

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 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 ~~strikethrough~~, 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 is 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 minimis* 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 PM2.5 Precursor Gases and Re-entrained Road Emissions to Mobile Source PM2.5 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 conditioning 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 PM2.5 Precursor Gases and Re-entrained Road Emissions to Mobile Source PM2.5 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 | <u>6:00 PM</u> 5:30 PM | <u>40</u> 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 10 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



Department of Toxic Substances Control

Maureen Gorsen, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2727

Dan Skonec
Agency Secretary
CalEPA

Arnold Schwarzenegger
Governor

July 20, 2007

ATTY & COUNSEL D.F.S.
AGENCY FOR ENVIRONMENTAL
RESEARCH

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 investigation 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,

Dai Myka

Dai Myka for
Denise M. Tsui, 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 Moskatz
CEQA Tracking Center
Department of Toxic Substances Control
PO Box 806
Sacramento, California 95812-0806

STATE OF CALIFORNIA

PUBLIC UTILITIES COMMISSION

505 VANNESS AVENUE
SAN FRANCISCO, CA 94102-3298



RECEIVED

August 22, 2007

AUG 23 2007
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.F.A.

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 Crossing Engineering Section
Consumer Protection and Safety Division

cc: Dick Dahl of Caltrain
Michael Kirchanski, Muni

T11



University of California
San Francisco

A Health Sciences Campus

RECEIVED
SEP 07 2007
MUNICIPALITY & COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT
M.F.A.

August 31, 2007
Lori Yamauchi
Assistant Vice Chancellor
Campus Planning
University Advancement
and Planning
3333 California Street
Suite 11
San Francisco
CA 94143-0286
Tel: (415) 476-2911
Fax: (415) 476-9478

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
Lori Yamauchi
Assistant Vice Chancellor
Campus Planning

RECEIVED

SEP 19 2007

MUNICIPALITY & COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT
M.F.A.

September 17, 2007



Meeting San Francisco Bay Better

RECEIVED
SEP 07 2007
MUNICIPALITY & COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT
M.F.A.

August 31, 2007
Lori Yamauchi
Assistant Vice Chancellor
Campus Planning
University Advancement
and Planning
3333 California Street
Suite 11
San Francisco
CA 94143-0286
Tel: (415) 476-2911
Fax: (415) 476-9478

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 like to request a correction to the Draft EIR.

HAR13

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
Lori Yamauchi
Assistant Vice Chancellor
Campus Planning

P2

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 protect 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...."

cc: Michael Jacinto, San Francisco Planning Department

State of California • SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION • Arnold Schwarzenegger, Governor

50 California Street, Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • info@bcdc.ca.gov • www.bcdc.ca.gov



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 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 finding states, 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 sahrye@bcde.ca.gov.

Sincerely,
A handwritten signature in black ink, appearing to read "Sahrye Cohen".

SAHRYE COHEN
Coastal Planner

SC/ems

RECEIVED

SEP 11 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
MEA

September 6, 2007

Paul Maltzer

Environmental Review Officer

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

V1

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/Protector 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.

Administrated by the Association of Bay Area Governments
P.O. Box 2650 - Oakland, California 94602-2650
Phone: 510-464-7925
Fax: 510-464-7975

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 maureeng@abag.ca.gov.

Sincerely,


Maureen Gaffney
Bay Trail Planner



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH

P3

Gavin Newsom, Mayor
Mitchell H. Katz, M.D.,
Director of Health

OCCUPATIONAL & ENVIRONMENTAL HEALTH

cont.

