

EASTERN NEIGHBORHOODS REZONING AND AREA PLANS

Comments and Responses on Draft EIR

Planning Department Case No. 2004.0160E

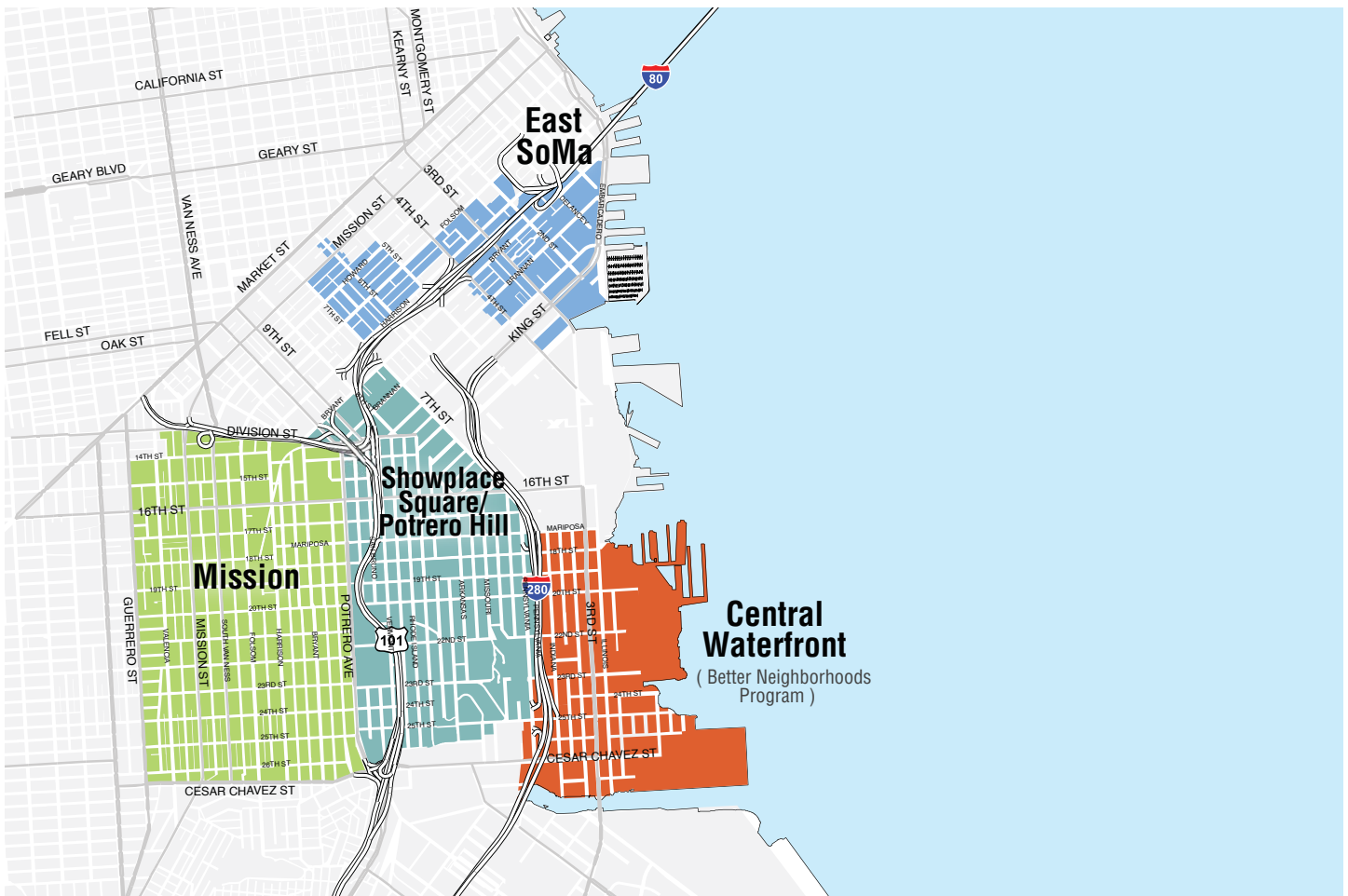
State Clearinghouse No. 2005032048

Draft EIR Publication Date: June 30, 2007

Draft EIR Public Hearing Date: August 9, 2007

Draft EIR Public Comment Period: June 30 – September 14, 2007

Final EIR Certification Date: June 19, 2008





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From: Bill Wycko, Acting Environmental Review Officer

Re: **Attached Comments and Responses on Draft Environmental Impact Report
Case No. 2004.1060E: Eastern Neighborhoods Rezoning and Area Plans**

The attached Comments and Responses document, responding to comments made on the Draft Environmental Impact Report (DEIR) for the above referenced project, is presented for your information. This document along with the DEIR will be considered by the Planning Commission in an advertised public meeting on June 19, 2008, at which time the Planning Commission will determine whether to certify the EIR as complete and adequate.

We are sending this to you so that you will have time to review the documents. The Planning Commission does not conduct a hearing to receive comments on the Comments and Responses document, and no such hearing is required by the California Environmental Quality Act. Interested parties may, however, write to the Commission members or to the President of the Commission at 1650 Mission Street and express an opinion about the Comments and Responses document, or the Commission's decision to certify the completion of the Final EIR for this project. Letters should be sent in time to be received at 1650 Mission Street on the Wednesday before the Planning Commission meeting for which the EIR approval is calendared.

You should note that if you receive a copy of the Comments and Responses document in addition to the DEIR, you will technically have a copy of the Final EIR. Thank you for your interest in this project.

If you have questions about the attached Comments and Responses document, or about this process, please call the EIR Coordinator, Michael Jacinto at (415) 575-9033.

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A. Introduction

This document contains public comments received on the Draft Environmental Impact Report (Draft EIR, or DEIR) prepared for the proposed Eastern Neighborhoods Rezoning and Area Plans project, and responses to those comments. Also included in this document are staff-initiated text changes.

Following this introduction, Section B contains a list of all persons and organizations who submitted written comments on the Draft EIR and who testified at the public hearing on the Draft EIR held on August 9, 2007.

Section C presents a discussion of the Preferred Zoning Option (“Preferred Project”) submitted to the Planning Commission April 17, 2008, as part of the project’s adoption initiation packet. The discussion illustrates how this zoning proposal relates to the range of options analyzed in the DEIR.

Section D contains summaries of substantive comments on the Draft EIR made orally during the public hearing and received in writing during the public comment period, from June 30 through September 14, 2007.¹ Comments are grouped by environmental topic and generally correspond to the table of contents of the Draft EIR; where no comments addressed a particular topic, however, that topic does not appear in this document. The name of the commenter is indicated following each comment summary.

Section E contains text changes to the Draft EIR made by the EIR preparers subsequent to publication of the Draft EIR to correct or clarify information presented in the DEIR, including changes to the DEIR text made in response to comments. Section D also contains revised DEIR figures.

Some of the responses to comments on the Draft EIR provide clarification regarding the DEIR; where applicable, changes have been made to the text of the DEIR, and are shown in double underline for additions and ~~striketrough~~ for deletions.

Many comments made both in writing and at the public hearing were directed towards the content of the draft Eastern Neighborhoods Rezoning and Area Plans project. No responses are provided to these comments, unless they concern the adequacy or accuracy of the EIR.

The comment letters received and the transcript of the public hearing are reproduced in Attachments 1 and 2, respectively.

¹ Although the DEIR public comment period was intended to run from June 30 through August 31, 2007, the close of the comment period was extended two weeks by the Planning Commission, to September 14, 2007.

These comments and responses will be incorporated into the Final EIR as a new chapter. Text changes resulting from comments and responses will also be incorporated in the Final EIR, as indicated in the responses.

Section 15088.5 of the State CEQA Guidelines requires recirculation of an EIR when “significant new information” is added to the EIR after publication of the Draft EIR but before certification. The Guidelines state that information is “significant” if “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement.”

Section 15088.5 further defines “significant new information” that triggers a requirement for recirculation as including, but not limited to, identification of a new significant impact, a substantial increase in the severity of an impact (unless mitigation is adopted to reduce the impact less-than-significant level), or identification of a new feasible alternative or mitigation measure that would lessen the environmental impacts of the project that the project sponsor is unwilling to adopt. Additionally, a determination that the DEIR was “so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded” would also constitute “significant new information.” Section 15088.5(d) states that recirculation is not required if “new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

As is discussed below, this Comments and Responses document does not provide “significant new information” as defined in CEQA Guidelines Section 15088.5, and recirculation of the EIR is therefore not required in advance of certification of the Final EIR as complete in accordance with CEQA, pursuant to Guidelines Section 15090.

B. List of Persons Commenting

Written Comments

Public Agencies

Denise M. Tsuji, Unit Chief, Northern California—Coastal Cleanup Operations Branch, California Department of Toxic Substances Control; letter, July 20, 2007

Kevin Boles, Environmental Specialist, Rail Crossings Engineering Section, Consumer Protection and Safety Division, California Public Utilities Commission; letter, August 22, 2007

Lori Yamauchi, Assistant Vice Chancellor, Campus Planning, University of California – San Francisco; letter, August 31, 2007

Sahrye Cohen, Coastal Planner, Bay Conservation and Development Commission; letter, September 17, 2007

Maureen Gaffney, Bay Trail Planner, San Francisco Bay Trail; letter, September 6, 2007

Rajiv Bhatia, MD, MPH, Director, Occupational and Environmental Health, San Francisco Department of Public Health; letter, July 17, 2007

M. Bridget Maley, President, San Francisco Landmarks Preservation Advisory Board; letter, September 14, 2007

Dawn Kamalanathan, San Francisco Recreation and Park Department; letter, September 20, 2007

Others

Steve Atkinson, Luce Forward, Hamilton & Scripps, LLC; letter, September 14, 2007

Manish Champsee, President, Board of Directors, Walk San Francisco; letter, September 14, 2007

Tim Colen, Executive Director, San Francisco Housing Action Coalition; letter, September 14, 2007

Chris Durazo, Community Planning Director, South of Market Community Action Network (SOMCAN); letter, September 14, 2007

Brett Gladstone, Gladstone & Associates; memorandum, September 13, 2007; and letter, September 14, 2007

George Hume, President, and David Gockley, General Director, San Francisco Opera; letter, July 26, 2007

Richard H. Kaufman, President and Treasurer, 1900 Bryant Street Investors, LLC, and 1900 Bryant Street Investors II, LLC

Richard F. Koch, Alabama Street Partners; letter, September 14, 2007

Gregg Miller, Pillsbury Winthrop Shaw Pittman LLP; letter, September 14, 2007

Tom Radulovich, Executive Director, Livable City; letter, September 14, 2007

Neil Sekhri, Gibson, Dunn & Crutcher, LLP; letter, September 14, 2007

Grace Shanahan, Residential Builders Association; letter, September 13, 2007

Josh Smith, Walden Development LLC; letter, September 14, 2007

Eric Tao, AGI Capital; e-mail, August 31, 2007

Leora Vestel, Rolph Playground Neighbors; e-mail, August 28, 2007

Steven L. Vettel, Farella, Braun & Martel LLP; letters, July 20 and August 31, 2007

Victor Vitlin, John Vitlin Trust; letter, September 14, 2007

Calvin Welch, Council of Community Housing Organizations, comment memorandum,
September 14, 2007

Isabel Wade, Ph.D., Executive Director, and Corrine W. Woods, Blue Greenway Coordinator,
Neighborhood Parks Council; letter, September 14, 2007

Persons Commenting at the Public Hearing, August 9, 2007

Marilyn Amini

Jazzie Collins

Chris Durazo

Joseph Ferrucci, Luce, Forward, Hamilton & Scripps LLC

Robert Meyers

Salazar Sanchez

Mary Beth Thomas, Neighborhood Parks Council

Planning Commissioner Michael Antonini

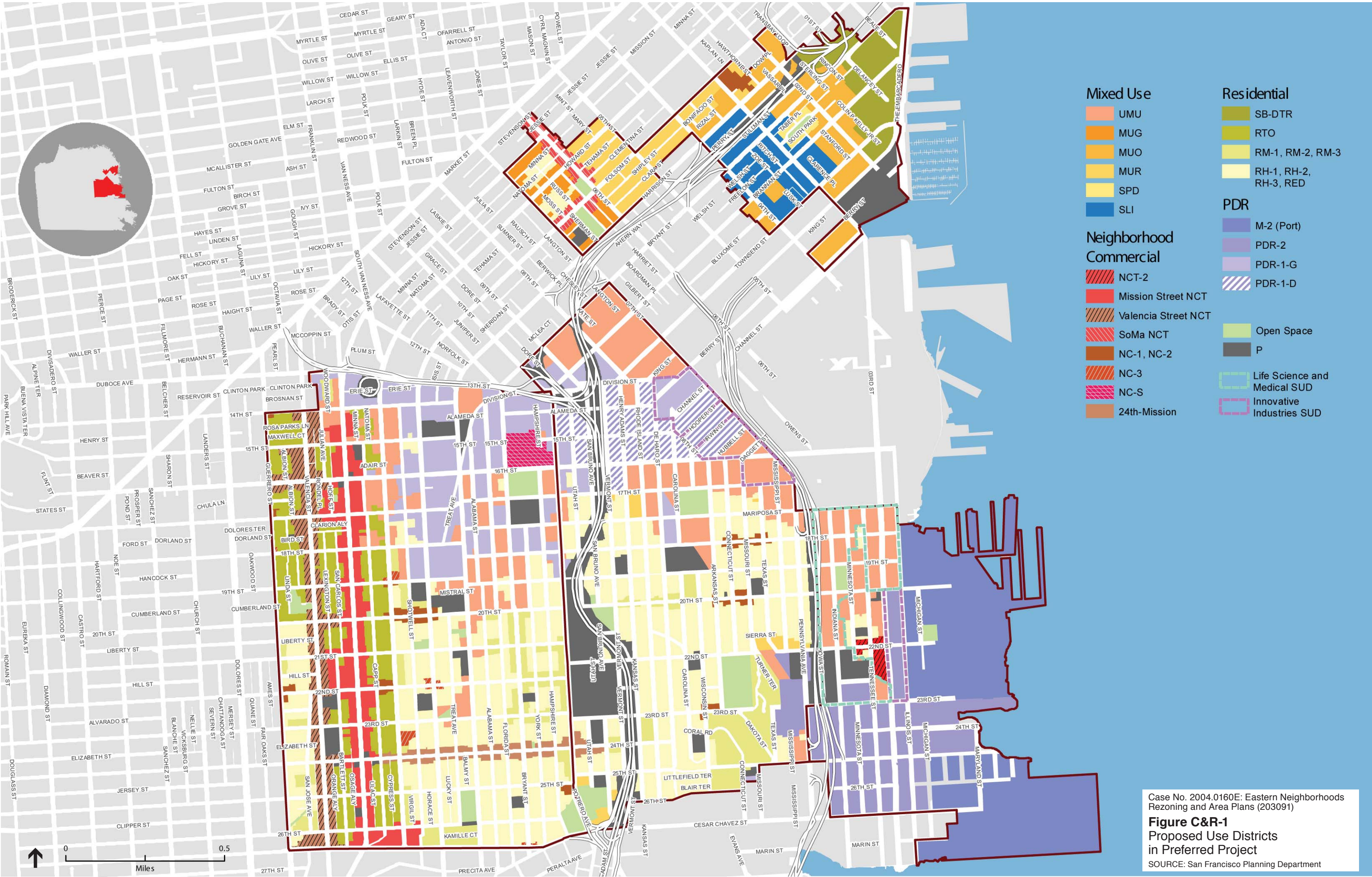
C. Preferred Project

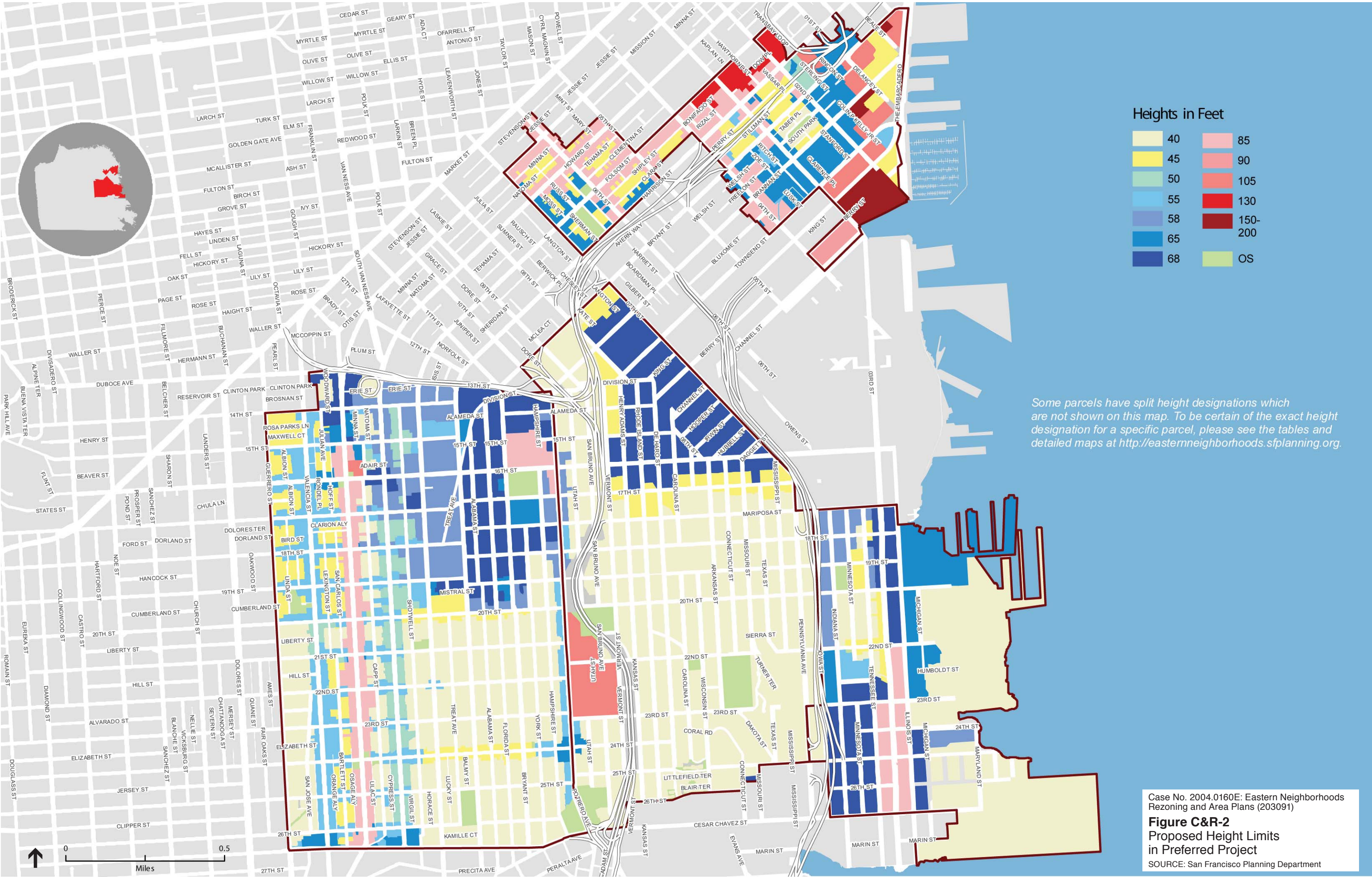
Following publication of the Draft EIR, the Planning Department released for citizen review in December 2007 a revised set of draft area plans for each of the four Eastern Neighborhoods and a new draft Zoning Map and draft summary of land use controls for each proposed use district. Continued refinements to the zoning map and to a proposed height map have occurred in early 2008, and the entire package has been assembled as a proposal for adoption, to be considered by the Planning Commission, and ultimately the Board of Supervisors. Together, the current (April 2008) draft area plans and the proposed zoning and height maps and land use controls make up the Planning Department's preferred project as currently proposed.

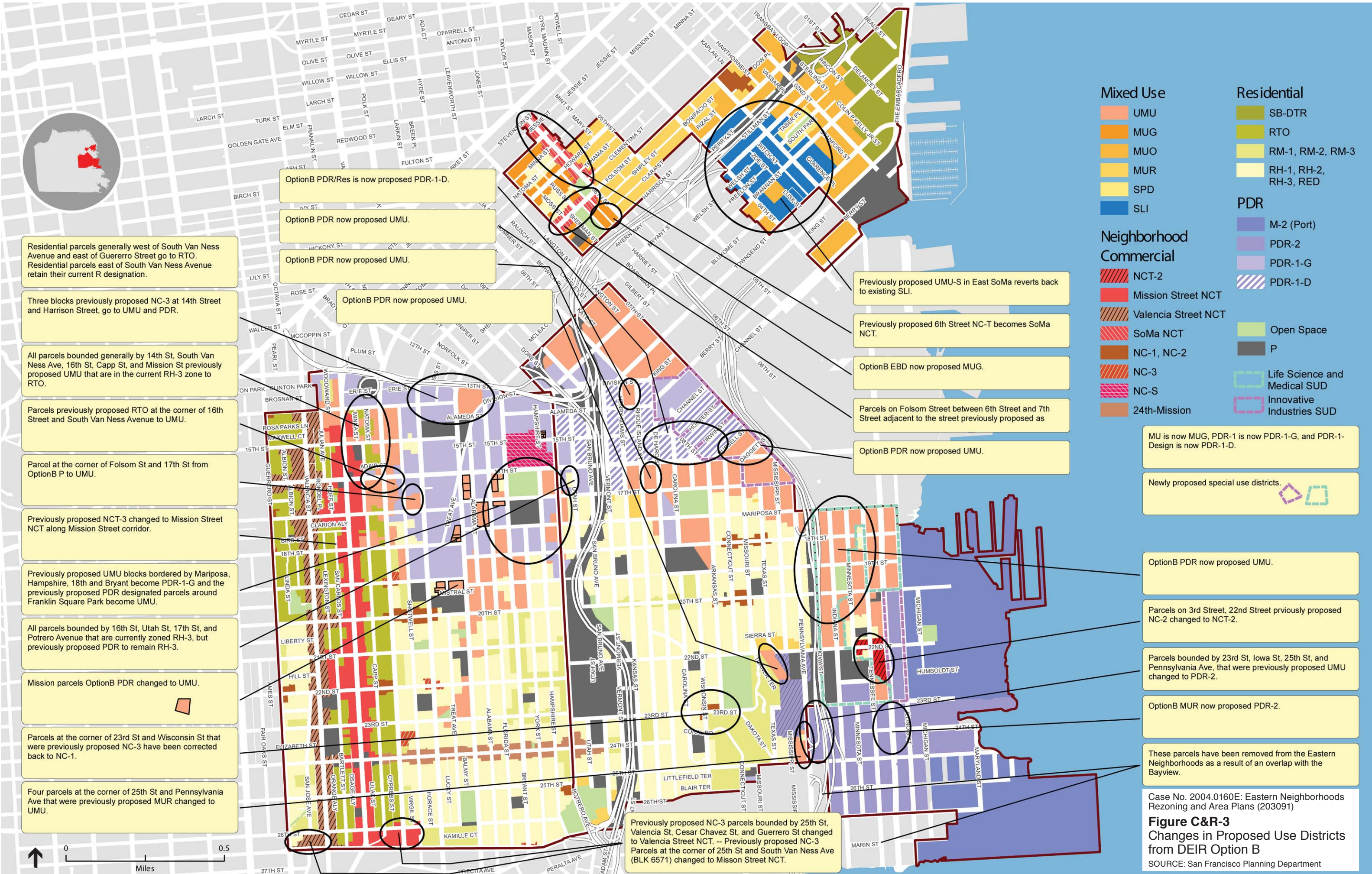
The Draft EIR analyzed a range of rezoning options ("Options A, B, and C") and a No-Project Alternative as required by CEQA, as well as two sub-options developed by the community for the area known as the Northeast Mission Industrial Zone, or NEMIZ. The three primary options were based on the options set forth in the Planning Department's publication, *Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook*, as refined through spring 2006. Since that time, Planning staff and the community continued to refine the proposed rezoning and to develop draft area plans. Because that process was ongoing when the analysis for the DEIR was undertaken and when the DEIR was published in June 2007, the DEIR analyzed three rezoning options side-by-side on the assumption that the preferred rezoning proposal ultimately would fall within the range of the options analyzed.

In general, the zoning proposed with the Preferred Project (see Figure C&R-1) is similar to Option B analyzed in the DEIR. (Some of the names of the proposed use districts have been changed from those used in the DEIR.) Proposed height limits are also unchanged from Option B in most of the Plan area (see Figure C&R-2). The changes in proposed use districts, compared to Option B, are described below and are identified in Figures C&R-3. Figure C&R-4 identifies changes in proposed height limits, compared to Option B

In East SoMa, while a relatively large area has been proposed for different use districts than under DEIR Option B, there is little substantive change between Option B and the Preferred Project. In the Mission, the proposed use districts proposed on selected parcels in eight small clusters of lots have been changed, with most of the currently proposed designations now Urban Mixed Use (UMU). In Showplace Square/Potrero Hill, the proposed use districts on a number of large parcels—many occupying an entire block—have been changed, again with most now proposed as UMU. The largest area where proposed use districts are different than those under DEIR Option B is in the Central Waterfront; the net effect of these changes is that a substantial portion of the northwest Central Waterfront has been switched from proposed PDR zoning to UMU, while four blocks along Third Street south of 22nd Street has been switched in the other direction, from proposed UMU zoning to a PDR district. The following discusses in more detail the differences between DEIR Option B and the Planning Department's Preferred Project. The







Mixed Use

- UMU
- MUG
- MUO
- MUR
- SPD
- SLI

Residential

- SB-DTR
- RTO
- RM-1, RM-2, RM-3
- RH-1, RH-2, RH-3, RED

PDR

- M-2 (Port)
- PDR-2
- PDR-1-G
- PDR-1-D

Neighborhood Commercial

- NCT-2
- Mission Street NCT
- Valencia Street NCT
- SoMa NCT
- NC-1, NC-2
- NC-3
- NC-S
- 24th-Mission

- Open Space
- P
- Life Science and Medical SUD
- Innovative Industries SUD

MU is now MUG, PDR-1 is now PDR-1-G, and PDR-1-Design is now PDR-1-D.

Newly proposed special use districts.

OptionB PDR now proposed UMU.

Parcels on 3rd Street, 22nd Street prviously proposed NC-2 changed to NCT-2.

Parcels bounded by 23rd St, Iowa St, 25th St, and Pennsylvania Ave, that were previously proposed UMU changed to PDR-2.

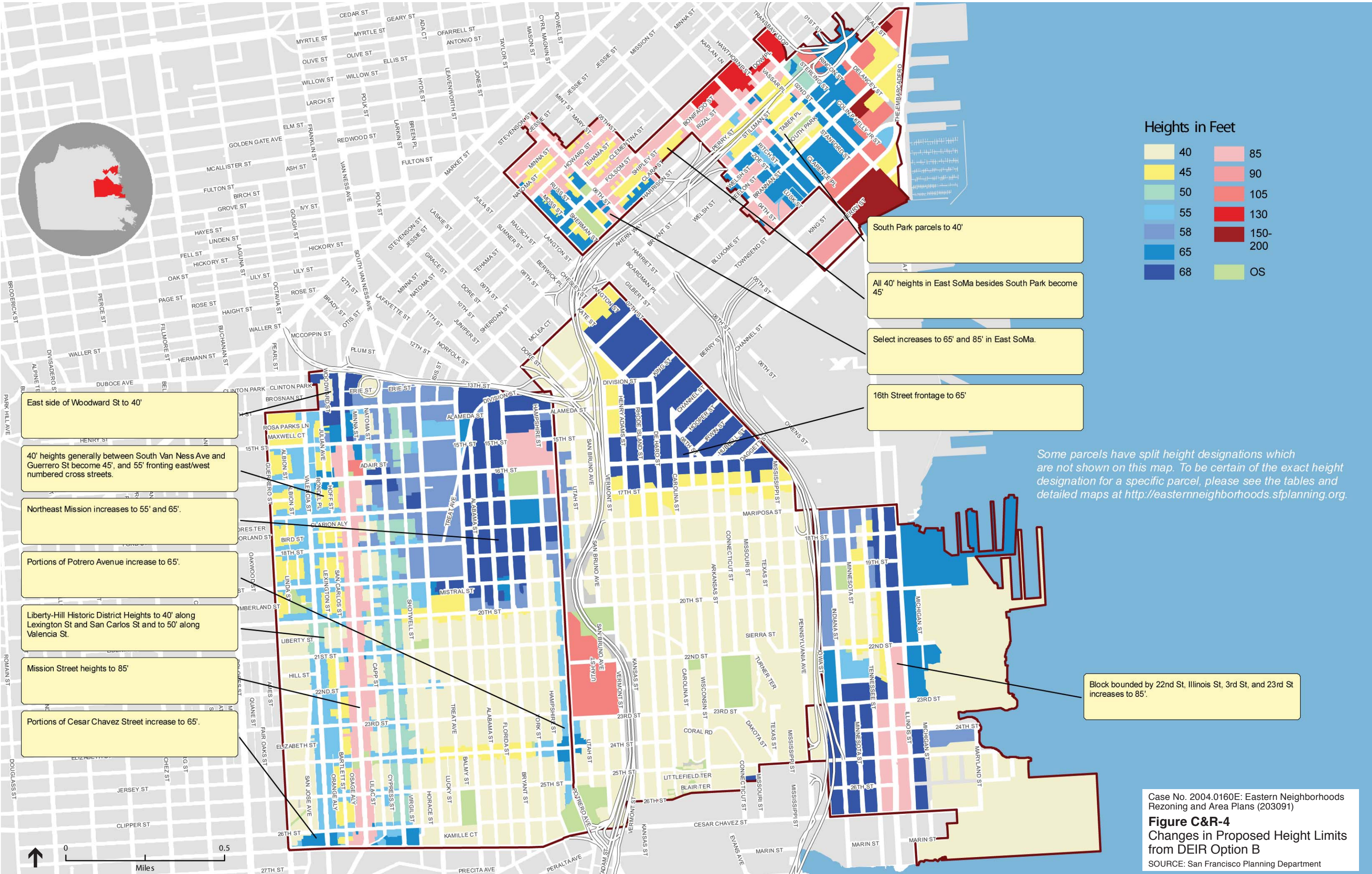
OptionB MUR now proposed PDR-2.

These parcels have been removed from the Eastern Neighborhoods as a result of an overlap with the Bayview.

Case No. 2004.0160E: Eastern Neighborhoods Rezoning and Area Plans (203091)

Figure C&R-3
Changes in Proposed Use Districts from DEIR Option B

SOURCE: San Francisco Planning Department



refinements described below were based on community feedback and further technical analysis conducted by the Planning Department.

Height limits under the Preferred Project are proposed to be 3 to 5 feet greater in many areas of the Eastern Neighborhoods than was described in the DEIR. This modest increase would not permit construction of any additional development (i.e., it would not accommodate another story), but would allow for more flexibility in creating usable ground-floor space for PDR, retail, and other non-residential uses, where permitted. In select locations, greater increases in height limits are proposed under the Preferred Project (see Figure C&R-3).

Changes by Neighborhood

East SoMa

In East SoMa, the area generally bounded by Harrison Street, the center line of South Park, Townsend Street, and Fourth Street would retain its existing Service-Light Industrial (SLI) zoning, as opposed to being subject to the Mixed-Use Residential designation under Option B. Additionally, proposed zoning of five lots near the northwest corner of Sixth and Harrison Streets, with a total of 1.2 acres, was changed from PDR to a proposed Mixed-Use General (MUG) designation, which would have controls similar to the UMU use district but would also allow retail stores up to 50,000 square feet without conditional use and, in historic buildings, ground-floor office use. The previously proposed Neighborhood Commercial-Transit (NC-T) district along Second Street would instead be designated Mixed Use-Office. Although this change would permit office use where it would not have been permitted under Option B, this change would effectively retain the existing use controls, inasmuch as most of this area is currently zoned Service-Secondary Office (SSO), where office use is generally permitted. In addition, the South Beach area of East SoMa would be zoned Downtown Residential (DTR), consistent with the recently adopted Rincon Hill Plan, instead of MUR as under Option B. Because this area is largely built out, however, these changes would not be anticipated to result in substantially different land use patterns than exist under existing conditions or than would have been anticipated under Option B.

Height limits in East SoMa under the Preferred Project would also be similar to those under Option B, except that a few parcels in the area bounded by Seventh, Howard, Sixth, and Harrison Streets are proposed for a 65-foot limit, rather than 55 feet as previously proposed. These areas currently have a height limit of 50 feet.

Mission

The proposed use district changes would designate most of the existing residentially zoned area between South Van Ness Avenue and Guerrero Street as Residential Transit Oriented (RTO), meaning these areas would remain primarily residential (RTO zoning would allow small retail

stores on corner lots only), but no off-street parking would be required in new residential projects. In contrast, areas that had been proposed for RTO zoning in the area bounded by 20th and 23rd Streets and Potrero Avenue and Alabama Streets are, under the Preferred Project, proposed to retain their existing residential zoning. The result of these changes amounts to a net increase of approximately 11 acres of RTO-zoned land and a corresponding decrease in area zoned exclusively residential. Because the RTO district would not require off-street parking for residential uses, the change would be expected to result in an incremental increase in residential density, since housing could occupy a slightly greater percentage of a lot if no parking were provided.

In the NEMIZ, the Preferred Project would change zoning on some blocks, primarily in the vicinity to Franklin Square, from PDR to Urban Mixed Use (UMU), while others would change from UMU to PDR. The net result would be a slight increase in UMU-zoned land in the NEMIZ.

The most substantive change in proposed height limits in the Preferred Project involves Mission Street. Under the Preferred Project, the height limit would be 85 feet along Mission Street from 15th Street south to César Chávez Street. This would represent an increase of 20 feet (two stories) in permitted heights, compared to the proposed 65-foot height limit for most of the Mission Street analyzed in DEIR Option B, except within one block of the 16th Street BART station and one-half block of the 24th Street BART station, where the Option B height limits were proposed at 85 to 105 feet. (Compared to existing height limits, the Preferred Project proposes an increase of 20 feet along most of Mission Street except between 19th and 21st Streets, where the increase would be 35 feet. Near the BART stations, the Preferred Project would generally result in a decrease of up to 20 feet, compared to existing 105-foot height limits.)

Outside the Mission Street corridor, the existing height limit is generally 50 feet between the east side of South Van Ness Avenue and the west side of Valencia Street, and 40 feet from the west side of Valencia Street to Guerrero Street. Under the Preferred Project, height limits would generally increase to 55 feet along the east-west (numbered) streets. The height limit would remain 50 feet along South Van Ness Avenue, while the height limit along the smaller mid-block streets west of Mission Street such as Bartlett, San Carlos, Lexington, Hoff, Albion, and Linda Streets and Julian Avenue would be 45 feet. Most of this area had been proposed for a 40-foot height limit under Option B in the DEIR.

Most of the NEMIZ (generally north of 20th Street and east of Harrison Street) is proposed for a height limit of 68 feet, instead of 55 feet under Option B. This change would not apply to most parcels immediately surrounding Franklin Square, including the existing Muni Potrero yard and most of the west side of Bryant Street, which would have a height limit of 55 feet, and the east side of Hampshire Street, which would have a 58-foot limit. The Potrero Center height limit would be 85 feet, as previously proposed. West of Harrison Street, many blocks previously

proposed for 55 feet are currently proposed for a 58-foot limit. The existing height limit throughout the NEMIZ is generally 50 feet.²

The west side of Potrero Avenue would have a 65-foot height limit south of 19th Street, compared to 55 feet previously proposed. This height limit would be the same as currently exists, except between 19th and 20th Streets, where the existing height limit is 50 feet.

Parts of the north side of César Chávez Street between Shotwell Street and San Jose Avenue would also have a 65-foot height limit, compared to 55 feet previously proposed.

Showplace Square/Potrero Hill

In the Showplace Square/Potrero Hill planning area, the Preferred Project would change the proposed use district on seven large parcels from PDR to UMU. This change affects a total of 8.8 acres in four locations. Two of the seven parcels are located at the block bounded by Division, Rhode Island, Henry Adams, and Alameda, and the block bounded by 17th, DeHaro, Mariposa, and Rhode Island; together these two parcels total 3.5 acres. Four parcels are located north of 16th Street between Hubbell and 7th Streets and total 3.0 acres. The final parcel is located in the southeast portion of Showplace Square/Potrero Hill and represents 2.3 acres. These changes would increase the land available for new housing this subarea. This increase in land available for housing, however, is partially offset by the change in proposed zoning from UMU to PDR in eight parcels totaling 7.3 acres. These parcels are located north of 16th Street between DeHaro and Hubbell Streets. The core of Showplace Square (generally bounded by Division, Seventh, Hubbell, 16th and Utah Streets) would be within a PDR-1-D Design district that would limit office and retail uses and would not permit residential uses. Additionally, a new Innovative Industries Special Use District would be created between Seventh and Eighth Streets south of Division Street and extending south to 17th Street. The purpose of this district would be “to provide affordable office space to small firms and organizations which are engaged in innovative activities, including incubator businesses and microenterprises.” Use controls would be the same as in the underlying use district, except that office uses would be permitted above the ground floor.

No changes in height limits are proposed on Potrero Hill. The Preferred Project would establish height limits of 65 – 68 feet within the core of Showplace Square between US-101 and I-280, north of 16th and south of Bryant Streets. (DEIR Option C analyzed a scenario of height limits up to 85 feet in discrete areas of the district.) A 45-foot height limit would act as a transitional zone for about one block around the newly proposed 68-foot height limit.

² Height limits of 58 and 68 feet would be new to San Francisco, which has existing height limits of 55 and 65 feet. The three-foot difference is a result of changes in Building Code provisions governing wood-frame buildings.

Central Waterfront

In Central Waterfront, the zoning proposed on 48 parcels has been changed from PDR to UMU. These parcels, totaling 21.7 acres, are generally located north of 22nd Street, between Illinois and Iowa Streets. This proposed change would represent an increase in the amount of land zoned for housing in this area. This change would be partially offset by the proposed change in zoning on nine parcels from UMU to PDR. These parcels, totaling 7.0 acres, are located in four blocks adjacent to 3rd Street bordered by 23rd, Illinois, 25th, and Tennessee Streets. The proposed change would no longer allow housing in these parcels. The net result would be an increase of almost 15 acres where housing could be constructed. Additionally, much of the area north of 23rd Street and west of Illinois Street (except area surrounding the Dogpatch residential enclave) would be included in a Life Science and Medical Special Use District that would permit Medical Offices and Life Science Laboratories, and, in UMU districts, other Laboratories. A second Innovative Industries Special Use District would cover the two large blocks bounded by 20th, Illinois, 23rd, and Third Streets.

Height limits in the Central Waterfront would remain generally as analyzed in the DEIR, except that most areas proposed for a 65-foot limit are now proposed at 68 feet. Additionally, the block encompassed within 22nd, Illinois, 23rd, and Third Streets is proposed for a height limit of 85 feet, rather than 65 feet as described in the DEIR. The height limit in the Central Waterfront is currently 50 feet north of 25th Street and 80 feet to the south.

Changes in Draft Area Plan Objectives and Policies

The DEIR analyzed rezoning Options A, B, and C in conjunction with a set of draft area plans as refined through the spring of 2007. As with the new draft zoning map and land use controls, the April 2008 draft area plans represent the currently proposed Preferred Project. Although the presentation and organization of the objectives and policies within the new draft area plans has been revised, the overall vision for each neighborhood, as described in the DEIR remains essentially unchanged.

Changes to the draft area plans since DEIR publication include reorganization of chapters, restructuring of objectives and policies within chapters and minor language adjustments throughout. For example, the Historic Preservation chapters were revised to reduce redundancy, strengthen protections for historical resources, and provide a structure consistent with the other area plan chapters. The draft area plans described in the DEIR included a single Historic Preservation objective followed by a broad range of policies. To mirror the organization and hierarchy of the other plan chapters, the new draft area plans divide this presentation into six distinct objectives, each with a corresponding set of policies and implementation measures designed to fulfill each objective. However, no substantive content was lost in this reorganization effort.

In another example, the Economic Development chapter was refined and reorganized to improve consistency. This chapter, which addresses the need for job training and employment opportunities for existing residents, was originally included only in the draft Mission Area Plan. Many of the policies listed in this chapter, specifically policies geared toward maintaining land and other incentives to support existing and new PDR businesses, were redundant with the new zoning map, land use controls and land use objectives. Since DEIR publication, the redundant policies were removed and the remaining policies were refined, expanded and adopted into the new draft area plans for each of the four eastern neighborhoods. However, the overall intent remains as presented in the DEIR.

Overall, the modifications mainly serve to clarify the underlying intent, reduce redundancy within and between chapters, and fortify the Plan objectives with policy and implementation details. Perhaps the most notable change in the draft area plans since DEIR publication is the uniformity between plans. The result is a cohesive set of draft area plans with a consistent expression of purpose and strategy for the Eastern Neighborhoods as a whole. However, where necessary, the current draft area plans maintain specific policy language addressing the unique needs of each neighborhood. Given the above, the effects of the new draft area plans and the Preferred Project would be similar to those described in the DEIR.

Effect of the Revisions in the Preferred Project

The differences between the Preferred Project and DEIR Option B would affect a relatively small amount of land in the context of the Eastern Neighborhoods planning area as a whole. As noted above, several of the changes (e.g., increasing the amount of housing permitted on some parcels) would be at least partially offset by counteracting changes (e.g., no longer permitting housing on other parcels). As indicated below, the revisions to Option B that have resulted in the Preferred Project would increase development potential under this scenario, compared to that under DEIR Option B, but would still fall within the range of development potential that was contemplated in the DEIR for zoning Options A – C (see **Table C&R-1**). Moreover, it is assumed that residential development on UMU-zoned parcels would be conditioned on higher levels of affordable housing production or other increased level of public benefit.

The Planning Department estimates that the increased housing potential under the Preferred Project, compared to Option B as analyzed in the DEIR, would be approximately 2,400 residential units, for a total of about 9,785 new units by 2025, compared to approximately 7,385 new units under Option B as analyzed in the DEIR. The total of 9,785 new units would be similar to that forecast for EIR Option C, which was expected to result in about 9,860 new units by 2025. In general, as described above, the increased housing potential would result from greater permitted residential density and increased height limits, both of which are proposed in selected portions of the project area under the Preferred Project. However, as shown in Table C&R-1, the Preferred Project would

**TABLE C&R-1
PREFERRED PROJECT COMPARED TO DEIR OPTION B, BY ACREAGE**

Neighborhood	Residential	Mixed Use	PDR	Neighborhood Commercial	Open Spc./ Public	Total
<i>East SoMa</i>						
Option B	5.1	147.0	1.2	41.5	13.6	208.4
Preferred Project	5.6	178.6	0.0	10.6	13.6	208.4
Change, Opt. B to Pref.	0.5	31.6	(1.2)	(30.9)	0.0	0.0
<i>Mission</i>						
Option B	266.2	52.0	92.9	113.4	42.1	566.6
Preferred Project	266.3	57.4	87.3	112.6	43.0	566.6
Change, Opt. B to Pref.	0.1	5.4	(5.6)	(0.8)	0.9	0.0
<i>Showplace Sq./Potrero Hill</i>						
Option B	183.6	82.5	73.7	4.8	109.0	453.6
Preferred Project	183.6	84.1	71.5	4.8	109.5	453.5
Change, Opt. B to Pref.	0.0	1.6	(2.2)	0.0	0.5	(0.1)
<i>Central Waterfront</i>						
Option B	0.0	30.6	283.3	0.0	15.4	329.3
Preferred Project	3.8	36.9	272.5	3.5	12.5	329.2
Change, Opt. B to Pref.	3.8	6.3	(10.8)	3.5	(2.9)	(0.1)
TOTAL						
Option B	454.9	312.1	451.1	159.7	180.1	1557.9
Preferred Project	459.3	357.0	431.3	131.5	178.6	1557.7
Change, Opt. B to Pref.	4.4	44.9	(19.8)	(28.2)	(1.5)	(0.2)
Percent Change	1.0%	14.4%	(4.4%)	(17.7%)	(0.8%)	N/A

Note: Totals may not add due to rounding.

SOURCE: San Francisco Planning Department, April 2008

not substantially alter the area proposed for broad categories of land uses, compared to that proposed under Option B.

As shown in Table C&R-1, the change in acreage devoted to each land use category would be relatively small, compared to EIR Option B. For the project area as a whole, the only substantive change would be a shift in zoning of about 18 percent of the previously proposed Neighborhood Commercial (NC) land, along with less than 5 percent of PDR land, to Mixed-Use zoning designations, including Urban Mixed-Use (UMU), Mixed-Use Residential (MUR), Mixed-Use General (MUG), Mixed-Use Office (MUO), mostly in East SoMa, which is where the great majority of the shift from proposed NC to Mixed-Use districts would occur, generally through elimination of previously proposed NC-T zoning along the Second and Third Street corridors.

Comparison to Impacts Identified in the DEIR

The following discusses potential impacts of the Preferred Project related to specific environmental topics of major concern, and compares those impacts to the impact evaluation in the DEIR for the three rezoning options.

Land Use and Population, Housing, Business Activity, and Employment

The Preferred Project would provide for a similar amount of PDR land as would Option B as analyzed in the EIR (about 431 acres for the Preferred Project, compared to about 451 acres for Option B, a decrease of less than 5 percent). Therefore, the Preferred Project would have a less-than-significant impact on the cumulative supply of land for PDR uses. (By comparison Option C, which the DEIR concluded would result in a significant effect on the supply of PDR land, would provide only about 291 acres.) Mitigation Measure A-1, which would ensure that the separate rezoning of Western SoMa places a priority on the maintenance of land for PDR uses, would not be required with the Preferred Project, because the effect on PDR land would be less than significant. The Planning Commission and the Board of Supervisors could also pursue implementation of Improvement Measures D-1, D-4, and D-5 (DEIR pp. 523 – 525), which would support local, neighborhood-serving businesses, PDR businesses, and PDR workers, either as part of the Eastern Neighborhoods project or a related effort. Other effects related to land use would be less than significant under the Preferred Project, as they would for the three rezoning options analyzed in the DEIR.

As reported in the DEIR (p. 60), in general, it can be anticipated that future development under Preferred Project conditions would result in more cohesive neighborhood subareas that would exhibit greater consistency in land use and building types, and would include more clearly defined residential neighborhoods and commercial corridors.

In particular, because it would retain SLI zoning in a large portion of East SoMa, the Preferred Project would result in lesser effects relative to displacement of PDR uses in East SoMa than would Option B. As noted on DEIR p. 37 and on DEIR Figure 6 (p. 38), East SoMa includes clusters of PDR uses such as printing and publishing, auto and auto body repair, broadcasting and telecommunications, sound recording and film production. Under Preferred Project conditions, land use changes in East SoMa are expected to be similar to those reported on DEIR pp. 70 – 71. Because the Preferred Project would contain no PDR or UMU zoning, concentrations of PDR businesses in printing and publishing and auto repair could be among those threatened in East SoMa, similar to the effects identified for DEIR Options B and C. However, as opposed to the DEIR options, the Preferred Project would retain the existing SLI use district, which prohibits housing as-of-right. Therefore, some of the above PDR clusters might be less likely to be displaced under the Preferred Project than under Option B. Given the highly mixed-use character of East SoMa, some of the PDR uses that persist in the neighborhood today may be those that can tolerate adjacency to and competition with higher-value uses. As such, it is not expected that the Preferred Project would result in substantially greater land use changes in East SoMa than previously reported in the DEIR.

In the Mission, there are clusters of PDR uses such as printing services, food processing, auto and auto body repair, photography services, broadcasting, sound recording/film production, garment and accessories manufacturing, wholesale apparel, import/export trading, utilities, animal

services, landscape maintenance services, and arts activities. In the existing residential and neighborhood commercial portions of the Mission, use regulations would remain substantively the same as those that apply under existing districting, and the rezoning is not expected to result in land use changes, similar to that which was analyzed for Options A, B, and C. By contrast, the NEMIZ could experience substantial changes in land use over the program period. Because there would be an increase of about 5.5 acres in UMU-zoned land in the Mission (about 10 percent of UMU land under Option B), compared to Option B, which would be offset by a comparable decrease in PDR land (about 6 percent of Option B's PDR land), effects on PDR clusters would likely be fairly limited, although the fact that the NEMIZ would include areas where UMU zoning would be interspersed within PDR-zoned areas might, over the long term, result in dislocation of some PDR uses. While this localized impact would be felt by those workers and businesses affected, it would not result in a change in the DEIR's conclusion with regard to Option A and B; i.e., that the effect related to loss of PDR land would be less-than-significant.

The Mission could experience some increase in residential density in the corridor generally defined by South Van Ness Avenue, Mission Street, and Valencia Street as a result of the change to RTO zoning (with parking not required for residential uses) in much of this area and incrementally greater heights permitted along Mission Street itself. In combination with the Innovative Industries and Life Science and Medical Special Use Districts (see below, under Showplace Square and Central Waterfront), the result could be some redistribution in residential growth forecast in the Eastern Neighborhoods from these two districts to the Mission. However, while these changes would result in some increase in capacity to accommodate residential development in the Mission, the revisions resulting in the Preferred Project would not alter the overall growth forecasts on which the DEIR analysis is based—both for the Eastern Neighborhoods and the City as a whole—nor would they substantially alter the mix of land uses in the Mission, either compared to existing conditions or compared to projected under Option B on DEIR pp. 73 – 75.

Because Showplace Square would include a large use district (PDR-1-D) dedicated to design-related PDR uses, many of this area's key PDR clusters would be likely to remain largely unaffected by changes in the Preferred Project. Such uses include wholesale furniture, appliances, and jewelry, import/export trading, graphic design, small scale manufacturing, garment manufacturing, arts activities, and shipping and delivery services. Effects under the Preferred Project would be similar to those described on DEIR p. 77, where it is stated that, because the furniture and design industries are “in many ways more region-serving than local, compared to some other PDR clusters, economic pressures outside the realm of land use planning could also come into play.” Other concentrations, such as auto parts, animal services, construction services and materials wholesale, and heavy equipment wholesale, might be more likely to see displacement and pressure to relocate, with effects similar to those described on DEIR pp. 76 – 78, because under the Preferred Project, as under Option B, Showplace Square would see a substantial increase in the number of residential units.

The introduction under the Preferred Project of an Innovative Industries Special Use District (SUD) covering several blocks along Seventh Street south of Berry Street would permit office uses on all stories of a building above the ground floor. This would provide additional capacity for office uses in this northeastern portion of Showplace Square, meaning that some anticipated growth in residential and PDR uses would be likely to shift elsewhere. As noted above under the discussion of effects in the Mission, the Preferred Project would result in additional capacity for residential development in the Mission, and therefore some future residential growth would likely move to the Mission from this discrete area of Showplace Square. More likely, given the proposed underlying use districts in most of the area covered by the SUD (PDR-1-G and PDR-1-D), the SUD would result in an increase in displacement of the PDR uses discussed above, with some such uses potentially relocating to the southern portion of the Central Waterfront or to the Bayview District. However, while these changes would result in some increase in office capacity in Showplace Square, the revisions resulting in the Preferred Project would not alter the overall growth forecasts on which the DEIR analysis is based, nor would they substantially alter the mix of land uses in the larger Showplace Square-Potrero Hill subarea, either compared to existing conditions or compared to projected under Option B on DEIR pp. 76—78. Effects of PDR displacement, while relevant to workers and businesses affected, would not change the DEIR's conclusion with regard to Option A and B; i.e., that the effect related to loss of PDR land would be less-than-significant.

Effects of the Preferred Project in the Central Waterfront would be similar to those described on DEIR pp. 79 – 81. Under the Preferred Project, the Central Waterfront would retain a large area of PDR zoning south of 23rd Street, in proximity to the Bayview District, likely enabling PDR uses such as food and beverage distribution, printing and publishing, transportation services, garment manufacturing, appliance repair and distribution, other repair and maintenance services, and construction services and materials wholesale located there to be relatively unaffected by zoning changes.

The introduction under the Preferred Project of a Life Science and Medical Special Use District (SUD) in much of the area north of 23rd Street (excluding Dogpatch) would permit medical services, life science offices, and life science laboratories on all stories of a building above the ground floor. Likewise, the proposed Innovative Industries Special Use District covering two blocks between 20th, 23rd, Third, and Illinois Streets would permit office uses on all stories above the ground floor. This would provide additional capacity for these uses, meaning that some anticipated growth in residential and PDR uses in the northern portion of the Central Waterfront would be likely to shift elsewhere. As noted above under the discussion of effects in the Mission, the Preferred Project would result in additional capacity for residential development in the Mission, and therefore some future residential growth would likely move to the Mission from this area of the Central Waterfront. Additionally, these two SUDs would likely result in displacement and pressure to relocate on PDR uses north of 22nd Street—potentially resulting in some such uses moving to the south in the same neighborhood or to the Bayview District. The Preferred

Project, therefore, would be expected to result in some further concentration of PDR uses south of 23rd Street, with the area to the north transitioning to a more mixed-use character. However, while these changes would result in some increase in medical, life science, and office capacity in the Central Waterfront, the revisions resulting in the Preferred Project would not alter the overall growth forecasts on which the DEIR analysis is based, nor would they substantially alter the mix of land uses in the Central Waterfront, either compared to existing conditions or compared to projected under Option B on DEIR pp. 79 – 81. Effects of PDR displacement, while relevant to workers and businesses affected, would not change the DEIR's conclusion with regard to Option A and B; i.e., that the effect related to loss of PDR land would be less-than-significant.

Population and employment growth under the Preferred Project would be comparable to that under Options B and C, and would therefore result in impacts that would be within the range of potential effects reported in the DEIR, all of which were found to be less than significant. As noted above, the 9,785 new housing units anticipated by 2025 under the Preferred Project would be similar to the forecast of about 9,860 new units for EIR Option C. Because the increased housing potential would result from greater permitted residential density and increased height limits, the Preferred Project would not result in a substantial change from employment growth forecast under DEIR Option B. While the creation of an Innovative Industries Special Use District and a Life Science and Medical Special Use District in Showplace Square and the Central Waterfront would permit development of additional office uses and medical and life science uses in limited portions of the project area, these districts would not alter the growth forecasts on which the DEIR is based. Therefore, these special use districts would be expected to result in some incremental redistribution of housing sites and employment opportunities within the Eastern Neighborhoods study area, but would not change the conclusions of the DEIR, as given on pp. 249 – 252.

Visual Quality and Urban Design

The Preferred Project would have effects similar to Option B on urban form, neighborhood character, views, and light and glare impacts. The Preferred Project proposes increases in the maximum permitted building heights along selected streets and subareas within the Eastern Neighborhoods. In most instances, the Preferred Project's heights fall within the range of potential changes studied in the DEIR, discussed below by neighborhood; in other cases, proposed heights are greater than initially examined. For reasons indicated below, the Preferred Project's aesthetic effects related to visual character, urban form and views are considered similar to those reported in the DEIR, and are thus considered to be less than significant.

In East SoMa, the Preferred Project heights would be essentially the same as those studied for Option B, except for a few parcels bounded by Seventh, Howard, Sixth, and Harrison Streets (see Figure C&R-4, p. C&R-9). Within this area, heights are proposed to increase to 65 feet, 10 feet greater than in Option B (15 feet above existing legislated height limits), though in keeping with the 65-foot scenario studied in Option C. A stronger visual edge than currently exists could

develop along the Seventh Street over time, which could add to an impression of a relatively larger scale compared to future No-Project conditions, generally characterized by buildings of four to five stories (north of Folsom Street) and two to three stories south of Folsom Street. The proposed 65-foot height district along the east side of Seventh Street would adjoin and compliment the proposed 68-foot height district on the west side of Seventh Street, south of Brannan Street in Showplace Square (see below).

With respect to views, incremental increases in building heights would not adversely alter existing view corridors along Seventh Street. Under Preferred Project conditions, urban views would continue to be available in both northerly and southerly directions (relative to the street grid). Southerly views along Seventh Street would continue to be defined by larger footprint, multi-unit residential and/or hotel buildings, generally built to the property line. Over time, the built form south of Folsom Street would become defined by taller structures, as smaller-scale industrial buildings are likely to either be adaptively reused or replaced with mid-rise mixed-use buildings. Elevated portions of the Interstate 80 freeway would continue to define the visual edge in views along the southern portion of the East SoMa plan area. The recently constructed Federal Building at Seventh and Mission Streets would stand out as a dominant visual element in northerly views.

As was the case with the draft area plans analyzed in the DEIR, the draft East SoMa Area Plan included in the Preferred Project and in the proposal for adoption to be considered by the Planning Commission includes objectives and policies that pertain to moderating building heights, respecting SoMa's view corridors, emphasizing high quality design elements particularly along street-facing building exteriors, reducing the visual impact of parking, as well as harmonizing new development with historic resources. Accordingly, as was concluded for the three rezoning options analyzed in the DEIR, it is not anticipated that the Preferred Project would substantially degrade or adversely affect East SoMa's baseline visual character or its surroundings.

In the Mission, the most substantive change in proposed height limits compared to the options analyzed in the DEIR, would occur on the Mission Street corridor, where the Preferred Project would establish a height limit of 85 feet between 15th Street and César Chávez Street. Except in the vicinity of the BART stations at 16th and 24th Streets, the proposed height limit would be 20 feet greater than the 65-foot limit proposed with each of the three DEIR alternatives, which proposed maintaining the existing 65-foot height limit along most of Mission Street and increasing the existing 50-foot limit between 19th and 21st Streets to 65 feet. As described on DEIR p. 135, while buildings on Mission Street range between one and five stories, "two and three-story buildings are more typical." Thus, most buildings are several stories shorter than the existing 50- and 65-foot height limits. While the Preferred Project would result in greater height increases than would the DEIR options, therefore, there is no reason to believe that the 85-foot height limit proposed in the Preferred Project would result in a sudden or wholesale change in

building heights along the Mission Street corridor. Over time, however, it can be expected that some buildings would be replaced with structures up to 85 feet in height, and that these newer structures would also be bulkier than most existing buildings. As noted on DEIR p. 162, the existing character of the Mission's commercial corridors, including Mission Street, "eclectic, comprised of a number mixed-use buildings built in a variety of architectural styles, with no single style predominating." The DEIR further noted that new development would be guided by draft area plan objectives and policies that, among other things, call for respecting the height, massing, and materials of older buildings (April 2008 draft Mission Area Plan Policy 3.1.6) and preservation of landmarks of historic, architectural, or aesthetic value (April 2008 draft Mission Area Plan Policy 3.1.9). This policy framework remains intact in the Preferred Project, and thus effects of the Preferred Project would be similar to those described in the DEIR.

As was the case for the DEIR options, the Preferred Project would result in not substantial aesthetic changes associated with greater proposed height limits within the established, residential areas of the Mission (generally south of 20th Street, the area south of 17th Street between Capp and Harrison Streets, and portions of Guerrero Street), because height limits would remain unchanged or would change only slightly (e.g., 15 feet) from existing conditions.

As described above for East SoMa, the draft Mission Area Plan included in the Preferred Project and in the proposal for adoption to be considered by the Planning Commission includes objectives and policies that pertain to moderating building heights, respecting the Mission's view corridors, emphasizing high quality design elements particularly along street-facing building exteriors, reducing the visual impact of parking, as well as harmonizing new development with historic resources. Accordingly, as was concluded for the three rezoning options analyzed in the DEIR, it is not anticipated that the Preferred Project would substantially degrade or adversely affect the Mission's baseline visual character or its surroundings.

In the Showplace Square/Potrero Hill plan area, height limits would be similar to those analyzed for Options B, with minor height increases (to 45 feet as opposed to 40 feet in the DEIR) proposed to areas north of Mariposa Street, between De Haro Street and Seventh/Pennsylvania Streets. Height limits in the established residential areas of Potrero Hill would remain unchanged at 40 feet. The Preferred Project establishes heights of 65 – 68 feet within the core of Showplace Square between U.S. 101 and I-280, north of 16th and south of Bryant Streets.

As reported in the DEIR, the proposed UMU and PDR use districts in Showplace Square could, over time, lead to a change in the visual character of the area associated with the construction of new mixed-use buildings. Future development allowable under the Preferred Project could result in the creation of a uniform skyline of six-story buildings. (DEIR Option C analyzed a scenario of up to 85-feet in discrete areas of the district.) As indicated in the DEIR, the proposed height limits would allow moderately scaled development that would be compatible with nearby neighborhoods. In some locations, future buildings may be visible from the freeway, which could

add to the variety and complexity of the urban viewshed visible while traveling through the neighborhood. These effects would be similar to Option B studied in the DEIR, and are considered to be less than significant.

As described above for East SoMa, the draft Showplace Square/Potrero Hill Area Plan included in the Preferred Project and in the proposal for adoption to be considered by the Planning Commission includes objectives and policies that pertain to moderating building heights, respecting the neighborhood's view corridors, emphasizing high quality design elements particularly along street-facing building exteriors, reducing the visual impact of parking, as well as harmonizing new development with historic resources. Accordingly, as was concluded for the three rezoning options analyzed in the DEIR, it is not anticipated that the Preferred Project would substantially degrade or adversely affect the baseline visual character of Showplace Square, Potrero Hill, or their surroundings.

Heights in the Central Waterfront have been refined since publication of the draft Central Waterfront Plan in 2002, and the June 2007 publication of the DEIR. In most of the neighborhood, heights remain identical to those examined in the DEIR, which generally assigns heights of 58 – 68 feet along the northern, western and eastern edges of the neighborhood and 40 – 45 feet in its center; areas towards southern portion of the Central Waterfront would have heights of 68 – 80 feet. The Preferred Project includes a proposal for 45-foot heights generally along the block face of Tennessee, 22nd and 3rd Streets, represents a reduction of 5 feet—height limits in this area were previously programmed for 50 feet. The 45-foot height district in the heart of Dogpatch would provide for a more compatible transition between the smaller scale mix of uses in the neighborhood and larger-foot print building types along its edges.

The Preferred Project also proposes an 80-foot height limit on the block between 22nd, 23rd Illinois and Third Street, which would be 20 feet taller than what was analyzed in the DEIR. While this would represent an increase in the scale of the built environment within this localized portion of the Central Waterfront, the change would be neither substantial nor adverse. This block would extend and compliment the existing 85-foot height district to its south. The area is likely to continue to express an industrial/commercial character given that this block and those to its south are designated with PDR zoning, and future projects would be subject to the Area Plan's policies related to urban form, such as to "Promote an urban form that reinforces the Central Waterfront's distinctive place in the City's larger form and strengthens its physical fabric and character."

As described above for East SoMa, the draft Central Waterfront Area Plan included in the Preferred Project and in the proposal for adoption to be considered by the Planning Commission includes objectives and policies that pertain to moderating building heights, respecting the Central Waterfront's view corridors, emphasizing high quality design elements particularly along street-facing building exteriors, reducing the visual impact of parking, as well as harmonizing new development with historic resources. Accordingly, as was concluded for the three rezoning

options analyzed in the DEIR, it is not anticipated that the Preferred Project would substantially degrade or adversely affect the Central Waterfront's baseline visual character or its surroundings.

Effects on views under the Preferred Project would be similar to those described in the DEIR, and would not be substantial because, as with the DEIR options, new development in the Eastern Neighborhoods would generally be of an infill nature and would conform to the existing street patterns, and would therefore not tend to obstruct scenic views.

Transportation

East SoMa, Mission, and Showplace would have between 200 and 700 fewer new units than under Option C, while Central Waterfront would have 1,200 more than under Option C. However, Central Waterfront would have more than 1,600 fewer units than under Option A (which assumed 2,000 units at the power plant site). As described above, the increased housing potential under the Preferred Project, compared to EIR Option B, would be approximately 2,400 residential units, for a total of about 9,785 new units by 2025, compared to approximately 7,385 new units under Option B, and the number of new units would be similar to that forecast for EIR Option C (about 9,860 new units). Therefore, it can be concluded that areawide traffic and other transportation effects would be no greater than reported for Option C in the DEIR, except that effects would be no worse than under Option A in the Central Waterfront, because growth projections for that neighborhood were highest under Option A, as stated on DEIR p. 31.³

By neighborhood, the changes would be more variable, as shown in Table C&R-2. In East SoMa and the Mission, the number of new residential units, and hence the increase in population, would be closer to that forecast for Option C than for Option B. In Showplace Square/Potrero Hill, in contrast, the number of new residential units and the increase in population would be closer to that forecast for Option B. Finally, in the Central Waterfront, the number of new residential units and the increase in population would be substantially higher than under either Option B or C, but would be well below that forecast for Option A (see Table C&R-2).

Based on the housing growth forecast for the Preferred Project, transportation impacts would be within the range reported in the DEIR. For traffic, the Preferred Project would be anticipated to result in significant impacts at three intersections analyzed in East SoMa (the same as for Options B and C), five intersections in the Mission (the same as for Option B), 10 intersections in Showplace Square/Potrero Hill (the same as for Options B and C), and four intersections in the Central Waterfront (the same as for Option A). Significant, unavoidable impacts, for which no feasible mitigation is identified, would occur at the following intersections: Seventh/Harrison,

³ As described under Land Use/Population, the increased housing potential would result from greater residential density and increased heights, and therefore the Preferred Project would not result in a substantial change from employment growth forecast under DEIR Option B, meaning that changes in residential population would be the main determinant of transportation-related impacts.

**TABLE C&R-2
RESIDENTIAL GROWTH FOR PREFERRED PROJECT COMPARED TO EIR OPTIONS**

Neighborhood	Increase in Housing Units, 2000 – 2025					Change fr. Option C	Change fr. Option A ¹
	Option B	Option C	Preferred Project	Change fr. Option B	Pct.		
East SoMa	2,508	3,083	2,887	379	15.1	(196)	n/a
Mission	1,118	2,054	1,696	578	51.7	(358)	n/a
Showplace Sq./Potrero Hill	2,635	3,891	3,180	545	20.7	(711)	n/a
Central Waterfront	1,124	830	2,020	896	79.7	1,190	(1,625)
TOTAL	7,385	9,858	9,783	2,398	32.5	(75)	n/a

¹ Option A housing unit total provided only for Central Waterfront, because the number of housing units in the other three neighborhoods would be the smallest under Option A, whereas this number would be the largest for the Central Waterfront.

SOURCE: San Francisco Planning Department, April 2008

13th/Bryant, 13th/Folsom, South Van Ness/Howard/13th, Seventh/Brannan, Seventh/Townsend, Eighth/Bryant, Eighth/Harrison, Third/César Chávez, Third/Evans, and César Chávez/Evans.

As described above under Land Use and Population, Housing, Business Activity, and Employment, the creation of an Innovative Industries Special Use District and a Life Science and Medical Special Use District in Showplace Square and the Central Waterfront would permit development of additional office uses and medical and life science uses in limited portions of the project area. Inasmuch as these revisions in the Preferred Project would be result in some incremental redistribution of housing sites and employment opportunities within the Eastern Neighborhoods study area but would not alter the growth forecasts on which the DEIR transportation analysis was based, these changes would result in relatively minor redistribution of traffic and other transportation-related effects, but would not result in a substantial redistribution of traffic, transit ridership, or pedestrian, bicycle, or parking effects.

Transit impacts are assumed to be comparable to those under Option C, meaning that the Preferred Project would result in significant, unavoidable impacts on seven Muni lines (lines 9, 22, 26, 27, 33, 48, and 49).

Effects related to pedestrian and bicycle conditions, including safety, and effects on parking and loading would be less than significant, as under the EIR options.

Shadow

As stated in DEIR Section IV.I, Shadow, Section 295 of the Planning Code would limit potential new shadow impacts from new structures greater than 40 feet in height, compared to what could otherwise occur. The DEIR concluded, however, that it cannot be stated with certainty that compliance with Section 295 would always mitigate any potential significant effects under CEQA, particularly inasmuch as buildings 40 feet or less in height could shade several parks in

the project area. However, because the proposed height increases under the Preferred Project, compared to what was analyzed in the DEIR, would apply to only areas previously proposed for height limits of 40 feet or more, it can be fairly assumed that application of Section 295 would preclude any shading of parks subject to Section 295⁴ (i.e., Recreation and Park Department properties) such that impacts from the Preferred Project are likely to be similar to those described in the DEIR, which found that potential shadow impacts from future proposed development—including from buildings not subject to Section 295—would be significant and unavoidable, because the feasibility of complete mitigation for potential new shadow impacts could not be determined absent analysis of subsequent specific project designs.

The following discussion identifies additional shadow impacts, compared to those identified in the DEIR, that could potentially result from the greater height limits proposed under the Preferred Project, absent implementation of Section 295.

In East SoMa, the increased height limits proposed under the Preferred Project in the area bounded by Seventh, Howard, Sixth, and Harrison Streets would potentially result in more shadow on Victoria Manalo Draves Park and the South of Market Recreation Center. No change in shadow would occur at the Alice Street Community Garden, where heights are proposed as they were in Option B for parcels to the southwest and southeast that have the greatest effect on shading. The Preferred Project would result in similar shading impacts on South Park as identified in the DEIR because the currently proposed height limits are similar to those under Option B. No additional shade would affect South Beach Park (a Redevelopment Agency property).

In the Mission, the greatest change in proposed height limits is along Mission Street, where a height limit of 85 feet is proposed. Also, height limits would generally increase to 55 feet along the east-west (numbered) streets, west of South Van Ness Avenue, and to 45 feet along the smaller mid-block streets west of Mission Street such as Bartlett, San Carlos, Lexington, Hoff, Albion, and Linda Streets and Julian Avenue would be 45 feet. However, because the plan options analyzed in the DEIR included an 85-foot height limit in the immediate vicinity of the BART stations at 16th and 24th Streets, there would be little to no increase in shading on Kid Power Park, on Hoff Street near 16th Street. The Preferred Project could result in incrementally more shadow on Mission Playground and Alioto Mini-Park.

⁴ As stated on DEIR p. 381, Section 295 generally prohibits buildings greater than 40 feet tall that would shade City parks if the shadow “would adversely affect use of the park, unless the Planning Commission determines that the effect would be insignificant.” However, the Planning Commission conclusion of significance or insignificance with respect to Section 295 differs from the significance determination with regard to CEQA: as stated on DEIR p. 382, the CEQA significance criterion is based on whether a project would “create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas.” While a finding of insignificance under Section 295 may correspond to a less-than-significant impact under CEQA, it is also possible for the conclusions under the two separate standards to be different.

In the NEMIZ, increased height limits are proposed around Franklin Square, but the increase would generally be three feet—from 55 feet to 58 feet, which would result in a negligible change. However, the height limit would be 68 feet on blocks, or portions of blocks, to the northwest, west, and southwest of Franklin Square. Absent implementation of Section 295, this change could result in more shadow coverage of Franklin Square in the late afternoon, year-round, compared to DEIR Option B. However, because the Preferred Project would also reduce the height limit on the block immediately south of Franklin Square (currently the Muni Potrero yard) from 80 feet to 65 feet, the Preferred Project would result in less shading on Franklin Square than would the No Project Alternative. Compared to Option B, as reported in the DEIR, the Preferred Project would cast slightly more shadow (absent implementation of Section 295). At the summer solstice (DEIR Table 56), the Preferred Project would result in a maximum of about 45 percent at 7:36 p.m. (the final Section 295 shadow minute), compared to 40 percent for Option B. At the winter solstice (Table 57), the Preferred Project would result in a maximum of 65 percent at 3:54 p.m. (the final Section 295 shadow minute), compared to 60 percent for Option B. The Preferred Project would not result in additional shadow, compared to Option B, in the morning. Options A and C assumed a 65-foot height limit, and the three-foot increase in permitted heights under the Preferred Project would translate to a negligible increase in shadow coverage.

There would be no difference in shading impacts under the Preferred Project compared to those described in the DEIR for Garfield Square, Rolph Playground, Jose Coronado Playground, Mission Center, Parque Niños Unidos, Juri Commons, or the 24th & York Mini-Park, nor would the increased heights be sufficient to add shading on Mission Dolores Park, located outside the project area on Dolores Street.

In Showplace Square, a newly proposed height limit of 68 feet in the greater 16th Street corridor. This could result in a small increment of additional shadow on Jackson Playground, but because the playground is south of the area where changes in the height limit are proposed, the incremental increase would be limited to early morning (before about 9:00 a.m.) and late afternoon (after about 5:00 p.m.) in late spring and early summer.

The Preferred Project would not change previously proposed heights on Potrero Hill, and thus there would be no change in shadow impact on Potrero Hill Recreation Center, McKinley Square, or Potrero del Sol Park compared to that identified in the DEIR.

In the Central Waterfront, the Preferred Project would not result in any new shadow, compared to that identified in the DEIR because greater heights are proposed in areas not proximate to any of this neighborhood's parks.

As with the EIR options, potential shadow impacts from future proposed development—including from buildings not subject to Section 295—would be evaluated on a project-specific basis, and shadow effects could be limited through design of individual projects that takes into consideration

shading effects on nearby parks. However, because the feasibility of complete mitigation for potential new shadow impacts cannot be determined at this time, it cannot be concluded that shadow effects of the Preferred Project would be less than significant, and therefore the impact is judged to be significant and unavoidable. This is identical to the conclusion reached in the DEIR, and the impacts from the Preferred Project would not be substantially different from those described in the DEIR.

Historic Architectural Resources⁵

In East SoMa, DEIR Options A, B, and C analyzed a 105-foot height district and a MUR use district for parcels that could become part of the expanded South End Historic District. The Preferred Project's heights for these parcels would similarly be 105 feet, though a MUO district is now contemplated at this location instead. This change would neither preclude a possible extension of the South End Historic District nor result in greater or more severe impacts than already assessed in the DEIR, and Mitigation Measure K-2 (DEIR p. 520) would apply to physical changes to buildings in the South End Historic District.

Changes to reported impacts in the area west of South Park, currently zoned SLI, would be less severe in magnitude than initially reported in the DEIR, as the Preferred Project would not amend zoning controls within this district. While height limits could change as part of plan adoption, heights analyzed in the DEIR (generally 50 to 90 feet for areas zoned SLI) would be in keeping with the Preferred Project heights for the area (65 to 90 feet).

The 65-foot height district along Seventh Street between Mission and Howard Streets falls within the DEIR's range of studied heights. This portion of Seventh Street is within the South of Market Extended Preservation zone and properties are eligible for Transfer of Development Rights. Taking into account the factors for potential effect mentioned above, the proposed zoning controls, historic preservation tools applicable to the proposed zoning, and the historic preservation mitigation measures (DEIR pp. 518 – 522), no impacts of greater severity are expected to known or potential resources.

In the Mission, the proposed five foot increases (to 45 feet proposed) in the areas envisioned for RTO zoning (generally between Guerrero Street and South Van Ness Avenue) could encourage incremental development of properties over time as the RTO, in contrast to the existing RH and RM districts, would not require off-street parking for residential uses, nor would it establish residential density limits. While the change in zoning and height controls could moderately increase housing potential, this five-foot increase would still permit a wood-frame construction type. In this case, the likelihood of alteration of existing structures (e.g., vertical and horizontal

⁵ This analysis is based on a technical memorandum, *EN Preferred Option – Historic Resource Assessment*, Memorandum to Administrative Record, May 22, 2008. This document is available for review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2004.0160E.

additions) is deemed greater than that of demolition, and as such, impacts are not considered more severe than reported in the DEIR.

Along the Mission Street corridor, approximately three-fourths of the properties that are subject to the proposed heights are identified as non-resources, and any new development would be subject to the draft Mission Area Plan's preservation policies. Because the existing character of the potential Mission Miracle Mile historic district is non-uniform, it may be determined that the Preferred Project's proposed greater height limits on Mission Street would not more severely affect the district or its resources. Given the very small number of Mission Reconstruction resources on Mission Street as compared to the very large number of Mission Reconstruction resources that are not located within the corridor, and in conjunction with the Area Plan's preservation policies, proposed heights on Mission Street would not substantially increase the severity of the previously identified adverse impacts on the identified Mission Reconstruction historic district.

Since publication of the DEIR, a non-contiguous preliminary historic district has been identified in the Showplace Square area, based on industrial and commercial brick buildings. Construction of Highway 101 bifurcated the district, so the eastern portion of that which survives is located between Division and 16th Streets, Rhode Island and Vermont Street. The western portion is located between Alameda and 16th Streets, between Hampshire Street and San Bruno Avenue. The survey has not reached the stage at which individual resources are identified. While this new district has been identified, the range of potential heights and use district changes studied in the DEIR would not substantially increase the severity of potential impacts to known and potential historical resources (both individual and districts) in the Showplace Square area. The DEIR studied amendments to existing local height districts within the range of 55 and 85 feet. As the currently proposed height districts associated with the Preferred Project of 68 and 45 feet fall within this range of that which was initially studied in the DEIR, no greater impacts are expected. Similarly, the Preferred Project would not entail a change to the existing residential use districts within Potrero Hill, nor would the existing 40-foot height district in this area change; thus, the conclusions reached in the DEIR regarding potential impacts to historical resources in the Showplace Square/Potrero Hill area plan subarea are judged equal to those presented in the DEIR.

Potential impacts to historical resources in the Central Waterfront would be similar to those reported in the DEIR. The 20-foot height increase that could apply to Assessor Block 4173 (between 20th and 22nd on 3rd Street) would not substantially increase reported impacts, as the building on that block is not considered to be an individual resource.

The Planning Department acknowledges that the change of uses in various districts and increase in permitted heights under the Preferred Project could reasonably result in some incremental increase in the number of historical resources and potential resources that might be adversely

affected. However, in the context of the size of the proposed Plan areas, the historic preservation tools applicable in the Eastern Neighborhoods zoning, and the historic preservation mitigation measures, the Department has determined that the Preferred Project would not result in a substantial increase in the severity of impacts to individual historic resources or districts beyond that previously identified in the Draft EIR.

Figures C&R-5 through C&R-8 depict potential impacts of the Preferred Project to known historical resources, potential historical resources, and “age-eligible properties” (those 45 years or more in age) in each of the four Eastern Neighborhoods.

While implementation of mitigation measures identified in the DEIR could reduce the nature or the degree of the potential effects on historical resources, for purposes of a conservative analysis, the Preferred Project’s potential impacts on historical resources are judged to be significant and unavoidable, as they were for the EIR options.

