staging.

The Community Preservation Lookalike Variant would entail far less excavation, as it would have approximately two levels of parking in a single new underground garage. In contrast, the developer's variant proposes to construct four new underground parking garages, to provide a total of 873 parking spaces. The CPLV would excavate only under the existing parking lots along California St. for garages - the easiest, least disruptive, quickest most efficient excavation- whereas the developer would carry out major excavation in all quadrants of the site including major excavations on Masonic, on Euclid including the excavation of major portions of Laurel Hill as well as under the parking lots along California St.

The Community Preservation Lookalike Variant would preserve the existing Eckbo Terrace and the green landscaped areas along Euclid and Presidio Avenues as well as partly along Laurel Street. The existing Eckbo Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public. The new ground level Walnut Passage will run

through the first floor of the main building, opening up into a larger landscaped Center Court mid-building, and lead onto the Walnut Walk alongside Eckbo Terrace and thence onto Masonic Avenue and would be open to the public and marked with signage identifying it as a public thoroughway.

The character-defining features of the existing main building that the Community Preservation Lookalike Variant would retain include all of the following:

- Plan of the building open along Eckbo Terrace and to views of the distant city.

- Horizontality of massing.

- Horizontal lines of projecting edges of concrete floors.

- Horizontal bands of nearly identical compatible window units.

- Uninterrupted glass walls.

- Brick accents and trim

- Wrought iron deck railings that match gates in landscaping.

The character-defining features of the existing landscape that the Community Preservation Lookalike Variant would preserve 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 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 the three circular tree beds constructed of modular sections of concrete.

All passenger loading, pick-ups and drop-offs are proposed to be internal to the site, and turnarounds will be provided in front of the main building. All freight loading and unloading is proposed to be conducted in the underground freight loading areas accessed from Presidio Avenue and Mayfair.

In the Community Preservation Lookalike Variant, the Masonic Building and two Laurel Townhomes are eliminated and the Walnut building re-designed. The Euclid building, reduced in size to preserve the Euclid Green area, the remaining five Laurel Townhomes, the Mayfair building, Plaza A and Plaza B utilize the developer's footprint and architectural design throughout. The Main Building utilizes Levels 1-4 of the developer's architectural design and adds one setback story at Level 5 consistent with the Secretary of the Interior Standards for the treatment of historic properties, thereby retaining the historic characteristics of the main building and integrated landscaping. Contrary to the developer, the Community Preservation Lookalike Variant does not sever the Main Building with a full height 40 ft gap, thereby creating two separate structures.

As noted previously, the Community Preservation Lookalike Variant creates a ground-level Walnut Passage while fully retaining the historic characteristics of the building.

The Main building, Walnut, Plaza A and Plaza B will have direct access to the underground parking garage. The Laurel Townhomes have their own organic parking. For the Mayfair and Euclid Buildings, parking will be provided in the new underground parking garage constructed under the California Street Front and Back Buildings.

Truck loading and unloading for the buildings along California St. as well as the Main and Mayfair buildings would occur in the underground garage accessed from Presidio Avenue and Mayfair Avenue.



## **SUMMARY OF BUILDING CHANGES**

The Community Preservation Lookalike Variant generally utilizes the developer's footprint and architectural design, unit configuration layouts, sizes, elevations, topography etc. except for the Masonic Building (which is not constructed) and the expanded Walnut Building.

The Community Preservation Lookalike Variant preserves both the historic Eckbo Terrace and the existing green spaces along Euclid and Masonic Avenues (by eliminating the Masonic Building) and partly along Laurel Street.

To this day, these green spaces are used by families, friends, children, moon-watchers, etc. The historically green space is preserved by modifying the south side of the Euclid Building (removing 30 ft.) and eliminating two Laurel St. townhomes at the top of Laurel St. as noted above.

## Analysis of Buildings:

Developers Variant  
7/3/2019



Community Preservation Lookalike  
Variant



As can be seen from the layout above the Community Preservation Lookalike Variant generally mirrors the developers proposed building plans. The primary differences are the elimination of the Masonic Building, modifications to the Euclid Building and redesign of the Walnut Building.

All retail has been converted into residential gsf and affected building heights reduced appropriately.

As shown above, the Community Preservation Lookalike Variant produces an additional 20,000 residential gsf over and above that produced by the developers.

**Masonic Building:** Eliminated.

**Euclid Building:** Identical to developers' submission of 07.03.2019 with the following modification to preserve Laurel Hill greenspace. The south side of the building is cut back approximately 30 ft. (loss of

approximately 35,000gsf). Additionally, the remaining top floor units on the south side are set back 15 ft. to moderate the bulk and intensity of the Euclid Avenue appearance (loss of approximately 4,000gsf). It should be noted that the Euclid Building can be expanded on the east side by approximately 25 ft. along the entire 256 ft (ref. Dwg.A8.01 from submission) by aligning Walnut Walk with Eckbo Terrace which would more than offset the space eliminated by the modification to the south side noted above.