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 Areas 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

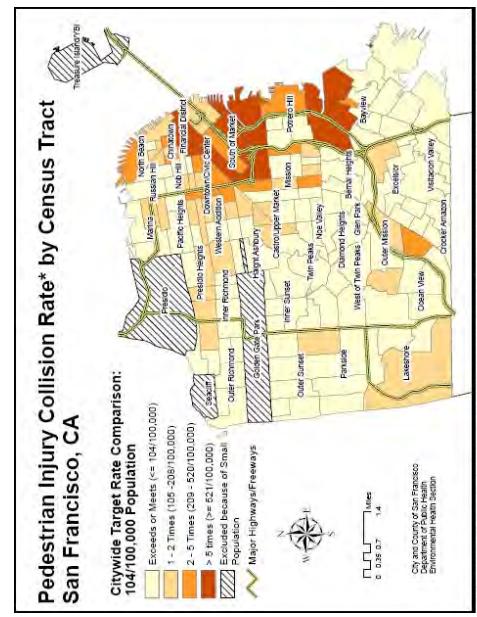
T5

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 engineer to be consistent with mitigations F-4 and F-5.
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, either short term, at nighttime, or as a 24-hour average."
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.
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.
- 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.
 - 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-80 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.
 - 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.
 - 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, used in the DEIR, used a modeling tool designed to predict

- N3
- N2
- M19
- AQ1
3. Particulate matter and estimated Diesel PM exposure based on emission factors for certain diesel vehicles
- 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 CAL30HCR dispersion models exist to assess human exposures PM 2.5 and NOx associated with traffic.
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 foot 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.
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.

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 64/100,000 when applied to the statewide rate¹¹. 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

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 on 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) |
| San Francisco (N=176) | 4,039 | 4,050 | n/a | n/a | n/a |
| Eastern SOMA (N=5) ^a | 412 | 363 | 436 | 331 | 574 |
| Mission (N=13) ^a | 460 | 508 | 580 | 465 | 727 |
| Show Place, Square/Potrero Hill | 252 | 239 | 288 | 222 | 375 |
| Central Waterfront (N=3) ^a | 53 | 52 | 64 | 50 | 83 |
| 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

¹¹Jacobson PL. Safety in numbers: more walkers and bicyclists, safer walking and bicycling. Injury Prevention. 2003 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)^{0.5}. Using this empirically derived relationship and publicly available data from the U.S. Census on the proportion of workers walking to work in the U.S. (2.9%) and in San Francisco (9.3%), we would expect San Francisco to have about 1.6 times more pedestrian collisions than comparable cities ((0.4 + 2.9)^{0.5} = 6.0%).

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 DP1 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 SCMA, 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.

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 permanent 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 Sd |
|------------------|--------------------|-------------|----------------------------|-----------------------|---------------------------|-------------------|--------------------------|
| Average | 19.0 | 18.6 | 18.3 | 20.0 | 16.9 | 17.5 | 20 |
| Maximum | 46.8 | 45.3 | 41.5 | 45.0 | 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 Sd |
|------------------|--------------------|-------------|----------------------------|-----------------------|---------------------------|-------------------|--------------------------|
| 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 San Francisco Electricity Reliability Project to SFDPH and incorrectly describes this study as a short term study using portable monitoring equipment. The SFDPH

²Zone Guide for Pedestrian Safety NHTSA, 1998

³Regional, DR. Makowski, F. MacLeod, KE. "An Incentive Pedestrian Safety Engineering Study Using Computerized Crash Analysis", May 1, 2003; U.C. Berkeley Traffic Safety Center, Paper UC-BE-TSC-RR-2003-12

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

1650 Mission Street, Suite 400 | San Francisco, CA 94103-2479

TEL: 415.555.6916 | FAX: 415.555.6409



↑ AQ2
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 rational 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,

Raiiv Bhatia, MD, MPH,
Director, Occupational and Environmental Health

CC: Michael Jacinto, MEA
Bill Wyco, MEA
Tom Rivard, SFDPH
Megan Wier, SFDPH
Peter Alpert, MTA
Rachel Hiatt, SFCTA
David Burch, BAAQMD
Joe Steinberger, BAAQMD

RECEIVED

SEP 14 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
MEA

September 14, 2007

Mr. Bill Wyco
Acting Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear Mr. Wyco,

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 [HAR1] are these plan alternatives trying to accomplish?
- In general, the Board inquired about the status of the historic resource [HAR2] surveys in the planning areas.
- The Board indicated that some of the historic resource surveys are complete or nearing completion. However, it does not appear that [HAR3] 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.
- 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).
- 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.*
- 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?