Other Impacts

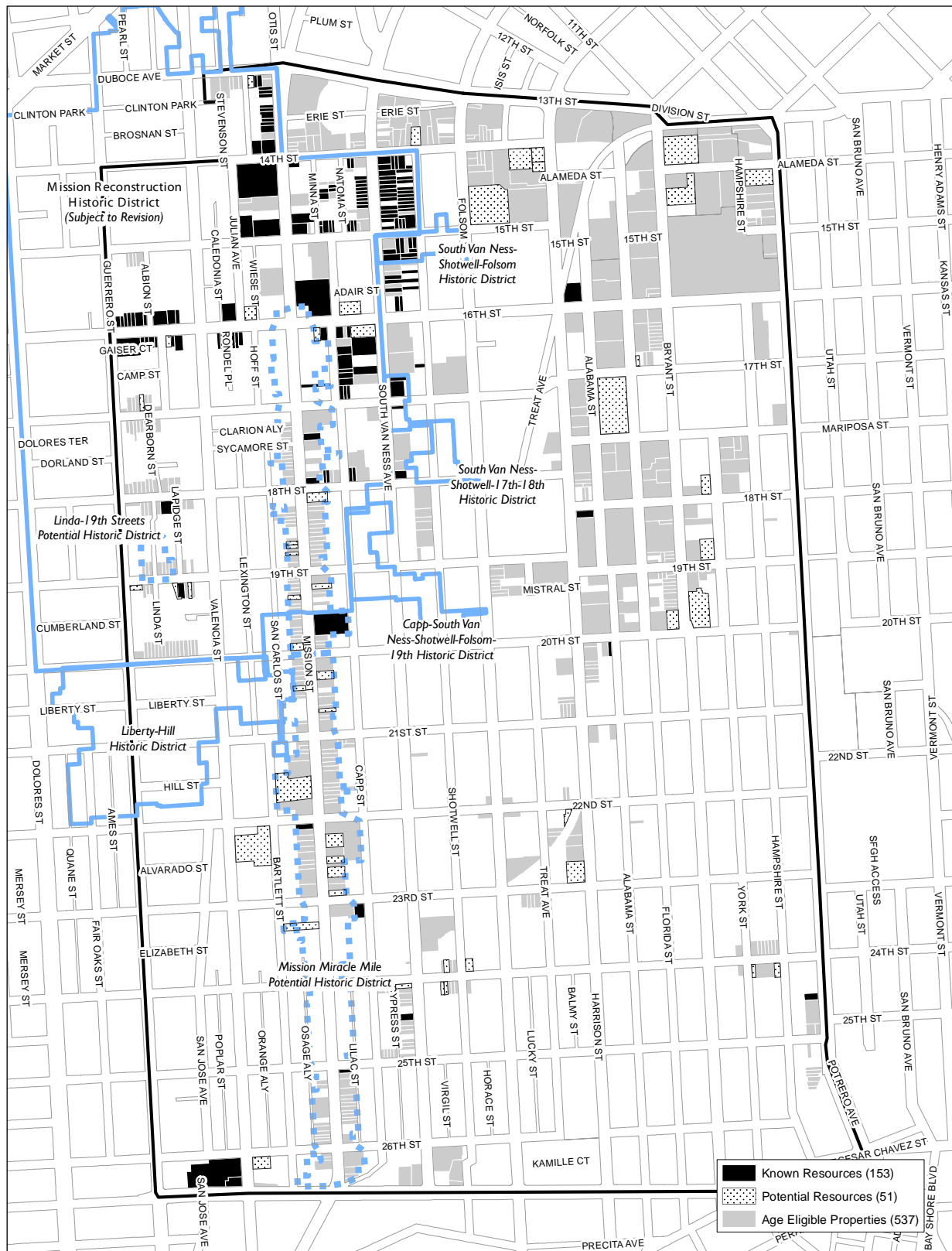
For most environmental issues analyzed in the DEIR, the changes between the EIR options and the Preferred Project would not result in substantially greater impacts than were identified in the DEIR, because the changes would affect a relatively small percentage of the project area and, while the changes would result in some local re-distribution of permitted land uses, would not fundamentally alter the overarching concepts that have underlain the proposed Eastern Neighborhoods rezoning project from the start—increasing the housing potential in certain portions of the study area while maintaining adequate land for PDR employment. Because this fundamental policy direction remains unchanged from the Draft EIR, the Preferred Project would not result in any new or substantially greater conflicts with **Plans or Policies** applicable to the Eastern Neighborhoods (see p. C&R-151 for staff-initiated text changes).

The Preferred Project would relocate permitted land uses in certain portions of the Eastern Neighborhoods project area, compared to what was proposed in the three rezoning options analyzed in the DEIR. However, the localized changes would generally result in the same or similar effects as the DEIR options with regard to **Noise and Air Quality** (potential effects with regard to increases in traffic-generated noise and emissions and potential exposure of sensitive land uses to increased noise levels and to increased levels of pollutants, including fine particulates [PM_{2.5}] and diesel particulate matter [DPM]). However, mitigation measures applicable to the DEIR rezoning options would also be applicable to the Preferred Project, and would reduce noise and air quality effects to a less-than-significant level. These measures include Mitigation Measures F-1 and F-2 for construction noise impacts; Mitigation Measure F-3, as revised in Section D of this Comments and Responses document, to ensure adequate interior noise reduction; Mitigation Measures F-4 and F-5, as revised in Section D of this Comments and Responses document, regarding siting of noise-sensitive uses; Mitigation Measure F-6, concerning open space in noisy environments; Mitigation Measure G-1, concerning construction air quality; Mitigation Measure G-2, as revised in Section D



Case No. 2004.0160E: Eastern Neighborhoods Rezoning and Area Plans (203091)
Figure C&R-5
 Potential Effects on Historical Resources
 (East SoMa)

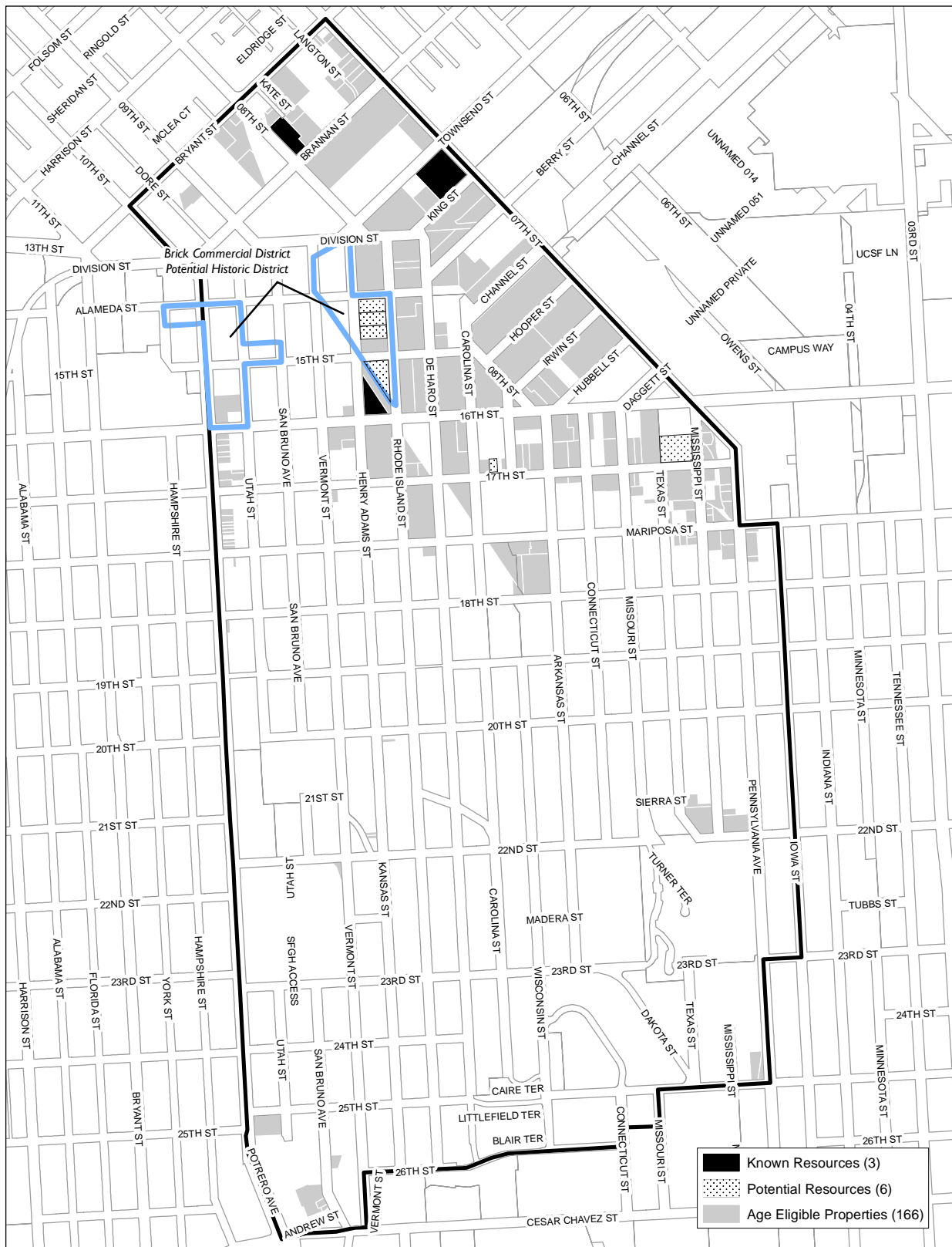
SOURCE: San Francisco Planning Department



SOURCE: San Francisco Planning Department

Case No. 2004.0160E: Eastern Neighborhoods Rezoning and Area Plans (203091)

Figure C&R-6
Potential Effects on Historical Resources
(Mission)



SOURCE: San Francisco Planning Department

Case No. 2004.0160E: Eastern Neighborhoods Rezoning and Area Plans (203091)

Figure C&R-7
Potential Effects on Historical Resources
(Showplace Square/Potrero Hill)



SOURCE: San Francisco Planning Department

Case No. 2004.0160E: Eastern Neighborhoods Rezoning and Area Plans (203091)

Figure C&R-8
Potential Effects on Historical Resources
(Central Waterfront)

of this Comments and Responses document, which would require modeling of PM_{2.5} concentrations and, potentially, filtration of interior air when modeling results so indicate; and Mitigation Measures G-3 and G-4, as revised in Section D of this Comments and Responses document, concerning siting of uses that emit DPM and other TACs.

Effects related to **Parks, Recreation and Open Space** of the Preferred Project would be similar to those described in the DEIR, because the number of residents would be slightly less than that under DEIR Option C. Therefore, as described in the DEIR, and elaborated upon in this Comments and Responses document, beginning on p. C&R-107, effects on parks, recreation and open space would be less than significant, given the area plans' policy framework in support of additional open space and the implementation and funding plan included as part of the Preferred Project.

Like the options analyzed in the DEIR, the Preferred Project could result in potential disturbance of subsurface soils and concomitant effects on archeological resources. However, because the Preferred Project would result in a level of development comparable to that described in the DEIR, and within the same project area, effects would be similar to those described in the DEIR, and would be mitigated to a less-than-significant level through implementation of Mitigation Measures J-1, J-2, and J-3, which would require pre-construction research and, potentially, site investigation, depending on the location of subsequent development projects.

Concerning **Hazards**, the Preferred Project could result in potential soil disturbance and building demolition, with the potential exposure of workers and the public to hazardous materials from previous uses. However, as with archeology, the degree of development would be comparable to that described in the DEIR and would occur within the same project area, and thus effects would be similar to those described in the DEIR, and would be mitigated to a less-than-significant level by a combination of compliance with existing laws and regulations and implementation of Mitigation Measure K-1, concerning hazardous building materials.

For impacts focused out in the Initial Study, those related to the location of the project (Biology, Geology/Topography, and Water) would be essentially unchanged from those described in the Initial Study (EIR Appendix A), because the project area would remain the same. For those impacts related to the intensity of development (Utilities/Public Services and Energy), effects would be similar to those described in the Initial Study, because anticipated growth under the Preferred Project would be within the range of the three options considered in the DEIR.

Conclusion

Given the above, the effects of the Preferred Project would, in general, be similar to those described in the DEIR, and the Preferred Project would not result in any new significant impacts, nor any impacts that would be substantially greater than those identified in the DEIR. Based on the foregoing analysis, the Preferred Project would not result in any new significant impacts, nor in a substantial increase in the severity of a previously identified impact, nor have any new

alternatives or mitigation measures been identified that the project sponsor is unwilling to adopt. Moreover, the foregoing analysis does not reveal that the DEIR was “so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” Therefore, in accordance with State CEQA Guidelines Section 15088.5(a)(1) – (4) and Section 15088.5(b), recirculation of the EIR is not required prior to consideration of the Final EIR for certification, pursuant to Guidelines Section 15090.

Implementation of the Proposed Rezoning and Area Plans

Once the proposed zoning controls and area plans are adopted, they will have to be implemented. Beyond simply applying the new land use and height and bulk controls to individual projects as they are proposed, Planning Department staff proposes, as part of the actions to be considered by the Planning Commission, a comprehensive implementation program. This Implementation Program includes a proposed Public Benefits Program and a Monitoring Program.⁶ The Public Benefits Program consists of:

- 1) an Improvements Program that addresses needs for open space, transit and the public realm, community facilities and affordable housing;
- 2) a Funding Strategy that proposes specific funding strategies and sources to finance the various facilities and improvements identified in the Improvements Plan, and matches these sources to estimated costs; and
- 3) A section on Program Administration that establishes roles for the community and City agencies, provides responsibilities for each, and outlines the steps required to implement the program.

To address one of the project’s key policy goals—provision of new housing that is affordable to a range of households—the Funding Strategy proposes specific controls on housing in the new Urban Mixed-Use (UMU) use district, whereby residential projects in UMU districts would be required to provide a greater percentage of affordable units than is required by the City’s existing Inclusionary Housing Ordinance (Planning Code Section 315 *et. seq.*), with the percentages varying depending on new height limits and affordability levels. Alternatively, sponsors of projects on large sites may dedicate a portion of the site to the Mayor’s Office of Housing, for development of affordable housing by others.

As part of the Funding Strategy, an Eastern Neighborhoods Impact Fee, varying by use district and height limit, would be assessed on residential and commercial projects to help fund improvements to offset impacts caused by project-generated growth on parks, open space, and streetscapes; transportation; and community facilities and services, such as child care, libraries,

⁶ The complete Implementation Document is available for review at the Planning Department offices, 1650 Mission Street, Suite 400, and may also be viewed on the Planning Department’s Eastern Neighborhoods website at: http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/VOL3_Implementation.pdf.

human services, health care, and art and cultural facilities. These fees embody, in part, the spirit of DEIR Improvement Measures D-2 and D-3 (pp. 523 – 524), which call for increased affordable housing production and protection of affordable housing sites.

The proposed Monitoring Program is supported by a set of Implementation Matrices for each area plan, and the “Eastern Neighborhood Needs Assessment” that was completed in 2007 by Seifel Consulting Inc. to document improvements that would be required to support increased population in the planning area. The Needs Assessment focuses most intensively on parks and open space, and community facilities and services (schools, libraries, police and fire protection, health care, human services, cultural facilities, and child care).

D. Summary of Comments and Responses

General Comments

Comment [G1]

“The cumulative effect of the Planning Department’s rezoning and spot zoning through the City’s comprehensive Community Action Plan (CAP) has had devastating impacts on the South of Market neighborhood as a whole. As a result, current residents and light industrial businesses of the South of Market Neighborhood are living under conditions of extreme vulnerability to 1) displacement and 2) unsafe health conditions. The Draft Environmental Impact Report (DEIR) for the Eastern Neighborhoods Plan identifies many of these impacts and acknowledges the escalating impacts the EN Rezoning will create. **However, the DEIR has not completed its analysis of the scale of these impacts nor identified appropriate mitigations to reduce or preferably avoid these significant impacts.** [emphasis in original] It is the position of the South of Market Community Action Network (SOMCAN) that the DEIR needs to complete this work three to six months prior to the adoption proceedings of the Eastern Neighborhoods Plan in order to accurately inform the Planning Commission. (*Chris Durazo, South of Market Community Action Network [SOMCAN]*)

Response

The above paragraph is the introductory text to the commenter’s letter of comment on the DEIR. Specific comments made by the commenter in subsequent text in the letter of comment are addressed in the appropriate sections of this document. For example, comments regarding displacement are presented on pp. C&R-75 and C&R-82, and comments about allegedly unsafe health conditions—relative to pedestrian injuries and noise levels—are presented on pp. C&R-92 and 96. In each case, responses are provided following the specific comments noted above.

Concerning the comment regarding the timing of CEQA review, the State CEQA Guidelines (Sec. 15105(a)) specify a public review period for a DEIR of between 30 and 60 days in most circumstances, with 45 days being the typical minimum. The DEIR was circulated for public review for 76 days. The Guidelines (Sec. 15088(b)) also require that the lead agency—the Planning Department—provide written responses to a public agency that has commented on the DEIR at least 10 days prior to certifying the EIR. The San Francisco Administrative Code Chapter 31 requires the Planning Department to provide the Comments and Responses document to those who commented on the DEIR at least 10 days prior to certification. The Department typically publishes a Comments and Responses document and transmits that document to all persons commenting on the DEIR—both public agencies and members of the public—two weeks or more prior to the scheduled EIR certification date.

Comment [G2]

Clarify and elaborate whether the Draft EIR supports Option A, B or C. Has the department factored in Urban Sprawl into its criteria for choosing Option A, B or C? Why does the analysis not state that Option C will lead to less commuter traffic and environmental hazards from the additional urban sprawl and car emissions that would be inherent in Option A?

Page S-59: Why does Section D (Alternatives) not analyze the negative effect to the Bay Area environment from the increase in suburban sprawl from relocating housing outside San Francisco due the adoption of Option A, especially increased vehicle emissions? (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

The EIR is a neutral informational document that neither advocates for or against a proposed project (or, in this case, one rezoning option or another). Urban sprawl is not an impact, per se, but a condition that is generally meant to characterize low-density development, typically with relatively lesser access to transit. As explained in the main body of the DEIR text beginning on p. 30, the quantitative impacts analyzed are based on growth assumptions developed by the Planning Department for each of the three rezoning options. Each option would result in essentially the same population growth and similar employment growth citywide, while distributing that growth in different locations in San Francisco. Thus, the regional impact of each rezoning option is assumed to be similar.

Comment [G3]

A comment requests “the research, criteria and assumptions for the consultant studies attached to the EIR and for any additional related studies referred to in Section E” on DEIR p. I-5. The commenter also asks whether a “nexus study” has been provided, and whether there are “oversight committees” for these studies. (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

As stated on p. I-5 of the DEIR, the “related studies” about which information is provided in the EIR introduction, involve a number of separate efforts, by various consultants on behalf of the Planning Department, that are providing additional information, separate from the EIR, to decision-makers regarding potential *non-physical* impacts of the proposed Eastern Neighborhoods project. Three distinct reports are described in Section E: a Public Benefits Analysis to evaluate existing and future needs for a variety of public facilities and services; a report on land available for Production, Distribution, and Repair (PDR) uses that forecast future supply versus demand; and a Socioeconomic Impact Analysis to evaluate social and economic impacts of the project. The latter two

reports, both of which were used as resource documents for the EIR in its evaluation of whether social and economic impacts could result in adverse physical impacts, have long been, and continue to be, available for review on the Planning Department's website (http://www.sfgov.org/site/planning_index.asp?id=25364#Staff_Reports_for_Public_Review). Each of these three studies has been the subject of presentations to the Planning Commission, the Board of Supervisors, or both. Each of these reports is also available for review at the Planning Department offices.

The Planning Department has published a “nexus study” as part of the Implementation Program for the Eastern Neighborhoods Rezoning and Area plans that covers five topical areas: transportation, open space, libraries, child care and facilities for a broad area of “community services” (which includes human services—job training, etc. and health care). The complete Implementation Document, including the nexus study, is available for review at the Planning Department offices, 1650 Mission Street, Suite 400, and may also be viewed on the Planning Department's Eastern Neighborhoods website at: http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/VOL_3_Implementation.pdf.

Regarding the comment concerning oversight committees, the Eastern Neighborhoods planning process has been managed since its initiation by Planning Department staff under the oversight of the Planning Commission, with policy direction also provided by the Board of Supervisors.

Comment [G4]

Since the release on September 6, 2007 of a new zoning map with new zoning definitions has implications in terms of which businesses will no longer be permitted in many Eastern Neighborhood locations (that were permitted uses under the zoning maps and zoning definitions upon which Department Staff and EIR consultants have made their reports and EIR conclusions), will the City be amending the EIR to reflect these September 6, 2007 changes? And if not, why not? (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

As noted in the discussion of the Preferred Project, p. C&R-5, in December 2007 the Planning Department released revised draft area plans and new draft zoning and height maps and draft summary of land use controls. Following further review by the community, Planning Staff has made further revisions to the current versions of the area plans, use district map and height map, and land use controls, which dated April 2008. (These draft area plans and zoning supersede the September 2007 map referred to by the commenter.) The analysis of the Preferred Project in this Comments and Responses document concludes that no substantial revisions are required in the DEIR's conclusions.

Comment [G5]

Since the new zoning will make a huge number of Eastern Neighborhood tenants' and owners' current uses into legal non-conforming uses that can continue but not expand, where does the EIR analyze the environmental effects of loss of these businesses to outside the district and outside the City when expansion becomes infeasible? Since a large number of uses will become illegal non-conforming uses because they will not be able to prove that they exist with proper permits, why does the EIR not analyze the environmental effects of loss of these businesses to other parts of the City or outside the City? Will the City be mitigating these environmental effects by establishing a registry of legal non-conforming uses that can legally continue but not expand after the new rezoning take effect? (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

In Section IV.A, Land Use, the DEIR (pp. 62 – 68) describes the potential displacement of existing PDR uses that could occur as a result of the proposed rezoning, which could result in some existing PDR businesses on land not zoned for PDR under the proposed rezoning leaving these areas due to competition from residential, retail, and other higher-value uses. Some of the higher-value uses would be those noted by the commenter, which might be relocating from areas that are designated PDR-only under the proposed rezoning. As discussed in the DEIR, the physical impacts of growth and other changes in land use anticipated to occur under the proposed project are analyzed in specific sections of the DEIR that analyze topics such as transportation, air quality, and noise. As described in DEIR Section IV.E, Transportation (pp. 267 – 268), these analyses are based on Planning Department projections of the increase or decrease in employment (translated from floor area by standard multipliers of square footage per employee) for various categories of commercial, industrial, institutional, and other non-residential uses. (A similar approach was applied to housing growth.) The growth projections were input into the San Francisco County Transportation Authority countywide travel demand forecasting model, and the output used to analyze transportation effects and secondary traffic-generated impacts related to air quality and noise, as well as other impacts such as changes in land uses. Among the inputs are growth in office employment, for example, in each “traffic analysis zone” (TAZ) of the Eastern Neighborhoods, as well as throughout other areas of the City. At the program level of analysis, however, it is not possible to separate effects of uses new to San Francisco from those of uses relocating from other TAZs.

Nevertheless, the DEIR concluded, on pp. 66 – 68, that Option C and the No-Project Scenario each would result in a significant, unmitigable impact with regard to the cumulative supply of land for PDR uses. In particular, Option C would result in the loss of nearly 5 million square feet of PDR building space and “the magnitude of economic and social changes engendered by Option C would mean that the physical loss of PDR

land and building space under Option C would constitute a potentially significant impact on the cumulative supply of land for PDR uses.” Under the No-Project Scenario, no new PDR districts would be created that would be more protective of existing PDR uses than under existing conditions, the loss of PDR building space would approach that under Option C, and greater land use conflicts would be anticipated. As shown in DEIR Table 12, the magnitude of the projected loss of PDR space under Options A and B would be so much less than under Option C or the No-Project Scenario that those options were judged to result in a less-than-significant impact on the cumulative supply of land for PDR uses.

Concerning the potential for creation of a “registry of legal non-conforming uses that can legally continue but not expand after the new rezoning take effect,” this is a policy concern that does not implicate physical environmental impacts that are required to be analyzed under CEQA. The Planning Commission, in its discretion, could choose to direct the creation of such a registry.

Comment [G6]

There has been inadequate notice regarding rezoning. There should be a mailed notice to all property owners whose property could be rezoned. (*Marilyn Amini*)

Response

Publication of the Draft EIR in June 2007 did not indicate that the proposed rezoning was before the Planning Commission or Board of Supervisors for consideration. Now that the proposed project has been scheduled for consideration and possible adoption, additional public notice has been provided.

Notification of publication of the DEIR was published in the San Francisco Examiner on June 30, 2007, the date the EIR was published, and notices were mailed to approximately 1,850 persons on the Planning Department’s Eastern Neighborhoods mailing list, which the Department has been compiling throughout the Eastern Neighborhoods planning process. This list includes a number of community organizations representing residents in the project area. In addition, notice of the DEIR publication was provided on the Planning Department website, and notice of the public hearing on the DEIR, before the Planning Commission, was provided both on the Department website and through distribution of the Commission agenda.

Comment [G7]

Where can one review the document *Community Planning in the Eastern Neighborhoods: Rezoning Options Workbook*? (*Grace Shanahan, Residential Builders Association*)

Response

The *Rezoning Options Workbook* is available for review at the Planning Department, and can be downloaded from the Eastern Neighborhoods website at:

http://www.sfgov.org/site/planning_index.asp?id=25364#reports.

Comment [G8]

Why is the Central Waterfront included in the growth assumptions in Table 2, DEIR p. 33, “since the Central Waterfront is not included in the Eastern Neighborhoods Rezoning Process. What analysis, if any, were done for the Central Waterfront, and why were they not explained?” (*Grace Shanahan, Residential Builders Association*)

Response

As stated on both p. S-1 and p. 1 of the DEIR, the Central Waterfront is included as part of the proposed project because the Central Waterfront is adjacent to the original Eastern Neighborhoods planning area and shares similar land use issues. “The Central Waterfront thus is considered one of the Eastern Neighborhoods for purposes of the EIR” (p. S-1).

Project Description**Comment [PD1]**

“In Figure 3 on page 15, the map for Option B shows the Daggett Place property (all of blocks 3833 and 3834 bounded by 16th, 7th and Hubbell Streets) in an EBD district, where no housing would be permitted. This designation is inconsistent with every map of Option B that has been released by the Planning Department....” (*Steven L. Vettel, Farella, Braun + Martel*)

Response

The commenter is correct in that the site in question is proposed to be within an Urban Mixed Use (UMU) use district in Option B. This site, the location of the proposed “Daggett Place” mixed-use project, is also proposed for UMU zoning in the Preferred Plan Option (see Figure C&R-1).

Comment [PD2]

“Nearly 25% of the plan’s residential target is already in the pipeline. The individual approval of this number of units without the complete EIR analysis and list of mitigations will have an irresponsible and negligent effect on the existing neighborhood.” (*Chris Durazo, South of Market Community Action Network [SOMCAN]*)

Response

Projects in the development “pipeline” (i.e., those for which applications are currently on file with the Planning Department) would not be approved absent the appropriate level of

environmental review, pursuant to CEQA. These projects would likewise be required to comply with applicable zoning rules and be consistent with applicable *General Plan* policies. There is no assurance that any project in the pipeline will be approved as proposed. As explained beginning on DEIR p. 121, various interim controls and policies have governed land use in the original study area and in the current Eastern Neighborhoods project area since 1999. The project area is currently governed by interim policies and procedures established pursuant to Planning Commission Resolution 16727, as described on DEIR p. 122.

During preparation of the DEIR, projects proposed in the Eastern Neighborhoods have been reviewed consistent with land use regulations in place at the time of project application. In March 2006, in response to the Board of Supervisors upholding an appeal of a preliminary mitigated negative declaration for a proposed residential project at 2660 Harrison Street, the Environmental Review Officer (ERO) indicated in a memorandum to the Planning Commission that the three criteria set forth in the Supervisors' decision would be used to analyze individual projects in the Eastern Neighborhoods planning area. The three criteria were 1) the potential of a proposed project to contribute to a cumulative loss of industrially-zoned land, PDR jobs and businesses; 2) the potential of the proposed project to cause conflicts between industrial and other uses; and 3) the potential of a proposed project to adversely affect the City's ability to meet its housing needs as expressed in the City's General Plan. The ERO's memorandum stated that that proposed projects within the Eastern Neighborhoods planning area that clearly would not: 1) displace existing PDR uses; 2) reduce or eliminate future PDR land supply or building space; 3) create or contribute to land use conflicts; or 4) contribute to a cumulative adverse effect on the City's ability to meet its housing needs as expressed in the City's General Plan, could proceed without the need to prepare project-specific EIRs, because they would not result in significant impacts, including cumulative impacts, with regard to the three criteria established by the Supervisors. Since that time, a limited number of relatively smaller projects in the Eastern Neighborhoods have gained approval on the basis of CEQA exemptions or mitigated negative declarations, while certain others have been required to undergo additional analysis in the form of an EIR. To date, nearly all projects that have been approved have been done so on the basis of a determination that the project would not result in significant impacts, including cumulative impacts, with regard to the criteria established by the Supervisors. Two fully-affordable housing projects, one in Eastern SoMa (255 Seventh Street (Westbrook Plaza) Project; Case No. 2004.0588E; Final EIR certified June 7, 2007) and one in West SoMa (275 10th Street Supportive Housing Project; Case No. 2005.0634E; Final EIR certified December 7, 2006), were approved despite EIRs that conservatively concluded, without a determination as to the outcome of the Eastern Neighborhoods planning process, that each project would contribute to cumulative significant impacts with regard to loss of land for PDR uses.

Comment [PD3]

The DEIR analyzes an inadequate range of alternatives. The EIR should be revised to include an alternative that provides some of the benefits of Option C, in terms of producing a relatively larger number of housing units, while also providing some of the benefits of Options A and C in terms of minimizing the effect on the loss of PDR land. Increasing heights in East SoMa in an area already intended for residential use could offer such benefits. “In particular, this new alternative should include higher height limits in the areas of Eastern SOMA along either side of Harrison between 2nd and 4th Streets, and along 4th Street south of 1-80, that have existing transit or planned transit improvement and/or are within walking distance of numerous employment and retail opportunities.” This location is adjacent to Rincon Hill and has good transit access. Development would be unlikely to shade South Park, and the area appears to have few historical resources. It could support “height limits of up to 500 feet along Harrison at 2nd Street, transitioning down to 85 feet at 4th Street, as well as increases to between 85 and 155 feet along 4th Street.” Such an alternative could logically be combined with Option B or C. (*Steve Atkinson, Luce, Forward, Hamilton & Scripps*)

Response

The State CEQA Guidelines require that an EIR describe and evaluate the comparative impacts of “a range of reasonable alternatives” to a proposed project. The alternatives analyzed should be those that “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” (CEQA Guidelines Sec. 15126.6(a)). Section 15126.6(d) of the CEQA Guidelines states that an “EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” This level of information is provided throughout the topical area analyses in the DEIR, where the impacts of each of the three rezoning options are evaluated at an equal level of detail. As explained in the DEIR Introduction, p. I-5:

Unlike most EIRs, this EIR contains no separate chapter analyzing alternatives to the proposed project. This is because this EIR does not analyze a preferred project; instead, this EIR evaluates Rezoning Options A, B, and C, as well as a future No-Project scenario (i.e., the circumstance in which none of the rezoning options is adopted; also identified as the 2025 No-Project scenario), at an equal level of detail, as EIR alternatives, throughout this document. Chapter VII, Alternatives, identifies Option A as the Environmentally Superior Alternative, because Option A would result in a less-than-significant land use impact relative to land for PDR uses (as would Option B), would result in significant effects at fewer intersections than would Options B or C (or the No-Project Alternative), and would result in lesser transit impacts than would Options B or C (or the No-Project Alternative). Option A would also result in potentially significant impacts on fewer historical resources than Options B or C.

The range of alternatives (i.e., the three rezoning options plus the No-Project Alternative) was assumed to bracket a range of potential outcomes for the Eastern Neighborhoods planning process. Moreover, the analysis in the DEIR was intended to determine which of the rezoning options would result in the least severe impacts on the environment, given the direction in the CEQA Guidelines (Sec. 15126(b)) that the purpose of an EIR's alternatives analysis should be to evaluate alternatives "capable of avoiding or substantially lessening any significant effects of the project." As described in this Comments and Responses document in the analysis of the Preferred Project, p. C&R-5, the Preferred Project as currently proposed by the Planning Department does, indeed, fall within the range of alternatives analyzed in the DEIR (although it would not be the environmentally superior alternative, and the Planning Commission and Board of Supervisors, should they adopt the Preferred Project, would have to find that there are specific "overriding considerations" that warrant project approval despite certain impacts that could not be fully mitigated).

The CEQA Guidelines state that an EIR should also discuss the rationale for the selection of alternatives evaluated and, in addition, should "identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process" and should explain this latter determination (CEQA Guidelines Sec. 15126.6(c)). DEIR Chapter VII, Alternatives, discusses additional alternatives that were considered during the rezoning process but were ultimately rejected.

There is no requirement in CEQA to separately analyze alternatives to specific project components; rather, the EIR's treatment of alternatives is intended to identify alternatives to the project (or its location) that "would avoid or substantially lessen any of the significant effects of the project." CEQA Guidelines Sec. 15126.6(a) notes, "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." Moreover, as explained above, the commenter-recommended alternative would not avoid or substantially reduce any of the significant unavoidable effects of the project, and would instead be likely to result in some more severe impacts.

The comment asserts that substantially increasing the proposed height limit in a part of the northern portion of the East SoMa neighborhood should function as another rezoning option, or EIR alternative, potentially in combination with one of the other rezoning options. It is not clear that the commenter-recommended alternative would substantially reduce any of the significant unavoidable effects of the project. Rather, it would likely result in greater impacts, at least in some areas. The DEIR identifies significant effects that cannot be mitigated to a less-than-significant level only under the topics of Land Use (loss of PDR land); Transportation (adverse effects on traffic and transit); Historical

Resources (potential demolition, alteration, or other changes to one or more historical resources); and Shadow (potential new shadow on protected parks). If the increased height limits were permitted as suggested by the commenter and more housing units constructed, compared to what is assumed in the DEIR, traffic and transit impacts would be greater, particularly in the vicinity of the specific area where height, and presumably residential density, would be substantially increased. In addition, shadow effects would be incrementally greater (although not necessarily on parks covered by Section 295 of the Planning Code), and land use (PDR loss) and historical resources impacts would be the same or similar because development elsewhere would proceed in accordance with the project as analyzed in the DEIR (one of the rezoning options or a combination thereof). Conversely, if the increased height limits were to result in additional residential development at the specific locations noted by the commenter (Harrison Street between Second and Fourth Streets and Fourth Street south of the I-80 freeway) while reducing residential development elsewhere in the project area (i.e., “trading” increased density at the site noted for lesser density elsewhere), traffic and transit impacts would still be more substantial in this specific area of East SoMa, but could be incrementally lesser in one or more other locations. Land use (PDR loss) and historical resources impacts could be incrementally less substantial if the increased density at the noted location in East SoMa were to reduce or avoid development at one or more properties elsewhere in the project area that would otherwise result in displacement of PDR use(s) or loss of PDR land and/or demolition or substantial alteration of historical resource(s). However, absent an alternative plan for other parts of the project area, it would be speculative to assume that these land use or historical resources impacts would be substantially reduced under the commenter’s recommended scenario. Moreover, portions of the south side of Harrison Street between Second and Fourth Streets are known to be occupied by existing PDR uses (a sewing factory, visible from the elevated freeway, occupies part of the building at 645 Harrison Street) and historical buildings (Planning Department preservation staff has determined that the building at 735 – 755 Harrison Street is a historical resource and the buildings at 645 Harrison Street, 677 Harrison Street, and 428 Third Street (between Harrison Street and the elevated I-80 freeway), which are more than 60 years old, are therefore identified as potential resources). Thus, it is clear that development at the specific location noted by the commenter—depending on the precise proposal put forward—could result in site-specific adverse effects with regard to land use (PDR loss) and historical resources. Finally, with regard to shadow impacts, as noted above, construction of buildings up to 500 feet tall at this location would likely result in increased shadow effects.

In summary, the EIR analyzes an adequate range of alternatives, consistent with CEQA and the State CEQA Guidelines, and the revised height limits recommended by the commenter cannot be seen to result in substantially lesser impacts than those of the

proposed project, and therefore the recommended “alternative” would fail to achieve the primary purpose of CEQA alternatives, which is to avoid or minimize project impacts.

Comment [PD4]

Please explain why there is no alternative project being analyzed under CEQA that consists of rezoning under which PDR uses are clustered together in certain parts of the City rather than spread across enormous numbers of lots the way it is being proposed in Options A and B, because there could be more significant environmental differences in not clustering PDR uses together.

(M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association)

Response

Each of the three rezoning options proposes varying degrees of “clustering” for PDR uses by designating specific portions of land currently zoned for industrial use as EBD (Employment and Business Development) use districts (now referred to as PDR districts), where PDR uses would be permitted. For example, as can be seen in EIR Figure 3, p. 14, and described in the text on p. 17, Option A would generally preserve the existing light industrial zoning in the Northeast Mission, designating most of this area EBD (PDR), while Option B would retain light industrial zoning only in the core of the so-called Northeast Mission Industrial Zone (NEMIZ), which would be designated EBD (PDR). (Option C would not include any EBD (PDR) zoning in the NEMIZ.) Likewise, Options A and B would include a cluster of EBD (PDR) zoning in Showplace Square (Option C would not designate any of Showplace Square EBD [PDR]), while all three options would include a relatively large cluster of EBD (PDR) zoning, intended for PDR uses, in the Central Waterfront, including heavy industrial use districts covering much of the Port land along the bay shoreline and nearby parcels. Option A would also include small clusters of EBD (PDR) zoning in East SoMa. As described in this Comments and Responses document in the discussion of the Preferred Project, p. C&R-5, the Preferred Project as currently proposed by the Planning Department would include a clustering of PDR zoning⁷ very similar to that of Option B as analyzed in the DEIR: the Preferred Project proposes three “clusters” of PDR zoning, in the core of the NEMIZ, in part of Showplace Square (part of which would also include a “Design” overlay), and in the southern portion of the Central Waterfront (part of which would also include a “Life Sciences” overlay). The Central Waterfront would also include heavy industrial zoning on Port lands, as was the case with Option B.

Moreover, each of the three rezoning options would set aside substantially less land for PDR uses than is currently zoned for industrial use. At the same time, each of the options

⁷ The nomenclature of the proposed use districts has changed from that in the DEIR such that EBD use districts are now referred to as PDR use districts.

assumes that a substantial concentration of PDR land would remain in the Bayview-Hunters Point neighborhood, as well, as described in the main body of the DEIR p. 62. Thus, each of the proposed rezoning options would ultimately be anticipated to result in substantially tighter clustering of PDR uses than exists at present. As stated on DEIR p. 245, “Over time, ... most existing PDR businesses on land not zoned for PDR would be expected to leave those areas rezoned to mixed-use residential districts as the real estate market would favor residential, retail, and other higher-value uses in those areas.”

Please see also the prior response in connection with the CEQA requirement for alternatives analysis.

Comment [PD5]

“Please correct Table 2; Forecast Growth by Rezoning Option. You will notice that Options A, B, and C have approximately the same total amount of new housing units built; they differ by fewer than 2,000 units when compared to each other. Thus it seems that these numbers are incorrect because the Potrero Power Plant site is included as a housing site under this Chart, whereas in the current planning documents from the City this site is assumed to be something other than residential. What is the basis for the assumptions incorporated in Options A, B, and C?”

“Page S-6. The unit count does not clarify whether it is including the Potrero Power Plant.” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

“Why does the Central Waterfront call for so many more residential units under its Option A than under Option C. It seems illogical given Option A’s preference for PDR over housing.

“Why the numbers vary under ‘Housing Units for Option A, B & C’ and ‘Rest of the City?’” The “Rest of the City” column should be consistent under each of the 3 options.” (*Grace Shanahan, Residential Builders Association*)

Response

As stated in response to a prior comment, the DEIR, on p. 30, explains that the Planning Department’s growth projections on which the EIR analysis was based would each result in essentially the same population growth and similar employment growth citywide, while distributing that growth in different locations in San Francisco as a result of different assumptions about land use changes in various neighborhoods. The assumption regarding housing development at the Potrero Power Plant site was added to forecasts for Option A, which is why that option shows a greater increase in housing units in the Eastern Neighborhoods than Option B, despite proposing less land (other than the power plant site) be converted to residential use. The DEIR states at numerous points that the growth assumptions for Option A include an assumed 2,500 housing units at the power plant site (for example, text on p. 19, footnote “a” in Table 12, and the text on DEIR p. 79). Accordingly, as stated on p. 58, while Option A generally result in greater

maintenance of existing PDR land and fewer new housing units than the other rezoning options, “because Option A for the Central Waterfront includes a scenario in which the Potrero Power Plant ceases to operate and the site is redeveloped with 2,500 residential units, the projected housing units in Option A—9,015—appear greater than in Option B and comparable with Option C.”

It is noted that, since publication of the DEIR, Planning Department staff has determined that a housing reuse scenario for the Potrero Power Plant site is probably not feasible due to site contamination. The elimination of the potential for housing at the power plant site would reduce the number of new housing units in the Eastern Neighborhoods under Option A to 6,515. This would incrementally decrease traffic and air quality impacts of Option A, but would not alter the conclusions of the DEIR.

Concerning the variation among EIR options in housing units forecast for the “Rest of City” (outside the Eastern Neighborhoods project area), as described on pp. 30 – 32, the Planning Department developed three rezoning options for accommodating projected population growth in San Francisco of approximately 78,000 by 2025. A portion of that estimated future housing growth would occur within the Eastern Neighborhoods, and the remainder would occur in the rest of the City. In other words, the more housing that would occur in the Eastern Neighborhoods, the less housing would occur in the rest of the City, and vice-versa. Of the three options, Option A would convert the least amount of existing industrially zoned (“PDR”) land to residential use, which means that a larger share of the estimated population growth would occur elsewhere in the City. Conversely, Option C would convert the most existing PDR land to residential and mixed uses, and the Eastern Neighborhoods would experience greater residential growth, compared to Option A, while the rest of the City would have less residential and job growth. Population growth for Option B would fall between that forecast Options A and C, and the corresponding “Rest of City” total would likewise be between those of Options A and C.⁸

Comment [PD6]

Regarding DEIR p. S-3, more detail is needed as to uses and sizes of uses that would be permitted in the new zoning districts. (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

Proposed zoning regulations for the new use districts that would apply to the Eastern Neighborhoods had been drafted at the time the DEIR was prepared. Accordingly, the DEIR analysis was based upon policy-level guidance in the draft area plans for each

⁸ The numbers for Option A are skewed by the assumptions described previously for the Potrero Power Plant site.

neighborhood. In October 2007, the Planning Department released a summary table of proposed zoning regulations, which controls are generally consistent with the project analyzed in the DEIR. Planning staff refined the zoning controls in response to community input in developing the April 2008 proposal for adoption that represents the currently proposed project, which is to be considered for approval by the Planning Commission and Board of Supervisors. The April 2008 proposal includes specific proposed Planning Code amendments as to permitted uses and sizes of uses, as well as proposed use district and height maps.⁹ See the discussion concerning the Preferred Project, p. C&R-5, for additional information.

Comment [PD7]

“The DEIR fails to consider unknown heights of future buildings, as the DEIR does not state the height, or effect, of those buildings or provide maps accurately indicating existing or proposed building height limits, or the limits on such future buildings.” (*Richard H. Kaufman, 1900 Bryant Street Investors, LLC*)

Response

Existing height limits are shown in DEIR Figure 4, p. 21, and proposed height limits are depicted in Figure 5, p. 23. The future height limits were the basis of the analysis of both effects on Visual Quality and Urban Design in DEIR Section IV.C and Shadow impacts in Section IV.I. In particular, as stated on DEIR p. 392, “For the 15 parks around which height limit increases are proposed, potential shading attributable to the proposed project was studied by comparing the shadows that would be cast at build-out under existing height limits (i.e., the No-Project Alternative) to those that would be cast at build-out under each of the three rezoning options.” The resulting shadow effects were then analyzed in comparison to existing shadow conditions. No specific buildings were evaluated, because the EIR is a program EIR intended to provide analysis of the “overall types and levels of activities that the City anticipates under the project and describes their associated environmental impacts” (DEIR p. I-3).

Land Use

Existing Land Uses and Height Limits

Comment [L1]

The DEIR’s portrayal of existing land uses, in both tables and figures, is inaccurate; in particular, the DEIR identified a number of properties in East SoMa, Showplace Square, and the Northeast Mission (NEMIZ) as being in PDR use when, according to the commenters, these properties are

⁹ The complete proposal for adoption is available for review at the Planning Department offices, 1650 Mission Street, Suite 400, as well as on the Planning Department’s Eastern Neighborhoods website at: http://www.sfgov.org/site/planning_index.asp?id=75816.

not occupied by PDR uses. The DEIR should have relied upon a field survey of existing land uses, rather than the Planning Department's 2004 Land Use database. The resulting errors also render incorrect some of the DEIR's conclusions regarding incompatibility of uses. (*Gregg Miller, Pillsbury Winthrop Shaw Pittman; Robert Meyers; Neil Sekhri, Gibson, Dunn & Crutcher; Eric Tao, AGI Capital; Victor Vitlin, John Vitlin Trust; Richard H. Kaufman, 1900 Bryant Street Investors LLC*)

Response

The Planning Department prepares an annual snapshot of existing land uses in San Francisco on a set date—the beginning of the fiscal year, or July 1 of each year. The land use database is based on the geography of the block and lot number (also known as the assessor's parcel number [APN]) and is a unique identifier of every parcel in the city, including some that are currently under water; i.e. "paper lots".¹⁰ The land use database serves as a repository for key information about every parcel in the city and identifies whether a parcel is residential, commercial or mixed use. The database also lists the parcel size (in square footage), recorded building square footage, its value as most recently recorded by the Assessor's Office, zoning and height information, etc. This data allows a yearly monitoring of land use classifications and development over time, and provides parcel-level information, which can serve more site-specific analyses.

Sources and accuracy: The land use database contains information from a variety of sources and may therefore contain data that is out of date or inaccurate. The Planning Department checks individual producers of parcel level data (Assessor's Office, Department of Building Inspection (DBI), Recreation and Park Department, San Francisco Redevelopment Agency, the Port, and business databases) and updates the land use database where applicable. Parcels are also checked for lot splits or mergers and land uses associated with the split or merger are updated accordingly. Ground-checking of land uses in areas where active planning efforts are being focused—for example, Better Neighborhoods program, Eastern Neighborhoods—is conducted and where appropriate, inaccuracies are rectified and changes incorporated. The Planning Department cannot guarantee the complete accuracy of this database but believes that on balance, it provides a reasonable representation of the San Francisco's commercial and residential profiles.

Residential Profile: Data on residential units and their type is derived from as many as six separate databases: the Assessor's Office for single-family dwellings and flats; DBI's database for structures with three or more apartment units; DBI's permit tracking database for new construction of all types, and its single-room occupancy hotel listing;

¹⁰ The Planning Department distinguishes between "map blocklot" which is the physical footprint of a parcel, and "block/lot" which is the Assessor's Parcel Number and can include "virtual lots" created when a physical lot contains condominiums.

the Department of Public Work's condominium data; and the Planning Department's live/work database.

Commercial Profile: The greater part of non-residential information is derived from business data provided by Dun & Bradstreet, a global business information firm. This data includes the line of business, an industry code, number of employees, building square footage used, number of years in the business, and related data. Assessor's Office data includes total building square footage, building use, and valuation, etc.; it is updated twice a year and is only as accurate as the most recent date the property was assessed. A parcel under the jurisdiction of a public agency is not updated by the Assessor's Office; supplemental information is obtained from the Real Estate Board's electronic database of city/county-owned property. Information from additional sources such as Caltrans, BART, federal and state entities is also used to fine-tune the land use database.

The land use designation assigned to a parcel is based on the predominant use. Square footage occupied by businesses listed by Dun & Bradstreet is tallied and aggregated using the industry code or North American Industry Classification System (NAICS) classification.¹¹ When necessary, locational factors are used to fine-tune the classification. If a single use represents 80 percent or more of the total building square footage, this use is designated as the predominant land use for the parcel. If no single use occupies 80 percent of the structure, the site is designated as a Mixed-Use parcel. In addition to the Residential land use designation, the following categories are used in the database:

Mixed-Residential: Residential units above commercial uses

Mixed-Use: No single use predominates (meaning 80% or more of the structure)

Cultural/Institutional/Educational (CIE): Generally, institutional buildings such as schools, public buildings, clubs and lodges, and churches.

Management/Information/Professional/Services (MIPS): Generally, office buildings.

Medical: Facilities such as hospitals and institutional nursing homes. (Sometimes, this is included in MIPS, if the category is not used.)

Open Space: Publicly accessible parks and other open spaces and recreational facilities.

Production/Distribution/Repair (PDR): Generally, industrial use buildings including warehouses; also includes piers and parcels having open storage and/or working spaces.

¹¹ The NAICS classification system, a joint effort of the United States, Canada, and Mexico, replaced a previous methodology known as the Standard Industrial Classification (SIC) system.

Retail/Entertainment: Generally retail stores, restaurants and clubs.

Visitor: Hotels, motels or other visitor lodging facilities

Vacant: Lands with no building structures on it; does not include public parks or open spaces but includes surface parking lots not associated with a commercial or residential use.

The 2004 Land Use Database contained the most current Planning Department data on existing land uses at the time the Notice of Preparation (NOP) for the Eastern Neighborhoods EIR was published in March 2005. CEQA Guidelines Section 15125(a) states that conditions as of publication of the NOP constitute an EIR's environmental setting, and that this setting is normally the appropriate baseline against which impacts of a proposed project should be evaluated. It is noted that some existing land uses that may not be permitted under the Planning Code would not be reflected in the database. For example, an office-based business may occupy space in a building located in a zoning district where office use is not permitted, and if no building or other permits were required prior to the business occupying the space, this land use would not be included in the database.

Given the very large size of the project area, it was not considered practical to conduct a field survey of existing land uses during preparation of the DEIR. However, to evaluate the commenters' claims regarding mapping errors, and particularly to verify whether conditions had changed substantially since publication of the NOP, a field survey was conducted in October 2007 by the EIR consultant of areas of East SoMa and the NEMIZ that were identified by the commenters as containing errors in existing land use mapping. The survey indicated that, while some errors or inaccuracies exist, the Planning Department's 2004 Land Use Database provides a generally accurate portrayal of the pattern of existing land uses in the Eastern Neighborhoods project area. For example, of the 25 specific inaccuracies claimed by one commenter in a portion of East SoMa, at least half appear to have been accurately characterized in the Land Use Database that was reported in the DEIR.¹² This considers that a number of the 25 properties provide space that appears to be office space but is used by businesses that can be categorized as PDR industries and is therefore considered PDR space. For example, 414 Brannan Street is occupied by an electrical contracting firm, a construction-related PDR use; 350 Brannan Street contains offices but also design-related firms and contains a freight elevator suitable for light industrial use; 370 Brannan is occupied by a real estate staging company, a design-related business service; 501 Third Street contains a number of design-related and arts establishments; and 665 Third Street, known as the Northern California Print Center, is occupied by numerous commercial printing and related

¹² The 2004 Land Use Database was the most recent version available from the Planning Department at the time the EIR analysis was undertaken.

businesses. Additionally, the building at 700 Second Street, which is occupied by a mix of uses on its upper stories, contains a furniture showroom on the ground floor, which is a PDR use.

Several properties have undergone recent changes in use that most likely could not have been captured in the database. For example, four properties around the intersection of Second and Townsend Streets have changed from PDR to non-PDR uses—625 Second Street formerly had ground-floor retail space and is now occupied by office uses; 136 Townsend Street was formerly a truck repair (PDR) establishment and 178 Townsend Street was formerly an auto repair (PDR) establishment, while both are now in use for parking; and 750 Second Street formerly housed a graphic arts firm (PDR) and is now vacant. Two properties, one on Harrison Street and one on Folsom Street, near Fourth Street, are the locations of under-construction residential projects but were accurately characterized in the database as PDR and vacant. A building at 525 Fourth Street that now houses a fabric store was formerly occupied by an office furniture showroom, which would likely have been classified as a PDR use, and a building at 425 Brannan Street was occupied by a newspaper (a PDR printing and publishing use) until about 2000. Other properties have undergone a change not involving PDR uses: for example, 88 Townsend Street was converted to residential use in 2004 (too late for inclusion in the database) from a prior retail use. Finally, at least four properties contain mixed uses and were correctly characterized at least as to a portion of the property in question (the property at 70 Zoe Street at Brannan Street does contain offices, but also contains retail space; 360 Ritch Street does contain offices but also a ground-floor restaurant; 500 Third Street contains offices but also ground-floor retail space; and 148 Townsend Street provides parking but also contains a commercial embroidery and screen printing business). The October 2007 survey indicates that no more than five addresses (among the 25 submitted by the commenter) identified in the DEIR as being occupied by PDR uses may have been incorrectly designated as such, although another six locations that were apparently correctly identified as being in PDR use in the 2004 database are no longer used for PDR.

Regarding the reported errors in the NEMIZ, many of these properties contain more than one use on a single parcel. If a single use accounts for more than 80 percent of building (or parcel) square footage, that use is assigned to the parcel. If no single use predominates, then the land use is considered mixed. Additionally, in some cases because there is more than one building on a single parcel. For example, 2501 Mariposa, 520 Hampshire, and 530 Hampshire, all on one parcel, were all identified in the 2004 Land Use Database as “mixed-residential”; these addresses serve both residential and retail uses and are therefore properly categorized. Likewise, 2700 18th Street and 570 – 590 York, four addresses in all, were designated “mixed-residential” and are occupied by residential uses and offices and are also correctly identified. And 2170 and 2180 Bryant, identified as “mixed” are occupied by retail and office space, respectively, and thus also

correctly categorized. Other properties include newer residential condominium projects where the Land Use Database designated most properties correctly but included a small number of errors. For example, at 1810 Bryant Street, 49 of 50 parcels were correctly identified as residential and one was misidentified as office; likewise, at 475 Hampshire, five of six were correctly identified as residential and one was misidentified as office. Still others were correctly characterized (2424 Mariposa and 500 Florida, shown as retail/entertainment, is each occupied by a restaurant; 600 and 608 York, identified as “mixed-residential” are occupied by residential condominiums over retail space; 660 York, identified as “mixed” has residential over office space; a parcel on 19th Street between Florida and Bryant was correctly identified as “mixed-residential,” as it contains both a restaurant and residential use; 2345 Harrison Street, shown as mixed-use, contains ground-floor retail space and art and design space above; and 710 Florida, 701 Alabama, and 2929 19th Street, identified as Commercial/Institutional/Educational, which contains the Centro Obrero, a community organization that also includes the Mission Language and Vocational School, and the Carpenters’ Union hall (a small café is an accessory use). Finally, at least three other properties were correctly characterized at least as to a portion of the property, with 14- to 18-unit condominium buildings at 725 Florida Street, 3021 19th Street, and 728 Alabama Street being designated as “mixed-residential.” The above accounts for nearly 40 percent of the 60 properties listed by the commenter for which a match could be found in the database (four addresses could not be matched); the commenter’s information for another 40 percent of those properties indicate that the land use is correctly shown in the DEIR, leaving 11 addresses with apparent discrepancies, only four of which appear to have been mischaracterized as PDR uses.

The comment concerning existing land uses in the NEMIZ refers to a later version of a report cited in the DEIR, prepared by the Mission Coalition for Economic Justice and Jobs (MCEJJ). In fact, review of the map of existing land uses included in that report shows a high degree of congruency between that map and DEIR Figure 8, Existing Land Use – Mission (DEIR p. 43), with several differences that could be the result of different interpretations by two observers (for instance, a PG&E building at 18th and Harrison Streets is identified as office use in the MCEJJ map and PDR [utility] use in the DEIR map; the University of California-San Francisco building at 15th and Folsom Streets is shown as office in the MCEJJ map and as Cultural/Institutional/Educational in the DEIR map; a Municipal Railway building at 14th and Bryant Streets is indicated as PDR in the MCEJJ map and as Cultural/Institutional/Educational in the DEIR map; and a building on 16th Street between Alabama and Florida Streets is identified as PDR in the MCEJJ map and as mixed-use, non-residential in the DEIR map). Overall, however, there appears to be broad agreement between the two maps.

As explained in the DEIR Project Description, p. 4, what ultimately became the Eastern Neighborhoods planning process began with adopting of interim land use controls in the

late 1990s in response to “a variety of land use conflicts and concerns about the potential impact of the increasing number of residential uses in the City’s industrial areas on the potential displacement of industrial uses in the City, rising land costs that could contribute to business and job flight from the City, conflicts over incompatible uses, and the supply of affordable housing within the City.” The areas where the commenters identified particular discrepancies in mapping of existing land uses—East SoMa and the NEMIZ—were among the neighborhoods that saw the most dramatic changes during the economic boom of the late 1990s which generated community concerns that ultimately led to development of the draft area plans for the Eastern Neighborhoods. Thus, it should be no surprise that a certain number of land use changes have occurred in these very neighborhoods since the 2004 Land Use Database was released. On the other hand, the vast majority of the project area has not witnessed the kind of land use change that has occurred in these specific sub-areas: large residential areas of the Mission and Potrero Hill, for example, have retained similar land use patterns over many years. Showplace Square still retains many of the design-related businesses that have long characterized this district, although some uses in the 16th and 17th Street corridors have changed. In the Central Waterfront, while there has been a relatively large percentage increase in residential units in recent years, the absolute number of properties that has changed uses is smaller than in most other subareas. (Although one commenter also alleged similar errors in the Showplace Square area, no specific inaccuracies were noted, and therefore no further information is provided regarding this area.)

Given the above discussions, it appears that the information in the 2004 Land Use Database and reported in the DEIR accurately portrays the existing pattern of land uses in the Eastern Neighborhoods, despite some changes in land use that have occurred since the database was compiled, as well as a relatively small number of properties for which land uses may have been misidentified. Even assuming some margin of error in the database, the quantitative information provided in the DEIR concerning anticipated changes in land use as a result of the proposed project, and particularly the projections of loss of PDR space shown in Tables 12 through 16 in Section IV.A, Land Use, provides a generally accurate picture of the relative effects anticipated from implementation of each of the rezoning options. With regard to PDR space, the DEIR concluded, on pp. 66 – 68, that Option C and the No-Project Scenario each would result in a significant, unmitigable impact with regard to the cumulative supply of land for PDR uses. In particular, Option C would result in the loss of nearly 5 million square feet of PDR building space and “the magnitude of economic and social changes engendered by Option C would mean that the physical loss of PDR land and building space under Option C would constitute a potentially significant impact on the cumulative supply of land for PDR uses.” Under the No-Project Scenario, no new PDR districts would be created that would be more protective of existing PDR uses than under existing conditions, the loss of PDR building space would approach that under Option C, and greater land use conflicts would be

anticipated. As shown in DEIR Table 12, the magnitude of the projected loss of PDR space under Options A and B would be so much less than under Option C or the No-Project Scenario that those options were judged to result in a less-than-significant impact on the cumulative supply of land for PDR uses. Thus, even accounting for some degree of error in the 2004 Land Use Database and the DEIR land use mapping, the magnitude of the difference in quantified impact among the options indicates that the DEIR conclusions concerning effects on PDR land remain valid.

In summary, the limited number of erroneous designations on the maps of existing land uses does not demonstrate that the DEIR's overall portrayal of existing land uses is substantially inaccurate, or that the DEIR's analysis of land use impacts is incomplete or erroneous. Rather, as is demonstrated above, the 2004 Land Use Database is sufficiently accurate for purposes of CEQA review of a large areawide program such as this Eastern Neighborhoods zoning proposal, and for use by the decision-makers in comparing and understanding the differences between the proposed rezoning options and their potential environmental consequences.

Comment [L2]

The existing height and bulk limits depicted in the DEIR map (Figure 4, p. 21) and accompanying text are not correct; in particular, “the vast area west of 4th Street and north of Harrison Street, directly adjacent to East SoMa, is designated as 40-feet, when in reality the area is zoned for 40-X/85-B foot buildings.” The map and text should be revised. (*Gregg Miller, Pillsbury Winthrop Shaw Pittman*)

Response

The comment refers to areas of the South of Market neighborhood zoned RSD (Residential/Service Mixed Use District), including parts of East SoMa within the project area, in which “special height exceptions” may be granted, pursuant to Planning Code Section 263.11, in excess of the as-of-right height limit of 40 feet. Exceptions may be permitted up to a maximum height of 85 feet, in accordance with the procedures for granting of a conditional use permit and with several criteria set forth in Section 263.11, including minimizing shadow and wind effects. Section 263.11 also requires the Planning Commission, in considering whether to grant an exception, to consider the extent to which a project seeking an exception will include affordable housing or affordable live/work units.

The existing height limits in the areas where the height and bulk limit is “40-X/85-B” is correctly described in the text on p. 20 and is reflected in Figure 4, which is an excerpt of the Planning Department zoning map. It is noted that, under the proposed project, the existing 40-X/85-B height and designation would be replaced by a single height/bulk designation for each parcel, without the provision for “special height exceptions.”

Projections of Demand for PDR Space

Comment [L3]

The DEIR relies too heavily on a report by Economic and Planning Systems (“EPS report”) for its projections of future demand for Production, Distribution, and Repair (PDR) employment and space requirements, particularly inasmuch as the EPS report projects a reversal of recent PDR job losses. The DEIR does not adequately consider the potential for PDR demand to be absorbed in the Bayview-Hunters Point neighborhood and in Western SoMa. The DEIR ignores a more recent report prepared for the San Francisco Redevelopment Agency that identifies “four million square feet of vacant industrial property from South of Market to Candlestick Park.” (*Gregg Miller, Pillsbury Winthrop Shaw Pittman*)

Response

The EPS report was prepared as a resource document for use in CEQA assessment of the Eastern Neighborhoods Rezoning and Area Plans project and was appropriately relied upon in the EIR. The purpose of the EPS report was to examine the future supply of, and demand for, land available for occupancy and use by Production, Distribution, and Repair (PDR) uses in the Eastern Neighborhoods. As stated on DEIR p. 62, EPS estimated future demand for PDR land based on an anticipated 13 percent increase in PDR employment by 2025. This can be considered a reasonably balanced assumption, because as EPS noted in its report, this increase, while it is smaller than forecasts of industrial employment by the Association of Bay Area Governments, is “more optimistic than recent and long-term history would suggest, as both have shown net industrial job losses in San Francisco.”^{13,14}

As explained on DEIR p. 5, the Bayview-Hunters Point neighborhood is not analyzed in the DEIR, even though Bayview-Hunters Point was included in the Eastern Neighborhoods *Rezoning Options Workbook* in 2003. This is because a separate redevelopment plan was subsequently proposed for the Bayview-Hunters Point, and the plan was approved in 2006, with the intent of retaining large areas of industrially zoned land. Rezoning of that neighborhood is proceeding in accordance with the adopted redevelopment plan. As noted on p. 62 of the DEIR, the adopted redevelopment plan generally mirrors Option B analyzed in the DEIR, which anticipates substantial growth in PDR and other industrial uses in the Bayview-Hunters Point. In Western SoMa, a

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- ¹³ Economic & Planning Systems Inc., *Supply/Demand Study for Production, Distribution, and Repair (PDR) in San Francisco’s Eastern Neighborhoods*, April 15, 2005; p. 6. Available on the internet at: <http://www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/14158FinRpt1.pdf>. This report is also available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, in File No. 2004.0160E.
- ¹⁴ EPS used the definitions of PDR uses contained in Appendix D to Planning Commission Resolution 16727, which is the same set of PDR definitions relied upon in the DEIR (see footnote 7, DEIR p. 1). However, EPS noted that its analysis of future demand was based on a more traditional definition of “industrial” uses in the categories of Construction, Manufacturing, Transportation, Communications, Utilities, and Wholesale trades (EPS report, p. 29), because the PDR definitions are “somewhat unique to San Francisco” and therefore do not permit ready comparison with other projections, such as those by ABAG.

separate Citizens' Planning Task Force is undertaking a neighborhood-specific planning process, as is also described on DEIR p. 5. (A draft community plan calls for Western SoMa for retention of existing small light industrial uses in the area north of Harrison Street, which makes up most of the westerly half of Western SoMa, while encouraging citywide-serving retail and light industrial uses south of Harrison Street.)

While Bayview-Hunters Point and Western SoMa are not proposed for rezoning as part of the Eastern Neighborhoods planning process, those two areas are considered in the EPS report as part of the City's overall supply/demand picture for land use in general, and PDR in particular, both at present and in future. This is because the EPS report considered all neighborhoods within the original 2003 boundaries of the Eastern Neighborhoods, including Bayview-Hunters Point and Western SoMa. Therefore, because Bayview-Hunters Point was analyzed in the EPS report, and because planning for that neighborhood is proceeding in a manner generally consistent with the assumptions for Bayview-Hunters Point that were evaluated in the EPS report, the conclusions of the EPS report remain valid. And because the Western SoMa community planning process appears to be moving towards preservation of at least a substantial number of the neighborhood's existing small light industrial uses, the assumptions in the EPS report for Western SoMa are likewise as accurate as can be expected at this stage of that neighborhood's planning effort.

The report prepared for the Redevelopment Agency, noted by the commenter, was the *Report on the Plan Amendment* for the proposed Bayview Hunters Point Redevelopment Project, which was prepared for the 2006 redevelopment plan adoption (which expanded an existing, much smaller redevelopment area). This *Report on the Plan Amendment* is different from the EPS report in several important ways. First, its focus is on the proposed Bayview Hunters Point Redevelopment Project Area. Second, the report is descriptive. It describes the proposed Redevelopment Project, including amendment of the existing Redevelopment Plan and conformity of the Redevelopment Project with the *San Francisco General Plan*. The report also describes existing conditions in the proposed Bayview Hunters Point Redevelopment Project Area, including the extent of urbanization, physical blighting conditions, and economic blighting conditions. The report also describes public participation in the redevelopment planning process. Finally, the report presents financial information in regard to implementation of the proposed Redevelopment Project, including a discussion of consultation with other taxing agencies whose revenue streams would be affected by the proposed Redevelopment Project. The contents of this report are in accordance with the requirements of California Redevelopment Law, which requires such a report prior to adoption of a redevelopment plan. Third, and most importantly, the *Report on the Plan Amendment*, because its focus is on *existing* conditions, does not purport to predict future conditions, except as to the revenue stream anticipated to be generated through redevelopment Program

implementation. In this way, the *Report on the Plan Amendment* differs fundamentally from the EPS report, the main purpose of which was to evaluate whether San Francisco's *future* supply of PDR land would be adequate to meet its *future* demand for such space. Thus, the comparison made by the commenter is inappropriate, and does not provide any evidence to indicate that the EPS report, or the DEIR, is inaccurate.

Comment [L4]

"The Land Use conclusion seems inconsistent with the findings detailed on pages 70 – 71. The findings seem to indicate that the No Project scenario will [result in] the smallest reduction of existing PDR space, yet the conclusion on page 531 indicates that it will have a significant impact." (*Eric Tao, AGI Capital*)

Response

The information on DEIR pp. 70 – 71 (Table 13) specifically discusses growth projections for East SoMa, one subarea within the Eastern Neighborhoods, where, as noted by the commenter, the No-Project scenario would result in a lesser decrease in PDR space than would Options A, B, or C. For the Eastern Neighborhoods as a whole, however, the PDR loss under the No-Project scenario would be second only to Option C, and would be more than twice that of Option B (see DEIR Table 12, p. 58), which is consistent with the conclusion on pp. 526 and 531.

Comment [L5]

"In Table 13, the table seems to be incomplete because it does not show the baseline for square footage of permitted residential zones; i.e., it compares housing units against non-residential square footage, but does not show the impacts of the overall options and no project on permitted residential square footage. The assumption should be that R districts will be residential and any use of that as residential is NOT a loss of PDR space, whereas, it should also be assumed for the worst case scenario that M districts will be converted to residential through the CU process and those square footages should be counted as a loss of PDR space. The analysis doesn't compare square foot vs. square foot." (*Eric Tao, AGI Capital*)

Response

The growth assumptions used in the DEIR, including those in Table 13 and the other tables in the Land Use section, were developed for Options A, B, and C, by the Planning Department to present differing approaches for accommodating anticipated growth in San Francisco through 2025, as is explained under "Forecast Growth," beginning on DEIR p. 30. (As stated on DEIR p. 32, the 2025 No-Project scenario was developed by the San Francisco County Transportation Authority.) The projections are not presented by zoning (use) district, but rather by use itself. That is, the number of housing units (which is the typical measure for residential uses) and the floor area of non-residential uses

(again, the typical measure) are given. The number of residential units in the Land Use tables does not reflect the number of units in residential use districts; rather, it reflects the existing and forecast numbers of dwelling units throughout, in the case of Table 13, East SoMa.

Other Land Use Comments

Comment [L6]

Requiring PDR uses to be mixed with residential uses is unworkable due to potential land use conflicts and safety issues. (*Victor Vitlin, John Vitlin Trust*)

Response

The comment refers to an earlier draft proposal by Planning staff that would have required, for example, one square foot of PDR space to be developed for every four square feet of non-PDR space developed in the Urban Mixed-Use (UMU) district. The currently proposed area plans and zoning controls (as of April 2008) do not include such a requirement, although such combinations of land use would be permitted within mixed-use districts such as the UMU district, as long as the new uses were compatible with one another. For this reason, the DEIR includes mitigation measures related to noise and air quality to ensure that development subsequent to the proposed area plans and rezoning does not result in such land use incompatibilities. (See Mitigation Measures F-3 – F-6, DEIR pp. 508 – 509, for noise, and Mitigation Measures G-2 – through G-4, DEIR pp. 511 – 512, for air quality.) The DEIR also describes, in Section IV.L, Hazardous Materials, the extensive array of established laws, regulations, and procedures, including the City’s own environmental review process pursuant to CEQA for subsequent site-specific development projects, that would ensure that potential safety-related impacts arising from hazardous materials would be less than significant.

Comment [L7]

The City should notify neighbors within five blocks of proposed new liquor licenses or sidewalk vendor permits. (*Leora Vestel, Rolph Playground Neighbors*)

Response

The Planning Code includes a number of restrictions on alcohol sales in various neighborhoods, including, for example, the Mission Alcoholic Beverage Special Use District (Planning Code Sec. 781.9). The Code also requires neighborhood notification of certain new uses and other projects. The commenter’s recommendation may be considered by the decision-makers as part of their consideration of adoption of new zoning controls in the Eastern Neighborhoods.

Comment [L8]

“Page S: 10: ‘The project would also indirectly result in changes in the potential to physically accommodate PDR use.’ Please clarify : ‘ . . . The potential to physically accommodate...’ At the end of the 2nd full paragraph, there should be an analysis about whether the project would also indirectly result in negative changes to existing and potential residential neighborhoods to physically accommodate PDR uses, because of the potential of additional noise, fumes and wear-and-tear on City streets and sidewalks from additional industrial uses in existing and potential residential areas.” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

The four paragraphs following the paragraph quoted by the commenter provide the sought-after explanation. For example, the following paragraph states, “Option C would result in the loss of nearly 5 million square feet of PDR building space, compared to baseline conditions. This change would result in a decrease in PDR employment that could substantially affect, in an adverse manner, both the PDR businesses and segments of the employed population of San Francisco, and, potentially, the City’s economy. While the displacement of PDR businesses and the loss of PDR jobs would not, in themselves, be considered significant, this loss would occur as a result of the physical changes that would indirectly result from implementation of the proposed project. Therefore, it is concluded, in the interest of a conservative assessment, that the magnitude of economic and social changes engendered by Option C would mean that the physical loss of PDR land and building space under Option C would constitute a potentially significant impact on the cumulative supply of land for PDR uses.”

Concerning effects on existing and potential residential neighborhoods, there would be no anticipated adverse effects on existing residential neighborhoods from PDR uses, inasmuch as each of the rezoning options and the No-Project scenario would see a decrease—in some cases, quite substantial—in the amount of PDR space and therefore the number of PDR uses in the Eastern Neighborhoods. The DEIR analyzes potential effects on new residential uses in neighborhoods not now primarily residential in nature and identifies mitigation measures to reduce or avoid impacts related to, among other things, noise and air quality emissions from industrial uses. See, for example, Mitigation Measures F-3 through F-6 and G-2 through G-4.

Comment [L9]

“Page S: 10: Some allowance for PDR space should be factored into Western Soma; this could be used to Mitigate Option C. Since the text of the EIR identifies Western Soma as a potential significant source of PDR jobs it is important that there be a paragraph in the EIR which provides the numbers of square footage of PDR uses and PDR jobs created in Western Soma notwithstanding the fact that the outcome of the process in Western Soma is not known. ... This

Western Soma area is too important and has too much potential PDR space to leave out of the numerical calculations that are being provided in other district. Also the rezoning plan for Bayview Hunters Point (BVHP) is now far enough along that it would not be speculative with this EIR to identify specifically the amount of PDR space and PDR jobs that are available in the new rezoning of BVHP.” (*Grace Shanahan, Residential Builders Association*)

Response

Western SoMa employment, including PDR jobs, is discussed throughout EIR Section IV.D, Population, Housing, Business Activity, and Employment, and PDR employment in Western SoMa is also discussed in Section IV.A, Land Use. Both the text on p. 66 and Table 30 on p. 213 note that there were more than 10,000 PDR jobs in Western SoMa in 2000, and p. 66 states, “Thus, Western SoMa, while not part of the proposed Eastern Neighborhoods Rezoning and Area Plans project, is a key component of existing (and future) PDR employment.” Accordingly, the DEIR includes Mitigation Measure A-1, p. 501, which states that the City could “ensure that the community planning process currently under way in Western SoMa places a priority on the maintenance of land use to controls to accommodate PDR uses and restricts potentially incompatible uses, such as residential and office development, to minimize conflicts with existing and potential future PDR businesses.” Nevertheless, the DEIR concludes that this measure is infeasible in the context of the Eastern Neighborhoods Rezoning and Area Plans project, because “the outcome of the community-based Western SoMa planning process cannot be known at this time.” Concerning the Bayview-Hunters Point rezoning, the commenter is correct that work on this process has continued since the Eastern Neighborhoods DEIR was published. However, rezoning has not yet been adopted in the neighborhood. Therefore, the text on DEIR p. 62 remains correct in stating that substantial PDR employment was assumed to continue in the Bayview Hunters Point neighborhood because the “adopted Redevelopment Plan for Bayview-Hunters Point generally mirrors the [Eastern Neighborhoods] Option B land use map [on which the PDR supply and demand analysis by EPS was based], meaning that inclusion by EPS of the Option B assumptions for Bayview-Hunters Point remain accurate.” See also response to Comment L3, above, regarding projections of demand for PDR space, and EIR reliance upon the EPS report and its assumptions regarding PDR space and jobs in Western SoMa and Bayview-Hunters Point.

Comment [L10]

“Page S: 11: 1st Paragraph – ‘The EPS study found that Option B would at least potentially provide for an adequate supply of PDR land....’ Please indicate in the EIR why your current consultants disagree with your consultants at EPS. ... Please provide information as to why other sections of the EIR would contradict the ... statement that Option B would provide an adequate supply of land for PDR uses.” (*Grace Shanahan, Residential Builders Association*)

Response

No such disagreement exists. As stated on DEIR p. 66, “*Based on the analysis in the EPS report, it is evident that Option C, which would result in less PDR-only land than Options A or B and would rezone more existing PDR land and displace more existing PDR uses than the other two options, would result in a clear mismatch between the supply of and demand for PDR land and building space, with neither adequate land nor adequate building space being available without substantial changes in land use controls on Port land to allow non-maritime uses to be sited there.*” (emphasis added) As a result, the DEIR concluded that Option C would have a significant, unavoidable impact on the cumulative supply of land for PDR uses. The DEIR found, however, that both Options A and B would result in a less-than-significant impact on the supply of PDR land. Concerning the comment that the EIR elsewhere contradicts this conclusion, it is unclear to what the commenter is referring: the DEIR nowhere states that Option B would have a significant effect on PDR land.

As discussed in regard to the Preferred Project, p. C&R-5, the project as revised in December 2007, and refined as of April 2008, would provide for a similar amount of PDR land as would Option B as analyzed in the EIR, and therefore the Preferred Project would have a less-than-significant impact on the cumulative supply of land for PDR uses,

Plans and Policies

Objectives and policies of the draft Eastern Neighborhoods area plans have been revised since publication of the DEIR. While the concepts underlying the area plans’ policy framework remains intact, there have been numerous revisions to the policy text itself. The April 2008 proposal for adoption, to be considered by the Planning Commission, includes Exhibit I-2: Changes to the Draft 2007 Area Plans, which identifies changes that have resulted in the current policy language.¹⁵

Comment [P1]

The DEIR does not adequately discuss Board of Supervisors Resolution 20-07, “Establishing City and County of San Francisco Policy for the Eastern Neighborhoods Rezoning and Community Plans Area,” approved in January 2007. (*Calvin Welch, Council of Community Housing Organizations*)

Response

The DEIR discusses Resolution 20-07 on pp. 84 – 85, where it notes that the text includes those policies “expressly noted as applicable to the project area by the Board of

¹⁵ This document is available for review at the Planning Department offices, 1650 Mission Street, Suite 400, as well as on the Planning Department’s Eastern Neighborhoods website at: http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/VOLUME_1_Exec_Summary.pdf. Exhibit I-2 begins on page 8 of the Eastern Neighborhoods Initiation Package.

Supervisors in Resolution 20-07, approved January 9, 2007.” Resolution 20-07 recited a number of *General Plan* objectives and policies, from the Housing Element, Commerce and Industry Element, Arts Element, Recreation and Open Space Element, Urban Design Element, and Transportation Element, which objectives and policies are included in DEIR Section IV.B. The resolution also sets forth a number of other concerns, which are discussed in the text on DEIR p. 84.

Comment [P2]

“Jurisdiction. The [Bay Conservation and Development] Commission’s [BCDC’s] jurisdiction in the project area includes Bay waters up to the shoreline, and the land area between the shoreline and the line 100 feet upland and parallel to the shoreline, which is defined as the Commission’s 100-foot ‘shoreline band’ jurisdiction. The shoreline is located at the mean high tide line, except in marsh areas, where the shoreline is located at five feet above mean sea level.

“Port Priority Use Areas. The Commission has identified portions of the areas of Pier 68-70 in San Francisco as a Port Priority Use area in the Bay and Seaport Plans. The intention of these areas, as stated in the Seaport Plan, are ‘to enhance economic activity while protecting the environment, making efficient use of all resources, and coordinating development.’ All three alternatives identified in the EIR designate Pier 70 and 68, including areas designated for port priority use, as ‘Heavy PDR/Pier 70 Mixed-use (primarily Port lands).’ This designation appears to retain the current zoning for this area and as such would be consistent with BCDC policy on port priority use areas.”