**This potential expansion has not been accounted for in the Community's plan.**

No underground parking garage.

References: A8.01(modified as noted above), .02(same comment), A8.03(same comment), A8.04(same comment), A8.05(same comment), A8.06(same comment), A8.11(same comment), A8.12, A8.21(same comment), A8.22, A8.23(same comment), A8.24(same comment), A8.25(same comment), A8.30, A8.41.

**Laurel Townhomes:** Generally identical to developer's submission of 07.03.2019 modified to reduce height to 30 ft. and set top floor back 15 ft.

Reference A10.01(two southernmost duplexes eliminated to preserve Historic green space), A10.02(same comment), A10.03, A10.11(modified for height, setback and elimination of Duple 01 & 02), A10.12(same comment), A10.13(same comment), A10.21(same comment), A10.23(same comment), A10.24(same comment), A10.25(same comment).

As noted previously the two townhomes at the top of Laurel St. have been eliminated to preserve the green space. The height of the five remaining townhomes is lowered from 40 ft. to 30 ft. to be compatible with the 20 ft. homes on the west side of the Laurel St. block. Additionally, the third floor is set back 15 ft.

**Mayfair Building:** Generally identical to developer's 07/03/2019 submission: predominant references A9.01, A9.02, A9.03, A9.04, A9.11, A9.12, A9.21, A9.22, A9.30, A9.60 .

No underground parking garage.

**Plaza A:** Generally identical to developer's submission of 07.03.2019: references A2.00, A2.01, A2.02, A2.21(modified for the parking design), A2.22(same note on parking), A2.30, A2.41.

All retail gsf is converted to residential. As a result, the height of the building is lowered from 45 ft. to 40 ft., which allows it to comply with the existing height limit.

**Plaza B:** Same comments as to Plaza A above. Developer's submission of 07.03.2019: references A3.00(retail converted to residential), A3.01, A3.02, A3.03, A3.21(modified for the parking design), A3.22(same comment on parking), A3.24(retail converted to residential; building height adjusted accordingly), A3.25, A3.41, A3.42.

**Walnut Building:** The enhanced Walnut Building is re-designed to provide a 7-story residential building. As this building is flanked by the Main Building and the Credit Union and is opposite the approximately 65 ft. tall JCC, it is compatible with the character of its surroundings. The 48,050 square foot net footprint was determined from dimensions in Submittals of 03.06.2017 & 07.03.2019: references VAR 13, 14, 19.

General dimensions: Southside east-west 305ft; Northside east-west 240ft; North-south : 175ft.;

Triangle at Credit Union: 155ft. base, 175ft. height. Adjusted for light-courts and setbacks.

**Main Building/Center A&B:** Use the developer's unit configurations and sizes from 03/03/2019:

predominant references A6.02, A6.03, A6.04, A6.05, A6.06, A6.07, A6.08, A6.09, A6.19(modified for Walnut Passage; no Levels 6 and 7), A6.21(modified for Walnut Passage; no levels 6 and 7), A6.22(no Levels 6 and 7), A6.30, A6.46(no Levels 6 and 7).

The Community Preservation Lookalike Variant, unlike the developer's, preserves the historic characteristics of the building and fully complies with the Secretary of the Interior's Standards for the treatment of historic properties.

The Draft EIR acknowledges that the developer's design would have a substantial adverse effect on the historic characteristics of the listed building and landscaping.

The developer proposes to cut a 40 ft. gap through all levels of the main building, thereby creating two separate structures and adding 2 and 3 new levels on top, thereby impairing the horizontality of the building.

The Community Preservation Lookalike Variant, in accordance with the SOISs, adds one set back level, Level 5, to the main building. As noted above, the developer would add Level 5, Level 6 and Level 7.

**Walnut Passage:** In order for the developer to create the 40 ft. wide Walnut Walk which would connect the north and south sides of the property in alignment with Walnut St., the developer proposes to bifurcate the building with a 40 ft cut through all existing levels of the building.

**There is a better solution.**

The Community Preservation Lookalike Variant design calls for a ground level, utilizing the same elevation as the developer, 15 ft high (Level 1) by 20 ft. wide entry/exit on the north and south sides of the building. This entry/exit would extend 35 ft. into the building where it would open up into a 35 ft. wide by 75 ft. long landscaped Center Court which also serves as a Light Court in the building. This

design fully maintains the historic characteristics of the Main building while at the same time meeting the developer's desire in alignment with Walnut Street for connectivity.