McLaren Lodge in Golden Gate Park
501 Stanyan Street, San Francisco, CA 94117
TEL: 415.831.2700 FAX: 415.831.2096 WEB: http://parks.sfgov.org

- 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? [HAR7]
- 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. [HAR8]
- The Board noted that the terminology "radical change" in Mitigation Measures K-2 and K-3 should be amended to "substantial change." [HAR9]

- 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. [HAR10]
- 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." [HAR11]
- 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. [HAR12]

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

Sincerely,

M. Bridget Maley, President
Landmarks Preservation Advisory Board

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 Kanalanathan

c: Yomi Agunbiade
Daniel LaForte

Mayor Gavin Newsom
General Manager Yomi Agunbiade

LUCE FORWARD
ATTORNEYS AT LAW • FOUNDED 1873
Luce, Forward, Hamilton & Scrappas LLP

121 Spear Street
Suite 200
San Francisco, CA 94105
415.336.4600
415.336.4610 fax
www.luce.com

RECEIVED

STEVE ATKINSON, PARTNER
DIRECT TEL NUMBER: 415.336.4617
DIRECT FAX NUMBER: 415.336.3866
EMAIL ADDRESS: satkinson@luce.com

SEP 14 2007
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
K.E.A.

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 Gated 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

LUCE FORWARD
ATTORNEYS AT LAW • FOUNDED 1873
Luce, Forward, Hamilton & Scrappas LLP

Environmental Review Officer
September 14, 2007
Page 2

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" (MZO) 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.

LUCE FORWARD

ATTORNEYS AT LAW • FOUNDED 1873
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

Environmental Review Officer
September 14, 2007
Page 3

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

LUCE FORWARD

ATTORNEYS AT LAW • FOUNDED 1873
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

Environmental Review Officer
September 14, 2007
Page 4

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 cont.

PD3
cont.

LUCE FORWARD

ATTORNEYS AT LAW • FOUNDED 1873
Lucie, FORWARD, Hamilton & Scripps LLP

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.

LUCE FORWARD
ATTORNEYS AT LAW • FOUNDED 1873
Lucie, FORWARD, Hamilton & Scripps LLP

Environmental Review Officer
September 14, 2007
Page 6

Sincerely,

Steve Atkinson by Alice Bentley

Steve Atkinson

of
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

cc:
Cresleigh Development, Inc.
K. Wong, Brand + Allen Architects
3010154463

PR5



September 14, 2007

Paul Maltzer
Environmental Review Officer
San Francisco Planning Department
1630 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 659 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



San Francisco
HOUSING
CIVIL
ACTION

VIA HAND DELIVERY

Mr. Bill Wvcko

Acting Environmental Review Officer,
San Francisco Planning Department,
1650 Mission Street, Suite 400,
San Francisco, CA 94103

卷二

Ref: *Comments on Eastern Neighborhoods Draft EIR*

Inc.
Innogenetics

Yacht Consulting
Eva Davis Public Affairs
Fain Press
Housing Corporation
Inc. Local 22
Area Planning and
Landfill Hill Plaza
Charities CYO
Housing Corporation
Inc.
Share
Mutual Group
Sokler + Associates
National Association for H

Mr. Bill Wyckoff
September 14, 2007
Page Two

6

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.

Astronomical Planetary Commission Bulletin 1996 and 1997 The Damocles Society

At various planning commission hearings in 2009 and 2010, 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 DLR must analyze the impacts of the proposed rezoning and propose feasible alternatives, as the community has requested.

cont.

or these newly acquired and proposed sites and excavations on the economic feasibility of 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 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."

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 proposed zoning changes, which would result in lower density, less affordable housing, and longer commute times.

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 burden placed on business.

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 through 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 315 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

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 100 percent 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 75 percent moderate-income to 25 percent 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 5 percent 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.

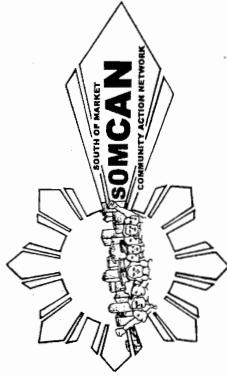
H7
cont.