“Bay Plan Policies on Public Access. The Commission can only approve a project within its jurisdiction if it provides maximum feasible public access, consistent with the project.”.

“The DEIR and Summary specifically note that this plan does not specify new building height zoning and that there is the potential for an increase in building height as a result of the transition of some areas to mixed-use residential. All three alternatives designate the East SoMa area along the Embarcadero and Waterfront as mixed-use residential. As these areas also contain a large amount of public access areas to the Bay, specific steps should be taken so that new structures do not decrease the appeal of these public access areas by shading these areas. The DEIR should address the possibility that new development in the project area may negatively affect existing public access areas along the waterfront.” (*Sahrye Cohen, Bay Conservation and Development Commission*)

Response

The commenter is correct in that the proposed project does not proposed substantive changes to areas under Port of San Francisco jurisdiction. As stated on DEIR p. 13, the Heavy PDR use district in the Central Waterfront “would mostly cover lands under jurisdiction of the Port of San Francisco that are, and are intended to remain, in heavy commercial and industrial use.” Because these areas are under the jurisdiction of the Port,

including its Waterfront Land Use Plan (discussed in the DEIR beginning on p. 170), no development within BCDC shoreline band jurisdiction is likely to be undertaken without separate review and approval by the Port. Accordingly, any development with BCDC jurisdiction would also be subject to all applicable requirements for BCDC review and approval.

With regard to areas of East SoMa proximate to San Francisco Bay, this area is largely built out, with the notable exception of portions of the blocks bounded by Bryant and Beale Streets and the Embarcadero, which is in use as a surface parking lot. Thus, there is limited potential for any physical impacts due to development in this area, including shadow, other than through modification of a previously approved project on this site, which included the residential tower already built at Bryant and Beale Streets.¹⁶

Comment [P3]

The EIR should discuss the Association of Bay Area Governments' San Francisco Bay Trail Plan and evaluate whether the project would be consistent with the Plan, including the proposed routing of the Bay Trail through the Central Waterfront area. "Two of the main goals of the Bay Trail Project are to locate the trail as close as possible to the shoreline and to provide a fully separated multi-use facility." (*Maureen Gaffney, ABAG/ San Francisco Bay Trail*)

Response

The Bay Trail is discussed in DEIR Section IV.H, Recreation and Open Space (p. 363). In Section IV.E, Transportation, it is noted that Policy 2.5 of the Draft Central Waterfront Plan states, "Clearly mark the Bay Trail where it passes through the Central Waterfront and move it closer to the Bay as opportunities become available."

The text that accompanies Policy 2.5 in the Transportation section of the Draft Central Waterfront Plan (p. 86) describes the Bay Trail and identifying the local alignment as being on Third and Illinois Streets, crossing Islais Creek on Third Street and turning onto Illinois Street at 23rd Street. The text continues, "Ideally, the trail would run closer to the water, though heavy industrial and maritime uses, along with a lack of continuous public right-of-ways, preclude such a continuous shoreline path. The city should take advantage of opportunities to move it eastwards if and when Port lands are redeveloped. Signs for spur trails to new and improved public open spaces and shoreline access at Islais Creek, Warm Water Cove, Irish Hill, and Pier 70 should be placed and included in the Bay Trail maps and literature." The Open Space section of the Draft Central Waterfront Plan includes a similar discussion, also calling for the Bay Trail to be moved closer to the

¹⁶ The project area does not include the Bay side of the Embarcadero, and thus the project area is generally outside BCDC shoreline jurisdiction in East SoMa.

water when and where possible. Thus, it would appear that the project would be generally consistent with the intent of the Bay Trail Plan.

Comment [P4]

The DEIR discusses only three policies from the *General Plan* Community Safety Element (Policies 2.4, 2.6, and 2.8). Additional Community Safety Element policies should be discussed. (Jazzie Collins)

Response

The focus of the Community Safety Element is seismic hazards that face San Francisco and how to prepare for, and recover from, earthquakes. Many of the policies are intended to guide overall City actions in this regard. Additional objectives and policies that could be relevant to the proposed Eastern Neighborhoods project include the following:

- Objective 1: Improve the coordination of city programs that mitigate physical hazards, help individuals and organizations prepare for and respond to disasters, and recover from the impacts of disasters.
- Objective 2: Reduce structural and non-structural hazards to life safety, minimize property damage and resulting social, cultural and economic dislocations resulting from future disasters.
- Policy 2.1: Assure that new construction meets current structural and life safety standards.
- Policy 2.2: Review and amend at regular intervals all relevant public codes to incorporate the most current knowledge of structural engineering.
- Policy 2.3: Consider site soils conditions when reviewing projects in areas subject to liquefaction or slope instability.
- Policy 2.5: Assess the risks presented by other [non-unreinforced masonry] types of potentially hazardous structures and reduce the risks to the extent possible.
- Policy 2.9: Consider information about geologic hazards whenever City decisions that will influence land use, building density, building configurations or infrastructure are made.
- Policy 2.10: Identify and replace vulnerable and critical lifelines in high-risk areas.
- Objective 3: Ensure the protection of life and property from disasters through effective emergency response, provide public education and training about earthquakes and other natural disasters and how individuals, businesses and communities can reduce the impacts of disasters.

- Policy 3.4: Maintain a comprehensive, current Emergency Operations Plan, in compliance with applicable state and federal regulations, to guide the response to disasters. Conduct periodic exercises of the EOP.
- Policy 3.6: Maintain and expand the city's fire prevention and fire fighting capability with adequate personnel and training. Assure the provision of adequate water for fighting fires.
- Objective 4: Assure the sound, equitable and rapid reconstruction of San Francisco following a major disaster.
- Policy 4.4: Before an emergency occurs, establish an interdepartmental group to develop a Recovery Plan to guide long-term recovery, manage reconstruction activities, and provide coordination among recovery activities.
- Policy 5.2: Support and monitor research being conducted about the nature of seismic hazards in the Bay Area, including research on earthquake prediction and warning systems, on the risk of tsunamis, and on the performance of structures.

Visual Quality and Urban Design

Views of San Francisco Bay

Comment [V1]

Bay Plan Policies state that bayfront development “should be designed to enhance the pleasure of the user or viewer of the Bay.” “The DEIR Summary acknowledges that the change of some areas to mixed-use residential may affect the view corridors to the Bay. In the Summary, it is suggested that these changes may enhance these view corridors. The DEIR should more specifically address whether there is a policy in the Eastern Neighborhood Plan that will prevent detrimental impacts to view corridors along the Bay.” (*Sahrye Cohen, Bay Conservation and Development Commission*)

Response

The comment apparently refers to a statement on DEIR p. S-13, “New development up to the proposed height limits may even help define the street edge and better frame these urban views.” This statement was not specific to view corridors along San Francisco Bay. In general, the DEIR concludes that the project would not adversely affect views or visual quality in an adverse manner, and impacts would be less than significant.

As for the draft area plans, the DEIR cites several policies dealing with Bay views and related matters:

- Development should step down in heights as it approaches the Bay to reinforce the City’s natural topography. (East SoMa draft Policy 5.1.3, DEIR p. 155) [proposed as East SoMa Plan Policy 3.1.2 in April 2008 draft for adoption]

- Respect public view corridors. Of particular interest are the east-west views to the bay or hills, and several views towards the downtown. (East SoMa draft Policy 5.1.5) [proposed as East SoMa Plan Policy 3.1.5 in April 2008 draft for adoption]
- Respect public view corridors. Of particular interest are the east-west views to the bay or hills, and several north-south views towards downtown and Potrero Hill. (Showplace Square draft Policy 5.1.4, DEIR p. 165) [proposed as Showplace Square Plan Policy 3.1.5 in April 2008 draft for adoption]

The April 2008 drafts for adoption of the Mission Plan and Central Waterfront Plan contain similar policies to those above:

- Respect public view corridors. Of particular interest are the east-west views to the Twin Peaks and Potrero Hill, south views to Bernal Hill, and several views towards the downtown. (April 2008 draft Mission Plan Policy 3.1.5)
- Development should step down in heights as it approaches the Bay to reinforce the City's natural topography and to encourage an active and public waterfront. (April 2008 draft Central Waterfront Plan Policy 3.1.2)
- Respect public view corridors. (April draft Central Waterfront Plan Policy 3.1.5)

In addition to the policies above, the April 2008 draft for adoption of the Central Waterfront Plan proposes to enhance this neighborhood's connection to San Francisco Bay, stating,

The traditional street grid pattern, creating unique view corridors reinforced by tightly-knit streetfront buildings, is the strongest organizing pattern in the city and should be used to connect the activity centers in the plan area as well as to link the Central Waterfront to its neighboring districts, and most importantly, to its greatest natural asset, the Bay.

New development should take the opportunity to "close the distance" between the inland residential neighborhoods and the Bay. Visual connection is one effective means for closing this distance, as distances seem much shorter when the destination is clearly visible. Visual connection to the Bay, if not directly to water's edge, is a defining characteristic of the neighborhood. Generally, building heights should not obstruct public views of the Bay from Potrero Hill. Public "windows" to the bay should be maintained or created from within the Central Waterfront by extending the street grid as much as possible through Port lands to give views of the water or maritime activities. (April 2008 draft Central Waterfront Plan, p. 36 [text following Objective 3.1, "Promote an urban form that reinforces the Central Waterfront's distinctive place in the city's larger form and strengthens its physical fabric and character"])

While there will continue to be refinement of policy language in the draft area plans as they proceed through public and decision-maker review, it is clear that the draft area plans continue to consider views of, and visual linkages to, San Francisco Bay to be of

major importance. Thus, the Eastern Neighborhoods Area Plans contain clear policy statements to prevent detrimental impacts to view corridors.

Population, Housing, Business Activity, and Employment

Project Effects on Affordable Housing

Comment [H1]

“The DEIR fails to identify the Eastern Neighborhoods ‘project area’ as a significant location of City financed, non-profit developed, permanently affordable housing sites. The several hundred existing non-profit developed affordable housing units are not listed nor even mentioned in the Setting section of the DEIR.” The DEIR focuses entirely on new residential construction as a source of affordable housing and does not analyze the effect of the project on acquisition and rehabilitation by non-profit housing developers of existing dwelling units. “This oversight means that impacts of the new zoning classification on the existing housing stock, especially in the Mission and Valencia corridors and important portions of Potrero Hill, are totally ignored. Additionally, the impact of the new zones on the availability of new sites for new construction, especially smaller sites, is also ignored.” This oversight also “tends to reduce the number of affordable housing units reported as being produced.” The San Francisco Redevelopment Agency Citywide Affordable Housing Program provides tax increment funding for affordable housing citywide, with many sites in or near the Eastern Neighborhoods, yet this is not discussed in the DEIR. “Nearly half of the City’s current affordable housing development program is dependent on acquisition and rehab of existing buildings. If the City adopts an Eastern Neighborhood rezoning program that results in the demolition of these buildings because of greater density allowance and other procedural changes in the approval process that result in increased development pressure to demolish these buildings then another affordable housing opportunity in these neighborhoods would be lost. The DEIR ignores the existence of this policy, its importance and the resultant impacts of any proposed plan for the eastern neighborhoods. It makes the entire DEIR incomplete and inaccurate.” (*Calvin Welch, Council of Community Housing Organizations*)

Response

The DEIR discusses rehabilitation of existing structures for use as affordable housing both in the Land Use section and in the Population, Housing, Business Activity, and Employment section. In the Land Use analysis, DEIR p. 41, the DEIR notes that housing has long been a part of the land use mix in the South of Market neighborhood and states, “Specifically, single-room occupancy (SRO) hotels were historically clustered in the Sixth Street corridor, Mission and Howard Streets, some of which continue to serve as important affordable housing resources to this day, including some SRO buildings that have been rehabilitated with assistance from the San Francisco Redevelopment Agency (within the South of Market Redevelopment Project Area), such as the Knox Hotel, Rose Hotel, and Delta Hotel. Other affordable housing resources in or near East SoMa include

newer multi-family housing developments, such as the Columbia Park Apartments, Minna Park Family Housing, and the Plaza Apartments.”

Each of the six specific projects noted in the above text from DEIR p. 41 is included in the list of 180 projects funded or assisted through the Redevelopment Agency’s Citywide Affordable Housing Program, which the commenter submitted with his comments. Of the 180 projects, 41, or 23 percent, are in the Eastern Neighborhoods project area, and another six projects are within nearby Western SoMa. Unlike most of the Eastern Neighborhoods project area, the six projects noted above are within an adopted redevelopment plan area, the South of Market Redevelopment Project Area, which, as noted on DEIR p. 37, is included within the East SoMa subarea of the project area.¹⁷ The South of Market Redevelopment Project Area includes more than half of the 41 projects and 60 percent of the dwelling units in these projects; together with three additional projects in the Rincon Point-South Beach Redevelopment Area, 68 percent of the projects in the Eastern Neighborhoods funded or assisted through the Citywide Affordable Housing Program are within adopted redevelopment areas, indicating that while the Citywide Affordable Housing Program is not limited to adopted redevelopment areas, its resources are heavily concentrated there, at least within the Eastern Neighborhoods. Because redevelopment areas have their own sets of land use controls in their applicable redevelopment plans, the potential for any substantial loss of potential affordable-housing rehabilitation sites would be minimized.¹⁸

In the Population, Housing, Business Activity, and Employment analysis, the DEIR, on pp. 192 – 193, describes affordable housing developments in the project area and explains that affordable housing units represent “a relatively large share” of housing in East SoMa, at 11 percent of all units, and an even greater share (14 percent) in neighboring Western SoMa. Table 20 on p. 192 calls out the number of affordable housing units in each of the Eastern Neighborhoods (units funded by the Redevelopment Agency and the San Francisco Housing Authority) and identifies residential hotel units as well. DEIR p. 193 continues, “Many of the City’s resources for increasing the supply of permanently affordable housing have been applied in the Eastern Neighborhoods in recent years; this includes funding for non-profit organizations to acquire and rehabilitate buildings thereby increasing and improving the affordable housing supply.” Later on the same page, the DEIR states that there are more than 3,400 units in 87 residential hotels within the Eastern Neighborhoods—primarily in East SoMa and the Mission—representing 10 percent of the overall housing stock in the project area. The text also

¹⁷ This redevelopment area is generally bounded by Mission, Harrison, Fifth, and Seventh Streets (excluding the San Francisco Chronicle buildings and most other properties on the south side of Mission between Fifth and Sixth), and extends north across Mission Street on both sides of Sixth Streets.

¹⁸ It is noted that the Redevelopment Agency’s recent approval is to conform to Planning Code controls. In practice, however, this has meant that the Planning Code has been amended to incorporate specific aspects of newly adopted redevelopment plans and/or the redevelopment plans themselves contain specific provisions related to affordable housing, given the provisions in California Redevelopment Law that emphasize affordable housing production.

notes that the older existing housing stock in the Eastern Neighborhoods has been an important source of supply for relatively lower-rent housing in San Francisco. Additionally, affordable housing production from 1999 – 2005, depicted in Table 34, DEIR p. 229, includes acquisition and rehabilitation of existing units.¹⁹

In terms of impacts, the DEIR identifies the potential for decreased opportunities to redevelop existing buildings for affordable housing as a potential impact of the project, explaining on p. 242, “Relatively lower land values, a more gritty and wide-ranging mix of land uses than found in most other parts of the City, and rezoning in 1978 that reduced housing development potential in the western parts of the City have made parts of the Eastern Neighborhoods attractive as the last, best option for the production of substantial amount of lower cost housing in San Francisco. Prime opportunities have included rehabilitating older buildings with small units and developing high-density new development in pioneering residential locations, such as the former industrial areas of the South of Market neighborhood. A potential cost of the proposed more rational set of use districts would be reducing such opportunities, particularly the options for new development sites.” However, the DEIR also notes that without the more restrictive land use controls proposed as part of the project, “market forces are likely to continue to increase land values in the Eastern Neighborhoods,” and, “In the absence of a moratorium on market-rate development, rational property owners can be expected to continue to maximize their return from market-rate development potential.” For this reason, and because the proposed project includes “objectives and policies that would encourage the production of more affordable housing through means such as identification of appropriate sites, including publicly owned sites, for below-market-rate housing; increasing the percentage of affordable housing units required in new projects in certain areas, particularly where rezoning permits increased density; requiring a certain percentage of residential units be family-sized; and taking specific steps to reduce the cost of housing production” (DEIR p. 243), the proposed project would not result in a significant adverse effect on the supply of land for affordable housing.

Although the DEIR identified potential impacts to creation of new affordable housing through acquisition and rehabilitation, the existing projects funded or assisted through the Redevelopment Agency’s Citywide Affordable Housing Program are unlikely to be affected because the non-profit housing developers and other non-profit agencies that own most of them are probably not willing to sell those properties for market-rate development, unlike a for-profit developer or landowner.

¹⁹ The commenter requests that the Citywide Affordable Housing Program projects be mapped, but for purposes of the analysis of physical impacts under CEQA it is sufficient that the DEIR identifies a representative sampling of such projects and identifies acquisition and rehabilitation as one aspect of affordable housing production.

Finally, it is noted that, although the DEIR did not identify a significant impact with regard to affordable housing production or the loss of affordable housing units, the DEIR does include Improvement Measure D-3, p. 524, which expressly addresses the potential loss of locations that could be feasible for future development of below-market-rate housing, calling for the establishment of a process of regular reporting to the Planning Commission of such sites, with the involvement of the Mayor's Office of Housing and the Redevelopment Agency. It is anticipated that such a program would include sites deemed feasible for both new construction and rehabilitation because, while rehabilitation projects do not normally create new dwelling units, they can establish affordability on a permanent, or at least long-term, basis. In addition, Improvement Measure D-2, DEIR p. 523, calls for increased affordable housing generally.

In summary, the DEIR adequately discussed both existing conditions and potential physical impacts with regard to acquisition and rehabilitation of affordable housing units.

Comment [H2]

The DEIR discusses the *General Plan* Housing Element but does not discuss the "sites needed to accommodate the quantified goals of the element nor analyze the role the Eastern Neighborhoods Rezoning will have affecting the availability of these sites." (*Calvin Welch, Council of Community Housing Organizations*)

The Eastern Neighborhoods is an opportunity for increased affordable family housing. The EIR does not accurately reflect the "desperate need" for affordable family housing. (*Salazar Sanchez, Coleman Advocates for Youth*)

Response

The function of an EIR is to evaluate the project proposed by the sponsor, in this case, the proposed Eastern Neighborhood Rezoning and Area Plans. As discussed in the DEIR, the proposed project includes a broad policy framework to increase affordable housing in San Francisco. In addition, based on updated draft area plans included in the April 2008 proposal for adoption to be considered by the Planning Commission, and ultimately the Board of Supervisors, it is anticipated that the proposed use districts applied to certain specific sub-areas of the Eastern Neighborhoods would include a requirement that a portion of a site be devoted to affordable housing, that moderate-income affordable housing be privately developed, and/or that a financial contribution be made towards publicly funded affordable housing in order to make available land or units to meet the City's housing needs. In this way, the area plans would identify sites for development of affordable housing. Additionally, other new zoning districts would include public benefits requirements, requiring housing developers to dedicate portions of the property and/or funds to be applied towards affordable housing production. These revisions to the draft area plans analyzed in the DEIR would not result in new or substantially greater

physical environmental impacts than identified in the DEIR, because they would further the draft plans' existing policy framework for affordable housing production.

The DEIR does discuss the potential for affordable housing development and the demand for affordable housing under each of the three rezoning options in Section IV.D, Population, Housing, Business Activity, and Employment. However, the affordability of housing developed would be considered an economic and social effect (and a valid policy concern of the City), not a physical impact that is appropriate for analysis under CEQA.

Comment [H3]

“Perhaps the most quaint assumption of the entire DEIR can be found in the discussion of the Environmental Setting and Impacts section on page 199 in the discussion of ‘housing market conditions’ where it is stated: ‘Housing price increases reflect ... imbalance between supply and demand.’” This statement follows a statement that 43 to 58 percent of vacant housing units in the Eastern Neighborhoods are either held for seasonal or vacation use or otherwise kept vacant by their owners. The DEIR acknowledges that while housing production has increased, housing prices have increased at a greater rate. The DEIR incorrectly assumes that increased market rate housing production will lead to increased production of affordable housing units. (*Calvin Welch, Council of Community Housing Organizations*)

Response

The commenter's quotation from the DEIR discussion of the housing market is part of a brief overview description of market conditions that prevailed throughout the state and the region in the 1980s and 1990s. The subsequent sentences go on to describe more current features of the housing market, in which high prices were sustained in spite of increases in supply and decreases in demand as represented by declines in economic activity.

Concerning vacant units, the DEIR acknowledges, on p. 199, that “other vacant units,” which include units held vacant by personal reasons of the owner and uninhabitable units, “are a high proportion of all vacant units throughout the Eastern Neighborhoods.” However, in terms of absolute numbers, the data from 2000, given in DEIR Table 23, p. 198, indicate that the total number of such “other vacant” units in the Eastern Neighborhoods as a whole was 371, which represents just over 1 percent of the nearly 30,000 dwelling units in the project area (2004 data; see DEIR Table 20, p. 192), and is therefore a relatively minor consideration in the project area housing market. An additional 193 units (in 2000) were held vacant for seasonal, recreational, or occasional use, with 755 units vacant because they were either for rent or for sale (or rented or sold but not yet occupied). Thus, throughout the Eastern Neighborhoods, a total 564 units were held off the housing market, either for part-time use (193) or in the “other vacant” category (371). This represents less than two percent of the total housing unit inventory

in the area (2004 data). Citywide, a higher percentage of the housing stock (2.5 percent) falls into these categories of vacant units that are outside the normal supply and demand parameters of the housing market.

As to the larger question of whether an increase in market-rate housing results in an increase in affordable housing units, there can be no question that, because of the City's inclusionary housing requirement, for new market-rate housing, there is required to be either direct production of below-market-rate units or a financial contribution towards such production. Other responses in this section delve further into this question; however, the EIR appropriately analyzed the physical environmental impacts of the proposed project in regard to housing, including affordable housing.

Comment [H4]

"The DEIR shows that a super-majority of households in the South of Market neighborhood are vulnerable to displacement through market forces" due to excessive housing costs. (*Chris Durazo, South of Market Community Action Network [SOMCAN]*)

Response

The comment is noted. The DEIR on p. 190 describes the housing cost burden for residents of the Eastern Neighborhoods. The DEIR also identifies potential displacement impacts. For example, DEIR p. 240 states, "San Francisco residents who lost their jobs in PDR businesses when market pressures and land use changes in former industrial land rezoned for residential and mixed uses resulted in those businesses closing or relocating outside the City would add to the need for affordable housing in the City." DEIR pp. 243 – 245 describe the implications of the rezoning options for residential displacement by analyzing the different market forces under each option and comparing those market forces to what would otherwise be expected with a continuation of market trends. The impact discussion also highlights the persistent needs of vulnerable populations that require responses beyond what land use regulation can achieve.

PDR Employment Among Eastern Neighborhoods Residents

Comment [H5]

Table 28 in the Population, Housing, Business Activity, and Employment section of the DEIR shows that the top three occupations of workers living in the Eastern Neighborhoods are clearly office-based, while the fourth primarily consists of restaurant workers. Other categories of most prevalent occupations include arts, education and computer-related jobs and, while some of these are considered PDR employment, many of those employees work in office-type environments. The only "actual PDR industry" in the table is "production." Similarly, Table 29 shows that manufacturing is not among the top four industries employing Mission residents; instead, "professional, scientific, management, and administrative services tops that list. Why then are we

mandating retention of jobs that in actual fact do not employ the residents of the neighborhoods where they exist? The workers in the PDR jobs do not live in the Mission or Eastern Neighborhoods and must therefore travel to their jobs creating a larger burden on traffic, parking and public transportation.” The proposed rezoning options provide for no office uses in the Mission. Displacement of these uses could cause impacts. (*Richard F. Koch, Alabama Street Partners*)

“I understand that as part of the socio-economic study was a conclusion regarding the impact of loss of PDR space on low wage jobs in the Mission and elsewhere. Is this conclusion simply conjectural? How many people who live in the Mission actually work in the Mission? Are many of the low wage jobs actually filled by people who live elsewhere?” (*Victor Vitlin, John Vitlin Trust*)

Response

The commenter correctly notes that most Eastern Neighborhoods residents, like most residents of San Francisco generally, do not work in PDR occupations. As stated on DEIR p. 206, half of the City’s employed residents work in management and professional occupations, and another one-fourth work in sales and office support, while only about 10 percent of the City’s employed population works in construction, repair, maintenance, production, or transportation occupations. However, it is noted that a higher percentage of Eastern Neighborhoods residents work in these same occupations: 13 percent, a 30 percent greater share than citywide. In the Mission, this figure is even greater: 17 percent of the employed residents of the Mission work in PDR occupations. Thus, while it is clear that PDR jobs do not represent a major share of employment citywide or in the Eastern Neighborhoods, the Eastern Neighborhoods in general, and the Mission in particular, are home to a larger share of San Francisco’s remaining PDR employees.

Existing data sources analyzed for the EIR and for the Socioeconomics Impacts study do not provide reliable estimates of how many people living in the Mission work in the Mission and how many of the low-wage jobs in the Mission are held by the people who live there. Instead, a variety of approaches were taken to this question, evaluating the characteristics of employed residents and of jobs in each of the neighborhoods. Results of a Planning Department survey of PDR businesses (conducted in 2002) indicated a relatively high propensity for those businesses to employ residents of San Francisco.

Furthermore, the proposed policies to retain PDR business activity and jobs are not solely aimed at employing existing residents of the Eastern Neighborhoods. As described in the DEIR on pp. 215 – 216, PDR business activity represents the largest single component of business activity and employment in this part of the City. Uniquely in San Francisco, the Eastern Neighborhoods and adjacent Western SoMa and Bayview-Hunters Point provide suitable locations and building stock for this important element of San Francisco’s economic diversity. These locations for PDR business activity are critical to the City’s

ability to offer entry level jobs with upward mobility to those current and future members of the City's workforce who lack higher education and training in specialized job skills.

Concerning the comment about displacement of existing office uses from areas that might be rezoned for PDR uses, existing uses that were not consistent with new use districts would be permitted to remain, as legal nonconforming uses, although they would not generally be permitted to expand, and no new such uses would be permitted. However, no existing use would be required to relocate as a result of the adoption of new or revised zoning. (Nonconforming uses, as well as noncomplying structures, which are buildings that do not meet subsequently adopted height or bulk limits, are currently permitted in accordance with Sections 180 – 188 of the Planning Code.)

Residential Nexus Analysis

Comment [H6]

The DEIR does not discuss the Draft Residential Nexus Analysis (December 2006) conducted for the Planning Department. The study (Table III-4) “found that for every 100 market rate condos developed in San Francisco and additional demand was created for 25 affordable units,” meaning the residential units that would be created in the project area (between 4,514 and 6,987 net new housing units could generate demand for between 1,125 and 1,750 new affordable units. (*Calvin Welch, Council of Community Housing Organizations*)

Response

The *Residential Nexus Analysis* was prepared for the City by Keyser Marston Associates in April 2007 (the December 2006 version was an earlier draft that was not widely circulated) to support the City's Inclusionary Housing Program, which is implemented by Planning Code Section 315. The nexus study “determined that 100 market-rate condominium units generate direct impacts that result in the demand for 25.0 affordable units in San Francisco and 43.31 [affordable] units if all direct and induced impacts are taken into account.”²⁰ The conclusions of the nexus analysis must be seen in the light in which the analysis was undertaken, which was to undertake “an analysis of the impact of *the development of market-rate housing* on affordable housing demand”²¹ (emphasis added). That is, the *Residential Nexus Analysis* evaluated how much affordable housing demand would result from the addition of new market-rate dwelling units, based on the anticipated spending by residents of these new market-rate units and the incremental increase in employment projected to result from this spending. The authors of the *Residential Nexus Analysis* advised against drawing broad conclusions from the study,

²⁰ Keyser Marston Associates, Inc., *Residential Nexus Analysis, City and County of San Francisco*, April 2007; Overview and Summary of Findings, p. 8. This report is available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2004.0160E.

²¹ *Ibid*, p. 1.

noting that the report “has not been prepared as a document to guide policy design in the broader context. We caution against the use of this study, or any impact study for that matter, for purposes beyond the intended use.”²²

According to the nexus study, the development of market-rate residential units results in direct impacts that give rise to the demand for new affordable housing by employees of businesses that would directly serve the residents of new market-rate units, such as grocery stores. Indirect impacts consist of the demand from employees of suppliers of such businesses, such as distributors and wholesalers, while induced impacts would result from affordable housing demand generated by the resulting overall economic growth. The demand for 25 new direct affordable housing units that would result from 100 new market-rate units translates to a need for 20 percent of all new units being affordable (25 out of a total of 125 = 20%), while the 43.3 direct, indirect, and induced affordable units translates to a need for 30 percent of all units to be affordable. Thus, the *Residential Nexus Analysis* concluded that, “the San Francisco Inclusionary Program requires that 15% of units be affordable, the San Francisco program is well supported by this nexus analysis.”²³

As can be seen from the above summary, the *Residential Nexus Analysis* employed an economic model to quantify one of the effects of increased economic activity (spending on goods and services) by residents of new market-rate units. The effect evaluated was the demand (need) for additional affordable housing units to house employees of businesses that would provided those goods and services. (As the report indicates, another effect of the same increase in market-rate housing units would be increased City revenue derived from sales tax, property tax, and other sources.) Thus, it can be seen that it is not market-rate housing, as such, but the economic activity generated by the increased population in those market-rate units that results in the demand for affordable housing that is cited in the *Residential Nexus Analysis*. Without the increased spending that results from the increase in population—in particular, a relatively more affluent population—the increase in demand for affordable housing would not arise.

Accordingly, to the extent that the formula derived from the *Residential Nexus Analysis* (demand for 25 affordable units for each 100 new market-rate units) can be applied generally, it is noted that the creation of more, rather than less, new market-rate housing will nearly always lead to production of more affordable housing. This is because when new housing is built, it necessarily results in a concomitant, if incremental, new supply of affordable housing due to City requirements, even if such increment is not sufficient to fully accommodate demand for affordable housing. It is these very requirements to provide affordable housing that the *Residential Nexus Analysis* was prepared to support.

²² Ibid, p. 2.

²³ Ibid, p. 8.

In contrast to the above-noted circumstance, if there is demand for housing from higher income households and that demand is not met with new supply, the unmet demand will likely result in higher prices for existing housing (due to demand outstripping supply). The result is more displacement, more existing households cashing out and leaving the city, and—at the same time—an increase in higher income new households in the city, generating the multiplier impacts identified in the nexus study and therefore a need for more affordable housing. Absent the development of new market-rate units, this latter condition does not provide the increment of new affordable housing that results from market-rate development. Development of new (market-rate) housing allows the City’s existing mechanism—Section 315 of the Planning Code—to meet at least a portion of the increased demand for affordable housing, and potentially for enhanced affordability programs anticipated to be part of the Eastern Neighborhoods Rezoning and Area Plans to go further towards meeting the affordable housing need. In contrast, without such new development, no such mechanism exists.

Finally, the commenter’s estimate that housing created in the project area would generate a demand, based upon the formula presented in the *Residential Nexus Analysis*, for between 1,125 and 1,750 new affordable dwelling units would be correct only if it were assumed that all housing units that would be added in the project area as a result of the project would be *market-rate units*. This, however, will not be the case. The Planning Code, in general, requires that between 12 percent (if built on-site) and 17 percent (if built off-site) be affordable, or priced below market rate. Moreover, as discussed in the DEIR (pp. 3 – 4; pp. 83 – 84), increasing the supply of housing, especially affordable housing, in the project area is one of the four main land use goals of the Eastern Neighborhoods Rezoning and Area Plans project, and the draft area plans each contains an extensive array of policies aimed at furthering the production of affordable housing. As part of the proposed project, the Planning Department is proposing an affordable housing strategy for certain zoning districts that involves multiple approaches for increasing affordable housing production, including requirements for land dedication, privately built moderate-income housing, and/or a fee component (see discussion of project implementation on p. C&R-35).

Effect on Housing Production of Inclusionary Requirements

Comment [H7]

While the DEIR concludes that the project would result in construction of more housing, including affordable housing, the analysis fails to account for “the additional economic burdens on housing development as a result of the 2006 amendments to the inclusionary requirements in conjunction with the ‘super-inclusionary’ requirements and significant public benefit fee proposals that have recently been introduced at the Planning Commission in connection with the Eastern Neighborhoods rezoning.” The proposed fees and exactions “will make development of

market-rate housing and the accompanying inclusionary affordable housing economically infeasible and will produce less housing, both market-rate and affordable, than under the No-Project alternative,” especially in areas currently zoned CM, SLI, and M. The DEIR does not identify sites “that would actually obtain a meaningful increase in development potential.” A Sensitivity Analysis conducted prior to the increase in the inclusionary housing requirement found that prototypical residential developments would not be financially feasible with the increased requirement, absent upzoning to permit greater density, in which case development *might* be feasible. With regard to specific residential projects that are proposed at 801 Brannan Street and 101 Henry Adams, the proposed Eastern Neighborhoods project would not provide for “sufficient additional development potential from the upzoning to allow residential development to occur with all of the existing and proposed fees and exactions ... and would create greater impacts on population displacement and housing than under the No-Project alternative.” (*Neil Sekhri, Gibson, Dunn & Crutcher; Tim Colen, San Francisco Housing Action Coalition*)

Response

A CEQA document is intended, in part, to examine potential significant physical environmental impacts, not economic or social impacts of a proposed project. As explained on DEIR pp. 65 – 66, economic and social impacts are not generally considered significant effects on the environment, pursuant to CEQA Guidelines, Sec. 15131(a). However, “Economic or social effects of a project may be used to determine the significance of physical changes caused by the project” (CEQA Guidelines, Sec. 15131(b)). That is, a physical change brought about by a project may be determined to be significant if it results in substantial adverse social or economic changes. As with economic effects generally, the question raised by the comment is whether adverse physical effects may occur as a result of the City’s inclusionary housing requirements. The commenters present no evidence that physical changes *compared to existing conditions* would occur as a result of the enhanced inclusionary housing requirement that may be imposed as part of the proposed project. (San Francisco’s existing inclusionary housing requirement is part of the existing condition, and not a part of the proposed project.)

Concerning the projects proposed at 801 Brannan Street and One Henry Adams Street, as well as all other proposed projects, it must be noted that, to the extent that any currently proposed residential project does not proceed, the future number of dwelling units produced in the project area would be reduced, unless another project were to produce the same number of units elsewhere. However, in no such circumstance would there be any resulting displacement, because the units in question are hypothetical at present, inasmuch as they do not exist. To the extent that fewer housing units were to be created overall in the project area as a result of the proposed inclusionary housing requirement, the physical effects of the proposed Eastern Neighborhoods project—impacts such as traffic and transit riders, traffic-generated noise, emissions of criteria air pollutants, and

the like—would generally be less substantial than identified in the DEIR, and environmental conditions would be more similar to those of the existing setting. Thus, if the project were to result in less residential development, physical environmental impacts would generally be less severe than stated in the DEIR.

Effects on Employment of Living Wage and Health Care Security Ordinances

Comment [H8]

The Eastern Neighborhoods rezoning was begun prior to the approval of San Francisco's living wage ordinance and the health insurance. Both ordinances will increase the cost of business, particularly in labor-intensive PDR activities, resulting in less PDR employment and less demand for PDR space. (*Victor Vitlin, John Vitlin Trust*)

Response

The City's Minimum Wage Ordinance was first approved by the voters in 2003, and the effective local minimum wage has been increased each year since 2004. The Health Care Security Ordinance, approved in August 2006, created the Health Access Plan (now called Healthy San Francisco) for uninsured San Francisco residents. Although implementation of the health care ordinance is under legal challenge (a federal district court ruling did not favor the City's intent to require employee contributions), the City has nevertheless moved forward with implementation of the law. It cannot be stated with any certainty the extent to which any increased costs to business resulting from implementation of the two ordinances would decrease employment, particularly PDR employment, in the future. To the extent that these ordinances might increase costs sufficiently to decrease future hiring, result in reductions in existing employment, cause businesses to relocate out of San Francisco or to close, or some combination of the above, there could be an overall decrease in demand for certain types of real estate, including PDR space if PDR business and employment were to be affected. Such economic effects would not necessarily be translatable to physical impacts, and the extent to which physical impacts, such as buildings being abandoned and blighted conditions resulting, might occur, cannot be predicted. San Francisco's historic relative lack of large areas of abandoned or seriously underutilized property, particularly compared to many other U.S. cities, would appear to argue that many properties would ultimately transition to other uses. At any rate, there is no evidence to suggest that a potential increase in business costs resulting from implementation of the two ordinances noted would result in a significant adverse *physical* effect on the environment. Moreover, it is noted that neither the Minimum Wage Ordinance nor the Health Care Security Ordinances is part of the proposed Eastern Neighborhoods project. Any impacts of implementation of those

ordinances would occur independently of the Eastern Neighborhoods planning process and would not be impacts of the proposed Eastern Neighborhoods project.

PDR Displacement in East SoMa

Comment [H9]

“The DEIR shows that a super-majority of light industrial businesses and workers in the South of Market neighborhood are vulnerable to displacement through market forces” because East SoMa contains 23 percent of the plan area’s PDR space and more than 185,000 square feet of PDR space would be lost due to pipeline projects alone. Moreover, under each rezoning option, existing PDR buildings are likely to be replaced by residential and mixed-use development, displacing residents with limited education, skills, and language abilities, increasing the need for affordable housing. (*Chris Durazo, South of Market Community Action Network [SOMCAN]*)

Response

The comment is noted. Each of the above points is made in the Draft EIR, although one correction is required. Table 4, DEIR p. 40, states that 23 percent of land in East SoMa is in PDR use, not that East SoMa contains 23 percent of the plan area’s PDR space.

Instead, East SoMa’s 35 acres of PDR land is approximately 4 percent of the Eastern Neighborhoods total, with the vast majority of PDR land in the Eastern Neighborhoods (64 percent) located in the Central Waterfront.

PDR-Generated Housing Demand

Comment [H10]

“Page S-16 – The new jobs created by increased PDR businesses in three neighborhoods as a result of Option B creates a need for new housing, services, police services, other utility services and to the extent workers are not housed in affordable housing units because they make too much money, will result in competition with non profits for land in the Eastern Neighborhoods. Please explain how the City’s consultants reach the conclusion that no housing resources will be affected. Please explain why the same consultants did not mention the other City resources and services that would be affected.” (*Grace Shanahan, Residential Builders Association*)

Response

As shown in Table 2, DEIR p. 34, the employment projections upon which the EIR’s analysis are based show that PDR employment is anticipated to decline in the Eastern Neighborhoods under each of the three rezoning options. That is because, as stated on p. 57, “The amount of PDR space is expected to decrease under each of the three rezoning options as well as a 2025 No-Project scenario...” As a result, there would be no anticipated increase in housing demand in the project area as a result of changes in PDR employment. Citywide, on the other hand, the EPS study of PDR supply and demand

does project increased demand for PDR uses, which would likely result in increased PDR employment. Accordingly, one of the City’s objectives for the proposed project is to increase housing through the identification of “appropriate locations for housing in the City’s industrially zoned land to meet a citywide need for more housing, and affordable housing in particular.”

In terms of effects on other City resources and services, the EIR analyzed impacts on Parks, Recreation, and Open Space in detail in Section IV.H. Effects related to water supply and wastewater treatment, solid waste, power and telecommunications, fire suppression and emergency medical services, police protection, and schools were analyzed in the Initial Study, EIR Appendix A, pp. 32 – 43, and were found to be less than significant. Additional analysis of potential water quality effects due to overflows of the City’s combined sewer system (Appendix A, pp. 54 – 67) also concluded that this impact would also be less than significant.

Incubator Space

Comment [H11]

What is the definition of the term “incubator location” as used on DEIR p. I-7? Provide examples of such a location. (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

The comment refers to text quoted from the Socioeconomic Impacts Analysis, where the DEIR stated, on p. I-7, “The socioeconomic report cautioned, however, that the proposed project would not resolve ‘the lingering tension between the need for incubator locations for emerging enterprises and the need to reserve a land supply for PDR where demand from higher-value uses and speculation do not disrupt traditional PDR clusters.’” The Socioeconomic Impacts Analysis explains further, on pp. 24 – 25, that “planners, policy-makers, and the community acknowledge the importance of retaining the ‘incubator’ function of industrial districts. Such districts typically offer location options for businesses that have limited ability to pay for building space. These can be PDR businesses or new, emerging economic activities that are to be encouraged because they offer prospects for growth in economic activity and jobs and contribute to the economic diversity of the City. In San Francisco, recent analysis has identified ‘digital media’ companies, ‘clean technology’ companies, and life sciences companies as particular targets for economic development efforts. Retaining existing PDR business activity and supporting new business growth depends on establishing new zoning districts for PDR-only-type business activity and promoting PDR space in mixed-use development.”

As noted in the discussion of the Preferred Project, p. C&R-5, the Preferred Project proposes two special use districts (SUDs), an Innovative Industries SUD and a Life Science and Medical SUD, which could serve as locations for such incubator businesses. It is also noted that the Service Light Industrial (SLI) use district in Eastern SoMa, which would be retained under the Preferred Project, might potentially serve as a location for incubator businesses, as could locations in Western SoMa.

Transportation

Transportation Planning

Comment [T1]

The proposed project is too heavily weighted towards land use planning at the expense of transportation and other public improvements, and the DEIR transportation analysis is inadequate. In particular, the methodology for analysis of trip generation and modal split is flawed because it cannot account for factors such as provision of lesser amounts of parking or for more bicycle parking and better pedestrian, bicycle, and transit access. The DEIR analysis also does not account for reduced parking demand resulting from increasing the cost of parking; does not consider “barrier effects” posed to pedestrians and bicyclists by increased traffic; and does not quantify the impact of traffic in reducing operating speeds of transit. The transportation mitigation measures in the DEIR are “suggestive” but should include reducing traffic through reduced parking and transit incentives, development and implementation of effective parking management strategies, implementation of “complete streets” that provide for safe and convenient non-motorized travel and minimize “barrier effects,” and a comprehensive program to improve the speed, reliability, capacity, and accessibility of transit in the Eastern Neighborhoods. (*Tom Radulovich, Livable City*)

Response

As stated on DEIR p. 267, the travel demand forecasts, including projections of travel mode (car, transit, bicycle, walk, etc.) were developed from the San Francisco County Transportation Authority (SFCTA) countywide travel demand forecasting model. This model is the standard analysis tool used for cumulative trip generation forecasting, and has been developed to assess the impacts that changes in land use, socioeconomic, and the transportation system can have on streets and transit. The model is unique to San Francisco and reflects the City’s individual socioeconomic and land use characteristics, as well as its transportation network. Inputs to the model include the number and characteristics of housing units and jobs in each of the more than 750 “traffic analysis zones” in San Francisco. From this information, the model calculates what are referred to as “tours,” each tour being a chain of trips made by an individual that begins and ends at home (i.e., travel to the gym, to work, to shopping, and back home). As such, the model is more complex than a traditional so-called “four-step” model that is based on

individual trips. Nevertheless, the model can only project travel forecasts in the level of detail that is input. At a planning level, such detail is typically far less detailed than when a particular project is being analyzed. Despite these limitations, the SFCTA model is the best available tool for forecasting travel demand over a wide area such as the Eastern Neighborhoods project area.

As to mitigation measures, many of the measures identified by the commenter are included as part of the proposed Eastern Neighborhoods Rezoning and Area Plans project, at least at a conceptual level. For example, as indicated on DEIR pp. 296 – 298, each of the draft area plans proposes to eliminate minimum off-street parking requirements and instead establish maximum permissible amounts of parking for new development. The draft plans promote walking and bicycle use through policies calling for more bicycle parking, alleys to break up large developments and allow for pedestrian access, improvement of bicycle routes and connections, promoting active building streetfronts to encourage pedestrian activity, and introduction of traffic-calming measures. Other policies call for consideration and evaluation of specific improvements that could be undertaken in the future, such as installing mid-block crosswalks on long South-of-Market blocks; physical improvements to certain streets that might include converting one-way traffic to two-way flow to slow vehicular traffic and provide for safer and more attractive bicycle and pedestrian travel; potential additional bicycle lanes; and potential transit improvements, including transit corridors and bus-only lanes. To the extent feasible within the constraints of a program-level analysis, some of these proposals, such as reduced parking requirements and promotion of non-auto means of travel, were assumed in the DEIR analysis. Other proposals, such as relatively minor physical changes like using mid-block alleys to break up large development sites and ensuring active street frontages, would not result in physical environmental impacts. Still others among these physical improvements, such as conversion of traffic flows and installation of new bicycle or transit-only lanes, would be required to undergo separate environmental review under CEQA prior to implementation. However, because these features were analyzed as part of the proposed project, either as active proposals or at a programmatic level as future strategies to be undertaken, they need not be identified as mitigation measures in the DEIR. Finally, it is noted that the mitigation measures presented in the DEIR are those available and appropriate at this programmatic stage of the Eastern Neighborhoods planning process. Strategies for transportation improvements are continuing to be developed and, as noted, more detailed improvements will likely be proposed as the area plans are implemented, with specific proposals to be analyzed, as appropriate, as they come forward.

Transit

Comment [T2]

“S-19: Because additional riders can increase the need for additional buses, what are the assumptions being made as to how many new buses and operators will be needed once a bus line has increased ridership. Because mitigations in the EIR call for additional exactions for Muni, a discussion of these assumptions is important to test their accuracy.”

“S-19: Why is it that this EIR does not take into account the additional money that would be provided from the General Fund to Muni were the proposed November 2007/February 2008 Muni initiative to pass?” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

The transit analysis, as is typically the case, compares anticipated ridership (demand) to existing capacity on Muni, with the only changes or increases in service being those that can reasonably be anticipated to occur because they are already planned and funded. As stated in the main body of the DEIR text on p. 269, “Muni plans to extend either the 30-Stockton or 45-Union bus line from the Caltrain station to a new terminal in Mission Bay, in the vicinity of 20th and Third Streets via Potrero Hill, and also plans to re-route the 22-Fillmore line to continue along 16th Street rather than traveling over Potrero Hill (service over the hill would be replaced by the 30 or 45 line).” Therefore, these proposed improvements—affecting primarily Showplace Square/Potrero Hill and the Central Waterfront, as well as the Mission and the nearby Mission Bay area—are assumed in the analysis of future transit conditions. Passage of Proposition A on the November 2007 ballot was not a certainty when the DEIR analysis was prepared. Moreover, it is not clear how the additional funding provided by Proposition A would be applied to the Muni system. Consequently, it would be speculative to analyze any changes that may occur.

Comment [T3]

I did not see [the DEIR] address of the possibility of ... the positive, I guess, effects ... in terms of pollution and in terms of traffic easing in as much as we’re anticipating somewhere between 73 and 88,000 new residents depending on the No-Project alternative and then project A, B and C options. And presumably many of these new residents would be previous commuters that are now living in San Francisco. And while this is hard for this document to address this type of thing because it’s in not really a nexus study, per se, one would assume that we would perhaps see an easing of traffic in as much as some of these people previously have lived in ... outlying areas and now would be able to walk or take public transit to their jobs in San Francisco. (*Planning Commissioner Michael Antonini*)

Response

As explained in the response to Comment T1, above, the transportation analysis was based upon forecasts developed from the San Francisco County Transportation Authority travel demand model. The model does, at a macro level, take into account such factors as changing land use patterns such as those noted by the commenter. At the individual street or intersection level, however, an increase in population in a particular district or neighborhood San Francisco is likely to result in some increase in traffic, even if the overall impact in a regional sense might be to incrementally increase transit ridership or walking or bicycling, compared to the same population increase if it were to occur in an area where transit or other alternative travel modes are less feasible options. The same is true for the analysis of transportation air quality impacts, which are indirectly based upon travel demand.

Parking

Comment [T4]

“Page S-22...: ‘However, parking supply is not considered to be a part of the permanent physical environment in San Francisco, as parking conditions are changeable. Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Therefore, that anticipated parking shortfall would be a less-than-significant effect’ ‘The EIR has triggered a Socio Economic study that has already been prepared, so why are parking deficits not being taken into account in this EIR? It seems inconsistent to state that parking is a social effect, and at the same time the City has done a Socio Economic report in connection with the EIR.’” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

As explained on DEIR p. I-5, the Socioeconomics Impacts was prepared separately from, and not as part of, the EIR. In Section IV.A, Land Use, on p. 65, the DEIR explains that while economic or social effects of a project “shall not be treated as significant effects on the environment,” pursuant to State CEQA Guidelines Sec. 15131(a), such economic or social effects may nevertheless “may be used to determine the significance of physical changes caused by the project,” in accordance with CEQA Guidelines, Sec. 15131(b). In the analysis of the supply of land for PDR uses, the DEIR traces a sequence of effect from indirect physical changes in the City’s building stock and in the potential to physically accommodate PDR uses, and concludes that the physical changes that would occur with implementation of the proposed project would be significant, under Option A and the No-Project scenario, because of the adverse social and economic effects that the physical changes would generate.

Concerning parking, the text quoted from the summary is a summary of the text on DEIR p. 266, where it is stated more fully,

Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines Section 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

Therefore, the City has determined that parking impacts are not physical effects that must be analyzed under, for the reasons stated in the DEIR on p. 266.²⁴ Moreover, based on City policy, as outlined on DEIR p. 266, a potential shortage of parking does not rise to the level of importance that such an effect need be analyzed in an EIR.

Pedestrian Safety

Comment [T5]

"Pedestrians account for approximately half of the City's traffic deaths. In 2005, there were 699 non-fatal and 14 fatal pedestrian injuries. San Francisco's non-fatal pedestrian injury rate is among the highest of metropolitan areas nationally. The fatal injury rate is nearly twice the U.S. D.H.H.S. Healthy People 2010 national objective. The causes of vehicle-pedestrian collisions are largely environmental and can be prevented by careful planning. Traffic volume is a significant determinant of pedestrian collisions while severity of pedestrian injuries is largely determined by

²⁴ This interpretation of CEQA has been upheld by the California Court of Appeal in *San Franciscans Upholding the Downtown Plan v. San Francisco*, 102 Cal. App. 4th 656 (2002), which concerned the expansion of the Yerba Buena Center Redevelopment Project to encompass the site of the former Emporium department store.

vehicle speed. We therefore advocate for measures in the Plan to limit traffic volumes and speeds in the Plan areas.” (*Manish Champsee, Walk San Francisco*)

The DEIR attributes the City’s higher than average rate of pedestrian injuries in accidents to the level of population pedestrian activity. However, the evidence, including evidence in the DEIR, does not support as much of a discrepancy as exists between the San Francisco and statewide injury rates. (*Rajiv Bhatia, M.D., Ph.D., San Francisco Department of Public Health*)

The DEIR should reference the 2003 “San Francisco PedSafe” report prepared by the San Francisco Department of Parking and Traffic (now part of the Municipal Transportation Agency) and the Traffic Safety Center at UC Berkeley, including the pedestrian-safety countermeasures evaluated in the report as potential means to reduce pedestrian injuries. (*Rajiv Bhatia, M.D., Ph.D., San Francisco Department of Public Health; Manish Champsee, Walk San Francisco*) [T5]

Response

Concerning the discrepancy between San Francisco and California rates of pedestrian collisions, the DEIR states (p. 289), based on information provided by the Department of Public Health, that while pedestrian activity in San Francisco could be expected to account for 60 percent more collisions per resident, “the degree of pedestrian activity does not fully account for the high rate of collisions in parts of the City, particularly in the Eastern Neighborhoods.” This statement is based on analysis of data from 68 California cities demonstrating that, as reported on DEIR p. 289, “the relative pedestrian injury rate can be estimated by the relationship that the number of pedestrian collisions increases at approximately 0.4 power of the number of people walking to work.” While the DEIR does state that the relatively greater number of pedestrian collisions can be largely attributed to the fact that “there is much more pedestrian activity than most comparably-sized cities,” it is noted that the report cited in the DEIR (footnote 121, p. 289) for the above-noted mathematical relationship between pedestrian collisions and walking to work relied upon the percentage of residents walking or bicycling to work as a surrogate for overall pedestrian activity. Further, a City that experiences “a 50 percent increase in its daytime population relative to its resident population due to an influx of commuters into its job centers” (DEIR, p. 299) could be anticipated to have a relatively greater number of pedestrian accidents than a city that does not share San Francisco’s large daily in-migration of workers. It is noted that the overall conclusion of the study that identified a relationship between pedestrian collisions and walking to work is, “A motorist is less likely to collide with a person walking and bicycling if more people walk or bicycle. Policies that increase the numbers of people

walking and bicycling appear to be an effective route to improving the safety of people walking and bicycling.”²⁵

Concerning the *San Francisco PedSafe* report, this report was completed under a federal grant in December 2003 by the Department of Parking and Traffic and the Traffic Safety Center at UC Berkeley, with the intention of developing, implementing, and evaluating “the effectiveness of a comprehensive program to reduce pedestrian fatalities and other injuries.”²⁶ The *PedSafe* report employed a methodology called zone analysis to identify higher-risk zones—based on high “injury density” (i.e. areas in which a large proportion of pedestrian injury collisions are concentrated in a relatively small geographic area or street segment), potential benefit from modest pedestrian-injury countermeasures, and the absence of other major pedestrian safety programs. The analysis reviewed more than 12,500 pedestrian-injury collisions that occurred between 1990 and 2001.

The *PedSafe* analysis identified 20 areas of the city, both street segments and geographic areas, that had high densities of pedestrian-injury collisions. Injuries were highly concentrated in (i) the greater downtown area and (ii) along major arterials in the rest of the City. The report identified a number of specific neighborhoods or planning areas as having relatively higher densities of pedestrian injuries, including several parts of the Eastern Neighborhoods project area: the northern portion of South-of-Market neighborhood (north of the I-80 freeway), and three sub-areas of the Mission, all of which had an “injury density” of 3.9 or greater, meaning that in each area, the percentage of the City’s pedestrian-injury accidents that occurred in the area was at least 3.9 times its percentage of the City’s land area. (For example the SoMa subarea accounted for 5.7% of the City’s pedestrian injuries but less than 1 percent of the City’s area, for an injury density rating of 6.2.) In *PedSafe* analysis, injury density appeared to be associated with pedestrian and traffic volumes. Vehicle speeds did not appear to be strongly related to injury density. The report selected seven areas for intensive evaluation, including the SoMa subarea (referred to in *PedSafe* as “SOMA West”) and the North Mission, and identified a series of “countermeasures” for future implementation and evaluation as potential means of reducing pedestrian-injury collisions.

The Healthy People objectives noted by one commenter are taken from a U.S. Department of Health and Human Services program entitled “Healthy People 2010,” which sets for a number of health indicators to measure progress against two overarching

²⁵ Jacobsen, P.L., “Safety in Numbers: More Walkers and Bicyclists, Safer Walking and Bicycling.” *Injury Prevention* 2003; 9: 205 – 209.

²⁶ San Francisco Department of Parking and Traffic and University of California Traffic Safety Center, *Pedestrian Safety Engineering and Intelligent Transportation System-Based Countermeasures Program for Reduced Pedestrian Fatalities, Injuries, Conflicts and Other Surrogate Measures—SAN FRANCISCO PedSafe: Assessing and Deploying Innovative Means to Enhance Pedestrian Safety*. Phase I Final Report, December 15, 2003; p. 8. This report is available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, in Case File no. 2004.0160E.

goals: helping individuals of all ages increase life expectancy and improve their quality of life, and eliminating health disparities among different segments of the population. The 2010 target for pedestrian roadway deaths is 1.0 per 100,000 population. In 1998, when the target was established, the national rate was 1.9 pedestrian accident deaths per 100,000 population, which is essentially the same as San Francisco's rate for 2005 (14 pedestrian deaths in a population of 757,000 is a rate of 1.85 per 100,000 population), whereas by 2001, the national rate had declined to 1.7 per 100,000 population.²⁷

Comment [T6]

“The section on Pedestrian Impacts (page 290, paragraph 1) relates the projected increase in pedestrian collisions to the increase in residential population in the project area. WalkSF believes that the Plan should strive to eliminate vehicle-pedestrian collisions entirely and that all of the pedestrian safety elements in the mitigation measures should be captured in the Plan. The number of pedestrian injuries in the City is already alarming, so the Plan should remediate both the effects of projected residential growth and existing conditions.”

“WalkSF advocates that in keeping with CEQA, San Francisco should adopt a standard for pedestrian safety—one that is significantly below the current rate of collisions in the Plan area—that sets a benchmark for reducing pedestrian injuries well below national levels. Subsequently, the number of pedestrian-vehicular collisions in the Plan area should be deemed a significant impact, and any increase in pedestrian collisions due to the implementation of the Plan, as is predicted in the DEIR, would be deemed a significant impact. By adopting these standards and implementing all feasible measures to attain them, we will be able to achieve the City's and WalkSF's goals of increasing pedestrian mode share. (*Manish Champsee, Walk San Francisco*)

“Comparing the proportional increase of pedestrian collisions to the proportional increase in population in the project area is potentially misleading. In the context of any hazardous environmental condition, changes in the incidence of an injury or illness are expected to change relative to the population exposed. Incidence may increase out of proportion with population if the new exposed population is more susceptible to the effects of the hazard than the existing population. These well-known relationships do not, however, make a condition less or more hazardous when increases in injury and population are similar. Given that vehicle-pedestrian collisions are not ‘natural’ events (and are therefore 100% preventable), evaluating net changes (i.e., the number of additional expected collisions) in pedestrian collisions is most appropriate from a public health perspective.

“Further, changes in population-based collision incidence over time are best evaluated at the City level. In the application of the Pedestrian Injury model to the Eastern Neighborhoods, the increase in collisions is proportionally greater than the increase in population at the city level, reflected in an estimated increase in the rate of pedestrian injuries from 104 to 106 collisions per 100,000 per year. Supporting data from the application of the pedestrian injury model is provided below. This

²⁷ U.S. Department of Health and Human Services, “Health People 2010: Midcourse Review.” Reviewed on the internet at: <http://www.healthypeople.gov/data/midcourse/html/default.htm#FocusAreas>.

is a particularly salient issue in the evaluation of the Eastern Neighborhoods, as some of the most dangerous areas in the city for pedestrians are areas of the Eastern Neighborhoods (these conditions are further detailed in this section of the DEIR), with some census tracts with rates upwards of five times the city rate (as illustrated in the map on the previous page). Using these neighborhoods as their own standard to assess change in pedestrian injury rates accepts conditions resulting in high numbers and rates of pedestrian injury collisions as a standard—which is inconsistent with protecting the public’s health.

“The relationship between pedestrian volume and injury risk reflected in ‘safety in numbers’ are already reflected in the DPH model and outcomes predicted by the DPH model do not require further adjustment for this phenomenon. Specifically, the outcomes already take into account non-linear relationships between pedestrian volume and pedestrian collisions by including pedestrian behavior variables in a multi-variate pedestrian injury model. Further adjustment of the outcomes would not be appropriate. The final parameters of the DPH pedestrian injury model include (log) traffic volume, population, land area, proportion of arterial streets, proportion of population without access to automobiles, and (log) proportion commuting via walking or public transit.

“Additionally, while there is demonstrated evidence of the effect of ‘safety in numbers,’ this effect is independent of land use and transportation system environmental mitigations to ensure safe environments for pedestrians.” (*Rajiv Bhatia, M.D., Ph.D., San Francisco Department of Public Health*)

The DEIR shows that cumulative traffic conditions will increase pedestrian accidents and fatalities, with a 20 percent increase in pedestrian injury collisions. East SoMa’s pedestrian injury collision rate is already four times the citywide rate. (*Chris Durazo, South of Market Community Action Network [SOMCAN]*) [T13]

Response

The significance criterion used in the DEIR, as indicated on p. 267, is whether the project “would 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.” No quantitative criterion has been established relative to the number of accidents or injuries, although such a criterion could be adopted in accordance with the requirements of the San Francisco Administration Code Chapter 31 and California Public Resources Code Section 21082 and State CEQA Guidelines Section 15067.4.

The DEIR discusses the Department of Public Health’s Pedestrian Injury Model on pp. 288 – 291, and discusses pedestrian impacts generally on pp. 286 – 295. Following its initial review of the Pedestrian Injury Model, the Planning Department has concluded that the model is not necessarily an accurate predictor of the change in pedestrian accidents with injury. However, the Planning Department will continue to work with the

Department of Public Health to determine if a generally accepted quantitative methodology for the analysis of pedestrian injury can be developed.

Given the above, the DEIR concluded that the proposed project would not result in a significant effect with regard to pedestrian conditions.

Comment [T7]

“It is incumbent on the Plan to mitigate the conflict between projected growth in the number of pedestrians in the Plan area and existing dangerous conditions. Given that some census tracts in the Plan area currently feature rates of pedestrian injury collisions upwards of five times the city rate, WalkSF strongly recommends the Plan eliminate wide, one-way streets in favor of traffic-calmed two-way streets. We also ask that timed traffic signals be synchronized for speeds no higher than the residential speed limit of 25 mph.” (*Manish Champsee, Walk San Francisco*)

Response

The comment is noted. The proposed Eastern Neighborhood Rezoning and Area Plans project does not include specific changes in the street network, such as conversion of one-way streets to two-way operation, but it does set the stage for consideration of such changes through policy language that call for considering changes to streets such as Second, Third, and Fourth Streets in East SoMa; Howard, Folsom, and Harrison Streets in East SoMa (and Western SoMa); Sixteenth, Folsom, and Guerrero Streets and Potrero and South Van Ness Avenues in the Mission; Potrero Avenue, Sixteenth and Eighteenth Streets in Showplace Square/Potrero Hill; Seventh and Eighth Streets in Showplace Square/Potrero Hill (and Western SoMa); and Sixteenth and Eighteenth Streets in the Central Waterfront. As is noted in the DEIR, specific physical improvements to the street network would require review under CEQA prior to implementation.

Comment [T8]

Regarding paragraph 3 on p. 290, “it is appropriate to also discuss collisions along a road facility and in an area in addition to collisions at an intersection. Pedestrian collisions do not happen exclusively or primarily at intersections. Intersection-level ‘black spots’ with high numbers of pedestrian injury collisions, often used by the traditional traffic engineering approach to identify high risk intersections and described in the DEIR, account for a relatively low proportion of the total number of pedestrian injury collisions. For example, the five intersections cited on p. 289 with 10 or more vehicle-pedestrian collisions from 2001-2005 accounted for a total of 57 collisions, less than 2% of the vehicle-pedestrian collisions in San Francisco during that period (n=3,765, based on data presented in the 2005 DPT report). Finally, there are area-level patterns of pedestrian injury collisions in San Francisco ... that are predicted by environmental and demographic characteristics.” (*Rajiv Bhatia, M.D., Ph.D., San Francisco Department of Public Health*)

Response

The comment is noted. The fact that five intersections account for fewer than 2 percent of all vehicle-pedestrian injury collisions does not necessarily indicate that most collisions occur at non-intersection locations, as there are thousands of intersections in San Francisco. Nevertheless, it is true that a sizable number of collisions occur at locations other than intersections. However, the *PedSafe* report discussed above, which examined nearly 4,800 pedestrian injury collisions over a five-year period in the City, found that most such collisions in which the motor vehicle driver was at fault (58 percent of all collisions) occurred at intersections (34.5 percent of all collisions, and 60 percent of driver-fault collisions, involved the driver failing to yield to a pedestrian in a crosswalk, while another 3 percent of all collisions involved red-light running). Other causes, such as unsafe speed (7 percent), unsafe starting or backing (4 percent), other hazardous movement (2 percent) and driver under the influence (2 percent) could have been, but were not necessarily, at intersections. Of pedestrian-fault collisions (41 percent of the total), most occurred away from intersections, with the two leading causes involving pedestrians in the roadway at mid-block locations (13 percent of all collisions, and 31 percent of pedestrian-fault collisions) and jaywalking between signalized intersections (9 percent of all collisions). The *PedSafe* study found that 21 intersections (three in each of seven zones studied intensively) accounted for 162 pedestrian-injury collisions, about 3.4 percent of the total number of collisions studied, indicating if nothing else that there is a wide distribution of such injury collisions by location.

Comment [T9]

Paragraph 4 on p. 287 “could note that areawide strategies to reduce vehicle volume, including traffic reduction strategies proposed as mitigations in the DEIR, also would have beneficial effects on pedestrian hazards.” (*Rajiv Bhatia, M.D., Ph.D., San Francisco Department of Public Health*)

Response

The requested revision to the DEIR text is made on DEIR p. 288, following the third bullet, where the following is added as new text:

In addition, strategies to reduce traffic volumes, including trip-reduction strategies proposed as mitigation measures in Chapter V, would be expected to have beneficial effects in regard to pedestrian hazards.

Comment [T10]

Concerning the Department of Public Health (DPH) Pedestrian Injury Model, it should be noted that DPH examined the number of workers in each census tract and found that this variable “did not significantly contribute to the model’s predictive ability.” (*Rajiv Bhatia, M.D., Ph.D., San Francisco Department of Public Health*)

Response

The comment is noted. The last partial paragraph on DEIR p. 288, continuing to p. 289, is revised as follows to reflect this comment (new text is double-underlined):

San Francisco’s relatively high rate of collisions may also be influenced by the increased exposure associated with a 50 percent increase in its daytime population relative to its resident population due to an influx of commuters into its job centers, although the injury model identified no statistically significant correlation between injuries and the number of workers per census tract.

Rail Crossings

Comment [T11]

Development adjacent to or near rail corridors should be planned and undertaken with the safety of the rail corridor in mind, because development may increase traffic crossing both Caltrain and Muni light rail at-grade rights-of-way. Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings, and fencing to limit trespassing. New driveways should be located as far as possible from at-grade rail crossings. In addition, new development should pay its fair share for rail safety mitigations improvements, and every project adjacent to the rail corridor should be required to install vandal-resistant fencing to prevent trespassing. School expansions where children must cross the tracks should provide for pedestrian improvements at rail crossings, *(Kevin Boles, California Public Utilities Commission)*

Response

Excluding Muni light-rail operations, there is only one at-grade rail crossing in the project area—on 16th Street where it passes beneath the elevated Interstate 280 freeway (near the intersection of 16th, Seventh, and Mississippi Streets). At this location, Caltrain railroad tracks cross 16th Street after emerging from a tunnel beneath Potrero Hill. Other than this location, Caltrain tracks are in a separate right-of-way and do not intersect City streets. Because of the presence of the freeway overhead, grade separation at this location would be difficult to achieve. However, in connection with development in the adjacent Mission Bay (South) Redevelopment Area, the City recently added a traffic signal at the intersection of 16th, Seventh, and Mississippi Streets, which was previously controlled only by stop signs. Because this is the only at-grade “heavy rail” crossing in the project area, and because of the traffic signal, no substantial adverse safety effect is anticipated due to increased traffic at this location. The April 2008 draft for adoption Showplace Square Plan, in the text that accompanies Objective 4.1, recognizes the increasing desirability, moving forward, of eliminating the at-grade Caltrain crossing. The plan states, “Doing so would improve transit function and increase accessibility for all modes

including pedestrians and bicyclists. However, this would be a very expensive project, best implemented as part of plans for future California High Speed Rail.”²⁸

In terms of Muni Metro service on the T-Third line, the Planning Department and the Municipal Transportation Agency (including Muni and the Department of Parking and Traffic) currently review transit-related effects, including potential auto-transit vehicle conflicts, as part of the environmental review process for new projects, and this review would continue. It is anticipated that such CEQA review, along with Planning and Department of Building Inspection plan review, would ensure that adequate safety features are incorporated into development near Muni Metro tracks, including avoidance of new driveways proximate to rail tracks that could create safety issues.

Comment [T12]

“Many of the transportation policies and mitigation measures in the Eastern Neighborhoods Area Plans that are directed at reducing the number of vehicle trips in the project area would also significantly help to reduce vehicle-pedestrian collisions. WalkSF supports the Plan’s use of traffic calming, implementation of the Better Streets Plan, parking pricing policies, congestion pricing, and transportation impact fees to combat increasing vehicle-pedestrian collisions. WalkSF encourages the implementation of these measures to the greatest extent feasible. In light of the recent four pedestrian fatalities in the City and this year’s 23 pedestrian fatalities to date, compared to 13 last year, it is imperative that the City take much more aggressive steps to safeguard pedestrians.” (*Manish Champsee, Walk San Francisco*)

Response

This comment, in support of aspects of the proposed Eastern Neighborhood Rezoning and Area Plans, is noted, and no response is required.

Noise

Comment [N1]

East SoMa’s noise levels range from higher than 70 dBA near the freeway ramps to virtually no area falling below 60 dBA. Constant exposure to these high levels of sound are debilitating, resulting in chronic health problems, such as heart disease and hypertension and the loss of hearing and cognitive skills. (*Chris Durazo, South of Market Community Action Network [SOMCAN]*)

²⁸ It is noted that the Transportation analysis in the Supplemental EIR for the Mission Bay project includes the following language: “A fence is proposed to be constructed adjacent to Seventh Street contiguous with the rail right-of-way between King Street and Mariposa Street to provide for pedestrian safety. There would be signalized, controlled crossings of the tracks along Seven Street at Berry Street, at the intersection of The Common and at 16th Street” (Mission Bay SEIR, Case No. 96.771E, Final SEIR certified September 17, 1998; p. V.E.104).

Response

The comment is noted. The DEIR discusses existing and projected future noise levels in Section IV.F, Noise. Noise levels are compared to San Francisco noise guidelines and potential noise compatibility problems are identified for the project area in general and also by neighborhood. Mitigation Measures F-3 through F-6 on DEIR pp. 508 – 509 would reduce identified potential noise impacts to a less-than-significant level.

Comment [N2]

“Mitigation F-5 would benefit from more explicit description of the threshold for the required analysis. The current threshold, ‘noise levels in excess of ambient noise,’ is potentially subject to varying interpretations because it does not specify the time frames of noise measurement. For example, a noise generating use that produces levels of noise sufficient to disturb sleep at night may not generate sufficient noise to trigger this mitigation requirement if comparisons are made with regards to 24 hour averages. We suggest the following revision to make this mitigation more effective: ‘...noise levels in excess of ambient noise, either short term, at nighttime, or as a 24-hour average.’” (*Rajiv Bhatia, M.D., Ph.D., San Francisco Department of Public Health*)

Response

The requested change has been made to Mitigation Measure F-5, as is indicated in Section D of this Comments and Responses document.

Comment [N3]

“Mitigation F-3, F-4, F-5, and F-6, if implemented, would be effective steps to reduce noise exposure. We suggest that Mitigation F-3 explicitly require the acoustical analysis triggered by ambient noise threshold to be conducted by licensed acoustic engineer to be consistent with mitigations F-4 and F-5.” (*Rajiv Bhatia, M.D., Ph.D., San Francisco Department of Public Health*)

Response

To achieve consistency with Mitigation Measures F-4, F-5, and F-6, Mitigation Measure F-3 (DEIR p. 508 and p. S-41 in the Summary) is revised as follows (new text is double-underlined; deleted text is shown in ~~strike through~~):

For new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), as shown in Figure 18, where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, the project sponsor shall conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation features identified and recommended by the analysis shall be included in the design, as specified in the San Francisco General Plan Land Use

Compatibility Guidelines for Community Noise to reduce potential interior noise levels to the maximum extent feasible.

Comment [N4]

The DEIR does not discuss potential noise effects of a proposed helipad at San Francisco General Hospital. (*Leora Vestel, Rolph Playground Neighbors*)

Response

The proposed helipad at San Francisco General Hospital is the subject of a separate project-specific EIR that is currently being prepared by the Planning Department. Such a project is more properly analyzed in a site-specific, project-specific document than in a plan-level programmatic EIR such as the Eastern Neighborhoods EIR. Single-event noise, from activities such as periodic emergency medical helicopter flights, cannot adequately be captured in a cumulative area-wide noise analysis that is appropriate for, and included in, the Eastern Neighborhoods EIR. It is noted that the DEIR includes Mitigation Measure E-5, which calls for site-specific analysis of “new development including commercial, industrial or other uses that would be expected to generate noise levels in excess of ambient noise in the proposed project site vicinity.” While this measure primarily intended to address new development in proximity to residences and other sensitive uses, it is also the case that the ongoing project-specific environmental review of the proposed San Francisco General helipad would implement this measure.

Comment [N5]

“S.23: What are the current Title 24 noise requirements and how to they compare to the current conditions?” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

As stated on DEIR p. S-23 and explained further on p. 309, the California Noise Insulation Standards are found in Title 24 of the California Code of Regulations. “For limiting noise from exterior sources, the noise insulation standards set forth an interior standard of 45 dBA (Ldn) in any habitable room and, where such units are proposed in areas subject to noise levels greater than 60 dBA (Ldn), demonstration of how dwelling units have been designed to meet this interior standard. If the interior noise level depends upon windows being closed, the design for the structure must also specify a ventilation or air-conditioning system to provide a habitable interior environment” (DEIR pp. 309 – 310). In areas with exterior noise levels up to 60 dBA (Ldn), normal conventional construction in new development is typically sufficient to achieve an interior noise level of 45 dBA (Ldn) and no special noise insulation is required. In areas with exterior noise levels up to 70 dBA (Ldn), conventional construction in new development but with a

ventilation or air-conditioning system is normally sufficient to achieve an interior noise level of 45 dBA (Ldn). Where noise levels exceed 70 dBA (Ldn), new construction should only proceed after a detailed analysis of noise reductions requirements is made and needed noise insulation features are included in the design. It is safe to assume that at least some older dwelling units in the project area, as well as elsewhere in San Francisco and, indeed, throughout the state, do not meet current Title 24 noise standards. Because the standards apply to new dwelling units, this does not imply a violation of the standards, although it may mean that some residents of noisier neighborhoods are subject to greater noise levels than considered acceptable by the State of California.

Comment [N6]

“Page S-25: Residential Development Summary – ‘Moreover, the interior noise protections required by Title 24 will not protect the entire population from the health effects (e.g. sleep disturbance) of short-term exceedances of ambient noise levels, because Title 24 standards are based on 24-hour noise levels and short-term noise sources often have little effect on these day-night average noise levels.’ Explain the incremental amount of health effect, such as sleep disturbance, that would occur in addition to existing levels from the implementation of the rezoning, because the existing statement only reflects that the all San Franciscans generally are subject to health effects of noise on a day-to-day basis under existing conditions. This text should also contain a statement that PDR will increase noise levels and also a statement that, because PDR may include some high-tech businesses that may not generate any noise, the fact is that the health effects may not reach the kind of levels that are mentioned in the studies attached this EIR.” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

It is not readily feasible to quantify or otherwise describe in detail the effect of existing noise levels in an area as large as the Eastern Neighborhoods project area. (Baseline information on existing traffic-generated noise levels, depicted in DEIR Figures 17 and 18, pp. 306 and 307, is based on modeling conducted by the Department of Public Health.) Additional information regarding health effects, generally, can be found in the main body of the DEIR text on pp. 304 – 305.

The DEIR describes potential noise effects related to the compatibility of future development with future noise levels on DEIR pp. 316 – 322, and identifies mitigation measures to reduce these impacts to a less-than-significant level. Mitigation Measure F-3 would require that residential development not subject to the California Noise Insulation Standards would undergo appropriate noise analysis prior to approval and construction, thereby avoiding the potential significant impact of exposure to noise levels in excess of *General Plan* recommendations. Mitigation Measure F-4 would reduce potential conflicts between existing noise-generating uses and new sensitive receptors by requiring

evaluation of the noise environment around any site where a noise-sensitive use is proposed, in advance of the first approval of such use. Mitigation Measure F-5 would similarly reduce potential conflicts between new noise-generating uses and existing noise-sensitive uses. Finally, Mitigation Measure F-6 would reduce, to the extent feasible, noise impacts associated with open space areas of residential units and other noise-sensitive uses.

Comment [N7]

“Page S-26: Please provide noise studies which support the idea that light, medium, or heavy industry or high-tech PDR uses would have to be as far as 1,000 ft. from residential units in order to reduce noise to a less than significant impact, given the fact that technology exists to mitigate noise impacts almost completely. Noise mitigation has been done throughout the South of Market Area including night clubs that have been made to provide noise insulation next to housing, such as at the housing project next to the club known as 1050 Folsom.”

“Page S-26: Explain why there cannot be noise mitigation measures used on Residential and PDR projects that are constructed within 1,000 ft. of industrial businesses.” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

Although referring to a page in the DEIR summary that discusses air quality and parks, the comments incorrectly suggest that the DEIR includes mitigation that would require a specific physical separation between certain uses to mitigate noise impacts. Instead, the DEIR includes such mitigation for potential air quality impacts: Mitigation Measure G-3 would require that certain new development (e.g., warehousing and distribution centers) that would generate substantial truck traffic (100 trucks per day or 40 refrigerated trucks per day) to be located no less than 1,000 feet from residential units and other sensitive receptors to reduce potential exposure to diesel particulate emissions. As discussed in the previous response, mitigation measures for noise impacts would require evaluation of potential noise conflicts and appropriate insulation for indoor noise levels, but no specific physical separation.

Air Quality

Traffic-Generated Particulate Emissions

Comment [AQ1]

“We support the inclusion of Mitigation G-2 which aims to mitigate land use-air quality conflicts due to roadway related air-quality health effects. However, as written, we are concerned that Mitigation G-2 would not consistently prevent adverse environmental health impacts related to non-diesel mobile source emissions because the mitigation is triggered only by analysis of diesel

particulate matter (DPM). Based on the best available scientific evidence, diesel particulate matter is not the appropriate environmental measure for the health relevant exposures from roadway proximity. Changing the exposure trigger from DPM to an equivalent but more general exposure signal for roadway related health impacts (e.g., modeled PM 2.5 or Oxides of Nitrogen) is both achievable and necessary to ensure Mitigation G-2 is effective with regards to its intent. We provide the following detailed rationale to support this change.