**A case of form follows function.**

**Summary:** Same number of units(744) in approx.. five years, more residential gsf than the developer's proposal, compliant with RM-1 zoning , historically compatible, neighborhood responsive.

Dear Members of the Board of Supervisors,

My name is Krisanthy Desby and I live 3 blocks from the proposed project.

I am a transplant from Los Angeles, and like many transplants, have grafted onto and love San Francisco. The charm of the neighborhoods, the mix of Victorians and other architecture, the hills, the greenspace and a national park on our doorstep have made it a magnet for visitors, creative people and businesspeople for over a century.

I never thought I would live to see the day when San Francisco would approve a project that stands for everything that has ruined my hometown city. LA, as we all know, cemented over a river, bulldozed neighborhoods and parks, and replaced them with freeways, housing projects, towers, and strip malls. It continues to this very day.

That is what this project, in the plans drawn by The Prado Group, represents. It will bulldoze the hill, remove the trees, extend ~~the streets~~, cram in 2 towers and other buildings, and adds a large, commercial and retail complex where it does not belong: at the intersection of four family neighborhoods. We already have Laurel Village, the shopping complex at Geary and Masonic, many shops along Geary St., the Sacramento Street merchants, and Fillmore Street nearby, all within walking distance.

A CONCRETE  
WALKWAY

If this is truly about housing, then we need to build housing on this site. The Community Alternative achieves the objectives that the city claims it wants: housing. Not only that, but it is done without defacing the very things that make our neighborhood and that site unique: the trees and the hill, which The Prado Group will remove and pave over. The Prado Group's plan takes away the beauty that was designed by an architect and an award-winning landscape designer, and leaves us instead with the very thing I left Los Angeles to escape: a charmless cement expanse of commercial buildings, and crowded housing towers.

Please allow our neighborhood to retain its character while adding needed housing. The two can go together beautifully with a thoughtful plan sensitive to the area.

---

**From:** johnmburns48@yahoo.com  
**Sent:** Monday, November 4, 2019 8:30 AM  
**To:** Board of Supervisors, (BOS); Peskin, Aaron (BOS); Safai, Ahsha (BOS); Stefani, Catherine (BOS); Mar, Gordon (BOS); Ronen, Hillary; Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Fewer, Sandra (BOS); Brown, Vallie (BOS); Walton, Shamann (BOS)  
**Cc:** BOS Legislation, (BOS); frfbeagle@gmail.com; kdesby@sandhill.com; laurelheights2016@gmail.com  
**Subject:** Comments on 3333 California St for BOS Mtg 11052019 or 11122019  
**Attachments:** BOS Comments 11122019.docx

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please add the following letter to the agenda for the upcoming BOS meeting.

Thank you, John and Usha Burns  
3616-18 Sacramento St  
SF 94118



RE: 3333 California St Proposed Development (2015-014028CUA/PCA/MAP/DUA)

Dear Members of the Board of Supervisors,

My wife and I live in Presidio Heights at 3616-18 Sacramento St at Locust about 3 blocks away from the subject property and have been following this proposed development closely.

Although we recognize that the City is in great need of middle- and lower-income housing, we do not support the developer's plans as currently proposed. We do support the Community Alternative Plans that build the same number of housing units as the developer's plans - 744 units including 185 units of affordable senior housing - and are better because they do not build on the historic green space and will be built in a shorter period of time because they involve less excavation and demolition.

The specific areas of the proposed development that are most concerning and need modification are:

- We oppose adding retail uses to the site as there is adequate retail in Laurel Village and surrounding areas with many vacancies for plenty of growth.
- The prolonged 15-year construction period would jeopardize the survival of Laurel Village merchants, such as the independent quality groceries of Cal-Mart and Bryan's.
- The project phasing over the 15-year period is not definite and the BOS has no guarantee that the developer will complete the senior affordable housing on a definite schedule.
- Flexible Retail uses, which were not evaluated by the EIR, should not be allowed at all in this project (they are not allowed anywhere else in District 2 or in the Sacramento or Fillmore Street commercial districts) as they will bring adverse uses to our otherwise well planned neighborhoods.

We urge this BOS to require the project be redesigned according to one of the well planned Community Alternatives. These alternatives do not remove the significant trees along California Street and retain more on-site Redwoods and trees on the historically significant Eckbo Terrace.

Sincerely,

John and Usha Burns  
3616-3618 Sacramento St.  
San Francisco 94118

**From:** Docs, SF (LIB)  
**To:** BOS Legislation, (BOS)  
**Subject:** RE: HEARING NOTICE: Appeals of CEQA Certification of Final Environmental Impact Report, Conditional Use Authorization, and Tentative Map - Proposed 3333 California Street Project - Appeal Hearing on November 5, 2019  
**Date:** Tuesday, October 22, 2019 9:42:22 AM  
**Attachments:** image001.png

---

Hi Jocelyn,

I have posted the hearing notice.