Mr. Bill Wyckoff
September 14, 2007
Page Five

Thank you for your consideration of these comments.

Very truly yours,


Tim Coley,
Executive Director



September 14, 2007

"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."

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 (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. 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.

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.

G1

H4

- 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*

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*
- 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

H4
cont.

H9

T6

N1
T4
N1

| TABLE 41 INTERSECTION LEVEL OF SERVICE, BASELINE 2025 NO PROJECT AND PROJECT ALTERNATIVES – WEEKDAY PM PEAK HOUR | | | | | | |
|---|-----------------------------------|---------------------------|-------------------------|-------------------------|-------------------------|----------|
| Intersection | Baseline Delay 1 LOS ² | 2025 No Project Delay LOS | 2025 Option A Delay LOS | 2025 Option B Delay LOS | 2025 Option C Delay LOS | N1 cont. |
| Eastern SoMa | 13.4 (B) | 14.2 (B) | 15.0 (B) | 15.9 (B) | 14.9 (B) | |
| Brennan St/Second | | | | | | |
| Third St/King St | 43.7 (D) | >80 (F) | >80 (F) | >80 (F) | >80 (F) | |
| Sixth St/Brennan St | 67.4 (E) | >80 (F) | >80 (F) | >80 (F) | >80 (F) | |
| Seventh St/Harrison St | 19.6 (B) | 61.8 (E) | | | | |

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.

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 Planning and Parks Department, Parks Inventory, May 2006, and Recreation and Park Department Acquisition Policy Maps.

^b 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.

^c 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=18780, last accessed December 4, 2006.

GLADSTONE & ASSOCIATES
 ATTORNEYS AT LAW
 PENTHOUSE, 177 POST STREET
 SAN FRANCISCO, CALIFORNIA 94108
 TELEPHONE (415) 394-9500
 FACSIMILE (415) 394-5188
 admin@gladstoneassociates.com

M. BRETT GLADSTONE

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 Drive 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.) | (98,887) |
| Net New Cultural, Institutional, And Educational (sq. ft.) | 0 |
| Net New Medical (sq. ft.) | 20,000 |
| Net New Office (sq. ft.) | (78,404) |
| 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

September 14, 2007

VIA FAX (415) 558-6409 AND HAND DELIVERY

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-1), 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.

SU1

PD2

SU1

CURRENT USES OF BUILDING AT 2525 16TH STREET.

PDR-1 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 irrevocably 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

PR6

Dean Macris
September 14, 2007
Page Two

Dean Macris
September 14, 2007
Page Three

dramatic as this one only happen every 30 to 40 years, and have taken millions of dollars of PR6
consultant time and city staff time, and takes 5 to 10 years of discussion before passage, zoning cont.
laws do not react quickly to rapid changes in the market that have occurred and continue to PR23
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 uses. 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 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?

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 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? PR4

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? PR5

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. PR19

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. PR24

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 PR6

Dean Macris
September 14, 2007
Page Four

Dean Macris
September 14, 2007
Page Five

tremendous difficulties that resulted in confusion and inconsistent and discriminatory code ↑PR6
enforcement by city officials.
cont.

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 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.

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.

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW

Dean Macris
September 14, 2007
Page Six

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW

Dean Macris
September 14, 2007
Page Seven

Office in Historic District. We have the same comments as above in our critique of the limitation [PR21] 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.

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

Self Storage. We have the same comments as above in our critique of the limitation of this use in [PR20] a PDR-1 zone.

Non residential Density Limit and Lot Coverage Requirements. We have the same comments as [PR22] above in our critique of the limitation of this use in a PDR-1 zone.

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 [PR25] that can be built in the area?

PROPOSED CHANGES TO HEIGHT LIMITS

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 Portero 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.

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 [PR18] cont. 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 Lacinto, 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?

G2

P6

L8

- 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.

G3

P5

- 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.

T2

- 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?