- “a. All motor vehicles, not exclusively diesel vehicles, are the important exposure sources with regards to roadway proximity health impacts. As stated in the DEIR on p.333, “...it is not possible at this time to attribute roadway related health effects to a single type of roadway, vehicle, or type of fuel.” In children, exposures to PM 2.5 and nitrogen dioxide are correlated with roadway proximity and adverse health outcomes such as asthma prevalence, asthma symptoms and hospitalization, and impaired lung growth.
- “b. Diesel exhaust, while important as a toxic air contaminant and carcinogen, represents a variable fraction of roadway air pollutant emissions and the relationship between diesel particulate matter and total fine particulate matter cannot be assumed to be described by the 15% fixed fraction cited by the DEIR. According to the reference cited, the 15% figure represents diesel as a fraction of PM 2.5 mobile source at the citywide level based on source apportionment estimates from several western cities (not including San Francisco). There is a large degree of regional variation in the share of road traffic represented by diesel trucks and vehicles. For example, in Oakland, trucks represent about 10% of the daily vehicle volume along I-880 while in San Francisco along US 101, trucks compromise 1-2% of vehicle volume. Within the City of San Francisco, some streets will have higher and lower shares of diesel vehicles as well.
- “c. Furthermore, as described in the DEIR on page 336, stricter regulatory controls aim to reduce diesel exposure by 85% by 2020, meaning that the fraction of PM attributed to diesel engines relative to gasoline engines will likely decline significantly and rapidly in the medium term. Over time, exposure assessment based on DPM as a fixed fraction of total PM will tend to underestimate total PM exposure.
- “d. As stated in the DEIR on page 335, there are no standard tools designed specifically for measuring or modeling diesel particulate matter. The analysis of DPM exposure in the Rincon Hill Plan EIR, cited in the DEIR, used a modeling tool designed to predict particulate matter and estimated Diesel PM exposure based on emission factors for certain diesel vehicles
- “e. Both PM2.5 and Oxides of Nitrogen provides signals for near source motor vehicle exhaust emissions and thus would be more appropriate measures for evaluating land use-roadway conflicts. Standard modeling tools, such as, EMFAC 2007, CALINE 4 and CAL3QHCR dispersion models exist to assess human exposures PM 2.5 and NOx associated with traffic.

“We would like to ensure that the exposure analysis requirements in Mitigation G-2 be triggered where daily cumulative traffic volume is >100,000 within a 500 feet radius of a potential project.

As written, the screening trigger in the first sentence of mitigation G-2 might be interpreted so as to not consider such cumulative traffic conditions and only consider proximity to a high volume roadway. We recommend the screening trigger for analysis be revised to be "...or locations where daily cumulative traffic volumes of 100,000 exist within 500 feet radius or where proximity to traffic volume and vehicle type results in an equivalent exposure." This change is necessary to ensure an effective, consistently interpretable mitigation requirement.

"Based on the DEIR we understand that the exposure threshold for required ventilation mitigation has been set to be equivalent to 0.2 ug /m3 PM 2.5 in Mitigation G-2. This exposure threshold corresponds to an approximately 0.3% increase in non-injury mortality or an increase of approximate twenty excess deaths per 1,000,000 populations per year, based on a recent study by Michael Jerrett and colleagues in Los Angeles. We do believe this is a reasonable threshold for requiring health protective action in an urban area such as San Francisco; however, we also want to recognize that we would prefer that such a threshold be ultimately reviewed through an open public process, and that it may be reasonable to adjust such a threshold in either direction to take into account sensitive populations and competing environmental health interests."

"Section on Roadway Related Health Effects, P. 356. Trigger levels for minimizing adverse effects due to PM 2.5 can not be assumed to be similar to those for avoiding diesel particulate matter exposure because the relationship between DPM and PM 2.5 varies from road to road within the region and within the project area and will vary significantly over the timeframe of the project's implementation as a result of diesel engine regulations. A detailed rationale for using a more general surrogate exposure measure for roadway related health effects is provided in the comments on Mitigation G-2 above." (*Rajiv Bhatia, MD, Ph.D., San Francisco Department of Public Health*)

Response

Revisions recommended by the commenter have been incorporated into the EIR as presented in Section D of this Comments and Responses document. Please see that section for the revisions to DEIR p. 351, pp. 352 – 356, p. 508, and p. 511.

It is noted that, on May 22, 2008, the California Air Resources Board (ARB) released a draft staff report entitled, "Methodology for Estimating Premature Deaths Associated with Long-term Exposures to Fine Airborne Particulate Matter in California."²⁹ The ARB report identifies a "relative risk factor" of a 10 percent increase in premature death per 10 micrograms per cubic meter increase in PM_{2.5} exposures. Although somewhat different than the 14 percent increase in premature death per 10 micrograms per cubic meter increase in PM_{2.5} concentration put forth by the Department of Public Health, the two relative risk values are of the same order of magnitude, and tend to support one another.

²⁹ This report is available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2004.0160E. It is also available on the internet at: <http://www.arb.ca.gov/research/health/pm-mort/pm-mortdraft.pdf>.

Comment [AQ2]

“Section on Environmental Setting. We recommend the following data from the San Francisco Electric Reliability Project Focused Particulate Monitoring Study be included in the section on environmental setting. This study provides relevant high-quality long term monitoring data descriptive of the area variation in particulate matter in the project area. The San Francisco Electric Reliability Project Focused Particulate Monitoring Study aimed to compare the air quality measurements for PM 10 and PM 2.5 from several community stations with the measurements from the Bay Area Air Quality Management District’s (Bay Area AQMD) permanent monitoring station at Arkansas Street and determine whether the Arkansas Street station is collecting data that is representative of community exposure. Monitoring started in early July 2005 and continued through late March 2006. Monitoring took place at two locations in Bayview/Hunters Point and two locations in Potrero at sites were chosen to be representative of community exposures. The study also monitored at the Bay Area AQMD’s Arkansas Street monitoring station so that we could directly compare the Bay Area AQMD’s measurements with those from our program. Monitoring demonstrated that particulate matter measures (as an annual average) ranged from 16.9 to 20 ug / m3 for PM10 and from 7.6 to 9.3 ug/m3 for PM2.5. In general, lower levels correlated with areas with predominant residential uses.” *(Rajiv Bhatia, MD, Ph.D., San Francisco Department of Public Health)*

“Section on Diesel Particulate Matter P. 335. The last paragraph incorrectly attributes the particulate matter study San Francisco Electricity Reliability Project to SFDPH and incorrectly describes this study as a short term study using portable monitoring equipment. The SFDPH efforts did occur but we have not published or reported the results because of their inconclusive nature. The SFERP effort is a long term monitoring effort and should be considered a reliable source of within city variation of particulate matter exposure. The SFERP study, however, did not measure diesel particulate matter, and we suggest the results of this study be presented in a different section of the DEIR.” *(Rajiv Bhatia, MD, Ph.D., San Francisco Department of Public Health)*

Response

To add a reference to the San Francisco Electric Reliability Project monitoring results, the following is added as a new paragraph at the end of DEIR p. 325:

Results of particulate monitoring in the Eastern Neighborhoods conducted for the City in connection with the San Francisco Electric Reliability Project are discussed on pp. 335 – 336.

Additionally, to correct the reference to the above-noted monitoring results, the last (partial) paragraph on DEIR p. 335, continuing to p. 336, and the first full paragraph on DEIR p. 336, are revised as follows (new text is double-underlined; deleted text is shown in ~~strike through~~):

The inconclusive nature of the above monitoring study is consistent with recent micro-environmental air quality assessments of particulate matter

in the Eastern Neighborhoods conducted by the San Francisco Public Utilities Commission (SFPUC) Department of Public Health (DPH) using portable particulate matter measurement devices. This DPH second monitoring study was undertaken for the City in connection with the San Francisco Electric Reliability Project, a proposal for a new power plant in the Central Waterfront that is anticipated to result in eventual closure of the existing Potrero Power Plant. It aimed to compare the air quality measurements for PM₁₀ and PM_{2.5} from several community stations with the measurements from the BAAQMD's permanent monitoring station at Arkansas Street (near Showplace Square) and determine whether the Arkansas Street station is collecting data that is representative of community exposure. Monitoring began in early July 2005 and continued through late March 2006. Monitoring took place at two locations in Bayview/Hunters Point and two locations in the Central Waterfront at sites that were chosen to be representative of community exposures. Monitoring demonstrated that particulate matter measures (as an annual average) ranged from 16.9 to 20 micrograms per cubic meter for PM₁₀ and from 7.6 to 9.3 micrograms per cubic meter for PM_{2.5}. As noted in Table 45, the state standard for annual average PM_{2.5} concentration is 12 micrograms per cubic meter; the comparable standard for PM₁₀ is 20 micrograms per cubic meter.

According to the San Francisco Department of Public Health (DPH), these findings indicate relatively high statistically significant and health-relevant variations in fine particulate matter levels in the Eastern Neighborhoods irrespective of freeway proximity. (However, the results do not exceed state standards.) DPH attributes such results to factors such as (1) heavily trafficked urban roadways, (2) "urban canyon" effects,^[footnote in original] and (3) variations in seasons and weather.

Comment [AQ3]

"Section on Sensitive Receptors P.331. While recreational uses do subject persons to ambient air, the DEIR should note that exposure durations for these uses are much less than for school, work, or home environments." (*Rajiv Bhatia, MD, Ph.D., San Francisco Department of Public Health*)

Response

The following is added as a parenthetical statement following the first sentence in the first full paragraph on DEIR p. 331:

(Exposure duration, and therefore overall exposure, at recreational uses is typically much shorter than for the other uses noted, but children are frequent users.)

Comment [AQ4]

The DEIR's conclusions regarding particulate emissions from freeway traffic do not preclude new residential development near freeways. (*Gregg Miller, Pillsbury Winthrop Shaw Pittman*)

Response

The comment is noted. The DEIR identifies potential air quality impacts from residential development adjacent to freeways and other high-volume roadways on pp. 352 – 356. Mitigation Measure G-2, on DEIR p. 511 (as amended in this Comments and Responses document) would reduce the potential impacts to a less-than-significant level.

Greenhouse Gases**Comment [AQ5]**

The DEIR mentions climate change and sea level rise in the Environmental Settings and Impact chapter, particularly in the Air Quality section. Although much of the shoreline in the project area is hardened and not currently subject to flooding, the DEIR should discuss potential impacts on shoreline development and existing and future public access to the Bay in the project area that may occur as a result of sea level rise.” (*Sahrye Cohen, Bay Conservation and Development Commission*)

Response

Maps published in 2007 by the Bay Conservation and Development Commission (BCDC; represented by the commenter) indicate that, with a potential sea level rise of 3 feet—generally accepted as the higher bound of the range of anticipated rise in sea level by 2100 due to global warming—areas of San Francisco along the Bay shoreline could be inundated. In the Eastern Neighborhoods, these areas are limited to relatively small portions of the Central Waterfront, including parts of the Pier 70 complex and small areas at Pier 80 and adjacent to Islais Creek. Other areas anticipated to be flooded by a 3-foot rise in sea level are portions of Mission Bay on either side of the Mission Creek channel, parts of the shoreline between Piers 90 and 96 and Heron's Head Park (former Pier 98), and parts of the former Hunters Point shipyard and the Candlestick Park parking lot, along with an area at Crissy Field in the Presidio.³⁰ The areas of potential inundation indicated on the BCDC maps are relatively small and, in and of itself, such inundation would not substantially affect, in a direct manner, either shoreline development or access to the Bay shoreline. However, growing evidence indicates, as described in the DEIR on pp. 329 – 330, that continued emissions of greenhouse gases and the associated increase in global warming can be expected to have serious consequences for San Francisco, the Bay Area, California, and beyond.

³⁰ Bay Conservation and Development Commission, “San Francisco Bay Scenarios for Sea Level Rise: San Francisco,” 2007. Available on the internet at: <http://www.bcdc.ca.gov/index.php?cat=56>.

Apart from the potential for sea level rise, San Francisco does not currently participate in the National Flood Insurance Program, administered by the Federal Emergency Management Agency (FEMA). However, in September 2007, after publication of the DEIR, FEMA issued a series of preliminary Flood Insurance Rate Maps (FIRMs) and the City is currently considering whether to join the federal flood insurance program, which would provide for homeowners in flood-prone areas (including both areas subject to coastal flooding and areas subject to flooding from stormwater overflowing from the combined sewer-storm drain system) to purchase federally backed flood insurance. The Office of the City Administrator is coordinating City review of the preliminary FIRMs, and the Board of Supervisors is expected to consider joining the flood insurance program in 2008. If the City were to join the flood insurance program, it would have to adopt a Floodplain Management Ordinance that would require that structures in Special Flood Hazard Areas be protected against flood damage at the time of initial construction. The ordinance would also prohibit uses that would increase flood hazards. In general, the first floor of structures in flood zones must be constructed above the base flood elevation or flood-proofed. The Floodplain Management Ordinance could provide for variances for exceptional circumstances, including historic preservation and extraordinary hardship.³¹

Other

Comment [AQ6]

“Page S-26: Clarify what the initials D.P.M., G.H.G., and T.A.C. mean.” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

The three abbreviations, each of which abbreviations is defined in the main body of the DEIR text (on pages 334, 329 and 326), stand for “diesel particulate matter,” “greenhouse gases,” “and “toxic air contaminants,” respectively.

Comment [AQ7]

“Page S-26: Define ‘sensitive receptor.’” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

As stated in the main body of the DEIR text on p. 331, “Land uses such as schools, children’s day care centers, parks and playgrounds, hospitals, and nursing and convalescent homes are considered to be more sensitive than the general public to poor

³¹ Office of the City Administrator, “National Flood Insurance Program Fact Sheet,” October 22, 2007. Available on the internet at: http://www.sfgov.org/site/uploadedfiles/risk_management/factsheet.pdf.

air quality because the population groups associated with these uses have increased susceptibility to respiratory distress.”

Parks, Recreation and Open Space

Existing Parks and Open Space

Comment [R1]

“The report fails to examine the state of the existing facilities that are already frequently below standard.” Several parks and their service areas included in the DEIR examination of existing recreational resources do not effectively serve the neighborhoods in or near which they are located. The commenters cite issues with limited, restricted or extensive programming; safety and perception of safety; accessibility and perception of accessibility due to existing freeways, industrial areas or topography; and existing need for capital improvements. In particular, East SoMa is not adequately served by Yerba Buena Gardens (extensive event programming, use by convention-goers at Moscone Center, and use restrictions), South Beach Park (limited programming due to location and Public Trust restrictions), or South Park and South of Market Recreation Center (in need of capital improvements); the Mission is not adequately served by McKinley Square (separated by the U.S. 101 freeway), Franklin Square (considered unsafe), or Bernal Hill Park (topographically isolated). Showplace Square/Potrero Hill is not adequately served by Jackson Playground (devoted primarily to softball); McKinley Square (hilltop location limits access and is need of improvements), Potrero Hill Playground (streets and topography limit access), or Potrero del Sol Park (across the U.S. 101 freeway); the Central Waterfront is not adequately served by Warm Water Cove Park (isolated and considered unsafe) or Tulare Park (trash- and vandal-infested). Moreover, parks in the Mission Bay Redevelopment Area “will barely serve the 6,000 residential units which are being built in Mission Bay, and will not relieve the lack of useable public open space in the Central Waterfront, Showplace Square/Potrero or East SoMa neighborhoods.” The commenters request the DEIR be amended to include corrections to the “existing inventory.” (*Isabel Wade, PhD., and Corinne W. Woods, Neighborhood Parks Council*)

The DEIR does not contain sufficient acknowledgment of existing shortfalls in park area. The DEIR contains errors in its inventory of parks. (*Meredith Thomas, Neighborhood Parks Council*)

Response

The Recreation and Open Space Element of the *General Plan* states that a wide variety of open spaces act as neighborhood serving sites. These include sites that may accommodate any age range of user groups and sites that may contain playground areas playfields and/or athletic facilities. Neighborhood serving sites also include some squares, plazas, hilltop and shoreline open spaces. These areas, which serve to provide a wide choice in recreational activities, are considered a vital part of San Francisco’s recreation and open space system. Therefore, in accordance with the *General Plan*, all publicly accessible

open spaces with service areas in the project area are included in the DEIR Open Space and Facilities inventory and are considered existing recreational resources.

The *General Plan* also identifies a publicly accessible park land's ability to serve a neighborhood by its size and location. As is stated in footnote 178 on p. 364 of the DEIR, "The Recreation and Open Space Element of the *General Plan* establishes open space services area as "acceptable walking distance" from a recreational resource boundary. They are defined by varying radii from a park's edge depending on the size and type of open space as well as the surrounding topography. These are ½ mile (approximate ten minute walk) for city-serving open spaces, 3/8 mile (seven and a half minute walk) for district-serving open spaces, ¼ mile (five minute walk) for neighborhood-serving open spaces and 1/8 mile for subneighborhood-serving open spaces."

As stated in the *General Plan*, the DEIR and by the commenter, access to these sites is critical to their usability. Measures to improve sidewalk deficiencies and pedestrian infrastructure are included as part of the proposed Eastern Neighborhoods Rezoning and Area Plans project. The draft area plans promote walking and bicycle use through policies calling for more bicycle parking, alleys to break up large developments and to allow for pedestrian access, improvement of bicycle routes and connections, promoting active building streetfronts to encourage pedestrian activity, and introduction of traffic-calming measures. Other policies call for consideration and evaluation of specific improvements that could be undertaken in the future, such as installing mid-block crosswalks on long South-of-Market blocks; physical improvements to certain streets that might include converting one-way traffic to two-way flow to slow vehicular traffic and provide for safer and more attractive bicycle and pedestrian travel; and potential additional bicycle lanes.³² The draft area plans contain urban design policies designed to improve neighborhood walkability including measures to soften the otherwise uninviting character of areas underneath freeway overpasses. Together these measures would enhance the actual and perceived accessibility to existing recreational resources.

The commenters' legitimate concerns regarding park programming, safety, accessibility, and existing physical condition notwithstanding, it would be inappropriate to discount the availability and usability of the large number of parks and open spaces cited by the commenters.

Concerning "existing shortfalls in park area" alleged by one commenter, the DEIR clearly identifies the fact that each of the four subareas is identified by the Recreation and Park Department as having deficiencies in parkland, at least within certain specific locales. For example, on p. 366, the DEIR states that, according to a "gap analysis"

³² Some of these physical improvements would be required to undergo separate environmental review under CEQA prior to implementation.

conducted for the 2006 Recreation and Park Acquisition Policy, East SoMa requires additional facilities and open space, with an underserved area “north of Bryant Street from approximately Beale Street to approximately Fifth Street” (although the gap analysis did not consider Yerba Buena Gardens, a Redevelopment Agency property). On p. 368, the DEIR notes that the gap analysis identified deficiencies within the Mission, particularly north of 15th Street between Guerrero and Folsom Streets, as well as in an area between Alabama and Hampshire Streets along 23rd Street and an area between Guerrero Street and South Van Ness Avenue and 22nd and 25th Streets. Showplace Square/Potrero Hill is relatively well served, according to the gap analysis, except in the northern portion in the neighborhood between U.S. 101, 15th, Channel, and Seventh Streets (DEIR p. 368). And, as described on DEIR p. 369, the Central Waterfront has the smallest amount of park area and the greatest geographic extent of the underserved areas, including most of the southern edge of the neighborhood and most the eastern area of the Central Waterfront (although large portions of this area near the Bay are inaccessible because of Port and other industrial activities).

Regarding the open space and facilities inventory, footnote number 177 on DEIR p. 364 reads, “The majority of the park and open space acreages in this Section were taken from Green Envy: Achieving Equity in Open Space published in December of 2003 by the Neighborhood Parks Council and cross-checked with the Recreation and Parks Department: <http://www.sfneighborhoodparks.org/publications/greenenvy.html>. Other sources of acreages include the Recreation and Open Space Element of the General Plan and various project status reports published by the Recreation and Park Department: http://www.sfgov.org/site/recpark_index.asp.” More specific information from the commenter would be needed to address noted errors in the inventory.

Comment [R2]

“The DEIR fails to convincingly support the following statement, ‘More important than raw acreage is accessibility and whether the facility provides needed services to the population in question.’” (DEIR p. 372) (*Isabel Wade, PhD., and Corinne W. Woods, Neighborhood Parks Council*)

Response

An analysis considering citywide acreage of parkland in isolation of location would neglect the more specific needs of Eastern Neighborhoods residents. The statement above (which on DEIR p. 372 qualifies “accessibility” with the terms “location” and “walking distance”) is not intended to disregard the importance of park size to the analysis but rather to highlight the need to consider location and walking distance in conjunction with citywide acreage. This idea is supported in the National Recreation and Park

Association's 1996 *Park, Recreation, Open Space and Greenway Guidelines*³³ as well as in the Open Space Element of the *General Plan*. As discussed on DEIR p. 364 and listed on DEIR p. 96, policies within the Recreation and Open Space Element of the *General Plan* confirm accessibility as a key factor in park utilization and establish the need for equitable distribution of these resources.

Comment [R3]

"Assuming that residents of eastern neighborhoods should and do use the larger spaces in the west and south, is a flawed assumption." (*Isabel Wade, PhD., and Corinne W. Woods, Neighborhood Parks Council*)

Response

No city-serving open space exists in or is planned for the project area. However, for reasons described in response to Comment R1 and on DEIR p. 373, city-serving parks and open spaces are considered to serve the entire population of San Francisco and need not be located within a project area to function as a destination available for residents in the Eastern Neighborhoods. The analysis in the Parks, Recreation and Open Space section of the DEIR does not include a survey or assumption of specific recreational use patterns of existing Eastern Neighborhoods residents.

Project Impacts

Comment [R4]

The commenter seeks clarification regarding the underlying analysis used to support the determination that project would not generate an accelerated deterioration of existing recreational resources and the conclusion that the proposed rezoning options would not require the construction or expansion of recreational facilities that might have an effect on the environment. (*Dawn Kamalanathan, San Francisco Recreation and Park Department*)

"The Neighborhood Parks Council disputes the conclusions of the draft Environmental Impact Report on the eastern neighborhoods in regards to open space. ... Open Space deficiency in the eastern neighborhoods has only become more pronounced in recent years since the General Plan Open Space Element identified these areas as 'high need,' due to the extensive residential 'live-work' development in industrial areas with no corresponding requirement for public open space. A projected tripling of residential density in the Eastern Neighborhoods will result in complete overuse of existing spaces. Furthermore, projects already in the planning, design or conception phases will add approximately 3,000 residential units in Showplace Square and the Central Waterfront alone, even before rezoning." (*Isabel Wade, PhD., and Corinne W. Woods, Neighborhood Parks Council*)

³³ National Recreation and Park Association and the American Academy for Park and Recreation Administration. *Park, Recreation, Open Space and Greenway Guideline*, 1996.

“The DEIR fails to convincingly support the statement, ‘The need for parks and open space is currently met under existing conditions and would continue to be met under each of the three rezoning options.’” (DEIR p. S-27) (*Isabel Wade, PhD., and Corinne W. Woods, Neighborhood Parks Council*)

Increased use of existing parks will lead to degradation of those facilities. (*Meredith Thomas, Neighborhood Parks Council*)

“We agree with the position of the SF Neighborhood Parks [Council] that not enough land is designated in the plan for parks/open space.” (*Leora Vestel, Rolph Playground Neighbors*)

“The DEIR makes a false assertion that the new plan will not create substantial deterioration of Park and Open Space in the East SoMa. East SoMa is currently underserved by parks and open spaces. The DEIR identifies less than 5 acres of existing open space, and projects over 8,000 units (16,000+ residents) of new housing. The General Plan recommends a number of 1 acre/every 1,000 residents. The existing housing stock in East SoMa has significantly less open space requirements onsite than elsewhere in the city. The no density limits and increased heights will only increase the numbers of people dependant on existing open space.” (*Chris Durazo, South of Market Community Action Network [SOMCAN]*)

Response

The Recreation and Park Department does not identify specific capacity limits or acceptable levels of service related to population density in terms of district-, neighborhood- and subneighborhood-serving parks or provision of recreational facilities (see DEIR p. 373). To determine significance with respect to these recreational resources, the DEIR methodology employs a review of the Neighborhood Recreation and Open Space Improvement Priority Plan Maps (see DEIR Figure 21, p. 371). These maps use a combination of demographic statistics (high residential, senior, and children densities and low household incomes relative to the city median household income) and neighborhood service areas to display the nexus between areas of highest need and areas underserved by existing resources. Although an unmet demand for parks and recreational resources would not, in and of itself, be considered a significant impact on the environment, the potential for secondary effects related to physical deterioration resulting from population increases attributable to the project’s rezoning options is assessed and discussed in the DEIR. Given the extensive service area gaps in the Eastern Neighborhoods, the analysis found “increases in the number of permanent residents without development of additional recreational resources could result in proportionately greater use of parks and recreational facilities in and near portions of the Eastern Neighborhoods, which may result in physical deterioration. In particular, the Mission District, with an existing shortfall in both neighborhood parks and recreational facilities, some physical degradation of both parks and recreational facilities may occur due to the cumulative demands on those facilities,” (DEIR p. 374).

The project includes both rezoning and associated draft area plans with objectives and policies geared toward creating livable and walkable neighborhoods with adequate distribution of recreational resources. Each of the four draft area plans, which were developed by the Planning Department for inclusion in the *General Plan*, addresses the potential for secondary effects related to physical deterioration through a set of objectives and policies including a combination of new park acquisition goals, generation of non-traditional open space, regulatory amendments for new development, ecological standards for public and private open space design, and creation of an open space network. Because these draft area plans and the policies within are included as a part of the proposed project, they are not identified as mitigation measures in the DEIR.

As described in DEIR Chapter I, Introduction (pp. I-5 – I-6) and summarized on DEIR p. 379, a Public Benefits Analysis was conducted to both assess and provide potential methods to resolve existing deficiencies and projected needs for certain services in the project area including recreational resources. Methods identified in the Public Benefits Analysis include planning policies, zoning requirements, taxes and impact fees, establishment of service and/or assessment districts, and direct provision of facilities by developers. The final product of this effort, which is part of the proposal for adoption to be considered by the Planning Commission, includes an Implementation Document containing a Public Improvements Program and Funding Strategy for identified improvements (see discussion of Project Implementation, p. C&R-35).

The goals set forth in the Eastern Neighborhoods draft area plans along with implementation and funding mechanisms identified in the Public Benefits Analysis would serve to augment the existing objectives in the *General Plan* and existing bond measures supporting the Recreation and Park Department Capital Improvement Plan (see DEIR p. 370). In addition, and in response to comments received from the Recreation and Park Department, the following additional improvement measures are added to the EIR on p. 525, following a new heading, “Parks, Recreation and Open Space”:

Improvement Measure H-1: Support for Upgrades to Existing Recreation Facilities

To help offset the potential for an accelerated deterioration of existing park and recreation facilities in Eastern Neighborhoods due to projected increases in population, the City should undertake measures to implement funding mechanisms for an ongoing program to repair, upgrade and adequately maintain park and recreation facilities to ensure the safety of the users.

Improvement Measure H-2: Support for New Open Space

To avoid the effects of overcrowding, overuse, and conflicts in recreational uses to existing park and recreation facilities in Eastern Neighborhoods, the City should set concrete goals for the purchase of sufficient land for public open space use in Eastern Neighborhoods. The City should set a goal of purchasing one neighborhood park in each Eastern Neighborhood.

These improvement measures, along with the draft area plan policies and the implementation and funding mechanisms identified in the Public Benefits Analysis, would establish the controls necessary to ensure the proposed rezoning options and the No-Project scenario would not result in substantial or accelerated deterioration of existing recreational resources. Although these measures would call for and require construction and/or expansion of recreational facilities, no site-specific plans were analyzed as a part of the EIR. Subsequent specific proposals for the development of park space and recreation facilities would be subject to subsequent project-level environmental review.

The area plan drafts released for citizen review in December 2007 and updated through April 2008 as part of the proposal for adoption set forth several specific park and open space improvements. In East SoMa, the draft plan identifies the Brannan Street Wharf, proposed (by the Port of San Francisco) proposed to replace Pier 36 and former Pier 34 and marginal wharf. The April 2008 draft for adoption East SoMa Plan also includes Policy 5.1.1, “Identify opportunities to create new public parks and open spaces and provide at least one new public park or open space serving the East SoMa.” The draft for adoption Mission Plan likewise includes the same Policy 5.1.1.

In Showplace Square/Potrero Hill, the citizen draft area plan proposes two new public plazas, one in the area surrounding the traffic circle where Eighth, Townsend, and Division Streets come together, and a second at the triangular intersection of 16th, Wisconsin, and Irwin Streets. The April 2008 draft for adoption Showplace Square/Potrero Hill Plan also includes the same Policy 5.1.1 calling for provision of at least one new public park or open space in the neighborhood.

The April 2008 draft for adoption Central Waterfront Plan identifies several potential park sites, including the area behind the I.M. Scott School site on Tennessee Street (currently used for parking), expansion of Warm Water Cove, and development of “Crane Cove Park,” at 19th and Illinois Streets. As with the other draft plans, the citizen draft Central Waterfront Plan also includes the same Policy 5.1.1 calling for provision of at least one new public park or open space in the neighborhood.

Each draft area plan also calls for a network of “green streets” to connect open spaces, and to improve the pedestrian atmosphere and aesthetic environment of each

neighborhood. In addition, proposed zoning amendments would generally require a minimum of 80 square feet of private open space per residential unit, whereas the *Planning Code* currently requires as little as 36 square feet in higher-density residential districts and does not require private open space at all in most non-residential districts.

In terms of projects already in the development “pipeline” (i.e., those for which applications are currently on file with the Planning Department) and those in the “planning, design or conception phases,” such projects would not be approved absent the appropriate level of environmental review, pursuant to CEQA. Many such projects are included in the DEIR analysis because the growth forecasts on which the DEIR analysis was based include a number of major proposed developments that have been either on file with the Department or at least in discussion since the *Rezoning Options Workbook* was published in 2003. At least 3,750 housing units are anticipated due to the project in Showplace Square and the Central Waterfront. Moreover, many other projects that are at some stage of planning are included in the No-Project scenario growth assumptions for 2025, which, as noted in DEIR Table 2 (p. 34), assume nearly 2,900 more new housing units in the project area (including almost 900 in Showplace Square and the Central Waterfront) without implementation of the proposed Eastern Neighborhoods project. Finally, there is no assurance that any project in the pipeline, and particularly any project in an earlier stage of the planning process, will be approved as proposed. Therefore, the impacts of the 3,000 dwelling units in Showplace Square and the Central Waterfront cited as in one comment as being “already in the planning, design or conception phases” are accounted for in the DEIR analysis at a level of detail appropriate to an areawide rezoning proposal.

As described above, the DEIR analysis found existing shortfalls in recreational resources in the Eastern Neighborhoods. However, the analysis also found that none of the project options, nor the No-Project scenario, would cause the ratio of *citywide* recreational acres to residents to go below the ratio stated in the *General Plan*. Footnote 183 on DEIR p. 373 reads, “As described in Section IV, Analysis Assumptions, this EIR assumes a baseline (year 2000) citywide population of 756,967 and estimated citywide population of 836,490 under Option A, 834,448 under Option B, 834,750 under Option C and 799,217 under a future No-Project Option. The existing 4,772 acres of parks would yield a ratio of roughly 5.72 acres per 1,000 residents in each of the three Options.” The existing shortfall of neighborhood open space and recreational facilities (non-city-serving) in the Eastern Neighborhoods is discussed on DEIR pp. 365 – 369. The means to avoid substantial or accelerated deterioration of existing recreational resources in the Eastern Neighborhoods is discussed above and on DEIR pp. 373 – 379.

Concerning parks and open space in East SoMa, DEIR Table 52 on p. 365 shows approximately 4.55 acres of existing open space in East SoMa. However, as is indicated

on DEIR Table 35 on p. 232, new household estimates for East SoMa by the year 2025 are 2,294 for Option A, 2,508 for Option B and 3,083 for Option C. Project related population increases in East SoMa and the project area are detailed on DEIR pp. 231 – 233. As stated on DEIR p. 373, under baseline (year 2000) conditions, the existing ratio of neighborhood park acres (excluding city-serving parks) per 1000 residents is approximately 0.75 for the Eastern Neighborhoods and 1.1 for the city as a whole.³⁴ However, the Recreation and Open Space Element of the *General Plan* does not institute specific capacity limits or acceptable levels of service related to population density in terms of district-, neighborhood- and subneighborhood-serving parks or provision of recreational facilities (see DEIR p.373).

Comment [R5]

“Page: S-27: ‘An unmet demand for parks and recreational recourses, in itself would not be considered a significant impact on the environment,’ – Was the year 2000 population census used for this Study? Were new developments, such as Rincon Hill, taken into consideration when using the figure of 67,000 residents?” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

DEIR Table 19 on p. 181 lists the population estimates used for the DEIR baseline year (2000). The data concerning population and households by neighborhood in this table are based on the 2000 Census, using data at the Census block level, which is the smallest unit at which Census data are available. The Planning Department provided the correspondence between Census block and neighborhood boundaries.

New developments such as Rincon Hill and Mission Bay were assumed in residential growth projections for the year 2025 assigned to each of the proposed rezoning options that were the basis of the DEIR’s impact analysis (see DEIR p. 230). Please see also the preceding response in relation to Citywide growth forecasts and the supply of open space.

Cumulative Impacts

Comment [R6]

“The report entirely ignores the impact of planned development on the capacity of existing spaces of any size to continue to serve thousands of new residents: Rincon Point/South Beach, TransBay Terminal, Rincon Hill and Mission Bay will contribute major wear and tear to facilities, requiring additional financial resources for upgrading and maintaining some of the existing parks, particularly those managed by the Port—and these funds are not readily available. (*Isabel Wade, PhD., and Corinne W. Woods, Neighborhood Parks Council*)

³⁴ Calculation includes Recreation and Park Department parks and open spaces, as well as open spaces under the jurisdiction of other City, state, and federal agencies, but excludes “city-serving” parks of 30 acres or more.

Response

Residential growth projections assigned to each of the proposed rezoning options assume implementation of a number of programmed areas including Mission Bay and Rincon Hill, as well as the adopted Transbay Redevelopment Area (see DEIR pp. 30 – 32). In addition, the potential for project related or cumulative impact of these programs on recreational resources has undergone independent CEQA review.

Mitigation Measures**Comment [R7]**

The commenter requests the DEIR “include enforceable mitigation requirements that will ensure that adequate publicly accessible parks and recreational facilities are included as a condition of increased residential density in all the Eastern Neighborhoods.” (*Isabel Wade, PhD., and Corinne W. Woods, Neighborhood Parks Council*)

Response

The draft area plan transportation and urban design policies discussed above and the draft open space policies are included as a part of the proposed project and therefore need not be identified as mitigation measures in the DEIR. Additional measures to address existing and future need for new resources, existing resource upgrades and increased maintenance are discussed on pp. 378-379 of the DEIR. And, as stated above in Section D of this Comments and Responses document, additional improvement measures have been added to the EIR to further reduce potential project effects on parks, recreation and open space. Moreover, separate from the CEQA process, the Planning Department expects to include a parks and open space component as part of the public benefits fee package that is anticipated to be advanced along with the proposed area plans and rezoning.

Comment [R8]

“We also think that developers of larger construction projects that are in close proximity to EXISTING parks should be required to fund a benefits package for those parks. This could include money for trees, plants, benches, and capital improvements.” (*Leora Vestel, Rolph Playground Neighbors*)

Response

As discussed above, a Public Benefits Analysis (see DEIR pp. I-5 – I-6, 379), was conducted to both assess and provide potential methods to resolve existing deficiencies and projected needs for certain services in the project area including recreational resources. The tools for implementation identified in the analysis include zoning requirements, taxes and impact fees, and direct provision of facilities by developers.

Comment [R9]

“Page S-28: Concern over the proposed increase in on-site Open Space requirements from 36 sq. ft. to 80 sq. ft. per residential unit. Why does the Open Space requirement not apply for PDR and commercial/office uses?” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

Under existing conditions, the Planning Code establishes different open space requirements for residential and non-residential uses, with the requirements varying by use district and, for non-residential uses, by categories of use depending on the assumed employment density. Existing requirements are described in the main body of the DEIR text on p. 372, where it is noted that the residential requirement varies from 36 to 300 square feet per unit and the non-residential requirement (in the South of Market and C-3, Downtown districts only) ranging from 1 square foot per 90 square feet of occupied office floor area to 1 square foot of open space per 250 square feet of occupied retail/wholesale/ institutional floor area and the like. (Open space is not generally required for non-residential uses outside the South of Market districts and C-3 districts).

The April 2008 draft area plans encourage enhanced requirements for new development including the provision of publicly accessible open space, with each draft plan including a policy that requires new residential and commercial development to contribute to the creation of (or in some cases, provide) publicly accessible open space (April 2008 draft area plans for adoption, Policy 5.1.2 in each plan). The proposed Implementation Program for the project, included in the proposal for adoption to be considered by the Planning Commission, includes an impact fee to be applied towards, among other things, the provision of public open space.³⁵

As stated on DEIR p. 3, “The City’s overriding goal as sponsor is to develop new zoning controls for the industrially zoned Eastern Neighborhoods to create housing opportunities while protecting an adequate supply of land for PDR businesses (and, thereby, PDR jobs).” To encourage the development of new PDR space in the project area, no specific new requirements were placed on PDR projects in the draft area plans.

In the draft zoning controls released by the Planning Department in September 2007, and as revised for inclusion in the April 2008 proposal for adoption, both residential and non-residential uses would be required to provide on-site open space (or in some instances for non-residential uses, pay an in-lieu fee) in mixed-use zoning districts; in PDR, RTO, and Neighborhood Commercial districts, no open space requirement would apply to non-

³⁵ The complete Implementation Document is available for review at the Planning Department offices, 1650 Mission Street, Suite 400, and may also be viewed on the Planning Department’s Eastern Neighborhoods website at: http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/VOL3_Implementation.pdf.

residential uses. Open space has not historically been required for non-residential uses, except in the C-3 (downtown) districts and in the mixed-use districts, with adoption of the South of Market Plan in 1990, in the mixed-use districts in the South of Market area. The proposed project would extend this non-residential open space requirement to mixed-use districts in the Eastern Neighborhoods.

Comment [R10]

“Page S-29: Landscaping – Expand on ‘public benefits analysis’ regarding the landscaping requirements.” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

The comment apparently refers to discussion on DEIR p. S-29 and p. 378, under Parks, Recreation, and Open Space, stating, “The draft area plans include policies which would ‘require minimum ecological standards for urban landscaping for all new development and provide incentives for existing development to meet these standards....’” (Although discussed on the same page as the Public Benefits Analysis, this policy language is not directly related to that separate analysis.) In its current form (Policy 3.3.1 of each of the four draft area plans in the April 2008 proposal for adoption), the language reads, “Require new development to adhere to a new performance-based ecological evaluation tool to improve the amount and quality of green landscaping.” The plan text that follows explains:

“The San Francisco Planning Department, in consultation with the Public Utilities Commission, is in the process of developing a green factor. The green factor will be a performance-based planning tool that requires all new development to meet a defined standard for on-site water infiltration, and offers developers substantial flexibility in meeting the standard. A similar green factor has been implemented in Seattle, WA, as well as in numerous European cities, and has proven to be a cost-effective tool, both to strengthen the environmental sustainability of each site, and to improve the aesthetic quality of the neighborhood. The Planning Department will provide a worksheet to calculate a proposed development’s green factor score.”

Shadow**Comment [S1]**

“We’d like to see height limitations for buildings around parks such as Rolph Playground IF projects would increase shade on those parks.” (*Leora Vestel, Rolph Playground Neighbors*)

Response

As stated on DEIR pp. 529 – 530, development in the Eastern Neighborhoods would be subject to the Planning Code Section 295 (the Sunlight Ordinance). Under this process, potential shadow impacts would be evaluated on a case-by-case basis, and the Planning Commission could not approve a project determined to have significant shadow impacts under Section 295. However, it cannot be stated with certainty that compliance with Section 295 would mitigate *all* potential significant shadow effects under CEQA, because while Section 295 compliance is generally deemed to result in a project having a less-than-significant CEQA impact, there could be instances when this were not true, given that the meaning of “significant” is somewhat different under the two statutes.

Section 295 compliance means that, if a building more than 40 feet tall would shade a protected park, the Planning Commission must determine that such shade would not have “any adverse impact on the use of the property.” Alternatively, the Planning Commission, following review and comment by the general manager of the Recreation and Park Department in consultation with the Recreation and Park Commission, must determine that the impact “would be insignificant.” Where CEQA is concerned, the criterion of significance is more general; that is, “Would a project create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?” Moreover, buildings 40 feet or less in height are not subject to Section 295, and such structures, if taller than existing buildings, could result in new shadow impacts without requiring Section 295 review. While shadow impacts from future development could generally be limited through project-specific design alterations, the potential for new shadow in various parks and open spaces remains and it cannot be concluded, at a programmatic level of analysis, that full mitigation for potential new shadow impacts would be feasible. Therefore, the DEIR concluded that potential shadow impacts would be significant and unavoidable for all three rezoning options and for the No-Project Alternative.

Concerning Rolph Playground, at César Chávez Street and Potrero Avenue, as described on DEIR p. 410, under each of the three re-zoning options, the existing 40-foot height limits surrounding this park would be maintained, except for a 15-foot increase to 55 feet on the west side of Potrero Avenue adjacent to the north side of the park. Because the park is directly south of the parcels along Potrero Avenue where this height increase would occur, and because the sun is to the south and shadows are thus cast to the north (except in the early morning and late afternoon in summer), the change would not substantially increase the extent or duration of shadow on the park during the hours subject to Section 295. If construction were to occur to 55 feet on the southernmost parcels along Potrero Avenue, additional shadow could fall on a children’s playground that occupies the northernmost tip of Rolph Playground. However, it seems likely that substantial shading of this playground would be precluded by application of Section 295.

Historic Architectural Resources

Comment [HAR1]

The Board commented on whether there is an explanation in the Draft EIR of the differences between the Plan Alternatives A, B, and C—what are these plan alternatives trying to accomplish? (*M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board*)

Response

The description of the rezoning options analyzed in the DEIR is presented in Chapter III, Project Description. The project is intended to promote housing and mixed-use development in some areas currently zoned for industrial use while protecting an adequate supply of land and buildings for PDR employment and businesses. The proposed rezoning would be carried out within the context of the City's objectives (DEIR, pp. 3 – 4), which seek to: reflect local values; increase housing; maintain some land supply; and improve the quality of all existing areas with future development.

The DEIR examined three rezoning scenarios at an equal level of detail, plus two project variants in the Mission and a No Project scenario as required by CEQA. The rezoning scenarios, referred to in the DEIR as Options A, B, and C, relate to the amount of land that could be converted from industrial use to residential or mixed use residential districts. As discussed on DEIR p. 31, "Of the three rezoning options, Option A would retain the largest amount of existing land that accommodates PDR uses in East SoMa, Mission, and Showplace Square/Potrero Hill and would also convert the least amount of industrially zoned land to residential use.... Conversely, under Option C, which would convert the most existing land accommodating PDR uses to residential and mixed uses, the Eastern Neighborhoods (excluding the Central Waterfront) would experience the greatest residential growth, compared to Option A." Specific forecasts regarding the potential amounts of land that would be converted as part of the rezoning, as well as the potential residential growth by rezoning option, is presented in Table 2, DEIR p. 34.

Comment [HAR2]

In general, the Board inquired about the status of the historic resource surveys in the planning areas. (*M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board*)

Response

The DEIR (pp. 446 – 452) describes the surveys that apply to the Eastern Neighborhoods planning area. The Eastern Neighborhoods survey program consists of four areas: Central Waterfront, Mission, Showplace Square and SoMa. The survey for the Central Waterfront was largely accomplished in 2001 through the combined efforts of the

Department and the Dogpatch Neighborhood Association. The survey was updated and completed in 2007.

The Mission Area Plan is covered by three surveys: (1) The Inner Mission North survey by the Department covering the areas between Duboce and 20th Street, and Dolores to Folsom; (2) The northeast Mission industrial area between Folsom and Potrero, from Duboce to 20th Street, which is grouped with the Showplace Square survey; and (3) areas south of 20th Street to Cesar Chavez, between Guerrero and Potrero Avenue. The Mission survey contract area is scheduled to be completed in the fourth quarter of 2008. The Mission survey contract area covers a vast portion of the Mission and contains thousands of properties. Current analysis estimates that the existing contract will assess approximately 30 percent of the potentially historic building stock in the area.

The Showplace Square area plan survey also includes the northeast industrial portion of the Mission, as noted above. This survey is scheduled to be completed in the second quarter of 2008. The survey contract is expected to give substantial coverage for the Showplace Square and northeast Mission industrial areas.

The South of Market survey is a single survey that serves both the East SoMa area plan, and the Western SoMa Citizens' Planning Task Force area. This survey work is scheduled to be complete in the fourth quarter of 2008 and is expected to give substantial coverage for the South of Market area.

Comment [HAR3]

The Board indicated that some of the historic resource surveys are complete or nearing completion. However, it does not appear that surveys informed plan options. As a mitigation measure, the Board would like to see the surveys inform the plan in terms of height limits and use designations. The results of the surveys could result in revisions to plan options. (*M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board*)

Response

The Planning Department is committed to the goal of historical resource identification and protection as one of the main objectives of the Eastern Neighborhoods planning effort. As described in the preceding response, the Department expects that the historical resource surveys presently underway within the Eastern Neighborhoods sub-areas will be completed mid- to late 2008. It is anticipated that those historical resource surveys will be completed after the Final EIR for this project is certified, and after the Eastern Neighborhoods Plan and zoning programs are brought before the Planning Commission and Board of Supervisors for adoption. Nevertheless, the Planning Department believes that through the EIR with its existing mitigation measures, together with the anticipated

Eastern Neighborhoods Area Plan adoption process, the City will accomplish the objectives desired by the Landmarks Preservation Advisory Board.

The EIR includes up-to-date information on all of the historical resource survey work within the plan area. The EIR also includes Mitigation Measure K-1, which indicates that once the historical resource surveys for the various plan sub-areas are completed, the survey results will be endorsed and amended into the area plans. Similarly, the draft area plans for the Eastern Neighborhoods, which are included in the April 2008 proposal for adoption to be considered by the Planning Commission and the Board of Supervisors, each contains six objectives specifically calling out historical resource identification, evaluation and preservation as objectives of the Eastern Neighborhoods planning effort.

Hence, through the Eastern Neighborhoods environmental review and adoption process, the Department will complete historical resource surveys for the project area, identify all potential historical resources (individual resources as well as districts) and amend the area plans to include and identify those resources. That will serve first to notify the City and the public at large as to all identified historical resources within the plan area, and will also subsequently provide protection of identified historical resources through subsequent CEQA analysis, documentation, and mitigation, where feasible, of any potential adverse change to those resources (e.g., alteration, demolition) in the future.

While the completion of the ongoing historical resource survey work is expected to follow initial plan adoption and therefore require amendment of the adopted plans, the Department believes that the contemplated process will nevertheless provide strong protection to the historical resources identified, while also satisfying other key objectives of the Eastern Neighborhoods to stabilize industrial lands and provide affordable housing in the plan area. Furthermore, if at some future date it is determined that the zoning controls themselves need to be amended to better accomplish the historical resource preservation objectives in the plan, the City can so amend the zoning. Such efforts could take the form as described in EIR Mitigation Measures K-2 and K-3, providing further guidance to the treatment of proposed projects within identified historic districts, through changes to height and use designations, as suggested by the comment, or through other means.

Comment [HAR4]

In that vein, the Board further commented that the relationship of potential historic districts should inform the substance of plan. It does not seem that height limits should be raised in potential historic districts. Or, in other potential districts, there should be consideration to lower height limits (e.g., along 24th Street). (*M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board*)

Response

Changes to height limits that could occur under the rezoning options were presented on DEIR Figure 5 for the three rezoning options; the currently proposed height limits, which are included in the April 2008 proposal for adoption that will be considered by the Planning Commission, and ultimately by the Board of Supervisors, are depicted this Comments and Responses document, on Figure C&R-2, p. C&R-7. The analysis of potential changes to urban form is discussed at the neighborhood subarea level on DEIR pp. 152 – 174. These potential changes were one factor that was considered in the assessment of potential impacts to extant or potential historic architectural resources (including districts) analyzed in Chapter III.K of the DEIR.

Objective 8.3 of the April 2008 draft for adoption Mission Area Plan, “Ensure that historic preservation concerns continue to be an integral part of the ongoing planning processes for the Mission Plan area as they evolve over time,” was developed to ensure that historic preservation concerns continue to be an integral part of the ongoing planning processes over time. Specifically, Policy 8.3.6 states, “Adopt and revise land use, design and other relevant policies, guidelines, and standards, as needed to further preservation objectives,” and Implementation Item 8.3.6.1, in Exhibit VI-3, Eastern Neighborhoods Plan Implementation Matrices (within the Implementation Document),³⁶ states that the Planning Department “will revise the Mission Area Plan upon completion of the historic surveys to include official designation of historic resources and/or districts as appropriate, and may also include the adoption of historic design guidelines that are specific to an area or property type.” Each of the other April 2008 draft area plans contain the same policy language, except the Central Waterfront, where more extensive historical resources surveys have already been completed, and the Implementation Matrices include the same implementation action for each area, again, except in the Central Waterfront. Thus, the area plans and related controls will be amended upon the completion of the surveys now under way within the Eastern Neighborhood Plan Areas.

In regard to height limits, as potential historical resources are identified through the historic surveys, the Planning Department would evaluate all proposals for consistency with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (Policy 8.2.2 in each April 2008 draft area plan). Proposals for demolition and vertical additions would be reviewed on a case-by-case basis for their impact on the subject building and any potential impacts to adjacent off-site resources.

It is also important to note that for vertical additions, common practice in interpreting the Standards states that any new additions to an existing building should respect the general

³⁶ The complete Implementation Document is available for review at the Planning Department offices, 1650 Mission Street, Suite 400, and may also be viewed on the Planning Department’s Eastern Neighborhoods website at: http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/VOL3_Implementation.pdf.

size, shape, and scale of the features associated with the property and, if applicable, the district in which the property is located. The structure should be connected to the property in a manner that does not alter, change, obscure, damage, or destroy any of the character-defining features of the property and the district. The design should respect the general historic and architectural characteristics associated with the property and the district without replicating historic styles or elements that will result in creating a false sense of history. The materials should be compatible with the property or district in general character, color and texture. These interpretations shall be applied in evaluating any project that proposes to take advantage of the new building heights.

Comment [HAR5]

The Board would like to see recognition in Mitigation Measure K-1 that demolition of individual buildings, one at a time, could result in potential impacts to potential historic districts. The Board suggested adding the following language: Demolition of individual buildings could possibly have a cumulative impact on potential historic districts. (*M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board*)

Response

The DEIR finds that the three rezoning proposals, as well as the No Project scenario, could result in significant direct and cumulative impacts to historic resources, including existing and potential historic districts, which is the impetus for Mitigation Measures K-1 through K-3. The DEIR identifies potential impacts on historic districts through demolition of individual buildings on pp. 460, 465 – 466, 468 – 470, and 473. Mitigation Measure K-1, as written would apply equally to historic districts as to individual historical resources, because districts, once identified, are considered historical resources for CEQA purposes, (even before they are formally listed on a local, state, or national register of historical resources).

Comment [HAR6]

Regarding Mitigation Measure K-1.c, the Board would like clarification of the types of modifications that may be approved in an over the counter building permit. How is this determined? (*M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board*)

Response

A Planning Department Preservation Technical Specialist may approve any application related to maintenance or repair permits as defined in Planning Code Section 1005(e)(3), meaning: “any work, the sole purpose and effect of which is to correct deterioration, decay or damage, including repair of damage caused by fire or other disaster.” This also includes re-roofing, or replacement of front stairs. Other permit applications that may be approved at the Planning Information Counter may include any project that complies with

the Secretary of the Interior's Standards and does not require any additional entitlements or neighborhood notification.

Comment [HAR7]

Regarding Mitigation Measure K-1.d, the Board would like to know whether the Preservation Technical Specialist would have the ability to require an Historic Resource Evaluation for properties subject to this measure? (*M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board*)

Response

In coordination with the MEA Planner, the Preservation Technical Specialist shall exercise his/her discretion as to whether an Historic Resource Evaluation (HRE) is required for major alterations to buildings constructed prior to 1963 in order to determine whether the undertaking could adversely affect a potential resource.

Comment [HAR8]

The Board questions whether properties subject to Mitigation Measures K-2 and K-3 would be brought before LPAB for review and comment. If so, language to this effect should be included in these measures for clarity. (*M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board*)

Response

The Planning Code amendments identified in Mitigation Measures K-2 and K-3 would be included in the respective appendices of the South End and Dogpatch Historic Districts and would relate to exterior alterations to buildings within Article 10 of the Planning Code. As these types of projects would require a Certificate of Appropriateness, Section 1006 of the Planning Code would apply, including review by the Landmarks Preservation Advisory Board.

Comment [HAR9]

The Board noted that the terminology “radical change” in Mitigation Measures K-2 and K-3 should be amended to “substantial change.” (*M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board*)

Response

The comment is acknowledged. The first sentence in the second full paragraphs in both Mitigation Measures K-2 and K-3, DEIR pp. 520 and 521, is revised to read:

Additions will be reviewed on a case-by-case basis and any proposed addition should be located in an inconspicuous location and not result in

a ~~radical~~ substantial change to the form or character of the historic building.

Comment [HAR10]

The Board stated that the character-defining features of properties - referred to in Mitigation Measures K-2 and K-3 should refer back to the language describing the character-defining features of the districts as stated in Planning Code Article 10, Appendices I and L. (*M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board*)

Response

In response to the above comment, the last sentence in the fourth full paragraph of Mitigation Measure K-2 (DEIR, p. 521) has been amended as follows:

“The design respects the general historic and architectural characteristics associated with the property and the district without replicating historic styles or elements that will result in creating a false sense of history. For more information regarding the ~~characteristics~~ character-defining features of the South End historic District, refer to Appendix I of Article 10, Section 6 (Features) of the Planning Code.”

Additionally, the last sentence of the fourth full paragraph in Mitigation Measure K-3 (DEIR, p. 522) has been amended as follows:

“The design respects the general historic and architectural characteristics associated with the property and the district without replicating historic styles or elements that will result in creating a false sense of history. For more information regarding the ~~characteristics~~ character-defining features of the Dogpatch Historic District, refer to Appendix L of Article 10, Section 6 (Features) of the Planning Code.”

Comment [HAR11]

In Mitigation Measure K-3, the Board indicated that language describing materials as being “compatible with the district” should instead be described as “in kind.” (*M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board*)

Response

Planning Code amendments in Mitigation Measures K-2 and K-3 relate to infill construction and vertical additions within historic districts protected by Article 10 of the Planning Code. With respect to new construction, the Secretary of the Interior’s Standards state: “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.” The Standards also state: “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 Department

believes that retaining the phrase “compatible with the district” is consistent with the Secretary of the Interior’s Standards and allows for contemporary intervention within the subject districts without creating a false sense of history.

Comment [HAR12]

The Board expressed concern related to the high degree of potentially significant adverse impacts reported in the DEIR, and stated that this is a situation where creative mitigation may be useful to address impacts, such as a commitment to designate districts as well as preparation of design guidelines for potential districts. For example, Asian Neighborhood Design is working on guidelines for the reuse of industrial buildings [in West SoMa], and the Board should encourage the adoption of guidelines for the adaptive reuse of certain kinds of buildings, for vertical additions to certain kinds of buildings, as well as guidelines that address window treatments. (*M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board*)

Response

The historic preservation policies outlined within each of the draft Eastern Neighborhood Area Plans that are included in the April 2008 proposal for adoption to be considered by the Planning Commission and the Board of Supervisors state a commitment to address the above-cited concerns. The policies are as follows:

Policy 8.1.2: Pursue formal designation of the [Neighborhood]’s historic and cultural resources, as appropriate.

Policy 8.3.6: Adopt and revise land use, design and other relevant policies, guidelines, and standards, as needed to further preservation objectives.³⁷

Implementation 8.1.2.1: The Planning Department, when appropriate, will support nominations for listing of resources on the National Register or California Register, as well as nominations for local designation under Article 10 of the Planning Code in conformance with the Landmarks Preservation Advisory Board’s annual work plan and based on the results of the historic resource surveys within the [Neighborhood] Plan area.

Implementation 8.3.1: The Planning Department will revise the [Neighborhood] Area Plan upon completion of the historic surveys to include official designation of historic resources and/or districts as appropriate, and may also include the adoption of historic design guidelines that are specific to an area or property type.

Comment [HAR13]

“The UCSF-owned properties at 1900 Third Street and 1830 Third Street within the Mission Bay South Redevelopment Area are incorrectly identified in the Draft EIR as ‘Designated Historical Resources’ (see Figure 30 - Historic Resources in the Eastern Neighborhoods, on page 443 of the

³⁷ This policy is not included in the Central Waterfront Plan draft for adoption, because more extensive historical resources surveys have been completed for this area.

Draft EIR). These properties are not historical resources and are outside the rezoning area boundary.” (*Lori Yamauchi, University of California, San Francisco*)

Response

The comment correctly notes that both 1830 Third Street (Viaduct Café) and 1900 Third Street (Bethlehem Steel Warehouse) are outside the project area, being within the Mission Bay South Redevelopment Area. The buildings are included on DEIR Figure 30 because, as is stated on DEIR p. 442, the analysis for the DEIR included “known and potential historical resources within one block of the identified Eastern Neighborhoods project boundary.” This is because subsequent future projects adjacent to historical resources could adversely affect such resources.

Both 1830 and 1900 Third Street were surveyed as part of the Planning Department’s 2001 Cultural Resources Survey of the Central Waterfront. In that survey, each building was given a National Register of Historic Places status code of “4D2,” meaning that the buildings “may become eligible for listing in the National Register of Historic Places. This property is a contributor to a fully documented historic district that may become eligible for listing in the National Register when more historical or architectural research is performed on the district.”³⁸ These ratings were accepted by the State Office of Historic Preservation (OHP) in 2002. As noted in the DEIR on p. 445, the State of California adopted its own status codes in 2003. With adoption of California Register of Historical Resources status codes, resources with a status code of “4” were to be re-designated “7,” meaning these resources need to be re-evaluated.³⁹

In 2008, the Planning Department completed an update of the 2001 Cultural Resources Survey of the Central Waterfront. This update included a re-analysis of the building at 1830 Third Street, which confirmed this building’s status as a historical resource under CEQA. Planning Department preservation staff has determined that this building has a California historical resources status code of 5S3, indicating that the building appears to be “individually eligible for local listing or designation through survey evaluation.” Although outside of a recently identified “Third Street Industrial District,” which extends from approximately 18th Street south to 24th Street, the building at 1830 Third Street—a restaurant originally known as the Viaduct Café and most recently as the Sno-Drift Lounge—was found to have “played a significant role in the development of the Central Waterfront area” and to have been associated with a business “that served the daily needs

³⁸ December 2002 Draft for Public Review of the Central Waterfront Plan, pp. 70 and 74.

³⁹ California Office of Historic Preservation, Technical Assistance Bulletin #8, *User’s Guide to the California Historical Resource Status Codes & Historic Resources Inventory Directory*; November 2004. Available on the internet at: <http://www.ohp.parks.ca.gov/pages/1069/files/tab8.pdf>.

of workers in the area,” according to the Planning Department’s most recent evaluation.⁴⁰ Therefore, 1830 Third Street is considered a historical resource under CEQA.

The building at 1900 Third Street is currently designated “7N1” (Needs to be re-evaluated [Formerly National Register Status Code 4]—may become eligible for NR w/restoration or when meets other specific conditions) by OHP. This building was not re-evaluated as part of the recent update of the Central Waterfront Cultural Resources Survey. It is acknowledged that The University of California, San Francisco (UCSF), as lead agency for its own development projects, conducted additional evaluation of the building at 1900 Third Street beyond that undertaken in 2001, as part of its 2005 Long-Range Development Plan Amendment #2 EIR (and summarized in UCSF’s recent Medical Center at Mission Bay Draft EIR (State Clearinghouse No. 2008012075), and that with this more specific and current information, UCSF concluded that the building at 1900 Third Street is not a historical resource.

Hazards

Comment [H1]

“According to the draft EIR, compliance with existing laws and site-specific review with appropriate regulatory oversight will protect human health and the environment. The draft EIR also states that where conversion of land use leads to a more sensitive use, stricter cleanup levels may be required if previous closure left contamination in place.

“The draft EIR should also state that each site-specific review will require a thorough investigation of all historical uses of each property and nearby facilities in addition to an assessment of previous regulatory involvement. Without this information, DTSC will be unable to determine whether hazardous substances may have been released at the site. Based on that information, samples should be collected to determine whether additional issues need to be addressed at each specific site. If hazardous substances have been released to the soil, ground water, or surface water, this contamination will need to be addressed as part of the project.

“For example, if the proposed project includes soil excavation and remediation, the site-specific CEQA document should include: (1) an assessment of air impacts and health impacts associated with soil excavation activities; (2) identification of applicable local standards, which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset if an accident occurs at the Site.”
(Denise M. Tsuji, California Department of Toxic Substances Control)

⁴⁰ California Department of Parks and Recreation Form 523L for 1830 Third Street (draft), March 19, 2008. and N. Moses Corrette, preservation planner, San Francisco Planning Department, e-mail communication, March 26, 2008. Available for review, by appointment, at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2004.0160E.

Response

As stated in the Introduction to Section IV.L, Hazardous Materials, the DEIR analysis “is based on general parameters concerning the growth assumed” and “[no] site-specific development is contemplated as part of the proposed rezoning and area plans project, and therefore no such proposals are analyzed here.” On pp. 488 – 489, the DEIR sets forth the procedures anticipated to be followed for subsequent development projects that are proposed within the Eastern Neighborhoods study area. Among these procedures is completion of a site-specific Phase I environmental site assessment, including “visual inspection of the property, review of historical documents, and review of environmental databases to assess the potential for contamination from sources such as underground storage tanks, current and historical site operations, and migration from off-site sources.” If necessary, based on the results of the Phase I investigation, a Phase II investigation, including “sampling and laboratory analysis of the soil and groundwater for the suspected chemicals to identify the nature and extent of contamination” could be required. The Phase I site assessment is typically reviewed by the San Francisco Department of Public Health; this and other documents may also be reviewed by the California Department of Toxic Substances Control (represented by the commenter) and/or the California Regional Water Quality Control Board.

As a result, the DEIR properly concluded that compliance with established laws, regulations, and procedures, including the City’s own environmental review process pursuant to CEQA for subsequent site-specific development projects, would ensure that potential impacts from contaminated soil or groundwater, as well as hazardous building materials, would be reduced to a less-than-significant level. As appropriate, the site-specific CEQA document for a subsequent development project could include an assessment of air impacts and health impacts associated with soil excavation activities, identification of applicable local standards that may be exceeded by the excavation activities (including dust levels and noise), transportation impacts related to removal or remedial activities, and an analysis of the risk of upset if an accident occurs at the Site.

Mitigation Measures

The following comments concern mitigation measures for various impacts identified in the DEIR. Additional comments that discuss mitigation measures but that are more focused on the impacts themselves may be found in the appropriate topic areas of this Comments and Responses document.

Land Use

Comment [MM1]

“Page S-35: Mitigation Measures – Because the Western SoMa area is to be designated for the preservation of PDR space, why is the potential PDR space there not included in the total amount of PDR space that the EIR analyzes as available for PDR in the future?” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

PDR land in Western SoMa was part of the EIR analysis. As noted in the main body of the DEIR text on p. 62, “The future supply of PDR land included the assumptions in Option B for both Western SoMa and Bayview-Hunters Point, neither of which is part of the Eastern Neighborhoods planning process, although both were originally included.” The DEIR continued, “because Option B originally assumed that Western SoMa would remain a key location for PDR businesses and employment, the EPS projections for future PDR land supply are contingent on future zoning ultimately being adopted for Western SoMa that retains a substantial PDR presence.” Mitigation Measure A-1, referred to by the commenter, which would result in retention of substantial PDR land in Western SoMa, was judged not to be feasible, because it was not possible to state with certainty the outcome of the Western SoMa rezoning process, which is proceeding independently of the Eastern Neighborhoods project, as explained on DEIR p. S-35. While such a measure is deemed to be infeasible at this time as part of the Eastern Neighborhoods planning effort, it should be noted that the separate Western SoMa rezoning process could result in a zoning scheme similar to this, but it is speculative to come to that conclusion at this time.

Transportation

Comment [MM2]

“Mitigation Measures E-3, E-4, E-5, E-6, E-10, and E-11 along with numerous transportation policies of the Eastern Neighborhoods area Plans, if implemented, would support the reduction of vehicle related air pollution and collision hazards by reducing the number of vehicle trips in the project area. Traffic calming, implementation of the Better Streets Plan, parking pricing policies, a congestion pricing scheme, and transportation impact fees seem particularly promising approaches. We encourage the implementation of these measures to the greatest extent feasible and the development of a coordinated implementation timeline for land use development and transportation facilities improvements.” (*Rajiv Bhatia, M.D., Ph.D., San Francisco Department of Public Health*)

Response

The comment expresses support for implementation of mitigation measures and draft policies aimed at reducing automobile travel. No response is required.

Comment [MM3]

“Page S-37: Define ‘Parking Benefits District’ and give examples.”

“Page S-37: Explain why there is no discussion of bonds, and Community Benefit Districts that could be created to take into account the existing deficiencies caused by existing conditions, often caused by neglect of existing property owners in these districts, particularly non-occupying landlords.” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

The comments are in regard to Mitigation Measure E-5, Enhanced Transit Funding. A parking benefit district is a type of community benefit district in which enhanced parking revenue (from parking meters and/or parking garages and lots) is channeled to specific improvements in the district. Often, such improvements involve streetscape enhancements, but the revenue could also be directed to transit improvements. (In San Francisco, a substantial share of revenue from City-owned parking garages is already directed to Municipal Railway operations.) More generally, a community benefit district involves a new revenue stream generated by an assessment on property owners in the district, with the funds going to special-purpose needs deemed important to the property owners, who have to approve the assessment. Such districts exist at a several locations in San Francisco, including Union Square, Fisherman’s Wharf, the Tenderloin, the Castro, Noe Valley, and—in the Eastern Neighborhoods—a block-long stretch of Mission Street, between 20th and 21st Streets. These districts use their funds for sidewalk cleaning and trash removal, graffiti abatement, tree planting, landscaping and other streetscape improvements, signage, planning and special event promotions, and security patrols for the area covered by the district. Bond funding, on the other hand, would involve citywide revenue generation and expenditures would be more likely to be expended on programs benefiting the entire City.

Comment [MM4]

“Page S-38: This should state that, because smaller sites have restricted access and limited frontage, discouraging the location of these accesses from this frontage could discourage and restrict the ability to produce the amount of PDR and housing that is necessary.” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

The comment refers to Mitigation Measure E-7, which calls for enhancing transit accessibility by, among other things, promoting “primary access to buildings from transit stops and pedestrian areas,” rather than through auto-oriented entryways. This mitigation strategy is intended to be generally applicable, where feasible, and would not serve as a prohibition on other types of building access, particularly where special circumstances (e.g., limited site area or other constraints) might dictate otherwise.

Comment [MM5]

Page S-40: In Mitigation Measure E-12, Increase Transit Usage, define and clarify a parking cash-out policy. The term ‘near transit centers’ should be clarified. California’s Department of Real Estate will not approve and accept a policy that forces the association to pay for and provide Muni fast-passes for the occupants. This should be stated here, or this comment should be eliminated. Why does the mitigation measure identify subsidized transit passes for only office employees, and not PDR employees? (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

Mitigation Measure E-12 calls for increasing transit usage, and the measure identifies various means by which transit usage might be enhanced. However, Mitigation Measure E-12, read by itself, might be seen to impose specific requirements on individual projects that are more appropriately incorporated into an areawide Transportation Demand Management program and/or implemented through legislative action. Accordingly, Mitigation Measure E-12 is deleted and three of the four bulleted paragraphs from that measure are incorporated into a revised Mitigation Measure E-11, pp. 506 – 507, and p. S-4 (in Chapter II, Summary) as follows:

Mitigation Measure E-11: Transportation Demand Management

As a mitigation measure to minimize delays to transit vehicles due to projected traffic congestion and to encourage use of alternative modes of travel, including transit, implement collaborative management of workplace facilities, work hours, and transportation resources. Mitigation may be achieved through some or all of the following measures:

- Establish a Transportation Demand Management (TDM) program in the Eastern Neighborhoods that could be designed to expand citywide, and that would coordinate programs promoting alternative means of transportation and reducing dependence on the automobile. Such a TDM program could support growth in transit usage where capacity is available and/or existing service appears to be underused, such as in the Folsom Street, Valencia Street, and South Van Ness Avenue corridors, and in the Mission Bay North area. A TDM program could include one or more of the following strategies:

- Require cash-out policies for all employers who are providing on-site parking or subscribe to a parking facility to provide employee parking.
- Require car-sharing and bike-sharing in developments near transit centers as a means of increasing incentives for residents and employees not to own or depend on automobiles.
- Promote the creation of on-site Transportation Management Associations at work sites to restrict employee parking, facilitate and encourage the use of transit passes, emergency-ride-home policies, and other promotions for alternative means of commuting, and to promote alternative work schedules for drivers that focus on making better use of off-peak roadway capacity.

Under a parking cash-out policy, an employer who provides free or subsidized parking also provides a comparable financial benefit to employees who do not use parking. “Near” transit centers is not intended to specify an absolute distance; however, the term is normally taken to mean within walking distance of transit, which commonly means one-quarter mile (and sometimes is interpreted as one-half mile in the case of rail service). The bullet calling for office employers to provide free or subsidized transit passes is included in recognition of “the predominance of office employment in San Francisco [that] is evident in that office occupations—both high-wage management occupations and lower-wage office and administrative support occupations—are ranked among the top three in each neighborhood, including Western SoMa” (DEIR p. 208).

The bullet in Mitigation Measure E-12 stating, “Require that all new residential development larger than 50 units provide transit passes to all residents as part of rent or homeowners association fees” is hereby deleted. The above changes do not fundamentally alter the concept behind the remaining bulleted paragraphs, which is to encourage increased transit use. The other bulleted items remain applicable, at the program level of analysis used in the DEIR, and other approaches could also be employed.

Noise

Comment [MM6]

Page S-41: In Mitigation Measure F-2, Construction Noise, define “noise control blankets.” These could cause safety hazards for construction workers, including forklift and operators, and could reduce passage of light and air. They might also cause a wind-related safety hazard, causing scaffolding to topple. The items in Mitigation Measure F-2 could create economic hardship for development of both residential and non-residential construction, and should be reserved for controlling after-hours construction noise only. (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

Construction noise barriers are commonly used on construction projects to limit noise emanating from the construction site and reaching nearby residential units and other sensitive receptors, such as schools and hospitals. Noise blankets can be employed as a shield around particularly noisy construction equipment, such as compressors, and can also be installed on portions of a building wall. These and other methods of limiting the external effects of construction noise (e.g., plywood, plastic, or metal acoustic panels) are routinely used on construction projects and there is no reason to suspect that the safety hazards postulated by the commenter would come to pass. Typically, these temporary barriers are placed on the side of a project's structural framework that abuts an adjacent building, and are not mounted on all sides of the structural framework. Concerning the applicability of the features in Mitigation Measure F-2, DEIR p. S-41, the measure does not state that these features automatically apply to any projects. Rather, the measure begins, "Where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, the Planning Director shall require that the sponsors of the subsequent development project develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant." The measure states that listed attenuation measures shall be applied as feasible. Thus, each project would be evaluated on an individual basis, by a qualified expert, prior to any determination about what noise-control strategies need be employed, and when.

Comment [MM7]

Page S-42: In Mitigation Measure F-4, Siting of Noise-Sensitive Uses, using "two blocks" as the area around a project site that would be evaluated for noise-generating uses is unscientific. Instead, a distance of 150 feet to 300 feet should be used. Noise measurements should be made at the project site, which would eliminate the need for an area survey. (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

The purpose of the survey of nearby land uses in Mitigation Measure F-4 is to evaluate the potential for noise generation prior to approving a residential project or other new use at which excessive noise levels could be annoying. While the mitigation measure calls for noise measurements to be undertaken, without a survey of nearby uses, it could be difficult to identify the source(s) of noise levels recorded over a 24-hour period. The notion that the survey should be undertaken within two blocks of a project was intended to simplify this effort and encompass those uses directly adjacent to a project (presumably on the same city block) as well as those across the street (presumably the next city block). Since adjacent buildings can serve as noise barriers, the appropriate

distance could vary depending on the heights of adjacent buildings. An important indicator of potential noise impact in a developed, urbanized noise environment is whether or not there is a direct line-of-sight between source and receptor (which would determine whether there are intervening buildings that would serve as noise barriers). As the commenter implies, two blocks can be a substantially different distance depending on the neighborhood in which a project is located. Accordingly, Mitigation Measures F-4 (Siting of Noise-Sensitive Uses) and F-5 (Siting of Noise-Generating Uses) is each revised so that the reference to "... uses within two blocks of the project site ..." is revised to read, "... uses within 900 feet ~~two blocks~~ of, and that have a direct line-of-sight to, the project site," The 900-foot distance is derived from the approximate distance needed for a noise level of 85 decibels (dBA; this level is equivalent to a noisy factory at 50 feet, as indicated in DEIR Table 43) to be reduced to about 60 dBA (the level at which an interior noise level of 45 dBA can generally be achieved by closing windows, without special noise reduction features or insulation, per the General Plan noise compatibility guidelines in DEIR Figure 19), assuming typically assumed attenuation of 6 dBA per doubling of distance.

Likewise, Air Quality Mitigation Measure G-4 (Siting of Uses that Emit Other TACs) is revised to replace "two blocks" with "1,000 feet," which is the distance that the California Air Resources Board recommends as an appropriate separation between sensitive land uses and certain TAC-emitting uses.

Comment [MM8]

Page S-42: Mitigation Measure F-6. Mitigation regarding Code-required open space should apply only to "the most extreme cases, perhaps only when building next to heavy industrial uses." It should not apply to rooftop open space, including decks; noise barriers should not exceed 7 feet in height. "This policy could present many conflicts with the Design Review Guidelines and limit one's ability to provide outdoor open space. (*Grace Shanahan, Residential Builders Association*)

Response

Mitigation Measure F-6 recognizes that outdoor open spaces—which the Planning Code generally requires be provided for new residential development—cannot always meet what might be considered an ideal noise standard. As a result, the measure calls for such spaces to be protected from annoying or disruptive noise levels "to the maximum feasible extent," and "consistent with other principles of urban design." The measure simply requires that noise be one of the factors considered in the design of outdoor open space.

Air Quality

Comment [MM9]

“We strongly support the inclusion of G-1, which recognizes that construction related particulate matter can be a public health nuisance and irritant. It would be useful to explicitly designate a public agency (e.g. Department of Building Inspection) to review, approve, and monitor compliance of the required dust abatement plans.” (*Rajiv Bhatia, M.D., Ph.D., San Francisco Department of Public Health*)

Response

The comment expresses support for implementation of mitigation measures and draft policies aimed at reducing automobile travel. No response is required.

Comment [MM10]

The DEIR Summary, on p. S-26, states that mitigation would require that a number of uses be located at least 1,000 feet from residential units and other sensitive receptors. This appears impractical. (*Victor Vitlin, John Vitlin Trust*)

Response

Because of an editorial error, the Summary description cited by the commenter incorrectly characterized the intent of the proposed mitigation by conflating Mitigation Measures G-3 and G-4. Mitigation Measure G-3 would require that “new development including warehousing and distribution centers, commercial, industrial, or other uses that would be expected to be served by at least 100 trucks per day or 40 refrigerated trucks per day ... be located no less than 1,000 feet from residential units and other sensitive receptors, including schools, children’s day care centers, parks and playgrounds, hospitals, nursing and convalescent homes, and like uses” to reduce potential exposure to diesel particulate emissions. Mitigation Measure G-4 would require an analysis identifying nearby sensitive receptors before permitting new uses that would be expected to generate toxic air contaminants, including such uses as “dry cleaners; drive-through restaurants; gas dispensing facilities; auto body shops; metal plating shops; photographic processing shops; textiles; apparel and furniture upholstery; leather and leather products; appliance repair shops; mechanical assembly cleaning; printing shops; hospitals and medical clinics; biotechnology research facilities; warehousing and distribution centers; and any use served by at least 100 trucks per day.” However, depending on the results of the analysis, such uses (other than trucking facilities) would not necessarily have to be located a minimum of 1,000 feet from sensitive uses. These two measures are correctly characterized on DEIR p. 353, in the Air Quality section.

To correct the editorial error, the second full paragraph on DEIR p. S-26 is revised as follows (new text is double-underlined; deleted text is shown in ~~strike-through~~):

Certain other uses that could locate in the project area could result in emissions of DPM and other TACs. These include, for DPM, warehousing and distribution centers and commercial, industrial, or other uses that generate substantial truck traffic. For other TACs, uses would include, among others, dry cleaners, drive-through restaurants, gas stations, auto body shops, metal plating shops; photo processing, furniture upholstery, appliance repair, printing, hospitals and clinics, biotechnology research, warehousing and distribution centers, and processing of textiles and leather. Mitigation identified in this EIR would require that ~~such~~ uses generating substantial DPM emissions be located no less than 1,000 feet from residential units and other sensitive receptors, and would require a site survey to identify existing residential or other sensitive uses where other new TAC-generating uses are proposed. This mitigation would reduce impacts of uses generating DPM and other TACs to a less-than-significant level.

Comment [MM11]

Page S-44: In Mitigation Measure G-2, Air Quality for Sensitive Land Uses, how was the distance of 500 feet from a freeway and a traffic volume of 100,000 daily vehicles determined to be appropriate for this measure? What is a “high-efficiency filter system.” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

As explained in the main body of the DEIR, on p. 333, the 500-foot distance and 100,000 daily vehicles thresholds are based on the 2005 California Air Resources Board publication entitled, *Air Quality and Land Use Handbook: A Community Health Perspective*. A high-efficiency filter system, as stated in Mitigation Measure G-2, in this context means that the filters meet a minimum efficiency reporting value (MERV) 13, per American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 52.2. Such filters typically capture more than 90 percent of particles 1 micron or greater in diameter, and less than 75 percent of smaller particles 0.3 to 1 micron in size. This filtration is comparable to a Dust Spot 85% rating in the prior ASHRAE Standard 52.1. According to research by Lawrence Berkeley National Laboratory, a MERV 13 filter in conjunction with a central forced air system can reduce indoor levels of fine soot particulates generated outdoors by 45 to 80 percent.⁴¹

⁴¹ Sherman, Max H., and Nance E. Matson, “Reducing Indoor Residential Exposures to Outdoor Pollutants,” Lawrence Berkeley National Laboratory Report Number 51758. Berkeley, California, July 2003. This report is available for review by appointment at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2004.0160E.