Thank you,

Michael

**From:** BOS Legislation, (BOS)  
**Sent:** Tuesday, October 22, 2019 9:31 AM  
**To:** Docs, SF (LIB) <sfdocs@sfpl.org>  
**Cc:** BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Subject:** FW: HEARING NOTICE: Appeals of CEQA Certification of Final Environmental Impact Report, Conditional Use Authorization, and Tentative Map - Proposed 3333 California Street Project - Appeal Hearing on November 5, 2019

Good morning,

Please post the following linked notice below for public viewing. Thank you!

Best regards,

**Jocelyn Wong**

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

**From:** Wong, Jocelyn (BOS) <[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org)>  
**Sent:** Tuesday, October 22, 2019 9:29 AM  
**To:** Kathy Devincenzi <[krdevincenzi@gmail.com](mailto:krdevincenzi@gmail.com)>; [dbragg@pradogroup.com](mailto:dbragg@pradogroup.com);  
[lcongdon@pradogroup.com](mailto:lcongdon@pradogroup.com)  
**Cc:** GIVNER, JON (CAT) <[Jon.Givner@sfcityatty.org](mailto:Jon.Givner@sfcityatty.org)>; STACY, KATE (CAT) <[Kate.Stacy@sfcityatty.org](mailto:Kate.Stacy@sfcityatty.org)>;  
JENSEN, KRISTEN (CAT) <[Kristen.Jensen@sfcityatty.org](mailto:Kristen.Jensen@sfcityatty.org)>; TOM, CHRISTOPHER (CAT)  
<[Christopher.Tom@sfcityatty.org](mailto:Christopher.Tom@sfcityatty.org)>; SHEN, ANDREW (CAT) <[Andrew.Shen@sfcityatty.org](mailto:Andrew.Shen@sfcityatty.org)>;  
MALAMUT, JOHN (CAT) <[John.Malamut@sfcityatty.org](mailto:John.Malamut@sfcityatty.org)>; Rahaim, John (CPC)  
<[john.rahaim@sfgov.org](mailto:john.rahaim@sfgov.org)>; Teague, Corey (CPC) <[corey.teague@sfgov.org](mailto:corey.teague@sfgov.org)>; Sanchez, Scott (CPC)  
<[scott.sanchez@sfgov.org](mailto:scott.sanchez@sfgov.org)>; Gibson, Lisa (CPC) <[lisa.gibson@sfgov.org](mailto:lisa.gibson@sfgov.org)>; Jain, Devyani (CPC)  
<[devyani.jain@sfgov.org](mailto:devyani.jain@sfgov.org)>; Navarrete, Joy (CPC) <[joy.navarrete@sfgov.org](mailto:joy.navarrete@sfgov.org)>; Lynch, Laura (CPC)  
<[laura.lynch@sfgov.org](mailto:laura.lynch@sfgov.org)>; Lewis, Don (CPC) <[don.lewis@sfgov.org](mailto:don.lewis@sfgov.org)>; Rodgers, AnMarie (CPC)  
<[anmarie.rodgers@sfgov.org](mailto:anmarie.rodgers@sfgov.org)>; Sider, Dan (CPC) <[dan.sider@sfgov.org](mailto:dan.sider@sfgov.org)>; Starr, Aaron (CPC)  
<[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)>; Dwyer, Debra (CPC) <[debra.dwyer@sfgov.org](mailto:debra.dwyer@sfgov.org)>; Zushi, Kei (CPC)  
<[kei.zushi@sfgov.org](mailto:kei.zushi@sfgov.org)>; Foster, Nicholas (CPC) <[nicholas.foster@sfgov.org](mailto:nicholas.foster@sfgov.org)>; Rosenberg, Julie (BOA)  
<[julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org)>; Sullivan, Katy (BOA) <[katy.sullivan@sfgov.org](mailto:katy.sullivan@sfgov.org)>; Longaway, Alec (BOA)  
<[alec.longaway@sfgov.org](mailto:alec.longaway@sfgov.org)>; Nuru, Mohammed (DPW) <[mohammed.nuru@sfdpw.org](mailto:mohammed.nuru@sfdpw.org)>; Storrs,  
Bruce (DPW) <[Bruce.Storrs@sfdpw.org](mailto:Bruce.Storrs@sfdpw.org)>; Tse, Bernie (DPW) <[bernie.tse@sfdpw.org](mailto:bernie.tse@sfdpw.org)>; Rivera, Javier  
(DPW) <[Javier.Rivera@sfdpw.org](mailto:Javier.Rivera@sfdpw.org)>; BOS-Supervisors <[bos-supervisors@sfgov.org](mailto:bos-supervisors@sfgov.org)>; BOS-Legislative  
Aides <[bos-legislative\\_aides@sfgov.org](mailto:bos-legislative_aides@sfgov.org)>; Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>;  
Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>; PEARSON, AUDREY (CAT)  
<[Audrey.Pearson@sfcityatty.org](mailto:Audrey.Pearson@sfcityatty.org)>; Pena, Iowayna (ECN) <[iowayna.pena@sfgov.org](mailto:iowayna.pena@sfgov.org)>;  
[gxa@coblentzlaw.com](mailto:gxa@coblentzlaw.com); BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Subject:** HEARING NOTICE: Appeals of CEQA Certification of Final Environmental Impact Report,  
Conditional Use Authorization, and Tentative Map - Proposed 3333 California Street Project - Appeal  
Hearing on November 5, 2019