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW

Memo to Michael Jacinto
September 14, 2007
Page Three

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW

Memo to Michael Jacinto
September 14, 2007
Page Four

- 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 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.
- 14) **Page: S:26 - Clarify what the initials D.P.M. , G.H.G. , and T.A.C. mean.**
- 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)**
- Define 'Parking Benefits District" and give examples.

[AQ7

N7

R5

R9

R10

M1

MM3

[AQ6

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW

Memo to Michael Jacinto
September 14, 2007
Page Five

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW

Memo to Michael Jacinto
September 14, 2007
Page Six

- 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.

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.

- 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.
- 24) **Page S:40 E- 12 Increase Transit Usage –**
- 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.
 - #2 "near transit centers"; clarify "near".
 - 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 is this subsidy not to be applied to Office and PDR employees? What studies state that this is not necessary?

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.

- 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.
- 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.

30) **Page S:55 Fourth (4th) full paragraph from the bottom of the page:**

- 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.
- 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.

- 25) **Page S: 41 F:2 Construction Noise.**
- 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.
 - 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.
 - 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.
- 31) **Page S:57**
- D:2 2nd paragraph – is this a reference to the Inclusionary Housing overlay or an addition to it?

GLADSTONE & ASSOCIATES
ATTORNEYS AT LAW

Memo to Michael Jacinto
September 14, 2007
Page Seven



July 26, 2007

RECEIVED

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.

MM19

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.

G2

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.

PD4

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?

PDS

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 50 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

c: James Reuben, Reuben and Junius, LLP

RECEIVED

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
RECEIVED

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 II, LLC
By: Mariposa-Bryant Management, Inc.,
a California corporation, its managing
member
By: *Richard H. Kaufman*
Name: Richard H. Kaufman
Title: President and Treasurer

David Gockley
David Gockley
General Director

By: *David Gockley*
Name: David Gockley
Title: General Director

By: *James Reuben*
Name: James Reuben
Title: President and Treasurer

ALABAMA STREET PARTNERS

3435 CESAR CHAVEZ, PENTHOUSE

SAN FRANCISCO, CA 94110

TEL: 415.435.7400

RECEIVED

September 14, 2007

SEP 14 2007

**CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M.E.A.**

Environmental Review Officer
San Francisco Planning Department
1650 Mission Street Suite 400
San Francisco, CA 94103

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?

As 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

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.

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.

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.

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

↑ PR15
cont.

H5

PR1

PR16

PR15

PR1



Pillsbury
Winthrop
Shaw
Pittman LLP

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

50 Fremont Street
San Francisco, CA 94105
P. O. Box 7880
San Francisco, CA 94152
Fax 415.983.1600
www.pillsburylaw.com

Mr. Bill Wycko
September 14, 2007
Page 2

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. H1

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 241-248 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

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.

L3
cont.

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. (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 ("Use Map"), was prepared by Deytt & 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 "Acre 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 Acre Summary contains similar flaws because it was prepared using the same database that was used to prepare the Use Map. The Acre 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 Acre 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 ("Mission Map"), was prepared by Deytt & 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 ("MCEJJ") 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 MCEJJ 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."

AQ4
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.

L1
cont.

Thank you for your consideration.

Very truly yours,

J. Gregg Miller, Jr.


Attachments

RECEIVED

September 14, 2007

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,



Livable City

Great Streets

Complete Neighborhoods

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."

995 Market St.
Suite 1550
San Francisco
CA 94103
Tel 415.344.0489
Fax 415.431.2468
livablecity.org

T1

T1
cont.

GIBSON, DUNN & CRUTCHER LLP

A REGISTERED LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

One Montgomery Street San Francisco, California 94104-4505
(415) 393-8200 (415) 986-5309 Fax
www.gibsondunn.com

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

Direct Dial: R 11990-00001

(415) 393-8334

VIA HAND DELIVERY

Michael Jacinto
Environmental Review Officer,
San Francisco Planning Department,
1650 Mission Street, Suite 400,
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

LOS ANGELES NEW YORK WASHINGTON, D.C. SAN FRANCISCO PALO ALTO
LONDON PARIS ORANGE COUNTY CENTURY CITY DALLAS DENVER

L1

GIBSON, DUNN & CRUTCHER LLP

Michael Jacinto
September 14, 2007
Page 2

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

GIBSON, DUNN & CRUTCHER LLP

Michael Jacinto
September 14, 2007
Page 3

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).