Archeological Resources

Comment [MM12]

Page S-44: Mitigation Measure J-1 should be required only for project on “native” soils because fill is not likely to be the location of an archeological site. (*Grace Shanahan, Residential Builders Association*)

Response

Mitigation Measure J-1 applies only the sites “for which a final archeological research design and treatment plan (ARDTP) is on file” with the state and the Planning Department. The fact that an ARDTP had previously been prepared for a site indicates that there was at least some degree of presumed archeological sensitivity attributed to the site. Moreover, while historic-period sites are less likely to be present where there is fill (depending on the depth of fill), prehistoric sites may be present beneath fill place during the historic era. For instance, one of the most important archeological discoveries in San Francisco was a fragmentary human skeleton from a nearly 5,000-year-old burial site that was discovered during excavation for the Powell Street BART station in 1969. These remains were discovered at a depth of 75 feet below street grade in an area that had been graded and filled extensively during the 19th century. Additionally, in some instances “fill” itself has been determined to be archeologically significant if the fill material can be associated with a specific episode, source, or historic phenomenon. Examples of archeologically significant fill include the Quartermaster dump at the San Francisco Presidio and “Dumpville,” an area along the northern shore of Mission Bay (adjacent to East SoMa) where poor residents—mostly men—built makeshift housing and searched for items of value in the refuse deposited in Mission Bay. Furthermore, archeological features such as prehistoric midden or buried storehouses, wharves, buildings, marine ways, and the like often occur within landfill matrices.

Comment [MM13]

Page S-47 – S-48 – Mitigation Measure J-2, Properties with No Previous [Archeological] Studies: “Please explain what is wrong with the existing standards and substantiate the need to implement each of these 5 conditions.” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

The requirements for the archeological sensitivity study to be required for properties for which no prior archeological assessment has been completed simply formalizes the procedures already used by the Planning Department. For sites where no previous research has been conducted regarding the potential existence of subsurface cultural resources, Department staff typically reviews the case file, including existing reports for

properties near the site in question—essentially conducting its own “sensitivity study” to determine whether further research is warranted. If so, the Department typically requires preparation of an Archeological Research Design and Treatment Plan, as is also called for, where warranted, under Mitigation Measure J-2. The Sensitivity Study that is set forth as a first step under this measure is akin to Planning Department procedures for potential historical resources for which no specific research has been conducted. In such instances, the Department typically requires submittal of a “Supplemental Information Form for Historical Resource Evaluation,” on which is provided information on the property description, history, and existing ratings, as well as the architect. Additional details, such as the historic name of the property, are also provided, if applicable., Department preservation planning staff sometimes bypass the Supplemental Information Form when it is already likely that a property will be determined to be a historical resource; in such cases, a Historic Resources Evaluation Report is required to assess the impacts of the proposed project. In practice, it is anticipated that there may be similar instances with regard to properties subject to Mitigation Measure J-2; that is, Department staff will sometimes bypass the Sensitivity Study and simply require a Archeological Research Design and Treatment Plan in the case of the known or likely presence of archeological resources.

Historical Resources

Comment [MM14]

Page S-52: Regarding Mitigation Measure K-1, buildings 50 years or more in age that are proposed for demolition should not be reviewed by the Landmarks Preservation Board, unless Planning preservation staff feels the building is exceptionally worthy of such review. This review is not required by any City code. Why would a building 50 feet tall or 10 feet taller than adjacent buildings be likely to adversely affect historic buildings, when such a development pattern downtown “has never been considered a negative environmental effect?” (*Grace Shanahan, Residential Builders Association*)

Response

Under existing Planning Department policy, when a building that is more than 50 years of age that is not already designated as or known to be a historical resource is proposed for demolition or major alternation, the Department requires that research be undertaken to determine whether the building meets criteria for listing on the California Register of Historical Resources or otherwise qualifies as a “historical resources” for the purposes of CEQA review.⁴² (Fifty years is commonly used as the cutoff age because resources less than 50 years of age are not commonly listed in the California Register unless “it can be

⁴² San Francisco Planning Department, “Preservation Bulletin 16: CEQA Review Procedures for Historic Resources,” March 31, 2008. Available for review at the Planning Department, 1650 Mission Street, Suite 400. Also available on the internet at: http://www.sfgov.org/site/uploadedfiles/planning/projects_reports/PresBulletin16CEQA.pdf.

demonstrated that sufficient time has passed to understand its historical importance” (California Public Resources Code Sec. 4852(d)(2)). The requirement in Mitigation Measure K-1 that projects involving demolition or major alteration of such buildings in the project area be reviewed by the Landmarks Board is identified as an interim permit review procedure until historical resources surveys of the Eastern Neighborhoods have been completed. Once the surveys are complete, Department staff will be able to quickly and accurately identify historical resources that may be affected by subsequent development projects, and automatic Landmarks Board review would not necessarily be required.

Regarding buildings above specified heights, these aspects of Mitigation Measure K-1 are intended, again as an interim permit review procedure, to allow for thorough review of subsequent development projects that could alter the setting or feeling of an existing or potential historical resource. These are among the seven aspects of integrity that are incorporated into guidance for identification of eligibility for the California Register (as well as the National Register of Historic Places); to be eligible for these registers, a resource must have historic importance *and* maintain sufficient integrity to convey that importance. (The other seven aspects of integrity are location, design, materials, workmanship, and association.)

Setting refers to, among other things, “Relationships between buildings and other features or open space.” Feeling is “a property’s expression of the aesthetic or historic sense of a particular period of time.”⁴³ In particular, the setting of a historical resource can be adversely affected by changes in relationships between the resource and nearby properties, especially adjacent buildings. For example, if a historic building that defines the visual gateway to a neighborhood is rendered substantially less visually important by a newer, much larger building, the historic building could have diminished integrity. While such a change would not necessarily result in a significant adverse change in the historic significance of the resource (and, therefore, a significant impact under CEQA), the impact must be evaluated. The reason for referring such projects to the Landmarks Board pending completion of historic survey work in the Eastern Neighborhoods is to ensure that such evaluation is not overlooked.

Comment [MM15]

Page S-53: Why does Mitigation Measure K-1, Interim Procedures for [Historical-Resources–Related] include an additional 10-day review period? Cannot this review occur within the existing 30-day neighborhood notification time period or before the notice required under Planning Code Section 311 is distributed? (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

⁴³ National Park Service, “National Register Bulletin: How to Apply the National Register Criteria for Evaluation,” 1995 (revised). Available on the internet at: <http://www.nps.gov/history/nr/publications/bulletins.htm>.

Response

Planning Code Section 311 requires that a notice be posted and mailed to neighborhoods regarding building permit applications in residential (RH and RM) use districts, and that the permit not be acted upon for 30 days to allow review by residents, owners, and neighborhood groups. For projects in RH and RM districts, it is likely that the 10-day review called for under Mitigation Measure K-1.E would be completed within the 30-day Section 311 period. Certain other use districts also required neighborhood review of building permits. The 10-day neighborhood review of potential historical resources impacts identified in Mitigation Measure K-1.E would apply, however, even in the absence of such existing review requirements. As with other measures discussed above, this would be an interim permit review procedure until historical resources surveys of the Eastern Neighborhoods have been completed.

Comment [MM16]

“Page S-55, Fourth (4th) full paragraph from the bottom of the page:

“a. This paragraph seems to imply that new buildings built next to or near historical buildings would be evaluated on how their height compares with the height of historical buildings, though very tall buildings have been successfully built next to low and tall historical buildings throughout the City, mostly downtown and in neighborhood commercial districts. Please explain why there needs to be any criteria discouraging construction or additions creating buildings taller than adjacent historical buildings.

“b. Please explain how the addition of criteria for infill construction stated at the bottom of S-55 might or might not impair the construction of the Eastern neighborhoods goal of 9,000 units.”

(M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association)

Response

This comment concerns Mitigation Measure K-3, which addresses alterations and infill within the existing Dogpatch Historic District. In a historic district, the district itself is a historical resource under CEQA, along with the individual contributing resources within the district, which are also normally considered historical resources. As such, environmental review under CEQA already requires that the analysis evaluate whether a project would “cause a substantial adverse change in the significance of an historical resource,” as stated on DEIR p. 455. The DEIR explains, on p. 456, that a “substantial adverse change” is defined in the CEQA Guidelines as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired,” and that such material impairment would occur when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that, among other things,

account for the property's inclusion in a local register of historical resources, such as Article 10 of the San Francisco Planning Code, which lists locally designated historic districts. Accordingly, evaluation of the effects of new construction within a historic district, such as the Dogpatch Historic District, already requires evaluation of effects both on the district itself and on adjacent and nearby contributing resources. In terms of project design and approval by the City, the Planning Code requirement for a Certificate of Appropriateness for new construction in a historic district (including Dogpatch) is that the project "be compatible with the character of the historic district" (Planning Code Sec. 1006.6(c)).

As to the above criteria's potential to affect the number of dwelling units produced under the project, the Planning Department growth projections on which the DEIR analysis was based do not anticipate substantial new housing development within the Dogpatch Historic District; instead, housing development projected in the Central Waterfront is anticipated to occur primarily outside the historic district. Moreover, the relatively small area occupied by the Dogpatch Historic District within the Eastern Neighborhoods project area would diminish any potential dampening effect that Mitigation Measure K-3 might have on future development.

Improvement Measures

Comment [MM17]

Page S-57: Concerning Improvement Measure D-2, does the second paragraph (which describes "additional efforts to contend with potential residential displacement [by focusing] on increasing the housing supply for those such as larger families and families whose needs are not adequately met by the private market) refer to a proposed "inclusionary housing overlay," or to something in addition to the proposed overlay? (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

Improvement Measure D-2, Affordable Housing Production and Retention, is included in the DEIR to partially address the project's less-than-significant physical effects of potential displacement of residents who suffer employment loss as a secondary effect of the proposed project, which is discussed on DEIR pp. 238 – 239. This improvement measure is general in nature, providing a list of potential approaches to assisting in the provision of additional affordable housing for families that could indirectly be displaced from their existing housing as a result of the loss of PDR employment that may be a primary source of wages for these families. No specific program proposed as part of the project is specified in this measure.

It is also noted that, on February 28, 2008, Supervisor Dufty introduced legislation before the Board of Supervisors (File 080273) that would amend the Residential Inclusionary Affordable Housing Program (contained in Planning Code Sec. 315 *et. seq.*) to allow for density bonuses to be granted to project applicants who develop “affordable family-sized units” (generally, two and three bedroom units, subject to certain limitations).

Comment [MM18]

Page S-57: Concerning Improvement Measure D-3, affordable housing sites should be mapped by the City as part of the proposed Eastern Neighborhoods area plans before the plans are adopted “so that people will know what sites are likely to be designated for Affordable Housing before they pursue purchasing them....” (*Grace Shanahan, Residential Builders Association*)

Response

Improvement Measure D-3 calls for the City to maintain and regularly update an inventory of potential affordable housing sites, to avoid the potential for conflict between a developer of market-rate housing and an affordable-housing developer. If this measure were implemented, it would effectively resolve the commenter’s concern. Including such a map in the proposed area plans would neither be practical nor particularly useful, because it would reflect conditions a single moment in time and would not provide for updating of the inventory.

Comment [MM19]

Page S-58: Concerning Improvement Measure F-1, “Please explain why, even without updating or revising the existing Noise Ordinance, the EIR is implying that the threshold decibel level above which noise shall be considered a nuisance under the Police Code will be studied for reduction.” (*M. Brett Gladstone, Gladstone & Associates; Grace Shanahan, Residential Builders Association*)

Response

As explained in the main body of the DEIR, the Noise Ordinance is out of date. “The Noise Ordinance has not been amended since 1973 and Section 2909 does not currently correspond to many existing zoning districts. For example, the ordinance makes no reference to existing mixed-use districts in the South of Market or to neighborhood commercial districts, which exist citywide, and the residential districts identified in the ordinance do not match the current array of residential districts in the Planning Code. Thus, enforcement of the ordinance involves a degree of interpretation as to its applicability in various use districts” (footnote 133, DEIR p. 312). Under the Noise Ordinance, relatively higher noise levels are permitted in commercial, heavy commercial, and industrial use districts, compared to residential districts: the permitted noise level in the M-2 (Heavy Industrial) use district is 75 dBA, or 25 dBA higher than the maximum

permitted nighttime noise level in existing low-density residential districts. Under the proposed Eastern Neighborhoods Rezoning and Area Plans project, it is likely that new mixed-use districts that permit dwelling units alongside commercial (and, in some cases, PDR) uses, would be subject to lower (residential-based) noise levels than the industrial and heavy commercial districts that the new districts would replace. As stated on DEIR p. 322, “While this would not, in itself, create a adverse physical effect ... it would potentially create new violations of the Police Code, as businesses currently in compliance with the noise ordinance limits for industrial zones might not comply with the lower limits for mixed-use zones.” Accordingly, the DEIR identifies Improvement Measure F-1 as a means of achieving consistency between the Police Code and the Planning Code use districts, and to develop appropriate noise standards for mixed-use districts. Improvement Measure F-1 does not call for reducing, for example, the existing noise level that is allowable in residential districts.

Significant, Unavoidable Impacts

Comment [SU1]

The DEIR identifies 26 out of 39 impacts that need more discussion. Of these include Land Use, Visual Quality, Population, Transportation and Circulation, Noise, Air Quality, Hazards and Cultural Resources. This number is too large and significant to not be addressed in more detail. A stronger list of mitigation measures, to include a readjustment of the East SoMa Area Plan goals, must be incorporated immediately to ensure that this neighborhood continues to be healthy, viable and diverse. (*Chris Durazo, South of Market Community Action Network [SOMCAN]*)

Response

The comment is noted. The DEIR identifies significant effects than cannot be mitigated to a less-than-significant level only under the topics of Land Use (Option C and the No-Project scenario would result in a significant adverse effect on the supply of land for PDR uses); Transportation (Options A, B, and C, as well as the No-Project scenario would result in significant adverse effects on traffic and transit); Historical Resources (all options and the No-Project scenario would result in significant adverse effects because it is unlikely that no future development proposal in the Eastern Neighborhoods would result in demolition, alteration, or other changes to one or more historical resources such that the historical significance of those resources would be “materially impaired”); and Shadow (all options and the No-Project scenario could add new shadow to protected parks the feasibility of complete mitigation for potential new shadow impacts of currently unknown development proposals cannot be determined at this time). The information in the DEIR concerning these significant, unavoidable impacts will be considered by the decision-makers as part of their decision whether to approve the propose project. The EIR does contain extensive discussion of these potential impacts, and the potential for

mitigation or reduction of impacts. While feasible mitigation measures were not identified for all impacts, the residual significant impacts do not necessarily lead to a conclusion that certain neighborhoods would be unhealthy.

Comments on the Proposed Rezoning and Area Plans

Comment [PR1]

“The transportation section of the DEIR is very thorough in detailing the current traffic and transportation nightmare in the Mission and analyzing the proposed future nightmare which will remain. The glaring omission is the development and utilization of 16th Street. People drive, walk, bike, bus and BART along 16th Street through the Mission and Potrero in droves every day. Why not develop this as a safe and viable route? People use this street anyway. Let them do so safely and productively by allowing appropriate development along this route.” (*Richard F. Koch, Alabama Street Partners*)

Response

The comment appears to support increased intensity of development along 16th Street. As shown in Figure 2 on DEIR p. 8, 16th Street between South Van Ness Avenue and Seventh Street is primarily zoned for industrial uses (M-1 and M-2 districts); east of Seventh Street, 16th Street enters the Mission Bay South Redevelopment Area. The proposed rezoning options depicted in Figure 3 on DEIR p. 15 include areas of Mixed-Use Residential, Urban Mixed-Use, and Residential, Transit Oriented districts of varying sizes and at varying locations along this same portion of 16th Street. Thus, depending on the rezoning option selected, permitted land uses could change to varying degrees in both Showplace Square/Potrero Hill and in the NEMIZ.

Comment [PR2]

[T]he summary here that talks in our calendar that talks about the different districts is probably a little clearer definition than some of the terms. I mean we're talking about a district where PDR ... is allowed, where PDR can be mixed with residential/commercial, where there should be residential and commercial, presumably no PDR and then residential only. And I think that's ... perhaps a little easier concept to understand than some of the—the transit terms that are used with some of these districts.... (*Planning Commissioner Michael Antonini*)

Response

Some of the names of the proposed use districts have been revised since the publication of the Draft EIR, which may address some of the Commissioner's concerns. The use district names ultimately adopted if the rezoning proposed is adopted will be those approved by the Planning Commission and Board of Supervisors.

Comments

A number of comments were directed at the proposed rezoning and area plans, and do not address the adequacy or accuracy of the EIR. The following are some of the issues raised in regard to the proposed project itself, or in support of or opposition to various rezoning options, rather than the DEIR. (A number of the comments concern the draft proposed zoning map and use district designations released for public review on September 6, 2007, during the DEIR public comment period.) Because these comments do not address the adequacy or accuracy of the EIR, no responses are required. However, in some instances, additional information is provided for clarification. These and other comments that concern the proposed project (proposed rezoning and area plans) will be considered by the Planning Commission and the Board of Supervisors in their consideration of the proposed zoning changes and draft Area Plans.

- Height limits along the north side of 16th Street [on Blocks 3833 and 3834] should be increased to 65 feet, not the 45 feet indicated in the DEIR for Option B or the 50 to 55 feet indicated for Options A and C. (*Steven L. Vettel, Farella, Braun + Martel*) [PR3]
- Parcels on the west side of Indiana Street between 20th and 22nd Streets should be designated for Mixed Use Residential uses rather than PDR uses. (*George Hume and David Gockley, San Francisco Opera*) [PR4]
- The project should permit greater height limits—up to 500 feet—along Harrison Street between Second and Fourth Streets and on Fourth Street south of the I-80 freeway. (*Joseph Ferrucci, Luce, Forward, Hamilton & Scripps*) [PR5]
- The proposed UMU and PDR use districts would impose unreasonable restrictions on office use, particularly in the case of larger multi-tenant buildings that have a mix of tenant uses and have had occupancy of well in excess of 5,000 square feet of office use for many years. In the Northeast Mission, office use has coexisted with PDR, both within buildings and between adjacent and nearby buildings, for many years. Traditional PDR use (i.e., manufacturing) has essentially moved offshore and is generally no longer economically viable in the United States. Thus, “the concept of a ‘Production’ and ‘Distribution’ business is not a static one and PDR businesses have been forced to change their business model, their operations, and their use of space....” (*Victor Vitlin, John Vitlin Trust; M. Brett Gladstone, Gladstone & Associates*) [PR6]
- Architects, engineers, and design professionals should be included in a separate use category, as they use office-like facilities but often cannot afford traditional office space. (*Victor Vitlin, John Vitlin Trust*) [PR7]
- What is the difference between Office – Multimedia/Digital Media Office” and Industrial/PDR – Multimedia/Digital Media Production Facility?” (*Victor Vitlin, John Vitlin Trust*) [PR8]
- Life science research and development should be permitted in PDR districts in the NEMIZ. (*Victor Vitlin, John Vitlin Trust; M. Brett Gladstone, Gladstone & Associates*) [PR9]
- Housing should be a permitted use on the 16th Street corridor in the NEMIZ. Concerning, housing, the proposed requirements that a share of new residential units be larger (two-bedroom and three-bedroom) units is unrealistic. (*Victor Vitlin, John Vitlin Trust; M. Brett Gladstone, Gladstone & Associates*) [PR10]

- Limiting the amount of retail space in buildings in PDR and UMU districts is unrealistic, particularly for buildings that have substantial amounts of existing retail. (*Victor Vitlin, John Vitlin Trust; M. Brett Gladstone, Gladstone & Associates*) [PR11]
- As an alternative to the Eastern Neighborhoods rezoning, why not consider rezoning for PDR use in the Bayshore and Bayview neighborhoods and on Port of San Francisco land, which are more physically separated from residential use and have better truck access? (*Victor Vitlin, John Vitlin Trust*) [PR12]
- “The City is mistaken in thinking that it can bring industry to the City using zoning as the main tool, by setting aside an area where industry will have to compete with few of the highest and best uses for a limited amount of land. ... The City does not consider the real problems of some of the traditional PDR businesses—a lack of revenue or falling revenue coupled with increases in expenses.... Many older, traditional PDR businesses are losing revenue due to technological and other changes in their business which zoning cannot address and which cannot be reversed, e.g., production moving offshore. ... Many ‘Repair’ businesses have been eliminated or seen dramatic loss of business. It is no longer cost-effective to repair many products.” (*Victor Vitlin, John Vitlin Trust*) [PR13]
- Will a startup business be required to move if it becomes successful and outgrows the size restrictions on certain types of uses proposed in the rezoning? Can such a business occupy adjoining space in the immediate neighborhood even if it exceeds the size limit, such as a sales office in one space and manufacturing in another? (*Victor Vitlin, John Vitlin Trust*) [PR14]
- Many buildings in proposed PDR zones in the NEMIZ, particularly larger buildings, are in multi-tenant use with much of their upper stories devoted to office-type uses and not to PDR. Should these buildings be subject to the same restrictions as buildings in PDR use? PDR tenants are increasingly demanding more flexible space and may be able to co-exist with non-PDR uses in such buildings. (*Richard F. Koch, Alabama Street Partners*) [PR15]
- The NEMIZ should not bear an undue share of the burden of attempting to meet the City’s need for more affordable housing. (*Richard F. Koch, Alabama Street Partners; M. Brett Gladstone, Gladstone & Associates*) [PR16]
- Use controls for the proposed Urban Mixed-Use (UMU) use district should be more permissive than currently proposed and should permit general office use, medical offices without regard to size and with “realistic” amounts of parking, and retail uses in excess of 7,500 square feet, and affordable housing requirements should be “realistic.” (*Josh Smith, Walden Development LLC*) [PR17]
- Sixteenth Street should be designated a “transit corridor” with a height limit of 65 feet near Mission Bay and Interstate 280. Seventh Street should have a height limit of 55 feet. (*Josh Smith, Walden Development LLC; M. Brett Gladstone, Gladstone & Associates*) [PR18]
- “The DEIR is deficient in identifying appropriate land use opportunities to support and encourage more families to the East SoMa area. The DEIR and East SoMa area plan should include a family infrastructure component: Explore a Youth and Family Zone between the 4th and 7th Streets along both sides Folsom and Bryant Street. The zone should include the two campus Bessie Carmichael Elementary and Middle School, Vicky Manalo Draves Park, the Rec Center and the youth-serving organizations. Family-housing, services and a youth center should be prioritized uses in this area.” (*Chris Durazo, South of Market Community Action Network [SOMCAN]*) [PR19]

- Child care and self storage should be permitted uses in PDR and UMU districts. (*M. Brett Gladstone, Gladstone & Associates*) [PR20]
- The proposed rezoning should allow for office use in City Landmarks and other historic buildings in PDR and UMU districts, if that use can be shown to be necessary for preservation of the building. (*M. Brett Gladstone, Gladstone & Associates*) [PR21]
- Industrial uses should not be subject to limitations on lot coverage. (*M. Brett Gladstone, Gladstone & Associates*) [PR22]
- PDR districts should permit non-PDR uses when a building owner can demonstrate an inability to lease space to PDR tenants. (*M. Brett Gladstone, Gladstone & Associates*) [PR23]
- Non-PDR uses in existing M-1 districts proposed for PDR-only rezoning should be allowed to remain as legal nonconforming uses even if they have not obtained required building permits and/or planning approval for alterations to their leased space. (*M. Brett Gladstone, Gladstone & Associates*) [PR24]
- Why does the proposed rezoning include a greater open space requirement per dwelling unit than is currently required. (*M. Brett Gladstone, Gladstone & Associates*) [PR25]
- One-to-one parking should be permitted as of right. (*Grace Shanahan, Residential Builders Association*) [PR26]
- There is sufficient land for PDR uses citywide. “Light and medium PDR uses can co-exists with housing,” and affordable housing should be encouraged atop such PDR uses. (*Grace Shanahan, Residential Builders Association*) [PR27]

Response

As stated above, comments on the proposed project that do not address the adequacy of the EIR need not be responded to. The following responses, however, are provided for the reader’s information.

Concerning the comments from San Francisco Opera representatives in regard to parcels on the west side of Indiana Street between 20th and 22nd Streets, the comments state that these parcels were not included in the February 2003 *Rezoning Options Workbook* for the Eastern Neighborhoods. This is correct. The parcels in question are within the Central Waterfront neighborhood and, as explained on p. 1 of the DEIR, the project includes “all or part of three ‘Eastern Neighborhoods’ included in the Department’s February 2003 draft *Rezoning Options Workbook* ... [as well as] the Central Waterfront, which was the subject of the draft Central Waterfront Neighborhood Plan, published in December 2002 as part of the Better Neighborhoods planning process, because the Central Waterfront is adjacent to the Eastern Neighborhoods planning area and shares similar land use issues.” More importantly, under the Preferred Project as of April 2008 (see p. C&R-5), the proposed zoning for these parcels has been changed from Employment and Business Development (EBD; now referred to as PDR zoning), which would generally permit only PDR uses, to Urban Mixed-Use (UMU), which would allow residential and commercial uses.

Concerning the comment regarding rezoning for PDR use in the Bayshore and Bayview neighborhoods and on Port land, it is noted that the Bayview Hunters Point Redevelopment Plan was approved in 2006 with the intent of retaining large areas of industrially zoned land. Rezoning of that neighborhood, which includes the Bayshore Boulevard corridor, is proceeding in accordance with the adopted redevelopment plan: as noted on p. 62 of the DEIR, the adopted plan generally mirrors Option B analyzed in the DEIR, which anticipates substantial growth in PDR and other industrial uses in Bayview-Hunters Point, as well as on Port land in the Bayview. Moreover, as stated on DEIR p. 62, both Bayview-Hunters Point and Western SoMa were considered in the PDR study by Economic and Planning Systems, because those neighborhoods were within the original 2003 boundaries of the Eastern Neighborhoods.

As stated in the DEIR on p. 13, most industrial land under Port jurisdiction in the Central Waterfront is intended to remain in industrial and maritime use. However, as also noted in the DEIR (p. 110), there are limitations on non-maritime industrial use of Port lands under the State of California Public Trust Doctrine.

Concerning the comment regarding expanding businesses potentially being prohibited if they exceed a particular size limit on the use in question, it is conceivable that this situation could arise, as it possible that the same situation could arise in many locations in San Francisco today. For example, many neighborhood commercial districts restrict the size of individual retail stores such that expansion beyond a certain floor area is prohibited under the Planning Code. Likewise, many such districts limit certain uses to certain floors of a building (for example, office space may be permitted at the ground floor and second story, but not above). It would be speculative to try to predict the outcome of the proposed size restrictions on future uses in the project area.

Regarding the comment about the EIR not adequately identifying “appropriate land use opportunities to support and encourage more families to the East SoMa area,” the DEIR evaluates the project as proposed, which in this case is the series of draft area plans and conceptual rezoning put forward by the Planning Department. It is not the EIR’s function to alter the project as proposed.

E. Staff-Initiated Text Changes

The following changes to the text of the Draft EIR are made in response to comments on the DEIR or are included to clarify the DEIR text. In each change, new language is double underlined, while deleted text is shown in ~~strike through~~, except where the text is indicated as entirely new, in which case no underlining is used for easier reading.

On page S-26, the second full paragraph is revised as follows to correct an editorial error:

Certain other uses that could locate in the project area could result in emissions of DPM and other TACs. These include, for DPM, warehousing and distribution centers and commercial, industrial, or other uses that generate substantial truck traffic. For other TACs, uses would include, among others, dry cleaners, drive-through restaurants, gas stations, auto body shops, metal plating shops; photo processing, furniture upholstery, appliance repair, printing, hospitals and clinics, biotechnology research, warehousing and distribution centers, and processing of textiles and leather. Mitigation identified in this EIR would require that ~~such~~ uses generating substantial DPM emissions be located no less than 1,000 feet from residential units and other sensitive receptors, and would require a site survey to identify existing residential or other sensitive uses where other new TAC-generating uses are proposed. This mitigation would reduce impacts of uses generating DPM and other TACs to a less-than-significant level.

On page S-40, Mitigation Measure E-11 is revised to incorporate aspects of Mitigation Measure E-12 into a more holistic concept of Transportation Demand Management, and Mitigation Measure E-12 is deleted as a separate measure (see text change for p. 506 – 507 for revisions).

On page S-41, Mitigation Measure F-3 is revised to achieve consistency with Measures F-4, F-5, and F-6. (See text change for p. 508 for revisions.)

On page S-42, Mitigation Measure F-4 is revised to provide a more specific distance for application of the measure and to clarify qualifications necessary for the analyst. (See text change for p. 508 for revisions.)

On page S-42, Mitigation Measure F-5 is revised to clarify the time periods during which noise in excess of ambient levels would require further analysis and to provide a more specific distance for application of the measure. (See text change for p. 508 for revisions.)

On pages S-44 – 45, Mitigation Measure G-2 is revised to include in the discussion of roadway-related risk from vehicle emissions non-cancer risk as well as cancer risk. (See text change for p. 511 for revisions.)

On page S-45, Mitigation Measure G-3 is revised to provide a more specific distance for application of the measure. (See text change for p. 512 for revisions.)

On pages S-53 – 54, Mitigation Measure K-2 is revised in response to a comment from the Landmarks Preservation Advisory Board. (See text changes for pp. 520 – 521 for revisions.)

On page S-55, Mitigation Measure K-3 is revised in response to a comment from the Landmarks Preservation Advisory Board. (See text changes for pp. 521 – 522 for revisions.)

On page S-56, Mitigation Measure K-1: Hazardous Building Materials is renumbered as follows to correct an editorial error:

Mitigation Measure ~~K~~ L-1: Hazardous Building Materials

On page 91, the text under the heading “Housing Element” is revised as follows to describe the status of the *San Francisco General Plan* Housing Element, which was the subject of a lawsuit decided at approximately the same time that the DEIR was published:

In May 2004, the Planning Commission adopted an updated and amended Housing Element of the *General Plan* to replace the existing Residence Element adopted by the Board of Supervisors in 1990. The updated Housing Element was ~~approved by the Board of Supervisors in September~~ adopted in May 2004, and certified by the State Department of Housing and Community Development in October 2004 for compliance with State law regarding the content and scope of *General Plan* housing elements. The updated 2004 Housing Element contains objectives and policies that would expand land capacity necessary to increase housing production; direct new housing to appropriate locations, especially in areas well served by transit and other urban amenities; and emphasize design and density controls that enhance existing neighborhood character. These objectives and policies are instructed by the two *General Plan* Priority Policies: that the City’s supply of affordable housing be preserved and enhanced and that existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of San Francisco’s neighborhoods.

Subsequent to adoption of the Housing Element, the district appeals court found the Mitigated Negative Declaration prepared for the element to be inadequate, invalidating the 2004 Housing Element. Therefore, the Planning Department is initiating preparation of an EIR assessing the environmental effects of the changes from the 1990 Residence Element. The EIR is scheduled to be certified by June 30, 2009. Until an EIR has been completed and certified for the 2004 Housing Element, the 1990 Residence Element represents to most current adopted General Plan language.

The following is a comparison between the 1990 Residence Element and the objectives and policies of the Housing Element ~~are~~ relative to the Eastern Neighborhoods Rezoning and Area Plans project.
1990 Residence Element Objective 1: Provide new housing, especially permanently affordable housing, in appropriate locations which meets

identified housing needs and takes into account the demand for affordable housing created by employment demand.

2004 Housing Element Objective 1: Identify and maximize opportunities to increase the potential supply of housing in appropriate locations citywide.

~~Policy 1.1: Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhoods support.~~

1990 Residence Element Policy 1.1: Promote the development of permanently affordable housing on surplus, underused and vacant public lands.

2004 Housing Element Policy 1.5: Support development of affordable housing on surplus public lands.

2004 Housing Element Policy 1.2 (new): Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities.

1990 Residence Element Policy 1.2: Facilitate the conversion of underused industrial and commercial areas to residential use giving preference to permanently affordable housing uses.

2004 Housing Element Policy 1.3: Identify opportunities for housing and mixed-use districts near downtown and former industrial portions of the City.

1990 Residence Element Policy 1.3: Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development projects.

2004 Housing Element Policy 1.6 (no change): Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development projects.

1990 Residence Element Policy 1.4: Locate in-fill housing on appropriate sites in established residential neighborhoods.

2004 Housing Element Policy 1.4 (no change): Locate in-fill housing on appropriate sites in established residential neighborhoods.

2004 Housing Element Policy 1.7 (new): Encourage and support the construction of quality, new family housing.

1990 Residence Element Policy 1.5: Allow new secondary units in areas where their effects can be dealt with and there is neighborhood support.

especially if that housing is made permanently affordable to lower-income households.

2004 Housing Element Policy 1.8 (no change): Allow new secondary units in areas where their effects can be dealt with and there is neighborhood support, especially if that housing is made permanently affordable to lower-income households.

1990 Residence Element Policy 1.7: Obtain assistance from office developments and higher educational institutions in meeting the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

2004 Housing Element Policy 1.9: Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

1990 Residence Element Policy 2.1: Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character.

2004 Housing Element Policy 11.9: Set allowable densities and parking standards in residential areas at levels that promote the City's overall housing objectives while respecting neighborhood scale and character.

1990 Residence Element Objective 3: Retain the existing supply of housing.

2004 Housing Element Objective 2 (no change): Retain the existing supply of housing.

1990 Residence Element Policy 3.1: Discourage the demolition of sound existing housing.

2004 Housing Element Policy 2.1 (no change): Discourage the demolition of sound existing housing.

1990 Residence Element Policy 2.2: Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are permanently affordable to lower income households.

2004 Housing Element Policy 1.1: Establish higher residential densities in appropriate areas near Downtown, and near certain transit corridors and neighborhood commercial districts, where dependence on cars could be reduced because of proximity to neighborhood services and access to sufficient and reliable transit service.

1990 Residence Element Policy 2.3: Allow flexibility in the number and size of units within permitted volumes of larger multi unit structures, especially if

the flexibility results in creation of a significant number of dwelling units that are permanently affordable to lower income households.

2004 Housing Element Policy 4.5: Allow greater flexibility in the number and size of units within established building envelopes, potentially increasing the number of affordable units in multi-family structures.

1990 Residence Element Policy 3.6: Retain sound existing housing in commercial and industrial areas.

2004 Housing Element Policy 2.4 (no change): Retain sound existing housing in commercial and industrial areas.

1990 Residence Element Policy 3.7: Preserve the existing stock of residential hotels.

2004 Housing Element Policy 2.5 (no change): Preserve the existing stock of residential hotels.

1990 Residence Element Policy 5.5: Preserve the existing stock of residential hotels.

2004 Housing Element Policy 3.6 (no change): Preserve landmark and historic residential buildings.

1990 Residence Element Objective 6: To protect the existing affordability of housing.

2004 Housing Element Objective 6: Protect the affordability of existing housing.

1990 Residence Element Objective 7: To increase land and improve building resources for permanently affordable housing.

2004 Housing Element Objective 4: Support affordable housing production by increasing site availability and capacity.

1990 Residence Element Policy 7.1: Create more housing opportunities for permanently affordable housing.

2004 Housing Element Policy 4.1: Actively identify and pursue opportunity sites for permanently affordable housing.

1990 Residence Element Policy 7.2: Include affordable units in larger housing projects.

2004 Housing Element Policy 4.2 (no change): Include affordable units in larger housing projects.

1990 Residence Element Policy 7.3: Grant density bonuses for construction of affordable or senior housing.

2004 Housing Element Policy 4.4: ~~Consider~~ Granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.

1990 Residence Element Policy 7.4: Promote more economical housing construction to achieve affordable housing.

1990 Residence Element Policy 7.5: Encourage energy efficiency in new residential development and weatherization in existing housing to reduce overall housing cost.

1990 Residence Element Policy 7.6: Encourage industrialized housing production techniques where such techniques result in compatible quality of design at lower cost.

2004 Housing Element Policy 4.6: Support a greater range of housing types and building techniques to promote more economical housing construction and potentially achieve greater affordable housing production.

1990 Residence Element Policy 8.1: Enhance existing revenue sources for permanently affordable housing.

2004 Housing Element Policy 7.1 (no change): Enhance existing revenue sources for permanently affordable housing.

1990 Residence Element Policy 8.2: Create new sources of revenue for permanently affordable housing

2004 Housing Element Policy 7.2: Create new sources of revenue for permanently affordable housing, including dedicated long-term financing for housing programs.

1990 Residence Element Policy 9.2: Make affordable housing permanently affordable.

2004 Housing Element Policy 6.2: Ensure that housing developed to be affordable is kept affordable.

1990 Residence Element Policy 11.1: Encourage non-profit and limited equity ownership and management of housing.

2004 Housing Element Policy 6.4: Achieve permanent affordability through community land trusts and limited equity housing ownership and management.

1990 Residence Element Objective 12: To provide a quality living environment.

2004 Housing Element Objective 11: In increasing the supply of housing, pursue place making and neighborhood building principles and practices to maintain San Francisco's desirable urban fabric and enhance livability in all neighborhoods.

1990 Residence Element Policy 12.1: Assure housing is provided with adequate public improvements, services and amenities.

2004 Housing Element Policy 11.2: Ensure housing is provided with adequate public improvements, services, and amenities.

1990 Residence Element Policy 12.2: Allow appropriate neighborhood-serving commercial activities in residential area.

2004 Housing Element Policy 11.3: Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

1990 Residence Element Policy 12.4: Promote the construction of well-designed housing that conserves existing neighborhood character.

2004 Housing Element Policy 11.5: Promote the construction of well-designed housing that enhances existing neighborhood character.

1990 Residence Element Policy 12.5: Relate land use controls to the appropriate scale for new and existing residential area.

2004 Housing Element Policy 11.6: Employ flexible land use controls in residential areas that can regulate inappropriately sized development in new neighborhoods, in downtown areas and in other areas through a Better Neighborhoods type planning process while maximizing the opportunity for housing near transit.

1990 Residence Element Policy 13.6: Provide adequate rental housing opportunities.

2004 Housing Element Policy 8.1: Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable rental units wherever possible.

2004 Housing Element Policy 11.1 (new): Use new housing development as a means to enhance neighborhood vitality and diversity.

2004 Housing Element Policy 11.7 (new): Where there is neighborhood support, reduce or remove minimum parking requirements for housing, increasing the amount of lot area available for housing units.

2004 Housing Element Policy 11.8 (new): Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

On page 111, the following text is added prior to the heading “Central Subway Planning” to incorporate information about recently initiated planning efforts:

Transit Center District Plan and Fourth and King Rail Yards Study

The Transbay Transit Center will build upon the City’s 1985 Downtown Plan, which envisioned the area around Transbay as a local and regional multi-modal transit core. The proposed Transit Center District area covers approximately 40 acres, and encompasses portions of East SoMa and the Financial District. The Transit Center District Plan area is generally bounded to the north by Market Street, to the south by

Folsom Street, to the west by a line between Third and New Montgomery Streets, and to the east by Main Street. Adopted by the City of San Francisco in June 2005, the existing Transbay Redevelopment Plan is anticipated to facilitate the development of nearly 3,400 new homes (35 percent of which will be affordable), 1.2 million square feet of new office, hotel, and commercial space and 60,000 square feet of retail, not including retail in the Transit Center itself. The area will host a temporary, on-street transit terminal that will serve as the Downtown Transit center between 2009 and 2014 when the new Transbay Terminal will be built.

In addition to serving the current regional bus services, the new terminal will also include a tunnel that will potentially extend the Caltrain commuter rail line from its current terminus at Fourth and Townsend/King Streets to the new Transbay Terminal. Additionally, the heavy rail portion of the terminal will be designed to accommodate the planned California High Speed Rail Project. Through its integration of transportation modes, its land use, and intensity of uses, the Transit center Area aspires to improve the region's transportation connectivity and provide a confluence of public transit, jobs and retail uses. In a related planning effort, the Planning Department will study a plan for air-rights development of the Fourth and King rail yard. The study will explore how increased development value can help fund public improvements, including additional funding for completing the Caltrain Extension to downtown

On page 111, the text below the heading "Central Subway Planning" is revised as follows to update this discussion:

San Francisco's Municipal Transportation Authority (MTA) is currently conducting a feasibility study on the proposed Central Subway Project, which is the second phase of the Third Street Light Rail project. The proposed Central Subway project, which aims to reduce travel times and gridlock, increase service reliability and improve access to the heart of Chinatown, would extend the new Muni Third Street Light Rail line north from King Street to a terminus at Stockton and Clay Streets. One surface and three ~~Four~~ new underground stations would be developed as part of the project.

On page 111, the text under the heading "Transit Effectiveness Project" is revised as follows to update the discussion:

The Transit Effectiveness Project (TEP) is an 18-month project being undertaken by the Municipal Transportation Authority (MTA) and the San Francisco Controller's Office to review, evaluate, and make recommendations on the Municipal Railway system. A draft study was released for public review and comment on March 17, 2008.

~~The TEP is anticipated to make~~ recommendations to improve service, attract more riders, and increase efficiency. The TEP presents a framework that would add more transit service to the most heavily used routes, which are the same routes that tend to suffer the most overcrowding, on-time performance problems, and service delays.

TEP participants include a Citizen Advisory Committee (CAC); a Policy Advisory Group that includes representatives from the Mayor's office, Board of Supervisors, transit unions, the CAC, MTA Citizens Advisory Council, San Francisco County Transportation Authority, and the Metropolitan Transportation Commission; and a

Technical/Regional Advisory Committee that includes representatives from various City departments and local and regional transit agencies will provide technical review and comment. In early summer 2008, TEP proposals will be submitted to the MTA Board of Directors, reflecting any revisions that are developed as a result of internal and external stakeholder input. After the Board's review, the service change proposals will undergo environmental assessment, and, based on that analysis, the City's decision makers may make further changes to the actual projects that come out of the TEP. The environmental assessment is expected to require approximately 12 months, so the first Muni service and route changes may happen as early as July 2009. In the meantime, the SFMTA will continue to work to improve Muni reliability. The MTA Board of Directors will be responsible for review and approval of findings and recommendations from the TEP, which has a goal of developing a service plan for Muni's future by late 2007.

On page 111, the text under the heading "San Francisco Bicycle Plan" is revised as follows to update the discussion:

An environmental impact report is currently under way to analyze the City's draft Bicycle Plan, an update to the City's existing 1997 San Francisco Bicycle Plan. The Bicycle Plan would include a citywide bicycle transportation plan (comprised of a "Policy Framework" and a "Network Improvement" document) and phased implementation of 60 near-term specific bicycle improvements projects, as well as long-term projects and other improvement to the existing bicycle network identified within the plan. The draft Plan includes objectives and identifies policy changes that would enhance the City's bikeability. It also describes the existing bicycle route network (a series of interconnected streets in which bicycling is encouraged), and identifies gaps within the citywide bicycle route network that require improvement. The draft Plan, if adopted, would update the existing 1997 San Francisco Bicycle Plan. Environmental review could be complete and the Plan considered for adoption as early as spring 2009 ~~2008~~.

On page 113, the following text is added at the end of the discussion under the heading "UCSF Mission Bay Area Planning" to update the discussion:

A draft EIR was published for the UCSF Medical Center at Mission Bay in April 2008.

On page 116, the following text is added prior to the heading "Planning in the Project Area Vicinity" to incorporate information about other planning efforts:

Treasure Island and Yerba Buena Island Redevelopment Plan (proposed)

Treasure Island and Yerba Buena Island are in San Francisco Bay, about halfway between the San Francisco mainland and Oakland. The islands are the site of the former Naval Station Treasure Island, which was owned by the United States Navy. The Navy base was closed on September 20, 1997, as part of the Base Realignment and Closure III program. The islands also include a U.S. Coast Guard Station and land occupied by the San Francisco-Oakland Bay Bridge and tunnel structures.

The proposed *Treasure Island and Yerba Buena Island Redevelopment Plan* would provide the basis for redevelopment of most of the former Navy lands from a

primarily low-density residential area with vacant and underutilized nonresidential structures to a new mixed-use community with a retail center, a variety of open space and recreation opportunities, on-site infrastructure, and public and community services. The proposed Redevelopment Plan and other planning documents would establish general land use controls and design standards for the project site. The Redevelopment Plan includes supporting studies that address project design concepts, transportation, infrastructure, community services, affordable housing, jobs, and other aspects of the development. A major component of the proposed Redevelopment Plan is the Sustainability Plan (discussed on DEIR p. 113), which includes goals, strategies, and targets for the sustainable redevelopment of the islands.

The proposed Redevelopment Plan would result in development of approximately 6,000 residential units, 235,000 square feet of commercial and retail space, 400 to 500 hotel rooms, 300 acres of parks and open space, transportation, bicycle and pedestrian facilities, a ferry terminal/transit hub, public and community services, and utilities. Other components of the proposed redevelopment project include supplemental remediation to allow the proposed uses, geotechnical stabilization, and renovation and adaptive re-use of existing historic structures. The Redevelopment Plan would be implemented in four phases from approximately 2009 through 2018.

San Francisco General Hospital Planning

In compliance with Senate Bill (SB) 1953, San Francisco Department of Public Health (DPH) commissioned a seismic evaluation study for the San Francisco General Hospital (SFGH) Campus in 2000. The seismic evaluation study indicated that SFGH poses a substantial risk of collapse and a danger to the public after a strong earthquake. Therefore in January 2001, the San Francisco Health Commission passed Resolution #1-01 in support of replacement of this acute care facility. Subsequently, the DPH published a Seismic Safety Compliance report for SFGH, which recommended construction of a new acute care hospital on the existing SFGH campus by 2013, among several alternatives considered to achieve compliance with SB 1953. A Long-Range Service Delivery Plan for the hospital was initiated in January 2002 and provided recommendations for hospital size and bed configurations, location options, collaboration opportunities, and specific program recommendations. Through this comprehensive planning process, strategic recommendations were developed for SFGH and required an update to the 1987 SFGH Institutional Master Plan (IMP), which was initiated in September 2002 and culminated in the SFGH IMP Update (September 2006, revised February 2007). In May 2005, Mayor Newsom created the “Blue Ribbon Committee on San Francisco General Hospital’s Future Location,” which recommended the existing SFGH campus as the site for the acute care hospital rebuild for reasons of feasibility, long-term financing, site acquisition, logistical planning, and issues of efficiencies.

The proposed SFGH Seismic Compliance Hospital Replacement Program, involving the construction of a new acute care hospital on the SFGH Campus, is one of the projects proposed under the 2007 SFGH IMP Update. (Other IMP Update projects include the medical helipad proposed on the rooftop of the existing Main Hospital (Wing C), and the proposed installation of emergency generators for backup power supply to the entire SFGH Campus.) Specifically, the DPH proposes to construct a new approximately 422,000 gross-square-foot, seven-story (plus 2 basement levels), 284-bed, acute care hospital on the SFGH Campus, located at 1001 Potrero Avenue, to comply with the seismic safety requirements of SB 1953. The new hospital would

be located on the west lawn of the campus along Potrero Avenue between Buildings 20 and 30. Acute care services currently located in the existing Main Hospital would be relocated to the new hospital, and the vacated space in the existing Main Hospital would be reused for non-acute care medical uses and administrative offices. Under SB 1661, the DPH intends to apply for an extension to the 2013 deadline for the construction of a new seismically compliant acute care hospital up to January 1, 2015. This would allow SFGH to continue to provide acute care services on campus during the planning and construction phases for the proposed new acute care hospital, if the SFGH Hospital Replacement Program were to be approved.

On page 211, Table 29 is revised as follows to correct the location of shading in the table (no change is made in the numerical data presented in the table):

TABLE 29
TOP FOUR INDUSTRY SECTORS FOR WORKERS LIVING IN SAN FRANCISCO,
THE EASTERN NEIGHBORHOODS AND WESTERN SOMA
(IN TERMS OF NUMBERS EMPLOYED)

Industries	Eastern Neighborhoods						Western SoMa
	San Francisco	All Eastern Neighborhoods	East SoMa	Mission	Showplace Square/Potrero Hill	Central Waterfront	
Professional, scientific, management, administrative services	1	1	1	1	1	1	1
Educational, health and social services	2	2	4	3	2	3	
Retail trade	3			4	4	2	3
Finance, insurance, and real estate	4	4	2				4
Accommodation and food services		3	3	2			2
Manufacturing						4	
Information					3		
Percent of residents employed in top four industry sectors	56%	55%	61%	55%	58%	61%	57%

NOTE: Industry sectors are ranked in terms of the number of workers employed from 1 to 4, with number 1 employing the most workers. A shaded cell means the industry did not rank in the top four among workers living in this area.

SOURCES: U.S. Bureau of the Census, *Census 2000* and Hausrath Economics Group.

On page 270, the following text is added prior to the heading “Traffic Impacts” to include discussion of additional analysis of and potential funding for future transportation improvements in the Eastern Neighborhoods:

The San Francisco Planning Department, the San Francisco Municipal Transportation Agency (SFMTA), and the San Francisco County Transportation Authority (SFCTA) have submitted a grant request to the Metropolitan Transportation Commission’s Station Area Planning Program to help fund the Eastern Neighborhoods Transportation Implementation Planning (EN TRIPS) Study. The EN TRIPS Study would allow these agencies to conduct the further planning, design and environmental review work necessary to advance plan-identified transportation improvements towards on-street implementation. This work is anticipated to lead to

the delivery of key infrastructure projects needed to serve new housing (affordable and market rate) and mixed-use development.

Specifically, the EN TRIPS Study would: review and document existing conditions in the Eastern Neighborhoods; evaluate future year land use and transportation conditions (2008-2025); define street functions and designs; develop and design key transportation and public realm improvement projects; conduct outreach to ensure the transportation needs of residents and businesses are clearly understood; create a funding and implementation strategy as well as draft and final reports; and, fund environmental assessment of select projects consistent with EN TRIPS goals.

On page 288, following the third bullet, the following is added as new text to acknowledge that reducing vehicle travel can potentially reduce vehicle-pedestrian injuries.

In addition, strategies to reduce traffic volumes, including trip-reduction strategies proposed as mitigation measures in Chapter V, would be expected to have beneficial effects in regard to pedestrian hazards.

On page 288, the last partial paragraph, continuing to p. 289, is revised as follows to correct a reference to the statewide percentage of workers to walk to work and indicate that the Department of Public Health Pedestrian Injury Model did not identify a strong correlation between workers per census tract and pedestrian injury volume:

San Francisco as a whole has a substantially greater number of pedestrian injury accidents on a population-weighted basis than the national average, largely because there is much more pedestrian activity than most comparably-sized cities. The average rate of pedestrian injuries and fatalities in California as a whole is 40 per 100,000 based on 2005 data from the California Highway Patrol. In part, the city's pedestrian injury rate of 104 per 100,000 residents reflects a higher level of pedestrian activity than most comparably sized cities; however, DPH and other research s indicate that this explains only a part of the difference. Based on analysis of data from 68 California cities, the effect of pedestrian activity in San Francisco on the relative pedestrian injury rate can be estimated by the relationship that the number of pedestrian collisions increases at approximately 0.4 power of the number of people walking to work.⁴⁴ Using this empirically derived relationship and publicly-available data from the U.S. Census on the proportion of workers walking to work in the United States California (2.9 percent) and in San Francisco (9.4 percent), one would expect San Francisco to have about 1.6 times more pedestrian collisions than comparable cities (i.e., $((9.4/2.9)^{0.4}=160$ percent). This adjustment also shows that while 60 percent more collisions per resident (a rate of 64 per 100,000) may be expected based on greater pedestrian activity, the degree of pedestrian activity does not fully account for the high rate of collisions in parts of the City, particularly in the Eastern Neighborhoods. San Francisco's relatively high rate of collisions may also be influenced by the increased exposure associated with a 50 percent increase in its daytime population relative to its resident population due to an influx of commuters into its job centers, although the injury model identified no statistically significant correlation between injuries and the number of workers per census tract.

⁴⁴ Jacobsen PL. Safety in numbers: more walkers and bicyclists, safer walking and bicycling. Injury Prevention Sep;9(3):205-9. This relationship between injuries and the proportion walking to work can be summarized with the following equation: % change in injury = (% change in walking)^{0.4}.

On page 289, the ninth line is revised to read as follows to correct an editorial error:

... workers walking to work in the ~~United States~~ California (2.9 percent) and in San Francisco (9.4 percent), ...

On page 325, the following is added as a new paragraph at the end of the page to add a reference to the San Francisco Electric Reliability Project monitoring results:

Results of particulate monitoring in the Eastern Neighborhoods conducted for the City in connection with the San Francisco Electric Reliability Project are discussed on pp. 335 – 336.

On page 331, the first full paragraph is revised as follows to acknowledge that exposure to air pollutants is typically for much less time at recreational facilities:

Land uses such as schools, children's day care centers, parks and playgrounds, hospitals, and nursing and convalescent homes are considered to be more sensitive than the general public to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress. (Exposure duration, and therefore overall exposure, at recreational uses is typically much shorter than for the other uses noted, but children are frequent users.) Persons engaged in strenuous work or exercise also have increased sensitivity to poor air quality. Residential areas are considered more sensitive to air quality conditions compared to commercial and industrial areas because people generally spend longer periods of time at their residences, with associated greater exposure to ambient air quality conditions. Residential uses occur in all the Eastern Neighborhoods and comprise a broad proportion of the total area: East SoMa (19% of land is in residential use or residential mixed-use), Mission (56%), Showplace Square/Potrero Hill (44%), and Central Waterfront (2%). Recreational uses would also be considered sensitive compared to commercial and industrial areas due to the greater exposure to ambient air quality conditions. Parks and open spaces uses occur in all four Eastern Neighborhoods but comprise only a very small proportion of the total area: East SoMa (6% of land is in park and open space use), Mission (3%), Showplace Square/Potrero Hill (5%), and Central Waterfront (1%).

On page 335, the last (partial) paragraph, continuing to p. 336, and the first full paragraph on DEIR p. 336, are revised as follows to correct the reference to the above-noted monitoring results:

The inconclusive nature of the above monitoring study is consistent with recent micro-environmental air quality assessments of particulate matter in the Eastern Neighborhoods conducted by the San Francisco Public Utilities Commission (SFPUC) ~~Department of Public Health (DPH)~~ using portable particulate matter measurement devices. This ~~DPH~~ second monitoring study was undertaken for the City in connection with the San Francisco Electric Reliability Project, a proposal for a new power plant in the Central Waterfront that is anticipated to result in eventual closure of the existing Potrero Power Plant. It aimed to compare the air quality measurements for PM₁₀ and PM_{2.5} from several community stations with the measurements from the BAAQMD's permanent monitoring station at Arkansas

Street (near Showplace Square) and determine whether the Arkansas Street station is collecting data that is representative of community exposure. Monitoring began in early July 2005 and continued through late March 2006. Monitoring took place at two locations in Bayview/Hunters Point and two locations in the Central Waterfront at sites were chosen to be representative of community exposures. Monitoring demonstrated that particulate matter measures (as an annual average) ranged from 16.9 to 20 micrograms per cubic meter for PM₁₀ and from 7.6 to 9.3 micrograms per cubic meter for PM_{2.5}. As noted in Table 45, the state standard for annual average PM_{2.5} concentration is 12 micrograms per cubic meter; the comparable standard for PM₁₀ is 20 micrograms per cubic meter.

According to the San Francisco Department of Public Health (DPH), these findings indicate ~~relatively high that there is a substantial variation in~~ particulate matter levels in the Eastern Neighborhoods ~~irrespective of freeway proximity~~. (However, the ~~results measured levels of particulate matter~~ do not exceed state standards at any of the monitored sites.) DPH attributes the spatial variation in particulate matter levels ~~such results~~ to factors (1) known sources of particulate emissions, including heavily trafficked urban roadways, (2) “urban canyon” effects,^[footnote in original] and (3) PDR uses such as distribution centers. According to DPH, variations in seasons and weather also affect pollution concentrations on a seasonal basis.

On page 343, the following text is added prior to the last partial paragraph to include discussion of additional greenhouse gas reduction measures the City is undertaking:

LEED® Silver for Municipal Buildings. In 2004, the City amended Chapter 7 of the Environment Code, requiring all new municipal construction and major renovation projects to achieve Leadership in Energy and Environmental Design (LEED) Silver Certification from the U.S. Green Building Council.

Zero Waste. In 2004, the City committed to a goal of diverting 75 percent of its waste from landfills by 2010, with the ultimate goal of zero waste by 2020. San Francisco currently recovers 69 percent of discarded material.

Construction and Demolition Debris Recovery Ordinance. In 2006, the City adopted Ordinance No. 27-06, requiring all construction and demolition debris to be transported to a registered facility that can divert a minimum of 65% of the material from landfills. This ordinance applies to all construction, demolition and remodeling projects within the City.

The City has also passed ordinances to reduce waste from retail and commercial operations. Ordinance 295-06, the Food Waste Reduction Ordinance, prohibits the use of polystyrene foam disposable food service ware and requires biodegradable/ compostable or recyclable food service ware by restaurants, retail food vendors, City Departments and City contractors. Ordinance 81-07, the Plastic Bag Reduction Ordinance, requires stores located within the City and County of San Francisco to use compostable plastic, recyclable paper and/or reusable checkout bags.

On page 344, the following is added to first full paragraph to update the discussion regarding solar electric panels:

Additionally, the Planning Department and Department of Building Inspection have also developed a streamlining process for Solar Photovoltaic (PV) Permits and priority permitting mechanisms for projects pursuing LEED Gold Certification.

On page 351, the heading reading “Compatibility of Project-Related Land Use Changes” is changed to read, “Compatibility of Project-Related Land Use Changes: Exposure of Sensitive Receptors to Pollutants” to more accurately characterize the text that follows.

On page 353, the second sentence of the last paragraph is revised as follows for consistency with revision to Mitigation Measure G-4 on page 512.

Mitigation Measure G-4, Siting of Uses that Emit Other TACs, p. 511, would require preparation of an analysis that includes, at a minimum, a site survey to identify residential or other sensitive uses within ~~two blocks~~ 1,000 feet of the project site, prior to the first project approval action.

On page 352, the text following the heading “Roadway Related Health Effects” and continuing through the third full paragraph on p. 356 is re-ordered and revised as follows to include in the discussion of roadway-related risk from vehicle emissions to include both non-cancer risk as well as cancer risk and to move the discussion of fine particulate matter (PM_{2.5}) ahead of the diesel particulate matter text (note also that footnotes 170 through 173 are renumbered). Where text is moved but not revised, the text is boxed and no revision marks are indicated. New text is shown double-underlined, and deleted text is shown in ~~strike through~~, including revisions in boxed (moved) text:

Fine Particulate Matter

As described in the Setting (and in Appendix C, Public Health Effects Related to Air Quality), epidemiologic studies have demonstrated that people who live near freeways and high-traffic roadways have poorer health outcomes, including increased asthma symptoms and respiratory infections and decreased pulmonary function and lung development in children. Health effects, both chronic and acute, may result from exposure to both criteria air pollutants and mobile source air toxics. Health effects of air pollutant exposures may also involve synergistic effects among air pollutants, traffic noise and other traffic-related stressors. The evidence relating proximity to roadways and a range of non-cancer and cancer health effects provides the basis of the ARB’s guidance on locating sensitive land use in proximity to such roadways.¹⁷⁰

In the absence of site specific assessment, it not possible to assess the significance of the health hazard of each specific potential residential site within the proposed Eastern Neighborhoods Rezoning and Area Plans. However, it is likely that, if unmitigated, roadway-related air quality impacts, especially those related to PM_{2.5}, at certain locations in the study area would be significant.

¹⁷⁰ California Air Resources Board, *Air Quality and Land Use Handbook* (see footnote 151, p. 333).

These potential significant air-quality impacts due to exposure to roadway pollutants, including PM_{2.5}, would be mitigated to a less-than-significant level through implementation of Mitigation Measure G-2, p. 511, which would require installation of ventilation and filtration systems where the modeled annual average PM_{2.5} concentration would exceed because the trigger levels for implementation of this measure for purposes of minimizing adverse effects due to PM_{2.5} are similar to the trigger levels for avoiding DPM exposure effects. That is, a cancer risk of 10 in one million would result from a DPM concentration of approximately 0.03 micrograms per cubic meter (using the state's "unit risk value" of 3×10^{-4}); assuming DPM constitutes approximately 15 percent of PM_{2.5}, based on reported values,¹⁷³ this would effectively equal a PM_{2.5} concentration of approximately 0.2 micrograms per cubic meter, which is a level that the San Francisco Department of Public Health identifies as an appropriate action level for the roadway contribution of PM_{2.5}, ~~that would require mitigation for non-cancer health effects of PM_{2.5} apart from the DPM cancer risk.~~ The DPM risk evaluation is described above.

Although PM_{2.5} is not the only pollutant of concern associated with vehicles or vehicle proximity, for the purpose of Mitigation Measure G-2, PM_{2.5} serves as a proxy for pollutant exposures from roadway vehicles that is amenable to both exposure analysis and the setting of a significance threshold. PM_{2.5} is also a pollutant associated with adverse health outcomes. According to the Department of Public Health, this threshold, or action level, represents about 8 – 10 percent of the range of ambient PM_{2.5} concentrations in San Francisco based on monitoring data, and is based on epidemiological research that indicates that such a concentration can result in an approximately 0.28 percent increase in non-injury mortality, or an increase of approximately 20 "excess deaths" per year (e.g., deaths that would occur sooner than otherwise expected) per one million population in San Francisco. This effect is above the one-in-a-million lifetime *de minimus* risk threshold for premature death considered insubstantial by most regulatory agencies.^{170a}

To determine whether a subsequent residential project would require interior air filtration, an initial screening analysis would be conducted that would evaluate whether a project site is located within 500 feet of the I-80, US 101, and I-280 freeways, or ~~within 500 feet of~~ at any other location where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles, based upon the recommendations identified in the ARB Handbook, as described above. For those projects that are within the identified proximity to such high-traffic roadways, modeling of ~~DPM~~ PM_{2.5} emissions would be used to determine the health risk at the project's location. ~~Consistent with accepted practice in health risk analysis, the acceptable maximum lifetime cancer risk from chronic exposure (i.e., not acute~~

¹⁷³ Hodan, William M. and William R. Barnard, *Evaluating the Contribution of PM_{2.5} Precursor Gases and Re-entrained Road Emissions to Mobile Source PM_{2.5} Particulate Matter Emissions*, Prepared by MACTEC Under Contract to the Federal Highway Administration, Available on the internet at: <http://www.epa.gov/ttn/chief/conference/ei13/mobile/hodan.pdf>.

^{170a} Rajiv Bhatia, MD, MPH, Director, Occupational and Environmental Health, San Francisco Department of Public Health, comment letter on Draft EIR, July 2007 (see Chapter VIII), *citing* Jerrett, Michael, *et. al.*, "Spatial Analysis of Air Pollution and Mortality in Los Angeles," *Epidemiology* 16:6, November 2005, p. 727. Twenty excess deaths per million based on non-injury, non-homicide, non-suicide mortality rate of approximately 714 per 100,000, from California Department of Health Services vital statistics records.

~~exposure to a single event) has a probability threshold value of 10 in one million. Accordingly, where the incremental risk concentration (from roadway sources only) of $PM_{2.5}$ contracting cancer during a lifetime of exposure to emissions from the project exceeds 10 in one million 0.2 micrograms per cubic meter (annual average) at a particular location, then the placement of residential units at that location would result in a significant impact of a residential project proposed at that location. (It is noted that the roadway-only risk would exclude the existing Bay Area wide cancer risk from DPM of about 480 in one million, as of 2000, as reported in the Setting.)~~

Filtration of interior air in residential buildings and other sensitive land uses, as would be required in certain cases under Mitigation Measure G-2, would most likely require changes in construction techniques for many residential buildings. This is because mid-rise most multi-family residential buildings in San Francisco are constructed of poured-in-place, reinforced concrete and are built with ceiling heights of 8 to 9 feet and without space above the ceiling for mechanical equipment. That is, unlike office and other commercial buildings that typically have ventilation system ducts, electrical cable, and plumbing in the “plenum” between a dropped, or false, ceiling and the bottom of the floor above, residential buildings are normally constructed without such plenums because mid-rise residential structures typically do not provide forced-air heating or cooling. Instead, heating is provided by means of wall-mounted units or in-floor radiant heating, and air conditioning is not normally included because of the City’s mild climate. (Plumbing and electrical cables are run within walls in residential structures.)

If interior air were to be filtered, this would either necessitate the installation of a central forced air ventilation system, more like an office building, with either greater floor-to-floor heights to provide space for duct work or the use of vertical duct plenum space between the walls of the building. Heating (and possibly air conditioning) might be part of the forced-air system, or could remain separate. Alternatively, it might be possible to install exterior-wall-mounted ventilation systems in individual residential units, along the lines of what hotels sometimes employ. (Residential buildings typically must provide for greater individual temperature and ventilation control in each unit than office buildings, in which a larger office suite or an entire floor may be controlled by a small number of thermostats.)

The above-noted design considerations are likely to result in some increase in the cost of residential construction where modeling indicates that air filtration is necessary to provide for acceptable indoor air quality, relative to outdoor concentrations of ~~DPM~~, fine particulate matter ($PM_{2.5}$), as well as diesel particulate matter (DPM; see below) and other motor vehicle pollutants. Additional costs would be incurred in basic construction and in the cost of air-handling equipment, as well as the operation of such equipment over time. This operation would also increase the energy use of a particular building, with concomitant increases in greenhouse gas emissions due to energy production, and if air conditional were installed as part of the filtration system, the increased energy use could not be dramatic. (As noted, air conditioning is not commonly installed in San Francisco residential structures.) Additional costs for ventilation may be lessened substantially where such systems are necessary to achieve compliance with Title 24 interior noise standards. Finally, to the extent that filtered ventilation were to result in greater floor-to-floor heights in residential construction, the effective density of a given project could be reduced. For example, whereas a 50-foot height limit would allow up to a five-story residential building with 10-foot floor-to-floor heights, only four stories could be built if floor-

to-floor heights were increased by 18 inches to allow for ventilation duct work to be installed; in contrast, vertical plenums would not necessarily alter the number of stories but would reduce the available interior floor area.

In addition to filtration of ~~DPM~~ PM_{2.5}, odors, when detectable, can be a nuisance to future residents. Since the proposed rezoning and area plans would increase the number of residents located in proximity to existing odor emission sources (generally associated with existing industrial uses), there could be an increased potential for future land use conflicts. Provision of upgraded ventilation systems that would allow residents to close windows and ventilate/filter air mechanically (Mitigation Measure G-2) would reduce the severity of these less-than-significant potential nuisance impacts.

Diesel Particulate Matter and Other TAC Exposure and Health Effects

As noted in the Setting, diesel particulate matter (DPM) is a toxic air contaminant and the ARB recommends that proximity to sources of DPM emissions be considered in the siting of new development. Among other things, ARB advises that new sensitive land uses (e.g., residences, schools, daycare centers, playgrounds, or medical facilities) not be located within 500 feet of a freeway or urban roads carrying 100,000 vehicles per day, or within 1,000 feet of a distribution center (warehouse) that accommodates more than 100 trucks or more than 40 refrigerator trucks per day.

As discussed in the Setting, the ARB's Diesel Risk Reduction Plan is intended to substantially reduce DPM emissions and the associated health risk through introduction of ultra-low-sulfur diesel fuel – a step already implemented – and cleaner-burning diesel engines. The technology for reducing DPM emissions from heavy duty trucks is well-established, and both state and federal regulators are moving aggressively to require modifications in engines and emission control systems to reduce and clean up diesel emissions. ARB anticipates that, by 2020, average statewide DPM concentrations will decrease by 85 percent from levels in 2000 with full implementation of the Diesel Risk Reduction Plan, meaning that the statewide health risk from DPM would have decreased from 540 cancer cases in one million to 245 in one million. It is likely that the Bay Area cancer risk from DPM will decrease by a similar factor by 2020.

In connection with the Rincon Hill Plan EIR (Case No. 2000.1081E; Final EIR certified May 5, 2005), modeling of DPM concentration and cancer health risk was undertaken for locations adjacent to the I-80 freeway immediately east of the East SoMa area within the Eastern Neighborhoods study area. That modeling effort, which was specific to diesel exhaust, identified a maximum lifetime cancer risk due to immediate proximity to the freeway (within about 65 feet, which was approximately the location of the nearest anticipated residential receptor within the Rincon Hill Plan area) of 27 in one million, based on 2006 emissions levels. This risk was nearly three times the typical standard of 10 in one million used in CEQA-related health risk analyses to identify a significant impact. However, the analysis in the Rincon Hill Plan Final EIR noted that the 27-in-one-million risk was artificially high, in that it can be reasonably be anticipated that diesel emission levels will decline considerably even within the first few years of the 70-year lifetime that is the standard assumption in health risk assessment. For example, the same risk calculation performed using 2020 emission rates revealed a lifetime cancer risk of 9 in one million, which is below the typical significance threshold. Finally, the risk reported in the Rincon Hill Plan FEIR was for an assumed downwind receptor. Because no receptor is downwind

all the time, the results reported were conservatively high. Because the Rincon Hill Plan area is generally upwind of the I-80 freeway, that Final EIR concluded that “residential development within the Plan area would not be likely to result in a significant adverse health impact to Plan area residents, and therefore no significant effect would result.”¹⁷¹

While the proposed Eastern Neighborhoods Rezoning and Area Plans project would result in new areas of housing both upwind and downwind of local freeways, no location would ever experience the maximum risk noted above, because of the variability of wind direction. Moreover, any associated health risk posed by exposure to DPM would diminish over time (as DPM emissions decrease) and exposure over the near term—pending DPM emissions reductions—could be reduced to a less-than-significant level by providing upgraded ventilation systems in residential units and avoiding locating other sensitive uses (e.g., schools, playgrounds, day care facilities, medical facilities) within 500 feet of this freeway (see Mitigation Measure G-2, p. 511).

Certain other uses that could locate in the project area could result in emissions of DPM and other TACs. These include, for DPM, warehousing and distribution centers and commercial, industrial, or other uses that generate substantial truck traffic. For other TACs, uses would include, among others, dry cleaners, drive-through restaurants, gas stations, auto body shops, metal plating shops; photo processing, furniture upholstery, appliance repair, printing, hospitals and clinics, biotechnology research, warehousing and distribution centers, and processing of textiles and leather.

Implementation of Mitigation Measure G-3, Siting of Uses that Emit DPM, p. 511, would require that such uses be located no less than 1,000 feet from residential units and other sensitive receptors, including schools, children’s day care centers, parks and playgrounds, hospitals, nursing and convalescent homes, and like uses. Mitigation Measure G-4, Siting of Uses that Emit Other TACs, p. 512, would require preparation of an analysis that includes, at a minimum, a site survey to identify residential or other sensitive uses within two blocks of the project site, prior to the first project approval action. Implementation of these two measures would reduce impacts of uses generating DPM and other TACs to a less-than-significant level.

The risk from DPM will decrease over time as cleaner technologies are phased into use. The ARB’s Diesel Risk Reduction Plan aims to develop and implement specific statewide regulations to reduce DPM emissions and the associated health risk by 75 percent by 2010 and 85 percent by 2020. Nevertheless, until there is sufficient fleet turnover and retrofitting of older trucks to reduce DPM emissions, sensitive land uses would be subject to cancer-related health risks associated with proximity to freeways and major roadways with large volumes of truck traffic within the Eastern Neighborhoods. While potentially a significant impact of the proposed rezoning, given future trends of declining DPM emissions and other vehicle emissions, length of time that projected growth in the Eastern Neighborhoods would occur (2025), local meteorological conditions, and overall land use objectives to encourage infill and transit-oriented development (which would improve regional air quality), DPM-

¹⁷¹ The Rincon Hill Plan FEIR also noted that other factors would likely reduce residential health risk, including the filtration effects of heating and ventilation systems, which typically results in lowered particulate concentrations indoors, where people tend to spend most of their time, as well as the elevation above grade of local freeways, which would tend to result in dispersion (both below and above the roadway) of pollutants, further reducing nearby pollutant concentrations.

related health risks to residents and employees of new development in the Eastern Neighborhoods could be minimized by provision of upgraded ventilation systems where modeling of DPM concentrations indicates such filtration is warranted. Along with regulations already in place to reduce DPM emissions, such interior air filtration, where warranted, would be expected to reduce the impact to a less-than-significant level (see Mitigation Measure G-2, p. 511).

Implementation of Mitigation Measure G-2 would reduce lifetime cancer risk from DPM to less than 10 in one million, the commonly accepted standard is health risk analysis.¹⁷² This is because an annual average concentration of 0.2 micrograms per cubic meter is of PM_{2.5} is approximately translatable to a cancer risk of 10 in one million (which would result from a DPM concentration of approximately 0.03 micrograms per cubic meter of DPM, using the state's "unit risk value" of 3×10^{-4}), assuming DPM constitutes approximately 15 percent of mobile-source PM_{2.5}, based on reported values.¹⁷³ Moreover, San Francisco highways carry a relatively lower percentage of diesel truck traffic than many other urban roadways. Finally, as noted in the Setting, the ARB aims to reduce DPM emissions and the associated health risk by 75 percent by 2010 and 85 percent by 2020. Thus, implementation of Mitigation Measure G-2 would reduce the impact of DPM exposure to a less-than-significant level. (It is noted that the roadway-only risk would exclude the existing Bay Area-wide cancer risk from DPM of about 480 in one million, as of 2000, as reported in the Setting.)

Other Health Non-Cancer Health Effects Related to Roadway Proximity

On page 367, the following text is added after the first paragraph, and the following paragraph is revised as follows, to include discussion on potential funding for open space improvements in East SoMa:

The City and County of San Francisco has applied for a \$15 million grant administered by the state's Housing and Community Development Department's Infill Infrastructure Grant program to renovate the South of Market/Eugene Friend Recreation Center located at Sixth and Folsom Streets. The grant also seeks to fund construction of bulbouts and a signalized crossing across Folsom Street, which would connect the SoMa/Eugene Friend Recreation Center to the Victoria Manolo Draves park and the Bessie Carmichael school. Additionally, the grant proposal would provide supplemental funding for streetscaping improvements along Russ Street.

~~In addition to these parks and recreational facilities, east~~ East SoMa is also served by
....

On page 370, the following text is added prior to the heading "Waterfront Land Use Plan (Port of San Francisco, 1997)" to include discussion of an open space bond measure approved by San Francisco voters subsequent to publication of the DEIR:

¹⁷² As stated in the Setting, the National Cancer Institute reports that the lifetime probability of being diagnosed with cancer in the United States, from all causes, is more than 40 percent, or greater than 400,000 in one million.

¹⁷³ Hodan, William M. and William R. Barnard, *Evaluating the Contribution of PM_{2.5} Precursor Gases and Re-entrained Road Emissions to Mobile Source PM_{2.5} Particulate Matter Emissions*, Prepared by MACTEC Under Contract to the Federal Highway Administration, Available on the internet at: <http://www.epa.gov/ttn/chief/conference/ei13/mobile/hodan.pdf>.

Proposition A

As part of the City's 10-Year Capital Plan, the Recreation and Park Department and the Port of San Francisco introduced a parks and open space general obligation capital bond ("Proposition A") on the February 2008 ballot to address the significant capital needs of the City's open space system. In planning for the bond, the Recreation and Park Department developed an inventory of the system's physical needs, which allowed for the systematic evaluation of the capital needs in over 200 parks, estimated to be approximately \$1.7 billion. The Department engaged in a stakeholder outreach process throughout 2007 around the City's overall parks and recreation facilities capital needs, which sought to identify priorities and develop criteria used to determine the bond proposal, including project and program selection. The bond passed with 71 percent of the vote, exceeding the 66.7 percent required threshold.

Some of the facilities identified within the bond program are within the Eastern Neighborhoods planning area, including: Mission Playground (Mission); Brannan Street Wharf (East SoMa); and Crane Cove Park, Warm Water Cove, and Islais Creek (Central Waterfront). Mission Playground improvements would entail renovation of courts and existing fields, lawns and seating areas, repairs to the playground, equipment, and clubhouse restrooms, as well as seismic upgrades to the pool entrance area. The proposed improvements along the City's eastern waterfront, known as "the Blue Greenway," entail replacing dilapidated piers and creating a public wharf and open space between Piers 34 and 36 (Brannan Street Wharf); renovation of historic maritime structures adjacent to the Pier 70 shipyard and an expansion of public access and recreational water uses at Islais Creek. In addition, funding for restroom upgrades has been programmed for the Potrero Hill Recreation Center and the Victoria Manalo Draves Park in East SoMa.

The general obligation bond was determined to be exempt from CEQA under CEQA Guidelines 15378(b)(4), which excludes projects that create government funding mechanisms or other government fiscal activities that do not involve a commitment to any specific project which may result in a potentially significant physical impact on the environment. Specific park, recreation and open space improvements that could be funded under this bond would be subject to project-specific environmental review as part of the permitting process.

On page 393, in Table 56, the entry for Franklin Square under "Option B Height Limits" is revised as follows to correct an editorial error:

Percent of park in shadow, 6:48 AM	Shadow recedes; park in full sun	Shadow resumes	Percent of park in shadow, 7:35 PM
50	8:55 AM	6:00 PM 6:30 PM	40 70

On page 405, the fourth full paragraph is revised as follows to correct an editorial error:

Under Option B, at the summer solstice, the period of full sunlight would ~~be of the same duration as the future No Project scenario with existing height limits, though it would begin and end approximately 15 minutes earlier and end approximately 15 minutes later.~~ The shadow cast on the

park at the last Prop K minute would be ~~of a greater extent than similar to that~~ under the future No-Project scenario, covering approximately ~~70~~ 40 percent of the park area, ~~compared to 40 percent.~~

On page 473, the fourth sentence of the last paragraph on DEIR p. 473 is revised as follows to correct an editorial error:

Depending on the degree to which individual buildings and/or districts that are known historical resources are adversely affected, the range of proposed rezoning ~~project options~~ would contribute to the above-described loss of historical resources and potential resources resulting from actions other than the proposed Eastern Neighborhoods Rezoning and Area Plans project, both within the study area, as well as elsewhere in San Francisco.