Good morning,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on Tuesday, November 5, 2019, at 3:00 p.m., to hear the appeals of the certification of a Final Environmental Impact Report under CEQA, Conditional Use Authorization, and Tentative Map for a proposed project at 3333 California Street.

**Please find the following link to the hearing notice for the matter.**

[Public Hearing Notice - October 22, 2019](#)

**NOTE:** The President may entertain a motion to continue the following appeal hearings to the Board of Supervisors' meeting of Tuesday, November 2, 2019.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links

below:

Board of Supervisors File No. 191035

Board of Supervisors File No. 191039

Board of Supervisors File No. 191043

Best regards,

***Jocelyn Wong***

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163

[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

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**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

BOARD of SUPERVISORS



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

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeals and said public hearings will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Tuesday, November 5, 2019

**Time:** 3:00 p.m.

**Location:** Legislative Chamber, City Hall, Room 250  
1 Dr. Carlton B. Goodlett, Place, San Francisco, CA 94102

**NOTE: The President may entertain a motion to continue the following Appeal Hearings to the Board of Supervisors' meeting of November 12, 2019.**

**Subject:** 3333 California Street Project Appeals

**File No. 191035.** Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for a proposed mixed-use project and project variant at 3333 California Street, identified in Planning Case No. 2015-014028ENV, issued by the Planning Commission through Motion No. 20512, dated September 5, 2019; to demolish the existing annex building, surface parking lots, and circular garage ramps; partially demolish the existing four-story office building and divide it into two separate buildings, vertically expanding the existing building to add two to three levels; construct 13 new buildings that would include 824,691 square feet of residential uses containing a total of 558 units, 54,117 square feet of retail use, 49,999 square feet of office use, and 14,690 square feet of child care use; the project variant would include 978,611 square feet of residential uses containing a total of 744 units, 48,593 square feet of retail use, and 14,650 square feet of child care use; both project and project variant would include vehicular parking, bicycle parking, loading facilities and streetscape improvements. (District 2) (Appellants: Kathryn Devincenzi, on behalf of the Laurel Heights Improvement Association of San Francisco, Inc.) (Filed: October 7, 2019)

**File No. 191039.** Hearing of persons interested in or objecting to the certification of a Conditional Use Authorization and planned development for a proposed project at 3333 California Street, Assessor's Parcel Block No. 1032, Lot No. 003, identified in Planning Case No. 2015-014028CUA, issued by the Planning Commission by Motion No. 20516, dated September 5, 2019, to allow structures to exceed 40 feet in height within an RM (Residential, Mixed) Zoning District and 3333 California Street Special Use District and for an existing child care facility to change of use to residential use, pursuant to Planning Code, Sections 253, 303 and 304, of the Planning Code modifications to the Rear Yard Requirements (Section 134), Permitted Obstructions (Section 136), Dwelling Unit Exposure (Section 140), General Standards for Off-Street Parking, Freight Loading, and Service Vehicle Facilities (Section 155); Dwelling Unit Density (Section 207), and Measurement of Height (Section 260), within the RM-1 (Residential, Mixed, Low Density) Zoning District and a 40-X, 67-X, 80-X, and 92-X Height and Bulk District. (District 2) (Appellant: Kathryn Devincenzi, on behalf of Laurel Heights Improvement Association of San Francisco, Inc.) (Filed October 7, 2019)

**File No. 191043.** Hearing of persons interested in or objecting to the decision of Public Works, dated September 27, 2019, approving a Tentative Map for a 15 Lot Vertical Subdivision and 675 Residential and 64 Commercial, mixed-use new condominium project at 3333 California Street, Assessor's Parcel Block No. 1032, Lot No. 003. (District 2) (Appellant: Kathryn Devincenzi, on behalf of Laurel Heights Improvement Association of San Francisco, Inc.) (Filed: October 7, 2019)

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in these matters and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, November 1, 2019.

  
f Angela Calvillo  
Clerk of the Board

BOARD of SUPERVISORS



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

## PROOF OF MAILING

Legislative File No. 191035; 191039; 191043

Description of Items: Hearing - Appeal of Final Environmental Impact Report Certification -  
Appeal of Conditional Use Authorization - Appeal of Tentative Map Approval -  
3333 California Street - 780 Notices Mailed

I, Jocelyn Wong, an employee of the City and  
County of San Francisco mailed the above described document(s) by depositing the  
sealed items with the United States Postal Service (USPS) with the postage fully prepaid  
as follows:

Date: October 22, 2019

Time: 9:04 am

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.