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).

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).

H7

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

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.

H7
cont.

GIBSON, DUNN & CRUTCHER LLP

Michael Jacinto
September 14, 2007
Page 4

GIBSON, DUNN & CRUTCHER LLP

Michael Jacinto
September 14, 2007
Page 5

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 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

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.

H7
cont.
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 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,
MJS
Neil H. Sektri

NHS/nhs

cc: Bill Poland (via U.S. Mail, w/ enclosures)

100296605_1.DOC



Residential Builders Association

Sean Keighran
President

Angus McCarthy
Vice-President

Kieran Buckley
Executive Vice President

John O'Connor
Secretary

Richard Hart
Treasurer

Charles Breidinger
Sergeant-At-Arms

Board Members

Gerry Agosta
Mark Brennan
Leo Cassidy
Joseph Cassidy
Jim Keith
Redmond Lyons
David O'Keefe

RECEIVED

SEP 14 2007

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT

Date: September 13, 2007

Please find enclosed 4 copies of our Questions to the DRAFT Environmental Impact Report on the Eastern Neighborhoods. Distribute as you feel appropriate.

QUESTIONS

Grace Shanahan
Grace Shanahan
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?

2. **I - E Page I-5: Section E: Related Studies :**

- 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.
- Has a nexus study been performed? If yes provide copy.

- 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

3. **Page I-7:** “an incubator location for emerging enterprises...”

- Define “Incubator Location”?

- 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

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”

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.

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.

H11

G7

PD6

G3

PD5

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 waste and tear on city streets and sidewalks from additional industrial uses in existing and potential residential areas.

L8

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.

L10

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.

L9

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 PFR uses.

L8

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.

H10

13. **S: 19** Since additional riders can increase the need for additional buses, what are the assumptions being made as to

4

5

T2

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.

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.

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?

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.

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.

18. **Page S: 23** what are the current Title 24 noise requirements and how does this compare to the current conditions?

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."

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.

20. **Page S: 26** – Clarify what the initials D.P.M., G.H.G.,
T.A.C. mean.

AQ6

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

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

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

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.

28. **Page S: 37** Transit E-5

- Define Parking Benefits District and provide examples.
- 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

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

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?

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.

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 Filter System?

MM11

35. Page S: 46 J-1. We believe that any project resulting in soil disturbance of 212 ft or greater of native fill shall be required to submit to the Environmental Review Officer for

MM12

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

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.

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 unprecedent and not based in CEQA.

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.

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

↑
MM14

40. **Page S:57**

a. D:2 2nd paragraph - is this a reference to the Inclusionary Housing overlay or in addition to it?

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

↑
MM17

↑
MM18

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.

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

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

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

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

G5

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?

47. We have enough land for PDR city wide - Light and medium PDR uses can coexists 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
MEA

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,



"Eric Tao" <etao@agicapital.com>
To "Eric Tao" <etao@agicapital.com>
<michael.jacinto@sfgov.org>
"Susan Eline" <Susan.Eline@sfgov.org>
cc <tholt@agicapital.com>; Abrams, Jim
<Abrams@gibsondunn.com>; jherzog@agicapital.com
bcc resending,...RE: Comments to Eastern Neighborhoods Draft
Subject EIR

From: Eric Tao [mailto:etao@agicapital.com]

Sent: Friday, August 31, 2007 1:11 PM

To: pacinto@sfgov.org

Cc: Susan Eline;

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 [L1 site is not PDR, it's best characterized among the options on that sheet as Mixed-Use];
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.

Thank you and please let me know if you have any questions.