On pages 506 – 507, Mitigation Measure E-11 is revised as follows to incorporate aspects of Mitigation Measure E-12 into a more holistic concept of Transportation Demand Management and Mitigation Measure E-12 is deleted as a separate measure, as follows:

Mitigation Measure E-11: Transportation Demand Management

As a mitigation measure to minimize delays to transit vehicles due to projected traffic congestion and to encourage use of alternative modes of travel, including transit, implement collaborative management of workplace facilities, work hours, and transportation resources. Mitigation may be achieved through some or all of the following measures:

- Establish a Transportation Demand Management (TDM) program in the Eastern Neighborhoods that could be designed to expand citywide, and that would coordinate programs promoting alternative means of transportation and reducing dependence on the automobile. Such a TDM program could support growth in transit usage where capacity is available and/or existing service appears to be underused, such as in the Folsom Street, Valencia Street, and South Van Ness Avenue corridors, and in the Mission Bay North area. A TDM program could include one or more of the following strategies:
 - Require cash-out policies for all employers who are providing on-site parking or subscribe to a parking facility to provide employee parking.
 - Require car-sharing and bike-sharing in developments near transit centers as a means of increasing incentives for residents and employees not to own or depend on automobiles.
 - Require that employers in all new office development projects provide free or subsidized transit passes or Commuter Checks to all employees.
- Promote the creation of on-site Transportation Management Associations at work sites to restrict employee parking, facilitate and encourage the use of transit passes, emergency-ride-home policies, and other promotions for alternative means of commuting, and to promote alternative work schedules for drivers that focus on making better use of off-peak roadway capacity.

On page 508, Mitigation Measure F-3 is revised as follows to achieve consistency with Measures F-4, F-5, and F-6.

For new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), as shown in Figure 18, where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, the project sponsor shall conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation features identified and recommended by the analysis shall be included in the design, as specified in the San Francisco General Plan Land Use Compatibility Guidelines for Community Noise to reduce potential interior noise levels to the maximum extent feasible.

On page 508, Mitigation Measure F-4 is revised as follows to provide a more specific distance for application of the measure and to clarify qualifications necessary for the analyst:

To reduce potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet ~~two blocks of,~~ and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.

On page 508, Mitigation Measure F-5 is revised as follows to clarify the time periods during which noise in excess of ambient levels would require further analysis and the qualifications necessary for the analyst, and to provide a more specific distance for application of the measure:

To reduce potential conflicts between existing sensitive receptors and new noise-generating uses, for new development including commercial, industrial or other uses that would be expected to generate noise levels in excess of ambient noise, either short-term, at nighttime, or as a 24-hour average, in the proposed project site vicinity, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-sensitive uses within 900 feet ~~two blocks of,~~ and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that the proposed use would comply with the use compatibility requirements in the general plan and Police Code 2909, would not adversely affect nearby noise-sensitive uses, and that there are no particular

circumstances about the proposed project site that appear to warrant heightened concern about noise levels that would be generated by the proposed use. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action.

On page 511, Mitigation Measure G-2 is revised as follows to include in the discussion of roadway-related risk from vehicle emissions to include both non-cancer risk as well as cancer risk:

Within the Eastern Neighborhoods, new residential development that is proposed within 500 feet of the I-80, US 101, and I-280 freeways, or ~~within 500 feet of at~~ any other location where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles, shall, as part of its CEQA review, include an analysis of ~~diesel particulate matter (DPM)~~ PM_{2.5} and shall, if warranted based on the results, incorporate upgraded ventilation systems to minimize exposure of future residents to PM_{2.5} (which includes DPM) and other pollutant emissions, as well as odors. The analysis shall employ either site-specific modeling of ~~DPM~~ PM_{2.5} concentrations or other acceptable methodology to determine whether the ~~70-year cancer risk from roadway emissions of DPM~~ annual average concentration of PM_{2.5} from the roadway sources within 500 feet would exceed the ~~commonly accepted~~ threshold, or action level, of 0.2 micrograms per cubic meter. For the purpose of this mitigation measure, PM_{2.5} serves as a proxy for pollutant exposures from roadway vehicles that is amenable to both exposure analysis and the setting of a significance threshold. According to the Department of Public Health, this threshold, or action level, has been shown to result in an increase of approximately 0.28 percent in non-injury mortality, or an increase of approximately 20 “excess deaths” per year (e.g., deaths that would occur sooner than otherwise expected) per one million population in San Francisco. 40 in one million for maximum lifetime cancer risk due to chronic exposure. If the incremental ~~risk~~ annual average concentration of PM_{2.5} concentration (from roadway sources only) were to exceed 0.2 micrograms per cubic meter ~~40 in one million~~ at the project site, the project sponsor shall be required to install a filtered air supply system to maintain all residential units under positive pressure when windows are closed. The ventilation system, whether a central HVAC (heating, ventilation and possibly air conditioning) or a unit-by-unit filtration system, shall include high-efficiency filters meeting minimum efficiency reporting value (MERV) 13, per American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 52.2 (equivalent to approximately ASHRAE Standard 52.1 Dust Spot 85%). Air intake systems for HVAC shall be placed based on exposure modeling to minimize roadway air pollution sources. The ventilation system shall be designed by an engineer certified by ASHRAE, who shall provide a written report documenting that the system offers the best available technology to minimize outdoor to indoor transmission of air pollution. In addition to installation of air filtration, the project sponsor shall present a plan that ensures ongoing maintenance plan for the ventilation and filtration systems. The project sponsor shall also ensure the disclosure to buyers and renters regarding the findings of the analysis and consequent and inform occupant’s proper use of any installed air filtration. If active recreation areas such as playgrounds are proposed as part of any future residential development, such areas shall be located at least 500 feet from freeways, if feasible.

Within the Eastern Neighborhoods, new residential development that is proposed within 1,000 feet of warehousing and distribution centers or other uses served by at least 100 trucks per day or 40 refrigerated trucks per day, or uses that generate toxic air contaminants (TACs) as part of everyday operations, the Planning Department shall require a screening-level health risk assessment or other comparable analysis prior to approval of such new residential development to ensure that the lifetime cancer risk from DPM or other TACs emitted from the uses described above is less than 10 in one million, or that the risk can be reduced to less than 10 in one million through mitigation, such as air filtration described above.

The above standard shall also apply to other sensitive uses such as schools, daycare facilities, and medical facilities. (It is noted that such facilities are somewhat more likely to employ central air systems than are residential developments.)

On page 512, Mitigation Measure G-4 is revised as follows to provide a more specific distance for application of the measure:

For new development including commercial, industrial or other uses that would be expected to generate toxic air contaminants (TACs) as part of everyday operations, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify residential or other sensitive uses within ~~two blocks~~ 1,000 feet of the project site, prior to the first project approval action. This measure shall be applicable, at a minimum, to the following uses: dry cleaners; drive-through restaurants; gas dispensing facilities; auto body shops; metal plating shops; photographic processing shops; textiles; apparel and furniture upholstery; leather and leather products; appliance repair shops; mechanical assembly cleaning; printing shops; hospitals and medical clinics; biotechnology research facilities; warehousing and distribution centers; and any use served by at least 100 trucks per day.

On page 520, the first sentence in the second full paragraphs of Mitigation Measure K-2 is revised as follows in response to a comment from the Landmarks Preservation Advisory Board:

Additions will be reviewed on a case-by-case basis and any proposed addition should be located in an inconspicuous location and not result in a ~~radical~~ substantial change to the form or character of the historic building.

On page 521, the last sentence of the fourth full paragraph in Mitigation Measure K-2 is revised as follows in response to a comment from the Landmarks Preservation Advisory Board:

“The design respects the general historic and architectural characteristics associated with the property and the district without replicating historic styles or elements that will result in creating a false sense of history. For more information regarding the ~~characteristics~~ character-defining features of the South End historic District, refer to Appendix I of Article 10, Section 6 (Features) of the Planning Code.”

On page 521, the first sentence in the second full paragraphs of Mitigation Measure K-3 is revised as follows in response to a comment from the Landmarks Preservation Advisory Board:

Additions will be reviewed on a case-by-case basis and any proposed addition should be located in an inconspicuous location and not result in a ~~radical~~ substantial change to the form or character of the historic building.

On page 522, the last sentence of the fourth full paragraph in Mitigation Measure K-3 is revised as follows in response to a comment from the Landmarks Preservation Advisory Board:

“The design respects the general historic and architectural characteristics associated with the property and the district without replicating historic styles or elements that will result in creating a false sense of history. For more information regarding the ~~characteristics~~ character-defining features of the Dogpatch Historic District, refer to Appendix L of Article 10, Section 6 (Features) of the Planning Code.”

On page 523, Mitigation Measure K-1: Hazardous Building Materials is renumbered as follows to correct an editorial error:

Mitigation Measure ~~K~~ L-1: Hazardous Building Materials

On page 525, the following improvement measure is added to further reduce potential noise effects on new residential uses:

Improvement Measure F-2: Pre-Occupancy Noise M

To ensure that noise assessment of new residential projects is adequately completed and, where applicable, noise attenuation features incorporated into project design are sufficient to reduce ambient noise to acceptable indoor noise levels, the City could develop a protocol to require sponsors/developers of residential projects to conduct pre-occupancy noise level measurements that would be submitted to the City for review and approval prior to issuance of a certificate of occupancy. This protocol would apply, at a minimum, to development of noise-sensitive uses along streets with noise levels above 60 dBA (Ldn), as shown in DEIR Figure 18, where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, and to new development that includes noise-sensitive uses where noise-generating uses are within 900 feet of, and have a direct line-of-sight to, the site of the noise-sensitive use. The protocol could be developed cooperatively by the Planning Department, Department of Building Inspection, and Department of Public Health, with review and/or enforcement, as appropriate, to be the responsibility of one or more of these departments.

On page 525, the following improvement measures are added to further reduce potential project effects on parks, recreation and open space:

Parks, Recreation and Open Space

Improvement Measure H-1: Support for Upgrades to Existing Recreation Facilities

To help offset the potential for an accelerated deterioration of existing park and recreation facilities in Eastern Neighborhoods due to projected increases in population, the City should undertake measures to implement funding mechanisms for an ongoing program to repair, upgrade and adequately maintain park and recreation facilities to ensure the safety of the users.

Improvement Measure H-2: Support for New Open Space

To avoid the effects of overcrowding, overuse, and conflicts in recreational uses to existing park and recreation facilities in Eastern Neighborhoods, the City should set concrete goals for the purchase of sufficient land for public open space use in Eastern Neighborhoods. The City should set a goal of purchasing one neighborhood park in each Eastern Neighborhood.

Attachment 1: Comment Letters



Dan Skopeck
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

Maureen Gorsen, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

JUL 23 2007
CITY & COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT

July 20, 2007

Mr. Michael Jacinto
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, California 94103

Dear Mr. Jacinto:

Thank you for the opportunity to comment on the draft Environmental Impact Report (EIR) for the Eastern Neighborhoods Rezoning and Area Plans (SCH #2005032048). As you may be aware, pursuant to the California Health and Safety Code, Division 20, Chapter 6.8, the California Department of Toxic Substances Control (DTSC) oversees cleanup of sites where hazardous substances have been released. As a potential Resource Agency, DTSC is submitting comments to help ensure environmental documentation prepared for this project under California Environmental Quality Act (CEQA) adequately addresses any remediation activities pertaining to releases of hazardous substances.

According to the draft EIR, the project consists of modifications to the zoning districts in eastern San Francisco, south of Market Street intended to encourage new housing while preserving sufficient land for necessary light industrial business and activities. The draft EIR does not evaluate any project-level proposals or infrastructure alterations but anticipates that zoning changes could lead to changes in use of existing buildings, additions, new construction, and demolition in areas are likely to have contaminated soil or ground water or hazardous building materials. In some cases, remediation may have occurred and closure granted based on a less sensitive land use.

According to the draft EIR, compliance with existing laws and site-specific review with appropriate regulatory oversight will protect human health and the environment. The draft EIR also states that where conversion of land use leads to a more sensitive use, stricter cleanup levels may be required if previous closure left contamination in place.

The draft EIR should also state that each site-specific review will require a thorough investigation of all historical uses of each property and nearby facilities in addition to an assessment of previous regulatory involvement. Without this information, DTSC will be unable to determine whether hazardous substances may have been released at the site. Based on that information, samples should be collected to determine whether additional issues need to be addressed at each specific site. If hazardous substances

Mr. Michael Jacinto
July 20, 2007
Page 2

have been released to the soil, ground water, or surface water, this contamination will need to be addressed as part of the project.

For example, if the proposed project includes soil excavation and remediation, the site-specific CEQA document should include: (1) an assessment of air impacts and health impacts associated with soil excavation activities; (2) identification of applicable local standards, which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset if an accident occurs at the Site.

DTSC and the Regional Board signed a Memorandum of Agreement (MOA), March 1, 2005 aimed at preventing duplication of efforts among the agencies in the regulatory oversight of investigating and cleanup activities at brownfield sites. Under the MOA, anyone requesting oversight from DTSC or the Regional Board must submit an application to initiate the process to assign the appropriate oversight agency. The completed application and site information may be submitted to either DTSC or Regional Board office in your geographic area.

Please contact Amy E. DeMasi at (510) 540-3812 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,

Ryan Moya for

Denise M. Tsuji, Unit Chief
Northern California - Coastal Cleanup Operations Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
PO Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
PO Box 806
Sacramento, California 95812-0806

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cont.

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August 22, 2007

Michael Jacinto
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Eastern Neighborhoods Rezoning and Area Plan, SCH# 2005032048

Dear Mr. Jacinto:

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the City & County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to the Caltrain railroad and Muni T-Line rights-of-way (ROW).

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings (including upgrades to existing railroad crossing warning devices both for vehicular traffic on the street and pedestrian traffic on the sidewalk, modifications to traffic control devices at highway-highway intersections near the highway-rail crossing such as installing traffic signals or adding protected left turn signal phases, etc.) due to increase in traffic volumes, and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. New driveways should be located as far from at-grade highway-rail crossings as possible.

Of specific concern is that new development pay its fair share for rail safety mitigations improvements, every project adjacent to the rail corridor be required to install vandal-resistant fencing to prevent trespassing onto the ROW, and that any new or expansion to an existing school where children must cross the tracks to reach the school provide pedestrian improvements at the crossings and fencing to prevent trespassing.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the City & County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

Kevin Boles
Environmental Specialist
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Dick Dahllof, Caltrain
Michael Kirchanski, Muni

University of California
San Francisco



A Health Sciences Campus

Lori Yamauchi
Assistant Vice Chancellor

Campus Planning
University Advancement
and Planning
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Tel: (415) 476-2911
Fax: (415) 476-9478

August 31, 2007

Mr. Bill Wycko
Acting Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

RE: Comment Letter on Draft EIR for Eastern Neighborhoods Rezoning and Area Plans

Dear Mr. Wycko:

On behalf of the University of California, San Francisco (UCSF), I am writing to comment on the Draft Environmental Impact Report (Draft EIR) for the above-named project.

As you may be aware, UCSF is engaged in a community planning process to provide a forum to discuss the desires of the community relative to UCSF's potential space needs in the Mission Bay environs, and to develop a set of community planning principles that can be used in drafting a possible amendment to the UCSF Long Range Development Plan. In the spirit of ongoing cooperative land use planning, the San Francisco Planning Department is involved in this process as it relates to the Eastern Neighborhoods rezoning plan. We appreciate the Planning Department's efforts to work with UCSF and local community members on these matters.

In regard to the Eastern Neighborhoods Draft EIR, the UCSF-owned properties at 1900 Third Street and 1830 Third Street within the Mission Bay South Redevelopment Area are incorrectly identified in the Draft EIR as "Designated Historical Resources" (see Figure 30 - Historic Resources in the Eastern Neighborhoods, on page 443 of the Draft EIR). These properties are not historical resources and are outside the rezoning area boundary. We would be happy to provide your office with the records relating to these properties and would like to request a correction to the Draft EIR.

Thank you for the opportunity to comment on the Eastern Neighborhoods Draft EIR. We look forward to working with you on this matter. Should you have any questions or require further information, please contact Diane Wong of my staff at (415) 502-5952, or by e-mail at dwong@planning.ucsf.edu.

Sincerely,

Lori Yamauchi
Assistant Vice Chancellor
Campus Planning

cc: Michael Jacinto, San Francisco Planning Department

RECEIVED

SEP 07 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.E.A.



Making San Francisco Bay Better

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SEP 19 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.E.A.

September 17, 2007

Bill Wycko, Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, California 94103

SUBJECT: BCDC Inquiry File No. SF.SW.7024.1, Eastern Neighborhoods Rezoning and Area Plans

Dear Mr. Wycko:

Thank you for the opportunity to comment on the Eastern Neighborhoods Rezoning and Area Plans, Draft Environmental Impact Report (EIR). The DEIR was dated June 30, 2007, and received in our offices on July 2, 2007. The Bay Conservation and Development Commission (Commission) has not had the opportunity to review the DEIR, but the following staff comments are based on the Commission's law, the McAteer-Petris Act, and the provisions of its *San Francisco Bay Plan* (Bay Plan) and the *San Francisco Bay Area Seaport Plan* (Seaport Plan), as well as staff review of the DEIR.

Jurisdiction. The Commission's jurisdiction in the project area includes Bay waters up to the shoreline, and the land area between the shoreline and the line 100 feet upland and parallel to the shoreline, which is defined as the Commission's 100-foot "shoreline band" jurisdiction. The shoreline is located at the mean high tide line, except in marsh areas, where the shoreline is located at five feet above mean sea level.

Port Priority Use Areas. The Commission has identified portions of the areas of Pier 68-70 in San Francisco as a Port Priority Use area in the Bay and Seaport Plans. The intention of these areas, as stated in the Seaport Plan, are "to enhance economic activity while protecting the environment, making efficient use of all resources, and coordinating development." All three alternatives identified in the EIR designate Pier 70 and 68, including areas designated for port priority use, as "Heavy PDR/Pier 70 Mixed-use (primarily Port lands)". This designation appears to retain the current zoning for this area and as such would be consistent with BCDC policy on port priority use areas.

Bay Plan Policies on Public Access. The Commission can only approve a project within its jurisdiction if it provides maximum feasible public access, consistent with the project. The Bay Plan policies on public access state, in part that, "in addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline....Whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed....Public access improvements provided as a condition of any approval should be consistent with the project and the physical environment, including protection of natural resources, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier-free access for the physically handicapped to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs....Access to the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available...."

HAR13

Mr. Bill Wycko
September 17, 2007
Page 2

The DEIR and Summary specifically note that this plan does not specify new building height zoning and that there is the potential for an increase in building height as a result of the transition of some areas to mixed-use residential. All three alternatives designate the East SoMa area along the Embarcadero and Waterfront as mixed-use residential. As these areas also contain a large amount of public access areas to the Bay, specific steps should be taken so that new structures do not decrease the appeal of these public access areas by shading these areas. The DEIR should address the possibility that new development in the project area may negatively affect existing public access areas along the waterfront.

San Francisco Bay Plan Policies Appearance Design and Scenic Views. The Bay Plan Policies on Appearance Design and Scenic Views state, in part, that "all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas...Shoreline developments should be built in clusters, leaving open area around them to permit more frequent views of the Bay....Views of the Bay from....roads should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water."

The DEIR Summary acknowledges that the change of some areas to mixed-use residential may affect the view corridors to the Bay. In the Summary, it is suggested that these changes may enhance these view corridors. The DEIR should more specifically address whether there is a policy in the Eastern Neighborhood Plan that will prevent detrimental impacts to view corridors along the Bay.

Sea Level Rise and Safety of Fills. Bay Plan findings and policies anticipate the need for planning associated with safety of fills and sea level rise. The safety of fills findings state, in part, "...structures on fill or near the shoreline should be above the highest expected water level during the expected life of the project....Bay water levels are likely to increase in the future because of a relative rise in sea level....Relative rise in sea level is the sum of: (1) a rise in global sea level and (2) land elevation change (lifting and subsidence) around the Bay." Bay Plan policies on safety of fills state, in part, "local governments and special districts with responsibilities for flood protection should assure that their requirements and criteria reflect future relative sea level rise and should assure that new structures and uses attracting people are not approved in flood prone areas or in areas that will become flood prone in the future, and that structures and uses that are approvable will be built at stable elevations to assure long-term protection from flood hazards."

The DEIR mentions climate change and sea level rise in the Environmental Settings and Impact chapter, particularly in the Air Quality section. Although much of the shoreline in the project area is hardened and not currently subject to flooding, the DEIR should discuss potential impacts on shoreline development and existing and future public access to the Bay in the project area that may occur as a result of sea level rise.

Thank you for the opportunity to comment on the Eastern Neighborhoods Rezoning and Area Plans, Draft Environmental Impact Report. If you have any questions regarding this letter, or any other matter, please contact me by phone at 415-352-3649 or email sahryec@bcdc.ca.gov.

Sincerely,


SAHRYE COHEN
Coastal Planner

SC/emc



RECEIVED

SEP 10 2007
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.E.A.

September 6, 2007

Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Subject: Eastern Neighborhoods Rezoning and Area Plans—Draft Environmental Impact Report

Dear Mr. Maltzer:

The Bay Trail Project is a nonprofit organization administered by the Association of Bay Area Governments (ABAG) that plans, promotes and advocates for the implementation of a continuous 500-mile bicycling and hiking path around San Francisco Bay. When complete, the trail will pass through 47 cities, all nine Bay Area counties, and cross seven toll bridges. To date, slightly more than half the length of the Bay Trail alignment has been developed.

The Bay Trail in San Francisco is approximately 24 miles long. Approximately 12 miles are complete, with the majority of the incomplete segments located south of the Oakland-San Francisco Bay Bridge. Within the Central Waterfront area, the Bay Trail alignment is currently on Illinois Street. Two of the main goals of the Bay Trail Project are to locate the trail as close as possible to the shoreline, and to provide a fully separated, multi-use facility. In some areas with existing waterfront development, the trail must be located inland until such time as a new use or redevelopment provides an opportunity to adjust the alignment to the shoreline. The rezoning of the Eastern Neighborhoods represents such an opportunity for the San Francisco Bay Trail, as the current alignment and facilities (bike route, discontinuous sidewalks) on Illinois Street are less than ideal.

With the proposed rezoning in the Eastern Neighborhoods, many more residents will be living and working in this area. It is imperative that the Bay Trail be incorporated into any plans for redevelopment, and that the trail be oriented to provide views of the Bay, be located immediately adjacent to the shoreline wherever feasible, connect to existing or planned open spaces and recreational amenities, and provides views and interpretation of continuing maritime and industrial uses of San Francisco's waterfront. Of equal importance will be connecting the Mission and Showplace Square/Protrero Hill neighborhoods to the waterfront and the Bay Trail through appropriate bicycle and pedestrian routes or paths, as well as the provision of signage delineating the Bay Trail.

Administered by the Association of Bay Area Governments
P.O. Box 2050 • Oakland California 94604-2050
1011 Eighth Street, Second Floor • Oakland California 94607-4756
Joseph P. Bert Maltzer-Center
Phone: 510-464-7950
Fax: 510-464-7970

In the Final EIR, please include and discuss the Association of Bay Area Government's (ABAG) San Francisco Bay Trail Plan and how the proposed rezoning may impact or conflict with adopted plans and policies.

Thank you for consideration of our comments. If you have any questions or if I can be of any assistance, please do not hesitate to contact me at (510) 464-7909, or by e-mail at maureen@abag.ca.gov.

Sincerely,



Maureen Gaffney
Bay Trail Planner



City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH

Gavin Newsom, Mayor
Mitchell H. Katz, M.D.,
Director of Health

OCCUPATIONAL & ENVIRONMENTAL HEALTH

July 17, 2007

Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 450
San Francisco, CA, 94103

Re: **Comments on Eastern Neighborhoods DEIR—Case 2004.0160E**

Dear Mr. Maltzer:

Thank you for the opportunity to provide our comment on the DEIR for the Eastern Neighborhoods Rezoning and Area Plans Project.

I want to begin this comment by commending you and the Major Environmental Analysis Unit of the Planning Department for your efforts to deepen the analysis of environmental health concerns in this DEIR. Your efforts are appropriate given the breadth of potential environmental health issues associated with the rezoning of historically industrial and mixed use areas of San Francisco. The mitigations and improvements measures provided in this DEIR for air quality, noise, and pedestrian safety represent proactive and responsive actions to protect the health of San Francisco residents.

The additional comments enumerated below simply aim to ensure that the EIR provides complete and clear interpretations of the best available environmental and public health evidence. We are particularly interested in ensuring that the EIR specifies technically effective and consistently interpreted environmental health mitigations. While we agree with the overall frameworks for mitigation laid out in the EIR, we believe effective mitigations require some minor but critical and feasible modifications in technical approach, particularly for Mitigation G-2. We would appreciate meeting with you and your staff to discuss and resolve these issues.

Comments on Mitigation Measures

1. Mitigation Measures E-3, E-4, E-5, E-6, E-10, and E-11 along with numerous transportation policies of the Eastern Neighborhoods area Plans, if implemented, would support the reduction of vehicle related air pollution and collision hazards by reducing the number of vehicle trips in the project area. Traffic calming, implementation of the Better Streets Plan, parking pricing policies, a congestion pricing scheme, and transportation impact fees seem particularly promising approaches. We encourage the implementation of these measures to the greatest extent feasible and the development of a coordinated implementation timeline for land use development and transportation facilities improvements.
2. The 2003 *PedSafe* Study, described in more detail below, included a detailed program of countermeasures that were chosen for effectiveness and selected particularly for high pedestrian injury density zones in San Francisco's SoMa and Mission neighborhoods through a interdisciplinary expert process. We suggest that the countermeasure plans recommended by the *PedSafe* study be considered for implementation either as mitigations or through the Eastern Neighborhoods Area Plans.

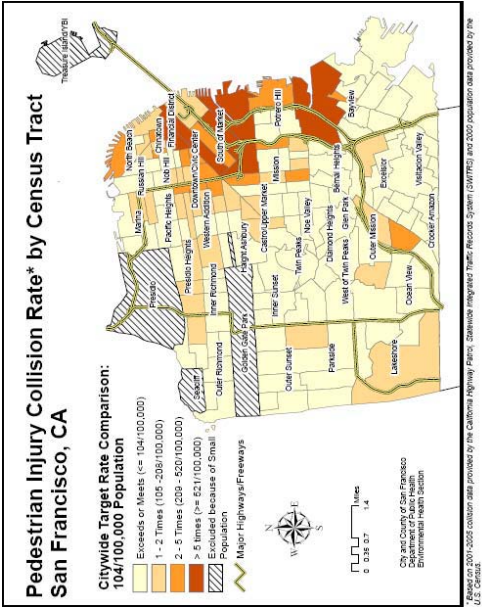
MM2

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<p>3. Mitigation F-3, F-4, F-5, and F-6, if implemented, would be effective steps to reduce noise exposure. We suggest that Mitigation F-3 explicitly require the acoustical analysis triggered by ambient noise threshold to be conducted by licensed acoustic engineer to be consistent with mitigations F-4 and F-5.</p>	N3	<p>particulate matter and estimated Diesel PM exposure based on emission factors for certain diesel vehicles</p> <p>e. Both PM_{2.5} and Oxides of Nitrogen provides signals for near source motor vehicle exhaust emissions and thus would be more appropriate measures for evaluating land use-roadway conflicts. Standard modeling tools, such as, EMFAC 2007, CALINE 4 and CAL3QHCR dispersion models exist to assess human exposures PM_{2.5} and NO_x associated with traffic.</p>
<p>4. Mitigation F-5 would benefit from more explicit description of the threshold for the required analysis. The current threshold, "noise levels in excess of ambient noise," is potentially subject to varying interpretations because it does not specify the time frames of noise measurement. For example, a noise generating use that produces levels of noise sufficient to disturb sleep at night may not generate sufficient noise to trigger this mitigation requirement if comparisons are made with regards to 24 hour averages. We suggest the following revision to make this mitigation more effective: "...noise levels in excess of ambient noise, <u>either short term, at nighttime, or as a 24 hour average.</u>"</p>	N2	<p>7. We would like to ensure that the exposure analysis requirements in Mitigation G-2 be triggered where daily cumulative traffic volume is >100,000 within a 500 feet radius of a potential project. As written, the screening trigger in the first sentence of mitigation G-2 might be interpreted so as to not consider such <i>cumulative</i> traffic conditions and only consider proximity to a high volume roadway. We recommend the screening trigger for analysis be revised to be "...or locations where daily cumulative traffic volumes of 100,000 exist within 500 feet radius or where proximity to traffic volume and vehicle type results in an equivalent exposure." This change is necessary to ensure an effective, consistently interpretable mitigation requirement.</p>
<p>5. We strongly support the inclusion of G-1, which recognizes that construction related particulate matter can be a public health nuisance and irritant. It would be useful to explicitly designate a public agency (e.g. Department of Building Inspection) to review, approve, and monitor compliance of the required dust abatement plans.</p>	MM9	<p>8. Based on the DEIR we understand that the exposure threshold for required ventilation mitigation has been set to be equivalent to 0.2 ug /m³ PM_{2.5} in Mitigation G-2. This exposure threshold corresponds to an approximately 0.3% increase in non-injury mortality or an increase of approximate twenty excess deaths per 1,000,000 populations per year, based on a recent study by Michael Jerrett and colleagues in Los Angeles. We do believe this is a reasonable threshold for requiring health protective action in an urban area such as San Francisco; however, we also want to recognize that we would prefer that such a threshold be ultimately reviewed through an open public process, and that it may be reasonable to adjust such a threshold in either direction to take into account sensitive populations and competing environmental health interests.</p>
<p>6. We support the inclusion of Mitigation G-2 which aims to mitigate land use-air quality conflicts due to roadway related air-quality health effects. However, as written, we are concerned that mitigation G-2 would not consistently prevent adverse environmental health impacts related to non-diesel mobile source emissions because the mitigation is triggered only by analysis of diesel particulate matter (DPM). Based on the best available scientific evidence, diesel particulate matter is not the appropriate environmental measure for the health relevant exposures from roadway proximity. Changing the exposure trigger from DPM to an equivalent but more general exposure signal for roadway related health impacts (e.g., modeled PM_{2.5} or Oxides of Nitrogen) is both achievable and necessary to ensure mitigation G-2 is effective with regards to its intent. We provide the following detailed rationale to support this change.</p> <p>a. All motor vehicles, not exclusively diesel vehicles, are the important exposure sources with regards to roadway proximity health impacts. As stated in the DEIR on p.333, "...it is not possible at this time to attribute roadway related health effects to a single type of roadway, vehicle, or type of fuel." In children, exposures to PM_{2.5} and nitrogen dioxide are correlated with roadway proximity and adverse health outcomes such as asthma prevalence, asthma symptoms and hospitalization, and impaired lung growth.</p> <p>b. Diesel exhaust, while important as a toxic air contaminant and carcinogen, represents a variable fraction of roadway air pollutant emissions and the relationship between diesel particulate matter and total fine particulate matter cannot be assumed to be described by the 15% fixed fraction cited by the DEIR. According to the reference cited, the 15% figure represents diesel as a fraction of PM_{2.5} mobile source at the citywide level based on source apportionment estimates from several western cities (not including San Francisco). There is a large degree of regional variation in the share of road traffic represented by diesel trucks and vehicles. For example, in Oakland, trucks represent about 10% of the daily vehicle volume along I-880 while in San Francisco along US 101, trucks comprise 1-2% of vehicle volume. Within the City of San Francisco, some streets will have higher and lower shares of diesel vehicles as well.</p> <p>c. Furthermore, as described in the DEIR on page 336, stricter regulatory controls aim to reduce diesel exposure by 85% by 2020, meaning that the fraction of PM attributed to diesel engines relative to gasoline engines will likely decline significantly and rapidly in the medium term. Over time, exposure assessment based on DPM as a fixed fraction of total PM will tend to underestimate total PM exposure.</p> <p>d. As stated in the DEIR on page 335, there are no standard tools designed specifically for measuring or modeling diesel particulate matter. The analysis of DPM exposure in the Rincon Hill Plan EIR, cited in the DEIR, used a modeling tool designed to predict</p>	AQ1	<p>AQ1 cont.</p>

Comments on Section on Transportation Impacts

9. **Section on Setting, P. 260, Para 2.** This section attributes San Francisco's higher pedestrian injury rate largely to the degree of population pedestrian activity. We do not believe evidence, including evidence in the DEIR, supports this statement. As explained in detail on P. 289 of the DEIR, pedestrian activity explains a part of the higher rate but is not the primary or predominant explanation. The rate of pedestrian collisions in San Francisco is 104/100,000 or ~250% of the State rate of 40/100,000. Adjusting for the relationship between walking behavior and injury rates in California Cities suggests that San Francisco should have a rate ~160% of other cities, or of 64/100,000 when applied to the statewide rate. This adjustment for pedestrian behavior thus explains only about one-third of the excess when San Francisco is compared to the statewide rate. Our research suggests that spatial differences in hazardous environmental conditions for pedestrians, including high traffic volumes and arterial streets (which are typically wider and carry traffic moving at higher speeds), are additional important explanations. Our research has not determined a single predominant causal factor. The following map below illustrates the relative differences in pedestrian collision rates in different areas of the City.



10. **Section on Pedestrian Safety P. 287, Para 4.** This paragraph could note that area wide strategies to reduce vehicle volume, including traffic reduction strategies proposed as mitigations in the DEIR, also would have beneficial effects on pedestrian hazards.

11. **Section on Pedestrian Safety P. 288, Para 5.** This section is duplicated from the section on setting. As discussed above (item 9), San Francisco's higher pedestrian injury rate is only partially explained by population pedestrian activity. At the end of that same paragraph, p.289, it

1. Jacobsen P.L. Safety in numbers: more walkers and bicyclists, safer walking and bicycling. Injury Prevention. 2003 Sep;9(5):295-9. This relationship between injuries and the proportion walking to work can be summarized with the following equation: % change in injury = (% change in walking)^{1.01}. If the proportion walking to work in San Francisco is 10% and in the U.S. is 3%, then the expected change in injury rate in San Francisco is (2.9%) and in San Francisco (9.4%), we would expect San Francisco to have about 1.6 times more pedestrian collisions than comparable cities (0.4 / 2.9) = 1.60%.

is also notable that we assessed the contribution of the number of workers in each census tract in our model predicting pedestrian injury collisions, and that variable did not significantly contribute to the model's predictive ability.

12. **Section on Impacts P. 290 Para 1.** Comparing the proportional increase of pedestrian collisions to the proportional increase in population in the project area is potentially misleading. In the context of any hazardous environmental condition, changes in the incidence of an injury or illness are expected to change relative to the population exposed. Incidence may increase out of proportion with population if the new exposed population is more susceptible to the effects of the hazard than the existing population. These well-known relationships do not, however, make a condition less or more hazardous when increases in injury and population are similar. Given that vehicle-pedestrian collisions are not "natural" events (and are therefore 100% preventable), evaluating net changes (i.e., the number of additional expected collisions) in pedestrian collisions is most appropriate from a public health perspective.

Further, changes in population-based collision incidence over time are best evaluated at the City level. In the application of the Pedestrian Injury model to the Eastern Neighborhoods, the increase in collisions is proportionally greater than the increase in population at the city level, reflected in an estimated increase in the rate of pedestrian injuries from 104 to 106 collisions per 100,000 per year. Supporting data from the application of the pedestrian injury model is provided below. This is a particularly salient issue in the evaluation of the Eastern Neighborhoods, as some of the most dangerous areas in the city for pedestrians are areas of the Eastern Neighborhoods (these conditions are further detailed in this section of the DEIR), with some census tracts with rates upwards of five times the city rate (as illustrated in the map on the previous page). Using these neighborhoods as their own standard to assess change in pedestrian injury rates accepts conditions resulting in high numbers and rates of pedestrian injury collisions as a standard – which is inconsistent with protecting the public's health.

Estimated Changes in Five Year Pedestrian Injury Counts Resulting from the Implementation of Approved and Proposed Neighborhood Plans						
Planning Area (N, Census Tracts)	Existing Conditions		Estimated Changes			
	Reported (CT sum)	Predicted (CT sum)	Predicted (CT sum)	Lower 95% C.I. (CT sum)	Upper 95% C.I. (CT sum)	Predicted % Change in Pedestrian Injury Collisions
San Francisco (N=176)	4,039	4,050	na	na	na	na
Eastern SOMA (N=5) ^a	412	363	436	331	574	20%
Mission (N=13) ^a	460	508	580	465	727	14%
Show Place Square/Potrero Hill (N=9) ^a	252	239	288	222	375	21%
Central Waterfront (N=3) ^a	53	52	64	50	83	24%
All Eastern Neighborhoods (N=23) ^a	940	942	1,104	864	1,414	17%

13. **Section on Impacts, P. 290 Para 2.** The relationship between pedestrian volume and injury risk reflected in "safety in numbers" are already reflected in the DPH model and outcomes predicted by the DPH model do not require further adjustment for this phenomenon. Specifically, the

outcomes already take into account non-linear relationships between pedestrian volume and pedestrian collisions by including pedestrian behavior variables in a multi-variate pedestrian injury model. Further adjustment of the outcomes would not be appropriate. The final parameters of the DPH pedestrian injury model include (log) traffic volume, population, land area, proportion of arterial streets, proportion of population without access to automobiles, and (log) proportion commuting via walking or public transit.

Additionally, while there is demonstrated evidence of the effect of "safety in numbers," this effect is independent of land use and transportation system environmental mitigations to ensure safe environments for pedestrians.

14. **Section on Impacts. P. 290 Para 3.** In this context, it is appropriate to also discuss collisions along a road facility and in an area in addition to collisions at an intersection. Pedestrian collisions do not happen exclusively or primarily at intersections. Intersection-level "black spots" with high numbers of pedestrian injury collisions, often used by the traditional traffic engineering approach to identify high risk intersections and described in the DEIR, account for a relatively low proportion of the total number of pedestrian injury collisions. For example, the five intersections cited on p. 289 with 10 or more vehicle-pedestrian collisions from 2001-2005 accounted for a total of 57 collisions, less than 2% of the vehicle-pedestrian collisions in San Francisco during that period (n=3,765, based on data presented in the 2005 DPT report). Finally, there are area-level patterns of pedestrian injury collisions in San Francisco (illustrated in the map on page 3) that are predicted by environmental and demographic characteristics.

15. **Section on Impacts. P. 290** In this section, the DEIR should describe and reference relevant existing pedestrian safety analyses conducted in the project area in San Francisco using the traditional traffic engineering approaches discussed on p. 290. For example, in 2003, the San Francisco Metropolitan Transportation Authority completed the PedSafe analysis using the well established zone analysis approach to identify neighborhoods and intersections that had a high "injury density" (i.e., a large concentration of pedestrian-injury collisions in a relatively small geographic area).^{2, 3} This analysis involved mapping 12,557 reported pedestrian-injury collisions that occurred in the city from January 1990 to May 2001 by severity. The PedSafe analysis identified 20 areas of the city, both street segments and geographic areas that had high densities of pedestrian-injury collisions. Injuries were highly concentrated in (i) the greater downtown area and (ii) along major arterials in the rest of the City. PedSafe identified a number of specific neighborhoods or planning areas as having relatively higher densities of pedestrian injuries. For example Western SOMA contained 5.7% of the City's pedestrian injuries but only 0.93% of the City's area. Injury density was similarly high for the Eastern portions of SOMA, the entire Mission District, the Western Addition, Downtown, and the Tenderloin and Civic Center area. The results of the PedSafe analysis are also consistent with the spatial variation of pedestrian collisions illustrated in the map above.

2 Zone Guide for Pedestrian Safety, NHTSA, 1998.

3 Righland, D.R., Markowitz, F., MacLeod, R.D., "An Iterative Pedestrian Safety Engineering Study Using Computerized Crash Analysis", May 1, 2003, U.C. Berkeley Traffic Safety Center, Paper 1, UCB-TSC-RR-2003-12

Comments on Section on Air Quality Impacts

16. **Section on Environmental Setting.** We recommend the following data from the San Francisco Electric Reliability Project Focused Particulate Monitoring Study be included in the section on environmental setting. This study provides relevant high-quality long term monitoring data descriptive of the area variation in particulate matter in the project area. The San Francisco Electric Reliability Project Focused Particulate Monitoring Study aimed to compare the air quality measurements for PM 10 and PM 2.5 from several community stations with the measurements from the Bay Area Air Quality Management District's (Bay Area AQMD) permanent monitoring station at Arkansas Street and determine whether the Arkansas Street station is collecting data that is representative of community exposure.⁴ Monitoring started in early July 2005 and continued through late March 2006. Monitoring took place at two locations in Bayview/Hunters Point and two locations in Potrero at sites were chosen to be representative of community exposures. The study also monitored at the Bay Area AQMD's Arkansas Street monitoring station so that we could directly compare the Bay Area AQMD's measurements with those from our program. Monitoring demonstrated that particulate matter measures (as an annual average) ranged from 16.9 to 20 ug / m3 for PM10 and from 7.6 to 9.3 ug/m3 for PM2.5. In general, lower levels correlated with areas with predominant residential uses. The results of the study are described in the tables below.

PM10 Monitoring Results from San Francisco Electric Reliability Project

Monitor Location	BAAQMD Arkansas St	Arkansas St	Southeast Community Center	Muni Maintenance Yard	Potrero Recreation Center	Malcolm X Academy	California Ambient AQ Std
Average PM 10	19.0	18.6	18.3	20.0	16.9	17.5	20
Maximum	46.8	45.3	41.5	46.0	36.7	35.2	50

PM 2.5 Monitoring Results from San Francisco Electric Reliability Project

Monitor Location	BAAQMD Arkansas St	Arkansas St	Southeast Community Center	Muni Maintenance Yard	Potrero Recreation Center	Malcolm X Academy	California Ambient AQ Std
Average	9.1	8.9	9.3	8.9	7.6	7.9	12
Maximum	27.7	22.8	22.2	22.7	16.1	18.4	None

17. **Section on Sensitive Receptors P.331.** While recreational uses do subject persons to ambient air, the DEIR should note that exposure durations for these uses are much less than for school, work, or home environments.

18. **Section on Diesel Particulate Matter P. 335.** The last paragraph incorrectly attributes the particulate matter study San Francisco Electricity Reliability Project to SFDPH and incorrectly describes this study as a short term study using portable monitoring equipment. The SFDPH

⁴ PM 10 Monitoring data from Focused Particulate Monitoring Study Data Collected by Sierra Research From July 9, 2005 to March 24, 2006



LANDMARKS PRESERVATION ADVISORY BOARD

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September 14, 2007

SEP 14 2007

Mr. Bill Wycko
Acting Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.E.A.

Dear Mr. Wycko,

On August 15 and September 5, 2007, the Landmarks Preservation Advisory Board (Board) held public hearings and took public comment on the Draft Environmental Impact Report (DEIR) for the Eastern Neighborhoods Rezoning and Area Plans project dated June 30, 2007. After discussion the Board arrived at the following comments:

- The Board commented on whether there is an explanation in the Draft EIR of the differences between the Plan Alternatives A, B, and C—what are these plan alternatives trying to accomplish? [HAR1]
- In general, the Board inquired about the status of the historic resource surveys in the planning areas. [HAR2]
- The Board indicated that some of the historic resource surveys are complete or nearing completion. However, it does not appear that surveys informed plan options. As a mitigation measure, the Board would like to see the surveys inform the plan in terms of height limits and use designations. The results of the surveys could result in revisions to plan options. [HAR3]
- In that vein, the Board further commented that the relationship of potential historic districts should inform the substance of plan. It does not seem that height limits should be raised in potential historic districts. Or, in other potential districts, there should be consideration to lower height limits (e.g., along 24th Street). [HAR4]
- The Board would like to see recognition in Mitigation Measure K-1 that demolition of individual buildings, one at a time, could result in potential impacts to potential historic districts. The Board suggested adding the following language: *Demolition of individual buildings could possibly have a cumulative impact on potential historic districts.* [HAR5]
- Regarding Mitigation Measure K-1.c, the Board would like clarification of the types of modifications that may be approved in an over the counter building permit. How is this determined? [HAR6]

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cont.

efforts did occur but we have not published or reported the results because of their inconclusive nature. The SFERP effort is a long term monitoring effort and should be a considered reliable source of within city variation of particulate matter exposure. The SFERP study, however, did not measure diesel particulate matter, and we suggest the results of this study be presented in a different section of the DEIR.

19. **Section on Roadway Related Health Effects, P. 356.** Trigger levels for minimizing adverse effects due to PM 2.5 can not be assumed to be similar to those for avoiding diesel particulate matter exposure because the relationship between DPM and PM 2.5 varies from road to road within the region and within the project area and will vary significantly over the timeframe of the project's implementation as a result of diesel engine regulations. A detailed rationale for using a more general surrogate exposure measure for roadway related health effects is provided in the comments on mitigation G-2 above.

Thank you again for the opportunity to provide these comments. I would appreciate scheduling a meeting with your staff and your technical consultants to review these comments and to develop a consensus on the mitigations related to public health and safety.

Sincerely,

Rajiv Bhatia, MD, MPH.
Director, Occupational and Environmental Health

CC:

Michael Jacinto, MEA
Bill Wycko, MEA
Tom Rivard, SFDPH
Megan Wier, SFDPH
Peter Alpert, MTA
Rachel Hiatt, SFCTA
David Burch, BAAQMD
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September 20, 2007

Bill Wycko

Acting Environmental Review Officer
Planning Department
Major Environmental Analysis Division
San Francisco, CA 94102

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SEP 21 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT

Re: Comments on Eastern Neighborhoods DEIR

Dear Mr. Wycko:

Thank you for the public announcement to provide input on the Draft Environmental Impact Report for the Eastern Neighborhoods Plans. Our Department has been providing ongoing feedback to your Division as well as planners in the Neighborhoods Division for several months related to the open space planning component of the Eastern Neighborhoods Plans. As such, we are particularly interested in the DEIR impact assessment findings related to new parks and recreational facilities.

Our Department originally sent comments on the PDEIR addressed to Michael Jacinto on March 19, 2007. We've noticed that since the PDEIR there have been substantial changes made to the document related to the impact assessment for new open space and recreational facilities. For example, the PDEIR concluded that the project could generate a need for between about 8 and 14 acres of additional neighborhood parks and roughly 175,000 to 300,000 square feet of new recreational facility space. Our understanding of this latest draft is that the proposed rezoning options would not require the construction or expansion of recreational facilities that might have an effect on the environment.

Therefore, we would like to schedule a meeting at your earliest convenience to discuss the impact assessment, as well as other topics, including 1) the underlying analysis used to support the determination that project would not generate an accelerated deterioration of existing recreational resources, and 2) the inclusion of improvement measures to renovate existing park and recreation facilities.

Please have your staff coordinate with my staff, Daniel LaForte, regarding meeting logistics. His direct number is (415) 831-2742.

Again, thank you for your commitment to this important project. We look forward to hearing from you soon.

Very Truly Yours,

Dawn Kamalanathan

c: Yomi Agunbiade
Daniel LaForte



Mayor Gavin Newsom
General Manager Yomi Agunbiade

- HAR7
Regarding Mitigation Measure K-1.d, the Board would like to know whether the Preservation Technical Specialist would have the ability to require an Historic Resource Evaluation for properties subject to this measure?
- HAR8
The Board questions whether properties subject to Mitigation Measures K-2 and K-3 would be brought before LPAB for review and comment. If so, language to this effect should be included in these measures for clarity.
- HAR9
The Board noted that the terminology "radical change" in Mitigation Measures K-2 and K-3 should be amended to "substantial change."
- HAR10
The Board stated that the character-defining features of properties referred to in Mitigation Measures K-2 and K-3 should refer back to the language describing the character-defining features of the districts as stated in Planning Code Article 10, Appendices I and L.
- HAR11
In Mitigation Measure K-3, the Board indicated that language describing materials as being "compatible with the district" should instead be described as "in kind."
- HAR12
The Board expressed concern related to the high degree of potentially significant adverse impacts reported in the DEIR, and stated that this is a situation where creative mitigation may be useful to address impacts, such as a commitment to designate districts as well as preparation of design guidelines for potential districts. For example, Asian Neighborhood Design is working on guidelines for the reuse of industrial buildings in West SoMa, and the Board should encourage the adoption of guidelines for the adaptive reuse of certain kinds of buildings, for vertical additions to certain kinds of buildings, as well as guidelines that address window treatments.

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

Sincerely,

M. Bridget Maley, President
Landmarks Preservation Advisory Board

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CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
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September 14, 2007

36236-00001

Mr. Bill Wycko
Environmental Review Officer
San Francisco Planning Department
1650 Mission St., Suite 400
San Francisco, CA 94103

Re: Comment on DEIR for Eastern Neighborhoods Rezoning and Area Plans Project

Dear Environmental Review Officer:

We represent Cresleigh Development LLC, which controls several properties in the Eastern SOMA area. We have carefully reviewed the Draft EIR and have concluded that the DEIR is deficient due to the failure to include sufficient alternatives regarding the height limits for new development. In particular, the DEIR is deficient because of the failure to include any alternative that permits substantially higher height limits in the portions of East SOMA which alternative would generate substantial additional housing without resulting in any significant additional environmental impacts. We request the analysis of a new alternative that would increase the height limits along Harrison Street, and along 4th Street south of I-80, as shown in the map attached here to as Exhibit 1.

CEQA requires that an EIR must evaluate a "reasonable range of alternatives . . . which offer substantial environmental advantages . . . and may be feasibly accomplished." *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 566. While the range of alternatives is subject to a rule of reasonableness, the range should include alternative necessary for decision makers to make a reasoned choice. In addition, the lead agency should discuss its rationale for selecting the range of alternatives. For the Eastern Neighborhoods EIR, the City has failed to include an alternative to increasing heights substantially in portions of Eastern SOMA, and has also failed to offer any explanation for failing to include increased heights in several areas which are close to existing higher development and where proximity to transit makes increased residential density an obvious and feasible alternative.

The DEIR includes and analyzes three "options," Option A, B, C. Each option includes a corresponding map of potential height limits associated with each option. According to the map of proposed height limits on p. 23 of the DEIR, for the area immediately north of the Bridge approaches, proposed heights between 2nd and 4th Streets are in the range of 80-130 feet under

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each of the options, with the higher heights generally north of Harrison Street. (Note, Figure 5, the map of proposed height limits, is provided at such a small scale as to be barely legible.)

Separately from the DEIR, the Planning Department has also released its proposed "East SOMA Area Plan" (dated February 7, 2007) and subsequent to the DEIR, a September 6, 2007 update of the proposed Eastern SOMA use district and height proposals. Notably, for the area north of the freeway between 2nd and 4th Streets, the draft Area Plan shows proposed heights even lower than those shown for any of the options in the DEIR. For example, while the DEIR options proposed heights of 80-90 feet adjacent to the freeway between 2nd and 4th, the Area Plan proposes that much of this area be zoned for heights of as little as 40 - 55 feet, with only small areas immediately adjacent to 2nd, 3rd and 4th Streets proposed for 85 feet. (Nothing on the draft Area Plan or September 6, 2007 update explains why these areas between Harrison and I-80 are being proposed for substantially lower heights than are discussed in the DEIR.) These same areas, between Harrison and the freeway, are proposed to be zoned "mixed use office" (MUO) between 2nd and 3rd, and "urban mixed use" (UMU) between 3rd and 4th. Both of these designations allow residential as a principal permitted use. (Note, one of the other problems with the DEIR is that the proposed use districts discussed in the DEIR are labeled differently than the use districts in the proposed East SOMA Area Plan and update. According to the DEIR, the areas south of Harrison between 2nd and 4th would be zoned "Residential Transit-Oriented," "Mixed Use Residential or Employment and Business Development" depending on the particular option.)

The DEIR states that the Planning Department's overall objectives for the Eastern Neighborhoods rezoning are to develop new zoning controls "to create new housing opportunities while protecting an adequate supply of land for PDR businesses" (p. 3). As discussed below, the proposed height limits in the DEIR and the Area Plan for many areas of East SOMA are much lower than would be warranted to achieve these objectives.

The DEIR states that each of the three Options would result in significant, unmitigated impacts. Option C is found to result in a significant unmitigated impact on PDR land, as well as a significant unmitigated impact on the greatest number of intersections. The DEIR concludes that Options A and B would have a less than significant impact to PDR land, and a significant unmitigated impact to fewer intersections; however, these options will result in significantly fewer new housing units (Option B would result in an estimated 7,300 units, while Option C is expected to result in an increase of almost 9,900 units).

Because Options A and B supposedly would result in less than significant impacts on PDR land, the current range of options/alternatives would inevitably force City decision makers to choose between those options and Option C, which generates many more housing units but supposedly has a significant unmitigated land use impact on PDR land.

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This unpalatable choice results from the fact that the range of alternatives examined is too narrow to permit a reasoned choice by decision makers. **The scope of the alternatives should be expanded to include one or more additional alternatives that provide some of the benefits of Option C (providing many more housing units) with the same or lesser environmental impacts.** In particular, such an alternative could generally maintain the proposed land use allocations under Option B between PDR and non-PDR uses, while providing for substantially increased height (and thus residential units) on sites in Eastern SOMA that are already intended for residential use, particularly sites in the vicinity of existing high rise residential development or near transit corridors.

In particular, this new alternative should include higher height limits in the areas of Eastern SOMA along either side of Harrison between 2nd and 4th Streets, and along 4th Street south of I-80, that have existing transit or planned transit improvement and/or are within walking distance of numerous employment and retail opportunities. The "increased height alternative" for Eastern SOMA (which could logically be combined with Option B or C) should include substantially increased heights in Eastern SOMA adjacent to the Rincon Hill and Transbay residential high rise areas. Although the DEIR (and the draft Eastern SOMA Area Plan) generally designates this area for lower heights, we believe a new alternative should include height limits in this area increased as shown in Exhibit 1. These height increases are appropriate because:

- The area along Harrison is just west of Rincon Hill, where the City has recently adopted a very substantial height limit increase, and where one very tall high rise (One Rincon) is already under construction within a few feet of I-80. The One Rincon project includes two towers with heights between 550 and 650 feet. The area where increased heights should be considered as an alternative is also within two blocks of the new Transbay Redevelopment Area. The current sharp decrease in heights between Rincon Hill, at over 600 feet adjacent to I-80, to 85 feet west of 2nd Street, makes no sense from an urban design perspective. Providing substantial, but somewhat lower, heights west of the Rincon Hill area would help to provide a smoother transition between Rincon Hill and the lower heights proposed west of 4th Street.
- Since the area of the proposed height increases is designated to allow and encourage residential use, providing additional height in this area would allow increased residential development without any increased loss of PDR land, and also would increase the number of affordable units.
- This area along Harrison west of Rincon Hill is ideally located to advance the City's Transit First Policy. It is no more than two blocks from the proposed 4th Street subway. It is within walking distance of most of the C-3 office and shopping districts. New

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residents in the area along Harrison should have much fewer reason to drive private vehicles. This area is also near Folsom, which is proposed for substantial transit improvements, as well as transform to a pedestrian-oriented street. Thus, this area is particularly appropriate for increased residential development if the height limits are increased similar to those of Rincon Hill. Also, increased heights along 4th Street south of I-80 would be able to take advantage of existing and planned transit improvements in that area. Finally, both Harrison and 4th Street are a short walk from the existing Caltrain station. See a cross section of the proposed alternative height along Harrison Street attached hereto as Exhibit 2.

- Although the DEIR stated that each of the current options could have a significant impact with respect to shadows, it is very unlikely that additional height along Harrison between 2nd and 4th would have such impacts. Although obviously project-specific shadow studies would be necessary, the area is north of South Park, and thus is unlikely to cast new shadow on South Park. Also the height increases proposed along 4th Street almost certainly will not have any shadow impacts on South Park.
- Providing additional height in this area is generally consistent with the policies as stated in the draft Area Plan. It is consistent with policies that heights should step down toward the water. It is consistent with policy 5.1.6, which is to respect views of downtown from west of 4th Street.
- Moreover, much of the area of proposed increased height under the new alternative appears to have few or no historic resources. Allowing more development in this area may also have the effect of reducing housing pressure on nearby areas, such as the South End Historic District, and therefore may enhance preservation of historic resources while still allowing for substantial new housing in these areas.
- There is no explanation in the DEIR or the draft Area Plan for why the area along Harrison between 2nd and 4th Streets is being proposed for such low heights. We believe the Planning Department's position could be based on a belief that building heights should be kept lower between 2nd and 4th to allow motorists a better view north from I-80. However, if this is the rationale, it should be reexamined. The City has already allowed a number of very tall buildings to be built immediately adjacent to I-80 in the Rincon Hill area and elsewhere. Moreover, given existing buildings along Folsom in this area, and the proposed 130 foot height limits along Folsom from east of 2nd Street to west of 4th Street, keeping heights low along Harrison would not preserve any expansive views of the downtown skyline. So, there is really no reasonable urban design rationale for maintaining such low height limits along Harrison between 2nd and 4th Streets. In addition, any taller buildings in this area could be subject to bulk limit and tower

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Environmental Review Officer
September 14, 2007
Page 5

separations, similar to Rincon Hill's, which would assure substantial view windows between any new high rise towers in this area.

Conclusion

For a large project such as this one, the DEIR analyzes too narrow a range of alternatives. Only three alternatives are analyzed (two other alternatives are analyzed for a portion of the Mission District only). Although three somewhat different land use schemes are presented for Eastern SOMA, the DEIR assesses only a very narrow range of alternatives related to height. In particular, the DEIR ignores the availability of alternatives that would add substantial heights in small areas of Eastern SOMA that would dramatically improve the housing production under Option A or B, while avoiding the unmitigated impact on PDR lands that the DEIR states would occur under Option C.

CEQA requires that a project consider a reasonable range of alternatives. The range of "options" analyzed in the DEIR is so narrow that it fails to evaluate the alternative of providing additional height (and residential development) in several areas of Eastern SOMA. This alternative meets the CEQA criteria for inclusion because it would accomplish one of the key objectives of the project (increased housing) in a way which lessens the impact on PDR lands (as compared to Option C) and which is clearly feasible. Moreover, because of the location of the additional height/density, the proposed alternative would be unlikely to result in any transportation impacts, or shadow impacts on South Park.

Therefore, CEQA requires that the DEIR be revised to include an additional alternative that would be similar to Option B, but with the addition of increased height limits of up to 500 feet along Harrison at 2nd Street, transitioning down to 85 feet at 4th Street, as well as increases to between 85 and 155 feet along 4th Street. (For Eastern SOMA, Option B is also generally consistent with the proposed use districts in the update released on September 6th.) Failing to include an alternative for increased heights, in areas so close to the Financial District and in such a transit-rich environment, also would be missing a golden opportunity to provide more housing while not increasing pressure on PDR lands. We request that the EIR be revised, as required by CEQA, to include evaluation of an alternative of providing substantial height increases in areas of Eastern SOMA as described in the attached Exhibit 1.

Environmental Review Officer
September 14, 2007
Page 6

Sincerely,

Steve Atkinson by Alice Buley

Steve Atkinson
of
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

cc: Cresleigh Development, Inc.
K. Wong, Brand + Allen Architects

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cont.

PR5



September 14, 2007

Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 450
San Francisco, CA, 94103

Re: Comments on Eastern Neighborhoods DEIR

Dear Mr. Maltzer:

WalkSF would like to provide the following comments on the DEIR for the Eastern Neighborhoods Rezoning and Area Plans Project.

As background to our discussion we would like to note that pedestrians account for approximately half of the City's traffic deaths. In 2005, there were 699 non-fatal and 14 fatal pedestrian injuries. San Francisco's non-fatal pedestrian injury rate is among the highest of metropolitan areas nationally. The fatal injury rate is nearly twice the U.S. D.H.H.S. *Healthy People 2010* national objective. The causes of vehicle-pedestrian collisions are largely environmental and can be prevented by careful planning. Traffic volume is a significant determinant of pedestrian collisions while severity of pedestrian injuries is largely determined by vehicle speed. We therefore advocate for measures in the Plan to limit traffic volumes and speeds in the Plan areas.

Many of the transportation policies and mitigation measures in the Eastern Neighborhoods Area Plans that are directed at reducing the number of vehicle trips in the project area would also significantly help to reduce vehicle-pedestrian collisions. WalkSF supports the Plan's use of traffic calming, implementation of the Better Streets Plan, parking pricing policies, congestion pricing, and transportation impact fees to combat increasing vehicle-pedestrian collisions. WalkSF encourages the implementation of these measures to the greatest extent feasible. In light of the recent four pedestrian fatalities in the City and this year's 23 pedestrian fatalities to-date, compared to 13 last year, it is imperative that the City take much more aggressive steps to safeguard pedestrians.

WalkSF recommends that the countermeasures to improve pedestrian safety described in the 2003 PedSafe Study be included in the Plan. These countermeasures include curb extensions, speed humps or tables, more visible signs and crosswalks, Americans with Disability Act (ADA) improvements, median island improvements, roadway lighting, infra-red pedestrian detection, pedestrian countdown signals, and flashing in-pavement crosswalk lights, and were selected for improving pedestrian safety in areas where there are high volumes of pedestrians and vehicles. Further, since most pedestrian collisions occur away from intersections, the entire length of Plan area streets should be considered in the implementation of these countermeasures. Finally, countermeasures should also include outreach and education for both pedestrians and motor vehicle operators.

It is incumbent on the Plan to mitigate the conflict between projected growth in the number of pedestrians in the Plan area and existing dangerous conditions. Given that some census tracts in the Plan area currently feature rates of pedestrian injury collisions upwards of five times the

city rate, WalkSF strongly recommends the Plan eliminate wide, one-way streets in favor of traffic-calmed two-way streets. We also ask that timed traffic signals be synchronized for speeds no higher than the residential speed limit of 25 mph.

The section on Pedestrian Impacts (page 290, paragraph 1) relates the projected increase in pedestrian collisions to the increase in residential population in the project area. WalkSF believes that the Plan should strive to eliminate vehicle-pedestrian collisions entirely and that all of the pedestrian safety elements in the mitigation measures should be captured in the Plan. The number of pedestrian injuries in the City is already alarming, so the Plan should remediate both the effects of projected residential growth and existing conditions.

Finally, WalkSF advocates that in keeping with CEQA, San Francisco should adopt a standard for pedestrian safety - one that is significantly below the current rate of collisions in the Plan area - that sets a benchmark for reducing pedestrian injuries well below national levels. Subsequently, the number of pedestrian-vehicular collisions in the Plan area should be deemed a significant impact, and any increase in pedestrian collisions due to the implementation of the Plan, as is predicted in the DEIR, would be deemed a significant impact. By adopting these standards and implementing all feasible measures to attain them, we will be able to achieve the City's and WalkSF's goals of increasing pedestrian mode share.

Thank you for the opportunity to provide these comments.

Sincerely,

Manish Champsee

Manish Champsee
President, WalkSF Board of Directors



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 - Eveready Fund
 - Familia Mesa
 - Familia, Braun & Moriel LP
 - Field Company
 - Gen Park Association
 - Greenleaf Alliance
 - Habitat for Humanity
 - Houser Architects
 - Hayes Valley Neighborhood Association
 - Jewish Community Relations Council
 - KOF Community Architects & Planning
 - Labovitz and 243
 - League of Conservation Voters
 - Lemon Communities
 - Lincoln City
 - Moritz Building Company
 - Mercy Housing California
 - Mission Housing Development Corporation
 - Morrison & Forster LP
 - MR Wolfe & Associates
 - Nabli Brothers Construction
 - Opentouse
 - Pacific Gas and Electric Company
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 - Public West Corporation
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 - San Francisco Bicycle Coalition
 - San Francisco Building and Construction Trades Council
 - San Francisco Chamber of Commerce
 - San Francisco Chronicle
 - San Francisco Housing Development Corporation
 - San Francisco Planning & Urban Research (SFUR)
 - San Francisco State University
 - Solomon E.T.C.
 - Spectrum Credit Union
 - United Education of San Francisco
 - Urban Ecology
 - Urban Housing Group
 - UrbanGreen Dev
 - Wells Fargo Bank
 - West Bay Housing Corp

San Francisco Housing Action Coalition

VIA HAND DELIVERY

Mr. Bill Wycko
Acting Environmental Review Officer,
San Francisco Planning Department,
1650 Mission Street, Suite 400,
San Francisco, CA 94103

September 14, 2007

Ref: *Comments on Eastern Neighborhoods
Draft EIR*

Dear Mr. Wycko:

On behalf of the 67 member organizations of the San Francisco Housing Action Coalition (SFHAC), I am pleased to offer our comments on the Eastern Neighborhoods (EN) Draft EIR (the "EIR"). SFHAC is an advocacy group established eight years ago to support a pro-housing culture in our City. We would like to see housing to be built more quickly, more cheaply for more San Franciscans.

We believe that the DEIR must include a full evaluation of the economic feasibility of market rate and affordable housing production under the proposed rezoning of the EN. This is crucial in light of new information regarding public benefit impact fees and inclusionary housing requirements introduced since the DEIR was published.

Population, Housing, Business Activity and Employment

1. **Summary.** The rezoning options studied in the DEIR are based on the 2003 Rezoning Options Workbook prepared by the Planning Department and reflect revisions and refinements developed by Planning staff through approximately Spring 2006. The DEIR concludes that the proposed rezoning options will promote more housing development, including more affordable housing, compared to conditions under the No-Project scenario. This assumption supports the DEIR's conclusion that the project will not have a significant impact on population, housing and employment. However, the DEIR fails to analyze the adverse effect on housing production caused by the additional economic burdens placed on housing

Mr. Bill Wycko
September 14, 2007
Page Two

development. These resulted from the 2006 amendments to the inclusionary requirements in conjunction with the "super-inclusionary" requirements. There have also been significant public benefit fee proposals that have recently been introduced at the Planning Commission in connection with the Eastern Neighborhoods rezoning that are causing great uncertainty about the feasibility of housing production.

At various Planning Commission hearings in 2006 and 2007, the Department's consultants and the development community have presented evidence to the Planning Commission and Board of Supervisors that the development potential or "upzoning" afforded by the proposed rezoning is exceeded by the significant increase in public impact fees and inclusionary housing requirements. The evidence suggests that the rezoning and accompanying fees and exactions will make development of market-rate housing and the accompanying inclusionary affordable housing economically infeasible and will actually produce less housing, both market-rate and affordable, than under the No-Project alternative. This is particularly true in the existing CM, SLI and M districts that are subject to the proposed super-inclusionary requirements and in many cases receive either modest or no additional development potential from the proposed rezoning. Therefore, the DEIR must analyze the impacts of these newly adopted and proposed fees and exactions on the economic feasibility underlying the DEIR's assumptions that the rezoning will produce more housing than under the No-Project alternative. This analysis is critical in order to support the DEIR's conclusions of no significant impact on Population and Employment.

2. **Discussion.** The DEIR states that the proposed EN rezoning could have a significant effect on population and/or employment if it would induce substantial growth or concentration of population, displace a large number of people (involving either housing or employment), or create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply. The DEIR concludes that the anticipated increase in population and density under each of the three proposed rezoning options would not result in significant adverse physical effects on the environment.

Support for this conclusion is found in the analysis that implementation of the rezoning would increase the housing supply potential in the Eastern Neighborhoods and citywide, compared to conditions under the No-Project scenario. The DEIR finds that the rezoning will result in "more supply relative to demand, more housing choices and more (relatively) affordable housing units developed than without the project, because the Inclusionary Affordable Housing Program would require below-market-rate units be developed in conjunction with market-rate projects of five or more units."

The DEIR further states that "housing prices and rents for both new and existing housing would generally be lower than would be the case with the more limited housing supply potential in these areas under existing zoning and continuation of existing market trends. Additionally, the project would reduce pressure to convert existing rental housing stock to relatively affordable for-sale housing (such as through condominium conversions and the tenants-in-common process) compared to No-Project conditions." Elsewhere, the DEIR concludes that the increased production of housing created by the rezoning options would add housing supply by rezoning some existing M use districts to mixed-use residential districts and would therefore provide a "relief valve," reducing these housing market pressures without directly affecting existing residents. The DEIR concludes that the result would be less residential displacement than otherwise expected.

The DEIR's analysis of the impacts of the rezoning on housing production assumes that the rezoning policies will encourage and accommodate new housing production, and that the rezoning provides for increased residential density in the industrially-zoned areas of the Eastern Neighborhoods. (This assumption also underlies the DEIR's conclusion that the rezoning will have less impacts on transportation and air quality, including greenhouse gas emissions, due to development of infill development that locates employees near City employment centers, thereby reducing long commute times.

However, the analysis fails to quantify the number of sites that would actually obtain a meaningful increase in development potential through density and height increases and does not analyze whether the proposed rezoning of industrial parcels to residential use would support the recent increases in inclusionary housing requirements as well as the proposed revisions to Option B that have been presented to the Planning Commission in recent weeks since publication of the DEIR. These revisions are not merely refinements of the project description set forth in the DEIR, but consist of additional burdens on residential development that affect the ability of the rezoning to achieve the fundamental objectives relied upon in the DEIR.

In 2006, the City adopted amendments to the inclusionary housing requirements set forth in Section 345 of the Planning Code, raising the below-market inclusionary requirements from 10 percent (and 12 percent for projects requiring a conditional use permit) for on-site, and 15/17 percent for off-site units, to 15 percent on-site and 20 percent off-site. These are unquestionably significant increases. At the time, a Sensitivity Analysis prepared by Keyser Marston Associates was presented to the Board of Supervisors to demonstrate what level of requirements could be supported under current and future conditions. The Sensitivity Analysis concluded that the cumulative impact of the amendments would make all construction prototypes financially infeasible under market conditions at the time. The Analysis also found

H7
cont.

that the value of a site is tied to its zoning and that when a parcel's developable area increases through upzoning, its land value increases. It suggested that a project with increased inclusionary requirements *could* be financially feasible if requirements were increased as part of any upzoning, and on-site inclusionary was less likely to be economically feasible compared to payment of an in-lieu fee.

The information in the Sensitivity Analysis does not appear to have been considered in the DEIR's analysis of the feasibility of the proposed rezoning on increased housing production. Since the adoption of the inclusionary amendments, the in-lieu fee that was considered to be the most economically feasible alternative for building housing was significantly increased (e.g. an increase of 47 percent for one-bedroom units, 37 percent for two-bedroom units and 61 percent for studios), effective July 19th, 2007. Also, since the date of the Sensitivity Analysis, the San Francisco Area Median Income (AMI) has declined and interest rates have risen, further deepening the inclusionary housing subsidy. In addition, on August 30, 2007, the Department introduced the concept of public benefit fees applicable to residential projects in the Eastern Neighborhoods, including an infrastructure fee of \$10.00 per square foot and an as yet undetermined increase in other fees for "up-zoned" parcels.

On August 30, 2007, the Mayor's Office of Housing also introduced a proposal to the Planning Commission for an additional layer of exaction on all residentially rezoned parcels within the existing CM, M1 and M2 districts. These additional exactions would require all such parcels to provide either 100percent affordable housing, a 50 percent site dedication for public affordable housing development, or a mix of market-rate and moderate-income housing (currently proposed at 75percent moderate-income to 25percent market-rate). We must emphasize that many of these parcels receive either no, or else very modest, additional development potential from the rezoning compared to current conditions.

If the Sensitivity Analysis concluded that the adopted 5percent increase in inclusionary requirements created financial infeasibility, then it is certain that the addition of super-inclusionary requirements, combined with significantly increased fees and deteriorating market conditions further serve to make housing development economically infeasible. As a result, existing non-residential land uses are more likely to remain in-place indefinitely or land uses will shift to any other permitted economic use not subject to the same level of exaction, such as retail, office, parking or commercial use. This economic analysis must be performed as part of the DEIR in order to determine whether or not the rezoning would actually increase housing production over existing conditions.

H7
cont.

Mr. Bill Wycko
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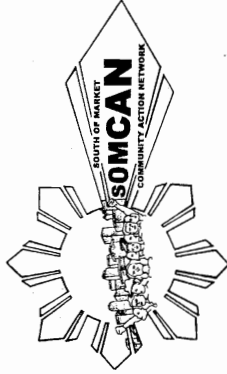
Thank you for your consideration of these comments.

Very truly yours,



Tim Cohen
Executive Director

"The SF Housing Action Coalition advocates for the creation of well-designed, well-located housing, at ALL levels of affordability, to meet the needs of San Franciscans, present and future."



September 14, 2007

Michael Jacinto, EIR Coordinator
San Francisco Planning Department
Major Environmental Analysis
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: **Comments to Eastern Neighborhoods Draft EIR**

Dear Mr. Jacinto,

The cumulative effect of the Planning Department's rezoning and spot zoning through the City's Comprehensive Community Action Plan (CCAP) has had devastating impacts on the South of Market neighborhood as a whole. As a result, current residents and light industrial businesses of the South of Market Neighborhood are living under conditions of extreme vulnerability to 1) displacement and 2) unsafe health conditions. The Draft Environmental Impact Report (DEIR) for the Eastern Neighborhoods Plan identifies many of these impacts and acknowledges the escalating impacts the EN Rezoning will create. **However, the DEIR has not completed its analysis of the scale of these impacts nor identified appropriate mitigations to reduce or preferably avoid these significant impacts.** It is the position of the South of Market Community Action Network (SOMCAN) that the DEIR needs to complete this work three to six months prior to the adoption proceedings of the Eastern Neighborhoods Plan in order to accurately inform the Planning Commission.

G1

Affordable Housing

The DEIR shows that a super-majority of households in the South of Market neighborhood are vulnerable to displacement through market forces.

- 88% of households would be overburdened by the monthly mortgage payments on a median-priced single family home or condominium in East SoMa. The median sales price in the South of Market is \$651,000.
- 80% of households would be overburdened by the monthly rents in East SoMa. Average listing rent in the SoMa is \$3238/month, affordable to a household income earning \$130,000/year.

H4

NH4
cont.

- The new East SoMa zoning would permit market residential in areas that previously only allowed affordable residential as a conditional use.

Light Industrial Business and Jobs

This DEIR shows that a super-majority of light industrial businesses and workers in the South of Market neighborhood are vulnerable to displacement through market forces.

- *East SoMa accounts for 23% of the plan's PDR spaces*
- *Over 185,000 sq feet of PDR space in East SoMa will be lost due to the demolition or conversion of space caused by pipeline projects alone*
- *Under all rezoning options, existing buildings occupied by PDR uses are likely to be replaced with residential and mixed-use buildings, where proposed zoning would permit such changes*
- *The displacement of PDR in Eastern Neighborhoods will result in the displacement of residents with limited education, skills, and language abilities due to the loss of opportunities for local, higher wage, jobs that offer good opportunities for advancement*
- Displaced workers who lost their PDR jobs in PDR businesses would add to the need for lower-cost and affordable housing in San Francisco

H9

Traffic and Pedestrian Safety

The DEIR shows that cumulative traffic conditions will become intolerable as a result of the project, resulting in an increase in pedestrian accidents and fatalities.

- *Traffic delays will escalate to a failing and below grade in East SoMa under all three project alternatives*
- *In East SoMa, the pedestrian injury collisions rates are four times higher than San Francisco overall. East SoMa's numbers are 415/100,000 compared to a citywide average of 100/100,000.*
- *The rate of pedestrian injury collisions will increase 20% due to the rezoning*

T6

N1

- East SoMa's noise levels range from higher than 70dBA near the freeway ramps to virtually no area falling below 60dBA. Constant exposure to these high levels of sound are debilitating, resulting in chronic health problems, such as heart disease and hypertension and the loss of hearing and cognitive skills

TABLE 41
INTERSECTION LEVEL OF SERVICE, BASELINE, 2025 NO PROJECT AND PROJECT ALTERNATIVES – WEEKDAY PM PEAK HOUR

Intersection	Baseline Delay LOS ²	2025 No Project Delay LOS	2025 Option A Delay LOS	2025 Option B Delay LOS	2025 Option C Delay LOS
Eastern SoMa					
Brianan St/Second	13.4 (B)	14.2 (B)	15.0 (B)	15.9 (B)	14.9 (B)
Third St/King St	43.7 (D)	>80 (F)	>80 (F)	>80 (F)	>80 (F)
Sixth St/Harrison St	67.4 (E)	>80 (F)	>80 (F)	>80 (F)	>80 (F)
Seventh St/Harrison St	19.6 (B)	61.8 (E)	>80 (F)	>80 (F)	75.2 (E)

N1
cont.

Open Space

The DEIR makes a false assertion that the new plan will not create substantial deterioration of Park and Open Space in the East SoMa.

- East SoMa is currently underserved by parks and open spaces. The DEIR identifies less than 5 acres of existing open space, and projects over 8000 units (16000+ residents) of new housing. The General Plan recommends a number of 1 acre/every 1000 residents.
- The existing housing stock in East SoMa has significantly less open space requirements onsite than elsewhere in the city. The no density limits and increased heights will only increase the numbers of people dependant on exiting open space.

R4

TABLE 52
OPEN SPACE AND RECREATIONAL FACILITIES IN EAST SOMA

Park or Facility Size	(Acres)	Classification
South of Market Recreation Center	1.02	neighborhood
South Park	0.85	subneighborhood
Victoria Manalo Draves Park	2.00	neighborhood
Alice Street Community Gardens ^a	0.4 (est.)	subneighborhood
South Beach Park ^a	0.27	neighborhood
Total	4.55	

^a These facilities managed by the San Francisco Redevelopment Agency.
SOURCES: San Francisco Recreation and Park Department, Parks Inventory, May 2006; and Recreation and Park Department Acquisition Policy Maps.
179 San Francisco Redevelopment Agency, *Redevelopment Plan for the Mission Bay North Redevelopment Project*, October 26, 1998. San Francisco Redevelopment Agency, *Redevelopment Plan for the Mission Bay South Redevelopment Project*, November 2, 1998.
180 The Recreation and Park Department gap analysis methodology assumed open space service areas as established in the Recreation and Open Space Element of the *General Plan*. An exception is the Recreation and Park Department definition of city-serving parks as 30 acres in size and larger. A copy of the gap analysis can be found on the San Francisco Department of Recreation and Park website, http://www.parks.sfgov.org/site/recpark_page.asp?id=38780, last accessed December 4, 2006.

M. BRETT GLADSTONE
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PENTHOUSE, 177 POST STREET
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Family Infrastructure

The DEIR is deficient in identifying appropriate land use opportunities to support and encourage more families to the East SoMa area. The DEIR and East SoMa area plan should include a family infrastructure component:

- Explore a Youth and Family Zone between the 4th and 7th Streets along both sides Folsom and Bryant Street. The zone should include the two campus Bessie elementary and middle school, Vicky Manalo Drave Park, the Rec Center and the youth serving organizations. Family-housing, services and a youth center should be prioritized uses in this area.

Pipeline Concerns

Nearly 25% of the plans residential target is already in the pipeline. The individual approval of this number of units without the complete EIR analysis and list of mitigations will have an irresponsible and negligent effect on the existing neighborhood.