BOARD of SUPERVISORS



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

October 15, 2019

**File Nos. 191035-191038, and 191039-191042**  
**Planning Case No. 2015-014028ENV/CUA**

Received from the Board of Supervisors Clerk's Office two checks, each in the amount of Six Hundred Forty Dollars (\$640) each, representing the filing fees paid by the following for the appeal of the certification of the Final Environmental Impact Report under CEQA, and Conditional Use Authorization for the proposed 3333 California Street Project:

- Kathryn Devincenzi, on behalf of Laurel Heights Improvement Association (two checks)

**Planning Department**  
**By:**

Tony Young  
Print Name

[Signature] 10/16/19  
Signature and Date



---

**From:** BOS Legislation, (BOS)  
**Sent:** Tuesday, October 15, 2019 2:59 PM  
**To:** 'Kathy Devincenzi'  
**Cc:** GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); TOM, CHRISTOPHER (CAT); SHEN, ANDREW (CAT); MALAMUT, JOHN (CAT); Rahaim, John (CPC); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Lewis, Don (CPC); Rodgers, AnMarie (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Dwyer, Debra (CPC); Zushi, Kei (CPC); Foster, Nicholas (CPC); Rosenberg, Julie (BOA); Sullivan, Katy (BOA); Longaway, Alec (BOA); Nuru, Mohammed (DPW); Storrs, Bruce (DPW); Tse, Bernie (DPW); Rivera, Javier (DPW); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); PEARSON, AUDREY (CAT); Pena, Iowayna (ECN); 'gxa@coblentzlaw.com'  
**Subject:** Appeals of CEQA Certification of Final Environmental Impact Report, Conditional Use Authorization, and Tentative Map - Proposed 3333 California Street Project - Appeal Hearing on November 5, 2019

Good afternoon,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **November 5, 2019, at 3:00 p.m.** Please find linked below letters of appeal filed against the proposed project at 3333 California Street, as well as direct links to the Planning Department's determination of timeliness for the appeal, Public Work's letter of determination, and an information letter from the Clerk of the Board.

[Environmental Impact Appeal Letter - 3333 California Street - October 7, 2019](#)

[Conditional Use Authorization Appeal Letter - 3333 California Street – October 7, 2019](#)

[Tentative Map Appeal Letter - 3333 California Street – October 7, 2019](#)

[Planning Department Memo - October 9, 2019](#)

[Public Works Letter – October 11, 2019](#)

[Clerk of the Board Letter - October 15, 2019](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 191035](#)

[Board of Supervisors File No. 191039](#)

[Board of Supervisors File No. 191043](#)

Please note that the hearing date is swiftly approaching. Our office must notice this appeal hearing on Tuesday, October 22, 2019. If you have any special recipients for the hearing notice, kindly provide the list of address for interested parties in spreadsheet format to us by 12:00 p.m., Friday, *October 18*.

Best regards,

*Jocelyn Wong*

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

T: 415.554.7702 | F: 415.554.5163  
[jocelyn.wong@sfgov.org](mailto:jocelyn.wong@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

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BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

October 15, 2019

Kathryn Devincenzi  
Laurel Heights Improvement Association of San Francisco, Inc.  
22 Iris Avenue  
San Francisco, CA 94102

**Subject: File Nos. 191035, 191039, and 191043 - Appeals of CEQA Final Environmental Impact Report, Conditional Use Authorization, and Tentative Map - 3333 California Street**

Dear Ms. Devincenzi:

The Office of the Clerk of the Board is in receipt of a memorandum dated October 9, 2019, from the Planning Department regarding their determination on the timely filing for an appeal of the CEQA Final Environmental Impact Report (FEIR) for the proposed project at 3333 California Street.

The Planning Department has determined that the CEQA FEIR appeal was filed in a timely manner (copy attached).

The City and County Surveyor has informed the Board of Supervisors in a letter received October 11, 2019, (copy attached) that the signatures represented with your Conditional Use (CU) appeal filing on October 7, 2019, have been checked pursuant to the Planning Code, and represent owners of more than 20% of the property involved and are sufficient for an appeal.