Regards,

Eric Tao

FARELLA BRAUN + MARTEL LLP

Attorneys At Law

"Leora Broydo Vestel"
<broydo@comcast.net>
08/28/2007 10:28 AM
cc
bcc
Subject: Draft EIR for Eastern Neighborhoods



STEVEN L. VETTEL
Partner
svetel@fbm.com
D 415.954.4902

Russ Building / 235 Montgomery Street
San Francisco / CA 94104
T 415.954.4400 / F 415.954.4480
www.fbm.com

PLANNING DEPARTMENT
MFCBWB

Dear Mr. Jacinto,

On behalf of Ralph Playground Neighbors, an affiliation of more than 70 residents who live near Ralph 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.

By Hand Delivery

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 Ralph 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
Ralph Playground Neighbors
999.4757

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, 1st, 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

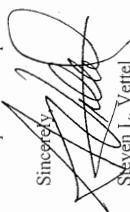
3. October 24, 2005, Draft Land Use Proposal & EIR Areas (Urban Mixed Use).
4. December 5, 2006 Draft Showplace Square/Potrero Area Plan, page 5 (Urban Mixed Use).
5. June 26, 2007, power point presentation to Planning Commission, page 4 (Mixed Use).

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 Doggett 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

PR3

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.

4. 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

cc (w/encl): Dean Macris
Amit Gnoth
Ken Rich
Paul Maltzer
Bill Wycko
Andy Stewart
Daniel Murphy

217471301645.1

The John Vitlin Trust

2525 16th Street
San Francisco, California 94103
Telephone: (415) 285-5500 Ext. 103

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

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

- 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 had 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.

- 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.

- 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 re-→

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 users 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 an 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 business 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 an M-1 as a "business service"? As to the parking lot, a realistic use would be 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.

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/production of prototypes, small scale manufacture, use of odorous materials, destructive testing, etc. There should not be limits on the size of these uses.

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.

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 will drive labor costs up by at least 15 – 20%. None of the studies consider the impact of these changes in the economic environment.

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".

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.

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.

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 "ivable 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.

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 Bayshore, Bayview, etc. for PDR? This is the historic

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 currently 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 Vilim

Council of Community Housing Organizations
405 Shrader Street, San Francisco, CA 94117 (415) 666-0314 sfic98@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 simple 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 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.

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

H1 cont.
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.

H2
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

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 was made directly following a two paragraph description on pages 198 and 199 on the fact that more than from **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-a-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 "marker" 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 merely 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 buildings 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.

H1
cont.

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.

H1

H1

RECEIVED

NEIGHBORHOOD PARKS COUNCIL
www.sfnpc.org

RECEIVED
SEP 14 2007
CITY & COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT

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/Portero 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

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 Envy 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/Portero 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 "variety of tools to achieve open space objectives" is not likely "to ensure existing and future workers, visitor and permanent residents will 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 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 Envy 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

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 entity.

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

¹⁰ Department of Public Health. January 2007.

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 lifelong residents of the Mission and Bayview districts have told the Neighborhood Parks Council that they have never been to Golden Gate Park.

R3
cont.
R6

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:

R1

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 (ENCHA)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 $\frac{1}{2}$ 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.sdpfi.org/phe/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

R1
cont.

Isabel Wade
Isabel Wade, Ph.D.
Executive Director

Corinne W. Woods
Corinne W. Woods,
Blue Greenway Coordinator

IW/cww

Attachment 2: Transcript of DEIR Public Hearing

1 SAN FRANCISCO PLANNING COMMISSION
2 MEETING ROOM 400, CITY HALL, SAN FRANCISCO, CALIFORNIA
3 THURSDAY, AUGUST 9, 2007

1 THURSDAY, AUGUST 9, 2007; CITY HALL, 400 MCALLISTER, ROOM
2 400, ITEM 23; VP ALOUE PRESIDING; 7:00 P.M.
3 -00-

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

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 begun 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 areas 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.

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.

H2
cont.

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 new-only classifications are transit-oriented
25 districts, one is RTO, residential transorient. The other

G6

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

G6
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 rezoning 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?

G6
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 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.

T3

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

PR2
cont.

1 the document and also Rich Price'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.)
7
8
9

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.
9
10

10

11 STARR A. WILSON, CSR NO. 2462
12
13
14
15
16
17
18
19
20
21
22
23
24
25