TABLE 5
PIPELINE PROJECTS—EAST SOMA

Net New Residential Units	2,296
Net New Non-Residential Development (sq. ft.)	(96,887)
Net New Office (sq. ft.)	20,000
Net New Medical (sq. ft.)	(79,404)
Net New PDR (sq. ft.)	(185,027)
Net New Retail/Entertainment (sq. ft.)	96,044
Net New Visitor (sq. ft.)	49,500

SOURCE: San Francisco Planning Department, The Pipeline: A Quarterly Report on Proposed Development in San Francisco – 1st Quarter, 2006.

Significant Environmental and Health Impacts

The DEIR identifies 26 out of 39 impacts that need more discussion. Of these include Land Use, Visual Quality, Population, Transportation and Circulation, Noise, Air Quality, Hazards and Cultural Resources. This number is too large and significant to not be addressed in more detail.

A stronger list of mitigation measures, to include a readjustment of the East SoMa Area Plan goals, must be incorporated immediately to ensure that this neighborhood continues to be healthy, viable and diverse.

Sincerely,

Chris Durazo, Community Planning Director, SOMCAN

965 mission street #220 | san francisco, ca 94103 | phone (415) 348-1945 | fax (415) 348-0318
9/14/2007 cd

S:\Clients\Vitlin, John [rus]091307 LTR to Dean Macris Re Rezoning Options.doc

September 14, 2007

VIA FAX (415) 558-6409 AND HAND DELIVERY

Dean Macris
Director, Department of City Planning
1660 Mission Street
San Francisco, CA 94103

Re: Comments on EIR and New Zoning Maps and Definitions Presented to the Public
at the Planning Commission Hearing of September 6, 2007

Dear Mr. Macris:

I am writing on behalf of the Vitlin Trust, an owner of the building at 2525 16th Street and of the empty lot around the corner at 321 Florida Street. The 16th Street lot is proposed to become a zoning of Production Distribution & Repair (PDR-I), and the empty lot is proposed to become a zoning of Urban Mixed Use (UMU). These comments relate to the EIR for Eastern Neighborhoods, in the context of the new proposed zoning chart and definitions presented to the public last week.

I enclose with this letter (a) a memo addressed to Michael Jacinto with Comments on the Draft EIR and (b) a copy of the letter John Vitlin sent to you regarding other concerns he has with the Draft EIR. I request that your Department address the questions and comments contained in the attachments, as well those contained in this letter.

CURRENT USES OF BUILDING AT 2525 16TH STREET

PDR-I Lot. First, my client believes that because traditional PDR jobs have been leaving the City and will continue to do so due to (a) lack of good transportation, (b) tough environmental laws, (c) existing encroachment of residential uses, (d) the market forces which irreversibly make non PDR users able to better afford NEMIZ rents, (e) high San Francisco prevailing wages laws, and (f) international economic free trade policies, over time the City and my client will have fewer and fewer PDR users who wish to be in his building. Because city wide zoning changes as

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dramatic as this one only happen every 30 to 40 years, and have taken millions of dollars of consultant time and city staff time, and takes 5 to 10 years of discussion before passage, zoning laws do not react quickly to rapid changes in the market that have occurred and continue to occur.

Thus, there is a need for a "safety valve" by which owners of buildings would be allowed to react to market forces by obtaining waivers of the restrictions on such users such as office and residential. In fact, the City had such a safety valve in place about six years ago when it imposed an Industrial Protection Zone in the NEMIZ. Under these rules, a property owner could petition the Planning Commission to allow demolition of industrial buildings or their renovation to non-industrial uses when they could show a history of being unable to rent out their spaces to industrial users. The City's current zoning proposal must allow such waivers in order for property owners not to be deprived of an income stream. Without a sufficient income stream, property owners such as my client will lose incentives to maintain and repair their vacant spaces and/or buildings, which will result over time in the loss of the very buildings that the City wishes to maintain. Vacant buildings which are not well maintained will further discourage PDR users from locating in the City, contrary to the City's stated goals.

The proposed zoning plan is insufficient in not explicitly making existing non-PDR tenants a legal non-conforming use in the district. Usually when the City does this, it demands that existing uses which become legal non-conforming uses must prove that they occupied with building permits or tenant improvement permits that explicitly disclose their exact use, for example "office." My client's building does contain traditional office users, for example, since office use has been a permitted use in the underlying M-1 zoning. However, tenants sometimes do not obtain permits when they are not doing any alteration work to move in. And those that do obtain TI permits have contractors and agents who may not properly fill out the tenant improvement permits with enough specificity to indicate that a proposed use is office. It has been the City's policy that, without sufficient proof of legal occupancy, the City will deem the use to be without benefit of permits. This "guilty until proven innocent" attitude has not only deprived tenants and building owners of constitutional procedural due process, but has resulted in relocations of businesses and good employees out of the City, contrary to the City's stated goals. My client insists that either all existing users be grandfathered without regard to proof of legal occupancy, or that the City at least bear the legal burden to indicate which users occupy without benefit of permits. Moreover, is the City planning on taking an inventory of existing users, so that there are no lengthy disputes in the future as to which users are legally grandfathered, and as to what size of use? How will the City come up with a consistent and non-discriminatory enforcement policy? When Proposition G outlawed all new general advertising signs, and allowed existing ones to stay only upon proof of permits, it required all users to file an "in lieu" number to declare that certain billboards had permits. If something similar is not to be done in this Plan, what would the justification be?

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EIR. Since the release on September 6, 2007 of a new zoning map with new zoning definitions has implications in terms of which businesses will no longer be permitted in many Eastern Neighborhood locations (that were permitted under the zoning maps and zoning definitions upon which Department Staff and EIR consultants have made their reports and EIR conclusions), will the City be amending the EIR to reflect these September 6, 2007 changes? And if not, why not?

EIR. Since the new zoning will make a huge number of Eastern Neighborhood tenants' and owners' current uses into legal non-conforming uses that can continue but not expand, where does the EIR analyze the environmental effects of loss of these businesses to outside the district and outside the City when expansion becomes infeasible? Since a large number of users will become illegal non-conforming uses because they will not be able to prove that they exist with proper permits, why does the EIR not analyze the environmental effects of loss of these businesses to other parts of the City or outside the City? Will the City be mitigating these environmental effects by establishing a registry of legal non-conforming uses that can legally continue but not expand after the new rezoning take effect?

SPECIFIC COMMENTS ON PDR-1 ZONING.

Child Care. It is the City's policy to try to locate child care centers near places of employment. For this reason, it makes no sense to forbid child care centers in buildings such as 2525 16th Street. There are a number of current tenants in the building, including PDR tenants, which might be interested in seeing child care for their infants, and this need may be shared by nearby industrial users. For example, a huge nearby public park, Bryant Square, makes it a good location for child care.

General Retail. The proposed zoning limits it to 2,500 square feet per parcel. The City should consider making the limitation a percentage of the square footage on the lot, for the reasons discussed by my client in the attached letter. Moreover, where buildings lie on major transit corridors, such as 16th Street, the limitation should be relaxed or eliminated. The City encourages retail along major transit routes. Moreover, there are many residents scattered within the NEMIZ who do not have sufficient small retail uses to serve them, and the proposed zoning would continue to deprive them of such uses. Small retailers often need up to 7,500 square feet to operate. In the past, my client has successfully accommodated retail uses as large as 18,000 square feet on an upper floor and has had ground floor retail as large as 12,500 square feet.

Multimedia/Digital Media Office. There is no definition of this. In particular, because "office" would be a prohibited use, how would the City differentiate between these uses, particularly because the look of digital media office may not be different from traditional office uses in that employees of digital media offices work at computers at desks as well as traditional office users? During the early years of this decade, the City tried to distinguish between the two, but had

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tremendous difficulties that resulted in confusion and inconsistent and discriminatory code enforcement by city officials.

Offices in Historical Buildings. In Section 209 9(e), the Planning Code allows certain historic buildings that are City Landmarks to change entirely to a use (with conditional use approval) that may be otherwise completed prohibited in the district, upon a showing that the lawful uses do not provide the kind of income which is needed to promote proper maintenance and upkeep of the building. Would this Section of the Code become non-existent as to the NEMIZ? We believe that in fact there are buildings in the NEMIZ which are worthy of historic designations short of full landmark status, and my client's building may be one of them. Why should the City not be providing an incentive for my client to preserve an historic building for another 100 years through upgrades, by the City's prohibition of an office use of greater than 5000 square feet?

Life Science Research and Development. This use is likely to be the fastest growing in demand in the City in the next 50 years, as businesses attracted by the new laboratories and hospitals at Mission Bay become more attracted to the City. The Plan allows these uses only in the Central Waterfront Area just south of and adjacent to Mission Bay. Why are there no studies in the EIR as to whether there is sufficient space in that district for such uses? What happens when there is no more space for such uses in that area? Rents for biotech users in the Central Waterfront will be higher than in the NEMIZ, because the Central Waterfront is adjacent to Mission Bay biotech buildings. As a result, the smaller and new and rent-sensitive new biotech businesses may not want to relocate to the City. In the not so distant past, the Planning proposed this area to be *exclusively* biotech, the exclusivity of biotech use is inappropriate but this is still a logical area to permit and foster biotech use and development. For these reasons, biotech use should not be prohibited in the NEMIZ.

Other Research and Development. For the same reasons stated just above, this should not be limited to 5,000 square feet per parcel. Moreover, what will be the definition of this use?

Self Storage. There seems to be an assumption that this use is for residents throughout the City and that this use will displace PDR businesses. First, self storage like general warehousing is a PDR use. Second, many small businesses throughout the City use self storage, not just residential users. It would hurt small businesses, which the City is hoping to retain, not to allow in this district a self storage use.

Non-residential density Limit and Lot Coverage Requirements. The proposed zoning states that lot coverage limits will apply, but does not state what they are. Will they be the same as the M-1 District, the current zoning of many of the proposed PDR-1 lots? Why should there be any lot coverage limits on industrial uses at all if they are to be encouraged in this district.

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PROPOSED UMU ZONING OF PROPERTY AT 321 FLORIDA STREET

Dwelling units. It is our understanding that the City is proposing that on all these lots, a property owner will be able to build market rate dwelling units only if the owner subdivides the lot into equal halves and donates one half to a 100-percent affordable housing use. Until last week, the City had proposed that these lots had to build one square foot of PDR use for every four square feet of market-rate housing use, with no more on-site affordable housing than required under the existing Inclusionary Housing Ordinance. The affordable housing proposal is an end run around the Inclusionary Housing Ordinance, which is now limited to 15% to 20% of the housing space; there is no study provided to support this tremendous burden being placed on to residential builders. This creates a disincentive for property owners to create housing at all in these zones: for example if they were to build or sell their property to a party building another permitted use, such as a movie theater, on 100 percent of their lot, they may receive a great deal more profit.

Dwelling Unit Mix. The City is proposing that 40 percent of all units be two-bedroom units and that 10 percent be encouraged as three-bedroom units. This would reduce the number of housing units built and thus would interfere with the City's market rate housing goals, which would reduce the number of inclusionary affordable housing units that get built.

Retail. There are large buildings in the Mission, including our client's, whose size equal or exceed 25,000. Allowing only 25,000 per square feet without the provision of three square feet of another use for every one square foot of retail use might not even allow a full ground floor and partial basement of retail use. It would make more sense to limit retail use to a certain percentage of the gross square footage of the building. Moreover, the requirement is not clear. Does it mean to say that the first 25,000 of retail use must include 75,000 square feet of non-retail use were the retail use to be 25,000 square feet? Or would the 3 to 1 requirement only apply to the retail square footage above 25,000 square feet?

Office Use. We have the same comments as above in our critique of the limitation of this use in a PDR-1 zone.

Multimedia/Digital Media Office. We have the same comments as above in our critique of the limitation of this use in a PDR-1 zone.

Medical Office. We have the same comments as above in our critique of the limitation of this use in a PDR-1 zone.

Medical Office. We have the same comments as above in our critique of the limitation of this use in a PDR-1 zone.

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PR21
Office in Historic District. We have the same comments as above in our critique of the limitation of this use in a PDR-1 zone.

Life Science Research and Development. We have the same comments as above in our critique of the limitation of this use in a PDR-1 zone.

PR9
Other Research and Development. We do not understand why this use would be prohibited if it were over 25,000 square feet. This kind of a use is just the kind of business that is drawn to San Francisco, where there is a large supply of highly educated workers with graduate degrees who can work anywhere in the country but prefer the lifestyle of a major City in Northern California. How was this cut-off point determined to be appropriate? For example, why not then a 40,000 square foot cut-off point. In a building such as my client's, a 25,000 square foot use would represent only 16.6 percent of his building.

PR20
Self Storage. We have the same comments as above in our critique of the limitation of this use in a PDR-1 zone.

PR22
Non residential Density Limit and Lot Coverage Requirements. We have the same comments as above in our critique of the limitation of this use in a PDR-1 zone.

PR25
Open Space. Why did the Department decide to increase the amount of open space per dwelling unit above what the Code requires, especially as this could reduce the number of dwelling units that can be built in the area?

PROPOSED CHANGES TO HEIGHT LIMITS

PR18
The Plans proposes to increase the height limit on both the PDR-1 and UMU zoned lots by only five feet. The 16th Street building already has a height of 60ft and was built with extra reinforcement and padding on its roof to accommodate a future extra floor. The height limit for this lot should be increased to at least 80 feet to allow this new floor to be built out in the future. The building current has some floors of up to 18 feet, and a similar floor should be allowed as a new floor. The height limit one block away, at the Potrero Center, is currently 80 feet to 90 feet with a proposed height allowance of 85 feet. There is no explanation for why 2525 16th Street should not receive the same or higher height limit. Not allowing additions to older buildings, such as this one, takes away a major financial incentive for property owners to invest money in updating their properties, because lenders and investors have little financial gain and tremendous risk in spending huge amounts of money to extend the useful life of industrial buildings with low rents if they cannot also obtain new and additional space at the same time to use or rent out. We also request that the lot at 321 Florida Street be increased from 50 feet (its current designation) to 65 — if not 80 — feet, instead of the proposal to increase its height designation by only five feet.

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This increase will allow for additional floors of occupancy, something that an addition of only five feet in height will not. This is the least the City can do if it is planning on requiring the developer to give up half its land to affordable housing.

We look forward to discussing these issues with your staff.

Very truly yours,

M. Brett Gladstone

cc: The Vitlin Trust
Michael Jacinto, Major Environmental Analysis
Amit Ghosh, Long Range Planning
Ken Rich, Planning Department
Sarah Dennis, Planning Department

enclosures

Memorandum

To: Michael Jacinto, SF Planning, MEA

From: Brett Gladstone

Date: September 13, 2007

Re: Comments on Eastern Neighborhood Draft EIR

We represent the Vitlin Trust, owner of two large parcels in the NEMIZ. These comments echo most of those presented to you by the Residential Builders Association. Please respond to these comments in your Drafts and Responses document.

1) **I - Section C Page -5** Clarify and elaborate whether the Draft EIR supports Option A, B or C. Has the department factored in Urban Sprawl into its criteria for choosing Option A, B or C. Why does the analysis not state that option C will lead to less commuter traffic and environmental hazards from the additional urban sprawl and car emissions that would be inherent in option A?

2) **I - E Page I-5: Section E: Related Studies :**

a. Provide the research, criteria and assumptions for the consultant studies attached to the EIR and for any additional related studies referred to in Section E to include but not limited to copies of the RFP and statements and scope of work for each consultant who has undertaken work or is to undertake work.

b. Has a nexus study been performed? If yes, provide copy.

c. Are there oversight Committees created to oversee these other Studies? If yes, who sits on these Committees? When do they meet? And provide copies of their findings. We understand that there have been private meetings between stakeholders and the Mayor's Office of Housing and the Mayor's Office of Workforce Housing and Economic Development. Please provide notes of those meetings, with the list of attendees, as those discussions will have triggered additional environmental implications.

Memo to Michael Jacinto
September 14, 2007
Page Two

3) **Page I-7:** "an incubator location for emerging enterprises...."
a. Define "Incubator Location" and give some existing locations and examples of an incubator location.

4) **Page S: 3** More specificity is needed. Please define uses, and give current examples of size. What is meant by "small office" and "retail uses" in terms of size? Which PDR uses are considered when the definition mentions "some PDR uses" or "most PDR uses"?

5) **Page S: 4** Provide a copy of the findings from the "Public Benefits Analysis" on the various Area Plans. Who performed this analysis and when was it done? Provide a copy of the RFP.

6) **Page S:6** The unit count does not clarify whether it is including the Potrero Power Plant Project or not. Please clarify this point.

7) **Page S: 10:** "The project would also indirectly result in changes in the potential to physically accommodate PDR use". Please clarify "... The potential to physically accommodate..." **At the end of the 2nd full paragraph**, there should be an analysis about whether the project would also indirectly result in negative changes to existing and potential residential neighborhoods to physically accommodate PDR uses, because of the potential of additional noise, fumes and wear-and-tear on City streets and sidewalks from additional industrial uses in existing and potential residential areas.

8) **S: 19** Because additional riders can increase the need for additional buses, what are the assumptions being made as to how many new buses and operators will be needed once a bus line has increased ridership. Because mitigations in the EIR call for additional exactions for Muni, a discussion of these assumptions is important to test their accuracy.

9) **S:19** Why is it that this EIR does not take into account the additional money that would be provided from the General Fund to Muni were the proposed November 2007/ February 2008 Muni initiative to pass?

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Page Three

10) **S:21** Within a block of all major transit nodes; that is insertions of buses with buses and buses with other public transportation lines except within C-30 district.

11) **Page S: 22** – Noise; “However, parking supply is not considered to be a part of the permanent physical environment in San Francisco, as parking conditions are changeable. Parking deficits are considered to be social effect, rather than impacts on the physical environment as defined by CEQA. Therefore, that anticipated parking shortfall would be a less-than-significant effect.” The EIR has triggered a Socio Economic study that has already been prepared, so why are parking deficits not being taken into account in this EIR? It seems inconsistent to state that parking is a social effect, and at the same time the City has done a Socio Economic report in connection with the EIR.

12) **Page: S: 23** What are the current Title 24 noise requirements and how do they compare to the current conditions?

13) **Page S: 25** – Residential Development Summary – “Moreover, the interior noise protections required by Title 24 will not protect the entire population from the health effect (e.g. sleep disturbance) of short term noise exceedances of ambient noise levels because Title 24 standards are based on 24-hour noise levels and short-term noises sources often have little effect on these day-night average noise levels.”

Explain the incremental amount of health effect, such as sleep disturbance, that would occur in addition to existing levels from the implementation of the re-zoning, because the existing statement only reflects that the all San Franciscans generally are subject to health effects of noise on a day-to-day basis under existing conditions. This text should also contain a statement that PDR will increase noise levels and also a statement that, because PDR may include some high-tech businesses that may not generate any noise, the fact is that the health effects may not reach the kind of levels that are mentioned in the studies attached this EIR.

14) **Page: S: 26** - Clarify what the initials D.P.M. , G.H.G. , and T.A.C. mean.

Memo to Michael Jacinto
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Page Four

15) **Page S: 26** Define “sensitive receptors”.

16) **Page S: 26** Please provide noise studies which support the idea that light, medium, or heavy industry or high-tech PDR uses would have to be as far 1,000ft from residential units in order to reduce noise to a less than significant impact, given the fact that technology exists to mitigate noise impacts almost completely. Noise mitigation has been done throughout the South of Market Area including night clubs that have been made to provide noise insulation next to housing, such as at the housing project next to the club known as 1050 Folsom.

17) **Page S:26** Explain why there cannot be noise mitigation measures used on Residential and PDR projects that are constructed within 1,000ft of industrial businesses.

18) **Page: S: 27.** “An unmet demand for parks and recreational resources, in itself, would not be considered a significant impact on the environment.” – Was the year 2000 population census used for this Study? Were new developments, such as Rincon Hill, taken into consideration when using the figure of 67,000 residents?

19) **Page S: 28** Concern over the proposed increase in on-site Open Space requirements from 36sqft to 80sqft per residential unit. Why does the Open Space requirement not apply for PDR and commercial/office uses?

20) **Page S:29** – Landscaping – expand on “Public Benefits Analysis” regarding the landscaping requirements.

21) **Page S: 35** – Mitigation Measures – Because the Western SoMa area is to be designated for the preservation of PDR space, why is the potential PDR space there not included in the total amount of PDR space that the EIR analyzes as available for PDR in the future?

22) **Page S: 37** Transit E-5 (refer to Brett Gladstone)
a. Define “Parking Benefits District” and give examples.

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Page Five

b. Explain why there is no discussion of bonds, and Community Benefit Districts that could be created to take into account the existing deficiencies caused by existing conditions, often caused by neglect of existing property owners in these districts, particularly non-occupying landlords.

MM3
cont.

23) **Page S: 38** This should state that, because smaller sites have restricted access and limited frontage, discouraging the location of these accesses from this frontage could discourage and restrict the ability to produce the amount of PDR and housing that is necessary.

MM4

24) **Page S:40 E- 12 Increase Transit Usage –**

- a. Please define and clarify what it means to require cash-out policy for all employers who are providing on-site parking or subscribe to a parking facility to provide employee parking.
- b. #2 "near transit centers"; clarify "near".
- c. California's Department of Real Estate will not approve and accept a policy that forces the association to pay for and provide Muni fast-passes for the occupants. This should be stated here, or this comment should be eliminated.
- d. Why is this subsidy not to be applied to Office and PDR employees? What studies state that this is not necessary?

MM5

25) **Page S: 41 F-2 Construction Noise.**

- a. Please define noise control blankets: "noise control blankets could create a safety hazard for employees working at the site." It could obstruct the vision of forklift operators or crane operators and could restrict the ability of light and fresh air to travel in and around the construction, which generally tends to have higher levels of dust and can be very dark.
- b. Noise control blankets, depending on their weight could create a safety hazard on windy days causing the scaffolding to tip over, hitting people or objects on the sidewalk or the street.
- c. Please state that the bullet pointed items could create economic hardship for residential or non-residential construction, and explain why these requirements should not be reserved for after-hour construction only.

MM6

Memo to Michael Jacinto
September 14, 2007
Page Six

26) **Page S: 42 F-4** Using the words "2 blocks" is unscientific; we would suggest a 150ft to 300ft measurement from the project site and the noise level readings should be taken from the project site. If the noise measure reading is being taken at the project, there will be no need for a site survey.

MM7

27) **Page S: 44 G-2** How was the distance of 500ft from a freeway and traffic volume not to exceed 100,000 vehicles concluded? Where is the study? Define High Efficiency Filter System.

MM11

28) **Page S: 47 & 48 J:2** Please explain what is wrong with the existing standards and substantiate the need to implement each of these 5 conditions.

MM13

29) **Page S: 53** Please explain why the 10-day additional review for historical buildings cannot occur within the normal 30-day neighborhood notification time frame, or prior to sending the 311 notice.

MM15

30) **Page S:55 Fourth (4th) full paragraph from the bottom of the page:**

- a. This paragraph seems to imply that new buildings built next to or near historical buildings would be evaluated on how their height compares with the height of historical buildings, though very tall buildings have been successfully built next to low and tall historical buildings throughout the City, mostly downtown and in neighborhood commercial districts. Please explain why there needs to be any criteria discouraging construction or additions creating buildings taller than adjacent historical buildings.
- b. Please explain how the addition of criteria for infill construction stated at the bottom of S:55 might or might not impair the construction of the Eastern neighborhoods goal of 9,000 units.

MM16

31) **Page S:57**

- a. D:2 2nd paragraph – is this a reference to the Inclusionary Housing overlay or an addition to it?

MM17

Memo to Michael Jacinto
September 14, 2007
Page Seven

July 26, 2007



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JUL 30 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT

Mr. Paul Maltzer
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

MM19

32) **Page S:58 F:1** Please explain why, even without updating or revising the existing Noise Ordinance, the EIR is implying that the threshold decibel level above which noise shall be considered a nuisance under the Police Code will be studied for reduction.

G2

33) **S: 59** Please explain why this Section D does not contain analysis of the negative affect to the Bay Area environment from the increase in suburban sprawl from relocating housing outside San Francisco due the adoption of Option A. Please especially provide analysis the chemicals released into the atmosphere from the increased reliance on vehicular transportation by commuters to reach more distant urban housing under Option A.

PD4

34) Please explain why there is no alternative project being analyzed under CEQA that consists of rezoning under which PDR uses are clustered together in certain parts of the City rather than spread across enormous numbers of lots the way it is being proposed in Options A and B, because there could be more significant environmental differences in not clustering PDR uses together.

PD5

35) Please correct **Table 2; Forecast Growth by Rezoning Option**. You will notice that Options A, B, and C have approximately the same total amount of new housing units built; they differ by fewer than 2,000 units when compared to each other. Thus it seems that these numbers are incorrect because the Potrero Power Plant site is included as a housing site under this Chart, whereas in the current planning documents from the City this site is assumed to be something other than residential. What is the basis for the assumptions incorporated in Options A, B, and C?

**Re: Comments on the Draft Environmental Impact Report for the Eastern Neighborhoods Project (Case No. 2004.0160E)
Regarding 800 Indiana Street (Block 4105, Lot 009)**

Dear Mr. Maltzer:

We are writing on behalf of San Francisco Opera, a non-profit corporation that owns 800 Indiana Street, Block 4105, Lot 009 ("the Property"), a 2.6 acre parcel consisting of a 78,240 square foot warehouse.

The facility is currently operated as a scene shop and storage warehouse for San Francisco Opera, with very light construction and low to moderate usage. In recent years, the business of scenic construction has declined dramatically and the shop has been dormant much of the time. In addition, the industry standard for set and scenic storage has shifted away from costly warehousing to container storage. The bulk of San Francisco Opera's scenic storage is now housed in containers in a remote location.

The existing zoning is M-2 (Heavy Industrial) and the height and bulk district is 50-X. The Property is located on Indiana Street between 20th Street and 22nd Street. Both of the parallel streets within one to two blocks, Pennsylvania Street and Minnesota Street (half of the block), are zoned for residential use (RH-2 and RH-3 respectively). In fact, nearly all of the parcels to the west of the Property are currently zoned RH-2 (residential). The residential character of the neighborhood is further reinforced by the recent construction of 30 loft units located at 1207 Indiana Street, on the next block south of the Property, at the corner of Indiana and 23rd Street. The adjacent Esprit sight is currently undergoing a major renovation as a residential building.

The February 2003 Eastern Neighborhoods workbook did not include the Property within the Eastern Neighborhoods boundaries. The Draft EIR now shows expanded boundaries for the Eastern Neighborhoods and examines only a designation of "Employment and Business Development" for the Property in each of the proposed rezoning options A, B, and C.

PR4

Mr. Paul Maltzer
Page Two

According to page 12 of the Draft EIR, the Employment and Business Development District (formerly known as "Core PDR") would establish more restrictive non-residential zoning to replace industrial districts, where currently almost all uses are permitted as of right or conditionally. New construction would be limited to PDR space. There would be more stringent controls imposed on office, retail, and housing development. Housing would be prohibited, and only small office and retail uses would be allowed.

The merits of zoning the Property for residential use have not been sufficiently explored in the Draft EIR, particularly in light of the numerous residential buildings that are located in close proximity to the Property. In fact, each of the three rezoning options shown in the land use map on page 15 of the Draft EIR show the Property along Indiana Street between 20th Street and 22nd Street, directly across the street from the Property, as proposed for rezoning to a "Mixed Use Residential" district. In addition, virtually all of the parcels to the west of the Property are proposed for RH and RM zoning (residential), which is the same zoning that exists today for such parcels.

Accordingly, we request that the EIR include appropriate examination of the potential benefits to the City of including the Property within the Mixed-Use Residential zoning district that is proposed in each of the three rezoning options for the parcels directly across Indiana Street, i.e. expand the proposed boundary for the Mixed Use Residential district one block to the west, instead of inserting one industrial ("Employment and Business Development") block between the Mixed Use Residential District to the east and the Residential District to the west. Inserting the single industrial block, as proposed, would cut off the natural connection with residential uses eastward to Minnesota Street. From both a Planning perspective and a practical perspective, the single industrial block is out of place and likely to produce complaints from the residents on both sides of it.

Thank you for your consideration.

Sincerely,

George Hume

George Hume, President

David Gockley

David Gockley, General Director

cc: James Reuben, Reuben and Junius, LLP

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COMMENTS TO

EASTERN NEIGHBORHOODS

REZONING AND AREA PLANS

DRAFT ENVIRONMENTAL IMPACT REPORT

PLANNING DEPARTMENT CASE NO. 2004.0160E

STATE CLEARINGHOUSE NO. 2005032048

SEP 19 2007

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

SEPTEMBER 13, 2007

Dear Mr. Rich,

This document serves as comments to the June 30, 2007 Eastern Neighborhoods Rezoning and Area Plans Draft Environmental Impact Report; Planning Department Case 2004.0160E (the "DEIR" or the "Project").

PR4
cont.

1. The DEIR fails to consider unknown heights of future buildings, as the DEIR does not state the height, or effect, of those buildings or provide maps accurately indicating existing or proposed building height limits, or the limits on such future buildings. PD7

2. The DEIR fails to consider the existing and future need of PDR in the Mission or SOMA neighborhoods, or how concentrating PDR in the Mission might effect others. PD8

3. The DEIR fails to accurately reflect the existing conditions of existing uses in the Mission and South of Market Area. PD1

4. The DEIR inaccurately and incompletely states a supposed need to preserve existing or create new areas zoned for PDR use.

Thank you for considering all of the above.

Sincerely,

1900 BRYANT STREET INVESTORS, LLC

By: Mariposa-Bryant Management, Inc.,

a California corporation, its managing

member

1900 BRYANT STREET INVESTORS II, LLC

By: Bryant Street Management Company, Inc.,

a California corporation, its managing member

By:

Name: Richard H. Kaufman

Title: President and Treasurer

By:

Name: Richard H. Kaufman

Title: President and Treasurer

ALABAMA STREET PARTNERS

3435 CESAR CHAVEZ, PENTHOUSE
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RECEIVED

September 14, 2007

SEP 14 2007

Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.E.A.

To Whom It May Concern:

In response to the Draft Environmental Impact Report we would like to submit the following comments. We find the report, though thorough in its statements of the changes that would take place with the implementation of the proposed zoning changes, woefully lacking in its actual analysis of the potential *impact* these zoning changes would have on the residents and businesses currently in the Eastern Neighborhoods. Our area of particular concern is the Mission and NEMIZ therefore our comments here are specifically directed to that area.

The report goes into great detail on the subject of PDR jobs and buildings. Studies have shown the decline of PDR jobs and space in the City and opined the eventual loss of such jobs and space if no zoning measures are taken. Whereas we agree that the health of the city depends on a balance of businesses and industries with housing, we disagree that entire neighborhoods should be required to shoulder the burden of down-zoning in order to appease the City's need for more low-income housing. What is the impact on these businesses within the PDR-only zones?

There are quite a few buildings in the proposed PDR only zones which are not currently operating in PDR capacities. These are mainly multi-level large buildings with warehouse-type space on the ground floor and office-type space on upper levels. This office-type space can be as much as ¾ of the building space and have as many as twenty different commercial tenants in small offices most of which do not qualify as PDR tenants. Over time as these tenants are unable to improve their spaces and new PDR business cannot locate on upper levels, these buildings will lose value because they cannot attract tenants appropriate to their space. Should these larger multi-level buildings be subject to such restrictive zoning regulations that are more appropriate for the existing buildings that are already built to allow for such PDR business within (or outside of for that matter) the planning area? What happens to the small businesses, also essential to neighborhood diversity, displaced by restrictive zoning laws?

A report completed in April of 2005 on the supply and demand for PDR in San Francisco states that roughly half of the land proposed for PDR only zoning is currently developed as non-PDR uses and recommends further evaluation of this prospect. This report also finds that PDR tenants in the Eastern Neighborhoods are generally becoming smaller

PR16

PR15

and seeking more "flex" space that may also accommodate office or retail uses and suggests that PDR tenants may be increasingly compatible with vertical mixed-use land uses. In fact many of the findings in this report seem to be ignored or distorted into sound bites with very little relevance to their original context.

PR15
cont.

Tables 28 and 29 of the DEIR analyze occupations and industries of workers living in San Francisco and the Eastern Neighborhoods. Table 28 shows that the top three occupations of workers living in the Eastern Neighborhoods are clearly office-based. The fourth largest occupation category is food preparation and serving. Are we classifying this as PDR? Obviously there are not thousands upon thousands of catering companies hiring half of the mission. These workers are restaurant workers and work in small restaurants throughout the city. The fifth, sixth and eighth largest occupation categories are arts, education and computer related jobs. In the new definition of PDR some of these jobs are considered PDR. But let's not fool ourselves into believing that these are not office environments. Maybe not corporate financial district atmospheres but office nonetheless. The seventh largest occupation category of residents of the Eastern Neighborhoods is building and grounds cleaning and maintenance. In fact we must go to item nine to find Production Occupations which is the only actual PDR industry on this list. Table 29 further states that Manufacturing is not among the top four industries employing residents of the Mission. In fact professional, scientific, management and administrative services tops that list. Why then are we mandating retention of jobs that in actual fact do not employ the residents of the neighborhoods where they exist? The workers in the PDR jobs do not live in the Mission or Eastern Neighborhoods and must therefore travel to their jobs creating a larger burden on traffic, parking and public transportation. The largest employment sector for this population is clearly office-based. These offices are definitely not "downtown" style offices but many would not be accepted as PDR under the proposed MAP. In fact in the proposed MAP there has been no area zoned for office in the Mission whatsoever! What is the impact of forcing these businesses from our neighborhood? It could be devastating.

H5

The transportation section of the DEIR is very thorough in detailing the current traffic and transportation nightmare in the Mission and analyzing the proposed future nightmare which will remain. The glaring omission is the development and utilization of 16th street. People drive, walk, bike, bus and BART along 16th Street through the Mission and Potrero in droves every day. Why not develop this as a safe and viable route? People use this street anyway. Let them do so safely and productively by allowing appropriate development along this route.

PR1

We respectfully submit these objections to the conclusions of the Draft Environmental Impact Report. We find that not enough research has been done as to the actual impacts these proposed zoning changes would have on the residents and businesses of the effected neighborhoods and request that further research be completed to determine the impact the proposed zoning changes would have on businesses in the study area.

Sincerely,



Richard F. Koch



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September 14, 2007

Mr. Bill Wycko
Acting Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

J. Gregg Miller, Jr.
Phone: 415.983.1557
gregg.miller@pillsburylaw.com

Re: Eastern Neighborhoods Rezoning and Area Plans – Draft Environmental Impact
Report, Planning Department Case No. 2004.0160E, State Clearinghouse No.
2005032048 (the “DEIR”)

Dear Mr. Wycko:

Pursuant to the CEQA Guidelines and Chapter 31 of the San Francisco Administrative
Code, we provide the following comments to the DEIR.

**I. The DEIR Mischaracterizes the Need to Preserve Existing PDR Space and to Create
Additional Areas Zoned Exclusively for PDR Use.**

In assessing the need for PDR space, the DEIR relies almost exclusively upon the
April 15, 2005 report by EPS, entitled *Final Report - Supply/Demand Study for Production,
Distribution and Repair (PDR) in San Francisco's Eastern Neighborhoods* (the “EPS Report”).
Based on the information in the EPS Report, the DEIR asserts that the proposed rezoning Option
B will accomplish the goals of preserving existing PDR uses and creating new PDR land uses
(see pages S-8-10, S-59, 62-68, 217, 221, and 247-248 of the DEIR). The DEIR takes the
position that, if development in the Eastern Neighborhoods were left to market forces, which
appear to encourage higher uses of the space, there will be a substantial loss of PDR space to
residential, office and other commercial uses, thereby negatively impacting growth in the PDR
job sector. However, in supporting rezoning Option B, the DEIR fails to sufficiently analyze the
ability of the City and County of San Francisco (the “City”) to absorb growth in the PDR job
sector through utilization of existing PDR land and proposed PDR-favorable zoning in Western
SoMa and Bayview-Hunters Point and on San Francisco Port lands. The DEIR also completely
ignores a more recent study, described below, on the Bayview-Hunters Point Redevelopment
Plan that indicates there is a glut of available PDR space that is contributing to blight. The DEIR
should more carefully consider the following to guide decision makers in evaluating which of the
proposed options best suits the actual need for PDR space in the Eastern Neighborhoods and the
City.

- The EPS Report projects a 13% increase in the number of PDR jobs in the Eastern
Neighborhoods during the 25 year period from 2005 to 2030. (EPS Report at p. 6).
However, during the period 1999 to 2004, the number of PDR jobs in the Eastern

Mr. Bill Wycko
September 14, 2007
Page 2

Neighborhoods declined by 21%. (EPS Report at p. 6). Therefore, EPS is actually
forecasting a complete reversal of an annualized (based on the 1999-2004 period)
3.5% decrease in PDR jobs and projecting an annual 4% increase (i.e., a reversal of
the 3.5% decrease plus an annualized .5% increase) in PDR jobs over the next 25
years. The DEIR should more carefully explain the basis for EPS's incredibly
optimistic outlook, which is contrary to the long-term trend of the loss of PDR-type
jobs in the City.

- The DEIR, at page 217, states that “In the South of Market (including both East
SoMa and Western SoMa), 25 percent of PDR employment is located on land not
zoned for PDR, and in the Mission almost one-third of PDR employment is located
outside of the industrial use districts. Overall, for the Eastern Neighborhoods (and
including Western SoMa), roughly 20 percent of PDR employment is located outside
of the heavy commercial, industrial, and service districts where they are permitted
uses.” Therefore, it appears PDR activities do not necessarily need to be located in
areas traditionally associated with such uses. If so much PDR activity is occurring on
land not zoned for PDR, then the DEIR should explain why there is a need to impose
PDR-only zoning restrictions in the areas in which such restrictions are proposed to
be applied.
- The DEIR's analysis of the need to create and preserve PDR space is fundamentally
flawed in that it ignores available PDR space in the Bayview/Hunter's Point area, on
San Francisco Port land and in Western SoMa. According to the EPS Report, there
are approximately 15.6 million square feet of Port land of which approximately 2.7
million square feet is used on an interim basis for uses such as PDR.¹ (EPS Report at
p. 4). There is also approximately 2.8 million square feet of planned industrial land in
Hunters Point (EPS Report at p. 10). Neither the DEIR nor the EPS Report provides
figures for the amount of PDR space in Western SoMa. The DEIR should more
carefully analyze the availability of PDR in these other areas and determine whether
such availability supports the adoption of the proposed zoning Option B, as opposed
to, for example, Option C.

- The DEIR ignores the analysis of PDR needs set forth in the February 28, 2006 Seifel
Consulting Inc. report, entitled *Report on the Plan Amendment – Bayview Hunters
Point Redevelopment Project* (the “Seifel Report”). The Seifel Report notes that
there are *four million* square feet of vacant industrial property from South of Market
to Candlestick Park. (Seifel Report at p. V-15). The Seifel Report also notes that,
based on a 2004 broker survey, ninety percent of the deals completed for industrial
space were “for tenants looking for 2,000 to 10,000 square feet, with an average
requirement of 6,000 square feet.” (Seifel Report at p V-15). In addition, the Seifel

¹ Correspondence between this office and the Port in November 2006 indicates that the Port currently has
2,921,772 sq. ft. of occupied industrial space.

Report notes that few large industrial occupiers have closed deals in San Francisco in recent years, while the nearby cities of South San Francisco and Brisbane have had significant activity, with two major deals totaling more than 225,000 square feet closing in South San Francisco in early 2004 and one deal of over 60,000 square feet closing in Brisbane in early 2004. Furthermore, the Seifel Report notes that high vacancy rates have resulted in blight and that most of the vacancies are concentrated in industrial sites. (Seifel Report at pp. V-14 and V-15). The DEIR should explain why it ignores the Seifel Report and should explain why, in light of the Seifel Report, the re-zoning of large areas of the Eastern Neighborhoods for PDR uses will not result in the creation of blighted and under-utilized areas within the Eastern Neighborhoods due to the lack of demand for large PDR space.

In summary, the DEIR should explain why it relies so heavily on the EPS Report in support of proposed Option B and ignores other sources of information, such as the Seifel Report, that provide compelling evidence that the decline in demand for large amounts of PDR space and large PDR spaces will continue and most likely accelerate, which, in turn would provide more support for Option C. In addition, the DEIR should explain how the urban blight which will inevitably result from the adoption of Option B -- i.e., the preservation of large amounts of PDR Space and the creation of new PDR-only zoning in the Eastern Neighborhoods for which there is little current demand, and for which it is likely there will be little future demand -- does not cause a substantial, or potentially substantial, adverse change in the physical conditions within the Eastern Neighborhoods.

II. The DEIR's Findings are Based on a Height and Bulk Map for East SoMa that Contains Significant Errors.

The Existing Height and Bulk Limits map on page 21 of the DEIR (the "H&B Map") does not accurately reflect current heights in East SoMa and the adjacent surrounding area. For example, the vast area west of 4th Street and north of Harrison Street, directly adjacent to East SoMa, is designated as 40-feet, when in reality the area is zoned for 40-X/85-B foot buildings. Additionally, the accompanying text on page 20 of the DEIR does not accurately describe the varying heights in East SoMa. In February 2007 GCA Strategies, a San Francisco-based consultant, submitted corrections to Planning Department on the East SoMa Area Plan Existing Heights Map (p. 45 of the East SoMa Area Plan, dated February 6, 2007). The map attached hereto as Attachment A accurately portrays the existing heights in East SoMa.

The Existing H&B Map should be revised to accurately reflect current conditions and the text of the DEIR should be revised to provide accurate descriptions of East SoMa heights, including greater detail on the current conditions. Corresponding changes to DEIR findings that relied on the inaccurate H&B Map should be made.

III. The DEIR's Findings are Based on an Existing Land Use Map for East SoMa that Contains Significant Errors.

The Existing Land Use Map -- East SoMa, which is Figure 7 on page 39 of the DEIR (the "Use Map"), was prepared by Dyett & Bhatia and is based on the San Francisco Planning Department's 2004 Land Use Database. Based on a field survey that the office of planning consultant Robert Meyers conducted in portions of East SoMa, generally bounded by Folsom, Townsend, 2nd and 4th Streets, the map contains a large number of inaccuracies. The field survey map and appendix are attached hereto as Attachment B. The survey noted each building from the outside, observed interior activity through windows and doors, and where appropriate, entered the lobby and viewed the list of tenants. In some cases, occupants and users of the building verbally confirmed the uses within the building. The results of the survey identify 25 properties for which the existing use was incorrectly noted in the Use Map. For example, some of the properties improved with four and five story buildings with large floor plates were incorrectly noted as PDR, while in fact they were found to be office buildings. Other buildings identified on the Use Map as having a PDR use in fact contained office, retail and/or residential users. The survey indicates that this area of East SoMa has evolved toward higher end uses with less PDR than the Use Map would lead one to believe.

The DEIR should clarify the methodology/process by which the San Francisco Planning Department's 2004 Land Use Database was developed and cite the sources used to determine parcel land and building use for the Use Map. In addition, the DEIR should explain why a field survey (similar to the Meyers field survey) of existing land uses was not conducted in order to verify accuracy of the database. Finally, the Use Map should be revised to accurately reflect the actual existing land use conditions with corresponding changes made to any DEIR findings that were based on the inaccurate Use Map.

IV. The DEIR's Findings are Based on an Existing Land Use Acre Summary for East SoMa that Contains Significant Errors.

The East SoMa -- Acres by Land Use Category, which is Table 4 on page 40 of the DEIR (the "Acres Summary"), is, like the Use Map, based on the San Francisco Planning Department's 2004 Land Use Database. In light of the inaccuracies in the Use Map that the Meyers field survey revealed, one can safely assume that the Acres Summary contains similar flaws because it was prepared using the same database that was used to prepare the Use Map. The Acres Summary should be revised to reflect the actual existing land use conditions in East SoMa with corresponding changes made to any DEIR findings based on the inaccurate Acres Summary.

V. The DEIR's Findings are Based on an Existing Land Use Map for the Mission that Contains Significant Errors.

The Existing Land Use Map -- Mission, which is Figure 8 on page 43 of the DEIR (the "Mission Map"), was prepared by Dyett & Bhatia and is based on the San Francisco Planning Department's 2004 Land Use Database. In 2004, the Mission Coalition for Economic Justice

and Jobs ("MCEIJ") submitted a report entitled *An Alternative Future for the North East Mission Industrial Zone* to the Planning Department. A copy of the report is attached hereto as Attachment C. (It is noted that the DEIR refers to a March 2003 version of the report on page 14. A copy of the report is attached hereto as Attachment D.) The report includes a block-by-block field survey of the NEMIZ area. The survey noted the type of building and the actual use of 1,178 properties.

In July of 2006 the MCEIJ conducted another field survey of over 100 properties in a sub-area of the NEMIZ bounded by Harrison Street to the west, Potrero Street to the east, 16th Street to the north and 20th Street to the south. The roughly twenty-eight block survey noted each building from the outside, observed interior activity through windows and doors, and where appropriate, entered the lobby and viewed the list of tenants. In some cases, occupants and users of the building verbally confirmed the uses within the building.

The results of the July, 2006 field survey (see Attachment E to this letter) indicate that there are at least 22 properties which have existing uses that are incorrectly noted on the Mission Map. Specifically, the Mission Map lists 14 parcels as having a less intense use than is actually the case. For example, the field survey determined that there are properties which contain buildings in which residential and/or mixed uses exist. However, the Mission Map incorrectly notes these buildings as containing PDR uses. The field survey indicates that this area of the NEMIZ has evolved toward higher end uses with less PDR than the Mission Map would lead one to believe. In reality, the field study demonstrates that this area of the NEMIZ contains significantly less PDR uses than the Mission Map depicts. The Mission Map should be revised to accurately reflect the actual existing land use conditions with corresponding changes made to any DEIR findings based on the inaccurate Mission Map.

VI. The DEIR's Conclusions Support New Residential Development Near Freeways.

The DEIR findings on air quality were based on the Bay Area Quality Management District (BAAQMD) and the state Air Resources Board (ARB) criteria pollutants monitoring and operation of TAC monitoring networks. The DEIR analysis notes on page 352 that, "the ARB's distance based recommendations do not consider localized variations in meteorology... urban canyon effects and the cumulative impacts of multiple adjacent busy roadways on sensitive receptors."

The BAAQMD identifies several types of land use conflicts that should be avoided within 500 feet of a freeway or urban road carrying more than 100,000 vehicles per day. However, on page 351, the DEIR states that "with careful context-specific evaluation, it is the ARB's position that infill development, mixed-use, higher density, transit-oriented development, and other concepts that benefit regional air quality can be compatible with protecting the health of individuals at the neighborhood level."

Therefore development near freeways and highly traveled urban streets is not precluded. Instead, specific projects must first undergo context-specific evaluation for managing land use and air quality conflicts.

VII. Conclusion.

In summary, several of the reports, maps and other sources of information on which the DEIR relies in making its findings are incomplete or incorrect. Put simply, the City is relying on bad or incomplete information to make decisions about the future zoning for an area of approximately 2,200 gross acres in size. In addition to responding to the foregoing comments and addressing the issues our comments raise, we ask that you correct the inaccurate data in the DEIR and revisit the conclusions in the DEIR that were based on the inaccurate data.

Thank you for your consideration.

Very truly yours,

Gregg

J. Gregg Miller, Jr.

Attachments

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September 14, 2007

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CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.E.A.

Michael Jacinto
EIR Coordinator, Major Environmental Analysis
San Francisco Planning Department
1650 Mission Street, Suite 450
San Francisco, CA, 94103

Re: Comments on Eastern Neighborhoods Draft Environmental Impact Report
(DEIR)

Dear Mr. Jacinto,

The Eastern Neighborhoods plans represent a great opportunity to create livable, diverse, and sustainable urban neighborhoods in the Mission, South of Market, Potrero, and Central Waterfront that can contribute to meeting the job and housing needs of city residents.

This historic opportunity can only be realized if the plans are successful in addressing transportation needs in these neighborhoods. Unfortunately, these plans have, to date, focused almost exclusively on land use, and have not paid sufficient attention to transportation, open space and recreation, and community facilities.

The shortcomings of this unbalanced approach to the planning the Eastern Neighborhoods run through the DEIS. The analysis of transportation impacts of the plan contained in the DEIR is inadequate, as are the transportation mitigation measures. The final plan must improve its analysis to fully capture the transportation effects of the proposed land use changes, and the mitigation measures in the final plan must improve significantly in order to address the transportation impacts of the proposed land use changes.

Inadequate analysis: The inadequacies in the DEIS' analysis of transportation effects include:

- **Flawed trip generation models:** The methods used by the Planning Department to calculate number of trips generated by new development, and the modal split of those trips, are flawed. They are too crude to quantify the effects of various measures, including reduced parking, unbundled parking, space-efficient parking, pricing on-street parking, secure on-site bicycle parking, providing residential transit passes, and so on, that can be proven to reduce automobile trips. Similarly, the methodology cannot capture the effects on transportation modal split of improved walking, cycling, and transit access. Several of the proposed zoning districts in the Eastern Neighborhoods contain controls, such as reduced and unbundled parking, provision of bicycle parking and car share, that are intended to reduce automobile trips and encourage travel by other modes. The Planning Department's trip distribution, mode split and trip assignment methodology is, however, blind to the effectiveness of these measures. Changes to the proposed zoning, like the recently proposed change in the 24th Street zoning from NC-T,



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which has no minimum parking requirements and includes maximums for residential and commercial uses, to NC-3, which has minimum parking requirements for all residential and commercial uses, will have significant impact on the vehicle trips generated by new development in the corridor, but the methodology used in the DEIR is unable to discern the difference.

- **Flawed parking demand model:** The DEIR includes several statements that the parking demand model used by the Planning Department forecasts "parking deficits". This model, however, does not take into account that parking demand is elastic, and that the parking price affects parking demand. The principle of supply and demand is basic to economics, but the Planning Department's model cannot account for it. Much of the residential parking in the plan area will be priced (through unbundling provisions of the planning code), which will affect parking demand, but the DEIR does not account for this. The model also cannot account for the effect of pricing on on-street parking. Donald Shoup writes that "underpriced curb parking creates the incentive to cruise [for parking]", and has developed a rigorous model for managing parking demand through price.

- **Inadequate analysis of barrier effects:** Barrier effects are the delays and discomfort that vehicle traffic imposes on nonmotorized modes (pedestrians and cyclists). Decades ago, Donald Appleyard's *Livable Streets* identified — and quantified — the effects of excessive traffic on pedestrian and bicycle movement in San Francisco. He found that while all people are affected, the elderly and children were especially affected by the loss of mobility that excessive traffic speeds and volumes impose. The DEIR does not analyze, nor even acknowledge, that the increased traffic generated by development under the plan scenarios will impose additional barrier effects on pedestrian and bicycle movement through the plan area.

- **Inadequate analysis of congestion's effects on transit:** The DEIR does not quantify the effects of increased traffic congestion on the speed, reliability, and attractiveness of transit. The analysis in the DEIR addresses only the effects of increased demand from new development on transit, but not the effects of increased congestion. However, the recent Transit Impact Development Fee nexus study found that, of all of the impacts of new development, congestion has the greatest impact on Muni service:

"Perhaps the most severe impact of development on transit services is the slowing of transit operating speeds that results from increased travel demand and increased congestion. Slowing travel speeds has the double impact of making transit less competitive with the automobile and requiring that Muni put more resources into existing services rather than expansion. For example, if a route takes one hour to operate and is offered every 10 minutes, six buses are required to provide that service. If, after congestion increases, it takes 80 minutes to make the same trip, then eight buses are required to offer the same 10 minute service. As development increases, money that might be used for enhancing service is first deviated into 'making up' for slower travel times and increased congestion."

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cont.

Mitigation Measures: several of the mitigation measures recommended in the draft plan are suggestive, but few are sufficiently specific to constitute effective mitigations. Effective mitigation measures should include:

- **Reducing traffic through reduced parking and transit incentives:** Although the Planning Department's models are too crude to quantify the effects, transportation demand management measures like reduced parking and incentives for residents and workers to use transit, walk and bicycle have been proven effective in reducing vehicle trips. Reduced parking has also proven effective in increasing housing affordability. The plan should expand such "best practices" as reducing minimum parking requirements and establishing parking maximums throughout the plan area. Many transit-rich areas of the Mission District, for example, still have minimum parking requirements under the proposed plan.
- **Develop and implement effective parking management strategies throughout the plan area:** The plan should include parking management plans for the various neighborhoods in the plan, which develop specific programs to manage off-street parking, permit parking, and metered parking in an integrated way.
- **Develop and implement "complete streets" standards that provide for safe and convenient nonmotorized travel throughout the plan area, and mitigate barrier effects.** The plan asserts that the mere presence of sidewalks makes the pedestrian provisions of the plan "adequate". It must go further in providing safe and convenient access throughout the plan area for nonmotorized modes, and must provide both an adequate analysis of barrier effects and effective program of projects to mitigate them.
- **Develop a comprehensive program of projects to improve the speed, reliability, capacity, and accessibility of transit in the Eastern Neighborhoods:** The success of this plan depends in large part on the provision of transit in the neighborhood. The mitigation measures proposed in the DEIS are suggestive, but entirely lack specifics. BART capacity and accessibility is not addressed at all, although it is a major transit provider within the plan area. Dedicated transit lanes should be provided throughout the plan area, but the street network analysis does not include them.

We hope that the final EIS addresses the shortcomings of the DEIS, so that the Eastern Neighborhoods plans can prove to be worth the investment of time and effort that residents and planners have invested in them.

Sincerely,



Tom Radulovich
Executive Director

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cont.

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September 14, 2007

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VIA HAND DELIVERY

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Environmental Review Officer,
San Francisco Planning Department,
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San Francisco, CA 94103

Re: *Eastern Neighborhoods EIR*

Dear Mr. Jacinto:

Thank you for the opportunity to comment on the Eastern Neighborhoods Draft EIR (the "DEIR"). We represent the Baywest Group, the owners of 801 Brannan and One Henry Adams, located in the Showplace Square/Potrero Hill Subarea. Baywest submitted an environmental review application with the Planning Department in 2000 for the development of approximately 214 residential units at One Henry Adams and 557 residential units at 801 Brannan (File No. 2000.618E).

Our comments on the DEIR call for corrections to information in the DEIR regarding existing land uses. In addition, we believe that the DEIR must include a full evaluation of the economic feasibility of market rate and affordable housing production under the proposed rezoning in light of new information regarding public benefit impact fees and inclusionary housing requirements introduced since the Draft EIR was published.

A. Existing Land Use Designations. A draft EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." CEQA Guidelines 15125(a). With respect to the Land Use environmental setting, Figure 9 on page 47 of the DEIR, entitled "Existing Land Use Showplace Square/Potrero Hill", is intended to show existing land uses in Showplace Square/Potrero

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Hill. This Figure and the accompanying Table 8 are then used in part as a basis for the EIR's analysis of impacts of the rezoning on existing land uses.

Baywest has long-standing property interests in the Showplace Square area and is very familiar with the existing land uses. We have identified numerous inconsistencies in the existing land use designations shown on Figure 9. As we understand it, the information regarding the land use environmental setting in Figure 9 and Table 8 may simply have been derived from the original users of certain buildings, the underlying zoning and/or NAICS codes, without regard to the types of established uses located in the area for many years. We have attached a copy of Figure 9 that indicates the existing land uses in the Showplace Square area, showing how similar uses are classified inconsistently (see Attachment 1).

In order to present a meaningful analysis of the impacts of the rezoning on existing land uses, the EIR information regarding the existing land uses should be revised to accurately reflect existing conditions. We are concerned that the DEIR mischaracterizes many other properties in the Eastern Neighborhoods. The EIR's accuracy as to existing land uses is essential to a meaningful evaluation of significant land use impacts created by the rezoning. Therefore, we would ask the Department to correct the inconsistencies as indicated on the attached Figure 9 chart, as well as conduct a thorough review of the data underlying the existing land use assumptions for the entire project area and refine its analysis accordingly.

B. Population, Housing, Business Activity and Employment.

1. Summary. The rezoning options studied in the DEIR are based on the 2003 Rezoning Options Workbook prepared by the Planning Department and reflect revisions and refinements developed by Planning staff through approximately Spring 2006 (DEIR, p. 13). The DEIR concludes that the proposed rezoning options will promote more housing development, including more affordable housing, compared to conditions under the No-Project scenario. This assumption supports the DEIR's conclusion that the project will not have a significant impact on population, housing and employment. However, the DEIR fails to analyze the effect on housing production created by the additional economic burdens on housing development as a result of the 2006 amendments to the inclusionary requirements in conjunction with the "super-inclusionary" requirements and significant public benefit fee proposals that have recently been introduced at the Planning Commission in connection with the Eastern Neighborhoods rezoning.

At various Planning Commission hearings in 2006 and 2007, the Department's consultants and the development community have presented evidence before the Planning Commission and Board of Supervisors that the level of development potential or "upzoning" afforded by the proposed rezoning may not support the significant increase in public impact fees and inclusionary housing requirements. The evidence suggests that the rezoning and accompanying fees and exactions will make development of market-rate housing and the accompanying inclusionary affordable housing economically infeasible and will produce less housing, both market-rate and affordable, than under the No-Project alternative. This is particularly true in the existing CM, SL1 and M districts that are subject to the proposed super-inclusionary requirements and in many cases receive either modest or no additional

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Page 3

development potential from the proposed rezoning. Therefore, the DEIR must analyze the impacts of these newly adopted and proposed fees and exactions on the economic feasibility underlying the DEIR's assumptions that the rezoning will produce more housing than under the No-Project alternative. This analysis is critical in order to support the DEIR's conclusions of no significant impact on Population and Employment.

2. Discussion. Page 229 of the Draft EIR provides that the proposed rezoning could have a significant effect on population and/or employment if it would induce substantial growth or concentration of population, displace a large number of people (involving either housing or employment), or create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply. The EIR concludes that the anticipated increase in population and density under each of the three proposed rezoning options would not result in significant adverse physical effects on the environment.

Support for this conclusion is found in the analysis that implementation of the rezoning would increase the housing supply potential in the Eastern Neighborhoods and citywide, compared to conditions under the No-Project scenario. The DEIR finds that the rezoning will result in "more supply relative to demand, more housing choices and more (relatively) affordable housing units developed than without the project, because the Inclusionary Affordable Housing Program would require below-market-rate units be developed in conjunction with market-rate projects of five or more units." (DEIR, at p. 251-252).

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The EIR further states that "housing prices and rents for both new and existing housing would generally be lower than would be the case with the more limited housing supply potential in these areas under existing zoning and continuation of existing market trends. Additionally, the project would reduce pressure to convert existing rental housing stock to relatively affordable for-sale housing (such as through condominium conversions and the tenants-in-common process) compared to No-Project conditions." (DEIR, at p. 252). Elsewhere, the EIR concludes that the increased production of housing created by the rezoning options would add housing supply by rezoning some existing M use districts to mixed-use residential districts and would therefore provide a relief valve reducing these housing market pressures without directly affecting existing residents. The EIR concludes that the result would be less residential displacement than otherwise expected. (DEIR, at p. 243).

The EIR's analysis of the impacts of the rezoning on housing production assumes that the rezoning policies will encourage and accommodate new housing production, and that the rezoning provides for increased residential development density in the industrially-zoned areas of the Eastern Neighborhoods (DEIR, p. 153). This assumption also underlies the EIR's conclusion that the rezoning will have less impacts on transportation and air quality, including Greenhouse Gas emissions, due to development of infill development that locates employees near City employment centers, thereby reducing long commute times.

However, the analysis fails to quantify the number of sites that would actually obtain a meaningful increase in development potential through density and height increases and does not analyze whether the proposed rezoning of industrial parcels to residential would support the recent increases in inclusionary housing requirements as well as the proposed revisions to Option B that have been presented to the Planning Commission in recent weeks since

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Page 4

publication of the DEIR. These revisions are not merely refinements of the project description set forth in the DEIR, but consist of additional burdens on residential development that affect the ability of the rezoning to achieve the fundamental objectives relied upon in the DEIR.

In 2006, the City adopted amendments to the inclusionary housing requirements set forth in Section 315 of the Planning Code, raising the below-market inclusionary requirements from 10% (and 12% for projects requiring a conditional use permit) for on-site, and 15%/17% for off-site units, to 15% on-site and 20% off-site. At the time, a Sensitivity Analysis prepared by Keyser Marston Associates was presented to the Board of Supervisors to demonstrate what level of requirements can be supported under current and future conditions (copy attached to this letter as Attachment 2), along with Planning Department staff report. The Sensitivity Analysis concluded that the cumulative impact of the amendments would make all construction prototypes financially unworkable under then-current market conditions. The Analysis also found that the value of a site is tied to zoning and that when a parcel's developable area increases through upzoning, its land value increases. It suggested that a project with increased inclusionary requirements *could* be financially feasible if requirements were increased as part of any upzoning, and on-site inclusionary was less likely to be economically feasible compared to payment of an in-lieu fee.

The information in the Sensitivity Analysis does not appear to have been considered in the DEIR's analysis of the feasibility of the proposed rezoning on increased housing production. Since the adoption of the inclusionary amendments, the in-lieu fee which was considered in the Sensitivity Analysis to be the most economically feasible alternative for housing development was significantly increased (e.g. an increase of 47% for 1-bedroom units, 37% for 2-bedroom units and 61% for studios), effective July 19th, 2007. Also, since the date of the Sensitivity Analysis, San Francisco AMI has declined and interest rates have risen, further deepening the inclusionary housing subsidy. In addition, on August 30, 2007, the Department introduced the concept of public benefit fees applicable to residential projects in the Eastern Neighborhoods, including an infrastructure fee of \$10.00 per square foot and an as yet undetermined increase in other fees for upzoned parcels. In addition, construction costs have increased dramatically during the five year period of the rezoning of the Eastern Neighborhoods, including a dramatic increase since the Sensitivity Analysis was prepared.

On August 30, 2007, the Mayor's Office of Housing also introduced at the Planning Commission a proposal for an additional layer of exaction on all residentially rezoned parcels within the existing CM, M1 and M2 districts. These additional exactions would require all such parcels to provide either 100% affordable housing, a 50% site dedication for public affordable housing development, or a mix of market rate and moderate-income housing (currently proposed at 75% moderate-income to 25% market-rate). Many of these parcels receive either no or else very modest additional development potential from the rezoning compared to current conditions.

If the Sensitivity Analysis concluded that the adopted 5% increase in inclusionary requirements created financial infeasibility, then it is certain that the addition of super-inclusionary requirements, combined with significantly increased fees and deteriorating market conditions further serve to make housing development economically infeasible. As a

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Page 5

result, existing non-residential land uses are more likely to remain in-place indefinitely (especially in light of the cost of new construction) or land uses will shift to any other permitted economic use not subject to the same level of exaction, such as retail, office, parking or commercial use. This economic analysis must be performed as part of the DEIR in order to determine whether or not the rezoning would actually increase housing production over existing conditions. In order for the assumptions underlying the DEIR to remain accurate, CEQA requires that the City avoid significant impacts on population, housing and employment by ensuring that any fees and exactions, including affordability requirements, be economically feasible in order to achieve the project objective of increasing market rate and affordable housing production.

As one example, Baywest presented evidence at the September 6, 2007 Planning Commission hearing that the proposed rezoning does not confer additional development potential to support imposition of "super-inclusionary" requirements in conjunction with the other existing and proposed fees and exactions (see chart attached as Exhibit 3 to this letter). As a result, residential development of the projects at 801 Brannan Street and One Henry Adams would be economically infeasible. The 801 Brannan project, which accounts for 557 housing units and approximately 100 affordable units, could be developed under the "No-Project" alternative zoning with a conditional use permit. With the proposed rezoning and proposed new exactions and fees, neither 801 Brannan or One Henry Adams receive sufficient additional development potential from the upzoning to allow residential development to occur with all of the existing and proposed fees and exactions. Therefore, contrary to the assumptions in the EIR, for projects such as 801 Brannan, the rezoning would create greater impacts on population displacement and housing than under the No-Project alternative.

Thank you for your consideration of these comments.

Very truly yours,


Neil H. Sekhri

NHS/nhs

cc: Bill Poland (via U.S. Mail, w/ enclosures)

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Residential Builders Association

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President

Angus McCarthy
Vice-President

Kieran Buckley
Executive Vice President

John O'Connor
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Richard Hart
Treasurer

Charles Breidinger
Sergeant-At-Arms

Board Members

Gerry Agosta

Mark Brennan

Leo Cassidy

Joseph Cassidy

Jim Keith

Redmond Lyons

David O'Keeffe

Date: September 13, 2007

Attn: Michael Jacinto

Please find enclosed 4 copies of our Questions to the DRAFT Environmental Impact Report on the Eastern Neighborhoods. Distribute as you feel appropriate.

Please feel free to call us with any questions.

Grace Shanahan

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RESIDENTIAL BUILDERS ASSOCIATION

QUESTIONS

SAN FRANCISCO PLANNING DEPARTMENT

EASTERN NEIGHBORHOOD

DRAFT ENVIRONMENTAL IMPACT REPORT

Questions on Eastern Neighborhood Draft EIR

1. **I – Section C Page –5** Clarify and elaborate whether the Draft EIR supports Option A, B or C. Has the department factored in Urban Sprawl into its criteria for choosing Option A, B or C. Why does the analysis ignore the fact that option C will lead to less commuter traffic and environmental hazards from the additional urban sprawl and car emissions that would be inherent in option A? G2
2. **I – E Page I–5: Section E: Related Studies :**
 - a. Provide the research, criteria and assumptions for the consultants studies attached to the EIR and for any additional related studies referred to in Section E to include but not limited to copies of the RFP and statements and scope of work for each consultant who has undertaken work or is to undertake work.
 - b. Has a nexus study been performed? If yes provide copy.
 - c. Are there oversight Committees created to oversee these other Studies? If yes, who sits on these Committees, when do they meet and provide copies of their findings. We understand that there have been private meetings between stakeholders and Mayor's Office of Housing and Mayor's Office of Workforce Housing and Economic Development. Please provide notes of those meetings as those discussions have triggered additional environmental implications G3

3. **Page I–7:** “an incubator location for emerging enterprises....” H11
 - a. Define “Incubator Location”?
 - b. Give some existing locations and examples of an incubator location.
4. **Summary Chapter II Page S–1** Provide a copy of or a location on the internet where the document “Community Planning in the Eastern Neighborhood Rezoning Options Workbook” can be accessed G7
5. **Page S:** 3 More specificity is need. Please define uses, and give current examples of size. What is mean by small office and retail uses in terms of Size? Which PDR uses are considered when the definition mentions “some PDR uses” or “most PDR uses” PD6
6. **Page S:** 4 provide a copy of the findings from the “Public Benefits Analysis” on the various Area Plans. Who preformed this analysis and when was it done. Provide a copy of the RFP. G3
7. **Page S:6** The unit count does not clarify whether it is including the Potrero Power Plant Project or not. – Make a clarification on this point. PD5

<p>8. Page S: 10: "The project would also indirectly result in changes in the potential to physically accommodate PDR use" please clarify "...The potential to physically accommodate..." at the end of the 2nd full paragraph. There should be a separate analysis on whether the project would also indirectly result in negative changes to existing and potential residential neighborhoods by accommodating PDR uses. It should factor in the potential of additional noise, fumes and ware and tear on city streets and sidewalks from additional industrial uses in existing and potential residential areas.</p>	L8
<p>9. Page S: 10 Some allowance for PDR space should be factored into Western Soma; this could be used to mitigate Option C. Since the text of the EIR identifies Western Soma as a potential significant source of PDR jobs it is important that there be a paragraph in the EIR which provides the numbers of square footage of PDR uses and PDR jobs created in Western Soma notwithstanding the fact that the outcome of the process of Western Soma is not known. There are other districts in San Francisco which the outcome of the processes are not known such as the Mission and other areas but EIR draft shows nonetheless the number of jobs and square footage available for PDR for those. This Western Soma area is too important and has too much potential PDR space to leave out of the numerical calculations that are being provided in other district. Also the rezoning plan for BayView Hunters Point (BVHP) is now far enough along that it would not be speculative with this EIR to identify specifically the amount of PDR space and PDR jobs that are available under the new rezoning of BVHP. While the Port properties and Central Water Front have not been studied a great deal, there should be some analysis in the EIR of the spectrum of available zonings and applicable jobs in PDR space that might be available in these areas.</p>	L9
<p>10. Page S: 11 1st Paragraph -" The EPS Study found that Option B would at least potentially provide for an adequate supply of PDR land " Please indicate in the EIR why your current consultants disagree with your consultants at EPS.</p>	L10
<p>11. Page S: 11 1st Full paragraph, last 4 lines: Argument for Option B in the protection of PDR space; "Therefore, because Option B would provide an adequate supply of land for PDR uses, and because other ongoing planning efforts would assist in ensuring an adequate supply of PDR land and building space, Option B would result in a less-than- significant impact on the cumulative supply of land for PDR use." Please provide information as to why other sections of the EIR would contradict the above statement that Option B would provide an adequate supply of land for PDR uses.</p>	H10
<p>12. S:16 The new jobs created by increased PDR businesses in these neighborhoods as a result of Option B creates a need for new housing, services, police services, other utility services and to the extent workers are not housed in affordable housing units because they make too much money, will result in competition with non profits for land in the Eastern Neighborhoods. Please explain how the City's consultants reach the conclusion that no housing resources will be affected. Please explain why the same consultants did not mention the other City resources and services that would be affected.</p>	T2
<p>13. S: 19 Since additional riders can increase the need for additional buses, what are the assumptions being made as to</p>	5

how many new buses and operators will be needed once a bus has greater number of patrons per bus. Since mitigations in the EIR call for additional exactions for Muni a discussion of these assumptions is important to test their accuracy.

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14. S:19 Why is it that this EIR does not take into account the additional money that would be provided from the General Fund to Muni were the proposed November 2007/ February 2008 Muni initiative to pass.

15. Why was the Central Waterfront column included in the table 2 since the Central Waterfront is not included in the Eastern Neighborhood Rezoning process? What analysis, if any, were done for the Central Waterfront and why were they not explained? Why does the Central Waterfront call for so many more residential units under its Option A than under Option C? It seems illogical given Option A's preference for PDR over housing.

G8

PD5

16. S:21 Within a block of all major transit modes (i.e. that is intersections of buses with buses and buses with other public transportation lines except within C30 district), why not allow one to one (1-1) parking as a matter of right and eliminate the requirement that there be a certain amount if parking for any new residential units?

PR26

17. Page S: 22 – Noise: "However, parking supply is not considered to be a part of the permanent physical environment in San Francisco, as parking conditions are changeable. Parking deficits are considered to be social effect, rather than impacts on the physical environment as defined by CEQA.

T4

6

Therefore, that anticipated parking shortfall would be a less-than-significant effect." Since the EIR has triggered a socio-economic study previously prepared, why are parking deficits not being taken into account in this EIR? It seems inconsistent to state that parking is a social effect, and at the same time the City has done a Socio Economic report in connection with the EIR.

T4
cont.

18. Page S: 23 what are the current Title 24 noise requirements and how does this compare to the current conditions?

N5

19. Page S: 25 – Residential Development Summary – "Moreover, the interior noise protections required by Title 24 will not protect the entire population from the health effect (e.g. sleep disturbance) of short term noise exceedances of ambient noise levels because Title 24 standards are based on 24-hour noise levels and short-term noises sources often have little effect on these day-night average noise levels."

N6

Explain the incremental amount of health effect, for example sleep disturbance, that would occur in addition to existing levels from the implementation of the re-zoning, since the existing statement only reflects that San Franciscans generally are subject to health effects of noise of day to day basis under existing conditions.

This text should also contain a statement that PDR will increase noise levels and also a statement that since PDR may include some high-tech businesses that may not generate any noise, the fact is that the health effects may not reach the kind of levels that are mentioned in the studies attached this EIR.

7

20. **Page S: 26** – Clarify what the initials D.P.M. , G.H.G. , T.A.C. mean. [AQ6]

21. **Page S: 26** Define “sensitive receptors”. [AQ7]

22. **Page S: 26** Please provide noise studies which support the idea that light medium or heavy industry or high-tech PDR uses would have to be a 1000ft from residential units in order to reduce noise to a less than significant impact, given the fact technology exists to mitigate noise impacts almost completely. This has been done throughout the South of Market Area including night clubs that have been made to provide noise insulation next to housing such as the housing project next to the club known as 1050 Folsom Street. [N7]

23. **Page S:26** Explain why there can't be noise mitigation measures used in Residential and PDR projects that are constructed within 1000ft of industrial businesses.

24. **Page: S: 27.** “An unmet demand for parks and recreational resources, in itself, would not be considered a significant impact on the environment.” – Was the year 2000 population census used for this Study? Were new developments such as Rincon Hill taken into consideration when using the figure of 67,000 residents? [R5]

25. **Page S: 28** Please explain and substantiate the proposed increase in on-site Open Space requirements from 36 to 80sqft per residential unit. Why doesn't the Open Space requirement apply to PDR and commercial/office uses? [R9]

26. **Page S:29** – Landscaping – expand on “Public Benefits Analysis” regarding the landscaping requirements [R10]

27. **Page S: 35** – Mitigation Measures – Since Western Soma is designated to the preservation of PDR space, why is the potential PDR space there not included in the total number of PDR spaces that the EIR analysis as available for PDR in the future? [MM1]

28. **Page S: 37 Transit E-5**

- a. Define Parking Benefits District and provide examples.
- b. Explain why there is no discussion of bonds and Community Benefit Districts that could be created to take into account the existing deficiencies caused by existing conditions which are often caused by the neglect of existing property owners in these districts, particularly landlords. [MM3]

29. **Page S: 38** This should state that since smaller sites have restricted access and limited frontage, discouraging the [MM4]

location of these accesses from the sidewalk could discourage and restrict the ability to produce the amount of PDR and housing that is necessary. Would the sidewalk be considered an "auto oriented entryway"?

MM4
cont.

30. Page S: 40 E- 12 Increase Transit Usage -

- a. Please define and clarify what it means "to require cash out policy for all employers who are providing onsite parking or subscribe to a parking facility to provide employee parking".
- b. #2 "near transit centers" clarify "near"
- c. State Department of Real Estate will not approve and accept a policy that forces the association to pay for and provide Muni fast-passes for the occupants.
- d. Why is this subsidy not to be applied to Office and PDR employees? What studies state that this is not necessary?

MM5

31. Page S: 41 F-2 Construction Noise.

- a. Please define noise control blankets: noise control blankets could create a safety hazard for employees working at the site. It could obstruct the vision of forklift operators or crane operators and could restrict the ability of light and fresh air to travel in and around the construction site which generally tends to have higher levels of dust and can be very dark.
- b. Noise control blankets, depending on their weight, could create a safety hazard on windy days causing the scaffolding to tip over hitting people or objects on the sidewalk or the street.

MM6

10

- c. Please state that the bullet points provided are over burdensome and could create economic hardship for residential or non-residential construction, and explain why these requirements should not be reserved for after hour construction only.

MM6
cont.

32. Page S: 42 F:4 Using the words "2 blocks" is unscientific; we would suggest a 150 to 300ft measurement from the project site and the noise level readings should be taken from the project site. If the noise measure reading is being taken there is therefore no need for a site survey.

MM7

33. Page S: 42 F-6 The mitigation measures called out in this paragraph should be reserved for the most extreme cases, perhaps only when building next to heavy industrial uses. The rooftop decks or spaces should be excluded. The barriers should not exceed 7ft above the finish floor around the outdoor space or the decks. This policy could present many conflicts with the Design Review Guidelines and limit one's ability to provide outdoor space.

MM8

34. Page S: 44 G-2 How was the distance of 500ft from a freeway and traffic volume not to exceed 100,000 vehicles concluded? Where is the study? Define High Efficiency Filer System?

MM11

35. Page S: 46 J-1. We believe that any project resulting in soil disturbance of 2 1/2 ft or greater of native fill shall be required to submit to the Environmental Review Officer for

MM12

11

review and approval an addendum to the respective ARDTP to be prepared by a qualified archeological consultant. We are stressing the word native soil because that would be the host of an archeological site. The fill is not likely to host such an archeological site.

MM12
cont.

36. **Page S: 47 & 48 J:2** Please explain what is wrong with the existing standards and substantiate the need to implement each of these 5 conditions

MM13

37. **Page S:52 (A) – (C)** Modify sections A– C to state that:

- a. Buildings earlier than 1963 or whatever date is 50 years from today's date should sent to Planning Department preservation staff only not Landmarks Board unless Planning Department Preservation Staff feels it is exceptionally worthy of Landmarks Boards review. There is no authorization in any code for the Landmarks Board to review projects which have not been put on any City historic list.
- b. Please explain why buildings which are 10ft taller than adjacent buildings are more likely to have a negative environmental effect on adjacent building which may be historic. After all the downtown area has many high-rises next to historic buildings and this has never been considered a negative environmental effect.

MM14

- c. Please explain why all new construction over 50ft would be more likely to affect an historic resource and should go before the Landmarks Board. It has always been the City's position that under CEQA, only historic sites need historic review, and it is not a negative historic effect that a building to go next door would affect the public's review of a historic resource. Thus this is unprecedented and not based in CEQA.

12

38. **Page S: 53** Please explain why the additional 10 day review for historical buildings cannot be allowed for within the normal 30day neighborhood notification time frame or prior to the 311 notice going out.

MM15

39. **Page S:55** Bottom of the page:

- a. This paragraph seems to imply that new buildings built next to or near historical buildings would be evaluated for how their height does or does not comply with the height of historical buildings. Since very tall buildings have been successfully built next to low and high historical buildings throughout the city, please explain why there needs to be any criteria discouraging the construction or additions on blocks to a height greater than the height of historical buildings next door.

MM16

- b. Please explain how the addition of criteria for infill construction stated at the bottom of S:55 might or might not impair the construction of the Eastern neighborhoods goal of 9000 units

40. **Page S:57**

- a. D:2 2nd paragraph – is this a reference to the Inclusionary Housing overlay or in addition to it?

MM17

- b. D:33 Affordable Housing sites should be mapped out by the City as part of the new land use plans before they are adopted, so that people know what sites are likely to be designated for Affordable Housing before they pursue purchasing them or pursue options to buy them. To do

MM18

13

otherwise is equivalent to a rezoning to allow only affordable housing without going through a rezoning process. The City should list the specific lots on the map for which they are seeking Affordable Housing and should only put them on the map once funding commitments once affordable housing governmental funding commitments have been obtained for those lots. Please explain why this would not be legally determined by a court to be defacto-down-zoning in areas without going through the public hearing process that the Eastern Neighborhoods Plan is undergoing presently.