Pursuant to Administrative Code, Section 31.16, and Planning Code, Section 308.1, and Subdivision Code, Section 1314, a hearing date has been scheduled for **Tuesday, November 5, 2019, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide to the Clerk's Office by noon:

**20 days prior to the hearing:** names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

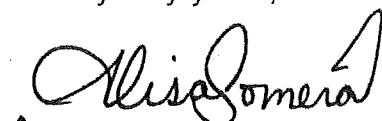
**11 days prior to the hearing:** any documentation which you may want available to the Board members prior to the hearing.

For the above, the Clerk's office requests one electronic file (sent to [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)) and two copies of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

If you have any questions, please feel free to contact Legislative Clerks Brent Jalipa at (415) 554-7712, Lisa Lew at (415) 554-7718, or Jocelyn Wong at (415) 554-7720.

Very truly yours,

  
fr Angela Calvillo  
Clerk of the Board

c: Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Christopher Tom, Deputy City Attorney  
Andrew Shen, Deputy City Attorney  
John Malamut, Deputy City Attorney  
John Rahaim, Director, Planning Department  
Corey Teague, Zoning Administrator, Planning Department  
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Devyani Jain, Deputy Environmental Review Officer, Planning Department  
Joy Navarette, Environmental Planning, Planning Department  
Laura Lynch, Environmental Planning, Planning Department  
Don Lewis, Environmental Planning, Planning Department  
AnMarie Rodgers, Director of Citywide Planning, Planning Department  
Dan Sider, Director of Executive Programs, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
Debra Dwyer, Staff Contact, Planning Department  
Kei Zushi, Staff Contact, Planning Department  
Nicholas Foster, Staff Contact, Planning Department  
Julie Rosenberg, Executive Director, Board of Appeals  
Katy Sullivan, Legal Assistant, Board of Appeals  
Alec Longaway, Legal Process Clerk, Board of Appeals  
Mohammed Nuru, Director, Public Works  
Bruce Storrs, City and County Surveyor, Public Works  
Bernie Tse, Acting Manager, Public Works  
Javier Rivera, Associate Engineer, Public Works



## Environmental Impact Report Appeal Timeliness Determination

**DATE:** October 9, 2019  
**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lisa Gibson, Environmental Review Officer – (415) 575-9032  
**RE:** Appeal Timeliness Determination –  
3333 California Street Mixed-Use Project  
Planning Department Case No. 2015-014028ENV

On October 7, 2019, Laurel Heights Improvement Association of San Francisco, Inc., or LHIA, (Appellant) filed an appeal with the Office of the Clerk of the Board of Supervisors of the certification of the Final Environmental Impact Report (FEIR) for the proposed project at 3333 California Street. As explained below, the Planning Department finds the appeal to be timely filed.

Date of Approval Action (i.e., EIR Certification Date)	30 Days after Approval Action	Appeal Deadline (Must Be Day Clerk of Board's Office Is Open)	Date of Appeal Filing	Timely?
Thursday, September 5, 2019	Saturday, October 5, 2019	Monday, October 7, 2019	Monday, October 7, 2019	Yes

**Approval Action:** On November 7, 2018, the Planning Department published the Draft Environmental Impact Report (DEIR) for the proposed project at 3333 California Street with a public review and comment period from November 8, 2018 through January 8, 2019. On December 13, 2018, the Planning Commission held a duly advertised public hearing on the DEIR. The EIR Responses to Comments document was issued on August 22, 2019. On September 5, 2019, the Planning Commission held a duly noticed hearing to consider certification of the proposed 3333 California Street Mixed-Use Project FEIR. The Approval Action for the project is the certification of the FEIR. The Planning Commission certified the 3333 California Street Mixed-Use Project FEIR on September 5, 2019 (Date of the Approval Action).

**Appeal Deadline:** Sections 31.16(a) and (c) of the San Francisco Administrative Code state that any person or entity that has submitted comments to the Planning Commission or the Environmental Review Officer on a DEIR, either in writing during the public review period, or orally or in writing at a public hearing on the EIR, may appeal the Planning Commission's certification of the FEIR up to 30 days after the certification of the FEIR (i.e., up to 30 days after the Date of the Approval Action). The 30<sup>th</sup> day after the certification of the FEIR was Saturday, October 5, 2019. However, when an appeal deadline falls on a weekend day, it has been the longstanding practice of the Clerk of the Board to accept appeals until the close of business on the following workday. That day was Monday, October 7, 2019 (Appeal Deadline).

**Appellant Standing:** Appellant submitted written comments on the DEIR and therefore, the Appellant has standing to appeal the certification of the FEIR.