MM18
cont.

41. **Page S:58 F:1** Please explain even without updating or revising the existing Noise Ordinance, the EIR is implying that the threshold decibel level above which noise shall be considered a nuisance under the Police Code will be studied for reduction.

MM19

42. **S: 59** Please explain why this Section D does not analyze the negative effect on the Bay Area's environment from the increase in urban sprawl as a result of relocating housing outside San Francisco due the adoption of Option A. Please especially analyze the chemicals released into the atmosphere from the increased reliance on vehicular transportation by commuters to reach more distant urban housing under Option A.

G2

43. Please explain why there is no alternative project being analyzed under CEQA that consist of rezoning under which PDR uses are clustered together in certain parts of the city rather than spread across enormous numbers of lots the way it is being proposed in Option A & B, since there could be more significant environmental differences in not clustering PDR uses together.

PD4

14

44. Why do the numbers vary substantially under "Central Waterfront" and the Housing Units under Option A, B& C? Why do the numbers vary under "Housing Units for Option A, B& C" and "Rest of the City"? The "Rest of the City" column should be consistent under each of the 3 options.

PD5

45. Since the release on September 6 2007 of a new zoning map with new zoning definitions has implications in terms of which businesses will no longer be permitted in many Eastern Neighborhood locations (that were permitted uses under the zoning maps and zoning definitions upon which Department Staff and EIR consultants have made their reports and EIR conclusions), will the City be amending the EIR to reflect these September 6, 2007 changes, and if not, why not?

G4

46. Since the new zoning will make a huge number of Eastern neighborhood tenants and owners' current uses into legal non conforming uses that can continue but not expand, where does the EIR analyze the environmental effects of loss of these businesses to outside the district and outside the City when expansion becomes infeasible? Since a large number of users will become illegal non conforming uses because they will not be able to prove that they exist with proper permits, why does the EIR not analyze the environmental effects of loss of these businesses to other parts of the City or outside the City? Will the City be mitigating these environmental effects by establishing a registry of legal non conforming uses that can legally continue but not expand after the new rezoning take effect?

G5

15

47. We have enough land for PDR city wide – Light and medium PDR uses can coexist with housing. Why not encourage affordable housing over these types of P.D.R.

PR27

WALDEN DEVELOPMENT LLC

RECEIVED

SEP 14 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.E.A

September 14, 2007

VIA HAND DELIVERY

Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: **Comments to Eastern Neighborhood Draft EIR**
Case No. 2004.0160E

Dear Environmental Review Officer:

The purpose of this letter is to submit comments to the Eastern Neighborhoods Draft EIR (Planning Department Case No. 2004.0160E).

We own the property located at 901-975 16th Street and 1200 17th Street (the property is located on the block between 16th Street to the north, 17th Street to the south, Mississippi Street to the east, and Missouri Street to the west). Most of our comments are related to the proposed future zoning and height restrictions for this particular property.

Please understand that our comments are also in response to the proposed future zoning and height restrictions that representatives of the San Francisco Planning Department presented to the San Francisco Planning Commission since the date the Draft EIR was published. Specifically, our comments relate to the maps that depict the proposed zoning and proposed height limits that was presented to the San Francisco Planning Commission on September 6th, 2007.

Our comments are as follows:

Proposed Zoning:

We agree that the proposed zoning (UMU) shown on the map presented to the Planning Commission on September 6, 2007 is an appropriate zoning for this location. Notwithstanding our agreement with the proposed UMU zoning, we believe the following uses should be permitted under the proposed UMU zoning designation:

- Medical office space should be permitted without any maximum square footage limitation on individual tenant spaces or cumulative square footage of multiple tenant spaces;
- Off-street parking for medical office space should be permitted at a level that is consistent with realistic demands by sick patients seeking medical assistance at a Doctor's office;
- General office space should be permitted;
- Retail uses up to 7,500 s.f. (vs. 3,999 s.f.) should be permitted without a conditional use authorization; and
- Affordable housing requirements should be based on realistic economic models that do not discourage development.

PR17

Proposed Heights:

16th Street is a primary east-west arterial. It is one of the few streets that connect the Mission Bay and Central Waterfront area to the Mission area. 16th Street should be designated to be a "transit corridor" and the height limits along 16th Street—especially near Mission Bay and Interstate 280—should be increased so that future development can take advantage of the future public transportation that will provide service along 16th Street.

Towards that end, we believe that the following height restrictions are appropriate for the property along 16th Street between 16th Street and 17th Street:

- Sixty-five feet (65') fronting 16th Street; and
- Fifty-five feet (55') fronting 17th Street.

Thank you for the opportunity to respond to the Draft Environmental Impact Report. As always, please do not hesitate to contact me at 650-348-3232 if you have any questions regarding any of my comments.

Sincerely,


Josh Smith

PR18



"Eric Tao" <etao@agcapital.com>
<etao@agcapital.com>
08/31/2007 01:17 PM

To: "Eric Tao" <etao@agcapital.com>
<michael.jacinto@sfgov.org>
"Susan Exline" <Susan.Exline@sfgov.org>
cc: <tholt@agcapital.com>, "Abrams, Jim" <JAbrams@glbsondunn.com>, <jherzog@agcapital.com>

bcc:

resending....RE: Comments to Eastern Neighborhoods Draft EIR

From: Eric Tao [mailto:etao@agcapital.com]

Sent: Friday, August 31, 2007 1:11 PM

To: jacinto@sfgov.org

Cc: 'Susan Exline'; tholt@agcapital.com; 'Abrams, Jim'; jherzog@agcapital.com

Subject: Comments to Eastern Neighborhoods Draft EIR

Michael,

We have forwarded one comment to Sue, but wanted to reiterate it together with our other comments again, as I understand today is the deadline for comments to the EIR:

1. Page 39 under Existing Land Uses for East Soma, the use for 260 Fifth Street site is not PDR, it's best characterized among the options on that sheet as Mixed-Use); L1
2. The Land Use conclusion seems inconsistent with the findings detailed on Pages 70-71. The findings seem to indicate that the No Project scenario will the smallest reduction of existing PDR space; yet the conclusion on page 531 indicates that it will have a significant impact. L4
3. In table 13, the table seems to be incomplete because it does not show the baseline for square footage of permitted residential zones; i.e., it compares housing units against non-residential square footage, but does not show the impacts of the overall options and no project on permitted residential square footage. The assumption should be that R districts will be residential and any use of that as residential is NOT a loss of PDR space, whereas, it should also be assumed for the worst case scenario that M districts will be converted to residential through the CU process and those square footages should be counted as a loss of PDR space. The analysis doesn't compare square foot vs. square foot. L5

Thank you and please let me know if you have any questions.

Regards,

Eric Tao

"Leora Broydo Vestel -
<broydo@comcast.net>
08/28/2007 10:28 AM



To: <michael.jacinto@sfgov.org>
cc
bcc
Subject: Draft EIR for Eastern Neighborhoods

Dear Mr. Jacinto,

On behalf of Rolph Playground Neighbors, an affiliation of more than 70 residents who live near Rolph Playground (located at the corner of Potrero Avenue and Cesar Chavez Street) I'd like to express some concerns about the draft EIR. Please let me know if this commentary should be forwarded to other officials as well.

1. We agree with the position of the SF Neighborhood Parks Association that not enough land is designated in the plan for parks/open space.
2. There is no mention in the "Noise" section of plans to build a helipad at SF General. Other proposed projects are mentioned in the EIR.
3. We'd like to see height limitations for buildings around parks such as Rolph Playground IF projects would increase shade on those parks.
4. We also think that developers of larger construction projects that are in close proximity to EXISTING parks should be required to fund a benefits package for those parks. This could include money for trees, plants, benches and capital improvements.
5. The planning department, police department or any relevant agency should be required to notify all neighbors within a five block radius when new liquor licenses or sidewalk vendor permits are being considered for issuance in the eastern neighborhoods.

That's all for now. Thanks so much for your consideration.

Leora Vestel
Rolph Playground Neighbors
999-4757

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RECEIVED

JUL 23 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.E.A.

July 20, 2007

By Hand Delivery

Michael Jacinto
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Eastern Neighborhoods Draft EIR
Mistake on Figure 3 relative to the Daggett Place site (Blocks 3833 and 3834)

Dear Michael:

I am writing on behalf of Cherokee Mission Bay, LLC, the project sponsor of the proposed 1000 16th Street mixed-use Daggett Place project, which would contain about 400 dwelling units over ground floor PDR and retail space. As we discussed on the phone yesterday, the Eastern Neighborhoods Draft EIR contains what appears to be an serious but perhaps inadvertent mapping mistake on Figure 3 (page 15) relative to our project site.

In Figure 3, the map for Option B shows the Daggett Place property (all of blocks 3833 and 3834 bounded by 16th, 7th and Hubbell Streets) in an EBD district, where no housing would be permitted. This designation is inconsistent with every map of Option B that has been released by the Planning Department over the last four years; all drafts of the Showplace Square/Potrero Area Plan, as well as all of our discussions with the Planning Department over the past several years. Those blocks should be mapped UMU.

Ironically, Option A, which we understand proposes the most land be set aside for EBD zoning, places Blocks 3833 and 3834 in a Mixed-Use Residential zoning classification. Option C maps the site as Residential Transit-Oriented.

For your reference, I am enclosing all of the prior Option B and draft plan maps, which in every case places the property in a mixed-use district allowing housing:

1. February 2003 Rezoning Options Workbook, page 58 (Residential/Commercial and NC).
2. Resolution No. 16727 Appendix B (February 12, 2004) (Housing/Mixed Use).

PD1



3. October 24, 2005, Draft Land Use Proposal & EIR Areas (Urban Mixed Use).
4. December 5, 2006 Draft Showplace Square/Potrero Area Plan, page 5 (Urban Mixed Use).
5. June 26, 2007, power point presentation to Planning Commission, page 4 (Mixed Use).

The Figure 3 map is also inconsistent with the text of the Eastern Neighborhoods Draft EIR. On pages 75-76, the text states: "[Under Option B] The 16th and 17th street corridors, as well as the CCA campus, would also be designated UMU, rather than residential and neighborhood commercial as in Options A and C."

Thus, we can only conclude that inclusion of the property in an EBD district in Figure 3, rather than in a UMU district, was an inadvertent printing error. Nonetheless, we are not willing to wait until publication of the Eastern Neighborhoods Final EIR for this mapping mistake to be corrected. The project EIR for the Daggett Place project needs to incorporate the Eastern Neighborhoods Draft EIR's analysis, and we are proposing publication of that draft EIR in the near future.

Rather, we most strongly request that the Department issue an Errata to Figure 3 in advance of the August 9, 2007, Draft EIR hearing before the Planning Commission to correct this seemingly inadvertent mapping mistake.

Please advise me as soon as possible of the Department's plan for correcting this error.

Sincerely,

Steven L. Vettel

cc (w/encl): Dean Macris
Amit Ghosh
Ken Rich
Paul Maltzer
Bill Wycko
Andy Stewart
Daniel Murphy

217471301(445.1

Bill Wycko
August 31, 2007
Page 2

Options A and C." Accordingly, this drafting error in Figure 3 needs to be corrected and Blocks 3833 and 3834 mapped UMU under Option B.

2. Height Limit along north side of 16th Street. Figure 5 (Proposed Height Limits) shows a proposed height limit of only 45 feet along the north side of 16th Street in Option B and 50-55 feet in Options A and C. The current height limit is 50 feet, and the 16th Street right-of-way is 80 feet wide at this location. These proposed height limits are inconsistent with numerous policies set forth elsewhere in the DEIR and with other objectives established by the Planning Department for the UMU zoned areas.

The draft Showplace Square/Potrero Area Plan states: "North of 16th Street, heights are proposed to be increased from 50' to 65' to allow for some additional development potential" (Policy 1.1.2) and "increase Showplace Square/Potrero's capacity for new housing development" in the UMU district (Policy 1.3.3). The draft Area Plan also calls for 16th Street be classified as a "priority transit corridor," connecting the Mission district, Showplace Square/Lower Potrero, and Mission Bay with appropriate pedestrian and landscape improvements (Area Plan Policy 3.1.2). Under Urban Design, the draft Area Plan's Policy 5.1.3 states "building heights should reflect the importance of transit priority streets (TPS)...while transitioning to the lower scale residential development at the base of Potrero Hill." Additionally, Policy 5.2.4 states that buildings along east - west streets (such as 16th Street) must preserve only a 50-degree sun access plane to the north side of the street, thus allowing a street wall height of up to 80 feet.

These policies cannot be reconciled with only a 45-foot to 55-foot street wall height along the 16th Street corridor. It is also well recognized that 'great streets' require some reasonable sense of enclosure (typically 1:1) to create a comfortable spatial relationship for users of the public domain. It is also well recognized that reasonable heights (and density) are necessary along Transit Priority Streets to encourage alternative modes of travel (besides an automobile) as well as greater use of public transit infrastructure.

A long standing planning policy in San Francisco is to set building heights to accentuate the natural topography of the City. In the case of Showplace Square and Potrero Hill, the 17th Street corridor defines the base of Potrero Hill, not 16th Street. Just across 7th Street and the 280 freeway from Blocks 3833 and 3834 is the Mission Bay South Redevelopment Area with height limits ranging from 90 to 160 feet.

The Draft EIR also concludes that heights of 65 feet north of 16th Street would have no significant visual quality or view impairment impacts, including from existing residential areas of Potrero Hill (page 167-168).

Finally there is a direct relationship between allowable building volume (and thereby units) represented by an actual decrease in the height limit in the context of the Public Benefit concepts being proposed for the Eastern Neighborhoods planning areas. Since the current height

PD1
cont.

PR3



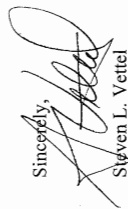
Bill Wycko
August 31, 2007
Page 3

limit is 50 feet, the proposed 16th Street building heights of 45 feet essentially down-zones sites, including Cherokee's, along the 16th Street corridor, making it virtually impossible to provide additional affordable housing or other public benefits that City has stated it expects from upzoned sites.

For all of these reasons, the Draft EIR should conclude that the proposed 45-foot height limit along 16th Street in Option B and the 50-55-foot limit in Options A and C are inconsistent with many of the proposed Eastern Neighborhood policies, and that increasing the height limit to 65 feet along 16th Street would have no significant adverse environmental impacts.

For your information, I have also included a copy of a letter from Cherokee's architect, David Baker, on this topic dated April 14, 2006.

Sincerely,



Steven L. Vettel

cc: Michael Jacinto
Ken Rich
Sarah Dennis
Andy Stewart
Daniel E. Murphy

217471330183.1

PR3
cont.

10-17-06-01 4:11:13

P.02

The John Vitlin Trust

2525 16th Street
San Francisco, California 94103
Telephone: (415) 285-5500 Ext. 103

September 14, 2007

Dean Macris
Director, Department of City Planning
1660 Mission Street
San Francisco, CA 94103

Re: Comments of the Draft EIR for the Eastern Neighborhoods

Dear Mr. Macris,

I am a trustee of the Vitlin Trust, an owner of the building at 2525 16th Street and of the empty lot around the corner at 321 Florida Street. The 16th Street lot is proposed to become a zoning of Production Distribution & Repair (PDR-1), and the empty lot is proposed to become of Urban Mixed Use (UMU). I believe the Draft EIR conflicts with the realities of PDR business in San Francisco and does not properly account for the current uses in the Northern Mission.

I. COMMENTS ON THE EASTERN NEIGHBORHOODS DRAFT ZONING TABLE SUMMARY.

1. General Comment: As to both the UMU and PDR designations, the restrictions on use do not address the situation of large existing buildings. They place limitations on the square footage which may be dedicated to a particular use based on "x" square feet of use per parcel. Although this may make some sense in the context of a small parcel, in the context of a large piece of land such as my own - 40,000 square feet [almost an acre] already improved with a 4 story building of 150,000 square feet, this makes no sense, e.g. only 5,000 square feet of office or 2,500 square feet of retail per parcel. The smallest space in my building is about 5,200 square feet. In the past, it was a retail space. In the past, we have had a 19,000 square foot retail/wholesale space on the third floor and a 12,000 square foot retail/wholesale space on the ground floor. We already have much more than 5,000 square feet of office space as a use in our building.

2. General Comment: The PDR zoning does not address the situation of multi-tenant, mixed-use, large buildings. These businesses are not neighborhood serving, but have customer bases which are regional, national or even international in scope. We currently have 5-6 tenants that are not PDR and in the past have successfully accommodated a number of other non-PDR uses. The clear trend over the 34 years that we have owned our building is that traditional PDR companies are seeking less traditional PDR space and have a greater need for what looks like office space. This trend is irreversible due to changes in technology, changes in the manner in which PDR businesses are being conducted, and changes in the global economy. E.g. many PDR businesses in the Eastern Neighborhoods, including some of my own tenants have recently moved the bulk of their manufacturing operations to China.

3. General Comment: Many of the uses that have been permitted as of right under the M-1 zoning for decades are proposed to be discouraged, e.g. office. No rea-

PR6

son is given as to why these pre-existing uses that have, in fact, co-existed for decades with other industrial/commercial uses in the same or neighboring buildings are suddenly incompatible with these uses. Thus, I feel that the rezoning is being driven mostly by political considerations and not economic considerations or land use considerations such as the compatibility of uses. Thus, all uses that were permitted as of right in an M-1 zone should be grandfathered into a PDR zone.

4. General Comment: There is a fundamental inconsistency between the notion of limiting "Office" use to 5,000 square feet, yet, as currently defined, PDR, as a matter of right can have up to 25% of ancillary office. In the case of a 150,000 square foot building does it mean that if I have a 20,000 square foot tenant and he has 25% office i.e. 5,000 square feet, none of the other PDR tenants can have any office? This is patently absurd because all PDR uses have some office component to them. If this is true, where would my bookkeeper sit? In a large building such as my own, this 25% factor translates into 37,500 square feet of ancillary office. Even assuming that 5,000 square foot limit is in addition to ancillary office, it is unreasonably low in the context of a large, multi-tenant, mixed-use building.

5. General Comment: In the case of "Ancillary Office", it should be made clear that the offices do not have to be on the same floor as the PDR. I have one tenant that has its office on the third floor and has its production and distribution function on the ground floor; this should be clearly allowed. Additionally, we have several tenants who occupy space in several buildings in the area. The 5,000 square foot limitation makes no sense when the same company has spaces on different floors in the same building or in spaces in two or more buildings where they have separated one element of their operation from another. For example, if my building contains 7,500 square feet of office space for a company that has 3 times as much manufacturing use next door, why should that office space be prohibited in my building as exceeding the 5,000 square foot office use limitation when the office is supporting the manufacturing activity next door? As a business grows it takes on additional space in bits and pieces and then tries to rationalize its space use. The definition of PDR and other uses such as "Home and Business Service" needs to be made broad enough to cover PDR businesses whose component parts are situated in a number of locales

6. General Comment: The EIR does not evaluate the actual realities of production and distribution businesses in today's global economy. The vast bulk of "production" i.e. the actual manufacture of products is done off shore – even in the case of smaller size production runs – not just medium and large scale production. The economics of production are such that local manufacturers cannot compete with China and other countries. Even if someone were paying zero rent, the wage rates in China are so much lower that it makes no sense to manufacture in the United States – particularly for labor intensive products like garments. One of my tenants recently moved her manufacturing operations to China – leaving only administrative offices, design, warehousing and a small manufacturing capability for the production of prototype products, i.e. "before we make 10,000 of these items overseas, we need to make a few samples and see how they look". Most "manufacturers" are really sales, marketing, design, and administrative operations coupled with the ability to produce samples and some warehousing facilities. The bulk of the products are manufactured elsewhere. In many instances – particularly with large customers – products are shipped directly to the customers' facility. In other words, even in the case of a "production" or "distribution" business as much as 75% of the space may be taken up by "ancillary uses" including "design" and "prototype fabrication" and "repair", as opposed to actual

assembly or warehousing of finished product.

As a further example, another tenant is an import/export trading company. It is the exclusive distributor for a number of U.S. made products into Asian countries. It also purchases products in Asia and sells them to customers throughout the United States. Although, they have a small warehouse within our building, the bulk of their sales are shipped directly from the manufacturer in the United States to the customer overseas or from the manufacturer in Asia to the U.S. customer's domestic warehouse. This is common in the distribution business—some products are warehoused and many products are shipped directly to the customer from the manufacturer.

The concept of a "Production" or "Distribution" business is not a static one and PDR businesses have been forced to change their business model, their operations and the use of their space to adapt to realities imposed upon them by technological and other changes in their business.

7. Permitted Land Use – Housing: In the context of my building on 16th Street, why should I not be allowed to have housing as a matter of right? We are on a major transit corridor – 16th Street. It is my understanding that the City is trying to encourage housing development along transit corridors. Thus, we should be requesting that the building as well as the parking lot be up-zoned for a higher height limit and density. My building was in fact designed so that an additional story could be added in the future. Note: immediately across Alabama Street from our building is full block residential building bounded by Alabama Street, 17th Street, Harrison Street and 16th Street. At least half of the block to the east of the building bounded by Florida Street, 16th Street, Bryant Street and 17th Street is already residential. Given the existing residential uses on either side of the building and the asserted tension between PDR uses and residential, there is no justification for limiting my building to PDR use.

On further note, with regard to housing, the requirement of 40% 2-Bedroom, 10% 3-Bedroom is unrealistic, because the market is demanding other types of units. The City acknowledges this with its policy to not only allow SRO use, but to encourage creation and retention of SRO units.

8. Permitted Land Use – Retail: As discussed, in the past we have had substantial retail and wholesale businesses in the building e.g. (i) distributor of carpet and other floor coverings – primarily wholesale, but some walk in retail; (ii) walk in retail and wholesale distributor of sheet music; (iii) retail store for ladies garments; (iv) walk in retail store selling children's toys – ancillary to internet sales; and (v) walk in store selling bath robes and lingerie. Thus, limiting us to 2,500 square feet for retail is unreasonably restrictive in light of prior actual uses of the building.

9. Permitted Land Use – Architects, Engineers, and Design Professionals: The zoning chart does not seem to contain a use for architects, engineers, industrial designers and similar users. These users are not traditional office users. Most of these people cannot afford to pay the rents in traditional office space and can only afford PDR space. These users also prefer being in industrial buildings, such as mine, which offer open floor spaces and abundant natural light. We currently have these types of users and have had them in the past as well. These users also engage in small scale industrial operations e.g. building models and prototypes, testing, etc which are best accommodated in industrial buildings. We want to make sure that we can continue to lease to these types of users as a matter of right without limitation on the size of the occupancy.

10. Permitted Land Use – Office, Multimedia/Digital Media Office, Medical Office: For either the building or the parking lot, all of these limitations are unrealistically low. We currently have a software company that occupies some 11,000 square feet. We have had other software companies in the past. What is the difference between "Office – Multimedia/Digital Media Office" and "Industrial Multimedia/Digital Media Production Facility"? Would software companies be grandfathered into the building as non-conforming legal uses? They used to be permitted as of right in some retail on the ground floor, some neighborhood office on the second floor such as insurance brokers, book keeping or CPA, real estate brokers, chiropractors, etc. and residential above.

PR8

11. Permitted Land Use – Research and Development: For some reason, life science research and development is not permitted. We would like to be able to lease to this type of tenant. In the past, this type of tenant has shown interest in occupying our building. The Planning Department has actively pursued establishing a Bio-Tech zone in the Northeast Mission and felt that it was an appropriate use for the neighborhood. Research and development, besides biotech, is also a perfect use for an industrial building as it often involves assembly/productive of prototypes, small scale manufacture, use of odorous materials, destructive testing, etc. There should not be limits on the size of these uses.

PR9

12. Permitted Land Use – Parking: Under the proposed zoning, the parking lot at 321 Florida Street is a conditional use – notwithstanding that when we bought the property in 1973, it was a paved lot with a few small structures which were not really buildings, but more in the nature of carports. We actually had most of these demolished. This work was done with permits. In light of the fact that this property once had residential uses that the previous owner tore down, we should be allowed to convert the property to a residential use as a matter of right.

PR10

II QUESTIONS ON EASTERN NEIGHBORHOOD DRAFT EIR

1. General Comment: The rezoning was started prior to two significant changes that will impact the need for PDR space in San Francisco. First, the City passed a living wage ordinance. This dramatically increased the effective minimum wage that employers must pay in San Francisco. This will negatively impact the amount of PDR space actually needed – particularly for low wage, labor intensive activities – since management will now decide not to locate in San Francisco and existing business will have an incentive to leave. Second, the new health insurance ordinance will significantly increase the costs of doing business for low wage, labor intensive PDR activities. It is easy to show arithmetically that each of these items this will drive labor costs up by at least 15 – 20%. None of the studies consider the impact of these changes in the economic environment.

H8

2. General Comment: It is my understanding that no comprehensive study was every undertaken at the outset of the planning process [or subsequently] to determine the actual uses of the parcels which are the subject of the rezoning. Thus, the actual amount of existing PDR is unknown. Thus, many statements to the effect that "Use A is incompatible with Use B" become highly conjectural, especially when Uses A and B in fact currently co-exist throughout the area. Because the department's data as to the actual uses to which properties are being put is inaccurate in the Department is creating numerous "mis-zonings" e.g. an existing live/work condominium project being rezoned to "PDR".

L1

3. General Comment: The requirement to mix PDR with residential uses is unworkable since PDR users would not want to be in a building with residences and vice versa, e.g. auto repair on a ground floor with residential above. There would also be significant safety issues.

L6

4. General Comment: I understand that as part of the socio-economic study was a conclusion regarding the impact of loss of PDR space on low wage jobs in the Mission and elsewhere. Is this conclusion simply conjectural? How many people who live in the Mission actually work in the Mission? Are many of the low wage jobs actually filled by people who live elsewhere? There is real data supporting any findings regarding loss of PDR space or of low wage jobs.

H5

5. General Comment: The City is mistaken in thinking that it can bring industry to the City using zoning as the main tool, by setting aside an area where industry will have to compete with few of the highest and best uses for a limited amount of land. Revenue for otherwise struggling businesses can not be created through zoning. By focusing only on the rents which so-called PDR businesses can "afford", they are looking at what is a very small component of the overall costs of running a business. Nor are they looking at problems of a lack of or declining revenue. In the case of our export/import tenant, its annual rent is less than 3% of its total annual overhead. The City does not consider the real problems of some of the traditional PDR businesses – a lack of revenue or falling revenue coupled with increases in expenses such as "livable wage", "mandated health insurance", etc. Many older, traditional PDR businesses are losing revenue due to technological and other changes in their business which zoning cannot address and which cannot be reversed, e.g. production moving offshore. My own tenants and those in neighboring buildings in the Northeast Mission are being forced to adapt to economic realities since the economic advantage of doing so are so compelling and dwarf any savings in rent. I doubt that this was considered in the study.

PR13

Many "Repair" businesses have been eliminated or seen dramatic loss of business. It is no longer cost-effective to repair many products. We live in a "throw-away" society; when products such as consumer electronics, furniture, shoes, watches, etc. – breakdown or wear out, they are no longer "repaired, they are simply replaced with new products. Larger items that are still repaired (e.g. ovens, machinery) are typically repaired on-site, they are not taken back to a "repair shop". The space needs of these types of Repair businesses are very small. As a further example, automobiles have increasingly more computers and electronics than they had ten years ago. Now days, when you take a car to a repair shop they connect it to a computer that runs diagnostics which identifies the problem(s). With each model year a new set of software is generated by the manufacturer. An independent mechanic cannot generally afford to buy updates for all the brands of cars. Hence specialty mechanics who only work on one or a few brands can afford to keep up to date. The bulk of the repair work is done by car dealers who get the new software for that brand each year and who the manufacturer requires to do the warranty work. The business of independent general mechanics is also being hurt by specialist maintenance operations whose work is limited to oil changes, brake work and similar repetitive repairs. Also, note that there are a number of car repair and body shops in the more expensive parts of the city. Presumably they are paying much higher rents than the folks in the Mission. Yet, they are able to survive – because their revenue is higher.

6. General Comment: As an alternative to the present plans why have they not considered rezoning much of Bayside, Bayview, etc. for PDR? This is the historic

PR12

M-2 and is separated from residential uses. These areas contain significant vacant parcels which are far from residential uses and which could be easily developed into PDR. These areas have far better access for large trucks than do the areas in the Northeast Mission. These areas are served by transportation. As a practical matter, for some folks this would not appreciably impact their commute, e.g. depending upon where exactly you lived in the Mission, it would be a shorter commute to the Eastern part of Ceasar Chavez than to the Northeast Mission.

7. Point 3 Incubator: What happens when the incubator becomes successful? Will they be forced to move? If an incubator grows beyond the physical limits of its space will it be allowed to occupy adjoining space in the immediate neighborhood and split its operations into its component parts (e.g. sales in one space and manufacture in another)?

8. Point 17 Noise: If, as set forth in Page S 26, even light PDR should be 1,000 feet from residential units, my building should not be PDR as it is surrounded by what are in fact residential units. Secondly, as to my parking lot, it backs up to existing residential, so my Florida Street lot should not have to have a PDR component to it, because it is just as close to residential units.

In summary, for the reasons stated above, I believe that the City should re-evaluate the entire EIR, and go with an alternative plan that minimizes the disruption and forced relocation of existing, viable business that have co-existed harmoniously in large, mixed-use, multi-tenant buildings for decades. Many of its assumptions and conclusions conflict with the realities of operating an actual business, as well as the actual uses to which parcels are actually being put now. The "PDR" and "UMU" designations for my building and the neighboring parking lot are inappropriate and are illogical, just as they would be for most large parcels of land and large existing buildings found throughout the NEMIZ. The definitions of these uses must be extensively changed to include, as a matter of right, all of the uses permitted as a matter of right under the existing M-1 zoning, without limitation on the size of a particular use.

Very truly yours

Victor Vitlin

Council of Community Housing Organizations

405 Shrader Street, San Francisco, CA 94117 (415) 666-0314 sfch98@pacbell.net

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT ON EASTERN NEIGHBORHOODS AND AREA PLANS

14 SEPTEMBER 2007

Summary

The DEIR is massively deficient in addressing the impacts of the proposed project on the City's ability to provide affordable housing opportunities to its current and future residents. It should be amended by an enlarged discussion of affordable housing and the impediments extensive new high end market rate housing development will have on the City's future.

The DEIR fails to discuss of the impediments of the proposed rezoning on the City's ability to provide affordable housing to the residents of San Francisco as mandated by the City Housing Element of the General Plan. It fails to note or even adequately discuss the Eastern Neighborhoods as an area of not only high need but also being a unique site for future affordable housing development. It fails to note or discuss the twenty year history of non-profit affordable housing development in the area, including failing to map the location of these developments. Chiefly it simply refuses to address the need for preserving affordable housing sites in the "project area".

The DEIR makes a fundamental logical error of assuming that increasing the supply of market rate housing somehow would increase AFFORDABLE housing opportunities (see for example the discussion on page 94, first full paragraph) since affordable housing, the DEIR assumes, is the same as "inclusionary housing" which is BELOW MARKET RATE HOUSING NOT AFFORDABLE HOUSING.

The DEIR fails to take into account that the City uses acquisition and rehabilitation of existing building for adding to its affordable housing inventory, an oversight which tends to reduce the number of affordable housing units reported as being produced. The failure to discuss the existing acquisition and rehab affordable housing program means that DEIR fails to take notice of the impacts of new, market rate development on the existing housing stock and its probable reduction of affordable housing opportunities for their preservation.

Finally, the DEIR fails to discuss the significance of the "Draft Residential Nexus Analysis" study done for the Department of City Planning in December, 2006 which shows that the need for more affordable housing can be expected from the continued approval of market rate housing. By this failure the DEIR fails to completely analyze the impacts of the projects.

DEIR Fails to Understand and Therefore Adequately Analyze the City's Current Affordable Housing Program and the Proposed Projects Impacts on the City

Continued Ability To Meet Affordable Housing Needs in the Eastern Neighborhoods

Although the Eastern Neighborhoods rezoning process has been seen by both residents and elected officials as having a major impact on the City's ability to meet the affordable housing needs of San Francisco, and although much public testimony from residents and official policy actions from the Board of Supervisors to this effect have occurred, the DEIR fails to analyze in a complete and accurate manner the "projects" impact on affordable housing production needs. Indeed, it fully ignores any reference let alone discussion of the Board of Supervisors January 2007 resolution on the Eastern Neighborhoods.

This massive failure of analysis is hard to understand since both the Planning Code and the City's Board of Supervisors acknowledges the critical importance of affordable housing to the City's economic and social well being and seeks a policy context in which those needs are to be addressed in

Section 315 of the Planning Code clearly links affordable housing needs with the construction of new market rate housing as a matter of public policy. The linkage between major development and the need for affordable housing were first established in Section 313 of the Planning Code which draws a clear connection between "large scale developments" and increased affordable housing need. While the Section 313 linkage is to commercial development, an additional study done for the Department of City Planning in December, 2006 connects that linkage to market rate condo development as well.

But most significantly the DEIR fail to discuss adequately the Board of Supervisors Resolution 20-07 "Establishing City and County of San Francisco Policy for the Eastern Neighborhoods rezoning and Community Plans Area" of January, 2007.

Since the DEIR states that the Eastern Neighborhoods plan is "to encourage new housing while preserving sufficient lands for necessary production distribution and repair..." (DEIR, page S-1) it would seem fundamental that any analysis of that effort would recognize the difference and possible land use conflicts between market rate and affordable housing production in these eastern neighborhoods.

The DEIR seems uninformed on the existing practice the City uses in meeting its affordable housing production program. The overall assumption made seems to concentrate fully on new construction and fail to analyze the impact of the "project" on the ability of the City to meet its affordable housing needs through acquisition and rehabilitation, which constitutes nearly half of the affordable production done by the City's non-profits (see below). This oversight means that impacts of the new zoning classification on the existing housing stock, especially in the Mission and Valencia corridors and important portions of Portero Hill, are totally ignored. Additionally, the impact of the new zones on the availability of new sites for new construction, especially smaller sites, is also ignored.

P1

H1

Finally, the DEIR fails to discuss the San Francisco Redevelopment Agency Tax Increment City Wide Affordable housing program and its crucial role in funding current and future affordable housing production. This program is not dependent upon market rate housing production in the eastern neighborhoods to produce affordable housing development funds in the eastern neighborhoods. This simple and important fact needs to be discussed in the DEIR.

The DEIR should be amended to discuss fully the affordable housing policy as outlined in:

Planning Code Section 313
Board of Supervisor Resolution 20-07
Keyser Marston Draft Residential Nexus Analysis of December, 2006
The SFRA Tax Increment Financing Program

Failure to Analyze Eastern Neighborhoods as Location of Current and Future Affordable Housing Sites

The DEIR fails to identify the Eastern Neighborhoods "project area" as a significant location of City financed, non-profit developed, permanently affordable housing sites. The several hundred existing non-profit developed affordable housing units are not listed nor even mentioned in the Setting section of the DEIR.

The San Francisco Redevelopment Agency publication "Citywide Affordable Housing Program- SFRA Funded or Assisted" of June 2005 (see web site <http://www.sfgov.org/site/uploadedfiles/sfra/Programs/Citywide%20Chart.pdf>) lists some 180 permanently affordable housing developments financially assisted by the SFRA between 1989 and the present. Of these 180 developments 55 (30%) are located in the "eastern neighborhoods" or immediately adjacent neighborhoods. While the DEIR maps public housing units, SRO's and recent major developments, these critically important developments are unlisted and not discussed. In addition, the DEIR should address the Mayor Office of Housing funded developments in the eastern neighborhoods.

The DEIR should be amended to map and discuss these projects and the impacts of the proposed rezoning will have on them.

Finally, while the DEIR discusses the Housing Element it does not discuss the sites needed to accommodate the quantified goals of the element nor analyzes the role the eastern neighborhoods rezoning will have effecting the availability of these sites.

The DEIR Confuses Increasing Market Rate Housing Development with Increasing Affordable Housing Opportunity

Perhaps the most quaint assumption of the entire DEIR can be found in the discussion of the Environmental Setting and Impacts section on page 199 in the discussion of "housing market conditions" where it is stated :

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"Housing price increases reflect... imbalance between supply and demand".

This statement was made directly following a two paragraph description on pages 198 and 199 on the fact that more than 43% to 58% of vacant housing units in the eastern neighborhoods are held vacant because they are either "being held by their owners for seasonal, recreational or occasional use" such as "time-share units, second homes... pied-à-terres, and corporate apartments" or "most notably... units held vacant by personal reasons of the owner".

This gives an additional meaning to the bromide that housing prices reflect "supply and demand". While elsewhere in the same section the DEIR mentions that housing production has increased it also shows that housing prices have increased at a far higher pace (pages 199-201).

Clearly something else is present in the "market" which keeps San Francisco housing prices among the highest in the nation that has little to do with simple "supply".

What the data in the DEIR clearly indicates is that increasing the supply of market rate housing does not, *absent other public actions*, either reduce the cost of that market rate housing nor increase the potential of affordable housing. Ignoring this indication in their own data the DEIR preparers bravely state that:

"because the proposed rezoning would almost double the housing development potential in San Francisco, there would be less pressure in the Eastern Neighborhoods than would be expected in the absence of the project..." (p. 94)

How this happy state will be produced is left unstated by the DEIR when the evidence that is cited by seems to demand a different conclusion. If non-market forces such as "personal reasons by the owners" and large number of "seasonal" uses keeps hundreds of units "vacant" then unless there is some policy changes these actions why would we assume that merle more "development potential" would either produce more occupied units or affordable units?

The logical error made throughout the Settings discussion – that more market rate housing development would somehow produce more affordable units- must be corrected.

The DEIR fails to take into account that the City uses acquisition and rehabilitation of existing building as a major affordable housing program and therefore fails to analyze the "projects" impact on the existing housing stock in the Eastern Neighborhoods and the continuation of that program.

The above noted SFRA study, "The Citywide Affordable Housing Program", lists some 180 affordable housing projects funded by the SFRA. That list includes some 74 projects that were either acquisition and rehabilitation or rehabilitation of existing buildings for

conversion to "permanently affordable housing". These 74 developments contain some 4,628 units or 42% of the total units of affordable housing funded by the SFRA.

Nearly half of the City's current affordable housing development program is dependent on acquisition and rehab of existing buildings. If the City adopts an eastern neighborhood rezoning program that results in the demolition of these buildings because of greater density allowance and other procedural changes in the approval process that result in increased development pressure to demolish these buildings then an other affordable housing opportunity in these neighborhoods would be lost.

The DEIR ignores the existence of this policy, its importance and the resultant impacts of any proposed plan for the eastern neighborhoods. It make the entire DEIR incomplete and inaccurate.

The DEIR must be amended to discuss the nature, size and importance of acquisition and rehab as an affordable housing program, its unique importance to the eastern neighborhoods and analyze the possible impacts on that important policy any new development plans might have.

Failure of DEIR to Measure the Demand Created for New Affordable Housing by New Market Rate Housing Makes the DEIR Incomplete.

As mentioned above, the Planning Department had conducted a study of the impact of new market rate housing on the demand for new affordable housing by the permanent workforce employed in the market rate housing. The Draft Residential Nexus Analysis of December, 2006 was never mentioned by the DEIR. It findings are important to consider.

The study Table III-4 found that for every 100 market rate condos developed in San Francisco and additional demand was created for 25 affordable units. If the DEIR figures for the three project options under study range form a low , in option B of 4,514 net new housing units to a high, in option C of 6,987 net new units then the study suggested impacts for new affordable housing units based upon those figures would be a low of 1,125 new affordable units to a high of 1,750 affordable units. These are significant numbers and need to be addressed in the DEIR for it to be both complete and accurate.

CONCLUSION

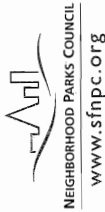
The DEIR is deeply deficient in its understanding and analysis of the affordable housing issues involved in assessing the impacts of rezoning the eastern neighborhoods. It fails to discuss key City policies and existing laws, it mis states or totally ignores key aspects the City existing affordable housing program and it dramatically under estimates the physical impacts of the proposed rezoning on the City continued ability to provide very low and low income affordable housing opportunities to existing and future San Franciscans.

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RECEIVED

SEP 14 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.E.A.

September 14, 2007

Mr. Paul Maltzer, Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Eastern Neighborhoods Rezoning and Area Plans
Draft Environmental Impact Report (DEIR)
Planning Department Case No. 2004.0160E

Dear Mr. Maltzer:

The Neighborhood Parks Council disputes the conclusions of the draft Environmental Impact Report on the eastern neighborhoods in regards to open space. Every report and planning study¹ that has been done on the Eastern Neighborhoods has acknowledged the severe deficit in parklands and open space in the Central Waterfront, Eastern SOMA, Mission District and Showplace Square/Potrero Hill. One of the neighborhoods, eastern SOMA, was recently identified as the only place in San Francisco with pockets where sex offenders could live that meets the requirements of no parks or schools within 2000 feet.² Even the developers of the jury-selected 'best' design for the TransBay terminal decided that the winning element of their design would be a 5-acre park because the adjacent area is so bereft of greenery.

Open Space deficiency in the eastern neighborhoods has only become more pronounced in recent years since the General Plan Open Space Element identified these areas as 'high need,' due to the extensive residential "live-work" development in industrial areas with no corresponding requirement for public open space. A projected tripling of residential density in the Eastern Neighborhoods will result in complete overuse of existing spaces. Furthermore, projects already in the planning, design or conception phases will add approximately 3000 residential units in Showplace Square and the Central

¹ "San Francisco Neighborhood Needs Assessment", Eastern Neighborhoods Community Health Impact Assessment, "Green Envoy, Revisited", Recreation and Parks Acquisition Policy Appendix B: Revised Open Space Element High Need Areas Maps
² San Francisco Chronicle, Maltzer and Ross, September 12, 2007, B1

Eastern Neighborhoods DEIR 2 9/14/2007

Waterfront alone, even before rezoning.³ The current Commission decision to exempt "pipeline" projects from adequate funding of public benefits improvements will make it substantially more difficult to move toward adequate open space provision in such dense neighborhoods.

The DEIR fails to convincingly support the following statements:

1. "The need for parks and open space is currently met under existing conditions and would continue to be met under each of the three rezoning options"⁴

The DEIR mentions the Recreation & Park Department's (RPD) 2006 Gap Analysis⁵, which states that each of the areas in the Eastern Neighborhoods is in need of recreational and open space resources. The Neighborhood Parks Council in its "Green Envoy Update"⁶ which covers the Eastern Neighborhoods, reinforces this conclusion. Furthermore, the September 2006 Draft Memorandum "San Francisco Eastern Neighborhoods Needs Assessment"⁷, prepared for the Planning Department by Seifel Consulting, Inc. specifically states in Table 2 that 14.5 acres of land will be needed for District, Neighborhood and Sub neighborhood Open Space and Parks, including 4.3 acres in the Mission District, 4 acres in Showplace Square/Potrero Hill, 4.2 acres in Eastern SOMA, and 1.9 acres in the Central Waterfront, based on the General Plan guidelines.

The General Plan guidelines for open space are out-of-date by professional standards that now consider factors such as density, accessibility, and available facility types in creating gap analyses and needs assessments. Their inadequacy is acknowledged in the report, which encourages additional Planning Code requirements for new development. Yet the proposed area plans for the Eastern Neighborhoods do not include specific parks or recreational facilities that would be developed as part of the rezoning effort. Relying on the Public Benefits Analysis to establish "a variety of tools to achieve open space objectives" is not likely "to ensure existing and future workers, visitor and permanent residents would be served with parks and open spaces"⁸. Nor is relying on bond measures for parks, as the report suggests: the proposed 2008 bond measure

³ San Francisco Business Times, San Francisco Structures (June 22-28, 2007)

⁴ DEIR Summary p. S-27

⁵ DEIR p. 371. City and County of San Francisco, Recreation and Park Department. Recreation and Park Acquisition Policy Appendix B: Revised Open Space Element High Need Areas Maps, May 2006. http://www.parks.sfgov.org/site/recpark_page.asp?id=38780

⁶ "Green Envoy Revisited" Achieving Equity in Open Space. A Comprehensive Report of Neighborhood Parks in Districts 6, 9, 10, 11. Compiled by the Neighborhood Parks Council, March 2006.

⁷ San Francisco Eastern Neighborhoods Needs Assessment. Seifel Consulting, Inc., September 19, 2006. Memorandum to the San Francisco Planning Department.

⁸ DEIR p. 379

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has no funding allocated for acquisition of new space and only one new park is proposed – at Pier 70. The Recreation and Park Department's efforts to acquire open space over 30 years have resulted in the acquisition of only 100 acres, as compared to the 48 acres of open space provided by just one new development – Mission Bay—in recent years.

The Eastern Neighborhoods Community Health Impact Assessment (ENCHIA) states that the "rezoning should serve the needs of a comprehensive community vision. While the rezoning addresses an important City interest in balancing land for housing and commercial uses, it also should address the social and economic needs of people in the neighborhoods and the need for infrastructure that is important to health, such as public space, parks, schools and public transit".⁹

2. *"More important than raw acreage is accessibility and whether the facility provides needed services to the population in question"*¹⁰

This statement directly contradicts the General Plan, Open Space Element: the acreage of new neighborhood serving parkland and open space should be related to the size of the potential population and the availability of other nearby open space. As plans are made to redevelop these districts into high-density residential areas, they should include adequate provision of neighborhood-serving open spaces. In areas proposed for infill housing, sub-neighborhood level parks may be needed, because existing parks there will serve more people and get more intensive use. In these cases, open space sites should be identified, acquired, and developed to serve the new residents.¹¹

Raw acreage does count if the impact of open space (or lack thereof) is considered in relation to physical and mental health. People need sufficient space to exercise and to escape from the stress of a dense city. Simply assigning spatial service areas around parks of any size as an indicator of accessibility also misses the impact of density, topography, and physical barriers (i.e. wide roads) and misses the critical issue of quality and nature of the facilities in each open space entirely.

Finally, assuming that residents of eastern neighborhoods should and do use the larger spaces in the west and south, is a flawed assumption. The Seifel report, for example, states that the Eastern Neighborhoods are adequately served by city-serving open spaces. Large open spaces, including Golden Gate Park, the Lake Merced complex and John McLaren Park compose about one-half of the total city-owned acreage in recreational use. None of the city-serving open

⁹ Eastern Neighborhoods Community Health Impact Assessment: Final Report. San Francisco Department of Public Health. January 2007.

¹⁰ DEIR p. 372

¹¹ SF General Plan, Recreation and Open Space Policy 4.6

spaces are located in the Eastern Neighborhoods, and the vast majority of city-serving open space is located on the western side of the City and is not easily accessible or useful to Eastern Neighborhood residents or visitors. Some life-long residents of the Mission and Bayview districts have told the Neighborhood Parks Council that they have never been to Golden Gate Park.

3. *"An unmet demand for parks and recreational resources, in itself, would not be considered a significant impact on the environment ... the proposed project would have an adverse environmental impact if it were to cause the deterioration of existing recreational resources through increased use..."*¹²

The report entirely ignores the impact of planned development on the capacity of existing spaces of any size to continue to serve thousands of new residents: Rincon Point/South Beach, TransBay Terminal, Rincon Hill and Mission Bay will contribute major wear and tear to facilities, requiring additional financial resources for upgrading and maintaining some of the existing parks, particularly those managed by the Port—and these funds are not readily available.

The report fails to examine the state of the existing facilities that are already frequently below standard. For example:

East SoMa

The **South of Market Recreation Center** and **South Park** are both under-maintained and need significant capital improvements. Increased density in this area will only accelerate deterioration of these already inadequate resources.

South Beach Park, operated on behalf of the San Francisco Redevelopment Agency, is the only significant open space serving the dense South Beach neighborhood, and along with Rincon Park, has extremely limited programming uses because of its waterfront location and State Public Trust restrictions.

Yerba Buena Gardens. The EIR states that East SoMa is served by Yerba Buena Gardens. While a very attractive and well-maintained open space, Yerba Buena Gardens is highly limited as a neighborhood-serving park. It is extensively programmed and marketed as a destination to serve thousands of visitors from the Moscone Convention Center and Metreon facilities. Use restrictions include: no dogs (except service dogs) allowed, no wheeled vehicles or wheeled carts allowed (no bicycle riding, skateboarding or roller skating), no team sports allowed (which includes pickup games of Frisbee or soccer). Including this area as serving a portion of the East SoMa neighborhood area for traditional park uses is inappropriate.

¹² DEIR p. S-27

To add to the demand at this park, approximately 3,400 new units are expected to be built in the nearby TransBay Redevelopment Area. When Rincon Hill (3675 units) and the new TransBay Tower¹³ are included in the count, this neighborhood is expected to see an increase of about 20-30,000 new residents over the next 10 years. Currently there is no existing open space in these two Redevelopment areas¹⁴. There are currently about 26 acres of accessible open space adjacent to this neighborhood: Yerba Buena Gardens (5.5 acres), South Beach Park (5 acres), Rincon Park (2 acres), Justin Hermann Plaza (8 acres) and Ferry Plaza (5 acres). Of all these spaces, only South Beach Park could be considered truly neighborhood serving.

The increased density will also contribute to deterioration of the existing open spaces in East Soma.

Figure 21 of the Recreation and Parks Gap Analysis included in the DEIR designates the area bordered on the west by Market Street, on the east by Bryant, on the south by 5th Street and on the north by Spear Street as a service area gap. The analysis also defines a significant sub-section of this area as one of HIGH need. Types of uses, access and competition for use are not taken into account.

No new open space has been reserved in the rezoning proposal for East Soma.

Showplace Square/Potrero Hill

Jackson Playground, listed as a neighborhood park, is primarily restricted to reserved use by softball teams, and serves no significant neighborhood park use.

McKinley Square, already in need of unfunded capital improvements, and subject to further deterioration with significant increased use, is located on 20th Street between Utah and Vermont Streets, at the top of Potrero Hill and adjacent to the 101 freeway. It is not accessible to the lower Potrero Hill/Showplace Square area covered by the plan. It is also separated from the Mission District by the 101 freeway, and is therefore not useful to that neighborhood either.

The **Potrero Hill Playground and Recreation Center** is separated from the Showplace Square/Potrero and Central Waterfront neighborhoods by topography and distance. The east-west streets bordering the Playground do not go through and this creates a significant barrier. Reconnection with the lower Potrero and

¹³ Depending on which proposed design wins the competition, the Tower could have up to 500 residential units.

¹⁴ With the exception of Rincon Hill Park and a proposed TransBay Neighborhood Park. Together, these parks would add up to about three acres of open space.

Central Waterfront areas through rebuilding of the Potrero Housing Project would be necessary for this park to function as useable public open space for the new Eastern neighborhoods. (See the attached picture.)

Potrero del Sol Park, at Cesar Chavez and Potrero Avenue, is actually quite distant from the Showplace Square/Potrero Hill planning area. It is separated from both Potrero Hill and the Mission District by the 101 freeway and by surrounding industrial areas.

Central Waterfront

Warm Water Cove Park, managed by the Port of San Francisco, is an isolated, degraded, and unfunded open space. While potentially useful to the Central Waterfront area in the future, its location in the middle of industrial uses and adjacent to the Mirant Potrero Power Plant makes it difficult to create a perceived accessible and safe environment. Since it is subject to State Lands Commission Public Trust limitations, neighborhood-serving programming may be limited. This is one of the parks that could be improved if the recommendations that SPUR, in its August 2007 *Urbanist*¹⁵ article on the Port of San Francisco, are adopted, but in its current condition, where the City, nearby property owners and neighbors fight an unending battle against trash, graffiti and other vandalism, it does not constitute a useful existing resource.

Tulare Park, also under Port of San Francisco jurisdiction, is a trash and vandal infested, unimproved pathway between 3rd Street and Illinois Street on the north side of Islais Creek. While the Port has recently obtained funding to improve accessibility, this is not a useable open space.

Mission Bay Parks

The 48 acres of parks and open spaces being developed as part of the 300 acre Mission Bay North and Mission Bay South Redevelopment Project will barely serve the 6,000 residential units which are being built in Mission Bay, and will not relieve the lack of useable public open space in the Central Waterfront, Showplace Square/Potrero or East SoMa neighborhoods.

Public Trust use restrictions on the waterfront parks will limit programming options, and the Port's shoreline edge adjacent to the Mission Bay bayfront parks, including **Agua Vista Park**, cannot be improved to become even marginally useable without significant capital investment that is beyond the Port's financial resources.

¹⁵ *SPUR Urbanist*, Issue 463, August 2007. San Francisco Planning + Urban Research Association, pp. 10-33.

Mission Bay Parks are physically separated from the Showplace Square/Potrero neighborhood by the 280 freeway and CalTrain railroad tracks. A significant effort will be required to bridge that barrier and connect Mission Bay with Showplace Square and Potrero. The open spaces being built by UCSF as part of its Mission Bay research campus are essentially privatized by their location in the center of the campus, and have little or no potential for public recreational use.

Mission District

The Mission District has the greatest share of the Eastern Neighborhoods' existing residential population, and exhibits the highest ratio of residents to existing acres of recreational and community spaces. The Mission currently has about 0.25 acres of open space for every 1000 residents. The lack of open space in the Mission is further highlighted in the Eastern Neighborhoods Community Health Impact Assessment (ENCHIA)¹⁶. In addition, a large section of the Mission is designated as a high priority area for parkland by the Service Area Gaps and Areas of Highest Need map. Despite this reported need for open space, most of the focus in the area plan is given to street landscape improvements along Folsom, 17th, 20th and 25th Streets.

The Mission contains 11 RPD parks. Three of these parks are less than one acre, and four are less than ½ acre. In addition to these 11 parks, the DEIR also considers Mission Dolores Park, Bernal Heights Park, McKinley Square and Potrero del Sol Park as parks that serve the Mission.

As previously mentioned, **McKinley Square**, in the Mission's service area, is not easily accessible from the Mission because it is separated from the neighborhood by the 101 freeway. **Bernal Heights** is topographically separated from the Mission community by the steepness of the hill up to the park. This creates issues of accessibility for many community members.

Franklin Square, near the 16th Street corridor in Potrero Hill, is considered unsafe by many community members because it is raised above surrounding ground level and is not visible from the streets.

Most of the existing open space in the Mission is hardscape, playing fields and playgrounds. There is very little passive use greenspace. The DEIR does not consider the use or competition for use in a particular park. The number of children already living in the Mission far exceeds the amount of play space available to them.

¹⁶ San Francisco Department of Public Health. Eastern Neighborhoods Health Impact Assessment. Final Report. January 2007. Available at <http://www.sfdph.org/phes/enchia.htm>

Conclusion

Parks and recreational facilities are an essential component of healthy neighborhoods, and cannot be replaced by even the most thoughtful attention to streetscape improvements or to increasing private or common area open space requirements.

The EIR should be amended to include corrections to the "existing inventory", and include enforceable mitigation requirements that will ensure that adequate publicly accessible parks and recreational facilities are included as a condition of increased residential density in all the Eastern Neighborhoods.

We will look forward to receiving a copy of the Comments and Responses document.

Sincerely yours,

NEIGHBORHOOD PARKS COUNCIL



Isabel Wade, Ph.D.
Executive Director



Corinne W. Woods,
Blue Greenway Coordinator

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cont.

Attachment 2: Transcript of DEIR Public Hearing

SAN FRANCISCO PLANNING COMMISSION

MEETING ROOM 400, CITY HALL, SAN FRANCISCO, CALIFORNIA

THURSDAY, AUGUST 9, 2007

1 THURSDAY, AUGUST 9, 2007; CITY HALL, 400 MCALLISTER, ROOM
2 400, ITEM 23; VP ALOQUE PRESIDING; 7:00 P.M.

3 -OO-

4 THE CLERK: Okay. The planning commission is back
5 in session. Let me see if I can get this right.

6 Commissioner, you are now on item number 23. Case
7 number 2004.0160E, Eastern Neighborhoods rezoning and area
8 plans.

9 This is the public hearing on the draft
10 environmental impact report.

11 MR. JACINTO: Good evening, commissioners.

12 Michael Jacinto, Department of Staff.

13 This is a hearing to receive comments on the draft
14 DIR for the eastern neighborhoods rezoning and area plans
15 project. In the A and C citywide staff are delighted to be
16 here and we appreciate the commission and the public's
17 allegation and patience with the ongoing eastern
18 neighborhoods planning process.

19 The publication of the DEIR represents a

20 significance milestone in this process and we look forward
21 to coming back to you with the final EIR of 2008.

22 I'd like to point out that the staff is not here
23 this evening to answer questions or respond to comments.

24 Comments will be transcribed and responded to in
25 writing in the comment and responses document, which will

6 ITEM 23 2004.0160E (MICHAEL JACINTO: (415) 575-9033)

7 EASTERN NEIGHBORHOODS REZONING AND AREA PLANS -

8 Public Hearing on the Draft Environmental Impact Report:

9 The subject of the proposed rezoning is an approximately
10 2,200-acre project area that includes four neighborhoods on
11 the eastern side of San Francisco: East SoMa, the Mission,
12 Showplace Square/Potrero Hill and the Central Waterfront.

13 The proposed rezoning would introduce new use (zoning)
14 districts, including: (1) districts that would permit only
15 production, distribution and repair (PDR) uses; (2)

16 districts that would permit at least some PDR uses in
17 combination with commercial and/or residential uses; (3)
18 districts mixing residential and commercial uses; and (4)
19 new residential-only districts. The project would also
20 include certain adjustments to height limits. In

21 conjunction with the proposed rezoning, the Planning
22 Department is also developing area plans for inclusion
23 within the General Plan for the four neighborhoods in the
24 project area. These plans address policy-level issues
25 pertaining to housing, transportation, historic resources,
urban design (including building heights and urban form),
open space, and community facilities.

25 REPORTED BY: STARR A. WILSON, CSR 2462

1 include responses to all verbal and written comments
 2 received and make provisions to the draft DIR as
 3 appropriate.

4 This is also not a hearing to consider approval or
 5 disapproval of this project. That hearing will follow
 6 filing the EIR certification.

7 Comments today should be directed to the adequacy
 8 and accuracy of the information contained within the draft
 9 DIR. Comments should speak slowly and clearly and state
 10 their name and address so the court reporter can produce an
 11 accurate transcript and so staff can provide commenters with
 12 a copy of the comments and responses document when it is
 13 completed.

14 After comment from the general public, we will
 15 also take any comments on the draft DIR or the planning
 16 commission. The public comment period for this project
 17 began on June 30 and it extends until 5:00 p.m. on
 18 August 31.

19 Um, comments on the draft DIR may be submitted in
 20 writing to the attention of the Environmental Review officer
 21 at the address in displayed here on the screen.

22 This concludes my presentation on this matter and
 23 I would respectfully suggest that the commission move to
 24 open the public hearing.

25 VP OLAGUE: Thank you.

1 Do we have a copy of the schedule?
 2 How many hearings are we going to have and this
 3 hearing schedule for this?

4 MR. JACINTO: To my knowledge, this is the only,
 5 um, copy. I'm sorry that's the only hearing that's been
 6 formally scheduled, um, so the schedule really is just on
 7 the counter of the document there.

8 VP OLAGUE: Okay. Right.

9 Okay. We have a couple of speaker cards. Start
 10 with Jazzie Collins followed by Joseph Ferrucci.

11 SPEAKER COLLINS: Good afternoon, commissioners.
 12 For the record, Ray Jazzie Collins, J-a-z-z-i-e
 13 C-o-l-l-i-n-s.

14 All I have is a very brief comment and that's
 15 concerning the community safety element. I notice there's
 16 only three policies that are listed on our -- in the hard --
 17 hard copy. Um, and this is on page 90. This is policy 2.4,
 18 2.6 and 2.8.

19 And I'm requesting that, or a comment is direct or
 20 there should be -- there need to be more policies concerning
 21 community safety that is not in the hard copy or on the desk
 22 itself.

23 And so, as the staff and the department itself, to
 24 look and find, seeing that there is more policies that the
 25 department of general public can review on community safety

↑ P4
|
cont.

1 elements.
2 Thank you.
3 VP OLAGUE: Thank you.
4 Joseph Ferrucci.
5 SPEAKER FERRUCCI: Good evening, commissioners.
6 My name is Joseph Ferrucci. I'm with the law firm of Luce,
7 Forward, Hamilton and Scripps.
8 Our law firm has just recently been retained by
9 Christy Homes, which is a developing company. And Christy
10 Homes controls some property in the east SoMa area on the
11 western slope of Rincon Hill on Harrison Street between
12 Second and Third.
13 We have just began to examine the draft DIR on
14 behalf of our client. And we were very surprised, and
15 somewhat concerned, that the draft DIR does not adhere to
16 consider a higher density tolerability in the heights of
17 development on the western slope of Rincon Hill.
18 Currently, there is, as -- as you know, there's a
19 tower rising at the top of Rincon Hill consistent with the
20 Rincon area plan that rises approximately 600 feet. And
21 what we would, um, urge the commission to do is to consider
22 tolerability building heights on the western side of Rincon
23 Hill such that building sites are tapered down from the top
24 of the hill going down those slopes.
25 So we would urge the commission to -- to examine

1 that alternative in the plan. In the draft DIR -- excuse
2 me.
3 We will be submitting some written comments that
4 detail those comments further and thank you for your time.
5 VP OLAGUE: Thank you.
6 Is there any additional public comment?
7 If you could please come along this side so we can
8 get a sense of who might be speaking.
9 SPEAKER THOMAS: Good evening, commissioners. My
10 name is Mary Beth Thomas of the Neighborhood Parks Council.
11 I'm going to read a written statement.
12 The Neighborhood Parks Council is concerned that
13 the draft DIR does not adequately recognize that parks and
14 recreational facilities are an essential components of
15 healthy neighborhoods and cannot be replaced by even the
16 most thoughtful attention to state street state improvements
17 or increasing the private common areas, open space or
18 environments. These points of our concerns.
19 There's a wide knowledge dearth of usable parks
20 and open space in the Eastern neighborhoods and significant
21 competition for use of existing space. This has been
22 exacerbated by rampant development of residential live-work
23 units in industrial areas. The draft memorandum in San
24 Francisco Eastern neighborhoods needs assessment states in
25 table two that 14.5 acres of land will be needed for open

1 space and parks under the planned rezoning scenarios,
 2 including 4.3 acres in the Mission District; 4 acres in
 3 Showcase Square Potrero; 4.2 acres in Eastern SoMa; and 1.9
 4 acres in the central waterfront.

5 The proposed area plans do not include specific
 6 parks or recreational facilities that will be developed as
 7 part of the rezoning effort. And there's no guarantee that
 8 the acreage goal can be met, certainly without changing city
 9 policy regarding open space or parks for development, which
 10 are only encouraged in the EIR.

11 The EIR states that an unmet demand for parks and
 12 recreational resources in itself would not be considered a
 13 significant impact on the environment and does not
 14 acknowledge that increased use of existing parks would
 15 create or accelerate physical degradation.

16 While stating that accessibility in terms of
 17 location and walking distances, in whether a facility
 18 provides needed services to the population is more important
 19 than the amount of acreage, the EIR analysis does not
 20 correctly and adequately describe the existing open space or
 21 consider the limitation on access, including topography and
 22 other barriers or uses, particularly in areas controlled by
 23 the Port of San Francisco and the San Francisco
 24 Redevelopment Agency.

25 The competition for use of existing resources or

1 the severe limitations on financial resources for upgrading
 2 and maintaining parks. Specific details will be provided in
 3 a written report.

4 The EIR should be amended to include corrections
 5 it needs and any existing inventory and include forceable
 6 mitigation requirements that will insure that adequate
 7 public access to park and recreational facilities are
 8 included as a condition of increased residential density.

9 Thank you.

10 VP OLAGUE: Thank you.

11 Any additional public comment?

12 Mr. Meyers.

13 SPEAKER MEYERS: I will reactivate the overhead,
 14 please.

15 VP OLAGUE: Do you want to start?

16 THE CLERK: Time's running.

17 SPEAKER MEYERS: Okay. I have no idea if it's on.
 18 Good. Okay.

19 Members of the commission, I'm Robert Meyers. I
 20 wish to discuss errors in the east SoMa existing land use
 21 map, which is feature seven, page 39 of the draft EIR.

22 I'll point out the map here. This is Folsom
 23 Street, Townsend, Second and Fourth.

24 The map seriously overstates the presence of PDR
 25 uses in this area.

1 Last October somebody announced that this area
2 would be rezoned mix use with affordable only housing as an
3 overlay. The overlay would permit affordable housing and
4 small offices, and permits any market rate housing.
5 The intention of the sell unit is to preserve and
6 attract PDR uses and provide affordable housing sites.
7 Being very familiar with the area, we question the
8 map's accuracy. Our office surveyed each building on foot
9 observing interior activity and viewing a list of tenants,
10 and in some cases speaking with them.
11 So far our survey has found about 20 buildings in
12 the small area that the map dis-labels as PDR. Some of them
13 are multistory large floor light offices and others are
14 retail or mixed use with residential and non-PDR at all.
15 These buildings have improved lobbies, relatively
16 new elevators, life safety features and businesses that
17 don't fall into typical PDR categories.
18 While the owners may not have formally converted
19 the entire building to office -- and we didn't check any
20 permits -- there was unquestionably significant tenant
21 improvements that made the buildings appear and function as
22 office buildings.
23 We concluded that the map is inaccurate. And
24 there are many fewer PDR buildings and uses than when the
25 map was prepared.

1 This is important because our survey is showing
2 that the map and so the basic data on which the department
3 base their rezoning overlay is inaccurate.
4 We can only conclude that much of the intended
5 SLI, service light industrial, uses in the area, are being
6 replaced with modern economically viable office type uses.
7 Please have the map revised to reflect what's actually out
8 there on the ground.
9 We'll summarize our findings and submit them as
10 our comments later in this month.
11 Thank you for your time.
12 VP OLAGUE: Thank you.
13 Is there any additional public comment?
14 SPEAKER SANCHEZ: Hi. My name is Salazar Sanchez.
15 I'm a current advocate for children and youth. And so about
16 a year ago or about six months ago we -- we had -- most of
17 the public officials in this city agreed that they wanted to
18 increase the number of affordable family housing in San
19 Francisco from 1500 or 1700 as I were saying to 3,100 units.
20 And we believe that the eastern neighborhood is a wonderful
21 opportunity for us to be able to work with the city and to
22 be able to reach this goal.
23 Um, especially given the fact that in the eastern
24 neighborhoods we have large congregation of families. So we
25 feel that EIR, in part, is really not reflecting how

1 desperately the need of affordable family housing is
2 required, um, in this selling process.

3 Um, we will continue, um, reviewing the eastern
4 neighborhood report and we urge you to really consider the
5 fact that as you're reviewing this report, we believe that
6 the social economic impact of not providing for families
7 affordable housing, um, is it is -- is really has taken, um,
8 into consideration a little bit more. That there's a lot of
9 language about affordable housing but, and there's a lot of
10 language about inclusionary housing, but what we know that
11 inclusionary housing is not affordable for those families,
12 especially to live in parts of the mission. And of course,
13 the eastern neighborhood as a whole. And, um, especially
14 now that the housing element of San Francisco beginning
15 taking to heart and being challenged, we want to make sure
16 that because of the housing element, it doesn't basically
17 take away from -- from the language that it intends to be
18 used it is referenced many times in the EIR. And we are
19 wondering exactly how that -- that is going to affect this
20 EIR report.

21 Thank you.

22 VP OLAGUE: Thank you.

23 SPEAKER TOMPKIN: Hi. Good evening.

24 Christofferson Tompkin. And I don't have -- I haven't
25 prepared comments in terms of a letter. But that should be

1 coming. I have a timeline.
2 There are a couple of things though I do want to
3 add, too, that hopefully this is going to put this to the
4 back gate on. One is a consideration that there would be a
5 value coming around the parking increase. This is going to
6 have really significant impact in eastern SOMA and I would
7 like to see some way to capture that impact in this draft
8 EIR if it is going to come forward it will have tremendous
9 impact on any of the -- any of the reports' findings. And,
10 of course, on the plan itself. And more important in the
11 community and the neighborhood.

12 Another thing is also the housing, how this
13 impacts the -- the timeline of the process. So I'd like to
14 see if there can be a published timeline about what, how
15 that is going to be incorporated so once it gets recertified
16 then how this fits in or if it's even to as to SOMa in any
17 way we want to have more certainty about those dates.

18 Thank you.

19 VP OLAGUE: Thank you.

20 Is there is any additional?

21 SPEAKER AMINI: Good afternoon, Commissioners.

22 Diane Amini. Um, you have four areas, substantial areas of
23 San Francisco being composed for land reclassification. And
24 two of the news-only classifications are transit-oriented
25 districts, one is RTO, residential transorient. The other

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cont.

1 NCT, neighborhood commercial or commercial transit-oriented
 2 district. In the DEIR there are only seven lines describing
 3 those districts. And as in the legis-- in the plan that
 4 contains the legislation for those districts, there are 254
 5 pages. People who, to my knowledge, the people who reside
 6 in these areas have not received notice regarding the
 7 proposed reclassification. Sequel, chapter 31, requires
 8 that there be early-on participation of people to determine
 9 adequately what might be significant impacts in an area.
 10 And in all of these plans, and I don't know --
 11 I'll put that up -- the -- you can't see the color too well
 12 but the red is the NCT missionary early draft plan. And
 13 the -- or the RTO -- the NCT. And the RTO is the beige.
 14 And then there's little bit of confusion about the NCT and
 15 other areas. It said that it's very much like the MUR and
 16 that's the greenish beige area there.

17 But in order for people to participate, really
 18 they should be mailed notice to let them know that there's
 19 active consideration of rezoning in their area. It is a
 20 good faith measure to let people know that this is
 21 happening. And the public hearing on the draft shouldn't be
 22 closed on the thirty-first. This is some hiatus. There
 23 should be adequate notice, mail notice to those people
 24 within the boundaries and 300 feet thereof as is required by
 25 Planning Code Section 306.3. And the time for consideration

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cont.

1 of this draft environmental impact report should be extended
 2 so all members in the community are able to respond in an
 3 informed way. That is the basis of Ceku law that there be
 4 informed public participation in the decision making process
 5 and without notice how can a person be involved. Thank you.

6 VP OLAGUE: Thank you.

7 SPEAKER TOMPKIN: And they should be notified as
 8 to where the wording is on these two new or at least three
 9 new transferee and zoning classifications. It's not in
 10 the code. Where do they find it? And there are fully over
 11 fifty sections of the code being amended and revised to
 12 accommodate these new districts?

13 Thank you.

14 VP OLAGUE: Thank you.

15 If there's no additional public comment, so then
 16 public comment is closed.

17 Commissioners.

18 Commissioner Bill Lee.

19 COMMISSIONER BILL LEE: Um, I want to move that we
 20 continue this another ten extra days to allow for public
 21 comment. I think Marilyn Meady is correct that some of the
 22 people of the coalitions and neighbors haven't had an
 23 opportunity and what I would like to do is ask for comments
 24 be extended from August 31 to September 10.

25 VP OLAGUE: Do we want an action for this?

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cont.

1 No?

2 COMMISSIONER LEE: Excuse me.

3 THE CLERK: Is that something that the commission

4 would support?

5 COMMISSIONER LEE: I would change that to

6 September 14. I just had a side discussion with

7 Commissioner Moore, because of the holidays. We felt it

8 would be good to get more public comment so we would like to

9 extent it to September 14.

10 VP OLAGUE: Yes, I would like to hear from staff.

11 MR. GOSH: Would that be a commission motion?

12 Somehow we need some instruction from the commission to make

13 that extension.

14 VP OLAGUE: Yeah, I would like to hear from staff.

15 Mr. Jacinto.

16 MR. JACINTO: Currently, our policies for draft

17 DIR public review is 45 days and we have a 62-day review

18 period already so I believe anything above and beyond that

19 fully needs our standards for, um, the timeframe that we

20 have for a draft EIR review. So it would be within your

21 jurisdiction and your purview to extend that.

22 VP OLAGUE: Okay. I think there is a basic

23 agreement that the fourteenth -- how about you? Would this

24 throw off your schedule too much, Mr. Rich?

25 MR. RICH: Basic standards as far as Eastern

1 Neighborhoods.

2 Generally that would be fine. I would just say,

3 you know, it would probably put us back a couple of weeks

4 but I think balancing the need for the public testimony, it

5 would be fine. A longer -- a longer delay would probably

6 affect our schedule but I think we can live with this.

7 VP OLAGUE: The fourteenth?

8 MR. RICH: Yeah.

9 COMMISSIONER MOORE: It is a Friday.

10 VP OLAGUE: Okay. So we hear a motion and a

11 second?

12 Sue, did you have --

13 COMMISSIONER SUE LEE: I just have a

14 clarification. So we're just talking about extending the

15 comment period and not holding an additional public hearing?

16 COMMISSIONER BILL LEE: Well, I want to have a

17 hearing but I want to give the opportunity for public

18 comment.

19 VP OLAGUE: I would support it, I would support

20 allowing people additional time for submitting --

21 COMMISSIONER BILL LEE: Just extending it, I'm

22 fine with that, too.

23 VP OLAGUE: I'm not sure how we would schedule it.

24 Um, Commissioner Antonini, do you have any

25 comments to that? To the motion?

1 COMMISSIONER ANTONINI: I'm fine with that. I
2 don't have any comments.
3 VP OLAGUE: So that would be to extend the comment
4 period until September 14. But that would not include
5 adding an additional public hearing.
6 THE CLERK: Okay.
7 COMMISSIONER ANTONINI: I mean we can take a vote
8 now but we can take the end of all commission comments.
9 VP OLAGUE: Comments, yeah, I mean. Let's take it
10 now.
11 THE CLERK: On the motion to extend the comment
12 period to September 14, Commissioner Antonini?
13 COMMISSIONER ANTONINI: Aye.
14 THE CLERK: Commissioner Lee?
15 COMMISSIONER SUE LEE: Aye.
16 THE CLERK: Commissioner Bill Lee?
17 COMMISSIONER BILL LEE: Aye.
18 THE CLERK: Commissioner Moore?
19 COMMISSIONER MOORE: I think we need to add until
20 the close of business so that there is a timeframe by which
21 you do that.
22 COMMISSIONER BILL LEE: 5:00 p.m. Yeah, it is
23 generally understood.
24 THE CLERK: Close of business whatever date but we
25 can add that. Okay.

1 And, um, Commissioner Antonini?
2 COMMISSIONER ANTONINI: Aye.
3 VP OLAGUE: Thank you.
4 Commissioner Antonini?
5 COMMISSIONER ANTONINI: Yeah. I just wanted to, I
6 guess, put a few comments in in regards to this document,
7 which, I think, is -- us extremely well done. Um, I did not
8 see, it may be in here, the address of the possibility of
9 being decrease the -- the positive, I guess, effects of -- on
10 in terms of pollution and in terms of traffic easing in as
11 much as we're anticipating somewhere between 73-- and
12 88,000 new residents depending on the NOE project
13 alternative and then project A, B and C options. And
14 presumably many of these new residents would be previous
15 commuters that are now living in San Francisco. And while
16 this is hard for this document to address this type of thing
17 because it's in not really a nexus study, per se, one would
18 assume that we would perhaps see an easing of traffic in as
19 much as some of these people previously have lived in, um,
20 outlining areas and now would be able to walk or take public
21 transit to their jobs in San Francisco.
22 Um, the other thing that I found just a little
23 bit, I think, actually the summary here that talks in our
24 calendar that talks about the different districts is
25 probably a little clearer definition than some of the terms.

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PR2

1 I mean we're talking about a district where PDR -- PDR is
 2 allowed where PDR can be mixed with residential/commercial,
 3 where there should be residential and commercial, presumably
 4 no PDR and then residential only. And I think that's, you
 5 know, perhaps a little easier concept to understand than
 6 some of the -- the transit terms that are used with some of
 7 these districts so, um, that's just my opinion on that.

8 And, um, basically that's -- those are about the
 9 main thing, I think, that I -- that I saw that I think we
 10 had already talked about the fact that the PDR demand is
 11 falling regardless of which option is undertaken, and there
 12 is a little bit of a difference depending on which ones I
 13 think the project options tend to preserve more PDR than the
 14 non-project ones. But all in all, I think it is a good
 15 document.

16 VP OLAGUE: Is there any additional commissioner
 17 comments?

18 Seeing none, the hearing's completed for now.

19 THE CLERK: Yes. It is just a reminder to

20 everyone that the response, public response period has been
 21 extended to close of business on September 14, 2007.

22 Thank you.

23 COMMISSIONER ANTONINI: Commissioner, if I may, I
 24 would like to take this opportunity to acknowledge the
 25 extraordinary amount of effort that Mike Jacinto put into

1 the document and also Rich Pllice's effort to get this
 2 document. Thank you.
 3 THE CLERK: Commissioner, you still have public
 4 comment. And at this time the public may address you on
 5 items of interest to the public; that is, in the subject
 6 matter jurisdiction of plan commission with exception of any
 7 agenda item which would have been addressed at the time it
 8 reached on the calendar. With respect this category, each
 9 member of the public may address you for up to three
 10 minutes.

11 VP OLAGUE: Is there any public comment?

12 SPEAKER TOMPKIN: Commissioners, well, I would
 13 like to say as a matter of general process, extending a
 14 period through them which residents of the public have time
 15 to comment doesn't really satisfy the need for notification
 16 if people aren't notified that they have no basis for no
 17 interest or motivation to comment. So we have an extension
 18 until the fourteenth.

19 The burden isn't on the community to notify other
 20 members of the community about something very important
 21 that's pending. The burden is really on the planning
 22 department and that burden really hasn't been met because
 23 there is not adequate description or adequate notice to
 24 those people who have been notified. So I hope this duly
 25 consider adjusting that as well.

1 Thank you.
2 VP OLAGUE: Thank you.
3 Is there any additional public comment?
4 Seeing none, public comment is closed and the
5 meeting is adjourned.
6 (Whereupon, at 7:25 p.m. the meeting adjourned.)
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1 COURT REPORTER'S CERTIFICATE
2 I, STARR A. WILSON, CSR NO. 2462, United States
3 District Court, Northern District of California, do hereby
4 certify that the foregoing is a correct transcript from the
5 record of proceedings in the above-entitled matter.
6 I certify that the transcript fees and format
7 comply with those prescribed by the Court and Judicial
8 Conference of the United States.
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STARR A. WILSON, CSR NO. 2462