**Appeal Filing and Timeliness:** Appellant LHIA filed an appeal on October 7, 2019, prior to the end of the Appeal Deadline. Therefore, the appeal is considered timely.

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**From:** BOS Legislation, (BOS)  
**Sent:** Wednesday, October 9, 2019 9:25 AM  
**To:** Rahaim, John (CPC)  
**Cc:** GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lewis, Don (CPC); Rodgers, AnMarie (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Zushi, Kei (CPC); Rosenberg, Julie (BOA); Sullivan, Katy (BOA); Longaway, Alec (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); PEARSON, AUDREY (CAT); Pena, Iowayna (ECN); BOS Legislation, (BOS)  
**Subject:** Appeal of CEQA Certification of FEIR - Proposed Project at 3333 California Street  
**Attachments:** CoB Ltr 100819.pdf; Appeal Ltr 100719.pdf  
**Categories:** 191035

Good afternoon, Director Rahaim:

The Office of the Clerk of the Board is in receipt of an appeal of the CEQA Final Environmental Impact Report for the proposed project at 3333 California Street. The appeal was filed by Kathryn Devincenzi, on behalf of Laurel Heights Improvement Association, on October 7, 2019.

Please find the attached letter of appeal and timely filing determination request letter from the Clerk of the Board. Kindly review for timely filing determination. Thank you.

Regards,

**Brent Jalipa**

**Legislative Clerk**

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

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BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

October 8, 2019

To: John Rahaim  
Planning Director

From: *ACC* Angela Calvillo  
Clerk of the Board of Supervisors

**Subject: Appeal of California Environmental Quality Act (CEQA) Certification of the Final Environmental Impact Report - 3333 California Street**

An appeal of the CEQA Final Environmental Impact Report certification for a proposed project at 3333 California Street was filed with the Office of the Clerk of the Board on October 7, 2019, by Kathryn Devincenzi, on behalf of Laurel Heights Improvement Association of San Francisco, Inc.

Pursuant to Administrative Code, Chapter 31.16, I am forwarding this appeal, with attached documents, to the Planning Department to determine if the appeal has been filed in a timely manner. The Planning Department's determination should be made within three (3) working days of receipt of this request.

If you have any questions, please feel free to contact Brent Jalipa, Legislative Clerk, at (415) 554-7712 or, Lisa Lew, Legislative Clerk, at (415) 554-7718 or Jocelyn Wong, Legislative Clerk, at (415) 554-7702.

c: Jon Givner, Deputy City Attorney  
Kate Stacy, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney  
Corey Teague, Zoning Administrator, Planning Department  
Scott Sanchez, Acting Deputy Zoning Administrator, Planning Department  
Lisa Gibson, Environmental Review Officer, Planning Department  
Devyani Jain, Deputy Environmental Review Officer, Planning Department  
Joy Navarette, Environmental Planning, Planning Department  
Don Lewis, Environmental Planning, Planning Department  
AnMarie Rodgers, Director of Citywide Planning, Planning Department  
Dan Sider, Director of Executive Programs, Planning Department  
Aaron Starr, Manager of Legislative Affairs, Planning Department  
Kei Zushi, Staff Contact, Planning Department  
Julie Rosenberg, Executive Director, Board of Appeals  
Katy Sullivan, Legal Assistant, Board of Appeals  
Alec Longaway, Legal Process Clerk, Board of Appeals  
Jonas Ionin, Director of Commission Affairs, Planning Department



**Introduction Form**

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☒ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning : "Supervisor  inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No.  from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission      ☐ Youth Commission      ☐ Ethics Commission
- ☐ Planning Commission      ☐ Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Hearing of persons interested in or objecting to the certification of a Final Environmental Impact Report for a proposed mixed-use project and project variant at 3333 California Street, identified in Planning Case No. 2015-014028ENV, issued by the Planning Commission through Motion No. 20512, dated September 5, 2019; to demolish the existing annex building, surface parking lots, and circular garage ramps; partially demolish the existing four-story office building and divide it into two separate buildings, vertically expanding the existing building to add two to three levels; construct 13 new buildings that would include 824,691 square feet of residential uses containing a total of 558 units, 54,117 square feet of retail use, 49,999 square feet of office use, and 14,690 square feet of child care use; the project variant would include 978,611 square feet of residential uses containing a total of 744 units, 48,593 square feet of retail use, and 14,650 square feet of child care use; both project and project variant would include vehicular parking, bicycle parking, loading facilities and streetscape improvements. (District 2) (Appellants: Kathryn Devincenzi, on behalf of the Laurel Heights Improvement Association of San Francisco, Inc.) (Filed: October 7, 2019)

Signature of Sponsoring Supervisor:

*Alia Gomeria*

For Clerk's Use Only

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FILE No. 191035